

Private and Confidential Addressee only
Mr B Coppinger,
3, Limes Road
Linthorpe,
Middlesbrough,
Cleveland TS5 6RQ

Confidential and without prejudice save as to costs

Dear Barry,

I regret that we have been unable, as yet, to communicate directly, but wanted to make this effort to explain my position regarding this on-going court action.

We have known each other for many years, and I was very grateful for your support and friendship in the months following my arrest. I am confident that the whole unhappy and unnecessary chapter will be over for me soon.

I am, however, very concerned that you and I are being placed in a position where we will soon potentially be in direct conflict with each other, and this is something I would like to avoid at all costs. The current high court action being taken against me is, of course, in your name, and as matters progress it will increasingly be presented in court and in the media as a dispute between us.

As you know from your time with the Police Authority, the decision to pay me and others both retention payments and honoraria, was a decision made by the whole Authority having taken the appropriate legal advice. In my case, I was offered the retention payments to prevent me leaving to work for other forces, an action supported at the time by every member of the Authority. Whilst I realise it may now be an uncomfortable truth, throughout that time the Authority very much wished to maintain my services because I had transformed Cleveland Police from being a cash strapped and poor performing force to the best in the country, well financed and with the largest ever numbers of operational Officers. Although presented with other opportunities, I chose to stay with Cleveland as I believed it was the right thing to do, not just for myself but for the Force, and I remain proud of what we achieved together.

Unfortunately, despite the process which was followed at that time, you have now been put in the position of saying that the Authority's decision was flawed and that the monies should be repaid, notwithstanding that I carried out my side of the agreement, and there is no legal precedent for this action in the Police Service. These are large sums of money which, several years down the line, I obviously no longer have, particularly in the light of recent events.

Leaving aside the legal arguments on the merits of the case (and I believe I have a strong case), it seems to me that proceeding with this matter to trial is a no win situation for either of us.

Firstly there is the issue of legal costs. Each of us will need to spend vast sums of money to bring this matter to conclusion in the High Court, with whole teams of solicitors, barristers and QCs on each side.

As I will explain below, I am genuinely in a difficult financial position, and from your point of view, the Force is under significant financial pressure due to the cuts. A costly legal battle is surely not what either of us need.

Secondly there is the issue of publicity. I have been advised that the court case, should it proceed, will be a two week long hearing before a High Court Judge. Such has been the interest in my circumstances and the current public interest in the matter (as shown by the recent Yorkshire Post article) the trial will undoubtedly be well attended and reported by the local and national media.

The trial will involve you and I, and many members of the Force and Authority, and the former Chair of the Authority, spending hours in the witness box as our roles in this matter are put under the microscope. The integrity and judgement of all witnesses will be called into question, including ourselves. I am sure I will be questioned in depth about foreign travel, credit cards and the relationship with my wife. You, and other members of the Authority, will be questioned about the decision to pay me a retention package, your relationship with the then Chair, and your apparent lack of scrutiny over what you say was my, and his, improper expenditure. Similar questions will need to be put to our auditors and also to the HMI, who, was aware of the payments, and has himself received similar payments when serving in another Force. You will also be asked why this action is only being taken against me and not all the others who were in receipt of payments, including serving and retired Chief Officers. Any finding of the Court is likely to be overshadowed by the evidence of the witnesses which will inevitably be the focus of the media.

There is then the issue of the "deal" made with Derek Bonnard to avoid him being made liable for any repayment of the same honoraria. Action against me alone may well look like vindictiveness, and an attempt to justify an arrest which never should have happened.

I can only think that whatever the result of such a case, the media coverage would be disastrous for everyone concerned, and most definitely for Cleveland, particularly in the light of the extremely high level of national media interest in the Police Service.

Finally, there is the issue of what benefit could be achieved, as a result of proceeding with this action. From my point of view, if this action proceeds, it will be a financial disaster all round.

Following my divorce, my sacking and the impossibility of obtaining work whilst on bail, my financial position is dire and unlikely to improve. I am not being difficult by rejecting the Part 36 Offer which has been put forward by your solicitor – I simply don't have the money. Similarly should you be successful at trial I do not have the finances to repay the monies which are claimed (let alone the legal costs). If you were successful in your action, the only option available to be would be bankruptcy which would result in the sale

of our family home. Even then, my half share of the proceeds, after the mortgage, would be unlikely to even meet your costs. There would certainly be no gain whatsoever in terms of damage awards etc. as there would be nothing left.

This could look like a waste of time and public money at a time policing is being cut.

If, on the other hand, I were to be successful, you would be faced with an even worse scenario – having to meet both sets of legal costs from your budget.

In summary, in my view there is no financial benefit whatsoever for Cleveland Police or the Cleveland taxpayer in this action, and the hearing itself would be a media disaster both for us, and for the Force, whatever the outcome.

I do believe there is a better way to proceed. I believe that we could settle this matter fairly quickly, and without further legal action, by a round table discussion and agreement. Concessions by me and agreements regarding other on-going legal issues could allow us both to reach a mutually beneficial compromise. We would then be able say we had reached a settlement and that neither side would be taking further action and the Force was intent on moving forward. We could also agree to keep the details of the agreement confidential which would minimise media interest. I believe that such an approach would bring to an end what has been a very unpleasant situation from both our parts.

I appreciate the advice that you may be receiving may be contrary to this, but surely nothing is to be lost by having a discussion bearing in mind the potential pitfalls.

You will be aware that there is some urgency involved if you do wish to look at resolving matters in this way, or in effect everything will just proceed to court as there has already been a stay granted which is due to expire.

I hope that you do find this a useful way forward as I would hate for us to end up in a destructive battle in the courts and media, which would end our friendship for no gain to either of us whatsoever. The last two years have been a nightmare for me, and also for Cleveland Police, and I really hope we can now start to move forward.

I look forward to hearing from you within the next few days. For ease of communication and as this matter is now very urgent, please feel free for you or a member of you team to reply to me direct through my email, price.sean1@gmail.com

Kind Regards



Sean Price

27th December 2013

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Dear Barry,

I hope you had a very pleasant Christmas.

As you will know, our solicitors are currently discussing the possibilities of settling matters out of court. I have indicated that I would be willing to make a very limited settlement based upon the means I have available now, as opposed to several years ago. However, it seems apparent to me that a major factor in this settlement now needs to be addressed, the matter of costs.

As you may or may not be aware, I have been advised by my solicitor that the cost of taking this case to court will certainly run into tens of thousands, if not approaching a hundred thousand pounds. I have myself paid several thousands of pounds to date, and your solicitors have instructed leading counsel and a barrister.

I understand that your solicitors will want any settlement to include all your costs. Not only am I unable to pay such costs but I also do not consider this to be fair for the following reasons.

Solicitors acting for Mr Mitchell in the recent "Plebgate" civil action failed to submit their detailed costings to the Court by the due date. They submitted a number of reasons for this, but the matter was finally decided in the High Court and is now legal precedent. The decision was that as the costing had not been submitted by the due date, all costs beyond those to the court would not be claimable against the defendant and would need to be absorbed by the solicitors. In this case a sum of around £500,000 even before the case has reached court. (See "Guardian attached summary)

As you may already be aware, I understand that your solicitors have also failed to submit their total legal costings by the due date required by the court. Therefore, if this matter were to go to court, win or lose, you or your solicitors may need to meet the majority of your costs, as opposed to myself.

I hope this explains why I am unwilling to pay costs as part of any settlement, but in any case I would not have anywhere near the amounts spent to date.

I really hope that you will now decide, as has been the case elsewhere, that to proceed with further legal action (which the tax payer will be paying for) to recover money from me, which I do not have, is not the best course of action.

Kind Regards,



Sean Price