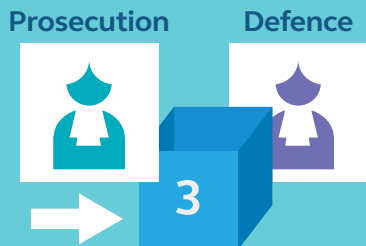


Disclosure - Key messages

“Disclosure problems have blighted our criminal justice system for too long...it is the mindset and experience of those who do disclosure work that is paramount.”

Richard Horwell QC, Mouncher Investigation Report, July 2017



Relevant unused material

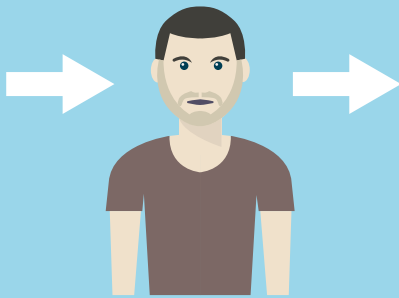
Disclosure is providing the defence with copies or access to all material that is capable of undermining the prosecution case and/or assisting the defence. It is the role of the prosecutor to disclose material.



These considerations are continuous throughout an investigation, not just when building the case file. Consider the 4R's and repeat for all new material or as the case progresses.

- ✓ Offence
- ✓ Suspect
- ✓ Circumstances

Relevant material is anything that appears to have some bearing on any person or offence under investigation or the surrounding circumstances. If it is incapable of having any impact on the case it isn't relevant.



As the OIC you **must** follow all reasonable lines of enquiry, whether these point towards or away from a suspect. Gather all evidence, whether it supports the prosecution or not.



Your role as an investigator is to consider the relevance, retention and revelation of material from the beginning and throughout an investigation.



All relevant unused material must be recorded with clear descriptions so that others will understand what it is and how it is relevant to the case.



You should consider whether a third party may hold relevant information, although speculative searches should not be made. Reasonable steps should be taken to identify, secure and consider material held by third parties, particularly if the material might satisfy the test for disclosure.



The criminal justice system should support just and fair outcomes so that only the guilty are convicted and victims are supported. We want the public to have confidence that justice will be served and to have faith in the police.