# CPIA for Local Authority Officers

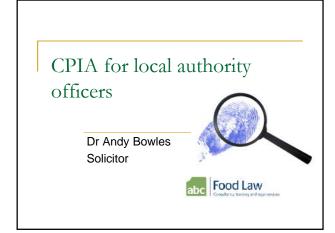


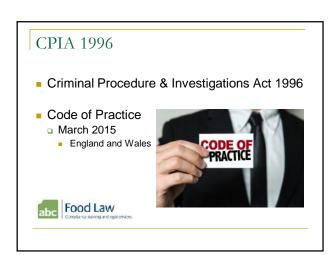
A webinar presented by:

Dr Andy Bowles

Attendee Notes

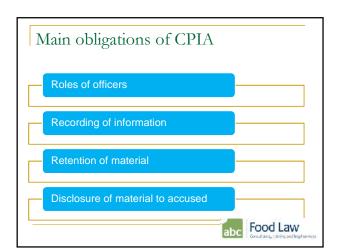


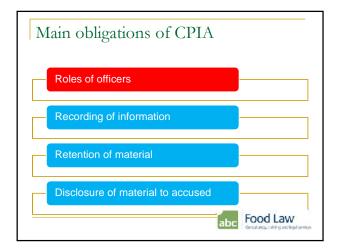


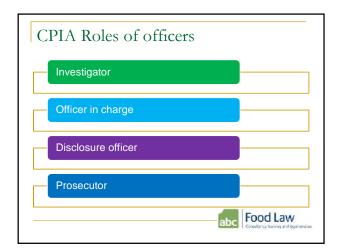




# General Duty • "Investigator should pursue all reasonable lines of enquiry, whether these point towards or away from the suspect" CPIA COP



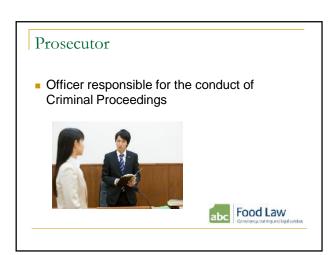


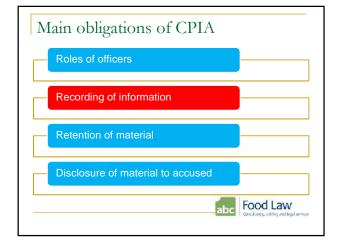






# Disclosure officer - Examines and reveals relevant material to prosecutor - Certifies that this has been done - Discloses material to the accused





# Recording of Information

- Officer in Charge must ensure:
  - relevant material is recorded in durable and retrievable form
- Negative info should be recorded
- Relevant info should be recorded
  - □ contemporaneously or
  - □ as soon as practicable after an event



# Main obligations of CPIA Roles of officers Recording of information Retention of material Disclosure of material to accused Food Law Completing and Englisheres

# Retention of Material

- Investigator must retain relevant material including:
  - □ Material coming into his possession
  - Material created by him
- Officer in Charge must keep this under review
  - □ "Relevant material"



### Retention of Material

- In particular the following should be retained:
  - □ Offence reports ie note books,
  - □ Final versions of witness statements
  - Draft witness statements where differ from final
    - Including exhibits
  - □ Interview records
  - Communications with experts
  - Material that may cast doubt over reliability of witness
- Also:
  - □ File notes etc



### Retention of Material

- Any material which may be disclosed to the accused
  - Anything that offers explanation for the offence
  - Material that casts doubt on reliability of a confession
  - Material casting doubt on the reliability of a prosecution witness.



# Retention of Material

- All relevant material should be retained until:
  - Defendant is acquitted
  - □ Not proceeded against
  - □ If convicted
    - After released from custody
    - 6 months from conviction
  - Until after any appeal is determined



Main obligations of CPIA	
Roles of officers	
Recording of information	
Retention of material	
Disclosure of material to accused	
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CPIA	
<ul> <li>"The right of every accused to a fair trial is a basic or fundamental right and his right to fair</li> </ul>	
disclosure is an inseparable part of his right to a fair trial."	
R v Brown (Winston) 1994	
abc Food Law	
General Contrary, to my and high some of	
	_
Initial details of prosecution	
See Part 8 CPR (April 2017)	
<ul> <li>a summary of the circumstances of the offence,</li> <li>any account given by the defendant in interview, whether contained in that summary or in another</li> </ul>	
document, any written witness statement or exhibit that the prosecutor then has available and considers material	
to plea, or to the allocation of the case for trial, or to sentence,	

the defendant's criminal record, if any, and
 any available statement of the effect of the offence on a victim, a victim's family or others.

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### Disclosure - overview

- Magistrates Court (Summary)
  - Streamlined process
    - If guilty plea anticipated
      - □ No schedules or certificates required
    - If not guilty anticipated
      - □ Schedules and certificates in Annex to CoP used
- Crown Court
  - Schedules of "non-sensitive" and "sensitive" material.

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# Disclosure - overview

- Stage 1: Initial disclosure by the prosecution.
- Stage 2: "Defence disclosure"
  - mandatory in Crown Court cases and voluntary in magistrates' court cases.
- Stage 3: Continuing duty of disclosure by the prosecution.
  - specifically arises following receipt of a defence statement



### CPIA 1996 Definitions:

- Material
  - Of any kind
    - Obtained or inspected in course of criminal investigation
    - May be relevant to the investigation
- Sensitive Material:
  - Disclosure of which Disclosure Officer believes
    - Would give rise to real risk of serious prejudice
    - To important public interest



### Sensitive material

- Examples include material:
  - □ Given in confidence
  - Relating to identity of informants
  - Whose disclosure might facilitate other offence(s)
  - Relating to the private life of a witness
- If in doubt, consult your lawyer.



# Disclosure to accused

- Test for disclosure for prosecutor
  - disclose material which is in his possession or which he has inspected in pursuance of this code,
  - and which might reasonably be considered capable of undermining the case against the accused,
  - or of assisting the case for the accused;



# Disclosure to the accused

- Some examples of material which may undermine the prosecution case or assist the defence are:
  - Witness statement which contradicts or casts doubt on prosecution evidence
  - Notebook entry that is inconsistent with the investigator's final conclusions
  - Variations in results of examination or analysis
  - A draft expert statement or certificate that indicates a view which conflicts wholly or partly with the final opinion
  - A draft witness statement which differs in a material particular from the final signed version
  - A relevant previous conviction or disciplinary record of a witness



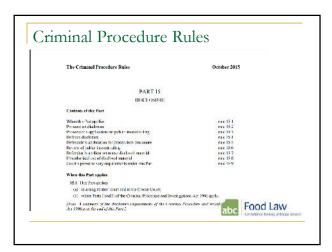
### Common law disclosure

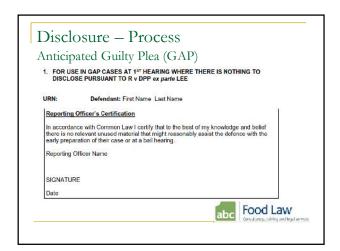
R v DPP ex parte Lee [1999] 2 All ER 737

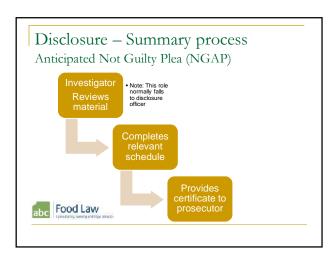
- In every case, irrespective of anticipated plea,
  - if there is material known to the officer in the case/disclosure officer, and
  - this material may assist the defence with the early preparation of their case,
- Must advise the prosecutor and
  - a copy of the material provided to the prosecutor, who will disclose it to the defence if he/she thinks it meets the test.

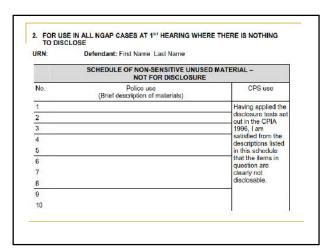












•	that any relevant unused material has been recorded and retained in accordance with the CPIA 1996 Code of Practice (as		
•	amended), that such material as is non-sensitive is shown on the schedule		
•	above, and that to the best of my knowledge and belief there are no items shown in the schedule that might reasonably undermine the prosecution case, or, so far as it is apparent, assist the defence with the early preparation of their case or at a bail hearing.	CPS Prosecutor Name	
Di	sclosure Officer Name	SIGNATURE:	
SI	GNATURE:		
Da	te	Date	

I COLL	Professional Control Control			
JRN:	RN: Defendant: First Name Last Name			
SCHEDULE OF NON-SENSITIVE UNUSED MATERIAL				
No.	Police use	CPS use		
(E	Rief description of materials including those falling under para.7.3 of the Code)	(Against each item insert D for disclose; I for inspect; CND for clearly not disclosable)		
1				
2				
3				
4		1 - 10		
5				
6				
7				
8				
9				
10				

I certify –		
<ul> <li>that any relevant unused material has been re- retained in accordance with the CPIA 1996 Co amended)</li> </ul>		
<ul> <li>that such material as is non-sensitive is shown above,</li> </ul>	is shown on the schedule	
<ul> <li>and that to the best of my knowledge and believed.</li> </ul>	of items	
in the schedule might reasonably undermine to case, or assist the defence with the early prep case or at a ball hearing, because		
Disclosure Officer Name	CPS Prosecutor Name	
SIGNATURE:	SIGNATURE:	
Date	Date	
	120	
	Food Law	

### Disclosure to accused: Crown Court

- Investigator
  - makes initial decision as to which material should be retained ("relevant material").
- Disclosure officer
  - categorises material as sensitive or non-sensitive material.
- Disclosure officer
  - compiles a schedule of non-sensitive unused material and a schedule of sensitive unused material.
- Disclosure officer
  - decides what material must be revealed to the prosecutor.

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Consultancy, which and legal service





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