

APPENDIX 4

Criminal Procedure and Investigations Act 1996

The code of practice issued under Part II of the Criminal Procedure and Investigations Act (CPIA) only applies to criminal investigations.

This appendix gives some guidance on the code of practice, but it is advised that officers refer to the code of practice.

It deals with the disclosure of evidence which may undermine the prosecution case, and identifies three roles within investigations.

1. Investigating Officer (IO) - Directly involved with the conduct of the investigation, pursues all reasonable lines of enquiry and gives reasons for actions.
2. Officer in charge of investigation (OIC) – Officer responsible for the investigation. Must ensure that investigation is in accordance with CPIA, and that all material that may be relevant to the investigation is retained and made available to the Disclosure Officer.
3. Disclosure Officer (DO) – Responsible for examining the evidence, revealing material to the prosecutor and disclosing material to the accused at the request of the prosecutor.

In addition, the code identifies the types of material that must be disclosed. Material includes information and objects that are obtained during the course of an investigation which may effect the case.

1. Sensitive material – material which the DO believes is not in the public interest to reveal (eg. informants details and ongoing covert surveillance).
2. Non sensitive material which officers are under a duty to disclose.
3. Unused sensitive and non-sensitive material should also be recorded on the file.

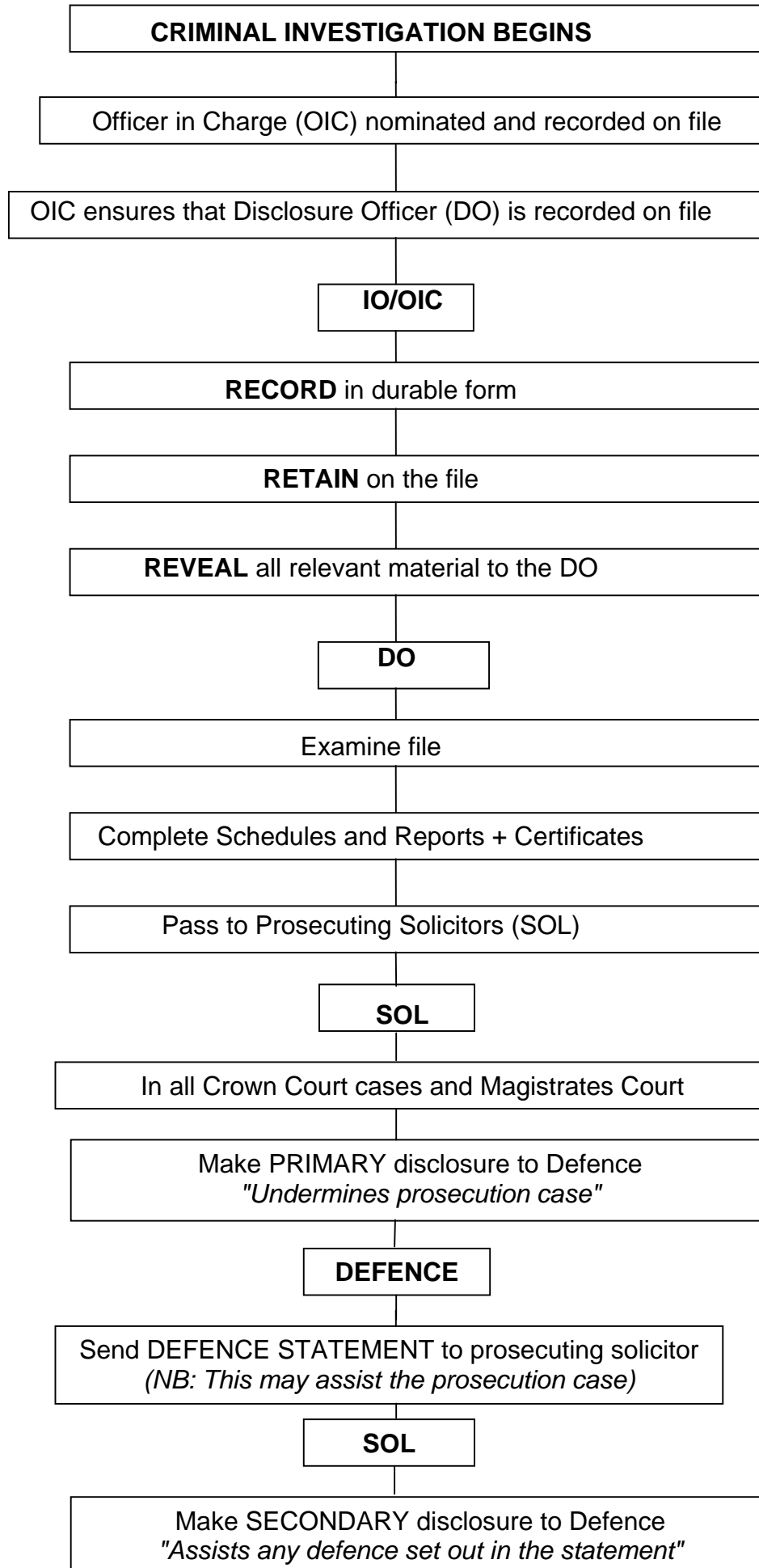
The code places a duty to disclose material which may undermine the case against the accused (**Primary Disclosure**).

It also demands that material which may assist the defence be revealed (**Secondary Prosecution Disclosure**)

The following documents also form part of this appendix:

- Criminal Procedure and Investigations Flowchart
- Disclosure of Non Sensitive Material
- Schedule of Non Sensitive Material
- Schedule of Sensitive Material

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT FLOWCHART



WEST WILTSHIRE DISTRICT COUNCIL

DISCLOSURE OF NON-SENSITIVE MATERIAL

Address	Complaint Ref.
Defendants Name	Officer in Charge of Investigation
Investigator	Legislation

I am of the opinion that the following material may fall within the test for primary disclosure under Section 3 of the Criminal Procedure and Investigations Act 1996, for the reasons indicated. The item number given relates to items listed on the relevant schedule for this case.

Item N ^o	Description	Location	FOR SOLICITORS USE	
			*	Comment:
Date:		Continuation Sheet: Yes <input type="checkbox"/> No <input type="checkbox"/>		
			Reviewing Lawyer:	

* Enter

D = Disclosure to defence

I = Defence may inspect

* Copies of all material required to be supplied under Paragraph 7.3 of the Code of Practice, (made under the Act), form part of the enclosed report.

* I certify to the best of my knowledge and belief that all material which has been retained and made available to me, has been revealed to you, as the prosecutor, in accordance with the Criminal Procedure and Investigations Act 1996 Code of Practice.

Disclosure Officer (Name) _____ Continuation Sheet Yes No

(Signed) _____

(Date) _____

WEST WILTSHIRE DISTRICT COUNCIL
SCHEDULE OF NON-SENSITIVE MATERIAL
UNUSED MATERIAL

Address	Complaint Ref.
Defendants Name	Officer in Charge of Investigation
Investigator	Legislation

The following material will not form part of the prosecution case.

Item N ^o	Description	Location	FOR SOLICITORS USE	
			*	Comment:
Date:		Continuation Sheet: Yes <input type="checkbox"/> No <input type="checkbox"/>		
			Reviewing Lawyer:	

* Enter
D = Disclosure to defence
I = Defence may inspect

As the officer responsible for disclosure in the above investigation I certify that I do not believe that any material listed in this schedule is sensitive.

Disclosure Officer (Name) _____
(Signed) _____
(Date) _____

NOT TO BE DISCLOSED

CONFIDENTIAL INFORMATION

SCHEDULE OF SENSITIVE MATERIAL

Address	Complaint Ref.:
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Defendant's Name	Officer in Charge of Investigation
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Investigator	Legislation
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Item N°	Description	Reason for sensitivity

Date: _____ Continuation Sheet: Yes No

FOR SOLICITORS USE		
Agree sensitive Yes/No	Court application Yes/No	Solicitors views

Reviewing Lawyer: _____

I certify that, to the best of my knowledge and belief, all material that has been retained and made available to me has been revealed to the prosecutor in accordance with the Criminal Procedure and Investigations Act 1996 Code of Practice.

Disclosure Officer (Name) _____
(Signed) _____
(Date) _____