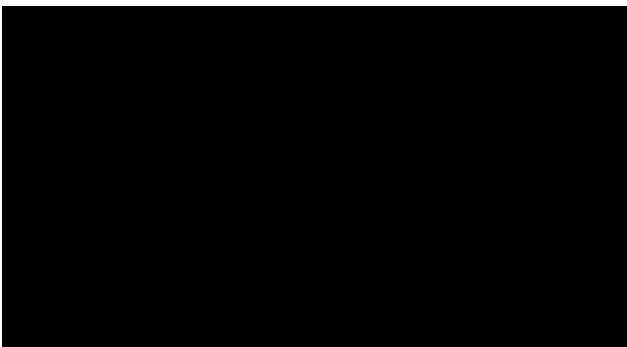


**CROWN PROSECUTION SERVICE DISCLOSURE SEMINAR
THURSDAY 18 JANUARY 2018**

DELEGATE LIST

1. Alison Saunders, CPS Director of Public Prosecutions (chair)
2. Gregor McGill, CPS Director of Legal Services
3. Sue Hemming, CPS Head of Special Crime and Counter Terrorism
4. Neil Moore, CPS Legal Advisor to the DPP
5. Mark Gray, CPS Director of Digital Transformation

Policy Advisors / Private Secretaries



1. The DPP welcome attendees and set the scene for this seminar. There is a need to work across system to address the challenges posed by the world we now operate in where communications material is the norm in all cases.
2. [REDACTED] gave an overview of the Attorney General's review. There are two phases; the first is to consider what quick solutions might be within the existing framework. For example, could guidance be consolidated into a short summary with links to the longer guidance to make it more accessible for practitioners? This is due to report in the summer. The second phase will look at whether the regime is fit for purpose in the twenty first century. The reality of parliamentary time being dominated by Brexit cannot be ignored; legislative change may not be possible in near future.
3. The DPP opened the meeting to the attendees for comments on what could be done in the short term.

Short term issues/solutions

4. There was debate about working in the digital age and what 'reasonable lines of enquiry' are. It was noted that the cultural mind set of investigators is key. Volume of material can be huge; consideration must be given to how much personal data should be being disclosed. Policing has evolved and it is no longer the norm for one officer to conduct interviews, review material and proceed with the case. In RASSO cases in particular it was noted officers need to take a step back and take an objective view. There are particular challenges with RASSO cases but reform is needed for the disclosure regime as a whole.
5. The impact of the Better Case Management and Transforming Summary Justice initiatives was raised. In order to have effective hearings disclosure must be completed within timescales. The '*keys to the warehouse*' approach is in conflict with the case management approach. Following a lengthy discussion, the vast majority of attendees concluded that it was unnecessary to change the legislation to amend the test and in particular there would be difficulties and disadvantages in adopting a '*keys to the warehouse*' approach. At most, a '*keys to the warehouse*' approach enjoyed very limited support.
6. It was considered that the CPIA test should not be relaxed but the system needs to remain proportionate so that Disclosure does not become so difficult as to prevent/impede prosecutions.
7. A number of participants commented that disclosure schedules should be maintained from the outset. There is a cultural mind set issue of disclosure being seen as an ancillary task after the case has been prepared.
8. It was accepted that in general, in large cases there has been a big improvement. Some of the approach/systems could be used in other Crown cases. There was an acknowledgement that the resource deployed on large cases could not be replicated in all cases but a scaled down version of the disclosure management document and adopting the cultural mind set of a joint approach could help.
9. Consideration was given to how Artificial Intelligence might assist in the future. Mark Gray, Director of Digital Transformation Services CPS, gave a presentation that set out some short and longer term technological developments.

10. There was a debate on training and in particular, training for the police. It was agreed that it is important that training explains the rationale that underpins Disclosure and the role of each of the agencies have to play. The Defence offered to help train police. It was also considered to be sensible that the Bar (in particular the junior Bar) receive similar training. A collective effort to provide cross profession training was considered a positive step.
11. In regard to longer term solutions the issue of research was raised. There have been a number of pieces of work done on disclosure but AGO may wish to consider how to utilise this existing information and whether research should be commissioned particularly if it would support any legislative bid.

OUTCOMES

Within the next 3-6 months the following actions will be completed:

- 1. Develop a revised process based on a scaled down version of the current system in complex cases to include:**
 - Earlier “cooperative working” between the police/CPS/Defence – if possible at pre-charge stage to incorporate what are reasonable lines of enquiry;
 - Consideration of all material gathered in the course of an investigation being entered by the police onto a single log divided into Used/Unused;
 - A presumption of what will be examined by category of case (e.g., mobile phones in certain rape cases);
 - Use a Disclosure Management Document setting out CPS Disclosure strategy to assist in discussions with defence. This will also help the judge to case manage by incorporating it into the PTPH process;
 - Ensuring the judge can see the disclosure correspondence and possibly the MG6C by uploading it onto the DCS.
- 2. Joint guidance**

Underpin process by CJS collective guidance (much shortened and consolidated) including the possibility of 1-2 page flowchart. This can link to more detailed guidance.
- 3. Effective training**

Profession leads to work together to develop collective training for both police and practitioners instead of current approach of individual organisations developing their own specifically focused training.
- 4. Governance**

A structure should be out in place to ensure effective implementation of the revised process including a further seminar.
A system should be set up now to monitor impact on Disclosure of these changes.
The Criminal Justice Board may need to sign off on these proposals.