

## **Non-disclosure in criminal prosecutions: Guidance for applicants to the CCRC**

For anyone who currently has an application with the CCRC for a review of their case, and for those who are considering sending an application to the CCRC, we would give the following advice in relation to disclosure.

The CCRC is more alert than perhaps any other organisation to the potential impact of non-disclosure on the safety of a conviction. We are alive to trial disclosure issues in all of our casework, and make further enquiries into disclosure wherever it might affect the safety of a conviction. As explained in the “what we do” section of this website, our case review work is assisted by statutory powers to obtain information from public bodies such as the police and the Crown Prosecution Service. Wherever justified, we will obtain full case files from such organisations to check for information of potential relevance to the safety of the conviction. When reviewing cases, we will always consider whether any evidence might be obtained – which was not available to the defence at trial – which might affect the safety of the conviction.

It should be clear from the above that we do not only consider disclosure issues when they are raised by the applicant to the CCRC. However, it can provide valuable assistance to our work if the applicant tells us about any specific concerns they have about how disclosure operated in their case. For example, you might consider the following questions and provide us with any details that you have:

- Was there any evidence which you expected to see in the prosecution’s evidence bundles or unused material but which was not there?
- Were there any types of evidence that you asked to see but which you were denied access to? Were there PII hearings in your case?
- Was there relevant disclosure to your defence team ‘late in the day’ which your team did not have adequate time to consider?

Don’t worry if you can’t answer these questions - we will still carry out all necessary work on your application – but any specific details you can provide regarding disclosure might help us.

As explained in recent press releases on this website ([here](#)), the CCRC is currently carrying out an internal review of 306 rape cases which were closed by the CCRC between April 2016 and March 2018. We are looking at the police and CPS’s approach to disclosure in those cases, and we are also considering the CCRC’s own previous analysis of how trial disclosure operated. Once we complete our review of this group of closed cases, we will assess whether we need to make any changes to how we approach trial disclosure issues in current and future applications to the CCRC. If the review does lead to any changes to our casework policies and practices, we will update the relevant guidance on this website.