

SURREY POLICE AND CRIME PANEL**DISCLOSURE****19 September 2018****INTRODUCTION**

Disclosure is the release of material gathered during a police investigation that is not relied upon by the prosecution but which may be relevant to the case. The prosecution team and police have a duty to review this unused material and determine whether there's anything in it that undermines their case or supports the defence.

Over the last year there have been several high profile cases nationally where disclosure hasn't been carried out correctly. These have received national media interest and have significant impact on those individuals concerned – both the accused and alleged victims.

Over the last six months, the police service and the Crown Prosecution Service have been looking in depth at disclosure failings and, earlier in the year, the Director for Public Prosecutions led a seminar with police chiefs and the judiciary to discuss why they are happening and what we need to do across the system to improve.

Surrey Chief Constable Nick Ephgrave is the national police chief officer lead for disclosure. He has recognised that there are national issues with disclosure of information and has said: *"We have had a cultural problem with disclosure where it is too often seen by police officers as a thing to be done at the end of an investigation - becoming subsequent to rather than integral to the investigation. Changing this mind-set is an immediate challenge for us."*

The development of technology and social media in particular has increased the complexity of investigations. Police need to be able to consider phones, tablets, computers and social media accounts. For a typical investigation this has been estimated at being the equivalent of around 30,000 pages of paper.

Nationally, actions are being taken to improve disclosure. The College of Policing is reviewing what is needed from training and guidance to make it effective and up to date on disclosure. In addition, every force is to have a chief officer responsible for disclosure to lead improvements and ensure supervisors and managers understand and fulfil their responsibilities. This must be backed up by robust oversight to check forces are complying with agreed standards including regular dip sampling to test cases.

SCRUTINY

The PCC has recognised that disclosure has been a problem for Surrey, as it has been for police forces nationally. He has scrutinised the Chief Constable on actions being taken to improve disclosure within Surrey. A copy of the most recent scrutiny report is attached at Appendix A. The PCC will be following up on this topic at his September scrutiny meeting. This report shows that there is an action plan in place with senior officer oversight.

In August 2018, the case against Kenneth (Jonathan) King was dismissed with the judge listing a series of disclosure failings. The investigation of this case took place before the force action plan was put in place. However, there were serious failings and the case received significant media attention and may have affected public confidence in police investigations and prosecutions.

Given the scale of disclosure failings in the case, the impact on the individuals concerned and the public interest, the PCC has announced that there will be an independent review into this case so that lessons can be learned. The PCC and Chief Constable will jointly commission the review. At the time of writing this report, the OPCC was working with Surrey Police to identify a team or organisation with sufficient skills and independence to carry out the review. Timescales for the review are expected to be short, around 6 months, so that recommendations made can be fed into the action plans for improving disclosure.

RECOMMENDATION:

That the Police and Crime Panel notes the current scrutiny the PCC is providing on the subject of disclosure.

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