LIVERPOOL JOHN MOORES UNIVERSITY

Disclosure

Module Information

2022.01, Approved

Summary Information

Module Code	7220PS
Formal Module Title	Disclosure
Owning School	Justice Studies
Career	Postgraduate Taught
Credits	10
Academic level	FHEQ Level 7
Grading Schema	50

Teaching Responsibility

LJMU Schools involved in Delivery
Justice Studies

Learning Methods

Learning Method Type	Hours
Online	15

Module Offering(s)

Display Name	Location	Start Month	Duration Number Duration Unit
APR-MTP	MTP	April	12 Weeks
JAN-MTP	MTP	January	12 Weeks
SEP-MTP	MTP	September	12 Weeks

Aims and Outcomes

Aims	The specific module will be open to all students.This programme will critically examine the principles of disclosure, taking the student through a structured, methodological process, discussing the common law principles that apply, the statutory law as set out in the Criminal Procedure and Investigations Act 1996 and the supporting Code of Practice. The module will explore the role and responsibilities of investigators, disclosure officers and the Senior Investigating Officer, the disclosure tests contained within the legislation and the requirements placed on the prosecution and the defence.It will also evaluate the disclosure tests within Criminal Procedure and Investigations Act 1996 and the requirements placed on the prosecution and defence. There will be a focus on managing disclosure in complex cases, the scheduling of material, dealing with sensitive material, the application of Public Interest Immunity (PII) and considerations around third party material.The module will examine how the Investigating Officer (IO) and/or Senior Investigating Officer (SIO) will implement and develop strategies to deal with unused material, it will also deal with strategic issues including the role of the Crown Prosecution Service as the prosecuting authority.The module will pay special attention to how the investigative team and the CPS should deal with product generated by covert activity including interception, surveillance, covert human intelligence Sources (CHIS) and claims for public interest immunity.Proper disclosure is of fundamental importance to ensuring successful prosecution of all investigations. Effective disclosure can protect both the rights of suspects and intelligence sources. It can avoid contributing to miscarriages of justice (as was seen in the Birmingham 6 and Guildford 4 trials). Correct disclosure can protect sensitive methodology for existing and future operations. Finally is disclosure undertaken in adherence to the law can assist in maintaining public confidence in the judicial system. The Crown Prosecution Service's own manual for its prosecutors laid out the following potential consequence of getting disclosure wrong • the accused may raise a successful abuse of process argument at the trial; • the prosecutor may be unable to argue for an extension of the custody time limits; • the accused may be released from the duty to make defence disclosure; • costs may be awarded against the prosecution for any time wasted if prosecution disclosure is delayed;• the court may decide to exclude evidence because of a breach of the CPIA or Code of Practice, and the accused may be acquitted as a result; • the appellate courts may find that a conviction is unsafe on account of a breach of the CPIA or Code of Practice; or • disciplinary proceedings may be instituted against the prosecutor or a police officer.The module will enable students to develop an advanced and critical knowledge of key methodological issues. Students will critically assess these provisions in the context of debate around human rights provisions (i.e. Article 2 - right to life, Article 5 – right to liberty, Article 6 - right to fair trial and Article 8 – right to privacy) The curriculum will allow students to generate a critical appreciation of the complexities of disclosure and the handling of sensitive material. The module will use real world examples to advance a student's critical appreciation of the logistical, political and legal issues related to the application of effective disclosure.

After completing the module the student should be able to:

Learning Outcomes

Code	Number	Description
MLO1	1	Critically evaluate the common law rules of disclosure in the early stages of investigation/prosecution of cases
MLO2	2	Critically analyse the duty to record, retain and reveal material, to pursue reasonable lines of investigation and an awareness of the disclosure tests contained in the Criminal Procedures and Investigations Act 1996
MLO3	3	Critically assess how to handle sensitive material
MLO4	4	Understand, explain, analyse and critically appraise the legal and ethical considerations of an IO / SIO in managing investigations and understanding the wider strategic issues faced by the Prosecuting Authority
MLO5	5	Identify and critically appraise disclosure related issues as applied in the context of real-world case studies

Module Content

Outline Syllabus	Introduction to the Disclosure of Unused Material; What constitutes unused material; The nature of sensitive material complex cases and third-party material Defence disclosure; Defence applications for disclosure and the continuing duty of disclosure Consequences of failures in disclosure and key partners; Best practice in managing disclosure relating to homicide investigations
Module Overview	
Additional Information	There are no professional body requirements at this stage, however developments associated with the College of Policing and other relevant government departments will be monitored and where appropriate, incorporated into module content.

Assessments

Assignment Category	Assessment Name	Weight	Exam/Test Length (hours)	Module Learning Outcome Mapping
Essay	Essay	100	0	MLO1, MLO2, MLO3, MLO4, MLO5

Module Contacts

Module Leader

Contact Name	Applies to all offerings	Offerings
Richard Carr	Yes	N/A

Partner Module Team

Contact Name	Applies to all offerings	Offerings