# Disclosure in criminal proceedings

## Context

The prosecution duty of disclosure is fundamental to the integrity of the criminal justice system. It is enshrined in and governed by common law and the *Criminal Procedure Act 2009* (the Act) to ensure every accused person receives a fair trial. The obligation to disclose is ongoing and extends from the material upon which the prosecution intends to rely, to all other material in the organisation's possession which is relevant, or possibly relevant, to the case against an accused person. The obligation to disclose all relevant material to the court must always involve careful assessment for appropriate exceptions and redactions to balance privacy considerations and to ensure the disclosure of only what is relevant to the proceeding. Compliance with disclosure obligations promotes fairness and efficiency, prevents miscarriages of justice and increases public confidence in the criminal justice system and Victoria Police.

As a public authority under the *Charter of Human Rights and Responsibilities Act 2006*, employees must act compatibly with, and give proper consideration to, relevant human rights in the course of their duties. Appropriate disclosure practices in criminal proceedings will ensure employees fulfill these obligations by:

- enabling an accused person to understand the nature and reason for a charge, while providing the information necessary to prepare their defence
- ensuring appropriate protection is afforded to members of the public who provide information and assistance to police.

## Policy at a glance

This policy includes guidance on:

- the assessment of relevance, categorisation and disclosure of material collected during an investigation
- developing an investigation plan to assist in managing disclosure obligations
- the requirement to complete a disclosure certificate when a brief of evidence is served
- the process to comply with disclosure obligations in both the summary and indictable jurisdictions
- exceptions to the obligation to disclose material, including:
  - material relevant to the credibility of a prosecution witness
  - third-party material.

# Contents



# Definitions

**Criminal proceeding** – court proceedings where criminal charges are filed (including traffic offences).

**Disclosure** – applies in criminal proceedings to police and prosecuting agencies who have a duty to the court to provide all material that is relevant, or potentially relevant, to an accused person.

**Disclosure Certificate** – an acknowledgement by the relevant officer that they understand their obligations under both the Act and common law and must be completed where:

- a full brief is served - Full Brief Disclosure Certificate (S.41A Criminal Procedure Act 2009) [Form 1517]
- a hand-up brief is served - Hand-Up Brief Disclosure Certificate (S.110A Criminal Procedure Act 2009) [Form1518].

**Disclosure task** – used to record the location of an electronic list of all stored information, materials and associated evidence.

**Exculpatory evidence** – evidence that may assist or exonerate an accused person.

**Investigation** – an objective assessment of an act, omission, situation or event with a view to determining whether any breach of law is involved or to assign responsibility for the occurrence.

**Material** – information, documents or things (including evidence, recordings, electronic files and property).

**Material relied upon** – items utilised to to prove a charge or an element of a charge.

**Unused material** – items not relied upon to prove a charge or element of a charge.

**Withheld material** – items subject to a lawful exception e.g., claim of Public Interest Immunity.

**Material that is not relevant** – items that are not relevant to an issue in the case or to the credibility of a prosecution witness.

**Prosecution** –Victoria Police and any agency prosecuting charges initiated by and/or on behalf of Victoria Police including the Office of Public Prosecutions (OPP) and the Commonwealth Director of Public Prosecutions (CDPP).

**Relevant officer** – the informant or, if the informant did not investigate the offence that is subject of the proceeding, the law enforcement officer who prepared the full or hand-up brief (as defined in the Act).

Also refer to the general VPM Dictionary for definitions and acronyms.

## Scope and application

This policy applies only to criminal proceedings. For policy relating to disclosure in the civil jurisdiction refer to **VPMG External information disclosure.**

This policy applies to the following employees:

- informants, investigators, expert witnesses and intelligence practitioners (both police members and VPS employees)
- supervisors and work unit managers
- prosecutors (both police members and VPS lawyers).

## Responsibilities and procedures

### 1. Duty of disclosure

#### *1.1 Legal obligation*

- The prosecution's duty of disclosure is an obligation that is owed to the court to promote the fundamental principle that every accused person has a right to a fair trial. The common law obligation to disclose provides an ongoing positive obligation. This means the obligation exists regardless of whether the accused person makes a specific request for material.
- The Act imposes statutory requirements in relation to disclosure that complement, but do not replace, the positive obligation imposed by common law.
- Section 415A, the Act requires the informant to disclose all relevant material to the Director of Public Prosecutions (DPP). The allocated solicitor at the OPP must be notified if material has been withheld. The member does not need to provide withheld material to the OPP in the first instance, but the OPP can call for its production. If the member thinks there is a reason they should not inform the OPP of the material, or produce it when called for, they must notify the Disclosure Support Unit (DSU).
- The obligation to provide relevant material also applies to criminal proceedings where the CDPP is the prosecuting agency.

#### *1.2 Prosecution's duty of disclosure*

- To comply with the common law obligation of disclosure and statutory provisions of the Act, and subject to the exceptions provided for at section 4 of this policy, the prosecution must ensure disclosure of all material that is:
  - relevant or possibly relevant to an issue in the case

  - raises or possibly raises a new issue to which its existence is not apparent from the evidence the prosecution proposes to use
  - holds out a real prospect of providing a line of inquiry in relation to the two criteria above
  - exculpatory or possibly exculpatory.

  Refer to the Policy of the DPP – Chapter 2 for further detail.

- To effectively meet this obligation, all material collected during an investigation must be assessed for relevance, categorised and considered for disclosure. For further instructions on categorisation see section 1.4 of this policy.
- The duty of disclosure extends beyond the evidence on which the prosecution relies. The informant must assess all material in their possession or that they have knowledge of. This includes:
  - material gathered solely for intelligence purposes
  - material held by covert areas within Victoria Police.
- The informant's obligation extends to making reasonable enquiries to determine whether other areas of Victoria Police hold relevant material (see section 2.3 of this policy and the Disclosure Due Diligence Process in the **Practice Guide – Disclosure in criminal proceedings**).
- The duty applies to material regardless of whether the accused person, the prosecution or the court has asked for the material or whether the material is likely to be admitted into evidence.
- The prosecution’s duty to disclose does not extend to material:
  - relevant only to the credibility of defence (as distinct from prosecution) witnesses
  - relevant only to the credibility of the accused person
  - relevant only because it might deter an accused person from giving false evidence or providing a false version of events
  - for the purpose of preventing an accused person from creating a trap for themselves, if at the time the prosecution became aware of the material it was not a relevant issue at trial. Refer to the Policy of the DPP on the DPP website for further details.

  Contact a police prosecutor, Prosecutions Frontline Support Unit, or the DSU where advice is required to confirm whether material meets the criteria set out in section 1.3 of this policy.

- Where an accused person raises a new issue or if facts change, consideration must be given as to whether there might be additional material in the possession of Vitctoria Police that might be relevant or possibly relevant to that issue and might therefore need to  be disclosed to the accused person, DPP or CDPP in accordance with the ongoing duty of disclosure. The prosecutor should be made aware of the existence of this material or provided with a copy of it so they can determine if it needs to be disclosed at a later time. If the material cannot be disclosed to the prosecutor the member should seek assistance from the DSU.

## 1.3 *Assessing relevance*

- All material collected, identified or created during an investigation, including contemporaneous notes, must be assessed for relevance. The relevance of material must be assessed on a case-by-case basis and should continue to be re-assessed as the investigation (and prosecution) progresses.

- The determination of relevance must be based on a thorough assessment of:
  - the issues or likely issues in the case
  - any defence available, or likely to be available, to the accused person
  - any credibility issues associated with prosecution witnesses.
- Material will be deemed relevant or possibly relevant if it:
  - can be seen to undermine the prosecution case
  - might reasonably be expected to assist or strengthen the accused person's case
  - is relevant to the credibility of a prosecution witness
  - lends weight to a reasonable hypothesis consistent with the accused person's innocence
  - suggests the existence of an alternate suspect
  - opens a line of enquiry going to any of these factors.
- For further assistance with the assessment of relevance refer to the **Practice Guide – Disclosure in criminal proceedings**.

### *1.4 Categorisation and storage of material*

- In the course of an investigation, once an informant or investigator has possession or knowledge of material, that material must be categorised. There are four distinct categories which must be used:
  - material relied upon
  - unused material
  - withheld material
  - material that is not relevant.
- Once the material has been categorised, it must be stored electronically in a location accessible to the work unit manager.
- Further guidance on categorising material collected during the investigation is provided in the **Practice Guide – Disclosure in criminal proceedings**.

## 2. Complying with the duty

### *2.1 Overview*

- Disclosure of the prosecution case is initiated when Victoria Police commences proceedings i.e., filing a charge sheet. The obligation to disclose is ongoing and continues even after criminal proceedings are finalised.
- The work unit manager is responsible for embedding robust administrative and supervision processes to ensure compliance with disclosure obligations. Work unit managers must also comply with **VPM Workplace standards and management**.
- Disclosure obligations apply to all material that is in the possession or knowledge of the prosecution regardless of admissibility or evidentiary considerations.
- The informant must consider whether there may be relevant material held within other areas of Victoria Police. If so, the informant must make reasonable enquiries to obtain that material.
- Sensitive material must be assessed to determine whether it may be subject to an exception and should be withheld pending a public interest immunity (PII) or

statutory secrecy claim or application for a non-disclosure order. The informant must consult with a supervisor from the area within which the sensitive material originates e.g., Intelligence and Covert Support Command.

- Disclosure to the accused person must be made as soon as reasonably practicable and in accordance with the relevant provisions of the Act.
- Informants must not provide any material which is subject to a claim of PII to the DPP unless it has been specifically requested by the DPP in accordance with s.415A(5), the Act and/or the Protocol for engagement and resolution of complex issues arising from disclosure obligations and public interest immunity claims (available on the OPP website) and advice has been sought from the DSU.

## 2.2 *Investigation plans*

- An investigation plan must be developed and enacted by the investigator once an investigation has commenced. The purpose of the investigation plan is to determine in advance, the actions, objectives, strategies, resources required and associated risks to achieve case resolution.
- For serious offences, a comprehensive investigation plan must be recorded in Interpose. The investigation plan should include a disclosure task where required.
- For less complex investigations, the investigation plan (consisting of short dot points) must be created in Interpose or in the AIM file [Form 1313]. The investigation plan should include a disclosure task where required.
- An investigation plan is not required for minor traffic matters, such as certain offences against the *Road Safety Act 1986* and *Road Rules,* where no follow up investigation is required.

## 2.3 *Disclosure certificates*

- The Act requires the relevant officer to complete a disclosure certificate in proceedings where:
  - a full brief is served in the summary jurisdiction (s.41A, the Act)
  - a hand-up brief is served in the indictable jurisdiction (s.110A, the Act).
- The disclosure certificate is an acknowledgement that the relevant officer understands:
  - they have a duty under the Act, and at common law, to disclose to the accused person all material relevant to the alleged offence and that this duty may be subject to exceptions
  - they are aware of their continuing obligation under the Act, and at common law, to disclose to the accused person any relevant material that comes into their possession or notice after service of the hand-up brief
  - they are aware of their obligation under s.415A, the Act to provide to the DPP any material that they possess or have knowledge of, or that the law enforcement agency they represent possesses or has knowledge of, that is relevant to the alleged offence, subject to the provisions in s.415A
  - that the information they have given in this certificate is true, to the best of their knowledge and belief, and has been reviewed by a supervisor
  - that the certificate discloses the existence of withheld material and the reason it has not been provided.

- Withheld material listed on the disclosure certificate must be described in accordance with the guidance provided in the **Practice Guide – Disclosure in criminal proceedings**.
- In certain limited circumstances, withheld material may be omitted from the disclosure certificate, see section 2.4 of this policy for details regarding non-disclosure orders
- Advice should be sought from the DSU in these situations.
- A supervisor must review and sign the completed disclosure certificate before it is signed by the relevant officer.
- In summary matters a copy of the Form 1517 must be included with the full brief for forwarding to the appropriate prosecutions unit.
- The disclosure certificate must be provided to the accused person, the court and the DPP/prosecutions unit as follows:

| Jurisdiction | Served on the accused person | Filed at the court | Provided to DPP/CDPP/Prosecutions Unit |
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| Indictable | At the time the hand-up brief is served | Within seven days of service of the hand-up brief | Within seven days of service of the hand-up brief |
| Summary | At the time the full brief is served | Within seven days of service of the full brief | Police prosecutions:<br>• attached to prosecutions copy of full brief<br>DDP/CDPP:<br>• within seven days of service of the full brief |

## 2.4 Non-disclosure orders

- An application for a non-disclosure order must be made pursuant to section 416A(1), the Act when the relevant officer considers that withheld material is of a sensitive nature.
- In indictable proceedings:
  - the application for a non-disclosure order must commence prior to the completion of the disclosure certificate
  - any information not included in the disclosure certificate must be included in the case direction notice unless otherwise ordered by a court.
- In summary proceedings, the Form 1517 should not be completed until the application or the claim causing the material to be withheld is resolved or directions are given by the court. Where information is provided by a person with an expectation of confidentiality (including a human source), an application for a non-disclosure order must be made as soon as possible after criminal proceedings commence. This must involve seeking direction from the court regarding the omission of the material from the certificate.

- For the relevant officer to meet their disclosure obligations in respect to withheld material not included on the disclosure certificate, a court must assess the application and may make certain orders or determine the claim.
- Contact the DSU where advice is required in respect of non-disclosure orders.

## 2.5 *Disclosure process*

To comply with disclosure obligations, refer to:

- Table 1: Disclosure process in criminal proceedings (summary jurisdiction)
- Table 2: Disclosure process in criminal proceedings (indictable jurisdiction/hand-up brief)

| Table 1 : Summary Jurisdiction | |
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| **Step** | **Action** |
| 1. Investigation commences | Once an investigation has commenced, the investigator must:<br>• create an investigation plan in the Form 1313 or Interpose (in accordance with **VPM Crime investigation - case management**). The investigation plan should include a task of assessing documents and material collected during the investigation to manage disclosure<br>• assess all material obtained during the investigation, including contemporaneous notes, for relevance and categorise in accordance with section 1.4 of this policy<br>• consider whether there may be any material held elsewhere within Victoria Police which may need to be obtained, assessed for relevance and categorised in accordance with section 1.4 of this policy. Use the Disclosure Due Diligence Process contained in the **Practice Guide – Disclosure in criminal proceedings** to assist with this process<br>• collate and maintain an electronic list of all categorised material. Note the location of the electronic list in the Form 1313<br>• ensure a soft copy of each document is created and included on the list<br>• record the reference number of existing electronic documents or material on the list e.g., BWC footage<br>• ensure the categorised electronic copies and the list are saved in a location accessible to the work unit manager |
| 2. Disclosure of the Preliminary Brief | • A preliminary brief must reference all material which will be relied upon by the prosecution to substantiate the charge(s)<br>• The member authorising the brief (or in Professional Standards Command (PSC) investigations the member checking the brief) must assess the material collected during the investigation and determine what material is required for inclusion on the preliminary brief<br>• Once the preliminary brief is authorised in accordance with **VPMP Briefs of evidence**, the informant must ensure:<br>  - the accused copy is uploaded into the Central Brief Storage System and served on the accused either with the charge and summons or at a reasonable time before the first mention date<br>  - unused material is provided to the accused if it is reasonably anticipated this will be required to progress the matter or be of |

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| | material assistance to defence<br>• There is no specific format in which materials should be disclosed |
| 3. Summary Case Conference | • If the matter proceeds to a Summary Case Conference, this may involve defence requests for additional material (requests will often be included in the Summary Case Conference Form [Form 11A])<br>• Informants must respond to all disclosure requests in a timely and comprehensive manner (early discussions with defence may limit the amount of material that is required for disclosure, avoid unnecessary adjournments and facilitate early resolution)<br>• Informants must ensure they comply with any orders made by the court regarding disclosure e.g., where a court orders specific materials to be provided to an accused person by a particular date<br>• Informants can seek advice from their prosecutor or the DSU if the requests are unreasonable or irrelevant material is requested<br>• An informant must liaise with DSU to determine whether an application for a non-disclosure order or a PII claim should be commenced |
| 4. Full brief/ ongoing disclosure | • If a matter proceeds to a contest mention or contested hearing, a full brief is required (for the contents of a full brief refer to s.41, the Act)<br>• Any material that is unused but relevant must be served on the accused person with the full brief at least 14 days before the contest mention or contested hearing (if a contest mention is not held) to ensure compliance with both common law and statutory disclosure obligations<br>• A Form 1517 must be served on the accused person with a full brief<br>• The Form 1517 must list any withheld material unless a non-disclosure order has been made by a court<br>• A supervisor must review the disclosure certificate before it is signed by the relevant officer<br>• A copy of the completed Form 1517 must be:<br>- filed with the court within seven days of service<br>- attached to the prosecutions copy of the full brief<br>- forwarded to the DPP (if required)<br>• The duty of disclosure is ongoing and material must be revisited and reassessed as the case progresses e.g., material may need to be re-categorised as new issues arise<br>• The requirement to assess whether material is subject to an exception is also ongoing i.e., PII<br>• Any new material that comes into existence or possession of the prosecution may need to be disclosed regardless of the stage of proceedings<br>• An informant must contact DSU for advice if they become aware of new material that may be relevant to a criminal proceeding after a conviction or finding of guilt |

| Table 2: Indictable Jurisdiction | |
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| **Step** | **Action** |
| 1. Investigation commences | The primary investigator must:<br>• create an investigation plan in Interpose (as required by and in accordance with **VPM Crime investigation – case management**). Note: the investigation plan should include a disclosure task<br>• assess all material obtained during the investigation including contemporaneous notes, for relevance and categorise in accordance with section 1.4 of this policy<br>• consider whether there may be any material held elsewhere within Victoria Police which may need to be obtained, assessed for relevance and categorised in accordance with section 1.4 of this policy<br>Note: use the Disclosure Due Diligence Process contained in the **Practice Guide – Disclosure in criminal proceedings** to assist with this process<br>• collate and maintain an electronic list of all categorised material<br>• ensure a soft copy of each document is created and included on the list<br>• record the reference number of existing electronic documents or material on the list e.g., BWC footage<br>• ensure the list and categorised electronic copies are saved in a location accessible to the work unit manager |
| 2. Brief Preparation and Form 1518 | • Material relied upon must be included on the hand-up brief<br>• A List of Information or Other Documents Included in Hand-Up Brief [Form 30] must be prepared as part of the hand-up brief and must include a list of material relied upon as well as a list of unused material<br>• The relevant officer must prepare a Form 1518<br>• The Form 1518 must list any withheld material unless an application for a non-disclosure order has commenced or the informant knows an application will be commenced<br>• A supervisor must review the disclosure certificate before it is signed by the relevant officer<br>• The member authorising the brief (or in PSC investigations the member checking the brief) must ensure that all material has been assessed and categorised and review the contents of the Form 1518<br>• Once authorised the hand-up brief and completed Form 1518 must be served on the accused person by the date specified at the filing hearing |
| 3. Initial disclosure | • Within seven days of serving the hand-up brief and Form 1518, a copy of the Form 1518 is filed with the court and forwarded to the DPP<br>• The informant must also provide the DPP with all unused material (apart from withheld material) as soon as practicable in accordance with s. 415A, the Act<br>• Before the committal mention, the informant must ensure that all unused material (apart from withheld material) is disclosed to the |

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| | accused person<br>• If the informant receives a request for further disclosure materials by defence in a Case Direction Notice (Form 32) the request must be responded to as soon as practicable to ensure compliance with disclosure obligations and avoid unnecessary delay<br>• Responding to a Form 32 can involve discussion with the accused person/defence to decide the manner and format in which material will be disclosed<br>• Any information omitted from a Form 1518 must be noted in the Form 32 where the relevant officer knew an application for a non-disclosure order had been made, or would be made unless a court has ordered otherwise<br>• The DPP must be informed as soon as possible when the informant wishes to raise an objection to disclosure, which may facilitate the resolution of disputes at the committal mention<br>• Informants must ensure they comply with any order made by the court regarding disclosure e.g., where a court orders specific materials to be provided to an accused person by a particular date |
| 4. Ongoing disclosure | • The duty of disclosure is ongoing and material must be revisted and reassessed as the case progresses e.g., material may need to be re-categorised as new issues arise<br>• The requirement to assess whether material is subject to an exception is also ongoing e.g., PII<br>• Any new material that comes into existence or possession of the prosecution may need to be disclosed regardless of the stage of the proceedings<br>• An informant must contact DSU for advice if they become aware of new material that may be relevant to a criminal proceeding after a conviction or finding of guilt |

Note: the member preparing the brief must redact the address or phone number of any person in any material disclosed in accordance with ss.48 (summary proceedings), 114 (indictable proceedings pre-committal) and 186 (indictable proceedings post-committal), the Act unless relevant to prove an element of a charge.

## 3. Material relevant to the credibility of a prosecution witness

- Both common law and the Act require the disclosure of material relevant to the credibility of a prosecution witness. Subject to any exception (e.g., PII or other statutory exceptions) this material must be included, as part of a full brief (s.41(1)(e)(viii), the Act) or hand-up brief (s.41(e)(viii), the Act). This includes (but is not limited to) the following material:
  - relevant criminal history recorded on LEAP
  - information where a witness has been charged, or charges are pending for a relevant criminal offence
  - the provision of a letter of assistance or similar to the witness
  - the reduction of criminal charges against the witness or other favourable treatment in a criminal proceeding

  - any payment, reward or benefit provided as a result of the witness' co-operation with police, but not limited to witness letters of support and any drafts, discussions or communications about the provision of the witness letter of support and/or its content
  - expert witness statements or scientific evidence which contradicts or calls into question the credibility of any prosecution witness
  - any prior inconsistent statements (including Victim Impact Statements and overt and covert recordings)
  - findings by or evidence given in any court or tribunal (criminal and non-criminal)
  - relevant information about a physical or mental condition which is of central importance to the case and which may affect the reliability of a prosecution witness.
- The DSU should be consulted, and members may be advised to contact the VGSO for advice, where:
  - a witness has previously received a reward, benefit or favourable treatment as a result of their co-operation with police
  - the disclosure of an ongoing prosecution may result in it being prejudiced
  - a witness' personal health information may be required.
- The relevant officer must consider the exception to disclosing evidence of confidential communications between a victim of sexual offending and a medical practitioner or counsellor under s.32C, *Evidence (Miscellaneous Provisions) Act 1958*. The prosecution must be consulted in these circumstances.
- Material held by PSC or within Victoria Police or VPS personnel/employment files will not be relevant in the majority of cases. Proactive enquiries do not have to be made in the absence of any particular reason or basis upon which the material might substantially affect the credibility of a prosecution witness. In these circumstances advice must be sought from the DSU.

## 4. Exceptions to disclosure - withheld material

- There are exceptions to the duty of disclosure. These include but are not limited to:
  - a claim of privilege (such as Client Legal Privilege) or PII (such as application for PII to protect information received from a human source or to protect confidential police methodology)
  - immunity conferred by statute (such as under the *Witness Protection Act 1991* or the *Major Crimes (Investigative Powers) Act 2004*)
  - a prohibition or restriction provided by statute that has the effect of precluding disclosure to the prosecution or defence (such as s.48, the Act – prohibition on disclosing the address and telephone of any person)
  - a non-disclosure order (s.416A, the Act)
  - s.464JA *Crimes Act 1958* (Offences in relation to possession of a record of interview).
- An application to the court must be made to claim PII or request a non-disclosure order. The DSU should be consulted prior to commencing an application.
- If an application for PII or a non-disclosure order is made to the court, all information and documents must be provided to the legal practitioners acting for the Chief Commissioner of Police without redactions.

- Advice should be sought from the DSU where the disclosure of information about a witness could prejudice the safety and welfare of any person. Members must describe the nature and the basis of the claim in as much detail as possible. In exceptional cases, that information may be provided only to the court.
- Where statutory secrecy provisions and/or other safety or operational considerations apply, specialist areas may seek legal advice and initiate an application for a non-disclosure order or PII without the informant's knowledge if necessary.

## 5. Disclosure of third-party material

- Third-party material is material provided to Victoria Police to assist with a criminal investigation by another agency (a third-party). This may be subject to intelligence sharing agreements, statutory exceptions or a Memorandum of Understanding. A third-party who provides material to Victoria Police may wish to claim PII or invoke statutory protections that limit disclosure of that material.
- If material has been provided by a third-party and it is categorised as either material relied upon or unused material, contact that third-party to determine whether the material can be disclosed or should be withheld, including the basis on which it should be withheld.
- An informant must not disclose the material to the accused person, the DPP or CDPP if the third-party advises Victoria Police that a claim for PII will be made regarding the material.
- Before communicating any information to the accused person or DPP about the existence and nature of the third-party material, the informant must confirm with the third-party whether there are any issues in doing so.
- A PII application may be made by either Victoria Police or the relevant third-party regardless of which organisation owns the third-party material. The DSU should be contacted and the VGSO engaged where a PII application is contemplated by either party.

# Related documents

- *Criminal Procedure Act*
- VPMP Briefs of evidence
- VPMG Brief preparation and management
- VPM Crime investigation – case management
- VPM Crime attendance – initial action
- VPM Crime and event reporting and recording
- VPMG External information disclosure
- VPM Witness statements
- Disclosure in criminal proceedings Practice Guide
- Protocol for engagement and resolution of complex issues arising from disclosure obligations and public interest immunity claims between the Director of Public

Prosecutions, Victoria Police and Victorian Government Solicitor's Office ("the Complex Disclosure Protocol")

- Victoria Police Disclosure Handbook
- Victoria Police Subpoena Handbook
- Policy of the Director of Public Prosecutions for Victoria

## Further advice and information

For further advice and assistance regarding this policy contact the Disclosure Support Unit, Legal Services Department via PBEA: LPSB-DISCLOSURE-MGR@police.vic.gov.au.

## Update history

| DATE UPDATED | SUMMARY OF CHANGE | FORCE FILE NUMBER |
|---|---|---|
| 30/09/22 | Conversion of CCI 06/21 Disclosure into the VPM and updates to reflect legislative amendments, categorisation of material collected during the investigation and disclosure certificates for criminal proceedings commencing from 01/10/22. | FF-193378 |
| 29/07/25 | Amendments to clarify requirements relating to creation of investigation plans and that investigation plans should include a disclosure task. Reference to inclusion of contemporaneous notes. | FF-244664 1 |
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