



INFORMATION DISCLOSURE FOR CRIMINAL PROCEEDINGS POLICY

Executive Summary

Any police officer or police staff member of West Midlands Police (WMP) who is required to be interviewed; provide a statement or give evidence for the defence in criminal proceedings, must follow this policy.

This responsibility covers both statement of fact and character evidence. This policy does not relate to disclosure of material in accordance with Criminal Procedure and Investigations Act (CPIA) or Attorney Generals Guidance on Disclosure (AGGD).

Authorised Professional Practice (APP)

This policy has been checked against APP and there is none in relation to the subject matter of this policy.

Scope

The Chief Constable (CC) has overall direction and control of WMP and is ultimately accountable for all policies and supporting documents of the organisation and its actions.

Adherence to this force policy will be expected from all WMP Police Officers and Police Staff who are required to be interviewed; provide a statement or give evidence for the defence in criminal proceedings.

Objectives

To provide guidance and clarity for any police officer or police staff member, from WMP, in relation to being interviewed, providing a statement or giving evidence for the defence in criminal proceedings.

Definitions/Acronyms

AGGD	Attorney Generals Guidance on Disclosure
APP	Authorised Professional Practice
CC	Chief Constable
CPIA	Criminal Procedure and Investigations Act
CPS	Crown Prosecution Service
DIR	Digital Interview Recording
GDPR	General Data Protection Regulation
LPA	Local Policing Area
NCRF	National Collision Reporting Form
OIC	Officer in Charge
OPCC	Office of the Police & Crime Commissioner
RTC	Road Traffic Collision
TIU	Traffic Investigation Unit
VRM	Vehicle Registration Mark
WMP	West Midlands Police



Policy Information

1. POLICE REPORTS

- 1.1 If any officer or staff has relevant information to a criminal case, they have a duty to the Court and the proper administration of justice to disclose it.
- 1.2 Any officer or staff member of WMP who witnesses an incident (that results in criminal proceedings) will provide a statement for the prosecution.
- 1.3 Police reports are primarily for the purpose of criminal proceedings
- 1.4 The impartiality of the police must be maintained.
- 1.5 Report content or scope must not be directed towards civil litigation, or extending it with information other than that which is required for police prosecution purposes.

2. REQUESTS FOR INTERVIEWS, STATEMENTS OR GIVING EVIDENCE AT COURT

- 2.1 In criminal proceedings, any officer or staff member that is approached in any way, by or on behalf of a defendant; to:
 - Be interviewed
 - Provide a statement
 - Give evidence of fact
 - Give evidence of character

Should immediately notify the Officer in Charge (OIC) of the case, their Head of Department/Local Policing Area (LPA) Commander and, where the case is in the Court process the Crown Prosecution Service (CPS).
- 2.2 Character references are provided on a personal basis and are not endorsed by WMP.
- 2.3 In cases already being dealt with by CPS, obtain any advice or instruction for interview etc from the relevant District Crown Prosecutor. In other cases, obtain advice from the Legal Services Department.
- 2.4 Requests for copies of interviews (with or without service of a court order) received from defence solicitors, or their representatives, in connection with criminal proceedings will be forwarded to the following:
 - Criminal cases recorded in the Digital Interview Recording (DIR) system - Force ID Bureau [REDACTED].

3. ATTENDANCE AT COURT IN CRIMINAL PROCEEDINGS.

- 3.1 Any police officer or staff member must submit a report to their LPA Commander or Departmental Head, in the following circumstances:



- Attendance at Court requests to give evidence for any incident or occurrence that does not arise from the course of their employment within the WMP area.
- In Criminal proceedings, when they are requested to attend, or receive a Witness Summons, or witness order to give evidence for the defence.

- 3.2 The report should include all relevant facts together with the details of any evidence they are able to give in the case.
- 3.3 Attendance at criminal proceedings should be in work time where they relate to an incident or occurrence that arose from the course of employment with WMP.
- 3.4 Requests for attendance at Court for all employees which did not arise from the course of their employment with WMP will be in their own time.
- 3.5 Officers, Special Constables & staff attending court will follow the standards of dress outlined in the [Uniform, Equipment and Appearance Policy](#).
- 3.6 Refer to [Police Attendance at Court Policy](#) for advice on court attendance and tours of duty.
- 3.7 Refer to the [Special Constables Expenses & Allowances Policy](#) for advice on court attendance allowances for Special Constables.

4. ROAD TRAFFIC COLLISIONS (RTC)

4.1 Dispute Between Parties

- 4.1.1 West Midlands Police will share driver, rider or cycle details involved in road traffic collisions whereby the result is damage to the road surface and/or street furniture, including the location, time, day and date of the collision.
- 4.1.2 Consequently, a disclosure of personal data for the purposes of civil proceedings must be regarded as falling under the scope of UK General Data Protection Regulation (GDPR) and therefore, 'an authorisation in law' must be found to underpin the disclosure and satisfy s36(4) of the DPA.
- 4.1.3 Thereafter, once an authorisation in law is available, it is necessary for the force to consider Data Protection Principles in Article 6 and the information Commissioners Office.
- 4.1.4 The attached below disclosure list is a generic list without the requirement of a court order however, each case must still be assessed on its own merits
- Limited particulars such as, Vehicle Registration Mark (VRM)
 - National Collision Reporting Form (NCRF) with the inclusion of redacted sensitive material
 - Witness Statements
 - Photograph
 - Tachograph
 - Interview if agreed with an officer
 - Fatal Reports with the inclusion of the NCRF, Scale Pan, Forensic Collision Investigation Report, and Vehicle Report. However, nothing of a sensitive



nature can be disclosed such as, Coroners Report, Post-mortem details, sensitive photograph's, medical notes and Victim Personal Statement.

4.1.5 The attached below disclosure list is a generic list with the requirement of a court order however, each case must still be assessed on its own metrics

- Body Worn Footage
- CCTV
- Specialist CCTV Report
- Toxicology Reports
- Record of Taped Interview
- ABE Interviews
- Officer notes
- MGDD Forms
- Post Mortem Report
- Laser Scan Data and Raw Data

4.1.6 Once a disclosure request form is received, a unique reference number will be allocated thereafter, a search fee letter is sent to the third party requesting an initial payment for the search fee, to enable the Traffic Investigation Unit to search relevant digital systems. Furthermore, the purpose of the disclosure form must cite the purpose of the request in accordance s.5 (3) of Schedule 2 of the [DPA 2018](#) and it should not be utilised for any other purpose.

4.1.7 Upon reviewing the disclosure request form and what material the force has retained, a further fee letter is generated and forwarded to the relevant third party for payment.

4.1.8 Once payment has been received, the material will be redacted and disclosed to the relevant party through protected password.

4.2 Collisions involving unidentified or uninsured drivers

4.2.1 Motor Insurers Bureau interviews may be approved with officers who have reported on collisions.

4.2.2 This will only be in exceptional cases, where points from Police reports need clarification.

4.3 Police Vehicle Incidents

4.3.1 If a request concerns a Police Vehicle Incident, prior to the release of any information, the Traffic Investigation Unit liaises with the Insurance Department.

4.3.2 If the request concerns a "live" Police Vehicle Incident, then the release of any information is sub-judice pending the live Criminal Investigation.

4.3.3 Chargeable Rates for disclosure can be found in the West Midlands Police and Crime Commissioner Chargeable Rates 2024/2025.



Relevant Legislation / Policies / Procedural Guidance

- [WMP Police Attendance at Court Policy](#)
- [WMP Special Constables Expenses and Allowances Policy](#)
- [WMP Uniform, Equipment and Appearance Policy](#)
- [Data Protection Act 2018](#)

Equality Impact Assessment

WMP places trust in their employees to comply with force policies and to work in accordance with and in support of:

- [WMP Vision and Values](#)
- [Code of Ethics | College of Policing](#)
- [Voice of the Child](#)

	What impact has this policy had on the nine protected characteristics in relation to the three general duties? (If applicable)	How will this updated policy positively impact each of the nine protected characteristics in relation to the three general duties? If not, explain why it will not.
Age (including children and young persons)	No Impact	N/A
Disability	No Impact	Considerations must be given to anyone who has a disability and need extra support. For example, people with Dyslexia.
Gender Reassignment	No Impact	N/A
Pregnancy & Maternity	No Impact	N/A
Marriage & Civil Partnership	No Impact	Considerations must be given to anyone pregnant and also on maternity leave as to whether it is in the best interest to attend court.
Race	No Impact	N/A
Religion or Belief	No Impact	Religious times should be considered.
Sex	No Impact	N/A
Sexual Orientation	No Impact	N/A

Publication Instructions

Suitable for publication to public.



Document Control

Strategic Lead: <i>[role and name]</i>	C/Supt [REDACTED] – Head of Criminal Justice Services
Policy Author(s): <i>[role and name]</i>	[REDACTED] - Strategic Prosecutions Manager
Effective Date:	18/07/2025
FET Lead: <i>[role and name]</i>	ACC Mattinson – Crime Portfolio
Version Number:	1.0
Review Date:	18/07/2028

Any enquiries in relation to this policy should be made directly with the Strategic Lead.

All policies are subject to a formal consultation process which encompasses Legal, Professional Standards, Faith Groups, Trade Unions, Independent Advisory Groups and wider force groups and any other relevant parties. A record of consultation can be found on the Policy Portal.

It is responsibility of the Strategic Lead to ensure that all links within the policy are correct and accessible.

Amendment History:

Version Number:	Effective Date:	Summary of Amendments:	Author:
1.0	June 25	Content previously included in the Information Disclosure for Criminal and Civil Proceedings. This previous policy has now been superseded by this policy which only refer to criminal proceedings. Other minor amendments made to terminology/format.	[REDACTED]