



Community Inquiries

Learning objectives:

By the end of this unit you will be able to:

- Know how to plan and conduct inquiries in the community

Relevance of learning to your role:

- It is an important part of an investigation to source independent evidence from people in the community, to either support or rebut an allegation into benefit and/or housing fraud

Behavioural competencies for success:

- Active listening
- Interpersonal skills
- Integrity
- Professionalism
- Empathy
- Attention to detail

What are community inquiries

We make inquiries in the community to either support or rebut information that we have received.

Community Inquiries include talking to allegors, neighbours, family, friends, employers, landlords etc. The inquiries could be prearranged or unannounced.

If you would like to speak to a business (property managers, employers etc.) it is best to arrange an appointment in advance as they are likely to be busy. On arrival at any business premises, ensure you introduce yourself to the Manager and double check is it suitable for you to speak to the witness (remember your witness is/may be an employee and it is time away from their work that you are requiring).

Identifying witnesses to speak to

Create a Witness List on a spread sheet to record all potential witnesses you would like to contact.

IMS CASE					
ABOUT	WITNESS	ADDRESS	SUBURB	PHONE	REASON FOR VISIT / CONTACT
Client name	Joe BLOGGS	123 Rainy Lane	Manukau	021 111 0000	Father of alleged partner

During the initial stages of your investigations you may be sending Schedule 6 Notices to numerous sources to obtain evidence to either support or rebutt the allegation/fraud suspicion.

When you receive a S6 response (especially from finance companies), note down any references or emergency contact the client/partner may have recorded down as they may be potential witnesses to approach. You may be able to identify witnesses from the clients CMS record (e.g. family, landlords etc.).

How to prepare


Now that you have potential witnesses you would like to speak to, you need to prepare for the inquiries. Community inquiries should be conducted in pairs.

For each address you intend to visit whether it's prearranged or not, you need to consider any personal safety risks by completing an offsite safety assessment as detailed below.

As part of your risk assessment, you need to make attempts to identify who the neighbour is and check whether they could pose a risk to your personal safety.

Please note that Manager FIS approval is required for any offsite activity that you have assessed as having a 'heightened' level of personal safety risk as per offsite safety assessment below. If you have assessed the offsite activity risk as 'prohibited' then you are unable to conduct that specific activity.

Location: MSD Cellphone coverage: Full Access to emergency support: Full Public visibility while at location: Full Known / Suspected hazards: N/A, None identified Travel time / distance: Little or none Driving conditions: Standard road, dry / fine Assessment: Normal Prohibited Heightened Elevated Precautionary Normal			Brief description of off-site activity: Conducting unannounced visit to address 120 London Lane, Papatoetoe (neighbours of clients address 122 London Lane).			Personal offsite safety assessment: Precautionary Prohibited Heightened Elevated Precautionary Normal Is approval required for this activity based on the safety assessment? NO Staff member completing assessment: Name: Shaun Johnes Date completed: 12 November 2018 Manager: Click here to enter text. Approval: NO Date: 12 November 2018 Prohibited Heightened Elevated Precautionary Normal		
Activity: Level of stress caused to non-MSD participants: N/A, Nil Specific health & safety considerations: N/A, Nil Participants: SCMS/CYRAS information / Other information: N/A, Nil Access to emergency support: N/A, Full Assessment: Precautionary Prohibited Heightened Elevated Precautionary Normal			Safety actions or activities: Location: 120 London Lane, Papatoetoe Residential address in Papatoetoe Viewed property on Google maps and property is down a long driveway. Activity: Talk to neighbours (potential witness) Park on road and walk down long driveway while being vigilant for dogs. Phone Bat Phone before and after approaching address. Participants: Shaun Johnes Grace Sione Vehicle: GJU470 (Aqua Toyota Yaris) Other considerations: (E.g. staff training & experience, external stressors, seasonal considerations) Have located and researched neighbour in SCMS and IMS and have not identified any personal safety risks. Client name: Joe BLOGGS, SWN: 123-456-789			Reporting / debrief: (Complete only if there is something to report) Do you need to complete a SOSHI report, or update hazard or safety information that occurred during this activity? YES / NO ? Are there any systems or processes that should be reviewed as a result of anything that happened during this activity? YES / NO ? Date advised: 12 November 2018 Person advised: Click here to enter text.		

1) For personal safety reasons only, search the address in CMS and then scroll through the client names to identify anyone who has this symbol  This symbol means the client has a 'Special Caution' and should be researched further. This method does not necessarily identify who the neighbour is but instead confirms that no 'Special Caution' clients are residing at the address.

OR

2) Obtain an Address Sweep for the address from the Intelligence Unit portal. This spread sheet will easily enable you to identify who lives at a given address (only if they are a beneficiary).

If you are able to identify the neighbour you are intending to visit, for personal safety reasons only, review the SINCH screen in SWIFTT to identify if the neighbour has any history that could pose a risk to your personal safety. The next steps would be to search the neighbour in IMS and review any previous allegations/investigations (if any) and to search CMS to review any past or present 'Special Cautions' for any personal safety risk related information only.

Please note that if you are meeting with a witness who is a working professional (tenancy manager, employer, and landlord) at their place of employment you still need to complete an offsite safety assessment but do not need to conduct system searches on the person.

Calendar entry

Once you have completed your risk assessments, the next step is to input the information into your calendar:

Community Inquiries

Who?: I/O Mickey Mouse and I/O Daffy Duck

Vehicle: AAA111 – Aqua Toyota Yaris

Office departure time: 9am

IMS 12345 – Joe & Mary BLOGGS

Visit Neighbour of 122 London Lane, Disneyland

Name: Unknown

Time: 915am to 930am

Address: 120 London Lane, Disneyland

Visit Neighbour of 122 London Lane, Disneyland

Name: Unknown

Time: 930am to 945am

Address: 124 London Lane, Disneyland

Return to office time: 1015am

The offsite safety assessment documents also need to be attached to your calendar entry.

Before you go

Before you leave the office to conduct your inquiries, please remember the following:

1. Book a vehicle using the Smartrak app and allow yourself extra travel time
2. Fully charged dictaphone
3. Full charged mobile phone with 'location' turned on in case you need to access the SOS function
4. Compendium
5. Notebook
6. Business cards
7. Brown envelopes
8. Interview plans
9. Preamble
10. Check the vehicle out using Smartrak

Once you arrive

When you arrive at your destination, conduct a brief visual assessment of the property address to identify any further risks that you may not have been aware of (dogs, large gatherings, gang patches etc.). Remember that if something doesn't feel right it probably isn't and you should go with your gut feeling

If all is okay, phone the office Bat phone (this a dedicated phone line, held in every fraud unit, that must be answered during business hours) and advise what address you are at and how long you intend to be at the address. If you are doing community inquiries outside of business hours, you will need to phone your Manager. (This should have been pre-approved beforehand).

When approaching the address, remember to rattle any gated properties to attract the attention of any unknown dogs.

Introduce yourself to the potential witness. If you are invited inside, position yourself close to the exit should you need to leave in a hurry. Remember to phone the Bat phone if you think you will be staying at the address for longer than you originally thought.

After your interview

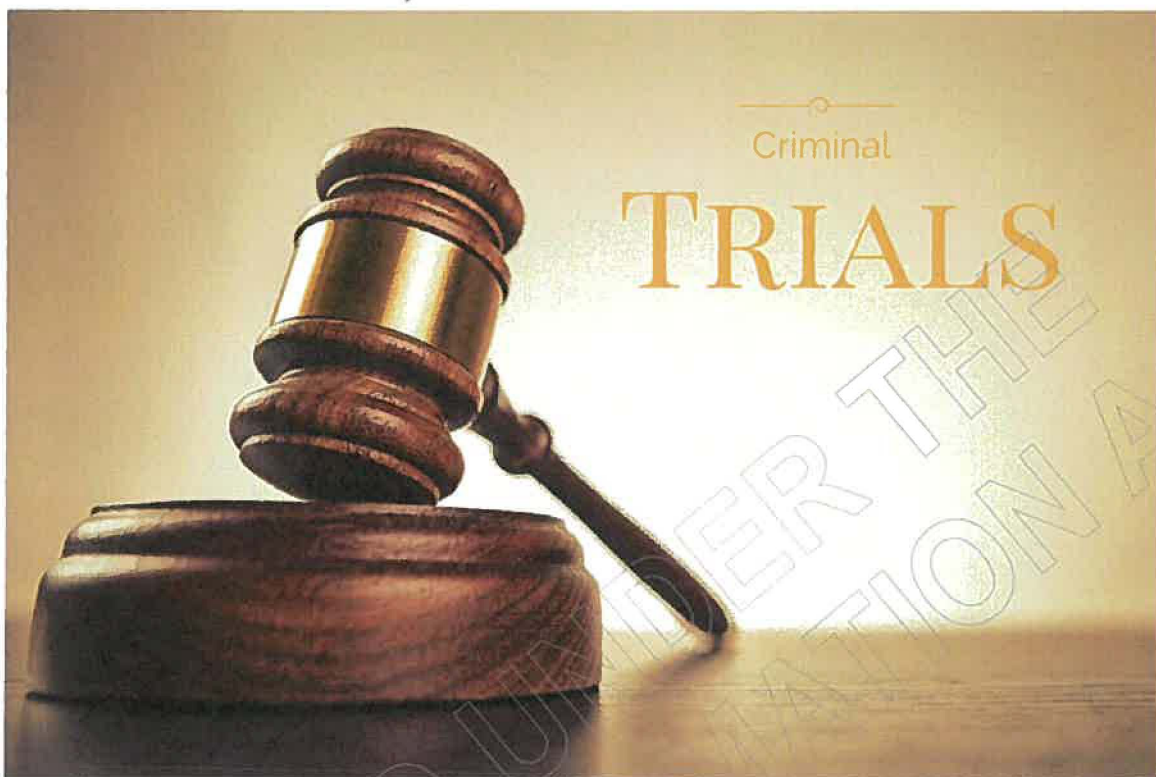
At the end of your interview, once you are back in the car, ring the Batphone to confirm that your interview has ended and where you are going next.

Notes of all your community inquiries need to be made in IMS on your return to the office.

Now you have completed this module, an assessment of your knowledge is required.

For course sign off please complete the following questions,

1. Explain what steps you would follow to visit a landlord (you can make up the details for any landlord)
2. Complete an off-site safety assessment for visiting your local police station.



Court Craft

Learning objectives:

By the end of this unit you will be able to:

- know the mechanics of the court process
- understand the place of formality in the court process
- understand the way you give evidence in court

Relevance of learning to your role:

- you may be required to be a witness for an investigation case
- understanding what your role is in Court and how important your witnesses are
- acting and behaving appropriately

Behavioral competencies for success:

- Professionalism
- Integrity
- Interpersonal skills
- Attention to detail
- Accountability and responsibility

Introduction

The presentation of a prosecution case is a mixture of hard work and detailed and thorough preparation, this includes the preparation of documentary evidence and preparing your witnesses.

Remember your case is in the public arena with all the participants required to take a particular role.

Knowledge of the way a court case should be presented is imperative so that it is presented correctly, and the formalities and peculiarities of court behaviour are observed.

Court Technique

It is most important to remember that this is a criminal trial and that a certain degree of formality is required. The style of advocacy and the presentation of witnesses is therefore formal.

The primary task for MSD is to prove the ingredients of all charges beyond reasonable doubt.

This will be done by witnesses offering the evidence they have that supports the charges. Each of your witnesses will contribute to the overall picture that you are presenting to the court.

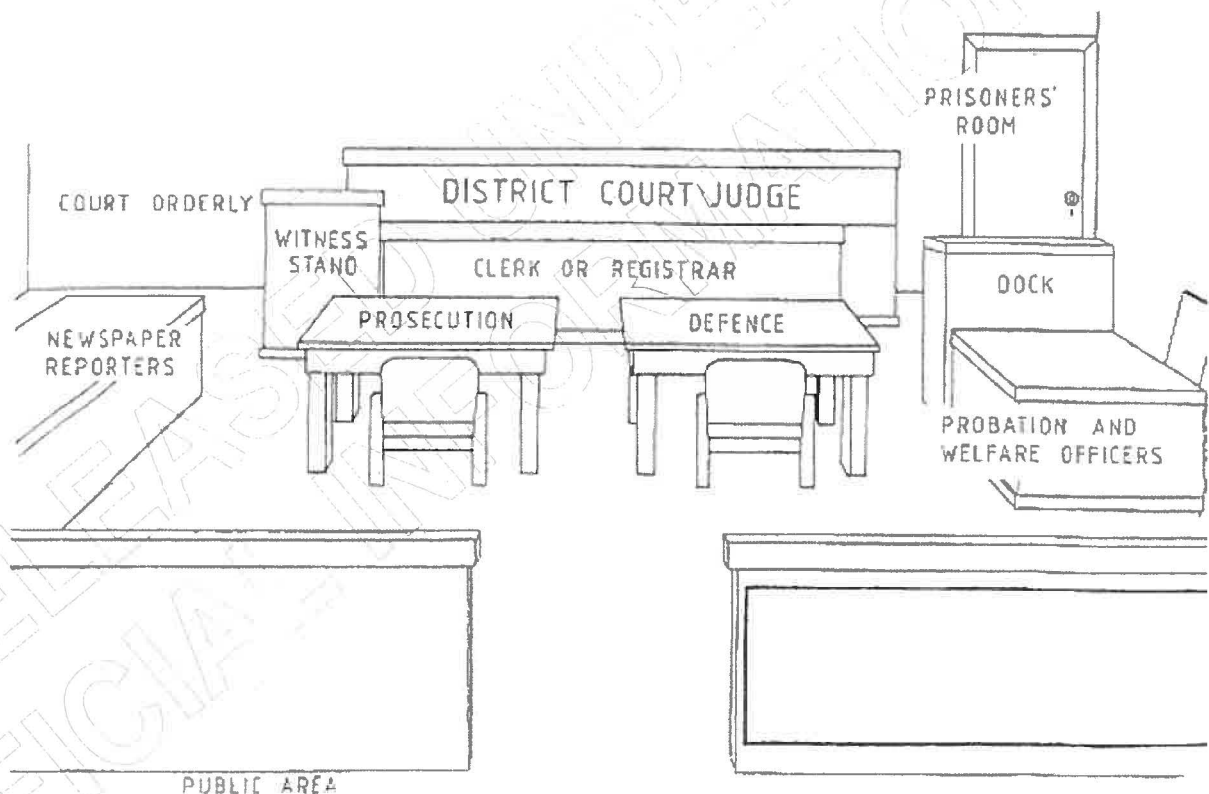
The Prosecution Module outlined briefs of evidence and summoning of your witnesses. As the officer in charge of the case not only could you be required to give evidence you will also need to support the witnesses appearing for MSD.

Many people have not given evidence in a court of law before, so you will need to support and put your witnesses at ease before and during the court hearing.

The task of a witness is to present their evidence to the judge or jury and to produce any relevant documents. Their evidence should be in written form (a "formal written statement" or "brief") which you would have prepared and discussed with them before the Court hearing. As the officer in charge, you are required to spend time with your witnesses to go over the witness briefs and any documents they are presenting with them prior to them giving evidence.

As part of the preparation of a formal written statement, all the documents to be produced as evidence should be examined by the witness to make sure that they remember their contents and that the document is what they expect.

You should also be familiar with the Court layout, so that you know where you will be required to give your evidence from and where you can sit after having given your evidence. You should also know where the prosecution counsel (Police, Crown or MSD solicitor) will be sitting in Court. The following is a general layout and may differ in the Court you appear in. In particular, the prosecutor is likely to sit in front of defence counsel and their client.



Dress

Be aware of the seriousness of the occasion and dress accordingly, with discretion and respect. Present yourself in a professional dress manner. Men are expected to wear a tie and jacket, and women, a jacket.

Behaviour

When the judge enters or leaves the courtroom, you will be asked to stand. You will usually give your evidence standing or sitting in the witness box. If you have any questions about appropriate behaviour in court, check this with the prosecutor before the hearing.

Addressing the Court

Call the judge "Your Honour" or "Sir/Ma'am" (pronounced "Marm"). Call the prosecutor, defence counsel, defendant or other witnesses by their surname eg, Mrs Smith or Mr Brown.

Attendance in Court

MSD will usually obtain written summons for all MSD staff and non-staff witnesses except you as the Investigator. It is important that you receive sufficient notice of the hearing by discussing this with the prosecutor well before the likely date of hearing.

While the prosecutor is in charge of the case and will be busy conducting the court proceedings, you as the officer in charge will need to take a lead role in managing your case on the day or days in court. The prosecutor may ask the courts leave for you, as the officer in charge to be seated beside them through out the hearing.

You will need to assign another investigator, or someone else to help you with your witnesses. It is best that someone sits with them and supports them while they are waiting to give evidence.

It is possible that the MSD witness(es) will know all the other witnesses. It is good practice to ask them not to discuss their evidence with each other before they give evidence.

Please reassure them, as attendance in Court is almost always nerve-racking, and a confident witness is much more likely to give quality evidence.

Evidence

Be aware that witnesses are almost always excluded from the hearing before they have given evidence, although this should not apply to the officer in charge of the case.

Remember that your evidence will be recorded as you give it. It is usually typed as you are giving it, so make sure that you speak slowly and clearly. Leave a small gap between any questions and your answers.

Swearing or Affirming (Truth Telling)

A witness has a choice of whether to swear "on the Bible", to "affirm" (declare) or use some other culturally appropriate method of assertion that they will tell the truth when they give evidence. The Registrar will administer the oath or affirmation to the witness in the usual form of words. The English system of administration is used, so there is no need to place a hand over the heart or raise it in the air as you may have seen on TV.

Examination in Chief

This is the witness's opportunity to set out their "story", with both the prosecution and defence witnesses being asked to give direct evidence of the matters that they are familiar with and entitled to present evidence about.

The witnesses will have been "briefed", and their evidence prepared in a formal written statement with the counsel in charge of the case. The investigator in charge of the case will normally prepare the formal written statement in consultation with the witness and Legal Services.

During the course of preparation of the formal written statement, any difficulties with specific evidence will have been discussed with MSD Legal Services. This will all be done prior to the witness signing their formal written statement.

MSD witnesses will have been advised when and how documents are produced to the Court as exhibits. While exhibits have been discussed in a

previous module, the correct way to introduce these to the Court is as follows:

"This is (... document ...) referred to in my evidence and which I now produce to the Court as Exhibit (... numbered in sequence ...)."

The document is then given to the Court Registrar, who will stamp it and hold it as part of the court file.

You will have prepared a file containing copies of all the exhibits in the case, that you and the other witnesses can refer to during the course of giving further evidence and for cross-examination.

Cross-examination

This can be a challenging part of Court process. Some witnesses may be concerned that they will find this part of the process difficult to deal with. Make sure that you discuss the likely cross-examination with the prosecutor, and, if you think it helpful, either ask the prosecutor to practice with the witness or practice with the witness yourself if you are comfortable doing so.

Questioning

These four points should assist your witnesses and you to feel more at ease and to give evidence effectively:

- a) You are there to answer questions – nothing more.
- b) Only answer a question that you understand (even a question from the judge).
- c) Just answer the question.
- d) Do not argue – that is what the lawyers are for.

If you do not know the answer, tell the court that you don't know. Always tell the truth when giving evidence. If you are asked by any counsel for a "yes" or "no" answer only, or if counsel cuts you off before you have finished your answer, which causes a lack of accuracy or completeness of

the answer, ask the judge if you can complete your answer. Usually, this will be allowed.

If you are asked "is it possible ...?", then put the answer into context. It is better to say, "it may be possible, but it is highly unlikely" rather than just saying "no", unless it is actually impossible.

If the questioner is aggressive, misinterprets or misquotes you, be assertive in your correction, but do not react to the aggression.

The key to any court action is preparation. The relationship between you and the prosecutor is vital and preparation is essential. If you have any concerns, please discuss this with MSD Legal Services, or the Crown Solicitor.

Preparing Your Witness

Prior to the case hearing you will have met with your witnesses and explained the brief of evidence and gone over any documents that are being presented. You should impart the techniques discussed in this module and have done your best to assist them to feel at ease.

As mentioned earlier, on the day of the hearing, your witnesses will be seated outside the court room until they are called to give evidence. It is the responsibility of the person looking after the witnesses, whether that's you or another staff member, to answer any questions and reassure them of the process. Remember that many witnesses that you call would not be familiar with giving evidence and it can be daunting for them.

Now you have completed this module, an assessment of your knowledge is required.

For course sign off please complete the following questions,

1. Explain what role you would play in Court, for one of your cases.
2. Who else plays a role?
3. Is there anyone else that could help?

4. How would you manage the Court process with an anxious witness who had never attended a court hearing before?

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



Court structure

Learning objectives:

By the end of this unit you will be:

- aware of the different courts in New Zealand
- familiar with the structure of the court

Relevance of learning to your role:

- you will at different times be involved in the court process
- it is always good to have some knowledge of the court structure

Behavioural competencies for success:

- Professionalism
- Integrity
- Interpersonal skills
- Attention to detail
- Accountability and responsibility
- Timeliness – completing cases in a timely manner

Introduction

New Zealand's general courts are structured like a pyramid. At the top is the Supreme Court. Below it, in descending order, are the Court of Appeal, the High Court and the District Court. These are 'courts of general jurisdiction'. They are the main courts in our justice system.

The jurisdiction of the Supreme Court, the Court of Appeal and the District Court is defined by statute. The High Court has both statutory jurisdiction and inherent common law jurisdiction.

Outside the pyramid for courts of general jurisdiction are specialist courts and tribunals. These include the Employment Court, the Environment Court, the Māori Land Court and the Social Security Appeal Authority.

District Court

The District Court is the first in the chain of courts in which hearings and appeals can be held. It is usual for prosecutions by MSD to be heard in the District Court. It is the first tier of the court structure.

There are two ways in which MSD prosecutions can be heard. The first is a trial by judge alone where a judge will hear all the evidence and then make a decision on that evidence. The second is by jury trial. In these cases the judge will assist 12 jurors to deliberate over the case.

The majority of MSD's prosecutions are resolved by the defendant entering guilty pleas. These prosecutions are managed by Legal Services and often the investigator does not need to be involved.

However, when a defendant enters pleas of not guilty the investigator will need to work with Legal Services to prepare the file and complete the tasks required to manage a trial. A trial can be time consuming and require immediate attention at different times. It is critical that you are well organised and prioritise this work.

Depending on the charges, the defendant can have the right to elect a judge alone or a jury trial. MSD's Legal Services team will usually represent MSD on cases tried by judge alone. Matters to be tried by a jury are referred to the Crown Solicitor's office. In both cases the investigator will be required to prepare for a trial which includes completing statements, preparing and summoning witnesses, attending to disclosure, preparing bundles of documents, and most likely giving evidence.

At a jury trial, 12 jurors will be appointed and will decide, based on all the evidence presented to them, whether the prosecution has proved their case beyond a reasonable doubt (the criminal standard of proof). A unanimous decision is the best outcome but a majority decision (of say 11-1) may also be acceptable. Where a decision cannot be reached, or a majority verdict is not acceptable, the case will have to be heard again before another jury. A jury may also continue with 11 jurors if one juror has been excused (usually due to illness).

The judge's role in a jury trial is to ensure that the trial runs in accordance with the governing law and that all jurors understand any legal concepts involved, for example, what constitutes an element of an offence. The judge offers guidance to the jury on all legal matters that arise.

There is the power to apply to have the case heard in the High Court whether the defendant has elected to have the matter heard before a judge alone or before a jury. This power is rarely used as the circumstances of the case would have to be unusual before the High Court would entertain such an application but you should be aware that this power exists. The types of cases that could go directly to a High Court jury trial include murder and manslaughter.

High Court

The High Court is the second tier in the court structure. In the main, the only way that MSD's prosecution cases make it to the High Court is when the decision of the District Court judge is disputed (either as to the conviction or sentence). In these cases, an appeal can be lodged with the High Court. Either the prosecutor or defence counsel can do this. If MSD wishes to pursue an appeal, we need to obtain the consent of the Solicitor-General and instruct the Crown Solicitor's office.

Court of Appeal

The Court of Appeal has no power to hear cases in the first instance as the District Court and High Court can. As the name suggests the Court of Appeal can only hear appeals from the District and High Court decisions.

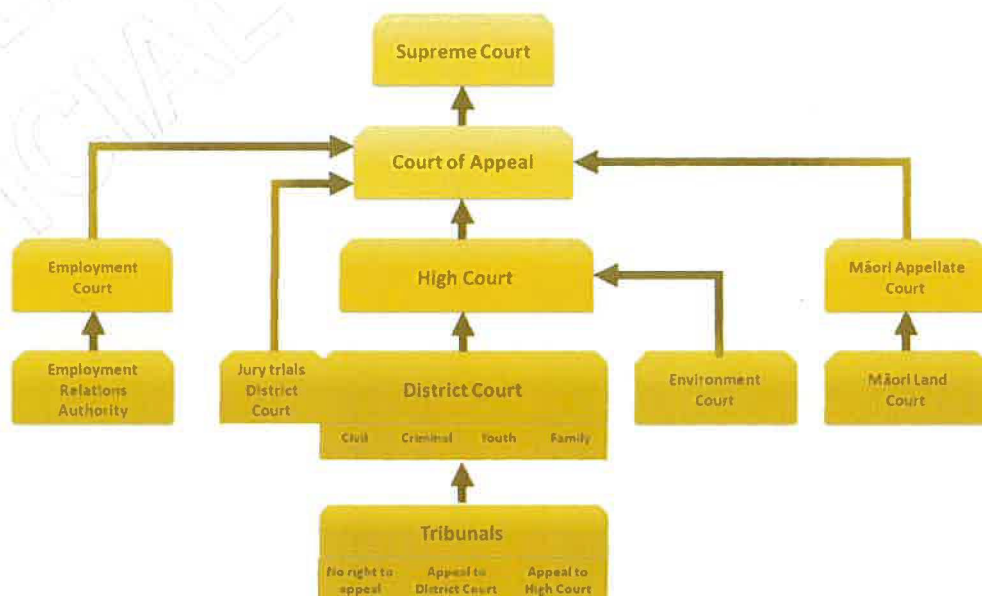
Supreme Court

The Supreme Court Act 2003 established the Supreme Court of New Zealand. The Act establishes within New Zealand a new court of final appeal comprising New Zealand judges –

- to recognise that New Zealand is an independent nation with its own history and traditions; and
- to enable important legal matters, including legal matters relating to the Treaty of Waitangi, to be resolved with an understanding of New Zealand conditions, history and traditions; and
- to improve access to justice.

Since 1 July 2004, the Supreme Court of New Zealand replaced the Judicial Committee of the Privy Council, which is located in London.

See your Reviews and Appeals module for more information on the topic on civil appeals which follows the same court structure. Also see the Case Law module with regard to decisions of the higher courts being binding on the lower courts, for example, a decision of the Court of Appeal is binding on the High Court and District Court; and a High Court decision is binding on the District Court. District Court decisions are not binding on higher Courts or future District Court decisions.



Hearing Structure

When a case is brought to court there is a set pattern by which these cases proceed whether they are heard by a judge alone or by a judge and jury.

The prosecutor always goes first in presenting the facts relied on by the Ministry in support of their case. In a jury trial the prosecutor “opens” first in that he/she gets the first opportunity to address the jury. This would not always happen in cases that are being presided over by Judge alone, although the prosecutor has an opportunity to make an opening address to the Court. In this address the background facts, elements of the offence that need to be proved, and a brief rundown of the evidence will be given. The prosecutor then calls witnesses who give evidence in support of the case.

Once each prosecution witness is called and has given their evidence in chief defence counsel is entitled to cross examine each prosecution witness. Following cross examination the judge may ask questions of a witness.

Once the prosecutor has presented all the evidence, the defence counsel then gets an opportunity to address the judge or jury with his/her client’s case and may call witnesses to give evidence in support of their case.

Just as a defence counsel can cross examine the Ministry’s witnesses so too can the prosecutor. Again the judge can also ask questions of a witness.

A defendant does not have to give evidence in cases.

When all the evidence has been heard, both the prosecutor and defence counsel have an opportunity to sum up their cases. This is called their closing address.

If the case is heard by a judge alone, then he/she will make a decision at that time or if the issues are complex, the judge may reserve his/her decision to further consider all the evidence. If the case is heard before a judge and jury, the judge will direct the jury on the aspect of law involved and the jury will then retire to consider their decision.

Now you have completed this module, an assessment of your knowledge is required.

For course sign off please complete the following questions,

1. What would be the normal path through the Courts for an MSD prosecution?
2. What other Courts could you be involved in for an investigation?



Disclosure

Learning objectives:

By the end of this unit you will be able to:

- Understand the reason for disclosure and the process.
- Know what this means as an investigator

Relevance of learning to your role:

- When managing the prosecution process you will need to complete criminal disclosure for your cases

Behavioural competencies for success:

- Critical thinking
- Analytical and attention to detail
- Integrity
- Accountable and responsible
- Professional

The Criminal Disclosure Act 2008

The defendant's right to a fair trial is the essential rationale for disclosure by the prosecution. The defendant's right to fair disclosure is an inseparable part of his or her right to a fair trial.

Disclosure is a process by which all relevant information gathered by the prosecution against the defendant in criminal proceedings is provided to the defendant, to enable the defendant to view the case against them and prepare their defence.

As an Investigator, you will be involved in prosecuting a person for benefit fraud or housing fraud (also student allowance, and/or student loan fraud). A solicitor from MSD or Crown Law will provide legal representation in court.

The person being prosecuted, usually a client and/or their partner will be the defendant(s). One of your roles will be to prepare and share the relevant MSD information and documents and organise the witnesses so that prosecution runs smoothly. You may also be called upon to review information disclosed by the defendant.

Disclosure is a legal requirement under the Criminal Disclosure Act 2008.

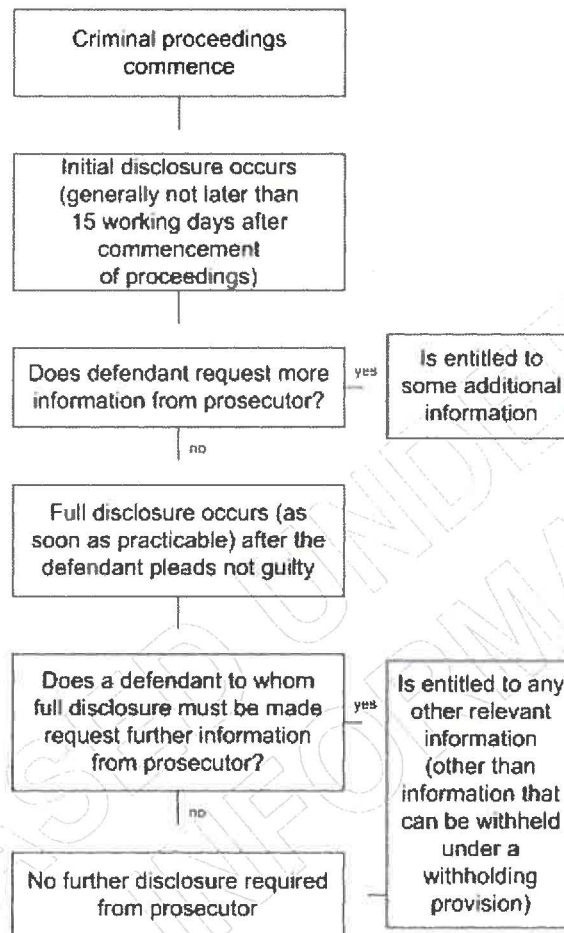
The Criminal Disclosure Act 2008

The purpose of the Criminal Disclosure Act 2008 is to promote a fair, effective and efficient disclosure of relevant information between the prosecution and the defence, and by non-parties, for the purposes of criminal proceedings.

The Criminal Disclosure Act 2008 does not limit or affect other enactments relating to availability of information. The following diagram provides a general overview.

General Overview of Disclosure

Disclosure by prosecutor to defendant



Initial disclosure

Soon after prosecution begins (often as the summons is being served, at the defendant's first appearance in court, or when charges are filed), but no longer than 21 days after service of the summons upon the defendant, you must complete initial mandatory disclosure and disclose the following information to the defendant:

- A copy of the charging documents
- A Summary of Facts (which includes the maximum penalty, and the minimum penalty (if one is provided for))
- A summary of the defendant's right to apply for further information before entering a plea

- A list of the defendant's previous convictions that are known to the prosecutor

This initial mandatory disclosure is provided to the defendant (or their lawyer) pursuant to [Section 12](#)(1) Criminal Disclosure Act 2008.

After criminal proceedings start, the defendant can request in writing, information which must be disclosed to them as soon as practicable under [Section 12](#) (2) of the Criminal Disclosure Act 2008.

Full disclosure

Full disclosure involves the prosecution providing copies of all 'relevant' information to the defence. If the defendant pleads not guilty, full disclosure is required.

Full disclosure is provided for under [Section 13](#) of the Criminal Disclosure Act 2008.

Relevant means information or an exhibit that tends to support or rebut, or has material bearing on, the case against the defendant.

If information referred to in Section 13 comes into the possession or control of the prosecutor after full disclosure has been completed and before the trial or hearing has been completed, the prosecutor must disclose the information to the defendant as soon as reasonably practicable. You are not required to record information or obtain information for the sole purpose of disclosure.

Information that may be withheld

Some information may be withheld from the defendant under [Section 14](#)(2) if:

- (a) the information is not relevant; or
- (b) the information may be withheld under [Section 15](#), [16](#), [17](#), or [18](#);
or
- (c) the request appears to be frivolous or vexatious.

If you decide to withhold information you should have a discussion with legal services to confirm your thinking. If you agree to withhold information then you must (as soon as reasonably practicable) inform the

defendant of that decision, the reason for the decision, and the grounds for withholding the information. The grounds may be withheld if giving the grounds would itself prejudice the interests protected in sections 15, 16, 17 or 18.

Disclosure by defendant to prosecutor

Disclosure by defendant to a prosecutor can occur when the defendant has an alibi and/or any other expert evidence (see [Section 22](#) and [Section 23](#)). This does not happen very often, but it may happen.

Inspection of exhibits by the defendant

Under [Section 19](#), the prosecutor must, on request of the defendant, allow the defendant to inspect any exhibit that appears on the exhibit list. If the exhibit can be easily copied or duplicated, then the prosecutor must disclose a copy of it to the defendant.

The inspection by the defendant may be subject to conditions the prosecutor deems necessary to ensure the security and integrity of the exhibit in maintaining its evidential value.

Disclosure by non-parties

The defendant may apply to the Court for an order requiring a non-party to make disclosure. The parties to a prosecution are MSD and the defendant. A non-party is any other person or body e.g. Oranga Tamariki. An application may be made at any time after the defendant has pleaded not guilty.

The defendant may apply to the Court for an order granting a hearing to determine whether information that is held by a non-party, be disclosed to the defendant.

The defendant must give a copy of the application for an order to the prosecutor, and the prosecutor must be allowed reasonable time to make written submissions to the Court concerning the application. The Court may seek and consider written submissions from the non-party. For more information click on the following link: [Section 24](#) of the Criminal Disclosure Act 2008.

Undisclosed information

Under [Section 34](#), if, during a hearing or trial of a defendant, the court finds that evidence should have been disclosed to the other party but was not, the Court may:

- exclude the evidence; or
- adjourn the hearing or trial; or
- admit the evidence if it is in the interests of justice to do so

Now you have completed this module, an assessment of your knowledge is required.

For course sign off please complete the following questions,

1. Explain what information will be released for initial criminal disclosure.
2. Explain what information will be released for full criminal disclosure.
3. Name 3 reasons why information would not be disclosed.