Disclosure Checklist:

Seeking disclosure (preliminary information about the case and the client) from the police

The following is a checklist of information which you should seek to secure from the investigating officer:

**Allegation against the client/the “case narrative”**:

* Where, when and how the alleged offence was committed?
* How was the offence discovered? (Suspect called red-handed, victim complaint, intelligence, etc.)
* What is the alleged involvement of the client and other co-suspects (if any)? [*Note: This information may also be necessary to assess the potential conflict of interest if asked to represent several co-suspects.]*
* Any description of the alleged offender given?

**Information about the client**:

* whether first time in detention/criminal record
* whether on probation/pending criminal proceedings
* vulnerabilities
* medical needs and health risks/whether seen by a doctor
* other special needs
* whether relatives/other persons informed about arrest
* whether a special detention regime applies (e.g. isolated detention)
* whether has been searched, photographed, fingerprints or DNA taken, property seized
* whether has made any statements upon arrest (if not yet interviewed)
* time and place of the arrest

**Information about the evidence**:

* Description of the crime scene
* Accounts from victim and witnesses
* Covert/intelligence information
* House-to-house enquiries
* CCTV evidence, recordings or images
* Identification by witnesses
* Material evidence/objects
* Forensic evidence/”contact trace material”: DNA, blood, semen, saliva, impressions, fingerprints
* Specialist/expert opinions
* Statements made/taken from/by your client
* Statements of co-suspects, if any

**Information about the investigation**:

* Crime scene examined? When? By whom? Any objects seized? Any “contact trace material” found?
* Victim statement taken? When? By whom?
* Witness statements taken? When? By whom? How many?
* Surveillance conducted? What type of surveillance?
* House-to-house enquiries undertaken? When? By whom? Any results?
* Identification parade(s) conducted? In what form? When? By whom?
* Searches conducted? Where? When? By whom? Any objects seized?
* Specialist/expert opinions requested? About what? When? By whom?
* Your client was interviewed? When? How many times? By whom?
* Co-suspects were interviewed? When? How many times? By whom?
* Which investigative actions are still being planned? When?

Please also note, the [Code of Practice on Access to a Solicitor by Persons in Garda Custody](file:///C%3A%5CUsers%5Clenovo%5CDesktop%5CResources%5CCode%20of%20Practice%20on%20Access%20to%20a%20Solicitor%20by%20Persons%20in%20Garda%20Custody.pdf), provided by the Law Society of Ireland, and the [Code of Practice on Access to a Solicitor by Persons in Garda Custody](file:///C%3A%5CUsers%5Clenovo%5CDocuments%5CCode%20of%20Practice%20on%20Access%20to%20a%20Solicitor%20by%20Persons%20in%20Garda%20Custody%281%29.pdf), provided by An Garda Siochana, provide practical advice on this topic and will be discussed in detail in Module 3 on the Irish stance on access to legal advice for suspects in garda custody.



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