

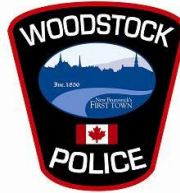


Woodstock Police Force

Standing Order

Date: June 9 th , 2023	Standing Order: 2023-008
Subject: Electronic Disclosure Protocol Policy	
Link to Supporting Documentation:	
Good day. The following Electronic Disclosure Protocol (EDP) Policy will come into effect immediately. 1. This EDP will provide a framework for the provision of electronic disclosure of investigations of an LEA to PPS for the purpose of pre-charge screening, disclosure and preparation for prosecution. The terms of this EDP are intended to apply to General Duty Policing Investigations and not to files classified under the Major Case Management model. 2. This EDP is meant to supplement the Attorney General's Policy and the Director of Public Prosecutions' guidelines on disclosure, not replace them. If any conflict exists between the Public Prosecutions Operations Manual, and the EDP, the Operations Manual governs. Non-compliance with this protocol by LEAs, Crown prosecutors or support staff shall not render the proceeding a nullity. In particular, failure to comply with this protocol shall not be interpreted by the Courts as a failure to provide disclosure to an accused pursuant to the Crown's constitutional disclosure obligations. A PDF version has been saved to WPF "TrueNAS U" drive /wpfshare /WPF POLICIES. With thanks,	
Approval – G. Forward, Chief of Police	Date: 9 June 2023
Signature: <i>G. Forward</i>	

Woodstock Police Force
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Subject: Electronic Disclosure Protocol

Policy Number: 2023-006

Effective Date: June 9th, 2023

Next Review Date: June 9th, 2026

Area(s) This Policy Applies to:

Office Responsible for Review of this Policy:

All Staff

Chief of Police or Designated Agent

Related Instruments:

Policy Sponsors:

Chief of Police

Document Pages (including Title Page):

This document consists of 61 pages

Revision History:

Woodstock Police Force

Date of Passage of Current Framework:

June 9th, 2023

**I certify that this Policy was adopted by Woodstock Police
Force as indicated above.**

Date Created:

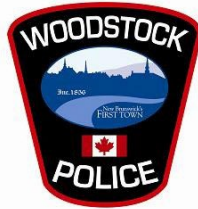
June 8th, 2023

**Woodstock Police Force
Approval Date:**

June 9th, 2023

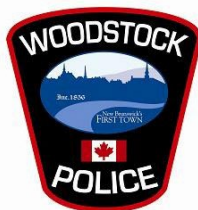
Contact:

Gary Forward, Chief of Police



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1. PREAMBLE:

It is well established in the Canadian judicial system that the fruits of an investigation which are in the possession of the Crown are not the property of the Crown for use in securing a conviction, but the property of the public to be used to ensure that justice is done. To that end, Crown counsel are under a duty to disclose all information that may be of assistance to the defence, subject to relevance and privilege. Accordingly, the Crown has a duty to obtain from the police, and the police have a corresponding duty to provide for the Crown, all relevant information and material concerning the case.

The Participants had previously entered into a Disclosure Protocol dated April 2007 (Hereinafter referred to as the "*2007 Disclosure Protocol*") and is attached as Appendix A) in order to standardize disclosure practices in their respective regions. This new Electronic Disclosure Protocol (hereinafter referred to as EDP) upon coming in to force will replace the 2007 Disclosure Protocol.

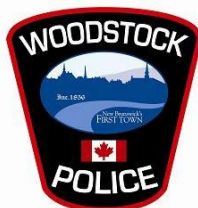
This EDP will formalize the process of the provision of electronic disclosure and serve as a guide for law enforcement agencies, Crown prosecutors and support staff in determining the nature, extent and manner of disclosure.

2. PURPOSE AND SCOPE:

1. This EDP will provide a framework for the provision of electronic disclosure of investigations of an LEA to PPS for the purpose of pre-charge screening, disclosure and preparation for prosecution. The terms of this EDP are intended to apply to General Duty Policing Investigations and not to files classified under the Major Case Management model.
2. This EDP is meant to supplement the Attorney General's Policy and the Director of Public Prosecutions' guidelines on disclosure, not replace them. If any conflict exists between the Public Prosecutions Operations Manual, and the EDP, the Operations Manual governs. Non-compliance with this protocol by LEAs, Crown prosecutors or support staff shall not render the proceeding a nullity. In particular, failure to comply with this protocol shall not be interpreted by the Courts as a failure to provide disclosure to an accused pursuant to the Crown's constitutional disclosure obligations.

3. ROLES AND RESPONSIBILITIES:

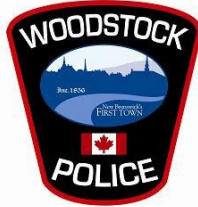
3. An LEA is responsible for conducting criminal investigations, gathering and preserving evidence and information, and sharing that information with the Crown. The LEAs must disclose all information or material in its possession or control that is not clearly irrelevant to the prosecution of a case.
4. The PPS Crown is responsible for deciding what information should be disclosed to the Defence. The PPS Crown has a duty to disclose all relevant information and material in its possession or



control to an accused, whether inculpatory or exculpatory, and whether or not the Crown intends to introduce it as evidence with the exception of information that is clearly irrelevant, beyond the control of the prosecution or subject to privilege, statutory prohibitions and judicial orders prohibiting disclosure.

4. DEFINITIONS:

5. For the purposes of this EDP the following terms have the following meanings:
- 5.1 **Bookmark or Bookmarked**: a link in an Adobe PDF that makes it easier to navigate the electronic disclosure package. Bookmarks will employ the naming conventions defined in this EDP and appear in the left navigation pane of the PDF document;
 - 5.2 **Charge Approval Sheet (CAS)**: An electronic fillable form to be completed by the LEA for the purposes of facilitating the pre-charge screening process;
 - 5.3 **Crown Package**: A part of the Disclosure File that contains a subset of materials copied from the Investigative file and which is meant to be printed so that the Crown Prosecutor has ready access to relevant material for the purpose of court proceedings;
 - 5.4 **Crown Prosecutor, Crown and The Crown**: The PPS office receiving the electronic disclosure unless otherwise expressly stated;
 - 5.5 **Disclosure File**: The entire contents of all material in the LEA file, inclusive of all electronic media relevant to an allegation of an offence by an accused including a vetted copy for disclosure to Defence;
 - 5.6 **Investigative File**: The entire contents of all material in the LEA file relevant to an allegation of an offence by an accused except for video, audio, and photographs in native format;
 - 5.7 **Law Enforcement Agencies (LEA), Police**: The New Brunswick municipal police forces, namely Bathurst Police Force, BNPP Regional Police Force, Edmundston Police Force, Fredericton Police Force, Grand Falls Police Force, Miramichi Police Force, Kennebecasis Regional Police Force, Saint John Police Force and Woodstock Police Force;
 - 5.8 **Native Format**: The original, uncompressed or unconverted format of an electronic file, data, audio or video;
 - 5.9 **PPS**: The Public Prosecutions Service of the Office of the Attorney General of New Brunswick unless otherwise expressly stated;
 - 5.10 **Vetting, Redact or Redaction**: Means to remove information from electronic disclosure;
 - 5.11 **Windows Folder**: A virtual file folder used in the Windows operating system. Where the term subfolder is used it refers to a Windows folder.



5. LEGAL AUTHORITY:

6. This EDP is entered into on behalf of each of the LEAs by the respective Chiefs of Police under the authority of section 3.1(3) of the Police Act, S.N.B. 1977, c. P-9.2.
7. This EDP is also entered into on behalf of the Public Prosecution Services Branch of the Office of the Attorney General of New Brunswick under the authority of the Director of Public Prosecutions.

6. TERM AND TERMINATION:

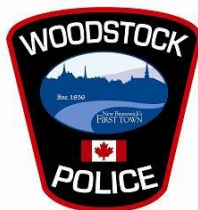
8. After the mutually agreed upon coming into force date, this EDP shall continue in force indefinitely until it is replaced with a new agreed upon disclosure protocol or has been terminated in accordance with this Section.
9. Prior to seeking suspension and/or termination of this EDP, the Participants agree to attempt to resolve any conflict pursuant to Section H of this EDP – Conflict Resolution.
10. As a last resort, should conflict resolution prove unsuccessful, this EDP may be suspended or terminated by any of the Participants twelve (12) months from the date of notice in writing to the other. Suspension or termination does not release a Participant from any obligations which accrued while the EDP was in force.
11. Upon suspension or termination of the EDP, the Participants agree that the 2007 Disclosure Protocol will govern disclosure issues until a mutually agreed upon replacement has been enacted.

7. AMENDMENTS TO THE EDP:

12. This EDP may only be amended as necessary by mutual agreement of the Participants in accordance with this Section.
13. Any Participant who seeks an amendment shall, in writing, advise all Participants of the proposed amendment and the reasons they are seeking said amendment.
14. Within fourteen (14) days of receipt of the proposed amendment the other Participants shall, in writing, advise of any concerns they may have with the proposed amendment.
15. Within thirty (30) days of receipt of the proposed amendment the Participants shall meet to discuss the proposed amendment and, if in agreement, amend the EDP.

8. CONFLICT RESOLUTION:

16. From time to time, it is anticipated that conflicts or difficulties may arise in the implementation and interpretation of this disclosure protocol. The Participants agree that a cooperative relationship will be maintained throughout the disclosure process to identify and resolve problems related to the preparation of court cases.
17. The terms of this EDP are intended to form the basis for the efficient delivery of electronic disclosure from LEAs to PPS. If, due to the unusual nature of the evidence to be submitted,



compliance with this EDP is not possible, the respective LEA will enter into discussions with PPS to arrive at a mutually acceptable solution;

18. Any conflict that cannot be resolved at the local level shall be directed to the E-Disclosure Working Group (the EDWG) for consideration and discussion. The EDWG shall provide a recommendation to resolve the conflict however such recommendation is not binding on the Participants.
19. Should the conflict be of a nature that a Participant is considering suspension or termination of the EDP, prior to suspension or termination the Participants agree to attempt to mediate the conflict through a mutually agreed upon independent mediator.

9. LIABILITY:

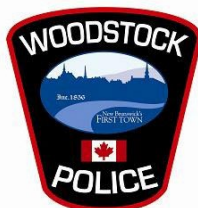
20. Each Participant will be responsible for any damages caused by the conduct of its employees or agents in carrying out the terms of this EDP.

10. E-DISCLOSURE WORKING GROUP (EDWG):

21. An E-Disclosure Working Group shall be established to discuss emergent issues created by the operation of this EDP and to deal with matters of mutual interest and concern in an attempt to facilitate harmonious relations regarding disclosure issues between PPS and the LEAs. The EDWG shall regularly analyze the e-disclosure regime with a view of continuing to identify efficiencies.
22. The EDWG shall not have the power to alter, amend, add to or modify the terms of this EDP. Proposed amendments to the EDP shall be dealt with pursuant to Section G – Amendments to the EDP.
23. The EDWG shall meet two (2) times per year however may hold an emergency meeting should an issue arise that cannot wait for the quarterly meeting.
24. The EDWG shall be composed of the following members:
 - 24.1 Co-Chair – Executive Director – PPS;
 - 24.2 Co-Chair – President of the NBACP;
 - 24.3 Member – Manager of Operations – PPS;
 - 24.4 Member – Vice-President of the NBACP or other named delegate for NBACP.

11. FINANCIAL CONSIDERATIONS:

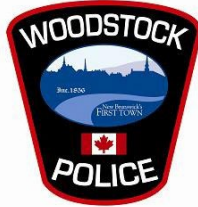
25. It is recognized that providing disclosure to an accused or their counsel is a shared responsibility between the Crown and the police. This, no one party should bear the full onus relating to the cost of providing disclosure.
26. Given the shared responsibility of providing disclosure, the PPS and the LEAs will implement a cost-sharing formula as follows:
 - 26.1 The LEAs will assume all financial responsibility for the preparation and electronic delivery of the Disclosure File to PPS.



- 26.2 Upon receipt of the Disclosure File, PPS will assume all financial responsibility for the processing and dissemination of same to an accused or their counsel as well as any additional copies, if necessary.
- 26.3 The cost associated with the preparation of transcripts of interviews when requested by PPS, including any costs associated proof-reading, shall be equally shared (50/50) between the LEA and PPS regardless of the work is performed internally by the LEA or contracted service.

12. NAMING CONVENTION:

- 27. The Participants agree that there will be a consistent naming convention for each electronic disclosure file. File naming will follow the conventions articulated in this section:
 - 27.1 File names should not contain commas. The underscore character should be used to divide information in a file name.
 - 27.2 **The Disclosure File/Windows Folder** – “LEA initials_last name of the accused_first name of the accused_file number_eJust Number_Disclosure Number”.
 - 27.2.1 A sample filename from the Woodstock Police Force would be *wpf_DOE_Jane_2018-012011_BK112_1*;
 - 27.2.2 For an In-custody accused the Disclosure File/Windows Folder will have the initials IC after the LEA initials, eg: *wpf_IC_DOE_Jane_2018-012011_BK112_1*;
 - 27.3 **The Investigative File** – “LEA initials_last name of the accused_first name of the accused_file number-eJust Number_Disclosure Number”.
 - 27.3.1 A sample filename from the Woodstock Police Force would be *wpf_DOE_Jane_2018-012011_BK112_1*;
 - 27.3.2 Note, the “Disclosure Number” will start at 1 for the initial disclosure material and will increase for any further disclosure;
 - 27.4 **Further Disclosure** – “LEA initials_last name of the accused_first name of the accused_file number_eJust Number_Disclosure Number”.
 - 27.4.1 A sample filename from the Woodstock Police Force would be *wpf_DOE_Jane_2018-012011_BK112_2*;
 - 27.4.2 A sample subsequent further disclosure from the Woodstock Police Force would be *wpf_DOE_Jane_2018-012011_BK112_3*;
 - 27.5 **Charge Approval Sheet** – “LEA initials_CAS_last name of the accused_first name of the accused_file number_eJust Number”.
 - 27.5.1 A sample Charge Approval Sheet from the Woodstock Police Force would be *wpf_CAS_DOE_Jane_2018-012011_BK112*;
 - 27.6 **The Crown Package** – The words Crown Package;
 - 27.7 **Defence Disclosure** – Defence disclosure will be contained in a subfolder labelled “Disclosure”. The naming convention will follow the same as that of the Investigative file

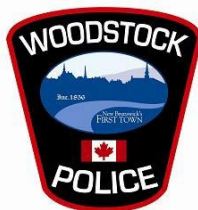


above however will contain the work “_Redacted” at the end to confirm that the material has been vetted by the LEA.

- 27.7.1 A sample defence disclosure from the Woodstock Police Force would be *wpf_DOE_Jane_2018-012011_BK112_1_Redacted*;
- 27.7.2 A sample further defence disclosure from the Woodstock Police Force would be *wpf_DOE_Jane_2018-012011_BK112_2_Redacted*;
- 27.8 **Audio, Video Files and Photographs** – Audio, video and photographs will be contained in a subfolder labeled “Multimedia” and then in the following subfolders: “Audio-Video” and “Photo”.

13. CONTENTS OF DISCLOSURE FILE:

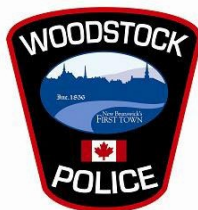
- 28. Timely provision of consistent, quality disclosure is a critical component in avoiding unnecessary delay in prosecutions. Failure to provide thorough, timely disclosure and the resulting adjournments to accommodate requests for additional disclosure often lead to lengthy adjournments, and occasionally can result in a stay of proceedings on the basis of unreasonable delay contrary to s. 11 (b) of the Charter.
- 29. In order to reduce delays associated with disclosure, a standardized, comprehensive list of the content of a typical standard court brief is set out below. This list is not exhaustive and police are required to provide all relevant information to the Crown at the first instance.
- 30. When an LEA provide PPS with a Disclosure File for the purpose of charge review and possible prosecution it shall do so in a Windows Folder (compressed if necessary) which contains:
 - 30.1 An investigative File which shall be:
 - 30.1.1 named in accordance with the Naming Convention – Section 12;
 - 30.1.2 a single, text searchable PDF file usable with Adobe Acrobat Pro and Reader versions XI or such other versions as established, from time to time, by agreement between the Participants;
 - 30.1.3 fully indexed and bookmarked and organized in accordance with the Standard File Format as attached as Appendix B; and
 - 30.1.4 Conditionally vetted as per Section 17 of this EDP.
 - 30.2 All audio and video shall be in a format playable by commonly used players (i.e. VLC Media Player, Windows Media Player). Should any proprietary software be required to play the audio or video the LEA shall include said software with the media;
 - 30.3 An electronic fillable Charge Approval Sheet in a format similar as attached hereto as Appendix C;
 - 30.4 A Crown Package which is a single, text searchable PDF file which contains:
 - 30.4.1 The Proposed Information or other charging document;
 - 30.4.2 The Prosecutor’s Information Sheet (with Crown Summary if not already included in PIS);
 - 30.4.3 The Witness List;



- 30.4.4 Any Court Orders including Orders of Probation, Prohibitions, undertakings, or documents compelling appearance if relevant to the charge(s);
 - 30.4.5 Criminal Record including CPIC;
 - 30.4.6 Notice to seek greater punishments (and proof of service of the notice) if relevant to the charges; and
 - 30.4.7 Suspension documents in the case of proposed charges pursuant to s.345 of the Motor Vehicle Act, RSNB 1973, c M-17.
- 30.5 Defence Disclosure being a copy of the Investigative File with the conditional redactions applied and a copy of any audio, video or photographs in which vetting has been applied.

14. VIDEO AND AUDIO:

31. Video and audio recordings have become standard investigative tools for LEAs. Currently, the police make an investigative decision as to which witness statements will be video and audio recorded and about the structure of the interview. Body worn cameras are becoming standard for LEAs. While video and audio statements of witnesses or accused and real-time recordings of interactions are valuable tools, they have the potential of being long and cumbersome. Unless detailed summaries or transcripts of the interviews or body worn camera recordings are provided, this practice results in the Crown having to invest “real-time” review of the recordings at the charge review stage thus lengthening the screening process. It is acknowledged that transcripts of such interviews or body worn camera recordings are expensive and may not form part of the standard court brief at the early stages. It is also acknowledged that it can be difficult to conduct cross-examination on prior inconsistent statements in the absence of a transcript.
32. Under this protocol, video and audio recordings should be used primarily for key witnesses and it is not necessary for the police to use such methods to record the evidence of a witness whose evidence is peripheral to the investigation. While an assessment of the relative importance of recording statements may not be feasible at the outset of an investigation, under this protocol it would be preferable if LEAs focused on the use of technology to record witness statements in the following circumstances:
- 32.1 statements made by an accused;
 - 32.2 statements made by a complainant in an instance of intimate partner violence;
 - 32.3 statements made by an accomplice;
 - 32.4 statements given by vulnerable or unsavoury witnesses; and
 - 32.5 statements made by any witness whose evidence needs to be preserved in the event they are unavailable for trial.
33. In any circumstance in which video or audio is being provided, either a witness statement or otherwise, a detailed summary of the recording shall be included with the file. A detailed summary shall include, but is not limited to, the following components:
- 33.1 A summary of the information provided, or the circumstances depicted, in the recording;
 - 33.2 Ant inculpatory statements or evidence; and



33.3 Any exculpatory statements or evidence.

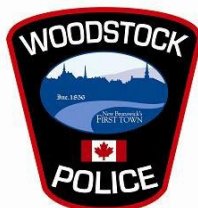
34. A transcript of a statement is not required for pre-charge screening unless specifically requested by PPS. Subsequently, a transcript of a statement may be requested by PPS for the purpose of any preliminary inquiry, trial or other proceeding. Upon receipt of a request for a transcript, the LEA shall act to have a transcript prepared either internally by the LEA or through contracted service. The costs associated with preparation of said transcript shall be governed by Section K of this *EDP – Financial Considerations*.

15. FORMAT OF E-DISCLOSURE:

35. When LEA documents are converted to PDF format, to the extent it is possible the PDF should be created directly from the native file format and all original formatting of the documents should be preserved. When converting non-electronic police file documents into PDF format (i.e. through scanning), the conversion process should maintain as low file size as possible without losing quality of the documents while adding text searching capabilities, whenever possible.
36. Where an LEA submits digital photographs, audio or video:
- 36.1 They shall preserve the photographs, audio and video in the native format to ensure that the best evidence will remain available if it is required;
 - 36.2 For purposes of disclosure, the LEA may submit photographs in a TIFF or JPEG format which has been compressed from the native format, provided that in all circumstances the submitted photographs are uncropped, and of sufficient technical quality to allow for the printing of clear and detailed copies up to 8 by 12 inches.
 - 36.3 Where photographs, audio or video are processed using software in order to prepare them for disclosure, the LEA will ensure that processing does not introduce substantial colour, tonal or other inaccuracies. On request, the police shall provide photographs, audio or video on a separate disc.
 - 36.4 For the purposes of trial or other court proceedings, on request of PPS, the LEA will provide the necessary number of hard copies (photopaper) of any or all requested photographs for the purpose of the introduction of evidence.
37. The LEA will not apply any document security or document restriction settings to any electronic disclosure file or portable media, unless agreed to by the Crown prior to receiving the material.

16. FURTHER DISCLOSURE:

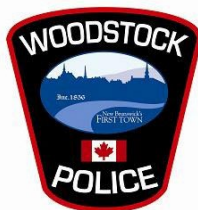
38. The LEA will make their best efforts to limit the number of submissions of further materials on any particular file while at the same time being mindful of the urgency of PPS requests for such further materials. To assist in achieving this goal, the LEA shall make best efforts to ensure that the investigation, and in turn the disclosure file, is complete prior to transferring to PPS. This will assist in reducing the number of further disclosure files being sent through the system.



39. Should the LEA be aware that there are a number of further disclosure items to be obtained and disclosed (e.g. a number of follow-up items requested upon Crown review), they shall wait, where possible, until all items are collected prior to transferring to PPS. The exception being those items in which time is of the essence for disclosure. This shall be in the discretion of the LEA.
40. If the LEA submits further material to PPS after initial disclosure, the LEA will create a separate PDF file named in accordance with the Naming Convention above and which shall be:
 - 40.1 a single, text searchable PDF file usable with Adobe Acrobat Pro and Reader versions XI or such other version as established, from time to time, by agreement between the participants;
 - 40.2 fully indexed and bookmarked and organized in accordance with the Standard File Format as attached as Appendix B; and
 - 40.3 created directly from the native file format with all formatting of the documents preserved.
41. The LEA shall also provide a redacted copy of the further disclosure for Defence disclosure following the Naming Conventions above.

17. VETTING OF DISCLOSURE FILE:

42. The LEA will apply a conditional redaction (by marking items for redaction without applying the redactions) to all electronic disclosure, excluding all audio and video files, in accordance with the General Police Vetting Guide for Crown Disclosure (hereinafter the Vetting Guide) attached as Appendix D. The LEA will also provide a copy of the material with the redactions applied for Defence disclosure. The LEA must retain an unredacted copy of the disclosure, to be provided upon request.
43. The LEA will be responsible to edit and redact all audio and video files provided to the Crown. The LEA will apply a redaction to electronic disclosure of audio and video files in accordance with relevant LEA policies in concert with the Vetting Guide. The LEA must retain an unredacted copy of the material, to be provided upon request.
44. In accordance with the Vetting Guide the LEA will use the following codes to indicate the reason for each redaction. These vetting codes will appear in the location where any material is conditionally or finally redacted:
 - 44.1 V1 Personal Witness Information
 - 44.2 V2 Privileged Information
 - 44.3 V3 Delayed Disclosure
 - 44.4 V4 Irrelevant Information
 - 44.5 V5 Other Information
 - 44.6 V6 Section 38 Canada Evidence Act
 - 44.7 V7 Section 39 Canada Evidence Act



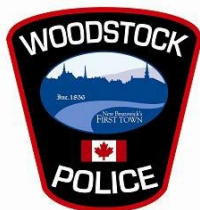
45. Upon review of the Disclosure File should PPS locate any minor issues with the proposed redactions (i.e. missed phone number, address of a witness), PPS shall consult with the LEA to determine what, if any, additional redactions are required.
46. After PPS completes a final redaction of the disclosure, upon request PPS will provide to the LEA a redacted copy of the disclosure to ensure the extent of the PPS editing is known to the LEA.

18. TIMING OF DISCLOSURE:

47. In New Brunswick, PPS conducts a pre-charge screening review prior to the police laying an information. In order to properly decide whether to agree with the proposed charge, it is necessary for the Crown to be in possession of the Disclosure File in a timely manner prior to the proposed date for the laying of the information. Equally, it is necessary that the Crown review the proposed charge or charges in a timely manner to ensure that unnecessary delays do not occur.
48. While it is recognized that the timing of disclosure may be delayed where the accused is in custody at the time of the charge screening, it remains cost effective to provide complete disclosure at the outset of the prosecution. Early disclosure facilitates the early resolution of non-contentious issues, which reduces court time. It also reduces the number of Charter motions that are brought as a result of a delay in disclosure.
49. This practice is subject to the need in some cases for delayed disclosure where it is necessary to protect the safety or security of individuals who may have assisted police, or in the rare circumstances where early disclosure could compromise an ongoing investigation.
50. Under this protocol, it is recognized that it is PPS's responsibility to ensure that disclosure is provided to the accused or their counsel. This responsibility remains with the Crown throughout the trial process. All requests for further materials made by PPS which may or may not be disclosed to the accused shall be directed to the respective LEA. If further material is received from the LEA for disclosure purposes, the Crown bears the onus of ensuring that the further disclosure is received by the accused or his counsel.

19. METHOD OF TRANSFER:

51. The Participants agree that at the present time flexibility in the transfer mechanism is required as we continue to expand electronic disclosure across the Province.
52. At present there are two approved methods for LEAs to submit an electronic disclosure file to PPS:
 - 52.1 **PIMITS Method** – This method allows for automated overnight transfer of Disclosure Files from the LEA to PPS with a built-in solution for in custody matters.
 - 52.2 **Evidence.com** – This method requires PPS to follow an emailed link sent by the LEA to Evidence.com where PPS can then download a copy of the Disclosure File.
53. Other than the two above noted approved transfer mechanisms, no other transfer mechanism will be accepted without prior approval of the Participants. Should a Participant wish to advance a new transfer mechanism, they shall first submit their proposal to the EDWG for their consideration



and recommendations. Should the EDWG recommend adopting a new transfer mechanism, the Participant proposing the new mechanism shall follow the procedure outlined in Section 7 – Amendments to the EDP.

54. The Participants acknowledge that as electronic disclosure expands across the Province and the volume increases, the Participants may need to collaboratively identify a suitable method of transfer to be used by all LEAs.

20. BACKUP PROTOCOL:

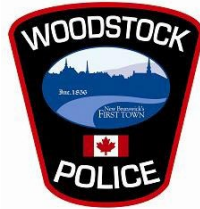
55. The Participants agree that for effective operation of criminal prosecutions any disruptions to the disclosure process should be mitigated at the earliest opportunity. Should there be a disruption in the ability to transfer material electronically the Participants agree that the LEAs may resort to the following solutions to transfer the Disclosure File until electronic transfer once again becomes available:
- 55.1 USB Key;
 - 55.2 Portable hard drive; or
 - 55.3 Printed material with media on disc.

21. AUDIT TRIAL:

56. The Participants agree that there is a mutual interest in establishing practices that ensure audit trails are kept of what material an LEA has transferred to PPS and what material PPS has disclosed to an accused.
57. As such, each LEA will be responsible for establishing a practice to track when and what material they have provided to PPS. PPS will be responsible for establishing a practice of tracking when and what material they disclose to an accused or their counsel.
58. Upon request, PPS or the respective LEA will share their respective audit trail with the other on a particular prosecution to assist in ensuring all relevant evidence has been provided to an accused.

22. CONFIDENTIALITY:

59. When the Crown provides disclosure to an accused or their counsel, there are restrictions on its use. As officers of the court, defense counsel receives the disclosure with an implied undertaking that it will be used solely for the purposes of making full answer and defence, and that it will not be inappropriately disseminated to the public.
60. Under this protocol, it is recommended that defence counsel maintain custody of disclosure materials in order that copies will not be inappropriately made or disseminated. When an accused is not writing of the restrictions on the use of disclosure, and only providing the accused with supervised access to sensitive material.



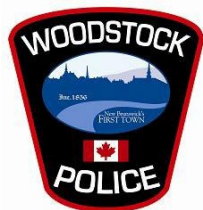
23. EVIDENCE AT TRIAL:

61. The provision of materials pursuant to this EDP is for pre-charge screening, disclosure and preparation for prosecution. The materials provided pursuant to this EDP are not evidence and it remains the responsibility of the LEA to provide all necessary materials, including documents, audio, video and photographs, for the purpose of the introduction of evidence at trial or any other court proceedings unless otherwise authorized by PPS.
62. LEAs are to ensure that their respective members have access to their own investigative material when preparing for trial and shall not rely on PPS to provide copies of said material.

24. COMING IN TO FORCE:

63. Given the Participants agree that the implementation of E-Disclosure is best suited to a staggered approach, this EDP shall come in to force for each respective LEA on a date mutually agreed to by PPS and the respective LEA. Until such time as PPS and the respective LEA agree that the Electronic Disclosure Protocol comes into force the 2007 Disclosure Protocol will continue to govern disclosure issues in that particular region.

Woodstock Police Force



Electronic Disclosure Protocol

APPENDIX A

DISCLOSURE PROTOCOL

**NEW BRUNSWICK OFFICE OF THE ATTORNEY GENERAL
NEW BRUNSWICK ASSOCIATION OF CHIEFS OF POLICE
ROYAL CANADIAN MOUNTED POLICE**

Version 2.0

April 2007

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I. INTRODUCTION

- [1] It is well established in the Canadian judicial system that the fruits of an investigation which are in the possession of the Crown are not the property of the Crown for use in securing a conviction, but the property of the public to be used to ensure that justice is done. To that end, Crown counsels are under a duty to disclose all information that may be of assistance to the defence, subject to relevance and privilege. Accordingly, the Crown has a duty to obtain from the police, and the police have a corresponding duty to provide for the Crown, all relevant information and material concerning the case.
- [2] In order to ensure that the Crown and the police meet their respective disclosure obligations, members of the Public Prosecutions Branch, the Chiefs of Police Association and the Royal Canadian Mounted Police have embarked upon an effort to standardize their disclosure practices in their respective regions. This disclosure protocol will serve as a guide for law enforcement agencies, Crown prosecutors and support staff in determining the nature, extent and manner of disclosure. It should be noted that large prosecutions present unique disclosure challenges. This protocol is intended to address small and medium-sized prosecutions, with recognition that the practices and timelines identified in such cases may not be workable in the context of the challenges presented by large prosecutions and “mega cases”.
- [3] The protocol is meant to supplement the Attorney General’s Policy and the Director of Public Prosecutions’ guideline on disclosure, not replace them. If any conflict exists between the Public Prosecutions Operations Manual, and the Disclosure Protocol, the Operations Manual governs. Non-compliance with this protocol by law enforcement agencies, Crown prosecutors or support staff shall not render the proceeding a nullity. In particular, failure to comply with this protocol shall not be interpreted by the Courts as a failure to provide disclosure to an accused pursuant to the Crown’s constitutional disclosure obligations.

II. TIMING OF DISCLOSURE

- [4] In New Brunswick, the Crown conducts a pre-charge screening review prior to the police laying an information. In order to properly decide whether to agree with the proposed charge, it is necessary for the Crown be in possession of the standard court brief in a timely manner prior to the proposed date for the laying of the information. Equally, it is necessary that the Crown review the proposed charge or charges in a timely manner to ensure that unnecessary delays do not occur.

- [5] While it is recognized that the timing of disclosure may be delayed where the accused is in custody at the time of the charge screening, it remains cost effective to provide complete disclosure at the outset of the prosecution. Early disclosure facilitates the early resolution of non-contentious issues, which reduces court time. It also reduces the number of *Charter* motions that are brought as a result of a delay in disclosure.
- [6] This practice is subject to the need in some cases for delayed disclosure where it is necessary to protect the safety or security of individuals who may have assisted police, or in the rare circumstances where early disclosure could compromise an ongoing investigation.
- [7] Under this protocol, it is recognized that it is the Crown's responsibility to ensure that disclosure is provided to the accused or their counsel. This responsibility remains with the Crown throughout the trial process. All requests for further materials made by the Crown which may or may not be disclosed to the accused shall be directed to the police. If further material is received from the police for disclosure purposes, the Crown bears the onus of ensuring that the further disclosure is received by the accused or his counsel.

III. CONTENT OF THE STANDARD COURT BRIEF

- [8] Timely provision of consistent, quality disclosure is a critical component in avoiding unnecessary delay in prosecutions. Failure to provide thorough, timely disclosure and the resulting adjournments to accommodate requests for additional disclosure often lead to lengthy adjournments, and occasionally can result in a stay of proceedings on the basis of unreasonable delay contrary to s. 11(b) of the *Charter*.
- [9] In order to reduce delays associated with disclosure, a standardized, comprehensive list of the content of a typical standard court brief is set out below. This list is not exhaustive and police are required to provide all relevant information to the Crown at the first instance.
- [10] All reports of incidents forwarded by the police to the Crown for the purpose of charge review shall be in a standard court brief. For the purpose of charge review and trial, the Crown shall receive from the police one standard court brief and a copy of the standard court brief for each accused associated with the investigation for disclosure purposes. The standard court brief shall contain the following items, in an organized manner:
 - (a) a standard charge review sheet as found in appendix "A";
 - (b) an index of the file content as found in appendix "B";

- (c) a copy of the proposed Information;
- (d) an accurate synopsis of the circumstances of the offence alleged to have been committed by the accused, as prepared by the investigating agency;
- (e) all statements obtained from persons who have provided relevant information to the police should be produced, even though the Crown may not propose to call them as witnesses. Statements of any accused or co-accused (whether made to a person of authority or not) should also be produced. Statements will include:
 - (i) copies of any written statements;
 - (ii) copies of any prior inconsistent statements or subsequent recantations of any witnesses;
 - (iii) copies of any will-say summaries of anticipated evidence, and copies of the investigator's notes or reports from which they are prepared, if such notes or reports exist;
 - (iv) copies of any video or audio recordings of any statements made by potential witnesses other than the accused (see also heading Video and Audio tapes);
 - (v) copies of any video or audio recordings of any statements made by the accused or co-accused (see also heading Video and Audio tapes); and
 - (vi) the name, address, occupation of any person who may provide relevant information, subject to Crown's discretion to delay or withhold such disclosure. Included in this list should be a description of any special needs or requirements relevant to the person's ability to testify;
- (f) information regarding the criminal history of the accused, if applicable;
- (g) a copy of any written statement made by the accused to a person in authority; in the case of verbal statements, an accurate account of the statement attributed to the accused with copies of any investigator's notes in relation thereto, and a copy of any original video or audio recorded statement of the accused to a person in authority;
- (h) a copy of any police occurrence reports and any supplementary reports;

- (i) copies of any forensic, medical, and laboratory reports which relate to the offence, including all adverse reports as soon as they become available;
- (j) copies of documents, photographs, audio or video recordings of anything other than a statement by a person;
- (k) a copy of any search warrant obtained, the Information to Obtain a Search Warrant in support, the Report to the Judge listing the items seized thereunder, and the Order of Detention, if any;
- (l) if intercepted private communications will be tendered, a copy of the judicial authorization under which the private communications were intercepted and all supporting documents;
- (m) upon request, information regarding criminal records of Crown or defence witnesses that are relevant to credibility;
- (n) all information in the possession of the police that has a bearing on the reliability of the identification;
- (o) particulars of any promise of immunity or assistance given to a witness with respect to a pending charge, bail, or sentence, or any other benefit or advantage given;
- (p) any material supporting a finding of mental disorder in regards to a witness that may be relevant to the reliability of his or her evidence;
- (q) copies of the notes or reports of all law enforcement officers involved in the investigation of the matter; and
- (r) a list of any existing information in the possession which is believed to be exempt from disclosure, and the reasons for their exclusion.

IV. VIDEO AND AUDIO TAPES

- [11] Over the last decade, video and audio tapes have become standard investigation tools for policing agencies. Currently, the police make an investigative decision as to which witness statements will be video and audio taped and about the structure of the interview. While video and audio taped statements of witnesses, or accused, are valuable tools, they have the potential of being long and cumbersome. Unless detailed summaries or transcripts of the interviews are provided, this practice results in the Crown having to invest “real-time” review of

the tapes at the charge review stage thus lengthening the screening process. Transcripts of such interviews are expensive, and may not form part of the standard court brief at the early stages. It is also difficult to conduct cross-examination on prior inconsistent statements in the absence of a transcript.

- [12] Under this protocol, video and audio tapes should be used primarily for key witnesses and it is not necessary for the police to use such methods to record the evidence of a witness whose evidence is peripheral to the investigation. While an assessment of the relative importance of recording statements may not be feasible at the outset of an investigation, under this protocol it would be preferable if policing agencies focused on the use of technology to record witness statements in the following circumstances:

- (1) statements made by an accused;
- (2) statements made by a complainant of a spousal or domestic assault;
- (3) statements made by an accomplice;
- (4) statements given by vulnerable or unsavoury witnesses; and
- (5) statements made by any witness whose evidence needs to be preserved in the event they are unavailable for trial.

- [13] All video and audio tapes submitted by policing agencies as part of the standard court brief shall conform to the following:

- (a) video and audio tapes shall be clearly labeled with the name of the investigation (R. v. “_____”), the nature of the video and the name of the interviewee (if the video or audio tape is of an interview);
- (b) video and audio tapes of an accused person should be accompanied with a video statement of accused form as found in Appendix “C”;
- (c) video and audio tapes should be accompanied by a detailed summary of the content of the tape and the location on the tape where any matters of particular relevance occur (described as the number of minutes from the beginning of the tape); and
- (d) transcripts of video and audio tapes are not required unless the police determine that they are required as a result of the quality of the sound or otherwise, or unless specifically requested by the Crown. These provisions do not apply to intercepted communications under *Part VI* of the *Criminal Code*.

V. ELECTRONIC DISCLOSURE

- [14] It is inevitable that in the near future electronic disclosure will become more routine in the criminal justice system, and not simply utilized in large documentary cases. As this method of disclosure evolves, it is important that all partners in the criminal justice system work together to promote consistency of practice and approach.
- [15] Since decisions relating to the use of electronic disclosure affect both the police and the Crown, it is important that neither the police nor the Crown make unilateral decisions in this area. It is readily apparent that the police and prosecution services across the country are working together to explore and implement electronic disclosure. These initiatives should be commended, and early consultation between police and the Crown on the use and implementation of electronic disclosure should be promoted as a best practice.
- [16] There are many issues that arise in the context of electronic disclosure that will require discussion and agreement between the police and the Crown, if the benefits of electronic disclosure are to be achieved. Ideally, best practices should be developed that will guide both the police and the Crown in the use of electronic disclosure and reduce the likelihood that the Crown will be required to provide both a hard and an electronic copy of disclosure materials to the defense. The following are illustrations of the types of issues that warrant further discussion and agreement on a case by case basis:
- a) It is particularly important where the police give disclosure to the Crown in an electronic format that it remains in compliance with the format for a standard court brief. The material must be at least as organized and accessible to the Crown and defence, as if hard copy disclosure were being given. Minimum standards for the contents and organization of a standard court brief should apply to electronic disclosure.
 - b) In mega cases it will ordinarily be appropriate for the Crown to be consulted before the police start using an electronic document management system on a particular case to reduce the likelihood of problems arising later in the investigation/prosecution.
 - c) In some circumstances, where the police are going to provide electronic disclosure, it may be necessary to provide to the Crown, the defence, and possibly the court with any hardware, software and training that is necessary to access the disclosure materials.
 - d) At a minimum, electronic disclosure should only be given to the Crown where the Crown is in a position to use the disclosure in the electronic format being proposed by the police.

- [17] Under this protocol, the Crown will not accept the standard court brief or any of the contents of the standard court brief in electronic format without prior consent and agreement. This does not apply to materials seized from the accused or a third party which may form part of the evidentiary basis for any charge. If the Crown does agree to accept any of the materials in the standard court brief electronically, any form of electronic data forwarded to the Crown in the standard court brief shall be clearly labeled with the name of the investigation (R. v. “_____”), the nature of the information and any other relevant information. Such labeling may not be required for materials seized from the accused or a third party and which may form part of the evidentiary basis for any charge.

VI. CONFIDENTIALITY

- [18] When the Crown provides disclosure to an accused or their counsel, there are restrictions on its use. As officers of the court, defense counsel receive the disclosure with an implied undertaking that it will be used solely for the purposes of making full answer and defence, and that it will not be inappropriately disseminated to the public.
- [19] Under this protocol, it is recommended that defence counsel maintain custody of disclosure materials in order that copies will not be inappropriately made or disseminated. When an accused is not represented by counsel, the Crown must be particularly diligent about informing the accused in writing of the restrictions on the use of disclosure, and only providing the accused with supervised access to sensitive material.
- [20] At this time, there will be no automatic vetting of the personal information of complainants and/or witnesses which may appear in the standard court brief. Both police and Crown should be diligent in identifying files in which it would be prudent to vet the personal information of complainants and/or witnesses prior to the disclosure of the file given the particular circumstances surrounding the prosecution.

VII. COST OF DISCLOSURE

- [20] It is recognized that providing disclosure to an accused or his counsel is a shared responsibility between the Crown and the police. Thus, no one party should bear the full onus relating to the cost of providing disclosure.
- [21] All participants in the criminal justice system have an interest in ensuring that the most cost-effective method of providing disclosure is identified and implemented.

The most significant issue regarding cost of disclosure is determining responsibility for the cost of producing the necessary copies of disclosure including multiple copies of video and audio tapes and photographs. These costs will dramatically increase in cases where transcriptions of the video or audio tapes are required for the prosecution of the offence.

- [22] It is acknowledged by all parties that there are clear advantages to having the police prepare multiple copies of disclosure regardless of its form. It is more cost effective for additional copies to be produced at the source than to have a Crown employee create another copy of the police investigation materials.

- [23] Given the shared responsibility of providing disclosure, the Crown and the police will implement a cost-sharing formula. The police will be responsible for the full cost associated with the preparation and presentation of the standard court brief. For disclosure purposes, costs of reproducing the standard court brief, including copies of video and audio tapes, photographs, binders, tabs, file folder and support staff's time in the reproducing of the standard court brief shall be charged back to the Crown. A standard fee of \$5 per file shall be charged back to the Crown.

- [24] The standard fee includes capital costs or depreciation cost of equipment used for the reproduction of the standard court brief, and the human resources costs associated with the reproduction of the standard court brief, except for the costs associated with the preparations of transcripts.

- [25] The costs associated with the preparation of transcripts of interviews shall be equally shared (50/50) between the police and the Crown in addition to the standard file fee.

- [26] In the event of multiple accused, the police shall provide the Crown with a number of disclosure copies equal to the number of accused individuals. The police will be able to charge back the Crown the standard file fee for each disclosure file prepared.

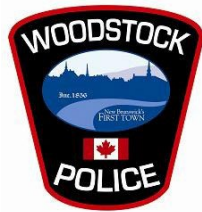
- [27] The police shall invoice the Crown on a quarterly basis in accordance with their fiscal year. Each police force may use a methodology for the invoicing and payment of the shared disclosure costs that is best suited for their needs. A general invoice for the quarter period will be acceptable, subject to any further inquiries which may be raised from time to time.

VIII. CONFLICT RESOLUTION

- [26] From time to time, it is anticipated that conflicts or difficulties may arise in the implementation and interpretation of this disclosure protocol. Any conflict that cannot be resolved at the local level should be directed to the standing committee

mandated with the implementation of this protocol, such committee being composed of the Public Prosecutions Branch, the Chiefs of Police Association and the Royal Canadian Mounted Police

Woodstock Police Force



Electronic Disclosure Protocol

APPENDIX B

Standard file format

All reports of incidents forwarded by the LEA to PPS for the purpose of charge review and possible prosecution will be in a standard file format which shall contain the following items (if those items are available) in the following order.

Cover/Index Page

- Tombstone information including name of agency, file number, accused name, and the name of lead investigator

Vetting Codes

- A descriptive list of the Vetting Codes

1. Narrative

- Proposed Information
- PIS
- Occurrence Report which provides an accurate synopsis of the circumstances of the events alleged to have been committed by the accused as prepared by the investigating agency

2. Accused Information

- Personal Information
- CPIC record
- JISNB

3. Release/Remand Document

- Promise to Appear
- Appearance Notice
- Summons
- Undertaking
- Recognizance
- Notice to Parent
- Show Cause Brief

4. Witness List

- Witness List

5. Civilian Witness Statements (alphabetically by surname)

- Cansay
- Handwritten
- Video
- Audio
- Transcript
- KGB
- Civilian Agents: Letter of Agreement, Consent to Intercept, Criminal Records,

- outstanding charges, debriefing notes, agent notes and statement
- Any Other

6. Accused Statements (alphabetically by surname)

- Cansay
- Handwritten
- Video
- Audio
- Transcript
- List of officers who had contact with accused
- Right to Counsel Cards
- Waiver of Right to Counsel Forms
- Youth Accused Statement Forms
- YCJA Parent-Guardian Notification Forms
- Any Other

7. Police Reports & Notes

- General Reports
- Supplemental Reports
- Cansay of Police Witnesses
- Handwritten Notes
- Any Other

8. Police Investigative Documents

- PROS
- Reports
- Task Reports
- Surveillance Reports Accused
- Sign-In Sheet Victim Services
- Accident Reports
- C13/Booking Report
- CellLogs
- Social Media searches/results
- Threat Assessment/Target Profiles
- Police Correspondence
- Press-Media Releases
- Any Other

9. Exhibits

- List of Exhibits: Handwritten on site or Electronic Records
- Continuity Statements
- Diagrams
- Motor Vehicle Inventory
- Copy of Exhibits

- Photographs
- Documents: Business, Banking, Any Other Medical Reports
- Notices, Certificates and Affidavits
- Health Canada Certificates of Analysis for CDSA (copy of HC sample envelopes, postal manifest for delivery/return)
- Business Notices
- Expert Notices
- CEA Notices
- Tobacco: Tobacco Tax Act Certificates and Notices
- CRA Tobacco Seizure Report (EA263)
- CRA Minimum Fine Report – letter Notice to Tender
- Electronic Evidence Seized (cell phones, computers, GPS units, etc.): Warrant for Tech Crimes Unit, instructions to Tech Crimes, raw data, analysis of data)
- Property Seizures as Offence Related Property or Proceeds of Crime
- Any Other

10. Expert Witness (Reports and CV)

- Identification Section
- Firearms
- Alcohol
- Fingerprint
- Forensic Accountant
- Forensic Pathologist
- Medical
- Computer Forensic
- DNA Reports
- SANE
- Accident Reconstruction
- Drug
- Polygraph
- K9
- Arson Investigator
- Any Other

11. Domestic Violence Offences

- ODARA
- High Risk Assessment
- DV Referral
- DV Report
- Any Other

12. Driving Offences

- Certificate of Qualified Technician
- Breach Technician Notes

- Alcohol influence report
- Sobriety test
- Intoxilyzer/Data Master Test Record
- Driver's Abstracts & Requests
- Certificate of Qualified medical Practitioner
- Accident Report Technical Collision Investigation Data Summary Report
- Reconstruction Field Notes
- Other Technical collision reports
- Notice of Application for Increased Penalty
- Notice of Intention to Produce Certificate
- Other Blood Alcohol reports
- DRE Notes
- Notice of Suspension of Driver's License Notice to Registrar

13. Judicial Authorizations

- Warrants/Production Orders
- Information to Obtain
- Report to Justice
- Detention Order
- Consent Forms
- Sealing and Unsealing Order
- Exhibit Flow Chart
- Copies of Relevant Documents
- List of any video or audio seized in electronic format
- List of any video or audio seized in analogue format
- Diagrams
- List of seized electronic files in native format
- List and location of any crime scene videos
- Any Other Exhibits

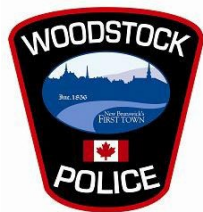
14. Wiretap Evidence

- Authorizations
- Orders
- Affidavits
- Session Summaries
- Notices
- Delay Notification Requests
- Transcripts of Intercepted Communications
- Index of Calls
- Evidence of Voice Identification Technical Evidence
- Location of Audio Recordings Monitor Notes and Logs Monitoring Instructions
- Any Other

15. Sentence

- Restitution Information
- Notice re Mandatory Minimum Sentence
- Notice re Intention to Seek Enhanced Sentence
- Any Other

Woodstock Police Force



Electronic Disclosure Protocol

APPENDIX C

CHARGE APPROVAL SHEET/APPROBATION D'ACCUSATION(S) PROPOSÉE(S)

Save

Lock Form

Print

Unlock Form

Date file received/

Date de réception du dossier :

By whom/Par qui :

PART I (Police)/PARTIE I (Police)

File No./No. de dossier :

Accused/Contrevenant :

Date of birth/Date de naissance :

Date read by Reader/Date lue par le lecteur :

Reader/Lecteur :

Date to be laid/Date du dépôt en Cour :

Scheduled Plea Date/Date de première comparution :

Record/Antécédent criminel : Yes/Oui ☐ No/Non ☐Video/Vidéo : Yes/Oui ☐ No/Non ☐Domestic Abuse/Violence familiale : Yes/Oui ☐ No/Non ☐Form 11.1 issued/
Formule 11.1 signifiée : Yes/Oui ☐ No/Non ☐Alt. Measures or Post-charge Diversion/Programme des
mesures de rechange :Recommended/Recommandé : ☐Ineligible/Non admissible : ☐

Victim Services NB/Services aux victimes N.-B. :

Referred/Référé : Yes/Oui ☐ No/Non ☐Statement on Restitution (Form 34.1)/Déclaration relative au
dédommagement (Formule 34.1)Provided/Fournie : Yes/Oui ☐ No/Non ☐

Proposed charge(s)/Accusation(s) proposée(s):

1. 2. 3. 4.

Approved Charge(s)/Accusations(s) approuvée(s)

1. 2. 3. 4.

Other court dates, charges/Autres dates de comparution et accusation(s) :

Co-accused(s)/Co-contrevenant(s) :

Court Reader's comments/Commentaires du lecteur :

PART II (Crown Prosecutor)/PARTIE II (Procureur de le Couronne)

Prosecutor/Procureur : Date Reviewed/Date de révision : Charge(s)/Chef(s) d'accusation : Recommended/Recommandé(s) ☐ Not Approved/Refusé(s) ☐ Hold/Suspendre ☐Wording of Information/Libellé de la dénonciation : Approved/Approuvé ☐ Not Approved/Refusé(s) ☐

Follow up requested from policing agency/Travail supplémentaire demandé de l'agence de police :

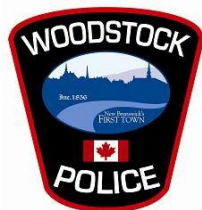
Comments, modifications/Commentaires, modifications : DNA Identification Act/Loi sur l'identification par les empreintes
génétiques :☐ Primary/Primaire☐ Secondary/Secondaire☐ Sample has been previously provided/
Un échantillon a été fourni auparavant☐ Sex Offender Registry/
L'enregistrement des renseignements sur les
délinquants sexuels

Victim Impact Statement(s)/Répercussion(s) du crime sur la victime :

Does the victim wish to provide a victim impact statement/Est-ce que
le/la victime désire fournir une déclaration?Yes/Oui ☐ No/Non ☐

INTERNAL CROWN NOTES/NOTES À L'USAGE DU PROCUREUR :

Woodstock Police Force



Electronic Disclosure Protocol

APPENDIX D

NEW BRUNSWICK OFFICE OF THE ATTORNEY GENERAL,
PUBLIC PROSECUTION SERVICES (PPS)

General Police Vetting Guidelines For Crown Disclosure

A summary of Best Practices for police pre-vetting for disclosure

4/24/2016

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Overview

For criminal prosecutions full and fair disclosure to an accused person is the standard the Crown and the police must meet. Full, fair and timely disclosure will provide the foundation upon which the accused will make full answer and defence to the charges before the court. The Crown and the police share the onus of ensuring that the disclosure obligation is met while at the same time ensuring that matters of privacy and privilege are protected.

Non-disclosure within the context of this obligation must be justified by the Crown. Decisions made by the police or the Crown to withhold information from the accused are subject to review, with few exceptions, by the court. In most cases the initial decisions regarding non-disclosure are made by the police. The Crown in turn has the responsibility for explaining these decisions to the accused and the court.

While the police are best positioned to identify materials that involve informer privilege, unrelated investigations and sensitive police techniques, the Crown is charged with the protection of the fair trial rights of the accused and must have sufficient information to review the police recommendations on vetting to ensure those rights are protected.

The decision to redact information and the reasons for them are communicated to the Crown and, ultimately, to the accused through the use of vetting codes. The codes used in New Brunswick (NB) are part of the nationally recognized system of redaction tools utilized in electronic disclosure. These guidelines are intended to provide direction to the police in the use of these codes and in applying general disclosure principles.

The following are the “V” codes used in NB.

- V1 Personal Witness Information
- V2 Privileged Information
- V3 Delayed Disclosure
- V4 Irrelevant Information
- V5 Other Information
- V6 Section 38 Canada Evidence Act
- V7 Section 39 Canada Evidence Act

Explanation of Vetting Codes

V1 Personal Witness Information (PWI)

In the course of conducting investigations into criminal conduct the police have access to a wealth of information pertaining to witnesses and other interested third parties. Some of this information is provided voluntarily by the witnesses themselves and some will be gathered by other means and from other sources. In some instances the search for information pertaining to a suspect will bring along information relating to other individuals. The Crown and the police recognize that full disclosure mandates providing the accused with information about the witnesses who may testify in the proceedings. At the same time they should be aware that witnesses retain residual privacy interests in much of the information gathered about them. The courts have also recognized this residual privacy interest.

As Madame Justice MacLachlin observed in her dissenting opinion in **O'Connor**¹,

*“Perfect justice in the eyes of the accused might suggest that an accused person should be shown every scintilla of information which might possibly be useful to his defence. From the accused's perspective, the catalogue would include not only information touching on the events at issue, but anything that might conceivably be used in cross-examination to discredit or shake a Crown witness. When other perspectives are considered, however, the picture changes. The need for a system of justice which is workable, affordable and expeditious; the danger of diverting the jury from the true issues; and **the privacy interests of those who find themselves caught up in the justice system** -- all these point to a more realistic standard of disclosure consistent with fundamental fairness. That, and nothing more, is what the law requires.”*

Concern for the protection of privacy was also identified in the SCC decision in **McNeil**², Madame Justice Charron quoted from the **Martin Report**³ report as follows (p 42-43).

*“As we have seen, the Crown's obligation under **Stinchcombe** to disclose to the accused the fruits of the investigation in its possession does not signify that no residual privacy*

¹ [1995] 4 S.C.R. 411

² [2009] 1 S.C.R. 66

³ The Honourable G. Arthur Martin, Report of the Attorney General's Advisory Committee on Charge Screening, Disclosure, and Resolution Discussions (1993)

*interest exists in the contents of the file. However, it does mean that, with few exceptions (including the **Mills** statutory scheme), the accused's right to access information necessary to make full answer and defence will outweigh any competing privacy interest.... That is not to say, however, that residual privacy interests in the contents of criminal investigation files should be disregarded."*

Generally speaking in NB the only personal witness information disclosed to the accused are the names of the witnesses. Beyond that, the general trend is towards non-disclosure of personal information. In practical terms this translates into the police or the Crown redacting personal witness information (PWI) from disclosure.

This is entirely consistent with the observations contained in the conclusion of the **Martin Report** quoted with approval in **McNeil**(supra) ;

"The privacy of the victim and any other witnesses must yield to preparing a full answer and defence. But it need not yield any further. The Committee considers that, provided the making of full answer and defence is not impaired, it is desirable to permit limitations on the use of disclosure materials that recognize the privacy interests of victims and witnesses."

The Scope of PWI

Personal witness information includes a wide variety of information about a person. Its scope is defined and/or referred to in a number of areas. The federal **Privacy Act** is one such example. Although the **Privacy Act** does not determine the scope of disclosure in the context of a criminal prosecution it does provide a useful starting point for the analysis of PWI. In that Act, personal information is defined as:

"information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing,

- (a) information relating to the **race, national or ethnic origin, colour, religion, age or marital status** of the individual,*
- (b) information relating to the **education or the medical, criminal or employment history** of the individual or **information relating to financial transactions** in which the individual has been involved,*
- (c) any identifying number, symbol or other particular assigned to the individual,*
- (d) the **address, fingerprints or blood type** of the individual,*

Our courts have also considered, in a general way, the definition of the term “personal information.” In ***R. v. Belcourt* 2011 BCSC 1739** the court noted,

“personal information may include birth dates or age, occupation, driver’s license, financial or other similar private information,...”

Direction as to the scope of personal witness information can also be found in the **Memorandum of Understanding (MOU)** entered into between the Public Prosecution Services and all police agencies in N.B. The MOU is the document that governs the disclosure relationship between the police and the provincial prosecution service. In the MOU the police are advised not to include the following information in the RTCC. *“Addresses, contact numbers, places of school or places of employment of witnesses.”* This directive recognizes the reasonable expectation of privacy held by witnesses in this information.

It is safe to conclude that PWI includes the following core biographical information;

- Addresses; home, email, business
- Telephone numbers; home, business, cell
- Date of Birth⁴
- ID numbers;
 - Driver’s licence Number
 - FPS #
 - SIN
 - Personal Health care #
- Place of employment
- Name of school attending

PWI may also include;

- Religion
- Marital status
- Historical information regarding
 - Education history

⁴ This is a troublesome area as the age of a witness is often relevant esp. if very old or very young. It may be preferable to leave this unvetted or simply redact the day and month of birth.

- Employment history
 - Criminal history
 - Previous residence
- Race
- Financial information
- Credit Card # (Name of Victim and Type of card - ie: Bank Montreal Visa - can be left in.)
- Vehicle Identification #
- Motor Vehicle Licence plate #
- Medical records
- Other therapeutic records
- Other Information for which there is a reasonable expectation of privacy.

It is important that the members charged with vetting disclosure have an appropriate appreciation of the context of the investigation. The context may mean that personal witness information is relevant and should not be vetted. For example, if during the course of surveillance, a target is observed driving a vehicle, the plate number and registered owner of the vehicle may be relevant and should not be redacted. Similarly, if a target is followed to certain locations, the address and owner/occupant of the places may be relevant.

For the purposes of identification of a witness, race may well be relevant. For example, if the surveillance described the person as “Caucasian male”, the word “Caucasian” would not be redacted. Place of employment may be relevant if relevant to the investigation. For example, if the person is providing evidence about the accused’s bank account, it is relevant that the witness works at the bank.

During the course of an investigation, queries may be made of third parties in relation to addresses, motor vehicles and similar information. Nothing of any probative value may have been discovered. In those cases, the personal information is both personal and irrelevant and may be redacted.

Although the notion of PWI applies to the information of witnesses not the accused, one must bear in mind that the situation might change in the case of multiple accused. Consider whether personal information of the accused should also be vetted if co-accused is involved.

V2 Privileged Information

The Crown is not required to disclose information that is protected by claims of privilege. Often documents will contain privileged information imbedded in the body of the document. This information will be redacted using the V2 code.

Examples of Privileged Information are:

- **Informer Privilege** – this privilege recognizes the broad public interest in protecting the confidentiality afforded police informers⁵. It is applied to prevent the disclosure of any information that would tend to identify a person as a police informer. Although a thorough review of the types of information that would “tend to identify” an informant is particularly case specific, examples were listed by the Ontario Court of Appeal in their decision in **R. v. Omar, 2007 ONCA 117**;

“age; gender; occupation; socio-economic status; health-related issues; lifestyle choices; associates; connection with the arrest of other persons; dates, times, locations, and the fact of contact with the police as an accused, victim, or witness; criminal convictions, discharges, acquittals, and withdrawals; any indication that the informer is or has been bound by a recognizance, undertaking, probation order, or prohibition order or is or has been on parole; geographical areas frequented; length of time in the community; length of time as an informer; and motivation for providing information.”

The importance of appropriate vetting to protect informer privilege cannot be over emphasized. The police are uniquely positioned to identify this information and convey it to the Crown. Without this information the Crown may inadvertently disclose information that may tend to identify a confidential informant, thus jeopardizing that person’s safety. The police are also cautioned to ensure they do not inadvertently extend the privilege to a witness by promising confidentiality to a potential witness.

- **Solicitor – Client Privilege**⁶ – all communications between counsel and their clients related to the giving of legal advice are privileged and are excluded from disclosure. In

⁵ Includes “Crime Stoppers” contributors.

⁶ It is important to note that both Informer Privilege and Solicitor/Client Privilege are **class** privileges which provide complete protection from disclosure, unless stringent exceptions are met, like the innocence at stake exception: **R. v. McClure, 2001 SCC 14**.

certain situations the Crown and police may enjoy a solicitor-client relationship such that communications and opinions are privileged⁷.

- In order for the privilege to apply the following criteria must be satisfied:
 - The communication must be between solicitor and client;
 - It must be for the purpose of providing legal advice, and
 - It must be intended to be confidential.
- **Crown (Litigation, work product) Privilege** – Litigation privilege protects information and materials gathered for the **dominant purpose** of litigation.⁸ It is a form of privilege designed to afford a “zone of privacy” for counsel in preparing for litigation. It is not a “class privilege”. This means that it will yield to the accused’s right to make full answer and defence⁹. It does not extend past the litigation. It will not protect either the police or the Crown where evidence establishes a *prima facie* showing of actionable misconduct in the conduct of the investigation or prosecution. Generally it applies to matters of opinion not fact. Crown Prosecutor generally need not disclose any internal Crown Prosecutor notes, memorandum, correspondence, or legal opinion (or trial strategy) the ***Martin Report; article 15***. It may extend to the police especially where they are undertaking analytical or organizational work at the Crown’s request. Even where Solicitor-Client Privilege does not apply most Crown/police communications will be protected by Crown Privilege and will not be disclosed. Notebooks should be checked carefully to ensure they do not contain information that may be protected by Crown Privilege.
- **Police (Investigative) Privilege** – This privilege applies to prevent the disclosure of sensitive police activities and investigative techniques. The courts recognize that certain police techniques should remain confidential in order to ensure effective investigation of criminal activities. This is always subject to the accused’s right to make full answer and defence. This privilege would include things such as the observation post location, the location of audio, video or tracking devices, undercover techniques or any other covert technique. It is evident that there is some confusion in the application of these principles to police disclosure. It is helpful to bear in mind that it is the details of the investigative technique that are protected, not the fact that they are used. It is

⁷ *R. v. Campbell*, [1999] 1 S.C.R. 565, *Solosky v. The Queen*, [1980] 1 S.C.R. 821

⁸ *Blank v. Canada (Minister of Justice)*, 2006 SCC 39

⁹ Informer Privilege and Solicitor /Client privilege are “Class” privileges that will only yield where the innocence of the accused is at stake.

appropriate, for example, to disclose that an observation post was used without disclosing the location of the post. The use of covert cameras and listening devices can be disclosed without referring to the actual location of the device. The fact that a cell plant is used is routinely disclosed along with the name of the officer but images depicting the undercover officer will be obscured to prevent the identification of the officer. Common sense must be used when vetting disclosure of covert techniques.

- **Young Offender Records** – Although not technically a privilege, access to records relating to the investigation and prosecution of young persons is restricted and governed by the provisions of the YCJA¹⁰. Such records can only be disclosed to certain individuals and only for a defined period after the event. To avoid breaching these rules police are advised to vet all such records before disclosure. This applies even after the young person becomes an adult.

V3 Delayed disclosure

In certain cases it will be necessary to delay the disclosure of otherwise relevant information. This may be so in the case of ongoing but related investigations or strategies within the same investigation that are time sensitive (ie. ongoing Part VI or undercover strategy). Witness safety may also be a reason for delaying the disclosure of otherwise relevant information. It is important to remember that all delayed disclosure must be disclosed prior to trial. Where the police indicate that disclosure should be delayed through the use of this vetting code it is important that the police make best efforts to bring the matter to a resolution before trial to allow for proper disclosure. This is most often used when a related matter is still under investigation. If the related matter or information obtained in the investigation of that matter is relevant to the charges before the court it must be disclosed before the trial regardless of the stage of investigation of the related matter. It is unusual to see this code used to redact “holdback” information. Once charges are approved the purpose of holdback is spent. While this code may be used by the police during the investigation they will either be removed or changed once charges are approved absent exceptional circumstances.

¹⁰ See sections 118 – 120 YCJA.

V4 Irrelevant Information

Police will not provide information that is “clearly irrelevant” in the disclosure materials. This vetting code is most often used to vet information regarding unrelated investigations or events that appear in officer notebooks. On occasion this information will appear in other documents as well, where the document addresses both the matter under investigation and some other unrelated event. Given that relevance is to be given a broad interpretation it is advisable to leave the grey areas of relevance to be determined by Crown Prosecutor. Should the police wish to provide some general guidelines regarding the notion of relevance the following may be of assistance:

An assessment of relevance for the purposes of disclosure should be guided by the following principles:

- *Relevance is defined in terms of its usefulness to the defence.*
- *Information is relevant if there is a reasonable possibility that it may be used by the defence either in meeting the case for the Crown or advancing a defence.*
- *Information is also relevant if it can be used in making a decision which may affect the conduct of the defence such as whether to call evidence or conduct further investigations.*
- *Relevant information includes not only information related to those matters the Crown intends to adduce in evidence against the accused, but also any information in respect of which there is a reasonable possibility that it may assist the accused in the exercise of the right to make full answer and defence or mitigate punishment.*
- *No distinction should be made between exculpatory or inculpatory information.*

V5 Other Information

This vetting code is only to be used after consultation with Crown Prosecutor. It is designed to be used on case specific matters and only with the agreement of the Crown.

V6 Section 38 Canada Evidence Act

This vetting code is used to redact information relating to matters of international relations and national defence and national security. The code is only to be used after consultation with the Crown and/or senior investigators.

V7 Section 39 Canada Evidence Act

This vetting code is used to redact information relating to matters of confidences of the Queen's Privy Council for Canada. The definition of council includes cabinet and committees of cabinet. The code is only to be used after consultation with Crown and/or senior investigators.

Miscellaneous Vetting issues

Open Source Materials

In the course of an investigation police will occasionally conduct searches of publically available sources, these can include land title searches, government database searches, internet searches or social network searches. These are referred to as "open source" searches. Many of these searches will reveal Personal Witness Information of the type usually vetted from disclosure. This should be vetted from databases maintained by the investigative agency but not necessarily from open source searches. Police should continue to vet PWI from investigatory documentation regardless of whether the same or similar information is available through an open source search. The documents created by the police have an authority and reliability not enjoyed by internet materials. Best practices for dealing with open source searches is to confine the disclosure to only those results directly relied upon by the investigator. While a search may return hundreds of pages of results the police tend to rely on a small portion of the information in their investigations. The fact of the search can be disclosed without reproducing the entire search. This approach allows for selective vetting of the open source information as needed.

Occurrence Reports

Occurrence reports are reports prepared and stored by investigative agencies that record all interactions between the agency and the public. These reports might include details of arrests for public intoxication, speeding tickets, neighbour disputes, complaints about a criminal offence that resulted in a prosecution, complaints that did not result in a prosecution, complaints about police behaviour, and situations where an individual is named as a suspect. The records may relate to trivial contacts, such as a phoned-in noise complaint or to extremely serious contacts, such as a sexual assault report. They may contain information in which there is no expectation of privacy, such as the color of someone's hair, or information that is intensely private with a high expectation of privacy such as HIV status. In some cases, the occurrence report may contain limited information. In others, the occurrence report may contain extensive information, such as a summary of a four-hour interview. What is included, and the extent of what is included, may vary between officers, detachments and police forces. Occurrence reports may stand alone or may be linked to significant investigative files — extensive details of which are also included in a police database. An occurrence report in a routine investigation will be linked to dozens of pages of information. In major cases, the linked documentation will run to thousands of pages.

Occurrence reports and investigative files relating to the ***accused*** are disclosable as first party disclosure if they consist of investigations into the offence for which charges are sought. Occurrence reports generated during the course of the investigation of the offence but related to persons other than the accused are also disclosable subject to the vetting rules set out above.

The situation is different when dealing with occurrence reports relating to ***victims or witnesses*** unconnected to the charges being investigated. These will not be provided to the Crown unless requested per the MOU. Examples of instances where reports may be requested include cases where the offence itself is unrelated but the nature of the record is obviously relevant.

Administrative Materials

The management of a police investigation engages certain business principles. These include the allocation of police resources, monitoring efficiencies and accounting for productivity. As government agencies the police have a duty to ensure that funds expended in an investigation are accounted for. As a result a certain amount of the work on a file is directed to administrative tasks that serve these business principles. Organizational materials and business rules are also administrative in nature and would not be disclosed in the first instance.

Occasionally the administration and organization of a file can become an issue at trial. This usually occurs when the sufficiency of the investigation is attacked by the defence. Allegations that the police focussed on one suspect to the exclusion of others may draw the administration of the file into issue at trial. In the normal course, however, administrative documents are not to be provided to crown as part of disclosure. They should be listed in a ledger or spreadsheet showing all the documents created on a file but they should not be produced or included in crown materials absent a specific request from Crown. Examples of Administrative Materials are;

- overtime claims,
- budget spreadsheets
- expense claims (for the officer, not for expenses relating to a witness)
- equipment rental forms
- command triangle assignment information

Vetting Guide

Attached as **Appendix A** is a chart listing many of the types of documents generated in a police investigation and guidelines for pre-vetting. Bear in mind that disclosure vetting is determined by the context of the investigation. The Guide is merely a tool to assist investigators in addressing frequently seen vetting issues. It may not apply to all cases, all documents or the content of those documents. Use common sense and speak to a senior investigator or Crown for guidance on specific cases.

Appendix A

General Vetting Guide

The guide lists the documents frequently seen in an investigation. The fourth column indicates to whom the document refers. The fifth column deals with whether to disclose the document itself. The last column is the nature of the vetting that might be expected. Note, that these are suggestions only, and all vetting is driven by the particular facts of the case.

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused \\Witness \\Victim	DISCLOSE	VETTING
01. ACCUSED INFORMATION		BAIL COMMENTS/SHOW CAUSE NARRATIVE	A	Yes	Confidential or Informant information
01. ACCUSED INFORMATION		BAIL SHEETS	A	Yes	
01. ACCUSED INFORMATION		COMMUNITY WORK SERVICE ORDER	A	Yes	
01. ACCUSED INFORMATION		CORRECTIONS – RECORDS	A	Yes	
01. ACCUSED INFORMATION		PROBATION APPOINTMENT LOG BOOK	A	Yes	PWI of people other than accused
01. ACCUSED INFORMATION		PSYCHIATRIC/PSYCHOLOGICAL REPORT/ASSESSMENT	A	Yes	Fax numbers or contact information for doctor and/or nurses
01. ACCUSED INFORMATION		YOUTH SUPERVISION ORDER	A	Yes	
01. ACCUSED INFORMATION		YOUTH WAIVER OF RIGHTS	A	Yes	
01. ACCUSED INFORMATION	ARREST	APPEARANCE NOTICE (FORM 9)	A	Yes	
01. ACCUSED INFORMATION	ARREST	ARREST - AUDIO	A	Yes	Audio, video must be transcribed upon request of crown - see MOU Article V (b)
01. ACCUSED INFORMATION	ARREST	ARREST - TRANSCRIPT	A	Yes	
01. ACCUSED INFORMATION	ARREST	ARREST WARRANT	A	Yes	
01. ACCUSED INFORMATION	ARREST	PRISONER PHOTO	A	Yes	
01. ACCUSED INFORMATION	ARREST	PROBATION APPOINTMENT CARD OR SLIP	A	Yes	PWI of people other than accused
01. ACCUSED INFORMATION	ARREST	PROBATION ORDER (FORM 46)	A	Yes	
01. ACCUSED INFORMATION	ARREST	PROMISE TO APPEAR (FORM 10)	A	Yes	
01. ACCUSED INFORMATION	ARREST	RECOGNIZANCE (FORM 11)	A	Yes	
01. ACCUSED INFORMATION	ARREST	SUBPOENA (FORM 16)	A	Yes	
01. ACCUSED INFORMATION	ARREST	UNDERTAKING (FORM 11.2 OR FORM 12)	A	Yes	
01. ACCUSED INFORMATION	BIOGRAPHICAL	CPIC - CRIMINAL NAME INDEX (CNI)	A	Yes	
01. ACCUSED INFORMATION	BIOGRAPHICAL	CPIC - VEHICLE RECORD (V)	A\\W\\V	Yes	PWI of people other than accused

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused \\Witness \\Victim	DISCLOSE	VETTING
01. ACCUSED INFORMATION	BIOGRAPHICAL	JIS - PERSON FILE HISTORY	A	Yes	
01. ACCUSED INFORMATION	BIOGRAPHICAL	JIS - PERSON RECORD	A	Yes	
01. ACCUSED INFORMATION	BIOGRAPHICAL	PROS - LOCATION RECORD	A	Yes	
01. ACCUSED INFORMATION	BIOGRAPHICAL	PROS - PERSON RECORD	A	Yes	
01. ACCUSED INFORMATION	BIOGRAPHICAL	PROS - TELEPHONE RECORD	A	Yes	
01. ACCUSED INFORMATION	BIOGRAPHICAL	PROS - VEHICLE RECORD	A\\W\\V	Yes	Provide witness info only on request of Crown
01. ACCUSED INFORMATION	BIOGRAPHICAL	PROS - GENERAL OCCURRENCE (LMD)	A	Yes	
01. ACCUSED INFORMATION	BIOGRAPHICAL	PROS - GENERAL OCCURRENCE	A	Yes	PWI of people other than accused
02. RECOMMENDED CHARGES	OPERATIONAL REPORTS	RECOMMENDED CHARGE(S)	A	Yes	
03. SYNOPSIS	RTCC	SYNOPSIS RTCC	A	Yes	
04. DETAILED NARRATIVE	RTCC	DETAILED NARRATIVE RTCC	A	Yes	PWI
05. WITNESS LIST	RTCC	WITNESS LIST	W	Yes	PWI of people other than accused
06. CIVILIAN WITNESS NOTES & STATEMENTS		AMBULANCE CREW REPORT	A\\W\\V	Yes	PWI of people other than accused
06. CIVILIAN WITNESS NOTES & STATEMENTS	SENSITIVE INFORMATION (DUTY TO WARN)	STATEMENT - AUDIO	W\\V	No	PWI - Audio, video must be transcribed upon request of crown - see MOU Article V (a)
06. CIVILIAN WITNESS NOTES & STATEMENTS	SENSITIVE INFORMATION (DUTY TO WARN)	STATEMENT - TRANSCRIPT	W\\V	No	PWI
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	911 CALL - AUDIO	W\\V	Yes	Personal Witness Information (PWI)
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	911 CALL - TRANSCRIPT	W\\V	Yes	PWI
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	HAND WRITTEN NOTES	W\\V	Yes	PWI of people other than accused
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	PHOTO PACK	W\\V	Yes	PWI of people in line-up other than accused
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	PHOTO PACK DECLARATION	W\\V	Yes	PWI of people in line-up other than accused
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	STATEMENT - AUDIO	W\\V	Yes	PWI - Audio, video must be transcribed upon request of crown - see MOU Article V (a)

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused \\Witness \\Victim	DISCLOSE	VETTING
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	STATEMENT - TRANSCRIPT	W\\V	Yes	PWI
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	STATEMENT - VIDEO	W\\V	Yes	PWI - Audio, video must be transcribed upon request of crown - see MOU Article V (a)
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	STATEMENT - WRITTEN	W\\V	Yes	PWI
07. CONFESSIONS & STATEMENTS BY ACCUSED	STATEMENT	911 CALL - AUDIO	A	Yes	PWI of people other than accused
07. CONFESSIONS & STATEMENTS BY ACCUSED	STATEMENT	911 CALL - TRANSCRIPT	A	Yes	PWI of people other than accused
07. CONFESSIONS & STATEMENTS BY ACCUSED	STATEMENT	HAND WRITTEN NOTES	A	Yes	
07. CONFESSIONS & STATEMENTS BY ACCUSED	STATEMENT	STATEMENT - AUDIO	A	Yes	Audio, video must be transcribed upon request of crown - see MOU Article V (b)
07. CONFESSIONS & STATEMENTS BY ACCUSED	STATEMENT	STATEMENT - TRANSCRIPT	A	Yes	
07. CONFESSIONS & STATEMENTS BY ACCUSED	STATEMENT	STATEMENT - VIDEO	A	Yes	Audio, video must be transcribed upon request of crown - see MOU Article V (b)
07. CONFESSIONS & STATEMENTS BY ACCUSED	STATEMENT	STATEMENT - WRITTEN	A	Yes	
08. INVESTIGATORS' NOTES & WILL SAYS	NOTES	NOTES	W	Yes	PWI of people other than accused and notes related to different police file numbers
08. INVESTIGATORS' NOTES & WILL SAYS	NOTES	WILL SAY	W	Yes	PWI of people other than accused
09. POLICE INVESTIGATIVE MATERIAL	ADMINISTRATIVE	MCNEIL (ED5884)	W	Yes	
09. POLICE INVESTIGATIVE MATERIAL	ANALYSIS	GPS TRACKING MAP	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	ARREST	ACCESS TO COUNSEL - AUDIO	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	ARREST	ACCESS TO COUNSEL - TRANSCRIPT	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	ARREST	ESCORT - AUDIO	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	ARREST	ESCORT - TRANSCRIPT	A	Yes	Audio, video must be transcribed upon request of crown - see MOU Article V (b)
09. POLICE INVESTIGATIVE MATERIAL	ARREST	PRISONER REPORT (FORM C-13-1) – accused info section	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	ARREST		A	Yes	

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused \\Witness \\Victim	DISCLOSE	VETTING
09. POLICE INVESTIGATIVE MATERIAL	ARREST	PROTECTION ORDER	V	Yes	
09. POLICE INVESTIGATIVE MATERIAL	BIOGRAPHICAL	CPIC - CRIMINAL RECORD (CR) – PUT UNDER 06 CIVILIAN WITNESS	W\\V	No	Should only be disclosed to crown by request
09. POLICE INVESTIGATIVE MATERIAL	BIOGRAPHICAL	CPIC - DRIVER'S CONTRAVENTIONS	A\\W\\V	Yes	PWI of people other than accused
09. POLICE INVESTIGATIVE MATERIAL	BIOGRAPHICAL	CPIC - DRIVER'S LICENCE	A\\W\\V	Yes	PWI of people other than accused
09. POLICE INVESTIGATIVE MATERIAL	BIOGRAPHICAL	CPIC - DRIVER'S LICENCE RESULTS	A\\W\\V	Yes	PWI of people other than accused
09. POLICE INVESTIGATIVE MATERIAL	BIOGRAPHICAL	CPIC - PERSON RECORD (PERS)	W\\V	No	Should only be disclosed to crown by request
09. POLICE INVESTIGATIVE MATERIAL	BIOGRAPHICAL	CPIC - REGISTERED OWNER RECORD	A\\W\\V	Yes	PWI of people other than accused
09. POLICE INVESTIGATIVE MATERIAL	OPERATIONAL REPORTS	CRIME SCENE MAP	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	OPERATIONAL REPORTS	OCCURRENCE REPORT (FORM 2500)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	OPERATIONAL REPORTS	PERSONS RECORD (FORM 1623)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	CORONER - NOTES	V	Yes	PWI
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	CORONER - WILL SAY	V	Yes	PWI
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	CORRECTIONS - NOTES	A	Yes	PWI
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	CORRECTIONS - REQUEST FOR INFORMATION	A	Yes	PWI
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	CORRECTIONS - WILL SAY	A	Yes	PWI
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MVB - NON-CERTIFIED DL PHOTO	A\\W\\V	Yes	PWI of people other than the accused
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MVB - REQUEST FOR INFORMATION	A\\W\\V	Yes	PWI of people other than the accused
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MVB - WILL SAY	A\\W\\V	Yes	PWI of people other than the accused
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MCFD - REQUEST FOR INFORMATION	A\\W\\V	Yes	PWI of people other than accused
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MCFD - WILL SAY	A\\W\\V	Yes	PWI of people other than accused
09. POLICE INVESTIGATIVE MATERIAL	PARTNER AGENCY	CBSA - ANALYST REPORT	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	PARTNER AGENCY	CBSA - CERTIFICATE OF ANALYSIS	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	PARTNER AGENCY	CBSA - EXHIBIT REPORT (HCSC 3515)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	PARTNER AGENCY	CBSA - NOTES	A\\W\\V	Yes	PWI of people other than accused and notes related to different police file numbers
09. POLICE INVESTIGATIVE MATERIAL	PARTNER AGENCY	CBSA - WILL SAY	A	Yes	PWI of people other than accused and notes related to different police file numbers

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused \Witness \Victim	DISCLOSE	VETTING
09. POLICE INVESTIGATIVE MATERIAL	RELEASE TRACKING	MCNEIL (ED6084)	W	Yes	
09. POLICE INVESTIGATIVE MATERIAL	SENSITIVE INFORMATION	CRIME STOPPERS DISPOSITION SHEET	W	Yes	PWI of people other than accused (ensure Confidential informant information vetted)
09. POLICE INVESTIGATIVE MATERIAL	SENSITIVE INFORMATION	CRIME STOPPERS REPORT	W	Yes	PWI of people other than accused (ensure Confidential informant information vetted)
09. POLICE INVESTIGATIVE MATERIAL	SENSITIVE INFORMATION	SOURCE DEBRIEFING REPORT	A	Yes	Any information regarding confidential informers must be vetted out or withheld from disclosure – discuss with crown
09. POLICE INVESTIGATIVE MATERIAL	SPECIALIZED AGENCY	FIREARMS - REGISTRATION INFO (FORM 3942)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	SPECIALIZED AGENCY	FIREARMS - REPLY TO REQUEST (FORM 2654)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	SPECIALIZED AGENCY	FIREARMS - TO OFFICER (FORM 3825)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	SPECIALIZED AGENCY	FIREARMS - TRACE REQUEST (FORM 1726)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	SPECIALIZED AGENCY	FIREARMS - WORK SHEET (FORM 2997)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	SPECIALIZED AGENCY	FIS - FINGERPRINT VERIFICATION (FORM 6029)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	SPECIALIZED AGENCY	FIS - IDENT OCCURRENCE REPORT (FORM 2666)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	SPECIALIZED AGENCY	FIS - IDENT REQUEST FORM	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	SPECIALIZED AGENCY	REQUEST FOR FORENSIC LAB ANALYSIS (FORM C-414)	A	Yes	
10. EXHIBITS & RELATED MATERIALS		RECEIPTS	A\W\V	Yes	PWI
10. EXHIBITS & RELATED MATERIALS		WARRANT FOR ARREST	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (CONTINUITY)	EXHIBIT FLOW CHART	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (CONTINUITY)	EXHIBIT REPORT (DATA RELEASE)	A	Yes	PWI
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (CONTINUITY)	PROPERTY RECEIPT (EVIDENCE MANAGER)	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (CONTINUITY)	PROPERTY RECEIPT (FORM 1625-1)	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (DATA & COMMUNICATION)	SMS TEXT MESSAGES (CELLEBRITE)	A\W\V	Yes	PWI of people other than accused
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (DATA & COMMUNICATION)	SUBSCRIBER INFORMATION	A\W\V	Yes	PWI of people other than accused

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused \\Witness \\Victim	DISCLOSE	VETTING
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (DETENTIONS)	REPORT TO A JUDGE (FORM 5.3)	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (DETENTIONS)	REPORT TO A JUDGE OR COURT (FORM 5.07)	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (DETENTIONS)	REPORT TO A JUSTICE - EXTENSION	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (DETENTIONS)	REPORT TO A JUSTICE (FORM 5.2)	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (FORENSIC, LAB, TECH)	HC-DAS - ANALYST REPORT	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (FORENSIC, LAB, TECH)	HC-DAS - CERTIFICATE OF ANALYST	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	BANK ACCOUNT	A\\W\\V	Yes	PWI – Including photographs of ID or credit cards belonging to persons other than the accused
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	BANK BOOK	A\\W\\V	Yes	PWI – Including photographs of ID or credit cards belonging to persons other than the accused
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	BANK CARD	A\\W\\V	Yes	PWI – Including photographs of ID or credit cards belonging to persons other than the accused
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	BANK DRAFT	A\\W\\V	Yes	PWI – Including photographs of ID or credit cards belonging to persons other than the accused
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	DEPOSIT SLIP	A\\W\\V	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	MONEY ORDER RECEIPT	A	Yes	PWI of people other than accused
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	RECEIPT - ATM TRANSACTION	A\\W\\V	Yes	PWI of people other than accused
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	SECURITY PHOTO	A\\W\\V	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	SECURITY VIDEO	A\\W\\V	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ITEMS SEIZED)	VEHICLE REGISTRATION	A\\W\\V	Yes	PWI of people other than accused
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ORDERS & WARRANTS)	INFORMATION TO OBTAIN (DENIED)	A	Yes	<i>Do not disclose if sealed</i> Information regarding confidential informers
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ORDERS & WARRANTS)	INFORMATION TO OBTAIN (SIGNED)	A	Yes	<i>Do not disclose if sealed</i> Information regarding confidential informers
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (ORDERS & WARRANTS)	SEARCH WARRANT	A	Yes	
10. EXHIBITS & RELATED MATERIALS	EXHIBITS (DATA & COMMUNICATION)	EMAIL MESSAGES	A\\W\\V	Yes	PWI of people other than accused

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused \\Witness \\Victim	DISCLOSE	VETTING
11. EXPERT WITNESS NOTES & STATEMENTS		MEDICAL REPORTS - HOSPITAL RECORDS - DOCTORS RECORDS - AMBULANCE EHS CREW REPORTS	A\\W\\V	Yes	PWI of people other than accused
11. EXPERT WITNESS NOTES & STATEMENTS	EXPERT	EXPERT - CURRICULUM VITAE (CV)	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS	EXPERT	EXPERT - NOTES	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS	EXPERT	EXPERT - OPINION	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS	EXPERT	EXPERT - SOURCING BINDER	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS	EXPERT	EXPERT - WILL SAY	A	Yes	
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - ADDENDUM	A	Yes	
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - AMENDMENT	A	Yes	
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - APPENDIX	A	Yes	
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - PHOTO LOG	A	Yes	
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - PHOTO SHEET	A	Yes	
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - PHOTOGRAPH	A	Yes	
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - REPORT	A	Yes	PWI of people other than accused
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - SUPPLEMENTAL	A	Yes	PWI of people other than accused
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - SYNOPSIS	A	Yes	PWI of people other than accused
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - TARGET ROUTE	A	Yes	
12. SURVEILLANCE REPORTS & RELATED MATERIALS	SURVEILLANCE	SURVEILLANCE - VIDEO	A	Yes	
13. POLICE AGENT NOTES, HANDLER NOTES, & OTHER MATERIALS	POLICE AGENT (ADMIN)	CPIC - CRIMINAL RECORD	W\\V	No	Should only be disclosed to crown by request

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused \\Witness \\Victim	DISCLOSE	VETTING
13. POLICE AGENT NOTES, HANDLER NOTES, & OTHER MATERIALS	POLICE AGENT (ADMIN)	CPIC - PERSON RECORD (PERS)	W\\V	No	Should only be disclosed to crown by request
13. POLICE AGENT NOTES, HANDLER NOTES, & OTHER MATERIALS	POLICE AGENT (ADMIN)	SOURCE DEBRIEFING REPORT	W	No	Do not disclose unless requested by Crown Any information regarding confidential informers must be vetted out or withheld from disclosure – discuss with crown
13. POLICE AGENT NOTES, HANDLER NOTES, & OTHER MATERIALS	POLICE AGENT (ADMIN)	STATEMENT - AUDIO	W	Yes	PWI - Audio, video must be transcribed upon request of crown - see MOU Article V (a)
13. POLICE AGENT NOTES, HANDLER NOTES, & OTHER MATERIALS	POLICE AGENT (ADMIN)	STATEMENT - TRANSCRIPT	W	Yes	PWI
13. POLICE AGENT NOTES, HANDLER NOTES, & OTHER MATERIALS	POLICE AGENT (ADMIN)	STATEMENT - VIDEO	W	Yes	PWI - Audio, video must be transcribed upon request of crown - see MOU Article V (a)
13. POLICE AGENT NOTES, HANDLER NOTES, & OTHER MATERIALS	POLICE AGENT (ADMIN)	STATEMENT - WRITTEN	W	Yes	PWI
13. POLICE AGENT NOTES, HANDLER NOTES, & OTHER MATERIALS	POLICE AGENT (NOTES)	AGENT - NOTES	W	Yes	PWI of people other than accused and notes related to different police file numbers
13. POLICE AGENT NOTES, HANDLER NOTES, & OTHER MATERIALS	POLICE AGENT (NOTES)	AGENT - WILL SAY	W	Yes	PWI of people other than accused and notes related to different police file numbers

Impaired – OR - MVB Vetting Guidelines

The guide lists the documents frequently seen in an investigation. The fourth column indicates to whom the document refers. The fifth column deals with whether to disclose the document itself. The last column is the nature of the vetting that might be expected. Note, that these are suggestions only, and all vetting is driven by the particular facts of the case.

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused \\Witness \\Victim	DISCLOSE	VETTING
01. ACCUSED INFORMATION		CERTIFICATE OF DISQUALIFICATION	A	Yes	
01. ACCUSED INFORMATION	BIOGRAPHICAL	PROS- VEHICLE RECORD	A	Yes	Provide witness info only on request of Crown
01. ACCUSED INFORMATION	OUTSIDE AGENCY	MVB - CERTIFICATE OF CONVICTION	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL		DRUG INFLUENCE EVALUATION INVESTIGATION REPORT (ALCOHOL INVESTIGATION GUIDE – C256)	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL		NOTICE OF 24 HOUR PROHIBITION	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL		NOTICE OF DISQUALIFICATION	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL		NOTICE OF IMPOUNDMENT	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL		NOTICE OF INTENTION TO PRODUCE	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL		NOTICE OF PROHIBITION	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL		NOTICE OF SUSPENSION & REPORT	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL		NOTICE TO SEEK GREATER PUNISHMENT	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL		REPORT TO SUPERINTENDANT	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	CERTIFICATE OF SUPERINTENDANT	A	Yes	

TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused Witness Victim	DISCLOSE	VETTING
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	CERTIFIED MVB DOCUMENTS: • Notices of Prohibition • Certificate of Conviction • Notice of Impoundment • 90 day Administrative Driving Prohibition • 24 hour Prohibition • Certificate of Disqualification • Certificate of Superintendent • Certified copies of registered mail cards • Report to Superintendent • any Notice of Intention to Produce	A	Yes	
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MVB – DAMAGE ESTIMATES	A\W\V	Yes	PWI of people other than the accused
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MVB - NON-CERTIFIED DL PHOTO	A\W\V	Yes	PWI of people other than the accused
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MVB – RECORDS	A\W\V	Yes	PWI of people other than the accused
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MVB - REQUEST FOR INFORMATION	A\W\V	Yes	PWI of people other than the accused
09. POLICE INVESTIGATIVE MATERIAL	OUTSIDE AGENCY	MVB - WILL SAY	A\W\V	Yes	PWI of people other than the accused
11. EXPERT WITNESS NOTES & STATEMENTS		CERTIFICATE OF QUALIFIED MEDICAL PRACTITIONER FOR TAKING BLOOD SAMPLES	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS		IMPAIRED DRIVING INVESTIGATION REPORT	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS		INTOX EC/IR II PT CERTIFICATES (AS COMPLETED SINCE MAY 2014)	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS		INTOX EC/IR II QUALIFIED TECHNICIAN'S DESIGNATION	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS		INTOX EC/IR II QUALIFIED TECHNICIAN'S ORIGINAL COURSE TRAINING CERTIFICATE	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS		INTOX EC/IR II SUBJECT TEST RECORD	A	Yes	
11. EXPERT WITNESS NOTES & STATEMENTS		MECHANICAL REPORTS	A\W\V	Yes	PWI of people other than accused
11. EXPERT WITNESS NOTES & STATEMENTS		MEDICAL REPORTS • HOSPITAL RECORDS • DOCTORS RECORDS • AMBULANCE EHS CREW REPORTS	A\W\V	Yes	PWI of people other than accused

Domestic Violence Vetting Guidelines

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TOC (DISCLOSURE)	TYPE	DESCRIPTION	Accused Witness Victim	DISCLOSE	VETTING
01. ACCUSED INFORMATION		DOMESTIC VIOLENCE BAIL COMMENTS AND RISK SUMMARY	A	Yes	PWI
01. ACCUSED INFORMATION		EVIDENCE CHECKLIST – VIOLENCE IN RELATIONSHIPS	A	Yes	PWI – including location and safety plan
01. ACCUSED INFORMATION	STATEMENT	911 CALL - AUDIO	A	Yes	PWI of people other than accused
01. ACCUSED INFORMATION	STATEMENT	911 CALL - TRANSCRIPT	A	Yes	PWI of people other than accused
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	911 CALL - AUDIO	W\V	Yes	PWI of people other than accused
06. CIVILIAN WITNESS NOTES & STATEMENTS	STATEMENT	911 CALL - TRANSCRIPT	W\V	Yes	PWI of people other than accused
11. EXPERT WITNESS NOTES & STATEMENTS		MEDICAL REPORTS • HOSPITAL RECORDS • DOCTORS RECORDS • AMBULANCE EHS CREW REPORTS	A\W\V	Yes	PWI of people other than accused