



**SOUTH COAST BRITISH COLUMBIA
TRANSPORTATION AUTHORITY
POLICE SERVICE**

REPORT TO CROWN COUNSEL (RTCC)

Effective Date: September 12, 2005

Revised: September 11, 2006

POLICY

1. The Report to Crown Counsel (RTCC) forms, as provided electronically on PRIME, will be used by the South Coast British Columbia Transportation Authority Police Service (SCBCTAPS) for all court files.
2. Members will complete RTCCs as accurately as possible with all the necessary documentation attached.

REASONS FOR POLICY

3. To provide direction and guidelines for Members to ensure that RTCC are completed properly.
4. To ensure proper handling and processing of RTCCs by the SCBCTAPS.

PROCEDURES

RTCC Forms

5. Members will use the RTCC forms and templates provided on PRIME. For example:
 1. Narrative,
 2. Bail Comments,
 3. Civilian "Will Say",
 4. Police "Will Say",
 5. Attachment List Template,
 6. Accused Template,
 7. Synopsis, and
 8. Accused Identification.

Preparing of RTCC

[See also: OD100 – Laying Charges]

6. A Member will complete a RTCC on PRIME and then forward it to the Supervisor for approval. Upon being approved, the RTCC will be electronically updated to the Court Liaison within 10 days of Process being issued [i.e. Promise to Appear (PTA), Recognizance, and Appearance Notices].

7. The Supervisor will check that all the witnesses are listed. Members will complete on PRIME a "Will Say" for each witness.
8. A Supervisor will not approve an incomplete report, but will return it to the investigating Member for additional investigation and/or more information.
9. Supervisors will not participate in the approval process where there may be a conflict or perceived conflict of interest between the Supervisor and a person involved in a file or where the decision may be influenced by political or other interference.

[See also: AC050 – Conflict of Interest]

10. Where the investigating Member recommends laying of charges, and this recommendation is overruled by a Supervisor, and the Member believes on reasonable grounds that a conflict of interest exists or that the decision was influenced by political or other interference, the Member may appeal the decision to the Deputy Chief Officer.

Distribution of RTCC

11. After the RTCC is prepared, RTCC processing will be done by Court Liaison through the JUSTIN Interface (electronic).
12. Attachments will be hand delivered to the appropriate Crown Counsel. Attachments may include:
 1. Appearance Notice:
 - a. Original - Court
 - b. Yellow - Court
 - c. Pink - Records
 2. Breathalyzer Check:
 - a. Copy - Court
 - b. Original - Records
 3. Certificate of Analysis:
 - a. Copy - Court
 - b. Original - Records
 4. Drug Forms: Separated by Records Clerk
 5. Impaired Driving Forms:
 - a. Original - Records
 - b. Copy - Court
 6. Motor Vehicle Accident Reports:
 - a. Original - Records
 - b. Copy - Court

7. Notice to Seek Greater Punishment:
 - a. Copy - Court
 - b. Original - Records
8. Promise to Appear:
 - a. Original - Court
 - b. Copy - Records
9. Young Offender Forms:
 - a. Original - Court
 - b. Copy - Records
10. Young Offender Statements:
 - a. Original - Records
 - b. Copy - Court
11. Statements:
 - a. Original - Records
 - b. Copy - Court

Report Content

13. The following information will be contained in the RTCC:
 1. File number and date report was submitted.
 2. Time, date and location of offence.
 3. The accused full name, date of birth, and address, with the surname being spelled with capital letters.
 4. The particulars of any vehicles involved.
 5. The section number of the Statute(s).
 6. Outline of circumstances of offence in chronological order, listing all circumstances required to constitute an offence.
 7. Ownership, value and identification of property.
 8. List method of operation, type of damage and costs of repair, as applicable.
 9. Type of injuries, when applicable.
 10. The name, address, postal code and telephone number of all entities involved (persons, businesses, vehicles).
 11. Names of associates and indicate how they are involved.
 12. Civilian and Police "Will Say" will be completed for all persons that may be required to attend court.

13. Attachments: Create an Attachment List on PRIME for any exhibits that relate to the file being submitted to Crown Counsel.
14. Exhibit: Create an Exhibit Report on PRIME for all exhibits related to the file.
15. After appropriate forensic testing, firearms will be wired so they are incapable of being discharged prior to being entered as a court exhibit.
16. Return of exhibits prior to court date.
 - a. if necessary, an exhibit may be returned to the rightful owner pending trial or preliminary hearing with the approval of Crown Counsel,
 - b. prior to returning exhibits ensure that:
 - i. they are suitably marked and photographed, and
 - ii. they will be available if required for court at a later date.
 - c. when exhibits are so returned, the picture(s) taken will be marked for identification and attached to the court file, along with a report outlining the circumstances.
17. Statements: A duplicate copy of all written statements must be attached to the court document, with an original for police files. The prosecutor will ask for the original copy to be read and submitted by the Member when attending at court.
18. Certificates: If the Member intends to submit certificates as evidence, the Member will follow several basic procedures:
 - a. serve a copy of the certificate on the accused person, along with a Notice of Intent to use same in court. This should be served seven days prior to trial date,
 - b. know how the duplicate copy was obtained: faxed, photocopied, etc.,
 - c. forward the original certificate and Intent Notice to court; be able to prove that service was effected,
 - d. when in doubt, contact the prosecutor, and
 - e. a copy of the certificate and Intent Notice will always be placed on the original police file. Examples:
 - i. Certificate of Analysis on alcohol,
 - ii. Certificate of Analysis on drugs,
 - iii. Criminal Records by fingerprint records,
 - iv. Conviction and other court orders,
 - v. Driving Records (see subsection 21), and
 - vi. other official documents.
19. Bail Reform Act: The releasing of prisoners, compelling their appearance in court, in the identification of criminals, will comply with the Criminal Code of Canada (CCC) and the Solicitor General's directives.
20. The original copy of the Appearance Notice, PTA or other compelling notices, will be attached as follows:
 - a. the original (white) copy to be forwarded to court,
 - b. the yellow copy to be forwarded to the Records Service Section (RSS),
 - c. the blue copy to the accused,

- d. the pink copy will be forwarded to the Identification Section at the Jurisdictional Police Department (JPD) the accused is to attend for fingerprints.
 - i. All cases where fingerprints are not required, the pink copy will be attached to the police copy of the RTCC and filed in Records.
 - ii. In cases where a person is required to attend for fingerprints but fails to do so, RSS is notified and a Print Warrant is issued.
 - iii. PTA and Recognizance are to be made out in triplicate, with the original being forwarded to court, the duplication to the accused and the triplicate copy to police records. If fingerprints are required, the same procedure as outlined previously applies. In all cases, the returnable date will be noted on the RTCC in the space provided.

21. Driving Record

- a. In cases where persons are charged with driving offences, the information supplied by CPIC will be used for court purposes. In so doing, the printout from the CPIC terminal will be photocopied, with the duplicate copy being forwarded as an attachment to the RTCC and the terminal printout being retained in the green CPIC maintenance folder.
- b. There are times when CPIC narrative messages are required for court purposes, or required by the Sheriff's Service. If so, the original printout is photocopied, with the duplicate copy being forwarded and the terminal printout attached to the proper file. **AT NO TIME WILL ORIGINAL PRINTOUTS LEAVE THE CONTROL OF THE SCBCTAPS.** The original will be stamped and remain the property of the South Coast British Columbia Transportation Authority Police Service.
- c. Printouts from the CPIC system, other than those mentioned above, will not be released.

[See also: AF090 – Canadian Police Information Centre (CPIC)]

14. Members may obtain an RTCC checklist form from Court Liaison to assist with completion of an RTCC.

Crown Counsel/SCBCTAPS Processing

15. Court Liaison will deliver the RTCC, through the JUSTIN Interface, in a timely fashion. In custody reports may be delivered to the JPD by the arresting/investigating Member upon approval of the Supervisor.

16. Crown Counsel will review the RTCC, and:

1. approve the appropriate charges and arrange for the drafting and typing of the information,
2. where the report is incomplete, or in the opinion of Crown Counsel, further investigation is necessary, a PRIME Follow-up will be assigned to the Member, with the Watch Commander being advised, for additional information (such requests should be completed within the assigned diary date), and
3. where it is believed that the facts in the Crown Counsel Report do not lead to a substantial likelihood of conviction and/or it is not in the public interest to

prosecute, Crown Counsel will outline briefly the reasons for such opinion on the fact of the RTCC or by memorandum to the Court Liaison Officer or investigating Member and return the RTCC to the SCBCTAPS.

17. In the event an investigating Member recommends charges, which are also approved by a Supervisor, but the recommendation is overruled by Crown Counsel, the charges should be reviewed by the ranking officer of the investigating Member's section. If the ranking officer also rejects the charges, the file will be concluded "No Charge". If the ranking officer concurs that the charges should be laid and Crown Counsel continues to reject the charges, then Administrative Crown Counsel will be contacted to arbitrate.
18. When a charge is stayed, withdrawn, dismissed or reduced in court, Crown Counsel will, upon request, provide an explanation as to the reason the action was taken. This explanation may be given to the Court Liaison Officer upon request or to the investigating Member. Recognizing that the police need to monitor their product, Crown Counsel will bring to the attention of Administrative Crown Counsel performance by Members, which tends to fall short of the expected standard of excellence. Administrative Crown Counsel will communicate this information to the Chief Officer.
19. In the event that a trial is not proceeding, Crown Counsel or the Crown witness notifier will, by telephone, advise the respective Court Liaison Officer or Shift Supervisor to de-notify police witnesses. It is understood that Crown Counsel cannot be expected to contact every police officer involved in a court matter. Members may be asked to assist Crown Counsel in de-notifying civilian witnesses in some unusual circumstances and cooperation is expected.

Tapes/Photographs to Court

20. The following procedure will apply when photographs or videotapes are requested for Court purposes:
 1. the SCBCTAPS will provide two copies of photographs or tapes to the court,
 2. the original demuxed tape will be subject of an Exhibit (the original tape will be retained by SCBCTAPS unless ordered by the court),
 3. when sets of photographs are requested in booklet form, it is the responsibility of the investigating Member to facilitate the request,
 - a. this request will include information as to the order, layout, and quantity of photos to be placed in booklets,
 4. photographs/tapes will be forwarded to the court via the Court Liaison Officer.

Cases Declined for Prosecution by Crown Counsel

21. In cases where Crown Counsel returns a RTCC to Court Liaison (occurs via JUSTIN Interface) declining to prosecute, Court Liaison will electronically attach Crown Counsel's decision to the RTCC file on PRIME and, through PRIME, the Member's Supervisor will be notified. As appropriate to the circumstances, Court Liaison will also notify the investigator Member of Crown Counsel's decision.

22. Where it is determined that Crown Counsel declined to prosecute owing to alleged police mishandling, Court Liaison will forward the file to the Deputy Chief Officer for review and further action, if necessary.