



Vancouver Police Department Crown Counsel Queries Audit

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1 Introduction

1.1 In October 2009, the Audit Unit was asked by the Deputy Chief Constable commanding the Operations Division to evaluate the effectiveness of the Crown Counsel Query (CCQ) process at the VPD.

1.2 The main objective of the Crown Counsel Queries Audit was to confirm that investigating officers respond appropriately to follow-up requests assigned by Crown Counsel.

1.3 The Audit Team would like to thank all the audit stakeholders for their assistance. The assistance provided by the Crown Liaison Unit and the Vancouver Provincial Crown Counsel Office is gratefully acknowledged.

1.4 This audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* and the Code of Ethics of the Institute of Internal Auditors.

2 Audit Background

2.1 Before criminal charges can be laid against a suspect, investigating officers must submit a Report to Crown Counsel (RCC). The RCC is the primary document used by Crown Counsel to assess the case, approve the charges and prepare for trial. The RCC articulates the facts of the case and summarizes the evidence proving it. The RCC and the associated disclosure material essentially drive the prosecution.

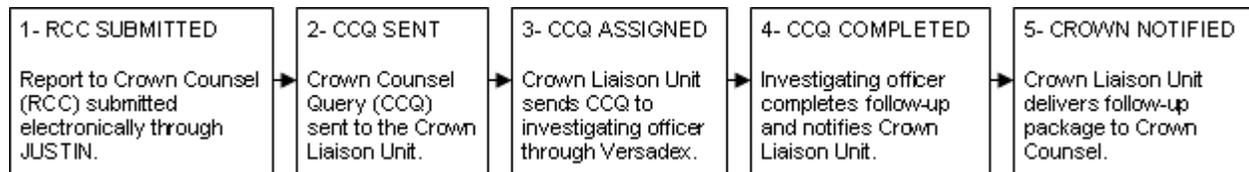
2.2 Once a RCC is approved internally, either by a Station NCO or an investigative unit, a first copy is electronically submitted to Crown Counsel through the Justice Information System (JUSTIN). When a RCC appears to be incomplete or additional evidence is required, Crown Counsel forwards a Crown Counsel Query (CCQ) to the investigating officer through JUSTIN. The Crown Liaison Unit ensures that the CCQ is electronically transmitted to the appropriate investigating officer by copying and pasting each message from JUSTIN to the Versadex Workflow Management subsystem.

2.3 After completing the follow-up work requested by Crown, the investigating officer is responsible to document the actions taken and the new evidence obtained by adding a supplemental Police Statement (PS) text page and a Follow-Up (FU) text page to the existing General Occurrence (GO) report. When follow-up information is added using the Desktop Report Entry (DRE) system, the investigating officer is also responsible to notify the Crown Liaison Unit by electronically routing the updated report to the HCROWN handle. When follow-up information is added using the Mobile Report Entry (MRE) system, the report is electronically routed to the Crown Liaison Unit by the Transcription/CPIC Support Unit on behalf of the investigating officer.

2.4 The Crown Liaison Unit ensures that all new follow-up information is physically delivered to Crown Counsel. All follow-up information must be manually delivered in hard copy format because Crown representatives do not have access to PRIME and supplemental information added to existing RCCs cannot currently be transmitted electronically through the JUSTIN interface.

2.5 The following diagram illustrates the CCQ process.

Figure 2-1 Crown Counsel Query (CCQ) Process



2.6 The Crown Liaison Unit monitors overdue CCQs on a quarterly basis. When a CCQ remains overdue, the Crown Liaison Supervisor sends an internal memo to the Sergeant or Staff Sergeant supervising the investigating officer. After one month, an internal memo is also sent to the Inspector in charge of that officer by an Information Management Section (IMS) Manager. This monitoring process limits the number of overdue CCQs. However, Sergeants and Staff Sergeants remain responsible on an ongoing basis to monitor overdue CCQs within their own teams and units using the Versadex Workflow subsystem.

3 Audit Scope and Methodology

3.1 The audit consisted primarily of an examination of how CCQs are handled by investigating officers.

3.2 The Audit Manager conducted a detailed review of all CCQs associated with all property crime cases recorded in March 2009 and all violent crime cases recorded in May 2009. This sampling method yielded almost 200 CCQs associated with 46 property crime cases and 72 violent crime cases, for a total of approximately 310 specific tasks requested to investigating officers by Crown Counsel. The Audit Manager also conducted a cursory review of all CCQs related to cases recorded in April 2009. This yielded 300 additional CCQs associated with 170 cases.

3.3 The period of March to May 2009 was chosen because the audit called for a *post-mortem* examination of CCQ responses. Cases initiated later in the year would have been more likely to be associated with pending or active CCQs and this would have made a *post-mortem* analysis more difficult.

4 Audit Findings

4.1 The audit findings are summarized below.

FINDING 1: Most CCQs appear to be handled properly by investigating officers but improvements are possible.

4.2 Based on the electronic documentation available in PRIME, requests from Crown Counsel submitted in the form of a CCQ usually appear to be handled properly by the Crown Liaison Unit and the investigating officers. However, some improvements are possible.

4.3 Out of almost 290 cases reviewed by the Audit Manager, 17 cases (5.9%) probably could have been handled more effectively. Most of these cases were flagged either because the investigating officer took more than 16 days to redirect the original CCQ, the CCQ was redirected twice or more, or Crown Counsel was forced to submit two requests or more for the same things.

4.4 The following table summarizes these potentially problematic cases.

Table 4-1 Potentially Problematic Cases

Case Number	Case Type	Description of Crown's Request	Assigned Initially	Response from Investigating Officer
22(3)(b)	THEFT-SHOPLIFTING UNDER \$5000	15(1)(g)	22(3)(d)	Investigating officer did not follow up with Crown until 2009-04-20 .
	MISCHIEF \$5000 OR UNDER			Investigating officer asked that the CCQ be redirected to PC [redacted] only on 2009-06-14 .
	ROBBERY W/OTHER OFFENSIVE WEAPON			Investigating officer asked that the CCQ be redirected to PC [redacted] on 2009-07-13 . PC [redacted] redirected CCQ to [redacted].
	ROBBERY W/OTHER OFFENSIVE WEAPON			Investigating officer submitted the 9-1-1 recordings to Crown Liaison Unit on 2009-06-04 but did not keep one copy to be transcribed. Crown lost track of the 9-1-1 recordings so investigating officer was unable to provide transcripts in a timely manner.

Case Number	Case Type	Description of Crown's Request	Assigned Initially	Response from Investigating Officer
22(3)(b)	THEFT-SHOPLIFTING UNDER \$5000	15(1)(g)	22(3)(d)	CCQ still outstanding.
	ASSAULT-COMMON OR TRESPASS			Investigating officer asked that the CCQ be redirected to PC [redacted] only on 2009-08-24 .
	ASSAULT-COMMON OR TRESPASS			Nobody was able to answer Crown Counsel's questions.
	SEXUAL ASSAULT			Investigating officer asked that the CCQ be redirected to PC [redacted] only on 2009-07-24 .
	ASSAULT-W/WEAPON OR CBH			Investigating officer asked that the CCQ be redirected to PC [redacted] on 2009-05-23 . PC [redacted] asked that the CCQ be redirected to PC [redacted] on 2009-05-25.
	CRIMINAL HARASSMENT			Investigating officer asked that the CCQ be redirected to PC [redacted] only on 2009-05-21 .
	15(1)			Investigating officer asked that the CCQ be redirected to PC [redacted] only on 2009-06-17 . CCQ still outstanding.
	SEXUAL ASSAULT			Most of the CCQ appears to be still outstanding, except for the hospital examination results.
	ASSAULT-COMMON OR TRESPASS			Investigating officer asked that the CCQ be redirected to PC [redacted] only on 2009-07-23 .
	15(1)			Investigating officer apparently tagged the seized drugs for analysis on 2009-05-27 but the drugs were not shipped out to the lab until 2009-07-14 .
	ROBBERY-OTHER			Investigating officer completed assigned tasks on or around 2009-08-02 but delivered information to Crown Liaison Unit only on 2009-09-28 .
	ASSAULT-COMMON OR TRESPASS			Investigating officer sent request for 9-1-1 recording only on 2009-07-01 .

Case Number	Case Type	Description of Crown's Request	Assigned Initially	Response from Investigating Officer
22(3)(b)	ROBBERY W/OTHER OFFENSIVE WEAPON	15(1)(g)	VA2731	Still images provided by the store appear to be corrupted. Investigating officer unable to obtain video from the store.

4.5 As illustrated by the previous table, investigating officers sometimes fail to redirect CCQs in a timely manner. This can significantly lengthen the charge approval process, the disclosure process and/or the prosecution timeline.

4.6 On the other hand, many CCQs appear to have been handled commendably by the investigating officers. These include (but are not limited to) 22(3)(b)

FINDING 2: Various administrative, technical and operational issues may reduce the effectiveness and timeliness of the CCQ process.

4.7 A number of administrative, technical and operational issues may explain why both investigating officers and Crown Counsel are sometimes frustrated by the RCC process in general and the CCQ process in particular.

4.8 Many issues related to the CCQ process are largely outside the VPD's direct control but other issues clearly remain the responsibility of the investigating officers.

ISSUES OUTSIDE CONTROL OF INVESTIGATING OFFICERS

4.9 Some issues are caused primarily by resource or staffing constraints within the VPD itself or in partner agencies. For instance, significant delays currently exist in the areas of forensic analysis (i.e. Forensic Identification Unit), video analysis (i.e. Forensic Video Unit) and audio transcription services (i.e. Transcription Services Unit). Hospital records are typically only received several weeks after they are requested. These delays limit how quickly officers can submit the relevant disclosure material and respond to requests by Crown Counsel. In addition, these delays force the investigating officers

to monitor multiple, separate work queues and compel the Crown Liaison Unit to individually track down various pieces of evidence that may be ready to be forwarded to Crown Counsel at different times.

4.10 Resource and staffing constraints at E-Comm also create significant delays for audio transcription requests. These delays limit how quickly investigating officers can respond to Crown Counsel's requests for recordings of radio communications and 9-1-1 calls.

4.11 Investigating officers are sometimes away on annual or sick leave when they receive a CCQ. The investigating officer in these cases is often unable to complete or redirect the CCQ in a timely manner [22(3)(b)]. This may contribute to create a negative perception or an impression of ineffectiveness for Crown Counsel. However, such delays are largely outside the control of the investigator.

4.12 In the past, Crown Counsel appears to have lost a number of disclosure packages forwarded by the investigating officer through the Crown Liaison Unit (e.g. [22(3)(b)], [22(3)], [22(3)(b)]). Anecdotally, the Crown Liaison Unit confirmed that it is sometimes forced to forward the same evidence to Crown Counsel up to three times. Beyond the inherent security risk and privacy issues associated with "misplaced" or "lost" police evidence, this can represent a major inconvenience for the investigating officer, the Crown Liaison Unit and Crown Counsel itself.

4.13 Investigating officers sometimes find themselves unable to easily locate and contact victims, witnesses or suspects to conduct follow-up interviews or obtain additional statements as requested by Crown Counsel. In these cases, the investigating officers are essentially forced to track down the relevant individuals. This can significantly slow down the response to Crown Counsel (e.g. [22(3)(b)], [22(3)(b)], [22(3)(b)]).

4.14 Documents or pictures scanned in PRIME cannot be transmitted to Crown Counsel through the JUSTIN interface, even in the first instance. This technical limitation sometimes causes some confusion because the investigating officer will

assume that the scanned images were forwarded to Crown, but Crown will be unable to find the images referred to in the RCC (e.g. [22(3)(b)]). Until a new version of JUSTIN is developed or changes are made to the PRIME interface, scanned images will need to be printed and delivered in hard copy to Crown Counsel.

4.15 By design, the JUSTIN interface maps the “Submitted By” officer in PRIME onto the “Initiated By” field. The “Initiated By” field in JUSTIN is used by Crown Counsel to identify the lead or file investigator for each case. Unfortunately, the “Submitted By” officer in PRIME typically reflects who initially created the GO report and this officer is not always the lead investigator, especially when the investigation is assigned to a follow-up investigative unit. Short of contacting Crown Counsel directly, there is no way for the lead investigator to notify Crown that the “Initiated By” officer in JUSTIN is not the lead investigator. Since Crown Counsel does not have access directly to PRIME, it is often unaware that a different officer took over the lead investigator role (e.g. through a follow-up with “Lead Investigator” capacity).

ISSUES UNDER RESPONSIBILITY OF INVESTIGATING OFFICERS

4.16 Investigating officers sometimes fail to provide relevant disclosure material in a timely manner. This forces Crown Counsel to formally request and track down various pieces of key evidence that could or should have been disclosed in the first instance. As highlighted by the Crown Counsel Query Review conducted by the Court and Detention Services Section in July 2008, a large proportion of CCQs stem from missing documentary evidence. Many of these CCQs lengthen the charge approval and disclosure processes and could be prevented.

4.17 When proper procedures or investigative processes are not adhered to in the first instance, investigating officers are sometimes forced to “redo” or catch up with some parts of the investigation (e.g. [22(3)(b)]). This can significantly lengthen the charge approval and disclosure processes. For instance, investigating officers sometimes fail to seize key video evidence (e.g. [22(3)(b)] [22(3)(b)]).

5 Conclusion

5.1 At the request of the Deputy Chief Constable commanding the Operations Division, the Audit Unit conducted an audit of the CCQ process. The objective of the audit was to assess the effectiveness of the CCQ process. As part of the audit, the Audit Unit reviewed more than 200 CCQs assigned to VPD investigating officers.

5.2 Based on information assembled as part of the audit, requests from Crown Counsel submitted in the form of a CCQ seem to be generally handled properly by the Crown Liaison Unit and the investigating officers involved. However, some improvements are possible. A number of administrative, technical and operational issues reduce the effectiveness of the CCQ process. Such issues include resource constraints, disclosure delays and investigative gaps.

5.3 Some improvements have already been made to the CCQ process. On 2009-10-15, the PRIME Training Unit published a training bulletin to remind investigating officers that any new information added to a RCC must be sent to Crown Counsel in hardcopy format through the Crown Liaison Unit. These guidelines are also expected to be formalized in a Regulations & Procedures Manual (RPM) policy. This should help ensure that investigating officers properly respond to CCQs and that all the relevant information is forwarded to Crown Counsel.

5.4 Improving the quality of report writing generally and the quality of RCCs in particular is one of the key strategies in the 2010 VPD Strategic Business Plan. As part of this strategy, all the available training material on report writing is expected to be consolidated and made available to frontline investigating officers. Business practices within IMS are also expected to be reviewed and streamlined if appropriate. This approach championed by Inspector Daryl Wiebe should enhance the CCQ process at the VPD.

5.5 The Audit Unit will continue to monitor the CCQ process as part of its ongoing risk-based audit program. In the interim, the following recommendations are provided for consideration. These recommendations have been presented to and were tentatively

endorsed by IMS and the Deputy Regional Crown Counsel at the Vancouver Provincial Crown Counsel Office.

RECOMMENDATION 1: Identify a Lead Investigator for every case in PRIME.

5.6 A lead investigator or file coordinator should be formally identified for every case submitted to Crown Counsel. For complex patrol-based investigations, further analysis is required to determine if the Station NCO or the responsible patrol NCO would be in the best position to assign the lead investigator responsibility. In most investigative units, NCOs already ensure that the lead investigator responsibility is clearly assigned.

5.7 Lead investigators should be identified in PRIME using a follow-up assignment with a “Lead Investigator” capacity. In addition, lead investigators should check off the “Lead Investigator” role in the Police Will Say template and indicate in their Police Will Say that they will be responsible for any follow-up requests associated with the investigation. This would make it easier for the Crown Liaison Unit to determine who will answer follow-up requests from Crown Counsel.

RECOMMENDATION 2: Assign every CCQ to the Lead Investigator in PRIME.

5.8 Instead of relying on the recipient information provided by Crown Counsel as part of the CCQ, the Crown Liaison Unit should assign every CCQ to the Lead Investigator identified in PRIME. This would force the Lead Investigator to take “investigative ownership” of the case. The diagram in Appendix 1 illustrates how this could streamline the CCQ process (e.g. 22(3)(b)-----).

RECOMMENDATION 3: Make the Lead Investigator responsible to redirect CCQs through the Crown Liaison Unit.

5.9 When a CCQ needs to be redirected, the Crown Liaison Unit should ask the Lead Investigator, or a frontline supervisor, where the CCQ should be redirected. Crown

Counsel should not be asked to redirect CCQs. In most cases, the Lead Investigator should be responsible to internally reassign BFs as required.

RECOMMENDATION 4: Implement a system to automatically notify the Crown Liaison Unit when the Lead Investigator is away on extended leave.

5.10 An automated system should be implemented to notify the Crown Liaison Unit when a CCQ is addressed to a Lead Investigator who will be away on extended leave. Before assigning a CCQ, the Crown Liaison Unit should refer to this automated system to ensure that the Lead Investigator will be able to respond to the request within a reasonable timeframe. When the Lead Investigator is expected to be away on extended leave and will be unable to respond within a reasonable timeframe, the Crown Liaison Unit should redirect the CCQ to the responsible NCO or notify Crown Counsel. In addition, the responsible NCO could monitor the Workflow Management system and process urgent CCQs if required.

RECOMMENDATION 5: Append a cover page to every disclosure package sent to Crown Counsel.

5.11 Every disclosure package sent from the Crown Liaison Unit to Crown Counsel should be accompanied by a cover page or attachment list showing at least the associated police file number, court file number, name of the lead investigator, name of the Crown Counsel representative and list of attachments.

5.12 The Lead Investigator would be responsible to fill out the cover page in most cases but the Crown Liaison Unit would need to fill out the cover page when sending out hardcopy text pages that the officer submitted electronically in PRIME. The cover page would help Crown Counsel determine what case each package relates to so that they don't lose or misfile it. The cover page would also allow Crown Counsel and the Crown Liaison Unit to confirm who the lead investigator is.

5.13 The cover page could be based on the existing attachment list template in PRIME. A new electronic template could be filled out and printed each time a disclosure

package is forwarded to Crown Counsel. Alternatively, a paper form based on the template in Appendix 2 could be used.

6 Appendix 1 – Recommendations 1 and 2

