

SUBJECT: DISCLOSURE OF POLICE MISCONDUCT INFORMATION (<i>R. v. McNeil</i>)

POLICY

Disclosure of the fruits of an investigation by the Crown to an accused person has evolved in Canadian jurisprudence from the 1991 Supreme Court of Canada decision in *R. v. Stinchcombe*. The Court delivered a decision January 16, 2009 in the matter of *R. v. McNeil*. In *McNeil*, the Court re-examined *Stinchcombe*, as well as its previous decisions in *R. v. Mills*, and *R. v. O'Connor*, while commenting extensively on the obligation of the Crown to disclose police misconduct information in criminal cases. Prosecutions plays a vital role in compliance with *McNeil*, including obtaining disclosure of relevant police misconduct, determining the relevance of any police misconduct disclosed, and controlling the dissemination of this disclosure.

The evolution of jurisprudence with respect to disclosure has continued and will continue to evolve over time. In the prosecution of any criminal charge, prosecutors and police recognize their continuing obligation to disclose relevant information to an accused. Prosecutors must be aware of the extent of their obligations in this important area of the law, and must also be aware of the police obligations in this area.