

**PILOT STUDY OF  
METHOD TO REVIEW  
CLOSED ORGANIZED  
CRIME FILES**



Pilot Study of Method to Review Closed  
Organized Crime Files

Final Report on Phase 1 and  
Recommendations for Phase 2

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*The views expressed in this report are those of the  
author and do not necessarily represent the views  
of the Department of Justice Canada.*





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## Executive Summary

This report presents the findings of a pilot study to develop and test a methodology to review closed organized crime files dealt with by the Federal Prosecution Service (FPS). This study is Phase 1 of a two-part review, which is to provide a clear description of the nature and volume of organized crime files prosecuted by the FPS. In Phase 1, a method for the conduct of these file reviews was developed and tested. Subject to the findings and recommendations of Phase 1, Phase 2 will extend the tested method to a larger and more representative sample of files.

The key components of the pilot study were the development of an operational definition of an organized crime file, the identification and collection of data on a sample of files which conform to this definition, and analysis of the results of the pilot test. The focus of this analysis was on the feasibility of extending the method to a larger sample of files for the purpose of generating nationally representative estimates of the volume and nature of closed organized crime files.

More specific tasks included:

- The analysis of data from a study of case complexity conducted by the Research and Statistics Division for the FPS in 1998. This study identified a small sample of files in which the accused had links to organized crime. These files were reviewed in order to understand their scope and nature, and to identify issues for discussion at the workshop held in Ottawa on May 30<sup>th</sup> 2003.
- An assessment of the extent to which CASEVIEW (FPS's file management information system) could be used to draw a sample of files for the study. This assessment concluded that due to the widespread absence of relevant data for the period under review, CASEVIEW could not be used for this purpose.
- The conduct of a workshop to develop an operational definition of an organized crime file. The definition that emerged from the workshop was used to identify files for review during visits to six FPS regional offices.

Following the workshop, site visits were made to the six FPS regional offices to:

- Review a sample of 20 closed organized crime files as defined during the workshop.
- Confirm the practical applicability of the definition and indicators of organized crime files identified at the workshop.
- Collect descriptive information about the files.
- Assess the ease or difficulty of extracting information from these files.

The visits to the six regional offices took place between mid-June and the end of July of 2003. The duration of the visits was three or four working days, depending on the number of organized crime files available for review. Across the six sites, a total of 114 files were identified by the regional offices as organized crime files, for an average of 19 files per office. During the site visits, a total of 85 files were reviewed, for an average of 14 files reviewed per site. The remaining 29 files were not reviewed for various reasons, including their not being complete, closed or physically accessible at the time of the site visits. The average amount of time taken to review each of the 85 files was 82 minutes, with a range of 20 - 240 minutes.

The results of the pilot test confirmed that the operational definition of an organized crime file agreed to at the workshop could be used to identify these files in the FPS caseload. It also determined that Phase 2 of the study, to involve collecting data on a larger and more representative sample of organized crime files handled by the FPS is, in fact, feasible. Specific recommendations for the conduct of Phase 2 included:

- Narrowing the scope of the data to be collected from the files compared to the scope of the pilot study, and focussing the data collection on those characteristics of closed files that are most clearly related to describing the nature of organized crime files.
- Using CASEVIEW to compile a sampling frame for all FPS files and winnow the caseload down to those files which may qualify as ‘organized crime files,’ and which were opened and closed during the period of study.
- From the CASEVIEW sampling frame, drawing a regionally proportionate random sample of 2,000 of the files remaining after the winnowing effort. Since this sample will include both organized crime files and other files, analysis of the resulting data will enable FPS to estimate the proportion of its overall caseload which meets the definition of ‘organized crime files.’
- Reviewing the files in the sample of 2,000 using the coding instrument developed for this study.
- Analyzing the coded information to both classify the files reviewed as ‘organized crime files’ or not (according to the definition agreed to at the workshop) and to describe the typical and distinguishing characteristics of these two sets of files.
- As a supplement to the analysis of the data from the random sample of 2,000 files, applying a parallel coding and analysis process to 200 of the closed organized crime files currently being flagged by the regional offices.
- Defining the work of the file review so that it can be done by analyst/coders with minimum qualifications and experience.
- Focussing the file reviews on those documents identified in the pilot study as most likely to yield the required information.





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- Aiming for an average review time of one hour per file.
  - Establishing a reasonable standard for productivity for the coder/analysts. We recommend a target of 30 files reviewed per week per coder.
  - Being prepared to locate and examine linked files where appropriate.



## 1.0 Introduction

The Evaluation Division, and the Research and Statistics Division of Justice Canada contracted with ARC Applied Research Consultants for the conduct of a pilot study to develop and test a methodology to review closed organized crime files dealt with by the Federal Prosecution Service (FPS). This pilot study is Phase 1 of a two-part review, which is to provide a clear description of the nature and volume of these files. In Phase 1, a method for the conduct of these file reviews was developed and tested. Subject to the findings and recommendations of Phase 1, Phase 2 may extend the tested method to a larger and more representative sample of files.

The Department of Justice has identified three purposes for the data on closed FPS organized crime files to be collected in Phases 1 and 2 of this research. These are:

- To inform the formative and summative evaluations of the *Measures to Combat Organized Crime Initiative* (MCOC) to which the Department and its partners are committed through the Results-Based Management and Accountability Framework (RMAF) submitted to Treasury Board in support of the funding approval process for the MCOC.
- To provide the FPS with data on the volume and nature of organized crime files for which it is responsible.
- To inform policy development within the Criminal Law Policy Section of Justice Canada.

It is important to note that at the beginning of Phase 1, FPS was unable to readily report what proportion of its file caseload was organized crime related, as there was no on-going monitoring of these types of files. Therefore, it was crucial to complete Phase 1 to seek the input of FPS regional offices on the definition of organized crime file and to develop a method for a larger and more representative file review in Phase 2.

This document reports on Phase 1, the pilot study. The key components of the pilot study were the development of an operational definition of an organized crime file, the identification and collection of data on a sample of files, which conform to this definition, and analysis of the results of the pilot test. The focus of this analysis was on the feasibility of extending the method to a larger sample of files for the purpose of generating nationally representative estimates of the volume and nature of closed organized crime files handled by the FPS.

In support of these key components of the pilot study, a number of preliminary tasks were completed in close consultation with representatives of the Department. These included:

- A review of existing definitions of organized crime.
- Analysis of data gathered for the 1998 Case Complexity Study.
- A review of CASEVIEW as a potential data source.
- An exploratory review of a sample of hardcopy files identified through the Case Complexity Study.
- A one-day workshop with FPS regional prosecutors to develop an operational definition of organized crime files for the pilot study.

The conduct and findings of these preliminary tasks are described in Chapter II below. Chapter III summarizes the findings of site visits to the six participating regional offices and addresses the issue of data availability. Chapter IV describes the data collected and the general characteristics of the organized crime files reviewed during the site visits. Chapter V presents the method recommended for the conduct of Phase 2 of this study.



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## 2.0 Development of the Pilot Test Method

As noted above, a number of key reports, documents and manuals were reviewed prior to the workshop and site visits. Of particular relevance was the Case Complexity Study conducted by the Research and Statistics Division in 1998, as it is the only previous study to identify FPS files linked to organized crime. In an attempt to minimize respondent burden, data from this study were used to identify a sample of electronic files in CASEVIEW (the Department's electronic file management system), as well as hardcopy files, in order to develop a list of key variables or indicators of an organized crime file. This approach was initially taken to determine whether it would be feasible to use CASEVIEW to identify potential organized crime files for further analysis.

This initial review of the Complexity Study, CASEVIEW, and the hard copy files are described below.

### 1. Analysis of the data gathered for the 1998 Complexity Study

The Complexity Study involved a review by regional prosecutors of a national random sample of 1,021 FPS prosecution files using a manual coding form. Among the data elements captured were an indication of whether or not the 'accused profile' was somehow related to organized crime, and a number of case characteristics which would seem logically associated with organized crime cases. As part of the pilot study, these characteristics were cross-tabulated with the organized crime variable. A number of case characteristics were identified as likely to be associated with a case being coded as 'organized crime,' including, whether or not the file involved anti-smuggling issues, proceeds of crime issues, mutual legal assistance requests, higher numbers of accused, counts of charges, the presence of Charter applications, large volumes of disclosure, foreign language evidence, wiretap authorizations or calls in evidence, applications for forfeiture, large amounts of time spent or required to process the case, and assignment of senior counsel to prosecute the case.

Given that FPS was not identifying and monitoring organized crime prosecutions when the current study began, the data from the Case Complexity Study played an important role by identifying files in which the accused may have been involved in organized crime. Access to these data enabled us to undertake a preliminary review of a small sample of CASEVIEW records and hardcopy files from Montreal, Ottawa-Gatineau and Toronto (described below).

## 2. Assessment of CASEVIEW

For reasons of efficiency, and in an effort to minimize the burden of data collection on prosecutors, the initial plan for this study anticipated that CASEVIEW, the file management information system used by the FPS, would provide much of the data required to identify organized crime files within the general caseload.

One of the main tasks of Phase 1 was to identify those data routinely present in CASEVIEW records that are associated with an organized crime file. While there was reason to be optimistic that CASEVIEW would serve the purposes of the pilot study, some caveats were also in order. In particular, it could not be assumed that CASEVIEW records would be complete in all cases or that prosecutors in different regions would be consistent in their use of the system. First steps in this phase of the study included:

- Reviewing available documentation on CASEVIEW.
- Identifying CASEVIEW variables that might logically be associated with organized crime files.
- Reviewing CASEVIEW data on a sample of files from the Case Complexity Study. Of these files, 10 were from the Ottawa-Gatineau regional office, 28 were from Toronto and 21 were from Montreal.

The CASEVIEW data entered prior to 2001 did not seem to be particularly useful in screening the historical file caseload for files involving organized crime. Many fields believed to assist with identifying potential organized crime files were found to be blank, different offices had different practices respecting the use of CASEVIEW, and, most importantly, CASEVIEW was not in widespread use during the time period covered by this study. This latter point reflects the fact that the business standards for the use of CASEVIEW were not introduced until 2001 when training was provided nationally.

After this initial review, it was determined that for the purposes of this study, the best use of CASEVIEW may be as a winnowing tool. Perhaps certain files can be readily identified as NOT organized crime in CASEVIEW and the pool of likely cases reduced in that way. The potential for CASEVIEW to contribute in this way to the methodology to identify closed organized crime files in the FPS caseload will be revisited later in this report.

While our assessment of CASEVIEW meant that we would not recommend using it to retrospectively identify organized crime files, further work should be done to determine its potential usefulness in describing the general nature of organized crime files (e.g., number of accused, charges, complexity level, initiative, etc.) in the FPS caseload.

## 3. Preliminary review of hardcopy files

A sample of hardcopy files identified by the 1998 Case Complexity Study as ‘organized crime files’ was reviewed in order to gain an initial understanding of the contents and organization of



these files. In an effort to reflect the expected diversity of these files, the samples were drawn from three regional offices: Ottawa-Gatineau, Toronto and Montreal. Both the Toronto and Ottawa-Gatineau offices identified five files. The Montreal office supplied three cases believed to be more characteristic than those identified by the Case Complexity Study. One of these, containing 29 boxes and 52 individual files was so large, that a sample of eight accused (in six files) was randomly selected for review. This review enabled us to identify some key issues to be addressed during the workshop.

#### 4. Preparing for the May 30<sup>th</sup> Workshop

The activities listed above were instrumental in preparing for the May 30<sup>th</sup> 2003 Workshop with FPS regional prosecutors. The key objective of the workshop was to develop an operational definition of an organized crime file and list possible indicators of these files for use in the pilot study. Although it was clear that CASEVIEW could not be used reliably to identify potential organized crime files, its possible use as a ‘screen’ or winnowing tool to narrow the search for potential organized crime files remained on the workshop agenda.

From the review of documents and the experience of completing the preliminary review of hardcopy files, we concluded that existing definitions of criminal organization and criminal organization offence would be helpful in developing an operational definition of an FPS organized crime file for the purposes of the pilot study.

We first examined the *Criminal Code of Canada* definitions of ‘criminal organization offence,’ and of a ‘criminal organization,’ stemming from the 2001 legislation in the *Code*,

**“criminal organization offence” means**

- a) *an offence under section 467.11, 467.12, or 467.13, or a serious offence committed for the benefit of, at the direction, of or in association with, a criminal organization;*
- b) *a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or an counselling in relation to, an offence referred to in paragraph (a).*

*467.1 (1) The following definitions apply in this Act.*

**“criminal organization” means a group, however organized, that**

- (a) is composed of three or more persons in or outside Canada; and*
- (b) has as one of its main purposes or main activities the facilitation or commission of one or more serious offences that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any of the persons who constitute the group.*

*It does not include a group of persons that forms randomly for the immediate commission of a single offence.*

*“Serious offence” means an indictable offence under this or any other Act of Parliament for which the maximum punishment is imprisonment for five years or more or another offence that is prescribed by regulation.*

As a separate but related initiative, the Department of the Solicitor General of Canada recently (2002) sponsored a Delphi study (an iterative process of written feedback on an issue from a panel of pre-selected experts) aimed at defining organized crime for the purpose of statistical data collection by police agencies. The definition resulting from the Delphi study is as follows:

*For data collection purposes, a Criminal Organization:*

- a) consists of a static or fluid group of individuals who communicate, cooperate, and conspire within an ongoing collective or network; and*
- b) has as one of its main purposes or activities the facilitation or commission of offences undertaken or planned to generate material benefits or financial gain.*

*A Criminal Organization Offence is any offence under Canada’s Criminal Code or under other Acts of Parliament that is committed for the benefit of, at the direction of, or in association with a Criminal Organization.*

Like those in the *Criminal Code*, the definitions above focus on criminal organizations, and offences defined in terms of criminal organizations. Furthermore, they were developed specifically for the purpose of data collection by law enforcement agencies. Consequently, a critical goal of Phase 1 of this project was the development of an operational definition of organized crime files, which is specifically tailored to the task of identifying such files in the FPS caseload.

During the preparation for the workshop, there was discussion of whether the unit of analysis for the pilot study should be a case or a file. A case refers to a set of multiple files with unique file numbers that are linked/associated in some way (e.g. initially part of a police investigation/brief which has been spilt into unique file numbers by the prosecutor). A ‘file,’ means a paper file or a CASEVIEW record with a unique prefix (region identifier) and single file number. Our preliminary review revealed that a file could refer to:

- A single accused facing one or more charges, all of which are dealt with in the file.
- A single accused facing several charges, only some of which are dealt with in the file.
- More than one accused facing the same or different charges (in that file).
- No specific accused, but rather background information, such as supporting evidence for wiretaps, police investigative reports or affidavits targeting multiple individuals under a single project heading.



Conversely, an individual accused may generate multiple file numbers for multiple charges.

In order to allow for the use of CASEVIEW to develop a list or sampling frame for Phase 2, the unit of analysis adopted in Phase 1 was a file.

## 5. The May 30 Workshop

All workshop participants were sent a pre-workshop paper, which provided background findings and scenarios from our preliminary hardcopy file review, and a set of questions to consider before coming to the workshop. The workshop convened in Ottawa on May 30<sup>th</sup>, 2003 and was attended by representatives of FPS from the six regional offices and Headquarters, as well as officials from Criminal Law Policy, Strategic Policy and Prosecution Section (SPPS) Executive Services Office (ESO) and Information Management Branch (IMB). The Project Authorities from the Evaluation Division and the Research and Statistics Division chaired the workshop.

As noted above, the key objective of the May 30<sup>th</sup> workshop was to seek consensus on how best to define organized crime files in the context of the research and evaluation efforts planned by the Department. Specifically, this definition was to guide FPS prosecutors to consistently identify organized crime files in their caseload. Following a full day of discussion, the following definition was agreed to at the workshop. It is important to note that a first draft of this definition was presented by a senior official from the Strategic Policy and Prosecution Section (SPPS).

*A file is to be identified as an organized crime file if:*

*it contains one or more charges under section 467.1 of the Criminal Code stemming from the 1997 organized crime legislation (C-95);*

*OR*

*it contains one or more charges under section 467.11, 467.12, 467.13 of the Criminal Code stemming from the 2001 organized crime legislation (C-24);*

*OR*

*the file or related files contain **information** that an offence(s) may be or was committed for the benefit, at the direction of, or in association with a “criminal organization” as defined below;*

*OR*

*one or more accused or targets of the investigation were targeted due to their known involvement in organized crime activities.*

**Notes:**

**“criminal organization”** means a group, however organized, that is composed of three or more persons in or outside of Canada, one of whose main purpose or activities is the commission or



*facilitation of offences that if committed, would likely result in the direct or indirect material benefit, including financial benefit, by the group or by any person who constitute the group. It does not include a group formed randomly for the immediate commission of a single offence.*

*The FPS definition of criminal organization has one significant departure from the Criminal Code definition. The offences committed as one of the main purposes or activities of the organization need not be a “serious offences” within the meaning of s. 467.1 of the Criminal Code in order to qualify the file as an organized crime file.*

*“information” means reliable or credible information provided to prosecution by law enforcement or otherwise within the knowledge of the prosecution. This information does NOT have to be admissible in court. However, it must go beyond bare assertion or speculation.*

*The determination that a file is an organized crime file is not dependent on an intention to prove the organized crime connection in court, to pursue charges under s. 467.11, 467.12, 467.13 or to rely on the sentencing provisions of s. 718.2 (iv) of the Criminal Code for the purpose of aggravating sentence.*

It is important to point out that the only difference between the above definition and the definition in the *Criminal Code* is that the offence committed need not be a “serious offence”. This is crucial in order not to exclude files that do not contain charges or charges for “serious offences. As well, the absence of “serious offence” in the definition makes it congruent with the Solicitor General definition noted above. Several other issues were also discussed at the workshop, including the potential use of CASEVIEW to limit the scope of the search for organized crime files.

Shortly after the completion of the workshop, discussion around the definition of organized crime file with the regional offices resulted in the commencement of on-going flagging of active organized crime files, and some closed organized crime files, in CASEVIEW (Montreal is using iCase, which is the new file management system). This should ensure that organized crime files are identified for future research and evaluation.

## **6. The Site Visits**

At the conclusion of the May 30<sup>th</sup> workshop, the regional FPS representatives were informed that the consultants would be visiting their offices in the coming weeks. The expressed purpose of these visits was to:

- Review a sample of 20 closed organized crime files identified by the regions based on the definition from the workshop and the following three timeframes:
  - Opened before Jan 1, 1997 and closed before Dec 31, 2001.
  - Opened after Jan 1, 1997 and closed before Dec 31, 2001.
  - Opened after Jan 1, 1997 and closed between Jan 1, 2002 and May 31, 2003.



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The rationale for using these timeframes was to initially explore file characteristics before and after Parliament enacted the 1997 organized crime legislation (formerly referred to as C-95) and the 2001 legislation (formerly referred to as C-24).

- Confirm the practical applicability of the definition and indicators of organized crime files identified at the workshop.
- Collect descriptive information about the files.
- Assess the ease or difficulty of extracting information from these files.

In the weeks leading up to the site visits, lists of file numbers were received from each of the participating offices. The steps taken to complete the site visits were as follows:

- Using the regional office contacts, we requested a list or index of the contents of each identified file, where available. We also requested that all of the files (and corresponding boxes) be pulled from storage or archives in advance of the site visits. Finally, workspace in the regional offices in which to conduct the actual file reviews was requested.
- In each region, we reviewed the files and completed the file review instrument (see Appendix A) based on the availability of the information contained in the hardcopy files.

Following the site visits, we entered the data captured in the instrument into an SPSS data file for review and analysis.

### 3.0 Findings of the Site Visits

The visits to the six regional offices took place between mid-June and the end of July of 2003. The duration of the visits was three or four working days, depending on the number of organized crime files available for review. With the exception of Ottawa-Gatineau, where some files were stored at Justice Headquarters, the files were reviewed in the regional offices. In some cases, the files were stored on-site. In others, they were retrieved from off-site storage facilities.

Across the six sites, a total of 114 files were identified by the regional offices as organized crime files, for an average of 19 files per office. During the site visits, a total of 85 files were reviewed, for an average of 14 files reviewed per site. Those 29 files identified but not reviewed were either incomplete or still active. The average amount of time taken to review each of the files was 82 minutes, with a range of 20-240 minutes.

As noted above, one of the key objectives of the site visits was to assess the ease or difficulty of extracting information from these files. In order to facilitate and structure the file reviews, a data collection instrument (Appendix A) was developed and pre-tested.

#### A. Availability of Individual Data Items

The specific types of information collected in the file review, and our findings as to their availability are summarized in the chart below. Note that the three ratings: *rarely*, *sometimes* and *readily available* reflect both the quantitative aspect addressing the frequency of being able to locate the information, as well as the qualitative aspect of the file review in terms of how much effort was required to find the information and how confident we were in its accuracy. For example, among the 85 files reviewed, the variable “date investigation started” was recorded 69 times. However, the date was frequently qualified as ‘possible’ or ‘earliest date on file’ or as a date on an early document; therefore, while some date was recorded, the validity of that date as the true start of investigation was often unknown. Furthermore, both reviewers found that it took considerable time to peruse documents to even identify these potential dates. In such cases, where the information sought was located for the majority of files, but the effort and time involved was extensive, the rating “sometimes available” has been used as these data were not ‘readily’ available.

For the availability of key documents in the files reviewed, please see Table 3.1 in Chapter III below.



<b>TABLE 2.1 AVAILABILITY OF KEY DATA IN FPS HARDCOPY FILES</b>		
<b>Data Item</b>	<b>Availability</b>	<b>Comment</b>
File Number	Readily Available	
File Size	Sometimes Available	May not always be reliable when relevant documentation stored with linked or project files is not included in estimate of size.
Name of Lead Prosecutor	Readily Available	
Date File Opened	Readily Available	
Date File Closed	Readily Available	
Linked Files	Sometimes Available	Some sites did not provide linked file numbers; in others we found additional linked files not given in the list provided by the regions.
Rated Complexity	Rarely Available	
Whether or not File Involves mutual legal assistance Request	Readily Available	Very few files involve mutual legal assistance requests.
Whether or not File Involves Extradition Order/Request	Readily Available	Very few files involve extradition orders.
Whether or not File Involves Wiretap Evidence	Readily Available	
Whether or not Witness List Includes Persons Outside Canada	Sometimes Available	Place of residence not always specified in witness lists seen.
Estimated Volume of Disclosure	Rarely Available	No way of knowing how much of the material on file was actually disclosed. It is important to note that the disclosure package sent to the defence may not be kept on the file.
Amount and Estimated Value of Drugs Seized as Evidence	Amount: Sometimes Available Value: Rarely Available	Only the fact that drugs were seized and the type of drug were readily available. Values assigned by police (street value) varied widely within the same file, thus were deemed unreliable.

<b>TABLE 2.1 AVAILABILITY OF KEY DATA IN FPS HARDCOPY FILES CONTINUED</b>		
<b>Data Item</b>	<b>Availability</b>	<b>Comment</b>
Amount and Estimated Value of Real Property Seized as Proceeds:	Amount: Sometimes Available Value: Rarely Available	
Amount and Estimated Value of Other Property Seized as Proceeds	Sometimes Available	Listings of property seized often varied within a file; often unclear if what was seized/restrained was returned or indeed forfeited as proceeds.
Date Investigation Started	Sometimes Available	Often of doubtful reliability.
Names of Participating Law Enforcement Agencies	Readily Available	
Police 'Project' Names Associated with the File	Readily Available	
Names of Special Investigative Units Involved	Rarely Available	
Whether or Not File Contains Explicit Information that Police Deem Target of Investigation to be Part of Criminal Organization:	Sometimes Available	
Whether or Not Police Describe Offence(s) as Sophisticated in their Execution	Rarely Available	
Name of Accused	Readily Available	
Sex of Accused	Readily Available	Except in cases where the sex of accused persons could not be determined from the file and their names could not be used to classify them as male or female.



<b>TABLE 2.1 AVAILABILITY OF KEY DATA IN FPS HARDCOPY FILES CONTINUED</b>		
<b>Data Item</b>	<b>Availability</b>	<b>Comment</b>
Birth Year of Accused	Sometimes Available	Either clearly stated or very time-consuming to find.
Country/Province of Residence	Sometimes Available	Either clearly stated or very time-consuming to find.
Date of Offence	Readily Available	
Date of Arrest or Warrant Issue	Rarely Available	Not always applicable, as some accused arrested on charges unrelated to the file under review, on appearance notices, or already in custody on other charges.
Location(s) of Offence(s)	Readily Available	
Statutes and Sections Under Which Accused Charged	Readily Available	
Trial Start Date	Rarely Available	Date the trial was to begin often noted, but in virtually every case dates in the file suggested it was postponed for one reason or another. Only clearly available when a trial transcript was on file.
Appeal Date and Type	Readily Available	Appeals were relatively infrequent.
Whether or Not Description of Offence in Crown Brief/Information/Indictment Includes Named Individuals Involved in the Offence But Not Among The Accused in this File (with number of such persons)	Readily Available	
Outcome of Charges and Sentences Imposed	Sometimes Available	Inconsistent in that outcomes were often incomplete or were given 'by accused' rather than linked to a specific charge.

With respect to this last data category, it should be noted that several provincial automated court administration systems record case outcomes in detail. Only in the Edmonton office were data from the provincial system available in the FPS paper files. Given the potential value of outcome information for both research and evaluation purposes, as well as performance measurement, it may be worthwhile for the regional offices to establish links with these systems to acquire outcome data on an ongoing basis for inclusion in both the paper files and CASEVIEW.

## **B Overall Assessment of Site Visits**

### **1. Access to the files**

For the most part, the files identified by the regional offices met the basic criterion of having been closed prior to the time of the site visit. However, a number turned out to be still active for one reason or another (subject to appeal, linked to another continuing prosecution, not yet closed for administrative reasons). In many instances, these still-active files were in the offices of individual prosecutors or in temporary storage locations, making them difficult to access. In any future Phase 2 of this project, it will be important to select for review only files which are clearly closed.

### **2. File organization**

In general, the ease of information retrieval from the files at the sites varied considerably, depending on the local practices with respect to file organization and archiving. Even within individual offices, practices varied from prosecutor to prosecutor. Some files were complete in the sense that they contained all of the key documents related to a prosecution. Others contained only partial information; reference to other linked files (if any) was necessary to locate the information we were seeking. In the some cases, important parts of files could not be located despite the efforts of administrative staff of the offices.

In most locations, approximately 80-85% of the information we were seeking in large files could be found in the covering folders without recourse to the boxes. This process was greatly facilitated by the presence of file indexes which listed the contents of individual folders and boxes. Access to these lists enabled a more focused and efficient search of the boxed materials. For some offices, file indexes were sent to us in advance of our site visits so that we could identify which boxes we required and save the office the effort and expense of retrieving boxes which would not be opened.

### **3. Facilities and support**

All of the regional offices visited for this project were able to provide our reviewers with comfortable and convenient workspace on-site. Generally, the files to be reviewed were immediately accessible and well labelled. Support provided by office staff was uniformly helpful.



## 4.0 The SPSS Research Database

The data collected in the six site visits using the fields described in chapter III were collated into two SPSS data files to allow for rapid and flexible data tabulation. This chapter provides a limited illustration of the nature of the data in the files developed during the course of the pilot study. It serves as an indication of where Phase 2 resources might best be directed in light of the potential usefulness and likely availability of specific types of data. A more complete and thorough analysis of the pilot data files will be required to clarify the specific research and evaluation questions that these data can answer.

### A. Administrative Data

Across all sites, 79% of the files reviewed were clearly organized crime files based on the definition set out at the May 30<sup>th</sup> workshop. Another 19% were only identifiable as organized crime files given their original selection as such by the regional office prosecutors. In other words, nothing the reviewers found in the file clarified the link between the file and organized crime. Only two files were deemed not to fit the definition (both were terrorism files).

The files reviewed for this project contained the following key documents/ components as shown below. In general those documents that were the most useful for the review were the Information and the Crown Brief; these were also the most widely available:

Document	Percentage of files that include document
Information	82%
Crown (Court) Brief	60%
Wiretap transcripts	49%
Court transcripts	48%
Search warrants	37%
Indictment	34%
Audio tapes	33%
Video tapes	29%



It should be clarified that there was no expectation during the review that all files would contain all documents. These percentages are presented simply to provide future reviewers with a guide as to what to expect in conducting such a file review. Clearly, if no wiretaps were used during a police investigation, there is no reason to expect wiretap transcripts on file. Similarly if no arrests were made or charges laid in a given file, there will be no information or Crown brief.

## B. File-Level Data

### 1. Quantity and Size

In all, 85 files were reviewed in the six regional offices, ranging from a low of 10 in Toronto to a high of 17 in Montreal. At no site were 20 complete and closed files available for review. All qualifying (meaning closed, complete and physically accessible) files available at each site were reviewed. In terms of size, files reviewed were roughly equally divided into small (less than 1 pocket) medium (from 1 pocket to 1 box) large (2 to 5 boxes) and very large files (over 6 boxes):

File size	Percentage of files
< 1 pocket	27%
1 pocket to 1 box	20%
2 – 5 boxes	28%
Over 6 boxes	25%

Only 12% of files had ten boxes or more of documentation.

### 2. Agents

Of the 85 files reviewed, only three (3.5%) were clearly prosecuted by Crown Agents.

### 3. Dates

The earliest file reviewed was opened in 1989, although this was clearly an outlier, with the next earliest and remainder spanning the period from April 1995 to October 2002. The earliest closed date on file was March 1997, with the most recent being June of 2003, just prior to the review. The average time span during which files were open was 34.4 months (with a range of 3-166 months). Note that not all opened and closed dates were found for the files reviewed. Three files had no open date and eleven no closing date.

### 4. File Linkages

Approximately half (50.5%) of the files reviewed were clearly linked to other FPS files. Another 17.5% were deemed likely to be linked to other FPS files, given information in the file that suggested a wider scope. Only 32% appeared to be stand- alone files with no links to other FPS files.



## 5. Nature of the File

The following table summarizes the prevalence of mutual legal assistance requests, extradition orders, wiretap evidence and other variables characterizing the nature of the file:

Variable	Reference Found in Files (percentage reflects how many of the total files reviewed included the item)
Police project name	66%
Wiretap evidence	60%
Drug seizures	59%
Other property seizures	51%
Police reported as involving organized crime	51%
Real property seizures	14%
Mutual legal assistance request	13%
Witness list with persons outside of Canada	8%
Extradition order	7%

Slightly over one half of the files reviewed were identified by police as involving organized crime (50.5%). Also thought to be a potential indicator of organized crime files, the existence of a police project name was found in 66% of the files reviewed. This seems to be the single most indicative variable of an organized crime file, although clearly since there was no systematic review of files that were not deemed to be organized crime, it may simply reflect the relative frequency with which police designate investigations by project names, whether or not they are related to organized crime.

Since the inclusion of these variables was prompted by the discussion at the May 30<sup>th</sup> workshop surrounding the development of indicators for organized crime files, it is important to point out that none of these were particularly good indicators taken in isolation (given their generally low frequency even in those files identified as organized crime files by the regional prosecutors).

## 6. Law Enforcement

The RCMP were involved in 74% of all files reviewed, while provincial police (only the OPP) were involved in 12%. Municipal police were involved in 35% of the files seen and included police from twelve regions/cities. Twenty-five files involved other law enforcement agencies or investigative units, as follows:

<b>TABLE 3.4 OTHER LAW ENFORCEMENT AGENCIES/UNITS INVOLVED</b>	
<b>Agency(ies)</b>	<b>Number of files</b>
Canada Customs and Revenue Agency	6
US Drug Enforcement Agency	4
CCRA Special Investigations Unit (Tax related)	3
Integrated Proceeds of Crime Units (IPOC)	3
US Dept. of Justice, US Customs and French Authorities	3
European Authorities	2
Metro Toronto Police Special Investigation Services (Heroin Unit)	1
Ontario Ministry of Finance	1
Citizenship and Immigration Canada (CIC)	1
CIC and Department of National Defence	1

## 7. Summary Data on Accused and Charges per File

The number of accused per file ranged from 0 to 19, with an average of 4. Charges ranged from 0 to 104 per file, with an average of 17.5. Note that each count of a charge was tabulated as a separate charge. The maximum number of trials *per file* was 2 (in all, 34 accused went to trial, see section C.2 below); likewise, no single file involved more than one appeal. Detailed information on accused and charges are provided below in the respective sections.

In only one instance was a trial held and no outcome information available, while there were three appeals for which no outcome could be found on file.

## C. Accused-Level Data

### 1. Demographic Information

In all, the file review examined charges against 324 individual accused<sup>1</sup>, of whom 85% (275) were male, 13% (41) were female. For 2% (8) sex was not given and could not be determined from the name. Birth years for 42 of the accused were not available, but the remainder ranged from 1929 to 1987 with a bimodal distribution showing peaks in the mid 1960s and mid to late 1970s.

Of the 324 accused, 14 either had no fixed address or province of residence was not given on file. The remaining resided in the following provinces/countries:

<sup>1</sup> There were 317 unique individuals in the files reviewed; however some were accused in more than one file and have been counted as separate accused.



<b>TABLE 3.5 ACCUSED PLACE OF RESIDENCE</b>	
<b>Place of Residence</b>	<b>Number of Accused</b>
Ontario	106
Quebec	55
Alberta	48
British Columbia	37
Nova Scotia	35
Europe	9
United States	4
New Brunswick	3
Newfoundland and Labrador	3
Manitoba	1
Saskatchewan	1
PEI	1
Other (Asia, Africa, etc.)	7

## 2. Trials and Appeals

Overall, of the 324 accused, 34 or 10.5% were involved in a trial for one or more of the charges against them. Six appeals on convictions were launched by the accused, and 6 appeals on sentence. The Crown initiated 5 appeals. Appeal and trial information was not available for 15 individuals.

## 3. Fines

Twenty-three of the accused had fines levied against them, ranging from \$100.00 to \$25,522,160.00; the total amount of fines for all files reviewed was \$27,822,360.00. Note that fines may have been levied that were not reported in the file.

## 4. Outcomes

Of the 324 accused, 161 pled guilty to at least one charge and 24 were found guilty on at least one charge. The following table provides frequencies for the most serious disposition (as defined by the Canadian Centre for Justice Statistics) for each accused. Note dispositions are presented in order of seriousness.

<b>TABLE 3.6 MOST SERIOUS DISPOSITION (BY ACCUSED)</b>		
<b>Disposition</b>	<b>Frequency</b>	<b>Percentage</b>
Pled Guilty	161	50%
Found Guilty	24	7%
Stayed	56	17%
Withdrawn	25	8%
Found Not Guilty	4	1%
<b>Other outcomes:</b>		
Still at Large (no resolution)	5	2%
Died prior to resolution	4	1%
No outcome given	36	11%
Not applicable	6	2%
Missing	3	1%

In all, 129 accused were sentenced to some period of jail time; however due to the only sporadic indication of whether the terms noted were to be served consecutively or concurrently, it is difficult with any certainty to say how much time was actually to be served. Where sentences for each charge were the same and it was not otherwise specified, we have assumed they were to be served concurrently, as this was certainly the norm in those files which distinguished concurrent and consecutive sentences. However, the summary data for time of sentence should be interpreted cautiously. For any given charge a jail sentence ranged from 1 to 216 months (18 years). The most frequent terms were for 24 and 36 months.

Of 324 accused, 26 were given suspended or conditional sentences, with terms ranging from 6 to 34 months. Five were sentenced to 18 months probation.

## D. Charge-Level Data

### 1. Charges Laid

In all, 1,487 charges were laid across all the files reviewed. For eleven accused, no charge was laid in Canada (for example, files with an extradition or mutual legal assistance request), for a total of 1,498 entries in the charge-level file. Charges were laid under the following Acts:

Act	Number of Charges	Percentage of Total Charges Laid
Criminal Code	619	41.6%
Controlled Drugs and Substances Act <sup>2</sup>	533	35.8%
Narcotic Control Act	198	13.3%
Excise Tax Act	70	4.7%
Income Tax Act	40	2.7%
Customs Act	12	1%
Immigration Act	9	< 1%
Immigration Protection Act	2	< 1%
Nature of charge undecipherable	4	< 1%

Specific sections of the Acts under which charges were laid are too numerous to mention here, although, in summary form for the three principal Acts, they are: *Controlled Drugs and Substances Act*.

- Sections 4 (possession; 5%), 5 (trafficking; 62%), 6 (importing; 3.5%), 7 (production; 7.5%), 8 (possession of proceeds; 20%) and 9 (laundering of proceeds; 2%).
- *Narcotics Control Act*. Sections 3 (possession; 5%), 4 (trafficking; 39%), 5 (importing; 9%), 6 (production; .5%); 19.1 (possession of proceeds, 36%) and 19.2 (laundering of proceeds; 9%).

<sup>2</sup> Which replaced the Narcotic Control Act



- *Criminal Code*. Over 30 sections were noted, with the vast majority (76%) being conspiracy charges laid under 465(1). The next most frequent charge under the *Code* was for firearms offences under section 92 (5%). Nine charges for criminal organization offences were laid under 467.1.

Among the conspiracy charges under the Criminal Code (465(1)), the majority, (just under 50%) were for trafficking. The table below shows the breakdown of conspiracy charges in the reviewed files by type of conspiracy.

Nature of Conspiracy	No. of charges	Percentage of total conspiracy charges laid
Trafficking	232	49.4%
Importation	61	13%
Importing and Trafficking	54	11%
Smuggling Contraband	41	9%
Possession of Proceeds of Crime	23	4.9%
Cultivation	20	4.3%
Possession	15	3.2%
Possession for the purposes of trafficking	13	2.8%
Laundering proceeds of drugs	2	<1%
Possession of a prohibited weapon	2	<1%
Exportation	1	<1%
Unspecified	6	<1%

## 2. Disposition/Outcome (by charge)

Reporting disposition by charge was not possible because we were unable to reliably find specific outcomes for each and every charge for accused with multiple charges in the file review. In other words, information contained in the files on outcome, for accused with multiple charges, was often solely associated with the accused and not with each charge. While this information was not readily available from the hardcopy files, it may be available in CASEVIEW in the future.

## E. Summary

To summarize these many data, the table below notes the most frequent, common, average or relevant finding for each variable captured during the file review:

<b>TABLE 3.9 DATA SUMMARY</b>	
<b>Key Variables</b>	<b>Finding</b>
Most common key document found	Information sheet (in 82% of files reviewed)
Most common file size	Between 2 and 5 boxes
Average time span of files	34.4 months (just under 3 years)
Extent of linkages among files	Over half (50.5%) were clearly linked to other FPS files.
Most common potential organized crime indicator	The inclusion of a named police project (in 66% of the files reviewed)
Most common drug type in files involving drugs	Cocaine
Most common law enforcement agency	RCMP (in 74% of the files)
Average number of accused per file	4
Average number of charges per file	17.5
Percentage of accused who went to trial	10.5%
Most common disposition for accused	Guilty plea (50%)
Most common jail terms for accused	2 and 3 years
Most common statues under which charges were laid	<i>NCA and CDSA (49.1%)</i>
Most common charge	Conspiracy (76% of charges laid under the <i>Criminal Code</i> , 31.3% of all charges )



## 5.0 Conclusions and Recommendations

This chapter presents the conclusions reached on the basis of the pilot test, and our recommendations for a possible Phase 2 of this study to extend the tested method to a larger and more representative sample of files.

### A. Conclusions

A key conclusion of the pilot test was that the definition of an organized crime file agreed to at the May 30<sup>th</sup> workshop could, in fact, be used by prosecutors to identify these files in the FPS caseload. According to our assessment of each file, 67 of 85 (79%) clearly met the definition. An additional 16 (19%) could be reasonably assumed to be organized crime files based on their identification as such by the prosecutors, even though no conclusive information was found in the files to indicate an organized crime link. The types of files which fell most often into this latter category involved drug couriers, marijuana grow operations and proceeds cases in which the nature of the likely links to criminal organizations was not set out in the file. Of the 85 files reviewed during the site visits, only two files (2%) were found to be ‘not organized crime.’ Information in these files indicated that they involved terrorism.

It is useful to consider why some files identified as organized crime files by the regional offices were not obviously so when reviewed:

- **Determinative information was not in the file reviewed.** Examples of this situation included files in which the link between the accused named in the file and a criminal organization was not clearly specified.
- **The determination required background knowledge of the larger case.** Examples of this situation included files in which all of the background information on the investigation was filed separately, for example with another related prosecution or under its own file number.
- **Drug couriers.** In several files, the accused were drug couriers bringing large amounts of valuable drugs into the country. While these files did not make an explicit connection between the accused and any specific criminal organization, logic would suggest that the drugs were intended for distribution by such an organization and were not for the personal use of the courier. As such, these files would arguably fit the definition.
- **File structures.** The absence of a standard organizational structure for the files reviewed (even within a single regional office) may have contributed to our failure to locate some types of information within these files. This issue extends to the links to other files which may have contained some of the apparently ‘missing’ information in the files reviewed.

The second key conclusion supported by our experience with the pilot test is that Phase 2 of the study, to involve collecting data on a larger and more representative sample of organized crime files handled by the FPS is, in fact, feasible.



## B. Recommendations for Phase 2

Our general recommendations for the conduct of Phase 2 are as follows. Phase 2 should employ a sampling approach which will provide both an estimate of the proportion of the overall FPS file caseload which meets the definition of ‘organized crime file’ and reliable descriptive information on these files. Our specific recommendations for the design and conduct of Phase 2 are as follows.

- **Compile the primary sampling frame.** Use CASEVIEW to compile a sampling frame for all FPS files and winnow the caseload down to those files which may qualify as ‘organized crime files,’ and which were opened and closed during the period of study which is yet to be determined. As discussed at the May 30th workshop, file-level information in CASEVIEW may be used to set aside a number of files, which are very unlikely to involve organized crime. Subject to further discussion and confirmation with FPS, such files may include those in which charges are laid (only) under statutes identified as ‘not organized crime files’ at the workshop. Furthermore, it may be feasible to set aside files involving particular and frequent charges under specific sections of, for example, the *Income Tax Act* (low level tax evasion by individual tax filers) or the *Fisheries Act* (minor violations of season closing dates or geographic boundaries). It will be necessary to consult with Justice lawyers who work in these areas in order to confirm the application of these ‘screens’ to the CASEVIEW files.
- **Draw the sample.** From the reduced CASEVIEW sampling frame, draw a random sample of 2,000 of the qualifying files remaining after the winnowing process. A sample of 2,000 would represent approximately 10% of all litigation files closed by FPS in a year (based on 2001/02 data). It should also yield approximately 200 organized crime files (based on the estimated incidence of 10% from the 1998 Case Complexity Study). In order to be representative by region (Atlantic, Quebec, Ontario, Prairies, B.C.), the sample should be stratified by the proportion of the files remaining in each region after the winnowing rules have been applied. Since this sample will include both organized crime files and other files, analysis of the resulting data will enable FPS to estimate the proportion of its overall caseload which meets the definition of ‘organized crime files.’
- **Focus data collection on those characteristics of closed organized crime files which are readily available and reliable, and are related to describing the nature of organized crime files.** Based on the pilot study, the data collection form has been revised to include characteristics that were sometimes or readily available, and which, for the most part, seemed reliable. The form was also revised to balance the amount of effort and time required to track down the file characteristics with their reliability and the importance. For more detail, see Appendix B for a copy of the revised form.
- **Focus on the highest yield documents.** The experience of the pilot study revealed that much of the required information could be captured from a few key sources, notably, covering folders, informations/indictments, Crown/court briefs, and file indexes.



- **Be prepared to locate and examine linked files.** In some sites more than others, it was often necessary to examine linked files in order to capture the required information for the files in the pilot sample. This variation reflects the practice in some offices of creating individual file numbers for individual accused in a larger ‘case’ while in other offices, all of the accused would be covered by a single file number. In other instances, a police ‘project’ might have its own file number and contain background information on an investigation, which is needed to understand the sampled file.
- **Define the work so that it can be done by analyst/coders.** In the interests of cost-efficiency, we recommend that the file reviews in Phase 2 be done by two small teams (a supervisor and two or three analyst/coders) with qualifications needed to do the work accurately and quickly. This suggests that the work might be done by articling students or paralegals familiar with the jargon of criminal law. At a purely practical level, team members will require Secret security clearances, and will (collectively) need to be able to review files in both official languages.
- **Aim for an average review time of one hour per file.** A number of the foregoing recommendations would, if incorporated into the Phase 2 workplan, enable the average time per review to drop from the two hours or so spent in most of the pilot sites to something more in the range of one hour. When it is not clear from a file whether or not it should be coded as ‘organized crime,’ we recommend that the involved prosecutor be contacted briefly to clarify this point.
- **Establish a reasonable standard for productivity.** The actual work of reviewing closed organized crime files is physically and mentally fatiguing. This suggests that the work schedule for the analyst/coders should incorporate completion targets which reflect a balance between speed and accuracy, and the need for breaks during the workday. Assuming a review of 2200 files at 30 files per week per reviewer, with eight reviewers (two teams of three plus two supervisors) the review would span approximately ten weeks. We suggest 30 files per week per reviewer/supervisor on the assumption that many files selected in the random pull will be short and straightforward. Conversely, review of the 200 organized crime files flagged by the prosecutors (see last bullet below) will likely require more time per file due to their anticipated size and complexity.
- **Plan carefully for the visits to the regional offices.** Our experience with the Phase 1 site visits revealed several logistical matters, which should be taken into account when planning the more extensive visits in Phase 2. Included here are ensuring that the timing of the visits suits the regional office in terms of key staff and workspace availability, and requesting indexes for all sampled files (as available) to limit the boxes/pockets requested to those most likely to contain the required information. Regional offices should be provided a list of files to pull in advance of the actual site visits.

- **Conduct the review of the sampled files.** Review the files in the sample of 2,000 using the attached coding instrument (Appendix B).
- **Analysis.** Analyze the coded information to both classify the files reviewed as ‘organized crime files’ or not, according to the definition agreed to at the workshop. Describe the typical and distinguishing characteristics of these two sets of files.
- **Use second sample of organized crime files flagged by prosecutors.** As a supplement to the analysis of the data from the random sample of 2,000 files, a parallel coding and analysis process should be applied to closed organized crime files currently being flagged by the regional offices. This flagging process is likely to generate a larger sample of organized crime files than will naturally ‘fall out’ of the random sample, and will support an assessment of the extent to which the prosecutors’ lists both incorporate the files in the random sample, and are similar in terms of their descriptive characteristics. Given the expectation that only about 10% of the 2000 files drawn in the random sample will qualify as organized crime files, a thorough analysis of a sample of files selected by the regional offices as organized crime will allow for a more comprehensive understanding of the nature of these files. The specific number of prosecutor-flagged files to be reviewed will depend on how many are identified, and in which regions they are located. However, for planning purposes, we recommend that a regionally proportionate sample of 200 flagged files be reviewed. Where a prosecutor-flagged file turns up in the random sample, it would be replaced by another file in that regional office.

### C. Final Thoughts

Overall, Phase 1 demonstrated the feasibility of conducting retrospective reviews of closed FPS organized crime files and offers some concrete recommendations for a more comprehensive review, should one be undertaken. That said, it is clear that any review of FPS files, which vary so much among regional offices and, in many cases, within a given office, must be seen as a challenging endeavour that can only hope to provide partial insight into the nature of the entire caseload. Improved file management practices, as well as wider and more consistent use of CASEVIEW, particularly in flagging organized crime files would greatly assist the Department in its future efforts to develop policy and evaluate programs concerned with combating organized crime.

## Appendix A

### File Review Instrument Used in Pilot Study



# Pilot Study of Method to Review Closed Organized Crime Files: File Review Template for Site Visits

## 1. FPS File Information

- a. Regional Office: Vcr\_\_\_ Edm\_\_\_ Tor\_\_\_ Ott-Gat\_\_\_ Mtl\_\_\_ Hfx\_\_\_
- b. Date of Site Visit: \_\_\_\_\_
- c. File Number: \_\_\_\_\_
- d. File size: \_\_\_\_\_
- e. Lead prosecutor \_\_\_\_\_ (Agent? Y/N)
- f. Date File Opened: \_\_\_\_\_
- g. Date File Concluded/Closed \_\_\_\_\_
- h. Linked Files? \_\_\_ Yes \_\_\_ No Likely but not certain \_\_\_ If yes, list linked file numbers and source

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- i. Rated Complexity (using CASEVIEW definition): \_\_\_\_\_
- j. File involves MLAT request Y/N
- k. File involves extradition order/request Y/N
- l. File involves wiretap evidence Y/N
- m. Witness list includes person(s) outside Canada Y/N
- n. Volume of disclosure (estimated pages/boxes) \_\_\_\_\_
- o. Amount and estimated value of drugs seized as evidence \_\_\_\_\_
- p. Amount and value of real property seized as proceeds \_\_\_\_\_
- q. Amount and value of other property seized as proceeds \_\_\_\_\_

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2. Law Enforcement

- a. Date investigation started: \_\_\_\_\_
- b. Participating law enforcement agencies \_\_\_\_\_
- c. Associated police 'project' names \_\_\_\_\_
- d. Special police investigative units involved \_\_\_\_\_
- e. File contains explicit indication that police deem target of investigation to be part of criminal organization Y/N  
If yes, explain and identify source document

- 
- 
- f. Police describe offence(s) as sophisticated in their execution Y/N
-

3. Accused/Offence (Complete one row for each accused in file)

Name	Sex	Birth Year	Province/ country of residence	Date of offence	Date of arrest (or warrant issue)	Location(s) of offence(s)	Statute/section x counts	Trial start date	Appeal Date and type	Outcome: plea(s), conviction(s) sentence(s) stay(s) withdrawal(s)

*Description of offence in Crown brief/'information'/indictment includes named individuals involved in the offence(s) charged in this file but who are not among the accused in this file* Y/N





5. Administrative

a. Time taken to review file (minutes) \_\_\_\_\_

b. Location where this file was stored \_\_\_\_\_

c. Contents of this file included	police-prepared Crown brief	Y/N
	‘Information’ document(s)	Y/N
	Indictment(s)	Y/N
	Wiretap transcripts	Y/N
	Court transcripts	Y/N
	Audio tapes	Y/N
	Video tapes	Y/N
	Search warrants	Y/N
	Other relevant document type(s)	_____

d. Location of file review \_\_\_\_\_

e. Contacts in Regional Office who provided assistance (with contact information) \_\_\_\_\_

**Reviewer's notes/comments**

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## Appendix B

File Review Instrument Recommended for Phase 2



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# Phase Two: Review of Closed Organized Crime Files: File Review Template for Site Visits

## 1. FPS File Information

- a. Regional Office: Vancouver\_\_\_ Edmonton\_\_\_ Toronto\_\_\_ Ottawa-Gatineau\_\_\_ Montreal\_\_\_ Halifax\_\_\_
- b. Date of Site Visit: \_\_\_\_\_ c. File Number: \_\_\_\_\_ d. File size: \_\_\_\_\_
- e. Lead prosecutor \_\_\_\_\_level, number of prosecutors f. Prosecuted by agent : Y N Unknown
- g. Date File Opened: \_\_\_\_\_ h. Date File Closed \_\_\_\_\_
- j. Linked Files? Y N Likely (but not evident from file). k. If yes, list linked file numbers and source:  
\_\_\_\_\_  
\_\_\_\_\_
- l. File involves wiretap evidence Y N
- m. If file involves drugs, indicate: - specific type(s) of drugs \_\_\_\_\_  
- whether drugs were seized as evidence Y N
- n. Was real property seized as proceeds? Y N
- o. Was other property seized as proceeds? Y N

2. Accused/Offence (Complete one row for each accused in file)

Name of Accused	Sex	Birth Year	Place of Residence	Date(s) of Offence(s) (from when to when)	Location(s) of offence(s)	Statute/section x counts	Trial held Y/N	Appeal filed Y/N (if yes, type)	Pled guilty to any charge Y/N	Found guilty on any charge Y/N	Prison Y/N (if yes, time)	Fine Y/N (if yes, amount)

Description of the offence in Crown brief/information/indictment includes named individuals involved in the offence(s) charged in this file, but who are not among the accused in this file Y N If yes, how many such individuals are identified? \_\_\_\_\_

3. Law Enforcement

a. Names of participating law enforcement agencies, including special police investigation units involved:

\_\_\_\_\_

b. Associated police 'project' names \_\_\_\_\_

c. File contains explicit indication that police deem target of investigation to be part of criminal organization    Y    N

If yes, explain and identify source document

\_\_\_\_\_

4. Descriptive Summary of File:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



5. Administrative

- a. Time taken to review file (minutes) \_\_\_\_\_
- b. File was closed Y/N
- c. Complete file was available Y/N
- d. Prosecutor was consulted Y/N If yes, what information was provided? \_\_\_\_\_

6. Determination of whether file satisfies FPS operational definition of an organized crime file

Criterion	Whether met
Contains charges under any of Sections 467.1, 4667.11, 467.12 or 467.13 of the Criminal Code	Y/N
Contains information that an offence may be or was committed for the benefit of, at the direction of, or in association with a 'criminal organization' as defined by FPS	Y/N
Contains information that one or more accused or targets of the investigation were targeted due to their known involvement in organized crime activities	Y/N

Based on these criteria, this file is:

- Clearly an 'organized crime file'
- Potentially an 'organized crime file' (if so, consult with responsible prosecutor to clarify file status)
- Clearly not an 'organized crime file'

**Reviewer's notes/comments:**

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