

Reports As Evidence

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Security guards may be summoned to court via a subpoena to testify about incidents they have managed. They might be required to recall precise details regarding these incidents, making it crucial for security guards to maintain comprehensive and accurate notes. On the witness stand, security guards might be allowed to refer to their notes. These notes should function as a memory aid rather than a script; well-kept notes will assist in recalling specifics about an incident, but security guards should not read directly from them. Therefore, before appearing in court, it is essential for security guards to thoroughly review their notes and memorize as many details as possible about the incident.

The Use of Notebooks in Giving Evidence

Unless you are recognized by the court as an expert in a specific area, your personal opinion may not be beneficial and could even be perceived as biased or prejudiced, indicating a lack of objectivity in your duties.

Occasionally, a security guard who has taken notes may wish to use them to refresh their memory during direct or cross-examination. The law regarding the use of notes in court states:

Provided the document was created substantially at the same time as the event it describes, and it was prepared, reviewed, and supervised by the witness, that witness may use the document to refresh their memory while giving evidence.

However, the court's permission is necessary before a security guard can open their notebook to review the material for answering a question. On the witness stand, it can be very tempting to read the answer directly from the notes. The true purpose of the notes is to help the note-taker recall the events, not to serve as a direct script. You should read the notes, refresh your mind, recall the events, and then answer the questions as accurately as possible.

An exception to this rule exists when quoting statements, providing measurements, or where exact details are required. In such cases, you may read directly from the notebook. While maintaining a notebook may seem cumbersome, its absence can lead to memory lapses and potentially result in the dismissal of charges against the accused.

Crown Disclosure

The Crown is obligated to disclose all relevant evidence to the defense counsel and to an accused person without counsel. This duty is based on the Charter Right to make a “full answer and defence,” ensuring the defense is aware of the Crown’s case and can prepare adequately.

Purposes of Disclosure:

- **Informing Defense:** Ensuring the defense understands the Crown's case to prepare a proper defense.
- **Efficiency:** Resolving non-contentious issues before trial to save court time.
- **Early Resolution:** Encouraging the Crown and defense counsel to review evidence and potentially resolve cases early.

Typical Disclosure Includes:

- Written witness statements
- Notes and reports by police or security staff summarizing relevant evidence
- Names and addresses of witnesses without statements
- Statements by the accused
- Details of the accused's criminal record
- Forensic and scientific reports
- A list of exhibits with access or copies of documentary evidence or photos
- Copies of videotaped statements or access to tapes

The Crown must continue to disclose any new relevant evidence that arises. Disclosure balances the need for full transparency with the protection of witnesses and the integrity of the justice system.

Security Guard's Role in Disclosure:

Security guards should fully disclose any relevant materials to the Crown. If concerned about evidence being seen by the defense, they should inform the Crown, who can decide if it should be withheld.

When defense counsel requests to see a security guard's notebook, the guard should prepare by isolating the relevant notes with rubber bands, ensuring only pertinent sections are reviewed. It's important not to edit out relevant information but to organize it to focus on the trial-related content.