

CHECKLIST OF ISSUES

*The answers should be completed on the form and will reflect information available at various stages of the process. If the question is not applicable to the situation under review respond with **NA**. If the answer is not known respond with **NK**. Include any other considerations not mentioned below.*

Prepared by _____
 Date _____

The Informant or Witness (hereafter “the person”)	
1	Does the person expect immunity from prosecution with regard to an offence?
2	Does the person expect benefits for himself/herself or others?
3	Have any benefits already been conferred by authorities on the person or others?
4	What is the likelihood that the person would be convicted of an offence from which immunity is sought?
5	Is the person willing to plead guilty to an offence on agreement that benefits be conferred on him/her or others?
6	What is the degree of the person’s culpability in comparison with others being prosecuted?
7	What is the person’s criminal history?
8	What is the person’s psychiatric history?
9	Has the person cooperated with law enforcement officials in the past or previously entered into an immunity or benefits agreement?
10	Does the person have any reasonable motive to fabricate, such as to divert suspicion from himself/herself or others?
11	Does the person on being arrested have a history of attempting to be shielded from prosecution through suggestive offers of cooperation?
12	Will the person be required to testify while charges are pending against him/her, or will the charge against the person be disposed of before he/she is required to testify?
13	Has the person sought immunity or benefits previously by conduct amounting to fraud or obstruction of justice?
14	Is the person willing to take a polygraph test?

The Offence	
1	Does the person’s proposed statement or testimony relate to the commission of an offence involving death?
2	Is a successful prosecution of the case essential in achieving effective enforcement of the criminal law?
3	Is the public better served by the obtaining of the proposed statement or evidence or by the conviction of the person?

The Evidence	
1	Is the person capable of and prepared to provide evidence on significant aspects of the case?
2	Has the evidence been obtained or can it be obtained from another source not requiring an assurance of immunity or benefits?

3	Where assistance other than testimony is being offered, is the Crown able to assess reliability of the information or the authenticity of the documents?
4	What confirmation by means of credible evidence or information is available to the Crown, which significantly supports the position that the evidence of the person is not fabricated?
5	Will a judge or a properly instructed jury be likely to view the person as credible?

Issues Specific to In-custody Informant Evidence	
1	What were the circumstances in which the in-custody informant's witness statement was made? Provide any information from the law enforcement officials that corroborates these circumstances?
2	To what extent is the in-custody informant's witness statement confirmed by credible evidence or information available to the police independent of alleged statements of the accused that significantly supports the position that the inculpatory aspects of the anticipated evidence were not fabricated?
3	Describe the degree of access that the in-custody informant may have had to external sources of information about the offence such as media reports or the accused person's copy of Crown disclosure material.
4	Did the in-custody informant make some written or other record of the words allegedly spoken by the accused, and if so, when was the record made?
5	Describe the extent to which the alleged statement of the accused contains or leads to the discovery of evidence known only to the perpetrator.
6	Relate any other known reliable information that may attest to or diminish the credibility of the in-custody informant including the presence or absence of any relationship between the in-custody informant and the accused.
7	Describe the circumstances in which the in-custody informant's witness statement was taken by the police including use of non-leading questions, whether a complete version was given initially, if there have been any subsequent contradictions and the thoroughness of the report including the comprehensiveness of the investigation.
8	Has the in-custody informant testified in a court proceeding as a witness for the prosecution, for the defence or on his/her own behalf? Provide any findings in relation to the accuracy and reliability of such evidence, if known.
9	Should a senior Crown Prosecutor (with a law enforcement officer) re-interview the in-custody informant to make an assessment of credibility prior to making a final decision?