

Ministry of the Attorney General

Ministère du Procureur général

Crown Attorney

Procureur de la Couronne

Court House  
50 Eagle Street West  
Newmarket ON L3Y 6B1  
Tel.: 905 853-4800  
Fax: 905 853-4849

Palais de justice  
50, rue Eagle Ouest  
Newmarket ON L3Y 6B1  
Tél. : 905 853-4800  
Télééc. : 905 853-4849



November 16, 2022

Via Email Attachment: [president@criminallawyers.ca](mailto:president@criminallawyers.ca)

Daniel Brown  
President  
Criminal Lawyers' Association  
189 Queen Street E., Suite 1  
Toronto, Ontario  
M5A 1S2

Dear Mr. Brown:

**Re York Regional Police Surveillance Radio Channel Recordings**

We write to advise you of an issue that may have arisen in cases where the York Regional Police (YRP) conducted surveillance operations.

Based on information provided to us by YRP, we understand that, during the period from 2011 to June 28, 2021, it was the practice of the YRP communications centre to record police communications during intelligence gathering and surveillance operations, along with other types of police radio communications (e.g. 911 calls, and the dispatch of officers). However, during that period, YRP officers were generally unaware that communications during surveillance operations were being recorded. Consequently, such recordings were not necessarily included in investigative files or disclosed. YRP officers were trained that police radio communications during intelligence gathering and surveillance operations were to be transcribed by a scribe, and that the scribe's central notes were to be included in the investigative file, along with the notes of the individual officers, for purposes of disclosure.

The YRP is in the process of identifying and gathering all such recordings that were made with respect to current cases being prosecuted. Disclosure is being provided in identified cases that are currently before the courts, based on a case-specific assessment of the communications in light of the surrounding circumstances and any claims of privilege.

We understand that it will be challenging for the YRP to identify recordings in cases that have been concluded. Accordingly, for the purpose of assisting the Federal and Provincial Crown in making disclosure in cases that have been concluded, we respectfully request that you circulate this letter among members of the criminal bar to alert them to the issue. It should be noted that recordings that were made prior to October 1, 2014, are no longer in existence as a result of the YRP retention policy.

If any lawyer, or person found guilty of an offence, has any questions in regard to this matter, we request that an email be sent to [radiotransmissions@yrp.ca](mailto:radiotransmissions@yrp.ca). Please include as many particulars about the case as possible (*e.g.*, the name of the accused and any co-accuseds, the date of the arrest, the charges, and, if known, the name of the officer in charge). This email address is expected to remain active until at least June 1, 2023.

If YRP determines that radio communications exist (or did exist) in relation to an inquiry, they will notify either the York Region Crown Attorney's Office or the Public Prosecution Service of Canada. The respective Crown prosecution service will then determine the relevance, if any, of the materials and, if necessary, provide disclosure to counsel or self-represented person.

We thank you for your assistance in disseminating this letter to the criminal bar.

Respectfully,



---

Sean Doyle  
Crown Attorney  
Judicial District of York Region



---

Tanit Gilliam  
Chief Federal Prosecutor  
Public Prosecution Service of Canada  
(Ontario Region)

c. Aman S. Patel,  
Chair,  
Ontario Bar Association  
Criminal Justice Section

Sheri Hirschberg,  
President,  
York Region Law Association