



VTL 1192 Discovery Checklist

GENERALLY

- ☐ Accusatory Instrument
- ☐ Incident Report/Narrative (**DCJS 3205**)
- ☐ Arrest Report - NYS (**DCJS 3203**)
- ☐ Criminal Record Search/ Repository Inquiry (DCJS Search)
- ☐ CPL 710.30 Statement Notice
- ☐ Grand Jury Transcript
- ☐ Client's Criminal Arrest History (Blotter)
- ☐ Booking Data Sheet

This is a general checklist for the items you should be receiving in discovery for any VTL 1192 case, or where allegations of intoxicated or impaired driving are elements of another charge. Of course, every case is unique, and not every case will result in the creation of each of the documents and audio/visual materials listed here. On the other hand, this list is not exhaustive and some cases may have documents not listed here.

As a general principle, **CPL § 245.20** is the controlling statute, with 245.20(1)(f), (j), (s) and 245.20(2) being of particular interest.

For more generalized information on discovery reform, including updated caselaw and links to New York State Police toxicology records, please go to the **NYSDA Discovery Reform Implementation** page.

Bold type indicates a hyperlink; see the digital copy posted at: www.nysda.org/page/DiscoveryReform

EVIDENCE/PROPERTY SEIZED

- ☐ Property Seized
- ☐ Vehicle Tow Report
- ☐ Notice of Vehicle Seizure
- ☐ Pictures (including Arrest/Crime Scene/Accident/ Liquor Bottles)
- ☐ Body Worn Camera (BWC) Recordings and Reports
- ☐ Dashboard Camera Recordings and Reports
- ☐ Property Custody Report
- ☐ Vehicle Impound/Inventory
- ☐ Radar/Laser Certificates
- ☐ Application for Search Warrants

MACHINERY

- ☐ Certificates of Calibration
- ☐ Certification Reports Related to Reference Standards
- ☐ Machine Records for Six Months Before & After Test
- ☐ Calibration Records for Any Machine Used to Test Blood-Alcohol Content (BAC)
- ☐ Proficiency Test Results for any Machine Used to Test for BAC
- ☐ DOH Permits for Operators



TESTING

- ☐ Chain of Custody Forms (NYS Police Crime Laboratory System)
- ☐ Simulator Solution Certification
- ☐ **Crime Laboratory Toxicology Submission** (NYS Police)
- ☐ Toxicology Case Discovery Directory (NYS Police Forensic Investigation Center)
- ☐ Toxicology Worksheet (NYS Police Forensic Investigation Center)
- ☐ Toxicology Report (NYS Police Forensic Investigation Center)
- ☐ Supplemental Toxicology Report (NYS Police Forensic Investigation Center)
- ☐ Crime Laboratory Case Receipt Record (NYS Police)
- ☐ Curriculum Vitae for Forensic Scientist and/or Expert Witnesses
- ☐ Laboratory Certificate/License
- ☐ Maintenance Records for Laboratory Kits
- ☐ Expert Records/Statements of Expertise

BREATH TEST IN PARTICULAR

- ☐ Portable Breath Test (PBT) Certifications/Permits
- ☐ Breath Test Pre-Test Checklist
- ☐ Breath Test Checklist
- ☐ Breath Test Printout

BLOOD TEST IN PARTICULAR

- ☐ Blood Draw Consent ("Police Request and Consent to Release Blood Sample")
- ☐ Full Lab Kit for any Blood Test
- ☐ Blood Draw Report

MISCELLANEOUS

- ☐ DWI Bill of Particulars (**DCJS 3204**)
- ☐ DWI Notes/Standardized Field Sobriety Testing (SFST) Notes
- ☐ Report of Refusal to Submit to Chemical Test (NYS DMV)
- ☐ **Drug Recognition Expert** (DRE) Report/Notes/Forms
- ☐ **Rolling Logs**
- ☐ DMV Records (**NYS DMV** - COMPASS system)
- ☐ Simplified Information/Certificate Concerning Violation of Law Relating to Vehicles (NYS DMV)
- ☐ Police Accident Report (**NYS DMV**)
- ☐ Law Enforcement Notes (Both Scratch and Typed)
- ☐ Accident Reconstruction Report
- ☐ Accident Measurements/Reports Created by Total Station Devices
- ☐ If Speeding is Alleged, Calibration and Radar Measurements by Speedometer
- ☐ Tickets or UTTs (Uniform Traffic Tickets) Issued
- ☐ Aided Card (if injuries)
- ☐ Medical Records
- ☐ 911 Calls
- ☐ Radio Runs
- ☐ Sprint Records
- ☐ Officer Handwritten Notes (Memo Book)

*Contact NYSDA
for more info!*

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