

PROVINCE OF ONTARIO
MINISTRY OF ATTORNEY GENERAL

CROWN POLICY MANUAL

March 21, 2005

WITNESSES

PRINCIPLES

Witnesses are an important part of every prosecution. The justice system strives to foster their participation in the justice process. Many of the policies and memoranda in the Crown Policy Manual impose responsibilities on Crown counsel to make early contact with witnesses and victims. In the case of young or otherwise vulnerable witnesses, Crown counsel have a special responsibility for their preparation for court and treatment in court.

Occasionally, witnesses may have to be made aware that their interests, while important and requiring sensitivity on the part of Crown counsel, are not synonymous with the public interest in criminal justice.

Victim/Witness Assistance: The Victim Witness Assistance Program plays a leading role in ensuring that community based services for victims and witnesses are appropriate, complementary and coordinated. While services may vary, coordination and cooperation between victim witness staff and the Crown is essential to the provision of quality services to victims and witnesses of crime. Although the Program's primary role is to provide service to victims and witnesses, in so doing, Victim/Witness staff provide invaluable assistance to Crown counsel.

Witness Interviews: The administration of justice is best served by a trial process that strives to ensure that witnesses provide complete, honest and independent evidence. Properly conducted witness interviews can contribute significantly to that goal. While it is impossible to interview all witnesses in all cases, the effective prosecution of serious or sensitive cases often requires Crown counsel to interview witnesses.

When interviewing witnesses, Crown counsel should be mindful of the need to preserve the integrity of the evidence and to safeguard against suggestive techniques that can improperly influence a witness' testimony.

Witness Assistance and Relocation: In certain rare circumstances, a witness may jeopardize his or her safety as well as the safety of his or her family by providing evidence in court.

In those limited and rare circumstances, the Witness Assistance and Relocation Program provides funding to assist in the maintenance and relocation of a witness and/or family members. The program does not provide rewards or benefits in return for testimony.