

PROVINCE OF ONTARIO
MINISTRY OF ATTORNEY GENERAL

CROWN POLICY MANUAL

March 21, 2005

IN-CUSTODY INFORMERS

PRINCIPLES:

Experience has demonstrated substantial risks to the proper administration of justice may arise from the use of in-custody informers as witnesses. Crown counsel must be aware of the dangers of calling in-custody informers as witnesses. An in-custody informer can only be called as a witness at a preliminary inquiry with the permission of a Regional Director of Crown Operations. An in-custody informer can only be called as a witness at trial with approval of an In-Custody Informer Committee.

In all cases, the guiding principle is that in custody informers will only be tendered as prosecution witnesses where this evidence is justified by a compelling public interest, founded on an objective assessment of reliability.

In-custody informer evidence requires a rigorous, objective assessment of the informer's account of the accused person's alleged statement, the circumstances in which that account was provided to the authorities and the in-custody informer's general reliability.

A principal purpose of this policy is to help prevent miscarriages of justice, which can occur when in-custody informers falsely implicate accused persons.