

PROVINCE OF ONTARIO
MINISTRY OF ATTORNEY GENERAL

CROWN POLICY MANUAL

March 21, 2005

PHYSICAL SCIENTIFIC EVIDENCE

PRINCIPLES

Physical scientific evidence often plays an important role in the determination of criminal liability. Counsel for both the prosecution and the defence routinely use such evidence in support of their cause. For Crown counsel, a number of issues arise respecting how such evidence is gathered, tested, and presented. These issues include:

- The delineation of Crown counsel's duties of disclosure
- The nature of the relationship between the Crown and experts providing opinion evidence for the prosecution
- When and how to obtain forensic evidence, and
- The manner in which such evidence should be presented to the court.

The ultimate objective of the Crown in putting forward scientific evidence is to ensure that such evidence is presented to the court with no more and no less than its legitimate force and effect. The scientist should inform Crown counsel of any limitations on the inferences that can be reliably drawn from such evidence and Crown counsel must make every effort to ensure that those limitations are fully impressed upon the trier of fact. As in all matters, Crown counsel should be guided by the general duty to see that justice is done in the circumstances of the particular case.

This policy has been jointly prepared and adopted by the Ministry of the Attorney General and the Centre of Forensic Sciences.