



CRIMINAL JUSTICE BRANCH, MINISTRY OF JUSTICE
CROWN COUNSEL POLICY MANUAL

ARCS/ORCS FILE NUMBER: 55820-15	EFFECTIVE DATE: November 13, 2012	POLICY CODE: POL 1.1
SUBJECT: Police Witnesses – Adverse Judicial Comments		CROSS-REFERENCE: PER 1

POLICY

In this policy, “peace officer” includes police officers and any law enforcement personnel who have the powers of a peace officer (see examples under “[Discussion](#)”).

Judicial Finding on Credibility or Reliability of a Peace Officer

Where a member of the judiciary makes an adverse finding on the court record about the reliability of the evidence given by, or the credibility of, a peace officer short of an allegation of perjury, Crown Counsel should provide written notification of such finding to the senior officer in charge, or equivalent, of the officer’s agency. The notification should include the following:

1. The police agency file and court file number;
2. The date of the officer’s testimony;
3. The date and nature of the adverse finding;
4. The judge or justice who made the finding; and
5. A covering memo briefly outlining the matter sufficient to facilitate ordering transcripts or other reasonable steps by the officer in charge.

Crown Counsel’s role in this process is to notify the senior officer in charge of the judicial finding, rather than to offer an opinion regarding the judicial finding.

Judicial Allegations of Perjury against a Peace Officer

Where a member of the judiciary has made an allegation of perjury against a peace officer on the court record, the Criminal Justice Branch Policy on Perjury – PER 1 applies.

DISCUSSION

Definition of “Peace Officer”:

In this policy, “peace officer” includes police officers and any law enforcement personnel who have the powers of a peace officer, including:

- Corrections Officers
- Conservation Officers
- Sheriffs
- Youth Probation Officers
- Canadian Border Services Agency Officers
- Canadian Armed Forces Police
- Fisheries Officers
- By-Law Enforcement Officers