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CHAPTER IV – CHAPITRE IV : Pre-trial, Trial, and Appeal Matters Questions avant le procès, pendant le procès et en appel	Readers are referred to the list of Related Documents at the end of this Policy for additional information. Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.	

JUROR ELIGIBILITY

1. Introduction

To ensure jurors are qualified the Crown Prosecutor may investigate potential jurors to ascertain any basis for challenge. In doing so, the Crown Prosecutor shall exercise caution to ensure that the Crown does not have the advantage of the use of state resources that are not available to the accused to choose a jury that may be perceived to be favourable to the Crown. The Crown Prosecutor shall bear in mind the privacy interests of potential jurors and not interfere with such interests, except as necessary for the administration of criminal justice.

2. Statement of the Policy

2.1 Assessing Juror Eligibility

The Crown Prosecutor shall exercise flexibility, common sense, good judgment, and good faith throughout the jury selection process in order to procure a jury comprised of jurors who are eligible, impartial, representative, and competent. Specifically, the Crown Prosecutor

- (a) shall limit information requested from police databases to criminal record checks relevant pursuant to paragraph 638(1)(c) of the *Criminal Code* and subsection 3(r) of the *Jury Act*;
- (b) may, where appropriate, investigate a potential juror to ascertain any basis for challenge, provided that he or she does not directly or indirectly communicate with the prospective juror or with any member of the prospective juror’s family;
- (c) may, where appropriate, engage in targeted consultation with a limited number of individuals involved with the case, including police officers who are assisting with the prosecution, to discuss concerns relating to juror suitability, and seek the basis for the opinions provided;
- (d) shall disclose information that may be relevant to the jury selection process where the Crown Prosecutor believes it is based upon information that is reasonably accurate and reliable; obtained in the course of a police officers’ duties as an agent of the state; constitutes more than a “bald opinion”, feeling, hunch, suspicion, or innuendo; and is not based on reputation or general publically-known information; and
- (e) shall disclose any information of which the Crown Prosecutor is aware that a prospective juror has or may have an interest, direct or indirect, in the outcome of the case; is acquainted with or connected in any manner with the presiding judge, any counsel, or any litigant; or is acquainted with or connected in any manner with any person who has appeared or who is expected to appear as a witness.

Following the juror selection process, the Crown Prosecutor's duty to disclose to the court any information that he or she reasonably believes reveals improper conduct by a juror continues. Where the Crown Prosecutor becomes aware of such information, he or she shall promptly disclose it to the court.

2.2 Impermissible Conduct in Assessing Juror Eligibility

The Crown Prosecutor shall not do the following:

- (a) engage in a systematic distribution of jury panel lists outside of Public Prosecution Services in order to gain opinions regarding prospective jurors;
- (b) request that police question or investigate a prospective juror;
- (c) communicate directly or indirectly with a prospective juror or with any member of a prospective juror's family; or
- (d) conduct or cause another, by financial support or otherwise, to conduct a vexatious or harassing investigation of a prospective juror.

3. Related Documents

Policy 22 Disclosure