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<p>CHAPTER V – CHAPITRE V : Witnesses and Victims Témoins et Victimes</p>	<p>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.</p>	

OUT-OF-PROVINCE WITNESSES

1. Introduction

In certain circumstances, Public Prosecution Services will require an out-of-province witness to travel to New Brunswick to testify in a criminal proceeding. In such circumstances, Public Prosecution Services is responsible for reimbursing the witness for travel, accommodation, meals, and incidental expenses.

2. Procedure

Where the Crown Prosecutor requires the attendance of an out-of-province witness who must travel from outside of Canada to New Brunswick to testify in a criminal proceeding, the matter shall be referred to the Director of Public Prosecutions for consideration and processing.

Where the Crown Prosecutor requires the attendance of an out-of-province witness who must travel from within Canada to New Brunswick to testify in a criminal proceeding, the Crown Prosecutor shall consult with the Regional Director or the Executive Director, as the case may be, before the relevant charge is laid or, if that is not possible, before a subpoena is issued to the witness. The Regional Director or the Executive Director, as the case may be, shall decide whether Public Prosecution Services requires the attendance of the out-of-province witness, taking into consideration the criteria set out in section 3 below. The Crown Prosecutor shall note the decision of the Regional Director or the Executive Director, as the case may be, in the file.

3. Criteria

Where the Regional Director or the Executive Director, as the case may be, must decide whether Public Prosecution Services will pay the expenses of the witness, the Regional Director or Executive Director, as the case may be, shall consider the following criteria:

- (a) the seriousness of the offence;
- (b) the likelihood that the witness' evidence will be essential to the prosecution;
- (c) the availability of alternative means of presenting the witness's evidence; and
- (d) whether paying the expenses would be in the public interest given the cost to the public.

4. Alternative Means of Presenting Evidence

Where a potential witness is not within the province, the Crown Prosecutor and Regional Director or the Executive Director, as the case may be, should consider using one or more of the following means of presenting evidence:

- (a) an affidavit in proof of service under subsection 4(6) of the *Criminal Code*;
- (b) a formal admission by the accused under section 655 of the *Criminal Code*;
- (c) an affidavit of ownership and value of property under section 657 of the *Criminal Code*; and
- (d) a video or audio conference under sections 714.1 to 714.4 of the *Criminal Code*.

5. Related Documents

None