

**Ministry of the Attorney General**  
Assistant Deputy Attorney General  
Criminal Law Division

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**Ministère du Procureur général**  
sous-procureure générale adjointe  
de la Couronne – droit criminel

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**MEMORANDUM TO:** Stephen Beckett  
Assistant Deputy Minister  
Public Safety Division and Public Safety Training Division  
Ministry of Community Safety and Correctional Services

**FROM:** Susan Kyle  
Assistant Deputy Attorney General  
Criminal Law Division  
Ministry of the Attorney General

**SUBJECT:** **New Crown Prosecution Manual and Police Training on  
Police Powers of Release**

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The Ministry of the Attorney General – Criminal Law Division has completed a review of the Crown Prosecution Manual to ensure it reflects current best practices and any updates and changes in the criminal law. The Manual is the principle mechanism used by the Ministry of the Attorney General to provide guidance to individual Crowns in important areas of their practice and discretion. I believe that you will find the new Manual promotes transparency and accountability, serves to educate the public on the role of the Crown, and sets out the Crown's respective obligations and expectations.

The Manual itself contains 37 interrelated Directives on a variety of topics, including charge screening, disclosure, bail, victims, Indigenous people, impaired driving, intimate partner violence, internet child exploitation, and firearms. Prosecution Directives provide mandatory direction, advice, and guidance to Prosecutors on the exercise of prosecutorial discretion. Each Directive contains a general statement about Ontario's criminal policy, explains what a Crown does and the factors considered in decision-making, articulates what Crowns "must" or "should" do in relation to various circumstances, and clarifies obligations promoting accountability and trust. The Directives will be periodically updated and reference should be made to the "in effect" date outlined at the top of each Directive.

Two Directives of particular note are those pertaining to Police and Judicial Interim Release (Bail). The Directive entitled Police highlights the cooperative, and mutually respectful, relationship between the police and Crown while also acknowledging their important, though distinct, functions. Included in the Directive are sections on Crown advice to the police and the importance of vetting confidential information from disclosure, police as witnesses, disclosure of police disciplinary records, and Crown assistance in police training.

The new Bail Directive places an emphasis on liberty as a guiding principle in bail proceedings and the reinforcement of the “ladder” principle as a basic underpinning of bail. This approach includes a balancing of the rights of the accused and society’s interest in public safety consistent with the provisions of the *Criminal Code* and related jurisprudence.

The manual took effect on November 14<sup>th</sup>, 2017 and is available at: [www.Ontario.ca/crownmanual](http://www.Ontario.ca/crownmanual) (English) and [www.Ontario.ca/manueldelacouronne](http://www.Ontario.ca/manueldelacouronne) (French).

As a justice partner, I encourage police services to review the new Manual at their earliest convenience. I also ask that this memorandum be shared with all appropriate members of each police service.

Furthermore, the Criminal Law Division has prepared police training material on police powers of release. The training would be delivered by local Crown Attorneys directly to police officers. We would ask you to encourage Chiefs of Police and Detachment Commanders to reach out to their local Crown Attorneys and arrange for this training to take place.

Sincerely,

A handwritten signature in black ink, appearing to be 'SK', with a large, loopy initial 'S' and a stylized 'K'.

Susan Kyle  
Assistant Deputy Attorney General  
Criminal Law Division  
Ministry of the Attorney General