

PRACTICE NOTE 44

INTRODUCING EVIDENCE CONTAINING HIGH POTENCY NARCOTICS OR OTHER HAZARDOUS SUBSTANCES

Purpose: To set out the procedure for introducing evidence that contains or may contain high potency narcotics, including fentanyl and carfentanil;

To set out the procedure for reducing or eliminating the hazards of exposure to drugs, chemicals or bodily fluids when handling crime scene exhibits (including seized items, i.e. firearms, documents, currency, equipment, bags, boxes, etc.) and when handling cross-contaminated evidence in storage with hazardous drugs, chemicals or biologicals.

Application: This practice direction applies to all courts and courthouses in the Province of Prince Edward Island, including Provincial Court, Supreme Court, and Court of Appeal.

Directions:

1. In the event that high potency narcotic exhibits or other hazardous substance exhibits are required to be introduced in a court proceeding, the party seeking such introduction shall endeavour to do so by admission, statement of fact, photographs and certificate of analysis.
2. No high potency narcotic exhibits or hazardous substance exhibits shall be introduced without first obtaining the leave of the Court. Leave shall be obtained prior to the high potency narcotics or hazardous substances being brought to the Courthouse.
3. In the event the presiding judge grants leave and admits high potency narcotic exhibits or hazardous substance exhibits into evidence, the high potency narcotic exhibits or hazardous substance exhibits shall be brought to the Courthouse double bagged, sealed and clearly labelled in accordance with any policies established by the Court Services Manager in consultation with the Chief Justices and Chief Judge, and as amended from time to time to ensure the safety of all court participants. Prior to any such exhibits being brought to the Courthouse, the exhibit handler must confirm with the presiding judge that he or she has inspected the proposed exhibits to ensure that they are properly and securely packaged before bringing them to the Courthouse to ensure there is no accidental exposure (for example that drugs are double bagged, and no staples were used to attach the Certificate(s) of Analyst to the exhibit bag(s)).
4. Only a trained and equipped police exhibit handler and trained and equipped court personnel shall be permitted to handle the high potency narcotic exhibits or hazardous substance exhibits.
5. The court clerk will immediately notify the court manager in the event that the high potency narcotic exhibits or hazardous substance exhibits are admitted into evidence.

This Practice Direction is effective as of March 31, 2018.

Signed by:

Hon. David H. Jenkins, Chief Justice of Prince Edward Island

Hon. Tracey L. Clements, Chief Justice of the Supreme Court of Prince Edward Island

Hon. Nancy K. Orr, Provincial Court of Prince Edward Island