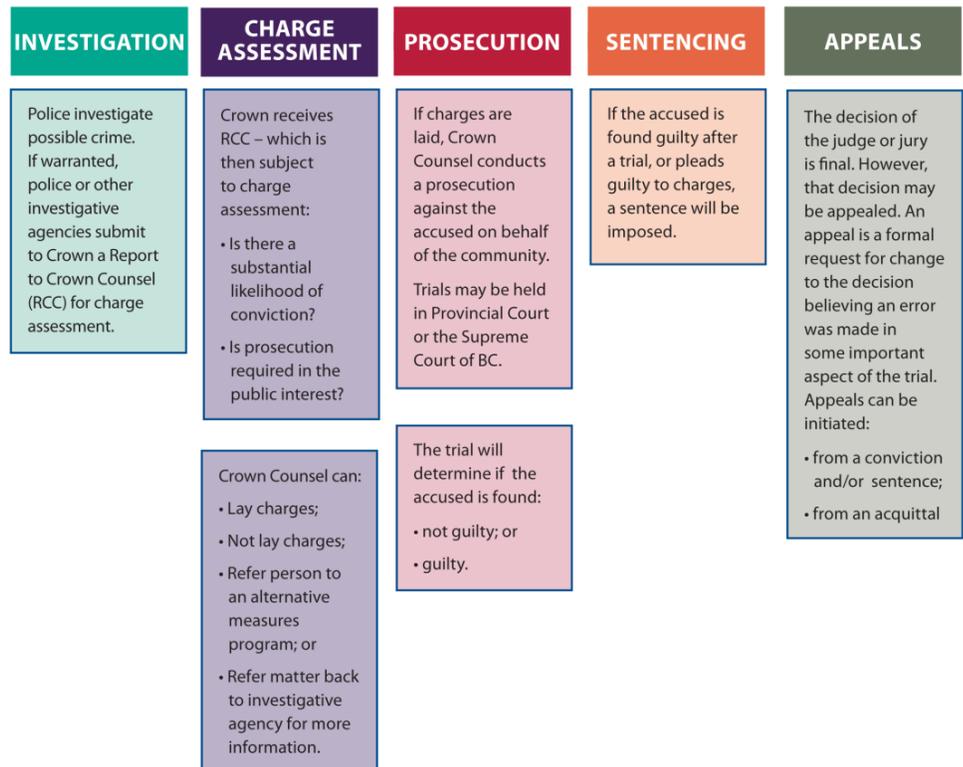


The Role of B.C.'s Prosecution Service

The Criminal Justice Process

- In Canada, the provinces and territories are responsible for the administration of justice.
- Provincial Crown Counsel prosecute all offences and appeals in British Columbia that arise under Canada's *Criminal Code* and provincial regulatory offences. The federal prosecution service is responsible for prosecuting certain offences under federal legislation, including drug or income tax charges.
- While the Criminal Justice Branch is part of the Ministry of Justice, the prosecutorial function is at arm's length from government, in order to avoid any potential for real or perceived improper influence.
- The Assistant Deputy Attorney General (ADAG) heads the Prosecution Service, the Criminal Justice Branch. The ADAG has the authority for the conduct and supervision of all criminal prosecutions.

- The *Crown Counsel Act* sets out the functions and responsibilities of Crown Counsel, the Branch and the Assistant Deputy Attorney General. It also addresses the relationship between the Attorney General, Deputy Attorney General, and the Branch.



Investigation

- When a possible crime is reported or identified, the police will investigate and decide whether the incident warrants forwarding a Report to Crown Counsel (RCC) to B.C.'s Prosecution Service.
- In British Columbia, prosecutors decide whether criminal charges should be laid. Crown Counsel do not investigate crimes. Nor do they have authority over police in respect to individual investigations.

Charge Assessment

- A two-part test is used to determine whether criminal charges should be approved: first, there must be a substantial likelihood of conviction based on the evidence gathered by the police, and second, a prosecution is required in the public interest.
- Crown Counsel assess if and what charges are laid, and against whom. Crown Counsel can decide that no charges should be laid, charges should be laid, or the accused person should be referred to an alternative measures program rather than go to court.
- The Crown Counsel Policy Manual also guides prosecutors in making their charge assessment decisions.
- Once the charge assessment has been conducted, a new prosecution file is created, which can involve one or more accused, on one or more charges.
- The formal court process is initiated by the swearing of an Information (the charging document).

Prosecutions & Appeals

- Crown Counsel conduct prosecutions and appeals in every level of court: the Provincial Court of B.C., B.C. Supreme Court, B.C. Court of Appeal and Supreme Court of Canada.
- Crown Counsel are lawyers, who act as prosecutors on behalf of society as a whole.
- Although one of their responsibilities is to keep victims informed about the justice process, prosecutors do not act for victims of a crime.
- Crown Counsel's duty is not to obtain a conviction at any cost, but to ensure that the trial process is fair to all, that evidence is presented thoroughly and accurately, and the integrity of the justice process is maintained.

Sentencing

- If the accused pleads guilty or is found guilty after a trial, he or she will be sentenced.
- Crown Counsel are responsible for making a recommendation on sentence. The final sentencing decision is made by the court.
- Post-sentence reviews, applications, appeals and other legal processes may result in some matters related to a concluded file being revisited.