



## Role of Crown Counsel

- Crown Counsel are lawyers, who act as prosecutors on behalf of society as a whole. Crown Counsel do not represent individual victims.
- Crown Counsel appear in court as agents for the Attorney General for British Columbia. The Attorney General has overall supervisory authority over prosecutions that fall within the province's constitutional responsibility.
- In British Columbia, prosecutors decide whether criminal charges should be laid.
  - Police investigate alleged crimes and gather evidence;
  - The police then prepare and submit a Report to Crown Counsel (RCC); and,
  - Then, Crown Counsel assess if and what charges are laid, and against whom.
- 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.
- Crown Counsel are responsible for presenting the prosecution side of the matter. They call witnesses to the stand so they may testify in court, present evidence, and explain to the judge and jury the details of the alleged 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.
- 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 do not investigate crimes. Nor do they have authority over police in respect to individual investigations.

- When a person is convicted of a crime, Crown Counsel make a submission as to a sentence to the court, but it is up to a judge to determine the appropriate penalty for the individual offence.
- The Assistant Deputy Attorney General (ADAG) heads the BC Prosecution Service. The ADAG has the authority for the conduct and supervision of all criminal prosecutions.
- While the BC Prosecution Service is part of the Ministry of Attorney General, the prosecutorial function is at arm's length from government, in order to avoid any potential for real or perceived improper influence.