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<b>CHAPTER I – CHAPITRE I :</b> <b>Public Prosecution Services</b> <b>Service des poursuites publiques</b>	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.	

## ORGANIZATION AND MANDATE

### 1. Introduction

The mandate of the Office of the Attorney General is to promote the impartial administration of justice and ensure the protection of the public interest in New Brunswick on behalf of the Crown. The Office includes the Public Prosecution Services Branch.

Public Prosecution Services ensures the protection of all citizens by providing prosecutorial services in criminal and quasi-criminal matters on behalf of the Attorney General.

The Attorney General is the Chief Law Officer of the Crown responsible for implementing the mandate of the Office by coordinating and overseeing its operation. The Deputy Attorney General, the Assistant Deputy Attorney General (the Director of Public Prosecutions), the Executive Director of Public Prosecution Services, the Director of Specialized Prosecutions, the Regional Directors, and the Crown Prosecutors, are all agents of the Attorney General who assist in carrying out the Office’s mandate.

### 2. Role of the Attorney General and the Deputy Attorney General

#### 2.1 The Attorney General

The authority of the Attorney General is stated in *An Act Respecting the Role of the Attorney General*.

The Attorney General, as the Chief Law Officer of the Office, is responsible for the supervision, control, and direction of all matters relating to criminal and quasi-criminal prosecutions under the *Criminal Code*, the *Youth Criminal Justice Act*, the *Controlled Drugs and Substances Act*, and all public provincial statutes containing enforcement provisions through Public Prosecution Services. The Attorney General discharges this responsibility through his or her agents at Public Prosecution Services. As a general rule, the Attorney General is not actively involved in day-to-day matters. Direct involvement of the Attorney General is usually reserved for cases involving exceptional public interest or significant issues of public policy, yet the Attorney General may become involved in any case, given the mandate of the office.

The articulation of criteria governing prosecutions and proceedings within the ambit of the Public Prosecution Services Branch is an important function of the Attorney General. Crown Prosecutors exercise a broad discretion in the public interest. In doing so, they must act in accordance with the principles and policies set out by the Attorney General.

The principle of the independence of the Attorney General is strongly entrenched as a constitutional convention. The Attorney General will not allow partisan political considerations to affect his or her decisions. While convention allows the Attorney General, in respect of non-partisan considerations, to

obtain information and seek advice from any appropriate source, including colleagues in Cabinet, the course of action adopted in particular cases is in the sole discretion of the Attorney General. The Attorney General does not act on direction from cabinet colleagues or other members of the Legislature in the discharge of his or her responsibility.

The Attorney General is answerable in the Legislative Assembly for decisions of the Public Prosecution Services Branch.

## **2.2 The Deputy Attorney General**

The Deputy Attorney General, as the Chief Executive Officer of the Office, is responsible for the supervision of prosecutions and proceedings within the ambit of the Public Prosecution Services Branch, including involvement in matters of significance not warranting the direct involvement of the Attorney General.

Under the *Criminal Code*, the Deputy Attorney General possesses the same powers as the Attorney General and may approve the initiation of criminal proceedings where the consent of the Attorney General is required.

## **3. The Assistant Deputy Attorney General**

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The Assistant Deputy Attorney General coordinates and oversees all matters within the ambit of the Public Prosecution Services Branch, which includes the routine administration and conduct of all the Public Prosecution Services Branch prosecutions and proceedings.

As the Director of Public Prosecutions, the Assistant Deputy Attorney General acts through the Executive Directors, the Director of Specialized Prosecutions, the Regional Directors, and the Crown Prosecutors in discharging both administrative and operational responsibility for all prosecutions, proceedings, and related matters of the Public Prosecution Services Branch.

As chief counsel for the Attorney General, the Assistant Deputy Attorney General also provides legal advice to the Attorney General on all matters concerning the Public Prosecution Services Branch.

In carrying out such responsibilities the Assistant Deputy Attorney General performs the following tasks:

- (a) supervising the overall administration of the Public Prosecution Services Branch;
- (b) ensuring the implementation of, and compliance with, Attorney General, Public Prosecution Services policies;
- (c) advising the Deputy Attorney General regarding significant matters;
- (d) chairing the Branch Management Committee (BMC) meetings;
- (e) meeting with heads of the police, other investigative agencies, various other departments, and other agencies regarding the administration of matters relevant to the Public Prosecution Services Branch; and
- (f) carrying out such other tasks as may be assigned from time to time by the Attorney General or the Deputy Attorney General.

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## **4. Public Prosecution Services**

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### **4.1 The Executive Director of Public Prosecution Services**

The Executive Director of Public Prosecution Services is responsible for the supervision of prosecutions and the routine administrative and operational responsibilities for all prosecutions and related matters within the province.

In carrying out such responsibilities the Executive Director performs the following tasks:

- (a) filling the role and carrying out the responsibilities of the Assistant Deputy Attorney General in his or her absence;
- (b) assisting in the supervision of the overall administration of Public Prosecution Services;
- (c) assisting in ensuring the implementation of, and compliance with, Attorney General and Public Prosecution Services policies;
- (d) advising the Assistant Deputy Attorney General regarding significant investigations and prosecutions;
- (e) chairing the Case Consultation Risk Management Committee (CCRMC) meetings;
- (f) attending the Branch Management Committee (BMC) meetings;
- (g) alerting the Assistant Deputy Attorney General of any issues that might be of interest to the Attorney General, including potential problems involving the police or other investigative agencies, the administration of courts, and the impact of changes in legislation; and
- (h) carrying out such other tasks as may be assigned from time to time by the Deputy Attorney General or Assistant Deputy Attorney General.

### **4.2 The Director of Specialized Prosecutions and the Regional Directors**

The Director of Specialized Prosecutions, as the lead Crown Prosecutor in the Specialized Prosecutions unit, coordinates and oversees the discharge of administrative and operational duties of all specialized prosecutions and related matters in the unit.

Each Regional Director, as the lead Crown Prosecutor in the regional office where he or she is located, coordinates and oversees the discharge of administrative and operational duties of all prosecutions and related matters in that regional office.

The Director of Specialized Prosecutions and each Regional Director report to the Assistant Deputy Attorney General regarding administrative and prosecutorial functions of the unit or office, manage the unit or office, supervise the other Crown Prosecutors in the unit or office, and attend in and provide service to the courts as a Crown Prosecutor.

In carrying out such responsibilities the Director of Specialized Prosecutions and each Regional Director perform the following tasks:

- (a) supervising the other Crown Prosecutors within the unit or office to ensure compliance with Attorney General and Public Prosecution Services policies;
- (b) advising the Assistant Deputy Attorney General regarding significant investigations and prosecutions;

- (c) alerting the Assistant Deputy Attorney General of any issues that might be of interest to the Attorney General, including potential problems involving the police or other investigative agencies, the administration of courts, and the impact of changes in legislation;
- (d) ensuring the provision and quality of prosecutorial service at all courts within the region;
- (e) resolving concerns or complaints on specialized or regional matters pertaining to the handling of cases or the conduct of Crown Prosecutors;
- (f) attending the Branch Management Committee (BMC) meetings;
- (g) assisting in the resolution of issues arising between police officers and other investigative agents and Crown Prosecutors, and, where appropriate, requesting that the Assistant Deputy Attorney General intervene; and
- (h) carrying out such other functions as may be assigned from time to time by the Assistant Deputy Attorney General.

As the lead Crown Prosecutor in the unit or office, the Director of Specialized Prosecutions and each Regional Director also carries out the responsibilities of a Crown Prosecutor as set out in subsection 4.3 below.

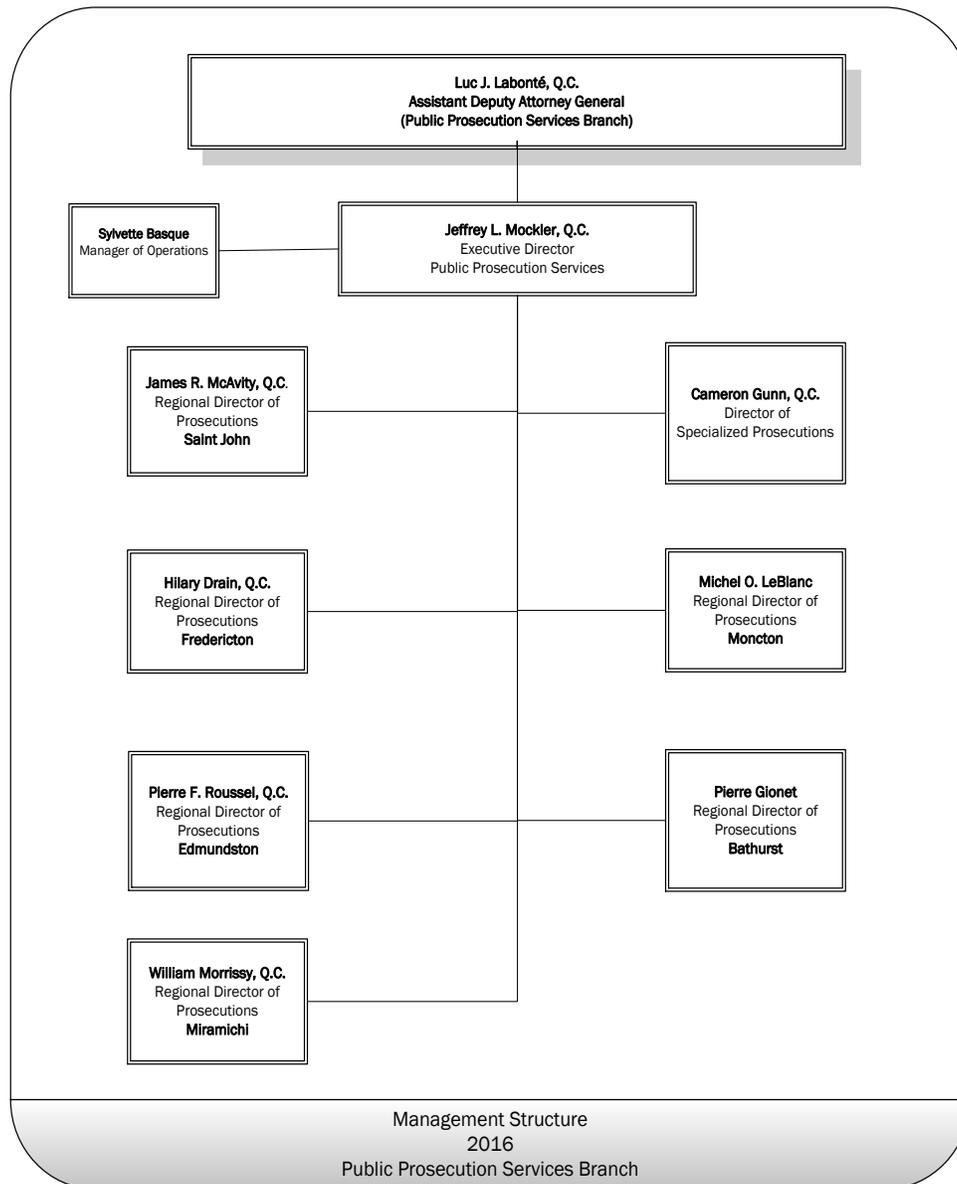
#### **4.3 The Crown Prosecutors**

The Crown Prosecutor acts as an agent of the Attorney General in the prosecution of cases before the courts. As such the Crown Prosecutor exercises the Attorney General's discretion on a day-to-day basis in the discharge of prosecutorial duties. The Crown Prosecutor does so under the direction of the Attorney General as provided in the Attorney General and Public Prosecution Services policies, and as may be specified from time to time by the Attorney General, the Deputy Attorney General, the Assistant Deputy Attorney General, the Executive Director, the Director of Specialized Prosecutions, or the Regional Director.

In carrying out such responsibilities the Crown Prosecutor performs the following tasks:

- (a) following all Attorney General and Public Prosecution Services policies;
- (b) providing legal advice, upon request, to the police and other investigative agencies during the course of an investigation;
- (c) deciding whether a charge should be laid in the circumstances;
- (d) where a charge is laid, taking carriage of and assuming responsibility for the conduct of the prosecution, including attending in and providing service to the courts;
- (e) bringing to the attention of the Director of Specialized Prosecutions or the Regional Director all matters that are necessary to enable him or her to fulfill the responsibilities of that office; and
- (f) carrying out such other tasks as may be assigned from time to time by the Assistant Deputy Attorney General, the Executive Director, the Director of Specialized Prosecutions, or the Regional Director.

## 5. Public Prosecution Services Branch Structure



## 6. Related Documents

None