

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR
NEWFOUNDLAND AND LABRADOR)**

B E T W E E N:

HER MAJESTY THE QUEEN

**APPELLANT
(Appellant)**

- and -

FREDERICK ANDERSON

**RESPONDENT
(Respondent)**

- and -

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(Pursuant to Rules 37 and 42 of the *Rules of the Supreme Court of Canada*)**

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PART I
OVERVIEW AND STATEMENT OF FACTS

1. The Director of Public Prosecutions of Canada (“DPP”) intervenes in this appeal, by leave of the Court, in order to make submissions as to the justiciability of published Crown prosecution policies or guidelines concerning the exercise of discretion by the Crown prosecutor. The respondent asks this Court to subject Crown prosecution policies and guidelines to general examination for compliance with the *Canadian Charter of Rights and Freedoms* (“the Charter”). The content of a policy or guideline may well be relevant when a trial court is considering a challenge to the exercise of discretion by a Crown prosecutor. However, Crown prosecution policies and guidelines do not have the force of law, and cannot be subjected to *Charter* scrutiny in the abstract or in general.

2. The uncontroversial facts relevant to the DPP’s intervention and submissions are that:
- a. The respondent Anderson pleaded guilty to a drink-driving offence;
 - b. He had four prior convictions for drink driving offences, thereby triggering a mandatory minimum sentence of 120 days jail as provided for in s. 255(1)(a)(iii) of the *Criminal Code*;
 - c. At Anderson’s sentencing hearing, the Crown prosecutor sought to prove that Anderson had been served with a notice of intention to seek a greater punishment on account of his prior convictions (“the Notice”), as contemplated by s. 727 of the *Criminal Code*;
 - d. There was no evidence led at trial as to what circumstances the Crown prosecutor took into account in deciding to prove service of the Notice;
 - e. The court of appeal admitted into evidence the Newfoundland and Labrador Crown Policy Manual’s section on the Crown prosecutor’s exercise of discretion in deciding whether to prove that the Notice was served. While advising the prosecutor to consider “all circumstances of the offence and the background and circumstances of the offender”, the relevant section of the

policy¹ does not specifically mention the status of the accused as an aboriginal offender or otherwise require the prosecutor to consider this circumstance;

- f. The court of appeal inferred from the policy, in the absence of any other evidence, that the Crown prosecutor overlooked the accused's status as an aboriginal offender when exercising his discretion whether to prove service of the Notice and trigger the mandatory minimum punishment. The court of appeal therefore concluded that the Crown prosecutor's decision to tender the Notice infringed the respondent's s. 7 *Charter* rights.²

PART II

INTERVENER'S POSITION ON THE APPELLANT'S QUESTIONS

3. The DPP makes no submissions, but supports the appellant's position, regarding the following questions: whether there remains a viable distinction between "core" and "non-core" prosecutorial discretion; whether "abuse of process" is the universal standard of judicial review of the exercise of Crown discretion; whether the court of appeal erred in reversing the onus of proof in the proceedings below; or whether the court of appeal incorrectly substituted a sentence below the mandatory minimum in the absence of a finding that the mandatory minimum sentence is unconstitutional.

4. The DPP adds that the court of appeal erred in law in finding that because the applicable Crown prosecution policy does not expressly require the prosecutor to take into account the aboriginal status of an offender, the prosecutor's exercise of discretion may be assumed to have been abusive. The DPP says that Crown prosecution policies may be relevant in the context of a challenge to Crown decisions, but cannot be subjected to *Charter* challenge in the abstract as suggested by the respondent.³

¹ Crown Policy with respect to tendering the Notice of Intention to Seek Greater Punishment dated October 1, 2007, Appellant's Record ["AR"] at 253.

² AR p 41 at para 40.

³ Respondent's Factum at paras 1, 3, 4, 15, 35, 36.

PART III ARGUMENT

The independence of the Attorney General and judicial review of Crown discretion

5. The independence of the Attorney General from political or partisan concerns in the exercise of prosecutorial discretion is a constitutional principle well established in Canada.⁴ In that regard, some Canadian jurisdictions – Canada,⁵ Quebec,⁶ Nova Scotia⁷ and New Brunswick⁸ – have adopted a form of DPP model.

6. The independence of the Attorney General as chief law officer finds additional form in the principle that the courts will not generally interfere with his or her exercise of discretion in prosecutorial decision-making.⁹ The majority of this Court in *Power*, per L’Heureux-Dubé J, while allowing for the restrained judicial supervision of Crown discretion limited to a case of abuse of process, expressed legitimate concern that:

...should judicial review of prosecutorial discretion be allowed, courts would also be asked to consider the validity of various rationales advanced for each and every decision, involving the analysis of policies, practices and procedure of the Attorney General. The court would then have to "second-guess" the prosecutor's judgment in a variety of cases to determine whether the reasons advanced for the exercise of his or her judgment are a subterfuge.¹⁰ [underlining added]

7. Courts are empowered to supervise the conduct of the prosecution to prevent an abuse of process, but that standard is high and the occasion will be extremely rare.¹¹ Any judicial supervision of a Crown prosecutor’s discretion impacts to some degree upon the separation of powers and the independent roles of the judiciary and the executive. Countenancing judicial review of Crown discretion beyond what is necessary to prevent abuse of process threatens

⁴ *Krieger v Law Society of Alberta*, 2002 SCC 65, [2002] 3 SCR 372, at paras 3, 24-32, 43-49; *Miazga v Kvello Estate*, 2009 SCC 51, [2009] 3 SCR 339, per Charron J at paras 46-48; *Blackmore v British Columbia (Attorney General)*, 2009 BCSC 1299, at paras 64-70.

⁵ *Director of Public Prosecutions Act*, S.C. 2006, c. 9.

⁶ *An Act Respecting the Director of Criminal and Penal Prosecutions*, RSQ, c. D-9.1.1.

⁷ *Public Prosecutions Act*, SNS 1990, c 21.

⁸ *An Act Respecting the Role of the Attorney General*, RSNB 2011, c. 116, s. 4.

⁹ *Krieger*, *supra*, at paras 48-49.

¹⁰ *R v Power*, [1994] 1 SCR 601, per L’Heureux-Dubé J at pp 626-627.

¹¹ *Power*, *supra*, per L’Heureux-Dubé J at p 616; *R v Mahalingan*, 2008 SCC 63, [2008] 3 SCR 316, per McLachlin CJ at para 42 ; *R v Babos*, 2014 SCC 16, per Moldaver J at para 31.

the effective functioning of an already overtaxed criminal justice system.¹²

The development and publication of Crown prosecution policies: the Marshall Inquiry

8. Many features of Canada's modern prosecution services – particularly the creation of a DPP or similar model, and the development and publication of comprehensive Crown prosecution policies and guidelines – have been influenced by commissions of inquiry. The content of such policies and guidelines does not originate in a legislative initiative.

9. Notably, the Marshall Inquiry recommended the creation of the office of the DPP. Further, in Recommendation 35, the Commissioners urged the Attorney General to continue to exercise the duties and responsibilities traditionally accorded to that office in relation to the administration of criminal justice subject only to limitations, *inter alia*, “that the Attorney General shall, after consultation with the Director of Public Prosecutions, issue guidelines for the exercise of prosecutorial discretion”.¹³

10. A Study Paper prepared for the Marshall Inquiry examined the structure and administration of Nova Scotia's prosecution service and the manner in which prosecutorial discretion was exercised within the province.¹⁴ Recommendation 1 of the Paper was that the existing confidential “Advice to Prosecuting Officers” be revised and updated so as to generate a complete statement of the general instructions governing the prosecution of offences, to clarify the extent to which prosecutors are bound by the precepts therein, and to publish it.

11. The Marshall Inquiry Report thus ushered in a new era of the formalization of Crown prosecution policies and guidelines. Every prosecution service in Canada, provincial and federal, now has a publicly available Crown policy manual containing guidelines for

¹² *R v Baptiste*, 2000 CanLII 22649 (ON SC), at paras 29-30.

¹³ Commissioners' Report, *Royal Commission on the Donald Marshall, Jr. Prosecution*, 1989, p 230.

¹⁴ “Prosecuting Officers and the Administration of Justice in Nova Scotia: A Research Study 1989”, Royal Commission on the Donald Marshall, Jr., Prosecution.

prosecutors to follow in the exercise of their discretion in various areas.¹⁵

12. As identified by the Marshall Inquiry, a primary reason for developing and publishing Crown prosecution policies in this fashion is to demonstrate and ensure the independence of the prosecution service from undue interference with decisions its Crown prosecutors make.¹⁶ Published policies and guidelines enhance the transparency of government action, a valuable objective in a democratic society, and particularly so where the government action is a criminal prosecution. A second reason for published policies and guidelines is to enhance consistency in the exercise of Crown discretion.

13. In addition to the Marshall Inquiry, other commissions have also made recommendations regarding prosecution's policies and guidelines:

Kaufman Inquiry – The Commission on Proceedings Involving Guy Paul Morin, Report of the Commission (Toronto: Ontario Ministry of the Attorney General, 1998) recommended, *inter alia*, that Crown policy should reflect the dangers of the testimony of in-custody informers, and reflect that such evidence has resulted in miscarriages of justice in the past or has been shown to be untruthful;¹⁷

Cory Inquiry – The Inquiry Regarding Thomas Sophonow (Winnipeg: Manitoba Justice, 2001), which suggested as a matter of Crown policy that jailhouse informants should not be allowed to testify;¹⁸

Lamer Inquiry – The Lamer Commission of Inquiry Pertaining to the Cases of: Ronald Dalton, Gregory Parsons, Randy Druken (2006), concluded that recommendations from the Sophonow Report (*Cory Inquiry*) should be incorporated into the

¹⁵ Canada: <http://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/fpd/index.html>; British Columbia: <http://www.ag.gov.bc.ca/prosecution-service/policy-man/>; Alberta: http://justice.alberta.ca/programs_services/criminal_pros/Publications%20Library%20%20Criminal%20Prosecutions/CrownProsecutorsManual.aspx; Saskatchewan: <http://www.justice.gov.sk.ca/ppp>; Manitoba: <http://www.gov.mb.ca/justice/prosecutions/policy/index.html>; Ontario: <http://www.attorneygeneral.jus.gov.on.ca/english/crim/cpm/default.asp>; Québec: <http://www.dpcp.gouv.qc.ca/documentation/directives-directeurs.aspx>; New Brunswick: http://www2.gnb.ca/content/gnb/en/departments/attorney_general/operational_manual.html; Nova Scotia: http://www.novascotia.ca/pps/ca_manual.htm; PEI: http://www.gov.pe.ca/photos/original/jps_crownconduc.pdf; NL: http://www.justice.gov.nl.ca/just/prosecutions/pp_guide_book.pdf.

¹⁶ Note 13, *supra*.

¹⁷ http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/morin/morin_recom.pdf at pp 11-12.

¹⁸ <http://www.gov.mb.ca/justice/publications/sophonow/recommendations/english.html#jailhouse>.

Newfoundland and Labrador Crown Policy Manual;¹⁹

LeSage Inquiry (Driskell) – The Commission of Inquiry into Certain Aspects of the Trial and Conviction of James Driskell recommended that Manitoba Justice’s pre-trial disclosure policy should be extended to include post-trial disclosure, and incorporate a procedure by which Manitoba Justice receives this information from the police and then discloses it to accused or counsel.²⁰

Crown prosecution policies and guidelines are not law and are not justiciable

14. Crown prosecution policies and guidelines do not have the status of “law” as that term is understood in the context of criminal litigation regarding government action.²¹ Some Crown policy manuals make this explicit; for example, the preface to the *Federal Prosecution Service Deskbook* provides: “This deskbook deals with matters of prosecution policy, and does not have the status of law. It does not in any way override the *Criminal Code* or any applicable federal legislation”.²² Crown prosecution policies and guidelines are just that: policies and guidelines.

15. Crown prosecution policies and guidelines cannot be scrutinized for their general or specific compliance with the *Charter*. Only when a particular policy or guideline has motivated a particular prosecutor in a particular case to make a decision or exercise discretion in a manner said to be abusive, may a particular policy or guideline come under judicial scrutiny. Even then it is the prosecutor’s conduct, not the policy or guideline itself, which is in issue. As this Court held in *Miazga*, in the context of a civil suit for malicious prosecution:

In Crown policy manuals, the initiation or continuation of a prosecution is generally not recommended unless there exists a reasonable prospect of conviction and it is in the public interest to pursue the criminal proceeding. It is within the realm of prosecutorial discretion to set appropriate standards and, as discussed above, the civil action is not a vehicle for embarking upon a judicial review of its exercise in particular

¹⁹ <http://www.justice.gov.nl.ca/just/publications/lamerreport.pdf> at p 271.

²⁰ http://www.driskellinquiry.ca/pdf/final_report_jan2007.pdf at p 119.

²¹ *R v Beaudry*, 2007 SCC 5, [2007] 1 SCR 190, per Charron J at para 45, per Fish J at para 86. See also: *R v Gill*, 2012 ONCA 607, at paras 67-69; *R v Mazija*, [2006] OJ No 5877 (QL) at paras 21-22; *R v Bolender*, 2010 ONCJ 622 at paras 9, 13; *R v Stobbe*, 2011 MBQB 280; cf. *R v Cordero*, [2001] OJ No 2901 (ON CJ) (QL).

²² See note 15, Canada. See also: the preface to the B.C. *Crown Counsel Policy Manual*, *supra*; note 15, the main page of the Alberta *Crown Prosecutor’s Manual*, *supra*, note 15.

cases.²³

16. Equally, if a Crown prosecution policy or guideline does not mention a circumstance, this may be relevant in ensuing litigation concerning what circumstances the Crown prosecutor did or did not consider in exercising discretion. However, the silence of a policy or guideline on a particular circumstance cannot logically found an inference that in any particular case the prosecutor must have ignored that circumstance or the applicable law. It is one thing to point to a policy which says “do X”, and in the absence of evidence to the contrary to assume correctly that the prosecutor in fact proceeded to do X. It is another thing entirely to point to a policy which is silent on “X”, and to infer incorrectly that therefore the prosecutor did not do X. But that is exactly what the court of appeal did. It is even worse to say that, because the policy does not say “do X”, therefore the policy itself is somehow constitutionally defective. But that is exactly what the respondent says this Court should do.

17. Where a Crown prosecution policy specifically mentions a particular circumstance, on the other hand, there is not only greater transparency but also support for an inference that the prosecutor actually “did X”. As Welsh JA stated for the court of appeal, at para 37:

[37] Including reference to consideration of the offender’s aboriginal status in the policy guidelines, which establish the parameters for exercise of the Crown’s discretion, would have the effect of assuring the court and the offender, in the absence of evidence to the contrary, that this important factor has been taken into account.²⁴

²³ *R v Miazga*, per Charron J at para 64.

²⁴ AR at p 40.

Conclusion

18. This Court in *Beaudry* concluded that policies and guidelines, in that case a police manual, can be used to assess whether discretion was properly exercised, but that they cannot be conclusive:

In short, evidence of the existence of directives of this nature and evidence that the accused was, or is presumed to have been, aware of them at the time of the conduct in issue can shed light on the circumstances of the alleged exercise of his discretion. The same is true of evidence about the police service's usual procedures, such as the testimony of Assistant Director Rocheleau and retired officer Lapointe in the case at bar. However, such evidence cannot be conclusive.²⁵

19. As Robert J. Frater correctly puts it in the concluding pages of his authoritative text, *Prosecutorial Misconduct*:

Because policy is not law, it is difficult to accept as a general proposition that strict compliance with a policy standard should give rise to a remedy; it is doubtful that even the most diligently-maintained policy manual can give rise to a legitimate expectation that the policy should be strictly adhered to. Nevertheless, policy statements or guidelines are capable of informing a debate as to what course of conduct may have been appropriate in particular circumstances.²⁶

20. A Crown prosecution policy may be relevant to the question of what the prosecution did or did not do, and why. It can inform the debate, to use Frater's words. But it cannot be used for the purpose advocated by respondent in this appeal.

PART IV: SUBMISSIONS AS TO COSTS

21. The intervener, the Director of Public Prosecutions, does not seek any costs and makes no submissions as to costs.

²⁵ *R v Beaudry*, *supra*, per Charron J at para 45.

²⁶ Robert J Frater, *Prosecutorial Misconduct* (Aurora: Canada Law Book, 2009) at p 259.

PART V: ORDER SOUGHT

22. The intervener, the Director of Public Prosecutions, requests the opportunity to present 10 minutes of oral argument at the hearing of the appeal.

All of which is respectfully submitted this 4th day of March, 2014.

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PART VI: TABLE OF AUTHORITIES

	Judgments	Para(s) Cited
	<i>Blackmore v. British Columbia (Attorney General)</i> , 2009 BCSC 1299; [2009] B.C.J. No. 1890	5
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	<i>R. v Gill</i> , 2012 ONCA 607; [2012] O.J. No. 4332	14
	<i>R. v Mahalingan</i> , [2008] 3 S.C.R. 316, 2008 SCC 63	7
	<i>R. v Mazija</i> , [2006] O.J. No. 5877	14
	<i>R. v Power</i> , [1994] 1 SCR 601	6, 7
	<i>R. v Stobbe</i> , 2011 MBQB 280; [2011] M.J. No. 457	14
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	Alberta: Crown Prosecutors' Manual (http://justice.alberta.ca/programs_services/criminal_pros/Publications%20Library%20%20Criminal%20Prosecutions/CrownProsecutorsManual.aspx)	11, 14
	British Columbia: Crown Counsel Policy Manual (http://www.ag.gov.bc.ca/prosecution-service/policy-man/)	11, 14
	Canada: The Federal Prosecution Service Deskbook (http://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/fpd/index.html)	11, 14
	Manitoba: Prosecution Policies (http://www.gov.mb.ca/justice/prosecutions/policy/index.html)	11
	New Brunswick: Public Prosecution Operational Manual (http://www2.gnb.ca/content/gnb/en/departments/attorney_general/operational_manual.html)	11
	Newfoundland and Labrador: Guide Book of Policies and Procedures for the Conduct of Criminal Prosecutions in Newfoundland and Labrador (http://www.justice.gov.nl.ca/just/prosecutions/pp_guide_book.pdf)	11

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	Prince Edward Island: Guide Book for Policies and Procedures for the Conduct of Criminal Prosecutions in Prince Edward Island (http://www.gov.pe.ca/photos/original/jps_crownconduc.pdf)	11
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PART VII – TABLE OF STATUTES

<i>An Act Respecting the Role of the Attorney General</i>, RSNB 2011, c 116 Independence of prosecutions 4(1) If the Attorney General, Deputy Attorney General or other member of government gives instructions to the Director of Public Prosecutions, or to a person who acts in a similar position regardless of the title of the position, with respect to the approval or conduct of a prosecution or appeal, that direction (a) shall be given in writing to the Director of Public Prosecutions or such other person, and (b) may, in the discretion of the Director of Public Prosecutions or such other person, be published in The Royal Gazette. 4(2) The Director of Public Prosecutions, or a person who acts in a similar position regardless of the title of the position, shall not be removed from his or her position except by address to and approval of the Legislative Assembly.	<i>Loi sur le rôle du procureur général</i>, LRN-B 2011, c 116 Indépendance des poursuites publiques 4(1) Si le procureur général, le sous-procureur général ou un autre membre du gouvernement donne une directive visant l’approbation ou la conduite d’une poursuite ou d’un appel au directeur des poursuites publiques ou à la personne occupant, à toutes fins utiles, le même poste, cette directive : a) est donnée par écrit au directeur des poursuites publiques ou à cette autre personne; b) peut être publiée dans la Gazette royale à la discrétion du directeur des poursuites publiques ou de cette autre personne. 4(2) Le directeur des poursuites publiques ou la personne occupant, à toutes fins utiles, le même poste ne peut être démis de ses fonctions que sur adresse préalable à l’Assemblée législative et avec le consentement de celle-ci.
<i>An Act Respecting the Director of Criminal and Penal Prosecutions</i>, RSQ, c. D-9.1.1 18. The Director issues instructions with respect to criminal and penal prosecutions for the benefit of the prosecutors under the Director's authority. The instructions must incorporate the policies and measures established by the Minister of Justice, and the Director ensures that they are accessible to the public. These instructions apply, with the necessary modifications determined after taking into account the opinion of designated prosecutors, including municipalities, to any attorney acting for the prosecution in criminal or penal proceedings, including before municipal courts. The Director	<i>Loi sur le directeur des poursuites criminelles et pénales</i>, RLRQ c D-9.1.1 18. Le directeur établit à l'intention des poursuivants sous son autorité des directives relativement à l'exercice des poursuites en matière criminelle ou pénale. Ces directives doivent intégrer les orientations et mesures prises par le ministre de la Justice et le directeur s'assure qu'elles soient accessibles au public. Ces directives s'appliquent, avec les adaptations nécessaires établies après avoir pris en considération le point de vue des poursuivants désignés, dont les municipalités, à tout procureur qui agit en poursuite en matière criminelle ou pénale, y compris devant les cours municipales. Le

publishes a notice in the <i>Gazette officielle du Québec</i> indicating the date as of which an instruction applies to one or more designated prosecutors. Subsequently, if the Director must intervene in criminal or penal proceedings because the instructions were not complied with, the prosecutor concerned must assume the costs. The Director supervises proceedings instituted by private prosecutors and, if the interests of justice so require, acts as advisor, intervenes, conducts the proceedings or terminates them.	directeur publie alors un avis à la <i>Gazette officielle du Québec</i> indiquant la date à laquelle la directive s'applique à un ou plusieurs de ces poursuivants désignés. Par la suite, si le directeur doit intervenir en ces matières en raison d'un défaut de conformité à ces directives, il le fait aux frais du poursuivant concerné. Le directeur surveille les poursuites intentées par des poursuivants privés et, si l'intérêt de la justice l'exige, y agit à titre de conseil, y intervient, en assume la conduite ou y met fin.
<i>Crown Counsel Act</i>, RSBC 1996, c 87 Functions and responsibilities of the Criminal Justice Branch 2 The Branch has the following functions and responsibilities: (a) to approve and conduct, on behalf of the Crown, all prosecutions of offences in British Columbia; (b) to initiate and conduct, on behalf of the Crown, all appeals and other proceedings in respect of any prosecution of an offence in British Columbia; (c) to conduct, on behalf of the Crown, any appeal or other proceeding in respect of a prosecution of an offence, in which the Crown is named as a respondent; (d) to advise the government on all criminal law matters; (e) to develop policies and procedures in respect of the administration of criminal justice in British Columbia;	

(f) to provide liaison with the media and affected members of the public on all matters respecting approval and conduct of prosecutions of offences or related appeals; (g) any other function or responsibility assigned to the Branch by the Attorney General.	
<i>Director of Public Prosecutions Act</i>, SC 2006, c 9, s 121 DIRECTOR OF PUBLIC PROSECUTIONS Appointment 3. (1) The Governor in Council shall, on the recommendation of the Attorney General, appoint a Director of Public Prosecutions (in this Act referred to as the “Director”) in accordance with section 4. Rank and status (2) The Director has the rank and status of a deputy head of a department. Duties and functions (3) The Director, under and on behalf of the Attorney General, (a) initiates and conducts prosecutions on behalf of the Crown, except where the Attorney General has assumed conduct of a prosecution under section 15; (b) intervenes in any matter that raises a question of public interest that may affect the conduct of prosecutions or related investigations, except in proceedings in which the Attorney General has decided to intervene under section 14; (c) issues guidelines to persons acting as federal prosecutors respecting the conduct of	<i>Loi sur le directeur des poursuites pénales</i>, LC 2006, c 9, art 121 DIRECTEUR DES POURSUITES PÉNALES Nomination 3. (1) Le gouverneur en conseil nomme, sur recommandation du procureur général, le directeur des poursuites pénales (ci-après appelé le « directeur ») suivant la procédure établie à l’article 4. Rang et statut (2) Le directeur a rang et statut d’administrateur général de ministère. Rôle et attributions (3) Il exerce, sous l’autorité et pour le compte du procureur général, les attributions suivantes : a) engager et mener les poursuites pour le compte de l’État, sauf celles qui sont prises en charge par le procureur général en vertu de l’article 15; b) intervenir relativement à toute affaire dans laquelle des questions d’intérêt public sont soulevées qui pourraient avoir une incidence sur la conduite des poursuites ou des enquêtes connexes, sauf les affaires à l’égard desquelles le procureur général a décidé d’intervenir en vertu de l’article 14;

prosecutions generally; (d) advises law enforcement agencies or investigative bodies in respect of prosecutions generally or in respect of a particular investigation that may lead to a prosecution; (e) communicates with the media and the public on all matters respecting the initiation and conduct of prosecutions; (f) exercises the authority of the Attorney General respecting private prosecutions, including to intervene and assume the conduct of — or direct the stay of — such prosecutions; and (g) exercises any other power or carries out any other duty or function assigned to the Director by the Attorney General that is compatible with the office of Director.	c) donner des lignes directrices aux personnes agissant à titre de procureurs de l'État relativement à la conduite des poursuites en général; d) conseiller les organismes chargés de l'application de la loi ou les organismes d'enquête à l'égard des poursuites, de façon générale ou à l'égard d'une enquête pouvant mener à des poursuites; e) communiquer avec les médias et le public relativement à toute question liée à l'introduction ou à la conduite des poursuites; f) exercer les pouvoirs du procureur général relatifs aux poursuites privées, notamment celui d'intervenir et d'assumer leur conduite ou d'en ordonner la suspension; g) exercer toutes autres attributions que lui assigne le procureur général et qui ne sont pas incompatibles avec sa charge.
<i>Public Prosecutions Act</i>, SNS 1990, c 21 Director of Public Prosecutions 4 There shall be a Director of Public Prosecutions who (a) is the head of the public prosecutions service and is responsible for all prosecutions within the jurisdiction of the Attorney General conducted on behalf of the Crown; (b) may conduct all prosecutions independently of the Attorney General except that the Director of Public Prosecutions shall comply with all instructions or guidelines issued by the Attorney General in writing and published pursuant to this Act; (c) is, for the purpose of the <u><i>Criminal Code</i></u> (Canada) and the <u><i>Summary Proceedings Act</i></u>,	

the Attorney General's lawful deputy in respect of prosecutions; (d) shall advise police officers in respect of prosecutions generally or in respect of a particular investigation that may lead to a prosecution when the police request such assistance; (e) may issue general instructions or guidelines to a chief crown attorney, a regional crown attorney or a crown attorney in respect of all prosecutions or a class of prosecutions, and shall cause such instructions or guidelines to be published; (f) may issue instructions or guidelines to a chief crown attorney, a regional crown attorney or a crown attorney in a particular prosecution.	
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