



Role of Crown Counsel

A first experience with the criminal justice system can be confusing. The purpose of this information sheet is to lessen that confusion by explaining the role of Crown counsel, one of the components of the justice system.

Our criminal justice system consists of:

- the police
- Crown counsel
- defence counsel (the lawyer for an accused person)
- the courts, judges, court staff and sheriffs
- corrections officials, including probation officers
- parole boards.

Who are Crown Counsel?

Prosecutors in British Columbia are known as Crown counsel. They are lawyers who represent the Crown; that is, society as a whole.

Crown counsel are appointed and assigned to cases by the Criminal Justice Branch of the Ministry of Attorney General. Crown counsel, however, are independent. They do not represent the government, the police, or the victim of an offence. Rather, Crown counsel represent the state—our entire community—because in Canada, a crime against one person is regarded as a crime against everyone.

Responsibilities

Some of the responsibilities of Crown counsel are defined in a provincial statute called the *Crown Counsel Act*. The act ensures that prosecutions are conducted free from improper influence. The conduct of Crown counsel is governed by the policies of the Criminal Justice Branch and Crown counsel are accountable to the Assistant Deputy Attorney General (ADAG). While the Attorney General is responsible for overseeing the administration of justice in the province, the Attorney General does not become involved in prosecution decisions relating to individual cases. Under the *Crown Counsel Act*, the ADAG is head of the Criminal Justice Branch and is responsible for the administration of the branch and the day-to-day operations of the prosecution service.

Crown Counsel's main role is to ensure that charges are laid in appropriate cases and that prosecutions are conducted fairly and expeditiously.

If someone believes that a crime has been committed, that person should report it to the police. The police will then conduct an investigation.

If there is sufficient evidence, the police will prepare a report to Crown counsel outlining which charge or charges they think should be considered for prosecution.

Crown counsel will review the police report and all the circumstances of the case in order to decide whether to approve charges under the *Criminal Code of Canada* or under provincial statutes.

Generally, before charges are approved, Crown counsel must be able to say "yes" to two questions based on the available evidence. One, is there a substantial likelihood of conviction and two, does the public interest require a prosecution?

Where Crown counsel have approved charges, and a "not guilty" plea is entered, a trial date is set. In preparing a case for trial, Crown counsel may interview witnesses, including the victim, prior to their testifying.

Crown counsel must advise the accused or defence counsel of the evidence that the Crown will present, as well as any other information which may affect the case (subject to rules that protect the safety or privacy of people involved in the case).

Everyone charged with an offence is presumed to be innocent until proven guilty.

For a conviction, the court must be satisfied that Crown counsel has proven the guilt of the accused beyond a reasonable doubt. This means that if the court, after hearing all the evidence, has a reasonable doubt about whether the accused is guilty, the accused receives the benefit of that doubt and is acquitted.

Other Responsibilities

- Referring a case back to the investigating agency for further investigation.
- Making other decisions about charges, for example: deciding whether to employ Alternative Measures; that is, having a case resolved outside of the court system.
- Referring victims to appropriate programs in the province.
- Entering resolution discussions with defence counsel to determine whether the case, or any part of it, can be resolved without having to call witnesses to testify.
- Disclosing the Crown's case to the defence so that the accused knows the case he or she has to meet. "Disclosing the case" means giving copies of the police report, witness statements and other evidence, such as photographs, to defence counsel or to the accused.
- Deciding which witnesses will testify for the Crown and interviewing those witnesses.
- Participating in jury selection.
- Conducting the trial and other proceedings such as bail hearings and preliminary hearings.
- If requested, advising victims of the dates, locations, reasons for and outcomes of court appearances, as well as the reasons for decisions respecting charges.
- Where a conviction results, participating in the sentencing hearing and providing information which the judge can use to decide a just sentence.
- Offering victims an opportunity to provide the court with information about how the crime has affected them.
- Appealing court decisions, if warranted, or responding to appeals by the accused to higher courts (the British Columbia Supreme Court, the B.C. Court of Appeal, or the Supreme Court of Canada).

General Information

Crown counsel are usually employed by the Criminal Justice Branch of the Ministry of Attorney General. For some cases, a lawyer in private practice may be hired to act as Crown counsel. Private lawyers acting as prosecutors have the same duties and responsibilities as Crown counsel. For cases involving federal offences such as drug and customs violations, the federal government employs both staff lawyers and private lawyers who report to the Department of Justice regarding these cases.

Provincially-employed Crown counsel throughout the province work in five geographic regions that are administered through regional offices in Nanaimo, Vancouver, New Westminster, Kelowna and Prince George, with an additional office in Vancouver responsible for Court of Appeal matters, commercial crime and other specialized prosecutions. The office of the Assistant Deputy Attorney General is located in Victoria.

Contact Information

To contact Criminal Justice Branch headquarters, please write, phone or fax:

Ministry of Attorney General
Criminal Justice Branch
PO Box 9276 Stn Prov Govt, Victoria, B.C. V8W 9J7
Phone: (250) 387-3840 Fax: (250) 387-0090

To contact regional or local Crown counsel offices, you may call the Crown counsel office listed in the Blue Pages of your telephone directory under [Government of British Columbia, Crown Counsel](#). You may contact [Enquiry BC](#) for the telephone number of a Crown counsel office and, if you wish to call an office without incurring long distance charges, Enquiry BC will connect you to that office. Enquiry BC: Victoria (250)387-6121; Vancouver (604)660-2421; elsewhere in BC, call toll free, 1-800-663-7867.

Victim Information

Victim/Link provides information to victims on a confidential basis, 24 hours a day, 7 days a week.

Call, toll free: 1-800-563-0808