

PUBLIC PROSECUTORS IN THE CANADIAN FEDERAL CRIMINAL JUSTICE PROCESS

Prosecutors have the duty to be objective, independent, and dispassionate. Their role is not to seek conviction at any cost, but to put before the court all available, relevant, and admissible evidence necessary to enable the court to determine the guilt or innocence of an accused, who is presumed innocent until proven guilty beyond a reasonable doubt.

OUR ROLE TO ADVISE

Police and investigative agencies routinely consult with us at the early stages of an investigation to know whether the evidence that they are gathering will be admissible in a prosecution.

OUR ROLE TO PROSECUTE

In all provinces, we prosecute offences against all federal laws and acts, including fraud, terrorism and organized crime against the *Criminal Code*.

In the territories, we are the only prosecutors and conduct all prosecutions of offences against the *Criminal Code* and all federal laws/acts.

DECISION TO PROSECUTE

Once the police or investigative agencies have decided to lay charges, our prosecutors review the evidence and apply the decision to prosecute test, by asking themselves:

- Does the admissible evidence demonstrate a reasonable prospect that a court would convict?
- If there is a reasonable prospect of conviction, is it in the public interest to prosecute?

If at anytime in a prosecution the charges do not meet both parts of the test, the prosecutor will end the prosecution. In British Columbia, Quebec and New Brunswick, the decision to prosecute test is applied by our prosecutors before charges are laid.

RESOLUTION DISCUSSIONS

The majority of cases that continue to be prosecuted end in a guilty plea and sentence.

DIVERSION OR ALTERNATIVE MEASURE

Where public safety and the willingness of the accused to take responsibility make it appropriate, diversion or alternative measures may be available to resolve cases and forego further prosecution. Such measures may include:

- referrals to specialized programs (e.g. Drug Treatment Courts)
- referrals to community justice committees and Indigenous committees
- restitution or compensation in cash or services
- community service

TRIAL

Depending on the nature of the charges, trials may be held in provincial courts (within 18 months) or superior courts, including with a judge and jury (within 30 months).

SENTENCING

If the accused is found guilty or pleads guilty, the prosecutor and the accused will propose a sentence, and the judge will decide the sentence and impose it.

APPEAL

A decision made in a trial court is final. However, the prosecutor or the convicted person can, in certain circumstances, seek to appeal it if an error has been made.