



NOVASCOTIA
PUBLIC PROSECUTION SERVICE

DOCUMENT TITLE:

CONFLICT OF INTEREST

NATURE OF DOCUMENT:	PPS MANAGEMENT DIRECTIVE
FIRST ISSUED:	SEPTEMBER 14, 1999
LAST SUBSTANTIVE REVISION:	DECEMBER 7, 2000
EDITED / DISTRIBUTED:	SEPTEMBER 3, 2002

CASES INVOLVING A CONFLICT OF INTEREST or the Appearance of a Conflict of Interest*

Occasionally, circumstances may give rise to a conflict or the appearance of a conflict of interest for the Crown Attorney who would otherwise handle a case.

To avoid any perception that a person being investigated or prosecuted might receive different treatment because of a relationship he/she has with a particular Crown Attorney or Crown Attorneys' office, such cases should be brought to the attention of the Chief Crown Attorney for the Region. When a Crown Attorney brings such a case to the attention of his/her Chief Crown Attorney he/she should include any related prosecution(s). The Chief Crown Attorney for the Region will determine whether the case and any related case(s) require special handling. Cases requiring a prosecutor from outside of the region or from outside of the PPS will be referred to the Deputy Director.

Conflicts will, generally, be handled, as follows:

1. Where the accused is a Crown Attorney, the Service will utilize an out of province Crown Attorney.
2. Where the accused is an immediate family member of a Crown Attorney, the Service will utilize an out of region per diem Crown Attorney or an out of province Crown Attorney.
3. Where the accused is a close friend of a Crown Attorney, the Service will use an out of the local office Crown Attorney.
4. Where the accused is a member of the Public Prosecution Service, support staff or an immediate family member thereof, the Service will utilize an out of region per diem Crown Attorney.
5. Where the complainant/victim is a member of the Public Prosecution Service or an immediate family member thereof, the Service will utilize an out of region Crown Attorney or an out of province Crown Attorney.
6. Where the complainant/victim is a close friend of a Crown Attorney, the Service will utilize an out of the local office Crown Attorney.
7. Where the accused is a lawyer who practices little or no criminal law, the Service will utilize a Crown Attorney from the local office who does not have a personal conflict handling the case.

*This policy is under review (2002).

8. Where the accused is a lawyer who regularly practices criminal law, the Service will utilize an out of the local office or region Crown Attorney.
9. Where the accused is a lawyer who practices little or no criminal law but practices in association with a lawyer who regularly practices criminal law, the Service will utilize a Crown Attorney from the local office who does not have a personal conflict handling the case.