



---

NOVA SCOTIA  
PUBLIC PROSECUTION SERVICE

DOCUMENT TITLE:

**MEDIA INQUIRIES AND PUBLIC STATEMENTS**

NATURE OF DOCUMENT:

DPP DIRECTIVE

FIRST ISSUED:

JANUARY 15, 2001

LAST SUBSTANTIVE REVISION:

FEBRUARY 19, 2009

EDITED / DISTRIBUTED:

FEBRUARY 19, 2009

## MEDIA INQUIRIES AND PUBLIC STATEMENTS

### RATIONALE

Because public confidence in the administration of criminal justice is enhanced by the availability of appropriate and timely information concerning cases before the courts, Crown Attorneys are strongly encouraged to respond to media inquiries about the cases in which they are involved.

For the purposes of this policy, “**media**” includes reporters from the print and electronic media sources, authors, and anyone else who may publish or broadcast the information or comments that are provided to them.

### POLICY

1. Crown Attorneys should view media inquiries as opportunities to speak to Nova Scotians and the public generally. Responses to inquiries are to be made in such a manner that they educate the public about the Public Prosecution Service, the role of the Crown Attorney in the justice system, and inform the public about the Crown’s position in the case in question.
2. When responding to media inquiries, Crown Attorneys are to utilize good professional judgment and refrain from making comments that could jeopardize the accused’s right to a fair trial, reveal undisclosed elements of the Crown’s case or strategy, violate any bans imposed by the court or legislation, or be interpreted as arguing the Crown’s case in the media.
3. The public comments of Crown Attorneys should be factual in nature. Crown Attorneys should avoid expressing personal opinions in regard to the strength of the case for the prosecution or defence, the likelihood of conviction, the credibility of witnesses, or the conduct of anyone participating in the trial.

Comments in regard to any verdict or decision must be restrained and respectful of the court and all participants in the proceedings.

4. In order to facilitate the accurate reporting of trial proceedings, where feasible, Crown Attorneys are encouraged to provide the media with the following items:
  - a copy of an Agreed Statement of Facts, once it has been filed with the court
  - a copy of any documentary evidence (after it has been filed as an exhibit)

- a copy of an opening or closing address to the jury, if the wording in the copy accurately represents the oral presentation made in court
  - the wording of any legislation to which they have referred in court.
5. Although Crown Attorneys must refrain from providing any legal advice to the media on whether or not particular matters may be published, it is permissible to point out or to confirm the existence of any restrictions on publication imposed by legislation or by the court in a particular case.

If Crown Attorneys present information or evidence which by its nature is subject to a restriction on publication, the feature of that information or evidence which gives rise to the restriction should be made apparent. If, for example, a conviction was under the *Youth Criminal Justice Act* rather than the *Criminal Code*, that should be clearly stated.

6. Pre-charge advice provided by Crown Attorneys to the police is confidential; accordingly, Crown Attorneys should not comment on the existence of a police investigation, prior to a charge being laid. If questioned as to whether a particular individual or situation is under investigation or whether charges will be laid, Crown Attorneys are to indicate that it is the PPS policy to not discuss such matters in public.
7. Crown Attorneys are not to make public comments in regard to any case in which they are not directly involved. Occasionally, Crown Attorneys are asked by reporters to explain in general terms a court process or legal issue because of a specific case that is (or will be) in the news. Unless the Crown Attorney is directly involved in the prosecution of that case, he or she must guard against having their comments applied to that specific case. If in doubt, refer the reporter to the Director of Communications.
8. When responding to inquiries about the possibility of an appeal, Crown Attorneys must bear in mind that decisions in regard to an appeal are made only after a careful review by the Chief Crown Attorney for Appeals. Crown Attorneys must avoid making any presumption in regard to the outcome of that review process.
9. Crown Attorneys are also to be guided by section 22.12 of the Legal Ethics and Professional Conduct Handbook of the Barristers' Society:

“Nothing in this Handbook prevents a lawyer from commenting upon the issues and implications of a case before the court or after the rendering of a decision as long as the comment is reasoned, informed

and made bona fide in accordance with the spirit and letter of the Rules in this Handbook.”

10. Crown Attorneys may refer media inquiries to the PPS Director of Communications at any time. When media contact occurs which does not relate to a specific, current prosecution, it is important that the Director of Communications be made aware of the media interest. Because the media often work with tight deadlines, if a Crown Attorney is unable to take a media call at his or her office, support staff are to direct the call to the Director of Communications.
11. PPS prosecution policies are public documents and may be referred to by Crown Attorneys. Crown Attorneys, however, should avoid public debate about prosecution policies, or the policies of any Department of government. Media inquiries which go beyond asking what the PPS policy is in regard to a specific topic are to be referred to the Director of Communications, unless prior approval for public discussion of particular policy issues has been obtained from the DPP or his designate.