



NOVA SCOTIA
PUBLIC PROSECUTION SERVICE

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SPECIAL PROSECUTIONS SECTION - REFERRALS

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SPECIAL PROSECUTIONS SECTION

General

The Trials Branch of the Public Prosecution Service is responsible for the conduct of all prosecutions within the jurisdiction of the Attorney General of Nova Scotia. The Trials Branch consists of the Western Region, the Halifax Region, the Central Region, the Cape Breton Region and the Special Prosecutions Section. This policy addresses the division of operational responsibilities between the Regions and the Special Prosecutions Section.

Initial Responsibility for Cases

The provision of advice and the conduct of cases investigated by members of the R.C.M.P. Commercial Crime and Proceeds of Crime Branches are responsibilities of the Special Prosecutions Section. With the exception of cases investigated by the R.C.M.P. Commercial Crime and Proceeds of Crime Branches, the provision of advice to the police and the conduct of all Criminal Code and provincial statute prosecutions are the responsibility of the Region in which the offence(s) is alleged to have occurred unless the case is transferred to the Special Prosecutions Section in accordance with the provisions of this policy.

Cases Which May be Transferred to the Special Prosecutions Section

Cases which may be transferred to the Special Prosecutions Section are no longer restricted to major frauds, sexual assaults or complex provincial statute prosecutions. Generally, cases appropriate for transfer will be major crimes involving substantial preparation for court and lengthy court proceedings. Any type of case which places an undue burden on the resources of the local office may be transferred to the Special Prosecutions Section. Cases which create a conflict for the local Crown Attorneys' office may also be appropriate for transfer to the Special Prosecutions Section.

Transfer Process

A Crown Attorney responsible for the conduct of a case which s/he feels is appropriate for transfer to the Special Prosecutions Section may recommend to their Chief Crown Attorney that the case be transferred.

Only the Chief Crown Attorney of the Region initially responsible for the case may, if s/he agrees with the local Crown Attorney's recommendation, refer the case to the Special Prosecutions Section.

Cases referred to the Special Prosecutions Section shall be directed to the Chief Crown Attorney (Special Prosecutions). The Chief Crown Attorney (Special Prosecutions), upon receipt of a case referral from a Chief Crown Attorney (Region) will review the case and assess whether the Special Prosecutions Section will assume responsibility for the case.

The Chief Crown Attorney (Special Prosecutions) will generally advise the Chief Crown Attorney (Region) of his decision within one week of receipt of the referral.

In the case of a disagreement regarding which office should be responsible for the conduct of a case, the matter will be referred to the Director of Public Prosecutions for decision.

Timing of Transfers

Cases should be recommended for transfer as early in the criminal trial process as possible. Due to the nature of the cases handled by the Special Prosecutions Section, the earlier the Section receives a request to assume responsibility for a file, the greater the likelihood that the Section will be able to do so.

Once the Special Prosecutions Section assumes responsibility for a file, it will not be returned to the Region save and except in exceptional circumstances and with the consent of the Chief Crown Attorney of the Region from which it was transferred or the direction of the Director.

Shared Responsibility

- (a) When the Special Prosecutions Section assumes responsibility for a file, the local Crown Attorneys' office may still be called upon to handle most uncontested court appearances for the case.
- (b) the local Crown Attorney may wish to retain responsibility for a case but have a member of the Special Prosecutions Section serve as co-counsel. A request for a member of the Special Prosecutions Section to serve as co-counsel on a case will follow the same process as that for a case transfer.