



Department of Justice  
Canada  
Federal Prosecution  
Service

Ministère de la Justice  
Canada  
Service fédéral  
des poursuites

# The Federal Prosecution Service



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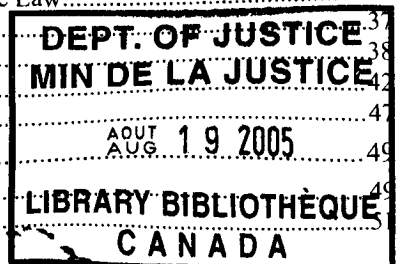
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## PREFACE

Unlike some other jurisdictions where the prosecution service is an independent organization, in Canada, the Federal Prosecution Service (FPS) is an integral part of the Federal Department of Justice. As such, the FPS shares a commitment to serving Canadians by making the criminal justice system relevant, accessible and responsive to the needs of Canadians. In discharging its mandate and to support the overall objectives of the Department, the FPS pursues three strategic objectives:

1. Prosecution of drug and *Criminal Code* offences;
2. Addressing criminal issues to contribute to a safer country and a safer world; and
3. Prosecution to protect the environment, natural resources, and economic health.

Since I was appointed as Head of the Federal Prosecution Service on June 1, 1993, I have witnessed a rapid and irreversible evolution in the role of prosecutors in Canada. In line with the increased complexity of police investigations, the role of prosecutors is now multi-faceted and much more complex.

To conduct a successful prosecution in a large or complex case, prosecutors must work in partnership with investigative agencies from an early stage in the investigation. At the same time, they must be careful to preserve their objectivity and independence. Prosecutors must ensure that onerous disclosure obligations are met. Prosecutors are expected to be publicly accountable. Prosecutors are expected to be actively involved in seeking alternatives to prosecutions. Prosecutors must take victims and victims' rights into account at all stages of the criminal proceedings. In addition, the globalization of crime has forced prosecutors to reach beyond Canada's borders for assistance. Evidently, the court's and the public's expectations have increased.

It is not easy to be a prosecutor. As a former Deputy Attorney General of Canada once said:

Carrying out the duties of a prosecutor is difficult. It requires solid professional judgment and legal competence, a large dose of practical life experience and the capacity to work in an atmosphere of great stress. Not everyone can do this. Moreover, there is no recipe that guarantees the right answer in every case, and in many cases, reasonable persons may differ. A prosecutor who expects certainty and absolute truth is in the wrong business. The exercise of prosecutorial discretion is not an exact science. The more numerous and complex the issues, the greater the margin for error.<sup>1</sup>

The role of the prosecutor has changed and expectations have increased. Much remains to be done to ensure that the public understands the many aspects of the pivotal role of prosecutors in the administration of criminal justice in Canada.

Staffed by full-time public servants and by agents from the private bar, the Federal Prosecution Service is composed of men and women dedicated to excellence in the pursuit of criminal justice. They have joined the FPS by choice and they remain by conviction. Prosecution work is a calling. Prosecutors believe in what they do; they believe they make a difference in their commitment to the public interest.

Canadians are entitled to expect excellence from prosecutors who represent society before the criminal courts of the country:

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<sup>1</sup> Morris Rosenberg, *Speech at the XXth Federal Prosecution Service Annual Conference*, June 29, 2000, Mont Saint-Anne, Québec.

By reason of the nature of our adversary system of trial, a Crown prosecutor is an advocate; he is entitled to discharge his duties with industry, skill and vigour. Indeed, the public is entitled to expect excellence in a Crown prosecutor, just as an accused person expects excellence in his counsel. But a Crown prosecutor is more than an advocate; he is a public officer engaged in the administration of justice [...].<sup>2</sup>

Day in and day out, these professionals breathe life into the words of Mr. Justice Cory, then of the Ontario Court of Appeal, in the case of *R v. Logiacco*<sup>3</sup>:

... [T]he role of the Crown Attorney in the administration of justice is of critical importance to the courts and to the community. The Crown prosecutor must proceed courageously in the face of threats and attempts at intimidation. He must see that all matters deserving of prosecution are brought to trial and prosecuted with diligence and dispatch. He must be industrious to ensure that all the arduous preparation has been completed before the matter is brought before the court. He must be of absolute integrity, above all suspicion of unfair compromise or favouritism. The Crown prosecutor must be a symbol of fairness, prompt to make all reasonable disclosures and yet scrupulous in attention to the welfare and safety of witnesses. Much is expected of the Crown prosecutor by the courts. The community looks upon the Crown prosecutor as a symbol of authority and as a spokesman for the community in criminal matters.

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<sup>2</sup> *Savion and Mizrahi v. R.* (1980), 13 C.R. (3d) 259, at 275 (Ont. C.A.), per Zuber J.A.

<sup>3</sup> *R. v. Logiacco* (1984), 11 C.C.C. (3d) 374 at 378-379 (Ont. C.A.), per Cory, J.A.

## The Federal Prosecution Service

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Prosecutors must always strive to earn and maintain the public's confidence in the administration of criminal justice. Their prosecutorial discretion must be exercised independently of political considerations or other pressures. Their actions must be guided only by the evidence, the rule of law and the public interest.

Since the creation of the original Criminal Law Branch in 1967, which has evolved in today's Federal Prosecution Service, the Department of Justice has striven to instill in its prosecutors a deep sense of mission and of their high calling.

The tradition of excellence in the Federal Prosecution Service is well established. Like my predecessors<sup>4</sup>, I am proud to head an organization devoted to the pursuit of justice.

D.A. Bellemare, MSM, QC  
Assistant Deputy Attorney General  
(Criminal Law)  
Federal Prosecution Service

Ottawa, February 2005.



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<sup>4</sup> The late D.H. Christie, Q.C., March 1, 1967 to June 13, 1973 (former Chief Judge, Tax Court of Canada); J.A. Scollin, Q.C., October 1, 1973 to September 7, 1975 (former Justice of the Manitoba Court of Queen's Bench); L.-P. Landry, Q.C., September 8, 1975 to March 26, 1979 (currently Justice of the Superior Court of Quebec); D.J.A. Rutherford, Q.C., December 23, 1980 to July 31, 1986 (currently Justice of the Ontario Superior Court of Justice); W.J.A. Hobson, Q.C., September 15, 1986 to August 4, 1987 (currently Barrister and Solicitor, Toronto); J.A. Isaac, Q.C., August 4, 1987 to February 20, 1989 (former Chief Justice of the Federal Court of Canada); B.A. MacFarlane, Q.C., April 17, 1989 to April 17, 1993 (currently Deputy Minister of Justice and Deputy Attorney General of the Province of Manitoba).



## INTRODUCTION

This booklet describes the Canadian criminal justice system, the role of prosecutors in Canada's criminal justice system generally, and the role of the Federal Prosecution Service<sup>5</sup> (FPS) in particular. The FPS is part of the Department of Justice Canada; its mandate is to support the Minister of Justice and the Attorney General of Canada<sup>6</sup> in the discharge of his or her criminal law mandate. The FPS also delivers prosecution services as well as related litigation and advisory services in the area of criminal law across Canada. The head of the FPS is the Assistant Deputy Attorney General "ADAG" (Criminal Law).

## I THE CANADIAN CRIMINAL JUSTICE SYSTEM

Canada is a federal state. Our Constitution divides authority over criminal law between the federal and provincial governments. The power to enact criminal law and procedure rests with the federal government, while the administration of justice rests with each provincial government, including the establishment and maintenance of the criminal courts.<sup>7</sup> Criminal proceedings are conducted in the trial and appellate courts of the provinces with final recourse to the Supreme Court of Canada.<sup>8</sup>

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<sup>5</sup> Although the prosecution function has existed within the Department for decades, the name "Federal Prosecution Service" only exists since October 1996. It was first used on October 21, 1996, by then Deputy Minister and Deputy Attorney General of Canada, George Thomson, in a speech to the first Annual Conference of the former Legal Operations Sector of the Department of Justice.

<sup>6</sup> The Minister of Justice and the Attorney General of Canada are two titles for the single person filling both offices.

<sup>7</sup> *Constitution Act, 1867*, ss. 92(14). The provinces also have ancillary authority under ss. 92(15) to enact penal sanctions for the enforcement of provincial laws.

<sup>8</sup> Under present law both the Crown and an accused have an automatic right to appeal to the Supreme Court of Canada in certain criminal cases. In all other cases an appeal may only be brought with leave of the Court.

## 1.1 The Legislative Framework

Several pieces of federal legislation provide the framework for Canada's criminal justice system. The main body of criminal law is contained in the *Criminal Code*<sup>9</sup> of Canada which is applicable across the country. It enacts an extensive (but not exhaustive) catalogue of crimes and a general procedural scheme for their enforcement. Criminal offences are also found in a number of other federal statutes including the *Controlled Drugs and Substances Act*<sup>10</sup>, the *Customs Act*<sup>11</sup>, the *Excise Tax Act*<sup>12</sup>, and the *Income Tax Act*<sup>13</sup>. A special regime for young persons exists under the *Youth Criminal Justice Act*<sup>14</sup>. Criminal procedure is found mainly in the *Criminal Code* and in the jurisprudence interpreting the provisions of the *Canadian Charter of Rights and Freedoms*.<sup>15</sup>

## 1.2 Responsibility for Prosecutions

Traditionally jurisdiction over prosecutions has been shared between the federal and provincial governments.<sup>16</sup> Therefore, both the federal and provincial Attorneys General can prosecute criminal offences. Throughout most of Canada, the provinces prosecute *Criminal Code* offences while the Attorney General of Canada prosecutes non-*Code* federal offences. In the Yukon, Northwest Territories, and Nunavut, the Attorney General of Canada prosecutes both *Code* and non-*Code* offences.

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<sup>9</sup> R.S.C. 1985, c. C-46.

<sup>10</sup> S.C. 1996, c. 19.

<sup>11</sup> R.S.C. 1985, c. 1 (2<sup>nd</sup> Supp.)

<sup>12</sup> R.S.C. 1985, c. E-15, particularly Parts VIII and IX enacted by S.C. 1990, c. 45.

<sup>13</sup> R.S.C. 1985, c. 1 (5<sup>th</sup> Supp.)

<sup>14</sup> S.C. 2002, c. 1.

<sup>15</sup> Enacted as part of the *Constitution Act, 1982*.

<sup>16</sup> In Quebec and New Brunswick, the Attorney General of Canada only prosecutes non-*Code* federal offences that are investigated by the RCMP or another federal investigative agency. Responsibility for police and correctional services is also shared. At the federal level, the Minister of Public Safety and Emergency Preparedness Canada (formerly the Solicitor General) exercises responsibility for the Royal Canadian Mounted Police and the Correctional Service of Canada. It is also responsible for parole and security intelligence services.

From this shared prosecutorial responsibility arises the need for federal-provincial cooperation and coordination in the enforcement of criminal law. For example, the Attorney General of Canada may prosecute *Code* offences with the consent and on behalf of a provincial Attorney General where it is more efficient and cost-effective to do so. This will generally occur where the *Code* offences are related to some non-*Code* charge. Similarly, a provincial prosecution service may prosecute an offence that is under the jurisdiction of the Attorney General of Canada where the major offence is found in the *Criminal Code*.<sup>17</sup> Major cases that involve both serious federal and *Code* offences are also increasingly being prosecuted by joint federal-provincial prosecution teams, particularly in organized crime files. It should be noted that the Supreme Court of Canada ruled in 1978<sup>18</sup> that the federal government and the provinces have concurrent jurisdiction over drug prosecutions. Two provinces have decided to exercise this jurisdiction.

Therefore, given that there are several prosecution authorities in Canada prosecuting offences under a common *Criminal Code*, there is a need to coordinate some aspects of the prosecution practice. The Federal-Provincial-Territorial Heads of Prosecutions Committee (FPT Heads Committee) was created in 1995 to oversee and facilitate such coordination and cooperation and to increase consistency of approaches.<sup>19</sup>

The Head of the FPS is the permanent co-chair and the FPS provides secretarial and administrative support to the FPT Heads Committee.

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<sup>17</sup> Such arrangements are called “major-minor agreements”, meaning that the prosecution service having carriage of the “major” charge will prosecute the “minor” charge as well.

<sup>18</sup> *R. v. Hauser*, [1979] 1 S.C.R. 984; reaffirmed in *R. v. Malmo-Levine*, [2003] 3 S.C.R. 571. See footnote 47.

<sup>19</sup> The FPT Heads of Prosecutions Committee is a national advisory forum on prosecution issues. Its membership is comprised of the Head of Prosecutions for each province and the Head of the Federal Prosecution Service. As a national table, the Committee provides a convenient venue where stakeholders can consult and seek the views of the Canadian prosecution community.

### 1.3 Presumption of Innocence and Standard of Proof

In Canada, an individual who is charged with a criminal offence benefits from the presumption of innocence. The prosecution, therefore, must prove the guilt of the accused beyond a reasonable doubt.<sup>20</sup> If a judge or jury has a reasonable doubt after being presented with all of the evidence, the accused is entitled to be acquitted.

### 1.4 The Charter of Rights and Freedoms

Like any other law, the criminal law is subject to the *Canadian Charter of Rights and Freedoms*. As the fundamental law of Canada, the *Charter* guarantees basic rights and freedoms that may be enforced by the courts in the face of legislative provisions or government action that infringe them. The courts have the power to strike down as unconstitutional legislation that offends the *Charter* and to remedy *Charter* breaches occurring in the course of a criminal investigation.

### 1.5 The Judiciary

Central to the criminal justice system are the courts and the judges<sup>21</sup> who preside over trials and other proceedings. In contrast to other legal systems (notably the civil law system), the Canadian trial judge does not play an inquisitorial role in the investigation or trial process. Subject to applicable rules of evidence, parties to a case enjoy a broad discretion in deciding how to present their case.

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<sup>20</sup> The Supreme Court of Canada has held that “[a] reasonable doubt is not an imaginary or frivolous doubt. It must not be based on sympathy or prejudice. Rather, it is based on reason and common sense. It is logically derived from the evidence or absence of evidence.” A belief that the accused is probably or likely guilty is not enough, but neither is absolute certainty required. To convict, a judge or jury must be sure that the accused committed the offence: *R. v. Lifchus*, [1997] 3 S.C.R. 320 at 337.

<sup>21</sup> Canadian judges are not elected. They are appointed by the federal or provincial governments.

The judge ensures that the parties observe the rules of procedure and evidence, rules on objections, and decides the guilt or innocence of the accused. In jury trials, this ultimate determination is left with the jury.

Judges also have a critical role to play in protecting the rights of accused persons in the criminal process by adjudicating claims of *Charter* infringement. Also, judges perform the dual function of enforcing the criminal law and protecting individual rights. Such a balancing of competing demands is considered essential in dispensing criminal justice. It has been said:

The law derives its moral authority, as distinct from its legal authority, from its commitment to protect as well as to control or punish those who come before it and especially those whom public opinion would condemn.<sup>22</sup>



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<sup>22</sup> Friedenberg, E.Z., "Law in a Cynical Society". In *Law in a Cynical Society: Opinion and Law in the 1980s*, edited by D. Gibson and J.K. Baldwin (Vancouver: Carswell Legal Publications, 1985), at p. 417.

## II THE ROLE OF THE PROSECUTOR IN CANADA

Crown counsel must be a symbol of fairness, prompt to make all reasonable disclosure. As well, they must be scrupulous in the attention given to the welfare and safety of witnesses. They enjoy the respect of all the members of the judiciary. Much is expected of Crown Counsel by society, their community and by the judiciary. The community looks upon the Crown prosecutor as a symbol of fairness, of authority and as a spokesman for the community.

As a rule, Crown counsel attain and maintain a very high level of professional excellence and fairness. They fulfill all of society's high expectations. It is truly a high office, honored by the bench, the bar and the community.<sup>23</sup>

In Canada as in most other jurisdictions, law enforcement begins at one end with the police investigating criminal offences and continues with the Attorney General, through Crown counsel, neutrally and fairly representing the prosecution case in court until the criminal charge has been disposed of.<sup>24</sup>

### 2.1 Independence of the Police

The police have long been recognized in Canada as being independent from the Crown in performing their investigative function. As pointed out by the Supreme Court of Canada:

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<sup>23</sup> Justice Peter Cory, *Sophonow Inquiry Report*, September 2001, page 39.

<sup>24</sup> Prosecutions are conducted in the name of the Crown. Although it is possible for private citizens to conduct prosecutions of criminal offences in Canada, private prosecutions are rare.

A police officer investigating a crime is not acting as a government functionary or as an agent of anybody. He or she occupies a public office initially defined by the common law and subsequently set out in various statutes.<sup>25</sup>

Increasingly, however, Canadian prosecutors are involved earlier at the investigative stage to support police and help shape the investigation.<sup>26</sup> Criminal charges are laid by the police in every province, except Quebec, British Columbia and New Brunswick. In those provinces, the Crown authorizes charges to be laid following a pre-charge screening or review process. In every province, however, some form of early review or screening takes place before a charge proceeds through the criminal justice system, usually before a date for trial or preliminary hearing is set.<sup>27</sup>

Police investigators and Crown prosecutors have separate responsibilities in Canada's criminal justice system. In carrying out their respective responsibilities, they are independent both from each other and from political interference. However, their roles are interdependent and they must work in partnership to enforce criminal laws effectively. Criminal activity is becoming more complex, far-reaching and difficult to investigate. In consequence, criminal investigations and court proceedings have become longer and more intricate. Investigations in organized criminal activity require massive investments of time and resources. Legal advice at the investigative stage has become crucial to ensure that police techniques and procedures are consistent with constantly evolving rules of evidence and *Charter* protections.

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<sup>25</sup> *R. v. Shirose (sub nom. R. v. Campbell)*, [1999] 1 S.C.R. 565, at para. 27, per Binnie, J.

<sup>26</sup> *R. v. Regan*, [2002] 1 S.C.R. 297.

<sup>27</sup> The *FPS Deskbook* (<http://canada.justice.gc.ca/en/dcpt/pub/fps/fpd/ch15.html>) provides the flexibility needed for FPS prosecutors to adapt to the local charging practice in the province where they practice.

Therefore, investigators and prosecutors play complementary roles in the criminal process. Investigators take the lead at the investigative stage, with Crown counsel acting in consultation and support. Crown counsel takes over once a criminal charge is laid, and the investigator assumes the consultative and supporting role. In the landmark case of *R. v. Regan*<sup>28</sup>, the Supreme Court of Canada recognized that the Crown and the police are to be given some latitude in deciding how to structure their relationship as long as their respective independence is fully respected. Indeed, “objectivity and fairness is an ongoing responsibility of the Crown, at every stage of the process”,<sup>29</sup> including pre-charge involvement.

While in-depth knowledge and experience in criminal law, evidence and procedure are still key requirements of the prosecutorial practice, present-day realities have greatly broadened the type of skills required of an effective modern prosecutor. Trials are lengthier and more complex: they often involve many accused, each represented by individual counsel, and an impressive weight of documentary evidence obtained through novel and highly technical investigative techniques.

Prosecutors accordingly have to stay on a case for weeks, months, even years on end, working within multi-disciplinary prosecution teams. Stamina, strong organizational skills, an ability to work as part of a team, and familiarity with various technologies used by businesses to increase efficiency and security and by police to track down and document criminal activity are fast becoming essential abilities. Moreover, as prosecutors become involved in alternatives to prosecution and in specialized, integrated teams in areas such as proceeds of crime, capital markets fraud, border enforcement, and organized crime, the skills they bring to their work have to be much broader than simply knowing the relevant law.

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<sup>28</sup> *Supra*, footnote 26, para. 64.

<sup>29</sup> *Ibid*, page 135.



## 2.2 Prosecutorial Independence

The independence of the Attorney General in deciding whether to prosecute<sup>30</sup> is well established in Canadian law and practice. It has been referred to as a “hallmark of a free society”.<sup>31</sup>

The Attorney General does not get personally involved in decisions affecting individual cases except where his or her personal consent is required as in war crimes, for example. His or her role as prosecutor is usually delegated through lines of authority to individual prosecutors acting on his or her behalf. The delegation of daily decisions, however, does not mean that individual prosecutors are completely independent. All counsel for the Attorney General are accountable to their superiors for the decisions taken. In the federal sphere, FPS prosecutors act under the direction of FPS Directors, who are in turn accountable to the Assistant Deputy Attorney General (Criminal Law), the Deputy Minister and, ultimately, the Attorney General. Similar arrangements exist in the provinces for prosecutions conducted by the provincial Attorney General.

Just as the Attorney General may consult, so too may individual prosecutors. As long as the Minister's core responsibilities as Attorney General are protected, there can be significant benefits to consultation. For example, FPS prosecutors might consult with policy officers in the Department of Justice and in government departments and agencies having regulatory mandates for which prosecution may form part of a compliance continuum. In that sense, prosecutorial independence and the process of consultation are not mutually exclusive. To properly exercise their independence, prosecutors need to be well informed, which presupposes some measure of consultation and awareness.

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<sup>30</sup> In practice, this means deciding whether a criminal charge should be laid, where the prosecutor has the authority to approve charges, or whether the prosecution should proceed, where the police have laid the charges.

<sup>31</sup> *HOEM v. Law Society of British Columbia* (1985), 20 C.C.C. (3d) 239 (B.C.C.A.) per Esson J.A. at 254.

## 2.3 The Exercise of Discretion

Canadian criminal law grants broad discretion to the Attorney General and, through him or her, to prosecuting counsel. The exercise of prosecutorial discretion is the most important component of the prosecution function. It arises at numerous stages in the Criminal justice process: the charging decision, release on bail, disclosure, termination of proceedings, election of the mode of trial, the granting of immunity to a witness, and in many other circumstances. The exercise of prosecutorial discretion is guided by established policies and guidelines which seek to ensure that such decisions are made in the public interest, fairly and judiciously.

To be sustainable and credible, any prosecution system must be grounded on public confidence:

[...] public confidence in the administration of criminal justice is among the cornerstones of democracy: public confidence that prosecutorial discretion is principled and that it is exercised fairly, with consistency and neutrality.

Public confidence cannot be taken for granted: it must be earned. And once earned, it must be maintained.<sup>32</sup>

Prosecutorial discretion must be exercised in a way that supports and enhances public confidence. This will only happen if those who exercise prosecutorial discretion are properly accountable:

Accountability becomes the measure of public confidence. It provides objective checks and balances to test the exercise of discretion. And, at the end of the day, if accountability works, it maintains and enhances public confidence in the administration of criminal justice. However, if it fails, public confidence in the administration of justice is at best damaged and, at worst, lost.

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<sup>32</sup> D.A. Bellemare, MSM, Q.C., “Different Systems – Common Goals: Democracy and the Prosecution Process.” Keynote Address, IAP 9<sup>th</sup> Annual Conference, Seoul, South Korea, September 2004.

If abused, the prosecution function can rapidly become an instrument of oppression and repression. Conversely, if used properly and subjected to meaningful checks and balances, the prosecution function becomes a pillar of democracy, an essential and powerful tool in maintaining the rule of law and in defending human rights [...].<sup>33</sup>

At the federal level, these checks and balances and the major tenets of prosecutorial ethics are found in operational policies approved by the Attorney General of Canada and contained in a manual known as the *Federal Prosecution Service Deskbook*.<sup>34</sup> The Deskbook, which is a public document, is the main tool governing the conduct of federal criminal prosecutions. It is meant to help prosecutors discharge their prosecutorial duties in a principled fashion, while informing the public of the basis upon which prosecutorial discretion is exercised.<sup>35</sup>

The Deskbook is widely recognized as a landmark document in the area of prosecution guidelines and ethics; it has been described as “one of the best sources of ethical guidelines” for Crown counsel.<sup>36</sup> It ensures a consistent approach in the federal prosecution practice. Developed under the supervision of the ADAG (Criminal Law) and approved by the Attorney General, it is updated on a regular basis. Prosecutors are required to act in a manner consistent with those policies.

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<sup>33</sup> *Ibid*

<sup>34</sup> The *FPS Deskbook* is published in hard copy and is also electronically available through the Internet. The website address is <http://canada.justice.gc.ca/en/dept/pub/fps/fpd/toc.html>.

<sup>35</sup> Among the policies included in the *FPS Deskbook* are the Decision to Prosecute Policy, which outlines the criteria for deciding whether to commence or continue a prosecution, the Management of Criminal Litigation Policy, which governs the overall approach to prosecutions, the Alternative and Extrajudicial Measures Policy and the Policy on Communications with the Media.

<sup>36</sup> Michel Proulx and David Layton, *Ethics and Criminal Law*, Irwin Law Publishers, 2001, p. 648.

The public accessibility of the Deskbook ensures accountability. First, it provides a known basis for decision-making:

At the federal level, the FPS promotes transparency by publishing its policies on a website, for all the world to see. Thus the public can see not only how and why the FPS does certain things, it can also measure FPS actions against the principles the FPS espouses. The public nature of these policies also allows for public debate. The more the exercise of discretion is made a matter of public record, the more likely the decision-making process will be seen as responsible and accountable, therefore enhancing public confidence. There is no need to explain the decision made in every routine case because the Deskbook describes the decision-making process in considerable detail. Simply referring questioners to it should suffice.

However, it may be that in more delicate or complex situations, additional explanations will be appropriate or required. In these circumstances, the Deskbook becomes not only the tool that regulates our internal thought process and guides decisions, but it also provides the standards against which actions and explanations will be measured.<sup>37</sup>

As required, Deskbook policies may be supplemented by Practice Directions and by local guidelines to address local circumstances.

Prosecutorial discretion, however, is not absolute. A judicial stay of proceedings is available to prevent violations of the principles of fundamental justice and abuses of the court's process. The Supreme Court has held, however, that the power to stay should only be exercised in the clearest of cases:

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<sup>37</sup> D.A. Bellemare, MSM, Q.C., "Accountability, Independence and Ethics in Prosecution Practice: Public Confidence and Accountability in the Exercise of Prosecutorial Discretion", Speech to the International Society for the Reform of Criminal Law, Montreal, August 2004.

Subject to the abuse of process doctrine, supervising one litigant's decision-making process – rather than the conduct of litigants before the court – is beyond the legitimate reach of the court

[...]

The quasi-judicial function of the Attorney General cannot be subjected to interference from parties who are not as competent to consider the various factors involved in making a decision to prosecute. To subject such decisions to political interference, or to judicial supervision, could erode the integrity of our system of prosecution.<sup>38</sup>

According to some decisions, flagrant impropriety by the Attorney General, if established by the evidence<sup>39</sup>, may be one such circumstance. This is because prosecutorial discretion is treated with great deference by the courts and by other members of the executive, as well as by statutory bodies like law societies, which regulate ethical requirements for all lawyers.<sup>40</sup>

## 2.4 Prosecutors as “ministers of justice”

The tradition of Crown counsel in this country in carrying out their role as “ministers of justice” and not as adversaries has generally been very high.<sup>41</sup>

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<sup>38</sup> *Krieger v. Law Society of Alberta*, [2002] 3 S.C.R. 372.

<sup>39</sup> “In order to ask the court to dwell into the circumstances surrounding the exercise of the Crown's discretion, or to inquire into the motivation of the Crown officers responsible for advising the Attorney General, the accused bears the burden of making a tenable allegation of *mala fides* on the part of the Crown. Such an allegation must be supportable by the record before the court, or if the record is lacking or insufficient, by an offer of proof. Without such an allegation, the court is entitled to assume what is inherent in the process, that the Crown exercised its discretion properly, and not for improper or arbitrary motives”: *R. v. Durette et al.*, (1992), 72 C.C.C. (3d) 421 at 437-8 (Ont. C.A.) per Finlayson J.A.

<sup>40</sup> *Supra* note 38, para. 45.

<sup>41</sup> *R. v. 1353837 Ontario Inc., et al*, February 24, 2005, C42378, at par. 34, per Laskin J.A. (Ont. C.A.).

Canadian courts expect a great deal from prosecutors. Accordingly, they are subject to weighty ethical, procedural and constitutional obligations. Traditionally, their role has been regarded as that of “minister of justice” rather than that of “partisan advocate”. As stated by then Associate Chief Justice Hugessen of the Superior Court of Quebec:

[TRANSLATION] A Crown prosecutor occupies a key position within our criminal justice system. He is, in the fullest sense of the expression, a “minister of justice”. One can even state that the role of the prosecutor is no less important than that of the judge; in France, this is described as the sitting judiciary and the standing judiciary.<sup>42</sup>

A prosecutor’s functions are imbued with a public trust. A prosecutor is expected to discharge his or her duties with fairness, objectivity, and integrity. Crown counsel’s role is not to win convictions 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 the accused. The Supreme Court of Canada made this clear in *Boucher v. The Queen*, where it stated:

It cannot be over-emphasized that the purpose of a criminal prosecution is not to obtain a conviction; it is to lay before a jury what the Crown considers to be credible evidence relevant to what is alleged to be a crime. Counsel have a duty to see that all available legal proof of the facts is presented; it should be done firmly and pressed to its legitimate strength, but it also must be done fairly.

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<sup>42</sup> *R. v. Bernard Fournier*, Que. S. Ct, case no. 01-01135-786, June 20, 1978, unreported.

The role of prosecutor excludes any notion of winning or losing; his function is a matter of public duty than which in civil life there can be none charged with greater personal responsibility. It is to be efficiently performed with an ingrained sense of the dignity, the seriousness and the justness of judicial proceedings.<sup>43</sup>

In other words, as pointed out by the Honourable Marc Rosenberg of the Ontario Court of Appeal, “excessive zeal and its companion, tunnel vision, and overly aggressive pursuit of the accused have no place in the prosecution of cases by agents of the Attorney General.”<sup>44</sup>

### **2.5 The Multi-Faceted Role of the Federal Prosecutor**

Over the past decade, in addition to their traditional role, society has viewed prosecutors as having new responsibilities not directly related to courtroom duties. The public expects prosecutors to participate in community outreach programs, and share their expertise by providing training programs, ranging from training law enforcement officers on the implications of new legislation, to training colleagues in foreign jurisdictions. A prosecutor at the beginning of the 21<sup>st</sup> century has to be sensitive to diversity issues, aboriginal concerns, diversion, victims’ rights and new sentencing options. There are also positive obligations on the Crown to avoid institutional recklessness and to assist in educating enforcement officers.

Increasingly, in relation to regulatory programs, prosecution services are being called upon to help advance some of the government’s social policy objectives. Government priorities at all levels, which for the most part left prosecutors unaffected in the past, are now having a direct impact on their practice by giving prosecutors a broader social role.

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<sup>43</sup> [1955] S.C.R. 16, at pp. 23-24; 100 C.C.C. 263, at p. 270.

<sup>44</sup> The Attorney General and the Administration of Criminal Justice, p. 31 in *The Attorney General in the 21<sup>st</sup> Century: A Symposium in Honour of Ian Scott*, Queen’s University, October 30, 2003.

Consequently, the FPS is at the forefront of various social measures that promote alternatives to prosecutions such as the Drug Treatment Court program. There are two such courts in Canada, one in Toronto and one in Vancouver.

The main objective of the Drug Treatment Court is to reduce crime committed as a result of drug dependency through court-monitored treatment and community service support for criminal offenders with drug addictions. By helping non-violent offenders deal with their addictions and improve their social stability, the program also reduces the criminal behaviour associated with substance abuse.

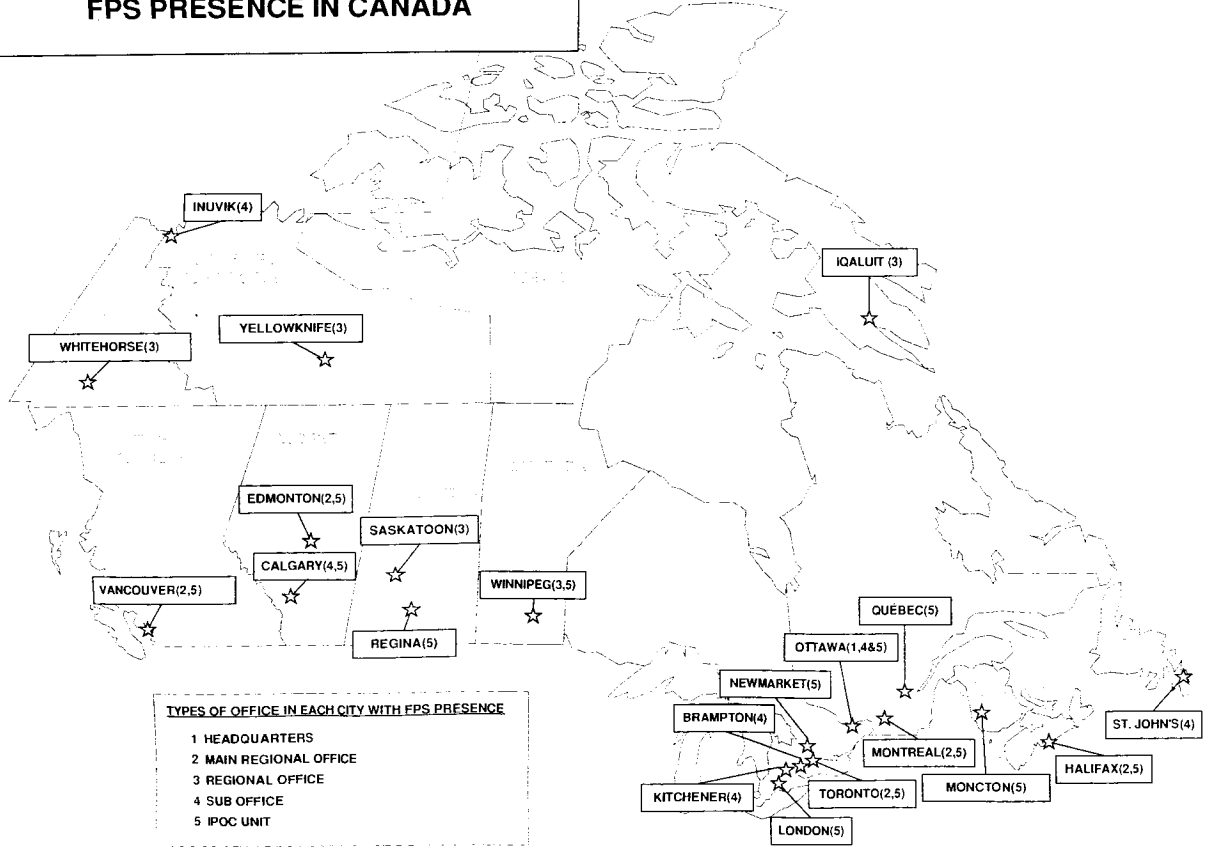
The prosecutor takes into account victims and victims' rights at all stages of criminal proceedings. Without being the victim's lawyer, the prosecutor has nonetheless acquired an important role in ensuring that victims' interests are considered in the process.

There are also expectations that prosecutors will be involved in the community in restorative justice initiatives, such as giving time to victims groups, treatment programs and outreach initiatives. These roles outside of the courtroom can be anticipated to grow and expand.





# FPS PRESENCE IN CANADA



**TYPES OF OFFICE IN EACH CITY WITH FPS PRESENCE**

- 1 HEADQUARTERS
- 2 MAIN REGIONAL OFFICE
- 3 REGIONAL OFFICE
- 4 SUB OFFICE
- 5 IPOC UNIT

### III THE ROLE OF THE FEDERAL PROSECUTION SERVICE (FPS)

In Canada, the same person performs the functions of Minister of Justice and Attorney General. While the FPS mandate supports mainly the functions of the Attorney General, to a lesser extent it also supports the functions of the Minister of Justice.<sup>45</sup>

#### 3.1 Responsibilities of the Attorney General

Over 50 federal statutes impose prosecution duties and responsibilities on the Attorney General of Canada. The Attorney General of Canada is responsible for the conduct of federal prosecutions and other criminal litigation. The Attorney General also provides legal advice to investigative agencies and government departments on the criminal law implications of investigations and prosecutions.

These responsibilities of the Attorney General of Canada are carried out by the FPS, which is therefore responsible for the prosecution of federal offences throughout Canada. The mandate of the FPS thus covers a wide spectrum of legislation containing criminal offences under federal jurisdiction.

#### 3.2 Responsibilities of the Minister of Justice

The Minister of Justice of Canada is responsible for substantive criminal law and procedure, including the development of policy and legislation. The Minister of Justice is also responsible for extradition and mutual legal assistance matters and for international criminal justice issues.

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<sup>45</sup> For example, the FPS performs functions associated with the Minister of Justice in extradition matters, where the *Extradition Act*, S.C. 1999, c. 18, assigns specific functions to the Minister of Justice. The FPS also supports the Minister of Justice in the area of criminal law amendments.

The FPS carries out some of the responsibilities of the Minister of Justice including, for example, acting as counsel in extradition cases, providing advice on operational issues related to domestic policy and legislation and participating in Canadian delegations in various bilateral and multilateral forums on matters such as extradition, mutual legal assistance, money laundering and cross-border crime.

### 3.3 Mandate of the FPS

The mandate of the FPS is consequently divided into two broad functions: prosecution and prosecution-related functions. In carrying out these functions, the FPS acts as a center of legal expertise for criminal law, national security and federal law enforcement matters.

#### 3.3.1 Prosecution Function

While the FPS is the prosecution arm of the Government of Canada, it doesn't follow that it will prosecute every violation of federal law. Indeed, in appropriate cases, alternatives to prosecution will be explored and pursued in the public interest.

The federal prosecution mandate is national in scope.<sup>46</sup> In the Northwest Territories, Nunavut and the Yukon, the Attorney General of Canada is responsible for all criminal prosecutions (including prosecutions under the *Criminal Code* and other federal statutes). In the rest of Canada, the federal Attorney General is responsible for the prosecution of non-*Code* federal offences and conspiracies or attempts to commit federal offences. Generally speaking, most of the federal prosecution work involves drug offences, and offences related to organized crime such as money laundering and proceeds of crime offences. It also includes the prosecution of fraud, including tax fraud offences, the prosecution of war crimes and crimes against humanity offences, as well as the prosecution of a large variety of regulatory offences.

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<sup>46</sup> The prosecution mandate of the Attorney General of Canada is set out in s. 2 of the *Criminal Code* and in other federal statutes.

In all provinces except Quebec and New Brunswick, the Attorney General of Canada prosecutes all drug offences under the *Controlled Drugs and Substances Act* whether the charges originate with the RCMP or with another police force. In Quebec and New Brunswick, the Attorney General of Canada only prosecutes drug cases investigated by the RCMP.<sup>47</sup>

Approximately 400 staff prosecutors, 260 employees who are paralegals or who work in some administrative capacity, and more than 800 agents carry out the prosecution function of the FPS.

### 3.3.2 Prosecution-Related Functions

In addition to the actual prosecution of offences, the FPS performs a variety of related functions in pursuit of the mandate of the Attorney General and Minister of Justice of Canada. The FPS does so as part of its leadership role in promoting federal-provincial-territorial cooperation in the area of prosecutions and in fostering cross-jurisdictional cooperation at the international level.

Prosecution-related functions are mostly concentrated in the following areas:

#### 3.3.2.1 Advisory Functions

- The provision of expert advice to FPS prosecutors and agents and to the Minister of Justice and government agencies and departments having law enforcement responsibilities on criminal law, organized crime, national security, and federal law enforcement;

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<sup>47</sup> In 1979, the Supreme Court of Canada, in *R. v. Hauser*, [1979] 1 S.C.R. 984 ruled that the federal and provincial governments have concurrent jurisdiction to prosecute drug offences. This authority was reaffirmed in *R. v. Malmo-Levine*, [2003] 3 S.C.R. 571. In Quebec and New Brunswick the provincial Attorneys General have exercised their jurisdiction and prosecute drug offences investigated by provincial and municipal police forces.

## The Role of the Federal Prosecution Service (FPS)

- The provision of advice and assistance in the development of amendments to the *Criminal Code* and other federal legislation, as well as federal criminal litigation policies;
- Participation in international criminal justice forums in areas such money laundering.

### **3.3.2.2 Extradition and Mutual Legal Assistance**

- The processing and execution of mutual legal assistance and extradition requests on behalf of foreign states;
- Participation in international criminal justice forums and in international treaty negotiations in the area of extradition and mutual legal assistance;
- Providing advice to the Minister of Justice with respect to his or her responsibilities in extradition and mutual legal assistance.

### **3.3.2.3 Support to Investigations**

- Participation in specialized integrated teams in specific areas of law enforcement such as Integrated Proceeds of Crime (IPOC) Units and Integrated Market Enforcement Teams (IMET). These multidisciplinary task forces are staffed by FPS counsel, police and regulatory investigators, forensic accountants and support staff.

### **3.3.3 Involvement on the International Scene**

The FPS also supports the Attorney General and the Minister of Justice with some of his or her international responsibilities. In cooperation with other stakeholders in the administration of criminal justice, the FPS plays an important role in ensuring that Canada does not become a “safe haven” for criminals or terrorists.

In the famous words of Canadian Marshall McLuhan, the world has become a “*Global village*”. The increase in Canada’s international obligations resulting from its active role on the international scene (as well as Canada’s leadership role in international cooperation) has had a significant impact on the mandate of the FPS.

### **Operational Role: Extradition and Mutual Legal Assistance**

The International Assistance Group (IAG) of the Federal Prosecution Service carries out the responsibilities of the Minister of Justice as the central authority for Canada in extradition and mutual legal assistance matters.<sup>48</sup> The Minister of Justice is also required to provide counsel to assist in the execution of mutual legal assistance and extradition requests before Canadian courts. FPS prosecutors perform this duty. FPS counsel in the IAG also negotiate extradition and mutual legal assistance treaties on behalf of the Minister in conjunction with the Department of Foreign Affairs.

When the testimony of Canadian government employees is sought in foreign proceedings, the IAG coordinates with other sectors and Departments to ensure that Canada’s national interests will not be compromised by the participation of such witnesses in the foreign proceeding.

The FPS has established two liaison counsel positions in Europe, one in Brussels for the European Union and the other in Paris, to coordinate FPS involvement in extradition and MLA issues in France. Direct assistance is provided to European countries with respect to meeting Canadian legal requirements. Similarly, intervention may be made on behalf of Canadian requests for extradition or mutual legal assistance.

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<sup>48</sup> The IAG has prepared an office consolidation of the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act* that constitutes a valuable resource in dealing with such matters. The consolidation can be obtained from the IAG at FPS Headquarters.

### **Policy Role: International Conventions and Instruments**

The Department of Justice also participates in the criminal justice policy activities of the United Nations, the G8, the Commonwealth, the Council of Europe and the Organization of American States. These activities often result in international agreements and conventions, such as the *United Nations Convention against Illicit Traffic in Drugs and Psychotropic Substances*.

FPS counsel also participate in certain international working groups (notably the FATF<sup>49</sup>, CFATF<sup>50</sup> and the Canada/US Cross Border Crime Forum). In these fora, FPS counsel assist in developing best practices and recommendations for the implementation of international conventions and standards related to law enforcement. Such participation enhances the effectiveness of Canadian law enforcement and fosters cooperation between Canada and its international partners.

### **International Cooperation**

The FPS is a founding member and a key organizational member<sup>51</sup> of the International Association of Prosecutors (IAP). The IAP was established in June 1995 at the United Nations offices in Vienna and was formally inaugurated in September 1996 at its first General Meeting in Budapest. It is a non-governmental and non-political organization, the first and only world organization of prosecutors.

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<sup>49</sup> The *Financial Action task Force on Money Laundering* (FATF) is the standard-setting international organization fighting money laundering and terrorist financing. Canada has been a member of the FATF since its inception in 1989 at the G7 Economic Summit of that year. As a member of the FATF, Canada is part of the FATF mutual and self assessment process. As such, Canada undergoes peer evaluations to assess the effectiveness of its anti-money laundering and anti-terrorist financing measures. Conversely, Canada participates in the peer evaluation of other FATF members.

<sup>50</sup> Caribbean FATF.

<sup>51</sup> The IAP is comprised of organizational members and individual members. Article 2 of the Constitution of the IAP enables prosecution services and associations of prosecutors to become organizational members, while Article 3 allows for individual prosecutors to apply for an individual membership.

## The Federal Prosecution Service

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The main impetus leading to the formation of the IAP and behind its continuing activities and programs has been the rapid growth in serious transnational crime, particularly drug trafficking, money laundering, and fraud. The IAP enables prosecution services throughout the world to achieve greater international cooperation in their fight against transnational crime and greater speed and efficiency in mutual assistance, asset-tracking, and other international co-operative measures.

The FPS has signed on to the *IAP Standards*.<sup>52</sup> The FPS manages the Association's French-language web site, which can be accessed at <http://aipp.iap.nl.com/>. The IAP today includes individual and organizational members from over 114 countries. The organizational members represent over 200,000 individual prosecutors around the world.

FPS counsel are increasingly called upon, with their provincial counterparts, to participate in assistance and stabilization missions to support governments in emerging nations. They work in areas such as security reform, helping establish safeguards to promote the rule of law and good governance, training local police and prosecutors, developing operational policy and manuals and providing assistance to war crimes investigations and prosecutions.

The FPS is involved in various international training initiatives and, to promote a greater understanding of other systems and foster international cooperation, where possible, the FPS also pursues short-term exchanges with foreign prosecution services.<sup>53</sup> The FPS is a regular host to foreign delegations visiting Canada to learn more about the Canadian criminal justice system.

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<sup>52</sup> *Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors*, adopted by the IAP on April 23, 1999.

<sup>53</sup> In the past, the FPS has had exchanges with Australia (New South Wales) and the United States. In addition, FPS prosecutors also participate in various international missions, e.g., Sierra Leone; Kosovo; East Timor; the International Criminal Tribunal for Rwanda and the ex Yugoslavia.



## The Role of the Federal Prosecution Service (FPS)

Finally, the FPS provides assistance to various international bodies and non-governmental organizations (NGOs) in locating counsel to help in legal reconstruction work and capacity-building projects in emerging jurisdictions, either within its own ranks or elsewhere in the country through its coordinating function with the FPT Heads of Prosecutions Committee.



## IV FPS GOVERNANCE

### 4.1 Portfolio Management

The FPS is managed as a single national program. Such national leadership and management encompass management of the law as well as management of resources. The FPS is a portfolio within the Department of Justice.

The running of the FPS is supported at the operational level by the FPS National Management Board chaired by the Assistant Deputy Attorney General (Criminal Law). The Board is comprised of directors or managers from FPS Headquarters and the Regions. It meets face to face three times a year and holds monthly conference calls and email consultations, discusses substantive issues of national importance (e.g., national policies), reaches agreement on consistent strategies and approaches and makes recommendations to the Department of Justice as required. The group is supported by its own governance structure of subcommittees and working groups to deal with specific issues.

### 4.2 Governance

#### 4.2.1 Functional Authority

As head of the FPS, the Assistant Deputy Attorney General (Criminal Law) exercises functional responsibility or leadership over all federal prosecutions across Canada. As Rosenberg J.A. wrote in 2003, “the person who is really at the apex of the administration of Criminal justice on the prosecution side for all practical purposes, is the Assistant Deputy Attorney General (Criminal Law) or a person occupying a comparable position [...]”<sup>54</sup>

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<sup>54</sup> Hon. Marc Rosenberg, *Supra*, footnote 44, at page 23

In carrying out his or her functional responsibilities, the ADAG (Criminal Law):

- plays a leadership role in the conduct of criminal litigation and exercises responsibility for the position to be advanced by the Attorney General of Canada in criminal litigation, including all criminal cases to be heard by the Supreme Court of Canada in which the Attorney General is a party or intervener;
- is responsible generally for the substance and quality of prosecutions, legal advisory and international assistance work carried out by FPS counsel reporting to the FPS Directors, Regional Directors and the two Senior General Counsel of the Criminal Law Branch;
- develops and implements prosecution and related criminal litigation policies for the Department;
- coordinates, in his role as permanent co-chair of the FPT Heads of Prosecutions Committee, the development and implementation of consistent prosecution policies throughout the country;
- advises the Minister, the Deputy Minister and government departments and agencies on issues related to the enforcement of the criminal law, including practice, procedure, national security and federal law enforcement;
- discharges the Attorney General's duties under legislation, common law and treaties in criminal law matters; and
- is involved in decisions relating to the sufficiency and deployment of prosecution resources.

### 4.2.2 Accountability

FPS Prosecutors are agents of the Attorney General of Canada. As such, they are accountable internally through the internal management structure of the FPS, leading up to the Attorney General.

But because they perform a public function, prosecutors are also accountable to the courts and to the public in the way they discharge their responsibility. Prosecutors do not act in their personal capacity. They represent the Attorney General. Their discretion and independence are not personal attributes: they are delegated. As stated previously, prosecutors are expected to act in a quasi-judicial manner, as "*Ministers of Justice*". Their decisions relating to prosecutions are made on the basis of evidence, the law and the public interest. It is important to stress again that these decisions are not to be influenced by improper considerations such as partisan politics or by the public's desire to see someone held accountable for a criminal offence.

### 4.2.3 Consistency of Approaches

FPS prosecutors represent the Attorney General of Canada before the courts of the country. The position they advance must therefore be consistent from the Pacific to the Atlantic and to the Arctic. This essential need for consistency represents concrete challenges that have been addressed through active and ongoing consultation and coordination within the FPS: national issues are coordinated centrally and specific instructions are provided to prosecutors as required. The policies contained in the *FPS Deskbook* also constitute an important coordination mechanism that offers coordinated approaches on the key elements of the federal prosecution practice and minimizes the risks of inconsistent approaches.

#### **4.2.4 Management of the Law**

The FPS considers management of the law to be an essential component of its ongoing pursuit of excellence.

Legal Risk Management (LRM) is a key tool to support the management of the law. It was developed to identify, avoid, minimize or manage legal risks associated with specific prosecutions. Key to the LRM process is an early identification of cases that could qualify as “high impact or high risk”.<sup>55</sup>

The issues that make these cases high risk are monitored very closely. Appropriate strategies and responses to address these emerging trends or issues may take the form of a new Deskbook policy, amendments to an existing policy, a Practice Direction, an Information Bulletin, specific instructions in that case, or new training courses. It may even result in recommendations for legislative changes.

LRM is part of doing business in the FPS. It is every prosecutor’s business. Effective and meaningful partnerships with investigative agencies will, however, be essential to support the whole LRM process.

### **4.3 Organizational Structure**

The FPS is a national entity within the Department of Justice. It unites all staff counsel and prosecution agents engaged in the delivery of prosecution and related services at the federal level across Canada. The FPS consists of a Headquarters, regional components and the prosecutors with the Competition Bureau (Legal Services Unit).

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<sup>55</sup> *FPS Deskbook*, Part XII, Chapter 55, “Legal Risk Management”.

### **4.3.1 FPS Headquarters**

FPS Headquarters are located within the Department of Justice in Ottawa and comprise three major entities: the Office of the ADAG (Criminal Law) and its practice management group, the Criminal Law Section (CLS), which includes the IAG and a group of criminal law specialists who coordinate criminal cases before the Supreme Court of Canada, and the Strategic Operations Section (SOS), which includes the National Security Group, and the Agent Affairs Unit.

#### **4.3.1.1 Office of the ADAG and Portfolio Management**

The Office of the ADAG is a small portfolio secretariat. It supports the overall portfolio management responsibilities of the ADAG over the FPS.

This administrative support takes several forms: coordination of FPS activities between FPS Headquarters and the regions; strategic planning, financial planning and budgeting and performance measure and evaluation; secretariat function to the FPS National Management Board and to the FPT Heads of Prosecutions Committee; liaison between the FPS and the rest of the Department of Justice, other Government of Canada departments and agencies and outside organizations and agencies, both within and outside Canada.

The Office of the ADAG also serves as the external and internal communications arm of the FPS and furnishes administrative support to the FPT Heads of Prosecutions Committee. It also manages the French language web site of the International Association of Prosecutors and provides a secretariat and coordination function for the ADAG (Criminal Law) on external relations with provincial and foreign prosecution services and visits by foreign dignitaries and delegations.

The corporate secretariat function also provides the management infrastructure for the FPS, both at Headquarters and nationally. It gathers and analyzes management information and data and attends to the budgetary and resource allocation process, acting as liaison with corporate management at the Department of Justice and at central agencies of the federal government. The group is further responsible for human resource management for the FPS.

#### **4.3.1.2 The Criminal Law Section (CLS)**

Managed by a Senior General Counsel (Criminal Law) under the general direction of the ADAG (Criminal Law) this Section consists of a group of criminal law specialists including the Supreme Court of Canada Criminal Appeals Coordinator. The Criminal Law Section also coordinates strategic direction and support relating to tax and regulatory prosecutions and provides advice on new legislation dealing with such prosecutions. The Criminal Law Section also advises on criminal law or legislation and federal enforcement policy and is responsible for the ongoing review and updating of the *FPS Deskbook*.

It provides direction, assistance and support to the Department's northern offices and sub-offices in criminal law matters.

Finally, the Criminal Law Section is home to the **International Assistance Group (IAG)**. The IAG carries out the responsibilities of the Minister of Justice as the "*Central Authority*" for Canada in extradition and mutual legal assistance matters. It reviews and coordinates all requests for extradition or mutual assistance made to or by Canada in criminal matters, negotiates treaties, and assists in the development of extradition and mutual legal assistance policies and legislation.<sup>56</sup>

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<sup>56</sup> For more information on the work of the IAG, see *International Assistance Group — Central Authority for Canada for Mutual Legal Assistance and Extradition* (April 1995; 2<sup>nd</sup> ed. 1999; 3<sup>rd</sup> ed. 2005), published by the Department of Justice.

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Under the authority of the ADAG (Criminal Law), the IAG develops policy on extradition and mutual legal assistance, in consultation with other branches of the Department of Justice and other interested government departments. As well, it participates in the negotiation of extradition and mutual legal assistance agreements.

The IAG also helps Canadian and other law enforcement authorities gather evidence for criminal cases or obtain the extradition of fugitives. Legal counsel within the IAG are dedicated experts in international criminal law who know the roles and responsibilities of key personnel in the Department of Justice, the Government of Canada and other institutions and agencies.

### **4.3.1.3 The Strategic Operations Section (SOS)**

This Section, managed by a Senior General Counsel under the general direction of the ADAG (Criminal Law), has responsibility for providing strategic direction and assistance on drug, money laundering, and proceeds of crime prosecutions, with particular emphasis on organized crime.

It supports and coordinates with regional counsel in the development of strategic approaches to such prosecutions and develops prosecution policies in these and related areas. The SOS also provides strategic direction and assistance in several substantive areas: organized crime, proceeds of crime, national security, and cybercrime and emerging technologies. The SOS also coordinates the work of agents and manages the National Fine Recovery Program.

The **Anti-Organized Crime Coordinator** of the FPS develops and coordinates the implementation of FPS strategies to fight organized crime. He also chairs the Organized Crime Network of the FPT Heads of Prosecutions Committee, which is dedicated to sharing knowledge, jurisprudence, policies and approaches to complex cases involving organized crime.



The SOS also manages the development of *proceeds of crime law*, a highly specialized area of law. It works in partnership with other government departments, such as the Department of Public Safety and Emergency Preparedness Canada<sup>57</sup>, and coordinates the Department of Justice's participation in police-run Integrated Proceeds of Crime Units. It provides operational advice in the development of criminal law policy and amendments. SOS counsel are, in addition, involved at all levels of the development, refinement, and implementation of domestic drug legislation and in pursuing Canada's Drug Strategy.

Internationally, the Section is the focal point for the Department's operational activities to combat transnational drug trafficking, money laundering, and other forms of organized crime. With the IAG, counsel work closely with foreign prosecution and investigative agencies and participate in international criminal justice forums, most notably the FATF, the CFATF and the Canada/US Cross Border Crime Forum.

The **National Security Group** is responsible for advising the ADAG (Criminal Law) on legal matters arising under the anti-terrorism provisions of the *Criminal Code*, the *Security of Information Act*<sup>58</sup>, the *Canada Evidence Act*<sup>59</sup> as well as the *Canadian Security Intelligence Service Act*<sup>60</sup> and the *Security Offences Act*<sup>61</sup>, and on national security and intelligence matters generally.

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<sup>57</sup> Formerly known as the Ministry of the Solicitor General, amended by Order of Appointment dated December 12, 2003.

<sup>58</sup> R.S.C. 1985, c. O-5.

<sup>59</sup> R.S.C. 1985, c. C-5.

<sup>60</sup> R.S.C. 1985, c. C-23.

<sup>61</sup> R.S.C. 1985, c. S-7.

The **Agent Affairs Unit (AAU)** serves a co-ordinating function for the appointment, management and supervision of agents. The Unit is responsible for maintaining and monitoring national service quality standards. These responsibilities include development of operational policy respecting agent work. In cooperation with the Agent Supervisors, the Unit also plays an important role in the training and development of agents.

Finally, the SOS administers the **FPS National Fine Recovery Program**. This program is designed to collect unpaid federal fines imposed by courts to individuals being sentenced for federal offences, using the civil recovery mechanisms and remedies available for that purpose in the *Criminal Code*. The Program tracks offenders and payments and produces operational collection policies that provide a measure of consistency in fine recovery practices while respecting local procedures. In so doing, the Program provides statistics in recovery trends and best practices across Canada.

### 4.3.2 The Regions

#### 4.3.2.1 Regional Offices and Sub-Offices

The regional component of the FPS is comprised of staff prosecutors working in the Department's Regional Offices and sub-offices as well as the prosecution agents working under their supervision. The Regional Offices are organized in six administrative regions, each headed by a Senior Regional Director:

- The **Atlantic Region** covers the four Atlantic provinces: Nova Scotia, New Brunswick, Newfoundland and Labrador, and Prince Edward Island. The Regional Office is in Halifax, Nova Scotia. There is a sub-office in St. John's, Newfoundland and Labrador;
- The **Quebec Region** covers the province of Quebec. The Regional Office is in Montreal, with some counsel located at the Ottawa-Gatineau office for matters in the Gatineau area and in western Quebec;

- The **Ontario Region** covers the province of Ontario. The Regional Office, which is in Toronto, covers the south-western part of the province, while the Ottawa-Gatineau sub-office covers the eastern and northern parts of the province. There are also sub-offices in Brampton and Kitchener;
- The **Prairies Region** covers the three Prairie Provinces: Manitoba, Saskatchewan and Alberta. In Alberta, the main Regional Office is located in Edmonton; however, the work of the FPS is equally divided between the Edmonton Office and the sub-office in Calgary. In addition, there are Regional Offices in Saskatoon (Saskatchewan) and Winnipeg (Manitoba);
- The **British Columbia Region** covers the province of British Columbia. The Regional Office is in Vancouver.
- The **Northern Region** comprises the three territories: Yukon, the Northwest Territories and Nunavut. There are regional offices in Whitehorse (YT), Yellowknife (NWT) and Iqaluit (NU), and a sub-office in Inuvik (NWT).

#### 4.3.2.2 Integrated Proceeds of Crime Units (IPOC)

Integrated Proceeds of Crime (IPOC) Units are specialized and multidisciplinary task force units staffed by FPS counsel, police investigators, customs investigators, forensic accountants, employees of the Seized Property Management Directorate (SPMD)<sup>62</sup> and administrative support staff.

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<sup>62</sup> The SPMD was established in 1993 to discharge the responsibilities of the Minister of Public Works and Government Services pursuant to the *Seized Property Management Act*, S.C. 1993, c. 37. The SPMD offers consultative and other services to Canadian law enforcement agencies on the seizure and restraint of property connected to criminal offences in addition to managing and disposing of such property, and sharing the proceeds with provincial and foreign governments.

## The Federal Prosecution Service

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Their primary focus is the investigation of proceeds of crime and money laundering offences. Their primary goal is to deprive criminals of the profits and property derived from their illegal activity.

There are 12 units operating across Canada.<sup>63</sup> They are housed in RCMP premises and operate under an inter-agency Memorandum of Understanding.

In addition to providing on-site legal advisory services to the police and other members of the units on a variety of issues relating to the conduct of these investigations, IPOC counsel also oversee the drafting of applications for judicial wiretap authorizations, special search warrants and restraint orders, assist in the preparation of police briefs and disclosure materials, and attend at court as required to obtain judicial orders. IPOC counsel report directly to the FPS Director in the nearest Regional Office.

To preserve the independence of the Attorney General of Canada and ensure objectivity, the ultimate decision to prosecute rests not with IPOC counsel but with the FPS Director or the Regional Director. In all but exceptional cases, prosecutions are conducted by regional counsel rather than IPOC counsel.

### 4.3.2.3 Integrated Market Enforcement Teams (IMETs)

In Canada, enforcement of laws governing corporate and securities activities is a shared responsibility, involving the federal government, provincial governments, and securities regulators. In this context, the federal government works closely with the RCMP, the provinces, market regulators, other law enforcement and industry to ensure the integrity of Canada's financial markets.

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<sup>63</sup> The units are located in Edmonton (Alberta), Calgary (Alberta), Vancouver (British Columbia), Winnipeg (Manitoba), Moncton (New Brunswick), Halifax (Nova Scotia), Ottawa (Ontario), Newmarket (Ontario), London (Ontario), Montreal (Quebec), Ste-Foy (Quebec) and Regina (Saskatchewan). For the addresses of these offices, see 7.2 below.

Recent amendments to the *Criminal Code* have created new offences and evidence-gathering tools, toughened sentencing, and established concurrent jurisdiction with the provinces in the prosecution of serious cases of capital market fraud.<sup>64</sup> IMETs are made up of investigators selected from the RCMP, other police forces and provincial securities commissions, along with forensic accountants and counsel from the FPS. These teams investigate and prosecute serious cases of capital markets fraud. IMETs are now operating in Toronto and Vancouver, with additional teams being created in Calgary and Montreal.

#### **4.3.2.4 Competition Bureau Legal Services Unit**

Since the mid-1960s the Departmental Legal Services Unit of the Competition Bureau at Industry Canada<sup>65</sup>, in addition to providing the usual array of advisory services to the Competition Bureau, has conducted prosecutions on behalf of the Attorney General of Canada under the *Competition Act*<sup>66</sup>. Prosecutors in that unit work in close cooperation with the Regional Offices.

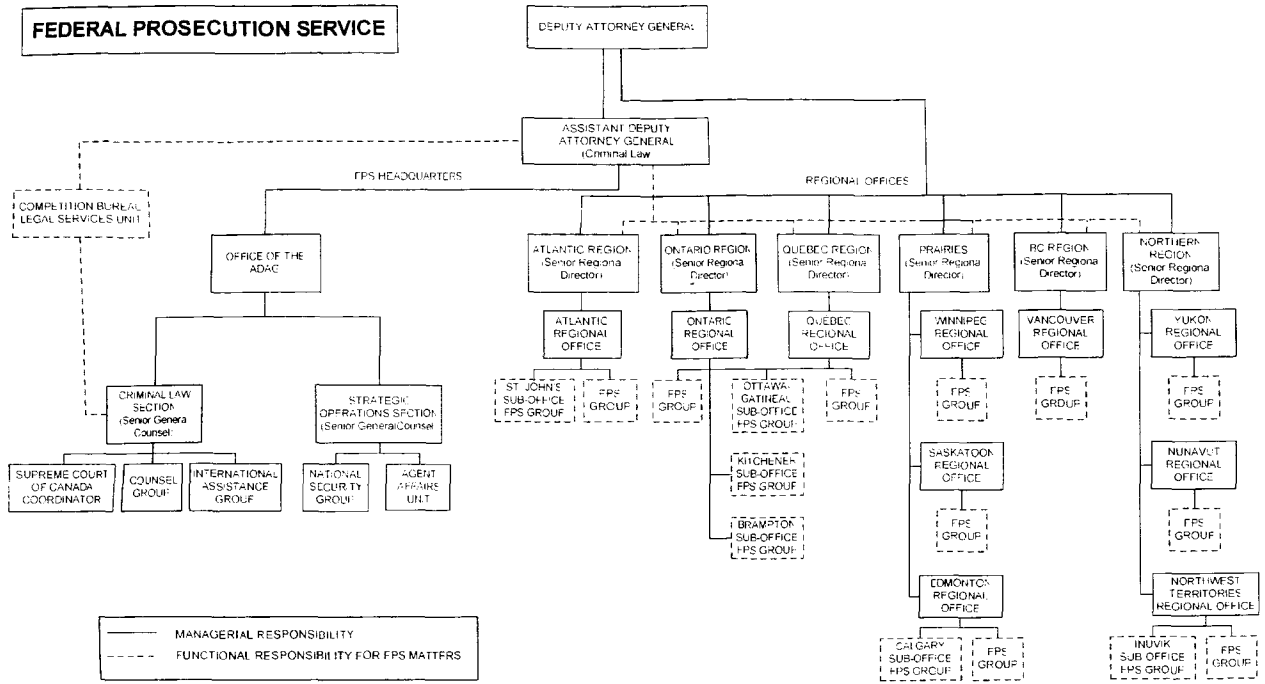


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<sup>64</sup> *An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)*, S.C. 2004, c. 3.

<sup>65</sup> And its predecessors in the former Department of Consumer and Corporate Affairs.

<sup>66</sup> R.S., 1985, c. C-34, including telemarketing fraud offences.



### **4.3.3 Human Resources**

The Department of Justice Canada aims to be an employer of choice, capable of attracting the best and the brightest legal talents by the quality and by the nature of the work they will be called upon to perform. The FPS endorses and fully subscribes to this objective. Lawyers hired by the FPS are called upon to work in a challenging environment alongside paralegals, legal assistants and other dedicated personnel in a multidisciplinary environment. Given the expanding role of a prosecutor in modern criminal law, FPS counsel engage in various forms of community involvement as part of their duties.

Staff prosecutors are full-time employees of the Department of Justice located at Headquarters in Ottawa, in the Regional Offices, and in the Departmental Legal Services Unit at the Competition Bureau.

Prosecutors from Headquarters and the Regional Offices with *Criminal Code* prosecution experience may also be called upon to supplement or replace Crown counsel in the Department's northern offices and sub-offices. Known as the "Northern Flying Squad", they act as relief prosecutors on the territorial court circuits.

#### **4.3.3.1 Staff Prosecutors**

Staff prosecutors, appointed on merit following a competitive process, are full-time employees of the Department of Justice.

Prosecution is often a career-long calling for FPS prosecutors. As such, the large majority of FPS prosecutors have developed their skills and expertise within the FPS. The FPS offers a variety of interesting career paths from conducting trials and appeals to advisory work to management duties. The promotion process is a competitive process based on merit, not seniority.

Because the FPS is a national entity, mobility between regions can become an important asset. Indeed, FPS prosecutors are encouraged to broaden their experience and expertise through transfers from one region to another or a stay at FPS Headquarters in Ottawa. Such mobility benefits FPS prosecutors as it gives them a breadth of experience with which to approach various prosecution issues.

The Department of Justice adheres to an Employment Equity Policy that applies to the FPS. Its intent is to ensure that the Public Service reflects the diversity of Canadian society, particularly with regard to the four designated groups that historically have been under-represented: women, persons with a disability, visible minorities and Aboriginal Peoples.

### 4.3.3.2 Agents

Private sector lawyers are appointed as agents to conduct prosecutions and other criminal litigation on behalf of the Attorney General of Canada. They are generally engaged in areas where there is no Regional Office or sub-office, where travel costs would be prohibitive, or where it is otherwise impractical or not cost-effective to handle cases in-house.

Agents are supervised by “agent supervisors” in the Regional Offices with the support of the Agents Affairs Unit (AAU) at Headquarters in Ottawa. In addition to the *FPS Deskbook*, which governs their substantive work, agents are subject to a comprehensive set of Terms and Conditions which govern their relationship with the Department of Justice.<sup>67</sup>



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<sup>67</sup> Terms and Conditions of Appointment for Legal Agents for Standing and Ad hoc Criminal Appointments, August 2002.



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## V TRAINING

### 5.1 Staff Prosecutors

The FPS is a learning organization committed to enhancing the skills and knowledge of prosecution counsel and maintaining professional standards through ongoing training and continuing legal education. It has implemented a strategic training program that addresses the basic needs of junior prosecutors as well as the developmental needs of more experienced prosecutors.

The **FPS School for Prosecutors** is an intensive, in-house training program for its prosecutors, including agents, having two to five years' experience and for counsel entering the prosecution service from other fields.<sup>68</sup> Held annually in Ottawa, the seven-day intensive program offers sessions on substantive and procedural criminal law matters, as well as policy, prosecutorial ethics and professional responsibility. The School is designed to provide prosecutors with substantive and practical tools and contacts that will enable them to carry out their responsibilities with greater confidence. Beyond legal knowledge and trial strategy, these tools include elements of case management, links to departmental and government resources and, perhaps most importantly, a host of personal contacts from the ranks of both faculty and fellow participants.

The **Advanced School for Prosecutors** is a new and unique program designed to provide senior prosecutors with some of the necessary knowledge, skills, and tools to effectively conduct the largest prosecutions, (now commonly called "mega cases") and to deal with the legal, personal, and logistical challenges which they present.

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<sup>68</sup> The School is open to foreign prosecutors as well. Though of principal benefit to those from common law jurisdictions, the School is also open to prosecutors from any foreign jurisdiction. Enrolment can be arranged through the Principal, School for Prosecutors, at FPS Headquarters.

For example, mega case prosecutors have to be able to work effectively as part of a multi-disciplinary team. The management of mega cases will also require leadership skills that must be developed. Prosecutors should know how to optimize the assistance of paralegals and other professionals in the conduct of a mega case. Prosecutors should also know what is expected of them at the investigative stage, such as the need to ensure that: strategic choices are made in terms of number of accused and counts; disclosure obligations are met; and necessary independence is maintained.

Mega case prosecutors must also ensure that the case brought before the court is manageable and conducted in a fiscally responsible manner. Since mega cases are often high profile, prosecutors must know how to communicate with the media. In a nutshell, mega case prosecutors must be prepared to face and handle the pressure and the full range of challenges associated with the specialized work they are called upon to perform.

The **FPS Managers Course for Complex Cases** is a companion course to the Advanced School for Prosecutors. It has been designed for prosecution managers who coordinate the prosecution of a mega case. There has been a growing involvement in training activities with federal and provincial law enforcement agencies, as well as other partners in the criminal justice system.

It is expected that eventually, through the work of the FPT Heads of Prosecutions Committee, the Advanced School for Prosecutors and the FPS Managers Course for Complex Cases will become the basis of a national training program for all federal and provincial prosecutors.

The **Annual FPS Conference** enables prosecutors to meet and exchange views and experiences. It is also open to colleagues from other prosecution services, and has evolved into an invaluable training device. Each year, a specific theme is explored as the conference moves to a different region.

Racial and cultural sensitivity training has also been instituted to assist prosecutors working in an ethnically diverse society and in the North. Training seminars for IPOC counsel and national training for police and prosecutors on the operation of the criminal organizations provisions of the *Criminal Code* are provided as well.

## **5.2 Agents**

Since 1994 all standing agents undergo a mandatory training program on appointment.

Subsequently, agent supervisors in each administrative region monitor the quality of prosecution services provided by agents and may recommend specific additional training. Agents are also kept abreast of legal developments through a variety of communication vehicles and are invited to participate in the School for Prosecutors program.

Agents may also participate in the other FPS in-house training programs.

## **5.3 Professional Staff**

Paralegals and other professional staff also have access to training. For example, specialized conferences are held from time to time for FPS paralegals. As well, special learning events are organized for administrative staff.



## VI A DAY IN THE LIFE OF THE FPS

The mandate of the FPS ensures interesting work for all federal prosecutors. On any day, across Canada, lawyers are engaged in work that demonstrates the diversity of the federal prosecution function. Some work is common to more than one office but other work is dictated by the local community. Here is a snapshot of a day in the life of the FPS.

Dawn rises in Newfoundland and Labrador, Canada's easternmost province. Seagulls wheel over Witless Bay as longliners and a fleet of small fishing boats head over the Atlantic for a day's work. The chugging of engines fades gradually to silence as they finally drop over the horizon. In St. John's, prosecutors are getting ready for another day in Provincial Court. There is a case beginning against a pair of foreign sea captains for illegal fishing off the coast under the *Coastal Fisheries Protection Act*. It is not contested that the accused were fishing. The question is the accuracy of the navigational equipment aboard the Canadian Forces surveillance aircraft that located the foreign trawlers three miles inside Canadian waters. The defence will say that the trawlers' satellite navigation systems indicated the vessels were outside the Canadian fishing zone and that these systems are more reliable than Canada's aerial surveillance system. The trial will unfold as a battle of navigation experts while both sides provide scientific evidence.

In Halifax, Nova Scotia, prosecutors from FPS (Atlantic) have a different case in their nets. They are at work early to prepare for the second week of a major drug importing prosecution involving the crew of a ship found unloading hashish by the ton onto smaller boats off the Nova Scotia coast. The drug shipment originated in Colombia and the evidence shows it was destined for distribution across the eastern seaboard. The accused will say they thought they were in international waters and never intended to import the hash into Canada. They also allege unconstitutional search and seizure in violation of s. 8 of the *Charter*.

At mid-morning an overcast sky sits like a lid over Montreal. Traffic bolts across Jacques-Cartier Bridge into the city's island core of boutiques and glass towers, while in historic Old Montreal horse-drawn *calèches* carry tourists through cobblestone squares and past the imposing Notre Dame Basilica in *Place d'Armes* and the ornate City Hall in *Place Vauquelin*. On the ninth floor of the Guy Favreau Complex, senior prosecutors of FPS (Montreal) meet over pressing prosecution issues. First on the list is a case about smuggling alcohol and tobacco across the Canada - U.S. border and the charges that were laid under the *Excise Act* and proceeds of crime legislation. Recent police and customs investigations have focused on a sophisticated smuggling ring that has been directing much of the heavy cross-border traffic in contraband.

Also high in priority is a major drug trial set for later in the week. The accused are members of a biker gang involved in the distribution of drugs in Quebec. Media interest in the trial is intense, court security will be tight, and bilingual prosecutors are assigned to the case to ensure an equally fair trial to both English and French-speaking accused. Meanwhile, in Quebec Superior Court, a five-member prosecution team is in the fourth month of a mega case of drug and money laundering that is expected to last two years. There are twelve accused, fifteen defence lawyers, and nearly ten tons of documents that disclose a network of criminal activity which stretches over Canada, the United States, the United Kingdom, Switzerland, Holland, Panama, to Colombia.

It is misting rain in Ottawa. The Peace Tower clock is lost in fog. Federal prosecutors are in the center of a tax evasion case of a well known public figure under the *Income Tax Act*. Experienced prosecutors are mentoring less experienced colleagues. They are also busy with pending drug and related proceeds of crime prosecutions. A junior lawyer is in remand court for the arraignment of several accused on federal charges. In No. 1 Court an articling student is prosecuting a man for camping on Parliament Hill in contravention of the *Public Works Nuisance Regulations*.

## The Federal Prosecution Service

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At Headquarters before the day has closed, the International Assistance Group will have processed requests for the arrest and extradition of fugitives wanted in a dozen countries. They will forward requests to Britain, France, China, and the U.S., to ask for assistance in gathering evidence for Canadian police investigations.

Down the hall, counsel in the SOS are finalizing an arrangement to share the proceeds of crime forfeited in Canada with U.S. police agencies that provided the initial tip and other assistance in a major drug investigation. Staff in the ADAG's office are coordinating the agenda for the next federal/provincial/territorial heads of prosecution conference to be chaired by the ADAG, while the ADAG himself holds a teleconference with FPS Directors to discuss the impact of a recent court decision on federal prosecutions.

Across Wellington Street, in the Supreme Court of Canada, counsel from FPS (Vancouver) are urging the Court to rule that s. 10(b) of the *Charter* does not apply to an exculpatory statement given by an accused to Canadian police officers who interviewed him in the United States.

One FPS lawyer is in Rome attending a diplomatic conference on the creation of a permanent international criminal court while another is preparing to fly to Lima, Peru with officials of the Department of Foreign Affairs and International Trade to negotiate a Mutual Legal Assistance Treaty.

Though still early the day looks long for FPS (Toronto) prosecutors. Specialized teams in the Group will spend the day in the office to prepare wiretap applications, review and approve charges under tax statutes, and pour over data with forensic accounting experts in preparation for a complex proceeds of crime prosecution. The Revenue Canada Team has a major income tax fraud trial to attend to. The trial has been scheduled for one year. The Immigration Offence Team is in court to try a married couple for alien smuggling and related forged passport offences. In Old City Hall, where all first appearances for the City of Toronto return, prosecutors will handle as many as thirty bail hearings and preliminary inquiries, most of them narcotic cases, before the court adjourns.

Prosecutors in the Complex Case Team are already preparing cross-examination strategy for a biker trial due to start in three months. The twenty-two accused will be tried for trafficking in cocaine and marijuana as well as some six hundred firearms offences.

In Brampton, which handles cases from the Pearson International Airport, counsel are poring over police statements for a drug importing trial. The accused was on a jet from Tokyo to New York that made an unscheduled stop in Toronto when she was found to be carrying concealed heroin. She argues that, since the stopover was unscheduled, she had no intention to import the drug into Canada.

On the prairies the afternoon sun stares down on acres of parched wheat. In Winnipeg a team of lawyers is prosecuting a group of farmers under the *Canadian Wheat Board Act* for illegally exporting grain to the U.S. In Saskatoon the Crown is prosecuting a case of illegal satellite transmissions under the *Radiocommunications Act*. And in Edmonton counsel are preparing income tax and GST cases for trial. Someone will be in court on an application to intervene in a case between the Law Society and a provincial prosecutor who was disciplined for failing to provide timely disclosure in a murder case. Prosecutors in FPS (Calgary) are in the trial of a cocaine smuggler arrested at the airport. Customs officials found half a kilogram of the drug sewn into the lining of two jackets in his luggage. The theory of the defence is that that the accused did not know it was there.

Up north where summer days shine well into the night, prosecutors in FPS (Yellowknife) in the Northwest Territories and in FPS (Iqaluit) in Nunavut have a series of routine cases on the docket – impaired driving, theft, assault, and pop-and-chips<sup>69</sup> under the *Criminal Code*, as well as possession and trafficking charges under the *Controlled Drugs and Substances Act*.

In FPS (Whitehorse) in the Yukon, counsel are two days into a murder trial. Counsel from the three northern offices are out on circuit, prosecuting in remote communities across the territories. Today it is a vicious and deadly sexual assault case in the Baffin.

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<sup>69</sup> Minor break and enter offences are called “pop and chips” in the north.

The sun drops lazily and flattens over the inscrutable face of the Pacific Ocean on Canada's west coast. A shawl of pink light lays on the snowy peaks of mountains that stand over Vancouver. The silhouette of the Lion's Gate Bridge stretches over the Burrard Inlet. A cruise ship glides through a mirrored sea beneath a vermilion sky and slips into the harbor to tie-up near an ocean freighter from the Orient. Prosecutors in FPS (Vancouver) remove their black robes and wheel litigation carts down the hallways after a day of trials involving drug smugglers, marijuana growers, and tax evaders. Others have spent the day working on regulatory offences under many federal statutes – from *Fisheries Act* offences<sup>70</sup> to pollution charges and boating infractions under the *Canada Shipping Act*.<sup>71</sup> One lawyer spent the day in court prosecuting an importer for illegally importing 2,210 kg of pork legs, 1,250 kg of pork pieces, 530 kg of pigeons, 1,050 kg of chicken legs, and 1,056 kg of pork sausages from the People's Republic of China (Hong Kong Special Administration District) in contravention of the *Health of Animals Act* and the *Meat Inspection Act*. Yet other counsel spent the day representing the U.S. in an extradition case and applied for search warrants to gather evidence for foreign police investigations under mutual legal assistance requests. As the last prosecutor turns off the lights in Vancouver, prosecutors in the Atlantic are already sound asleep.



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<sup>70</sup> FPS (Vancouver) prosecutes a large number and variety of *Fisheries Act* offences, including fishing without a licence, incidentally catching an octopus and failing to return it to the water, exceeding crab or oyster quotas, fishing for shrimp in the closed time, depositing a deleterious substance into waters frequented by fish, destroying fish by means other than fishing, and causing the harmful alteration, disruption or destruction of fish habitat by unauthorized means.

<sup>71</sup> Frequently prosecuted boating offences include: speeding in a motor vessel, operating a passenger vessel without a master on board, being under sail in a harbour, operating a vessel without proper lighting, life-saving or fire-fighting equipment, and failing to carry pyrotechnic distress signals.



## VII HOW TO REACH THE FPS

### 7.1 FPS Offices (Department of Justice)

#### **FPS HEADQUARTERS**

Department of Justice Headquarters  
2<sup>nd</sup> Floor  
284 Wellington Street  
Ottawa, Ontario  
K1A 0H8  
Tel. (613) 957-4757  
Fax (613) 954-2958

#### **QUEBEC REGION**

**Quebec Regional Office**  
Guy Favreau Complex  
East Tower, 9<sup>th</sup> Floor  
200 René-Lévesque Blvd. West  
Montreal, Quebec  
H2Z 1X4  
Tel. (514) 283-9929  
Fax (514) 496-7372

#### **ONTARIO REGION**

**Ontario Regional Office**  
2 First Canadian Place  
Suite 3400, Exchange Tower  
130 King Street West, P.O. Box 36  
Toronto, Ontario  
M5X 1K6  
Tel. (416) 973-0960  
Fax (416) 973-8253

#### **Ottawa-Gatineau Sub-office**

160 Elgin Street  
Ottawa, Ontario  
K1A 0H8  
Tel. (613) 957-7000  
Fax (613) 957-9043

#### **Brampton Sub-office**

197 County Court Blvd.  
Suite 100  
Brampton, Ontario  
L6W 4P6  
Tel. (905) 454-2424  
Fax (905) 454-2168

#### **Kitchener Sub-office**

101 Frederick Street  
Suite 610  
Kitchener, Ontario  
N2H 6R2  
Tel. (519) 571-5778  
Fax (519) 571-5779

#### **PRAIRIES REGION**

#### **Winnipeg Regional Office**

Centennial House  
310 Broadway Avenue  
Suite 301  
Winnipeg, Manitoba  
R3C 0S6  
Tel. (204) 983-5501  
Fax (204) 984-1350

#### **Saskatoon Regional Office**

101 – 22<sup>nd</sup> Street East, 5<sup>th</sup> Floor  
Saskatoon, Saskatchewan  
S7K 0E1  
Tel. (306) 975-6136  
Fax (306) 975-4507

#### **Edmonton Regional Office**

211 Bank of Montreal Bldg.  
10199 – 101<sup>st</sup> Street  
Edmonton, Alberta  
T5J 3Y4  
Tel. (780) 495-4076  
Fax (780) 495-6940

#### **Calgary Sub-office**

Suite 510  
606 – 4<sup>th</sup> Street S.W.  
Calgary, Alberta  
T2P 1T1  
Tel. (403) 299-3971  
Fax (403) 299-3966

**NORTHERN REGION**

**Yukon Regional Office**

Elijah Smith Building  
200 - 300 Main Street  
Whitehorse, Yukon  
Y1A 2B5  
Tel. (867) 667-8103  
Fax (867) 667-3934

**Nunavut Regional Office**

Building 224  
Arnakudluk Building  
P.O. Box 1030  
Iqaluit, Nunavut  
X0A 0H0  
Tel. (867) 975-4615  
Fax (867) 975-4606

**Northwest Territories Regional Office**

Joe Tobie Building, 3<sup>rd</sup> Floor  
5020 - 48<sup>th</sup> Street  
P.O. Box 8  
Yellowknife, Northwest Territories  
X1A 2N1  
Tel. (867) 669-6906  
Fax (867) 920-7882

**Inuvik Sub-office**

201 - 107 MacKenzie Road  
P.O. Box 2840  
Inuvik, Northwest Territories  
X0E 0T0  
Tel. (867) 777-3075  
Fax (867) 777-3260

**ATLANTIC REGION**

**Atlantic Regional Office**

Suite 1400, Duke Tower  
5251 Duke Street  
Halifax, Nova Scotia  
B3J 1P3  
Tel. (902) 426-2944  
Fax (902) 426-7274

**St. John's Sub-office**

Atlantic Place  
215 Water Street  
Suite 812  
St John's, Newfoundland & Labrador  
A1C 6C9  
Tel. (709) 772-8046  
Fax (709) 772-8055

**BRITISH COLUMBIA REGION**

**Vancouver Regional Office**

Robson Court  
900 - 840 Howe Street  
Vancouver, British Columbia  
V6Z 2S9  
Tel. (604) 666-9101  
Fax (604) 666-1599

**The FPS is accessible  
on the Internet at**

**<http://canada.justice.gc.ca>**



## 7.2 Integrated Proceeds of Crime Units (IPOC)

**ALBERTA**

IPOC UNIT – R.C.M.P.  
920 - 16<sup>th</sup> Avenue N.E.  
Calgary, Alberta  
T2E 1K9  
Tel. (403) 230-6582  
Fax (403) 230-6439

IPOC UNIT – R.C.M.P.  
"K" Division  
11140 – 109<sup>th</sup> Street  
Edmonton, Alberta  
T5G 2T4  
Tel. (403) 412-5179  
Fax (403) 412-5170

**BRITISH COLUMBIA**

IPOC UNIT – R.C.M.P. Headquarters  
"E" Division  
5255 Heather Street  
Vancouver, B.C.  
V5Z 1K6  
Tel. (604) 264-3109  
Fax (604) 264-3202

**MANITOBA**

IPOC UNIT – R.C.M.P.  
1091 Portage Avenue  
Winnipeg, Manitoba  
R3C 3K2  
Tel. (204) 984-0767  
Fax (204) 984-1191

**NEW BRUNSWICK**

IPOC UNIT – R.C.M.P.  
Suite 200, 21 Ocean Limited Way  
Moncton, New Brunswick  
E1C 0J4  
Tel. (506) 851-3280  
Fax (506) 851-3643

**NOVA SCOTIA**

IPOC UNIT – R.C.M.P.  
400-6080 Young Street  
Halifax, Nova Scotia  
B3K 5L2  
Tel. (902) 426-1339  
Fax (902) 426-7044

**ONTARIO**

IPOC UNIT – R.C.M.P.  
"A" Division  
155 McArthur Avenue  
Ottawa, Ontario  
K1A 0R4  
Tel. (613) 993-9926  
Fax (613) 993-4888

IPOC UNIT – R.C.M.P.  
345 Harry Walker Parkway South  
Newmarket, Ontario  
L3Y 8P6  
Tel. (905) 953-7744  
Fax (905) 953-7532

IPOC UNIT – R.C.M.P.  
130 Dufferin Avenue  
8<sup>th</sup> Floor  
London, Ontario  
N6A 5R2  
Tel. (519) 645-3863  
Fax (519) 645-3864

**QUEBEC**

IPOC UNIT – R.C.M.P.  
4225, Dorchester Boulevard West  
6<sup>th</sup> Floor  
Montreal, Quebec  
H3Z 1V5  
Tel. (514) 939-8409  
Fax (514) 939-8460

IPOC UNIT – R.C.M.P.  
925 - 9<sup>th</sup> Road  
Ste-Foy, Quebec  
G2G 2S5  
Tel. (418) 648-3131  
Fax (418) 648-4139

**SASKATCHEWAN**

IPOC UNIT – R.C.M.P.  
Bag Service 2500  
6101 Dewdney Avenue  
Regina, Saskatchewan  
S4P 3K7  
Tel. (306) 780-8066  
Fax (306) 780-8196

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