



NOVASCOTIA
PUBLIC PROSECUTION SERVICE

DOCUMENT TITLE:

COMPLAINTS - PUBLIC

NATURE OF DOCUMENT:

PPS MANAGEMENT
DIRECTIVE

FIRST ISSUED:

MAY 12, 1999

LAST SUBSTANTIVE REVISION:

MAY 12, 1999

EDITED / DISTRIBUTED:

SEPTEMBER 3, 2002

COMPLAINTS FROM THE PUBLIC

A. RESPONSE TO COMPLAINT LETTERS

From time to time the Public Prosecution Service receives complaints from persons outside the service regarding the conduct of a Crown Attorney. Management Committee believes that it is in the best interest of the Crown Attorney involved and the complainant to have complaints resolved as expeditiously as possible. To that end, while recognizing that operational requirements must take priority, the Service wishes to establish time standards for responding to complaints to ensure that they are handled as expeditiously as possible.

At the February 19, 1999 meeting of the Public Prosecution Service Management Committee, the following target deadlines were identified:

- (1) Upon receiving a complaint, the person to whom the complaint was addressed will within 5 days:
 - (a) send a written acknowledgment of the complaint to the complainant.
 - (b) forward the complaint to the appropriate Chief Crown Attorney for response. (This doesn't apply if the Chief Crown Attorney was the person to whom the complaint was addressed).
- (2) The Chief Crown Attorney within 10 days of receipt of the complaint by the Service, will send a copy of the complaint to the Crown Attorney involved requesting their response to the complaint and their response to any question(s) asked by the Chief Crown Attorney
- (3) **Within thirty (30) days** of receiving a copy of the complaint against them, the Crown Attorney will submit their response to the complaint and answer to any question(s) asked by the Chief Crown Attorney, together with any relevant material.
- (4)
 - (a) Where the complaint is addressed to the Chief Crown, **within thirty (30) days** of receiving the Crown Attorney's response to the complaint, the Chief Crown Attorney will respond, in writing, to the complainant. A copy of this response will be sent to the Crown Attorney involved and the Deputy Director of Public Prosecutions.
 - (b) Where the complaint is originally addressed to the Deputy Director of Public Prosecutions, Director of Public Prosecutions or Minister of Justice, **within thirty (30) days** of his/her receiving the Crown Attorney's response to the complaint, the Chief Crown Attorney will submit a report on and assessment of the complaint to the Deputy Director of Public Prosecutions. This report will

include the Crown Attorney's response to the complaint. A copy of the report will be sent to the Crown Attorney involved.

- (4) **Within thirty (30) days** of receiving a report of the Chief Crown Attorney, the Director of Public Prosecutions, will respond, in writing, to the complainant and send a copy of the response to the Chief Crown Attorney and Crown Attorney involved.

The Deputy Director of Public Prosecutions or Chief Crown Attorney may delegate their responsibilities as described above.

A similar process will be followed in relation to complaints against Chief Crown Attorneys by persons outside the Service.

References to a period of days in this memorandum refers to calendar days.

The above-noted practice is in accordance with how the Service currently handles complaints by a member of the public concerning the conduct of a Crown Attorney. The Service is simply adding target response times to the process.

B. COMPLAINTS PROCEDURE

The mandate of the Chief Crown Attorneys includes responsibility for complaint resolution. Members of the public or peace officers may make a complaint concerning the actions of a Crown Attorney to the Public Prosecution Service. The complainants are encouraged to provide their concerns in writing to the appropriate Chief Crown Attorney. A copy of the complaint letter is then forwarded to the Crown Attorney concerned for his or her response to the complaint. Following receipt of those comments, the complaint is assessed and a determination is reached as to the appropriate response. As part of the review process, the supervising Crown Attorney may examine a transcript of any court proceedings which are relevant to the complaint. Upon completion of this review, both the complainant and the Crown Attorney concerned are advised of the response of the Public Prosecution Service to the complaint.