



NOVA SCOTIA
PUBLIC PROSECUTION SERVICE

DOCUMENT TITLE:

ADDITIONAL INVESTIGATION AND REINVESTIGATION

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ADDITIONAL INVESTIGATION AND REINVESTIGATION

Statement of Purpose

The purpose of this directive is to establish a procedure for criminal justice officials to follow where requests for additional investigation or reinvestigation arise:

- 1) after a charge has been laid;
- 2) when a case is otherwise subject to judicial process;
- 3) after a charge has been dealt with according to law; or
- 4) where an investigation did not result in charges being laid.

Cases Still Within the Judicial System

Where a charge has been laid, or the case is otherwise subject to judicial process (e.g. a fatality inquiry), and has not been finally dealt with according to law, the police shall carry out any additional investigation requested by the Director of Public Prosecutions or the appropriate Crown Attorney.

Cases No Longer Within the Judicial System

Where a conviction has been entered and the case finally dealt with according to law, the federal Minister of Justice has authority under Section 690 of the *Criminal Code* to conduct an inquiry to determine whether further proceedings should be directed. At the request of the Minister of Justice to have a case reinvestigated, the Solicitor General of Nova Scotia will order the R.C.M.P. to conduct the reinvestigation. After the case has been fully reinvestigated, the R.C.M.P. shall forward a copy of the investigative report to the Department of Solicitor General for transmittal to the Minister of Justice.

Cases Where No Charge was Laid

Any request for reinvestigation of an occurrence previously investigated by a municipal police force shall be referred to the Department of Solicitor General. If the Department of Solicitor General determines that the occurrence should be reinvestigated, the Solicitor General will order the R.C.M.P. to conduct the reinvestigation.

The Director of Public Prosecutions, or a Crown Attorney designated by the Director of Public Prosecutions, shall provide advice to the R.C.M.P. in respect of a case under reinvestigation when the R.C.M.P. request such assistance. The R.C.M.P. has the ultimate right and duty to determine the form and content of any charge resulting from the reinvestigation, subject to the right of the Public Prosecution Service to withdraw or stay the charge.

Where the occurrence has been fully reinvestigated and the R.C.M.P. has concluded that charges should not be laid, the R.C.M.P. shall forward a copy of the investigative report to the Department of Solicitor General.