

Working Title Crown Prosecutor - Legal Officer	Name
--	------

Position Number	Reports to Position No., Class & Level	Division, Branch/Unit ACPS	Ministry Alberta Justice and Solicitor General
-----------------	--	--------------------------------------	--

Present Classification	Requested Classification Legal Officer	Levels to Deputy Minister (Not including incumbent level)
------------------------	--	---

Dept ID	Program Code	Project Code (if applicable)
---------	--------------	------------------------------

POSITION SUMMARY: Briefly describe the main purpose of the position, and why it exists for the most part (See PP [Slides 28-32](#)).

Crown prosecutors are Agents of the Attorney General and, as such, perform a “Minister of Justice” role. As ministers of justice, their ultimate task is to see that the public interest is served through the use, or non-use, of the criminal courts. While promoting the public interest in achieving justice, prosecutors are required to exercise their significant discretionary prosecutorial powers fairly. The daily responsibilities of Crown prosecutors encompass a multitude of duties and decisions such as: charge screening, plea resolution, provision of disclosure, whether to proceed to trial or discontinue a prosecution, conduct of private prosecutions, entering a stay of proceedings, withdrawing charges, electing to proceed summarily or by indictment, determining what evidence to call on and in what order, taking a position on sentence, and launching Crown appeals.

Reporting to an Assistant Chief Crown Prosecutor/Chief Crown Prosecutor/Director, the Legal Officer is subject to the Code of Conduct for Crown Prosecutors, the individual guidelines and practice memoranda in the Crown Prosecutors’ Manual, and the applicable rules and ethics established by the Law Society of Alberta. In addition, this position functions within the parameters of applicable Government and Ministry legislation, regulations, policies, directives, and procedures.

In the Criminal Justice Division, there are five different classification levels in the legal officer classification system. Legal Officer positions have a portfolio that consists predominantly of serious and complex cases. As trial or appellate counsel, this position routinely and consistently prosecutes serious and complex cases with significant legal or evidentiary issues including murder, commercial crime, robberies, sexual assault, criminal driving fatality cases, and other offences involving significant violence or a designated specialty.

- SPECIFIC ACCOUNTABILITIES:** List the most important end results or outcomes (not duties) of the position and how they are achieved. Each end result shows what the position is accountable for, within what framework and what the added value is. Normally a position has 4-6 core end results. For each end result approximately 4-6 major activities should be described (See PP [Slides 20-27](#)).
1. The public interest is served and a just result obtained.
 - assesses and determines what is in the public interest
 - exercises prosecutorial discretion independently of extraneous pressures or improper influences
 - ensures that the defendant is treated fairly and the constitutional rights of the defendant are respected
 - decisions are made in consultation with colleagues uninvolved in the prosecution of the case, superiors and investigators when required

 2. The Court is provided with evidence and legal argument that is fair, accurate, and complete.
 - accurately summarizes or refers to evidence or testimony, and does not present as fact that which is unsupported by evidence
 - does not express personal opinions as to the accused person’s guilt or innocence, or as to the credibility of any witness
 - does not appeal to the trier of fact’s fears, emotion or prejudice

SPECIFIC ACCOUNTABILITIES: List the most important end results or outcomes (not duties) of the position and how they are achieved. Each end result shows what the position is accountable for, within what framework and what the added value is. Normally a position has 4-6 core end results. For each end result approximately 4-6 major activities should be described (See PP [Slides 20-27](#)).

3. Assigned prosecutions (trial or appellate) of serious and complex criminal cases are conducted with minimal direction, with all assignments conducted in a distinguished and very professional manner.
- determines appropriate charges, has discussions with defense counsel, interviews witnesses and other parties in preparation for trial, and conducts examinations in the courtroom
 - drafts legal opinions/briefings and court documents professionally and appropriately
 - deals effectively with participants of the justice system such as victims, witnesses, Court Services staff, investigators, defense lawyers, and the public
 - demonstrates organized and persuasive advocacy skills
 - demonstrates principled and effective negotiation skills

KNOWLEDGE/EXPERIENCE: Include a list of the most important knowledge factors, including knowledge about practical procedures, specialized techniques etc. not only diplomas and degrees. Detail specific training if there is an occupational certification/registration requirement for the position. Specify the type of experience required for the position (See PP [Slides 33-37](#)).

In addition to a Bachelor of Laws degree, active membership or immediate eligibility with the Law Society of Alberta, and extensive legal experience, the LO requires in-depth knowledge specific to criminal justice and is expected to:

- demonstrate understanding of the role of the Crown
- develop and present appropriate legal arguments
- demonstrate effective research skills
- demonstrate thorough knowledge of policy (Crown Prosecutors' Manual)

LO positions are also expected to exhibit leadership and provide unique knowledge or service to the Criminal Justice Division and Ministry.

The LO also requires in-depth knowledge of:

- Government strategic business plan goals and policy directions, particularly as they relate to the Ministry mandate
- Ministry and Division business plan goals, strategic priorities, issues, and programs
- the Canadian and provincial legislative and criminal justice systems, including associated issues, trends, reforms, operations, key representatives, and networks
- substantive criminal law / procedure / evidence / lawful access
- applicable federal and provincial statutes (i.e. *Criminal Code of Canada; Youth Criminal Justice Act; Canada Evidence Act; Jury Act; provincial and federal Victims of Crime Acts*)
- the political environment within which the Ministry operates and decision-making processes of the Government
- business productivity software used to carry out job responsibilities

LEADERSHIP AND BUSINESS KNOW-HOW: Specify the level of coordination, organization and leadership required to produce the results expected of the position. Provide recent examples (See PP [Slides 38-40](#)).

The LO consistently demonstrates superior levels of the following core competencies:

Adaptability

(Alberta Public Service (APS) Definition: Personal willingness and ability to effectively work in and adapt to change)

- Changes one's approach as required to achieve intended outcomes
- Prioritizes actions effectively in order to respond to numerous, diverse challenges and demands
- Maintains professionalism during times of change or stress
- May apply special techniques to manage situations involving stress or change
- Demonstrates ability and willingness to take on new tasks or responsibilities based on operational or corporate needs

Communication

(APS Definition: Clearly conveying and receiving messages to meet the needs of all. This may involve listening, interpreting, formulating and delivery verbal, non-verbal, written, and/or electronic messages)

- Demonstrates ability to understand and adapt to others and communicates appropriately
- Demonstrates principled and effective negotiation skills
- Drafts legal opinions/briefings and court documents professionally and appropriately
- Deals effectively with participants of the justice system such as victims, witnesses, Court Services staff, investigators, defense lawyers, and the public

Impact and Influence

(APS Definition: Persuading, convincing or influencing)

- Takes more than one action to influence, with each action adapted to the specific audience (e.g. uses different examples to demonstrate point with different stakeholder groups)
- Chooses the appropriate approach and time to influence others
- Influences others without using direct authority
- Demonstrates effective advocacy skills (i.e. organized and persuasive)

Organizational Awareness

(APS Definition: Understands the structure and culture of the organization)

- Develops and uses informal and formal relationships beyond own work group
- Uses knowledge of what's going on around one's own role
- Recognizes and uses the corporate culture to produce the best result.
- Recognizes unspoken organizational limitations which restrict conduct (i.e. what is and is not possible at certain times or in certain positions)

Teamwork

(APS Definition: Working cooperatively and productively with others to achieve results)

- Solicits ideas and opinions to help form specific decisions or plans
- Demonstrates that he or she genuinely values others' input and expertise and is willing to learn from others
- Contributes own expertise to the team
- Able to give and receive constructive criticism
- Promotes team cooperation
- Willingly accepts fair share of the workload

Self Management

(APS Definition: Reflecting on past experiences in order to manage and continually improve own performance)

- Analyzes situations on an ongoing basis to improve own performance
- Uses analysis of previous situations to make informed decisions and take action
- Prioritizes workload appropriately
- Uses performance planning process to identify and implement learning and development activities

PROBLEM SOLVING: Describe difficult or challenging situations the position is typically expected to solve and the assistance available (See PP [Slides 41-43](#)).

Judgment and Problem Solving is also a core competency of LO positions.

(APS Definition: Ability to assess options and implications in order to identify a solution)

- Exercises professional judgment consistently and appropriately
- Makes difficult decisions in a timely and appropriate way
- Demonstrates integrity
- Recognizes own limitations and takes initiative to address limitations
- Breaks down complex situations into manageable parts in a systematic way
- Recognizes several likely causes of events, or multiple consequences and undertakes activities accordingly
- Acquires new information and applies knowledge to analyze issues and resolve problems

Examples of difficult and challenging situations faced by the LO in the context of predominantly handling serious and complex cases include:

- acting on behalf of the public in conducting criminal litigation at all levels of the court system to prove beyond a reasonable doubt that the offence was committed by the accused
- determining appropriate charges, having discussions with defense counsel, interviewing witnesses and other parties in preparation for trial, and conducting examinations in the courtroom
- preparing legal arguments and opinions
- independently representing the Crown in chambers, trials, and preliminary hearings
- recommending and conducting appeals

Furthermore, LO positions are expected to demonstrate substantial initiative in identifying, developing, or implementing innovative measures in the administration of justice.

The LO functions within the context of policies, statutes, directives, and guidelines developed by Alberta Finance, Treasury Board, and Cabinet. Key pieces of legislation and policy that set parameters and expectations for the work of the position include the Financial Administration Act, Government Organization Act, Public Service Act, Government Accountability Act, Freedom of Information and Protection of Privacy Act, various Ministry acts and regulations, as well as policies, guidelines, and procedures established by Cabinet, the Minister, and Deputy Minister.

RELATIONSHIPS/CONTACTS: Identify internal and/or external clients, partners and stakeholders with whom your position has the most influence and indicate the frequency, purpose and nature of the contact (i.e. how they are affected by recommendations, decision-making and action(s) taken) (See PP [Slides 44-46](#)).

Clients	Frequency	Nature and Purpose of Contact
<u>Internal</u>		
Directors, Chief Crown Prosecutors, and Assistant Chief Crown Prosecutors	Regular and ongoing	Receive direction regarding assigned cases and organizational priorities and issues
Criminal Justice, Legal Services, and Court Services staff members	Regular and ongoing	Provide and exchange information; coordinate criminal prosecution activities
<u>External</u>		
Victims and witnesses	As required	Interview in preparation for trial
Law enforcement representatives and Investigators	As required	Provide pre-charge legal advice and assistance regarding criminal prosecutions; advise on legality of investigative techniques
Community agencies	As required	Provide advice and assistance; provide community education as appropriate
Defense lawyers	As required	Exchange and discuss information pertaining to individual cases
Public	As required	Provide and exchange information relating to the provincial criminal justice system

IMPACT AND MAGNITUDE OF JOB (SCOPE): Identify how the position directly affects results, and the extent to which stakeholders are affected by the outputs. Provide recent examples (See PP [Slides 47-49](#)).

Long-term direction for the Ministry and Criminal Justice Division is determined by senior Ministry and Government officials, with relevant legislation, regulations, policies, and frameworks providing broad parameters for operations. The work carried out is complex and affected significantly by political decisions and priorities established in the Government and Ministry strategic business plans. Criminal Justice issues are also subject to general societal influences and those originating in other jurisdictions and countries.

As stated, LO positions routinely and consistently prosecute serious and complex cases with significant legal or evidentiary issues including murder, commercial crime, robberies, sexual assault, criminal driving fatality cases, and other offences involving significant violence or a designated specialty. The following description of serious and complex cases as defined by Criminal Justice Division Directors provides context for the effect this position has on results and the extent to which stakeholders are affected by those results.

Serious and complex cases must satisfy the criteria of **both serious and complex** to be considered such a case. Following the initial assessment of a file, a Chief Crown, Director, or designate may upgrade or downgrade the classification of a case, depending on the circumstances. Should a question arise regarding the classification of a case, the Chief Crown or Director will make the final decision.

Seriousness will be determined having regard, *inter alia*, to:

- degree of violence used or threatened,
- degree of planning and premeditation by the accused,
- demonstrated and potential recidivism of the accused,
- degree of personal injury suffered by the victims,
- vulnerability of the victims,
- relationship of the accused to the victims,
- magnitude of monetary harm suffered by the victims,
- whether the offence involved an abuse of a position of authority or trust,
- whether the offence was directed at the administration of justice,
- whether the accused was motivated by discrimination against the complainant's ethnic or national origin, sex, religious beliefs, political views or sexual orientation,
- magnitude of the sentence expected to be imposed, and
- importance of the public policy issues raised by the case, for example, constitutional challenge to legislation.

AND

Complexity will be determined having regard, *inter alia*, to:

- volume of the evidence,
- nature of the evidence, for example, wiretap, DNA, expert, etc.,
- number of witnesses,
- nature of the witnesses, for example, child witnesses, reluctant or hostile witnesses, etc.,
- number and difficulty of expected legal arguments,
- expected duration of the court proceedings, and
- number of accused.

CHANGES SINCE LAST REVIEW: What significant changes have occurred in your job, from the last review (See PP [Slides 50-51](#)).

COMPARABLE POSITIONS: List comparable GoA benchmarks (See PP [Slide 52](#)).