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<p><b>CHAPTER I – CHAPITRE I :</b> <b>Public Prosecution Services</b> <b>Service des poursuites publiques</b></p>	<p>Readers are referred to the list of Related Documents at the end of this Policy for additional information. Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.</p>	

## **AD HOC PROSECUTORS**

### **1. Introduction**

From time to time, Public Prosecution Services will require the assistance of outside counsel to carry out its mandate. Such counsel may be hired by the Crown to act as a Crown Prosecutor on a temporary, *ad hoc* basis in order to deal with a conflict of interest or to assist with operational demand.

### **2. Statement of the Policy**

#### **2.1 Hiring *Ad Hoc* Prosecutors**

The Regional Director and the Director of Specialized Prosecutions have the authority to hire an *ad hoc* prosecutor when necessary, bearing in mind both cost effectiveness and quality of service. When the Regional Director or the Director of Specialized Prosecutions determines that it is necessary to hire an *ad hoc* prosecutor, he or she may do so by selecting an *ad hoc* prosecutor from a list of approved *ad hoc* prosecutors, without obtaining further approval.

The Regional Director or the Director of Specialized Prosecutions should be satisfied that the *ad hoc* prosecutor hired has experience in criminal cases that corresponds to the duties for which he or she is retained to perform.

#### **2.2 List of Approved *Ad Hoc* Prosecutors**

Where the Regional Director or the Director of Specialized Prosecutions wishes to have counsel added to the list of approved *ad hoc* prosecutors, he or she shall forward the name and resume of the counsel to the Director of Public Prosecutions for consideration. Where the Director of Public Prosecutions approves the request, the counsel's name will be added to the list of approved *ad hoc* prosecutors for that region. The Director of Public Prosecutions will also provide the counsel with notice that he or she has been added to the list of approved *ad hoc* prosecutors, and that he or she will be expected to comply with this Manual when acting as an *ad hoc* prosecutor.

The Director of Public Prosecutions shall consider the following criteria before approving of an *ad hoc* prosecutor:

- (a) whether the counsel has the authority to practice law in New Brunswick;
- (b) whether the counsel has the appropriate skills, abilities and knowledge of the criminal law;
- (c) whether the counsel will follow this Manual; and
- (d) where the counsel has performed previous *ad hoc* duties, whether he or she has done so in an efficient and competent manner.

### **2.3 Rates of Pay for *Ad Hoc* Prosecutors**

An *ad hoc* prosecutor who has been a member of the Bar for five (5) years or less is paid at a rate of \$80 an hour for services. An *ad hoc* prosecutor who has been a member of the Bar for more than five (5) years is paid at a rate of \$100 an hour for services.

An *ad hoc* prosecutor will be reimbursed for any reasonable disbursements incurred, and is subject to the application of the Government of New Brunswick's *Travel Policy*, AD-2801.

### **2.4 Authority for the Matter**

The Attorney General retains authority for the prosecution of all criminal and quasi-criminal matters, including those for which an *ad hoc* prosecutor is hired.

The *ad hoc* prosecutor is required to act in accordance with this Manual.

## **3. Related Documents**

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Policy 5      Conflict of Interest  
Government of New Brunswick's *Travel Policy*, AD-2801