



**Canadian Association of Crown Counsel
Association canadienne des juristes de l'État**

PRESS RELEASE

FOR IMMEDIATE RELEASE

Canadian Association of Crown Counsel troubled by the actions of the Edmonton Police Service

TORONTO, September 19, 2025 – The Canadian Association of Crown Counsel is deeply troubled by the actions of the Edmonton Police Service (the EPS) in writing to the Alberta Assistant Deputy Minister in charge of prosecutions, asking her to overrule a prosecution decision in a particular case to accept a plea to manslaughter rather than proceeding to a trial for murder. The letter included a threat that, unless the police got what they wanted, “further information” would be publicly released. The media also received the letter and consequently it was widely disseminated in the public sphere. The comments that follow do not relate specifically to that prosecution, the facts of which the CACC has no knowledge beyond what has been publicly reported.

Either the EPS has demonstrated a profound lack of understanding of the independent roles of police and prosecutors in Canada or the EPS has engaged in a blatant attempt to bully Alberta prosecutors into complying with how the police think that file should be handled rather than exercising their independent, legal discretion in deciding how best to proceed with the prosecution. Whatever the underlying cause or motivation, the Canadian Association of Crown Counsel (the CACC) considers this action by the EPS to be shocking.

The importance of a strong working relationship with mutual respect between a local police service and the prosecuting Crowns’ office cannot be underestimated. However, while these two necessary parts of the criminal justice system work together, their independence is an important and necessary cornerstone of the rule of law.

In Canada, police and prosecutors perform very different jobs, each independent of the other. The police have the sole authority to decide who, when and how to investigate alleged criminal behaviour.

Similarly, once charges are laid, prosecutors have the sole authority to decide how the prosecution will proceed. Neither the police nor politicians have the right to interfere. Even victims do not direct a prosecution.



While prosecutors often seek and value the input from the police and victims, prosecutors have the responsibility of making the ultimate decisions on what, who and how to prosecute – or not. There are sound policy reasons for this and a huge body of law around how prosecutors are duty bound to carry out their professional functions and decision-making processes in an even handed, quasi-judicial manner rather than simply looking to secure a conviction or the longest sentence available.

In carrying out their duties, prosecutors often garner information that the police did not have. The Crown must consider, not only the evidence gathered by the police in the course of the investigation, but also additional information that could be provided by defence, expert evidence, further witness information and evidence, statute and caselaw. Any additional information is not just accepted at face value but will undergo deep scrutinization.

Every bit as importantly, prosecutors must continuously assess the viability of the case based on current law and the evidence as it evolves. Unexplainable inconsistencies among witnesses or differing pieces of evidence must be considered. Potential defences not known or explored by the police may arise.

Or, objectively assessed, it may be that prosecutors decide the police have made mistakes resulting in the exclusion of evidence according to the standards dictated by the Canadian Charter of Rights and Freedoms. Sometimes, the evidence simply does not support the charge as laid by the police.

The simple fact is that a prosecution file is an organic entity. The information prosecutors must consider in deciding whether to proceed with a prosecution is almost never identical to the information the police provided.

A senior police force like the EPS ought to know that. Its actions undermine the fundamental principles and responsibilities of an independent, professional prosecution service and erodes public trust in the criminal justice system. It raises concerns about the fairness of the process and invites a trial/sentencing by public opinion rather than on the law and the facts before a properly constituted Court. Thus, it should be roundly condemned.

The Canadian Association of Crown Counsel (the CACC) is the national umbrella association for provincial and federal associations of prosecutors and other government lawyers.

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