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# OPP ADVOCACY

## KEY COMPETENCIES

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An important component of the Advocacy Competency Framework is the Key Competencies for staff undertaking advocacy.

### Key Competencies

#### 1. Professional Behaviours & Ethics

- Professional Ethics
- Assists DPP in decision making in cases
- Establishes professional relationships in court
- Respects victims and witnesses

#### 2. Knowledge of the law/analysis

- Accurately identifies key legal and factual issues
- Adopts appropriate structure and sequence
- Responds appropriately to new evidence and defence submissions

#### 3. Preparation

- Is thoroughly prepared
- Observes procedures
- Meets deadlines

#### 4. Advocacy skills

- Presents clear and succinct written and oral submissions
- Conducts focused questioning
- Observes professional duties

#### 5. Adherence to DPP policy/instruction

- Is familiar with DPP prosecution policies
- Identifies relevant DPP policies and complies with them
- Follows instructions



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## Professional Behaviours & Ethics

- **Professional Ethics:**

1. Acts in accordance with the duties of a Prosecutor in both serving the court and the DPP
2. Acts with integrity, independence, fairness and objectivity
3. Acts in accordance with a Prosecutor's high obligation of disclosure adhering at all times to the DPP's policy on disclosure and applying all legislation and case law in relation to the duty of disclosure

- **Assists DPP in case decision making :**

1. Gives DPP /Crown Prosecutor/OPP solicitor clear, accurate, succinct and relevant advice to facilitate decision making in a case
2. Keeps OPP solicitor/police informant informed
3. Ensures victims of crime and/or their families are kept informed and understand the criminal process in compliance with the *Victims' Charter*

- **Establishes professional relationships in court:**

1. Observes professional etiquette
2. Is courteous at all times
3. Keeps relevant parties informed

- **Respects victims and witnesses:**

1. Observes legislative restrictions and judicial rulings on questioning
2. Deals appropriately with vulnerable witnesses
3. Deals effectively with uncooperative witnesses

## Knowledge of the law/analysis

- **Accurately identifies key legal and factual issues:**

1. Presents and questions only material witnesses
2. Asks only relevant questions
3. Makes only relevant submissions in line with legislation, case law and DPP policies

- **Adopts appropriate structure and sequence:**

1. Has a clear strategy for the case in line with relevant law and the facts of the case
2. Case strategy is supported by appropriate submissions, opening and closing addresses where appropriate, and the calling and questioning of witnesses to elicit all relevant and admissible evidence
3. Develops legal and factual arguments in a logical sequence

- **Responds appropriately to new evidence and defence submissions:**

1. Makes appropriate objections and/or submissions
2. Asks appropriate questions
3. Critically analyses new material and replies/rebutts to defence submissions appropriately



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## Preparation

- **Is thoroughly prepared:**
  1. Has read all case material and all relevant law
  2. Understands and anticipates the defence case as disclosed
  3. Locates material and evidence quickly and assists the court in accordance with DPP policies and prosecutor's duty to the court
- **Observes procedures:**
  1. Complies with appropriate legislation, procedural rules and judicial directions
  2. Provides appropriate disclosure of evidence in accordance with DPP policy and duties of a prosecutor
  3. Obtains instructions when appropriate
- **Meets deadlines:**
  1. Keeps the court informed of any timing problems/delays
  2. Complies with legislative and judicial deadlines
  3. Is punctual and encourages efficient management of cases by avoiding unnecessary adjournments or delays

## Advocacy skills

- **Presents clear and succinct written and oral submissions:**
  1. Drafts clear and succinct submissions that are structured and logical
  2. Speaks clearly and audibly, maintaining pace throughout the course of submissions and questioning
  3. Presents arguments and submissions persuasively and robustly
- **Conducts focused questioning:**
  1. Questions to witnesses are clear, understandable and in accordance with the rules of evidence
  2. Questioning strategy is clear and relevant
  3. Avoids introducing irrelevant or inadmissible matters in questioning
- **Observes professional duties:**
  1. Observes duty to the court and duty to act in accordance with instructions
  2. Advises the court of adverse authorities and, where they arise, procedural irregularities
  3. Assists the court with the proper administration of justice



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## Adherence to DPP policy/instruction

- **Is familiar with DPP prosecution policies:**

1. Has knowledge of DPP policies
2. Applies relevant DPP policies
3. Keeps abreast of changes or developments in DPP policies

- **Identifies relevant DPP policies and complies with them:**

1. Complies with all DPP policies and brings policy issues to the DPPs attention if required
2. Identifies relevant DPP policies that may affect the preparation of the case or submissions made
3. Obtains appropriate instructions from the DPP or Crown Prosecutors about the applicability of a DPP policy where alternate policy or legal submissions are brought into focus by the case

- **Follows instruction:**

1. Follows all instructions in the preparation and conduct of the case
2. Assists the DPP and Crown Prosecutors in formulating sentencing submissions in accordance with the case of *MacNeil-Brown* and relevant DPP policies
3. Submits full sentencing submissions provided by the DPP including the sentencing range and justification for the range supported by appropriate statistics and sentencing law