



Federal, Provincial and Territorial Responsibilities in Canada's Criminal Justice System

Canada's criminal justice system is a shared responsibility between the provinces and territories and the federal government. The federal government is responsible for enacting criminal law, while provincial and territorial governments are responsible for the administration of justice. All levels of government play critical roles in supporting community safety through an effective criminal justice system that works fairly for everyone, holds offenders accountable and protects victims.

Division of Responsibilities

Federal Responsibility

Some of the laws that the federal government is responsible for in the criminal justice system include:

- *Criminal Code* (e.g., make criminal laws, which includes bail and sentencing laws)
- *Youth Criminal Justice Act* (for young people aged 12 to 17 who are accused or found guilty of criminal offences)
- *Controlled Drugs and Substances Act*
- *Firearms Act*
- *Canadian Victims Bill of Rights*
- *Corrections and Conditional Release Act*



Laws

Provincial / Territorial Responsibility

Provincial/territorial governments are not responsible for enacting criminal law legislation

- Federal police force (e.g. Royal Canadian Mounted Police)
- National-level specialized units to address organized crime, border integrity, terrorism, cybercrime, national security
- Standards for firearms regulation, border security, and national security investigations



Policing

- Provincial, municipal and indigenous police forces (e.g., Ontario Provincial Police, Sûreté du Québec, Royal Newfoundland Constabulary)
- Under the Police Service Agreements, the RCMP provides policing services to the provinces (except Ontario and Quebec) and territories
- Monitoring/supervising individuals released on bail and enforcing any conditions of release
- Police investigate and lay charges for *Criminal Code* offences as well as offences under other federal statutes
- In some provinces, provincial prosecutors must approve charges before they are laid

- Federal prosecutors – the Public Prosecution Service of Canada (PPSC) prosecutes most federal offences and a few specified criminal offences (e.g., under the *Controlled Drugs and Substances Act*, *Firearms Act*, terrorism)
- Prosecute all offences in the three Territories



Prosecutors

- Provincial prosecutors prosecute most *Criminal Code* offences in the provinces

- Appoint and pay judges for the following courts:
 - Provincial and territorial courts of appeal and superior courts
 - Supreme Court of Canada and federal courts
- Handle day-to-day administration of the federal courts and the Supreme Court of Canada (staffing, maintaining facilities, etc.)



Courts Administration

- Appoint and pay judges and justices of the peace of provincial/territorial courts
- Handle the day-to-day operations of provincial/territorial courts of appeal, superior courts and provincial courts (staffing, maintaining facilities, etc.)
- Provide legal aid for accused persons

- Set the laws governing bail (in the *Criminal Code* and in the *Youth Criminal Justice Act*)
- In the territories, the RCMP, as the police of jurisdiction, decides whether to release an arrested person on conditions or hold them for a bail hearing
- For cases involving federal prosecutors, the PPSC will make arguments in court about whether an accused person should get bail, and under which conditions



Bail

- Responsible for the administration of bail courts and conduct most bail hearings
- Police of jurisdiction decides whether to release an arrested person on conditions or hold them for a bail hearing. Provincial prosecutors will make arguments in court about whether an accused person should get bail, and under which conditions
- Enforcing bail conditions in most cases
- Operating jails
- Collect and report on bail data
- Since provinces are responsible for the administration of bail, bail hearings work slightly differently in every jurisdiction

- Create and amend sentencing laws in the *Criminal Code* and the *Youth Criminal Justice Act*
- For cases involving federal prosecutors, the PPSC makes sentencing submissions to the court on what the sentence should be



Sentencing

- Provincial prosecutors make sentencing submissions to the court on what the sentence should be

For more information

Adult Criminal Justice System – [Overview of the Adult Criminal Justice System](#)

Bail Process Fact Sheet – [Fact Sheet: The Bail Process](#)

Civil and Criminal Cases – [Civil and criminal cases - About Canada's System of Justice](#)

Judicial Structure – [The judicial structure - About Canada's System of Justice](#)

Legal Aid Program – <https://www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide/index.html>

Correctional Process: [Correctional process - Canada.ca](#)

Youth Criminal Justice - [Youth criminal justice](#)