



Business Plan

2023-24

Public Prosecution Office

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Budget 2023-24: Business Plan
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Mandate

In Nova Scotia all prosecutions for criminal and provincial offences are brought in the name of the Crown, because the Crown is responsible for bringing before the courts those accused of prohibited conduct that adversely affects the safety and well-being of the community.

The mandate of this prosecution service is to ensure fair and equal treatment in the prosecution of offences.

All prosecutions within the jurisdiction of the Attorney General of Nova Scotia are the responsibility of the Director of Public Prosecutions and are conducted by the Crown attorneys of the Public Prosecution Service independently of the Attorney General. The only limitation on the operational independence of the Director of Public Prosecutions arises when the Attorney General issues written instructions to the Director of Public Prosecutions. These instructions are binding and must be made public. This procedure preserves the ultimate prosecutorial authority of the Attorney General. It is a means of ensuring accountability to the electorate for the manner in which public prosecutions are conducted.

Core Business Functions

The Public Prosecution Service's core business functions are:

- to represent the Crown in the conduct of criminal matters and quasi-criminal matters before all levels of court
- to represent the Crown in the conduct of criminal and quasi-criminal appeals before all levels of court
- to provide legal advice and assistance to the police and provincial law enforcement officers at their request
- to participate in the development of criminal law policy and criminal prosecutions policy

Priorities/Activities/Initiatives for 2023-24

Responding to the Jordan Decision

- In July 2016, the Supreme Court of Canada rendered a judgement in the appeal of *R. v. Jordan* which set new rules for an accused's right to be tried within a reasonable time period.
- All Supreme Court cases and all trials which have a preliminary inquiry, now have a time limit of 30 months from the date when the charge has been laid to the completion of the trial.
- All Provincial Court trials now have a time limit of 18 months from the date when the charge has been laid to the completion of the trial.
- For cases that go over these time limits, the delay attributed to the Crown is considered to be presumptively unreasonable, and the charges will be stayed.
- The only recourse at the disposal of Crown attorneys is to establish the presence of exceptional circumstances, which are defined as being outside the Crown's control in the sense that:
 - 1) They are reasonably unforeseen or reasonably unavoidable, and
 - 2) The Crown cannot reasonably remedy the delays emanating from those circumstances once they arise.
- Intake teams have been created in both the Dartmouth and Halifax offices of the PPS.
- The intake teams help to reduce delay and backlogs by:
 - ✓ Increasing early resolution of files
 - ✓ Identifying and addressing files with realistic prospect of conviction issues
 - ✓ Improving the quality of files being set for trial and
 - ✓ Lowering the number of court appearances on the routine criminal files
 - ✓ Referring cases to restorative justice.
- Members of the PPS continue to serve on various stakeholder committees working collaboratively to create justice efficiencies.
- In 2023-24, the PPS will continue to address delays outside of HRM, with additional Crown Attorney resources in each of Central, Western and Cape Breton Regions.

Digital Transformation

- The Covid-19 pandemic has demonstrated the need for modern technology in the justice system, with the necessity it created to work remotely and appear in court virtually.
- Additionally, the PPS requires a new Digital Case Management System (DCMS) to transfer itself into a modern service that addresses the exponential increase in:
 - ✓ Digital evidence provided by enforcement agencies (e.g., body worn cameras, 911 calls, cell phone data and video, video surveillance);
 - ✓ Is adaptable to emerging technology sources and to meeting new user and stakeholder needs.
- This digital evidence received from enforcement agencies must then be shared with or “disclosed” to the defence.
- Efficiencies in the transfer of files from the police to the PPS and from the PPS to defence counsel will improve access to justice and reduce needless and inefficient court appearances.
- Providing disclosure more efficiently and reducing court appearances will enhance the ability of the PPS to bring an accused to trial within a reasonable time as is required by the Charter of Rights and Freedoms.
- In 2023-24, the PPS will work with Nova Scotia Digital Service to explore a DCMS solution.

Fair Treatment of African Nova Scotians and People of African Descent in Criminal Prosecutions

- In 2018, the PPS released a policy on the Fair Treatment of Indigenous Persons in the Criminal Prosecutions.
- Since that time, a policy has been in development for the Fair Treatment of African Nova Scotians and People of African Descent in Criminal Prosecutions.
- Training on the policy that had been scheduled for September 2022 had to be postponed due to Hurricane Fiona and is now planned for May 2023 to facilitate in-person training of all Crown Attorneys when the courts are largely shut for the provincial court judges’ conference.
- The aim of the policy is to assist Crown Attorneys with step-by-step guidance in performing culturally competent prosecutions.

Financial Summary

Departmental Expenses Summary (\$ thousands)			
<u>Programs and Services</u>	<u>2022-2023 Estimate</u>	<u>2022-2023 Forecast</u>	<u>2023-2024 Estimate</u>
Head Office	3,857	3,839	3,913
Cape Breton Region	3,870	4,055	4,151
Central Region	3,498	3,627	3,712
Halifax Region	9,974	9,938	9,886
Western Region	3,229	3,587	3,552
Appeals Division	1,219	1,180	1,227
Special Prosecution Division	2,773	2,902	2,852
Total - Departmental Expenses	28,420	29,128	29,293
Ordinary Recoveries	403	572	560
<u>Funded Staff (# of FTEs)</u>			
Department Funded Staff	186.8	178.6	189.8

Note:
For Ordinary Revenues, see Estimates and Supplementary Detail Book, Chapter 2
For TCA Purchase Requirements, see Estimates and Supplementary Detail Book, Chapter 1

