



# **Accountability Report**

2023–24

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Justice



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Accountability Report 2023–2024

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## Accountability Statement

The Accountability Report of the Department of Justice for the year ended March 31, 2024, is prepared pursuant to the *Finance Act* and government policies and guidelines. The reporting of the Department of Justice outcomes necessarily includes estimates, judgments, and opinions by Department of Justice management.

We acknowledge that this Accountability Report is the responsibility of Department of Justice management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Department of Justice 2023-24 Business Plan.

Original signed by:

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## Introduction

The Department of Justice tracks performance in key areas, including items from the Minister of Justice’s 2021 Mandate Letter (the “**Mandate Letter**”) and other policies and programs that support government’s overall priorities. In 2023-24, the Department’s 1,600 staff continued to work diligently on advancing these priorities to support a justice system that is responsive to the needs of all Nova Scotians. We are pleased to report that progress has been made in all these areas, as described below.

## Measuring Our Performance: Priority Areas

Address systemic discrimination in the justice system and improve services for those dealing with addictions and mental health conditions

### Actions to address systemic discrimination

The Office of Equity and Anti-Racism (“**OEA**”) became a division of the Department of Justice in 2023-24 and continued its work toward addressing systemic hate, inequity and racism in government institutions and improving social and economic well-being for all Nova Scotians. In April 2022, the *Dismantling Racism and Hate Act* (the Act) was passed. It was the first of its kind in Canada with the scope of the legislation including equity communities in addition to racialized communities. The Act required the creation of an all-of-government Equity and Anti-Racism Strategy which OEA published in July 2023. The Strategy commits government to implementing actions and initiatives directly related to the needs of underrepresented and underserved communities identified during engagements on the Act. Some of the highlights of the Strategy include:

|   |   |
|---|---|
| <b>Equity Impact Assessment Tool</b>                                      | OEA continued to work to bring an equity and anti-racism lens to the forefront of government decision making through the Equity Impact Assessment (“ <b>EIA</b> ”). An EIA is a tool to assess and mitigate or avoid negative impacts to underrepresented and underserved communities throughout the policy development process.  |
| <b>Creating an Equity and Race-based Data Standardization</b>             | OEA continued to develop an equity and race-based data standard for use across government, as required by the Act. This will enable and require consistent data collection, storage, usage and management of equity and race-based data across government.  |
| <b>More Effectively Addressing Acts of Hate and Hate-Motivated Crimes</b> | OEA continued to work with other divisions in the Department of Justice, the Nova Scotia Human Rights Commission, and communities across the province to address community concerns relating to how hate-motivated crimes under the <i>Criminal Code of Canada</i> and the <i>Nova Scotia Human Rights Act</i> are reported and handled, as well as concerns relating to acts of hate that may not meet the criminal threshold. |
| <b>2SLGBTQIA+ Action Plan</b>   | With the release of the Strategy, OEA was named the lead for the 2SLGBTQIA+ community within government. In this role, the Strategy commits OEA to working with this community to develop an all-of-government action plan to address community needs and concerns.   |
| <b>Involve Prescribed Public Sector Bodies in</b>                         | The Strategy states that Prescribed Public Sector Bodies (“ <b>PPSBs</b> ”) will be asked to create plans to address systemic hate, inequity, and racism. In late   |

|  |   |
|--|---|
| <b>Addressing Hate Inequity and Racism</b> | 2023-24, OEA informed municipalities and villages that they will be prescribed and required to create their plans by April 1, 2025. The Strategy committed \$1.185 Million in 2024-25 to help municipalities and villages with their plans. |
|--|---|

The Act required the creation of a Community Network to create connections, provide information and supports and provide tools and resources to community. Phase 1 of the Community Network was launched on July 31, 2022. When the Strategy was released, government committed annual funding to community organizations which was used to create a “Community Network Grant”. The first round of grants were announced on April 11, 2024 and included funding a web-based tool to connect 2SLGBTQIA+ service providers in Colchester County, land preservations efforts in the historic African Nova Scotian community of Weymouth Falls, Digby County and workshops on how to address Islamophobia and seek help following hate incidents.

Further, the Department has taken a variety of actions to address systemic discrimination in the justice system. The Department continued to support the implementation of recommendations from the Halifax, Nova Scotia: Street Checks Report (the “**Wortley Report**”). A 2023 [public status update](#) was released in April 2024, highlighting that of the 12 recommendations that are led by the Department of Justice, four have been completed and eight are in progress. In 2023-24, a subcommittee of the Wortley Report Research Committee (“**WRRC**”) prepared a report and recommendations to support the development and implementation of a model for race-based data collection for police stops. A final report was drafted in March 2024 and submitted to the Minister of Justice, for review and consideration in May 2024.

After concluding extensive community engagement, *Nova Scotia’s Justice Action Plan for African Nova Scotians and Other Persons of African Descent* is being finalized. This plan will outline actions to address the issue of systemic anti-Black racism in the justice system. The Plan is expected to be released in summer 2024.

Internal and external engagement to inform the development of the Indigenous Justice Action Strategy was undertaken with non-Indigenous and Indigenous justice agencies and partners and concluded in 2023-24 to ensure the strategy is reflective of the communities’ voice. The Department also met with the Mi’kmaq Legal Support Network and discussed ways to coordinate activities with federal funding managers to identify opportunities for funding support. Nova Scotia is supportive of the federal Indigenous Justice Strategy and continued to pursue opportunities for collaboration within the Aboriginal Justice Federal-Provincial-Territorial Working Group.

Actions to address mental health and addictions.

The interaction between addictions, mental health, and the justice system is complex and addressing it requires a collaborative effort across government departments, justice partners and community agencies. Court Services continued to participate in the administration of therapeutic Wellness Courts, and Victim Services continued to offer programs for victims of crime for compensable offences through the Criminal Injuries Counselling Program.

In 2023-24, the Department of Justice continued to fund transitional housing programs for individuals leaving custody; supportive programs and services offered include education, mental health and addiction treatment. In March 2023, the province announced a total investment of \$2.6 million in four

supportive housing programs: The John Howard Society received \$1.6 million; Elizabeth Fry Society of Mainland Nova Scotia received \$650,000, Elizabeth Fry Society of Cape Breton received \$300,000; and the Marguerite Centre received \$50,000. Additionally, assessment and clinical services for youth were provided at the Nova Scotia Youth Centre in Waterville.

### Work to prevent human trafficking and enhance supports for victims of sexual violence

The Nova Scotia Public Prosecution Service received funding from the province in February 2024 for two additional FTEs (“**Full Time Equivalent**”), including a Crown Attorney and a legal assistant for the Human Trafficking Prosecution Team. In 2024-25, the team will consist of four Crown Attorneys (two full-time and two half-time), two dedicated legal assistants, and one paralegal who will continue to address and prosecute cases related to human trafficking. Funding was also provided in February 2024 for an additional Crown Attorney and legal assistant for the Sexualized Violence Prosecution Team.

Table 3: Criminal Code Charges April 1, 2023, to March 31, 2024

|  |    |
|--|----|
| Number of cases assigned to the human trafficking Crown that involve at least one charge of human trafficking (ss. 279.01-279.03).                   | 11 |
| Number of cases assigned to the human trafficking Crown that are related to human trafficking but don't directly include a human trafficking charge. | 30 |

The Human Trafficking Prosecution Team also provided training to Crown Attorneys and other justice partners in 2023-24. This training included sessions on recognizing and responding to human trafficking (for law enforcement and victim services providers), the *Missing and Murdered Indigenous Women and Girls Inquiry* (for Crown Attorneys), and collaborative approaches to addressing human trafficking, delivered to partners across sectors including police, Crown Attorneys, victim services, social workers, and other community service providers. Additionally, the Department's Maintenance Enforcement and Victim Services Division has four Human Trafficking Navigators with active caseloads and works collaboratively with the Human Trafficking Prosecution Team. The navigators provide services for clients across the province, with positions filled in the Halifax-Dartmouth Region, Western Region, Central Region and the Cape Breton Region.

In 2023-24, the Department worked to identify proposed amendments to the *Victims' Rights and Services Act*. This work focused on establishing clear standards to help ensure survivors are treated with respect when interacting with the criminal justice system. An engagement survey was initiated regarding the proposed amendments, seeking input from service providers who work with or support survivors of sexual violence. Legislative changes are expected to be brought forward at a future date.

The Department also delivers two programs through the Maintenance Enforcement and Victim Services Division that align with this focus: the Sexual Offence Legal Representation Program (“**SOLR**”) and the Independent Legal Advice Program (“**ILA**”). SOLR provides complainants in sexual offence cases with legal representation when court applications are made to access a complainant's records under Criminal Code S.276 & S.278. ILA provides free, independent legal advice to adult survivors of sexual assault. Federal funding will extend and expand the SOLR & ILA programs through 2026.

In 2023-24, SOLR received 66 applications for legal representation, of which 58 were approved for representation. Applications are eligible for funding based on the type of the personal records being

sought to be introduced into evidence. There are three types of personal records that when sought are eligible under the SOLR program: medical, therapeutic, and/or counselling records. Victim Services is currently reviewing an expansion of the types of records for which legal representation would be provided (Table 1).

*Table 1: SOLR cases from 2019-2024*

| <b>Year</b> | <b>Total Cases</b> | <b>Approved</b> | <b>Not Approved</b> |
|-------------|--------------------|-----------------|---------------------|
| 2023-24     | 66                 | 58              | 8                   |
| 2022-23     | 61                 | 54              | 7                   |
| 2021-22     | 57                 | 54              | 3                   |
| 2020-21     | 48                 | 46              | 2                   |
| 2019-20     | 45                 | 39              | 6                   |

In 2023-2024, the ILA Program supported 151 adult victims/survivors aged 16 and above who have accessed the ILA Program (Table 2).

*Table 2: ILA cases from 2019-2024*

| <b>Year</b> | <b>Total Cases</b> |
|-------------|--------------------|
| 2023-24     | 151                |
| 2022-23     | 115                |
| 2021-22     | 111                |
| 2020-21     | 94                 |
| 2019-20     | 79                 |

### Lead work to modernize the Freedom of Information and Protection of Privacy Act (“FOIPOP Act”)

In 2023-24, an inter-departmental working group commenced its review of the FOIPOP Act and related access and privacy legislation. Beginning in September 2023, the working group engaged with those impacted by the legislation. A website was developed to invite feedback in Fall 2023. Targeted engagement was undertaken with the Office of the Information and Privacy Commissioner, provincial government departments, municipalities and villages, other public bodies, and media. In total, over 100 submissions were received, and 12 meetings were held. Engagement efforts will continue in 2024-2025, with recommended amendments anticipated to be brought forward in 2025.

### Lead work to create an accessible Nova Scotia by 2030

In 2023-24, the Department’s Accessibility Directorate continued to lead the work toward the implementation of the *Accessibility Act* and Access by Design 2030. At year end, work was under way on all six accessibility standards in the areas of: built environment, education, employment, goods and services, public transportation and information and communication. A proposed standard for the built environment was released for public comment in August 2023 and is expected to be finalized in regulation in 2024.

An online [Resource Hub](#) was launched in May 2023 to make awareness and capacity building resources on accessibility and disability readily available. Mandatory training on accessibility is now



available for all government staff and new training for managers was piloted. Over 9,000 government employees have completed the Introduction to Disability training and over 5,000 have completed the Introduction to Accessibility Barriers and Solutions. In April 2023 the Accessibility Foundations train-the-trainer program was launched, with over 120 trainers trained to date.

The report on the first independent review of the *Accessibility Act* was submitted by Dr. Katie Aubrecht in April 2023 and released publicly in May 2023. The Directorate consulted with the Accessibility Advisory Board and 23 government departments to develop Government's Response to the review, which was released on March 15, 2024. The government has committed to taking action to address the independent review. The independent review and government's response is available on the [Accessibility Directorate website](#).

### [Work to modernize the court system to improve access to justice](#)

The COVID-19 pandemic emphasized the importance of modernizing Nova Scotia's courts and other elements of the justice system to operate with improved technology and approaches to better serve Nova Scotians. In 2023-24, the Digital Task Force, co-led by the Deputy Minister of Justice and the Chief Justice of Nova Scotia concluded work on a draft road map to outline the transformation process in June 2023. The roadmap also ?? identified focus areas for digital transformation of the courts: improving and expanding virtual courts and hybrid models of court at all levels and improving public access to online justice services at all levels of court.

Towards the end of FY 2023-24, a statement of work was issued for a "discovery/alpha" project to identify user needs for electronic filing and document management in the Nova Scotia Court of Appeal. This work will continue into 2024-25 as the Task Force continues to engage on solutions for document management.

## Financial Results

| <b>Departmental Expenses Summary</b>   |                               |                              |                               |
|--|-------------------------------|------------------------------|-------------------------------|
| <b>(\$ thousands)</b>  |                               |                              |                               |
| <b>Programs and Services</b>   | <b>2023-2024<br/>Estimate</b> | <b>2023-2024<br/>Actuals</b> | <b>2023-2024<br/>Variance</b> |
| Administration   | 34,269                        | 34,343                       | 74                            |
| Nova Scotia Legal Aid  | 30,473                        | 31,088                       | 615                           |
| Court Services   | 81,522                        | 84,564                       | 3,042                         |
| Correctional Services  | 85,270                        | 88,429                       | 3,159                         |
| Public Trustee   | 3,300                         | 3,110                        | (190)                         |
| Nova Scotia Medical Examiner<br>Service  | 6,057                         | 7,148                        | 1,091                         |
| Public Safety and Security   | 194,209                       | 186,478                      | (7,731)                       |
| Serious Incident Response Team   | 1,424                         | 884                          | (540)                         |
| Accessibility Directorate  | 2,290                         | 2,408                        | 118                           |
| Maintenance Enforcement and<br>Victim Services   | 11,402                        | 12,218                       | 816                           |
| Office of Equity and Anti-Racism   | 3,236                         | 2,686                        | (550)                         |
| <b>Total: Departmental Expenses</b>  | <b>453,452</b>                | <b>453,356</b>               | <b>(96)</b>                   |
| <b>Additional Information:</b>   |                               |                              |                               |
| Ordinary Revenues  | 1,595                         | 1,957                        | 362                           |
| Fees and Other Charges   | 20,581                        | 24,169                       | 3,588                         |
| Ordinary Recoveries  | <u>153,010</u>                | <u>152,285</u>               | <u>(725)</u>                  |
| <b>Total: Revenue, Fees and Recoveries</b>   | <b>175,186</b>                | <b>178,411</b>               | <b>3,225</b>                  |
| TCA Purchase Requirements  | 1,419                         | 984                          | (435)                         |
| <b>Funded Staff (# of FTEs)</b>  |                               |                              |                               |
| <b>Department Funded Staff</b>   | <b>1,742.6</b>                | <b>1,607.9</b>               | <b>(134.7)</b>                |
| <b>Revenue, Fees and Recoveries Variance Explanation:</b>  |                               |                              |                               |
| Fees and Other Charges   |                               |                              |                               |
| Fees and Other charges were \$3.6 million or 17.4 per cent higher than estimate primarily due to higher than anticipated Probate Fees collected by the Courts.   |                               |                              |                               |
| Ordinary Recoveries  |                               |                              |                               |
| Ordinary recoveries were \$0.7 million or 0.5 per cent lower than estimate primary due to \$1.4 million lower than anticipated recoveries of various federal funding programs (Justice Partnership Innovation Program, Intimate Partner Violence Project; French Contraventions; Combat Internet Child Exploitation) and \$0.5 |                               |                              |                               |

million for Nova Scotia -New Brunswick SiRT agreement due to staffing delays. These decreases were partially offset by \$1.2 million increase in the collection of overdue court fines.

**Provincial Funded Staff (FTEs) Variance Explanation:**

Variance due to vacancy savings.

## Public Interest Disclosure of Wrongdoing Act

### Annual Report under Section 18 of the Public Interest Disclosure of Wrongdoing Act

The *Public Interest Disclosure of Wrongdoing Act* was proclaimed into law on December 20, 2011.

The Act provides for government employees to be able to come forward if they reasonably believe that a wrongdoing has been committed or is about to be committed and they are acting in good faith.

The Act also protects employees who do disclose from reprisals, by enabling them to lay a complaint of reprisal with the Labour Board.

A Wrongdoing for the purposes of the Act is:

- a) a contravention of provincial or federal laws or regulations
- b) a misuse or gross mismanagement of public funds or assets
- c) an act or omission that creates an imminent risk of a substantial and specific danger to the life, health or safety of persons or the environment, or
- d) directing or counselling someone to commit a wrongdoing

The following is a summary of disclosures received by the Department of Justice

| Information Required under Section 18 of the Act   | Fiscal Year 2023-2024 |
|--|-----------------------|
| The number of disclosures received   | 0                     |
| The number of findings of wrongdoing   | 0                     |
| Details of each wrongdoing<br>(Insert separate row for each wrongdoing)                            | n/a                   |
| Recommendations and actions taken on each wrongdoing.<br>(Insert separate row for each wrongdoing) | n/a                   |