

**DEPARTMENT OF JUSTICE**

**ANNUAL ACCOUNTABILITY REPORT FOR THE  
FISCAL YEAR 2010-2011**

July 22, 2011

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## **ACCOUNTABILITY STATEMENT**

The accountability report of the Nova Scotia Department of Justice for the year ended March 31, 2011 is prepared pursuant to the Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the Department of Justice's Statement of Mandate for the fiscal year 2010-2011. The reporting of the Department of Justice's 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's 2010-2011 Statement of Mandate.

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Ross Landry  
Minister of Justice

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Marian Tyson, Q.C.  
Deputy Minister of Justice

## MESSAGE FROM THE MINISTER AND DEPUTY MINISTER

We are very pleased to be able to share the results of the hard work done by employees within the Department of Justice for the 2010-2011 fiscal year.

The fair and effective administration of justice is at the core of the work we do at the Department of Justice. More than 1,600 talented and committed employees throughout the province carry out this work in collaboration with our community partners to ensure:

- that our justice system is properly administered and cost effective
- that there is public confidence in the justice system
- that people are and feel safe and secure, and
- that people make constructive choices.

This Accountability Report for fiscal year 2010-2011 shows the progress we are making in these areas. Some of our accomplishments from the past year include:

- the development of the province's first comprehensive action plan to address domestic violence and a domestic violence court pilot program
- increased use of technology to improve service delivery within our courts and correctional facilities
- numerous legislative changes to make our roads safer for motorists and cyclists, and
- increased transparency and accountability via a new department-wide disclosure policy and planning for the establishment of an impartial Serious Incident Response Team.

Please take the time to review our accountability report and feel free to contact us with respect to any of its content.

Respectfully,

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Ross Landry  
Minister of Justice

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Marian Tyson, Q.C.  
Deputy Minister of Justice

## FINANCIAL RESULTS

<b>Department of Justice</b>		
	<b>2010-2011 Estimate</b>	<b>2010-11 Actual</b>
<b>Program &amp; Service Area</b>	(\$ thousands)	(\$ thousands)
<b>Gross Departmental Expenses:</b>		
Administration	26,345	25,159
Nova Scotia Legal Aid	22,039	22,439
Court Services	61,802	60,347
Correctional Services	60,017	58,549
Public Trustee	2,174	2,083
Fatality Inquiry Act	3,621	4,130
EMO		
Public Safety	113,489	106,162
<b>Total Gross Department Expenses</b>	<b>289,487</b>	<b>278,869</b>
<b>Additional Information:</b>		
<b>Ordinary Revenue</b>	(1,578)	(1,988)
<b>Fees and Other Charges</b>	(19,540)	(20,386)
<b>Ordinary Recoveries</b>	(95,573)	(95,137)
<b>TCA Purchase Requirements</b>		
<b>Provincial Funded Staff (FTEs)</b>	<b>1,602</b>	<b>1,487</b>

## MEASURING OUR PERFORMANCE

The Department of Justice has begun the process of reviewing and updating its strategic directions and performance measures. As a result, there are several changes to our performance measures that have been introduced in the past year, including the elimination of several measures for which reliable data were not available or over which the Department had little influence. These changes are described in more detail in Appendix A. Some measures are still being fine tuned as we work to clarify definitions and gather the relevant data. More changes will be introduced in future business planning cycles.

**STRATEGIC DIRECTION: A justice system that is properly administered and cost effective.**

### 1) CLIENT SATISFACTION WITH LEGAL SERVICES

**What does this measure tell us?** This measure captures client satisfaction with legal services. In this case, clients consist of government departments and agencies that rely on the department's legal services staff.

**Where are we now?** A client satisfaction survey of deputy ministers and senior managers across Nova Scotia Government departments and agencies was conducted in January of 2010 following a reorganization of the Legal Services Division. Results indicate that there is a very high level of client satisfaction. 91% of participants were either satisfied or very satisfied with the overall service they received from the Legal Services Division. Survey respondents appeared to be most satisfied with Legal Services Division in the performance area of quality of work and relevance of information provided.

**Where do we want to be in the future?** The target for this measure is to maintain client satisfaction.

## (2a) CASE PROCESSING TIMES IN CRIMINAL COURT – ADULTS

**What does this measure tell us?** This measure indicates the average amount of time it takes to process adult cases in criminal court from first to last appearance. A new industry standard for case processing times was introduced by Statistics Canada in 2006-2007. The definition of a court case now includes all charges against the same person having overlapping court dates.

**Where are we now?** In 2006-2007, case processing times in Nova Scotia were 20% below the national average and Nova Scotia had the fifth lowest average elapsed time among the provinces. Between 2007-08 and 2009-10, adult case processing times in Nova Scotia increased by 27 days, while the national average declined by 22 days. In 2009-10, Nova Scotia's average case processing time for adult courts was 222 days, 2 days less than the national average.

<b>ADULTS</b> <b>Average elapsed time (days)</b>		
<b>Year</b>	<b>Nova Scotia</b>	<b>Canada</b>
2000-01 (base year)	219	174
2006-07	199	250
2007-08	195	246
2008-09	210	230
2009-10	222	224
2010-11	228*	Not available

Source: Canadian Centre for Justice Statistics, *Adult Criminal Court Survey*.

\* note that 2010-11 figure is based on NSDoJ data. When Statistics Canada data for 2010-11 become available (May of 2012), figures will be revised and national level data included.

**Where do we want to be in the future?** For adult case processing times, the target is to meet or fall below the Canadian average elapsed time to complete an adult case in criminal court in any given year.

## (2b) CASE PROCESSING TIMES IN CRIMINAL COURT – YOUTH

**What does this measure tell us?** This measure indicates the average elapsed time from the accused’s first appearance in youth court until final disposition. A new industry standard for case processing times was introduced by Statistics Canada in 2006-2007. The definition of a court case now includes all charges against the same person having overlapping court dates.

**Where are we now?** In 2010-2011, the average youth case processing time was 125 days, the same as the previous year.

<b>YOUTH</b>	
<b>Average elapsed time (days)</b>	
<b>Year</b>	<b>Nova Scotia</b>
2006-07 (base year)	120
2007-08	112
2008-09	122
2009-10	125 <sup>r</sup>
2010-11	125

<sup>r</sup> = revised figure

Nova Scotia excludes restorative justice and bench warrants when calculating youth case processing times. Restorative justice cases are excluded because, on average, it takes over 200 days for an offender to successfully complete the program and this can artificially inflate the overall processing times. Bench warrants are excluded because, once issued by the Court, the Court cannot control how long it takes to have that warrant executed.

**Where do we want to be in the future?** Reducing youth case processing times in the province remains a priority for the Nova Scotia Department of Justice and our justice partners. The Department recognizes that case processing times are impacted by a variety of factors throughout the justice system. Reducing case processing times to reach the target of 98 days (established in response to the Nunn Commission) requires the combined efforts of the Police, the Nova Scotia Public Prosecution Service, Legal Aid, the Judiciary, the Courts and Corrections. The Department continues to work with its justice partners to identify ways to reduce case processing times and to meet the established target of 98 days from first appearance to final disposition. Committees consisting of Department of Justice staff and justice partners have been established in several communities across the province to find local solutions for improving youth case processing times. In addition, some changes have been recently implemented which are expected to help reduce youth case processing times in the province. For instance additional youth court days have been added at some court locations.

**STRATEGIC DIRECTION: There is public confidence in the justice system.**

**(3) PUBLIC KNOWLEDGE OF THE JUSTICE SYSTEM**

**What does this measure tell us?** On an annual basis since the Spring of 2005, the Department of Justice has included questions in the *Atlantic Quarterly Survey* that are designed to gauge the public’s knowledge of and confidence in the justice system. Responses to these questions provide us with an indication of the public’s level of knowledge of the justice system in Nova Scotia.

**Where are we now?** The percentage of Nova Scotians who considered themselves to be at least somewhat familiar with the justice system was substantially higher in 2011 than it was in 2005 (71% versus 54%). Only 5% of Nova Scotians in 2011 indicated that they were “not at all familiar” with the justice system compared to 12% of Nova Scotians in 2005. Overall results follow:

Year	Very familiar with the justice system	Somewhat familiar with the justice system	Not very familiar with the justice system	Not at all familiar with the justice system
2005 <sup>1</sup> (base year)	9%	45%	34%	12%
2011 <sup>1</sup>	12%	59%	24%	5%

<sup>1</sup> sample size margin of error is 4.9%

**Where do we want to be in the future?** The goal is to continue increasing the public’s level of knowledge about the justice system.

#### (4) PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM

**What does this measure tell us?** The *Atlantic Quarterly Survey* also provides an indication of the public's level of confidence in the justice system. These figures are based on 2005 and 2010 data.

**Where are we now?** The percentage of Nova Scotians who have at least some confidence in the justice system was stable in 2011 compared with 2005 (75% versus 74%). We therefore remain on target. Overall results follow:

Year	A great deal of confidence in the justice system	Some confidence in the justice system	Not much confidence in the justice system	No confidence at all in the justice system
2005 <sup>1</sup> (base year)	12%	62%	17%	9%
2011 <sup>1</sup>	11%	64%	13%	7%

<sup>1</sup> sample size margin of error is 4.9%

**Where do we want to be in the future?** The goal is to maintain/increase the public's level of confidence in the justice system in comparison to the 2005 base year.

**STRATEGIC DIRECTION: People are and feel safe and secure.**

**(5) OVERALL CRIME RATE**

**What does this measure tell us?** The crime rate is a key indicator of social well-being within a society. The crime rate is calculated by summing criminal incidents reported to the police (excluding traffic offences as well as other provincial and federal statute offences) and dividing by the population. In this calculation, all offences are counted equally; for example, one incident of homicide is counted in the same way as one incident of bicycle theft. As such, the crime rate tends to be driven by high-volume, less serious offences, such as minor thefts and mischief.

The crime rate is expressed as a rate per 100,000 population. This standardized figure allows us to compare rates across communities. In addition to the overall crime rate, there are three sub-totals: violent, property and other *Criminal Code*, excluding *Criminal Code* traffic offences.

In 2008, Statistics Canada expanded the violent crime rate to include a number of offences which were previously considered to be “other *Criminal Code*” offences, but which target and impact individual victims.

It is important to note that crime rate statistics are influenced by many factors such as reporting by the public to police and police practices. While the target is to reduce crime, increased police resources and public confidence could result in an increase in the number of crimes coming to the attention of police, which will impact the official crime rate.

**Where are we now?** The overall crime rate in Nova Scotia increased slightly (+1%) in 2010. The overall crime rate has decreased by 14% since 2005. The violent crime rate dropped 6% in 2010. Nova Scotia’s violent crime rate has dropped 18% since 2005. In comparison, the violent crime rate for Canada as a whole has dropped 8% over the same period of time. While Nova Scotia’s violent crime rate remains higher than the national average, the faster decline in Nova Scotia’s rate suggests a narrowing of the gap between the two. Property crime in Nova Scotia increased by 4% in 2010.

**Where do we want to be in the future?** The goal is to reduce crime rates below the national average. A summary of figures for 2007 to 2010 for Nova Scotia and Canada follows:

**Crime Rate per 100,000 population**

	Nova Scotia				Canada			
	2007	2008	2009	2010	2007	2008	2009	2010
<b>Violent</b>	1,704	1,711	1,656	1,564	1,352	1,332	1,318	1,282
<b>Property</b>	4,601	4,162	4,181	4,334	4,519	4,249	4,111	3,846
<b>Other</b>	1,191	1,119	1,100	1,082	1,028	1,037	1,015	1,016
<b>Total</b>	7,496	6,992	6,937	6,980	6,898	6,617	6,444	6,145

## (6) CRIME SEVERITY INDEX

**What does this measure tell us?** The Crime Severity Index is a tool developed by Statistics Canada to complement the crime rate. In contrast to the crime rate, which measures the volume of crime coming to the attention of the police, the Crime Severity Index measures the severity of police-reported crime. It has been designed to measure change in the overall seriousness of crime from one year to the next, as well as relative differences in the seriousness of crime across the country.

The Index is standardized to “100” for Canada (a system that is similar to the Consumer Price Index), using 2006 as a base year. Three separate severity indices have been created: one for overall police-reported crime (including all offences), one for violent crime (including only crimes against the person), and one for non-violent crime (includes both property offences and other *Criminal Code* violations).

**Where are we now?** Overall crime severity in Nova Scotia decreased slightly (-1%) in 2010. There was a 6% decrease in the severity of violent crime in the province and a 2% increase in the severity of non-violent crime. The overall crime severity index for Nova Scotia has decreased by 18% since 2005.

**Where do we want to be in the future?** The goal is to reduce crime severity and keep it below the national average. Currently, Nova Scotia is only below the national average with respect to the severity of its violent crime. A summary of figures for 2007 to 2010 for Nova Scotia and Canada follows:

**Crime Severity Index, Nova Scotia and Canada, 2007 to 2010**

	Crime Severity Index		Violent Crime Severity Index		Non-violent Crime Severity Index	
	Nova Scotia	Canada	Nova Scotia	Canada	Nova Scotia	Canada
<b>2007</b>	91.9	95.2	92.0	97.7	91.8	94.2
<b>2008</b>	84.1	90.4	88.7	94.9	82.3	88.7
<b>2009</b>	83.9	87.6	89.7	94.1	81.7	85.1
<b>2010</b>	83.5	82.7	84.5	88.9	83.1	80.3

## (7) RATE OF YOUTH CRIME

**What does this measure tell us?** In Canada, separate justice systems exist for youth (12 to 17 years) and adults (18 years and older) accused of crime. The youth crime rate is calculated by totaling the number of youth accused of a criminal offence and then dividing that number by the population of youth aged 12 to 17 years. The number of youth accused includes those who were charged (or recommended for charging) by police and those who were dealt with by means other than the formal laying of a charge. Examples of those “not charged” include youth diverted from the formal criminal justice system through the use of warnings, cautions and referrals to community programs.

The youth crime rate is expressed as a rate per 100,000 youth aged 12 to 17 years. This standardized figure allows us to compare rates across communities. In addition to the overall youth crime rate, there are three sub-totals: violent, property and other *Criminal Code*, excluding *Criminal Code* traffic offences.

It is important to note that crime rate statistics are influenced by many factors such as reporting by the public to police and police practices. While the target is to reduce crime, increased police resources and public confidence could result in an increase in the number of crimes coming to the attention of police, which will impact the official crime rate.

**Where are we now?** The overall youth crime rate in Nova Scotia decreased by 6% in 2010, continuing the declining trend for a fourth consecutive year. The overall decline in youth crime can be attributed primarily to the decline in the rate of youth accused of property crimes in the province (down 10%) while the youth violent crime rate remained unchanged from the prior year.

**Where do we want to be in the future?** The goal is to reduce youth crime rates below the national average. A summary of figures for 2007 to 2010 for Nova Scotia and Canada follows:

**Youth accused crime rate per 100,000 population aged 12 to 17 years**

	Total Crime		Violent Crime		Property Crime		Other Crime	
	NS	Can	NS	Can	NS	Can	NS	Can
<b>2007</b>	10,565	6,782	3,041	1,955	5,422	3,582	2,102	1,245
<b>2008</b>	9,848	6,577	2,796	1,903	5,218	3,443	1,835	1,230
<b>2009</b>	9,448	6,593	2,676	1,895	5,075	3,484	1,697	1,214
<b>2010</b>	8,903	6,147	2,676	1,838	4,575	3,155	1,652	1,155

## **(8) PUBLIC PERCEPTION OF SAFETY IN THE HOME**

What does this measure tell us? The Atlantic Quarterly Survey provides an indication of the public's perception of safety in the home.

**Where are we now?** The percentage of Nova Scotians who feel safe in their homes remained relatively stable between 2005 and 2011. In 2011, the majority of Nova Scotians (52%) reported that they were "not at all worried" when home alone at night. An additional 27% indicated they were "not very worried". Only 2% of Nova Scotians indicated being "very worried" when home alone at night. Overall results are presented below:

<b>Year</b>	<b>Not at all worried when home alone at night</b>	<b>Not very worried when home alone at night</b>	<b>Somewhat worried when home alone at night</b>	<b>Very worried when home alone at night</b>
<b>2005<sup>1</sup> (base year)</b>	<b>49%</b>	<b>27%</b>	<b>21%</b>	<b>2%</b>
<b>2011<sup>1</sup></b>	<b>52%</b>	<b>27%</b>	<b>18%</b>	<b>2%</b>

<sup>1</sup> sample size margin of error is 4.9%

**Where do we want to be in the future?** The target is to maintain/increase perceptions of safety in the home.

## **(9) PUBLIC PERCEPTION OF SAFETY IN THE NEIGHBOURHOOD**

**What does this measure tell us?** The Atlantic Quarterly Survey provides an indication of the public's perception of safety in the neighbourhood.

**Where are we now?** The percentage of Nova Scotians who felt safe in their neighbourhoods remained relatively stable between 2005 and 2011, with three-quarters of persons (74%) indicating that they felt "reasonably" or "very" safe walking alone in their neighbourhoods after dark. In 2011, 6% of Nova Scotians indicated feeling "very unsafe" walking alone after dark and 9% of Nova Scotians do not walk alone at night. Overall results are presented below:

<b>Year</b>	<b>Feel very safe walking alone after dark</b>	<b>Feel reasonably safe walking alone after dark</b>	<b>Feel somewhat unsafe walking alone after dark</b>	<b>Feel very unsafe walking alone after dark</b>	<b>Do not walk alone at night</b>
<b>2005<sup>1</sup> (base year)</b>	<b>34%</b>	<b>40%</b>	<b>13%</b>	<b>5%</b>	<b>7%</b>
<b>2011</b>	<b>31%</b>	<b>43%</b>	<b>10%</b>	<b>6%</b>	<b>9%</b>

<sup>1</sup> sample size margin of error is 4.9%

**Where do we want to be in the future?** The target is to maintain/increase perceptions of safety in the neighbourhood.

## (10) MAJOR INCIDENTS WITHIN CORRECTIONAL FACILITIES

Please note that the definition of “major incident” changed April 1, 2011 to align with the Nova Scotia Department of Justice’s new policy on the disclosure of information on major incidents involving persons in custody. As a result, performance measures related to “major incidents” will change in the 2011-2012 Accountability Report. Please see Appendix A for a more detailed description of changes to these measures.

**What does this measure tell us?** This measure tracks major incidents occurring within correctional facilities, which have been defined as follows: a) purposeful damage to property in excess of \$5,000; b) an unnatural death; c) an aggravated assault committed by an offender against another person resulting in a hospital admission; or d) a disturbance of four or more offenders, over a protracted period of 60 minutes or longer, and a) necessitating the hold or call back of staff, with an expenditure of more than \$1000, or b) exceeding the resource capacity of the facility, requiring emergency police services to respond to the identified threat.

**Where are we now?** There were 12 major incidents that occurred in the province’s correctional facilities in 2010-2011, the same number as occurred the year before.

	2005-2006 (base year)	2007-2008	2008-2009	2009-2010	2010-2011
Damage to property > \$5,000		1	0	2	2
Unnatural death		1	1	1	1
Assault on another person requiring hospitalization		1	4	7	6
Disturbance of 4 or more offenders lasting longer than 60 minutes and necessitating staff call back or expenditure > \$1,000		0	0	2	3
<b>Total</b>	1	3	5	12	12

Specifically, the Central Nova Scotia Correctional Facility reported one assault by an offender against another person resulting in a hospital admission; one unnatural death and two major disturbances. During this period Cape Breton Correctional Facility reported four assaults by an offender against another person resulting in a hospital admission; two incidents of damage to property in excess of \$5000 and one major disturbance, while the Southwest Nova Scotia Correctional Facility reported one assault by an offender against another person resulting in a hospital admission.

**Where do we want to be in the future?** Our goal is to have no major incidents in any of our facilities.

**(11) ESCAPES AND WRONGFUL RELEASES FROM CORRECTIONAL FACILITIES, ESCAPES FROM STAFF WHILE BEING ESCORTED IN THE COMMUNITY AND ESCAPES FROM SHERIFFS' CUSTODY**

**What does this measure tell us?** The number of escapes and wrongful releases from correctional facilities, escapes from staff while being escorted in the community, and escapes from sheriffs' custody in a year provides information on security levels and measures.

**Where are we now?**

Year	Escapes from facilities or correctional staff	Wrongful releases from correctional facilities	Escapes from sheriff's custody
2004-2005 (base year)	6	-	0
2005-2006	2	-	0
2006-2007	0	-	0
2007-2008	2	7 <sup>1</sup>	0
2008-2009	2	4	2
2009-2010	0	5	0
2010-2011	0	1	1

<sup>1</sup> please note that base year for wrongful releases is 2007-2008

**Where do we want to be in the future?** Our goal is to have no escapes in any of these areas. The risk of escape is greatest when persons in custody are being transported between a correctional facility and a courthouse or moved between holding cells within a courthouse into a courtroom. In order to continue to decrease the opportunity for escape, we are taking or have taken the following steps:

- restraint systems including handcuffs and leg irons have been upgraded;
- video conferencing systems linking correctional facilities and courthouses are being examined. Accused could, in some cases, provide testimony by video directly from the Correctional Facility, thereby decreasing the need for transport;
- the possibility for video surveillance within sheriff transport vehicles is being considered. This would allow sheriffs to be aware of any altercations between accused persons being transported, thereby making extraction safer and more secure;
- enclosures, such as interior garages or exterior fenced compounds located at the point where persons in custody are brought into the courthouse, are being

examined. Interior garages are already a standard requirement for new courthouses such as those recently opened in Yarmouth, Bridgewater and Port Hawkesbury;

- New courthouses and, where possible, renovations to existing courthouses are being designed to ensure that persons in custody are only moved from cells to the courtroom through secure, non public, circulation routes;
- Correctional Services conducts a risk assessment of offenders prior to escorts into the community and additional correctional staff are provided, if necessary; and
- Correctional Services and Sheriff Services provide staff with enhanced training relating to use-of-force and outside escorts, and also issue inflammatory agents and batons to staff to mitigate any threats of violence during outside escorts.

## **12) REDUCTION IN YOUTH AND ADULTS WHO RE-OFFEND**

**What does this measure tell us?** This measure is intended to capture information on recidivism as an indicator of offender accountability. Currently, there exists no common national definition of recidivism/re-offending.

**Where are we now?** To date, an operational definition has been established based on offender re-conviction. The Department of Justice will continue collaborating with the Canadian Centre for Justice Statistics, in the development of a standard measure of re-contact and the ability to produce data on an annual basis.

**Where do we want to be in the future?** The department expects that the work it is undertaking on recidivism will allow it to report more fully on this measure in the future.

## Appendix A

### Changes to performance measures

Please note that 8 performance measures used in our 2010-2011 Statement of Mandate and in previous business plans have been eliminated. The list of measures and the rationale for their elimination appear below:

<b>Performance Measure</b>	<b>Rationale for elimination</b>
1) Annual cost of providing justice services 2) Per capita costs of providing justice services	Budget allocations are set by Treasury Board and are outside the control of the Department of Justice.
3) Federal funds leveraged by the Department of Justice	Federal funding allocations to the provinces are set by the federal government and outside the control of the Department of Justice
4) % of civil cases reaching final disposition within 12 months 5) % of family cases reaching final disposition within 12 months	The Department of Justice has limited control over civil and family court processes where the pace is largely set by judges and litigants.
6) % of family cases that reach consent through conciliation	Conciliation is generally not available outside of HRM and CBRM areas at this time and thus does not allow us to provide province- wide data.
7) Number of conditional sentence order breaches 8) Number of probation order breaches	These measures are no longer connected to the Department's priorities. There is also no reliable source of data for these measures.