

DEPARTMENT OF JUSTICE

**ANNUAL ACCOUNTABILITY REPORT FOR THE
FISCAL YEAR 2011-2012**

July 24, 2012

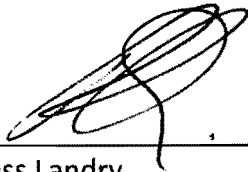
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ACCOUNTABILITY STATEMENT

The accountability report of the Nova Scotia Department of Justice for the year ended March 31, 2012 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 2011-2012. 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 2011-2012 Statement of Mandate.



Ross Landry
Minister of Justice



Judith Ferguson
Deputy Minister of Justice

MESSAGE FROM THE MINISTER AND DEPUTY MINISTER

It is our pleasure to present this year's Accountability Report for the Nova Scotia Department of Justice. This report provides an overview of the Department's progress and accomplishments in fulfilling its 2011-2012 commitments and the results achieved in meeting its performance targets.

A number of significant activities were completed over the last year that reflect the Department's ongoing commitment to ensure:

That our justice system is properly administered and cost effective:

For example, the Department was able to expand its use of technology, such as the development and use of Electronic Summary Offence Tickets, to improve efficiencies within the justice system. The Department also successfully negotiated a new Police Services Agreement with the federal government.

That there is public confidence in the justice system:

To increase its level of public accountability and confidence, the Department established the Serious Incident Response Team (SIRT), an independent agency to investigate serious incidents such as death, serious injury, sexual assault, or other public-interest concerns involving police in Nova Scotia. To ensure that family laws better reflect the realities of Nova Scotian families today, the Department of Justice completed the first phase of a process to review and reform family laws in the province. The Department also received a favourable review from the Auditor General for implementing and responding to the recommendations from the Nunn Inquiry. The Department of Justice has been working to address recommendations from the *Report of the Fatality Inquiry into the Death of Howard Hyde*. We are dedicated to working in partnership with the Department of Health and Wellness to improve how the justice and health care systems respond to and care for those living with mental illness in Nova Scotia.

That people are and feel safe and secure:

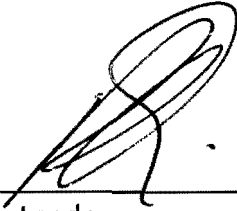
Over the course of the last year, and in collaboration with its many government and community partners, the Department began to implement the province's first comprehensive action plan to address domestic violence. The Department also established an in-patient acute mental health unit at the East Coast Forensic Hospital and re-located the in-patient acute mental health unit from the IWK to the Nova Scotia Youth Facility in Waterville.

That people make constructive choices:


Over the course of the past year, the Department introduced a crime prevention framework to reduce and prevent crime in Nova Scotia.

We hope you will find the information about these initiatives, and others, helpful in understanding the important work of the Department of Justice and its many dedicated employees throughout the province.

Respectfully,



Ross Landry
Minister of Justice



Judith Ferguson
Deputy Minister of Justice

FINANCIAL RESULTS

Nova Scotia Department of Justice		
	2011-2012 Estimate	2011-12 Actual
Program & Service Area	(\$ thousands)	(\$ thousands)
Gross Departmental Expenses:		
Administration	26,437	22,985
Nova Scotia Legal Aid	21,486	21,986
Court Services	63,839	63,159
Correctional Services	59,067	58,330
Compliance & Internal Investigation Service	616	463
Public Trustee	2,213	2,151
Fatality Inquiry Act	3,360	4,001
Public Safety	117,408	114,678
Serious Incident Response Team	427	255
EMO	7,183	7,482
Total Gross Department Expenses	302,036	295,490
Additional Information:		
Ordinary Revenue	(1,578)	(1,672)
Fees and Other Charges	(20,578)	(19,675)
Ordinary Recoveries	(100,324)	(101,500)
TCA Purchase Requirements	2,165	1,850
Provincial Funded Staff (FTEs)	1,630	1,538

MEASURING OUR PERFORMANCE

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? An on-line client satisfaction survey of deputy ministers and senior managers across Nova Scotia Government departments and agencies was conducted in January of 2011. Results indicate that there is a very high level of client satisfaction. 97% of participants were either satisfied (29.2%) or very satisfied (67.4%) 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 areas of timeliness of information, quality of work, and relevance of information.

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.

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 2006-07 and 2010-11, adult case processing times in Nova Scotia increased by 29 days. The national average showed steady decline from 2006-07 to 2009-10 but increased by 14 days in the most recent year. In 2010-11, Nova Scotia's average case processing time for adult courts was 228 days, 10 days (4%) less than the national average.

ADULTS Average elapsed time (days)		
Year	Nova Scotia	Canada
2000-01 (base year)	219	174
2006-07	199	250
2007-08	195	246
2008-09	210	230
2009-10	223 ^r	224
2010-11	228	238
2011-12	239*	

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

^r = revised figure

* note that 2011-12 figure is based on NSDoJ data. When Statistics Canada data for 2011-12 become available (May of 2013), figures will be revised and national level data included.

Where do we want to be in the future? The target for this measure is to meet or fall below the Canadian average elapsed time to complete an adult case in criminal court .

(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.

Where are we now? In 2011-2012, the average youth case processing time was 101 days, 24 days less than the previous year and the lowest it has been since the base year.

Reducing youth case processing times in the province remains a priority for the Nova Scotia Department of Justice and its justice partners. The Department recognizes that case processing times are affected by a variety of factors throughout the justice system. Reducing case processing times requires the combined efforts of the Police, the Nova Scotia Public Prosecution Service, Legal Aid, the Judiciary, the Courts and Corrections.

YOUTH Average elapsed time (days)¹	
Year	Nova Scotia
2006-07 (base year)	120
2007-08	112
2008-09	122
2009-10	125 ^r
2010-11	125
2011-12	101

^r = revised figure

Where do we want to be in the future? The Department continues to work with its justice partners to identify ways to reduce case processing times to reach the target of 98 days, established in response to the Nunn Commission.

¹ 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.

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 ¹ (base year)	9%	45%	34%	12%
2011 ¹	12%	59%	24%	5%

¹ sample size margin of error is 4.9%. Please note that this question is now only included in the Public Opinion Survey every two years. Results for this measure are, therefore, not available for 2012.

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 2012 data.

Where are we now? The percentage of Nova Scotians who have some or a great deal of confidence in the justice system was stable in 2012 compared with 2005 (74% both years). 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 ¹ (base year)	12%	62%	17%	9%
2012 ¹	12%	62%	16%	8%

¹ 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.

(5) MAJOR INCIDENTS INVOLVING PERSONS IN CUSTODY

Please note the change in wording of this measure from “Major incidents involving offenders/prisoners” as outlined in our 2011-2012 Statement of Mandate. Also 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, the performance measures related to “major incidents” have changed and cannot be compared with data on major incidents included in past accountability reports.

What does this measure tell us? This measure tracks major incidents involving persons in custody as per the Department’s policy on disclosure of information. Major incidents include, but are not limited to: assault in custody requiring hospitalization, death in custody, escape from custody, seizure of explosives or firearms, riot. For a complete list of the types of major incidents tracked please see page 21 of this report.

Where are we now? There were 16 major incidents² involving persons in custody that occurred in Nova Scotia in 2011-2012.

Type of Major Incident	Base Year Data (2011-12)
Major disturbance at a correctional facility	0
Lockdown ³	4
Major disruptions of day-to-day activities in a correctional facility or Justice Centre/Court	0
Purposeful damage to a correctional facility, Justice Centre/Court, Department of Justice office or Department vehicle estimated to be in excess of \$5,000	0
Motor vehicle accident which occurs while transporting a person(s) in custody	0
Assault committed by a person in custody against another person within a correctional facility	3
Escape from custody including escape from Sheriff Services	3
Wrongful release of a person from custody	2
Seizure of explosives or firearms at a correctional facility or Justice Centre/Court	0
Hostage taking	0
Bomb threat	0
Major seizure of drugs at a correctional facility	1 ⁴
Closure of a correctional facility to the public as a result of a health concern	0
Death of a person while in custody	3

² Note that the list of major incidents that appears on the NS Dept of Justice Website includes a description of three additional incidents for 2011-2012 that do not meet the criteria for “major incident” as outlined in the Department’s Disclosure Policy.

³ Note that the “lockdown” category, on its own, was discontinued in October, 2011. Lockdowns continue to be tracked when they result from the occurrence of another major incident.

⁴ Note that this seizure incident also resulted in a facility lockdown.

Where do we want to be in the future? Our goal is to have no major incidents involving persons in custody.

STRATEGIC DIRECTION: People are and feel safe and secure

Please note that measures related to the volume and severity of police-reported crime (labeled as measures 6a, 6b and 7 in our 2011-2012 Statement of Mandate) have been moved to our fourth Strategic Direction -- People Make Constructive Choices -- and renumbered as 8a, 8b and 9 (see pages 17-19).

(6) PUBLIC PERCEPTION OF SAFETY IN THE HOME

Note that this measure was labeled as measure number 8 in our 2011-2012 Statement of Mandate.

What does this measure tell us? The *Atlantic Quarterly Survey* provides an indication of the public's perception of safety in the home by asking respondents to provide a rating of how worried they are about safety from crime when alone in their home in the evening or at night.

Where are we now? The percentage of Nova Scotians who feel safe in their homes increased between 2005 and 2012. In 2012, the majority of Nova Scotians (57%) reported that they were "not at all worried" when home alone at night. An additional 30% indicated they were "not very worried". Only 1% of Nova Scotians indicated being "very worried" when home alone at night. Overall results are presented below:

Year	Not at all worried when home alone at night	Not very worried when home alone at night	Somewhat worried when home alone at night	Very worried when home alone at night
2005 ¹ (base year)	49%	27%	21%	2%
2012 ¹	57%	30%	12%	1%

¹ 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.

(7) PUBLIC PERCEPTION OF SAFETY IN THE NEIGHBOURHOOD

Note that this measure was labeled as measure number 9 in our 2011-2012 Statement of Mandate.

What does this measure tell us? The *Atlantic Quarterly Survey* provides an indication of the public's perception of safety in their neighbourhood by asking respondents to rate how safe they feel when walking alone in their neighbourhood after dark.

Where are we now? The percentage of Nova Scotians who felt safe in their neighbourhoods remained relatively stable between 2005 and 2012, with three-quarters of persons (75%) indicating that they felt "reasonably" or "very" safe walking alone in their neighbourhoods after dark. In 2012, 6% of Nova Scotians indicated feeling "very unsafe" walking alone after dark and 7% of Nova Scotians do not walk alone at night. Overall results are presented below:

Year	Feel very safe walking alone after dark	Feel reasonably safe walking alone after dark	Feel somewhat unsafe walking alone after dark	Feel very unsafe walking alone after dark	Do not walk alone at night
2005 ¹ (base year)	34%	40%	13%	5%	7%
2012	36%	39%	12%	6%	7%

¹ 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.

STRATEGIC DIRECTION: People make constructive choices

(8a) VOLUME OF CRIME AS MEASURED BY THE CRIME RATE PER 100,000 POPULATION

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.

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 dropped by 7% in 2011. The overall crime rate has decreased by 20% since 2005. The violent crime rate dropped 7% in 2011. Nova Scotia's violent crime rate has dropped 24% since 2005. In comparison, the violent crime rate for Canada as a whole has dropped 11% 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 decreased by 7% in 2011.

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 2011 for Nova Scotia and Canada follows:

Crime Rate per 100,000 population

	Nova Scotia					Canada				
	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
Violent	1,704	1,710	1,654	1,563	1,458	1,352	1,331	1,318	1,287	1,231
Property	4,601	4,160	4,176	4,323	4,021	4,519	4,249	4,110	3,824	3,520
Other	1,191	1,118	1,099	1,077	1,022	1,028	1,037	1,015	1,027	1,005
Total	7,496	6,988	6,928	6,964	6,501	6,899	6,617	6,442	6,139	5,756

(8b) SEVERITY OF CRIME AS MEASURED BY THE 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 declined by 5% in 2011. The severity of violent crime in the province remained stable and there was a 7% decrease in the severity of non-violent crime. The overall crime severity index for Nova Scotia has decreased by 23% 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 2011 for Nova Scotia and Canada follows:

Crime Severity Index, Nova Scotia and Canada, 2007 to 2011

	Crime Severity Index		Violent Crime Severity Index		Non-violent Crime Severity Index	
	Nova Scotia	Canada	Nova Scotia	Canada	Nova Scotia	Canada
2007	91.9	95.2	92.0	97.7	91.8	94.2
2008	84.0	90.4	88.7	94.9	82.3	88.7
2009	83.8	87.5	89.6	94.0	81.6	85.0
2010	83.4	82.7	84.4	88.9	83.0	80.3
2011	79.1	77.6	84.7	85.3	76.9	74.7

(9) VOLUME OF YOUTH CRIME AS MEASURED BY THE YOUTH-ACCUSED CRIME RATE PER 100,000 POPULATION AGED 12 TO 17 YEARS

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 2% in 2011, continuing the declining trend for a fifth 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 6%) and to a decline in youth violent crime (down 4%) while the rate of youth accused of “other” *Criminal Code* offences increased by 11%.

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 2011 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
2007	10,565	6,782	3,041	1,955	5,422	3,582	2,102	1,245
2008	9,849	6,577	2,796	1,904	5,218	3,444	1,835	1,230
2009	9,449	6,592	2,677	1,895	5,075	3,484	1,698	1,214
2010	9,163	6,186	2,751	1,853	4,738	3,170	1,674	1,163
2011	8,985	5,564	2,649	1,756	4,470	2,735	1,866	1,074

10A) PERCENT OF INCARCERATED ADULT OFFENDERS WHO RE-OFFEND

10B) PERCENT OF INCARCERATED YOUNG OFFENDERS WHO RE-OFFEND

Please note that the measures related to the percent of incarcerated adult and young offenders who re-offend which were included in our 2012-12 Statement of Mandate, have been removed from our current list of performance measures as a standardized and reliable measure of re-contact is still under development.

Notes pertaining to performance measures:

1) "Major Incidents" as defined by the Nova Scotia Department of Justice's policy on *Disclosure of Information on Major Incidents Involving Persons in Custody (revised October 24, 2011)*:

- A major disturbance at a correctional facility (a disturbance of four or more persons in custody, over a protracted period of 60 minutes or longer, and (a) necessitating the hold or call back of staff or (b) exceeding the resource capacity of the facility, and requiring emergency police services to respond to the identified threat);
- Major disruptions of day-to-day activities in a correctional facility or Justice Centre/Court (including major power outages or loss of telephone service) where it has been determined that there is a threat to public safety;
- Purposeful damage to a correctional facility, Justice Centre/Court, Department of Justice office or Department vehicle estimated to be in excess of \$5,000;
- A motor vehicle accident which occurs while transporting a person(s) in custody resulting in an emergency medical response at the scene or inpatient hospitalization;
- Assault committed by a person in custody against another person within a correctional facility, while in the custody of Sheriff Services, or while in court resulting in serious injury that requires inpatient hospitalization;
- Escape from custody including escape from Sheriff Services, escape from correctional facilities and escape from escorted temporary absences;
- Wrongful release of a person from custody prior to the expiration of his or her sentence or remand;
- Seizure of explosives or firearms at a correctional facility or Justice Centre/Court;
- A hostage taking;
- A bomb threat;
- Major seizure of drugs at a correctional facility;
- Closure of a correctional facility to the public as a result of a health concern (e.g., flu outbreak); and,
- The death of a person while in custody.

Appendix A

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 Labor 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

Table A.1

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

Information required under Section 18 of the Act	Fiscal Year 2011-2012
The number of disclosures received	0
The number of findings of wrongdoing	n/a
Details of each wrongdoing	n/a
Recommendations and actions taken on each wrongdoing	n/a