

PUBLIC PROSECUTION SERVICE

Annual Accountability Report for the Fiscal Year 2011-2012

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Accountability Statement

The accountability report of the Nova Scotia Public Prosecution Service 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 Public Prosecution Service's Statement of Mandate for the fiscal year 2011-2012. The reporting of the Public Prosecution Service outcomes necessarily includes estimates, judgments and opinions by the Public Prosecution Service.

We acknowledge that this accountability report is the responsibility of the Nova Scotia Public Prosecution Service. This report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Public Prosecution Service 2011-2012 Statement of Mandate.

In terms of accountability, it should be noted that the Nova Scotia Public Prosecution Service was established in 1990 as the first statutorily-based independent prosecution service in Canada. All prosecutions within the jurisdiction of the Attorney General of Nova Scotia are the responsibility of the Director of Public Prosecutions. Crown Attorneys responsible to the Director conduct prosecutions independently of the Minister. The only limitation on the operational independence of the Director permitted by the Public Prosecutions Act 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.

Martin E. Herschorn, Q.C.
Director of Public Prosecutions

Date

Message from the Director of Public Prosecutions

I am pleased to present this accountability report of the Nova Scotia Public Prosecution Service for 2011-2012.

This year our 92 Crown Attorneys across the province dealt with 48,850 criminal charges and prosecuted 12,522 provincial statute violations.

Education was a major priority for the PPS this year. Continuing legal education for Crown Attorneys and professional development for support staff is vital as criminal law evolves and changes. A three day in-house educational conference was held and many Crown Attorneys were sent to outside conferences and training programs.

The PPS instituted a new policy requiring Crown Attorneys to record all legal advice provided to police. This is essential not only to be able to ascertain an accurate workload measurement but also to help ensure the delivery of quality legal advice.

E-disclosure became an important priority over the last year. A standardized format of electronic disclosure coming to the Crown from all police agencies across the province is vital to the efficient and effective prosecutions of criminal and regulatory offences. The PPS formed a committee to revise existing disclosure protocol. This is a major cross-sectoral project and will take a few years to complete.

Security for Crown Attorneys and staff remained an important focus over the last year. The PPS is working with the Department of Justice on courthouse security measures and continues to focus on security matters in its offices across the province.

This past year the PPS, along with all government departments and agencies, continued to grapple with budget challenges brought about by the global economy. As a cost-reducing measure the PPS eliminated one management position while continuing to be vigilant about cost savings in all other areas. The priority when implementing cost reduction strategies was to maintain support for the in-court responsibilities of Crown Attorneys.

The PPS continued to provide communications designed to enhance community understanding of the role of the Crown Attorney and of the prosecutorial process. As was the case last year, issues management required significant resources with regard to many ongoing high profile cases.

The PPS continues to do an important job for Nova Scotians as it fulfills its crucial role in the criminal justice system.

Martin E. Herschorn, Q.C.
Director of Public Prosecutions

Financial Results

Program & Service Area	2011–2012 Estimate	2011–2012 Actuals
	(\$ thousands)	(\$ thousands)
Program Expenses:		
Head Office	3,006	2,723
Cape Breton Region	2,708	2,955
Central Region	2,452	2,790
Halifax Region	6,145	6,878
Western Region	2,359	2,780
Special Prosecutions	1,333	1,759
Appeals	921	1,028
Total Program Expenses	18,924	20,913
Provincial Funded Staff (FTEs)	166.2	167.3

Measuring Our Performance

OUTCOME DESCRIPTION	WHAT DOES THIS MEASURE TELL US?	WHERE ARE WE NOW?	WHERE DO WE WANT TO BE?
<p>High quality trial work</p>	<p>That the PPS is delivering high quality trial work by Crown Attorneys who attain a performance evaluation of competent or higher; are provided with adequate preparation time for in-court work; are supported by continuing legal education; and, where applicable, are mentored by senior colleagues. These elements ensure the delivery of high quality trial work in presenting the evidence thoroughly and fairly to ensure the proper verdict is reached.</p>	<p>All Nova Scotia Crown Attorneys have achieved a performance rating of competent or higher. They are generally given adequate time to prepare cases for court. They are provided with continuing legal education. A mentoring program has been developed and is in place.</p>	<p>Crown Attorney performance evaluations would be enhanced by in-court monitoring. A case management information system would maximize efficiencies as Crowns prepare for and deliver their cases in court.</p>

<p>High quality appeal work</p>	<p>That the PPS is delivering high quality appeals work by Crown Attorneys who attain a performance evaluation of competent or higher; are provided with adequate preparation time for in-court work; are supported by continuing legal education; and, where applicable, are mentored by senior colleagues. These elements ensure the delivery of high quality appeal work in presenting the evidence thoroughly and fairly to ensure the proper decision is reached.</p>	<p>All Appeals Crown Attorneys have achieved a performance rating of competent or higher. They are always given adequate time to prepare cases for court. They are provided with continuing legal education. A mentoring program has been developed and is in place.</p>	<p>Crown Attorney performance evaluations would be enhanced by in-court monitoring. A case management information system would maximize efficiencies as Crowns prepare for and deliver their cases in court.</p>
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<p>Provide high quality legal advice and assistance</p>	<p>That the PPS is providing police with high quality legal advice and assistance when requested during the course of police investigations. This helps police in collecting evidence and laying appropriate charges. Ultimately, high quality legal advice to police helps to ensure quality trial work when the case goes to court.</p>	<p>The PPS continues to provide timely responses to requests from police and provincial enforcement officers for legal advice on particular cases or direction on matters of criminal law.</p> <p>During 2011-12 the PPS implemented a policy of requiring Crown Attorneys to record all advice given to police so that the PPS may measure both quality and quantity of advice.</p>	<p>All advice to police should be examined and evaluated to make a determination on volume and Crown workload. As well, a quality analysis should be undertaken.</p>
<p>Provide Crown representation in the development of criminal law and criminal prosecution policy</p>	<p>That the PPS provides input into the development of criminal law and criminal prosecution policy from both an administrative and a frontline perspective.</p>	<p>The PPS participates in joint meetings, including Federal/Provincial/Territorial (FPT) Ministers and Deputy Ministers meetings, Coordinating Committee of Senior Justice Officials and FPT Heads of Prosecutions, meetings of the Provincial Justice Partners Committee and the International Association of Prosecutors. Crown Attorneys also participate in provincial policy initiatives. The PPS continues to liaise with other prosecution services to maintain awareness of best practices for delivery of prosecution services.</p>	<p>To maintain or enhance the existing level of contribution to policy development.</p>

APPENDICES

All statistics with the exception of appeals received through the kind co-operation of the Nova Scotia Department of Justice.

APPENDIX A

**Criminal Code Charges in Provincial Court
by Offence Category and Judicial Centre 2011-2012**

OFFENCE CATEGORIES	HALIFAX	DARTMOUTH	AMHERST	KENTVILLE	BRIDGEWATER	NEW GLASGOW
Homicide & Related	17	5	1	0	1	0
Attempted Murder	14	30	1	1	0	0
Robbery	226	74	0	35	25	3
Sexual Assault	69	47	15	43	27	17
Other Sexual Offences	52	34	18	52	29	16
Kidnaping	66	59	12	11	11	2
Abduction	0	0	0	5	0	0
Break & Enter	311	272	104	107	63	31
Weapons	1,408	1,082	61	91	75	97
Fraud & Identity Theft	683	785	63	70	98	38
Major Assault	633	387	57	114	84	47
Simple Assault	749	585	138	279	224	162
Theft	1,216	702	134	229	225	195
Stolen Property	1,209	668	65	88	75	103
Arson	7	15	1	1	13	6
Property Damage – Mischief	589	348	110	158	131	92
Morals - Sex	40	37	5	13	7	22
Public Order	51	44	14	21	21	7
Criminal Code Traffic	113	146	44	40	43	19
Administration of Justice	5,308	3,989	479	744	584	473
Impaired Driving	788	773	205	299	187	175
Uttering threats	468	365	66	118	116	92
Criminal Harassment	60	27	4	8	6	8
Trespassing at Night	134	45	2	1	3	41
Intimidation	21	14	1	1	7	1
Conspiracy	62	67	10	0	0	3
Other Criminal Code	39	19	3	15	14	10
TOTAL	14,333	10,619	1,613	2,544	2,069	1,660

Continued . . .

**Criminal Code Charges in Provincial Court
by Offence Category and Judicial Centre 2011-2012**

OFFENCE CATEGORIES	SYDNEY	TRURO	ANTIGONISH	PORT HAWKESBURY	YARMOUTH	DIGBY	TOTAL
Homicide & Related	2	2	0	0	0	0	28
Attempted Murder	15	2	0	0	0	0	63
Robbery	29	28	0	16	7	1	444
Sexual Assault	43	23	5	8	12	14	323
Other Sexual Offences	54	18	5	10	23	5	316
Kidnaping	41	19	2	2	19	6	250
Abduction	0	0	0	1	0	5	11
Break & Enter	234	151	19	45	59	60	1,456
Weapons	192	221	61	72	61	315	3,736
Fraud & Identity Theft	84	88	25	19	213	32	2,198
Major Assault	234	132	17	40	60	43	1,848
Simple Assault	632	205	41	96	159	112	3,382
Theft	468	224	47	49	94	67	3,650
Stolen Property	141	234	15	25	46	42	2,711
Arson	14	1	0	0	1	0	59
Property Damage -- Mischief	422	142	20	47	98	98	2,255
Morals - Sex	262	2	2	1	11	2	404
Public Order	36	16	3	4	15	9	241
Criminal Code Traffic	63	52	26	21	24	15	606
Administration of Justice	4,203	830	216	289	596	381	18,092
Impaired Driving	424	333	147	135	174	189	3,829
Uttering Threats	473	108	27	62	84	73	2,052
Criminal Harrassment	45	10	2	0	8	4	182
Trespassing at Night	20	67	7	1	7	1	329
Intimidation	2	4	0	1	0	0	52
Conspiracy	4	5	0	0	0	0	151
Other Criminal Code	29	31	0	1	11	10	182
TOTAL	8,166	2,948	687	945	1,782	1,484	48,850

APPENDIX B**Provincial Statute Cases by Judicial Centre 2011-2012**

	MOTOR VEHICLE ACT	LIQUOR CONTROL ACT	OTHER PROVINCIAL STATUTES	TOTAL
Halifax	6,477	301	229	7,007
Dartmouth	2,909	31	179	3,119
Amherst	116	12	47	175
Kentville	331	29	43	403
Bridgewater	258	32	46	336
New Glasgow	129	38	21	188
Sydney	112	34	36	182
Truro	183	11	38	232
Antigonish	67	32	18	117
Port Hawkesbury	157	14	25	196
Yarmouth	220	24	48	292
Digby	171	36	68	275
TOTAL	11,130	594	798	12,522

APPENDIX C

Appeals Branch Statistics

The following are statistics related to the operations of the Appeals Branch covering the period April 1, 2011 to March 31, 2012.

The Branch participated in 49 appeals heard by the Court of Appeal. Of this number:

- 5 were initiated by the Crown
- 44 were initiated by offenders

Of the appeals initiated by the Crown, one dealt with acquittal, three dealt with sentence, and one dealt with a special order made by the summary conviction appeal court.

Of the 44 appeals initiated by offenders:

- 23 dealt with conviction
- 16 dealt with sentence
- 3 involved a motion to adduce fresh evidence
- 2 involved a special order made by the trial court

Of the appeals initiated by offenders, three fell under the Youth Criminal Justice Act and four were argued by self-represented inmates.

The Appeals Branch was also involved in 18 appeals which were abandoned, quashed or dismissed without a full hearing in the Court of Appeal, or were ordered transferred to the summary conviction appeal court (Supreme Court of Nova Scotia). Of this number, two had been initiated by the Crown and 16 by offenders.

The Appeals Branch participated in 153 Chambers motions heard by a single judge of the Court of Appeal. Chambers motions include motions for a hearing date and the filing of appeal books and factums, adjournments, bail pending appeal, extension of time to appeal, directions and updates in appeals, appointment of counsel in prisoners' appeals, and striking appeals from the Court's docket. Uncontested motions are usually conducted over the telephone (teleconference Chambers), and both contested and uncontested motions are heard in open court (regular Chambers).

The Appeals Branch received 13 recommendations for appeal from trial Crown attorneys. Of this number, six were approved for appeal.

The Appeals Branch received decisions in five applications for leave to appeal to the Supreme Court of Canada, two filed by the Crown and three by offenders. Offenders filed three applications for leave to appeal in the Supreme Court of Canada, and the Crown one. The Crown filed one notice of appeal in the Court, participated in one full hearing before the Court, and received judgment in two appeals.

APPENDIX D

Public Interest Disclosure of Wrongdoing

INFORMATION REQUIRED UNDER SECTION 18 OF THE ACT	FISCAL YEAR 2011-2012
The number of disclosures received	0
The number of findings of wrongdoing	0
Details of each wrongdoing	N/A
Recommendations and actions taken on each wrongdoing	N/A