

PUBLIC PROSECUTION SERVICE

Annual Accountability Report for the Fiscal Year 2012-2013

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Accountability Statement

The accountability report of the Nova Scotia Public Prosecution Service for the year ended March 31, 2013 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 2012-2013. 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 2012-2013 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 2012-2013.

This year our 92 Crown Attorneys across the province dealt with 44,269 criminal charges and prosecuted 13,412 provincial statute violations.

Education was a major priority for the PPS this year. Continuing legal education and professional development 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 including the Ontario Crown School and French language training at the Quebec Crown School for several of our bilingual Crowns.

The PPS continues to monitor compliance with its recently established policy requiring Crown Attorneys to record all legal advice provided to police. The PPS is exploring ways to structure a process to accurately capture both quantitative and qualitative data surrounding this core business function of providing legal advice to police.

The e-disclosure initiative made great strides this year. After extensive consultation with police and other justice partners, a standardized e-disclosure format was developed and a pilot project got underway in Cape Breton. Full rollout across the province is expected in 2013-14 using lessons learned from the Cape Breton pilot.

Security for Crown Attorneys and staff continued to be an important focus. This year the PPS participated in discussions with the Department of Justice which resulted in physical changes to court room layouts in HRM. These renovations are making court rooms safer places for Crown Attorneys and others.

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

	2012-2013 Estimate	2012-2013 Actual
Program and Service Area	(\$ thousands)	(\$ thousands)
GROSS DEPARTMENTAL EXPENSES		
Head Office	\$2,773	\$2,951
Cape Breton Region	2,870	2,938
Central Region	2,501	2,828
Halifax Region	6,380	6,416
Western Region	2,522	2,844
Special Prosecutions	936	1,063
Appeals	1,526	1,624
Total Gross Departmental Expenses	\$19,508	\$20,664
ADDITIONAL INFORMATION:		
Fees and Other Charges	0	0
Ordinary Recoveries	(\$216)	(\$260)
TCA Purchase Requirements	-	-
Provincial Funded Staff (FTEs)	168.2	166.9

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 2012-13 the PPS saw Crown Attorneys, in accordance with its new policy, begin 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 assessment 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 2012-2013**

OFFENCE CATEGORIES	HALIFAX	DARTMOUTH	AMHERST	KENTVILLE	BRIDGEWATER	NEW GLASGOW
Homicide	4	5	0	0	0	0
Attempted Murder	45	11	0	0	0	0
Robbery	187	61	11	20	4	9
Sexual Assault	47	39	19	41	21	5
Other Sexual Offences	121	26	8	49	8	16
Major Assault	589	391	51	106	91	51
Common Assault	717	477	116	253	183	154
Uttering Threats	431	302	70	154	106	122
Criminal Harassment	53	34	4	11	12	7
Other Crimes Against a Person	88	96	15	22	11	8
Theft of Motor Vehicle	60	25	11	21	6	29
Theft	1,024	583	118	228	133	99
Break and Enter	308	139	23	88	49	67
Fraud	601	389	28	85	53	30
Mischief	425	268	90	140	90	110
Possession Stolen Property	1,035	557	51	128	54	58
Other Property Crimes	121	62	3	17	7	8
Failure to Attend Court	201	170	13	14	5	7
Breach of Probation	1,461	971	122	204	104	63
Unlawfully at Large	44	95	8	6	4	6
Failure to Comply with Order	3,554	2,216	271	460	323	312
Other Administration of Justice	239	202	35	87	46	26
Weapons Offences	1,000	962	73	105	102	50
Prostitution	1	0	0	0	4	0
Disturbing the Peace	70	18	14	15	12	5
Residual Criminal Code	165	81	22	52	14	24
Impaired Driving	642	708	136	345	177	108
Other Criminal Code Traffic	148	122	31	70	22	21
TOTAL	13,381	9,010	1,343	2,721	1,641	1,395

Continued . . .

**Criminal Code Charges in Provincial Court
by Offence Category and Judicial Centre 2012-2013**

OFFENCE CATEGORIES	SYDNEY	TRURO	ANTIGONISH	PORT HAWKESBURY	YARMOUTH	DIGBY	TOTAL
Homicide	4	3	0	0	0	0	16
Attempted Murder	2	0	0	0	0	1	59
Robbery	31	22	4	0	15	5	369
Sexual Assault	48	26	7	6	15	19	293
Other Sexual Offences	27	42	8	8	20	15	348
Major Assault	283	107	35	61	59	51	1,875
Common Assault	640	196	59	117	156	84	3,152
Uttering Threats	402	84	33	53	94	61	1,912
Criminal Harassment	35	3	2	4	9	1	175
Other Crimes Against a Person	40	22	5	13	12	11	343
Theft of Motor Vehicle	36	1	4	1	5	27	226
Theft	502	271	29	53	66	57	3,163
Break and Enter	166	123	19	50	31	47	1,110
Fraud	114	33	14	14	19	82	1,462
Mischief	327	132	33	43	80	71	1,809
Possession Stolen Property	223	163	15	25	17	61	2,387
Other Property Crimes	37	19	2	6	6	4	292
Failure to Attend Court	111	37	6	17	7	8	596
Breach of Probation	948	156	113	98	167	147	4,554
Unlawfully at Large	9	2	4	1	2	0	181
Failure to Comply with Order	2,714	548	191	242	308	212	11,351
Other Administration of Justice	138	25	23	27	48	25	921
Weapons Offences	310	111	6	38	55	74	2,886
Prostitution	1	0	0	0	0	0	6
Disturbing the Peace	33	7	3	5	22	4	208
Residual Criminal Code	141	23	13	32	19	19	605
Impaired Driving	428	291	104	118	130	164	3,351
Other Criminal Code Traffic	67	36	23	14	37	28	619
TOTAL	7,817	2,483	755	1,046	1,399	1,278	44,269

APPENDIX B

Provincial Statute Cases by Judicial Centre 2012-2013

	MOTOR VEHICLE ACT	LIQUOR CONTROL ACT	OTHER PROVINCIAL STATUTES	TOTAL
Halifax	6,192	236	177	6,605
Dartmouth	4,354	36	238	4,628
Amherst	115	12	26	153
Kentville	303	50	42	395
Bridgewater	188	10	29	227
New Glasgow	95	23	14	132
Sydney	101	16	15	132
Truro	170	7	82	259
Antigonish	63	30	8	101
Port Hawkesbury	92	19	87	198
Yarmouth	132	16	76	224
Digby	221	45	92	358
TOTAL	12,026	500	886	13,412

APPENDIX C

Appeals Branch Statistics

The following are statistics related to the operations of the Appeals Branch covering the period April 1, 2012 to March 31, 2013.

The Branch participated in 35 appeals heard by the Court of Appeal. Of this number:

- 3 were initiated by the Crown
- 32 were initiated by offenders

Of the appeals initiated by the Crown, two dealt with sentence and one dealt with a special order made by the Court of Appeal declaring an appeal abated due to the death of the offender.

Of the 32 appeals initiated by offenders:

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

Of the appeals initiated by offenders, none fell under the Youth Criminal Justice Act and four were argued by self-represented inmates.

The Appeals Branch was also involved in 11 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, three had been initiated by the Crown and eight by offenders.

The Appeals Branch participated in 210 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 15 recommendations for appeal from trial Crown Attorneys. Of this number, five were approved for appeal.

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

APPENDIX D

Public Interest Disclosure of Wrongdoing

INFORMATION REQUIRED UNDER SECTION 18 OF THE ACT	FISCAL YEAR 2012-2013
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