

PUBLIC PROSECUTION SERVICE

Annual Accountability Report for the Fiscal Year 2013-2014

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Accountability Statement

The accountability report of the Nova Scotia Public Prosecution Service for the year ended March 31, 2014 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 just ended. 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 2013-2014 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 2013-2014.

This year our 92 Crown Attorneys across the province dealt with 41,719 criminal charges and prosecuted 10,229 provincial statute violations.

Education and training was a major priority for the PPS this year. To accommodate the provincial government's move to new software programs, a three day conference was held for support staff to provide training in those programs. Crown Attorneys attended the PPS's annual fall educational conference for three days of education on a variety of criminal law topics. The conference program allowed our Crown Attorneys to achieve full compliance with the requirements set by the Nova Scotia Barristers' Society for mandatory professional development for lawyers.

A committee was struck to develop a business plan to acquire a case management system. Criminal cases continue to increase in complexity. Comprehensive case management is essential in order to address workload balance issues and to ensure efficient and effective prosecutions. A case management system was identified this year in the PPS's review of the prosecution of Ernest Fenwick MacIntosh as a key component in addressing systemic delays.

The e-disclosure initiative made great strides this year. A successful pilot project was completed in Cape Breton in cooperation with the Cape Breton Regional Police and rollout across the province began in the fall of a standardized method of producing and transmitting e-disclosure in routine cases. This province is now one of the first to implement a standard which permits police to produce routine electronic files which are easily accessible, better organized and searchable by our Crown Attorneys

The PPS continued to work in cooperation with justice partners in identifying contributing causes of provincial court delay and to streamline the processing of cases. The PPS is represented on several committees tackling the problem. The PPS's e-disclosure rollout as well as its Crown file ownership pilot project in Cape Breton are but two initiatives to help reduce delay. The PPS is also involved in assessing and improving case processing times and, in partnership with Halifax Regional Police and the RCMP, has begun a witness coordination project in its Halifax Region offices.

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.

As expected, the PPS has seen several senior management retirements this year and has been successful in recruiting quality candidates to these positions.

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

Financial Results

	2013-2014 Estimate	2013-2014 Actual
Program and Service Area	(\$ thousands)	(\$ thousands)
GROSS DEPARTMENTAL EXPENSES		
Head Office	\$2,973	\$2,671
Cape Breton Region	3,022	3,159
Central Region	2,711	2,953
Halifax Region	6,656	7,028
Western Region	2,717	3,020
Special Prosecutions	1,638	1,729
Appeals	983	1,051
Total Gross Departmental Expenses	\$20,700	\$21,611
ADDITIONAL INFORMATION:		
Fees and Other Charges	0	0
Ordinary Recoveries	(\$216)	(\$260)
TCA Purchase Requirements	-	-
Provincial Funded Staff (FTEs)	168.2	167.9

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>The PPS is in its second year 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 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 2013-2014**

OFFENCE CATEGORIES	HALIFAX	DARTMOUTH	AMHERST	KENTVILLE	BRIDGEWATER	PICTOU
Homicide	8	13	0	1	0	0
Attempted Murder	30	10	1	3	0	0
Robbery	110	43	1	6	5	7
Sexual Assault	53	33	16	34	39	18
Other Sexual Offences	65	75	49	43	54	22
Major Assault	441	324	66	114	71	42
Common Assault	622	469	136	253	149	148
Uttering Threats	406	279	70	94	101	94
Criminal Harassment	55	34	12	6	8	4
Other Crimes Against a Person	97	52	21	15	17	5
Theft of Motor Vehicle	89	41	13	15	49	11
Theft	1,070	482	123	238	167	122
Break and Enter	426	114	64	73	102	37
Fraud	960	230	26	124	77	21
Mischief	354	205	77	93	80	67
Possession Stolen Property	1,297	565	44	133	101	54
Other Property Crimes	48	58	11	11	7	4
Failure to Attend Court	182	131	7	11	19	12
Breach of Probation	1,552	898	139	159	113	87
Unlawfully at Large	53	117	1	2	1	3
Failure to Comply with Order	3,438	2,192	357	371	365	263
Other Administration of Justice	223	162	39	55	34	16
Weapons Offences	740	870	54	137	79	42
Prostitution	24	0	0	0	1	0
Disturbing the Peace	58	23	21	13	9	10
Residual Criminal Code	205	39	26	26	21	21
Impaired Driving	597	698	132	349	140	152
Other Criminal Code Traffic	104	126	32	66	25	16
TOTAL	13,307	8,283	1,538	2,445	1,834	1,278

Continued . . .

**Criminal Code Charges in Provincial Court
by Offence Category and Judicial Centre 2013-2014**

OFFENCE CATEGORIES	SYDNEY	TRURO	ANTIGONISH	PORT HAWKESBURY	YARMOUTH	DIGBY	TOTAL
Homicide	0	2	0	2	0	1	27
Attempted Murder	7	2	0	0	2	0	55
Robbery	36	12	0	0	4	2	226
Sexual Assault	42	24	7	11	16	11	304
Other Sexual Offences	35	37	16	15	34	25	470
Major Assault	213	93	31	22	46	56	1,519
Common Assault	483	160	68	81	128	116	2,813
Uttering Threats	327	98	35	51	81	69	1,705
Criminal Harassment	15	3	6	6	5	3	157
Other Crimes Against a Person	46	18	5	10	7	7	300
Theft of Motor Vehicle	14	11	1	3	4	25	276
Theft	462	156	21	32	90	100	3,063
Break and Enter	144	54	19	25	64	215	1,337
Fraud	86	28	19	85	56	5	1,717
Mischief	277	73	22	49	72	48	1,417
Possession Stolen Property	226	95	5	5	55	163	2,743
Other Property Crimes	45	10	0	1	6	4	205
Failure to Attend Court	136	33	5	8	11	4	559
Breach of Probation	681	173	67	56	184	132	4,241
Unlawfully at Large	9	2	1	1	1	0	191
Failure to Comply with Order	2,073	518	125	147	266	236	10,351
Other Administration of Justice	108	48	13	20	43	19	780
Weapons Offences	168	136	16	28	38	45	2,353
Prostitution	1	0	0	0	0	6	32
Disturbing the Peace	19	13	3	4	14	2	189
Residual Criminal Code	104	11	5	4	21	146	629
Impaired Driving	415	451	118	93	166	177	3,488
Other Criminal Code Traffic	61	44	18	19	22	39	572
TOTAL	6,233	2,305	626	778	1,436	1,656	41,719

APPENDIX B

Provincial Statute Cases by Judicial Centre 2013-2014

(only includes cases with prosecutor assigned)

	MOTOR VEHICLE ACT	LIQUOR CONTROL ACT	OTHER PROVINCIAL STATUTES	TOTAL
Halifax	4,302	188	154	4,644
Dartmouth	2,842	24	185	3,051
Amherst	137	6	68	211
Kentville	291	26	34	351
Bridgewater	226	8	24	258
Pictou	157	20	15	192
Sydney	217	17	26	260
Truro	212	8	117	337
Antigonish	89	14	4	107
Port Hawkesbury	101	5	11	117
Yarmouth	273	25	53	351
Digby	205	19	126	350
TOTAL	9,052	360	817	10,229

APPENDIX C

Appeals Branch Statistics

The following are statistics related to the operations of the Appeals Branch covering the period April 1, 2013 to March 31, 2014.

The Branch participated in 40 appeals heard by the Court of Appeal. Of this number:

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

Of the appeals initiated by the Crown, two dealt with sentence and three dealt with acquittal.

Of the 35 appeals initiated by offenders:

- 17 dealt with conviction
- 12 dealt with sentence
- 2 involved a motion to adduce fresh evidence
- 4 involved a special order made by the trial court

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

The Appeals Branch was also involved in 21 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, one had been initiated by the Crown and 20 by offenders.

The Appeals Branch participated in 223 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 11 recommendations for appeal from trial Crown Attorneys. Of this number, two were approved for appeal.

The Appeals Branch received decisions in two 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. The Crown participated in one full hearing before the Court and received judgment in three appeals.

APPENDIX D

Public Interest Disclosure of Wrongdoing

INFORMATION REQUIRED UNDER SECTION 18 OF THE ACT	FISCAL YEAR 2013-2014
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