

PUBLIC PROSECUTION SERVICE

BUSINESS PLAN

2007-2008

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Message from the Director of Public Prosecutions

In recent years, business planning has played an ever-increasing role in guiding the operations of the Nova Scotia Public Prosecution Service (PPS). The business of the PPS involves the representation of the Attorney General in criminal and regulatory offence prosecutions before trial and appellate courts, the provision of pre-charge advice to police and other law enforcement agencies and contribution to the development and improvement of legal and prosecution policy.

This fiscal year the PPS will further work on the development of an electronic case management system which will enhance the Service's ability to track comprehensive case information, employ technology to support the disclosure of relevant information to the defence and produce valuable management information. The PPS is beginning a comprehensive user-testing of a commercially available case management software application. Crown Attorneys from all regions of the Service, supported by a business analyst, will participate. Results of this project will, hopefully, bring the Service closer to the selection of a case management tool.

The PPS will continue its emphasis on professional development of all of its staff by supporting the excellent initiatives of the Service's Education Committee. This energetic group of lawyers and support staff identify Service training needs and oversee the delivery of relevant education programs.

The Nunn Commission of Inquiry last year underscored the PPS's continuing focus on youth criminal justice matters. Crown Attorney training in this area will continue to be a priority in 2007-08. This year will also see two new Youth Court Crown Attorneys added to the PPS staff complement as per the Nunn Commission recommendations.

Expanding the Service's ability to conduct proceedings in French remains a priority. This year the Service will continue making training opportunities available to those Crown Attorneys who have a proficiency in French. This will complement the key French-language initiative of the provincial government.

The PPS will face a number of new challenges during this fiscal year. Anticipated Criminal Code amendments will expand the use of mandatory minimum sentences. This will likely result in fewer guilty pleas and the need for more prosecutorial resources to respond to a greater number of trials. The number of police investigations involving the use of the internet, particularly, to disseminate child pornography, will continue to increase. New investigation tools are also being employed. The PPS will have to identify further prosecutions and support staff to be deployed to respond to an increasing number of internet-related charges being laid by the police.

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The PPS has an important role to play in aiding law enforcement by making applications to enter the names of perpetrators on the recently introduced Sex Offender Information Registry. The Sex Offender Information Registration Act (SOIRA), in force as of December 15, 2004, establishes a database designed to assist peace officers in the investigation of sexual offences. The database contains the addresses, descriptions and other vital information relating to convicted sex offenders and is accessible to investigators as soon as they become aware of the commission of a sexual offence. The PPS has recently completed a Service-wide training initiative involving Crown Attorneys and support staff in proper procedures associated with implementing the SOIRA.

Crown Attorneys must also continue to play an integral role in the national DNA data bank regime. DNA data bank legislation has created another valuable tool for law enforcement. A properly and fully subscribed national DNA data bank assists the police in the identification of persons who have committed crimes, both local and cross-jurisdictional. In this way, its reputation for success serves as a deterrent to offenders. As importantly, this data bank aids law enforcement by narrowing the focus of investigation by excluding as suspects persons who have been wrongly accused. Subject to funding availability, the PPS will create a Crown Attorney resource exclusive to the preparation and presentation of all outstanding retroactive DNA order applications.

Business continuity planning will continue to receive more attention within the PPS in this period. The goal is to ensure that the Service is able to discharge its mandate in emergency situations, including winter storm or other hazardous conditions.

This year the Service will continue to focus on refining managerial skills in human resources (HR) and other administrative functions.

The PPS is now in its 17th year. Annual business planning assists the Service in conducting its affairs efficiently and in a fiscally responsible manner. The PPS has always remained within its annual budget allocation. This achievement is largely due to the skill and dedication of its staff, including its managers, Crown Attorneys and its support staff. Through their efforts, effective prosecutions are realized and the PPS contributes to the protection of our communities – one of the provincial government's overall priorities.

Martin Herschorn
Director of Public Prosecutions

February 1, 2007

1. MISSION STATEMENT

To seek justice and serve the public interest by performing prosecution duties with fairness, professionalism and integrity.

VISION

The vision of management is for the Nova Scotia Public Prosecution Service to be a leading prosecution service in Canada, highly effective and widely respected by the legal community and the general public, staffed by valued, skilled and motivated people, working in a dynamic supportive environment.

MANDATE

The Nova Scotia Public Prosecution Service is a functionally independent agency of government created by the Public Prosecutions Act. It shares a common Minister and some common services with the Department of Justice (DOJ), but is not a division or part of the Department of Justice. In addition to its statutory responsibilities, the Public Prosecution Service and its members contribute, where appropriate and feasible, to the formulation of public policy in the administration of justice.

The Public Prosecution Service, by statute, is responsible for:

- Prosecution of all Criminal Code offences
- Prosecution of provincial summary conviction offences
- Appeals before the Supreme Court of Nova Scotia
- Appeals before the Nova Scotia Court of Appeal
- Appeals before the Supreme Court of Canada
- Representation at Criminal Review Board hearings

The Corporate Path's Direction and Priorities
Vision: Building for Families, Building for the Future

(1) Creating Winning Conditions	(2) Seizing New Economic Opportunities	(3) Building for Individuals, Families and Communities
1.1 Globally Competitive Business Climate	2.1 Leader in Information Technology [as an enabler of innovation]	3.1 Healthy, Active Nova Scotians
1.2 Globally Competitive Workforce	2.2 Leader in R&D and Innovation	3.2 Accessible Services
1.3 Globally Competitive Connections [infrastructure]	2.3 Leader in Clean & Green Economy	3.3 Safe Communities
		3.4 Vibrant Communities

3.3 Safe Communities:

The Public Prosecution Service directly links to and advances the Nova Scotia Government's Corporate Direction and Priority of building for individuals, families and communities through the enhancement of public safety in our communities. This is done through the efficient and effective delivery of service in our four core business areas.

2. PLANNING CONTEXT

The most significant strength of the Public Prosecution Service is its staff. However, with that strength comes challenge. To ensure that staff continue to offer a quality professional service, proper performance evaluation and monitoring are critical management functions. The resultant administrative burden has highlighted the need for an appreciable increase in resources devoted to staff management. Additionally, recognition of the significant increase in the responsibilities of support staff has prompted a reclassification initiative which has clear financial and organizational implications for the Service.

The reality of today's criminal justice system is that prosecutions are becoming increasingly more lengthy and complex. This requires experienced, well-trained legal and support staff. In order to maintain public confidence, prosecutors must continue to have the time and resources to devote to their caseload. Additionally, the Service must continue to ensure that its legal staff have the time to read and absorb the constant flow of court decisions which interpret the criminal law. Experienced and well-trained staff serve to guard against the prospect of wrongful conviction and to contribute to safer communities through

effective prosecutions. The PPS remains committed to devoting sufficient resources to training to ensure that quality of service is not compromised.

The complexity of prosecutions is further reflected in the frequency with which expert witnesses are required. Issues raised frequently necessitate the assistance and testimony of expert witnesses which results in additional and often substantial expense to the PPS. This creates a fiscal challenge because of the difficulty to forecast such expenditures.

Several anticipated governmental initiatives and legislative amendments are expected to impact on resources of the Service in the coming years. Recent and proposed legislative changes to the Criminal Code expanding the use of mandatory minimum sentences will inevitably result in fewer guilty pleas and an increased number of trials. New government initiatives expanding the number of police and enforcement officers translate into increased workload and related expenditures for the Service. In the upcoming fiscal year the PPS will be called upon to address these pressures in the context of its existing resources.

The Youth Criminal Justice Act continues to require a significant deployment of prosecution service resources. As a result of the Nunn Commission of Inquiry Recommendations, the Public Prosecution Service has issued guidelines to Crown Attorneys establishing procedures to follow upon the entry of guilty pleas by young persons. The Service has also issued guidelines regarding best practices to follow when Crown Attorneys are dealing with issues of interim release by young persons charged with criminal offences. The Service has also developed and circulated best practices regarding the transfer of young persons who appear in custody in a Provincial Court in one area of the province where a warrant of arrest has been issued from another court in the province. The Service has also committed to continue and enhance training and professional development opportunities for Crown Attorneys in areas relating to the YCJA. In addition, the Service will deploy an additional two Crown Attorneys, one in Halifax and one in Cape Breton, dedicated to YCJA prosecutions.

In order to effectively perform its role, the PPS must develop and maintain the ability to respond to technological innovations used by others in the justice system. The PPS currently has a need to enhance its ability to properly and effectively deal with electronic disclosure. It is imperative the Service be able to receive, analyze, prepare and present cases in an electronic format. The PPS is currently engaged in a pilot project to analyze a software package, CASE MAP in conjunction with ADOBE, to determine if these software products will meet the requirements of the Service, in tracking and presenting electronic evidence at trial for major cases. This has significant financial and business practice implications.

Disclosure remains an area of concern. In 2006 and early 2007 the Service worked with all policing services in the province to develop a comprehensive Memorandum of Understanding dealing with all aspects of disclosure including electronic disclosure. It is hoped that a comprehensive agreement will be in place early in the 07-08 fiscal period. This development will hopefully ensure a uniform high quality of police disclosure product (the Crown brief). It will also provide uniformity across the Province in many matters pertaining to disclosure including contents of the Crown brief, best practices regarding the use of

electronically recorded witness statements, confidentiality and cost-sharing of expenses related to the production of disclosure e.g., the transcription of recorded witness statements.

In 2005 the PPS introduced an early resolution project in the Halifax region. Designed to identify those cases appropriate for early resolution, the goal of the project is to work towards a satisfactory settlement of cases at the earliest opportunity, thereby relieving the burden on the court system and promoting timely accountability of criminal wrong doing. The Service remains committed to this initiative and will allocate the necessary resources for its successful implementation. The Service continues to deploy a senior Crown counsel to the early resolution project. Improved tracking processes will be developed in order to better assess the effectiveness of the ER program. The Service is liaising with others involved in the justice process including legal aid, the private bar and the police to identify and resolve issues which arise during the ER project. The Service will decide during the 07-08 period whether the ER project will continue, be changed, or phased out.

In the upcoming fiscal year the PPS will be called upon to respond to the continuing challenge of providing a high quality professional service within a dynamic and stressful environment. With the dedication and skill of its staff, the Service will continue its commitment to the principles expressed in its Mission Statement – that of fairness, professionalism and integrity in the performance of its prosecutorial duties.

3. STRATEGIC GOALS

In order to accomplish its mission, the Public Prosecution Service has set the following goals:

- 3.1 Providing a Public Prosecution Service that reflects excellence, dedication to public service, and high ethical standards;
- 3.2 Providing a Public Prosecution Service that identifies and manages the resources required to carry out its mission;
- 3.3 Providing a Public Prosecution Service that reflects the application of best business practices consistent with providing a high quality service;
- 3.4 Providing within the Public Prosecution Service an environment that allows for the independent exercise of prosecutorial discretion;
- 3.5 Providing a Public Prosecution Service that is reflective of the community it serves.

4. CORE BUSINESS AREAS

4.1 Represent the Crown in the conduct of criminal and quasi-criminal matters before all levels of courts.

OUTCOME (immediate or inter-mediate)	MEASURE	DATA Base Year - 2004 (and Subsequent Year data)	TARGET 2008 (Target for end of next Fiscal Year)	ULTIMATE TARGET	Strategic Actions to achieve target
High quality trial work	Performance evaluation of Crown Attorneys, to attain competent or higher designation	100 % of Crown Attorney's received a rating of competent or better.	Maintain majority attainment.	Maintain majority attainment.	<ul style="list-style-type: none"> > The PPS developed an In Court Monitoring procedure which has not yet been implemented, due to the busy management and court schedules of regional managers. > Provide continuing education to full time Crown Attorneys, Per Diem Crown Attorneys and Support Staff > Implement a Case Management Information System

The role of the Crown Attorney is not to win or lose a criminal prosecution. It is to fairly present all relevant evidence to the court, to seek justice and serve the public interest by performing prosecution duties with fairness, professionalism and integrity.

Achieved through:

- Performance appraisals, records kept by Crown Attorneys of quality work shared with managers during ongoing performance appraisal processes, justice statistics re charges laid, disposition results.

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- Responding to complaints against Crown Attorneys, provide counsel and advice to Crown Attorneys when necessary.
- Regular meetings with police at regional level to obtain feedback regarding interaction with Crowns.

4.2 Represent the Crown in the conduct of criminal and quasi-criminal appeals before all levels of courts.

OUTCOME (immediate or inter-mediate)	MEASURE	DATA Base Year - 2004 (and Subsequent Year data)	TARGET 2008 (Target for end of next Fiscal Year)	ULTIMATE TARGET	Strategic Actions to achieve target
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- Regular meetings with police at regional level to obtain feedback regarding interaction with Crowns.

4.3 Provide legal advice and assistance to the police and provincial law enforcement officers at their request.

OUTCOME (immediate or inter-mediate)	MEASURE	DATA Base Year - 2004 (and Subsequent Year data)	TARGET 2008 (Target for end of next Fiscal Year)	ULTIMATE TARGET	Strategic Actions to achieve target
Provide high quality legal advice and assistance	Consistent high quality	Mechanism to assess quality and track volume to be developed Stakeholder feedback	Maintain consistent high quality		> Monitor advice to police for quality assurance purposes

Currently advice given in the context of after hours duty Crown i.e. weekday nights and weekends 24/7 advice given by Crown Attorneys to police is required to be recorded in summary form. These “advice sheets” are then turned into the managing Chief Crown. At that point they can be reviewed for quality assurance purposes. Plans are underway to develop a Service-wide system to capture the extent and frequency of advice to police.

4.4 Participate in the development of criminal law and criminal prosecutions policy.

OUTCOME (immediate or inter-mediate)	MEASURE	DATA Base Year - 2004 (and Subsequent Year data)	TARGET 2008 (Target for end of next Fiscal Year)	ULTIMATE TARGET	Strategic Actions to achieve target
Providing Crown representation in the development of criminal law and criminal prosecutions policy	Providing representation on all committees as requested	Significant number of Crown Attorneys who participate	Maintain representation		> Contribute to the development of criminal law policies and procedures in conjunction with federal and provincial Departments of Justice. Liaise with law enforcement agencies, government, the judiciary and professional associations on policy and procedural matters

Policy and Procedures developed with government, law enforcement, judiciary, professional associations.

Achieved through:

- PPS involvement in development of criminal law and prosecution policy through liaison with Federal and Provincial governments, judiciary and professional associations.
- Liaison with the defence bar and the judiciary in the development of Provincial Court procedural rules.
- Liaison with Department of Justice for the enhancement of security and safety in criminal courts for Justice staff.
- Participation with the Judiciary in the development of forms for use in criminal proceedings.
- Participation with the Canadian Bar Association in the development of ethical guidelines as it relates to Crown Attorneys.

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- Participation in Supreme and Provincial Court Liaison sub-committees of the Nova Scotia Barristers' Society.
- Participation with other prosecution agencies across the country to develop protocols for compliance with SOIRA (Sexual Offender Information Registry Act).

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5. PRIORITIES FOR 2007-2008

The priorities for the first three core business areas of the Service overlap significantly thus are presented as a group.

- 5.1 Represent the Crown in the conduct of criminal and quasi-criminal matters before all levels of courts.**
- 5.2 Represent the Crown in the conduct of criminal and quasi-criminal appeals before all levels of courts.**
- 5.3 Provide legal advice and assistance to the police and provincial law enforcement officers at their request.**

Maintain the core responsibility to provide professional prosecutorial services.

- Conduct prosecutions at all levels of court in trial and appeal proceedings.

Provide continuing education to full time and per diem Crown Attorneys and support staff through internal and external educational opportunities to enhance the level of expertise within the Service. The Service has identified certain critical education requirements:

- Youth Criminal Justice Act
- Cyber-crime training
- Prevention of wrongful conviction
- Family Violence Initiative training
- Court room advocacy skills
- Sexual assault prosecutions

The Service will continue to expand its electronic database of staff-generated research – Computerized Legal Education Research Centre (CLERC).

In addition to internal training, the Service is committed to supporting the attendance of Crown Attorneys at the 2007 National Criminal Law Program, a professional development opportunity sponsored by the Federation of Law Societies of Canada. As well, the Service will sponsor attendance by Crown Attorneys at the Ontario Crown Attorney School, run by the Ontario Crown Attorneys' Association and funded by the Ontario Ministry of the Attorney General. The Service will also support and fund attendance at various provincial conferences throughout the fiscal year, specifically those offered by the Canadian Bar Association, the Nova Scotia Barristers' Society and this service.

Increase the ability of the PPS to provide French language service.

- Continue to designate an individual to act as a liaison and a principal contact for French language prosecution training and related issues.
- Continue to provide educational opportunities for PPS French-speaking Crown Attorneys.
- Continue to fund the attendance of PPS Crown Attorneys at the French Language Institute for Professional Development Training in Ontario and at the Quebec Ministry of Justice training program for crown prosecutors
- Continue to support the working group of French-speaking prosecutors within the PPS

In order to deliver effective and professional prosecutorial services the PPS recognizes the key role of support staff. In order to ensure a quality support service the PPS will distribute its first edition of a Best Practices Manual for Support Staff.

Enhance the Service's ability to capture management information which will enable the PPS to effectively plan, acquire and deploy resources.

Continue to develop a Business Continuity Plan to ensure the continuation of critical business functions in time of emergency and disaster.

Continue implementation of strategic communications to enhance community understanding of the role of the Crown Attorney; keep PPS staff aware and informed of issues impacting their duties; and monitor criminal justice issues emerging within the public domain to respond and react where appropriate. Specifically, strategic communications operates in the area of internal communications, external stakeholder communications and media relations.

This year's projects include:

- Funding and circulation of the PPS quarterly newsletter, *On the Docket*
- Development of a plan for educating specialized interest groups in understanding the role of the Crown
- Completing a pilot survey of external shareholders
- Continuing follow-up media training of Crown Attorneys
- Restructuring of the employee orientation initiative
- Development of a PPS intranet site

Continue to provide timely response to requests from police and provincial enforcement officers for advice on particular cases or direction on matters of criminal law.

- Allocate resources to ensure sufficient manpower and time is available to respond to requests.
- Develop a Service-wide system to capture the extent and frequency of advice to police.

Continue with a strategic planning process which seeks to ensure the Service will be able to deliver professional prosecutorial services.

5.4 Participate in the development of the criminal law and criminal prosecutions policy.

Contribute to the development of criminal law policies and procedures in conjunction with federal and provincial Departments of Justice and liaise with law enforcement agencies, government, the judiciary and professional associations on policy and procedural matters.

- Participate in joint meetings, including Federal/Provincial/Territorial (FPT) Ministers and Deputy Ministers meetings, Coordinating Committee of Senior Justice Officials, and FPT Heads of Prosecution, Provincial Deputy Ministers' meetings, meetings of the Provincial Justice Partners Committee, International Association of Prosecutors and the American National Association of District Attorneys.
- Participate in Provincial policy initiatives.
- Continue to liaise with other prosecution services to maintain awareness of best practices for delivery of prosecution services

6. HUMAN RESOURCES STRATEGY

The Public Prosecution Service is organized by regions and special sections, all headed by a Chief Crown Attorney. Annex 1 of this plan contains a chart of the organizational structure of the Service.

The Public Prosecution Service employs 155 staff consisting of 85 Crown Attorneys and 70 support staff. 55% of the employees are female; 45% male. Male Crowns account for 79% of the total number of Crowns; females 21%. 96% of the support staff are female; 4% are male.

The Public Prosecution Service Human Resources strategy focuses on recruitment and retention of highly qualified staff through initiatives such as training and development and wellness and recognition. In the upcoming fiscal year, the Service will seek to enhance the performance evaluation system through assessment of staff and related training for managers.

Human Resources Strategy Goals :

1. To make a difference through a skilled, committed and accountable public service:

Enhance management effectiveness in conduct of performance appraisals
In-court monitoring

Provide educational opportunities for employees
Develop and begin to implement a comprehensive succession plan

2. To be a preferred employer:

Provide educational opportunities for employees
Support secondment opportunities
Promote internal communication
Implement a recognition program developed by an in-house committee
Participate in a national prosecutorial awards program

3. To be a safe and supportive workplace:

Develop and present a respectful workplace training initiative
Complete the annual OH&S review
Collaborate with the Department of Justice in enhancing security for staff, both in and out of court
Providing access to training and development programs

4. To be a diverse workplace:

Continue to participate in the Indigenous, Black, & Mi'Kmaq student employment initiative
Providing opportunities for French-language training
To develop a comprehensive equity & diversity policy

5. To be a learning organization:

Support staff in leadership development training
Continue to support the PPS Education Committee
Professional training programs
Annual Fall Conference
Best practices policy development
Regular, ongoing training for managers

7. BUDGET CONTEXT

	(\$ thousands)	(\$ 000,)	(\$ 000,)
	2006-07 Estimate	2006-07 Forecast	2007-08 Estimate
Total Program Expenses-Gross Current	\$17,518.0	\$17,872.2	\$17,839.2
Net Program Expenses-Net of Recoveries	\$17,393.0	\$16,993.0	\$17,647.0
Salaries and Benefits	\$12,951.7	\$12,883.6	\$13,822.9
Funded Staff(FTEs)	159.0	153.5	162.8