

***PUBLIC PROSECUTION SERVICE***

***BUSINESS PLAN***

***2008-2009***

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**Message from the Director of Public Prosecutions**

April 21, 2008

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 year, particularly, the PPS must remain focused on its staff. Because prosecutions are becoming increasingly lengthy and more complex, it is critical that the PPS have an experienced, well-trained legal and support staff. The Service will be starting to experience the loss of Senior Crown Attorneys to retirement. The potential loss of Crown Attorneys with mid-range experience to other services which offer more attractive compensation packages is also a concern. Thus, the Service will focus this year on providing high quality professional development to all staff, as well as court monitoring and mentoring to newly acquired legal staff. These training initiatives have budget implications.

To assist our legal staff, the PPS must continue to develop and maintain a highly effective support staff. The increasing administrative burden placed on our support staff and recognition of that burden has resulted in a successful reclassification of the Service's Secretary II complement as of January, 2008 retroactive to April 1, 2005. The Service is also in the midst of seeking a reclassification of the administrative secretarial group to a management level of responsibility and compensation. Both of these initiatives have obvious financial implications for the PPS over the fiscal year.

Additional budget pressures include the increasing use and expense of expert witnesses as well as changes to the Criminal Code expanding the use of mandatory sentences which will mean fewer guilty pleas and more 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 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 2008-09.

Training in the areas of cyber-crime; prevention of wrongful conviction; family violence; court room advocacy; and sexual assault prosecutions are also a priority for 2008-09.

This fiscal year the PPS will continue 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. It is anticipated a software product trial will conclude during the 2008-09 fiscal year.

The Service looks forward to working with all police agencies in Nova Scotia under a newly signed Memorandum of Understanding governing police disclosure to the Crown. This will enhance consistency across the province in quality and content of police disclosure.

The PPS also looks forward to the completion of two formal reviews of its Early Resolution Project so that the effectiveness of the project can be ascertained.

Expanding the Service's ability to conduct proceedings in French remains a priority. This year the Service will continue to enhance its ability to provide French-language prosecutions through the availability of training to those Crown Attorneys who have a proficiency in French. This will complement the key French-language initiative of the provincial government.

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.

The Service must also continue to plan for the possibility of specific initiatives now being contemplated by government. These include a "proceeds of crime" initiative and the start-up of specialty courts such as mental health, domestic violence and drug treatment. Should these proceed, they will have significant human resources and financial impact on the PPS.

The PPS is now in its 17<sup>th</sup> 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.

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**Martin Herschorn**  
**Director of Public Prosecutions**

April 21, 2008

## **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 nor 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 New Nova Scotia: A Path to 2020**  
**Link to the Corporate Plan**

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

<b>(1) Creating Winning Conditions</b>	<b>(2) Seizing New Economic Opportunities</b>	<b>(3) Building for Individuals, Families and Communities</b>
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	<b>3.2 Accessible Services</b>
1.3 Globally Competitive Connections [infrastructure]	2.3 Leader in Clean & Green Economy	<b>3.3 Safe Communities</b>
		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.

The Public Prosecution Service’s business plan also links directly with the Nova Scotia Government’s framework of Social Prosperity - *Weaving the Threads: A Lasting Social Fabric*.

**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 resulted in a successful reclassification initiative of the Service’s Secretary II component as of January, 2008 retroactive to April 1, 2005. This change has clear financial implications for the Service during the upcoming fiscal year. In addition, the complexity and number of management challenges has prompted management of the Service to seek a reclassification of the Service’s administrative secretarial group to a management level of responsibility and compensation. This group, it is hoped, will share formal management

responsibility for the training and direction of the secretarial group in offices across the province. These new managers will play a greater role in asset management as well as budget planning in support of the Service's management. This initiative, if successful, will have budget and training 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. In addition, the Service has and will start to lose a significant percentage of its senior Crown Attorneys through retirement. The Service has experienced the loss of mid-range, in terms of experience, Crown Attorneys with mid-range experience, through migration to other services which offer more attractive compensation. Due to this reality, the Service must redouble its efforts to provide high quality training and in court monitoring and mentoring to newly acquired staff who are generally less experienced than those who have departed. This initiative has budget implications in terms of training costs.

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 anticipation of continuing increases in police officer numbers, the PPS is attempting to develop a standardized mechanism to identify a number of additional Crown Attorneys required as the result of the deployment of specified numbers of new police officers. In the upcoming fiscal year the PPS will be called upon to address these pressures in the context of its existing resources.

In addition to best practice guidelines sent to Crown Attorneys regarding the conduct of bail hearings for young persons, the transfer of young persons in custody between regions and submissions by Crown Attorneys to courts upon guilty pleas being entered by young offenders, the Service continues to offer enhanced training and professional development for Crown Attorneys in areas relating to the Youth Criminal Justice Act. The Service, over the past year, has successfully deployed two additional Crown Attorneys, one in Halifax and one in Cape Breton, dedicated to YCJA prosecutions.

In order to effectively perform its role, the PPS must continue to 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 continues its pilot project involving the case management software application CASE MAP in conjunction with ADOBE, to determine which of a number of case management applications reviewed will best meet the requirements of the Service in major case prosecutions.

It is anticipated that this product trial will conclude during the upcoming fiscal year. A decision to proceed with CASE MAP as the standard for the Service will have financial and business practice implications.

The Service has also completed a Memorandum of Understanding with all police services in the province governing police disclosure to the Crown. This will greatly enhance efforts to obtain uniformity across the province in quality and content of the police disclosure product. The MOU also includes provisions regarding Crown/police consultation about future technology deployment by police in the area of electronic disclosure. This will hopefully enable the PPS to fully utilize any future electronic format police may use in making disclosure. An agreement in the MOU governing the shared (50/50) cost of transcription of electronically recorded statements will result in a province wide standardized approach to this issue. This will have a significant financial impact on the Service during the next budget period.

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 this 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 in cases of criminal wrong doing. The Service has continued to develop the Early Resolution Project with certain serious cases exempt from its application. A Senior Crown Counsel remains committed to the Early Resolution Project. Two separate reviews of the Early Resolution Project are presently underway. One review is an internal PPS initiative and the second involves PPS cooperation with a Dalhousie University consultant. The purpose of these reviews is to ascertain the effectiveness of the existing Early Resolution program in terms of achieving its original goals. The consultant, in the conduct of his review, will interview members of the judiciary, the defence bar, Crown Attorneys, police and accused persons who have participated in the program. While the reviews are in progress, the Service will continue to liaise with interested stakeholders including defence counsel and Department of Justice and Victim Services staff. The Service will decide during the 08-09 period whether the ER project will continue, be changed or phased out.

The PPS continues to plan to provide prosecution services in the event that specific initiatives are implemented by government. These include an initiative to identify, seize and have forfeited the proceeds of criminal activity, as well as provide prosecution services to specialty courts e.g. mental health, domestic violence and drug treatment. Should these initiatives proceed, they will have significant human resources and financial impact on the Service.



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.**

<b>Outcome</b>	<b>Measure</b>	<b>Base Year: 2004/2005</b>	<b>Annual Target: 2008/2009</b>	<b>Ultimate Target: 2009/2010</b>	<b>Strategic Actions:</b>
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 100 % attainment.	Maintain 100 % attainment.	<ul style="list-style-type: none"> <li>- 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.</li> <li>- Provide continuing education to full time Crown Attorneys, Per Diem Crown Attorneys and Support Staff</li> <li>- Implement a Case Management Information System</li> </ul>

**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.
- 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.

April 21, 2008

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

<b>Outcome</b>	<b>Measure</b>	<b>Base Year: 2004/2005</b>	<b>Annual Target: 2008/2009</b>	<b>Ultimate Target: 2009/2010</b>	<b>Strategic Actions:</b>
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- Regular meetings with police at regional level to obtain feedback regarding interaction with Crowns.

April 21, 2008

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

**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.**

<b>Outcome</b>	<b>Measure</b>	<b>Base Year: 2004/2005</b>	<b>Annual Target: 2008/2009</b>	<b>Ultimate Target: 2009/2010</b>	<b>Strategic Actions:</b>
Providing Crown representation in the development of criminal law and criminal prosecutions policy	Providing representation on all committees as requested	To continue to provide 100% representation, upon request.	Maintain 100% representation	Maintain 100% 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.
- 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 2008-2009**

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 2008 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*
- Implementation of a plan for educating specialized interest groups in understanding the role of the Crown
- Completing a pilot survey for external shareholders
- Continuing follow-up media training of Crown Attorneys
- Completing the restructure of the employee orientation initiative
- Launch 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, meetings of the Provincial Justice Partners Committee, International Association of Prosecutors and the American National District Attorneys Association.
- 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, each 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 159 staff consisting of 90 Crown Attorneys and 69 support staff. 54% of the employees are female; 46% male. Male Crowns account for 76% of the total number of Crowns; females 24%. 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
- Continue to develop and 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

Acting separately and in collaboration with the Department of Justice in enhancing security for staff.

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

**Budget Context Chart Template**

<b>Public Prosecution Service</b>			
Program & Service Area	<b>2007–2008 Estimate</b>	<b>2007–2008 Forecast</b>	<b>2008–2009 Estimate</b>
	<b>(\$ thousands)</b>	<b>(\$ thousands)</b>	<b>(\$ thousands)</b>
<b>Program Expenses:</b>			
Head Office - PPS	3,285	3,358	3,519
Cape Breton Region	2,486	2,363	2,511
Central Region	2,512	2,587	2,614
Halifax Region	5,966	5,849	6,272
Western Region	2,226	2,396	2,223
Appeals	1,172	1,094	1,082
<b>Total Program Expenses</b>	17,647	17,647	18,221
<b>Provincial Funded Staff (FTEs)</b>	163	157	165

Appendix A.

**To be supplied**