

PUBLIC PROSECUTION SERVICE

BUSINESS PLAN

2009-2010

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Message from the Director of Public Prosecutions

September 9, 2009

Business planning continues to play an important 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 the PPS is anticipating budget pressures due to the state of the global economy and is expecting an increased demand for prosecutorial services. A number of government initiatives including additional police officers, mental health court, weekend bail court, and proceeds of crime along with an increased number of criminal courts are among the challenges the PPS will face. Further, criminal trials continue to increase in both length and complexity. To compound that trend, a 2009 judgment of the Supreme Court of Canada (R.v. McNeil) will have significant implications for the PPS. The McNeil decision changes the disclosure obligations of the police requiring them to disclose police officer discipline records. Crown Attorneys will thus be required to perform a number of additional, contentious and time-consuming tasks with each case.

This Service is committed to enhancing its ability to prosecute cases in the French language. This past year the number of bilingual Crown Attorneys has increased from four to six. The PPS will continue to improve its ability to provide service in the French language through recruitment initiatives and training opportunities.

This year the PPS plans to enhance its ability to capture management information to be better able to plan and deploy resources. The PPS will also continue to enhance and refine its Business Continuity Plan to ensure continuation of critical business functions in times of emergency and disaster.

The PPS's Early Resolution Project, initiated in 2005, is now in the final stages of internal and external review. The final report has been received and the PPS will continue to consult with our external partners to determine the effectiveness of the program.

The PPS is now in its 18th year. Annual planning assists the PPS 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.

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

1. MISSION STATEMENT

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

VISION

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 other Federal Statutes
- 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
- advising police officers in respect of prosecutions generally or in respect of particular investigations

2. PLANNING CONTEXT

The most significant strength of the Public Prosecution Service continues to be its staff. Ensuring that staff continue to provide high quality professional service remains a critical management objective. The continuing need for performance evaluation and monitoring of support staff remains a priority.

Increasing length and complexity of criminal trials is a hallmark of today's criminal justice system. This requires that PPS legal and support staff be well trained and up to date in their skills. Crown Attorneys must continue to have the time and resources needed to professionally deal with their heavy caseloads while at the same time remaining abreast of the constant flow of court decisions and legislative amendments which regularly change the landscape of criminal practice.

Experienced and well trained legal staff contribute directly to safer communities through effective prosecutions and also remain the best safeguard against the prospect of wrongful convictions. Like many government agencies the Service will continue to lose many years of experience as senior Crown Attorneys depart the Service through retirement to be replaced, most often, with less experienced Crown Attorneys. The Service will address these challenges through a number of innovative measures, including entering into contractual arrangements with some of its retiring senior Crown Attorneys. This will allow the Service to maintain access to the skill and experience of these individuals both for litigation and training purposes.

The PPS continues to develop and utilize technological innovations in order to respond to the challenges of increasing size and complexity of criminal cases. The Service has finalized its trial of the CaseMap/TimeMap/TextMap Suite of case management software applications and formally adopted these case management tools. The handling of larger cases can be significantly enhanced through the use of this software. The Service continues to develop a strategy to provide intensive training in the use of these products for an initial group of Crown Attorneys and Paralegals who in turn can provide training to their colleagues. To manage cases with more than the one hundred thousand (100,000) documents which is beyond the operation capacity of the CaseMap software application, the PPS has the ability to utilize a companion application, Concordance document management system.

The Service has completed and implemented the Memorandum of Understanding with all police services regarding the form and content of police disclosure to the Crown. It is understood that this agreement will impose an obligation on Crown Attorneys across the province to assist police officers in meeting the content and quality requirements of the disclosure MOU. The agreement in the MOU governing the shared (50/50) cost of transcribing electronically recorded statements.

The Early Resolution Project in the Halifax Region, commenced in 2005, has been the subject of internal and external reviews which will be completed during the early part of the upcoming planning period. A final report on the Early Resolution Project has been received from the external consultant. Intensive consultations will occur with a view to determining whether the Early Resolution Project, or components of it, will transition into an ongoing PPS program. In this regard,

the PPS will continue to liaise with external stakeholders including the police, the criminal defence bar and Victim Services. In particular, the PPS is interested in continuing the early file vetting practice formalized in the Early Resolution Project. This practice ensures that police disclosure to the Crown is complete and that any deficiencies are identified at a very early stage when remedial action is possible.

The PPS will continue to provide prosecution services for specific initiatives to be implemented by government during the next fiscal period. These include a proceeds of crime initiative which will see assets acquired through criminal activity seized and subsequently forfeited to the Crown. A recently hired Senior Crown Attorney resource will prosecute forfeiture applications under the proceeds of crime provisions of the Criminal Code and will liaise closely with Department of Justice officials to develop protocols governing the seizure or restraint of identified assets.

During the previous budget period, the Service completed staffing of the Head Office file management component with the reclassification of its Records Analyst to the position of Program Administration Officer and with the hiring of an additional Records Analyst position supported by a Clerk III Records administrative position. These positions will act together, and in conjunction with other PPS Records Management staff across the province to ensure efficient records management in the PPS which is compliant with government standards. They will also work with various external justice partners to continue the process of change management as it relates to the PPS file management system, PICS.

The PPS will seek to partner with the Department of Justice in the joint funding of a Research and Statistics Policy Position. This position will address identified management needs in a number of areas, including research and analysis to determine the resource implications of various external initiatives including federal and provincial legislation. This position will also assist in the development of statistical components for necessary reports and will also provide research and analysis for the purpose of program evaluation and resulting management decisions.

The 2009 Supreme Court of Canada decision in **R. v. MacNeil** places significant new disclosure responsibilities on Crown Attorneys. The decision requires the Crown to disclose to the Defence information received from the police regarding serious wrongdoing on the part of police officers involved in a case. This will impose significant and continuing demands on Crown attorney resources to review internal police discipline results and on occasion investigative files associated with police discipline proceedings. The Crown will have to ensure that materials contained in these files to which privilege applies is not disclosed. As well the Crown will be required to meet with police officers or their representatives to receive their input regarding the appropriateness of disclosure of police discipline records.

In the upcoming fiscal year the PPS will continue to respond to the challenges of providing a high quality professional service within a dynamic and challenging 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.

September 9, 2009

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	Measure	Base Year: 2004/2005	Annual Target: 2009/2010	Ultimate Target: 2010/2011	Strategic Actions:
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"> - 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.
- 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	Measure	Base Year: 2004/2005	Annual Target: 2009/2010	Ultimate Target: 2010/2011	Strategic Actions:
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"> - 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

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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.

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

Outcome	Measure	Base Year: 2004/2005	Annual Target: 2009/2010	Ultimate Target: 2010/2011	Strategic Actions:
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).

5. PRIORITIES FOR 2009-2010

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
- Prevention of wrongful conviction
- Avoidance of malicious prosecution lawsuits
- Disclosure of police officer discipline records
- Court room advocacy skills in both jury trials and judge alone trials
- Drug impaired driving
- Proceeds of crime
- Recent amendments to the Criminal Code
- Cyber crime training
- Sexual Assault prosecutions
- Family violence prosecutions
- Newly-hired Crown Attorney orientation programming

The Service will continue to encourage Crown Attorneys to submit legal research to its electronic database – Computerized Legal Education Research Centre (CLERC) so that this research can be a resource for all Crown Attorneys.

In addition to internal training, the Service is committed to sponsoring other training, participation 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.

- 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 support the working group of French-speaking prosecutors within the PPS

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

Continue to enhance and refine a Business Continuity Plan to ensure the continuation of critical business functions in times 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*
- Publish a brochure on sexual assault prosecutions for victims of sexual assault
- Continuing follow-up media training of Crown Attorneys
- Launch a restructured employee orientation initiative
- Continue to enhance the 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.
- Continue to address the issue of effectively tracking advice given to police, both in terms of time and quality of advice.

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 165 staff consisting of 91 Crown Attorneys and 74 other staff. 58% of the employees are female; 42% male. Male Crowns account for 73% of the total number of Crowns; females 27%. 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
- Provide training on recently updated Fair Hiring Policy and the Employment Equity policy as it relates to recruitment and selection
- 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
- Continue and enhance recognition programs
- Participate in a national prosecutorial awards program

3. To be a safe and supportive workplace:

Support the government's respectful workplace training initiative
Complete the annual OH&S review
Contribute to local committees currently developing recommendations for security enhancements in courtrooms across Nova Scotia
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
Provide opportunities for French-language training
Continue to foster equity and diversity in all areas of the PPS

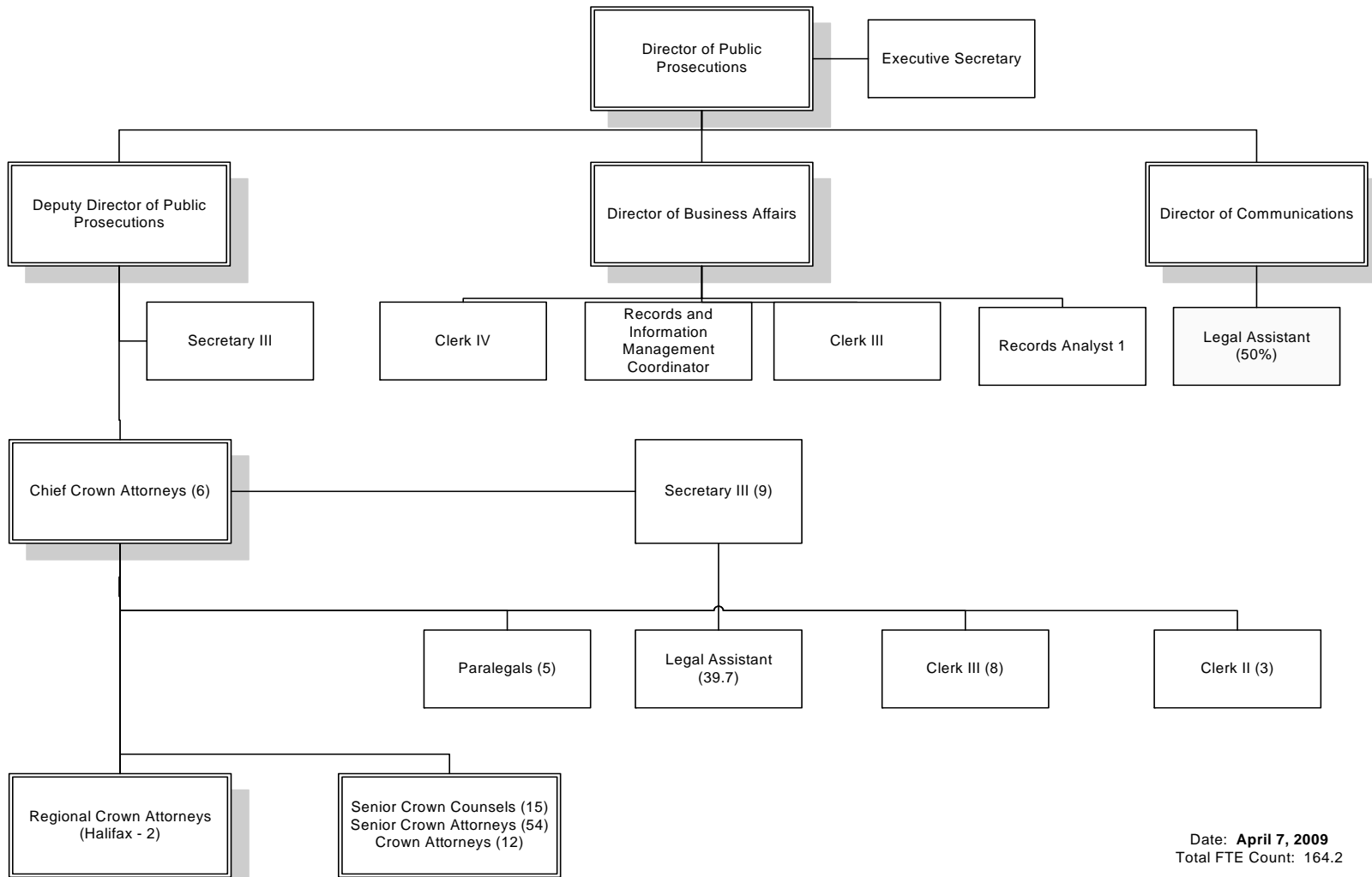
5. To be a learning organization:

Provide leadership development training to employees
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

Public Prosecution Service			
Program & Service Area	2008–2009 Estimate	2008–2009 Actuals	2009–2010 Estimate
	(\$ thousands)	(\$ thousands)	(\$ thousands)
Program Expenses:			
Head Office - PPS	3,519	3,979	3,515
Cape Breton Region	2,511	2,466	2,600
Central Region	2,614	2,771	2,842
Halifax Region	6,272	5,458	6,275
Western Region	2,223	2,566	2,361
Appeals	1,082	1,078	1,132
<u>Total Program Expenses</u>	18,221	18,318	18,725
Provincial Funded Staff (FTEs)	165	157	168.2

Nova Scotia Public Prosecution Service



Date: **April 7, 2009**
Total FTE Count: 164.2