

**PUBLIC PROSECUTION SERVICE  
2011-12 Statement of Mandate**

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## **Message from the Director of Public Prosecutions**

I am pleased to present the 2011-2012 Statement of Mandate for the Nova Scotia Public Prosecution Service (PPS).

The PPS and its Crown Attorneys play a critical role in the criminal justice system. They determine whether cases investigated by the police are carried forward and prosecuted. When prosecuting, Crown Attorneys must always conduct themselves with professionalism, diligence and fairness. One of the core functions of the Crown Attorney is to conduct prosecutions resulting from criminal code charges laid by the police or other law enforcement agencies as well as charges under various provincial statutes. In addition, Crown Attorneys provide ongoing legal advice to the police and other law enforcement agencies.

Following the laying of a charge by the police, the Crown Attorney's "gatekeeper" role comes to the fore. The Crown Attorney decides whether the charge should proceed based upon a review of the evidence to determine whether there is a realistic prospect of conviction and, secondly, whether it is in the public interest to proceed. In exercising this vital role, Crown Attorneys must be guided by a thorough and up-to-date knowledge of applicable statutory provisions and case law developments. Crown Attorneys are also guided by policy statements developed by the Public Prosecution Service senior management.

The Public Prosecution Service prosecuted some 44,000 criminal code charges and about 7,000 provincial statute offences last year.

The Public Prosecution Service continues to see significant increases in the number of files it prosecutes. In 2004-05, the PPS opened 19,157 files whereas in 2009-10, the PPS opened 22,127 files. The complexity of criminal prosecutions is also increasing as a result of the *Charter of Rights and Freedoms*; the reform of evidence law; and the complex statutory revisions amending the *Criminal Code of Canada*.

Over the next year the PPS will continue to focus on a number of issues including: continuing legal education for Crown Attorneys; improved management information to better allocate resources where they are most needed; standardization of disclosure practices; and succession management.

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

## **1. 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 it 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 some 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
- providing advice to police in respect of prosecutions generally or in respect of particular investigations

## **2. 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.

## **3. MISSION STATEMENT**

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

## Performance Measures

<b>Department Mandate: Represent the Crown in the conduct of criminal and quasi-criminal matters before all levels of courts.</b>				
<b>Outcome</b>	<b>Measure</b>	<b>Base Year 2006-07</b>	<b>Annual Target 2011-12 100%</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.	<b>Ultimate Target</b> Maintain standard of 100%	<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 regarding 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.

## Performance Measures

<b>Department Mandate: Represent the Crown in the conduct of criminal and quasi-criminal appeals before all levels of courts.</b>				
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- Regular meetings with police at regional level to obtain feedback regarding interaction with Crowns.

## Performance Measures

<b>Department Mandate: Participate in the development of criminal law and criminal prosecutions policy.</b>				
<b>Outcome</b>	<b>Measure</b>	<b>Base Year 2004/05</b>	<b>Annual Target</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	- 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).

## Budget Context Chart

<b>Public Prosecution Service</b>			
	<b>2010-2011 Estimate</b>	<b>2010-2011 Forecast</b>	<b>2011-2012 Estimate</b>
<b>Program &amp; Service Area</b>	<b>(\$ thousands)</b>	<b>(\$ thousands)</b>	<b>(\$ thousands)</b>
<b>Program Expenses:</b>			
<b>Head Office - PPS</b>	<b>2,693</b>	<b>2,334</b>	<b>3,006</b>
<b>Special Prosecutions</b>	<b>1,411</b>	<b>1,487</b>	<b>1,333</b>
<b>Appeals</b>	<b>1,113</b>	<b>1,004</b>	<b>921</b>
<b>Halifax Region</b>	<b>6,420</b>	<b>6,730</b>	<b>6,145</b>
<b>Cape Breton Region</b>	<b>2,589</b>	<b>2,709</b>	<b>2,708</b>
<b>Central Region</b>	<b>2,655</b>	<b>2,852</b>	<b>2,452</b>
<b>Western Region</b>	<b>2,451</b>	<b>2,677</b>	<b>2,359</b>
<b><u>Total Program Expenses</u></b>	<b>19,332</b>	<b>19,793</b>	<b>18,924</b>
<b>Provincial Funded Staff (FTEs)</b>	<b>169.8</b>	<b>157.5</b>	<b>166.2</b>