



NOVA SCOTIA  
PUBLIC  
PROSECUTION  
SERVICE

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# ANNUAL REPORT

FOR THE PERIOD APRIL 1, 2022 TO MARCH 31, 2023

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Public Prosecution Service Annual Report  
for the period April 1, 2022 to March 31, 2023  
Public Prosecution Service  
March 2024

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Honourable Karla MacFarlane  
Speaker of the Nova Scotia House of Assembly  
Office of the Speaker  
Province House  
Halifax, NS  
B3J 2Y3

Dear Madam Speaker:

I have the honour of presenting to you, and through you to the Members of the Legislative Assembly, the Annual Report of the Nova Scotia Public Prosecution Service, as required by Section 13 of the *Public Prosecutions Act*. This report covers the period from April 1, 2022, to March 31, 2023.

A handwritten signature in black ink, appearing to read "Eric R. Woodburn". The signature is stylized and cursive.

Eric R. Woodburn, KC  
A/Director of Public Prosecutions

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## **THE MANDATE OF THE PUBLIC PROSECUTION SERVICE**

In Nova Scotia all prosecutions for criminal and provincial offences are brought in the name of the Crown, because the Crown is responsible for bringing before the courts those accused of prohibited conduct that adversely affects the safety and well-being of the community.

The mandate of this prosecution service is to ensure fair and equal treatment in the prosecution of offences.

All prosecutions within the jurisdiction of the Attorney General of Nova Scotia are the responsibility of the Director of Public Prosecutions and are conducted by the Crown attorneys of the Public Prosecution Service independently of the Attorney General. The only limitation on the operational independence of the Director of Public Prosecutions 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.

In support of its mandate, the Public Prosecution Service has adopted the following mission and goals.

### **MISSION**

The mission of the Nova Scotia Public Prosecution Service is to seek justice and serve the public interest by performing prosecution duties with fairness, professionalism, and integrity.

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## GOALS

In accomplishing its mission, the Public Prosecution Service contributes to the Government's priority of fulfilling its social responsibility to provide for public safety.

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

1. Provide a Public Prosecution Service that reflects excellence, dedication to public service, and high ethical standards.
  2. Provide a Public Prosecution Service that identifies and manages the resources required to carry out its mission.
  3. Provide a Public Prosecution Service that reflects the application of best business practices consistent with providing a high-quality service.
  4. Provide within the Public Prosecution Service an environment that allows for the independent exercise of prosecutorial discretion.
  5. Provide a Public Prosecution Service that is reflective of the community it serves.
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## **CORE BUSINESS FUNCTIONS**

The Public Prosecution Service's core business functions are:

- to represent the Crown in the conduct of criminal matters and quasi-criminal matters before all levels of court
  - to represent the Crown in the conduct of criminal and quasi-criminal appeals before all levels of court
  - to provide legal advice and assistance to the police and provincial law enforcement officers at their request
  - to participate in the development of criminal law policy and criminal prosecutions policy
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## PRIORITIES AND ACCOMPLISHMENTS IN 2022–2023

### MANDATE AND CORE BUSINESS FUNCTIONS

The section entitled *Measuring Our Performance* and the appendices demonstrate this has been a challenging year for the criminal justice system and the PPS. Crown attorneys dealt with a significant backlog of cases due largely to the global pandemic. The pandemic, which began in 2020, resulted in a slowdown in court activity where, at times, in-person appearances were restricted to urgent matters and jury trials were suspended. Virtual court appearances, for a time, became the norm. In-person appearances resumed gradually and were mostly back to normal in 2022, albeit with capacity limits. Delays were experienced in Provincial Court for intake, arraignments or anytime a high volume of matters was scheduled.

The PPS collaborated with numerous criminal justice system stakeholders and the judiciary to, among other things, develop or improve efficiencies aimed at addressing this backlog. The PPS has members on various ad hoc committees and various court liaison committees, each of which engage in arriving at principled and practical solutions.

In 2022-2023, Crown attorneys assumed carriage of more than 41,000 new Criminal Code charges. At the same time, almost 42,000 Criminal Code charges carried over from previous years, and were at various stages of prosecution, for a total of approximately 83,000 ongoing Criminal Code prosecutions (*Appendices A and B*).

This year, 3,793 new Provincial Statute charges were laid, and 7,200 charges were carried over from previous years at various stages of prosecution. Thus, almost 11,000 Provincial Statute prosecutions were ongoing (*Appendices C and D*).

In addition to the backlog of cases, Crown attorneys faced increasing complexity in their cases. This is evidenced over the last number of years by the gradual increase in the number of days it takes to process a case (*Appendix E*). For example, a homicide in 2013-2014 took an average 226 days. In 2022-2023 it took an average of 375 days. In the same comparable time period, a sexual assault went from 196 days to 414 days; and a break & enter went from 130 days to 199 days.

Increasing complexity is also evidenced by an increase in the number of court appearances (*Appendix F*) by offence category. A homicide in 2013-2014 took an average of 9.5 appearances, whereas in 2022-2023 a homicide took an average of 16.9 appearances. A sexual assault went from an average of 5.7 appearances in 2013-2014 to an average of 9.4

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appearances in 2022-2023. A break & enter went from an average of 6.3 appearances in 2013-2014 to an average of 9.4 appearances in 2022-2023.

The pandemic backlog and increasing case complexity created tensions with our obligation to bring a person to trial within a reasonable time, under s.11(b) of the *Charter of Rights and Freedoms*. In 2016, the Supreme Court of Canada decision, *R. v. Jordan*, created presumptive timelines to guarantee a person's right to a trial within a reasonable time. Nova Scotia Supreme Court trials must be concluded within 30 months from the date charges were laid. Trials heard in Nova Scotia Provincial Court must be completed within 18 months. Any delay over these times and attributable to the Crown (including the judge and police) risks having the charges stayed.

#### **PRIORITY AREAS OF FOCUS**

The PPS received provincial government funding enabling the reactivation of its Dartmouth Crown attorney Intake Team to complement the Intake Team in Halifax. Each team consists of five Crown attorneys who, through an in-depth early file review:

- Assess realistic prospect of conviction;
- Address apparent disclosure gaps from police and/or suggest early investigative follow-up;
- Establish an initial sentencing position that might be a little more favourable to an accused than what might be expected after a trial (thus, freeing up trial dates for more complex cases); and
- Initiate early resolution discussions with defence counsel.

This process has freed up court time for earlier trial dates overall and has been helpful in addressing the backlog of criminal cases.

In September 2021, the Attorney General's mandate letter included the creation of a Human Trafficking Crown attorney to prosecute and provide legal advice to police officers and to deliver education and training to Human Trafficking victim support sectors. Human trafficking victims are particularly vulnerable and require fulsome, knowledgeable, and caring support.

In 2022, the PPS received additional funding to enhance our response to Human Trafficking. This investment allowed hiring an additional Crown attorney, paralegal, and legal assistant. During 2022-2023 Human Trafficking Crown attorneys handled more than 250 charges involving 51 victims.

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The Human Trafficking team also collaborated to:

- organize training sessions for the team, Halifax Regional Police Vice Unit and Provincial Integrated HT Unit;
- provide training to provincial Victim Services workers;
- provide training for PPS Crowns;
- provide training for Halifax Regional Police cadets; and
- provide a full day of training, together with the YMCA and the Department of Community Services, on cooperative approaches to address the issue for partners across sectors including police, Crown attorneys, Victim Services, social workers, transition houses, women's centres, Indigenous, African Nova Scotian, and 2SLGBTQ+ service providers.

This year the PPS began a collaboration with other government departments to develop a coordinated proposal for Digital Evidence and Case Management systems. The PPS was pleased to work with Nova Scotia Digital Service -- now the Department of Cybersecurity and Digital Solutions --- and the Department of Justice. Given the increased amount of disclosure and digital evidence in many cases, and the piloting of body-worn cameras by police officers, there is a need for efficient management of files with a large amount of digital evidence.

The work of the Equity and Diversity Committee deserves recognition for its work in 2022-2023, particularly regarding the development of a draft prosecutorial policy – *Fair Treatment of African Nova Scotians and People of African Descent in Criminal Prosecutions (FTANS)*. Consultation and advice were sought from the community to ensure the policy can meaningfully address overrepresentation of Black people in the criminal justice system. Scheduled Crown attorney training on this policy at the 2022 annual fall educational conference was postponed due to Hurricane Fiona. Training was rescheduled to the spring of 2023.

Again, this year, the PPS received government funding to hire an Articled Clerk from the Indigenous Black & Mi'kmaq program at the Schulich School of Law at Dalhousie University.

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### **OPERATIONAL CHALLENGES AND FUTURE GOALS**

Like many government departments and agencies, non-governmental organizations, and the private sector, the PPS encountered staffing shortages in 2022-2023. Recruitment, retention and job satisfaction of both Crown attorneys and support staff presented unique challenges.

Listening to our front-line colleagues, working with the Public Service Commission, and considering how other Prosecution Services across Canada have responded will help us develop a plan for the 2023-2024 fiscal year. There are foundations to build upon including the fact PPS colleagues believe their work is important and is a good fit for them. There is much more to do.

The PPS will prioritize Equity Diversity and Inclusion in the next fiscal year. It is important we increase our cultural understanding and humility; better reflect and respect diversity within the PPS; advance our FTANS policy and make it real for our Crown attorney colleagues; better ensure a fulsome understanding through an EDI lens when exercising prosecutorial discretion; and forge closer connections across government and with community. There is much work to be done.

### **AMENDMENTS TO THE PUBLIC PROSECUTIONS ACT**

It should be noted that early in the fiscal year amendments were made to the Public Prosecutions Act setting a non-renewable seven year term for the Director of Public Prosecutions and a term of five years for the Deputy Director with an opportunity for one renewal of up to five years.

### **WORDS OF APPRECIATION**

Crown attorneys and support staff are acknowledged for their outstanding work in the face of a challenging year. Their diligence and stamina are much appreciated.

Government funding increases as noted herein are appreciated.

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## MEASURING OUR PERFORMANCE

OUTCOME DESCRIPTION	WHAT DOES THIS MEASURE TELL US?	WHERE ARE WE NOW?	WHERE DO WE WANT TO BE?
<b>High-quality trial work</b>	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.	All Nova Scotia Crown attorneys have achieved a performance rating of competent or higher. They are provided with continuing legal education. Crown attorneys are challenged with heavy post-pandemic caseloads and put in significant hours of unpaid overtime to prepare.	A case management information system would maximize efficiencies as Crowns prepare for and deliver their cases in court. Resources are required to meet workload demands.
<b>High-quality appeal work</b>	That the PPS is delivering high-quality appeal 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.	All Appeals Crown attorneys have achieved a performance rating of competent or higher. They are provided with continuing legal education. To meet their caseload, Crown attorneys put in significant unpaid overtime to prepare. The shortage of Crown attorney resources means the Chief Crown has a full caseload comparable to frontline Appeals Crowns.	A case management information system would maximize efficiencies as Crowns prepare for and deliver their cases in court. Crown attorney resources are needed to address workload demands and to participate in important Supreme Court of Canada interventions.
<b>Provide police with high-quality legal advice and assistance</b>	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>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 requires Crown attorneys to record all advice given to police so that the PPS may measure both quality and quantity of advice.</p> <p>The PPS provides advice to police outside of business hours via a Crown attorney rotation schedule.</p>	All advice to police should be examined and evaluated to make a determination on volume and Crown workload. As well, a quality analysis should be undertaken.

OUTCOME DESCRIPTION	WHAT DOES THIS MEASURE TELL US?	WHERE ARE WE NOW?	WHERE DO WE WANT TO BE?
<b>Provide Crown representation in the development of criminal law and criminal prosecution policy</b>	That the PPS provides input into the development of criminal law and criminal prosecution policy from both an administrative and a frontline perspective.	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, and meetings of the provincial Criminal Justice Transformation Group. 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. The PPS now has a dedicated policy development position with responsibilities in this area.	To continue to develop new operational policies and ensure PPS policies are culturally appropriate.

## THE ROLE OF THE ATTORNEY GENERAL

In Nova Scotia, the Minister of Justice is also the Attorney General and, in this role, superintends all matters connected with the administration of justice in the province except those within the jurisdiction of the Attorney General of Canada. The Attorney General's functions and powers include legislative responsibility for affairs and matters relating to courts and prosecutions. The Attorney General is the Law Officer of the Crown and the Chief Public Prosecutor.

By virtue of this role, the Attorney General has the right to be informed about the conduct of police activities and individual criminal prosecutions. This right is normally only exercised in exceptional cases. No such right exists for any other member of the executive council or of government. This not only protects the integrity of the criminal justice system but also serves to shield government members and their staff from the accusation of attempting to interfere in the administration of justice.

*The Public Prosecutions Act* ensures the accountability to the Legislative Assembly of the Attorney General in his or her capacity as Chief Public Prosecutor. Section 6 of the Act provides that the Attorney General is responsible for the Public Prosecution Service and is accountable to the Assembly for all prosecutions. This ensures that ultimate control over prosecutions remains in the hands of an elected official.

By virtue of subsection 6 (a) of *the Public Prosecutions Act*, the Attorney General is entitled to issue general instructions or guidelines to the Public Prosecution Service in respect of all prosecutions or a class of prosecutions, after consultations with the Director of Public Prosecutions. During the period April 1, 2022, to March 31, 2023, the Attorney General did not have occasion to exercise this authority under this provision.

By virtue of subsection 6 (b) of *the Public Prosecutions Act*, the Attorney General is entitled to issue instructions or guidelines in a particular prosecution after consultation with the Director of Public Prosecutions. During the period April 1, 2022, to March 31, 2023, the Attorney General did not have occasion to exercise this authority under this provision.

By virtue of subsection 6 (e) of *the Public Prosecutions Act*, the Attorney General is entitled to exercise all statutory functions with respect to prosecutions after consultation with the Director of Public Prosecutions. During the period April 1, 2022, to March 31, 2023, the Attorney General did not have occasion to exercise this authority under this provision.

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## THE ROLE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The Director of Public Prosecutions is the head of the Public Prosecution Service, which conducts all prosecutions independently of the Attorney General on behalf of the Crown in right of Nova Scotia. This includes the prosecution of offences under the Criminal Code, certain other federal statutes (*e.g., Migratory Birds Convention Act, Canada Shipping Act, Small Vessel Regulations, Explosives Act*), and most offences under provincial statutes. Prosecutions for violations of other federal statutes are conducted by agents of the Attorney General of Canada.

The Director of Public Prosecutions, as the lawful deputy of the Attorney General with respect to prosecutions under the Criminal Code and under the *Summary Proceedings Act*, can exercise any of the powers conferred upon the Attorney General. These include the preferring of direct indictments or consenting to the laying of a new information following a discharge of an accused at a preliminary inquiry. When these powers are exercised in indictable matters, a report can be provided to the Attorney General at his or her request or upon the initiative of the Director of Public Prosecutions. This would allow the Attorney General to be in a knowledgeable position should any of these decisions be questioned in the House of Assembly or should the Attorney General wish to exercise any of the powers conferred by section 6 of the *Public Prosecutions Act*.

The Director of Public Prosecutions also has the status of deputy head, and the provisions of the *Civil Service Act* and regulations relating to a deputy or a deputy head apply to the Director of Public Prosecutions.

The Director of Public Prosecutions must be a barrister of at least 10 years' standing. If from another province, he or she must become a practicing member of the Nova Scotia Barristers' Society within one year of appointment. The Director of Public Prosecutions is appointed for a non-renewable term of seven years and holds office during good behavior. He or she may be removed from office for cause by a resolution of the Assembly.

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## THE ROLE OF THE CROWN ATTORNEY

Crown attorneys in Nova Scotia are responsible to the Director of Public Prosecutions through a chief Crown attorney for the conduct of prosecutions. The conduct of a prosecution involves not only the conduct of the trial itself but a myriad of other activities essential to a fair prosecution. Crown attorneys therefore conduct arraignments, show cause (bail) hearings, preliminary inquiries, sentencings, appeals to the Supreme Court of Nova Scotia, appeals to the Court of Appeal, appeals to the Supreme Court of Canada, disposition and review hearings before the Criminal Code Review Board, and fatality inquiries. In addition, they provide pre-charge advice to the police and provincial government enforcement officials, participate in the formulation of policy advice on the criminal law, participate in management activities aimed at improving the delivery of prosecutorial services to our community, prepare professional papers, and conduct and participate in public speaking engagements. In short, they discharge a number of responsibilities of fundamental importance to our community.

In discharging these responsibilities, a Crown attorney must be guided by the law, codes of professional ethics, and the public interest. The public interest involves many considerations. It encompasses the need to protect citizens while convicting criminals and deterring crime. The community is entitled to have those charged with offences prosecuted firmly and efficiently, but it also expects them to be prosecuted fairly. Properly balanced, the public interest in the conviction of the guilty does not conflict with the principles of fundamental justice.

The notion that all accused should receive fair and equal prosecutorial treatment by the Crown is a key aspect of the rule of law. Canada's judicial system operates on an adversarial trial model. It is left up to the parties to frame the issues before the court and lead the evidence relied on in support of their case. The role of defence counsel in this model is to do

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everything that can be ethically done to secure an acquittal for an accused who has chosen to plead not guilty. The role of Crown attorney, on the other hand, excludes any notion of winning or losing. The Supreme Court of Canada has expressed in the following words the proper frame of mind of those who represent the Crown:

*“... the situation which the Crown occupies is not that of an advocate in a civil case. His functions are quasi-judicial. He should not seek so much to obtain a verdict of guilty as assist the judge and jury to render the most complete justice. Moderation and impartiality should always characterize his conduct before the court. He will in fact have honestly fulfilled his duty and will be beyond reproach, if, putting aside any appeal to emotions, in a dignified manner consistent with his role, he exposes the evidence to the jury without going beyond what it actually reveals.”*

*Boucher v. Her Majesty the Queen [1955] S.C.R. 16*

On March 31, 2023, there were 107 Crown attorneys and 12 managers employed by the Public Prosecution Service. They were assisted in their duties by 75 support staff.

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## **ORGANIZATION DESCRIPTION**

### **Head Office**

The head office of the Public Prosecution Service comprises its senior management, including the Director of Public Prosecutions, the Deputy Director, the Senior Director of Strategic Communications, the Director of Business Affairs, the Director of Policy Development and Education, the Director of Legal Support Operations and the Office of Special Initiatives plus their support staff.

### **Regional Offices**

The Deputy Director assists the Director and is primarily responsible for the legal operations of the Public Prosecution Service. All chief Crown attorneys report through the Deputy Director to the Director and are resident in the Western, Cape Breton, Halifax, and Central regions. In these regions, the chief Crown attorney supervises the activities of Crown attorneys. The regional offices respond to requests from the police for pre-charge legal advice and conduct preliminary inquiries and trials before the various trial courts of the province. A Chief Crown attorney also heads Appeals and Special Prosecutions.

### **Appeals & Special Prosecutions**

Appeals is responsible for conducting all criminal and quasi-criminal appeals to which the Attorney General is a party in the Nova Scotia Court of Appeal and the Supreme Court of Canada. Appeals also conducts all proceedings required before an appeal is heard by the court. These proceedings include Chambers motions in the Court of Appeal and applications for leave to appeal in the Supreme Court of Canada.

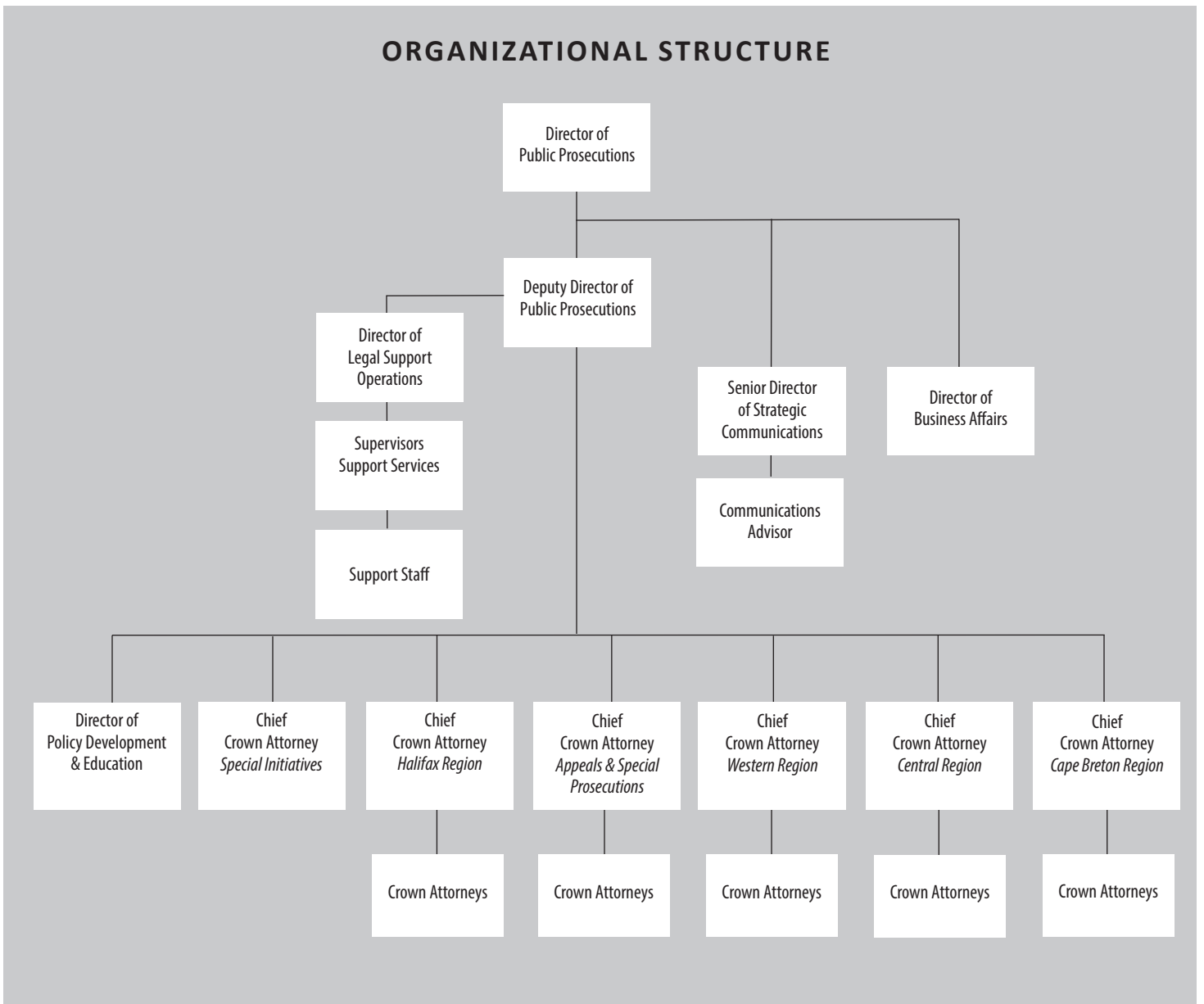
Special Prosecutions focuses on commercial crime, cybercrime, fraud, extraordinary, unusual or historical sexual assaults, charges under the province's Revenue Act or other provincial statutes, and Aboriginal law. Members of this unit also prosecute cases that present conflicts for regional offices, or they may be involved where a law enforcement officer is the subject of a police investigation or a prosecution.

### **Freedom of Information and Protection of Privacy Act**

For the period April 1, 2022, to March 31, 2023 the PPS received 21 applications for records under this Act.

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The organizational structure of the Public Prosecution Service is illustrated by the following chart:



## APPENDICES

All statistics are sourced through the Justice Enterprise Information Network (JEIN).  
The kind cooperation of the Nova Scotia Department of Justice is appreciated.

## APPENDIX A

### NEW Criminal Code Charges 2022-2023 by Offence Category and Justice Centre

OFFENCE CATEGORIES	JUSTICE CENTRE					
	HALIFAX	DARTMOUTH	AMHERST	KENTVILLE	BRIDGEWATER	PICTOU
Homicide	6	0	0	1	0	1
Attempted Murder	26	16	0	9	0	2
Robbery	168	42	2	15	1	3
Sexual Assault	101	37	27	58	38	37
Other Sexual Offences	71	55	51	70	43	64
Major Assault	705	450	43	150	77	114
Common Assault	826	547	143	237	152	206
Uttering Threats	541	433	97	148	104	128
Criminal Harassment	109	65	14	29	12	22
Other Crimes Against a Person	131	82	31	16	13	28
Theft of a Motor Vehicle	71	41	41	15	14	14
Theft	1,086	606	106	106	119	101
Break and Enter	275	112	37	47	37	43
Fraud	261	86	47	35	74	48
Mischief	595	296	96	113	87	143
Possession Stolen Property	1,375	616	61	87	82	96
Other Property Crimes	82	47	23	13	7	15
Failure to Attend Court	277	145	8	9	12	25
Breach of Probation	697	503	86	58	27	130
Unlawfully at Large	8	4	1	4	0	1
Failure to Comply with Order	1,978	1,467	343	380	224	489
Other Administration of Justice	255	157	38	30	40	54
Weapons Offences	1,400	1,176	144	174	157	157
Prostitution	0	0	0	0	0	0
Disturbing the Peace	58	16	9	4	5	13
Residual Criminal Code	145	73	14	25	10	25
CC Impaired Driving	523	734	120	235	180	137
Other CC Traffic Offences	198	130	28	29	32	40
Offences in Relation to Sexual Services	6	0	1	10	2	3
<b>TOTAL</b>	<b>11,974</b>	<b>7,936</b>	<b>1,611</b>	<b>2,107</b>	<b>1,549</b>	<b>2,139</b>

Data includes all Criminal Code charges laid on an Information or Summary Offence Ticket (SOT) between April 1, 2022 and March 31, 2023.

## APPENDIX A (continued)

### NEW Criminal Code Charges 2022-2023 by Offence Category and Justice Centre

OFFENCE CATEGORIES	JUSTICE CENTRE						
	SYDNEY	TRURO	ANTIGONISH	PORT HAWKESBURY	YARMOUTH	DIGBY	TOTAL
Homicide	6	2	0	0	6	0	22
Attempted Murder	15	1	0	0	2	0	71
Robbery	21	5	2	6	4	7	276
Sexual Assault	47	66	16	10	55	27	519
Other Sexual Offences	50	83	13	16	40	39	595
Major Assault	355	194	29	77	114	106	2,414
Common Assault	398	269	60	94	197	171	3,300
Uttering Threats	296	185	53	74	160	117	2,336
Criminal Harassment	18	10	3	2	16	22	322
Other Crimes Against a Person	47	28	8	15	62	26	487
Theft of a Motor Vehicle	10	5	4	4	9	7	235
Theft	176	133	27	38	61	64	2,623
Break and Enter	43	57	19	27	64	30	791
Fraud	27	34	12	14	6	13	657
Mischief	296	146	26	70	118	59	2,045
Possession Stolen Property	139	93	10	15	16	20	2,610
Other Property Crimes	17	9	1	2	12	5	233
Failure to Attend Court	196	46	2	6	7	2	735
Breach of Probation	455	148	43	66	42	84	2,339
Unlawfully at Large	4	6	0	0	0	0	28
Failure to Comply with Order	2,675	680	94	257	267	315	9,169
Other Administration of Justice	112	66	19	28	41	25	865
Weapons Offences	288	300	54	101	97	188	4,236
Prostitution	0	0	0	0	0	0	0
Disturbing the Peace	23	13	0	2	2	6	151
Residual Criminal Code	20	18	9	5	39	10	393
CC Impaired Driving	234	313	89	87	152	104	2,908
Other CC Traffic Offences	88	107	20	26	23	23	744
Offences in Relation to Sexual Services	0	2	0	0	35	0	59
<b>TOTAL</b>	<b>6,056</b>	<b>3,019</b>	<b>613</b>	<b>1,042</b>	<b>1,647</b>	<b>1,470</b>	<b>41,163</b>

Data includes all Criminal Code charges laid on an Information or Summary Offence Ticket (SOT) between April 1, 2022 and March 31, 2023.

## APPENDIX B

### Criminal Code Charges CARRIED OVER to 2022-2023 From Prior Years by Offence Category and Justice Centre

OFFENCE CATEGORIES	JUSTICE CENTRE					
	HALIFAX	DARTMOUTH	AMHERST	KENTVILLE	BRIDGEWATER	PICTOU
Homicide	33	3	1	3	1	1
Attempted Murder	16	7	2	1	1	1
Robbery	141	58	4	13	2	4
Sexual Assault	192	63	21	117	37	53
Other Sexual Offences	182	102	26	101	34	39
Major Assault	818	531	73	179	99	123
Common Assault	981	540	128	369	175	219
Uttering Threats	588	429	83	209	94	119
Criminal Harassment	78	72	14	13	19	16
Other Crimes Against a Person	180	70	26	37	29	46
Theft of a Motor Vehicle	69	45	12	14	6	11
Theft	957	569	109	233	107	100
Break and Enter	283	180	49	51	37	66
Fraud	349	240	48	110	73	41
Mischief	419	325	87	195	85	118
Possession Stolen Property	937	584	38	67	44	69
Other Property Crimes	88	55	11	10	5	15
Failure to Attend Court	222	132	27	25	8	17
Breach of Probation	949	544	61	90	28	94
Unlawfully at Large	10	18	2	0	0	2
Failure to Comply with Order	1,964	1,237	282	331	181	287
Other Administration of Justice	265	137	46	72	36	41
Weapons Offences	1,104	1,032	116	184	95	279
Prostitution	0	2	0	1	0	0
Disturbing the Peace	56	22	6	18	16	4
Residual Criminal Code	269	172	17	87	8	11
CC Impaired Driving	561	529	106	197	111	113
Other CC Traffic Offences	258	211	46	96	26	54
Offences in Relation to Sexual Services	22	1	0	0	4	0
<b>TOTAL</b>	<b>11,991</b>	<b>7,910</b>	<b>1,441</b>	<b>2,823</b>	<b>1,361</b>	<b>1,943</b>

Data includes all Criminal Code charges laid on an Information or Summary Offence Ticket (SOT) on or before March 31, 2022, that had at least one appearance between April 1, 2022 and March 31, 2023.

**APPENDIX B (continued)**  
**Criminal Code Charges CARRIED OVER to 2022-2023**  
**From Prior Years by Offence Category and Justice Centre**

OFFENCE CATEGORIES	JUSTICE CENTRE						
	SYDNEY	TRURO	ANTIGONISH	PORT HAWKESBURY	YARMOUTH	DIGBY	TOTAL
Homicide	9	2	0	1	2	0	56
Attempted Murder	3	1	2	1	1	2	38
Robbery	30	10	0	1	5	4	272
Sexual Assault	76	107	20	77	87	47	897
Other Sexual Offences	123	132	32	124	88	68	1,051
Major Assault	324	161	30	85	118	144	2,685
Common Assault	532	243	59	99	166	200	3,711
Uttering Threats	294	162	44	58	150	149	2,379
Criminal Harassment	10	3	3	0	7	19	254
Other Crimes Against a Person	42	46	10	22	33	27	568
Theft of a Motor Vehicle	22	20	2	7	8	10	226
Theft	210	185	21	39	84	48	2,662
Break and Enter	98	59	6	31	67	29	956
Fraud	112	110	10	5	38	43	1,179
Mischief	342	166	40	55	191	107	2,130
Possession Stolen Property	127	161	13	33	21	39	2,133
Other Property Crimes	25	7	3	3	9	5	236
Failure to Attend Court	214	71	7	8	9	9	749
Breach of Probation	379	180	21	55	64	61	2,526
Unlawfully at Large	5	5	0	0	0	2	44
Failure to Comply with Order	2,017	719	89	121	257	252	7,737
Other Administration of Justice	157	77	10	26	43	38	948
Weapons Offences	288	157	21	60	169	115	3,620
Prostitution	0	0	0	0	0	0	3
Disturbing the Peace	14	13	4	7	6	2	168
Residual Criminal Code	56	45	13	7	103	45	833
CC Impaired Driving	297	296	55	77	110	104	2,556
Other CC Traffic Offences	147	123	15	30	51	36	1,093
Offences in Relation to Sexual Services	0	8	1	0	0	1	37
<b>TOTAL</b>	<b>5,953</b>	<b>3,269</b>	<b>531</b>	<b>1,032</b>	<b>1,887</b>	<b>1,606</b>	<b>41,747</b>

Data includes all Criminal Code charges laid on an Information or Summary Offence Ticket (SOT) on or before March 31, 2022, that had at least one appearance between April 1, 2022 and March 31, 2023.



## APPENDIX C

### NEW Provincial Statute Cases by Judicial Centre, 2022–2023 (includes cases with prosecutor assigned)

JUSTICE CENTRE	MOTOR VEHICLE ACT	LIQUOR CONTROL ACT	OCCUPATIONAL HEALTH AND SAFETY ACT	EMERGENCY MANAGEMENT ACT	HEALTH PROTECTION ACT	OTHER PROVINCIAL STATUTES	TOTAL
HALIFAX	1,638	79	40	0	1	182	1,940
DARTMOUTH	9	0	0	0	2	87	98
AMHERST	101	0	0	0	0	30	131
KENTVILLE	62	0	0	0	0	28	90
BRIDGEWATER	92	5	0	0	0	21	118
PICTOU	117	3	0	0	3	23	146
SYDNEY	158	5	0	0	0	42	205
TRURO	335	15	0	0	0	80	430
ANTIGONISH	173	29	0	0	0	32	234
PORT HAWKESBURY	84	2	0	0	0	15	101
YARMOUTH	106	6	0	0	0	31	143
DIGBY	127	3	0	0	0	27	157
<b>TOTAL</b>	<b>3,002</b>	<b>147</b>	<b>40</b>	<b>0</b>	<b>6</b>	<b>598</b>	<b>3,793</b>

Data includes all charges laid on an Information or Summary Offence Ticket (SOT) between April 1, 2022 and March 31, 2023, that had a prosecutor assigned.

The count for provincial statute offences includes those which were handled by the summary offence court.

**APPENDIX D**  
**Provincial Statute Charges CARRIED OVER in 2022-2023**  
**From Prior Years by Justice Centre**  
 (includes cases with prosecutor assigned)

JUSTICE CENTRE	MOTOR VEHICLE ACT	LIQUOR CONTROL ACT	OCCUPATIONAL HEALTH AND SAFETY ACT	EMERGENCY MANAGEMENT ACT	HEALTH PROTECTION ACT	OTHER PROVINCIAL STATUTES	TOTAL
HALIFAX	3,265	57	69	11	162	205	3,769
DARTMOUTH	508	4	27	0	1	120	660
AMHERST	109	1	0	0	3	32	145
KENTVILLE	131	4	0	2	37	56	230
BRIDGEWATER	168	0	0	4	4	36	212
PICTOU	129	3	3	0	13	48	196
SYDNEY	337	19	0	1	5	57	419
TRURO	701	12	6	1	9	77	806
ANTIGONISH	103	8	0	0	4	21	136
PORT HAWKESBURY	116	3	0	0	1	12	132
YARMOUTH	124	6	13	0	12	87	242
DIGBY	170	11	0	0	7	65	253
<b>TOTAL</b>	<b>5,861</b>	<b>128</b>	<b>118</b>	<b>19</b>	<b>258</b>	<b>816</b>	<b>7,200</b>

Data includes all charges laid on an Information or Summary Offence Ticket (SOT) between April 1, 2022 and March 31, 2023, that had a prosecutor assigned.

The count for provincial statute offences includes those which were handled by the summary offence court.

## APPENDIX E

### Median Case Processing Times (in days) Completed Cases, by Offence Category, 2013-2014 to 2022-2023

MOST SERIOUS OFFENCE	2013-14	2014-15	2015-16	2016-17	2017-18
Homicide	226	109	369	504	389
Attempted Murder	57	114	222	48	119
Robbery	153	81	105	113	97
Sexual Assault	196	230	151	241	243
Other Sexual Offences	196	210	211	281	266
Major Assault	213	190	199	168	162
Common Assault	170	178	170	167	154
Uttering Threats	159	148	163	139	162
Criminal Harassment	162	193	205	170	128
Other Crimes Against a Person	172	148	195	125	155
Theft of a Motor Vehicle	57	101	85	101	143
Theft	86	92	113	95	83
Break and Enter	130	168	148	129	134
Fraud	99	138	142	125	107
Mischief	148	121	148	141	126
Possession Stolen Property	129	116	141	114	88
Other Property Crimes	122	157	96	127	98
Failure to Attend Court	47	64	44	73	53
Breach of Probation	72	64	73	80	65
Unlawfully at Large	40	34	66	69	35
Failure to Comply with Order	55	67	71	72	70
Other Administration of Justice	113	101	141	108	86
Weapons Offences	153	138	165	133	138
Prostitution	288	38	163	344	16
Disturbing the Peace	122	121	122	108	113
Residual Criminal Code	124	112	153	98	143
CC Impaired Driving	35	39	50	67	65
Other CC Traffic Offences	129	119	114	127	139
Offences in Relation to Sexual Services	0	0	19	349	171
<b>TOTAL AVERAGE</b>	<b>106</b>	<b>111</b>	<b>119</b>	<b>113</b>	<b>107</b>

Data includes all cases represented by a Criminal Code charge, with a final disposition date between April 1, 2013 and March 31, 2023. Each case is represented by the most serious offence, based on the type of decision, sentence and the national Crime Severity Index (CSI). Case Processing Time is calculated from the first appearance date to the final disposition date.

A case is defined as one or more charges against a person on the same Information or Summary Offence Ticket.

Data excludes cases that have had a bench warrant issued or held and any case that was referred to restorative justice.

**APPENDIX E (continued)**  
**Median Case Processing Times (in days) Completed Cases,**  
**by Offence Category, 2013-2014 to 2022-2023**

<b>MOST SERIOUS OFFENCE</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>
Homicide	585	701	4	908	375
Attempted Murder	139	55	58	111	19
Robbery	141	131	127	61	123
Sexual Assault	230	224	407	364	414
Other Sexual Offences	270	278	230	254	275
Major Assault	155	184	196	205	227
Common Assault	168	180	239	239	211
Uttering Threats	151	171	217	226	207
Criminal Harassment	189	167	168	213	248
Other Crimes Against a Person	148	155	117	193	250
Theft of a Motor Vehicle	121	106	168	142	161
Theft	77	101	179	137	153
Break and Enter	150	143	175	204	199
Fraud	149	122	142	162	190
Mischief	148	144	163	170	227
Possession Stolen Property	78	104	149	71	92
Other Property Crimes	95	87	96	83	190
Failure to Attend Court	58	61	70	82	86
Breach of Probation	73	101	124	176	151
Unlawfully at Large	37	72	135	120	94
Failure to Comply with Order	77	85	120	131	154
Other Administration of Justice	99	93	194	134	169
Weapons Offences	138	172	124	156	149
Prostitution	219	17	0	0	0
Disturbing the Peace	187	134	292	76	181
Residual Criminal Code	103	122	175	157	228
CC Impaired Driving	49	49	78	71	72
Other CC Traffic Offences	132	129	147	148	233
Offences in Relation to Sexual Services	14	298	194	373	71
<b>TOTAL AVERAGE</b>	<b>106</b>	<b>119</b>	<b>154</b>	<b>156</b>	<b>169</b>

Data includes all cases represented by a Criminal Code charge, with a final disposition date between April 1, 2013 and March 31, 2023. Each case is represented by the most serious offence, based on the type of decision, sentence and the national Crime Severity Index (CSI). Case Processing Time is calculated from the first appearance date to the final disposition date.

A case is defined as one or more charges against a person on the same Information or Summary Offence Ticket.

Data excludes cases that have had a bench warrant issued or held and any case that was referred to restorative justice.

## APPENDIX F

### Average Number of Court Appearances for Completed Cases, by Offence Category, 2013-2014 to 2022-2023

MOST SERIOUS OFFENCE	2013-14	2014-15	2015-16	2016-17	2017-18
Homicide	9.5	8.1	10.4	9.6	9.8
Attempted Murder	5.1	7.9	7.4	9.9	8.5
Robbery	7.9	7.2	6.9	8.6	7.5
Sexual Assault	5.7	6.6	5.5	7.4	6.7
Other Sexual Offences	6.6	7.1	7.0	8.8	8.4
Major Assault	6.6	6.8	6.8	6.9	7.0
Common Assault	5.0	5.1	5.4	5.3	5.2
Uttering Threats	5.5	5.5	5.9	5.8	6.5
Criminal Harassment	5.5	6.9	6.9	6.4	6.0
Other Crimes Against a Person	7.6	6.9	7.1	6.8	7.5
Theft of a Motor Vehicle	5.2	6.3	5.3	6.4	7.6
Theft	5.0	5.1	5.7	5.5	5.9
Break and Enter	6.3	7.9	7.4	7.1	6.8
Fraud	5.3	5.7	6.4	6.2	5.9
Mischief	4.9	5.0	5.4	5.5	5.6
Possession Stolen Property	4.9	5.0	4.8	4.8	5.3
Other Property Crimes	6.1	6.8	7.0	8.4	7.4
Failure to Attend Court	4.6	5.1	4.4	5.6	5.0
Breach of Probation	4.9	4.7	5.0	5.1	4.8
Unlawfully at Large	4.7	4.6	5.4	4.7	4.3
Failure to Comply with Order	4.6	5.2	5.1	5.5	5.6
Other Administration of Justice	5.1	5.6	5.5	5.4	5.2
Weapons Offences	6.3	6.5	6.3	6.4	6.5
Prostitution	9.0	3.9	9.0	7.5	1.5
Disturbing the Peace	4.2	4.3	4.7	5.2	5.2
Residual Criminal Code	5.3	5.8	8.0	5.8	5.7
CC Impaired Driving	3.2	3.3	3.5	3.7	3.9
Other CC Traffic Offences	5.1	5.4	5.6	5.5	5.8
Offences in Relation to Sexual Services	0	0	3.6	7.5	6.8
<b>TOTAL AVERAGE</b>	<b>5.0</b>	<b>5.3</b>	<b>5.4</b>	<b>5.5</b>	<b>5.6</b>

Data includes all cases represented by a Criminal Code charge, with a final disposition date between April 1, 2013 and March 31, 2023. Each case is represented by the most serious offence, based on the type of decision, sentence and the national Crime Severity Index (CSI). Case Processing Time is calculated from the first appearance date to the final disposition date. A case is defined as one or more charges against a person on the same Information or Summary Offence Ticket. Data excludes cases that have had a bench warrant issued or held and any case that was referred to restorative justice.

**APPENDIX F (continued)**  
**Average Number of Court Appearances for Completed Cases,**  
**by Offence Category, 2013-2014 to 2022-2023**

<b>MOST SERIOUS OFFENCE</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>
Homicide	17.6	28.6	10.5	17.6	16.9
Attempted Murder	8.4	4.8	10.8	12.2	5.1
Robbery	7.8	10.5	9.5	7.0	9.7
Sexual Assault	6.7	7.1	9.8	10.3	9.6
Other Sexual Offences	8.6	8.2	7.8	8.4	8.4
Major Assault	7.0	7.4	7.8	7.8	8.7
Common Assault	5.6	6.3	7.0	7.0	6.4
Uttering Threats	6.1	6.7	7.7	7.1	7.3
Criminal Harassment	6.6	6.4	7.6	7.1	7.8
Other Crimes Against a Person	6.7	7.2	7.1	7.6	8.1
Theft of a Motor Vehicle	6.6	5.7	9.2	8.0	7.9
Theft	6.2	6.5	8.5	8.7	9.0
Break and Enter	8.3	8.2	8.9	7.0	9.4
Fraud	6.9	7.5	7.7	9.0	9.6
Mischief	6.2	6.0	6.8	6.8	7.7
Possession Stolen Property	5.6	6.1	7.5	6.1	6.9
Other Property Crimes	6.4	6.3	7.4	8.0	10.7
Failure to Attend Court	5.2	5.3	5.9	6.1	7.1
Breach of Probation	4.8	6.0	7.8	8.3	7.3
Unlawfully at Large	4.4	6.1	6.0	9.5	7.3
Failure to Comply with Order	5.9	6.6	7.3	7.5	8.1
Other Administration of Justice	6.5	6.3	8.1	8.5	7.9
Weapons Offences	7.0	7.5	7.3	7.7	7.9
Prostitution	6.7	2.0	0	0	0
Disturbing the Peace	9.2	5.2	8.9	6.9	5.0
Residual Criminal Code	6.0	6.4	7.9	8.4	8.5
CC Impaired Driving	3.8	3.7	4.4	4.4	4.4
Other CC Traffic Offences	5.8	5.9	6.8	7.5	8.6
Offences in Relation to Sexual Services	2.1	7.3	9.4	12.7	3.5
<b>TOTAL AVERAGE</b>	<b>5.9</b>	<b>6.3</b>	<b>7.1</b>	<b>7.2</b>	<b>7.4</b>

Data includes all cases represented by a Criminal Code charge, with a final disposition date between April 1, 2013 and March 31, 2023. Each case is represented by the most serious offence, based on the type of decision, sentence and the national Crime Severity Index (CSI). Case Processing Time is calculated from the first appearance date to the final disposition date. A case is defined as one or more charges against a person on the same Information or Summary Offence Ticket. Data excludes cases that have had a bench warrant issued or held and any case that was referred to restorative justice.

## **APPENDIX G**

### **APPEALS STATISTICS**

#### **2022–2023**

The following are statistics related to appeals covering the period April 1, 2022 to March 31, 2023.

The PPS participated in 25 appeals heard by the Court of Appeal. Of this number:

- 6 were initiated by the Crown
- 19 were initiated by offenders

Of the appeals initiated by the Crown:

- 2 dealt with appeal of an extraordinary remedy
- 3 dealt with acquittals
- 1 dealt with sentence

Of the 19 appeals initiated by offenders:

- 17 dealt with conviction
- 1 dealt with conviction and sentence
- 1 dealt with sentence

Of the appeals initiated by the offenders, two fell under the Youth Criminal Justice Act and none were argued by a self-represented inmate.

The PPS was involved in four appeals that were abandoned, quashed or dismissed without a full hearing in the Court of Appeal.

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The PPS participated in 219 Chambers motions heard by a single judge of the Court of Appeal. Chambers motions include motions for a hearing date and the filing of the appeal books and factums, adjournments, bail pending appeal, extension of time to appeal, directions and status 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).

Fifteen recommendations for appeal were received from trial Crown Attorneys. Eight were approved for appeal.

With regard to the Supreme Court of Canada, the PPS received no notices of appeal from an offender and one application for leave to appeal. The PPS sought leave to appeal to the SCC on two matters. The PPS participated in no hearings before the SCC.

*Source: Chief Crown Attorney, Appeals & Special Prosecutions*

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## APPENDIX H FINANCIAL TABLE

PUBLIC PROSECUTION SERVICE	2022-2023 ESTIMATE (\$ thousands)	2022-2023 ACTUAL (\$ thousands)	2022-2023 VARIANCE (\$ thousands)
<b>DEPARTMENTAL EXPENSES</b>			
Head Office	3,857	3,836	(21)
Cape Breton Region	3,870	4,094	224
Central Region	3,498	3,682	184
Halifax Region	9,974	10,175	201
Western Region	3,229	3,691	462
Appeals	1,219	1,253	34
Special Prosecutions	2,773	2,826	53
<b>TOTAL DEPARTMENTAL EXPENSES</b>	<b>28,420</b>	<b>29,557</b>	<b>1,337</b>
<b>ADDITIONAL INFORMATION</b>			
Ordinary Revenue	0	0	0
Fees and Other Charges	0	0	0
Ordinary Recoveries	403	551	148
<b>TOTAL: REVENUE, FEES AND RECOVERIES</b>	<b>403</b>	<b>551</b>	<b>148</b>
TCA Purchase Requirements			
Provincial Funded Staff (FTEs)	0	0	0
	186.8	178.6	(8.2)

### Departmental Expenses Variance Explanation:

Pressure due to higher than anticipated salary and operating costs. Operating cost increases mainly due to increased expenditures for security services, telecom, case law subscriptions, office lease costs, per diem Crown attorney fees, appeal costs and professional services for internal review and executive search fees.

### Revenue, Fees and Recoveries Variance Explanation:

Increase in Municipal Recoveries related to the prosecution of Summary Offence Tickets plus the recovery of salary costs related to two (2) Crown attorney secondments.

### Provincial Funded Staff (FTEs) Variance Explanation:

Decrease due to vacancy savings within the PPS.

## APPENDIX I PUBLIC PROSECUTIONS ACT

*Formatting of this version may differ from the official version. An official copy of this statute is available from Nova Scotia Government Publications.*

### **An Act to Provide for an Independent Director of Public Prosecutions**

#### **Short Title**

- 1 This Act may be cited as the *Public Prosecutions Act*.

#### **Purpose of Act**

- 2 The purpose of this Act is to ensure fair and equal treatment in the prosecution of offences by
  - (a) establishing the position of Director of Public Prosecutions;
  - (b) providing for a public prosecution service; and
  - (c) providing for the independence of the Director of Public Prosecutions and the public prosecution service. 1990, c 21, s 1.

#### **Interpretation**

- 3 In this Act, “prosecution” includes the decision whether to prosecute or not, the prosecution proceeding itself and matters arising therefrom, and appeals. 1990, c 21, s 3.
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## **Director of Public Prosecutions**

- 4 There shall be a Director of Public Prosecutions who
- (a) is the head of the public prosecution service and is responsible for all prosecutions within the jurisdiction of the Attorney General conducted on behalf of the Crown;
  - (b) may conduct all prosecutions independently of the Attorney General except that the Director of Public Prosecutions shall comply with all instructions or guidelines issued by the Attorney General in writing and published pursuant to this Act;
  - (c) is, for the purpose of the Criminal Code (Canada) and the *Summary Proceedings Act*, the Attorney General's lawful deputy in respect of prosecutions;
  - (d) shall advise police officers in respect of prosecutions generally or in respect of a particular investigation that may lead to a prosecution, when the police request such assistance;
  - (e) may issue general instructions or guidelines to a chief Crown attorney, a regional Crown attorney or a Crown attorney in respect of all prosecutions or a class of prosecutions, and shall cause such instructions or guidelines to be published;
  - (f) may issue instructions or guidelines to a chief Crown attorney, a regional Crown attorney or a Crown attorney in a particular prosecution. 1990, c21, s4.
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## Qualifications and appointment

- 5 (1) The Director of Public Prosecutions
- (a) shall be a barrister of at least ten years' standing at the Bar of Nova Scotia or of another province of Canada, and if of another province, shall, within one year of appointment, become a practising member of the Bar of Nova Scotia;
  - (b) shall be appointed by the Governor in Council after consultation with the Chief Justice of Nova Scotia, the Chief Justice of the Trial Division of the Supreme Court and the Executive of the Nova Scotia Barristers' Society;
  - (ba) shall be appointed for a term of seven years and is not eligible to be re-appointed;
  - (c) holds office during good behaviour;
  - (d) has the status of deputy head and the provisions of the *Civil Service Act* and regulations relating to a deputy or a deputy head apply to the Director of Public Prosecutions; and
  - (e) shall be paid the same salary as the Chief Judge of the provincial court.

## Removal from office

- (2) The Director of Public Prosecutions may be removed from office for cause by a resolution of the Assembly.
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### **Acting Director of Public Prosecutions**

- (3) Where, while the Assembly is not sitting, the Director of Public Prosecutions fails to be of good behaviour, or is unable to perform the duties of office, the Governor in Council may appoint a person to be Acting Director of Public Prosecutions who shall take over the duties of the Director of Public Prosecutions until the Governor in Council sooner rescinds the appointment of the Acting Director of Public Prosecutions.
- (4) Where a vacancy occurs in the office of the Director of Public Prosecutions in a manner other than that referred to in subsection (2), the Governor in Council may appoint a person to be Acting Director of Public Prosecutions until a Director of Public Prosecutions is appointed pursuant to this Act. 1990, c. 21.,s.5; 1999 (2nd session) c.16, s.1(2); 2022, c.25, s. 1.

### **Powers and duties of Attorney General**

- 6 The Attorney General is the minister responsible for the prosecution service and is accountable to the Assembly for all prosecutions to which this Act applies and
    - (a) after consultation with the Director of Public Prosecutions, may issue general instructions or guidelines in respect of all prosecutions, or a class of prosecutions, to the prosecution service and shall cause all such instructions or guidelines to be in writing and to be published at the direction of the Director of Public Prosecutions as soon as practicable in the Royal Gazette;
    - (b) after consultation with the Director of Public Prosecutions, may issue instructions or guidelines in a particular prosecution, and shall cause such instructions or guidelines to be in writing and to be published at the direction of the Director of Public Prosecutions as soon as practicable in the Royal Gazette except where, in the opinion of the Director of Public Prosecutions, publication would not be in the best interests of the administration of justice, in which case the Director of Public Prosecutions, instead, shall publish as much information concerning the instructions or guidelines as the Director of Public Prosecutions considers appropriate in the next annual report of the Director of Public Prosecutions to the Assembly;
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- (c) may consult with the Director of Public Prosecutions and may provide advice to the Director of Public Prosecutions and, subject to clauses (a) and (b), the Director of Public Prosecutions is not bound by such advice;
- (d) may consult with members of the Executive Council regarding general prosecution policy but not regarding a particular prosecution;
- (e) may exercise statutory functions with respect to prosecutions, including consenting to a prosecution, preferring an indictment or authorizing a stay of proceedings, after consultation with the Director of Public Prosecutions and shall cause notice of such action to be published at the direction of the Director of Public Prosecutions as soon as practicable in the Royal Gazette. 1990, c. 21, s. 6; 1999 (2nd session) c.16, s.2.

### **Meeting between Attorney General and Director**

- 6A The Attorney General and the Director of Public Prosecutions shall meet at least twelve times a year, on a monthly basis if possible, to discuss policy matters, including existing and contemplated major prosecutions. 1999 (2nd session) c.16, s.3..

### **Extraordinary prosecution**

- 6B (1) In this Section, “extraordinary prosecution” means an unexpected or unforeseen prosecution that cannot be undertaken within the budget appropriated for the public prosecution service but is of such a magnitude and importance that, in the opinion of the Director of Public Prosecutions, the prosecution should be undertaken notwithstanding the lack of financial resources.
- (2) The Director of Public Prosecutions may spend in any fiscal year an amount that is not more than five per cent more than the amount appropriated for the public prosecution service for that year for the purpose of undertaking an extraordinary prosecution.
- (3) The Governor in Council shall provide the additional funds referred to in subsection (2) through a supplementary appropriation.
- (4) Where the Governor in Council has provided the funds referred to in
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subsection (3) and deems it advisable to conduct a review of the need for the additional funds, the Governor in Council may appoint a qualified person to conduct the review. 1999 (2nd session) c.16, s.3.

### **Deputy Director of Public Prosecutions**

- 7 (1) The Governor in Council may, on the recommendation of the Attorney General, appoint a barrister in the public service with a total of at least ten years standing at the Bar of Nova Scotia or of another province of Canada to be Deputy Director of Public Prosecutions for a term of five years.
- (2) The person appointed under subsection (1) may be reappointed for one additional term of up to five years by the Governor in Council on the recommendation of the Attorney General.
- (3) The Deputy Director of Public Prosecutions is responsible to the Director of Public Prosecutions and may exercise all of the powers and authority of the Director of Public Prosecutions and, for that purpose, is a lawful deputy of the Attorney General.
- (4) Notwithstanding subsections (1) and (2), the Deputy Director of Public Prosecutions in office when this Section comes into force continues in office until the Deputy Director resigns, retires or is terminated. 2022, c25. S 2

### **Crown attorneys**

- 8 There shall be Crown attorneys to conduct prosecutions and the Crown attorneys are responsible to the Director of Public Prosecutions and, where applicable, to a chief Crown attorney or a regional Crown attorney. 1990, c. 21, s.8.
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### **Regional Crown attorneys**

- 9 There may be a regional Crown attorney to supervise Crown attorneys within a geographic area determined by the Director of Public Prosecutions, and a regional Crown attorney is responsible to the Director of Public Prosecutions. 1990, c. 21, s.10.

### **Chief Crown attorneys**

- 10 There may be a chief Crown attorney to supervise Crown attorneys and, where applicable, regional Crown attorneys, and a chief Crown attorney is responsible to the Director of Public Prosecutions. 1990, c. 21, s.10.

### **Powers, authorities and duties**

- 11 A chief Crown attorney, a regional Crown attorney and a Crown attorney have all the powers, authorities and duties provided by the criminal law of Canada for prosecutors, for prosecuting officers or for counsel acting on behalf of the Attorney General. 1990, c. 21, s.11.

### **Qualifications**

- 12 All chief Crown attorneys, all regional Crown attorneys and all full-time Crown attorneys shall be barristers appointed pursuant to the *Civil Service Act* upon the recommendation of the Director of Public Prosecutions after a competition. 1990, c. 21, s.12.

### **Annual report**

- 13 The Director of Public Prosecutions shall report annually to the Assembly in respect of prosecutions. 1990, c. 21, s.13.
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### **Appointment of barrister**

- 14 (1) The Director of Public Prosecutions may appoint a barrister to take charge of and conduct a particular prosecution or to take charge of and conduct criminal business to the extent specified in the terms of the appointment.
- (2) A barrister appointed pursuant to this Section shall be known and designated as a Crown attorney and, when acting within the terms of the appointment, has all the powers and authority of a Crown attorney.
- (3) The Director of Public Prosecutions may, from time to time, vary the terms of appointment of a Crown attorney pursuant to this Section or may, at any time, revoke the appointment. 1990, c. 21, s.14.

### **Existing prosecuting officers**

- 15 Notwithstanding Section 12, all prosecuting officers and assistant prosecuting officers employed by the Province immediately before the coming into force of this Act are Crown attorneys for the purpose of this Act. 1990, c. 21, s.15..

### **House of Assembly Act amended**

- 16 Clause (c) of subsection (1) of Section 30 of Chapter 210 of the Revised Statutes, 1989, the *House of Assembly Act*, is amended by striking out the punctuation and words “prosecuting officer” in the second and third lines thereof.

### **Repeal of Prosecuting Officers Act**

- 17 Chapter 362 of the Revised Statutes, 1989, the *Prosecuting Officers Act*, is repealed. 1990, c. 21, s.17.

### **Proclamation**

- 18 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation.

Proclaimed – July 24, 1990

In force – September 1, 1990

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