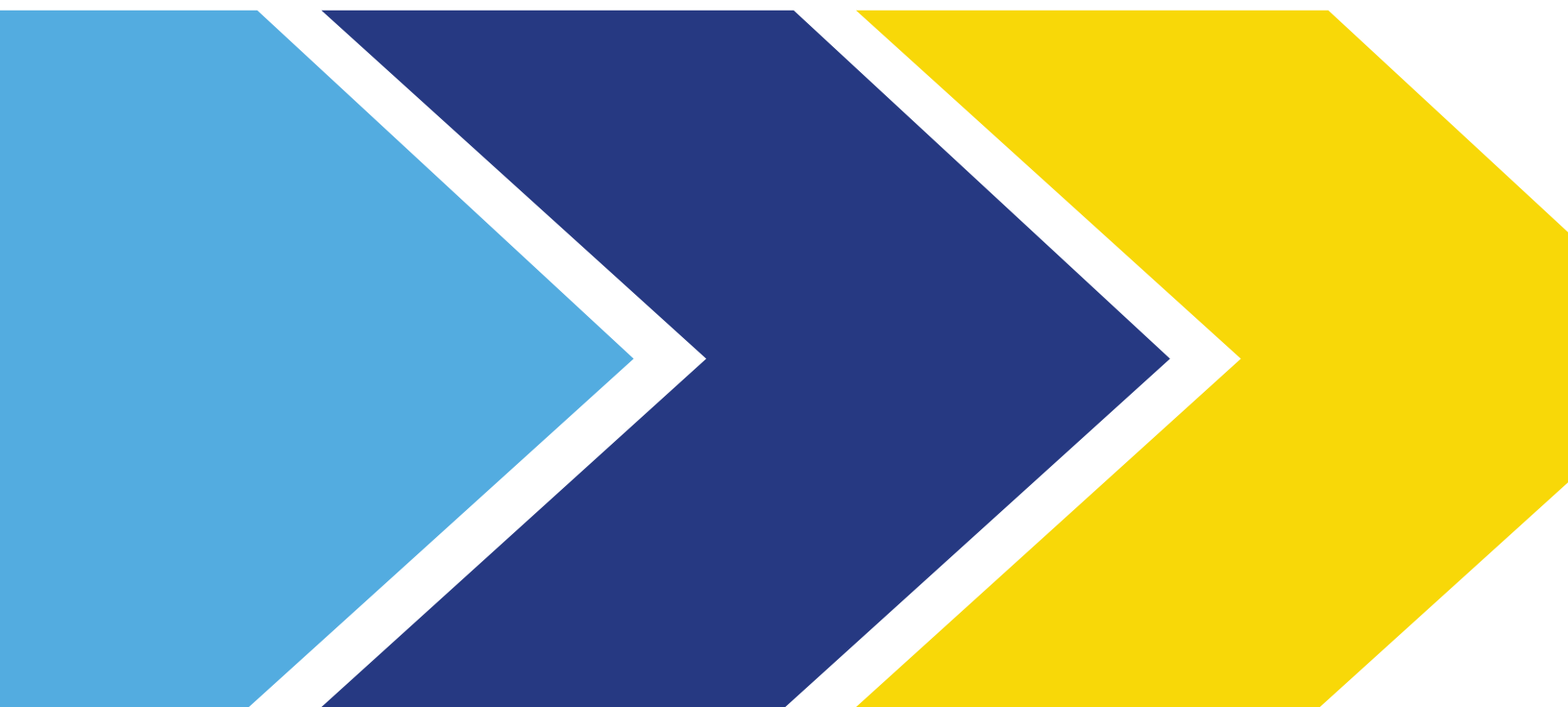


BUSINESS PLAN

2022-23



© Crown copyright, Province of Nova Scotia, 2022

Budget 2022-23: Business Plan
March 2022
ISBN: 978-1-77448-361-9

Table of Contents

| | |
|---|---|
| Mandate | 2 |
| Core Business Functions | 2 |
| 2022-23 Goals..... | 2 |
| Priorities/Activities/Initiatives for 2022-23 | 3 |
| Responding to the Jordan Decision | 3 |
| Human Trafficking Prosecutions | 4 |
| Ongoing COVID-19 Impacts | 5 |
| Financial Summary..... | 6 |

Mandate

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.

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

2022-23 Goals

The following goals will help support the Public Prosecution Service in achieving its mandate and performing its core functions:

- Through cooperation with other Justice partners, continue to develop strategies to deal with the new delay framework set out by the Supreme Court of Canada in its *R. v. Jordan* decision in July, 2016.

- To increase our capacity to respond to the complexity of Human Trafficking Prosecutions and to improve support for victims of these crimes going through the prosecution process.

Priorities/Activities/Initiatives for 2022-23

Responding to the Jordan Decision

- In July 2016, the Supreme Court of Canada rendered a judgement in the appeal of *R. v. Jordan* which set new rules for an accused's right to be tried within a reasonable time period.
- All Supreme Court cases and all trials which have a preliminary inquiry, now have a time limit of 30 months from the date when the charge has been laid to the completion of the trial.
- All Provincial Court trials now have a time limit of 18 months from the date when the charge has been laid to the completion of the trial.
- For cases that go over these time limits, the delay attributed to the Crown is considered to be presumptively unreasonable, and the charges will be stayed.
- The only recourse at the disposal of Crown attorneys is to establish the presence of exceptional circumstances, which are defined as being outside the Crown's control in the sense that:
 - 1) They are reasonably unforeseen or reasonably unavoidable, and
 - 2) The Crown cannot reasonably remedy the delays emanating from those circumstances once they arise.
- Since this new framework was retrospective, these timelines applied to most cases already in the system.
- The Intake Team Pilot Project was put in place in the PPS Dartmouth Office on September 1, 2017.
- The purpose of this pilot project has been to determine if a shift in the timing of Crown work on files can:
 - ✓ Increase early resolution of files;
 - ✓ Identify and address files with realistic prospect of conviction issues;
 - ✓ Improve the quality of files being set for trial; and
 - ✓ Lower the number of court appearances on the routine criminal files.
- The Intake Team is able to conduct an earlier review of files to:
 - Assess the quality of the evidence;
 - Assess the likelihood of conviction;
 - Assess the potential for early resolution; and
 - Review of potential witness lists.

- When these decisions can be made before a trial date is set – there is less likelihood of trial collapse late in the process. When a trial collapses on the day of trial, that time is essentially lost.
- An initial sentencing offer, that might be a little more favourable to an accused than what they might expect after a trial, can free up trial dates for more complex cases.
- An early referral to restorative justice can divert some cases from the traditional system altogether.
- For the period of September 1, 2017 to October 31, 2020, the Dartmouth Intake Team:
 - Reduced trial wait times in the Dartmouth Provincial Court:
 - Prior to the Intake Team – 12 Months
 - With Intake Team in place – 2 to 3 months.
 - Resolved 2,504 cases by way of an early resolution or a referral to restorative justice.
 - Identified 1,948 police officers who were not required to be subpoenaed to attend court unnecessarily. This is a significant cost savings for police agencies.
- In November 2021, the Intake Team was moved to the Halifax Office in an effort to improve the trial wait times in the Halifax Provincial Court.
- In 2022/23 funding has been granted on a temporary basis for three (3) years to maintain the Intake Team in the Halifax Office and to create an Intake Team in the Dartmouth Office.

Human Trafficking Prosecutions

- Human Trafficking and sexual exploitation are devastating to victims and survivors, families and entire communities.
- That is why government is investing more into programs, services and supports that will raise awareness, prevention and directly help victims and survivors of human trafficking offences, with an added focus on Mi'kmaw and African Nova Scotian communities.
- In 2020/21 the PPS received funding for one Crown attorney position dedicated to prosecuting human trafficking cases and additional funding for specialized training for Crown attorneys on human trafficking issues.
- In 2022/23 funding for a Human Trafficking Prosecution Team was approved. A Crown attorney, a paralegal and a legal assistant will join the original dedicated Crown Attorney to form a team consisting of:

- 2 Crown attorneys
- 1 Paralegal
- 1 Legal Assistant
- Funding for specialized training for Crown attorneys on human trafficking issues.

Ongoing COVID-19 Impacts

- The pandemic has added significantly to the existing backlog of cases which must be prosecuted by the PPS within the timelines established in 2016 by the Supreme Court of Canada in its *Jordan* Decision.

Financial Summary

**Departmental Expenses Summary
(\$ thousands)**

| <u>Programs and Services</u> | <u>2021-2022 Estimate</u> | <u>2021-2022 Forecast</u> | <u>2022-2023 Estimate</u> |
|--|--------------------------------------|--------------------------------------|--------------------------------------|
| Head Office | 3,987 | 4,769 | 3,857 |
| Cape Breton Region | 3,864 | 4,021 | 3,870 |
| Central Region | 3,326 | 3,513 | 3,498 |
| Halifax Region | 8,747 | 9,208 | 9,974 |
| Western Region | 3,186 | 3,563 | 3,229 |
| Appeals Division | 1,194 | 1,220 | 1,219 |
| Special Prosecution Division | 2,329 | 2,829 | 2,773 |
| Total - Departmental Expenses | <u>26,633</u> | <u>29,123</u> | <u>28,420</u> |
| Ordinary Recoveries | 403 | 403 | 403 |
| <u>Funded Staff (# of FTEs)</u> | | | |
| Department Funded Staff | 176.8 | 182.1 | 186.8 |

Note:

For Ordinary Revenues, see Estimates and Supplementary Detail Book, Chapter 2
 For TCA Purchase Requirements, see Estimates and Supplementary Detail Book,
 Chapter 1