



Business Plan

2019–20

Public Prosecution Services



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Mandate

The Nova Scotia Public Prosecution Service (PPS) 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, 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; and
- providing advice to police in respect of prosecutions generally or in respect of particular investigations.

Core Functions

The core functions of the Nova Scotia Public Prosecution Service are to:

- Represent the Crown in the conduct of criminal trials and quasi-criminal appeals before all levels of courts.
- Participate in the development of criminal law and criminal prosecutions policy.
- Provide advice to police in respect of prosecutions generally or in respect of particular investigations.

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.

Priorities/Activities/Initiatives for 2019-20

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. For Provincial Court trials, the time limit is 18 months from the date when the charge has been laid to the completion of the trial. For cases which go over these time limits, the delay is considered to be presumptively unreasonable and the charges will be stayed. The only recourse at our disposal is for Crown Attorneys 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 time lines applied to most cases already in the system.

The Public Prosecution Service created two (2) term Crown Attorney positions to assist the Service in dealing with pressures associated with the new delay framework in place resulting from the Jordan Decision. The original funding for these term positions was granted in the 2017/18 Budget, with an extension for 2 years granted in the 2018/19 Budget.

The Service has been able to combine these new positions with 3 term Crown Attorney positions as well as a Term Legal Assistant position to staff the Dartmouth Provincial Court Intake Team Pilot Project. 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.
- ✓ Lower the number of court appearances on the routine criminal files.

The Intake Team was put in place September 1, 2017.

The Intake Team is able to conduct an earlier review of files to assess the quality of the evidence, the likelihood of conviction, the potential for early resolution and the 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 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.

To-date the Intake Team has:

- Reduced trial wait times in the Dartmouth Provincial Court
 - Prior to the Intake Team – 12 Months
 - With Intake Team in place - 2 – 3 months.
- Resolved 905 cases by way of an early resolution or a referral to restorative justice (September 1, 2017 to June 30, 2018)
- Identified 332 police officers who were not required to be subpoenaed to attend court unnecessarily. This is a significant cost savings for police agencies.

Financial Summary

Departmental Expenses Summary (\$ thousands)			
<u>Programs and Services</u>	<u>2018-2019</u> <u>Estimate</u>	<u>2018-2019</u> <u>Forecast</u>	<u>2019-2020</u> <u>Estimate</u>
Head Office	2,866	3,287	3,221
Cape Breton Region	3,552	3,442	3,526
Central Region	3,051	3,052	3,046
Halifax Region	8,263	9,092	8,296
Western Region	2,988	3,089	2,929
Appeals Division	1,286	1,191	1,256
Special Prosecution Division	2,345	2,272	2,319
Total - Departmental Expenses	24,351	25,425	24,593
Ordinary Recoveries	293	452	293
<u>Funded Staff (# of FTEs)</u>			
Department Funded Staff	173.8	174.4	176.8
Note:			
For Ordinary Revenues, see Estimates and Supplementary Detail Book, Chapter 2			
For TCA Purchase Requirements, see Estimates and Supplementary Detail Book, Chapter 1			

