



# Accountability Report 2021–22

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Justice



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Accountability Report 2021–2022

ISBN: 978-1-77448-390-9

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## Accountability Statement

The Accountability Report of the Department of Justice for the year ended March 31, 2022, is prepared pursuant to the *Finance Act* and government policies and guidelines. These authorities require the reporting of outcomes against the Department of Justice Business Plan for the fiscal year just ended. The reporting of the Department of Justice outcomes necessarily includes estimates, judgments, and opinions by Department of Justice management.

We acknowledge that this Accountability Report is the responsibility of Department of Justice management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Department of Justice 2021-22 Business Plan.

Original signed by

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Bradley Johns

Minister of Justice and Attorney General

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Candace L. Thomas, Q.C.

Deputy Minister of Justice and  
Deputy Attorney General

## Message from Minister and Deputy Minister

On behalf of the Department of Justice, it's our pleasure to present the Accountability Report for the 2021-22 fiscal year.

Throughout the COVID-19 pandemic, our staff and colleagues across the justice system have continued to work together to keep the system responsive to the needs of all Nova Scotians. This work is always guided by our goal of increasing access to justice, particularly for those who are most vulnerable.

The Department's priorities for the year, as outlined in the 2021-22 Business Plan included working to support African Nova Scotian and Indigenous communities in their interactions with the justice system; working to develop and promote principles of preventative and restorative justice; enhancing the provincial approach to addressing human trafficking and domestic violence; leading government's work on accessibility; and working towards digital transformation of the court system.

We are pleased to report that progress has been made in all of these areas, as presented in more detail below.

While the Department of Justice is large and includes employees working across the province in diverse roles, we are united by our shared values of improving access to justice and making the justice system responsive to the needs of everyone it serves.

We would like to recognize the hard work of these almost 1,700 staff members. Their dedication and professionalism are essential to the delivery of an efficient, effective, and impartial justice system. We present this Accountability Report with sincere thanks to our employees and partners across the province, and to all Nova Scotians whom we serve.

Thank You.

Original signed by

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Bradley Johns

Minister of Justice and Attorney General

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Candace L. Thomas, Q.C.

Deputy Minister of Justice and  
Deputy Attorney General

## Financial Results

|   | 2021-2022<br>Estimate | 2021-2022<br>Actuals | 2021-2022<br>Variance |
|---|-----------------------|----------------------|-----------------------|
| <b>Program &amp; Service Area</b>   | <i>(\$thousands)</i>  |                      |                       |
| <b>Departmental Expenses:</b>   |                       |                      |                       |
| Administration  | 31,817                | 52,597               | 20,780                |
| Nova Scotia Legal Aid   | 28,892                | 29,745               | 853                   |
| Court Services  | 73,221                | 74,297               | 1,076                 |
| Correctional Services   | 82,951                | 77,457               | (5,494)               |
| Public Trustee  | 2,841                 | 2,849                | 8                     |
| Nova Scotia Medical Examiner Service  | 5,137                 | 6,472                | 1,335                 |
| Public Safety and Security  | 154,772               | 166,676              | 11,904                |
| Serious Incident Response Team  | 647                   | 639                  | (8)                   |
| Accessibility Directorate   | 2,248                 | 2,211                | (37)                  |
| Maintenance Enforcement and Victim Services   | 9,816                 | 10,589               | 773                   |
| <b>Total: Departmental Expenses</b>   | <b>392,342</b>        | <b>423,532</b>       | <b>31,190</b>         |
|   |                       |                      |                       |
| <b>Additional Information:</b>  |                       |                      |                       |
| Ordinary Revenue  | 1,595                 | 2,288                | 693                   |
| Fees and Other Charges  | 22,149                | 21,035               | (1,114)               |
| Ordinary Recoveries   | 131,832               | 127,458              | (4,374)               |
| <b>Total: Revenue, Fees and Recoveries</b>  | <b>155,576</b>        | <b>150,781</b>       | <b>(4,795)</b>        |
|   |                       |                      |                       |
| TCA Purchase Requirements   | <b>3,160</b>          | <b>2,661</b>         | <b>(499)</b>          |
| Provincial Funded Staff (FTEs)  | <b>1,687.6</b>        | <b>1,610.0</b>       | <b>(77.6)</b>         |
| <b><u>Departmental Expenses Variance Explanation</u></b>  |                       |                      |                       |
| <p>Expenses were \$31.2 million or 7.9 per cent higher than estimate primarily due to \$13.9 million in RCMP contract operating costs, \$12.1 million operating expenses related to the Mass Casualty Commission public inquiry, \$4.8 million to establish and operate the African Nova Scotian Justice Institute for three years, \$4.4 million for retroactive wages related to the 2017 Judicial Compensation Tribunal Recommendations. These increases are partially offset by \$4.0 million in vacancy and operational savings.</p> |                       |                      |                       |

**Revenue, Fees and Recoveries Variance Explanation**

*Revenue*

Revenues were \$0.7 million or 43.4 per cent higher than estimate primarily due to higher than anticipated fines for Criminal Prosecutions.

*Fees and Other Charges*

Fees and Other charges were \$1.1 million or 5.0 per cent lower than estimate primarily due to lower than anticipated fees and fines imposed by the Courts.

*Ordinary Recoveries*

Ordinary recoveries were \$4.4 million or 3.3 per cent lower than estimate primarily due to \$3.3 million lower recoveries of overdue court fines and \$1.2 million lower recoveries for Summary Offence Ticket (SOT) collections for the Victim Services Surcharge fund. These decreases were partially offset \$0.1 million for increased recoveries for the Victim Services Augmentation Project.

**Tangible Capital Assets (TCA) Purchase Requirements Variance Explanation**

TCA purchase requirements were \$0.5 million or 15.8 per cent lower than estimate primarily due to delayed project completion for Courts OH&S Infrastructure leasehold improvements.

**Provincial Funded Full-time Employees (FTEs) Variance Explanation**

FTEs were lower than estimate primarily due to vacancies.

## Measuring Our Performance

Guided by the 2021-22 Department of Justice Business Plan and ongoing priorities, the Department has worked to achieve the goals and actions outlined below over the past year. These initiatives align with the overarching goals of the Department's Strategic Plan (2018-2021), which are:

- Strengthening workplace culture and well-being,
- Improving access to justice; and
- Working together for community safety and well-being.

### 1. Advance initiatives to support African Nova Scotian and Indigenous communities in their interactions with the justice system

#### ***Continuing to implement the recommendations from the Wortley Report on Halifax Street Checks through collaboration with community, police, and other stakeholders***

Dr. Scot Wortley's *Halifax, Nova Scotia: Street Checks Report* ("the Wortley Report") was released in March 2019. It made 53 recommendations falling under the categories of: a street check ban, the regulation of street checks, data collection on police stops, and improving police-community relations. Twenty-four (24) of the 53 recommendations were addressed when street checks were permanently banned in Nova Scotia on October 18, 2019. Of the remaining 29 recommendations, 12 are led by the Department. Four of these have been completed and eight are in progress.

The Wortley Report Research Committee continued its work on developing a race-based data collection model. The Department will also publish a *Wortley Report Update* in 2022-23 to provide detail on the recommendations currently in progress.

#### ***Developing an African Nova Scotian Justice Plan in collaboration with African Nova Scotian Affairs and members of the African Nova Scotian community.***

In 2021-22, work continued on the African Nova Scotian Justice Plan, primarily in the area of consultations with the community. An engagement plan was developed, and 16 sessions, co-hosted with the African Nova Scotian Decade for People of African Descent (ANSDPAD) Coalition, will take place in 2022-23 in order to develop a draft of the plan.

#### ***Working with Mi'kmaw communities and organizations to develop an Indigenous Justice Action Plan (IJAP) to ensure the justice system is more responsive to the needs of Indigenous peoples.***

While progress was impacted in 2021-22 due to COVID, an advisory committee has been assembled to advise the Department on the development of an IJAP. Meetings are expected to start in July 2022.



***Implementing the Department's Equity, Diversity and Inclusion (EDI) Action Plan***

Department senior leaders embrace EDI by ensuring that there is follow through across the department on the Action Plan, which rests on five main pillars: recruitment; retention; advancement; a culturally competent and inclusive work environment; and culturally responsive programming and services.

The Department's Senior Advisor of Diversity and Inclusion works to help facilitate the implementation of the Action Plan and additional EDI efforts, including regular reporting to leadership and leading the IDEA (Inclusion, Diversity, Equity and Action) Committee, with staff representation from every division.

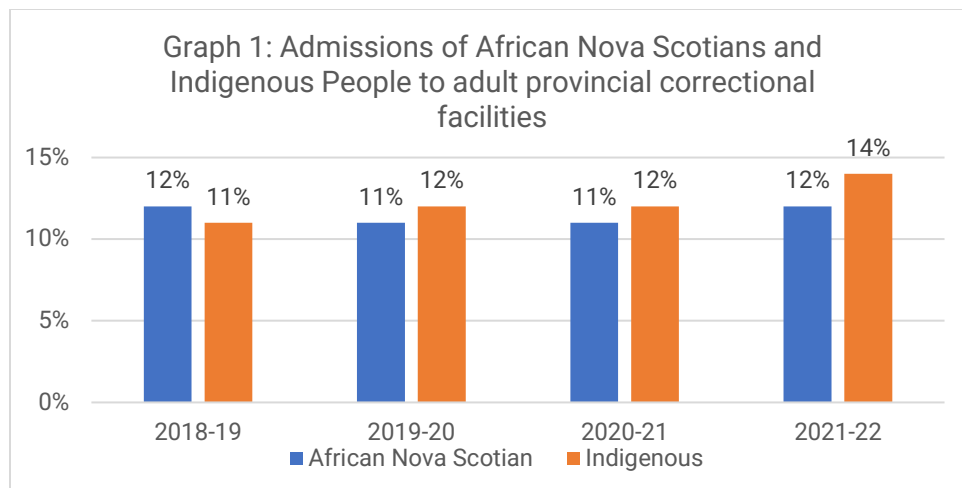
Through 2021-2022, a tracking plan was established to allow each division to decide EDI priorities, set targets, and track achievements. Additionally, education and training sessions, leadership development and designating positions (including assisting with the development of a first ever Sherriff diversity hiring pool) were undertaken to further work toward Action Plan goals.

***In partnership with African Nova Scotian Affairs and the Departments of Natural Resources and Renewables and Communities, Culture, Tourism, and Heritage, accelerating the process of clearing title to lands in the five African Nova Scotian communities designated under the Land Titles Clarification Act.***

While the Office of Equity and Anti-Racism Initiatives (OEA) now leads the work of the Land Titles Initiative, the Department participates in a shared leadership role by providing legal support, developing contracts for external legal services, and assisted with the appointment of Commissioners and development of regulations.

***Performance Measures***

Graph 1 depicts the proportion of individuals admitted to provincial correctional facilities in Nova Scotia who are African Nova Scotian and Indigenous, respectively. As of the 2016 census, African Nova Scotians comprise 2.4% of the province's population and Indigenous people 5.7%. However, African Nova Scotians represented 12% and Indigenous persons represented 14% of total admissions to adult correctional facilities in 2021-22. This underscores the importance of work across the Department to address overrepresentation and support African Nova Scotian and Indigenous people in their interactions with the justice system.



## 2. Ensure that our efforts in the justice system are guided by the principles of preventative and restorative justice

### ***Enhancing educational opportunities offered to persons in custody or under community supervision through the Nova Scotia Community College (NSCC) and other organizations to support reintegration into the community***

Courses continued to be offered to people in custody and under community supervision in 2021-22. These include those offered through the NSCC Limitless program and those offered as GED requirements. The number of individuals participating significantly declined, with only 2 graduates completing their GED in 2021-22 (Graph 2, page 11). The drop in participation has been attributed to the COVID-19 and efforts are being made to ensure more individuals take part in 2022-23.

### ***Creating a separate women's unit at the Central Nova Scotia Correctional Facility (CNSCF) into its own facility to specifically address the needs of women in custody***

This work has been completed. The Women's Unit at CNSCF is fully operational under its own leadership through the hiring of a female superintendent and offers tailored programming that is responsive to the unique needs of women involved in the justice system.

### ***Implementing and supporting bail monitoring and supportive housing programs to reduce the number of people held in custody and enable reintegration into the community***

The Department continued funding for supportive housing programs offered at Holly House in Dartmouth (in partnership with the Elizabeth Fry Society) and a new facility in Pictou (in partnership with the John Howard Society). Services are available for participants at both sites such as educational offerings, addictions and mental health treatment, and a probation officer, and work is ongoing to enhance these offerings by engaging with other community partners.

### ***Continuing the five-year Community Crime Intervention Initiative to support communities and law enforcement in their ongoing violence reduction efforts***

This initiative involves collaboration between the provincial and federal governments to address the increase in gun-related violence and gang activity in Canada. This funding supports community-level prevention efforts led by government and law enforcement. Funding recipients for 2021-22 were:

- Safe Spaces- Nova Scotia Advisory Council on the Status of Women- YWCA Halifax
- Community Mobilization Teams- Halifax Regional Municipality
- Bail Verification Project- Mi'kmaw Legal Support Network
- Seven Sparks Project- Mi'kmaw Native Friendship Society
- InSpire- In My Own Voice (IMOVE)
- Human Trafficking Unit- Halifax Regional Municipality/Halifax Regional Police

***Continuing to fund additional law enforcement officers through the Additional Officer Program to improve capacity throughout the Province***

The Additional Officer Program (AOP) continued in 2021-22. During the year, the Chiefs of Police and RCMP were informed that a thorough evaluation of the AOP would be conducted. The information gathering phase of this review has been completed and analysis will continue in 2022-23, with a report being prepared early in the year.

***Supporting the provincial government's participation as a party to the independent public inquiry into the April 2020 Nova Scotia Mass Casualty (the "Mass Casualty Commission"), and also assisting families of victims in accessing services for the duration of the process***

The Department's Legal Services Division represents government as a participant to the Mass Casualty Commission, including through the disclosure process. In addition to providing advice across government on issues arising out of the Commission's mandate, Department lawyers assist in the preparation and response to testimony of key witnesses in the proceedings.

The Victim Services Program also continues to work with family members and others affected by the events.

***Providing logistical and infrastructure support to the fatality inquiry into the deaths of Lionel Desmond and his family members in 2017***

Court Services continued to provide logistical and facility support for the inquiry in 2021-22. Legal Services represented the Province at the inquiry, including engaging and examining witnesses from DOJ and other applicable government departments and offices. Work on the inquiry is scheduled to be completed in 2022-23.

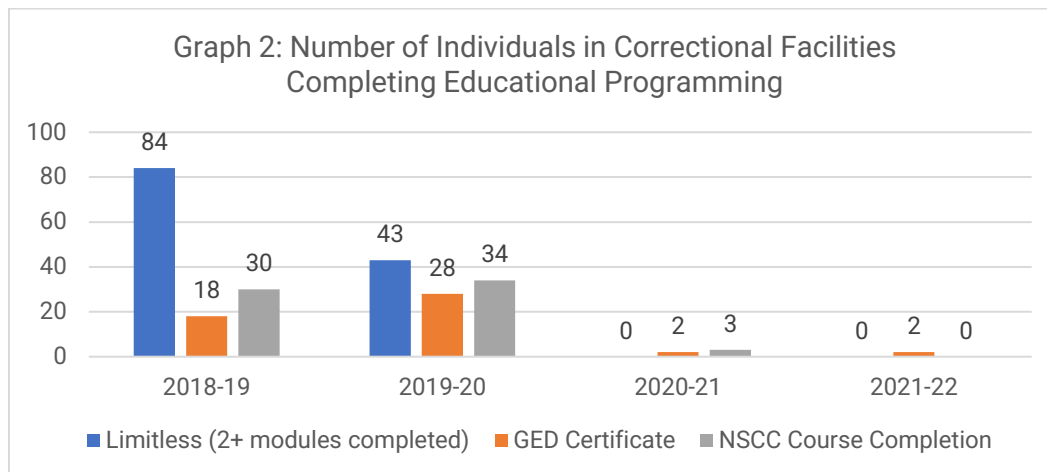
***Nova Scotia's Restorative Justice Program partnering with community-based agencies, Community Corrections, and other justice sector partners, and building capacity among Department of Justice staff to take a restorative approach to employee engagement, service delivery, and working with external partners***

Staff in the Department’s Restorative Initiatives Unit (RIU) continue to collaborate with government, community, and Restorative Justice agencies across the province to enhance program offerings and improve delivery by providing support for complex cases. RIU has also convened a cross-departmental group to collaborate on the development of better and more human-centred services for people in need.

Significant capacity building has been built among Department staff through RIU-led education sessions and active involvement in designing and conducting restorative processes. To ensure the restorative approaches are robust and consistent, an evaluation framework is actively applied this process.

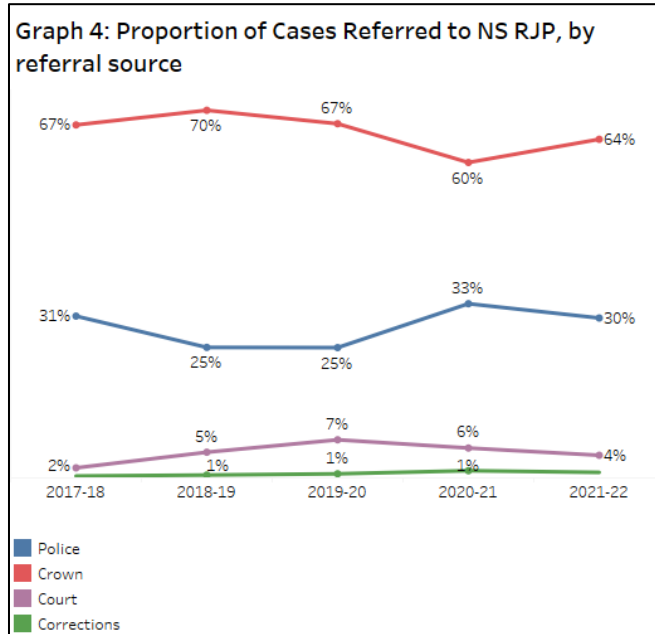
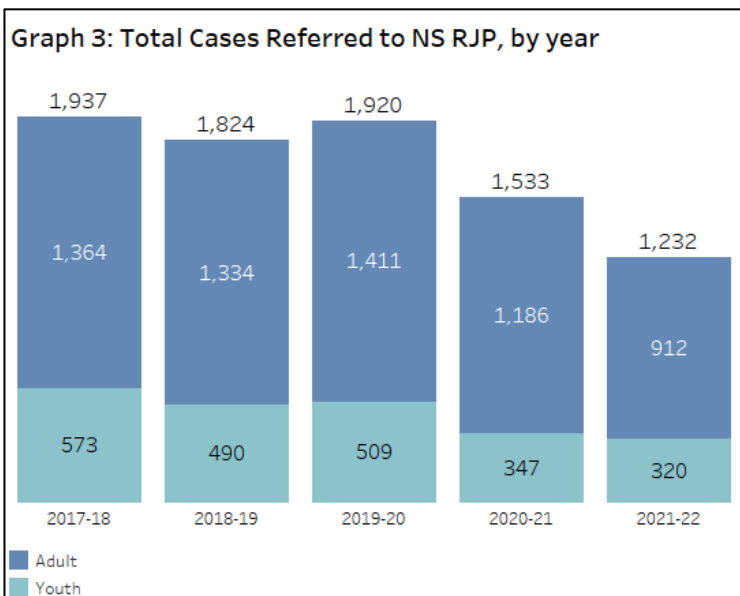
### Performance Measures

Graph 2 depicts the number of individuals in custody completing educational programming. As explained above, the pandemic has led to a significant decline which efforts are now being made to reverse. In addition to those individuals who completed the GED program in 2021-22, 8 others attended NSCC courses.



Graphs 3 and 4 depict the number of cases referred to the NSJRP each year, and the sources of these referrals.

While the number of referrals to Restorative Justice have declined by (30%) since 2019-2020, the overall number of cases in the court system are much lower than in 2019-20 (16% decrease in the number of new cases and 17% decrease in the number of completed cases) due to the impact of COVID. The proportion of court cases that were referred to restorative justice has remained relatively stable between 2019-20 (8.5%) and 2021-22 (8.35%).



### 3. Enhance the provincial approach to addressing human trafficking and domestic violence in our communities

#### ***Supporting and participating on the Domestic Violence Law Enforcement Committee on the Nova Scotia Chiefs of Police Association***

The Intimate Partner Violence Chiefs of Police Committee, with a representative from the Department’s Public Safety and Security Division, has met monthly in 2021-22 to discuss best practices and share information.

#### ***Redeploying six law enforcement officers to focus specifically on human trafficking investigations, domestic violence, and sexual assault***

This effort redeployed four law enforcement officers and two civilian staff members to focus specifically on investigations involving these types of offences.

#### ***Helping victims and survivors of human trafficking access supports, programs, and services through recent provincial and federal investments***

The Department’s Victim Services Program offers several supports to victims of sexual violence, including those who have been subject to human trafficking. These include the Sexual Offence Legal Representation (SOLR) Program which provides legal representation to a complainant when certain legal records are sought by the court (66 complainants in 2021-2022, see Table 1

on page 13), and the Independent Legal Advice (ILA) Program which provides free, independent legal advice to survivors of sexual assault. 126 individuals accessed the ILA program in 2021-2022 (Table 2, page 14).

***Reviewing high-risk protocols used in responding to domestic violence incidents and expanding the partners involved in the High Risk Domestic Violence Case Coordination Protocol Framework***

This initiative was completed in 2021-22. Updated High-Risk Protocols and revised information sharing forms were developed in collaboration with partners, and assistance was provided to Primary Service Provider Agencies to develop training videos to be used for their staff going forward. These local protocols set out the partner agencies' roles and responsibilities in terms of risk assessment and sending proactive referrals, and outline requirements for proactive information sharing among relevant Primary Service Providers when situations are designated as high risk.

***Creating a new provincial interagency table demonstration project to focus on early detection and early intervention for the highest-risk domestic violence cases, as an added component to the existing High-Risk Domestic Violence Case Coordination Protocol Framework***

The Provincial Highest Risk Domestic Violence Table was formed in 2021-22 and meets regularly. Processes are being developed to assess and address cases deemed to be highest risk. The Department is facilitating this work in partnership with stakeholders from community, law enforcement, healthcare, child welfare, correctional services, and victim services.

***Developing a new provincial domestic violence training model and curriculum***

During 2021-22, multigroup sessions and focus groups were held to co-design and develop a Domestic Violence training program. The organizations involved in this work included the Executive Council Office, the Nova Scotia Advisory Council on the Status of Women, the Department's Public Safety and Security, Victim Services, and Domestic Violence teams, along with community-based organizations operating in the sector and an expert consultant to provide guidance on training development.

***Developing programming that is culturally safe and ensures stronger supportive connections within families experiencing domestic violence and who may be involved with child protection***

The Domestic Violence Court Program (DVCP) continues to connect participants to culturally relevant programs and services where appropriate, including the Nova Scotia Brotherhood Initiative, the Mi'kmaw Legal Support Network, the Mi'kmaw Native Friendship Centre, and the Immigrant Settlement Association of Nova Scotia. The DVCP Coordinator met individually with service providers in 2021-22 to work towards strengthening the cultural supports available.

***Continuing the implementation of the Domestic Violence Death Review Committee led by the Chief Medical Examiner***

Amendments to the *Fatality Investigations Act* and new regulations came into effect in October 2021. The amendments to the *Act* established a Domestic Violence Death Review Committee, while the regulations provide more specific details about the committee. The Committee will be convened in 2022-23.

### **Performance Measures**

Measures for tracking performance in this work include ongoing analysis of new domestic violence training materials and collecting qualitative data from justice sector partners on programs that serve the public.

In 2021-22, 126 individuals accessed the ILA program, a 34% increase from 2020-2021. The number of approved SOLR cases in 2021-2022 increased by 43.5% from 2020-2021.

*Table 1: SOLR cases from 2019-2022*

| <b>Year</b> | <b>Total Cases</b> | <b>Approved</b> | <b>Rejected</b> |
|-------------|--------------------|-----------------|-----------------|
| 2021-22     | 69                 | 66              | 3               |
| 2020-21     | 48                 | 46              | 2               |
| 2019-20     | 43                 | 38              | 5               |

*Table 2: ILA cases from 2019-2022*

| <b>Year</b> | <b>Total Cases</b> |
|-------------|--------------------|
| 2021-22     | 126                |
| 2020-21     | 94                 |
| 2019-20     | 79                 |

## **4. Play a leadership role in the government’s work on accessibility**

In 2021-22, the Department continued its work to advance the government’s goal of an accessible Nova Scotia by 2030. The Accessibility Directorate leads government’s work to prevent and remove barriers to accessibility for persons with disabilities. The key actions for 2021-22 are described below.

***Developing accessibility standards for the built environment, education, and a third standard area to be determined, via committee and stakeholder consultation***

The government is committing to developing standards for accessibility in six areas to work towards an accessible Nova Scotia. These six areas are: built environment, education, employment, transportation, goods and services, and information and communication.

Work continued in 2021-22 on the development of standards for built environment, education, and employment. In each area, a committee was established to guide the work, which included consultations with stakeholders and Nova Scotians with disabilities and recommendation development.

Recommendations on the built environment were submitted to the Minister, and government has begun reviewing the recommendations and developing proposed standards.

***Working with public sector bodies to support them developing accessibility plans and accessibility advisory committees***

The Accessibility Directorate supported prescribed public sector bodies (PPSBs)<sup>1</sup> as they worked toward their obligation to develop an Accessibility Plan. Although the COVID-19 pandemic resulted in some delays, as of March 31, 2022, 76% of the PPSBs met their obligation to complete their Accessibility Plan and a further 22% are scheduled to complete their plan by Fall 2022 (Chart 2, page 16).

This work also included developing resources and training, such as workshops and the 'Engaging with Persons with Disabilities' guide, to support PPSBs in delivering on their accessibility obligations.

***Launching a multi-year public awareness campaign to increase understanding of accessibility barriers to accessibility***

Significant work was completed toward the development of a public awareness campaign, "Access Includes Everyone", including production of three video and static advertisements, as well as a planned media schedule for television, social media, and digital media. However due to production delays resulting from the COVID-19 pandemic, the launch of the campaign was delayed until early 2022-23.

***Supporting government Departments in implementing the actions of the Government of Nova Scotia Accessibility Plan (2018-2021) and reporting on the results***

The Accessibility Directorate supports government's leadership role in accessibility by working collaboratively with Departments and Offices to implement the Government of Nova Scotia Accessibility Plan commitments. As of March 31, 2022, 78% of commitments from the 2018-21 Plan have been completed, including the shared commitment of the Accessibility Directorate and the Public Service Commission to develop training for all government staff on accessibility (Chart 1, page 16). Almost 6,000 employees have completed the training module. The remaining 22% of the Plan commitments are in progress or are ongoing activities that will continue in 2022-23 (Chart 1, page 16).

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<sup>1</sup> PPSBs include municipalities, villages, regional libraries, post-secondary institutions, regional centres for education and the Conseil scolaire acadien provincial, and several other agencies, boards, commissions, and institutions.



***Leading the development of the Government of Nova Scotia Accessibility Plan (2022-25)***

The Accessibility Directorate led a government-wide effort, with support from government's Interdepartmental Committee on Accessibility, to develop the 2022-25 Accessibility Plan, including consultation with stakeholders and Nova Scotians with disabilities. The launch of the 2022-25 plan will occur in 2022-23.

***Beginning the development of compliance and enforcement mechanisms under the Accessibility Act***

The Accessibility Directorate established the Compliance and Enforcement Working Group comprised of Nova Scotians with disabilities, members of sectors that will be impacted by accessibility standards, and government departments, to inform the development of a Compliance and Enforcement Framework for the *Accessibility Act*. The framework will be launched in 2022-23.

***Conducting the first legislated review of the Accessibility Act, with the chair of the review process appointed by September 2021***

The Nova Scotia *Accessibility Act*, proclaimed in 2017, requires that a review take place within four years of it coming into effect. In 2021-22, the Minister appointed Dr. Katie Aubrecht to lead the first independent review of the Act. This work will continue with wide-ranging engagement with the public, disability stakeholders and Nova Scotians in 2022-23.

***Providing leadership and support to address the impacts of COVID-19 on Nova Scotians with disabilities***

The Accessibility Directorate has held over 15 consultations with disability sector organizations regarding the impact of COVID-19 on their communities and clients and heard from other groups via a survey. These consultations helped provide an understanding of the challenges faced by Nova Scotians with disabilities that have been exacerbated by the pandemic as well as some positive outcomes such as the rise of remote work and virtual programming. This feedback will help inform the Directorate's work going forward and will be shared with partners to address the challenges that were identified.

***Performance Measures***

Chart 1 depicts the completion rate of items from the 2018-2022 Government of Nova Scotia Accessibility Plan. 78% of actions have been completed and 22% are not yet complete. Fifty percent (50%) of the items in total will continue in 2022-25 as ongoing activities.

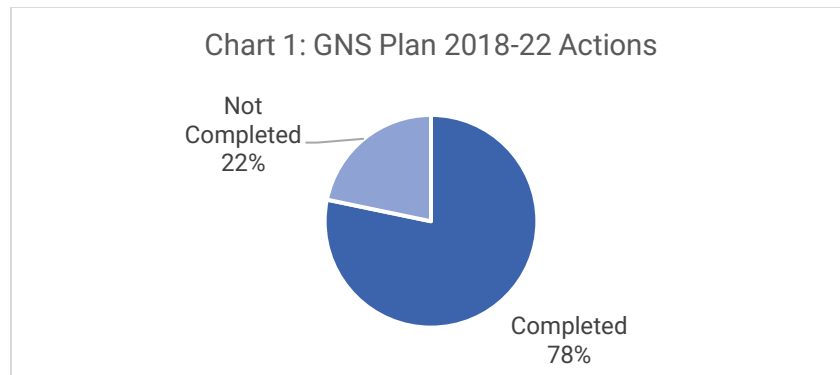
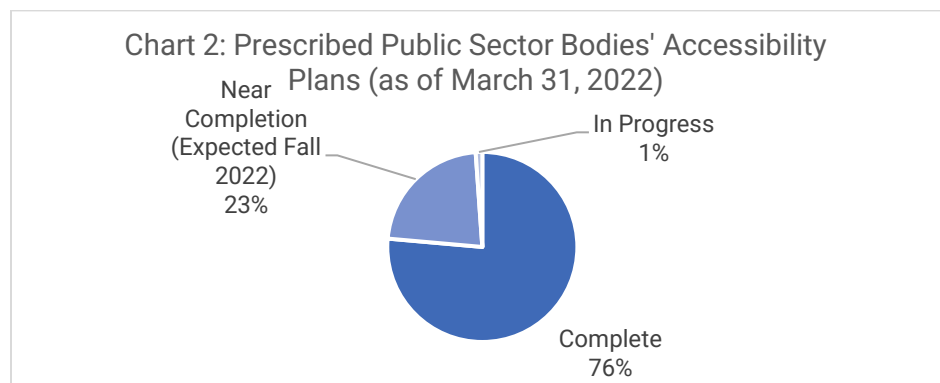


Chart 2 depicts the percentage of PPSBs that have developed Accessibility Plans, which are required by the *Accessibility Act*. As of March 31, 2022, 76% of PPSBs had completed plans, 23% had plans expected to be completed by Fall 2022, and the remaining 1% had begun work on their plans.



## 5. Work towards digital transformation of the Court system and improve court efficiency

***Expanding the implementation of the eCourt online platform for judicial case management, settlement conferencing, and adjudication, to speed up processes and reduce the need for in-person meetings and travel***

The eCourt Platform is a program that permits court proceedings to be heard online and documents to be uploaded and exchanged virtually. It has been in use in Nova Scotia since August 2020, and is now available to hear matters, including those involving more than two parties.

***Evaluating the needs for modified court infrastructure and activities according to public health guidelines for the duration of the COVID-19 pandemic.***

The Department continued to monitor infrastructure needs related to COVID-19. Upgrades continued in courthouses across the province for new audio systems and technology to allow for virtual proceedings.

***In collaboration with the Judiciary and others, developing a vision for digital transformation of courts***

In 2021-22, the Digital Task Force co-chaired by the Chief Justice of the Nova Scotia Court of Appeal and the Deputy Minister of Justice worked with an external consulting firm to review the digital elements of Nova Scotia's court system. This involved consultation with stakeholders from across the court system, including the judiciary, members of the Nova Scotia Barristers' Society, and court staff. A What We Heard Report will be prepared in early 2022-23 and will help guide the Task Force's work moving forward.

***Working with the judiciary and justice partners to address the court backlog and the number of cases approaching the R. v. Jordan threshold and number of people on remand***

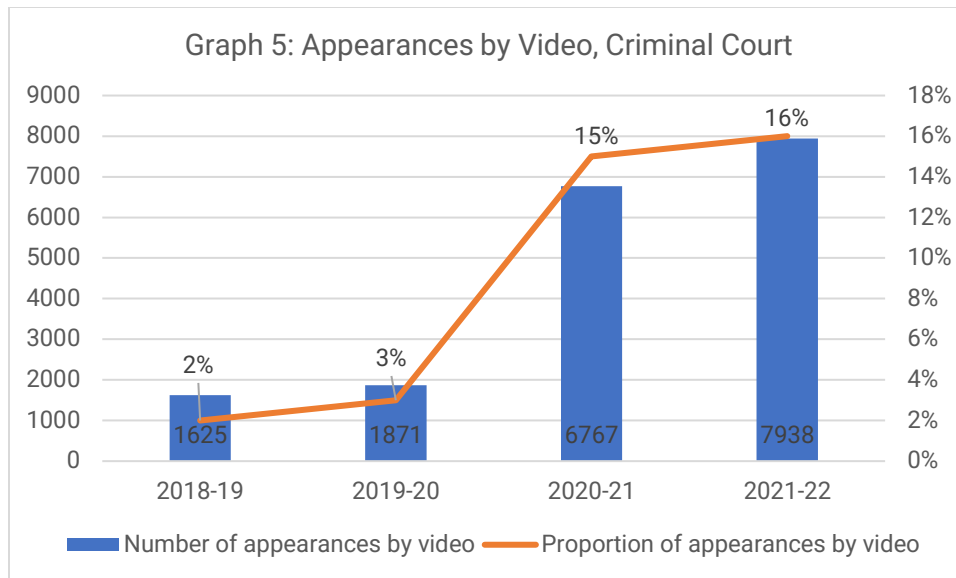
The COVID-19 pandemic had significant impacts on the justice system, and particularly on the court system which saw increases in delayed cases. The Supreme Court's 2016 *R. v. Jordan* decision established thresholds for the length of time between the laying of charges and the end of a trial. For Provincial Court cases, the threshold is 18 months, while for cases with a preliminary inquiry or heard in Supreme Court, the threshold is 30 months.

As of March 31, 2022, cases exceeding the Jordan threshold were at 139% of the 2017 baseline, a slight increase from March 2021. Work continues by the Department, the Courts which manage cases, and other agencies (e.g. the Public Prosecution Service) to reduce these timeframes and improve efficiencies.

The backlog in the court system exacerbated by COVID-19 has a further effect on Nova Scotia's provincial correctional facilities where individuals on remand are detained. The proportion of people in correctional facilities who are there on remand, or on a dual status including remand, has increased year over year since 2018-19. Individuals on remand have been charged with a crime but not yet convicted and sentenced.

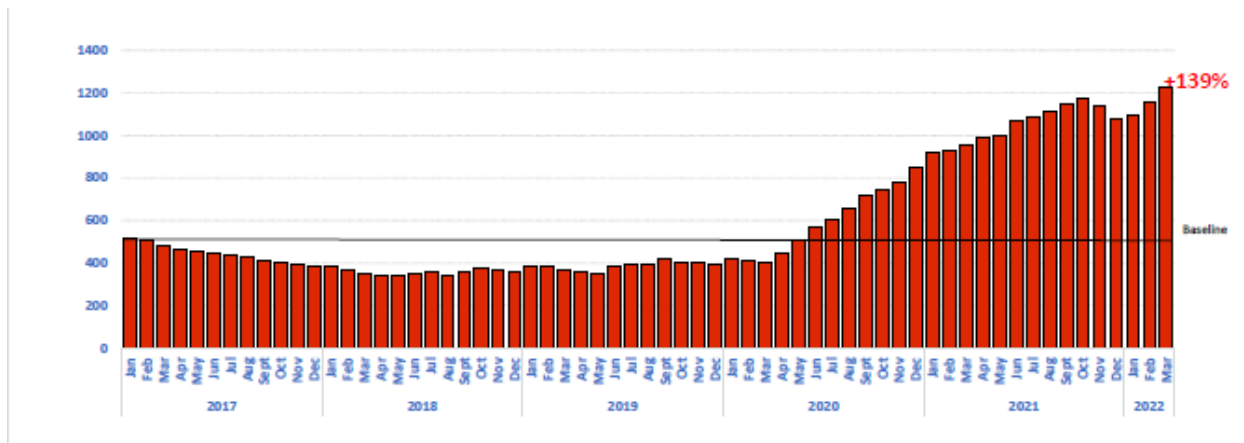
***Performance Measures***

Graph 5 depicts the number of appearances by video and the percentage of video appearances in provincial court appearances compared with total appearances. There has been a large increase in the proportion of appearances held by video due to the COVID-19 pandemic. The largest jump was from 3% of appearances in 2019-20 to 15% in 2020-21.

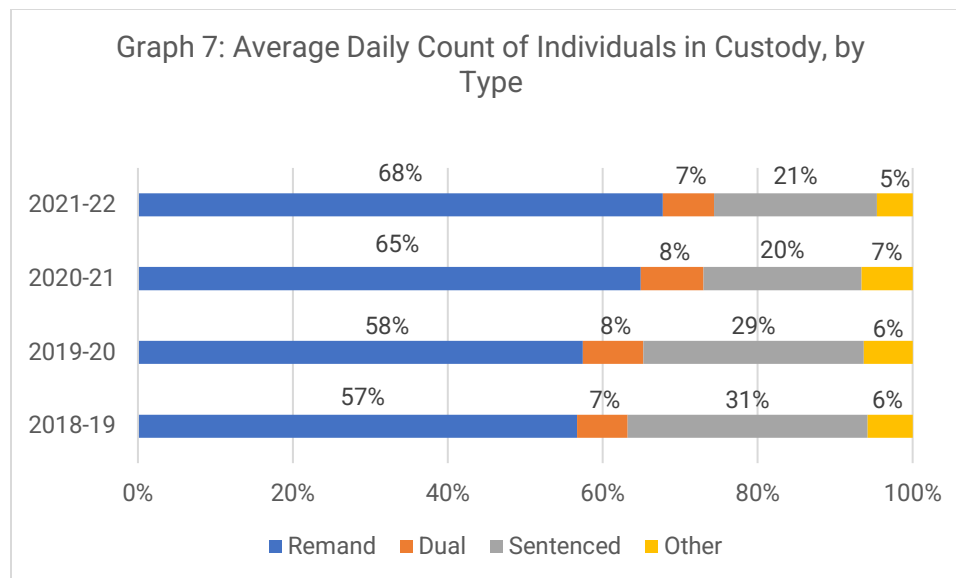


Graph 6 depicts the number of cases at or above the 18-month Jordan threshold from January 1, 2017, to March 31, 2022. The number of cases at the end of 2021-22 was 139% higher than the baseline number established in January 2017. These figures are an overrepresentation of the actual number of cases exceeding the Jordan threshold as they include defence caused/waived delay, delay caused by the defendant being at large (i.e., bench warrants), and cases either referred to Restorative Justice or where Charter rights are waived.

Graph 6: All Cases Currently At or Above Jordan Threshold



Graph 7 depicts the average daily count of individuals admitted into Nova Scotia’s adult correctional facilities by type of admission: remand, sentenced custody, dual (admitted for multiple charges including remand and sentenced custody), and other. The percentage of individuals in custody on remand or dual status continued to increase in 2021-22.



## 6. Increase responsiveness to Nova Scotian families and children for maintenance enforcement

The Maintenance Enforcement Program (MEP) is a free service offered by the Department that helps Nova Scotians make or receive court-ordered maintenance payments when an order is enrolled with the program and can take steps to enforce a maintenance enforcement order when payments are not being made.

MEP staff continued to work in 2021-22 to enhance the program and make it more responsive to client needs. This has involved enhancing digital client services offerings, collaborating with other jurisdictions, and making changes in internal operational systems to improve efficiency.

### ***Continuing efforts to increase enforcement of arrears***

MEP continued work to improve enforcement of arrears to ensure that individuals and families enrolled in the program receive regular payments in the full amount to which they are entitled. Enforcement actions vary for each case but can include measures such as wage garnishment, suspension of driver licenses, or further court orders to pay.

### ***Leading collaborative work with other jurisdictions to improve case management of maintenance orders being enforced in other provinces and territories***

Nova Scotia MEP has a leadership role on the Deputy Ministers of Justice Federal-Provincial-Territorial Working Group dedicated to improving enforcement of support orders across jurisdictions. Nova Scotia is also represented on several committees involved in this work focused on Trace and Locate, Secure Electronic Documents and Bank Garnishments, and Metrics, respectively. Nova Scotia co-leads the latter two committees.

### ***Fully implementing an operational dashboard to improve case management practices***

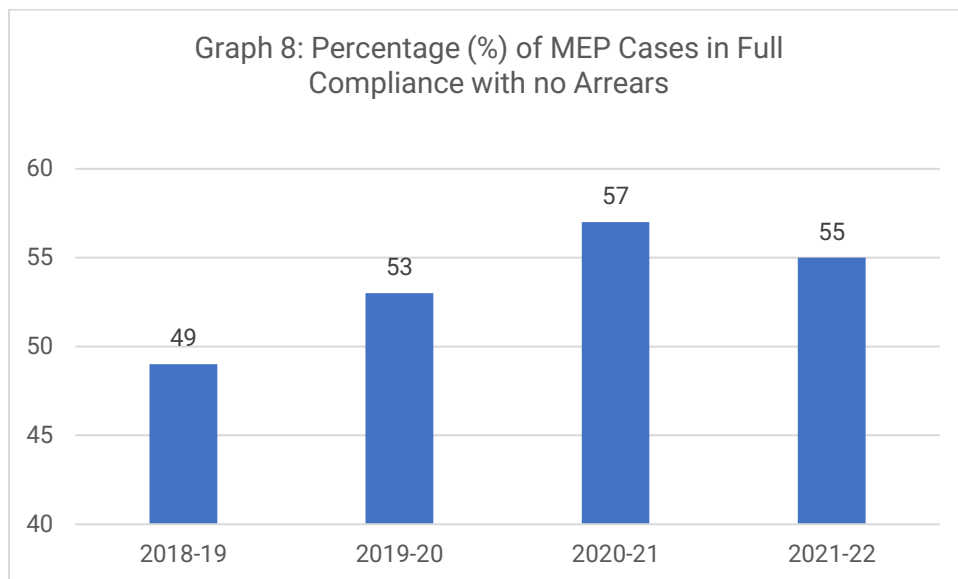
MEP's dashboard will allow staff to track their cases and managers to assess workloads and efficiency more easily. Final details of the dashboard's development were completed, and a prototype was created and tested in 2021-22. Implementation will occur in 2022-23.

***Promoting the use of digital technology to improve administration, program effectiveness, and services for clients, including increasing the percentage of clients accessing MEP's online system***

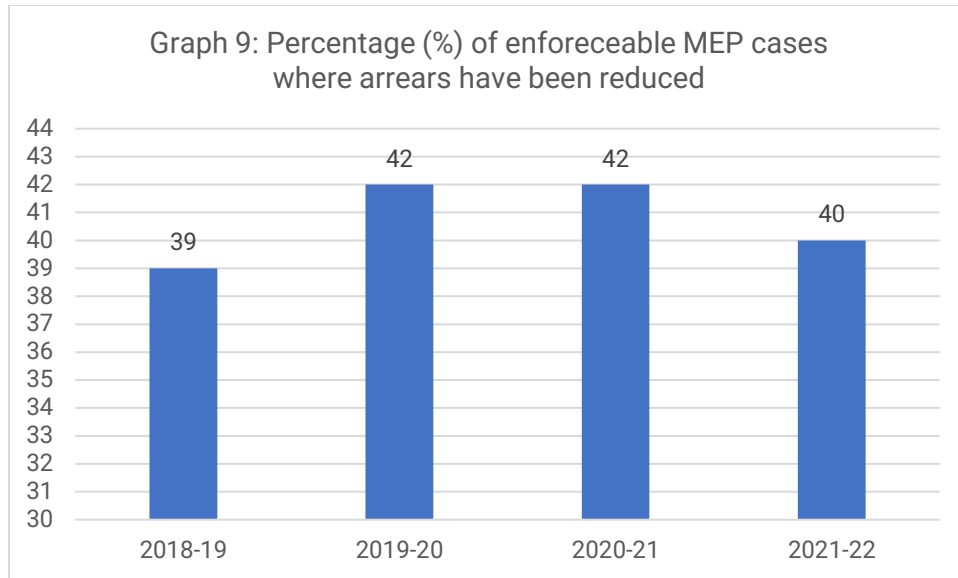
The MEP online program allows clients to log into an account to access their payment information and schedule, details on any enforcement actions taken, and to communicate with their case worker. Uptake of the program has continued to increase in 2021-22, with 5,900 clients currently enrolled (Graph 10, page 21).

***Performance Measures***

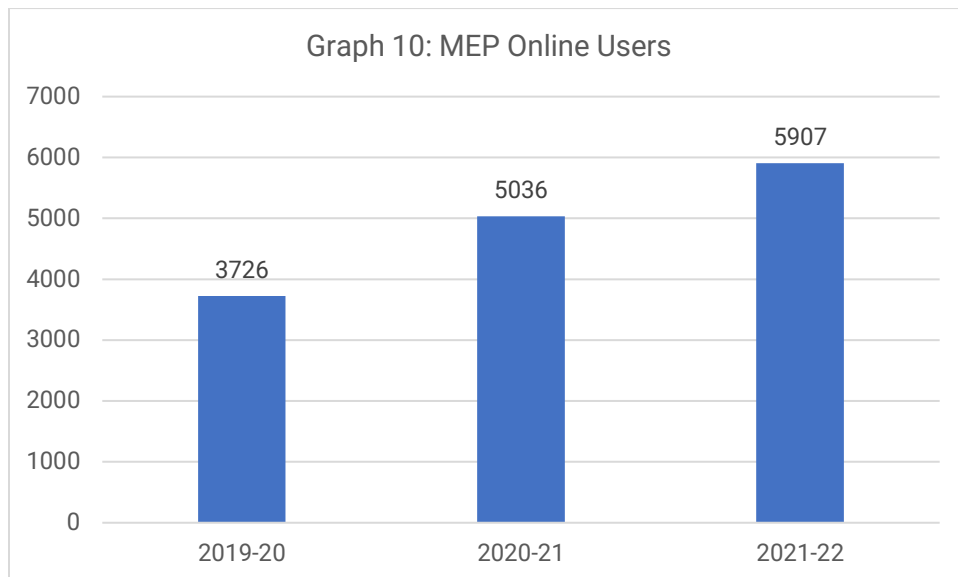
Graph 8 depicts the percentage of MEP cases where the payor is in full compliance and there are no arrears remaining that are owed to the payee. In 2021-22, 55% of payers were in full compliance, which is slightly lower than the prior year (57%).



Graph 9 depicts the percentage of MEP cases where there are arrears, but the amount has been reduced. In 2021-2022, arrears were reduced in 40% of cases, just slightly below the prior two years (42%).



Graph 10 shows the increase in the number of MEP clients who are using the MEP Online platform to access services. In 2021-2022, there was a 17% increase in uptake of the online platform.



## Supplemental Information and Appendices

### Key Facts about the Department of Justice

The Department of Justice consists of approximately 1,700 employees (FTEs) and is responsible for the administration of justice and for promoting the safety and security of Nova Scotians through justice-related programs, services and initiatives.

The Department is responsible for over 170 different Acts and 100 different Regulations.

The Department provides services through six Divisions, the Strategic Initiatives Unit, and the Accessibility Directorate:

- **Correctional Services:** responsible for improving public safety and security through effective community and custody-based case management, rehabilitation, and supervision of remanded persons or sentenced offenders.
  - Operates four adult correctional facilities, and one youth centre, and
  - 22 Community Corrections offices throughout the Province.
- **Court Services:** responsible for improving access to justice and improving public safety and security through support to the judiciary and the administration of Nova Scotia's Courts at 24 sites in 18 communities across the Province:
  - Civil law court services;
  - Criminal law court services;
  - Family law court services; and
  - Sherriff Services - focuses on the safety and security of the judiciary, court staff, the public, and persons in custody. There are Sheriffs across the Province, numbering over 200 in total.
- **Legal Services:** responsible for providing a full range of legal advice and services to support government operations and help government achieve its corporate priorities while ensuring the administration of public affairs is carried out in accordance with the law:
  - The Division represents government in legal proceedings, except prosecutions. This includes formal litigation on behalf of the Crown before all levels of courts in the Province, the Federal Courts, and the Supreme Court of Canada.
  - The Division has extensive experience with legal issues that uniquely affect the Crown and offers a full range of commercial, administrative, and legislative advice.
  - The Division is also home to the Registry of Regulations.
- **Maintenance Enforcement and Victim Services:** responsible for improving access to justice for families by registering, collecting, and enforcing court orders or agreements registered with the court for child and spousal support. Victim Services is responsible for four Regional Offices and operates four core programs which aim to reduce the harmful impact of crime on victims.
- **Policy & Information Management:** responsible for supporting the Minister, Deputy Minister, Senior Management and all divisions through four sections.
  - Research, Planning and Information Management provides, research, statistics, and evaluation services, leads the business planning process and manages the appointment process for the Department's agencies, boards, and commissions.



- Legislation, Policy and Federal/Provincial/Territorial (FPT) Relations supports and advises on all aspects of the departmental legislative agenda, policy; and FPT committees and working groups.
- Records Management administers the departmental records management program and provides guidance to the Courts of Nova Scotia in relation to their records management program.
- The Facilities Group manages accommodation requirements including capital construction, leasehold acquisition, leasehold renovation and building maintenance projects.
- Public Safety and Security: responsible for public safety initiatives in the Province, including oversight, governance and advice to police, private security services and firearms license holders, as well as enforcement of community safety processes and security intelligence management services.
- Strategic Initiatives Unit: brings together the following areas of the Department's work:
  - Domestic Violence Initiatives Unit: develops and implements programs and services to prevent domestic violence, support victims, improve coordination between service providers, and achieve results that meet the needs of the most vulnerable
  - EDI: responsible for ensuring an inclusion and diversity lens is applied to strategies, policies, programs, and other initiatives of the Department
  - Indigenous Justice Initiatives: responsible for developing an Indigenous Justice Action Plan to provide a strategic and comprehensive approach to the work of Indigenous justice in Nova Scotia
  - RIU: has a mandate to support and advance restorative initiatives in the Province. The RIU is anchored by the Restorative Justice Program for youth and adults across the Province.
- Accessibility Directorate: responsible for implementing and administering Nova Scotia's *Accessibility Act* with the goal of attaining an accessible Nova Scotia by 2030.

## Public Interest Disclosure of Wrongdoing Act (PIDWA)

The *Public Interest Disclosure of Wrongdoing Act* (PIDWA) was proclaimed into law on December 20, 2011. The Act provides a mechanism for current and past government employees to come forward if they reasonably believe that a wrongdoing has been committed or is about to be committed and they are acting in good faith.

The Act also protects employees who disclose from reprisals, by enabling them to lay a complaint of reprisal with the Labour Board.

A wrongdoing for the purposes of the Act is defined as:

- a) a contravention of provincial or federal laws or regulations
- b) a misuse or gross mismanagement of public funds or assets
- c) an act or omission that creates an imminent risk of a substantial and specific danger to the life, health, or safety of persons or the environment, or
- d) directing or counselling someone to commit a wrongdoing.

| Information Required under Section 18 of the Act            | Fiscal Year 2021-22 |
|---|---------------------|
| <b>The number of disclosures received</b>                   | 0                   |
| <b>The number of findings of wrongdoing</b>                 | N/A                 |
| <b>Details of each wrongdoing</b>                           | N/A                 |
| <b>Recommendations and actions taken on each wrongdoing</b> | N/A                 |