



Public Prosecution  
Service of Canada

Service des poursuites  
pénales du Canada

# Public Prosecution Service of Canada

## Annual Report 2009–2010



Canada 

If you would like to know more about the Public Prosecution Service of Canada (PPSC), please refer to the following documents, both of which are available through our website at [www.ppsc-sppc.gc.ca](http://www.ppsc-sppc.gc.ca):

- The *Director of Public Prosecutions Act*
- The *Federal Prosecution Service Deskbook*

***Public Prosecution Service of Canada Annual Report 2009–2010***

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Public Prosecution  
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Service des poursuites  
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Office of the Director    Bureau du directeur  
Ottawa, Canada  
K1A 0H8

JUN 29 2010

The Honourable Robert Nicholson, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada  
House of Commons  
Ottawa, Ontario K1A 0A6

Dear Attorney General:

Pursuant to section 16(1) of the *Director of Public Prosecutions Act*, I am pleased to present you with the 2009–2010 Annual Report of the Public Prosecution Service of Canada. The report covers the period from April 1, 2009 through March 31, 2010.

In accordance with its mandate, the PPSC prosecutes cases under federal law, and provides high-quality legal advice to investigative agencies.

PPSC staff across Canada perform their role with pride and professionalism. They exemplify our organizational values of respect, integrity, excellence, and leadership.

I look forward to building on our continued success as a key player in the Canadian criminal justice system.

Yours sincerely,

Brian Saunders  
Director of Public Prosecutions

Canada

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# Message from the Director of Public Prosecutions

I am pleased to present the *Annual Report 2009–2010* of the Public Prosecution Service of Canada (PPSC).

The PPSC is a national organization with offices in all regions of the country. We prosecute cases in all provinces and territories, and provide high-quality legal advice to investigative agencies throughout Canada. The PPSC provides its services in a manner that is fair, impartial, and objective.

This past year, the PPSC adopted a mission and values statement that reflects the essential principles guiding our work as prosecutors and public servants. This statement helps to ensure that we all share a common understanding of what we want our organization to be, and helps to set our direction for the future.

The PPSC Executive Council has extended our four corporate priorities for 2010–2011. These corporate priorities reflect the operational nature of the PPSC's mandate. We have made great progress in developing our operational capacity since our creation, and focusing on these priorities will assist us in the performance of our role. These priorities are:

- the recruitment and retention of staff;
- the safety and security of our employees;
- the ongoing development of performance measures for key financial and human resources information; and
- the implementation of knowledge management tools.

Prosecutions represent the core function for which we are responsible and characterize our role and our relationship with our partners in the criminal justice system and with the Canadian public.

I would like to thank all PPSC staff across Canada for their continuing hard work and dedication. Through their efforts, they exemplify the very values we seek to embody as an organization.



Brian Saunders  
Director of Public Prosecutions



# 1. The Public Prosecution Service of Canada – An Overview



# 1. The Public Prosecution Service of Canada – An Overview

The Public Prosecution Service of Canada (PPSC) is an independent prosecution service whose main objective is to prosecute offences under federal jurisdiction in a manner that is free of any improper influence and that respects the public interest. It was created on December 12, 2006 with the coming into force of the *Director of Public Prosecutions Act*, Part 3 of the *Federal Accountability Act*.

## Mandate

The mandate of the PPSC is set out in the *Director of Public Prosecutions Act*. The Act empowers the Director of Public Prosecutions (DPP) to:

- initiate and conduct federal prosecutions;
- intervene in proceedings that raise a question of public interest that may affect the conduct of prosecutions or related investigations;
- issue guidelines to federal prosecutors;
- advise law enforcement agencies or investigative bodies on general matters relating to prosecutions and on particular investigations that may lead to prosecutions;
- communicate with the media and the public on all matters respecting the initiation and conduct of prosecutions;
- exercise the authority of the Attorney General of Canada in respect of private prosecutions; and
- exercise any other power or carry out any other duty or function assigned by the Attorney General of Canada that is compatible with the office of the Director.

When carrying out these statutory responsibilities, the DPP is the Deputy Attorney General of Canada. The *Director of Public Prosecutions Act* empowers the DPP to act independently in respect of federal prosecutions.

The *Director of Public Prosecutions Act* also empowers the DPP to:

- initiate and conduct prosecutions under the *Canada Elections Act*; and
- act, when requested by the Attorney General of Canada, in matters under the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act*.

With the exception of *Canada Elections Act* matters, the Attorney General of Canada can issue a directive to the DPP in respect of a prosecution or assume conduct of a prosecution, but must do so in writing and a notice must be published in the *Canada Gazette*. As part of the DPP's accountability to the Attorney General, and to assist the Attorney General in deciding whether to give direction or assume conduct, the DPP must inform the Attorney General of any prosecution or planned intervention that may raise important questions of general interest.



Most of the responsibilities of the DPP are carried out by federal prosecutors employed by the PPSC or private-sector agents retained by the DPP. Whether staff counsel or private-sector agents, all federal prosecutors work pursuant to delegations issued by the DPP under the *Director of Public Prosecutions Act*.

## Mission and Values

In 2009–2010, the PPSC adopted a mission and values statement to articulate the essential principles that underlie the organization and to provide a basis for future strategic planning.

### Mission

The mission of the Public Prosecution Service of Canada is to serve the public by:

- prosecuting cases with diligence, in a manner that is fair, impartial and objective;
- seeking to protect the rights of individuals and to uphold the rule of law; and
- working within the criminal justice system to help make Canada a safe and just society.

### Values

We in the Public Prosecution Service of Canada are guided by our key values in carrying out our mandate:

- *Respect* forms the basis of our relationship with our fellow employees and with the public.
- *Integrity* motivates us to apply the highest ethical and professional standards.
- *Excellence* inspires us in all aspects of our work.
- *Leadership* characterizes our efforts to improve the quality of criminal justice throughout Canada.

## Assignments and Directives

In 2009–2010, no assignments or directives were issued by the Attorney General of Canada to the DPP.

On September 24, 2009, the PPSC completed its response to an assignment issued in 2007 to develop best practices for prosecuting fraud involving governments. The proposed best practices are available on the PPSC's website.

## Roles and Responsibilities

The PPSC prosecutes offences that fall within federal jurisdiction. The PPSC also provides prosecution-related advice to law enforcement agencies across Canada.

In all provinces and territories except Quebec and New Brunswick, the PPSC is responsible for prosecuting all drug offences under the *Controlled Drugs and Substances Act*, regardless of which police agency investigates the alleged offences. In Quebec and New Brunswick, the PPSC prosecutes only drug offences investigated by the Royal Canadian Mounted Police (RCMP).

### REGIONAL PROFILE:

#### Alberta

In Alberta, the PPSC operates with a Regional Office in Edmonton and a local office in Calgary.

The criminal prosecution work focuses principally on drugs, proceeds of crime and related organized crime. Counsel assigned to the Drug and Organized Crime and Integrated Proceeds of Crime groups work closely with investigative agencies such as municipal police, the RCMP and specialized organized crime units including both the Edmonton and Calgary Gang Units and the Integrated Response to Organized Crime joint forces unit.

Significant work is also carried out by the economic crime and regulatory prosecutions groups.

Counsel from the offices regularly support the PPSC's Northern offices as members of the "Flying Squad", primarily in the Northwest Territories.

In all provinces and territories, the PPSC prosecutes violations of federal statutes such as the *Income Tax Act*, the *Fisheries Act*, the *Excise Act*, the *Customs Act*, the *Canada Elections Act*, the *Canadian Environmental Protection Act*, and the *Competition Act*, as well as

conspiracies and attempts to violate these statutes. In total, over 250 federal statutes contain offences that fall under the PPSC's jurisdiction to prosecute. However, the PPSC regularly provides prosecution services under approximately 60 of those statutes.

In the three territories, the PPSC is responsible for prosecuting all *Criminal Code* offences. In the provinces, the PPSC has jurisdiction to prosecute a limited number of *Criminal Code* offences, including

#### REGIONAL PROFILE:

##### **Atlantic**

The Atlantic Regional Office is based in Halifax, with local offices in Moncton and St. John's. PPSC prosecutors are responsible for prosecuting a broad range of offences under federal jurisdiction, ranging from fisheries-related regulatory cases to cases involving drugs and organized crime.

PPSC counsel work closely with local law enforcement and federal investigative agencies in the execution of their mandates. The region's resources and geography also contribute to the unique mix of offences prosecuted by these offices.

those related to terrorism, criminal organizations, money laundering, proceeds of crime and fraud. Under arrangements with the provinces, the PPSC may also prosecute *Criminal Code* offences that are otherwise within provincial jurisdiction when the accused also faces charges within federal jurisdiction.

The PPSC is not an investigative agency. It conducts a prosecution when a charge of violating federal law has been laid by the police or other law enforcement agency, following an investigation. The independence of law enforcement agencies from the prosecution function is well established in Canada and is considered an important aspect of the administration of justice. Cooperation between investigators and prosecutors, however, is recognized as essential, particularly in the context of large and complex cases. As a result, the PPSC often provides legal advice and assistance to law enforcement officials at the investigative stage and at times works closely with them.

In addition to providing advice and conducting prosecutions, the PPSC performs a number of other key roles in the criminal justice system, including:

- participating in multidisciplinary integrated enforcement teams with members of partner organizations;
- applying for various types of judicial authorizations to enable the police to carry out their investigations lawfully, including wiretap applications and applications for special search warrants and restraint orders;
- performing legal, financial, and strategic risk assessments and developing plans for managing the prosecution of megacases; and
- acting as a centre of expertise for criminal law, and providing the prosecutor's perspective on the development of amendments to federal statutes relevant to the criminal justice system.

## Role of the Prosecutor

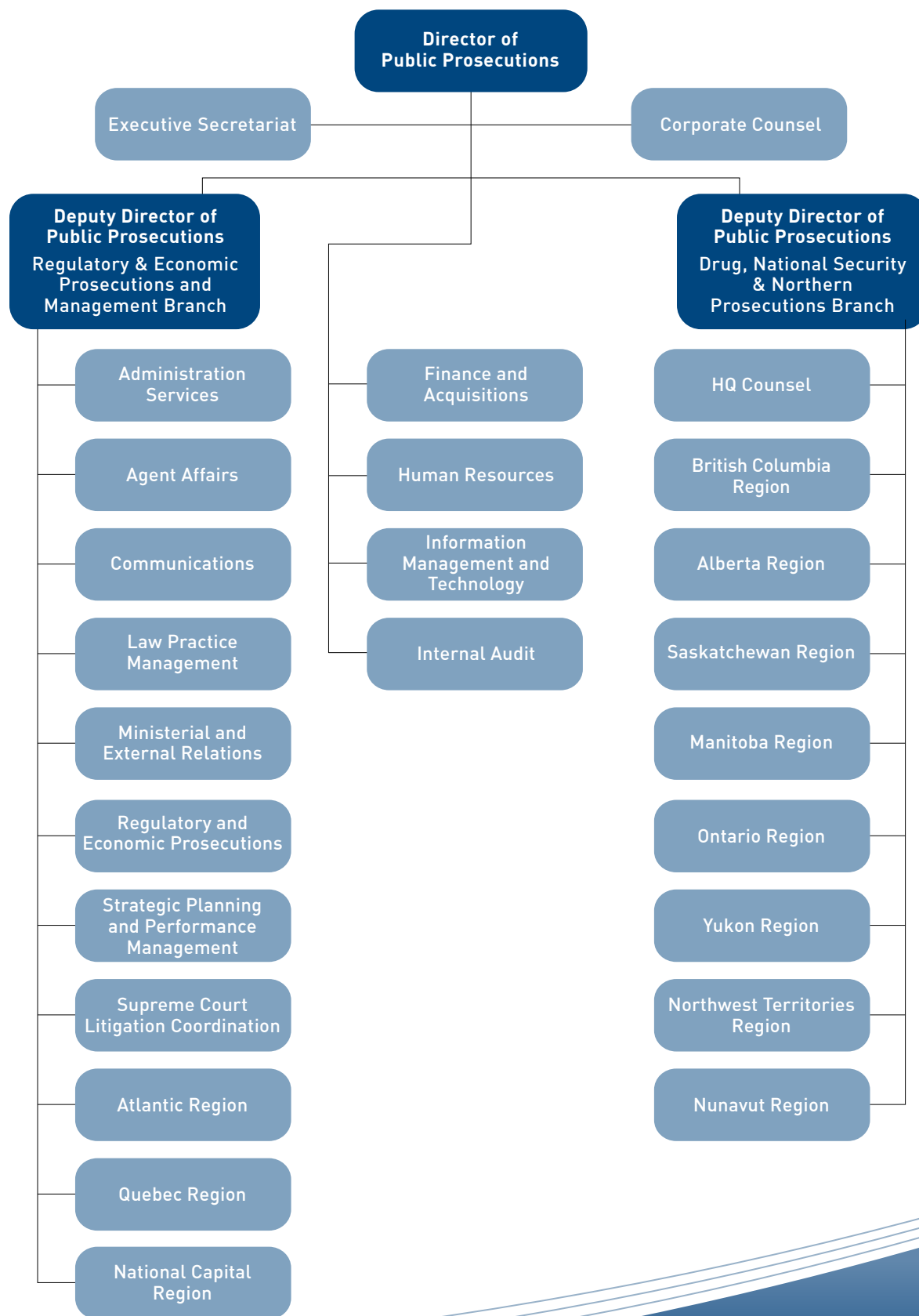
Prosecutors play a key role in the Canadian criminal justice system. Much is expected of them both by the courts and the public. They must see that all cases deserving of prosecution are brought to trial and prosecuted with competence, diligence and fairness. Prosecutors must be of absolute integrity, above all suspicion of favouritism and must exercise the considerable discretion bestowed on them fairly, in good faith, and without any consideration of the political implications of their decisions. Their role is not to win convictions at any cost, but to put before the court all available, relevant, and admissible evidence necessary to enable the court to determine the guilt or innocence of an accused.

## About the Organization

As of March 31, 2010, the PPSC had 920 employees across Canada—the majority of whom were prosecutors. In addition to staff prosecutors, the PPSC retained the service of some 226 private-sector law firms, or approximately 590 individually appointed counsel, as agents.

PPSC Headquarters is located in Ottawa, and the organization maintains a network of offices across Canada. Some PPSC staff prosecutors are also co-located with the Competition Bureau in the National Capital Region and with integrated enforcement teams across Canada.

# Organizational Structure



## Regional Offices

The PPSC maintains regional offices in Vancouver, Edmonton, Saskatoon, Winnipeg, Toronto, Ottawa, Montreal, Halifax, Iqaluit, Yellowknife, and Whitehorse, each headed by a Chief Federal Prosecutor. As well, local offices throughout the country expand the PPSC's national presence.

## Partners

### Department of Justice Canada

While the PPSC is an independent organization, it maintains a close and cooperative relationship with the Department of Justice Canada. PPSC prosecutors consult Justice counsel in areas such as human rights law, constitutional law, Aboriginal law and public law. Such consultations do not impinge on the independence of PPSC prosecutors.

The PPSC continues to rely on the Department of Justice for a number of transactional administrative services. A memorandum of understanding governs the provision of these services.

In Canada's Northern territories, the PPSC provides transactional administrative services to the Department of Justice. The organizations are currently developing an agreement to formalize this arrangement.

### Investigative Agencies

An important aspect of the PPSC's mandate is the provision of advice to law enforcement agencies during their investigations. The early and ongoing involvement of prosecutors, both during major investigations and in the implementation of national enforcement programs, helps ensure that the police and other investigative agencies benefit from legal advice to decide how best to enforce the law. This close collaboration is achieved while maintaining the independence and separation of roles between prosecutors and police and investigative agencies.

PPSC counsel provide advice on such issues as the disclosure of evidence required by law, and assist in obtaining key evidence-gathering orders, such as wiretap authorizations and orders to produce evidence.

## Provinces

The federal and provincial governments share jurisdiction over criminal prosecutions. This makes cooperation and coordination essential to the effective enforcement of the law. In order to ensure effective enforcement, the PPSC and provincial prosecution services have arrangements that allow the prosecution service prosecuting an offence within its jurisdiction to also prosecute related "minor" offences that would normally fall under the jurisdiction of another prosecution service. Thus, the PPSC may prosecute a *Criminal Code* offence that is within provincial jurisdiction with the consent and on behalf of a provincial attorney general where it is related to a federal charge. Similarly, provincial prosecution services may prosecute federal offences when they come about in relation to a primary offence under the *Criminal Code*. The delegation relates only to the conduct of the prosecution. The prosecution service delegating the prosecution retains ultimate control over the prosecution.

### REGIONAL PROFILE:

#### **British Columbia**

The British Columbia Regional Office is based in Vancouver.

A substantial amount of the work focuses on the prosecution of drug offences under the *Controlled Drugs and Substances Act*. PPSC counsel work closely with investigative agencies such as municipal police, the RCMP, and the Combined Forces Special Enforcement Unit to prosecute the increasing prevalence of organized crime activity.

The office also has a "Flying Squad" that provides prosecution services to Haida Gwaii (formerly the Queen Charlotte Islands) and several remote coastal communities.





## 2. The Year in Review

## 2. The Year in Review

The total PPSC caseload in 2009–2010 numbered 76,292 files. This figure includes cases opened as well as those carried over from the previous year, both for staff counsel and private-sector legal agents.

The PPSC provides prosecution services in five broad areas:

- prosecuting drug offences throughout the country;
- prosecuting crimes that threaten national security, such as terrorism and war crimes;
- acting as the prosecution service for all offences in the three Northern territories, including *Criminal Code* offences;
- prosecuting offences under federal regulatory legislation; and
- prosecuting economic crimes.

In all of these areas, the PPSC works to serve the public interest and ensure respect for the rule of law.

### Drug Prosecutions

Drug prosecution files continue to represent a significant proportion of the PPSC's total caseload. In 2009–2010, the PPSC handled 55,996 prosecution files related to offences under the *Controlled Drugs and Substances Act*. These prosecutions vary greatly in complexity; some are simple cases of possession of a few grams of marihuana, while others involve complex schemes to import quantities of cocaine or to make methamphetamine in a suburban neighbourhood for export.

PPSC prosecutors are often involved early in investigations to ensure that investigators receive timely advice on the techniques they are using and to ensure that the evidence is marshalled so as to permit a prosecution on the merits of the case.

As a result of changes in enforcement in recent years, the PPSC has seen an increase in the number of drug cases in certain parts of the country. Cases related to organized criminal activity have also increased as a result of police forces targeting significant crime groups. Drug prosecutions are often time-consuming and complex. Recent years have seen prosecutions that previously

#### REGIONAL PROFILE:

##### **Manitoba**

The Manitoba Regional Office is based in Winnipeg. The PPSC prosecutes offences under federal jurisdiction throughout Manitoba. Prosecutions include those involving drugs, organized crime, regulatory and economic crime, and terrorism-related cases.

For the past few years, the office has been involved in a number of high-profile prosecutions related to outlaw motorcycle gangs.

would have been relatively straightforward become prolonged as a result of motions focusing on the legality of the investigation, the constitutionality of the legislation or of the investigation, disclosure issues, allegations of abuse of process, or unreasonable delay.

High-complexity drug cases require a significant amount of PPSC resources. While such cases represented only 1.33% of staff counsel's drug caseload in 2009–2010, they took up 22.18% of the litigation time dedicated to drug prosecutions.

Drug offences are often revenue-generating crimes, and as a result continue to represent the majority of offences that generated proceeds of crime and property used to commit crime ("offence-related property"). In 2009–2010, the PPSC handled 2,316 cases involving either proceeds of crime or offence-related property. The proceeds or property at issue ranged from money used to buy drugs from an undercover officer to real estate bought with the proceeds of crime or used to produce drugs. A total of \$37.2 million of proceeds of crime and offence-related property was forfeited during 2009–2010.





#### REGIONAL PROFILE:

##### ***National Capital***

The National Capital Regional Office is based in Ottawa, and is responsible for all federal prosecutions in Eastern Ontario, Northern Ontario, a portion of Central Ontario and Western Quebec.

The office includes teams focused on drug prosecutions, regulatory prosecutions, anti-terrorism and national security, and complex prosecution files involving multiple accused persons.

Addiction-motivated crime presents particular challenges. To try to reduce the “revolving door” of crime committed to feed an addiction, federally funded Drug Treatment Courts have been established in Vancouver, Edmonton, Regina, Winnipeg, Toronto, and Ottawa. As well, a community-funded Drug Treatment Court has been established in Calgary. These courts focus on the

supervised treatment of the offender. Prosecutors work with judges, defence counsel, treatment providers and other personnel to cooperatively but accountably deal with the issues raised by the conduct of offenders diverted to these specialized courts.

PPSC prosecutors currently staff all of Canada’s Drug Treatment Courts with the exception of the Regina Drug Treatment Court, which is staffed by prosecutors from the Ministry of the Attorney General of Saskatchewan.

## **National Security**

A body of experience now exists in the PPSC in relation to pre-charge advice and prosecution of national security matters. The PPSC continues to address the particular issues that arise during national security investigations and prosecutions, building on a one-day best practices session held in 2008 with prosecutors who have direct experience in prosecuting or providing advice to police on national security files. Last year, a one-day meeting of that same category of prosecutors was held with the Canadian Security Intelligence Service (CSIS) and counsel from the

Department of Justice Legal Services Unit at CSIS. The session allowed participants to exchange information about their respective roles and mandates and to identify areas that could benefit from additional dialogue.

## Anti-terrorism

The PPSC has concurrent jurisdiction with provincial prosecution services to prosecute terrorism offences. To date, the PPSC has concluded trial proceedings for three prosecutions under the anti-terrorism provisions of the *Criminal Code*. As of the time of publication, an additional prosecution is ongoing, related to Project Osage in Toronto.

A number of appeals relating to the terrorism cases are underway.

## War Crimes and Crimes Against Humanity

The PPSC is responsible for prosecuting offences under the *Crimes Against Humanity and War Crimes Act*.

The PPSC's first prosecution under the Act resulted in the conviction of Désiré Munyaneza of genocide, crimes against humanity, and war crimes in relation to events that occurred in Rwanda in 1994. Mr. Munyaneza received a life sentence on October 29, 2009. An appeal is pending.

### *R. v. Saïd Namouh*

On October 1, 2009, Saïd Namouh was found guilty of four terrorism offence charges under the *Criminal Code*. He was sentenced on February 17, 2010 to life imprisonment for conspiring to deliver, discharge, or detonate an explosive or lethal device in a public place. In addition, he was sentenced to eight years in jail for extortion of a foreign government for the benefit, at the direction and in association with a terrorist group, eight years for facilitating terrorist activity, and four years for his participation in a terrorist group.

### *R. v. Bulatci*

RCMP Constable Christopher Worden was shot and killed on October 6, 2007 in the small Northwest Territories community of Hay River. Approximately 4,000 people live in Hay River, which is located on the south shore of Great Slave Lake, about five hours' drive from Yellowknife. The case had a profound effect on the community.

Emrah Bulatci was charged with first-degree murder and was found guilty in November 2009. The trial was held in Yellowknife because of the impact of the case on the people of Hay River.

General counsel from the British Columbia Regional Office worked with counsel in the Northwest Territories Regional Office to handle the prosecution.

A second prosecution under the Act is now underway. On November 6, 2009, Jacques Mungwarere was arrested and charged with the crime of genocide.

## Prosecutions in Canada's North

In Canada's three Northern territories, the PPSC prosecutes all *Criminal Code* offences in addition to offences under other federal legislation. In 2009–2010, the PPSC prosecuted 9,909 files in the territories, of which 8,990 involved *Criminal Code* offences. Northern prosecutions also included 508 drug offences, 474 regulatory offences, and 417 territorial offences. As in the past, a large number of charges involved family violence and sexual assault.

During 2009–2010, the Northern regional offices handled a total of 25 homicide files.

## REGIONAL PROFILE:

### **Yukon**

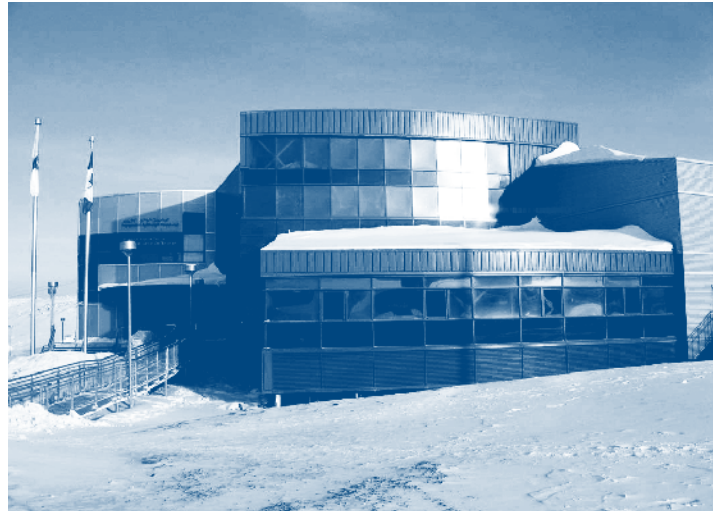
The Yukon Regional Office (YRO) prosecutes all federal offences, including those under the *Criminal Code* across the Yukon territory. YRO counsel conduct prosecutions mainly at the Yukon Territorial Court level in Whitehorse and in circuit court in 13 other communities across the territory. YRO lawyers are also responsible for prosecutorial legal work conducted before the Yukon Supreme Court and Yukon Court of Appeal.

The Yukon Regional Office collaborates and works closely with various Yukon Territorial Government (YTG) officials, particularly with the YTG Department of Justice, on various initiatives such as Domestic Violence Treatment Option Court, Community Wellness Court, Community Justice initiatives, Victims Services and several other areas.

Recruitment and retention issues pose challenges in Canada's North, particularly in Nunavut. In early 2010, the PPSC launched a national recruitment campaign, including public notices, with the goal of creating a pool of qualified and interested candidates for future appointment in all three territories.

Over the past year, the PPSC continued to call upon experienced prosecutors from across the country to assist the regional offices in the North. This long-standing practice allowed the PPSC to fully meet its mandate in the North. Regional offices throughout the country provided counsel—often on short notice—to assist with Northern prosecutions.

In September 2009, a number of lawyers participated in an intensive and practical three-day legal advocacy course in Yellowknife hosted by the Canadian Federation of Law Societies and the Northwest Territories branch of the Canadian Bar



Association. Partners included the local law societies in the Northwest Territories and Nunavut, the Northwest Territories Judiciary, the PPSC Northwest Territories Regional Office and experienced counsel from across the country.

In 2009–2010, the PPSC joined forces with the RCMP and the Department of Justice to deliver training on the prevention of wrongful convictions in Nunavut to prosecutors and police officers. Substantial networking opportunities were credited with strengthening the partnership between the RCMP and the Crown. Plans are underway to deliver this training at the PPSC's Northwest Territories Regional Office and Yukon Regional Office.

## Regulatory Prosecutions

The PPSC prosecutes a wide range of offences that are aimed at protecting the health, safety and general welfare of the public and the environment. They include offences under statutes such as the *Fisheries Act*, the *Immigration and Refugee Protection Act*, the *Copyright Act*, the *Canada Elections Act*, the *Food and Drugs Act*, and the *Canadian Environmental Protection Act*.

## REGIONAL PROFILE:

### Ontario

The Ontario Regional Office is responsible for federal prosecutions throughout Southern Ontario, stretching from Windsor to Trenton, and north to Midland and Orillia.

Staff counsel operate on a daily basis in the courts in Toronto, Brampton, Kitchener and London. They may also serve in other courts within the sphere of the Office in Southern Ontario.

Counsel litigate in the Ontario Court of Justice, the Ontario Superior Court, the Court of Appeal for Ontario, and the Supreme Court of Canada. Occasionally, counsel also appear in the Federal Court of Canada.

Counsel work closely with various police forces and investigatory agencies, including the RCMP, the Ontario Provincial Police, the Toronto Police Service, the Canada Revenue Agency, and the Canada Border Services Agency. Counsel also work with police agencies in the various municipalities throughout Southern Ontario.

Regulatory prosecutions comprise the second-largest category of offences prosecuted by the PPSC, after drug prosecutions. In 2009–2010, the PPSC handled 9,620 files involving regulatory offences.

Outcomes in these cases may generate large fines and penalties, and can result in remedial and preventative measures that enhance public and environmental health, safety and security. For example, the prosecution of the Canadian National Railway Company (CNR) for spills caused by derailments into the Cheakamus River in British Columbia and Lake Wabamun in Alberta resulted in court-ordered fines and penalties of \$1.4 million against the CNR in 2009–2010. The penalties were ordered to be used to promote the conservation and protection of fish, fish habitat and migratory waterfowl. In addition, the Provincial Court of Alberta ordered the CNR to contribute information to Environment Canada's Environmental Emergencies

Management System related to bodies of water near CNR rail tracks in both provinces. The information for this environmental sensitivity mapping system aims to help prevent, contain, mitigate and clean up spills in the natural environment.

Regulatory prosecutions are typically complex and resource-intensive. Specialized teams of regulatory prosecutors have been established in most regional offices. Their work is coordinated and supported by prosecutors at PPSC Headquarters in Ottawa.

## Economic Crime Prosecutions

### Revenue Offences

The PPSC is responsible for prosecuting offences under all statutes administered by the Canada Revenue Agency (CRA), including the *Income Tax Act*. Specialized PPSC prosecutors provide advice at the investigative stage, conduct prosecutions throughout Canada, and provide training to investigators.

In 2009–2010, 212 prosecutions were concluded. A total of \$11,611,698 in fines was imposed by the courts.

In 2008, the PPSC and CRA renewed a memorandum of understanding regarding investigations and prosecutions in fiscal matters. Representatives of the two organizations met several times during the year to discuss issues of mutual interest, including joint planning and issues arising from investigations and prosecutions. In April 2009, CRA and the PPSC held their annual conference of investigators and prosecutors to further enhance cooperation between the two organizations.

### Integrated Market Enforcement Teams

PPSC advisors assigned to Integrated Market Enforcement Teams (IMET) work with RCMP members and other investigators, including forensic accountants, and are located in Vancouver, Calgary, Toronto and Montreal. They provide legal advice to investigators during investigations. In 2009–2010, these advisors were consulted on 26 investigations.

In 2009–2010, the PPSC continued its ongoing commitment to implement the recommendations of the Le Pan Report. For example, PPSC advisors participated in a timeliness and benchmarking study to develop timelines for investigations and prosecutions. The PPSC was also involved in an independent evaluation of the IMET program.





## REGIONAL PROFILE:

### **Quebec**

The Quebec Regional Office is located in Montreal and is responsible for federal prosecutions throughout Quebec, except for jurisdictions in Western Quebec covered by the National Capital Regional Office.

Work in the Quebec Regional Office focuses on issues ranging from the fight against organized crime to money laundering, tax evasion and the fight against terrorism. The office also has a varied practice in the area of capital markets fraud, offences under the *Fisheries Act* and the *Immigration and Refugee Protection Act*, the *Customs Act* and the *Canadian Environmental Protection Act*.

The PPSC has concurrent jurisdiction to prosecute fraud charges under the *Criminal Code*. When a fraud charge is laid following an IMET investigation, the attorney general of the province in which the charge is laid has the right of first refusal to prosecute the offence.

In 2009–2010, PPSC prosecutors participated in two significant IMET-related prosecutions.

One PPSC prosecutor is currently a member of the team prosecuting Vincent Lacroix and his associates. The first trial began in the fall of 2009. Mr. Lacroix entered a guilty plea and received a 13-year sentence. The jury was unable to reach a verdict on Mr. Lacroix's co-accused; a retrial is scheduled for the fall of 2010.

PPSC prosecutors also have carriage of the trial of six corporate officers and executives of Royal Group Technologies. The charges arise out of the non-arm's-length sale by company insiders of land and the alleged unauthorized transfer of shares and warrants owned by the company to company insiders. The Superior Court of Ontario entertained pre-trial motions in winter 2010. The trial began on April 20, 2010.

### **Competition Law Section**

The PPSC handles prosecutions under the *Competition Act* as well as the *Consumer Packaging and Labelling Act*, the *Textile Labelling Act*, and the *Precious Metals Marking Act*. These statutes are administered and enforced by the Commissioner of Competition, who oversees the Competition Bureau. The PPSC also provides legal advice at the investigative stage on Competition Bureau files that may lead to prosecutions.

## REGIONAL PROFILE:

### **Saskatchewan**

The Saskatchewan Regional Office is based in Saskatoon. PPSC prosecutors travel throughout the province to conduct prosecutions of complex or sensitive files. With 90 court locations throughout the province, counsel are often away from their Saskatoon base.

Drug offence prosecutions under the *Controlled Drugs and Substances Act* require PPSC counsel to work closely with investigative agencies including municipal police, the RCMP and the Combined Forces Special Enforcement Unit. PPSC staff are also co-located in Regina with an Integrated Proceeds of Crime Unit.

Economic crime prosecutions in Saskatchewan include a variety of statutes such as the *Income Tax Act*, the *Excise Tax Act*, the *Copyright Act*, the *Bankruptcy Act*, and the *Competition Act*. Regulatory files focus on environmental offences and others such as the *Transportation of Dangerous Goods Act*, and the *Canada Labour Code*.



In 2009–2010, the section advised on 66 investigations and assisted with 20 prosecutions, appeals and related proceedings, primarily related to alleged violations of the *Competition Act* including price- and market-fixing conspiracies, bid-rigging, deceptive telemarketing and aggravated situations of false or misleading advertising. PPSC counsel are also representing the Commissioner of Competition in her defence of an ongoing constitutional challenge of s.11 of the *Competition Act*.

## Programs

### **Agent Affairs**

The PPSC retains the services of agents (private-sector lawyers) to conduct prosecutions on behalf of the Federal Crown where it does not have a regional office or where it is impractical or otherwise not cost-effective for staff counsel to handle cases. In 2009–2010, of the total PPSC caseload, approximately 39,700 files were handled by agents.

The Agent Affairs Program (AAP) handles the management of agents. Its objective is to ensure that agents provide quality legal services at a reasonable cost. Each regional office of the PPSC (with the exception of the Northern regional offices) has an Agent Supervision Unit to handle the day-to-day supervision of agents and to support them in their work.

As part of its management control framework, the AAP uses modern audit techniques, such as risk management, for agent file review. Benchmarks have been developed for a number of case profiles under the *Controlled Drugs and Substances Act*, the *Fisheries Act*, the *Income Tax Act*, and other federal statutes.



***R. v. Bernard Fromstein;  
R. v. Datacom Marketing Inc.***

Charges under the *Competition Act* against Datacom, a Canadian-based deceptive telemarketing operation, and its founder, Bernard Fromstein, were brought to a successful completion by PPSC prosecutors in 2009, establishing helpful guidance for future cases under the *Competition Act* and other cases of economic crime.

Datacom was fined \$15 million and Bernard Fromstein was sentenced to a two-year prison term. The judges in both cases cited deterrence as a major factor in the penalties imposed.

In 2008–2009, the PPSC introduced fixed-term agreements for agents, replacing indeterminate appointments. Under the new regime, any law firm or lawyer interested in becoming an agent can apply for a five-year term when an opening occurs in a jurisdiction. The selection of agents is done pursuant to a competitive process that includes screening and reference checks.

The PPSC's transition to fixed-term agreements is progressing in accordance with its five-year plan. In response to advertisements and postings in various judicial districts across Canada, and as a result of the competitive process, some 40 fixed-term agreements were entered into with agents in 2009–2010—a combination of incumbents as well as new private-sector lawyers and firms. As of March 31, 2010, the PPSC retained the services of 590 agents from 226 law firms.

During the 2009–2010 period, the AAP also amended the rules and guidelines that govern agents' relationships with the PPSC, as well as with other federal government departments or enforcement agencies who refer matters for prosecution. The terms and conditions of fixed-term agreements apply to all private-sector lawyers and firms conducting federal prosecutions on behalf of the DPP.

The revised document reflects the creation of the PPSC and the implementation of fixed-term agreements, clarifies the roles and responsibilities of the involved parties, establishes clear reporting requirements, clarifies administrative processes, and has a more user-friendly structure.

In conjunction with the revision of the terms and conditions, a comprehensive review of the Prosecution Code Set (PCS) used by agents to record their time in their accounts was carried out in consultation with counsel both internally and within the agent community. As a result, the PCS was simplified, thereby lessening the administrative burden and increasing transparency.

Both the terms and conditions and the new Prosecution Code Set became effective on April 1, 2010.

### **Crown Witness Coordination**

Crown Witness Coordinators are employed by the PPSC in its Northern offices. The coordinators help explain to victims and witnesses how the court process works and support them during their involvement with the criminal justice system.

In 2009–2010, the PPSC partnered with the Policy Centre for Victim Issues of the Department of Justice Canada to hire a Northern Victim Services Coordinator (NVSC) to support and enhance Crown Witness Coordination services in the three Northern territories.

The NVSC is based in Ottawa at PPSC Headquarters and provides liaison, coordination, program development and advisory services to the regional offices in the North. The NVSC also provides services such as:

- researching, promoting and advocating for various training opportunities;
- recommending methods to increase regional communication and information sharing; and
- representing Crown Witness Coordinators at various workshops, forums and meetings (including the Federal Provincial Territorial Working Group on Victims of Crime).

In late September, Crown Witness Coordinators and the NVSC attended a three-day conference entitled “Northern Responses and Approaches to Victims of Crime” held in Yellowknife. The Policy Centre for Victim Issues led the conference and the PPSC, together with many other partners from federal, territorial and provincial governments, assisted in its development. More than 275 participants from all provinces and territories took part, representing over 100 different organizations that work with victims of crime or on victim issues in Northern communities. Conference workshops were organized around the themes of understanding the justice system, working with vulnerable victims and witnesses, community capacity building, and self-care.

## Fine Recovery

The PPSC is responsible for administering the National Fine Recovery Program under the terms of an assignment issued by the Attorney General in 2007.

The PPSC National Fine Recovery Program recovers outstanding court-ordered fines under federal statutes through the efforts of eight fine recovery units, located in PPSC regional offices.

Outstanding fines are recovered through various types of intervention, including an initial demand letter, telephone contacts, payment negotiations, seizure of assets, registering liens on property and income garnishment.

In 2009–2010, the program recovered over \$6 million in fines—an increase of 20% over the previous year. Over 1,700 files were closed. Some 265 individuals were incarcerated for refusing to pay their fines despite their ability to pay. Since the national program was first introduced in late 2002, more than \$51 million in fines has been recovered.

On July 1, 2008, the PPSC entered into an agreement with the Canada Revenue Agency to allow the PPSC to recover offenders’ outstanding fines by way of set-off against the offenders’ income tax and GST refunds.

### REGIONAL PROFILE:

#### **Northwest Territories**

The Northwest Territories Regional Office is based in Yellowknife, with a local office in Inuvik.

Counsel prosecute *Criminal Code*, federal, and territorial offences, travel to each community in the Territories, and appear at all levels of court in the Northwest Territories, including the Northwest Territories Court of Appeal.

The Northwest Territories Regional Office also provides pre-charge advice to various federal enforcement agencies when requested.





## REGIONAL PROFILE:

### **Nunavut**

Nunavut is Canada's largest Territory and smallest population centre, and its population is approximately 84% Inuit. The Nunavut Regional Office is based in Iqaluit. PPSC prosecutors in Nunavut prosecute all *Criminal Code* offences as well as offences under other federal statutes and under territorial legislation.

The Nunavut Court of Justice sits in all 26 communities in Nunavut. Court dockets are lengthy and often have numerous cases of domestic violence and sexual assault. Prosecutors travel long distances, sometimes in extreme conditions and for extended periods of time. Travel is by plane as there are no roads between communities.

In 2009–2010, this agreement resulted in the recovery of over \$808,000. This is an increase of over 100% compared to the previous year's recovery of \$400,000.

Almost 5,000 fines are now registered with CRA, potentially leading to the recovery of almost \$13 million in outstanding fines.

## Legal Committees

The PPSC's National Legal Committees provide advice and guidance on matters of law and policy for all regions of Canada. This national perspective helps to ensure that Canadians everywhere are treated equitably.

### **National Litigation Committee and Supreme Court of Canada Litigation**

The role of the National Litigation Committee is to advise the DPP on questions of law in the context of litigation, especially in the Supreme Court of Canada. This involves making recommendations to the DPP with respect to the approval of applications for leave to appeal and factums in the Supreme Court, the filing of interventions in the DPP's name and, on occasion, the provision of legal advice on other litigation issues of importance referred to the Committee.

The Committee is made up of a representative from each regional office of the PPSC, a representative from the Competition Law Section and two members from Headquarters, including the Committee Chair. All PPSC senior general counsel, Chief Federal Prosecutors, and the DPP as well as his two Deputy Directors are *ex officio* Committee members.

The Committee considered 13 litigation files in 2009–2010: 12 in the Supreme Court of Canada and one in the Ontario Court of Appeal.

During 2009–2010, PPSC prosecutors appeared in the Supreme Court of Canada on four appeals and four interventions.

### **National Prosecution Policy Committee**

Formerly called the Confidential Advice to Counsel Committee, this Committee is composed of senior prosecutors from across the PPSC. This year the name was changed to better reflect the Committee's broader mandate.

The Committee serves as a senior advisory body on matters that affect the PPSC nationally and that are not related to a specific ongoing prosecution, investigation, appeal or intervention. The Committee's purpose is: a) to promote and ensure consistency and quality in PPSC legal advice, policy development and





prosecution practices, and b) to contribute to the dissemination of knowledge by ensuring that key legal advice, policy decisions and guidelines are shared across the PPSC.

More specifically, the National Prosecution Policy Committee:

- reviews proposed confidential advice directives to federal prosecutors and makes recommendations to the Deputy DPPs, and DPP regarding such directives;
- examines legal issues that are not contemplated for a formal practice directive, but for which its views are sought;
- considers and recommends revisions to the *FPS Deskbook* for the Deputy DPPs, and DPP;
- monitors emerging trends in federal prosecution practice and makes recommendations as to how the PPSC should adjust to such trends; and
- provides a forum for resolution of divergent views on legal issues so as to ensure consistency in arguments advanced by Crown counsel or agents on behalf of the DPP.

During 2009–2010 the DPP issued six confidential practice directives.

## Major Case Advisory Committee

The Major Case Advisory Committee is composed of senior PPSC litigators from offices across Canada. It considers prosecution plans submitted in respect of major and complex prosecutions, and makes recommendations to the responsible Deputy DPP. The Committee examined three such plans in 2009–2010.

The Committee serves as a senior advisory body whose members have specialized expertise in major prosecutions. The Committee ensures consistency of PPSC approaches regarding major prosecutions throughout the country, including in respect of work done by agents. To this end, the Major Case Advisory Committee:

- reviews and recommends for approval by the Deputy DPP prosecution plans for major prosecutions cases;
- identifies regional practices or approaches that may be of national interest and makes recommendations for their broader diffusion;
- makes recommendations regarding the need for prosecution policies or practice directives in respect of the management of major prosecutions; and
- reviews any national policies and practice directives regarding major prosecutions.

## PPSC National Awards

The PPSC has created awards to recognize merit at the national and local levels. National awards include:

- the **Excellence Award**, which recognizes exceptional performance and professionalism;
- the **Leadership Award**, which recognizes leadership in inspiring excellence, professionalism and ethical behaviour; and
- the **Team Achievement Award**, which recognizes exceptional performance and contributions beyond normal expectations for a team or group.

Local awards include the **Merit Award** and the **Immediate Recognition Award**. Local awards allow managers to recognize employees who have exceeded normal performance and managerial expectations.

Recipients of the 2009 PPSC National Awards are as follows:

### Excellence Award

**John North**—Ontario Regional Office

Mr. North is a senior lawyer with the Ontario Regional Office. He has made a significant contribution to the development of Canadian criminal law. His opinion on legal issues is often sought, in recognition of his knowledge of criminal law and his sound judgement.

### Leadership Award

**Hélène Puskas**—Quebec Regional Office

Ms. Puskas is the heart of the National Fine Recovery Program. Her leadership role has inspired many regional units and made it possible to increase the collection of unpaid fines. Her constant high performance has furthered the public mandate of the PPSC in the field.

**Robert Prior**—British Columbia Regional Office

Mr. Prior, Chief Federal Prosecutor of the British Columbia Regional Office, has demonstrated extraordinary commitment and dedication to the PPSC's goals and priorities. His tireless work, community support and principled leadership are a credit to the organization.

## Team Achievement Award

**Khawaja Prosecution Team**—National Capital Region

**David McKercher**

**Bill Boutzouvis**

**Pierre Lapointe**

**Margaret Jarmoc**

**Sara Pagani**

The team demonstrated a strong commitment to their duty to the Canadian public throughout the trial proceedings of this very serious and high-profile case.

## Training

### School for Prosecutors

The School for Prosecutors is an in-house training program that provides valuable instruction tailored to the highly specialized work of federal prosecutors.

In 2009, the School conducted two intensive one-week courses—one at the fundamental level, the other advanced—for a total of 85 student participants. Three magistrates from France and two prosecutors from the Bahamas were among the students.



Core elements of the *Prosecution Fundamentals* course—designed for counsel with fewer than five years of criminal law experience—included topics such as the role of the prosecutor, trial advocacy, wiretap, search and seizure, informer privilege, expert evidence, disclosure issues, proceeds of crime, regulatory offences, and preventing miscarriages of justice.



The *Advanced Issues for Prosecutors* course—designed for experienced practitioners—examined complex case issues such as wiretaps, criminal gangs, and national security prosecutions.

The School's faculty members are experts in criminal law. The majority are drawn from the senior ranks of the PPSC. A number of guest speakers were also among the faculty, including members of the judiciary, professors of law, and senior provincial prosecutors.

## Outreach

The PPSC maintains contacts with external stakeholders involved in the criminal justice field to ensure key linkages are developed and maintained. In 2009–2010, the PPSC focused its outreach activities on professional organizations such as the Federation of Law Societies of Canada and the Canadian Bar Association.

PPSC counsel made presentations to criminal justice officials at United Nations-sponsored workshops in Paraguay, St. Kitts and Nevis, the Bahamas and Peru relating to the prevention of and fight against terrorism.

PPSC counsel also continued to provide training to police forces in relation to search and seizure issues, wiretap law and disclosure obligations.

## Federal-Provincial-Territorial Heads of Prosecutions Committee

The Federal-Provincial-Territorial Heads of Prosecutions Committee brings together the leaders of Canada's prosecution services to promote assistance and cooperation on operational issues. The Committee also provides the prosecution perspective to Federal-Provincial-Territorial Ministers and Deputy Ministers Responsible for Justice. The DPP is permanent co-chair of the Committee and the PPSC acts as its secretariat.

The Committee held two meetings in 2009. The first was organized jointly with the Criminal Justice Branch of the Ministry of the Attorney General of British Columbia. The second meeting was hosted by the PPSC in Whitehorse. The PPSC also organized several meetings and teleconferences of subcommittees and working groups of the Committee, including in-person meetings of the Securities Fraud and Economic Crime Prosecutors Affiliation.

## Foreign Delegations

Over the past year, the PPSC received delegations from several different countries, including Ukraine, Australia, China, Brazil and the United Kingdom.

PPSC officials met with a delegation of senior government officials from Ukraine seeking information on how corruption is prosecuted in Canada. The visit formed part of Ukraine's efforts to build a national anti-corruption initiative. PPSC officials also met with a parliamentary delegation from Australia interested in Canada's organized crime legislation and how the PPSC prosecutes organized crime cases.

In September 2009, the DPP met with the Deputy General Federal Prosecutor of the Republic of Brazil. The discussion focused on the role of PPSC counsel, and the relationship between PPSC counsel and police. In December, PPSC officials met with officials of the UK Crown Prosecution Service (CPS) to discuss the national and international efforts of both organizations in the area of outreach activities.



## Workshop on the Prevention of Terrorism and its Financing

The Workshop on the Prevention of Terrorism and its Financing was held in Ascuncion, Paraguay in March 2010. The workshop was a joint project of the Organization of American States and the United Nations Office on Drugs and Crime. The purpose of the workshop was to provide training to the police, prosecutors, and judiciary of Paraguay. International speakers were invited to share their national experiences and challenges.

PPSC counsel attended the conference to speak about the Canadian national experience in the investigation and prosecution of acts of terrorism, specifically the Momin Khawaja prosecution.

At the regional level, the PPSC hosted a delegation of interns from Latin American countries eager to learn more about Canada's legal system. The interns spent three weeks with PPSC mentors in the National Capital and Quebec Regional Offices, and also attended presentations at the PPSC's Headquarters. In August, members of the PPSC's British Columbia Regional Office met with a delegation from the Supreme People's Procuratorate of China, who were interested in learning about the Canadian experience in fighting corruption.

## International Association of Prosecutors

In July 2009, the PPSC represented the International Association of Prosecutors (IAP) at the 2<sup>nd</sup> Meeting of the International Network to Promote the Rule of Law (INPROL), held in Washington, D.C. INPROL aims to create a network of specialists who can provide assistance in justice reconstruction and capacity-building projects in regions that have experienced civil unrest or civil war. The PPSC discussed how the resources of the IAP and of prosecution services such as the PPSC can help INPROL achieve its goals.

The PPSC has a representative on the development board of the Global Prosecutors E-Crime Network (GPEN), a web-based platform launched by the IAP for specialist e-crime prosecutors that provides access to a library of documentary and training resources. The GPEN site offers cybercrime prosecutors a contacts database, a discussion forum, a virtual library and training materials. The development board adopted its governance document and began discussions with law enforcement agencies and industry partners to develop strategies and tools to fight cybercrime.

The PPSC has a representative on the board of the *Association internationale des procureurs et poursuivants francophones*, a sister organization of the IAP, and maintains the IAP's French-language website.

The PPSC participates in the IAP's Professional Exchange Program (PEP), which coordinates and facilitates the placement of prosecutors in bilateral exchanges and one-way placements for limited time periods or for specific operational purposes. The PPSC provided assistance in drafting the PEP Manual.

## Heads of Prosecuting Agencies Conference

The DPP represented Canada and the PPSC at the Heads of Prosecuting Agencies Conference (HOPAC) held in Capetown, South Africa in September 2009. This was the 10<sup>th</sup> meeting of HOPAC, which was formed in 1991 to bring together the heads of prosecuting agencies from countries with a criminal justice system derived from the common law tradition.

## Report to Crown Counsel/Crown Brief

A Report to Crown Counsel/Crown Brief (RTCC) is prepared by police officers when handing cases over to prosecutors. An RTCC is an analysis and presentation of the police theory of a case, supported by the evidence.

One of the keys to a successful prosecution is preparation by the police of an analysis of relevant information gathered during the investigation. The PPSC has developed a guide to preparing and organizing RTCCs, which it has adopted as its national standard.

The guide was originally developed by the British Columbia Regional Office, and has been used very successfully in British Columbia. Work is now underway to roll out the guide nationally.

The standardization of RTCCs will help ensure that police and prosecutors are speaking the same language, and contribute to successful and well-managed prosecutions.

## Corporate Functions

The PPSC has continued to build its national strategic corporate capacity. The functions performed by these corporate service areas are essential to the operations of the PPSC as a distinct government organization, and allow the PPSC to meet its obligations to report to Parliament and to central agencies within government.

### Strategic Planning and Performance Management

The Strategic Planning and Performance Management Division is responsible for corporate-level strategic and business planning, performance management and reporting, central agency liaison, as well as research and evaluation.

The Division was responsible for coordinating the PPSC's participation in Round VII of the Management Accountability Framework (MAF) assessment process. The MAF process helps federal departments and agencies measure how well they meet Treasury Board's expectations for good public service management. This was the PPSC's first MAF assessment since its creation in December 2006, and it provided a baseline against which the PPSC will be able to measure future progress.

The assessment pointed to several areas of management that present opportunities for improvement, including some aspects of financial management, procurement, information technology and knowledge management, people management and management of security as well as business continuity. The required improvements generally reflect the fact that the PPSC, as a new organization, is still building capacity in management processes and structures.

### Human Resources

The Human Resources Directorate (HRD) provides ongoing strategic advice and direction in all areas of human resources management. In 2009–2010, HRD took over responsibility for providing certain transactional services that had previously



been provided by the Department of Justice, namely in the areas of organizational design and classification, official languages, and diversity.

In 2009–2010, HRD introduced a five-year People Management Strategy aimed at improving human resources management practices at the PPSC. The Strategy supports the federal government's public service renewal agenda, with a focus on planning, recruitment, and employee engagement.

HRD continues to review current work profiles and assess the PPSC's workforce composition and task evaluation. Work descriptions and classifications for some corporate positions, regional manager positions and some business administration



positions were completed. HRD is working to bring the remaining corporate positions, operational legal stream positions and other job categories up to date.

In 2009–2010, the Delegation of Authorities Instrument—a document that defines and explains delegated authorities in Finance and Human Resources to managers, supervisors and functional heads—was fully implemented and employees were advised of their accountabilities.

## Finance and Acquisitions

The Finance and Acquisitions Directorate provides leadership and direction in resource management, accounting operations and acquisition management. In 2009–2010, in addition to its ongoing commitments, the Directorate:

- took over responsibility for contracting, which had been handled by the Department of Justice on behalf of the PPSC;
- updated PPSC delegation instrument and related records; and
- developed and distributed financial information to monitor compliance with financial policies.

## Information Management and Technology

During 2009–2010 the PPSC refreshed its technology and systems in accordance with its technology renewal plan. Additionally, the PPSC invested in new video-conference systems to reduce travel costs and in knowledge management systems to provide the organization with tools to facilitate the sharing of legal information. Working in close collaboration with Library and Archives Canada staff, the PPSC Information Management and Technology Directorate initiated a number of projects to ensure organizational compliance with the new Treasury Board Secretariat directive on recordkeeping and to more effectively manage PPSC records.

## Ministerial and External Relations

The Ministerial and External Relations Secretariat (MERS) is responsible for Cabinet and parliamentary affairs, ministerial liaison, correspondence, and for relations with external stakeholders.

During 2009–2010, MERS responded to various requests for information on PPSC activities, including questions placed on the Order Paper of the House of Commons and Senate and incoming correspondence. As well, MERS coordinated PPSC

meetings with external stakeholders, such as the Canadian Bar Association and the Federation of Law Societies of Canada, and with foreign delegations.

The Access to Information and Privacy (ATIP) office is the focal point for the application of access to information and privacy legislation at the PPSC. The ATIP office ensures that the *Access to Information Act* and the *Privacy Act* are complied with by the PPSC. During the year, the office carried out training and education activities to raise awareness within the PPSC and to educate senior management and other employees about their roles and responsibilities under these acts. The office also undertook an assessment of the organization's overall compliance with the *Privacy Act* and related regulations and policies. This assessment is expected to be completed during fiscal year 2010–2011.

During 2009–2010, the ATIP office responded to an increasing volume of privacy and access to information requests. It produced a statistical report on its processing of requests, and prepared the PPSC's annual reports on the administration of the *Access to Information Act* and the *Privacy Act* for tabling in Parliament. The office also contributed to *Info Source*—a publication by the Treasury Board Secretariat containing information about and/or collected by the Government of Canada.

## Administration Services

The Administration Services Division is responsible for the delivery of programs and services in the areas of Security, Accommodations, Conflict Management as well as Occupational Health and Safety. Key activities undertaken during the year include:

- the ongoing planning and implementation of several regional office fit-ups and relocations (including Edmonton, Moncton, Iqaluit, Inuvik, Whitehorse and Toronto) and the preliminary work for the establishment of a Headquarters facility in the National Capital Region;
- the strengthening of PPSC in-house delivery of security services, including personnel security and physical security. The PPSC created and staffed the position of Departmental Security Officer and the Security Services Section was established. As well, the PPSC developed a Pandemic Plan in support of its business continuity objectives;
- the national coordination of conflict resolution matters through facilitation, coaching, mediation and conflict assessments; and

- the strengthening of PPSC policy capacity through the establishment of a PPSC Occupational Health and Safety (OHS) National Policy Committee and operational support to OHS workplace committees nationally through the provision of policy advice, information and training.

## Corporate Counsel

Corporate counsel provides advice to the DPP and to PPSC management on issues of interest and importance to the practice of law, including advice on administrative and public law matters, management, risk management—including legal risk management—issues and matters related to actual or potential conflicts of interest on the part of PPSC employees. In addition, corporate counsel is involved in any matter related to ethics or issues related to membership by counsel in a provincial or territorial law society.

Major activities in 2009–2010 focused on the delivery of direct advisory services to the Agent Affairs Program, specifically on the renewal of the Terms and Conditions for agents. The Office of the Corporate Counsel (OCC) also provided managerial and legal advice in the area of values and ethics, such as issues related to conflicts of interest, feedback on the proposed new federal Code on Values and Ethics, and political activities. The OCC also monitored and followed up on issues related to the Memorandum of Understanding on Corporate Services with the Department of Justice. The OCC provided direct support in the development of a PPSC mission and values statement and provided legal advice in several administrative and public law issues.

## Communications

The Communications Division is responsible for keeping the public and media informed about the PPSC and its activities, as specified in the *Director of Public Prosecutions Act*, as well as for helping the organization to communicate with its employees.

The Division provides communications products and services in the areas of strategic communications advice (both internal and external), media relations and monitoring, and web publishing. The Communications Division is also responsible for the application of federal identity standards within the PPSC, for reporting on advertising activities, and for producing publications such as the PPSC Annual Report.

In 2009–2010, the Communications Division organized media training for PPSC employees across the country. A total of eight media training sessions were held in Vancouver, Toronto, Montreal, Halifax, and Ottawa.

As the PPSC continues to mature as an independent organization, internal communications products and services continue to see increased demand.

## Internal Audit

In 2009–2010, the PPSC established an Internal Audit function by appointing a Chief Audit Executive, as well as creating a Departmental Audit Committee with three members appointed from outside the federal Public Service. The Audit Committee is chaired by the DPP, and its first meeting was held in February 2010.

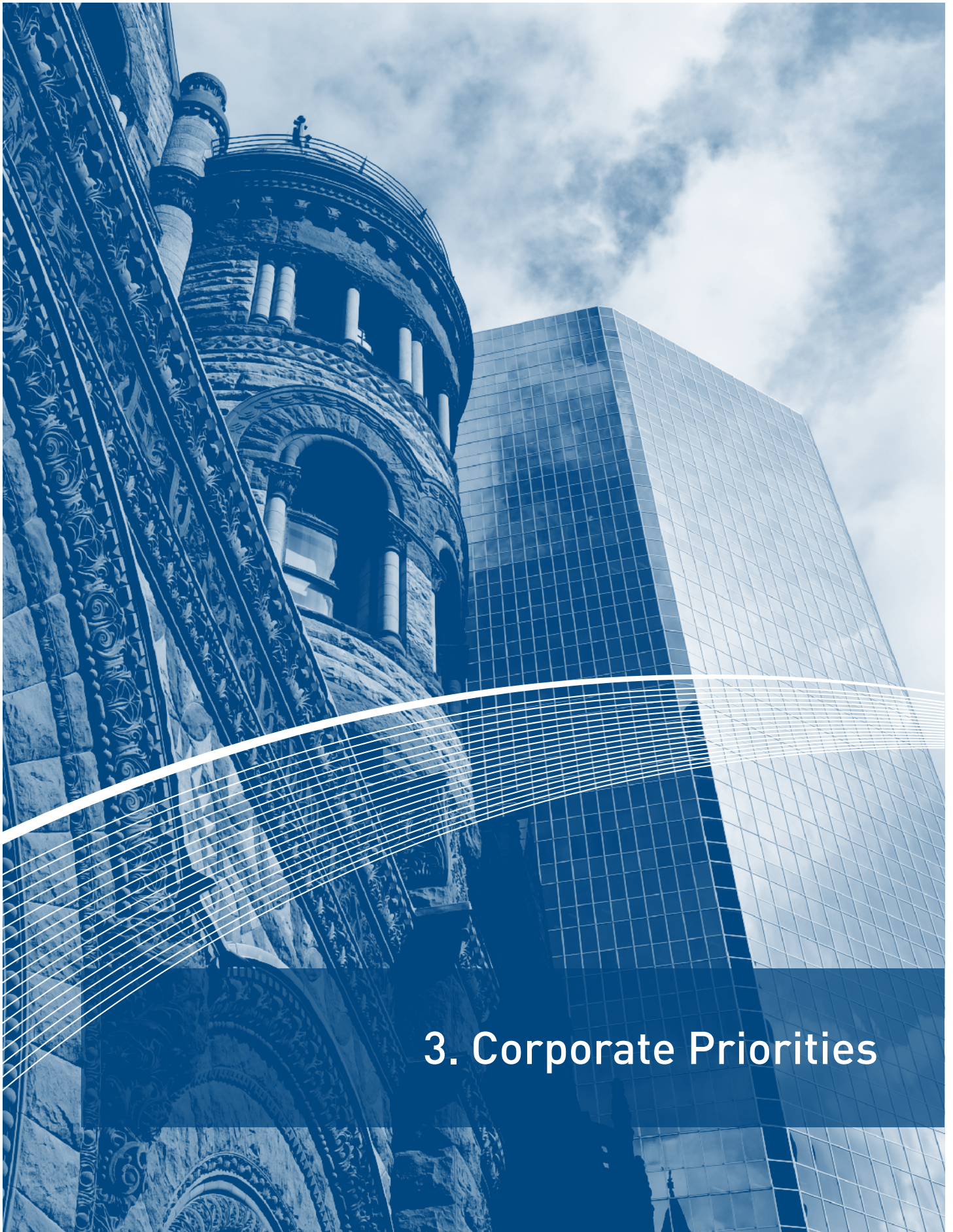
Internal Audit assesses the effectiveness of the organization's processes and makes recommendations to ensure that the organization achieves its objectives. The Internal Audit function supports informed and accountable decision-making with regard to ethics, compliance, risk, economy, and efficiency. The audit committee provides objective advice and recommendations to the DPP regarding the sufficiency, quality and results of the organization's risk management, control and governance frameworks and processes (including accountability and auditing systems). The PPSC conducted its first internal audit of the Account Verification Framework in 2009–2010, which will be finalized and published on its website in 2010–2011.

## Business Continuity Planning and H1N1

In 2009–2010, as part of the establishment of its security program, the PPSC took measures to ensure that its services would remain available in the event of a pandemic outbreak or business disruption. A Pandemic Plan was formulated and received formal approval.

The PPSC also began putting in place essential strategies and plans to sustain legal operations during a business disruption. A project was launched to conduct a business impact analysis and to review all business continuity plans in Headquarters and at the regional level. All PPSC offices will have business continuity plans by the end of fiscal year 2010–2011. Emergency preparedness measures will also be developed.





## 3. Corporate Priorities

# 3. Corporate Priorities

The PPSC's overall organizational priority is set out in its mission and values statement. In 2009–2010, the PPSC worked on four corporate administrative priorities to support the organization's operational mandate. Those priorities were:

- recruitment and retention;
- safety and security of employees;
- measuring organizational performance; and
- knowledge management.

For 2010–2011, the PPSC has renewed these administrative priorities to continue to build upon the work being done in support of the PPSC's mandate, mission, and values.

## Recruitment and Retention

Investing in a diverse, multicultural and multilingual workforce through recruitment and retention is an ongoing process. Ensuring that employees feel valued and appreciated, and that the organization is viewed as an employer of choice is essential, particularly in light of employment alternatives that exist with provincial prosecution services or in the private sector.

In order to foster an environment where staff recruitment and retention is encouraged, the PPSC took a number of steps, including:

- the establishment of a working group to move forward the LA Group Project, Ensuring Excellence. The group will work on the development of a career path for prosecutors, which includes enhancing training opportunities and finalizing competency profiles; and
- the implementation of a national recruitment strategy.

## Safety and Security of Employees

The safety and security of employees remains a corporate priority for the PPSC. A Departmental Security Officer was appointed in April 2009 and PPSC-managed security activities such as personnel security and physical security are now in place to facilitate employee security screenings and safeguarding of the PPSC's offices. With implementation of this infrastructure now in place, the PPSC will focus its attention on two primary activities:

- the establishment of an Employee Protection Program to protect employees against threats and incidents of intimidation; and
- the establishment of Business Continuity plans in Headquarters and in regions to ensure the continued delivery of PPSC services in the event of contingencies including a pandemic illness.

## Measuring Organizational Performance

In support of its accountabilities as a federal government organization, the PPSC continues to pursue improvements to its performance measurement framework. Key performance indicators have been included in the PPSC integrated planning process as elements to be considered or monitored in corporate business and human resource plans for the upcoming fiscal year.

As of April 2009, the PPSC implemented a revised and simplified national protocol governing timekeeping practices. This protocol ensures that more complete and reliable timekeeping information is available to guide decision-making, overtime compensation and cost recovery. In addition, the PPSC worked to simplify and restructure various case management data sets for specific activities that relate to criminal, regulatory and economic prosecutions. It has also simplified the data entry elements for file opening and closing protocols and implemented procedures to more closely monitor compliance with these protocols.





The PPSC underwent a significant organizational restructuring in late 2008. In 2009–2010, work was done to harmonize case management system data with the new structure. As a result, work was postponed on performance measurement processes requiring modifications to the case management system while conversion activities were underway.

The work undertaken during 2009–2010 saw the development of a knowledge management framework, taxonomy and metadata for a number of key knowledge databases. During 2010–2011, the established knowledge databases will be loaded, maintained and made available to all PPSC prosecutors, agents, paralegals and legal assistants. Knowledge management will continue to be a corporate priority for the PPSC during 2010–2011.

## Knowledge Management

The objective of the knowledge management effort is to develop tools to support the sharing of information by employees to help ensure that the PPSC's mandate is achieved.

## 4. Financial Information

**Table 1: Total Budget (\$ millions)**

	Budget at Beginning of the Year	Additions to Budget During Year	Budget at Year-End
Personnel (including employee benefit plans)	101.8	13.6	115.4
Crown Agent Costs	40.1		40.1
Other Operating Costs	25.4	11.8	37.2
Less Revenues Received from Other Government Organizations	(11.3)	–	(11.3)
<b>Total Net Budget</b>	<b>156.0</b>	<b>25.4</b>	<b>181.4</b>

Additions to Budget During Year:	
Office Relocation	3.3
Integrated Market Enforcement Teams Initiative	5.1
Salary adjustments (including renewal of collective agreements and arbitral award settlements)	11.5
Unused Budget carry-forward from 2008–2009	5.5
<b>Total Additions</b>	<b>25.4</b>

**Table 2: Total Actual Spending (\$ millions)**

	Actual Spending
Personnel (including employee benefit plans)	102.4
Crown Agent Costs	37.1
Other Operating Costs	18.1
Less Revenues Received from Other Government Organizations	(10.6)
<b>Total Actual Spending</b>	<b>147.0</b>

**Table 3: Total Spending by Program Activity (\$ millions)**

	Budget at Year-End	Actual Spending	Unused Budget
Drug, <i>Criminal Code</i> , and terrorism prosecution program	127.9	108.1	19.8
Regulatory offences and economic crime prosecution program	19.8	17.8	2.0
Internal Services	33.7	21.1	12.6
<b>Total Spending</b>	<b>181.4</b>	<b>147.0</b>	<b>34.4</b>

Explanations of the Unused Budget	
Frozen allotment*: Mandatory Minimum Penalties under the National Anti-Drug Strategy	6.5
Frozen allotment*: Restoring the effectiveness of federal policing	5.2
Frozen allotment*: Transition funding for the relocation of PPSC offices	9.0
Frozen allotment*: Salary adjustments	1.5
Surplus related to operations	12.2
<b>Total</b>	<b>34.4</b>

\* A frozen allotment indicates that spending is not permitted until a specific condition established by Treasury Board has been met. Adjustments have been made to the EBP and revenues to reflect the actual spending and recoveries.

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## Notes

