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# Prosecutions Resources, Expenditures and Personnel

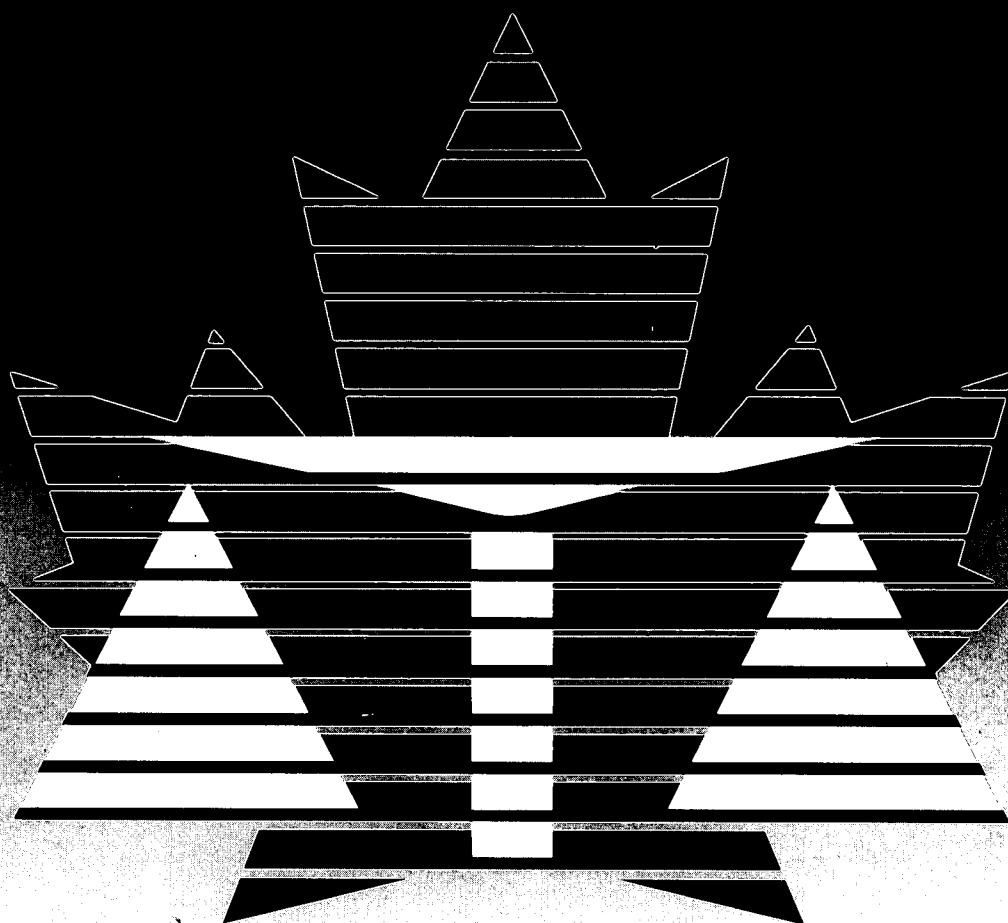
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# Prosecutions Resources, Expenditures and Personnel

1994-95

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## **Preface**

The Canadian Centre for Justice Statistics (CCJS) is the focal point of a federal-provincial/territorial initiative dedicated to the production of national statistics and information on the justice system in Canada. The Courts Program at CCJS collects and disseminates statistical information describing the administration and operation of adult criminal courts, youth courts, and resources, personnel and expenditures on prosecution services in Canada.

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## **1. Highlights**

### **Prosecutions Expenditures and Personnel (1994-1995)**

In 1994-95, the federal and provincial expenditure on criminal prosecutions was \$258 million, or \$8.82 per capita.

Prosecutions employed 3,198 people across Canada: 57% of these were lawyers, 6% were paralegals and students, and 37% were professional and clerical support staff. There were 5.7 prosecutors per 100,000 population in the ten provinces.

## 2. Scope, Coverage and Data Collection Method

The objective of the Prosecutions Resources, Expenditures and Personnel (REP) Survey is to provide information on the human resources and costs associated with the delivery of prosecution services in Canada. In this report, prosecutions include criminal prosecutions only.

Data are provided by the prosecutions branches in all provincial jurisdictions and by Justice Canada which has responsibility for prosecution services in the Yukon and Northwest Territories as well as prosecutions under federal statutes. In the case of Quebec, data on the delivery of prosecution services are not available for municipal courts. It is estimated the Quebec municipal courts handle 20% of federal statute charges (Adult Criminal Court Caseload Trends, cat:85-219-XPE).

The fiscal year 1994-95 marks the first year of data collection. Henceforth, the Prosecutions Survey will be conducted on a biennial basis. The survey is a paper questionnaire mailed to each jurisdiction. Jurisdictions respond to the questionnaire according to specific scoring rules. Upon receipt of the completed questionnaire, the Canadian Centre for Justice Statistics follows a manual edit-check procedure to verify that the data are consistent to the survey's definitions. Prior to publication, respondents verify and sign-off their data.

A working group comprised of Centre staff and jurisdictional representatives examined the possibilities for consistent data collection in the area of prosecutions and defined the contents of this report. It is recognized that this report represents a starting point in providing information on the delivery of prosecutorial services in Canada. The services which are actually provided by the various prosecution services across Canada can differ significantly. The working group will continue in the coming years to examine the possibilities for the further specification of the qualitative and financial aspects of prosecutorial services so that readers can have a greater insight into the reasons for the inter-jurisdictional differences in the numbers of prosecutors and total prosecutorial resources. Aspects which will be considered for the next version of this report include the following: measures of prosecutors' and court workloads; the nature of prosecutors' "out-of-court" responsibilities; the effects of legal-aid tariffs and practices on prosecution resources; services offered to victims; the effects of geography including the number of Crown Counsel offices and court locations; the existence and magnitude of "downstream" benefits associated with prosecutor-based charging systems; and the effect on prosecution resources of the ratio of cases litigated to those in which a guilty plea is entered.

## 3. Units of Count

Two units of count are collected: a person-count of prosecutors, paralegal support and other support staff; and a dollar count of expenditures on salaries, wages and benefits, private legal services and other operating expenditures.

From this information, two indicators are calculated: cost per capita and the number of prosecutors per 100,000 population.

#### **4. Crown and Police Charge Approval Processes**

Charging policy is a provincial responsibility. In British Columbia, Quebec and New Brunswick, policies require the approval by the Crown prosecutor of charges laid by the police. In these provinces, police complete a "Report to Crown Counsel", including details of the case and the results of the investigation. These reports are submitted to the office of the Crown Counsel for review and approval of the recommendations to lay charges.

In the remaining provinces and territories, the police lay charges. However, to varying degrees, it is the practice in these provinces for the police to seek the advice of Crown Counsel in the course of the investigation, for the drafting of an information and other pre-charge issues.

## 5. Summary of Findings, 1994-95

### A. Expenditures

In 1994-95, the federal and provincial expenditure on prosecutions in Canada was \$258 million (Table 1). Seventy-five percent of total expenditures was spent on employee salaries, wages and benefits. A further 12% was spent on private lawyers. The remaining 13% was spent on other operating expenditures.

**Table 1. Prosecutions Expenditures by Type and Jurisdiction, 1994-95**

Jurisdiction	Salaries, Wages and Benefits			Operating Expenditures			Total Expenditures
	Lawyers	Others	Total	Private Lawyers	Other Operating Expenditures	Total Operating Expenditures	
Justice Canada (1)	\$14,202,301	\$3,223,937	\$17,426,238	\$21,565,516	\$3,075,035	\$24,640,551	\$42,066,789
Newfoundland	\$2,341,211	\$313,393	\$2,654,604	\$411,119	\$1,204,579	\$1,615,698	\$4,270,302
Prince Edward Island	\$420,378	\$123,836	\$544,214	\$47,596	\$83,534	\$131,130	\$675,344
Nova Scotia	..	..	\$6,210,407	\$435,645	\$1,300,751	\$1,736,396	\$7,946,803
New Brunswick (2)	\$3,097,472	\$385,704	\$3,483,176	\$330,322	\$776,392	\$1,106,714	\$4,589,890
Quebec(2)(3)(4)	\$26,373,096	\$7,928,022	\$34,301,118	...	\$1,938,887	\$1,938,887	\$36,240,005
Ontario	\$48,365,152	\$19,503,048	\$67,868,200	\$4,238,500	\$9,184,800	\$13,423,300	\$81,291,500
Manitoba	\$5,485,550	..	\$5,485,550	..	\$1,638,800	\$1,638,800	\$7,124,350
Saskatchewan(5)	\$3,889,240	\$1,139,100	\$5,028,340	\$176,590	\$1,153,880	\$1,330,470	\$6,358,810
Alberta	..	..	\$15,008,164	\$840,216	\$3,369,159	\$4,209,375	\$19,217,539
British Columbia(2)	\$26,211,276	\$10,662,558	\$36,873,834	\$2,430,057	\$8,770,281	\$11,200,338	\$48,074,172
<b>CANADA TOTAL</b>	..	..	\$194,883,845	\$30,475,561	\$32,496,098	\$62,971,659	\$257,855,503

(1) Benefits and other personnel costs such as training have been estimated.

(2) Provinces with prosecutor-based charging systems.

(3) Excludes municipal courts estimated to represent 20% of the workload.

(4) Benefits have been estimated.

(5) Benefits amounting to approximately 12.5% of salaries are not included in the figures for "Salaries, Wages and Benefits". These benefits are paid for by another department.

As a percentage of total expenditures, expenditures for private lawyers varied among the provincial jurisdictions: Newfoundland spent 10%, Prince Edward Island and New Brunswick spent 7%, Nova Scotia, Ontario and British Columbia spent 5%, Alberta spent 4% and Saskatchewan spent 3%. Quebec and Manitoba did not use private lawyers. In contrast, Justice Canada spent 51% of total expenditures on contracts with private law firms acting as crown agents.

As a percentage of total expenditures, there is significant variation in 'Other Operating Expenditures' which include the items set out in Table 2. Due to differing budgeting practices not all cost items are accounted for in each jurisdiction's prosecutions budget. Although 'Other Operating Expenditures' generally account for less than 20% of total expenditures, differences should be noted when making inter-jurisdictional comparisons.

**Table 2: Budget Items Included in 'Other Operating Expenditures'**

Jurisdiction	Other operating expenditures as a % of total expenditures	Items included in Other Operating Expenditures												
		Witness Costs	Law Library/ Publications	Transcripts	Vehicles	Training	Materials, Supplies, Furniture	Telephone, Transp., Comm.	System Costs	Equip't Purch. (minor)	Prof. Serv.	Office Supplies	Equip't Leasing	Bank Charges
NFLD	28%	Yes	NO (1)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
PEI	12%	NO (2)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
NB	16%	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
NS	17%	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
QUE(3)	5%	NO (4)	NO (5)	NO (6)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ONT	11%	Yes	NO (7)	Yes (8)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NO
MAN	23%	Yes	Yes	NO	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
SASK	18%	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ALB	18%	NO (9)	NO (10)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NO
BC	18%	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

- (1) Library costs are part of the departmental Legal Services budget for all public law libraries. The portion attributable to prosecutions could not be determined.
- (2) Witness costs of \$58,579 are part of the Court Services budget.
- (3) Excludes Municipal Courts estimated to represent 20% of the workload.
- (4) Witness costs amounting to \$2,566,200 are accounted for in the departmental Court Services budget.
- (5) Law Library costs amounting to \$150,000 are accounted for in the departmental Court Services budget.
- (6) Transcript costs amounting to \$3,931,200 are accounted for in the departmental Court Services budget.
- (7) Law library costs are accounted for in the departmental budget. The portion attributable to prosecutions could not be determined.
- (8) Transcripts are now provided on a cost recovery basis. This measure has resulted in significant cost savings.
- (9) Witness Costs amounting to \$1,430,068 are accounted for in the Court Services budget.
- (10) Law Library costs are part of the Court Services budget for all public law libraries. The portion attributable to prosecutions could not be determined.

# I. Per Capita Expenditures for Criminal Prosecutions

Canada-wide, the per capita cost of prosecutions in 1994-95 was \$8.82. Table 3 shows per capita expenditures by jurisdiction. It is important to note that for Quebec the cost of prosecutions in municipal courts with criminal jurisdiction is not included.

**TABLE 3. Per Capita Expenditures on Prosecutions by Jurisdiction, 1994-95**

Jurisdiction	Population (7) 000's	Total Expenditures \$	Per Capita \$
<b>Justice Canada (1)</b>	...	\$42,066,789	...
<b>Newfoundland</b>	581.2	\$4,270,302	\$7.35
<b>Prince Edward Island</b>	134.6	\$675,344	\$5.02
<b>Nova Scotia</b>	933.9	\$7,946,803	\$8.51
<b>New Brunswick(2)</b>	757.7	\$4,589,890	\$6.06
<b>Quebec(2)(3)(4)</b>	7,287.1	\$36,240,005	\$4.97
<b>Ontario</b>	10,936.4	\$81,291,500	\$7.43
<b>Manitoba</b>	1,129.6	\$7,124,350	\$6.31
<b>Saskatchewan(5)</b>	1,012.1	\$6,358,810	\$6.28
<b>Alberta</b>	2,714.8	\$19,217,539	\$7.08
<b>British Columbia(2)</b>	3,669.5	\$48,074,172	\$13.10
<b>PROVINCIAL TOTAL</b>	29,156.9	\$215,788,714	\$7.40
<b>CANADA (6)</b>	29,251.3	\$257,855,503	\$8.82

(1) Benefits and other personnel costs such as training have been estimated.

(2) Provinces with prosecutor-based charging systems.

(3) Excludes municipal courts estimated to represent 20% of the workload.

(4) Benefits have been estimated.

(5) Benefits amounting to approximately 12.5% of salaries are not included in the figures for "Total Expenditures".  
These benefits are paid for by another department.

(6) Includes the Northwest Territories and the Yukon, plus federal statute prosecutions.

(7) Preliminary post-censal estimates. Statistics Canada's Quarterly Demographic Statistics,  
Catalogue No. 91-002 (Vol. 9 No. 4).

## B. Personnel

Prosecutions branches employed 3,198 people across Canada in 1994-95 (Table 4). Approximately 57% of these were lawyers, 6% prosecutions support and 37% other personnel. The large majority of the latter category is clerical (95%).

Permanent lawyers within criminal prosecution branches accounted for 84%, while contract/term lawyers accounted for the remainder (16%).

Table 4. Prosecutions Personnel by Function, 1994-95

Jurisdiction	Lawyers			Prosecutions Support				Other Personnel				Total Personnel
	Perm.	Contract	Total Lawyers	Paralegal	Police	Students	Total Support	Professional	Clerical	Other	Total Other	
Justice Canada	125.0	42.0	167.0	14.0	..	..	14.0	..	66.0	5.0	71.0	252.0
Newfoundland	34.0	4.0	38.0	..	..	2.0	2.0	3.0	13.0	..	16.0	56.0
Prince Edward Island	5.0	2.0	7.0	..	..	1.0	1.0	..	4.0	..	4.0	12.0
Nova Scotia	53.0	10.0	63.0	..	..	..	..	..	43.0	..	43.0	106.0
New Brunswick(1)	41.0	2.0	43.0	..	..	..	..	..	13.0	..	13.0	56.0
Quebec(1)	321.0	18.3	339.3	25.0	..	5.0	30.0	13.0	215.5	..	228.5	597.8
Ontario	463.0	100.5	563.5	93.5	..	43.0	136.5	27.0	322.0	..	349.0	1,049.0
Manitoba	58.0	2.5	60.5	..	..	6.0	6.0	1.0	25.0	5.0	31.0	97.5
Saskatchewan	60.0	2.0	62.0	2.0	..	1.0	3.0	1.0	37.0	..	38.0	103.0
Alberta	105.0	42.0	147.0	10.0	..	4.0	14.0	1.0	96.0	..	97.0	258.0
British Columbia(1)	265.5	69.2	334.7	..	..	..	..	6.0	216.4	53.9	276.3	611.0
PROVINCIAL TOTAL	1,405.5	252.5	1,658.0	130.5	..	62.0	192.5	52.0	984.9	58.9	1,095.8	2,946.3
CANADA TOTAL	1,530.5	294.5	1,825.0	144.5	..	62.0	206.5	52.0	1,050.9	63.9	1,166.8	3,198.3

(1) Provinces with prosecutor-based charging systems.

Within jurisdictions, the largest percentage of permanent and contract lawyers were assigned to general duties (83%) (Table 5). Twelve percent of lawyers within the provincial prosecutions branches were specialized (appeals, commercial, family, young offenders, sexual and other) and 5% were responsible primarily for administrative duties.

Table 5. Lawyers by Function and Specialization, 1994-95

Jurisdiction	Admin	Legal Practice								Total
		General Duties	Specialization							
			Appeal	Commercial	Family	Sexual	Young Offenders	Other	Total	
Justice Canada	..	..	..	..	..	..	..	..	167.0	
Newfoundland	2.0	32.0	2.0	...	...	...	1.0	1.0	4.0	38.0
Prince Edward Island	1.0	4.0	1.0	...	...	1.0	...	...	2.0	7.0
Nova Scotia	2.0	52.0	5.0	3.0	...	1.0	...	...	9.0	63.0
New Brunswick(1)	2.0	38.7	.3	1.0	...	...	...	1.0	2.3	43.0
Quebec(1)	15.0	283.7	...	10.5	...	15.0	15.1	...	40.6	339.3
Ontario	15.5	490.0	58.0	...	...	...	...	...	58.0	563.5
Manitoba	4.0	43.5	1.0	4.0	5.0	...	3.0	...	13.0	60.5
Saskatchewan	1.0	56.0	3.0	2.0	...	...	...	...	5.0	62.0
Alberta	3.0	130.0	7.0	7.0	...	...	...	...	14.0	147.0
British Columbia(1)	1.0	283.0	8.5	8.6	...	1.8	6.8	25.0(2)	50.7	334.7
PROVINCIAL TOTAL	46.5	1,412.9	85.8	36.1	5.0	18.8	25.9	27.0	198.6	1,658.0
CANADA TOTAL	..	..	..	..	..	..	..	..	..	1,825.0

(1) Provinces with prosecutor-based charging systems.

(2) This figure includes six environmental prosecutors.

Lawyers accounted for the majority of prosecutions personnel (57%). (Table 6) The remaining 43% of personnel were employed in support functions either as paralegals, or in clerical, management or other functions.

In general, female lawyers accounted for approximately one-third (34%) of lawyers while approximately two-thirds (64%) of clerical staff were females.

Table 6. Prosecutions Personnel by Category by Sex, 1994-95

Jurisdiction	Lawyers			Prosecutions Support			Other Personnel			All personnel		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Justice Canada	108.0	59.0	167.0	2.0	12.0	14.0	.0	71.0	71.0	110.0	142.0	252.0
Newfoundland	22.0	16.0	38.0	2.0	..	2.0	..	16.0	16.0	24.0	32.0	56.0
Prince Edward Island	5.0	2.0	7.0	1.0	..	1.0	..	4.0	4.0	6.0	6.0	12.0
Nova Scotia	53.0	10.0	63.0	..	..	..	..	43.0	43.0	53.0	53.0	106.0
New Brunswick (1)	31.0	12.0	43.0	..	..	..	..	13.0	13.0	31.0	25.0	56.0
Quebec (1)	210.3	129.0	339.3	10.5	19.5	30.0	24.5	204.0	228.5	245.3	352.5	597.8
Ontario	344.5	219.0	563.5	48.5	88.0	136.5	22.0	327.0	349.0	415.0	634.0	1,049.0
Manitoba	46.0	14.5	60.5	3.0	3.0	6.0	..	31.0	31.0	49.0	48.5	97.5
Saskatchewan	48.0	14.0	62.0	3.0	..	3.0	..	38.0	38.0	51.0	52.0	103.0
Alberta	115.0	32.0	147.0	6.0	8.0	14.0	1.0	96.0	97.0	122.0	136.0	258.0
British Columbia (1)	215.0	119.7	334.7	..	..	..	21.5	254.8	276.3	236.5	374.5	611.0
PROVINCIAL TOTAL	1,089.8	568.2	1,658.0	74.0	118.5	192.5	69.0	1,026.8	1,095.8	1,232.8	1,713.5	2,946.3
CANADA TOTAL	1,197.8	627.2	1,825.0	76.0	130.5	206.5	69.0	1,097.8	1,166.8	1,342.8	1,855.5	3,198.3

(1) Provinces with prosecutor-based charging systems.

The ratio of lawyers to population varied across the jurisdictions (Table 7). Excluding Quebec, since the figures exclude municipal courts, Ontario had the lowest concentration of lawyers per population, followed by Prince Edward Island and Manitoba. British Columbia had the highest concentration, followed by Nova Scotia.

Table 7: Ratio of Prosecutions Personnel to Population

Jurisdiction	Ratio to population			
	Population (1) 000's	Prosecutors	Prosecutors & Support	All Staff
Quebec (2)	7,287.10	1:21,477	1:19,732	1:12,190
Ontario	10,936.40	1:19,408	1:15,623	1:10,426
Prince Edward Island	134.60	1:19,229	1:16,825	1:11,217
Manitoba	1,129.60	1:18,671	1:16,986	1:11,586
Alberta	2,714.80	1:18,468	1:16,862	1:10,522
New Brunswick	757.70	1:17,621	..	1:13,530
Saskatchewan	1,012.10	1:16,324	1:15,571	1: 9,826
Newfoundland	581.20	1:15,295	1:14,530	1:10,379
Nova Scotia	933.90	1:14,824	..	1: 8,810
British Columbia	3,669.50	1:10,964	..	1: 6,006

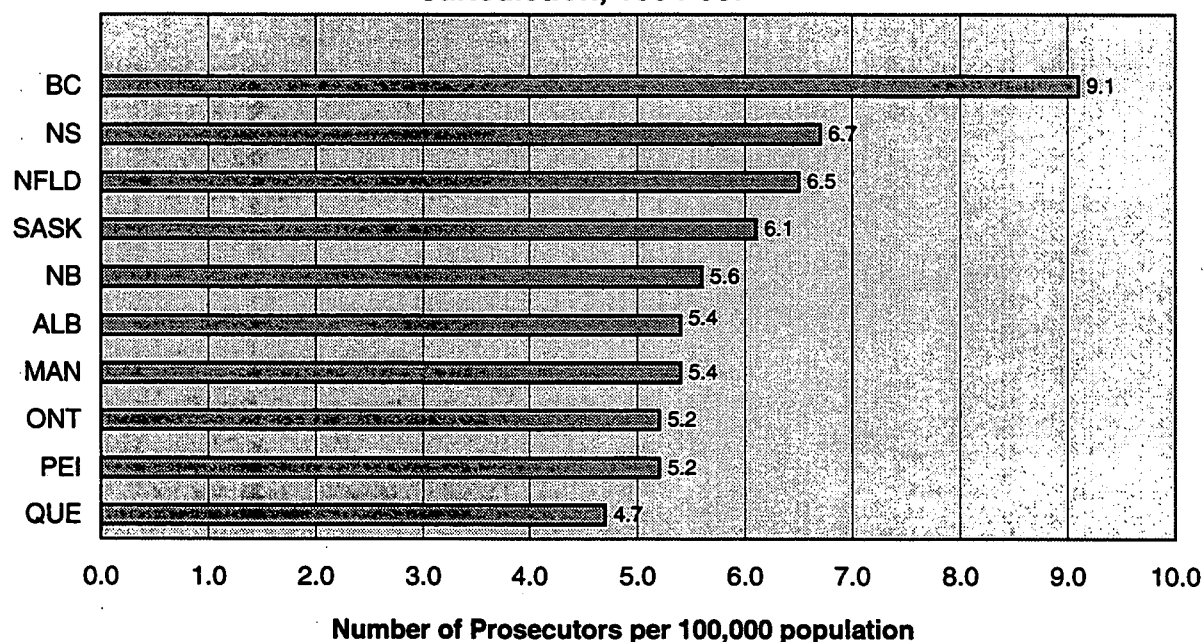
(1) Preliminary post-censal estimates. Statistics Canada's *Quarterly Demographic Statistics*, Catalogue No. 91-002 (Vol. 9 No. 4).

(2) Excludes municipal courts estimated to represent 20% of the workload.



The average number of prosecutors per 100,000 population in the ten provinces in 1994-95 was 5.7, ranging from 4.7 in Quebec (with the exclusion of municipal courts), to 9.1 in British Columbia.

**Figure 1: Number of Prosecutors per 100,000 population by Jurisdiction, 1994-95.**



## Provincial Criminal Prosecutions Resource, Expenditure and Personnel Statistics Survey (1994/95)

Table 1: PERSONNEL AS OF MARCH 31, 1995 BY CATEGORY AND SEX (Use Actual Person Year Counts)

CATEGORY OF PERSONNEL		MALE	FEMALE	TOTAL
LAWYERS	Permanent Lawyers			
	Contract/Term Lawyers			
	<b>TOTAL PERMANENT/CONTRACT LAWYERS (A)</b>			
ADDITIONAL PROSECUTORIAL SUPPORT	Paralegals/Provincial Prosecutors, etc.			
	Police			
	Students			
	<b>TOTAL PROSECUTORIAL SUPPORT (B)</b>			
OTHER PERSONNEL	Management/Professionals			
	Clerical Support			
	Other Personnel			
	<b>TOTAL OTHER PERSONNEL (C)</b>			
<b>TOTAL PERSONNEL (A+B+C)</b>				

TABLE 2: LAWYERS AS OF MARCH 31, 1995 BY FUNCTION AND CATEGORY

FUNCTION	CATEGORY OF LAWYER (person year count)		
	PERMANENT LAWYERS	CONTRACT LAWYERS	TOTAL LAWYERS
<b>ADMINISTRATION (A)</b>			
PROSECUTORIAL OPERATIONS - General Duties			
Specialized Functions: - Appeals			
- Commercial Crime			
- Family Violence			
- Sexual Assault			
- Young Offenders			
- Other Specialized Function(s)			
<b>TOTAL PROSECUTORIAL OPERATIONS (B)</b>			
<b>TOTAL ADMINISTRATION AND PROSECUTORIAL OPERATIONS (A+B)</b>			

TABLE 3: CRIMINAL PROSECUTION BRANCH EXPENDITURES

TYPE OF EXPENDITURE	ACTUAL - 1994/95 (to nearest dollar)
OPERATING EXPENDITURES	
- Salaries, Wages and Benefits Paid to Permanent and Contract Lawyers	
- Salaries, Wages and Benefits Paid to Other Personnel	
<b>TOTAL SALARIES, WAGES AND BENEFITS</b>	
- Payments to Ad Hoc/Per Diem Lawyers	
- Training Costs	
- Other Operating Expenditures	
<b>TOTAL OPERATING EXPENDITURES (Total Salaries plus other expenses)</b>	
Name of Contact (Please print)	Telephone Number
	Date (YYMMDD)

Note: N/Av.=Not Available  
N/Ap.=Not Applicable

## Appendix 2

## Prosecutions, Resources, Expenditures and Personnel: Survey Scoring Rules

**Table 1** - Type of Criminal Prosecutions Personnel by Jurisdictions, 1994-95.

Note: If you are unable to break down the categories into their component parts (e.g., Permanent Lawyers by sex) please provide the aggregate total and indicate "Not Available" in the appropriate columns (e.g. MALE/FEMALE). If a particular category is not applicable (e.g., Police do not perform Prosecutorial duties in your jurisdiction) please indicate "Not Applicable".

This table refers to the actual number of full-time as well as permanent part-time employees who were on the personnel roster as of March 31. Do **NOT** include part-time or casual workers who are not employed on a permanent basis.

Convert "permanent part-time" employees to full-time employees in terms of the number of hours normally worked per week. For example, 2 permanent part-time employees who each work 2.5 days a week should be scored as 1 full-time position.

Distribution by Sex - If a distribution by sex is not available for a specific category, simply fill in the "Total" column and insert "not available" in the male and female columns.

### Personnel Categories

- A. **Lawyers:** Includes all crown counsel, crown attorneys or crown prosecutors appointed by the Attorney-General, under the provisions of provincial statutes, to take charge of and conduct, on behalf of the Crown, the prosecution of criminal offences. Also includes lawyers who perform administrative functions (i.e. directors) or whose responsibilities entail conducting legal research related to the prosecutorial process. Does not include lawyers on long-term disability.
- (i) **Permanent Lawyers** - Includes only those lawyers who are considered indeterminate/permanent government employees.
  - (ii) **Contract/Term Lawyers** - Includes all lawyers who are employed on full-time contracts. Contract lawyer or standing agent are often private lawyers who are hired on a long-term basis.
  - (iii) **Total Permanent/Contract Lawyers** - This cell represents a total person year count for "Permanent" and "Contract" lawyers (Table 1).
- B. **Additional Prosecutorial Support** - Please include all full-time and permanent part-time employees who perform direct prosecutorial functions (i.e. prosecute less serious offences such as traffic, other provincial statute cases).

- (i) Paralegals/Provincial Prosecutors/Judicial Technicians - This category includes non-lawyers who conduct prosecutions (i.e. provincial statute offenses, municipal by-law infractions) or who assist crown counsel in other prosecutorial matters (i.e. research).
  - (ii) Police - This category includes all police officers who conduct prosecutions (i.e. traffic, other provincial statute cases). In order to account for the contribution of police, a Crown "full-time equivalent" measurement must be created. To establish this indicator, the number of "hours billed by" or "monies paid to" police organisations could be converted into a person-year equivalent for a Crown in the same jurisdiction.
  - (iii) Students - This category includes all students (articling/law) who assist Crown counsel in their prosecutorial functions (i.e. conducting prosecutions, research).
  - (iv) Total Prosecutorial Support - This cell should represent your branch's total prosecutorial support strength.
- C. Other Personnel - Please include all full-time and permanent part-time personnel who are paid for out of the prosecution branch's budget. Do not include personnel who are supplied at no charge by the department/ministry.
- (i) Management/Professionals - This category includes personnel in any of the following positions: senior managers, administrators, systems/computer analysts, and other highly skilled personnel. Note: These individuals are not lawyers.
  - (ii) Clerical Support - This category includes all personnel who perform clerical support, secretarial or reception duties.
  - (iii) Other Personnel - Included here are all other personnel not included in the above categories.
  - (iv) Total Other Personnel - This cell should represent your branch's total other personnel strength.

**Total Personnel** - This line is the summation of "Total Lawyers", "Total Prosecutorial Support" and "Other Personnel".

**TABLE 2 - Criminal Prosecutorial Lawyers According to Function and Type of Specialization By Jurisdiction, 1994-95.**

Note: If you are unable to break down the categories into their component parts (e.g., Contract Lawyers by function) please provide the aggregate total and indicate "Not Available" in the appropriate rows (e.g. Appeals/Commercial Crime/Family Violence etc.). If a particular category is not applicable (e.g., Contract Lawyers) please indicate "Not Applicable" in the corresponding column.

This table refers to the actual number of full-time as well as permanent part-time lawyers who were on the personnel roster as of March 31 (see Table 1 comments).

Personnel Categories - See definitions in Table 1 for description of lawyer categories.

### **Important Note**

Smaller criminal prosecution branches/programs will normally report the majority of their crown counsel under "General Duties". Only if a lawyer is **assigned full-time to a specific task**, should he/she be included under "Specialized Functions". For example, if a lawyer spends 50% of his/her time performing general duties (i.e. prosecuting assaults, break and enters, thefts), 30% of his/her time on family violence, and 20% on administrative work, he/she should be counted under "General Duties".

### **Administration vs. Prosecutorial Operations**

- A. **Administration** - For purposes of this survey form, the term "administration" refers to personnel who are primarily (e.g. more than 3/4 of ones time) involved in management, policy and planning, personnel, finance, scheduling, training, etc.
- B. **Prosecutorial Operations** - Under prosecutorial operations there are two major categories: "General Duties" and "Specialized Functions".
  - (i) **General Duties** - This category includes lawyers who conduct prosecutions across a wide array of specializations (i.e. homicide, assault, break and enter, mischief). While a typical lawyer may spend part of his/her normal week performing different prosecutorial duties (i.e. administration, research, court time), unless that individual is assigned full-time to a specific function, he/she should be scored as "General Duties".
  - (ii) **Specialized Functions** - Include only those personnel assigned full-time to specialized functions.
    - **Appeals** - Includes all lawyers who are dedicated to conducting appeals.
    - **Commercial Crime** - Includes all lawyers who are dedicated to the prosecution of commercial crimes.

- Family Violence - Includes all lawyers who are dedicated to the prosecution of family violence cases.
  - Sexual Assault - Includes all lawyers who are dedicated to the prosecution of sexual assault cases.
  - Young Offenders - This category includes all lawyers who are dedicated to the handling and prosecution of young offenders.
  - Other Specialized Functions - Please include all other lawyers assigned full-time to specific prosecutorial functions.
- (iii) Total Prosecutorial Operations - This cell represents the summation of "General Duties" and "Specialized Functions", giving a total count of lawyers in Prosecutorial Operations.

**Total Administration and Field Operations** - Represents the total of "Administration" and Total "Prosecutorial Operations".

**TABLE 3 -** Total Operating Expenditures For Criminal Prosecutions According to Type by Jurisdictions, 1994-95.

**General Rules:**

1. Report actual expenditures to the nearest dollar.
2. Expenditures represent gross expenditures. Do not include revenues and recoveries.
3. Only those costs that are paid for out of prosecution budgets should be recorded.
4. Do not include "capital" expenditures except for the purchase of vehicles.

**Actual Expenditures** - Please report the most recent "actual" expenditures available.

**A. Operating Expenditures**

- (i) Salaries, Wages and Benefits - All salaries and wages, including overtime, shift premiums

(ii) holiday pay, long service payments, isolation pay and bursaries, should be reported here. All payments made to employees which are not salaries or wages, are to be considered benefits. Examples of fringe benefits would include employer's contribution to:

- Canada Pension Plan (CPP);
- Unemployment Insurance (UIC);
- Superannuation/Pension Plan;
- Health Insurance Plan;
- Dental Plan;
- Group Life Insurance Plan;
- workers' compensation/disability payments;
- death benefits;
- maternity leave payments;
- severance pay;
- clothing allowance;
- transportation allowance;
- miscellaneous allowances (i.e., contribution to plans such as Visioncare).

Note: If "Employee Benefits" are paid by another department, if possible, please provide an estimate and indicate that it is such.

(iii) Payments to Ad Hoc/Per Diem Lawyers - Report all payments or purchased services of either ad hoc or per diem lawyers.

(iv) Training Costs - Include all costs incurred by your branch for the purposes of training and/or professional development (e.g. courses, conference attendance, seminars etc.)

(v) Other Operating Expenditures - All non-capital costs, excluding salaries, wages, benefits should be included here. Building occupancy costs should not be included but this category would involve such items as:

- materials, supplies, furniture and utilities;
- purchase and leasing of vehicles;
- minor equipment purchases;
- vehicle maintenance, gas, oil;
- leasing of equipment;
- transportation, telephone and communications;
- systems costs (hardware, software and systems maintenance)
- professional services, contracts (excludes per diem or contract lawyers).

(vi) Total Operating Expenditures - Represents your branch's total operating expenditures.

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