



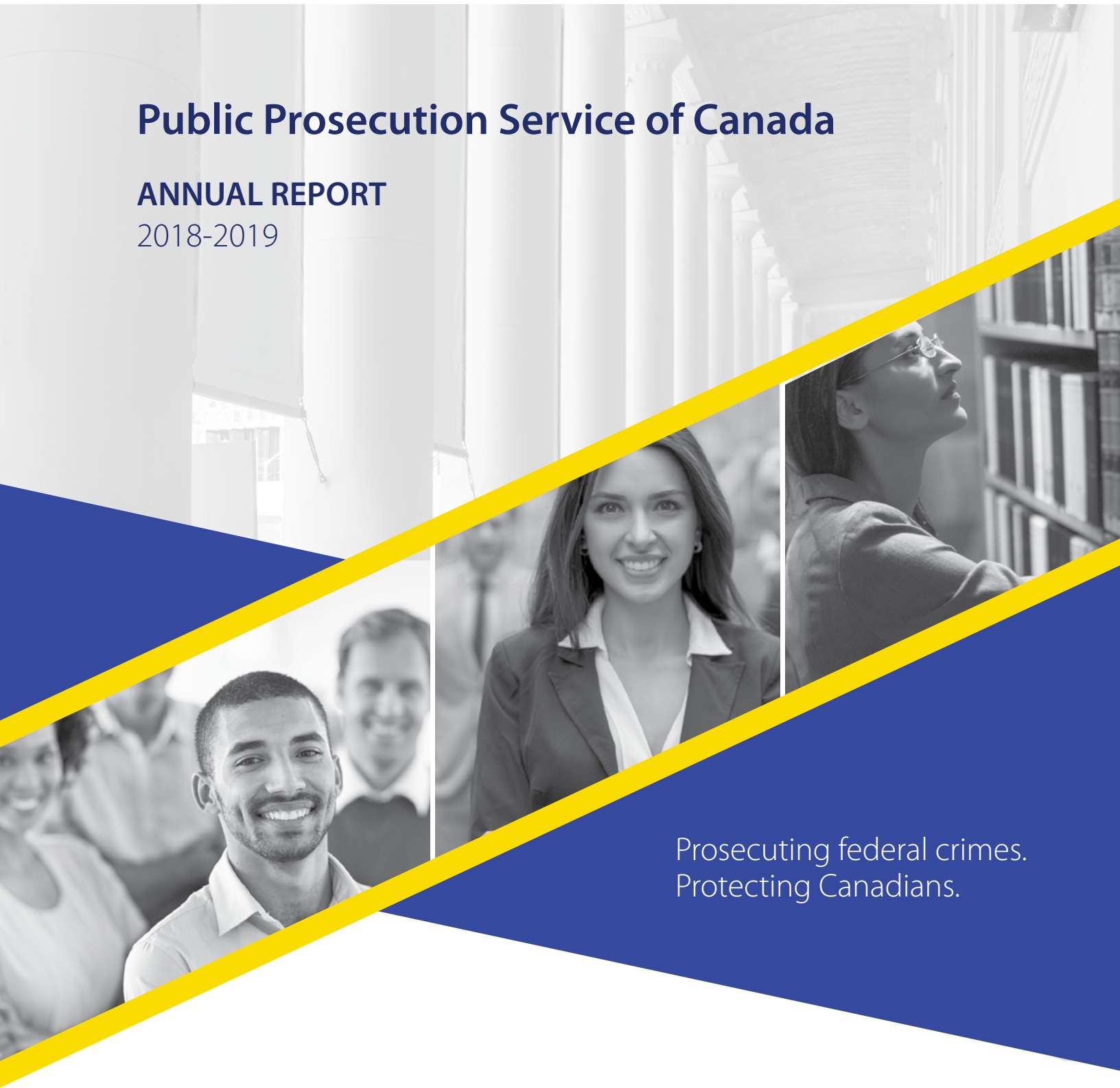
Public Prosecution  
Service of Canada

Service des poursuites  
pénales du Canada

# Public Prosecution Service of Canada

## ANNUAL REPORT

2018-2019



Prosecuting federal crimes.  
Protecting Canadians.

Canada 

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

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

***Public Prosecution Service of Canada Annual Report 2018-2019***

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**[www.ppsc-sppc.gc.ca](http://www.ppsc-sppc.gc.ca)**

Twitter: **@PPSC\_SPPC and @SPPC\_PPSC**

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Service des poursuites  
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Office of the Director  
of Public Prosecutions

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des poursuites pénales

Ottawa, Canada  
K1A 0H8

**JUN 28 2019**

The Honourable David Lametti, 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 2018-2019 Annual Report of the Public Prosecution Service of Canada. The report covers the period from April 1, 2018 through March 31, 2019.

Sincerely,

Kathleen Roussel  
Director of Public Prosecutions and Deputy Attorney General of Canada

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# MESSAGE FROM THE DIRECTOR OF PUBLIC PROSECUTIONS



The Public Prosecution Service of Canada (PPSC) is a small organization, with a precise mandate to prosecute offences within federal jurisdiction. To achieve that mandate, I rely on approximately 1,000 professional

staff, who provide prosecution services, and service in support of those prosecutions. Our organization is mainly decentralized, with 11 regional offices responsible for the day-to-day operations of the PPSC, and a small internal services capacity at PPSC Headquarters. Beyond our own employees, we also are fortunate to be able to rely on our agents, who provide services where we cannot be.

Those very basic facts about the PPSC tell only a small part of our story. They do not tell you of the commitment to justice that is palpable in our ranks, nor of the pride we take in our contribution to the safety and security of the Canadian public. Nor do they tell you about our people, our diversity and our determination to engage in meaningful dialogue with each other about improvements to our work culture and environment.

2018-2019 saw us working through a number of changes, both to how we do business and to the legal environment. We welcomed a new Deputy Director to our ranks while making modest changes to our reporting structure. Changes to laws, notably the coming into force of the *Cannabis Act*, required us to quickly mobilize resources in order to prepare for implementation challenges. In the Territories, similar challenges were met head on by staff, in respect of changes to Canada's impaired driving provisions.

It would be difficult to present this annual report without at least mentioning remediation agreements, a new tool available to prosecutors for a designated list of offences. While it is common knowledge that we have yet to enter into one of these agreements, we have spent time putting in place a framework for assessing and managing them. I expect to be able to report back on progress in the coming years, once we have sufficient experience using this new tool.

When we started the year, the PPSC was not well known – indeed, we had set goals for ourselves in respect of better communication with the public about who we are and what we do. The last few months have clearly provided the public some insight into the work of the PPSC although in a very limited way. Most Canadians still do not think of us when they think of drug prosecutions, or of important work in respect of environmental protection or food safety, or prosecutions related to violence against family members in Canada's North. It is in this everyday, unsung work, that our staff contribute significantly to society and I thank them for continuing to do so with little recognition.

In 2019-2020, we will continue working to make Canada a safer place. As you read our report, I hope that you will be able to recognize our contribution and to get to know our people.

A handwritten signature in black ink, which appears to read 'K. Roussel'.

Kathleen Roussel  
Director of Public Prosecutions

# 2 AN OVERVIEW

The Public Prosecution Service of Canada (PPSC) is a national, independent and accountable prosecuting authority whose main objective is to prosecute cases under federal jurisdiction in a manner that is fair and free from any improper influence.

As of March 31, 2019, the PPSC had 1,060 employees. In addition to staff prosecutors, the PPSC retained the services of over 400 agents (private-sector prosecutors).

Region	Total
British Columbia	102
Alberta	116
Saskatchewan	25
Manitoba	41
Ontario	201
National Capital Region	84
Headquarters	224
Quebec	81
Atlantic	67
Yukon	36
Northwest Territories	43
Nunavut	40
<b>Total</b>	<b>1,060</b>

1,060 

## 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 that involve 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 DPP.

For the purpose of carrying out these statutory responsibilities, the DPP is the Deputy Attorney General of Canada.

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*.



The DPP has the rank and status of a deputy head of a department, and in this capacity is responsible for the management of the PPSC as a distinct governmental organization.

With the exception of *Canada Elections Act* matters, the Attorney General of Canada can issue a directive to the DPP about a prosecution or assume conduct of a prosecution, but must do so in writing and a corresponding notice must be published in the *Canada Gazette*. In turn, the DPP must inform the Attorney General of any prosecution or planned intervention that may raise important questions of general interest.

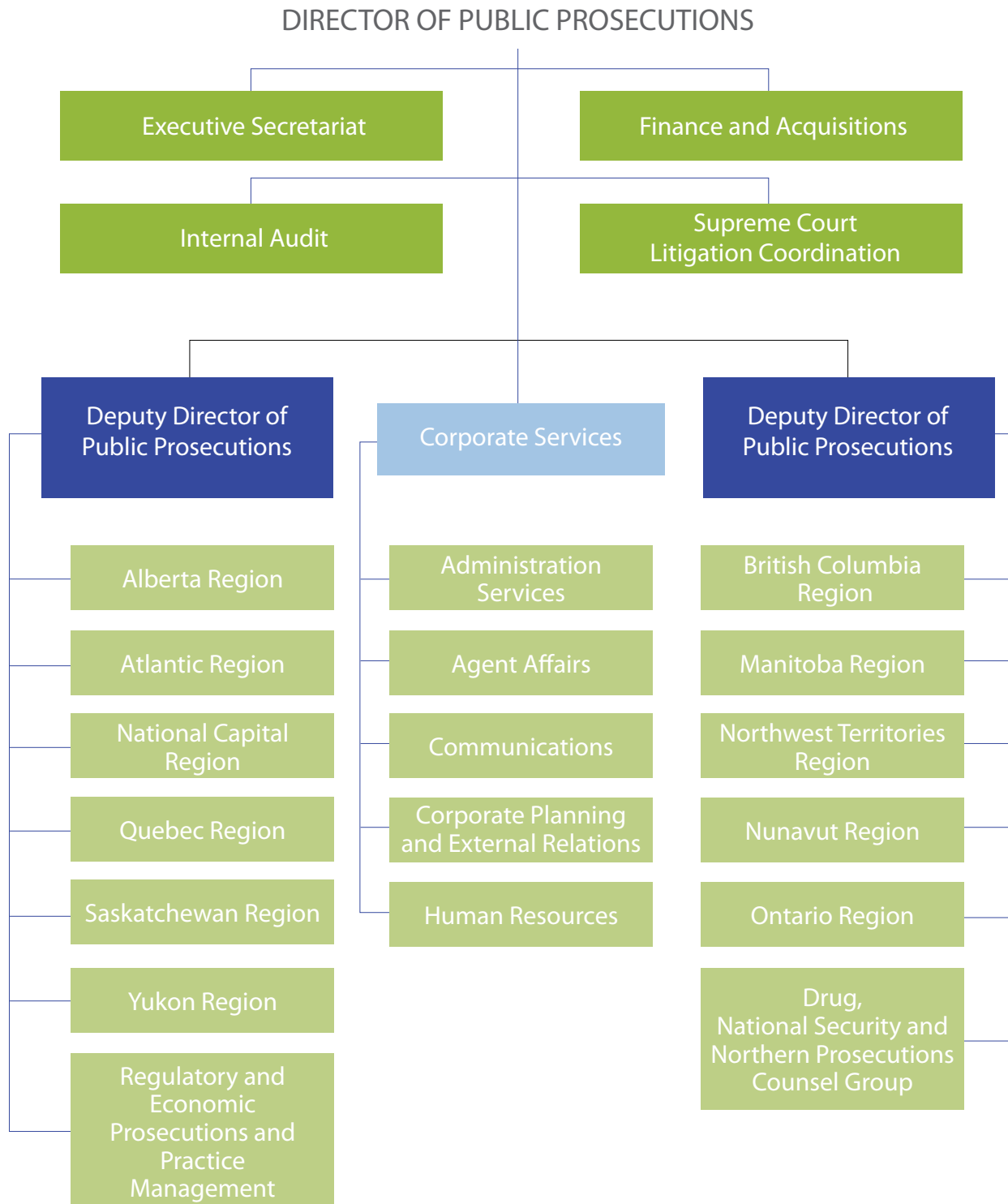
On November 30, 2018, the Attorney General of Canada issued a directive related to the prosecution of HIV non-disclosure cases. The directive, intended to address the over-criminalization of HIV non-disclosure, instructs the PPSC not to prosecute such cases where there is no realistic possibility of transmission, and to consider certain factors when assessing the public interest in proceeding with a prosecution.

## ROLE OF THE PROSECUTOR

Prosecutors play a key role in the Canadian criminal justice system. This role is quasi-judicial in nature, imposing on prosecutors the duty to be objective, independent, and dispassionate. They must see that all cases deserving of prosecution are brought to trial and prosecuted with competence, diligence, and fairness. Prosecutors must always be of integrity, above all suspicion, and must exercise the considerable discretion bestowed on them fairly, in good faith, and without any consideration of the political implications of their decisions. While they must be advocates, their role is not to seek 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.



## ORGANIZATIONAL STRUCTURE





# PROSECUTION ACTIVITIES

# 3

## PERFORMANCE AT A GLANCE

- An average of 75% of survey respondents rated the support they received from the PPSC as “useful” or “very useful”.
- 80% of respondents were “satisfied” or “very satisfied” with the comprehensiveness of the legal advice they received from the PPSC.

Source: [2018 PPSC Survey of Investigative Agencies](#)

\* Survey respondents include police services and regulatory agencies.

There were many changes for the PPSC in 2018-2019. The *Cannabis Act* came into force and a new remediation agreement regime for organizations accused of certain offences was introduced. The PPSC launched a major rebranding initiative and took many steps to strengthen diversity and inclusion, as well as mental health and wellness within the department.

In 2018-2019, the PPSC worked on 64,203 files. This figure includes 33,850 files opened during the year, as well as 30,353 files carried over from previous years. Overall, PPSC prosecutors, paralegals, legal support

staff, and legal agents working on behalf of the PPSC spent a total of 1,179,206 hours working on prosecution files during the year. PPSC prosecutors and paralegals spent an additional 225,166 hours providing legal advice to investigative agencies, participating in various committees, both national and regional, and assisting with other important corporate work, as well as providing or receiving training.

*\* A file typically consists of an information or indictment and may include more than one charge, involve more than one accused, and include charges under multiple statutes.*

## Disposition of Charges (by accused)\*

Acquittal After Trial	Conviction After Trial	Guilty Plea**	Judicial Stay of Proceedings	Charge Withdrawn and/or Stay of Proceedings (Crown)	Other***
498	973	15,054	33	11,048	32

*\*In this table each accused is only counted once.*

*\*\*Some guilty pleas and findings of guilt that resulted in discharges are not reflected in these numbers.*

*\*\*\*Other dispositions includes discharge at preliminary hearing and mistrial.*

## Disposition of Charges (by charge)\*

Acquittal After Trial	Conviction After Trial	Guilty Plea**	Judicial Stay of Proceedings	Charge Withdrawn and/or Stay of Proceedings (Crown)	Other***
1,577	1,947	23,208	109	43,571	108

*\*An accused facing multiple charges will have more than one disposition.*

*\*\*Some guilty pleas and findings of guilt that resulted in discharges are not reflected in these numbers.*

*\*\*\*Other dispositions includes discharge at preliminary hearing and mistrial.*

## Complexity at the National Level

### High Complexity



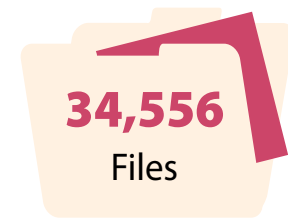
**283,554** Hours

### Medium Complexity



**591,680** Hours

### Low Complexity



**303,972** Hours

\* Includes agent and in-house files

## Types of Offences (% of files)

Type of Offences	% of Files
Files Involving Drug-Related Offences (48,746)	75.9%
Files Involving <i>Criminal Code</i> Offences (10,034)	15.6%
Files Involving Regulatory Offences and Economic Offences (4,813)	7.5%
Files Involving Other Offence Types (610)	1.0%

\* Some files contain charges of more than one type. To eliminate duplicate counting, all files with regulatory and economic offences were counted as "Regulatory and Economic Offences", and all files with drug charges were counted as "Drug-Related Offences" (unless they also included regulatory or economic offences). All files with Criminal Code charges that had not previously been counted are identified as "Criminal Code Offences". All remaining files are counted as "Other Offence Types".

## Types of Offences (% of hours)

Type of Offences	% of Hours
Files Involving Drug-Related Offences (849,132)	71.8%
Files Involving <i>Criminal Code</i> Offences (165,962)	14.0%
Files Involving Regulatory Offences and Economic Offences (150,586)	12.7%
Files Involving Other Offence Types (17,229)	1.5%

\* Some files contain charges of more than one type. To eliminate duplicate counting, all files with regulatory and economic offences were counted as "Regulatory and Economic Offences", and all files with drug charges were counted as "Drug-Related Offences" (unless they also included regulatory or economic offences). All files with Criminal Code charges that had not previously been counted are identified as "Criminal Code Offences". All remaining files are counted as "Other Offence Types".

## Breakdown by Number of Files

Region	Total	Regulatory and Economic	Drug	Criminal Code	Territories	Other
Alberta	8,772	504	8,162	64	0	42
Atlantic	5,146	1,379	3,567	107	0	93
British Columbia	7,528	1,030	6,177	298	0	23
Headquarters	190	12	60	62	0	56
Manitoba	2,704	73	2,555	37	0	39
National Capital Region	6,369	366	5,827	134	0	42
Northwest Territories	4,032	50	137	3,765	45	35
Nunavut	3,333	2	72	3,232	11	16
Ontario	19,022	334	18,214	350	0	124
Quebec	1,345	970	264	84	0	27
Saskatchewan	3,792	89	3,661	28	0	14
Yukon	1,970	4	50	1,873	20	23

*\* Some files contain charges of more than one type. To eliminate duplicate counting, all files with regulatory and economic offences were counted as "Regulatory and Economic", and all files with drug charges were counted as "Drug" (unless they also included regulatory or economic offences). All files with Criminal Code charges that had not previously been counted are identified as "Criminal Code". All files in the Territories that had not previously been counted are identified as "Territory". All remaining files are counted as "Other".*

## Top 10 Federal Statutes

Number of federal statutes regularly prosecuted = 36

Statute	# of Charged Persons	# of Charges
<i>Controlled Drugs and Substances Act</i>	127,651	98,279
<i>Criminal Code</i>	114,238	96,526
<i>Fisheries Act</i>	5,936	4,281
<i>Employment Insurance Act</i>	2,065	2,052
<i>Immigration and Refugee Protection Act</i>	1,940	1,466
<i>Income Tax Act</i>	1,573	1,263
<i>Excise Tax Act</i>	1,193	862
<i>Customs Act</i>	1,111	936
<i>Cannabis Act</i>	977	722
<i>Youth Criminal Justice Act</i>	778	771

## NATIONAL SECURITY PROSECUTIONS

The PPSC has the jurisdiction to prosecute terrorism offences, crimes against humanity and war crimes, as well as offences contrary to the *Security of Information Act*.

### Anti-terrorism

Since 2001, 56 individuals have been charged with terrorism offences in Canada. As of March 31, 2019, two individuals are awaiting trial for terrorism offences or proceeding through pre-trial motions. Warrants are outstanding for nine more individuals.

In each regional office, prosecutors are assigned to support this work and also receive support from senior counsel at Headquarters. They fulfill the PPSC's advisory or prosecution role in anti-terrorism matters, and assist with training for law enforcement officers.

Beyond providing advice to the police, the PPSC decides whether to provide the Attorney General's consent for applications for recognizances with conditions and terrorism peace bonds and for the initiation of terrorism prosecutions. These decisions are the product of a review of the evidence by investigators and prosecutors, both in regional offices and at Headquarters. Such consent was granted in one prosecution last year.

Two terrorism prosecutions were concluded in 2018-2019. On February 14, 2019, Ms. Rehab Dughmash was sentenced to a total of seven years in prison after being found guilty in January 2019 of the following offences: leaving Canada to participate in the activities of a terrorist group, namely Islamic State in Iraq and Syria (ISIS), contrary to s. 83.181 of the *Criminal Code*, two counts of assault with a weapon, and carrying a weapon for a dangerous purpose, all for the benefit of a terrorist group, namely ISIS, contrary to s. 83.2 of the *Criminal Code*.

On February 28, 2019, Mr. Pamir Hakimzadah was sentenced to six months in jail in addition to three years and seven months' credit for the time he had already spent in custody, after pleading guilty in February 2019 to leaving Canada to participate in the activity of a

## Historical Sexual Abuse Cases in Nunavut

One particularly challenging type of case faced by the northern offices is the prosecution of historical sexual assaults. The challenges associated with these cases include the time elapsed and the testimony of child witnesses. In some cases, the alleged abuser has left Canada, leading to complex extradition considerations.

On November 23, 2018, the Nunavut Court of Appeal released its decisions in *R. v. Dejaeger*. The Court dismissed both the defence's conviction and sentence appeals. In 2015, Eric Dejaeger was sentenced to 19 years in prison for his crimes, namely 31 counts of sexual offences against children and one count of bestiality. Mr. Dejaeger had been previously sentenced for similar crimes committed in the hamlet of Baker Lake but fled to Belgium, where he remained until he was deported to Canada in 2011 after being stripped of his Belgian citizenship.

*R. v. Meeko* involves a teacher from the remote community of Sanikiluaq. Mr. Meeko was convicted of numerous offences involving nine complainants over a 21-year time span. The sentencing judge imposed a sentence of nine years and six months' imprisonment.

In *R. v. Rivoire*, another historical sexual abuse case, four complainants came forward in 1993 alleging that Father Rivoire committed sexual assaults against them when they were children during the years 1968-1970. Father Rivoire, a Catholic priest born in France in 1931, was working in Nunavut for a period of time in the late 1960s and early 1970s. He left Canada in 1993 and returned to France. France does not extradite its nationals. The PPSC stayed the charges against Mr. Rivoire in 2018, as there was no longer a reasonable prospect of conviction.

Despite the complexities, the PPSC is committed to carrying out these prosecutions whenever its prosecution test is met.

terrorist group, contrary to section 83.181 of the *Criminal Code*. He also received three years of probation requiring adherence to a deradicalization program.

Two appeals were also heard during the year. In *R. v. Nuttall and Korody*, the British Columbia Court of Appeal dismissed the Crown's Appeal on the entrapment ruling and upheld the judicial stay entered on July 29, 2016.

On November 26, 2018, the Quebec Court of Appeal dismissed the appeal of a young person convicted of terrorism offences and upheld his conviction.

## PROSECUTIONS IN CANADA'S NORTH

The PPSC is responsible for the prosecution of all *Criminal Code* offences in the territories as well as offences under all other federal legislation, such as the *Controlled Drugs and Substances Act*, *Cannabis Act*, the *Youth Criminal Justice Act*, and the *Fisheries Act*. In Nunavut, the PPSC also prosecutes all offences under territorial legislation. In the Northwest Territories (NWT), the PPSC prosecutes most territorial offences. The PPSC does not prosecute territorial offences in Yukon.

The PPSC has offices in each of the territorial capitals. The PPSC employs approximately 120 people in its northern offices, including 54 in-house lawyers. Prosecutors from southern offices will also occasionally prosecute in the North.

### Challenges Relating to Northern Prosecutions

PPSC prosecutors and Crown Witness Coordinators (CWCs) attend court in over 60 communities across the North. Court is held at varying but regular intervals in each of the communities, most of which are accessible only by air.

A significant percentage of the population, particularly in the communities other than the territorial capitals, is Indigenous. In Yukon, approximately 25% of the population is Indigenous, while in the NWT 50% is Indigenous. In Nunavut, 85% of the population is Inuit. Cultural awareness training is a priority for non-indigenous employees within the PPSC, particularly in the North.

Civilian witness travel costs for prosecutions in the North totaling approximately \$600,000 annually are paid by the PPSC.

### *R. v. Larue*

Norman Eli Larue was convicted after trial of the first degree murder of Gordon Seybold. Mr. Larue's co-accused, Christina Asp, had been convicted of second degree murder at a separate, earlier trial. Mr. Seybold was known to the two offenders through his prior acquaintance with Ms. Asp's mother. Their motive for the killing appears to have been a home invasion robbery.

At Mr. Larue's trial, the Judge admitted Ms. Asp's hearsay statements obtained through a 'Mr. Big' undercover investigation.\* Following the conclusion of Mr. Larue's trial, the law concerning the admissibility of hearsay statements changed with the Supreme Court of Canada's *R. v. Bradshaw* decision. Mr. Larue's appeal to the Supreme Court of Canada based on the change in the law was dismissed by a majority (3-2) of the Court on April 23, 2019.

*\* This 'Mr. Big' investigation involved police undercover officers posing as members of a criminal organization. Ms. Asp described in detail the murder as a way of gaining membership in the criminal organization.*

The territories have among the highest rates of violent crime in the country, particularly as it relates to sexual abuse (including historical sexual abuse cases) and domestic violence. There is also a high rate of homicide. As of March 31, 2019, the PPSC had before the courts a total of 33 active homicide prosecutions, six appeals, one prosecution before the Mental Health Review Board and one with the Supreme Court of Canada.

The high rate of violent crime involving offenders with significant rates of recidivism has led to the implementation of coordinated high-risk offender flagging processes in the North. In each regional office in the territories, paralegals assist in coordinating the flagging of high-risk offenders. This enables a more effective and organized preparation of prosecution files in order to conduct long-term offender and dangerous offender applications effectively.

Over the last few years, the Nunavut Court of Justice has attempted to apply Inuit Qaujimajatuqangit principles in a number of cases. Inuit Qaujimajatuqangit principles are rooted in a historical context and intertwined with societal values that go beyond law and justice. For instance, there is Aajiiqatigiinni (decision making through discussion and consensus), Avatittinnik Kamatsiarniq (respect and care for the land, animals, and the environment), Inuuqatigiitsiarniq (respecting others, relationships, and caring for people), and Tunnganarniq (fostering good spirit by being open, welcoming, and inclusive).

## Crown Witness Coordinator Program

The unique cultural setting for prosecutions in the North led to the creation of the Crown Witness Coordinator (CWC) program in 1988. The program provides a service that bridges the cultural gap between the court system and Indigenous peoples who are victims and witnesses engaged in the court process.

Currently, the PPSC's northern regional offices employ 17 CWCs in addition to three CWC supervisors (one in each regional office). The CWCs work closely with PPSC prosecutors and travel to communities during court circuits to assist victims and witnesses. A large percentage of the workload of CWCs involves domestic violence cases and other crimes of violence (e.g. sexual assault and homicide).

The main role of CWCs is to help victims and witnesses understand the court process, their rights and responsibilities in the process, and the roles of the court participants. They provide court updates, accompany witnesses to court, provide support during and after testimony, and assist with trial preparation. CWCs also act as liaisons between prosecutors and victims and witnesses, to ensure that their concerns are considered during the judicial process. Their work includes identifying victims' support needs and ensuring victims are referred to the appropriate territorial support agencies.

## Specialized Treatment Courts in the North

A large number of offences in the North are related to spousal violence. Each territory has established specialized spousal abuse treatment court programs to address the issue of domestic violence. These specialized court programs provide a comprehensive multidisciplinary treatment-based approach to spousal assault matters aimed at ensuring that domestic violence offenders receive therapy in order to eliminate or reduce recidivism. Participation in these programs requires that the accused plead guilty at the outset after being charged. They are then eligible to receive treatment focused on spousal violence and addictions. At the end of the process, the offender receives a sentence mitigated by their involvement in the process, which usually means a community-based sentence. PPSC prosecutors in the three northern regional offices actively support these therapeutic court programs.

The PPSC has also been an active partner in the therapeutic court program known as the Community Wellness Court since its implementation in Yukon in 2007 and in the Northwest Territories in 2014. A therapeutic justice program pilot project, was launched in April 2019 in Cambridge Bay, Nunavut, and the PPSC is working closely with all of the stakeholders on its implementation. Wellness Court programs aim to reduce recidivism and to provide support to chronic offenders by helping them deal with the addictions and/or mental health issues that contribute to their criminal behaviour. These programs constitute judicially-supervised alternatives aimed at providing multidisciplinary support for offenders with mental health issues, drug and alcohol addictions or cognitive challenges. An offender who successfully undergoes the extensive treatment (usually over a year in length) associated with this program usually receives a community-based sentence.

## Article 23 of the Nunavut Land Claims Agreement

The *Nunavut Act* and the *Nunavut Land Claims Agreement* created the territory of Nunavut 25 years ago. The Nunavut Agreement protects Inuit rights, including employment as set out in Article 23. The legal obligation on the federal and territorial governments is to increase



## OPERATION HANDSHAKE

In 2016, the Royal Canadian Mounted Police (RCMP) began a corruption investigation into the activities of Staff Sergeant Craig Burnett. This operation involved the use of wiretaps, undercover officers, and surveillance teams. During the course of the investigation it was learned that between February 1, 2010 and December 31, 2011, Sgt. Burnett, at that time the unit commander of the National Ports Enforcement Team in Halifax, stole 10 kilograms of cocaine from local RCMP exhibit facilities. The cocaine was part of a 201-kilogram shipment that had earlier been intercepted by the National Ports Enforcement Team. Sgt. Burnett removed the cocaine and replaced it with another substance in similar packaging.

The “cocaine” was later destroyed under the supervision of Sgt. Burnett. He provided the 10 stolen kilograms to a co-conspirator who enlisted another individual to arrange for the sale of the cocaine. The proceeds of the cocaine sales were split between the three parties, with Burnett receiving approximately \$100,000. A six-week trial was held in January and February of 2019 in the Nova Scotia Supreme Court. The trial included testimony from a police agent and a co-conspirator. Sgt. Burnett was convicted of seven counts, including trafficking cocaine, theft, breach of trust, money laundering, obstruction, and the fabrication of evidence. He is scheduled to be sentenced on July 4, 2019.

Inuit participation in government employment to a representative level of 85% of the population in all occupational groups and levels.

The PPSC Inuit Employment Plan includes an employment strategy aimed at increasing the number of Inuit employees to the representative level. For some occupational groups, such as lawyers, this poses a particular challenge because of insufficient numbers of Inuit who meet the essential requirements for the group. Accordingly, the PPSC is working with the other federal departments to develop education strategies to increase the number of Inuit lawyers and, in particular, is supporting two Nunavut regional employees enrolled in the Nunavut Law Program. Other measures in place are strategies to remove employment barriers, all-Inuit staffing panels, career laddering within the office, and an emphasis on acquiring leadership skills through formal and on-the-job training. These measures have significantly improved Inuit employment.

## DRUG PROSECUTIONS

Drug prosecution files continue to represent the most significant portion of the PPSC’s total caseload. Last year, the PPSC handled 48,746 prosecution files related to offences under the *Controlled Drugs and Substances Act* (CDSA). Of those, 23,838 files were new, and 24,888 were carried over from previous years. The complexity and scope of these prosecutions varied greatly, ranging from simple cases of possession of small quantities of cannabis to complex organized schemes to import large quantities of drugs, such as fentanyl and cocaine, or to the manufacturing of methamphetamine for both domestic use and for export to other countries. Over the past year, high-complexity drug cases involved a substantial amount of PPSC resources. In these prosecutions, there are typically challenges raised in court proceedings related to the conduct of the investigations, the constitutionality of legislation, or broad requests for further disclosure. There may also be allegations of abuse of process or, in particular, since the decision in *R. v. Jordan*, allegations of unreasonable delay.

## PROJECT CROCODILE

Project Crocodile identified and stopped the activities of a seller of fentanyl and other narcotics operating on the dark web under the pseudonym Pharmaphil. This investigation by the RCMP began in April 2018 following an incident in which a Canada Border Services Agency officer was in respiratory distress after opening an envelope containing fentanyl. After a review by the RCMP and other police forces of the contents of the envelope and online drug purchases, as well a review by the U.S. Internal Revenue Service of bitcoin transactions of Pharmaphil, the RCMP was able to identify Robert Mitrache as the person mailing the drug envelopes and Louis-Vincent Bourcier as the person preparing the envelopes in the basement of his home. A search at his Châteauguay

residence resulted in the seizure of nearly one kilogram of fentanyl powder, 127.5 grams of carfentanil, as well as blotters and tablets of fentanyl and other narcotics.

Louis-Vincent Bourcier and Robert Mitrache pleaded guilty to conspiracy to traffic, export and possess for the purpose of trafficking substances listed in Schedule I, as well as underlying drug offences. A joint submission of 12 years' imprisonment was endorsed by the court, taking into consideration the seriousness of the offences and the dangerousness of the substances, the sophistication of the scheme, but also the lack of a criminal record for the two accused.

While high-complexity files represented only 2.68% of counsel's drug caseload in 2018-2019, they took up 27.36% of the time dedicated to drug prosecutions.

Offences involving drugs are very often revenue-generating crimes, and these types of cases continued to represent the majority of offences prosecuted by the PPSC leading to the forfeiture of proceeds of crime and of the property used to commit the crime ("offence-related property"). The proceeds or property ranged from the money used to buy drugs from an undercover officer to real estate bought with proceeds of crime or used to produce drugs.

On September 3, 2017, Jacques Grenier, the Captain of the "Quesera", docked his vessel at a marina near Hubbards, Nova Scotia. Canadian Border Services Agency (CBSA) officers inspected the vessel and discovered 250 kilograms of cocaine (worth between \$11.25 million and \$20 million). Mr. Grenier picked the cocaine up from another vessel off the coast of Venezuela and transported it to Nova Scotia. A RCMP investigation determined that Luc Chevretil had provided Mr. Grenier with a rental car and hockey bags to assist in the offloading of the cocaine. Mr. Grenier

entered a guilty plea and received a 13-year sentence for importing and possessing cocaine for the purpose of trafficking. Mr. Chevretil was convicted after trial of possession for the purpose of trafficking. He was sentenced to 10 years in prison.

In Manitoba, Jonnathon Cheyenne Chartrand was convicted after a lengthy trial on 29 counts, including possession for the purpose of trafficking in carfentanil (500 tabs), possession for the purpose of trafficking in methamphetamine (1 kg), and possession for the purpose of trafficking in various other drugs, such as oxycodone and hydromorphone. Mr. Chartrand was also convicted of numerous weapons offences and explosives charges, as well as breaches related to weapons prohibitions. The judge found that individual sentences totalling 20 years' incarceration would have been appropriate on the charges considered individually; however, in order to ensure that the total sentence was not disproportionate, the judge reduced the actual sentence imposed to one of 17 years.

Addiction-driven crimes create diverse challenges for prosecutors when it comes to sentencing an accused. To attempt to address the addiction and to

decrease the crimes committed, there are a number of Drug Treatment Courts (DTCs) located across Canada. Currently, there are DTCs located in Vancouver, Edmonton, Calgary, Regina, Winnipeg, Toronto, Kitchener-Waterloo, Durham, Peterborough, Halton, London, Kenora, Perth, Ottawa, Montreal, Halifax, and Kentville. These courts focus on the supervised treatment and rehabilitation of an offender. Prosecutors work with judges, defence counsel, treatment providers, and others to cooperatively but accountably deal with the issues raised by the conduct of offenders appearing before these courts. PPSC prosecutors or agents regularly appear in most of Canada's DTCs.

In response to the ongoing opioid crisis in Canada, the PPSC issued a new [Deskbook chapter](#) addressing appropriate bail conditions to impose on individuals with a substance abuse disorder. The intention behind this guideline is to reduce the frequency of arrest of such individuals for minor breaches of conditions, and to reduce the risk of fatal overdoses resulting from reduced opioid tolerance after brief periods of pre-trial incarceration, while at the same time ensuring the safety of the public.

## Fentanyl Prosecutions

Fentanyl is a powerful synthetic opioid drug that is 80 to 100 times more powerful than morphine and approximately 25 to 50 times more powerful than heroin. Its use continues to grow widely and has led to an alarming increase of opioid overdose deaths in Canada in recent years. The situation has recently been aggravated by the increasing presence of carfentanyl, another synthetic opioid that is approximately 100 times more potent than fentanyl. The opioid crisis has thus led to an increasing number of PPSC prosecutions for possession for the purpose of trafficking and the trafficking of fentanyl and carfentanyl, particularly in British Columbia, Alberta, and Ontario.

In Ontario, Barna Olvedi was convicted of importing 499.5 grams of pure fentanyl citrate powder. This was one of the first fentanyl powder importation convictions in Ontario. The Crown called expert witnesses, including a toxicologist who testified about the harm associated with fentanyl use, its increasing prevalence, and its association with overdose fatalities. Mr. Olvedi received a sentence of 15 years' imprisonment.



## People at the PPSC

### Paralegal Supervisor

I currently work as a paralegal supervisor at the PPSC, but I didn't start out that way.

I started my PPSC career as a legal assistant, and was promoted to a paralegal role when I worked on a monumental file that came into our office. I relished the responsibility that came with the role. That monumental file led me to many additional advancements in the paralegal field. I specialized in project work and developed many tools and strategies for taking large complex prosecutions through the courts. Checklists, file management guides, and mentoring others are important aspects of the job. My paralegal position also took me on other adventures outside of project work. I worked on appeals and dabbled in some agent supervision. I appeared with counsel on the first jury trial in our office in over 10 years. I still work with protected documentation and files that require high security measures and I am learning case preparation for low complexity files, including resolution proposals. My paralegal career has also included countless information and training sessions on disclosure.

As a paralegal supervisor, I work with file work, as well as operational and human resource issues. My main priority is to help the people I supervise develop long, varied, and successful paralegal careers. In accomplishing this goal, I share one of the things I value most: a job that I love.

**- Paralegal Supervisor, Alberta Regional Office**

In Saskatchewan, an investigation conducted by the Saskatoon Integrated Drug Enforcement Street Team resulted in the seizure of over 20 kg of methamphetamine, over 4,400 fentanyl pills, 2.6 kg of cocaine, 7.3 grams of heroin, and \$412,526 in cash. Wayne Ngai was charged and sentenced to 10 years' imprisonment and forfeiture of all cash seized, following an early guilty plea.

The PPSC has a nation-wide network of federal prosecutors appointed as coordinators of fentanyl issues in each region of Canada as well as at Headquarters. This working group shares information about relevant jurisprudence across the country, as well as emerging challenges and best practices to address them. In particular, the focus of the working group has been to create a complete record before the courts in fentanyl and carfentanil sentencing cases, including expert evidence, in order to educate the judiciary on the appropriate sentencing range for these very dangerous drugs. Members often offer training and input to partners on best practices to deal with the opioid crisis. The PPSC also maintains an internal intranet platform of fentanyl sentencing decisions, facts, expert reports, and other scientific data related to fentanyl to help prosecutors across the country with their sentencing submissions.

The PPSC has also provided guidance to the police and its prosecutors in the application of amendments to the CDSA (specifically the addition of s. 4.1, sometimes referred to as the *Good Samaritan Act*) to permit those at the scene of a potential overdose to call for emergency assistance without risk of being charged with an offence.

## Organized Crime Prosecutions

The PPSC prosecutes criminal organization charges when they are associated with another offence prosecuted by the PPSC. Most commonly, they are associated with drug offences, as one of the main activities of many organized criminal groups is trafficking of drugs. Cases involving criminal organizations have remained high in recent years. Organized crime continues to be a priority for the police and other law enforcement authorities. In Ontario, members of the 'Ndrangheta organized crime group, including a local boss of the group, were convicted of trafficking and conspiring to import cocaine in association with a criminal organization. The Court found that the 'Ndrangheta was an international criminal organization operating in Canada.

## Cannabis Act

The *Cannabis Act* was passed by Parliament on June 21, 2018 and came into force on October 17, 2018. The PPSC established a *Cannabis Act* Implementation Committee (CAIC), which includes representatives from all regions and from Headquarters in Ottawa. The CAIC developed and delivered training across all regions of the PPSC and continues to develop guidance on issues as they arise under the new regime. Approximately 950 charges under the new Act were being prosecuted by the PPSC at the end of the 2018-2019 fiscal year.

## PROJECT RIVERBANK

Between February and October 2018, the Winnipeg Police Service Organized Crime Unit undertook Project Riverbank – an investigation targeting high-level traffickers of multiple drugs being brought into Winnipeg and further distributed throughout the city. Over 128,000 communications were intercepted between June and October. Police observed transactions and seized over \$2.5 million of heroin, cocaine, methamphetamine, MDMA, and ketamine. Police also seized a quantity of carfentanil at one target's residence.

In total, 13 individuals were arrested and charged. Those individuals played roles within the drug operation including supplier, courier, high- and mid-level traffickers. To date, six individuals have entered guilty pleas to charges of conspiracy to traffic controlled substances (or will do so soon). Sentences have ranged from four-and-a-half years (for a one-time courier) to nine years (for two of the higher-level traffickers in Winnipeg).

Items seized in addition to the controlled substances included over \$375,000 cash and luxury items valued at over \$1.4 million.

## REGULATORY AND ECONOMIC PROSECUTIONS

The PPSC provides prosecution services related to legislation protecting the environment and the safety, health, economic security, and general welfare of the public. In addition to fines and sentences of imprisonment, these cases can result in the imposition of measures designed to enhance public health and safety, improve the management and protection of environmental resources, or discourage financial and economic malfeasance. In 2018–2019, the PPSC handled 4,813 files involving regulatory and economic offences, of which 2,224 were carried over from previous years.

### Lake Louise Ski Area Ltd.

On November 30, 2018, Lake Louise Ski Area Ltd. (LLSA) was sentenced, following a guilty plea, under s. 32(1) of the *Species at Risk Act* (SARA) and s. 24(2) of the *Canada National Parks Act* (CNPA) for killing an endangered species and for destroying flora in a national park without a permit. The Alberta Provincial Court found that in 2013, staff at LLSA cut down over 100 trees of several different species, including at least 58 endangered whitebark pine. Whitebark experts agreed that there are approximately 200 million whitebark pine in the Canadian Rocky Mountains and the rate of decline is 75% in the next 100 years, primarily due to blister rust (a non-endemic disease) and climate change. LLSA was sentenced to a total fine of \$2.1 million, which included \$1.6 million under SARA for cutting the whitebark pine and \$500,000 under the CNPA for cutting trees that were not species at risk. LLSA was also sentenced to remediate the cut down whitebark pine and to conduct several whitebark pine education projects for visitors to LLSA. This case is the most serious conviction under the SARA and CNPA to date, and the highest sentence under both acts. LLSA has appealed the conviction and the sentence. The appeal is to be heard in 2019.

### Use of a Drone

In September 2017, the RCMP in Yellowknife, Northwest Territories received public complaints about a remotely piloted aircraft system, more commonly known as a drone, flying in the downtown area. Officers observed Toufic Chamas using the controller to operate the drone. By definition, a drone is considered an aircraft; Yellowknife's proximity to its airport makes it illegal to fly a drone anywhere within the city. Mr. Chamas pleaded guilty to operating an "aircraft in a manner that is dangerous to the public, having regard to all the circumstances, including the nature and condition of that aircraft or the place or air space in or through which the aircraft is operated", contrary to 249(1)(c) of the *Criminal Code*. On October 12, 2018, Mr. Chamas received a fine of \$3,000. He is prohibited from flying an aircraft for three years. To the knowledge of Transport Canada, the RCMP, and the PPSC, this is the first *Criminal Code* conviction involving the use of a drone.

### Immigration and Refugee Protection Act

In 2015, Pintu Gandabhai Patel landed at Pierre Elliot Trudeau International Airport and sought asylum. The immigration officers, who had to verify Mr. Patel's

### Pasco Seafood Enterprises

On February 4, 2019, Pasco Seafood Enterprises Inc. was fined a total of \$473,131 for illegally buying and selling over 140,000 lbs of salmon, including a large number of Fraser River sockeye salmon. Pasco marketed the salmon to its customers as if it were legally caught. Through this offence, Pasco was found to have "jumped the queue" by purchasing salmon, including valuable Fraser River sockeye, caught prior to the opening. Pasco was found to have been motivated by greed and opportunism. Fraser River sockeye is a carefully regulated and nationally important fish stock. This is one of the largest fines ever imposed for an illegal fish buying/selling offence on the Pacific Coast.

## *R. v. Chander Mohan Sharma*

On December 13, 2018 in Alberta Provincial Court, Chander Mohan Sharma was sentenced to six years in jail under s. 380(1)(a) of the *Criminal Code* for defrauding the Canada Revenue Agency (CRA) of over \$565,000 in income tax revenue. Mr. Sharma was convicted on August 31, 2017, after a five-week trial. The Alberta Provincial Court found that Mr. Sharma filed false claims of over \$2.9 million on his clients' personal income tax returns, generating significant unwarranted tax refunds for his clients. The clients were unaware of the false claims. Instead, the clients understood from Mr. Sharma that he had reviewed 10 years of their past tax returns to obtain refunds that had been missed in the past. Mr. Sharma's fee was 50% of the refund that the clients received. Clients paid him approximately \$300,000. CRA reassessed the clients' returns and they had to repay the refunds to CRA with interest and penalties. The court found that the clients were victims who experienced significant financial and emotional impacts as a result of Mr. Sharma's offence, including bankruptcy, loss of home, loss of trust in others, depression, and relationship issues. In addition to the six-year jail sentence, the court ordered that Mr. Sharma pay almost \$300,000 in restitution to the clients.

identity, discovered that he had travelled to Canada with documents that were not his own. They found dozens of Indian passports, passport format pictures, and Canadian visas in Mr. Patel's cellphones. In total, 27 Indian citizens entered or attempted to enter Canada with the travel documents found in the accused's cellphones.

Mr. Patel pleaded guilty to organizing entry into Canada and being in possession of documents in order to contravene the *Immigration and Refugee Protection Act*. Mr. Patel was sentenced to six years' imprisonment.

## *Fisheries Act*

On November 27, 2018, the University of British Columbia (UBC) was convicted of four counts under the *Fisheries Act*: three counts of pollution under s. 36(3), and one count of failing to report the occurrence of the pollution as required under s. 38(4). The offences occurred on September 12, 2014 at UBC's Vancouver campus. UBC uses anhydrous ammonia in its refrigeration plant at its Thunderbird Arena to keep the ice rinks cold. While repairs were being done to the refrigeration plant, anhydrous ammonia was purged from the refrigeration plant down a storm drain outside the arena. The storm sewer led to a watercourse that empties into Booming Grounds Creek in the UBC Endowment Lands. Ammonia is toxic to fish. Booming Grounds Creek is fish habitat. The ammonia discharge killed at least 70 fish in Booming Grounds Creek. The sentencing hearing has begun but has not yet concluded.

## *Income Tax Act*

In Manitoba, following a lengthy investigation by the CRA several charges under the *Income Tax Act* and *Excise Tax Act* were laid against Thermo Applicators and its principal, Robert Gray. The company is a successful business that provides insulating spray foam to construction projects in Manitoba. Over several years, its records were altered to falsely reflect personal expenses of the owner as business expenses, resulting in the understating of its true income by approximately one million dollars and tax evasion of approximately \$250,000 by both the corporation and its owner. Shortly before trial Thermo Applicators pleaded guilty to making false statements in its books and records and Robert Gray pleaded guilty to tax evasion and they were sentenced to pay fines of almost \$250,000.

## *Corruption of Foreign Public Officials*

In 2018-2019, the PPSC continued to provide pre-charge advice and training to RCMP units investigating offences under the *Corruption of Foreign Public Officials Act*.

SNC-Lavalin Inc. was charged in relation to the alleged payment of bribes to secure an advantage for the company in relation to major construction projects in Libya. The company was committed to trial in May 2019, following a preliminary inquiry.



Robert Barra and Shailish Govindia were jointly tried on one count of bribery of a foreign public official. These charges arose from the same factual circumstances as those which resulted in the conviction of Nazir Karigar in 2015. Mr. Barra was the CEO of Cryptometrics US, which owned a Canadian subsidiary, Cryptometrics Canada Limited. Mr. Barra authorized Mr. Karigar to pay \$250,000 in bribes to Indian government officials to obtain a contract on behalf of the Canadian company. When Mr. Karigar's attempts failed, Mr. Barra then retained Mr. Govindia as Cryptometrics Canada's agent. Mr. Govindia agreed to pay \$500,000 in bribes to the same officials in order to obtain the contract. Both were convicted on January 11, 2019 and sentenced on March 7, 2019 to two-and-a-half years' imprisonment. Both Mr. Barra and Mr. Govindia are appealing their convictions while the Crown is appealing Mr. Barra's sentence.

## SUPREME COURT OF CANADA LITIGATION

Federal prosecutors appeared before the Supreme Court of Canada in nine cases in 2018-2019 and handled 21 applications for leave to appeal. Of these 21, three applications for leave were granted by the Supreme Court. Two of the applications are summarized below.

In *R. v. Vice Canada Media Inc.*, federal prosecutors successfully upheld the validity of a production order obtained *ex parte* by the RCMP pursuant to s. 487.014 of the *Criminal Code* compelling a media organization and a journalist to hand over text messages exchanged with a suspected terrorist. The Court reaffirmed the analytical framework set out in *Canadian Broadcasting Corp. v. Lessard*, for the issuance of media search warrants and production orders but substantially modified the *R. v. Garofoli*, standard of review applicable to *ex parte* production orders targeting the media.

In *R. v. Boudreault*, federal prosecutors argued, unsuccessfully, that the imposition of the mandatory victim surcharge pursuant to s. 737 of the *Criminal Code* does not constitute cruel and unusual punishment that infringes s. 12 of the *Canadian Charter of Rights and Freedoms*. This was the first decision rendered by the Supreme Court on the victim surcharge regime since its introduction in the *Criminal Code* in 1989.

### *R. v. Ho and Nguyen*

In 2010, section 462.3 of the *Criminal Code* was amended to include income tax evasion under paragraphs 239(1)(a) and 239(1)(d) of the *Income Tax Act* as designated offences, the profits from which can generate proceeds of crime.

In *R. v. Ho and Nguyen*, the first restraint/special search warrant application brought by CRA under the *Criminal Code* since section 462.3 was amended. Chi Van Ho and Thanh Ha Thi Nguyen were each charged with one count for making false or deceptive statements in their T1 returns between 2008 and 2012 (inclusive) contrary to s. 239(1)(a) of the *Income Tax Act* and willfully evaded payment of federal taxes during the same period, contrary to s. 239(1)(d).

Mr. Ho and Ms. Nguyen were in the business of commercial real estate rentals and property renovation and development and allegedly employed a number of unlawful schemes to understate their taxable income. Several properties, a car, and jewelry were restrained for the purpose of a Crown application for forfeiture as having been obtained with proceeds of crime, namely, federal income taxes evaded by the accused between 2010 and 2013.

# 4

## CORPORATE ACTIVITIES

Like all federal government departments, the PPSC's finance, human resources, communications, and other internal services help to ensure that the organization is effectively governed and meets its corporate and administrative responsibilities. The work of all PPSC employees is essential to the effective functioning of the organization.

### COMMUNICATIONS AND BRANDING

In recent years, the PPSC has identified the need to increase public awareness of the organization and its role in the criminal justice system. A corporate branding committee was created and included staff from across the organization and at all different levels. Using a collaborative and inclusive approach, the committee identified the PPSC's public awareness levels and assembled a phased branding strategy that the organization has started to implement. The branding strategy outlines an engaging and consistent brand experience across all external- and internal-facing communications. The implementation phase has started with a roll-out of a variety of newly branded corporate products and a refreshed external-facing web site. In addition, the PPSC launched its first social media plan. The PPSC has an active presence on Twitter (@PPSC\_SPPC and @SPPC\_PPSC) and LinkedIn.

### LEARNING

The School for Prosecutors offers annual training designed to promote professional development relevant to the prosecution function.

In 2018, the school delivered its three core annual courses and a regulatory law training conference. In addition to providing legal training that satisfies law society-imposed continuing professional development requirements, the school serves as an ongoing forum for participants to meet, to network, to develop mentoring

relationships, and to enhance their sense of identity as federal prosecutors.

The school's 2018 training included:

- **The Level One (Prosecution Fundamentals) course**, a four and a half-day program that focused on criminal law, such as the role of the Crown, bail hearings, preliminary enquiries, *voir-dires*, the trial, Charter, and ethical issues in practice and advocacy.
- **The Level Two (Advanced Issues for Prosecutors) course**, a three and a half-day program that explored the intricacies of advising on, preparing for, and prosecuting complex cases with electronic evidence.
- **The Written Advocacy course**, a three and a half-day program designed to help prosecutors perfect factum-writing skills.
- **The Regulatory Law Training Conference**, an intensive two-day conference that included presentations on a myriad of topics, such as prosecuting corporations and executives; Mutual Legal Assistance in Criminal Matters treaties; video testimony; the due diligence defence; negotiation skills; document-heavy prosecutions; refreshers on *Jarvis*, *Nolet*, and *Jordan*; immigration prosecutions; Aboriginal rights issues, sentencing; providing search warrant advice; and advising investigative agencies.

Last year, 170 lawyers received instruction at School for Prosecutors training events.

In addition to administering the School for Prosecutors, the PPSC developed and implemented initiatives, such as mentoring practices, linguistic duality initiatives, and the Federal Prosecutor Development Program. The PPSC continued to develop learning roadmaps to guide employees' learning requirements with a focus on diversity, inclusion, and leadership development. The PPSC also remained committed to a talent management approach designed to retain its employees.

## STAFFING AND RECRUITMENT

Taking a strategic planning approach to identifying resourcing trends, the PPSC continued to leverage both the flexibilities of the New Direction in Staffing and its new branding strategy to enhance its outreach and innovative hiring practices.

## PAY SYSTEM

To help address problems with the pay system, the PPSC joined the Pay Pod service delivery model at the Pay Centre in June 2018. As a result, the PPSC's compensation liaison unit aligned its efforts to collaborate with the Pay Pod approach in an effort to reduce backlog and ensure timely and accurate pay. Training was also provided to the compensation liaison unit to increase the capacity for the analysis of complex pay situations.

Building additional capacity in-house improved the employee experience. Employees now have access to someone within the department to help identify all issues, determine the next steps, and liaise with the Pay Pod when required. Internal capacity and collaboration between compensation and human resource disciplines were strengthened to significantly reduce errors in the data entry that affect employees' pay. To minimize impacts on employees' pay, the PPSC continues to provide emergency salary advances and priority payments.

The combined efforts of the Pay Pod model and the PPSC's compensation liaison unit resulted in reducing the backlog of requests to the Pay Centre by over 44% as of March 31, 2019.

## LEGAL CASE MANAGEMENT SYSTEM

The PPSC continued to work on the Legal Case Management System project. This technology system will serve as a foundation to support the PPSC's digital future and workplace modernization. The project team has completed the development of migration strategies to transfer information from the existing case management system into the new system.



### People at the PPSC

#### Senior Human Resources Advisor

A Senior Human Resources Advisor is responsible for strategic advice, strategic corporate planning and program development, and delivery to senior managers and the organization as a whole. The areas of expertise include staffing, labour relations, training and development, strategic planning, diversity and inclusion, official languages, classification, mental health, reporting, and program development.

As an HR Advisor, I am motivated by making a contribution to the people side of things, and by the opportunity to make connections between different human resources disciplines. I have the opportunity to work collaboratively with many groups and to develop partnerships with people from all regions of the country, as well as with colleagues across the federal public service. This work involves a significant amount of consultation, analysis, and strategic development; it also requires working independently on a variety of complex projects, using creative concepts, and building trust with colleagues. It is a very dynamic, intellectually stimulating and varied role that requires continuous learning. Every week is different and I feel like I am making a contribution and supporting managers and colleagues in making a difference in our workplace.

**- Senior Human Resources Advisor,  
Ottawa, Headquarters**

## ACCESS TO INFORMATION AND PRIVACY

The PPSC was among the first wave of government institutions to be on-boarded to a new version of the Access to Information and Privacy (ATIP) Online Request Service, which allows the public to submit access to information or personal information requests online. The PPSC ATIP Office was one of six other ATIP Offices that participated in the initial pre-onboarding exercise led by the Treasury Board of Canada Secretariat.

## SURVEY OF INVESTIGATIVE AGENCIES

In 2018-2019, the PPSC completed its third Survey of Investigative Agencies. The survey is an important tool helping the PPSC continue to strengthen its collaboration with investigative agencies. This year's survey was completed by over 1,100 investigative agency staff. Overall, the survey results were very positive. Investigative agencies reported being satisfied with the support and services they received from the PPSC.

## FINE RECOVERY

The PPSC is responsible for administering the recovery of outstanding federal fines under the terms of an assignment issued by the Attorney General of Canada in 2007.

On March 1, 2016, the PPSC entered into a service contract with Partners in Credit Inc., a private collection agency, for the collection of those outstanding fines. Partners in Credit has been collecting federal fines on behalf of the PPSC since April 1, 2016. In February 2018, the PPSC exercised its option to extend the contract until February 2019.

Over the last fiscal year, the PPSC ran an open competitive process and solicited several bids. The new contract was awarded to Partners in Credit after a bid evaluation process resulted in this vendor being the collection agency that was the highest ranked compliant bidder.

In December 2018, the PPSC had to react quickly and take concrete steps to comply with the Supreme Court's decision in *R. v. Boudreault*. In this decision, the Supreme Court invalidated the victim fine surcharge. The amount of the surcharge imposed was 30% of any fine imposed, or, where no fine was imposed, \$100 for every summary conviction count and \$200 for every indictable count. This surcharge did not take into account the offender's ability to pay and resulted to be cruel and unusual. Partners in Credit was advised that victim fine surcharges would no longer be recovered, if they were ordered between October 24, 2013 and December 14, 2019. The PPSC also temporarily stopped using the CRA set-off program so that files with a victim fine surcharge could be modified. Between April 1, 2018

and February 25, 2019, Partners in Credit recovered \$1,190,971 and the PPSC recovered \$255,000 through the CRA's set-off program.

The PPSC also completed an evaluation of the National Fine Recovery Program. The results of the evaluation will be used by the PPSC to review and restructure the program.

## INTERNAL AUDIT

In 2018-2019, the PPSC completed two audits. The Internal Audit Division (IAD) also followed up on management action plans addressing prior audit recommendations, resulting in the implementation of a number of action plans. In addition, as per the Treasury Board Policy on Internal Audit and the requirement under the Institute of Internal Auditors' International Professional Practices Framework to conduct, every five years, an external assessment of an organization's internal audit function by a qualified independent assessor from outside the organization, the PPSC's IAD was assessed in 2018-2019 and obtained a "generally conforms rating", the highest available in the assessment process.

## OFFICIAL LANGUAGES

The year 2019 marks the 50<sup>th</sup> anniversary of the *Official Languages Act*. The co-champions for official languages commemorated by increasing their efforts to promote the value of linguistic duality and raise awareness of the legislation.

In 2018-2019, the Official Languages Committee focused on reviewing the recommendations of the report tabled for the Clerk of the Privy Council, "The Next Level: Normalizing a Culture of Inclusive Linguistic Duality in the Federal Public Service Workplace", to identify how best to implement them at the PPSC.

The PPSC continues to implement its Official Languages Strategic Plan 2016-2019, which includes two components: train and inform prosecutors and paralegals about language rights of accused individuals and ensure compliance with the PPSC's obligations to official language minority communities.

The PPSC participates in the Interdepartmental Justice-Security Network and the Council of the Network of Official Language Champions. The PPSC is a regular

and active participant at the meetings of the Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages, an interdepartmental and intergovernmental gathering of senior justice officials.

## MENTAL HEALTH AND EMPLOYEE WELLNESS

Over the past year, the PPSC promoted a healthy, inclusive, and respectful workplace enabling the well-being of its employees. The Mental Health and Wellness Steering Committee worked collaboratively with employees, management, and bargaining agents to develop a Mental Health Strategy with three areas of focus: organizational culture, psychological support, and civility and respect. Moreover, the PPSC established a working group to review its Code of Conduct, placing a greater emphasis on the importance of people management and addressing civility and psychological health in the workplace.

## DIVERSITY AND INCLUSION

The Diversity and Inclusion Committee was supported through a diverse membership. The committee focused on examining how it engages its members in developing ideas and advising on its key priorities. The committee was re-structured this year to create a steering committee responsible for developing strategic priorities and providing leadership in targeted areas, such as women and career development, visible minorities, visible and invisible disabilities, Indigenous people, and LGBTQ+ issues. In one example of the committee's work, data collection and analysis has identified the underrepresentation of women in senior ranks and an action plan is now underway to address this within the PPSC.

## SUPERVISORS' NETWORK

The network has established itself over the past year as a department-wide community of supervisors who support each other by discussing challenges, opportunities, solutions, and sharing lessons learned. It has developed new tools in order to connect supervisors from coast to coast, such as the creation of a virtual community on GConnex and the preparation of a web-based monthly themed resources guide.

The network also provided learning activities and resources, educating supervisors on the duty to accommodate, recognition in the workplace, and mentoring.

The network will continue to promote training and development for supervisors on a variety of topics, such as emotional intelligence, creativity, innovation and managing performance, talent management, and career growth.

## OUTREACH

During 2018-2019, the PPSC continued to support and advance external relations with national and international stakeholders involved in the law. These external relations help the PPSC fulfill its mandate in many ways, notably through the exchange of best practices.

### Federal-Provincial-Territorial Heads of Prosecutions Committee

The Federal-Provincial-Territorial Heads of Prosecutions Committee brings together the directors of prosecution services from across Canada. Established in 1995, its goal is to promote mutual assistance and cooperation on operational issues and to ensure that advice and litigation in criminal matters are offered in a cohesive and coherent manner by provincial and federal prosecution authorities. The PPSC's DPP is the permanent co-chair of the Committee and the PPSC provides secretarial services. The Committee has become so invaluable that it is now difficult to imagine the prosecution landscape of Canada without the benefit of the coordination and expertise provided by and through this national body.

The Committee held two meetings in 2018. The first was in April 2018 in Saint-Andrews, New Brunswick, and was organized jointly with the Public Prosecution Services of the Office of the Attorney General of New Brunswick. The second, organized jointly with the Canadian Military Prosecution Service, was held in Victoria, British Columbia, in October 2018, and included the National Prosecution Awards ceremony, during which Barry McLaren, General Counsel at the Nunavut Regional Office of the PPSC received the Courage and Perseverance Award, and Paul Adams, Q.C., and Suhanya Edwards, prosecutors with the Atlantic



Regional Office of the PPSC, received the Commitment to Justice Award. The Committee also organized teleconferences throughout the year to address new issues arising between meetings and has recently published a new report on the prevention of wrongful convictions entitled “Innocence at Stake: The Need for Continued Vigilance to Prevent Wrongful Convictions in Canada”. The report, prepared by a committee of senior prosecutors and police officers, is the third of a series of reports beginning with the 2005 “Prevention of Miscarriages of Justice” and the 2011 “The Path to Justice: Preventing Wrongful Convictions”.

The report infers that police and Crown communities in Canada have a high awareness about the causes and steps to take to prevent wrongful convictions. It documents ongoing reform and canvasses the latest information and, where necessary, updates earlier recommendations on the most important causes of wrongful convictions, including tunnel vision, eyewitness misidentification, false confessions, use of in-custody informers, and inappropriate use of forensic evidence and expert testimony.

For the first time, the new report includes chapters on Crown advocacy, false guilty pleas, and certain at-risk populations, such as youth, women, and Indigenous Canadians.

## International Association of Prosecutors

The International Association of Prosecutors (IAP) is a non-governmental and non-political organization that works to promote effective, fair, impartial, and efficient prosecutions of criminal offences through the application of high standards and principles, in particular measures that aim to prevent or correct judicial errors. The PPSC provided important support throughout the year to the IAP. In addition to the DPP continuing her term as an elected member of the Executive Committee of the IAP, Senior General Counsel, François Lacasse continues to sit as Vice-President of the *Association internationale des procureurs et poursuivants francophones*, a sister organization of the IAP. The PPSC participated extensively in the 23<sup>rd</sup> Annual Conference and General Assembly of the IAP in Johannesburg (South Africa): Mr. Lacasse was a speaker at a plenary session on Politics and Independent Prosecutions, Senior Counsel

Alex Bernard was a panelist on the Environmental and Wildlife Crime Network, and the DPP was a panelist on the Heads of Prosecutions Services group that examined Accountability and its Impact on Prosecutorial Independence. The DPP also participated in a meeting of the Executive Committee. The PPSC further assisted the IAP by providing the services of General Counsel Manon Lapointe, who assumed the duties of Acting General Counsel of the IAP over the past year.

In October 2018, the PPSC also organized and hosted the 5<sup>th</sup> North American and Caribbean Conference of the IAP in Toronto. Under the theme “Essential Elements: Prosecuting in the 21<sup>st</sup> Century”, the conference gathered approximately 150 prosecutors from Canada, the United States, the Caribbean, Mexico and beyond, to discuss common operational challenges and concerns.

## Foreign Delegations

On September 17, 2018, a PPSC counsel was invited to present on anti-cartel enforcement to Mr. Julio Fernando Melgar Peña, Advisor to the President of the Commission of Economy and Foreign Trade of the Congress of the Republic of Guatemala. This study visit to Canada was hosted by the Competition Bureau. The purpose of the visit was to provide information to assist the government of Guatemala in implementing a proposed competition law. An overview of the Canadian court system, cartel offences in Canada, and the role of the PPSC’s Competition Law Section in prosecuting cartel cases was also provided.

In the fall, the PPSC attended a meeting with a United Nations-sponsored delegation from Kazakhstan on a study tour on the elimination of violence against women, which was hosted by Global Affairs Canada and Status of Women Canada.

In March 2019, a PPSC representative was invited to Greece by the Faculty of Law of Aristotle University of Thessaloniki to present on Drug Treatment Courts.



# REGIONAL PROFILES



## BRITISH COLUMBIA

The British Columbia Regional Office has its headquarters in Vancouver. There are currently four local offices, including an office in North Vancouver. This region prosecutes organized crime, national security, and drugs, including cases that involve the trafficking in fentanyl and other opioids. They also prosecute regulatory matters and economic crimes.

### DID YOU KNOW?

PPSC prosecutors regularly take part in training investigative agencies at various levels of expertise. Currently, one of the PPSC's employees works at the Canadian Police College. This employee is active on management committees, conducts training, and participates in course design at the college.

## ALBERTA

The Alberta Regional Office serves the province of Alberta, with offices in Calgary and Edmonton. Over the past year, this region has undertaken significant work to restructure the regional Agent Supervision Unit to enhance the services provided by the unit to agents through greater support and improved efficiencies. Early results of this project include reduction in trial time and earlier resolution of files, which have resulted in a net savings for the PPSC.

In February, this region executed a Major/Minor Agreement between the PPSC and the Alberta Crown Prosecution Service (ACPS). This agreement strengthens the relationship between the PPSC and ACPS by confirming the approach to the prosecution of files between the two offices where there are combined *Criminal Code* and CDSA offences on the same information or indictment.

## SASKATCHEWAN

The Saskatchewan Regional Office, located in Saskatoon and Regina, aided by a network of agent prosecutors, provides prosecutorial services throughout the entire province. Although the majority of the work is in relation to prosecutions under the CDSA, the Saskatchewan Regional Office also conducts prosecutions in relation to investigations conducted by agencies such as CBSA, CRA, Environment and Climate Change Canada, Service Canada, and Statistics Canada.

## MANITOBA

The Manitoba Regional Office, located in Winnipeg, provides prosecution and training services throughout the province. This includes travel to approximately 80 circuit points for provincial courts, 6 superior court centres, and the Manitoba Court of Appeal in Winnipeg. Approximately 85% of their files are related to CDSA

matters ranging from low complexity matters to prosecutions of sophisticated criminal organizations. The remaining 15% of the files relate to regulatory and economic investigations and prosecutions, such as tax evasion, copyright infringement, environmental offences, and offences relating to the health and safety of Canadians generally.

## NATIONAL CAPITAL

Headquartered in Ottawa, the National Capital Regional Office serves the eastern, northwestern, and northeastern regions of Ontario, as well as judicial districts in western Quebec. The National Capital Regional Office supports a DTC, Mental Health Court, and Indigenous Peoples' Court in Ottawa, as well as DTCs in several smaller jurisdictions within the region, including Kenora, Kingston, and Perth. The PPSC's Competition Law team is also housed within this office, and handles competition files throughout the country.

## ONTARIO

The Ontario Regional Office is centered in Toronto, and has the responsibility for federal prosecutions in southern Ontario between Windsor in the west, Peterborough in the east, and Orillia in the north. In addition to staffed offices in Toronto, Brampton, Kitchener, and London, the PPSC relies upon approximately 95 agents. In addition to handling over 8,000 prosecution files a year, the Ontario Regional Office also argues appeal matters in the Court of Appeal and Superior Court.



## QUEBEC

The Quebec Regional Office has two offices, in Montreal and Quebec City. This region is responsible for a large number of highly complex cases, including cases relating to the fight against organized crime, terrorism, money laundering, corruption, and a large number of tax evasion prosecutions. The Quebec Regional Office has a team dedicated to border protection in Valleyfield and several prosecutors focused on fisheries prosecutions involving Aboriginal law claims and environmental law prosecutions.



## ATLANTIC

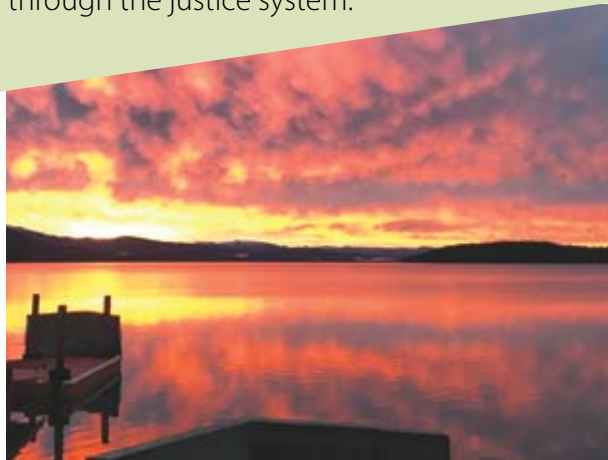
Atlantic Regional Office covers a wide geographical area with three main offices in Halifax, Moncton, and St. John's. In addition to the typical offences under the CDSA, *Fisheries Act*, and IRPA, the Atlantic Regional Office often handles unique files as a result of the proximity to the ocean, such as major drug offloads or any number of unique fisheries offences. In addition to in-house prosecutors providing prosecution services, agents assist with conducting prosecutions in communities where PPSC offices are not located.

### DID YOU KNOW?

Atlantic Canada has approximately 28,000 km of coastline.

## DID YOU KNOW?

Yukon Regional Office is a partner with Project Lynx; a multi-partner coordinated support service for children going through the justice system.



## YUKON

The Yukon Regional Office is located in Whitehorse, and is responsible for *Criminal Code*, CDSA and all other federal prosecutions for the Yukon Territory. The Yukon Regional Office attends 13 Territorial Court circuit locations in communities outside of Whitehorse, on an average of six times to each location each year, as well as daily court sittings in Whitehorse. The Supreme Court also sits in each community on a special sitting basis, as required. This region prosecutes a high number of *Criminal Code* offences, and alcohol consumption is a factor in a majority of them. This region has one of the highest per capita rates of alcohol consumption in Canada.

## NORTHWEST TERRITORIES

The Northwest Territories Regional Office is located in Yellowknife. Communities throughout the Northwest Territories are served by a circuit in both the Territorial and Supreme Court and prosecutors travel by air to some 20 communities and by road to one (Behchoko). This region prosecutes *Criminal Code* offences, in addition to offences under all statutes normally prosecuted by the PPSC. The case load of the regional

office includes a high number of personal injury offences, including homicide cases, sexual assaults, aggravated assault, and assault causing bodily harm or with a weapon. The region actively reviews the files of high-risk offenders and applies, in appropriate cases, for dangerous or long-term offender status following conviction.

## NUNAVUT

The Nunavut Regional Office is 20 years old this year. It has grown from a small office prosecuting criminal, drug, and regulatory offences in a few communities to a regional office based in Iqaluit with a support office in Yellowknife serving western Nunavut. Its prosecutors and CWCs travel to 25 Arctic communities spanning three time zones, appearing before the unified Nunavut Court of Justice (NCJ) on circuit. Inuktitut is an official language in Nunavut and all the CWCs are fluent speakers. The NCJ is a unique court in its structure, environment, and historical context. In structure, it is a unified court acting as both provincial and Superior Court; in environment, it travels to all Nunavut communities, exclusively by plane; and in historical context, the Court sits in communities where Inuit traditional notions of law and justice have been applied for many centuries.

## DID YOU KNOW?

If Nunavut were a separate country, it would be the 13<sup>th</sup> largest in the world.





# 6 STRATEGIC ORGANIZATIONAL PRIORITIES

Each year the PPSC considers strategic organizational priorities in support of its mandate. These priorities are primarily operational in nature and identify areas of focus for the coming year. Building on the work and successes of recent years, the organization continued to focus on:

- Growing our talent for the future
- Modernizing the legal case management system and tools to support timely prosecutions
- Fostering a healthy and respectful workplace
- Enhancing communication and opportunities for employee engagement

For a detailed update on progress in all these areas, visit the Departmental Plan and the Departmental Results Report at [www.ppsc-sppc.gc.ca](http://www.ppsc-sppc.gc.ca).



# 7

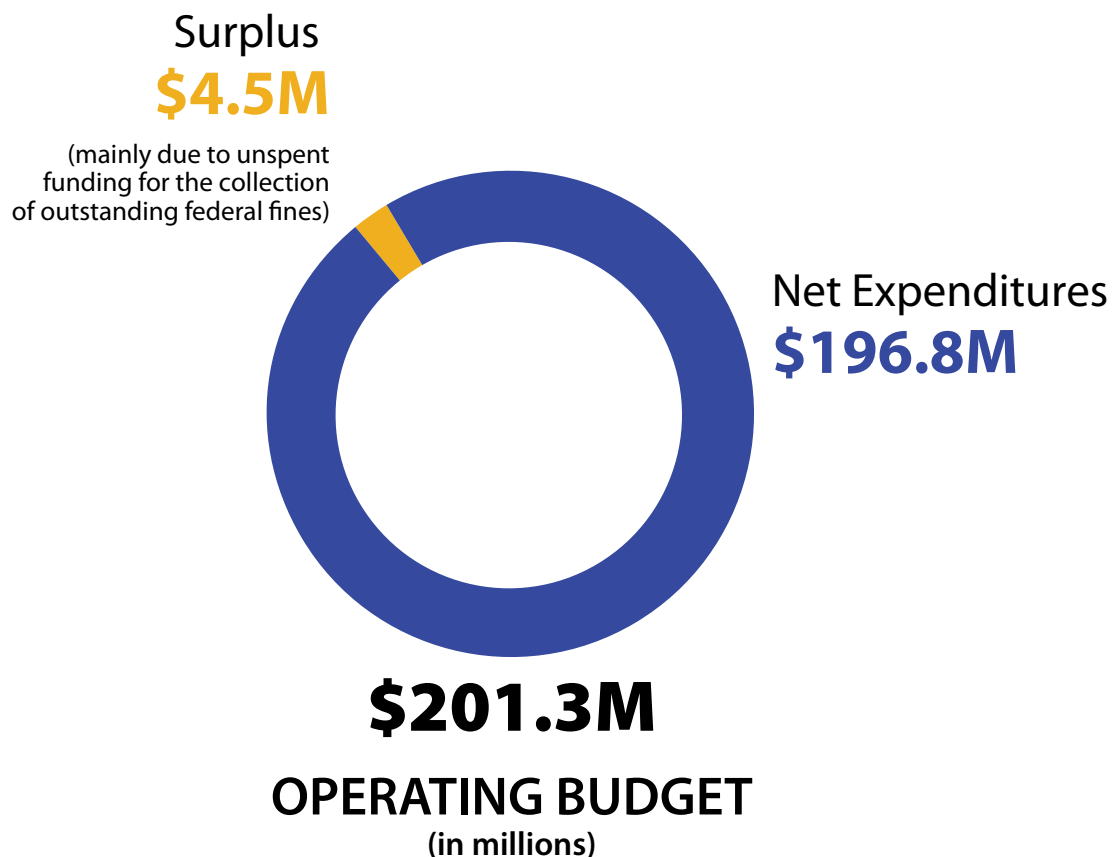
## FINANCIAL INFORMATION

### OVERVIEW

During fiscal year 2018-2019, Parliament allocated the PPSC an operating budget of \$201.3 million, including \$197.3 million for regular operations and \$4 million specific to the collection of outstanding federal fines. Moreover, the PPSC recovered \$16.1 million from other government departments and agencies (OGDA) for prosecution activities related to their mandates.

At year-end, there was a total net spending of \$196.8 million resulting in a surplus of \$4.5 million mainly due to unspent funding for the collection of outstanding federal fines.

Information about funding and spending is summarized in the following graph:



## CORE RESPONSIBILITIES

The PPSC has two core responsibilities. The first relates to the prosecution functions of the PPSC, while the second relates to the compliance and enforcement functions of the Office of the Commissioner of Canada Elections (OCCE). In addition to these functions, the PPSC also

has a number of administrative services grouped under the heading "Internal Services". Information about the spending for each core responsibility and for internal services is provided in the following table:

(amounts in thousands of dollars)	Budget Allocated by Parliament		Amounts Recovered from OGDA	Total Available Funding	Total Expenditures		%	Carryover	
	Operating	Fine Recovery			Net Operating Spending	Fine Recovery Spending		Operating	Fine Recovery
	(A)	(B)			(E)	(F)		(H)	(I)
			(C)	(D) (A) + (B) + (C)			(G) (E) + (F)	(A) - (E)	(B) - (F)
<b>Prosecution Services</b>	166,434	4,000	15,994	186,428	166,250	389	85%	184	3,611
<b>Electoral Compliance and Enforcement</b>	5,242	0	0	5,242	4,597	0	2%	645	0
<b>Internal Services</b>	25,606	0	123	25,729	25,532	0	13%	74	0
<b>Total</b>	<b>197,282</b>	<b>4,000</b>	<b>16,117</b>	<b>217,399</b>	<b>196,379</b>	<b>389</b>	<b>100%</b>	<b>903</b>	<b>3,611</b>

### Prosecution Services

This core responsibility accounts for 85% of the total expenditures. The majority of the prosecution services funding is spent on salaries and Crown agent retainers (83%). The other major expenditures are operational travel and fees paid to law societies, which are mandatory in order to carry out the PPSC's mandate.

### Internal Services

Those administrative activities, including financial services, communications, HR, information technologies, security, facilities, as well as health and safety, support the core activities. These activities account for 13% of the total expenditures.

### Electoral Compliance and Enforcement

While the expenditures of the OCCE are reflected in the table above, with the coming into force of Bill C-76, the OCCE moved to the Office of the Chief Electoral Officer subsequent to year end.



# CONTACT INFORMATION



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