



Public Prosecution
Service of Canada

Service des poursuites
pénales du Canada

Public Prosecution Service of Canada

Prosecuting federal crimes. Protecting Canadians.



Annual Report
2020-2021

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:

Director of Public Prosecutions Act

Public Prosecution Service of Canada Deskbook

© Her Majesty the Queen in Right of Canada, represented by the Attorney General of Canada, 2021.

This document is available in multiple formats upon request.

This document is available on the PPSC website at the following address:

www.ppsc-sppc.gc.ca.

Twitter: [@PPSC_SPPC](https://twitter.com/PPSC_SPPC) and [@SPPC_PPSC](https://twitter.com/SPPC_PPSC)

LinkedIn: Public Prosecution Service of Canada

Catalogue No: J75-2021

ISSN 1926-3791 (Online)



Public Prosecution
Service of Canada

Service des poursuites
pénales du Canada

Office of the Director
of Public Prosecutions

Bureau du directeur
des poursuites pénales

Ottawa, Canada
K1A 0H8

June 30, 2021

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 2020-2021 Annual Report of the Public Prosecution Service of Canada. The report covers the period from April 1, 2020 through March 31, 2021.

Sincerely,

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

TABLE OF CONTENTS

MESSAGE FROM THE DIRECTOR OF PUBLIC PROSECUTIONS	4
OVERVIEW	6
Role of the Prosecutor.....	7
Organizational Structure.....	8
PROSECUTION ACTIVITIES.....	9
Overview.....	9
Prosecution Policy	13
Criminal Justice Process	14
Drug Prosecutions.....	15
Prosecutions in Canada's North.....	18
Regulatory and Economic Prosecutions.....	19
National Security Prosecutions.....	21
Supreme Court of Canada Litigation.....	22
AWARDS AND ACHIEVEMENTS.....	23
Appointments.....	23
Formal Awards	23
National Prosecution Awards	24
CORPORATE ACTIVITIES.....	25
COVID-19 Response	25
Organizational Priorities.....	26
Nurture a Culture of Civility, Wellness, and Inclusion.....	26
Strengthen Accountability and Transparency	32
Foster Efficiency and Innovation	33
Outreach	35
Federal-Provincial-Territorial Heads of Prosecutions Committee	35
International Association of Prosecutors.....	35
REGIONAL PROFILES.....	36
FINANCIAL INFORMATION.....	40
CONTACT INFORMATION	42

MESSAGE FROM THE DIRECTOR OF PUBLIC PROSECUTIONS

I am pleased to present the Public Prosecution Service of Canada's (PPSC) 2020-2021 Annual Report. It is a story of resilience, empathy for colleagues, and innovation, as it tells the story of how the PPSC had to pivot because of the pandemic in order to deliver its prosecution services differently.

Prior to last year, the criminal justice system could never have been called modern. While private industry quickly adopted technology, the criminal justice system remained mired in the old ways of doing things, with few opportunities for remote appearances, and too much paper being exchanged between parties. Even where technology was used, it was often old technology, using discs and thumb drives to move disclosure from Crown to defence. While many of us had modernization agendas and chief justices put together working groups, progress was slow, and investment funds hard to come by. The pandemic changed all of that. Suddenly, we had to learn new ways of doing things and find new tools. I am proud to say that the PPSC rose to the challenge and is now finally piloting a cloud disclosure tool, as well as various platforms to allow us to work together but at a distance. While this came at a cost, it is a sound investment in our future.



Sending over 1,000 people home to work as best they could was not an easy decision but a necessary one. Again, there were lessons along the way, not the least of which is that we are capable of great flexibility. As I expected, the dedicated and responsible employees of the PPSC managed to figure out how to get things done with minimal access to our offices. While we could offer technological support and equipment, those did nothing to diminish the challenges of parents with children in the home, or of those with elder care responsibilities. Team leaders reached out regularly to offer support, and managers provided team-building events and mental health resources; we all needed the support of our colleagues at some point during the year.

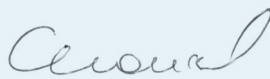
Beyond the pandemic and maintaining our operations, we moved forward with our efforts to create a bias-free workplace, and a review of our policies and practices that contribute to systemic discrimination in the criminal justice system. An action plan is now in development to respond to the feedback received by employees and to the recommendations of our co-champions for a bias-free workplace.

I am very proud of how staff responded to new policies in respect of bail and sentencing in a COVID-19 world, and I believe there is much to be learned from those, and from our triage

efforts, as we go forward with the cautious resumption of regular courtroom work. We also introduced a new policy in respect of simple possession of drugs: prosecution is now an exception rather than the default position. The Canadian public can expect that the PPSC will continue to innovate in respect of prosecution policy, in order to use its resources judiciously, and to contribute to better outcomes, including in those instances where public and personal health outcomes are the primary concerns.

Finally, it is with great pride that I saw staff support each other through a very difficult time. When someone was struggling with managing childcare and work obligations, colleagues stepped forward to help. When some of us fell ill with COVID-19, they were met with expressions of support and well wishes for a speedy recovery. When employees of Asian descent were met with hate and discrimination, their colleagues were the first to offer words of support and condemnation for the words and actions of those who seek to divide.

As an organization, I have no doubt that we have come out of the year stronger and more united.



Kathleen Roussel

Director of Public Prosecutions

2

OVERVIEW

The 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.

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 (deputy minister) 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.

As of March 31, 2021, the PPSC had 1,112 employees.

Total Employees by Region

REGION	TOTAL
British Columbia	105
Alberta	124
Saskatchewan	30
Manitoba	39
Ontario	204
National Capital Region	83
Headquarters	248
Quebec	83
Atlantic	66
Yukon	32
Northwest Territories	53
Nunavut	45
Total Number of Employees at the PPSC	1,112

The PPSC also retained the services of 124 law firms as legal agents to assist with prosecutions on behalf of the federal Crown.

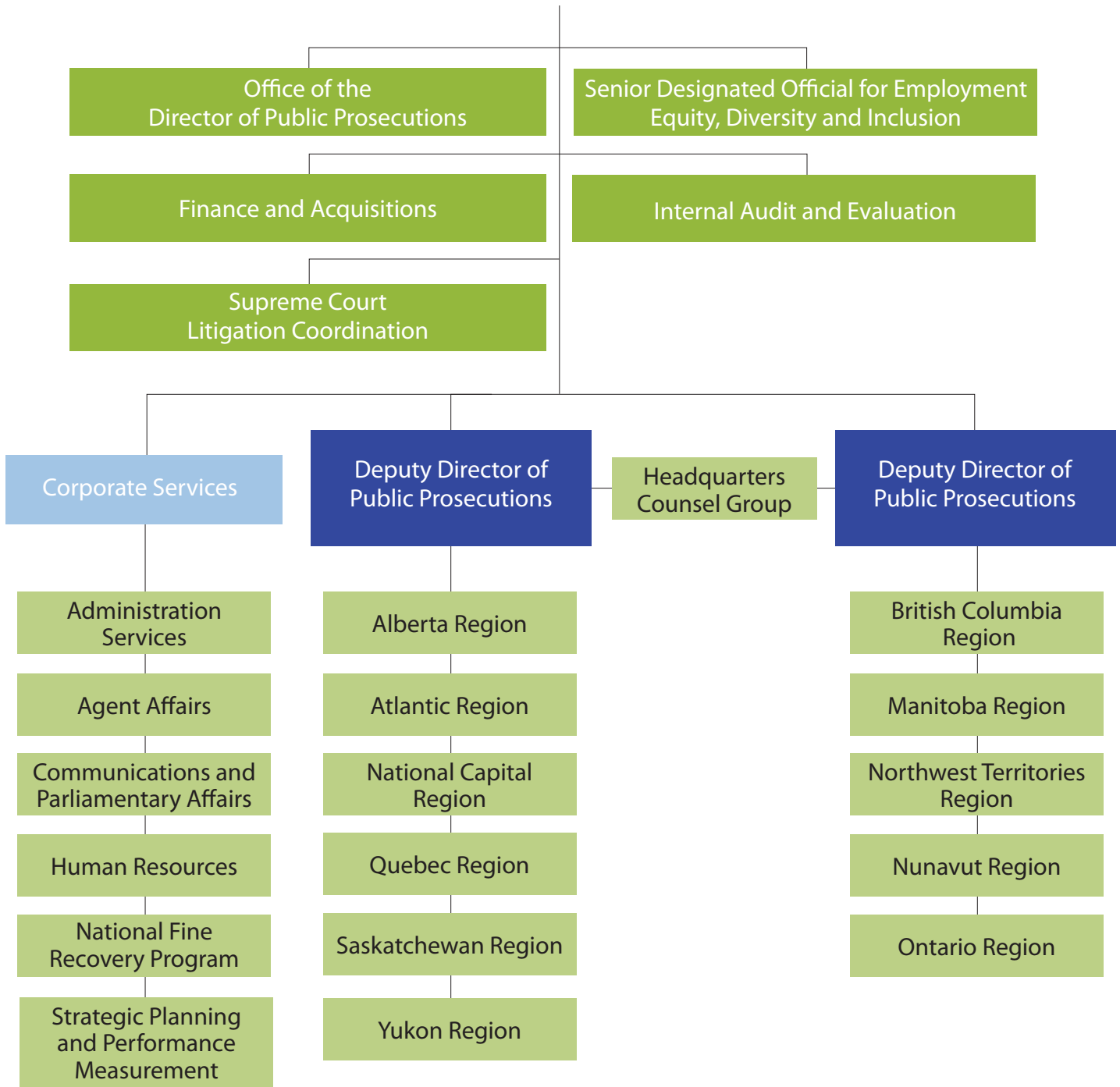
ROLE OF THE PROSECUTOR

Prosecutors play a key role in the Canadian criminal justice system. The prosecutor's role in advising the police and prosecuting is so important that it is similar to that of a judge and must be done with the same degree of independence from any inappropriate considerations, including political ones. The importance of this independence is so great that it is a constitutional principle. Prosecutors have the duty to be objective, independent, and dispassionate. They must see that cases where

there is a reasonable prospect of conviction on the admissible evidence, and that are in the public interest to prosecute, 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. 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 who is presumed innocent throughout the trial process.

ORGANIZATIONAL STRUCTURE

DIRECTOR OF PUBLIC PROSECUTIONS



3

PROSECUTION ACTIVITIES

OVERVIEW

In 2020-2021, the PPSC worked on 58,216 files. This figure includes 31,411 files opened during the year, as well as 26,805 files carried over from previous years. Overall, PPSC staff and legal agents working on behalf of the PPSC spent a total of 1,073,912 hours working on prosecution files during the year. PPSC prosecutors and paralegals spent an additional 264,821 hours providing legal advice to investigative agencies, participating in various committees, both national and regional, providing or receiving training, and assisting with other important corporate work.

The pandemic has had a direct impact on the PPSC's ability to bring prosecutions before the courts. Individual regional experiences are outlined on page 36 of this Annual Report.

The PPSC recognized that the COVID-19 pandemic required proactive steps to try to reduce the number of persons in detention facilities pending trial, as well as the need to manage the backlog of cases that could not be processed during the pandemic. This meant that cases needed to be prioritized so those with the highest priority could be prosecuted effectively on the resumption of full court operations. Prosecutors were instructed

with respect to what was expected of them in light of the pandemic in the area of bail and resolving cases. This gave prosecutors principles and approaches to apply that would allow them to act in a deliberate, timely, and principled manner.

Throughout the pandemic, the PPSC has taken a firm approach to placing the safety and well-being of employees at the centre of our duties. Along with other justice system participants, including court administrators, judges, defence counsel and the police, the PPSC developed protocols for helping the court determine when a matter should be dealt with remotely by video conference or by telephone conference, as well as what protocols and procedures should be applied when court appearances were required. Understandably, PPSC employees experienced the stresses of concerns about health and safety in the courtroom, courthouses and police stations. Despite the challenges, they fulfilled their duties with dedication and the highest degree of professionalism.

Outcome of Charges (by accused)¹

Acquittal After Trial	Conviction After Trial	Guilty Plea ²	Judicial Stay of Proceedings	Charge Withdrawn and/or Stay of Proceedings (Crown)	Other ³
250	393	7,315	33	13,471	21

1 In this table, each accused is only counted once.

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

3 Other includes discharge at preliminary hearing and mistrial.

Outcome of Charges (by charge)¹

Acquittal After Trial	Conviction After Trial	Guilty Plea ²	Judicial Stay of Proceedings	Charge Withdrawn and/or Stay of Proceedings (Crown)	Other ³
696	744	11,346	115	39,436	42

1 A matter involving multiple charges may result in more than one outcome.

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

3 Other includes discharge at preliminary hearing and mistrial.

Types of Offences* (% of files)

Types of Offences	% of Files
Files Involving Drug-related Offences (43,644)	75%
Files Involving <i>Criminal Code</i> Offences (9,647)	16.6%
Files Involving Regulatory Offences and Economic Offences (4,581)	7.9%
Files Involving Other Offence Types (344)	0.6%

*Because some files contain offences of more than one type, a categorization hierarchy has been used to eliminate duplicate counting. Files with regulatory or economic offences are counted as such. Files with drug offences and no regulatory or economic offences are counted under Drugs. Any remaining files with Criminal Code offences are included under Criminal Code. All other files are identified as Other – this includes files with offences under the Youth Criminal Justice Act, the Security of Information Act, and other statutes, as well as files for which the statute isn't specified or files that were mislabeled in the case management system.

Breakdown by Number of Files¹

Region	Total	Regulatory and Economic	Drugs	Criminal Code	Other
Alberta	8,268	625	7,473	152	18
Atlantic	3,477	1,278	2,078	76	45
British Columbia	6,291	1,096	4,879	295	21
Headquarters	132	12	54	34	32
Manitoba	2,319	80	2,204	21	14
National Capital Region	6,826	259	6,467	73	27
Northwest Territories	3,916	21	109	3,750	36
Nunavut	3,165	3	29	3,110	23
Ontario	17,663	415	16,949	226	73
Quebec	961	710	136	85	30
Saskatchewan	3,315	81	3,191	34	9
Yukon	1,884	1	75	1,791	17

¹ Because some files contain offences of more than one type, a categorization hierarchy has been used to eliminate duplicate counting. Files with regulatory or economic offences are counted as such. Files with drug offences and no regulatory or economic offences are counted under Drugs. Any remaining files with Criminal Code offences are included under Criminal Code. All other files are identified as Other – this includes territorial offences, files with offences under the Youth Criminal Justice Act, the Security of Information Act, and other statutes, as well as files for which the statute isn't specified or files that were mislabeled in the case management system.

Top 10 Federal Statutes

The number of federal statutes regularly prosecuted is 36.

Statute	Number of Charges
<i>Criminal Code</i>	95,905
<i>Controlled Drugs and Substances Act</i>	84,844
<i>Cannabis Act</i>	5,000
<i>Fisheries Act</i>	4,248
<i>Immigration and Refugee Protection Act</i>	1,370
<i>Customs Act</i>	900
<i>Income Tax Act</i>	755
<i>Employment Insurance Act</i>	542
<i>Excise Tax Act</i>	357
<i>Excise Act, 2001</i>	354



People of the PPSC

Team Leader

As a Team Leader in a regional PPSC office, I have a multi-pronged role. I supervise and support a team of prosecutors working on complex prosecutions. I assign and monitor their work and act as a legal resource on their prosecution files. I also promote learning, training and development opportunities for counsel. Another significant area of my responsibility is being the liaison with police enforcement agencies on behalf of my team, including coordinating and providing legal advice and training on investigative issues.

As a Team Leader, I have the opportunity to participate in regional and national committees within the PPSC and in the broader legal community, such as the courts, working on both legal and operational issues.

My position involves continual learning in the areas of law, human resources, labour relations and leadership. I appreciate the opportunity as a Team Leader to provide service to my colleagues, the public service and the legal community.

Since the onset of the COVID-19 pandemic, the PPSC has actively engaged with the Public Health Agency of Canada and enforcement partners to ensure that federal measures, such as those under the *Quarantine Act*, can be effectively enforced and prosecuted. Lead counsel in each PPSC regional office were identified to provide pre-charge advice and to conduct prosecutions arising out of these measures with their efforts coordinated by headquarters counsel. As of March 31, 2021, 50 prosecutions have been instituted under the *Quarantine Act*.

Files with Charges under the *Quarantine Act*

Region	Files	Accused	Charges Laid
Alberta	5	5	5
Atlantic	3	3	3
British Columbia	14	17	21
Manitoba	16	21	21
National Capital Region	4	4	5
Ontario	6	7	7
Quebec	1	1	1
Yukon	1	1	2
Total	50	59	65



Indigenous communities have been one of the communities particularly impacted by the pandemic. Recognizing this, the PPSC has agreed to conduct the prosecution of *Indian Act* by-laws directed at controlling the spread of COVID-19. Under this initiative, the PPSC will prosecute by-laws at the request of individual communities, where the PPSC, the community and the police of local jurisdiction enter into an operational protocol. Lead counsel in each PPSC regional office have been identified to coordinate this initiative in their region. As of March 31, 2021, eleven protocols have been signed but no by-law prosecution has been instituted during the period covered by this Annual Report.

PROSECUTION POLICY

Over the past year, prosecution policy at the PPSC has been characterized by adaptation and change, as the PPSC has responded to fundamental changes in Canadian society. Confronting the well-documented impacts of substance use on health and public safety, the PPSC [amended its approach](#) to prosecutions for the simple possession of controlled substances (detailed below in the section on Drug Prosecutions). Finally, the PPSC is embarking on a substantive review of the *PPSC Deskbook* to change any language, practice, or policy that might be discriminatory and to enhance its role in the elimination of systemic discrimination in the criminal justice system.

Outcome of Charges for Simple Possession Files¹ (by charge)

Given that the decision to charge is made by the police, not the prosecutor, we continue to handle a significant number of simple possession charges. It is anticipated that the trend illustrated in the chart below towards fewer charges being laid and more being withdrawn or stayed will continue.

	Acquittal After Trial	Conviction After Trial	Guilty Plea ²	Judicial Stay of Proceedings	Charge Withdrawn and/or Stay of Proceedings (Crown)	Other ³	Total ⁴
2018-2019	61	113	5,095	5	6,031	5	11,310
2019-2020	37	83	4,205	3	3,905	6	8,239
2020-2021	9	25	1,423	5	6,240	0	7,702

¹ A matter involving multiple charges may result in more than one outcome.

² Some guilty pleas and findings of guilt that resulted in discharges are not reflected in these numbers.

³ Other includes discharge at preliminary hearing and mistrial.

⁴ Files that were considered to be administratively closed or that were delegated to provincial prosecution services are not included in this table.

CRIMINAL JUSTICE PROCESS

INVESTIGATION

Police or investigative agencies, such as Canada Revenue Agency or Environment and Climate Change Canada, investigate potential offences that may have been committed.

FILE ASSESSMENT

To decide if a prosecution should proceed, the Crown considers the following:

- Is there a reasonable prospect of conviction?
- Is it in the public interest?

This is called the decision to prosecute test.

PROSECUTION

If charges are laid and the decision to prosecute test is met, Crown counsel will begin the process of prosecution against the accused.

Depending on charges, trials may be held in provincial or superior courts.

SENTENCING

If the accused is found guilty or pleads guilty, the judge will impose a sentence.

APPEALS

A decision made in court is final. However, the decision can be appealed if an error has been made. Appeals can be made by the convicted party or by prosecutors.

In charge approval provinces (British Columbia, Quebec, New Brunswick), the PPSC will apply the decision to prosecute test (see above) before the police or investigative agencies make the decision to lay charges.

In all other provinces and territories, police or investigative agencies lay charges, then the PPSC assesses the file and applies the decision to prosecute test (see above). This is, however, typically only for smaller cases. For larger, more complex files, investigative agencies routinely consult with PPSC counsel at the early stages of an investigation, and discussions about the reasonable prospect of conviction and public interest occur prior to the laying of charges.

DRUG PROSECUTIONS

Drug prosecution files continue to represent the most significant portion of the PPSC's total caseload. Last year, the PPSC handled 43,644 prosecution files related to offences under drug-related statutes, most of which are under the *Controlled Drugs and Substances Act (CDSA)*. The complexity and scope of these prosecutions varied greatly, ranging from cases of possession of narcotics to complex major drug trafficking and importation files employing sophisticated police techniques resulting in seizures of large quantities of serious drugs. Within these drug files, 4,646 charges were under the *Cannabis Act*.

The PPSC has noticed a trend this past year towards much larger quantities of drugs being seized in our prosecution files. For example, in Ontario, we have noticed an increase in seizures of very serious Schedule I drugs, such as fentanyl, heroin, opium, and methamphetamine (meth), including a file involving the seizure of 500 kilograms of opium, another with 82 kilograms of meth,

and another involving a 70 kilograms seizure of fentanyl along with 60,000 fentanyl pills. These are some of the largest quantities we have ever seen on our drug files. Manitoba has also seen some of their largest drug seizures, including Manitoba's largest single cocaine seizure of 81 kilograms, and another file involving the seizure of 26 kilograms of fentanyl and 50 kilograms of Methylenedioxyamphetamine.



R. v. Shivak – Alberta

The undercover purchase of a stolen vehicle by police led to the seizure of drugs, including fentanyl, and a loaded handgun. The trial dealt with a series of novel and instructive arguments about various issues, including a cell phone search without warrant, the Crown's use of undercover officer pseudonyms to protect the identity of undercover operatives, and the admissibility of historical cell phone messages. Many experts were called to testify, including a drug expert, technology expert, and an auto-theft expert. After trial, Brady Shivak was found guilty of trafficking in stolen property, several firearm counts related to the possession of a loaded handgun, possession of methamphetamine and fentanyl for the purpose of trafficking and breaching a firearm prohibition. At sentencing, the judge considered starting point sentences for wholesale traffickers in *R. v. Felix* and *R. v. Parranto*, and imposed a 12.5-year sentence.

CASE
PROFILE

Manitoba has also noticed larger seizures occurring in smaller cities, such as a recent multi-kilogram seizure in Brandon, when in the past a large seizure in that city would be of a multi-ounce level. The PPSC is also seeing an increase in the number of files involving seized drugs that have been adulterated with fentanyl, a very dangerous and deadly drug.



Project Declass – Manitoba

Project Declass was a 12-month project involving wiretap authorizations and the use of undercover officers to investigate drug trafficking. It was conducted by the Manitoba RCMP Federal Serious and Organized Crime Unit and culminated with the execution of multiple search warrants and the arrest of 13 people in December 2019. The undercover officers purchased 19 kilograms of methamphetamine and over 2 kilograms of cocaine during the project. Undercover officers also placed orders for 10 additional kilograms of methamphetamine and a kilogram of fentanyl near the conclusion of the project. Of the nine accused, four have entered guilty pleas and have received sentences ranging from 2.5 to 7.25 years and the remaining five are set for pleas and sentencing in 2021.

There was also a significant increase in the number of people who died from a drug overdose. Most of the people who died had consumed opioids including fentanyl and cocaine. To address the opioid overdose crisis in particular, the PPSC issued a new [PPSC Deskbook chapter](#), on August 17, 2020, relating to the prosecution of simple possession cases of any drug under the CDSA. The police determine what charges they should lay but prosecutors only proceed with the most serious cases raising public safety concerns. Even where the case is a serious one, prosecutors are to consider suitable alternative measures and diversion from the criminal justice system where they are available and appropriate.

The PPSC participates in most of Canada's Drug Treatment Courts (DTCs) that are designed to address the unique needs of non-violent offenders suffering from substance abuse disorders. These courts aim to reduce crime committed as a result of drug dependency





R. v. Heimbecker – Saskatchewan

The PPSC continues its work of practicing reconciliation in our relationship with Indigenous communities. In Saskatchewan, counsel have modified their principled approach in sentencing to seek non-custodial dispositions for Indigenous offenders when there are reasonable alternatives to incarceration. The first reported case reflecting this new approach in sentencing is found in *R. v. Heimbecker*. Shaid Heimbecker, an Indigenous offender, pleaded guilty to two counts of possession of cocaine for the purpose of trafficking. Counsel modified the traditional approach to focus on rehabilitation and the interrelationship between the *Gladue* factors and Truth and Reconciliation. The fact that Ms. Heimbecker was also making remarkable strides to turn her life around and share her story with the young people in the communities that were impacted by her actions was also considered. Under traditional sentencing principles, this offence would have attracted a term of incarceration in the range of 18 months to 4 years; however, the Court was persuaded to depart from that approach and decided to impose a non-custodial sentence of three years' probation.

through court-monitored treatment and community service supports. This past year, DTCs across the country faced many operational challenges arising from the COVID-19 pandemic. These challenges include an abrupt transition to virtual court appearances, the inability to complete volunteer work hours and difficulties accessing treatment and community services. In many regions, new applications were not accepted between March and July of 2020. DTC enrollment was significantly reduced for the year. Participants already enrolled in DTCs experienced delays to their completion of and graduation from their program. The challenges were exacerbated by issues arising from the inability to conduct drug screening, the difficulty of accessing technological tools for virtual meetings and court appearances, participants who were unable to communicate with their counsel, homelessness, and difficulties contacting in-custody participants. Despite these challenges, our counsel were able to quickly adapt and improve DTC

procedures; operations resumed quickly and the DTCs continued to collaborate effectively with partners to offer therapeutic and health treatments while pursuing meaningful rehabilitation for participants.

PROSECUTIONS IN CANADA'S NORTH

In the last year, the PPSC has continued to fulfill its mandate to prosecute all criminal offences in the three territories. Unlike in the provinces, many of the court appearances occur on circuits to communities. In the Yukon, all but one community can be accessed by car; in the Northwest Territories about half must be flown to; and, in Nunavut, air travel is required for all prosecution work that is conducted outside of Iqaluit.

The pandemic has brought its share of challenges to the territories. Some were similar to those experienced elsewhere, but some were unique to the North. Courts interrupted most of their operations for several months, creating a growing backlog of cases, which increased the workload of PPSC employees in the second half of the year when operations resumed. In Nunavut, the PPSC relies heavily on the support of fly-in prosecutors from other offices in the PPSC. The public health measures, requiring self-isolation before travelling to Nunavut, significantly affected the ability to resort to fly-in prosecutors. The pandemic prompted the Nunavut Regional Office to accelerate the move from paper disclosure to a new electronic disclosure process. Strict travel restrictions in the three territories led to an increased reliance on technology in court. While it is still difficult to have remote video appearances in small and isolated communities because of technological limitations, the pandemic has had the effect of increasing the use of virtual hearings in all three territories. Virtual hearings save costs for the PPSC, spare witnesses and victims from the inconvenience of travelling to court and give more flexibility to counsel



R. v. Abraham – Northwest Territories

In September 2020, counsel in the Northwest Territories conducted the first case before the Supreme Court of the Northwest Territories since the outbreak of COVID-19 in Canada: a three-week murder trial, which involved sittings in Yellowknife as well as the small town of Fort Smith. COVID-19 protocols were in place to ensure the safety of all justice system participants and included all witnesses residing out of territory testifying by video conference, including the attending physician who pronounced the victim deceased, testified from Hungary.

After reviewing the evidence, the trial judge found that there was a doubt that the accused intended to inflict injury he knew was likely to cause death. The accused was convicted of manslaughter and sentenced to 5 years and 9 months imprisonment.

and reduce their need to travel. At the same time, PPSC prosecutors have been conscious of the importance of making court proceedings accessible to the communities where the crimes occurred. The pandemic also had a more subtle impact on circuit work; some victims, witnesses and accused found it difficult or were unwilling to travel for court. In addition, some community members have been reluctant to see people from outside attend their community for court. The PPSC continues to work with the courts and other stakeholders to address these issues.

REGULATORY AND ECONOMIC PROSECUTIONS

Regulatory prosecutions represent a fundamental part of the PPSC mandate. The PPSC has dedicated regulatory prosecution teams across the country that have experience in prosecuting offences pursuant to over 75 regulatory statutes and regulations aimed at protecting the environment and the safety, health, economic security, general welfare of the Canadian public. These statutes include the *Canadian Environmental Protection Act, 1999*, the *Fisheries Act*, the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*, the *Motor Vehicle Transport Act*, the *Railway Safety Act*, the



Teck Coal Limited – British Columbia

On March 26, 2021, Teck Coal Limited pleaded guilty to two counts of unlawfully depositing a deleterious substance into water frequented by fish contrary to section 36(3) of the *Fisheries Act*. In an Agreed Statement of Facts filed with the Court, the company admitted that between January 1, 2012, and December 31, 2012, it deposited coal mine waste rock leachate containing high levels of selenium into the Upper Fording River and Clode Pond. Selenium can be toxic to fish at high concentrations causing higher incidences of mortality or deformities in fry. Teck Coal Limited also admitted to depositing coal mine waste rock leachate containing elevated levels of calcium and carbonate under certain pH and carbon dioxide conditions causing calcite precipitation. Calcite can bind rocks and gravel together, adversely affecting the quality of a fish habitat.

Teck Coal Limited was sentenced to fines and monetary orders totalling \$60 million, which is the largest penalty ever imposed for offences under the *Fisheries Act*. In addition, by an inspector's direction issued October 29, 2020, Environment and Climate Change Canada directed Teck Coal Limited to take 11 measures to improve water quality and prevent calcite deposition. The company has estimated these measures will cost approximately \$350 – 400 million over and above its existing commitments to address water quality under its provincial permits.



***R. v. Albinowski* – National Capital Region**

The National Capital Regional Office prosecution of *R. v. Albinowski* is a telling example of how quickly the court system in Ontario could respond to the impact of COVID-19 restrictions, with greater use of virtual proceedings.

Mr. Albinowski was charged with conspiracy to smuggle a number of Polish nationals across the Canadian border into the United States, near Cornwall, Ontario, contrary to s. 117 of the *Immigration and Refugee Protection Act*. A virtual trial on these charges took place over a three-week period in January 2021. The judge, defence counsel and prosecutors participated either from home offices or boardrooms and none of the 18 witnesses who testified during the trial did so from a courtroom in Cornwall. The flexibility of a virtual proceeding is noteworthy as one police witness testified from his basement in Port Coquitlam, British Columbia, while another testified via Zoom from his police vehicle in New York State. Voluminous documentary evidence was carefully scanned, hyperlinked and distributed to all participants in advance of the trial so that it would be available at the appropriate time during the trial, at which point it was logged as part of the official trial record by a court clerk who was in a courtroom in Cornwall. The accused was found guilty and sentencing is set for October 15, 2021.

Immigration and Refugee Protection Act and the *Customs Act*, as well as economic statutes such as the *Income Tax Act*, the *Bankruptcy and Insolvency Act*, the *Employment Insurance Act*, and the *Competition Act*.

As with the other types of prosecutions, the pandemic has required a number of adjustments for regulatory prosecutors both at the prosecution stage, with trials conducted virtually, and at the investigative stage, with prosecutors providing pre-charge advice to regulatory agencies on how to address investigations being conducted, in many instances, remotely.

NATIONAL SECURITY PROSECUTIONS

The regional offices and Headquarters worked closely with Headquarters counsel and a Deputy Director of Public Prosecutions, to provide legal advice during investigations conducted by the RCMP's Integrated National Security Enforcement Teams involving alleged national security offences. The PPSC has a coordinated approach to national security prosecutions enabling PPSC prosecutors to work with the police to assess whether requests for consent of the Attorney General of Canada to terrorism offence prosecutions and peace bonds could be sought from the Deputy Director of Public Prosecutions who has delegated authority to decide whether to consent.

Last year, charges for national security matters were authorized by the Attorney General of Canada for the following individuals:

Hussein Borhot was charged with three counts of participation in the activity of a terrorist group under section 83.18 of the *Criminal Code*



R. v. Dawson and R. v. Ross – Atlantic

Following a lengthy trial, a businessperson and a federal employee were convicted of fraud for manipulating the contracting process for materials at a Halifax Canadian Forces base. The fraud was conducted over 4 years, resulting in approximately 640 fraudulent contracts totalling nearly \$2 million. The accused were each sentenced to Conditional Sentence Orders with minimal conditions. The Crown appealed the sentence. In allowing the Crown's appeal, the Nova Scotia Court of Appeal found that the trial judge had mischaracterized the complexity of the fraud, overemphasized the personal circumstances of the offenders, and imposed sentences that were demonstrably unfit. The Court agreed with the Crown that the magnitude of the fraud was reflected in the value of the contracts, regardless of actual losses. Further, proof of the exact amount of loss is not required to establish a "large-scale fraud". The court substituted penitentiary sentences of 42 months and 36 months.

and one count of committing an offence for the benefit of a terrorist group under section 83.2.

Jamal Borhot was charged with three counts of participation in the activity of a terrorist group under section 83.18 of the *Criminal Code*.

Haleema Mustafa was charged with one count of participation in the activity of a terrorist group under section 83.18 of the *Criminal Code* and a second count of leaving Canada to participate in the activities of a terrorist group under section 83.181.

PPSC prosecutors also collaborated with prosecutors from the Ontario Ministry of the Solicitor General, the RCMP's Integrated National Security Enforcement Teams and the Toronto Police Service on a case in which it was alleged that violent offences committed by a young person also constituted terrorist activities. More specifically, the offences were allegedly committed in whole or in part for a political, religious or ideological purpose, objective or cause, namely Incel (involuntary celibate).

A young person in Kingston, Ontario, was charged with the following four terrorism offences contrary to the *Criminal Code*, i.e., facilitating a terrorist activity, contrary to section 83.19, having in his possession an explosive substance with the intent to endanger life or cause serious damage to property, contrary to section 81(1)(d), doing anything with the intent to cause an explosion of an explosive substance that was likely to cause serious bodily harm or death, contrary to section 81(1)(a), and counselling someone to detonate an explosive device in a public place to cause serious injury or death, contrary to sections 464(a) and 431.2. The young person pleaded guilty on July 28, 2020, and is awaiting sentencing. The Attorney General of Canada also consented to a peace bond application under section 810.011 of the *Criminal Code*.

Lastly, PPSC prosecutors had the opportunity to have candid virtual exchanges with members of various Muslim communities to better understand the existing issues and possible repercussions related to national security prosecutions.

SUPREME COURT OF CANADA LITIGATION

In 2020-2021, which was an unprecedented year due to the pandemic, federal prosecutors handled fifteen applications for leave to appeal and appeared before the Supreme Court of Canada in four cases, three of which were via Zoom. Two of those cases are summarized below.

In *R. v. Esseghaier*, 2021, federal prosecutors successfully argued that two men convicted of terrorism offences received a fair trial even though the judge made an error in assembling the jury. In this Crown appeal, from the Ontario Court of Appeal, the Supreme Court determined that although the jury was improperly constituted, the trial court had jurisdiction over the class of offence and there was no prejudice to the accused. The Supreme Court allowed the appeal and restored the convictions.

In *R. v. Li*, 2020, federal prosecutors successfully defended the British Columbia Court of Appeal's decision that the appellant had not been entrapped when the police called a number for a suspected dial-a-dope operation. Applying the framework developed in *R. v. Ahmad*, 2020, the Court concluded the police had the requisite reasonable suspicion based on the steps they had taken to verify the tip before making the call.

4

AWARDS AND ACHIEVEMENTS

APPOINTMENTS

In 2020-2021, the PPSC was pleased to see two employees appointed as judges to provincial courts: Narissa Somji and Frank D'Amours.

FORMAL AWARDS

The PPSC revamped its Awards and Recognition Policy and Program in 2020-2021. It now includes three new categories for the PPSC Formal Awards: PPSC Prosecution Excellence Award, Workplace Excellence Awards, and Administrative Professional Award.

For the first time at the PPSC the Formal Awards Ceremony was conducted virtually this year. The following recipients were recognized with formal awards:

The Director of Public Prosecutions Achievement Award is a national award that recognizes employees who have performed at an exceptionally high level over an extended period of time. It is the PPSC's highest distinction, and presented by the Director of Public Prosecutions. In 2020, the award was presented to Tom Lemon in recognition of his work on recent high-profile cases including the prosecution of David Livingston and Laura Miller and *R. v. Volkswagen*.

The PPSC Prosecution Excellence Award recognizes an individual prosecutor or a team of prosecutors who demonstrated a high level of commitment and dedication to the ideals of justice over a sustained period, and demonstrated excellence, professionalism and ethical behaviour. A team composed of prosecutors, counsel at Headquarters, paralegals and administrative professionals was selected for the award. It was presented to the SNC-Lavalin prosecution team composed of Richard Roy, Anne-Marie Manoukian, Hans C. Gervais, Andrée Vézina, Stéphane Hould, Marke Kilkie, Frédéric Hivon, Pascale Ledoux, Claudia Perez, Judith Yergeau, Elyse Filion and Stéphanie Boisvert.

The Leadership Excellence Award recognizes a person who has demonstrated exceptional leadership and who has exerted a strong influence on a group, enabling them to achieve a common goal. This award was presented to Baljinder Girn (British Columbia Regional Office) and Faith Chipawe (Alberta Regional Office). Throughout the challenges of the past year, Baljinder and Faith lead by example and demonstrated outstanding leadership in their respective regional offices.

The Creativity and Innovation Award recognizes individuals or teams who have contributed to the improvement of the way the organization functions. Amanda Hauk and Marina Elias were presented with this award for creating a formal mentorship program in the Ontario Regional Office.

The Workplace Excellence Award recognizes individuals or teams who have contributed to improving the workplace. Jeffrey Larocque was recognized for advocating for mental health, wellness, and inclusiveness. The Sunshine Boosters Team, composed of Kimberley Byers, Ria Guidone, Jessica Hanna, Adriano Imperadeiro, Colleen Liggett, Brigid Luke and Christa Reccord were recognized for collaborating and creating positive social connections with the members of the National Capital Regional Office during the onset of the pandemic.

The Administrative Professional Award recognizes individuals or teams for support or contributions behind the scenes that reflect well on the Public Service and the PPSC. In 2020, Connie Cooke was presented with this award for being the backbone of the Economic Crimes Prosecutions Team in the Atlantic Regional Office for over a decade.

NATIONAL PROSECUTION AWARDS

The Federal-Provincial-Territorial Heads of Prosecutions Committee held a virtual award ceremony on December 2, 2020. François Lacasse, Supreme Court of Canada Litigation Coordinator for the PPSC, was honoured with the Commitment to Justice Award for the dedication he has demonstrated in his field over the last 35 years. In addition to his current role, he has held the positions of legal counsel, lecturer, trial prosecutor, appellate counsel, and Vice-president of the *Association internationale des procureurs et poursuivants francophones*, and is also a prolific author for several law journals.

A new award, the Outstanding Achievement in a Prosecution Award, was awarded to the SNC-Lavalin PPSC prosecution team composed of Richard Roy, Anne-Marie Manoukian, and Hans C. Gervais.

The recipients of the Courage and Perseverance Award and the Humanitarian Award were members of provincial prosecution services.



5

CORPORATE ACTIVITIES

COVID-19 RESPONSE

The PPSC's corporate services successfully led the department in its response to the challenges of the COVID-19 pandemic, and took steps to keep PPSC employees safe while being innovative and enabling prosecution work across the country to continue. They collaborated with key stakeholders such as PPSC national committees, bargaining agents and central agencies in developing a pandemic response plan, the PPSC's Business Resumption Plan and resources for employees.

The PPSC worked with property owners (of PPSC rented office spaces) and Public Services and Procurement Canada to ensure all the required safety changes were implemented in all PPSC offices as quickly as possible, such as retrofitting office spaces with proper physical barriers, implementing new cleaning protocols, and implementing new regulations around personal protective equipment in the workplace. The organization also started to offer virtual ergonomic coaching sessions for employees, and developed tips, tools and guidelines to further support our workforce in maintaining good health and posture. The PPSC also provided guidance and information to its employees about virus prevention measures such as hand washing, physical distancing and the use of non-medical masks or face coverings.

Service delivery practices for critical services such as security screening, access control, alarm monitoring, employee protection and handling of sensitive information were adjusted, as were service delivery models to ensure file and records services continued to be safely available in support of critical prosecutorial activities across the country.

A new digital authorization tool and process was implemented that changed the way the organization signs and approves documents. The PPSC's digital modernization agenda was accelerated to quickly deliver collaboration/web conferencing tools, electronic document disclosure solutions, and cellular services to all employees, as well as to provide secure devices to process sensitive information, and to virtualize the School for Prosecutors.

In addition, adjustments to traditional project management approaches allowed the PPSC to virtually manage the construction, delivery and move of a new office space for our British Columbia Regional Office and the construction of the new Kenora Regional Office.

Throughout the pandemic, our employees faced unique circumstances that the PPSC sought to accommodate while continuing

Use of Leave Code 699 by Reason (in hours)

	COVID-19 Family Care	COVID-19 Illness	COVID-19 Technology	COVID-19 Work Limitation	COVID-19 Other*
Total	15,574	830	2,296	3,380	5,972

**Other includes a combination of reasons meaning more than one reason was listed or COVID-19 is identified but a specific reason is not.*

to ensure that we fulfilled our mandate to Canadians. In response to their need, various leave options were available for employees to use. PPSC employees had access to "Other leave with pay" (code 699) for various COVID-19 reasons once their other types of leave were depleted. The leave code 699 was used for various COVID-19-related situations. In total 28,052 hours of this leave code were used by PPSC employees, which represents the equivalent of 15 full-time employees out of 1,112 over fiscal year 2020-2021.

ORGANIZATIONAL PRIORITIES

In 2020-2021, the PPSC continued to focus on three organizational priorities:

- » Nurture a Culture of Civility, Wellness, and Inclusion
- » Strengthen Accountability and Transparency
- » Foster Efficiency and Innovation

Nurture a Culture of Civility, Wellness, and Inclusion

Mental Health and Wellness

Over the past year, the mental health and wellness of PPSC employees was a priority more than ever. In order to support the

employees throughout this challenging year, online resources were collected and shared regularly across the organization. During the development of the PPSC Business Resumption Plan in response to the pandemic, members of the Mental Health and Wellness Steering Committee were involved to ensure that mental health would remain a key consideration when reopening PPSC offices.

In August 2020, the PPSC launched the PPSC Employee COVID-19 Survey to assess how employees were coping with the pandemic. The Mental Health and Wellness Steering Committee used the results and other relevant data concerning the impact of the pandemic, as well as the results of the 2019 Public Service Employee Survey in promoting tools, events and resources and communicating with employees.

Occupational Health and Safety

Amendments to the *Canada Labour Code* (Code) came into effect on January 1, 2021, upon Royal Assent of Bill C-65. The amendments modified the existing framework for the prevention of harassment and violence, including sexual harassment and sexual violence, in workplaces under federal jurisdiction. In compliance with the new amendments, the PPSC developed and implemented the Policy on the Prevention of Workplace Harassment and Violence.

It also established a Memorandum of Understanding with Health Canada identifying their Harassment and Violence Unit as the Designated Recipient in order to facilitate effective and efficient response to potential harassment issues in the organization.

Equity, Diversity and Inclusion

The PPSC is dedicated to creating a more equitable, diverse and inclusive workplace and is committed to addressing systemic discrimination and the over-representation of historically marginalized communities in the justice system. Several Equity, Diversity and Inclusion (EDI)-related commitments were made this year, and the PPSC allocated additional resources to this priority to strengthen its efforts. A Designated Senior Official for Employment Equity, Diversity and Inclusion has been assigned on a full-time basis and two champions were named to engage employees and managers across the organization in discussions around systemic bias and discrimination and to better understand its impact on recruitment, development and retention. Over 20 Bias-Free Workplace Roundtables were hosted virtually across the organization. Safe spaces were provided for employees to share without management present and a confidential platform was available to further support anonymous contributions.

In addition, the Director General of Human Resources signed a Statement of Action Against Systemic Racism, Bias and Discrimination in the Public Service “to actively support, through personal actions, decisions, advice and influence, the achievement of a diverse, inclusive and anti-racist workforce and workplace”.

Performance commitments for 2020-2021 for Executives (EX and LC Groups) included a performance measure to “foster a diverse, respectful and inclusive workplace, and identify, address and eliminate sources of systemic discrimination and racism”. In addition, as a part of the development of a new People Strategy, one of the pillars endorsed by the PPSC’s Executive Council was a commitment to build an equitable, diverse and inclusive workforce.



The PPSC's Senior Advisory Board participated in two EDI-related special learning events: Racism in Canada and Conscious and Unconscious Bias. To mark Black History Month, a fireside conversation with Dr. Hadiya Roderique was attended by well over 200 employees on February 25, 2021. The PPSC also entered into a partnership with the Canadian Centre for Diversity and Inclusion that provides employees access to a knowledge repository, services, webinars and events. Members of the National Diversity and Inclusion Committee and other employees continue to help mark important observances throughout the year by way of sharing personal employee stories.

The PPSC also continued to actively participate in the Treasury Board Secretariat's GC Workplace Accessibility Passport initiative.

The National Committee on the Interaction of Indigenous Persons with the Criminal Justice System continued to promote prosecuting and decision-making that incorporates the historical and cultural realities of Indigenous Peoples. This committee includes Indigenous employees, who help inform modifications to policies and practices by lived experiences. The committee continues to review the PPSC's prosecution policies as outlined in the *PPSC Deskbook*, with a view to implementing the Truth and Reconciliation Commission of Canada's Calls for Action and the calls for justice issued as a result of the National Inquiry into Missing and Murdered Indigenous Women and Girls. The committee has begun drafting a dedicated *PPSC Deskbook* chapter that will highlight the need to integrate Indigenous realities into every aspect of prosecutorial work. In addition, work began to develop an engagement strategy with Indigenous peoples

and Indigenous organizations and to identify and create mandatory training for the PPSC about Indigenous realities.

Gender-Based Analysis Plus

The 2020-2021 fiscal year began with the formal approval of the PPSC's Gender-Based Analysis Plus (GBA+) Statement of Intent, which outlines three main commitments:

- » train senior management and employees whose work affects diverse groups of people on the foundations of GBA+ and how to consider and apply an intersectional approach to their work;
- » review the *PPSC Deskbook*, to ensure GBA+ factors are considered in the guidelines and directives that instruct and guide federal prosecutors; and
- » ensure GBA+ factors are considered when updating internal policies, procedures and documentation, where applicable.

The Strategic Planning and Performance Measurement (SPPM) group, in consultation with Human Resources and the Diversity and Inclusion Committee, developed a two-year GBA+ Implementation Plan. The team worked to raise awareness on GBA+ within the organization through training and communication efforts.

SPPM developed a PPSC-specific GBA+ training for prosecutors, which was successfully developed in collaboration with a working group of prosecutors from the National Diversity and Inclusion Committee and the Centre for Intercultural Learning at Global Affairs. The training was piloted in late March 2021 with a national team of co-facilitators. Nationwide delivery will begin in September 2021.



People of the PPSC



Information Technology Operations Specialist

Top of mind to most people when they think of IT Operations would be the need to get assistance with a computer, smartphone or other technology problem. For many on our team, this just scratches the surface of the work that we do. For many PPSC regional offices, this support is provided by our partners at Justice Canada, and we are constantly working with them to deal with requests or any other issues facing our employees with the technology they use. We also work closely with Shared Services Canada as our primary IT infrastructure provider. Our regular contact with these partners is key to resolving complex technology and connectivity issues, especially this past year, to ensure our prosecution teams can continue to work effectively from home and across Canada.

With the pandemic, remote, secure collaboration had rapidly become a critical business need, and the IT Operations team was able to bring Microsoft Teams to all employees last summer. For the first time, all PPSC staff have access to a collaboration and video conferencing application that allows them to reach anyone in our organization quickly and easily, as well as participate in virtual meetings across the country.

We are often balancing business needs against government security requirements, but will always do our best to try and resolve business problems with technology within the PPSC and Government of Canada framework. From supporting and ordering computer hardware and software, to securing our information in conjunction with our partner organizations while enabling collaboration during a pandemic, work within this team is highly varied, very challenging but highly rewarding too.

SPPM also mapped out and updated internal documents affected by the Treasury Board Secretariat's Policy Direction to Modernize the Government of Canada's Sex and Gender Information Practices. The team successfully identified all PPSC documents affected by this policy direction and updated 75% of them.

Official Languages

The PPSC conducted an Official Languages (OL) review to determine compliance with the OL legislative requirements, including the *Criminal Code*, to examine existing departmental practices and decisions related to OL to determine effectiveness, and to determine the need for bilingual positions at the EX and non-EX level in regional offices.

New initiatives to support employees' professional development were designed and launched this year. The PPSC's Language Twinning Program and Official Languages Learning Boot Camp were developed to respond to employees' needs, enabling them to find a linguistic partner or learn at their own pace via virtual weekly objectives, to help them practice their second language, learn in a relaxed atmosphere and to take learning into their own hands.

Learning and Development

The PPSC ensured that all employees were supported throughout the pandemic with learning and development opportunities. The organization updated its Learning Roadmap with training requirements for all employees and launched a professional development roadmap titled "Learning Remotely to Engage and Succeed." A series of mandatory training for targeted groups, including some offered by the Canada School of Public Service, was promoted. They included: Security Awareness, Bridging the Diversity Gap, Overcoming our Own Unconscious Bias, Harassment and Violence Prevention for Employees and for Managers, GBA+, and training on the PPSC Code of Conduct. In addition, sessions were held through the Joint Learning Program on topics such as "Returning to the Workplace" and administrative professionals were provided access to a suite of online courses on a variety of topics through an online portal.

School for Prosecutors

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



In addition to providing legal training that satisfies law society-imposed continuing professional development requirements, the School also serves as an ongoing forum for participants to meet, network, develop mentoring relationships, and enhance their sense of identity as federal prosecutors. This was more challenging this year due to the COVID-19 pandemic that forced the School to shift from face-to-face to online training.

The School's traditional in-person courses were revised to facilitate delivery on the MS Teams online platform. Course dates were spread out more but days were shorter to accommodate national time zones and to minimize participants' screen fatigue.

Despite the challenges involved with the pivot to online training, the School's leadership and faculty managed to successfully deliver all three of its annual training courses.

The **Level One (Prosecution Fundamentals) course** consisted of ten half-day live sessions and covered topics such as the role of the prosecutor, *Canadian Charter of Rights and Freedoms* issues and remedies, trial preparation, evidentiary issues, witness preparation and oral advocacy. Broken down into successive segments that constitute a criminal proceeding, such as bail, preliminary inquiry, trial and sentencing, the course offered an in-depth perspective on the many legal issues that are important to federal prosecutors.

The **Level Two (Advanced Issues for Prosecutors) Major Case Presentation Series** consisted of four half-day live non-successive sessions in which senior PPSC prosecutors

shared lessons learned and discussed important legal issues that had arisen in the major case file over which they had responsibility.

The three and a half-day **Written Advocacy** course consisted of a combination of pre-recorded plenary presentations and live small group workshop sessions. The program's goal of helping participants improve their factum writing skills focused on four key areas: Writing Overviews; Point-first Organization; Turning Facts into Stories; and Clarity in Words, Sentences, and Paragraphs.

The **Principled Prosecutor Training Program**, designed by a team of prosecutors for prosecutors, was also launched in 2020-2021. Using scenario-based teaching and a checklist, seasoned prosecutors in each PPSC regional office led small groups and discussed how best to address the issues that arose from the scenarios. The checklist and the program are essential tools to ensure that prosecutors in every region, at every step of their career, consistently make informed, appropriate and ethical decisions, in any circumstances.

The Supervisors' Network

Amidst the pandemic, the Supervisors' Network reinvented itself in order to continue to support supervisors and managers in developing new skills and building collaborative relationships with one another.

Virtual events were held in May and June of 2020 on the topics of "Building Resilience in Times of Disruption" and "Attention Management". The latter helped supervisors and managers align time, energy and attention to become more productive and accomplish

work more effectively. As well, a virtual session delivered by the Joint Learning Program on the topic of “Grounding Ourselves in Uncertain Times” in August 2020 allowed supervisors and managers to share their experiences and identify stressors related to the COVID-19 pandemic. Tools were discussed to enable participants to better manage health during isolation and build stronger online connections, networks and relationships with their colleagues.

During the fall months, the Network launched an all-in-one, self-paced training entitled “Navigating New Realities – A Compass for Supervisors and Managers”. This training explored some of our new workplace realities and offered key considerations, tools and resources on topics of managing performance, easing of workplace restrictions, leading with empathy and resilience. As well, in an effort to support supervisors in leading remotely, four *Learning Labs* were set up on this particular theme. These facilitated conversations each had a seasoned supervisor/manager who was invited to share their experience, which then led to an open and honest conversation about the various challenges and opportunities of leading virtually. A pool of mentors was also established to support supervisors in navigating these new realities.

In February 2021, the Network organized a virtual learning event entitled “Empathy and Emotional Intelligence – Key Competencies in Management Workshop.” Participants were divided into small groups in order to practice their emotional awareness.

Strengthen Accountability and Transparency

Access to Information and Privacy

The COVID-19 pandemic presented a unique challenge for the PPSC Access to Information and Privacy (ATIP) Office. In response to emergency public health measures in the National Capital Region, the Office transferred its operations to an exclusively remote working environment. The ATIP Office was largely prepared for the change due to efforts over recent years to build its digital capacity. Nonetheless, the sudden shift presented significant challenges to the processing of access to information and personal information requests, which can often involve sensitive information (some of which can only be reviewed in the office) large volumes of paper-based documentation and certain office-based administrative procedures. To remain operationally resilient, the ATIP Office undertook measures to mitigate the impact of these challenges. This included:

- » converting approval documentation and correspondence templates into fillable forms for electronic signature;
- » creating shared electronic drop boxes for PPSC officials and using the Epost Connect service to send and receive large volumes of information electronically; and
- » consulting applicants on a case-by-case basis to agree on solutions for moving forward requests that involve processing paper-based records.



While the ATIP Office experienced limitations in managing operations remotely, every effort was made to ensure that applicants received complete responses within established timelines.

Internal Audit and Evaluation Division

The Internal Audit and Evaluation Division established workflows over the years that are no longer dependent on paper and are digital. This approach allowed the team to shift to a telework situation for day-to-day work. With the introduction of new technology within the organization, employees were able to have meetings using video conferencing with anyone in the organization, which in itself was an improvement when communicating with the regions. The division assisted with work during the pandemic and continued to support the National Diversity and Inclusion Committee on a national project on file assignment and allocation of work.

Foster Efficiency and Innovation

Human Resources

In 2020-2021, the PPSC completed several reorganizations to find efficiencies and more effectively fulfill its mandate. This included the reorganization of its Corporate Services Branch and Headquarters Counsel Group, and the review of the structure of several regional offices to maximize efficiency.

Regardless of the challenges of the past year, the PPSC continued to foster and promote fairness and transparency in recruitment processes. The organization promoted diverse assessment boards as a leading practice in recruitment to address barriers in the hiring process and to improve the quality of assessment of all candidates. The PPSC strived to create additional staffing efficiencies across the country, such as: entry-level position inventories in the Nunavut and Yukon Regional

Offices, a Legal Assistant collective staffing process, an inventory for the Personnel Administration (PE) occupational group for hiring HR professionals, and in-house second language evaluations in response to the closure of Public Service Commission second language evaluation centers across Canada. The organization also embedded character-based leadership into the assessment of key leadership positions as a means to strengthen the leadership cadre now and for the future.

National Fine Recovery Program

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. The pandemic forced the National Fine Recovery Program (NFRP) to adapt its recovery operations and its way of working remotely with the support of new tools and technology.

Despite the suspension of collection activities for a period of six months at the height of the pandemic, the NFRP has processed, through various recovery programs and legal proceedings, over 4,295 accounts and established a new precedent by negotiating and collecting a record value of \$57.6 million. The NFRP currently has over 14,000 active accounts registered onto recovery programs for a value of \$247.5 million.

The program continued to restructure and modernize its recovery procedures, and has recruited a senior counsel as a special advisor to help us in refining our NFRP legal proceedings. It conducted an industry-wide consultation to help develop the next procurement strategy with collection agencies.

Legal Case Management System (Amicus)

Although the pandemic caused some slight delays in the software development activities of the new Legal Case Management System (Amicus), the development team successfully adjusted to the circumstances and continued to move the development project forward and keep this critical digital modernization project on track for delivery in fiscal year 2021-2022.

Agent Affairs Program

The Agent Affairs Program has retained the services of 124 law firms as legal agents to assist with prosecutions on behalf of the federal Crown in areas where we do not have a regional office, or where it is impractical or otherwise not cost-effective for cases to be handled by PPSC counsel. Last year, the Agent Affairs Program started a full review of its



operations. The main focus of the review was to ensure prudent spending and improve the financial stewardship of the program. A new business model for the review of active files was designed and is currently in the development stage in the new Legal Case Management System (Amicus) being deployed in fiscal year 2021-2022. Improvements in the reporting tools for the monitoring of agent expenditures were also implemented.

OUTREACH

Federal-Provincial-Territorial Heads of Prosecutions Committee

The Federal-Provincial-Territorial Heads of Prosecutions Committee brings together the heads of prosecution services from across Canada. The Committee, established in 1995, has the goal 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 prosecutors. The PPSC provides coordination services to the Committee and the DPP is the co-chair of the Committee.

The Committee, as a national body, has become an integral part of the prosecution landscape of Canada. The Heads of Prosecutions are often consulted in respect of proposed modifications to the *Criminal Code* and by law enforcement agencies in respect of cross-cutting issues. The Committee held three virtual meetings in 2020, in June, November and December.

International Association of Prosecutors

The International Association of Prosecutors (IAP) is a non-governmental, apolitical organization that establishes professional and ethical standards for prosecutors worldwide and promotes the rule of law, fairness, impartiality and respect for human rights in criminal prosecutions. In a very unusual year during which travelling was very limited, the PPSC continued to participate actively in the work and activities of the IAP and its sister organization, the *Association internationale des procureurs et poursuivants francophones* (AIPPF).

Despite the cancellation of its annual conference, the IAP held its annual meeting and a meeting of its executive committee virtually, in November 2020. The DPP participated in these meetings, as well as in several sub-committee meetings. Manon Lapointe, General Counsel, began her term as vice-president of the AIPPF. In lieu of the in-person conference that was to take place in Bangui, Central African Republic, the AIPPF held its 7th Regional Conference, as a virtual event on November 26, 2020, focusing on transitional justice and the consolidation of the rule of law. Carly Norris, Senior Counsel at the Quebec Regional Office, presented the mandate, work and findings of the Truth and Reconciliation Commission of Canada and the Commission of Inquiry into Missing and Murdered Indigenous Women and Girls. The AIPPF's annual meeting held on December 1, 2020, was also conducted virtually. Fabienne Simon, General Counsel, presented an outline of a money laundering investigation involving the transfer of several hundred million dollars worldwide and the role of professional money launderers.

6

REGIONAL PROFILES



BRITISH COLUMBIA – VANCOUVER

The opioid crisis remains a serious public health concern and has increased in severity in British Columbia over the last year. The PPSC has taken action to address the issue, including introducing a new national policy aimed at reducing the number of simple possession cases and working to ensure that Drug Treatment Court operations adapted and continued during the pandemic. The British Columbia Regional Office worked with justice system partners to find ways to adapt to changing circumstances. The increased use of technology brought about by the pandemic is expected to continue in the future, creating new efficiencies and is increasing access to justice throughout British Columbia.



YUKON – WHITEHORSE

The Yukon Regional Office continued to prosecute cases under the *Criminal Code* and other federal statutes throughout the year. Counsel normally attends thirteen Territorial Court circuit locations in communities outside of Whitehorse, as well as daily court sittings in Whitehorse. Because the COVID-19 cases in the Yukon remained low relative to other places, the Court returned to most of its regular operations by the Fall of 2020. Courts have been more amenable to remote appearances

by many witnesses to reduce travel. Counsel have adapted to the process of calling evidence in these circumstances. All employees have worked through challenging circumstances to reduce the impact of the back log of cases that arose during the early stages of the pandemic.



ALBERTA – CALGARY, EDMONTON

The Alberta Regional Office is actively participating in a number of initiatives dealing with justice reform including the expansion of Pre-Charge Approval and Drug Treatment Courts across the province and is committed to supporting restorative justice and wellness courts such as Calgary's Indigenous Court and Edmonton's Mental Health Court. The office also prioritized promoting positive mental health and wellness amongst its employees during these challenging times.



NORTHWEST TERRITORIES – YELLOWKNIFE

While there have been some changes in practice in the Northwest Territories due to the COVID-19 pandemic, the court system continued to operate and prosecute offences under all federal statutes and the *Criminal Code*. The case load continued to consist of a high number of violent offences, including homicide, sexual assaults, aggravated assaults,



and assaults causing bodily harm or with a weapon. The Northwest Territories court system changed the bail system to allow telephone hearings that previously proceeded in person. This change has resulted in less travel in and out of the communities, thereby, decreasing the risk of spreading COVID-19 while also having the accused persons dealt with in a more expeditious manner.

SASKATCHEWAN – SASKATOON, REGINA

The Saskatchewan Regional Office continues its work of practicing reconciliation with Indigenous communities. In the past year, the office assumed prosecutorial responsibility

from agent prosecutors for all matters in North Battleford, all trial matters in Swift Current and all Queen’s Bench trial matters in Prince Albert and Battleford Judicial Districts. The Saskatchewan Regional Office adapted to the COVID-19 pandemic by implementing email adjournments and telephone appearances for counsel and non-custody accused. Video appearances are now standard for all in-custody accused except for trial and preliminary hearings. The past year also saw a tremendous transformation in the office’s business practices as it converted the paper-based record system to an electronic records system. These initiatives allowed counsel to conduct many of their court appearances from the safety of their own homes.

 **MANITOBA –
WINNIPEG**

Manitoba Regional Office counsel normally appear in approximately 80 Provincial Court of Manitoba circuit court points. Many circuit points are isolated Indigenous communities in northern Manitoba. The PPSC prosecutes a variety of matters in the region; however, the majority of their files are related to *Controlled Drugs and Substances Act* offences. Most trial courts were closed for several months during the onset of the pandemic but continued to hear bails and dispositions virtually. A pressing need to ensure that accused were not unduly held in custody resulted in an increase in daily bail hearings. All staff started working at home extensively whenever possible, embracing technological options that allowed them to do so effectively.

 **NATIONAL CAPITAL REGION –
OTTAWA, KENORA**

The National Capital Regional Office (NCRO) is responsible for federal prosecutions in the East, Northwest, and Northeast regions of Ontario, as well as in judicial districts in western Quebec. The new local office in Kenora is being developed to serve northwestern Ontario. Counsel in the NCRO provide training throughout the year to police and other investigative agencies. Training is provided at the Canadian Police College and the Canada Border Services Agency Training College, to Competition Bureau Canada investigators and to provincial and municipal police officers across the region. The NCRO responded well to the rapid and significant changes that were triggered by the pandemic. Hundreds of cases were reviewed and triaged to determine a priority level. Even with the backlog of cases from the court closures, this triaging exercise resulted in many files being resolved.

 **NUNAVUT –
IQUALUIT, YELLOWKNIFE**

The Nunavut Regional Office (NRO) prosecutes offences under the *Criminal Code* and all federal statutes in 25 communities across the territory. The region focuses on enhancing Inuit values and local culture in prosecutions, including through the Therapeutic Justice Program pilot project located in Cambridge Bay. Because of mandatory 14-day quarantines in designated hotels for anyone entering Nunavut, the territory was able to keep its case count at zero cases of COVID-19 for much of the pandemic. This permitted the court schedule to return to full, pre-pandemic level of operations. As a result, the NRO was able to attend 50 court circuits and special sittings in 24 communities across the territory since the start of the pandemic.

 **QUEBEC –
MONTREAL, QUEBEC**

In Quebec, the PPSC only prosecutes drug offences if they were investigated by the RCMP; as a result, the Quebec Regional Office does not prosecute many low-complexity drug matters, and a large percentage of the office's files are of high complexity, including cases involving organized crime, money laundering, as well as regulatory and economic offences. In collaboration with the regional Diversity and Inclusion Committee, the office strengthened awareness of diversity and inclusion by promoting training opportunities and by encouraging diverse selection panels when recruiting.



ONTARIO – TORONTO, BRAMPTON, KITCHENER, LONDON, NEWMARKET

The Ontario Regional Office is active in supporting drug treatment courts in Toronto and other cities, as well as mental health courts. Its offices adjusted to the challenges of the pandemic and rendered prosecutorial services to investigative agencies and served the administration of justice in virtual and in-person proceedings. All teams assessed their case inventory to help reduce the backlog of cases in the courts in order to prioritize the cases requiring bail hearings. Counsel also explored alternative measures programs, to provide an alternative to the court system for accused persons when appropriate. In response to an environmental workplace review, the Ontario Regional Office has developed and is continuing to work towards implementing an action plan to address workplace issues. Employee working groups have been put in place and are focused on areas such as workplace culture, people management and organizational effectiveness.



ATLANTIC – HALIFAX, MONCTON, ST. JOHN'S

The Atlantic Regional Office serves several provinces: Nova Scotia, Prince Edward Island, New Brunswick, and Newfoundland and Labrador. In addition to the typical offences under the *Controlled Drugs and Substances Act*, *Fisheries Act*, and *Immigration and Refugee Protection Act*, this region 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 response to the challenges of the pandemic, counsel overcame numerous practical hurdles and adapted to new court procedures such as hearings conducted using video conferencing technology, and with legal principles that were novel or rarely applied in the past. While the region used boardroom-based video-conferencing to link the three offices a few times each month before the pandemic, by the summer of 2020, the offices found themselves virtually connecting, sharing documents or providing essential training by Microsoft Teams on a daily basis.

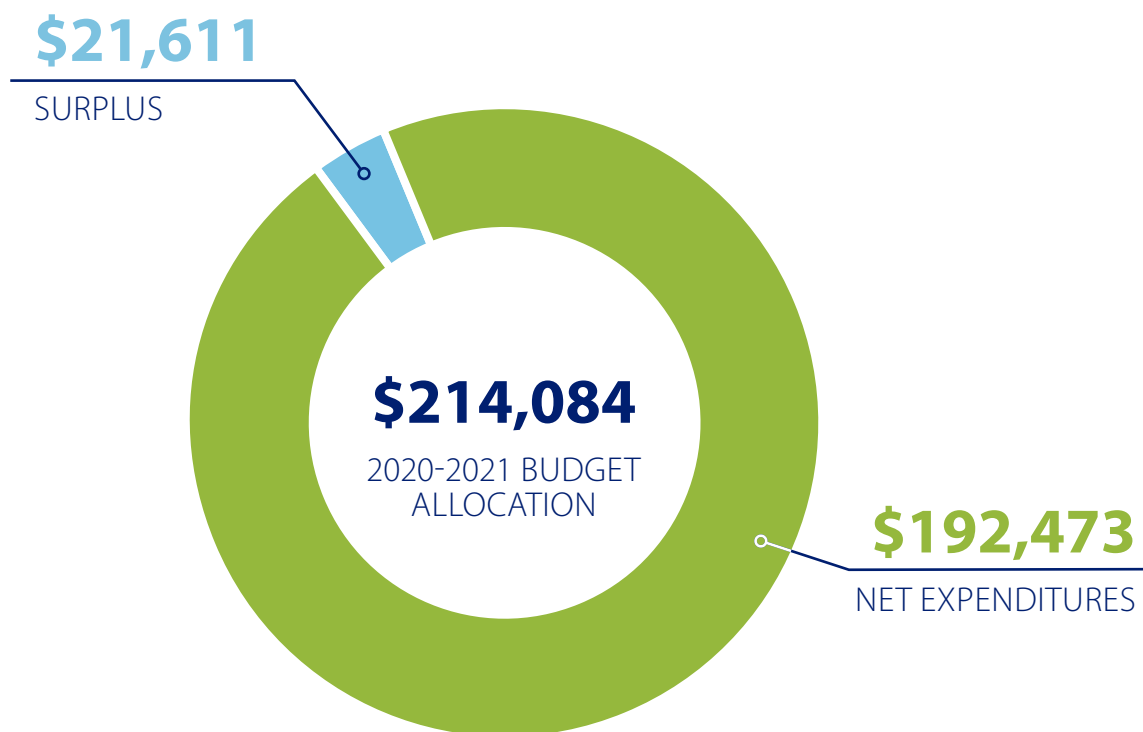
7 FINANCIAL INFORMATION

OVERVIEW

During fiscal year 2020-2021, Parliament allocated an operating budget of \$214.1 million including \$210.1 million for regular operations and \$4.0 million specific to the collection of outstanding federal fines. Furthermore, the PPSC recovered \$14.0 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 \$192.5 million and a total carryover of \$21.6 million. From that carryover, an amount of \$9.7 million resulting from the operating budget can be spent in the next fiscal year.

The pandemic impacted the criminal justice system and PPSC's operations. A shift to remote appearances and court closures resulted in a reduction in spending on operational travel and Crown agents. The higher than anticipated carryover is also attributed to delays in staffing.

Information about funding and spending is summarized in the following graph (amounts in thousands of dollars):



CORE RESPONSIBILITIES

The PPSC has one core responsibility, namely prosecution services that fall under the mandate of the Attorney General of Canada. It also has a number of administrative services grouped under the heading "Internal Services". Information regarding the spending by core responsibility and 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) (A) - (E)	(I) (B) - (F)
Prosecution Services	177,736	4,000	13,884	195,620	159,438	919	83%	18,298	3,081
Internal Services	32,348	0	104	32,452	32,116	0	17%	232	0
Total	210,084	4,000	13,988	228,072	191,554	919	100%	18,531	3,081

Note 1: The complete carryover for Fine Recovery is not permitted to be spent in the next fiscal year.

Prosecution Services

This core responsibility accounts for 83% of the PPSC's total expenditures. The majority of the prosecution services funding is spent on salaries and Crown agents retainers (85%).

Internal Services

Administrative activities such as financial services, communications, human resources, information management, information technology, security, facilities, as well as health and safety, all of which support the core activities. These activities account for 17% the total expenditures.

8

CONTACT INFORMATION

PUBLIC ENQUIRIES

Public Prosecution Service of Canada

160 Elgin Street, 12th Floor
Ottawa, Ontario K1A 0H8
1-877-505-7772
info@ppsc.gc.ca

MEDIA ENQUIRIES

Public Prosecution Service of Canada

160 Elgin Street, 12th Floor
Ottawa, Ontario K1A 0H8
613-954-7803
media@ppsc.gc.ca

HEADQUARTERS

Kathleen Roussel

Director of Public Prosecutions
Public Prosecution Service of Canada
160 Elgin Street, 12th Floor
Ottawa, Ontario K1A 0H8

George Dolhai

Deputy Director of Public Prosecutions
Public Prosecution Service of Canada
160 Elgin Street, 12th Floor
Ottawa, Ontario K1A 0H8

David Antonyshyn

Deputy Director of Public Prosecutions
Public Prosecution Service of Canada
160 Elgin Street, 12th Floor
Ottawa, Ontario K1A 0H8

Rawan El-Komos

Senior Director General,
Corporate Services Branch
Public Prosecution Service of Canada
160 Elgin Street, 12th Floor
Ottawa, Ontario K1A 0H8

REGIONAL OFFICES

British Columbia

Todd Gerhart

Chief Federal Prosecutor
Public Prosecution Service of Canada
British Columbia Regional Office
900 – 840 Howe Street
Vancouver, British Columbia V6Z 2S9
604-666-5250

Alberta

Barry Nordin

Chief Federal Prosecutor
Public Prosecution Service of Canada
Alberta Region – Edmonton Office
700, Epcor Tower
10423 – 101 Street NW
Edmonton, Alberta T5H 0E7
780-495-3553

Alberta Region – Calgary Office
900–700 6 Avenue SW
Calgary, Alberta T2P 0T8
403-299-3978

Saskatchewan

Craig Neely

Chief Federal Prosecutor
Public Prosecution Service of Canada
Saskatchewan Regional Office
123 Second Avenue S., Suite 801
Saskatoon, Saskatchewan S7K 7E6
306-975-5477

Manitoba

Michael Foote

Chief Federal Prosecutor
Public Prosecution Service of Canada
Manitoba Regional Office
234 Donald Street, Suite 515
Winnipeg, Manitoba R3C 1M8
204-983-5738

Ontario

Morris Pistyner

Chief Federal Prosecutor
Public Prosecution Service of Canada
Ontario Regional Office
130 King St. W., Suite 2400
P.O. Box 340
Toronto, Ontario M5X 2A2
416-952-0812

National Capital Region

Tom Raganold

Chief Federal Prosecutor
Public Prosecution Service of Canada
National Capital Regional Office
160 Elgin Street, 14th Floor
Ottawa, Ontario K1A 0H8
613-957-7000

Quebec

André A. Morin, Ad. E.

Chief Federal Prosecutor
Public Prosecution Service of Canada
Quebec Regional Office
Guy-Favreau Complex, East Tower, 9th Floor
200 René-Lévesque Boulevard W.
Montreal, Quebec H2Z 1X4
514-283-2935

Atlantic

Shaun O'Leary

Chief Federal Prosecutor
Public Prosecution Service of Canada
Atlantic Regional Office
Duke Tower
5251 Duke Street, Suite 1400
Halifax, Nova Scotia B3J 1P3
902-426-5535

Nunavut

Shannon O'Connor

Chief Federal Prosecutor
Public Prosecution Service of Canada
Nunavut Regional Office
933 Mivvik Street, 2nd Floor
P.O. Box 1030
Iqaluit, Nunavut X0A 0H0
867-975-4600

Northwest Territories

Alex Godfrey

Chief Federal Prosecutor
Public Prosecution Service of Canada
Northwest Territories Regional Office
Greenstone Building, 4th Floor
5101 50th Avenue, P.O. Box 8
Yellowknife, Northwest Territories X1A 2N1
867-669-6900

Yukon

Keith Parkkari

Chief Federal Prosecutor
Public Prosecution Service of Canada
Yukon Regional Office
Elijah Smith Building
300 Main Street, Suite 200
Whitehorse, Yukon Y1A 2B5
867-667-8100