

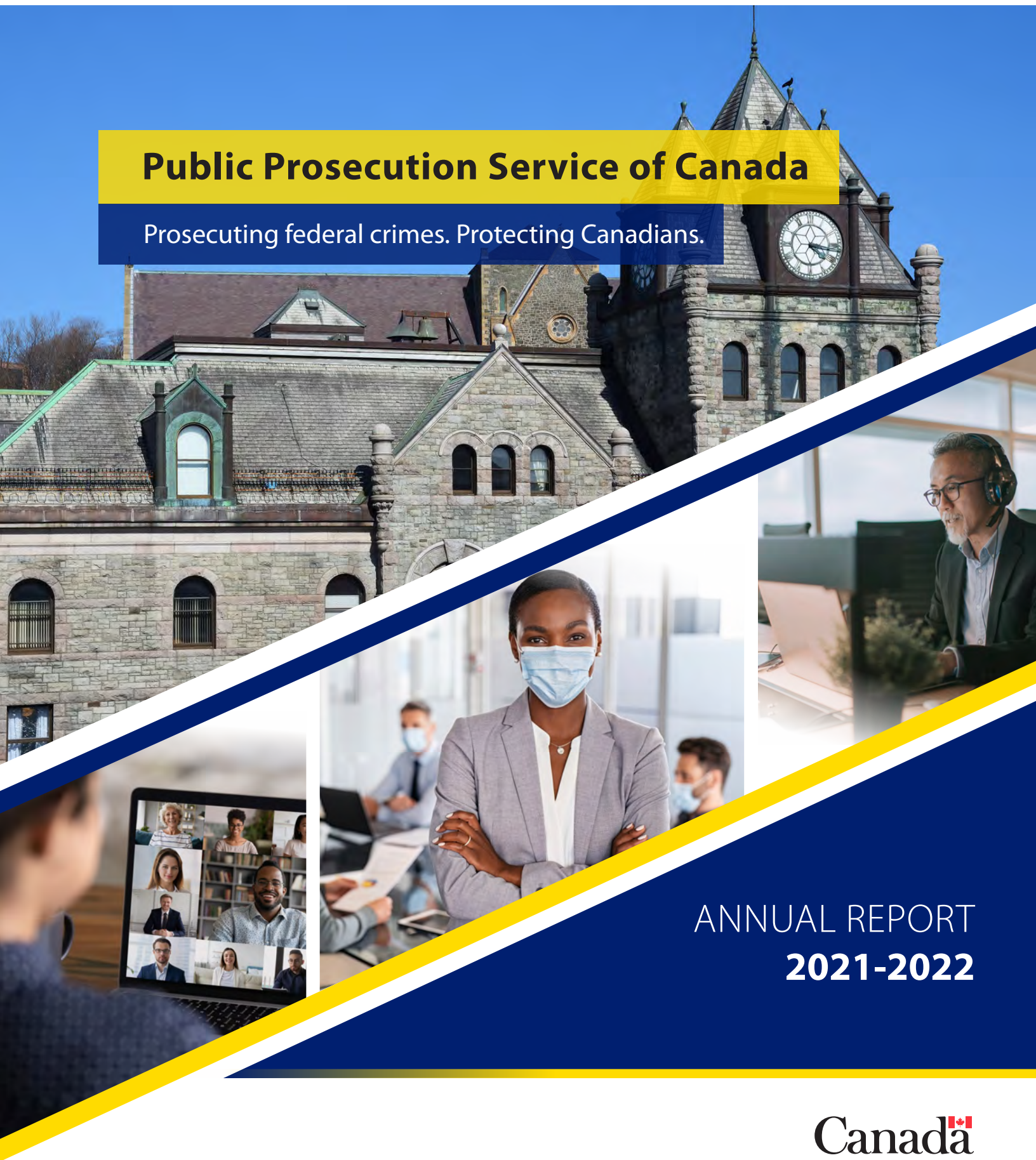


Public Prosecution  
Service of Canada

Service des poursuites  
pénales du Canada

# Public Prosecution Service of Canada

Prosecuting federal crimes. Protecting Canadians.



ANNUAL REPORT  
**2021-2022**

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](#):

*Director of Public Prosecutions Act*

*Public Prosecution Service of Canada Deskbook*

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This document is available in multiple formats upon request.

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*Photo of the Supreme Court of Newfoundland and Labrador on the cover was taken by a PPSC employee, Mark Stares.*

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Public Prosecution  
Service of Canada

Service des poursuites  
pénales du Canada

Office of the Director  
of Public Prosecutions

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des poursuites pénales

Ottawa, Canada  
K1A 0H8

June 29, 2022

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 2021-2022 Annual Report of the Public Prosecution Service of Canada. The report covers the period from April 1, 2021 through March 31, 2022.

Sincerely,

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



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## MESSAGE FROM THE DIRECTOR OF PUBLIC PROSECUTIONS

I am pleased to present the Public Prosecution Service of Canada's (PPSC) annual report for 2021-2022. As in the previous year, the PPSC's operations were impacted by waves of the COVID-19 pandemic, which affected our operations differently in each region and locality. It is this story that our annual report seeks to tell, as we are now in a position to come to terms with the pandemic's many impacts on our people and on our organization.

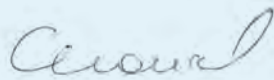
While public health orders and conditions may have varied coast to coast, it is clear that courts have, nation-wide, had to face backlogs from the various closures, but also as a result of availability of court staff, counsel, and witnesses who may themselves be affected by COVID. This backlog has led to an unprecedented and rigorous triage process, where we were often forced to make difficult choices about files to proceed with, and those of a lower priority that would either be stayed or where we were prepared to risk an eventual stay as a result of delay. These triage efforts, and those made to streamline the presentation of our cases, allowed us to further focus upon the public safety aspects of our mandate, as we prioritized those cases that clearly meant more for the protection of the public. We also



explored the tools at our disposal to manage our files as efficiently as possible, perhaps more than ever before. While efficiency was always in our vernacular, never did it take on more importance, as we wrestled with court availability in the era of *Jordan's* deadlines.

Beyond managing our caseload, 2021-2022 will no doubt stand out as the year when we made serious investments in equity, diversity, inclusion, and accessibility (EDIA), first by launching the Advancement Centre for EDIA, and then by publishing our plan to respond to recommendations made in the previous year by our co-champions for a bias-free workplace. The plan addresses not only improvements to be made within the PPSC in how we manage our workforce, but also addresses the links to our mandate, and our obligation to do our part in reducing over-representation of marginalized groups in the criminal justice system, particularly Indigenous and Black Canadians. While the Centre is staffed by a small but dedicated team, its work is bolstered by so many others at the PPSC who believe in its mission to improve our EDIA performance, including the Gender-based Analysis Plus expertise centre, our National Prosecution Policy Committee, and our newly created employee councils. All of their work is already reaping dividends, and I am ever thankful for their commitment.

While it may have at times felt during the year that we were waiting for the pandemic to end, waiting to launch new programs and policies, we made good use of our time, both at home and in our offices when we could be there, to advance our priorities. Indeed, we adopted new organizational priorities for the next three years, priorities that reflect who we are, but also what we do. We took time to consult staff on updated corporate values, that again reflect our mandate and the important role we play in respect of public safety. We completed development on a new case management system and explored e-disclosure. We invested in leadership training and in training that equips us to confront our biases. And that is but a small fraction of how we used the time between court commitments and critical corporate support functions. To those of you who participated in these endeavours, I say thank you. We will be much richer based on the time you all invested this year in the building blocks of the future. As always, I am thankful for the hard work and dedication of all of the PPSC's employees, and their commitment to enhancing public safety.



**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 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, 2022, the PPSC had 1,197 employees.



## Total employees by region

| REGION                                       | TOTAL        |
|--|--------------|
| British Columbia                             | 117          |
| Alberta                                      | 139          |
| Saskatchewan                                 | 32           |
| Manitoba                                     | 45           |
| Ontario                                      | 227          |
| National Capital                             | 74           |
| Headquarters                                 | 237          |
| Québec                                       | 95           |
| Atlantic                                     | 73           |
| Yukon  | 43           |
| Northwest Territories                        | 62           |
| Nunavut                                      | 53           |
| <b>Total Number of Employees at the PPSC</b> | <b>1,197</b> |

## ROLE OF THE PROSECUTOR

Prosecutors play a key role in the [Canadian criminal justice system](#) and are working to make it more equitable and fairer to all Canadians. The prosecutor's role in advising investigative agencies and in conducting prosecutions is an independent function that must be free 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. The only cases that should be brought to trial are those that have a reasonable prospect of conviction

on the admissible evidence and that are in the public interest to prosecute. Cases are 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.

## ORGANIZATIONAL PRIORITIES

In 2021-2022, the PPSC continued to focus on three organizational priorities:

### 1. Nurture a Culture of Civility, Wellness, and Inclusion

This priority focuses on the well-being of employees and the culture of the organization. The organization's approach for continuing to improve in these areas is through encouraging a culture shift towards embracing and nurturing civility, wellness, and inclusion.

### 2. Strengthen Accountability and Transparency

This priority focuses on the need for transparency of decision-making in the criminal justice system and the management of PPSC employees and resources, as well as for strong stewardship in handling public funds.

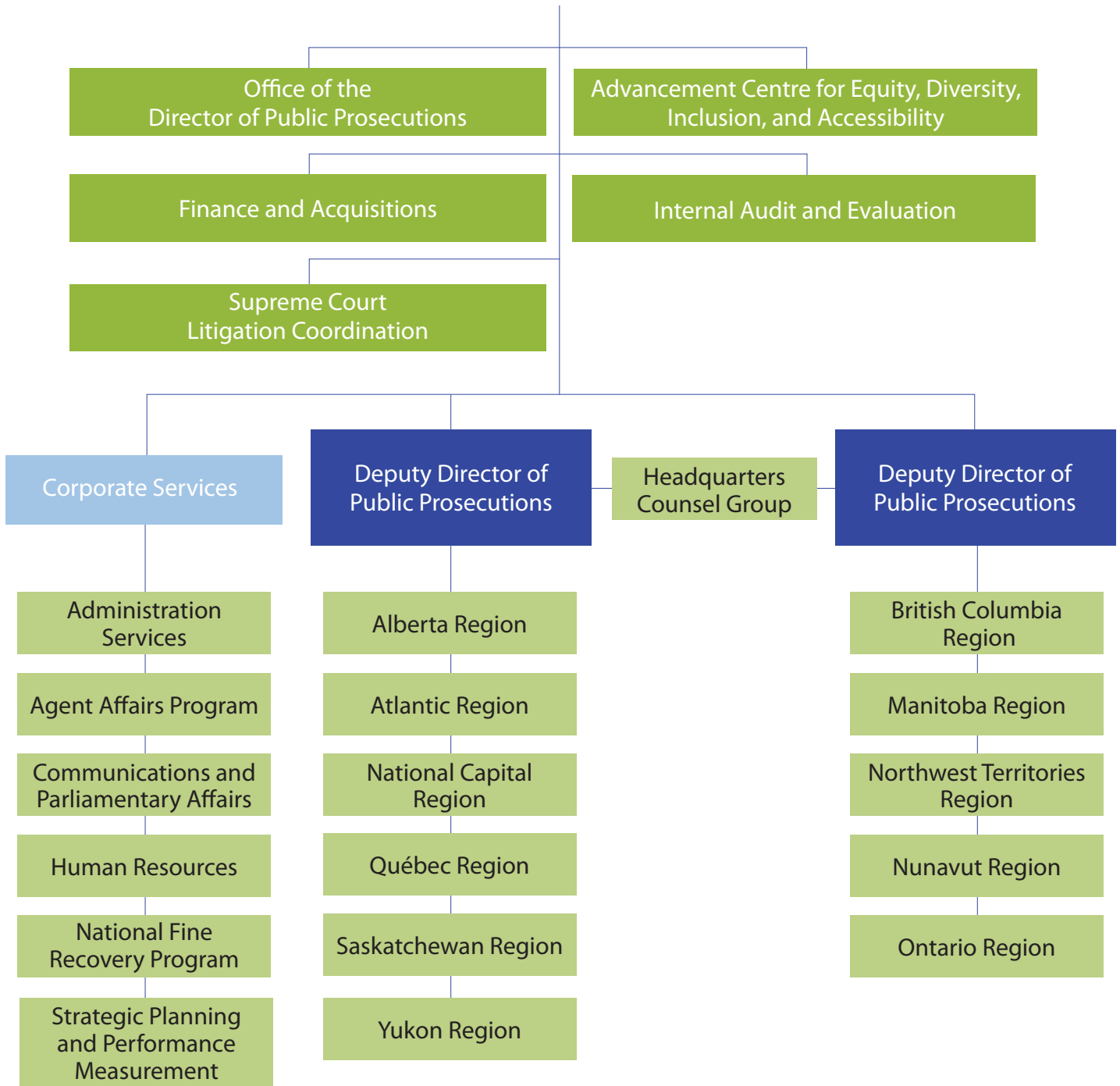
### 3. Foster Efficiency and Innovation

This priority focuses on positioning the organization to become more efficient and innovative, from the way we work, to the tools and technologies we adapt or develop.



## ORGANIZATIONAL STRUCTURE

### DIRECTOR OF PUBLIC PROSECUTIONS



# 3

## PROSECUTION ACTIVITIES

### OVERVIEW

In 2021-2022, the PPSC worked on 55,439 files. This figure includes 27,372 files opened during the year, as well as 28,067 files carried over from previous years. Overall, PPSC staff and legal agents working on behalf of the PPSC spent a total of 1,097,635 hours working on prosecution files during the year. Additionally, PPSC prosecutors and paralegals spent 244,540 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.

### Outcomes of charges (by accused)<sup>1</sup>

| Acquittal After Trial | Finding of Guilt After Trial | Guilty Plea | Judicial Stay of Proceedings | Charge Withdrawn and/or Stay of Proceedings (Crown) | Other <sup>2</sup> |
|-----------------------|------------------------------|-------------|------------------------------|---|--------------------|
| 272                   | 407                          | 6,935       | 21                           | 12,976  | 10                 |

- 1 In this table, each accused is only counted once. Due to the pandemic, there is a decrease in the number of outcomes which required a judicial decision, such as "Acquittal After Trial", "Finding of Guilt After Trial" and "Guilty Plea". There has been a corresponding slight increase in "Charge Withdrawn / Crown Stays" in order to manage the prosecutorial caseload in the face of court closures, health and safety restrictions, and the backlog of cases.
- 2 The category "Other" includes the outcomes of discharge at preliminary hearing, and mistrial.

### Outcomes of charges (by charge)<sup>1</sup>

| Acquittal After Trial | Finding of Guilt After Trial | Guilty Plea | Judicial Stay of Proceedings | Charge Withdrawn and/or Stay of Proceedings (Crown) | Other <sup>2</sup> |
|-----------------------|------------------------------|-------------|------------------------------|---|--------------------|
| 893                   | 895                          | 10,450      | 117                          | 40,221  | 32                 |

- 1 A matter involving multiple charges may result in more than one outcome.
- 2 The category "Other" includes the outcomes of discharge at preliminary hearing and mistrial.

## Types of offences<sup>1</sup> (% of files)

| Types of Offences   | % of Files |
|---|------------|
| Files Involving Drug-related Offences (41,021)                    | 74%        |
| Files Involving <i>Criminal Code</i> Offences (9,343)             | 16.9%      |
| Files Involving Regulatory Offences and Economic Offences (4,721) | 8.5%       |
| Files Involving Other Offence Types (354)                         | 0.6%       |

- 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*, and other statutes, as well as files for which the statute has not been specified or that were mislabeled in the case management system.

## Breakdown by number of files<sup>1</sup>

| Region                  | Total  | Regulatory and Economic | Drugs  | <i>Criminal Code</i> | Other |
|-------------------------|--------|-------------------------|--------|----------------------|-------|
| Alberta                 | 6,022  | 685                     | 5,229  | 88                   | 20    |
| Atlantic                | 3,042  | 1,213                   | 1,703  | 86                   | 40    |
| British Columbia        | 5,662  | 1,282                   | 4,178  | 193                  | 9     |
| Headquarters            | 157    | 18                      | 47     | 39                   | 53    |
| Manitoba                | 2,282  | 161                     | 2,080  | 17                   | 24    |
| National Capital Region | 7,676  | 295                     | 7,312  | 47                   | 22    |
| Northwest Territories   | 3,864  | 20                      | 131    | 3,678                | 35    |
| Nunavut                 | 3,256  | 2                       | 23     | 3,211                | 20    |
| Ontario                 | 17,383 | 272                     | 16,890 | 168                  | 53    |
| Québec                  | 892    | 663                     | 110    | 70                   | 49    |
| Saskatchewan            | 3,366  | 110                     | 3,224  | 22                   | 10    |
| Yukon                   | 1,837  | 0                       | 94     | 1,724                | 19    |

- 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*, and other statutes, as well as files for which the statute has not been specified or that were mislabeled in the case management system.



## Top 10 federal statutes

The majority of charges arose from the following ten federal statutes.

| Statute                                       | Number of Charges |
|---|-------------------|
| <i>Criminal Code</i>                          | 95,599            |
| <i>Controlled Drugs and Substances Act</i>    | 82,267            |
| <i>Cannabis Act</i>                           | 5,365             |
| <i>Fisheries Act</i>                          | 4,365             |
| <i>Immigration and Refugee Protection Act</i> | 1,107             |
| <i>Income Tax Act</i>                         | 606               |
| <i>Employment Insurance Act</i>               | 572               |
| <i>Customs Act</i>                            | 570               |
| <i>Quarantine Act</i>                         | 464               |
| <i>Excise Act, 2001</i>                       | 336               |

## PROSECUTION POLICIES

Over the last year, the PPSC addressed difficult questions about what it does and how it could do better to execute its mandate. Different groups across the organization have been reviewing the [PPSC Deskbook](#) through an [intersectional lens](#) to help identify any policy, practice, or procedure that may contribute to discrimination, systemic racism, or over-representation in the criminal justice system, particularly of Indigenous and Black persons.

This review is still ongoing, but the DPP has already modified the guidelines on [Domestic Violence](#) and [Drug Treatment Courts](#) to ensure that the individual circumstances of Indigenous persons are properly considered. The updated guideline on drug treatment courts (DTC) allows for more flexibility when deciding whether a person will qualify for the DTC program.

DTCs are designed to address the unique needs of individuals who suffer from a substance use disorder. The objectives of DTCs are to reduce substance use disorder, crime, and recidivism through the rehabilitation of persons who commit crimes to support their substance use. DTCs provide non-violent offenders an opportunity to participate in community-based treatment programs as an alternative to incarceration.

The DPP also issued a new guideline, [Allegations of Misconduct by Persons Involved in the Investigations of Charges](#), directing what prosecutors must do in those circumstances, whether the allegation concerns a single action or a systemic issue.

## DRUG PROSECUTIONS

Canada remains in the throes of an opioid crisis with unintentional illicit-drug toxicity deaths still on the rise in many parts of the country. The [guideline 5.13](#) of the *PPSC Deskbook* is about the prosecution of drug possession offences contrary to section 4(1) of the *Controlled Drugs and Substances Act* (CDSA). It requires prosecutors to consider the health impacts of substance use along with the circumstances of an individual's arrest, and stresses that prosecutions of such offences should take place only in those instances where, taking all circumstances into consideration, there remains a public safety concern. At the other end of the



### Project Territory

Project Territory was by far the largest organized crime prosecution the British Columbia Regional Office has ever undertaken. It was a large-scale investigation by the Vancouver Police Department into gangs and drug trafficking in the Lower Mainland. This proactive police investigation, intended to disrupt gang violence that had been occurring in the city, used more than 200 judicial orders including multiple production orders, tracking warrants, general warrants, search warrants, and a criminal organization wiretap authorization. At the conclusion of the investigation, multiple kilograms of fentanyl, cocaine, and methamphetamine were seized. As well, the police seized more than 70 firearms, silencers, 1,000 rounds of ammunition, a bomb, a grenade, a police uniform, luxury vehicles, jewelry, and over \$600,000 in cash.

Twelve individuals were charged with offences relating to criminal organizations, conspiracy to traffic, trafficking, and firearms.

The prosecution teams, while handling the in-court motions for more than two years, worked to resolve matters behind the scenes. Ten accused entered guilty pleas in the spring of 2021, with the gang leaders pleading guilty to criminal organization offences. The accused received sentences ranging from 7 to 17 years. The proceedings concluded in June 2021 when the last accused was sentenced. As these matters were still in the pre-trial motions stage, the guilty pleas saved significant court time.



## ***R. v. Emery Martin***

The *R. v. Emery Martin* prosecution is an example of the perseverance and teamwork required to bring complex drug trafficking and organized crime cases to trial. The prosecution flowed from Operation J-Thunderstruck, a significant organized crime conspiracy investigation focused on the activities of Martin, a Hells Angels Nomad, and the cocaine trade in northern New Brunswick. Martin pleaded guilty to conspiracy to traffic cocaine, contrary to section 465 (1)(c) of the *Criminal Code* and to committing offences under the CDSA in association with a criminal organization, contrary to section 467.12(1) of the *Criminal Code*. Demonstrating the accused's drug trafficking in association with a criminal organization was only possible through evidence obtained from another conspirator, who had been granted immunity in return for co-operating as a witness. The prosecution team litigated multiple defence disclosure applications and a claim of abuse of process focused on the steps to obtain the witness' co-operation. The PPSC drew on a wide net of resources locally and nationally to bring these pre-trial motions to conclusion. Much of the litigation occurred during the pandemic, causing additional complications and delays. The prosecution team's perseverance brought the matter to a head, with the accused entering guilty pleas before the trial on the merits was set to begin, more than three years after charges were laid. The Court sentenced Martin to 8 years of imprisonment, less deductions for time served, and relating to the conditions of his pre-trial detention.

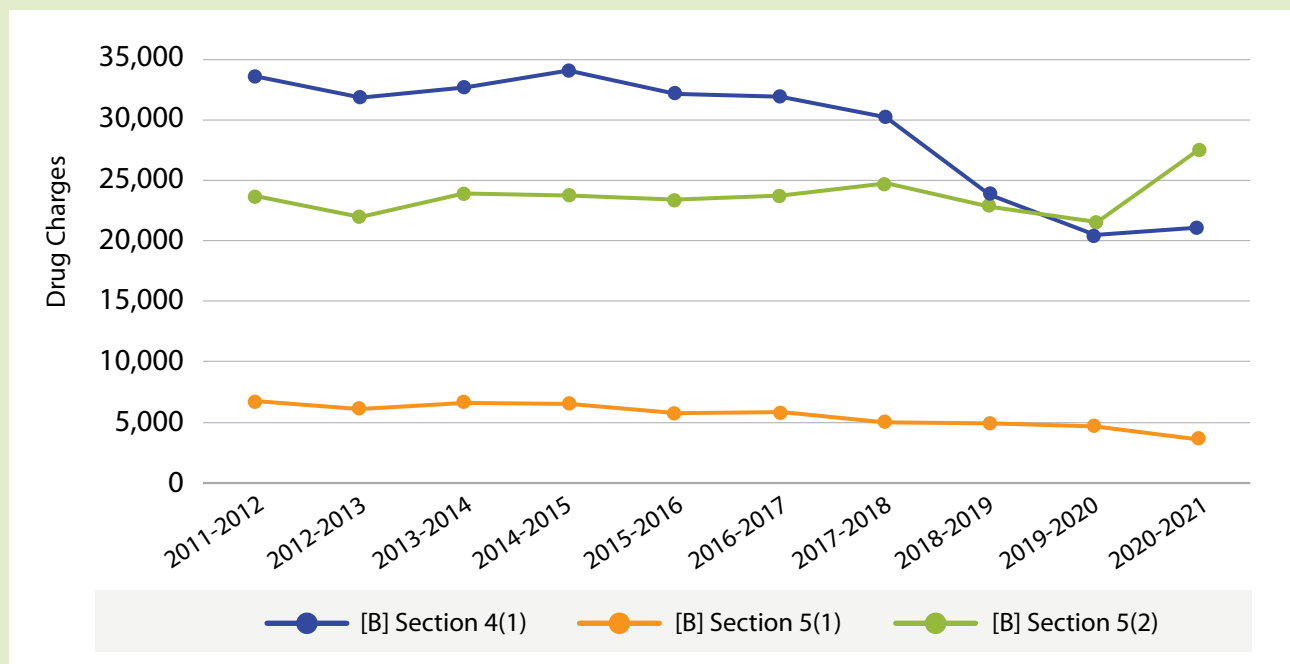
spectrum, prosecutors continue to strenuously advocate for meaningful sentences imposed against offenders who profit from the illicit distribution of controlled substances and are responsible for Canada's toxic drug supply.

The PPSC is involved in all stages of drug offence cases. PPSC prosecutors work with law enforcement agencies in an advisory capacity in large-scale complex investigations using special techniques that require obtaining judicial authorizations. Once the investigation is completed and charges are laid, the PPSC

will determine if a prosecution is appropriate. If it is, our prosecutors will navigate through the complexities and pressures of the case with the objective that all charges are prosecuted in a manner that is objective, fair, transparent, and consistent with PPSC policies and practices. In the event of a conviction, the PPSC will advocate for a sentence that reflects the seriousness of the offence, the degree of responsibility of the offender, and the particular circumstances of each case.

## Drug charges by charge section

While drug charges laid for the possession of substances have seen a slow decline over the last decade, possession for the purpose of trafficking or distribution charges have been on an upward trend since 2019.



Number of charges laid under the CDSA and *Cannabis Act*.

[B]\* Section 4(1) = CDSA 4(1) + *Cannabis Act* 8(1) = Possession of substance

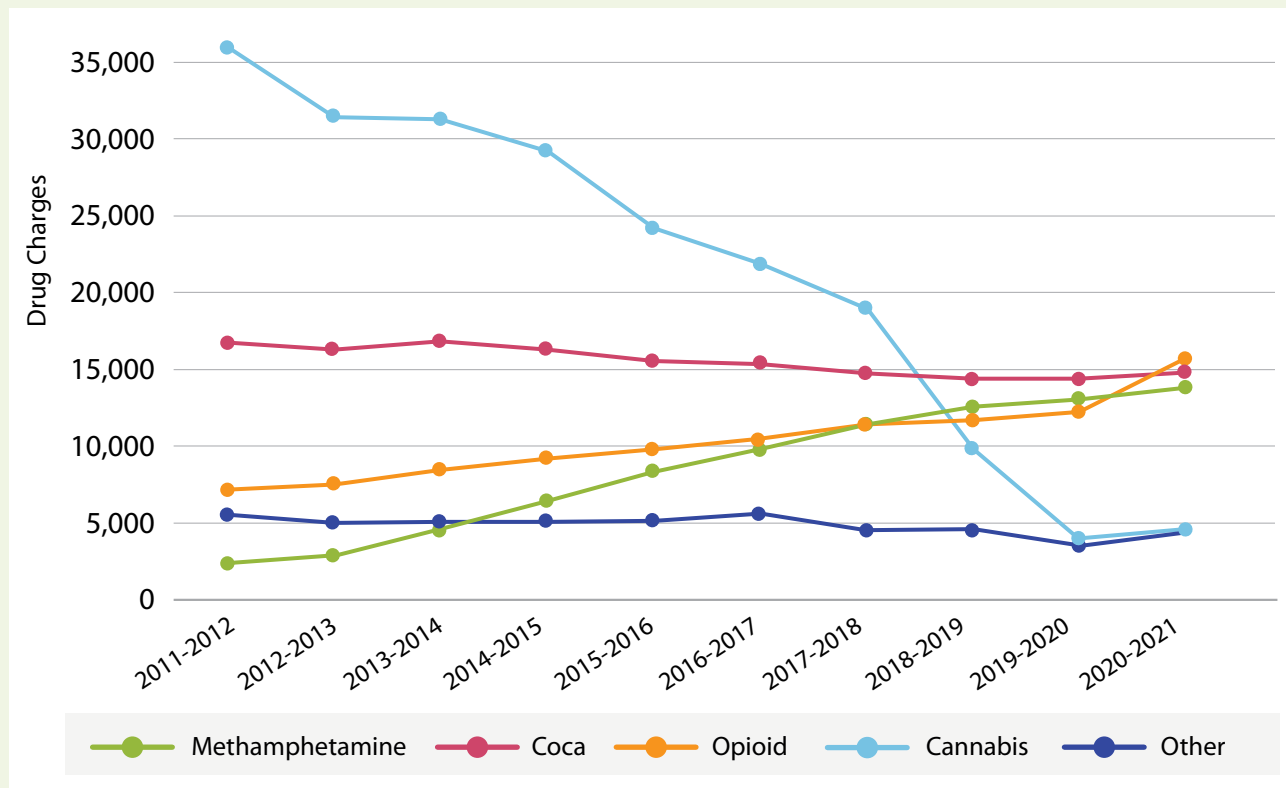
[B] Section 5(1) = CDSA 5(1) + *Cannabis Act* 9(1) + *Cannabis Act* 10(1) = Trafficking in substance / Distribution

[B] Section 5(2) = CDSA 5(2) + *Cannabis Act* 9(2) + *Cannabis Act* 10(2) = Possession for the purpose of trafficking / Possession for the purpose of distribution

\* Where the CDSA and *Cannabis Act* have overlapping charges as per the *Cannabis Act* [Schedule 6](#), they have been equated to the CDSA sections and indicated as a "blended" charge section with the letter "B".



## Drug charges by drug group



Number of charges laid under the CDSA and the *Cannabis Act*.

Drug groups:

- Methamphetamines (does not include amphetamines)
- Coca (examples: crack, cocaine, other coca products)
- Opioids (examples: codeine, heroin, oxycodone, carfentanil, fentanyl, all other opioids)
- Other
  - All drug types regulated by the CDSA which are not methamphetamines, coca products, opioids, or cannabis.
  - Examples: amphetamines, steroids, LSD, psilocybin, etc.

The PPSC continues to deploy specialized and experienced prosecutors to therapeutic courts across the country, including DTCs. The effects of the ongoing COVID-19 pandemic created challenges in many regions to the operations of DTC programs. Nevertheless, the number of DTCs continues to increase and enrolment appears to be returning to pre-pandemic levels.





## PROSECUTIONS IN CANADA'S NORTH

The PPSC's role in Yukon, the Northwest Territories, and Nunavut is substantially broader than in southern Canada, which presents its own unique experiences and challenges. In the North, the PPSC is responsible for prosecuting all federal offences as in the southern regions, but also all *Criminal Code* offences. This means that PPSC prosecutors in the North often work with victims of violent crime, including sexual offences.

The territories have amongst the highest rates of violent crime in Canada, particularly sexual offences and intimate partner violence. Prosecutors and Crown Witness Coordinators work directly with victims of crime, informing each of the court process and their rights under the [Canadian Victims Bill of Rights](#). Cultural sensitivities, language barriers, and trauma issues require special consideration.



### ***R. v. Silverfox and Silverfox***

In 2021-2022, the Yukon Regional Office substantially completed prosecuting two sisters for the homicide of their cousin in a remote Yukon community in December 2017. The killing occurred in the basement residence of one of the accused and involved the use of knives, a hammer, and a compound bow. All involved were intoxicated and the motive was unclear.

The accused were charged in 2019 and committed to stand trial for first-degree murder and indignity to human remains following a preliminary inquiry in 2020. Prosecutors coordinated with several expert witnesses, including a forensic pathologist, a bloodstain pattern analyst, a DNA analyst, and a foot morphology analyst.

Pretrial applications started in the summer of 2021 and lasted several months. Issues were broad-ranging and complex, including unlawful search and seizure, right to counsel, arbitrary detention, disclosure of historic police reports on Crown witnesses, the use of in-custody informers, and the constitutional validity of routinely recording inmates' phone calls. The final evidentiary ruling was handed down a few weeks before the trial was scheduled to begin and had a significant impact on the strength of the Crown's case.

The prosecutors secured a plea resolution that was finalized on March 28, 2021, the first day of jury selection. Charabelle Silverfox pleaded guilty to second-degree murder. Lynzee Silverfox, who admitted she struck the victim after he died and then helped her sister clean up the scene, pleaded guilty to offering indignity to human remains. At the time of preparing this report, sentencing of the two accused was underway.

## Qimattuvik Program at the Pirurvik Centre

---

### ***Legal Assistant – Nunavut Regional Office***

In December 2021, I completed a fully immersive four-month Inuktitut program called Qimattuvik (Professional Inuktitut Skills for the Workplace) at the Pirurvik Centre. The Pirurvik Centre is an Inuit-owned centre based in Iqaluit dedicated to Inuit well-being by investing in our language and culture. I completed the program all thanks to the PPSC and Pilimmaksaivik (the Federal Centre of Excellence for Inuit Employment in Nunavut).

The Qimattuvik program was one of the most fulfilling things I have ever completed. Not only did I learn everything in Inuktitut, I also found myself during the program. My instructors were amazing and very knowledgeable; we also had some elders who came to speak to our class. This program made me realize how much Inuit are still being suppressed to this day, also how fast Inuktitut seems to be going away, with English becoming the preferred language of many Inuit. This realization is incredibly disheartening and it makes me worried for our future generations. Will they know our language? Will they know our history? Will they know how incredibly strong, smart, and resilient Inuit were to survive such a harsh environment for thousands of years? I learned many things during this program that I would not have known without it. Inuit traditional ways of learning were pushed aside when colonization hit, which means we now have to learn them from programs like this.

I learned about the complex social structure Inuit lived pre-contact, including the Inuit culture: living in harmony with each other, respecting everything around you, knowing the land and snow, knowing how to butcher animals and how to sew their skin for clothing and things. Not following any of these meant the difference between survival, or not.

Iqaluit is now a very “urban” community compared to many Nunavut communities, which means that our language (Inuktitut) is slipping away quicker here than in many communities. There are, however, many western Nunavut communities that were colonized before Iqaluit due to mining that are in a much worse state than Iqaluit. In some of these communities most of the younger generation does not know their language. Even some adults still see Inuit language and culture as old-fashioned, and not important to know.

With centres like Pirurvik, I hope that someday this period of time will have just been a bump in the road and that all Inuit will take pride in our language and culture, that we will once again start living in harmony. The work done by the Pirurvik Centre is important, and one that many Nunavut Regional Office employees could benefit from because a lot of victims and witnesses from smaller communities are unilingual or prefer to speak Inuktitut. I am so very thankful to the PPSC for letting me take educational leave and Pilimmaksaivik for funding my leave and giving me this amazing opportunity to have completed such an incredible program.



Prosecuting in Canada's North includes travelling to remote communities, many of which are mainly Dene First Nations or Inuit populations. The North has a significant Indigenous population: approximately 75% in Nunavut (mainly Inuit); approximately 50% in the Northwest Territories (Dene and Inuit); and approximately 25% in Yukon (mainly Dene). Cultural competency is a necessity for all PPSC prosecutors, and is a mandatory training requirement for all PPSC prosecutors in Nunavut.

COVID-19 had a significant impact in the territories. Courts were completely shutdown and travel to the communities was suspended. Yukon experienced a shorter shutdown period than the other territories. Virtual courts were attempted; however, the North had significant technical and bandwidth issues that made it difficult to rely on virtual court technology. Multiple Court shutdowns, cancellations of court circuits, apprehension from remote communities allowing travellers into their communities, and reluctant court participants (witnesses and accused) has contributed to a backlog of cases.

### ***R. v. Mary Jane Navato***

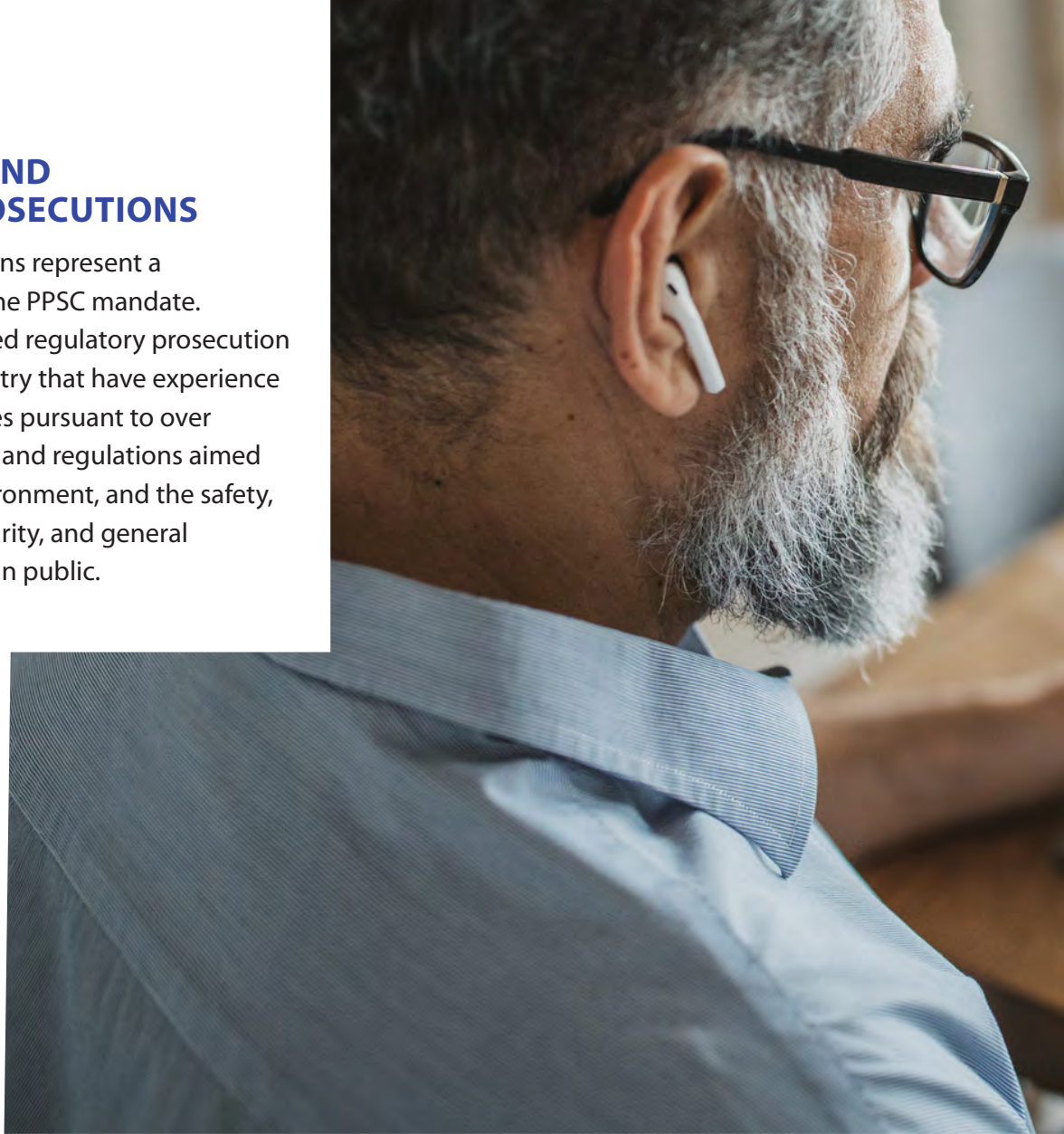
Mary Jane Navato, a resident of Red Deer, Alberta, entered into Canada at the Vancouver International Airport on October 5, 2020, returning from Los Angeles. She was required to comply with *Quarantine Act* obligations to isolate at her residence for 14 days, but after receiving a negative COVID-19 test, decided to return to work between October 9 and October 18, 2021. Navato was employed as a health care aide in a long-term care facility, an environment that is at high risk for COVID-19 outbreaks. The facility, Extendicare Michener Hill, maintained a strict daily screening protocol for employees, requiring them to declare daily that they had not travelled internationally for the prior 14 days. Employees who had done so were prohibited from entering the facility. For seven full shifts, Navato declared she had not travelled within the previous 14 days. Following an internal workplace investigation, the facility referred the matter to the Royal Canadian Mounted Police for an investigation for *Quarantine Act* offences. On July 20, 2021 she pleaded guilty in the Provincial Court of Alberta in Red Deer, Alberta to an offence under section 71 of the *Quarantine Act* for failing to isolate, and was ordered to serve a 6-month conditional sentence order. The maximum available penalty under section 71 of the *Quarantine Act* is 6 months incarceration and/or a \$750,000 fine.





## 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, and general welfare of the Canadian public.

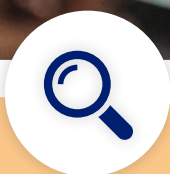


### ***R. v. Elite Farms Services Ltd.***

On December 13, 2021, Elite Farms Services Ltd. (Elite) and Sofina Foods (Sofina) entered guilty pleas to counts of loading broiler chickens in a manner that caused undue suffering contrary to the *Health of Animals Act* and regulations.

By way of an Agreed Statement of Facts filed at the sentencing hearing, Elite and Sofina agreed that between May 10 and June 7, 2017, Elite employees committed harmful acts on the broiler chickens being loaded. In particular, employees threw, stepped on, and killed the chickens. Sofina's supervisor failed to ensure that the birds were handled in a manner that prevented undue suffering to them.

Elite and Sofina were each sentenced to a total fine of \$300,000 and probation for a period of three years. The terms of the probation order are targeted at ensuring improved training at all levels and an independent monitoring of each company's processes.



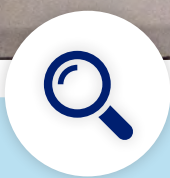
### ***R. v. Boule***

Robert Boule is a United States citizen and the owner of the “Smuggler’s Inn”, a bed and breakfast located in Washington State directly adjacent to the United States-Canada land border. The Canada Border Services Agency and Royal Canadian Mounted Police identified Boule and the Inn as longstanding contributors to the irregular entry of foreign nationals into Canada from the United States. In April 2018, Boule was charged with nine offences under section 117 of *Immigration and Refugee Protection Act* (IRPA). Boule was released on a recognizance with conditions, which included that he keep the peace and be of good behaviour and refrain from assisting anyone in the United States to enter Canada. In April 2019, Boule was re-arrested and charged with 21 additional counts relating to the unlawful entry of foreign nationals into Canada, between May 2018 and March 2019.

On August 9, 2021, the first day of trial, Boule pleaded guilty to one count of aiding and abetting seven named persons to enter Canada, contrary to section 131 of IRPA, and one count of failing, without lawful excuse, to comply with a condition of his recognizance that required him to keep the peace and be of good behaviour, contrary to section 145(3) of the *Criminal Code*. Boule’s guilty plea was based on a lengthy admission of facts. The admitted facts underlying the two counts were the same, and involved assisting 11 people to illegally enter into Canada through the Smuggler’s Inn on six different occasions between May 2018 and March 2019.

Boule was sentenced in December 2021. He was 72 years old with no criminal record and had various health conditions. The sentencing judge considered the COVID-19 rates, protocols in correctional facilities, as well as the medical care available to those in custody. A suspended sentence of 12 months on the section 131 count was imposed, plus 15 months of probation. On the section 145(3) count, the judge imposed a sentence of 30 days in jail (time served) and 30 months probation, to be served concurrently.





### ***R. v. Collingwood Prime Realty Holdings Corporation and El-Hinn***

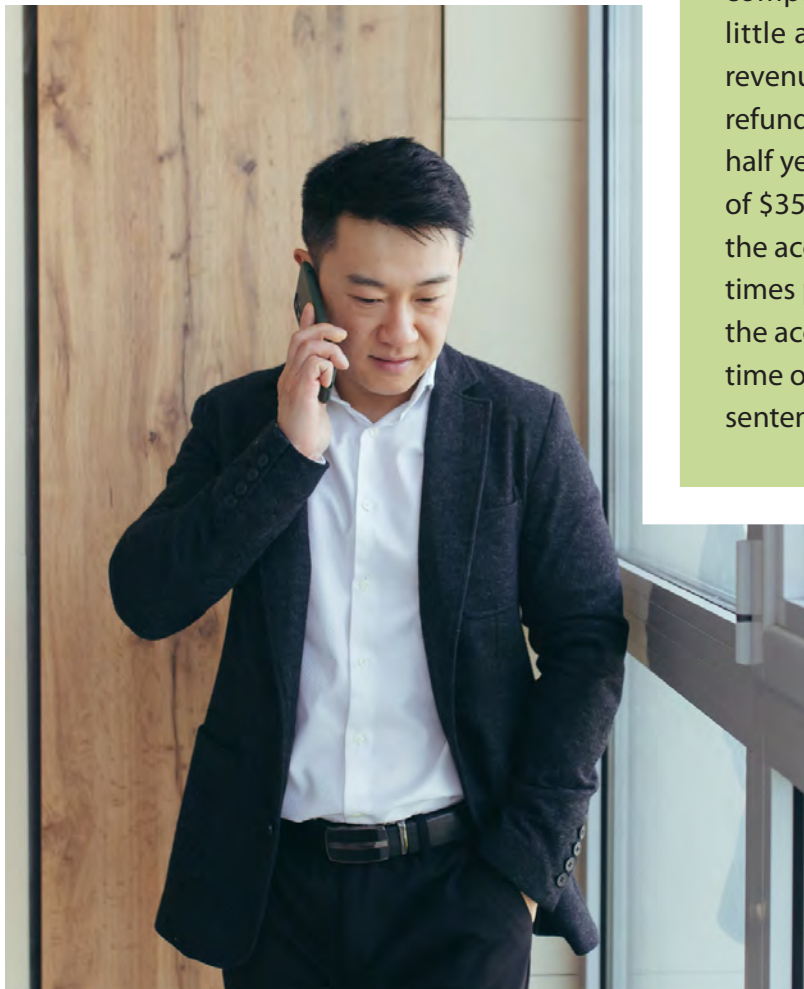
Issa El-Hinn and his company, Collingwood Prime Realty Holdings were given a written warning by Environment and Climate Change Canada (ECCC) to remove transformers containing hazardous toxins from an industrial property. Ten months later, the transformers were still there. The ECCC officers issued a Notice of Intent to issue an Environmental Compliance Order to which the corporation did not respond. The ECCC officers then issued an Environmental Protection Compliance Order pursuant to section 235(1) of the *Canadian Environmental Protection Act, 1999* requiring the removal of the equipment and an electronic report. The equipment was not removed nor was the report filed by their respective deadlines. Over a year later, the ECCC officers executed a search warrant on the property and found one of the transformers was still in use. The equipment was eventually removed, four years after the initial inspection. El-Hinn and the corporation were jointly charged in an 11-count information. They pleaded guilty in 2018 for contravening [PCB regulations](#) in the *Canadian Environmental Protection Act, 1999*.

The original judge had sentenced El-Hinn to 45 days, to be served on weekends, and he and his company faced \$420,000 in fines after he pleaded guilty to charges for his failure to remove two electrical transformers and eight capacitors on the former Goodyear site.

On appeal in 2020, the appellate judge said the fines on their own were a sufficient means for enforcement, and, along with several other factors, jail time was not warranted. The judge also reduced the total amount of the fines to \$320,000. The Crown appealed to the Ontario Court of Appeal. The Court found the appellate judge was not in error in dismissing the jail time, but it did restore the sentencing judge's decision on the fines.

In addition to conducting prosecutions, the PPSC provides advice and support to regulatory enforcement agencies and their legal services through training initiatives, policy development, and reviews as well as periodic bilateral meetings. Over the past year, the PPSC had a number of bilateral meetings, a national operational meeting between senior regulatory prosecutors and regulatory managers, and discussions with many regulatory agencies to discuss legal and operation issues. This regular collaboration with regulatory agencies helps to promote dialogue and improve investigations and prosecutions.

The PPSC also provided advice through a prosecutorial lens to a number of legislative initiatives with respect to various regulatory statutes including the *Canadian Environmental Protection Act, 1999*, the *Fisheries Act*, the *Competition Act*, and the *Customs Act*.



### ***R. v. Young et al.***

In *R. v. Young et al.*, following a lengthy trial spanning seven weeks, four Cape Breton women were convicted of fraud and obtaining and attempting to obtain Goods and Service Tax (GST) refunds to which they were not entitled. The women had created ten corporations, which were essentially shells, whose main purpose was perpetuating the fraud. When Canada Revenue Agency (CRA) auditors sought records to substantiate the GST claims, the accused provided fake business records on multiple occasions. In several cases, the GST claims rested on non-existent transactions between the accused's own companies. When CRA contacted alleged customers and suppliers, it became clear that the companies in question conducted very little actual business, and that their true revenues were far smaller than the GST refunds they had sought. Over four-and-a-half years, there was a total loss to taxpayers of \$357,359. The trial was complicated by the accused's self-representation. At all times prosecutors were vigilant in fostering the accused's right to a fair trial. At the time of preparing this report, the accused's sentencing was underway.



### **R. v. Mao**

On June 21, 2021, in the Ontario Superior Court, Ikar Mao pleaded guilty to leaving Canada to participate in the activity of a terrorist group contrary to section 83.18(1), thereby committing an offence contrary to section 83.181 of the *Criminal Code*.

In an agreed statement of facts filed with the court, Mao admitted to travelling to Turkey for the express purpose of crossing the border into Syria and making himself available to Islamic State of Iraq and Syria (ISIS).

When Mao returned to Canada on October 19, 2019, some of his personal items were seized including numerous electronic devices. A search of these items demonstrated that Mao travelled to Turkey in order to enter Syria and travel to ISIS-controlled territory.

Mao was sentenced on June 23, 2021, in the Ontario Superior Court to 49 months imprisonment. With a reduction for pre-trial custody, this sentence was consistent with sentences imposed in similar circumstances.

The Crown stayed the charges against his wife, Haleema Mustafa. The staying of the charges against Mustafa was appropriate in the circumstances given her role, the evidence against her, and the public safety protection assessment. Mustafa was in custody for approximately 8 months pending resolution.

## **NATIONAL SECURITY PROSECUTIONS**

In 2021-2022, the PPSC revised the guidelines concerning terrorism and other [national security](#) prosecutions. One of the primary questions to be answered by prosecutors is when to lay terrorism charges and other national security offences such as disclosing confidential information to a foreign power. The answer is straightforward when the conduct alleged to have been committed by a person is only a crime by virtue of the terrorism parts of the *Criminal Code* and the *Security Offences Act*.

When the conduct is also an ordinary criminal offence, prosecutors must decide if the public interest requires it to be prosecuted as terrorism or an offence against national security or if it might even be counterproductive in the circumstances. Prosecutors must assess the harm caused by the conduct, the needs of deterrence and denunciation, as well as whether a terrorism offence would unduly or unnecessarily stigmatize the accused in a manner disproportionate to the nature of the conduct and the harm it represents. Prosecutors must also consider how the evidence is presented to prevent the accused's family and their community from being stigmatized during the course of the investigation or the trial process, including by association. The nature of the evidence required may be relevant to this consideration. Prosecutors should consider if the alleged offence can be proven beyond a reasonable doubt with evidence that does not further victimize the family members of the accused, or in a way that helps preserve family or community relationships, which will facilitate



the accused's reintegration and rehabilitation after serving their sentence.

The paramount consideration is always public safety, given the nature and severity of the conduct, taking into account the public interest in the assessment of charges.



### ***R. v. Duy Nguyen and Quyen Tran***

On June 5, 2020, Duy Nguyen and Quyen Tran, residents of Edmonton, Alberta, were charged with fraud and money-laundering offences. The defendants used members of the community as straw buyers to take out financing for vehicles in exchange for promised large financial incentives. The vehicles were then sent overseas where they were sold for a higher price, leaving the third parties in Canada with the remaining debt from the financing and with no financial incentive being paid to them.

In December 2020, Nguyen pleaded guilty to money laundering and fraud offences and was sentenced to 3 years imprisonment and was ordered to pay restitution to identified victims in the amount of \$2.1 million. On September 21, 2021, Tran pleaded guilty to charges related to the money laundering of approximately \$222,000 on Nguyen's instructions. Tran was sentenced to a conditional sentence order of 2 years followed by 3 years probation.

## SUPREME COURT OF CANADA LITIGATION

Prosecutors responded to 16 applications for leave to appeal and appeared before the Supreme Court of Canada in four appeals and three interventions, all of which were held via Zoom. Two of those cases are summarized below.

In *R. v. Parranto*, 2021, prosecutors successfully defended the Alberta Court of Appeal's decision to set a "starting point" for wholesale fentanyl trafficking. Felix and Parranto, in two unrelated cases from Alberta, pleaded guilty to various offences arising out of wholesale trafficking in fentanyl. Felix was sentenced to imprisonment for 7 years and Parranto for 11 years. The Crown appealed these sentences. The Alberta Court of Appeal set a starting point sentence of 9 years for wholesale fentanyl trafficking, and increased Felix's global sentence to 10 years and Parranto's global sentence to 14 years. Felix and Parranto appealed that decision to the Supreme Court of Canada. The Court dismissed the appeals. A majority found that the sentences at trial were demonstrably unfit and that the Court of Appeal's ruling was appropriate. The Supreme Court confirmed that appeal courts may set starting points to help

lower courts decide appropriate sentences. However, because starting points established by appellate courts are not binding on lower courts, a departure from starting points does not allow a court of appeal to modify the sentence imposed on that sole basis.

In *R. v. Ali*, 2022, prosecutors successfully argued that the trial judge and the majority of the Alberta Court of Appeal were correct in determining that the police had the requisite grounds to conduct a strip search that led to the discovery of drugs, in accordance with *R. v. Golden*, 2001. The Court confirmed that when a strip search is conducted as incident to a person's lawful arrest, there must be reasonable and probable grounds justifying the strip search, in addition to reasonable and probable grounds justifying the arrest. Those grounds were met in this case because there was evidence suggesting the possibility of concealment of evidence related to the reason for the arrest.





# 4

## AWARDS AND ACHIEVEMENTS

### APPOINTMENTS

In 2021-2022, the PPSC was pleased to see four employees appointed as judges to various provincial level courts: **Lynn Hintz** (Saskatchewan), **Jennifer Campitelli** (Ontario), **Brian Puddington** (Ontario), and **Baljinder Kaur Girn** (British Columbia).

### FORMAL AWARDS

The PPSC takes pride in all that has been accomplished over the past year. The PPSC Formal Awards Ceremony provided an opportunity to recognize the following recipients during a virtual ceremony:

The Director of Public Prosecutions Achievement Award was presented to **Alexander Clarkson** in recognition of his dedication to prosecuting the case of *R. v. Teck Coal Ltd.* and negotiating the largest fine under the *Fisheries Act* in Canadian history. This 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.

The Leadership Excellence Award was presented to **Faiyaz Alibhai** and **Norma Pavoni**. Throughout the challenges of the past year, Faiyaz and Norma lead by example and demonstrated outstanding leadership in their respective



regional offices. This 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.

In 2021, two teams were presented with the Creativity and Innovation Award. The first team, composed of **Carolyn Farr**, **Andrea Levans**, **Ian Mahon**, **Lisa Mathews**, **James Meloche**, **Kelvin Ramchand**, and **Andrée Vézina**, were recognized for the development and implementation of the Ethical Prosecutor Training Program. The second team of recipients, composed of **Elizabeth Armitage**,



**Roger Bouthillier, Tanit Gilliam, Marissa Martin, Guylain Racine, and Sarah Shaikh** were recognized for creating the PPSC's Equity, Diversity, and Inclusion brochure to support the recruitment efforts of the organization. This award recognizes individuals or teams who have contributed to the improvement of the way the organization functions.

The Workplace Excellence Award was presented to **Sylvie Ouellette** and **Moira Váně**. Sylvie was recognized for her significant contributions to the PPSC's COVID-19 pandemic response, and Moira was recognized for her contributions in creating a Robe Lending Bank in the Edmonton Courthouse. This award recognizes individuals or teams who have contributed to improving the workplace.

The Administrative Professional Award was presented to **Susie Barros** for her work ethic and countless contributions to the Manitoba Regional Office. This award recognizes individuals or teams for support or contributions behind the scenes that reflect well on the Public Service and the PPSC.

# 5

## CORPORATE ACTIVITIES

### MENTAL HEALTH AND WELLNESS

Mental health and wellness continue to be an important priority for the PPSC. Over the past year, the PPSC has responded to the ongoing disruption caused by the COVID-19 pandemic with increased messaging, and the sharing of helpful resources with all staff in a variety of formats, such as the [LifeSpeak](#) video series. Virtual information sessions to support the Healthy Workplace Services and Employee Assistance Program were also offered to all employees. Resources are regularly updated and featured prominently on the PPSC intranet site.

As part of the PPSC's Mental Health and Wellness commitment towards a healthier workplace, we recognized employees' positive and impactful behaviours and initiatives through appreciation awards.

Building on past successes, the Mental Health and Wellness Steering Committee, in collaboration with various partners, stakeholders, and employees developed the PPSC's Mental Health and Wellness Strategy 2022-2024 with the goal of creating a culture that enshrines psychological health, safety, and well-being in all aspects of the workplace through collaboration, inclusivity, and respect. It will guide the organization through the pandemic and the challenges of developing a hybrid workplace that fosters connections and supports a healthy work-life balance.

### HEALTH AND SAFETY

Bill C-65, an Act to amend the *Canada Labour Code*, came into force on January 1, 2021. It introduced a number of amendments to strengthen the existing framework for harassment and violence prevention. As a result, the PPSC mandated courses on the Prevention of Harassment and Violence in the Workplace for all PPSC staff. The PPSC achieved a 96% completion level.

The PPSC made N95 masks available to departmental employees with out-of-office duties (e.g., courts, travel, etc.) and created a guide pertaining to the use of N95 masks in the workplace.

### ADVANCEMENT CENTRE FOR EQUITY, DIVERSITY, INCLUSION, AND ACCESSIBILITY

The PPSC remains steadfast in ensuring that its workplace is equitable, diverse, inclusive, and accessible. It is equally committed to addressing systemic discrimination of equity groups and the over-representation of certain groups in the criminal justice system, most notably Indigenous and Black persons.

A Bias-Free Workplace Initiative report, complete with recommendations, was prepared and shared nationally. A PPSC Equity, Diversity, Inclusion, and Accessibility Action Plan for 2021-2024 was also prepared and approved.



This plan includes many of the Bias-Free Report recommendations and integrates feedback from extensive consultations with key stakeholders.

The PPSC established an Advancement Centre for Equity, Diversity, Inclusion, and Accessibility (ACEDIA). The ACEDIA is composed of a small group of employees dedicated to influencing the PPSC in respect of the actions it takes to foster EDIA. Over the past year, they contributed to the establishment of the following four National Councils for Employees: Employees Living with a Disability, Indigenous employees, Black employees, and the 2SLGBTQIA+ community. The ACEDIA also supported the creation of new Regional Equity, Diversity, and Inclusion Committees (REDICs) and equipped them with Terms of Reference that will guide their work and contributions.

ACEDIA supported various EDIA learning activities with senior management and across the organization. Engagement sessions were held with regional senior management to

provide education on Workforce Analysis and to discuss EDIA opportunities and challenges unique to each region. A toolkit was created to support EDIA learning events and related conversations.

Moreover, the ACEDIA organized and hosted a national live panel discussion to honour the International Day of Persons with Disabilities during which members of the new National Council for Employees Living with a Disability bravely raised awareness about their different types of disabilities. Other national learning events were also held to open conversations around anti-racism issues and reconciliation.

## INDIGENOUS JUSTICE AND RECONCILIATION COMMITTEE

In 2021-2022, the Indigenous Justice and Reconciliation Committee (IJRC) led initiatives contributing to PPSC's equity, diversity, inclusion, and accessibility efforts.

The IJRC continued to review the prosecution directives and policies set out in the *PPSC Deskbook* as a measure to address the over-incarceration and over-representation of Indigenous Peoples in the criminal justice system, as accused or as victims.

One of the IJRC's responsibilities is to make recommendations on issues related to how the PPSC could contribute to reducing the rate of representation of Indigenous individuals before the courts and in the incarcerated population, and better address the needs of Indigenous victims of crime. IJRC identified mandatory training in respect to cultural competency and legal training in applying the *Gladue* principles,





which will begin to be rolled out in 2022-2023. The IJRC also recommended that these sessions should be preceded by a basic course on the cultural and social history of Inuit, First Nations, and Métis peoples.

## GENDER-BASED ANALYSIS PLUS

Over the past year, the organization saw a significant advancement of Gender-based Analysis (GBA) Plus. Following the formal approval of the GBA Plus Statement of Intent just one year prior, the GBA Plus Responsibility Centre has achieved many important milestones.

The biggest milestone was the launch of the PPSC's new mandatory GBA Plus training for prosecutors and paralegals: Expanding our Mindset – Applying an Intersectional Lens to Prosecutorial Work (a GBA Plus Approach).

To achieve its mandate, while ensuring that the service it provides serves the public interest, the PPSC needs to enhance its understanding of the realities faced by individuals subjected to systemic discrimination and over-representation in the criminal justice system. Applying an intersectional

lens in prosecutorial work, such as GBA Plus, is one tool that will help the organization bring different and more inclusive perspectives to prosecutorial decision-making. The training is founded on the new, strengthened GBA Plus framework and is specifically adapted for the needs of PPSC prosecutors.

Nationally, 36% of prosecutors have completed this training. All prosecutors are expected to take this training by the 2023-2024 fiscal year. In every training session, the participants have an opportunity to review and discuss the Decision to Prosecute guideline of the *PPSC Deskbook* through an intersectional lens.

## OFFICIAL LANGUAGES

In 2021-2022, the PPSC developed its new Official Languages Action Plan. The three-year plan will enable the PPSC to demonstrate leadership, innovation, and creativity in meeting its official languages obligations and to contribute to initiatives that support strengthening the use of Indigenous languages through the following three pillars:

- » Strengthen our linguistic inclusivity;
- » Strengthen our official languages governance, monitoring mechanisms and the integration of official languages into processes; and
- » Increase our linguistic capacity to improve service delivery and access to justice.

The first National Virtual Conference on Language Rights in Prosecutions was held in the fall of 2021, even though linguistic rights have been enshrined in the *Criminal Code* since 1985. This unique event was organized by the PPSC and the Department of Justice, in close



collaboration with the *Directeur des poursuites criminelles et pénales du Québec* and the Ministry of the Attorney General of Ontario. The event brought together 44 panelists, including the heads of three prosecution services, as well as more than 300 participants from across the country. The discussion topics covered key legal principles, practical advice, linguistic regimes in penal matters and professional conduct obligations for Crown, and defence counsel.

The PPSC's Language Twinning Program, launched in the fall of 2020, has a growing number of participants, including several executives. Virtual technology has enabled matches of employees from different parts of the country, promoting national networking and collaboration.

## LEARNING AND DEVELOPMENT

The PPSC ensured that all employees were supported throughout the pandemic with learning and development opportunities. The organization updated its employees' Learning Roadmap with training requirements for all employees and offered many training options addressing mental health and wellness. The Human Resources Branch and the Mental Health and Wellness Committee also collaborated to provide Mental Health First Aid training to 40 supervisors to strengthen their ability to recognize signs of distress and reach out with a helping hand when necessary. They also worked to provide 32 employees training on coping with vicarious trauma, which may affect many front-line prosecutors and staff.

The PPSC also launched a Leadership Development Series for executives, managers, team leaders, and supervisors. The series encompasses training on topics such as

leading authentically, courageous leadership, and managing performance, and included a workshop with senior leaders on leadership. In an effort to be innovative, instead of focusing on key leadership competencies, the series offers training on character-based leadership, a new way of approaching the selection of leaders. By training our management cadre in this manner, the PPSC was able to look at talent differently and recruit based on character traits, rather than competencies.

The PPSC promoted a series of mandatory training courses for targeted groups, including some offered by the Canada School of Public Service. This included the following courses: Security Awareness, Overcoming our Own Unconscious Bias, Harassment and Violence Prevention, GBA Plus, and training on the PPSC Code of Conduct.

## SCHOOL FOR PROSECUTORS

The School for Prosecutors is an in-house program that offers annual training designed to promote professional development specifically relevant to the prosecution function.

The School's legal training satisfies law-society-imposed continuing professional development requirements, and has also served as an ongoing forum for participants to meet, network, develop mentoring relationships, and enhance their sense of identity as federal prosecutors.

This year, the organization offered two sessions of the **Level One (Prosecution Fundamentals)** course. Both programs 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.



## People of the PPSC



### Senior Financial Advisor – Headquarters

A Senior Financial Advisor is responsible for leading and supporting one or more functional teams, coordinating with stakeholders within other internal services divisions, and providing subject matter advice to partners in our regional and headquarters offices from coast to coast to coast.

As the key liaison between functional teams and management, the Senior Financial Advisor requires a blend of strategic thinking and tactical subject matter knowledge. I am responsible for the business processes of my team, both in terms of implementation to ensure compliance with policy instruments but also in relation to development and recommendations for process enhancements. Time management is a key asset to the role, as there are a wide variety of stakeholders and firm deadlines to respect. Since our team is an internal services provider, our primary responsibility is to support and enable the effective operation of the PPSC's core mandate to provide legal services on behalf of the Crown within the regulatory framework in which we operate.

I find this to be a uniquely rewarding position due to the balance of acting as a specialist — understanding, communicating, and advising stakeholders on matters pertaining to my team's expertise — and as a generalist — having an interest in initiatives impacting a wide variety of financial elements. At a larger department, there would be entire teams performing the work of one or a few staff here, which provides us with a wide breadth of experience and lends a more global perspective to our work. Every day offers the opportunity for a new learning experience, and I am proud of the work my team performs.

The **Level Two (Advanced Issues for Prosecutors) Major Case Presentation Series** consisted of sessions in which senior PPSC prosecutors shared lessons learned and discussed important legal issues that arose in their major case files.

The **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 in 2020-2021, completed its national roll out this year. 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

The pandemic presented a unique opportunity for the Supervisors' Network to grow, to develop new skills, and to deepen connections.

New co-chairs, **Erin Eacott** (Acting Deputy Chief Federal Prosecutor, Edmonton) and **Tracey Stack** (Regional Business Manager, Saskatoon), were appointed in spring 2021,

and they have met, with enthusiasm, the challenges of continuing to build a strong Network. By early 2022, every region, office and department within the PPSC had at least one ambassador to act as a liaison between supervisors/managers and the Network, and to support and promote Network activities.

In June 2021, the Network surveyed PPSC supervisors and managers on their learning and development needs. Fifty-two percent of PPSC's approximately 180 supervisors and managers responded to the survey.





The survey highlighted the importance of supervisors and managers taking more time to work on professional development. The top three learning priorities for respondents were performance management, employee engagement, and leadership. In response to the results, the Network organized training sessions with an experienced facilitator on performance management and employee engagement.

The Network promoted mentoring and coaching as a crucial component of leadership development. Several virtual sessions were

held where experienced PPSC mentors, from a variety of backgrounds, opened group discussions by sharing their lessons learned on innovative mentoring and coaching.

The Network also began partnering with the PPSC's ACEDIA to develop training and tools for supervisors and managers to better navigate complex and sensitive issues around equity, diversity, inclusion, and accessibility.

## **ACCESS TO INFORMATION AND PRIVACY**

While the ongoing COVID-19 pandemic presented operational challenges, the PPSC's Access to Information and Privacy (ATIP) Office made every effort to ensure the public's right of access to government records and their personal information in a timely manner. Out of 44 access to information and personal information requests closed during the past fiscal year, the PPSC responded to 93% of them within legislated timelines. This result is comparable with past years, indicating that the PPSC's ATIP service has remained steady despite the unique circumstances.

## **INTERNAL AUDIT AND EVALUATION DIVISION**

The Internal Audit and Evaluation Division (IAED) continued to work remotely and completed a number of audits, evaluations, and research projects. For example, audits completed last year assessed the compliance of the PPSC's Electronic Authorization and Authentication process with policy and legislative requirements and examined the





## People of the PPSC

### Team Leader – Nunavut Regional Office

As a Team Leader in the Nunavut Regional Office, I supervise young lawyers recently called to the bar who are often new to the Territory. We prosecute mostly *Criminal Code* matters and a significant number of domestic violence and sexual assault matters. I feel most fulfilled professionally when I get to teach and learn with new lawyers or work with witnesses to prepare them for court, explaining the criminal justice system and the law to those caught up in the system. Our prosecutors handle a significant number of matters a year and travel throughout the 23 communities of Nunavut on a regular basis to attend remote court circuits. It is challenging work, but we get the opportunity to assist and support countless victims of crime every year as they attempt to find justice in a challenging system.

adequacy and effectiveness of the management control framework in PPSC's Manitoba Regional Office. The Division also conducted an evaluation to assess the efficiency and effectiveness of the reorganization of the PPSC's Human Resources (HR) Directorate, focusing mainly on the reorganization's impact on the delivery of HR services.

In addition, the Division continued providing support to the department in other areas by conducting planned and ad hoc research projects. For example, the IAED administered a survey to all employees to gather information related to work during the pandemic and to identify what people are looking for in their work arrangements post-pandemic. The Division also conducted PPSC's survey of investigative agencies. This large-scale survey of police services and federal enforcement agencies is conducted every three years to gather feedback on support and services provided by the PPSC and to identify areas for improvement.





## HUMAN RESOURCES

The PPSC continued to strengthen its organizational design to ensure effectiveness and efficiency, by reviewing and standardizing its regional management structure. In addition, a suite of Inuit Court Worker positions were created in Iqaluit.

As part of the PPSC's recruitment approach, Human Resources promoted the hiring best practice of using diverse assessment boards to include more than one employment equity group in hiring processes. Statements of Merit Criteria were reviewed on an ongoing basis to identify and mitigate, or remove barriers to equity groups. The PPSC also made a practice of identifying a broad range of religious holidays to ensure candidates were not hindered from applying or participating in appointment processes.

## 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 National Fine Recovery Program (NFRP) was able to collect 59.2 million dollars in unpaid fines, surpassing last year's recovery. This recovery along with the 6.5% reduction of the overall inventory of fines in the PPSC legal case management system demonstrates that NFRP's modernization efforts are effective.

The NFRP continued advancing its modernization projects. Documented program procedures and a legal framework to outline its legal authorities in relation to its mandate were developed. The NFRP further enhanced the communication and

collaboration opportunities with other government departments, provinces, and private partners. An online payment portal was developed and will be launched in 2022 to offer additional payment options for Canadians with outstanding fines.

The NFRP also advanced the implementation of its hybrid recovery model by posting a request for proposals for a National Master Standing Offer for multiple collection agencies.

## AGENT AFFAIRS PROGRAM

The Agent Affairs Program (AAP) retains the services of 115 law firms, consisting of 540 lawyers, paralegals, and support staff to assist with prosecutions on behalf of the federal Crown where it is impractical or otherwise not cost-effective for prosecutions to be handled by PPSC prosecutors. Firms retained by the AAP prosecute annually on average 18,000 files across Canada totalling approximately \$38 million in expenditures. In 2021-2022, the AAP completed a full review of its operations. The primary focus of the review was to ensure prudent spending, improve the financial stewardship of the program, and identify efficiencies in the business processes.

## AMICUS

Over the course of the year, the organization made significant progress regarding the development of Amicus, the PPSC's new legal case management system. The development of the core functionalities was finalized. In addition, a new module has neared completion, which will improve the management of cases under the responsibility of PPSC's legal agents. The PPSC has now shifted its efforts into testing and towards the preparation for

the deployment set to begin in 2022. The new Amicus system will provide the organization with a modern and sustainable digital platform, at the heart of the PPSC's digital modernization.

## OUTREACH

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

Established in 1995, the Federal-Provincial-Territorial Heads of Prosecution Committee brings together the leaders of Canada's prosecution services. Its goal is to promote mutual assistance and co-operation on operational issues and to ensure that advice and litigation in criminal matters are provided by federal and provincial prosecution services. The PPSC provides coordination services to the Committee and the Director of Public Prosecution acts as co-chair.

The Committee, as a national body, has become an integral part of the prosecution landscape of Canada. The Heads of Prosecutions are frequently consulted on proposed amendments to the *Criminal Code*, as well as by law enforcement agencies on cross-cutting issues. Two meetings were held in 2021: a virtual meeting in June and a hybrid meeting in November. The Committee discussed the continuing effects of the pandemic on prosecutorial work, such as the backlog of cases due to court lockdowns, telework issues, and digital evidence challenges for prosecution services. The Committee also created a new national equity, diversity, and inclusion award for prosecutors and prosecution staff.

### *International Association of Prosecutors*

The [International Association of Prosecutors](#) (IAP) is a non-governmental and non-political organization that was established in 1995 at the United Nations Offices in Vienna. The need for such an organization arose as a consequence of increased cross-border crime, particularly drug trafficking, money laundering, and fraud. Fourteen years later, on February 25, 2009, French-speaking prosecutors created the [Association internationale des procureurs et poursuivants francophones](#) (AIPPF), a sister organization to the IAP, in Yaoundé, Cameroon.

The PPSC has been an active participant in both organizations since their creation. It is an organizational member of both the IAP and the AIPPF. **Kathleen Roussel**, Director of Public Prosecutions, is completing her second term as a member of IAP's executive committee. In addition, **Manon Lapointe**, General Counsel, has been elected as secretary general of the AIPPF for a three-year term.

The flagship activity of the IAP and the AIPPF was, until the arrival of the pandemic, the annual conference held each September since 1996. While the pandemic paused in-person activities, it has given IAP and AIPPF the opportunity to review how they carry out their activities and keep in contact with their members. Both organizations rose to the challenge. Since the onset of the pandemic, the amount of virtual training available has increased significantly.

The 6<sup>th</sup> North American and Caribbean Virtual Regional Conference was held in October 2021. Under the theme of Reimagining the Justice System Post-COVID, three sub-themes

were explored: Alternatives to Prosecution — Different Approaches for Differing Community Needs, Systemic Discrimination in the Criminal Justice System, and Considerations for International Government Prosecuting Offices. The sessions were held in English, French, and Spanish.

AIPPF's 8<sup>th</sup> regional conference took place on June 3, 2021. Organized in the form of a webinar in partnership with the Fort-de-France prosecutor's office, it was attended by over 100 people from around the world. It had two components: marine trafficking of narcotics in the Caribbean and cryptocurrency.

Both organizations reviewed the format of their annual general meetings, to hold them virtually or in hybrid format. This also made it possible for more members from around the world to participate.

### **Uniform Law Conference of Canada**

The [Uniform Law Conference of Canada](#) (ULCC) provides independent and informed analysis and recommendations for the harmonization and reform of laws in Canada. As the criminal justice system in Canada is a matter of shared constitutional responsibility among the federal, provincial, and territorial governments, the Criminal Section provides a unique opportunity for delegates to identify legal and operational issues and make recommendations on possible legislative reform involving the *Criminal Code* and related criminal law statutes.

At the annual meeting, the Criminal Section considers a number of resolutions from delegates proposing specific criminal law reforms, as well as reports from Criminal Section working groups on a variety of current criminal law issues. **Laura Pitcairn**, a PPSC prosecutor,



was named as President of the ULCC, and has been overseeing the work of the ULCC since August 2021.

Federal prosecutors have long been an integral part of the federal delegation to the ULCC. As a member of the federal delegation, the PPSC brings forward resolutions after canvassing its prosecutors across the country for their recommendations. The following are examples of important issues that might be identified: deficiencies, defects or loopholes in the present wording of particular sections of the *Criminal Code* or other federal statutes; judicial interpretation of a *Criminal Code* section that has weakened or nullified its application; or new areas of concern not sufficiently or satisfactorily addressed by the *Criminal Code* that prosecutors believe justify an amendment to criminal law. The resulting resolutions are then debated at the annual meeting of the ULCC, typically held in August, and if adopted, are submitted to the Department of Justice for consideration.

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## REGIONAL PROFILES



### BRITISH COLUMBIA – VANCOUVER

Equity, diversity, inclusion, and accessibility activities have been a priority for the PPSC. The British Columbia Regional Office (BCRO) has taken steps to educate and reflect upon events including Asian History Month, National Indigenous Peoples Day, and Autism Awareness Month. The BCRO has also put on learning events regarding the tragic legacy of residential schools and trauma-informed legal practice.

The region is also opening a new office in Surrey in the summer of 2022. The Provincial Court in Surrey is one of the busiest courthouses in British Columbia. Having an office in Surrey will help the region deliver prosecution services in one of the fastest growing communities in the province and will enable working collaboratively with law enforcement partners in that area of the Fraser region, including the new Surrey Police Department. In keeping with the PPSC's general approach, preparations for the opening and staffing of the new PPSC regional office in Surrey emphasize equity, diversity, inclusion, and accessibility considerations to ensure that the workforce is fully representative of the communities we serve.



### YUKON – WHITEHORSE

Prosecutors attended 13 Territorial Court circuit locations in communities outside of Whitehorse, as well as daily court sittings in Whitehorse. The Court returned to most of its regular operations, with a short interruption in personal appearances in the remote communities again in early 2022 due to the COVID-19 Omicron variant. All of the employees worked through challenging circumstances to reduce the impact of the backlog of cases that arose during the early stages of the pandemic. Only one *Charter* section 11(b) application for a stay due to delays since the onset of the pandemic has been made to date and it was rejected by the Court. At this time, prosecutors continue to appear in both the Territory and Supreme Court in person and have returned to attending court in person in the remote jurisdictions.



### ALBERTA – CALGARY, EDMONTON

The Alberta Regional Office (ABRO) assisted with successfully expanding the number of drug treatment courts (DTC) across Alberta from two to six and increasing program capacity in Alberta from 40 to 140 participants. As part of the ABRO's efforts, dedicated DTC prosecutors provided training to both judges and case management workers. The ABRO also actively participated in the creation of the newly



launched Edmonton Provincial Indigenous Court and the Alberta-wide Queen's Bench and Provincial Court Restorative Justice Pilot project.

## **NORTHWEST TERRITORIES – YELLOWKNIFE**

The pandemic continued to impact the court system within the Northwest Territories. 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 region is putting in place a new team to directly oversee cases related to sexual violence in response to the recommendations of the Calls for Justice in the Final Report of the National Inquiry into Missing and Murdered Indigenous

Women and Girls. They will assist with other prosecutors, the Royal Canadian Mounted Police and Crown Witness Coordinators, in addressing the underlying factors that have contributed to the ongoing violence the region is facing daily. This new team will help to address and assist with Indigenous women, girls, and 2SLGBTQIA+ victims of crime during their contact with the justice system.

## **SASKATCHEWAN – SASKATOON, REGINA**

To provide offenders with alternative measures, the Saskatchewan Regional Office (SRO) has supported changes in the justice system to more effectively deal with the challenges of substance use disorders. Specifically, the SRO



played a meaningful role in the planning of two initiatives to improve access to alternative measures in the province. After years of planning, the North Battleford Drug Treatment Court will begin intake and operation in 2022. As well, the SRO is collaborating in the planning of a Wellness Court in Saskatoon in order to address the increasing number of cases involving mental health.

### **MANITOBA – WINNIPEG**

Prosecutors in the Manitoba Regional Office (MRO) regularly appear in approximately 60 Provincial Court of Manitoba circuit court points, many of which are isolated Indigenous communities in northern Manitoba. This year, the region worked closely with Indigenous organizations in northern Manitoba to sign an agreement among the PPSC, First Nations, and the Royal Canadian Mounted Police to enforce and prosecute public health order violations to assist First Nations with the challenges of the pandemic.

Most files handled by the MRO relate to *Controlled Drugs and Substances Act* matters, with an emphasis on complex prosecutions of sophisticated national and international criminal organizations. Prosecutors provide advice to the police in the course of often lengthy investigations targeting these major drug trafficking operations, and their work continues through to trial and appeal. The MRO collaborated with Manitoba courts in the development of more efficient bail hearing procedures so that these complex prosecutions with multiple accused could be better handled at the outset of a prosecution.

### **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 Québec. The PPSC opened a new local office in Kenora in May 2021 to better serve northwestern Ontario and approved the creation of a local office in Thunder Bay, targeted to open in 2024. Prosecutors in the NCRO provide training throughout the year to police and other investigative agencies. Training is provided at the Canadian Police College, to regulatory agencies, and provincial and municipal police officers across the region. NCRO employees continue to pivot in response to the pandemic, from triaging cases, to remote work, increased use of virtual proceedings in court, and the development of hybrid work arrangements in the year to come.

### **NUNAVUT – IQALUIT, YELLOWKNIFE**

The Nunavut Regional Office (NRO) prosecutes offences under the *Criminal Code* and all federal statutes in 25 communities across the territory. The region is committed to increasing Inuit representation in the Nunavut Court of Justice, and increasing meaningful and culturally appropriate justice practices. To achieve these goals, the region has increased prosecutorial capacity, focusing on sexual and domestic violence involving Inuit women and girls, and is preparing to launch a program to train Inuit paralegals to appear in Nunavut's Justice of the Peace Court. The NRO is also committed to incorporating Inuit Qaujimajatuqangit (an Inuktitut phrase that is often translated as

Inuit traditional knowledge) into Nunavut's criminal justice system, and launched a project to increase understanding of Inuit Qaujimajatuqangit and how these principles should apply in Nunavut's criminal courts.



### **QUÉBEC – MONTREAL, QUEBEC**

The Québec Regional Office (QRO) prosecuted highly complex cases as well as cases involving national security. The QRO has adapted well to the reality of virtual work throughout the pandemic by continuing to conduct prosecution cases efficiently and by taking advantage of virtual sittings at the Court. The region continued to advise several investigative agencies, including the Royal Canadian Mounted Police, in a wide variety of areas of the law. Employee mental health and well-being continued to be at the heart of the regional office's concerns and actions, including maintaining regular dialogue with employees despite virtual work. The QRO has adopted a regional equity, diversity and inclusion plan in order to continue its efforts to maintain a healthy and inclusive workplace and to combat the problems of overrepresentation in the justice system.



### **ONTARIO – TORONTO, BRAMPTON, KITCHENER, LONDON, NEWMARKET**

The Ontario Regional Office (ORO) is active in supporting drug treatment courts across southern Ontario, as well as mental health and *Gladue* courts. The ORO adapted to the challenges of the pandemic, rendered prosecutorial services to investigative agencies,

and served the administration of justice in virtual and in-person proceedings. All ORO teams have continued to assess their case inventory to help reduce the backlog of cases in the courts in order to prioritize the most serious cases. Prosecutors also explored alternative measures programs to provide another option to the court system for accused persons, when appropriate. The ORO has continued to focus on mental health and wellness of employees, and to adapt to the challenges arising out of virtual and hybrid workplaces.



### **ATLANTIC – HALIFAX, MONCTON, ST. JOHN'S**

The Atlantic Regional Office (ARO) serves several provinces: Nova Scotia, Prince Edward Island, New Brunswick, and Newfoundland and Labrador. In addition to more typical offences under the *Controlled Drugs and Substances Act* and the *Fisheries Act*, this region often handles unique files as a result of the proximity to the ocean, such as major drug offloads, and spills of oil and other substances harmful to freshwater and marine habitats. Staff in the ARO demonstrated resiliency and flexibility through the waves of the pandemic, employing a fluid balance of work from home and in-person office or court attendance. The ARO is also taking steps to address the impacts of systemic racism and marginalization in the sentencing of African Nova Scotian offenders through the use of Impact of Race and Culture Assessment reports.

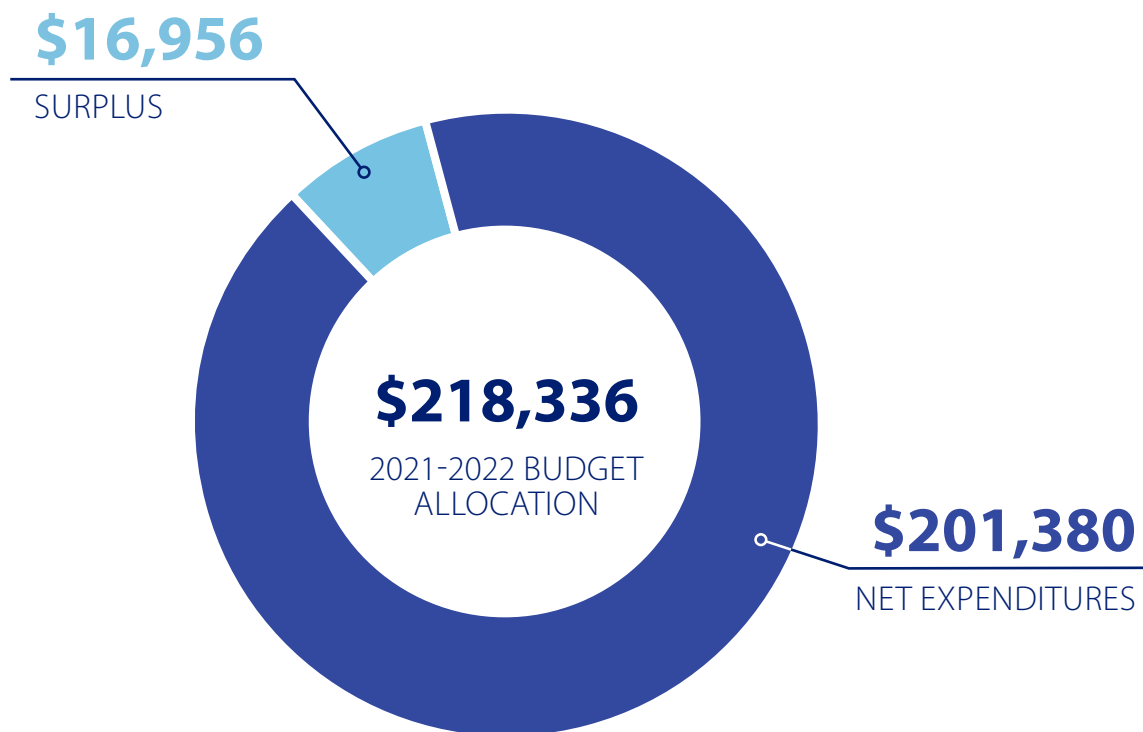
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## FINANCIAL INFORMATION

### OVERVIEW

During fiscal year 2021-2022, Parliament allocated a net vote operating budget of \$218.3 million including \$214.3 million for regular operations and \$4.0 million specific to the collection of outstanding federal fines. Furthermore, the PPSC recovered \$15.3 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 \$201.4 million and a total carryover of \$17 million. From that carryover, an amount of \$10.1 million resulting from the operating budget can be spent in the next fiscal year.

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)<br>(A) - (E) | (I)<br>(B) - (F) |
| Prosecution Services              | 178,457                        | 4,000         | 15,247                      | 197,704                 | 165,022                | 1,122                  | 83%         | 13,435           | 2,878            |
| Internal Services                 | 35,879                         | 0             | 93                          | 35,972                  | 35,236                 | 0                      | 17%         | 643              | 0                |
| <b>Total</b>                      | <b>214,336</b>                 | <b>4,000</b>  | <b>15,340</b>               | <b>233,676</b>          | <b>200,258</b>         | <b>1,122</b>           | <b>100%</b> | <b>14,078</b>    | <b>2,878</b>     |

Note: 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% of the total expenditures.



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