

PUBLIC PROSECUTION SERVICE OF CANADA

Prosecuting federal crimes.
Protecting Canadians.

ANNUAL REPORT • 2022-2023



Public Prosecution
Service of Canada

Service des poursuites
pénales du Canada

Canada 

If you would like to know more about the Public Prosecution Service of Canada (PPSC), please refer to [our website](#) and the following documents:

[*Director of Public Prosecutions Act*](#)

[*Public Prosecution Service of Canada Deskbook*](#)

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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
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June 29, 2023

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 2022-2023 Annual Report of the Public Prosecution Service of Canada. The report covers the period from April 1, 2022, through March 31, 2023.

Sincerely,

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

TABLE OF CONTENTS

SECTION 1 – INTRODUCTION 5

Land Acknowledgement	6
Message from the Director of Public Prosecutions	7

SECTION 2 – ABOUT THE PPSC 9

What is the Public Prosecution Service of Canada?	10
Our Mandate	10
Our Mission	12
Our Values	12
Role of the Prosecutor	13
Our Priorities	14
Our Structure	15
Our Offices	16

SECTION 3 – HOW DOES THE PPSC SERVE CANADIANS? 18

What is the PPSC doing to keep Canadians safe?	19
What is the PPSC doing to address substance use-related issues?	22
What is the PPSC doing to address the over-representation of certain groups in the criminal justice system?	27
What is the PPSC doing to strengthen the criminal justice system?	28
What is the PPSC doing in response to the recommendations of the Truth and Reconciliation Commission and the Calls for Justice of the National Inquiry into Murdered and Missing Indigenous Women and Girls?	31
In what Supreme Court of Canada cases was the PPSC involved?	36
Case Profiles	38
Summary of Prosecution Activities for 2022-2023	44

SECTION 4 – AWARDS AND ACHIEVEMENTS..... 47

Appointments	48
Formal Awards.....	48

SECTION 5 – SUPPORTING THE PEOPLE OF THE PPSC..... 50

Equity, Diversity, Inclusion, and Accessibility	51
Gender-Based Analysis Plus	53
Official Languages	54
Character-Based Leadership	56
People Strategy	56
Mental Health and Wellness	56
Hybrid Workplace	57
Occupational Health and Safety	58
Employee Data	58

SECTION 6 – FINANCIAL INFORMATION..... 60

Overview	61
Core Responsibilities	62

SECTION 7 – CONTACT INFORMATION 63



1

INTRODUCTION

LAND ACKNOWLEDGEMENT

The PPSC acknowledges Canada as the land of the First Peoples (Nations), Métis and Inuit. We recognize that most of the land we use to live, work and enjoy is shared by historic and contemporary treaties. Other land continues to be unceded territory and Nunavut means 'Our Land' and is an acknowledgement in itself.

We need to more fully appreciate that we are guests on this land and intentionally become better stewards of our surroundings.

Our [Equity, Diversity, Inclusion and Accessibility \(EDIA\) Action Plan](#) commits our organization to better understanding the **truth** of how colonialism affected Indigenous Peoples. How it unsettled the relationship between the first stewards and the land. How this brought tremendous disruption to their lives leading to significant and enduring, intergenerational trauma.

Our dutiful role in **reconciliation** is to ensure our prosecutorial work evolves. While we continue to make tough decisions about public safety, we must take our new understandings of this harm into consideration.

From our unique position, we can and must intentionally contribute to reducing the mass incarceration of marginalized groups, and particularly Indigenous Peoples, in the criminal justice system.

MESSAGE FROM THE DIRECTOR OF PUBLIC PROSECUTIONS

I am pleased to present the Public Prosecution Service of Canada's (PPSC) annual report for the year 2022-2023.

It has been a busy year for the PPSC, as we have now fully resumed regular operations post-pandemic, while maintaining as much flexibility for staff as possible to work at times from the office and at times from home.

The year in review saw the adoption of new tools and policies, as we work towards our twin goals of ensuring public safety while doing our part to reduce over-representation of certain populations in the criminal justice system, particularly First Nations, Métis, Inuit and Black Canadians. Those priorities reflect not only our mandate, but also the people values that we seek to instill within our organization. Similarly, [our new mission and values](#) are meant to be mandate-specific, but also to reflect who we are as an organization, one that is concerned with improving public safety outcomes, while fostering a positive culture. Our new values are not generic: they are meant to tell the Canadian public what they can expect from us as a prosecution service.

Consistent with our mission and goals, we have started a major review of our main policy instrument, the PPSC's Prosecution *Deskbook* which contains directives and guidelines that guide and circumscribe the discretionary



decisions of our prosecutors. The purpose of those revisions is to specifically address unconscious bias and considerations that will allow a reduction of the over-representation of Indigenous and Black persons in the criminal justice system. The first wholesale revision that has come into effect is with respect to the Decision to Prosecute, obviously the most seminal decision a prosecutor will make in the course of their work.

Internally the PPSC has worked hard to adopt plans in keeping with its vision of equity, diversity, inclusion and accessibility. We published an extensive [Equity, Diversity, Inclusion and Accessibility Action Plan](#), a new People Strategy, and an Accessibility Plan. In each case, the strategies and plans were the subject of consultation with our employees, including the five National Councils for employees. Our Official Languages Committee, in collaboration with Human Resources, also produced a new Official Languages Plan that not only addresses the use of English and French, but recognizes the importance of furthering the use of Indigenous languages. Many of our plans and corporate announcements are now produced in English, French and Inuktitut.

As we reflect on the year, we are grateful to have been able to gather again. I have been fortunate to be able to visit our employees in person where they work. Visiting our regions is crucial to understanding their challenges, and addressing their concerns. Beyond the excellent visits with staff across the country, it was a great pleasure to open our Kenora and Surrey offices, offices that will allow us to better serve those communities and their surrounding areas.

In 2022-2023, we have made the hybrid workplace our new normal, and seen the experiment improve the work-life balance of many of our employees, regardless of their job description.

Once again, I can only thank the employees of the PPSC for their dedication to making the criminal justice system better and to improving our organization. Your tireless efforts truly reflect well on all of us.



Kathleen Roussel

Director of Public Prosecutions

2

ABOUT THE PPSC



ABOUT THE PPSC

WHAT IS THE PUBLIC PROSECUTION SERVICE OF CANADA?

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

In this section we introduce:

- » the mandate of the PPSC
- » the mission and values of the PPSC
- » the role of the prosecutor
- » current and future priorities
- » the organizational structure of the PPSC and its regional offices

OUR MANDATE

The PPSC is a distinct governmental organization managed by the Director of Public Prosecutions (DPP), who has the rank and status of a deputy head (deputy minister) of a department. Mandated by the *Director of Public Prosecutions Act*, the DPP is empowered 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*.



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.

OUR MISSION

Our mission is to serve the public interest and help make Canada a safe and just society by:

- » Conducting prosecutions in a manner that is equitable, objective and independent, while protecting the rights of every individual; and
- » Contributing to the change necessary to support a criminal justice system that is fair to all.

OUR VALUES

Our values serve as a guide for expected behaviour and action at all levels of the PPSC. Every PPSC employee has a role to play in creating a work environment where every person can bring their whole self to work and feel valued and empowered to contribute.

Respect

We are committed to treating everyone equitably, with empathy, and compassion because everyone is worthy of respect.

Trust

We work to earn the trust of our colleagues and the communities we serve. We are accountable for what we say and do.

Professionalism

We use our knowledge, skills, experience, and judgment to be effective. Our humility, integrity, and wisdom are apparent in our work. We function as one team to leverage everyone's strengths and remain flexible to adapt to change. We continuously strive to learn and seek better ways of doing our work.



Courage

We make difficult decisions informed by fairness and justice. We confront biases including our own. We stand up against injustice, harassment, and discrimination.

Equity and Inclusion

We want to contribute to a criminal justice system that truly serves the public interest. We acknowledge our past failures and are determined to eliminate systemic discrimination and the over-representation of Indigenous, First Nation, Métis, Inuit, Black and marginalized community members. We seek to be equitable, accessible, accommodating, and inclusive by design. We are strengthened by people of diverse heritages, faiths, cultures, abilities, and cognitive functioning.

Commitment to Truth and Reconciliation

We acknowledge the historical and ongoing failure to protect the lives, values, and culture of the Indigenous Peoples of Canada. We seek to reconcile the differing values of the Canadian criminal justice system with those of the Indigenous Peoples of Canada. Our aim is to build a just relationship that addresses both the over-representation of Indigenous Peoples within the criminal justice system and the high rates of violence against Indigenous Peoples, particularly Indigenous women and girls.

ROLE OF THE PROSECUTOR

The mandate, mission, and values of the PPSC all come together in the role of the prosecutor within the justice system.

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 exercised 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.



OUR PRIORITIES (2022-2023 AND 2023-2024)

The PPSC's mandate calls upon all of its employees to uphold public trust and to contribute to the change necessary to support a criminal justice system that is more equitable and fairer to all Canadians. Each organizational priority is an integral part of achieving the greater goal. It is advancing on all these priorities together that will ultimately lead the PPSC to align its services with the ever-changing realities of Canadian society.

Take Action Against Systemic Discrimination and Racism in the Criminal Justice System

The PPSC will continue to contribute to the change necessary to support a criminal justice system that is more equitable and fairer to all Canadians.

Advance Equity, Diversity, and Inclusion in the Workplace

The PPSC will continue to build an accessible, inclusive, diverse, and equitable workplace environment where all employees can thrive.

Foster a Culture of Trust and Engagement

The PPSC will foster a culture of trust and engagement, where all employees are treated with respect, dignity, and fairness. The PPSC will also continue to promote public trust in the criminal justice system by enhancing its engagement with external stakeholders and court participants.

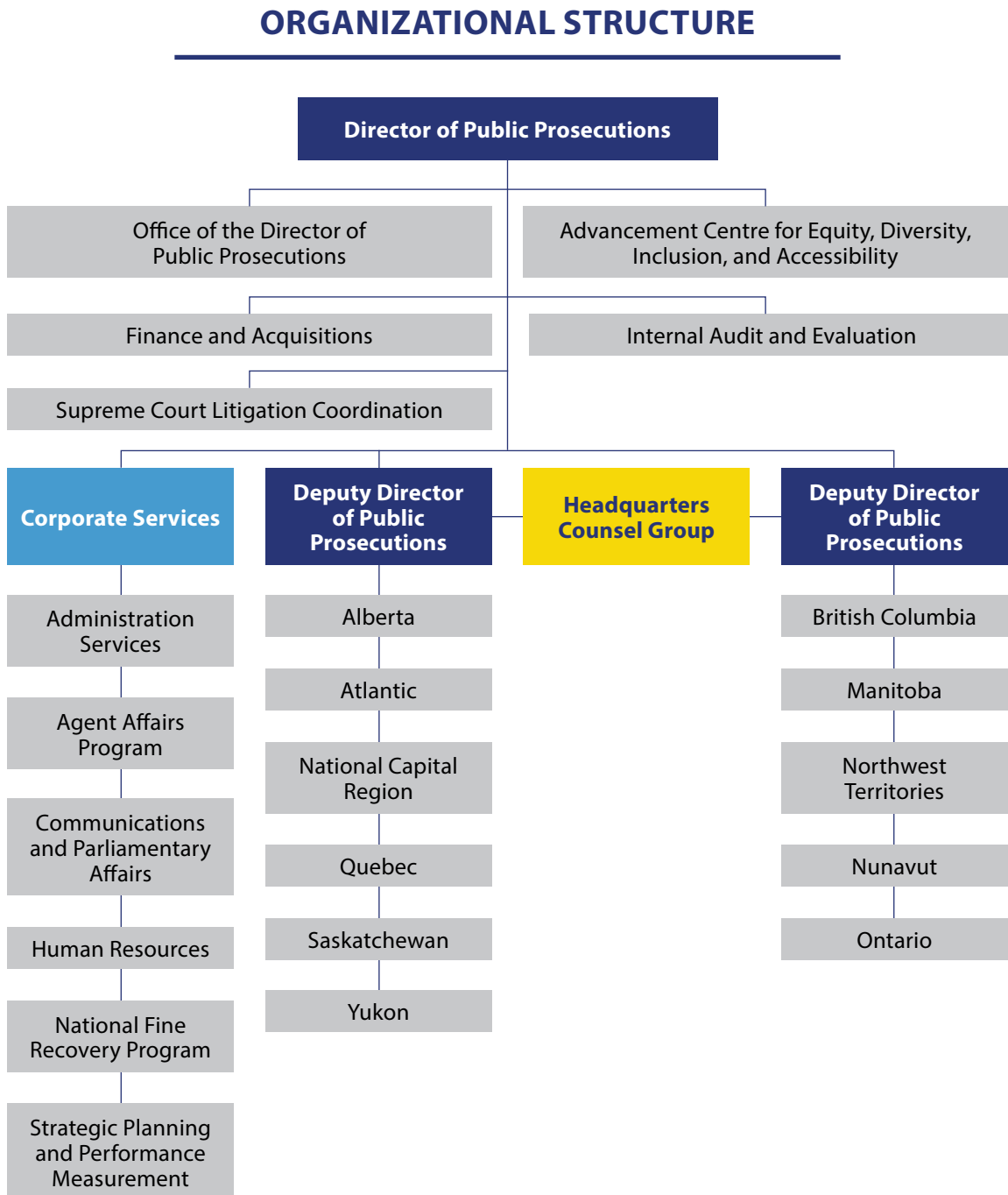
Modernize the Way We Work

Innovation is the way forward to building an agile workforce and a modern criminal justice system. The PPSC will continue to modernize its tools and procedures, as well as its prosecutorial policies and practices.



OUR STRUCTURE

The organizational structure of the PPSC, headed by the Director of Public Prosecutions and supported by Corporate Services and Regional Offices, is shown below:





OUR OFFICES

The PPSC has 21 offices spread out over 11 regions across the country, with each region focusing on local needs and priorities. All regional offices work closely with law enforcement agencies within their regions to provide advice and training, and strengthen their relations.

They handle a broad range of federal prosecutions, namely federal offences relating to drugs, regulatory and economic offences, and national security offences. In the territories, PPSC regional offices prosecute

Criminal Code offences, as well as offences under all federal statutes.

In many provinces and territories, in order to serve smaller communities, our prosecutors travel from community to community throughout the year to provide their services for circuit court. The PPSC also retains the services of 105 law firms, comprising 473 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 PPSC prosecutors to handle prosecutions.

Opening of a new office serving Kenora, Ontario

The opening of a PPSC office in Kenora is further evidence of the PPSC's desire to strengthen its relationships with local stakeholders across the communities it serves and its commitment to advancing truth and reconciliation with Indigenous Peoples.

Recurring challenges in the Judicial District of Kenora in Ontario's Northwest Region led to the development of an alternate way to serve the region. In 2022, the PPSC opened a new office in Kenora. This new office is responsible for federal prosecutions in Kenora, Red Lake and 13 fly-in communities that are primarily Indigenous.¹

Opening of a new office in Surrey, British Columbia

In the British Columbia region, most federal prosecution services for the community of Surrey and the surrounding areas have been provided historically by private law firms hired by the PPSC. In 2019, the PPSC decided that the time had come to expand the PPSC's presence in the British Columbia region. On December 5, 2022, the newest PPSC office in Surrey began serving the communities of Delta, Langley, Surrey and White Rock. This office is responsible for prosecutions that originate in its jurisdiction and continue on by way of proceedings in New Westminster Supreme Court.

The Surrey team is looking forward to continuing to build strong relationships with all the local stakeholders and enhancing the PPSC's participation in the local justice system and in the larger community.

¹ The Kenora office is responsible for 13 fly-in communities namely Bearskin Lake, Cat Lake, Deer Lake, Fort Severn, Keewaywin, Kingfisher Lake, Muskrat Dam, North Spirit Lake, Pikangikum, Poplar Hill, Sachigo Lake, Sandy Lake, Wunnumin Lake.

A black and white photograph of three public prosecutors in their traditional robes. A man stands in the background, a woman stands to the right, and another woman is seated in the foreground. They are positioned in front of a large window with a plant in a white pot. A large blue diagonal graphic is overlaid on the left side of the image.

3

**HOW DOES
THE PPSC SERVE
CANADIANS?**

HOW DOES THE PPSC SERVE CANADIANS?

In 2022-2023, the PPSC supported Canadians through a wide range of prosecutorial activities. In this section we answer questions that Canadians may have about how we fulfil our mandate, including:

- » What is the PPSC doing to keep Canadians safe?
- » What is the PPSC doing to address substance use-related issues?
- » What is the PPSC doing to address the over-representation of certain groups in the criminal justice system?
- » What is the PPSC doing to strengthen the criminal justice system?
- » What is the PPSC doing in response to the recommendations of the Truth and Reconciliation Commission and the Calls for Justice of the National Inquiry into Murdered and Missing Indigenous Women and Girls?
- » In what Supreme Court of Canada cases was the PPSC involved?

We have also provided statistics on the PPSC's prosecution activities for 2022-2023.

WHAT IS THE PPSC DOING TO KEEP CANADIANS SAFE?

An important part of the PPSC's role in the criminal justice system is to focus on keeping Canadians safe, such as through the prosecution of:

- » cases connected with national security;
- » violations of federal statutes and regulations that protect environment, safety, health, economic security, and general welfare of the Canadian public;
- » cases related to drug trafficking, possession, manufacturing, and importation; and
- » a high percentage of violent crime offences in the three territories.

National Security Prosecutions

The PPSC's mandate covers terrorism offences under the *Criminal Code*, offences under the *Security Offences Act* and the *Security of Information Act*, and war crimes. The organization is the sole legal advisor in that regard during the early investigative stages, and sole authority for initiating cases relating to the national security of Canada.



The PPSC provides pre-charge advice and other assistance to the Royal Canadian Mounted Police (RCMP) and other police services across Canada. The organization decides whether to provide the Attorney General of Canada's consent to the commencement of proceedings that relate to the national security of Canada.

In 2022-2023, the PPSC provided consent to the laying of terrorism charges in four cases and for charges in one case relating to industrial espionage. As of March 31, 2023, the PPSC has seven terrorism prosecutions currently before the courts.

During 2022-2023, the PPSC consented on behalf of the Attorney General of Canada to the commencement of three proceedings seeking a terrorism peace bond. Including those three new proceedings, as of March 31, 2023, there were five pending applications before the courts for terrorism peace bonds.

Regulatory and Economic Prosecutions

Another fundamental part of the PPSC mandate is the work related to regulatory and economic prosecutions. The PPSC's dedicated regulatory

teams across the country prosecute offences pursuant to over 75 regulatory statutes and regulations. A few examples of commonly prosecuted statutes include the *Canadian Environmental Protection Act, 1999*, the *Fisheries Act*, the *Competition Act*, and the *Customs Act*. In addition to the imposition of fines and sentences of imprisonment, these cases can result in the imposition of measures designed to enhance public health and safety, improve the management and protection of environmental resources, or discourage financial and economic malfeasance.

In addition to conducting prosecutions, the PPSC provides advice and support to regulatory enforcement agencies and their legal services through training initiatives, policy development, and file reviews. Over the past year, the organization had a number of bilateral meetings, and two national operational meetings between senior regulatory prosecutors and regulatory enforcement partners. This regular collaboration with regulatory agencies promotes dialogue and improves investigations and prosecutions.

VALUES IN ACTION

TRUTH AND RECONCILIATION

The opening of the Kenora office has provided an opportunity for us to build stronger relationships with local stakeholders across the communities it serves, and to demonstrate our commitment to truth and reconciliation with Indigenous Peoples. The event brought together local stakeholders, including local Indigenous leaders. During the event, a commemorative plaque was revealed naming the boardroom - The Den - La Tanière – Waazh.

It was felt that this name thoughtfully reflected the space accurately, since a den is a quiet, secluded, secure place. Kenora is also a lakeside community, where cottages with dens prevail. These dens are used as warm inviting spaces for social gatherings or quiet contemplation. The Kenora office “Den” will be the gathering place for witnesses, police and visitors.



Drug Prosecutions

The PPSC continues to work with police across the country to cut off supply chains and strenuously advocate for the imposition of meaningful sentences against individuals convicted of high-level drug trafficking offences.

PPSC prosecutors support police by providing advice during the operational phase of an investigation to ensure that police investigative

techniques deployed during an investigation comply with the law. They also work diligently with police file managers to ensure all evidence disclosure is organized and ready at the earliest stages to avoid any delay after the arrest and charge of an accused.

The PPSC works with federal partners such as the Canada Border Services Agency and RCMP on the prosecution of cases involving large seizures of controlled substances attempted to be smuggled across the Canadian border.

Problematic substance use in Canada's remote communities creates significant problems for law enforcement agencies and public health services. The PPSC strives to conduct effective prosecutions of these cases so that individuals responsible for the transportation and distribution of these substances receive a meaningful, fair and proportionate sentence that reflects the harm done to the community.

Prosecutions in Canada's North

Unlike in the southern regions of Canada, where provinces have prosecution services prosecuting *Criminal Code* offences, the PPSC has sole carriage of all those matters in the territories. This means that PPSC prosecutors in the North often work with victims of violent crime.

The territories have some of 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 them of the court process and their rights under the [*Canadian Victims Bill of Rights*](#). Cultural sensitivities, language barriers, and trauma issues require special consideration.

WHAT IS THE PPSC DOING TO ADDRESS SUBSTANCE USE-RELATED ISSUES?

Substance use-related issues remain a key priority for the PPSC. Here are some highlights of the work being done to address these issues:

- » the ongoing opioid crisis
- » Drug Treatment Courts
- » the sale of illicit cannabis



VALUES IN ACTION



TRUST

To foster trust with those struggling with substance-use disorders, the Alberta Regional Office (ARO) has been actively involved in the expansion of Drug Treatment Court (DTC) programs in Fort McMurray, Calgary and Edmonton. While applications were initially slow, despite no shortage of crime driven by substance-use disorders, each multi-disciplinary DTC team took steps to raise awareness within new communities. DTC prosecutors participated in information sessions with potential referral sources, including local defence bars, corrections staff and law enforcement agencies. The ARO also took action, with prosecutors in the Edmonton and Calgary offices screening files for potential DTC eligibility during their initial file review. Where appropriate, prosecutors informed defence counsel of potential DTC eligibility and provided information about the application process. Our goal is to make all individuals who commit crimes in furtherance of their substance-use disorder aware that judicially supervised rehabilitation may be an available sentencing option. Our efforts are proving successful with DTC applications and participant numbers steadily increasing. Increasing access to the DTCs has enabled a broader group of offenders to receive treatment, rehabilitate and make amends in their own communities, where treatment programming can be tailored to reflect local values and conditions.



Ongoing Opioid Crisis

The opioid crisis continues to wreak havoc across the country leading to far too many tragic and premature deaths. The PPSC continues to advocate tirelessly for harsher sentences against the dealers who prey on vulnerable citizens and who are responsible for the large-scale supply of contaminated toxic substances in Canada's largest urban centres.

The organization also advocates for fair sentences against low-level traffickers who themselves suffer from a substance-use disorder by taking into account the harm caused to the public and the personal circumstances of the offender as well as any other relevant social context evidence.

Beginning on January 31, 2023, Canada's Minister of Mental Health and Addictions granted an exemption in the Province of British Columbia (BC) to the prosecution of certain substances under s. 4(1) of the *Controlled Drugs and Substances Act* (CDSA) (i.e., possession of controlled substances for personal use). The PPSC's BC regional offices

have to manage the impact of the exemption on the exercise of their prosecutorial discretion, in collaboration with the Province, police and other stakeholders.

While the presence of fentanyl across the country continues to cause a health and safety crisis, the emergence of new synthetic opioids in certain parts of the country is compounding that crisis and raising new challenges. The PPSC is handling an increasing number of prosecutions involving such substances in different regions of the country.

Drug Treatment Courts

Drug Treatment Courts (DTCs) operate in all regions of the country. The PPSC has dedicated counsel who work with the court, police and service providers to end the cycle of recidivism committed by people who use drugs and address an offender's long-term problematic substance use.

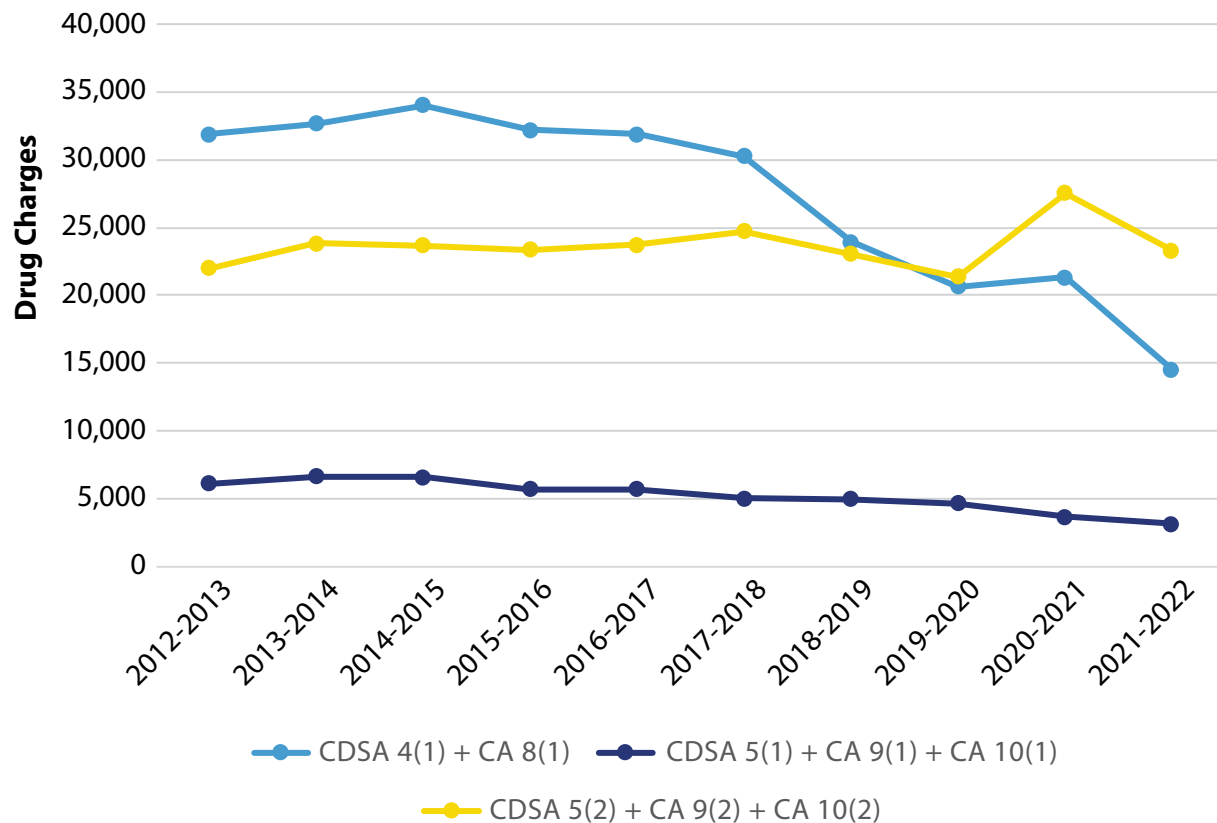
The organization has worked to accommodate the expansion of DTCs throughout the province of Alberta and is preparing for additional growth in other parts of the country.



DRUG CHARGES BY CHARGE SECTION

The following chart provides a breakdown of the drug-related charges prosecuted by the PPSC under the *Controlled Drugs and Substances Act* (CDSA) and the *Cannabis Act* (CA).

Number of charges laid under the CDSA and the CA



CDSA 4(1) + CA 8(1): Possession of an illegal substance.

CDSA 5(1) + CA 9(1) + CA 10(1): Trafficking in substance / Distribution.

CDSA 5(2) + CA 9(2) + CA 10(2): Possession for the purpose of trafficking / distribution.

* Where the CDSA and the CA have overlapping types of charges, have been equated as per the CA [Schedule 5](#).

Sale of Illicit Cannabis

The sale of illicit cannabis to unlicensed secondary markets remains a problem across the country. PPSC prosecutors continue to work with police to address the distribution of

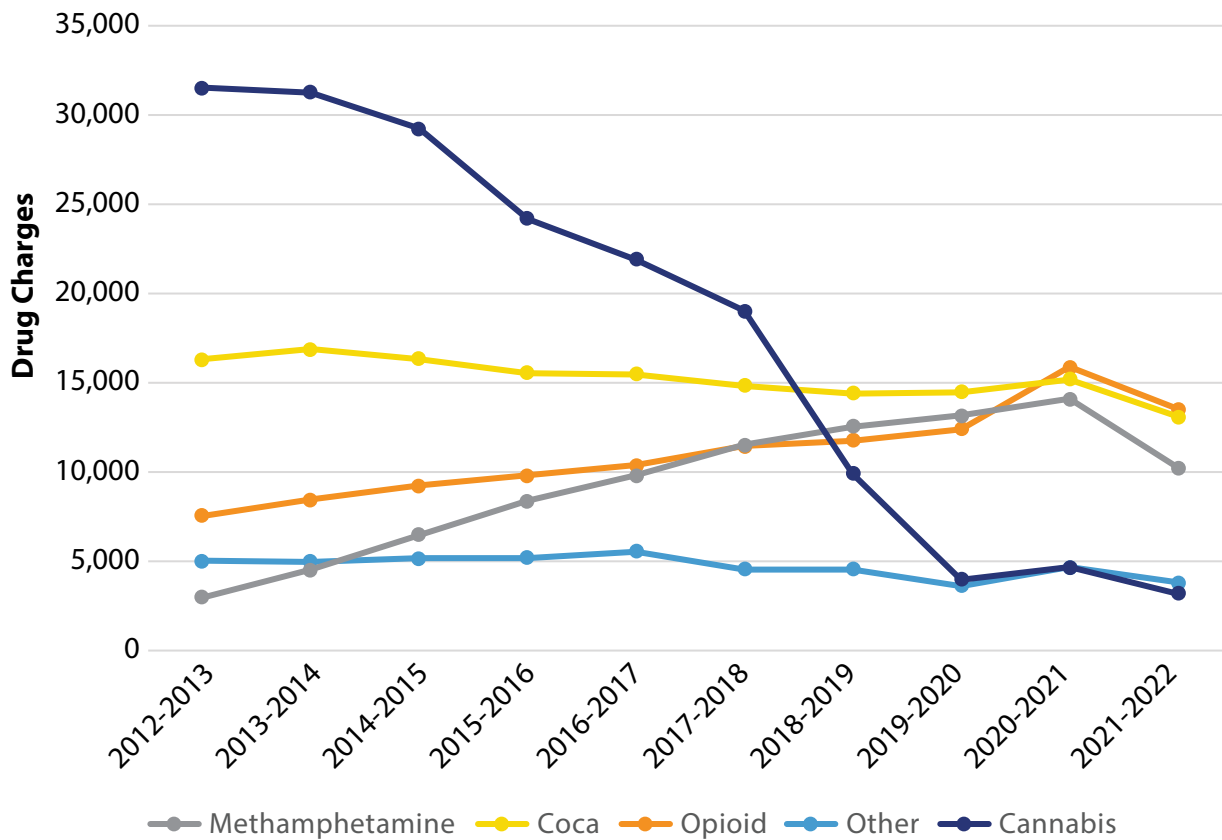
illicit cannabis across the country and eradicate unlicensed dispensaries.

In addition, the PPSC is participating in the 3-year review of the *Cannabis Act* mandated under s. 151.1 of the Act.

DRUG CHARGES BY DRUG GROUP

The following chart provides a breakdown of the drug-related charges prosecuted by the PPSC based on specific drug groups.

Number of charges laid under the CDSA and the CA



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, Lysergic acid diethylamide (LSD), psilocybin, etc.

WHAT IS THE PPSC DOING TO ADDRESS THE OVER-REPRESENTATION OF CERTAIN GROUPS IN THE CRIMINAL JUSTICE SYSTEM?

As a significant priority, the PPSC is continuing to contribute to the change necessary to support a criminal justice system that is more equitable and fairer to all Canadians.

Ongoing initiatives include:

- » the *PPSC Deskbook* review
- » training

PPSC Deskbook Review

The [PPSC Deskbook](#) sets out the guiding principles which all federal prosecutors, and persons acting as federal prosecutors, must follow. In 2021, the DPP tasked the PPSC's National Prosecution Policy Committee to review the Deskbook and recommend changes to any policy or practice that may contribute to discrimination, systemic racism, or over-representation within the criminal justice system. The PPSC's Indigenous Justice and Reconciliation Committee, whose mandate is to consider the PPSC prosecutorial policies and practices that impact Indigenous communities and Indigenous persons, also provided feedback on several of the chapters over the past year. There was also particular care to use plain, gender-neutral, and consistent language. The Executive Council set the order of priority of the review of Deskbook chapters and decided that [Guideline 2.3, Decision to Prosecute](#) would be one of the first ones to undergo review.

Guideline 2.3 – Decision to Prosecute

Guideline 2.3 is one of the most important sections in the Deskbook because it guides prosecutors in their determination of whether to pursue a prosecution or authorize the laying of charges. While the decision is based on two basic criteria: the reasonable prospect of conviction and public interest, there are many factors under each of these criteria that prosecutors must consider in each individual case.

The PPSC's National Prosecution Policy Committee consulted studies, reports, and case law during the course of the review. There was a particular focus on the broadening of prosecutorial discretion, an emphasis on the consideration of certain factors that impact over-representation, and the elimination of unconscious bias.

The revised guideline 2.3 contains a list of criteria to consider when determining whether to authorize the laying of charges or pursue a prosecution. They include, but are not limited to, the nature and gravity of the alleged offence, the background circumstances of the accused, the circumstances and views of the victim, confidence in the administration of justice, and harm to the community. However, the revised guideline generally does not specify precisely in what circumstances prosecutors should or shouldn't proceed with a prosecution. This allows for discretion in balancing all the relevant factors in each individual case.

To address over-representation and systemic racism, the updates to guideline 2.3 require more active approaches from prosecutors in a number of respects:

- » Recognition that preventing unconscious bias requires a more active approach to thought processes and decision-making.
- » Requirement for prosecutors to consider factors which may contribute to over-representation.
- » Guidance that prosecutors should not proceed with cases involving serious state misconduct (including racial profiling).
- » Guidance that prosecutors should review the underlying social conditions affecting the accused, such as systemic racism, homelessness, or a substance-use disorder and should not proceed with routine administration of justice offences unless there are also serious offences (e.g., breach of a firearms prohibition order).
- » Encouraging prosecutors to consult colleagues with different backgrounds and perspectives when possible.

Noteworthy Training

To help raise awareness of over-representation, a virtual conference on “Canada’s Bail System: What is not working and how can prosecutors make it better” was offered to all employees.

This presentation outlined:

- » The impact that pre-trial detention conditions have on an accused
- » How bail impacts the problem of over-representation
- » How the denial of bail can result in wrongful convictions

WHAT IS THE PPSC DOING TO STRENGTHEN THE CRIMINAL JUSTICE SYSTEM?

The PPSC continued to collaborate with stakeholders involved in the criminal justice system, whether it be at the community, provincial, and national level, as well as internationally. Examples of this collaboration include the:

- » Federal-Provincial-Territorial (FPT) Heads of Prosecutions Committee
- » FPT Heads of Prosecution Litigation Subcommittee
- » Federal-Provincial-Territorial Subcommittee on the Prevention of Wrongful Convictions
- » National Fine Recovery Program

Federal-Provincial-Territorial Heads of Prosecutions Committee

Established in 1995, the Federal-Provincial-Territorial (FPT) Heads of Prosecution Committee brings together the leaders of Canada’s prosecution services, including those of the military prosecution service. Its goal is to promote mutual assistance and co-operation on operational issues and to ensure that consistent 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 Prosecutions acts as co-chair.

VALUES IN ACTION

RESPECT

Perbeen is a Team Leader in the Surrey PPSC Office located in the British Columbia region. She is responsible for managing staff and overseeing daily operations. She provides advice and training to law enforcement officials, while maintaining the conduct of complex litigation files. Perbeen's commitment to a diverse, respectful and inclusive workplace is reflected in her everyday actions. She is always quick to praise a team member for an accomplishment. Perbeen recognizes that everyone has varied experience and to that end, she established PPSC's very first Volunteer Representative position whereby members of the team volunteer with local community organizations in an effort to increase their awareness of their own position of privilege. By overseeing the inclusion of plain language in drafting communications to self-represented litigants involved in *Quarantine Act* prosecutions, Perbeen showed that being respectful also extends to prosecution work.



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.

The Committee discussed topics such as the electronic evidence gathered by body-worn cameras, the transfer of sexual violence cases from the military to the civil jurisdiction, and recruitment and retention of prosecutors in remote communities.

FPT Heads of Prosecution Litigation Subcommittee

The FPT Heads of Prosecution Litigation Subcommittee facilitates the sharing of relevant information about criminal prosecution files and allows for the coordination of interventions in these files among the various prosecution services in Canada, particularly in the Supreme Court of Canada. The PPSC's Supreme Court of Canada Litigation Coordination Section informs the members of all criminal cases proceeding in the Supreme Court of Canada and shares all relevant documentation to enable the various prosecution services to decide whether or not to intervene in a timely manner. Over the past year, the FPT Subcommittee has helped to initiate numerous collaborations with respect to appeals in the Supreme Court of Canada, including in: *R. v. Ramelson, 2022*; *R. v. Sharma, 2022*; and, *R. v. JJ, 2022*.

FPT Subcommittee on the Prevention of Wrongful Convictions

The FPT Subcommittee on the Prevention of Wrongful Convictions, composed of senior prosecutors, police and policy analysts from across the country, continued to provide national coordination for the dissemination of information on the prevention of wrongful convictions. In 2022-2023, it organized a well-attended two-hour webinar, *Forensic Fallout: scientific evidence and the prevention of wrongful convictions*. It also reviewed the initiative announced by the Minister of Justice and Attorney General of Canada to create an independent Miscarriage of Justice Commission to determine its implications for police and prosecution services.

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) has continued advancing with its modernization projects and has strengthened its accountability and efficiency. A new online payment portal was launched in January 2023, to offer additional payment options to Canadians with outstanding fines. An automated notification letter system was developed to further increase the NFRP's accountability in notifying Canadians with outstanding fines on upcoming recovery procedures.

The NFRP has processed, through its recovery programs and legal proceedings, over 3,845 accounts and collected \$57.9 million in unpaid fines. The overall value of fines registered in the PPSC legal case management software has diminished by more than 20.8% since April 1, 2022. Following intense research and recovery attempts, 1,256 files representing over \$75 million worth of fines were identified as unrecoverable and taken out of the active inventory. The overall inventory of unpaid fines on March 27, 2023, contained 33,917 files representing over \$278.5 million.

WHAT IS THE PPSC DOING IN RESPONSE TO THE RECOMMENDATIONS OF THE TRUTH AND RECONCILIATION COMMISSION AND THE CALLS FOR JUSTICE OF THE NATIONAL INQUIRY INTO MURDERED AND MISSING INDIGENOUS WOMEN AND GIRLS?

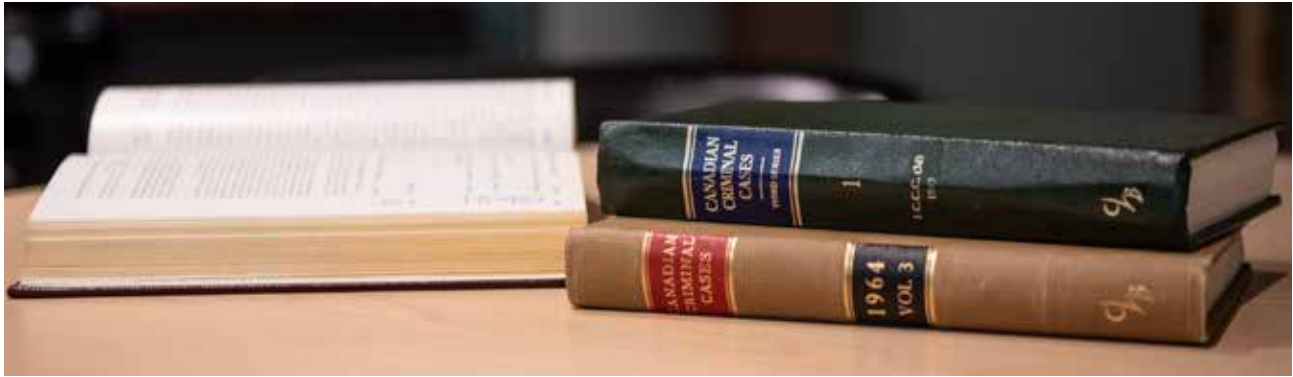
The PPSC accelerated its work in supporting the Government of Canada's [Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People](#). Through Budget 2021, the PPSC received \$23.5M over three years to respond to Calls for Justice

5.12, 9.2, 9.2(ii), 10.1, 16.27, 17.20 and 17.8, to improve the level of justice provided to Indigenous victims, witnesses and communities experiencing sexual violence and intimate partner violence in Yukon, the Northwest Territories, and Nunavut.

As highlighted in the report, [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#), the PPSC, as part of the criminal justice system, is currently unable to provide the full extent and continuity of support victims and witnesses deserve throughout the court process. Additional prosecutors, Crown Witness Coordinators, paralegals and administrators across the three territories will provide prosecution teams sufficient time and continuity on individual prosecutions to establish trust and properly prepare victims and witnesses. Supported and well-informed victims and witnesses are much more likely to engage in the court process, which in turn facilitates a more timely administration of justice. These resources will also allow for more efficient and meaningful case management; provide a more equitable distribution of work; alleviate the impact of the grueling travelling schedule and improve the work-life balance of prosecution teams.

Throughout 2022-2023, the PPSC bolstered its efforts to continue supporting these challenges through the following initiatives:

- » Crown Witness Coordinators
- » Specialized Sexual Violence Prosecution Team
- » The Inuit Qaujimajatuqangit Project
- » The Inuit Court Worker Program
- » Specific Training initiatives



Crown Witness Coordinators

Crown Witness Coordinators (CWCs) work hard to build a relationship of trust with victims and witnesses. They help them understand the justice system, fill out victim impact statements, prepare for court, assist with the translation of documents and also refer them to other service providers like social services. The CWCs in Nunavut also offer these services in Inuktitut to reduce potential communication barriers. In 2022-2023, the Northwest Territories office developed new, more effective processes that are helping to reach out to victims early and provide them with the information they need. All offices in the Territories have continued their efforts to recruit additional CWCs to properly support the workload.

Specialized Sexual Violence Prosecution Team

The highest rate of sexual violence in the country is in Nunavut and the second highest is in the Northwest Territories (NWT). Sexual violence causes significant suffering and trauma to survivors. Blame, self-blame, shame and judgment are just some of the potential effects of the suffering and trauma caused by this form of violence.

The Specialized Sexual Violence Prosecution Team (SSVPT) in the NWT region consists of two senior prosecutors, a paralegal, two CWCs, and a third prosecutor position which is filled on a rotating basis. The SSVPT's goals are to implement best practices and review every sexual violence prosecution, provide training and mentorship to prosecutors and police, provide improved and consistent support for victims, and engage with outside stakeholders. This project is a direct response to the Calls for Justice for the Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People.

The Nunavut region also has a new approach to sexual violence files. One of the Nunavut's general counsel is leading a team that proactively reviews and prepares files of sexual violence where the victim is an adult, and the region's Deputy Chief Federal Prosecutor reviews and prepares files of sexual violence where the victim is a child. This allows for a proactive approach to files to ensure that the PPSC provides high quality prosecution services, prioritizing those files pursuant to the Calls for Justice for the Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People.

Inuit Qaujimajatuqangit Project

The Nunavut region is dedicating a team to work on implementing Inuit Qaujimajatuqangit (ᐃᑭᐅᐃᑦ ᑦᑲᐅᐱᐭᐅᐅᑦᑲᑦᑲᑦ) into prosecutorial decision-making. Inuit Qaujimajatuqangit is a difficult concept to define. It goes beyond “Inuit traditional knowledge” and instead provides a framework within which one can think about and approach life. Inuit Qaujimajatuqangit is a broad concept that changes between regions, communities, and even families. It is a fluid, organic system that relies on multiple sources of input (usually taking the form of Elders discussing an issue and coming to a common understanding). It remains adaptable as changes occur in society. The goal of this project is for the PPSC to find a way to incorporate Inuit Qaujimajatuqangit into its Nunavut region’s practice and the criminal justice system without compromising its essence as a set of living principles.

There have been different attempts to codify and categorize Inuit Qaujimajatuqangit over time. The Government of Nunavut has identified eight principles as the core of Inuit Qaujimajatuqangit, which they would like to see incorporated into all territorial government departments:

- » **Inuuqatigiitsiarniq:** Respecting others, relationships and caring for people.
- » **Tunnganarniq:** Fostering good spirits by being open, welcoming and inclusive.
- » **Pijitsirniq:** Serving and providing for family and/or community.
- » **Aajiiqatigiinni:** Decision-making through discussion and consensus.

- » **Pilimmaksarniq/Pijariuqsarniq:** Development of skills through observation, mentoring, practice, and effort.
- » **Piliriqatigiinni/Ikajuqtigiinni:** Working together for a common cause.
- » **Qanuqtuurniq:** Being innovative and resourceful.
- » **Avatittinnik Kamatsiarniq:** Respect and care for the land, animals and the environment.

The Inuit Qaujimajatuqangit project will allow counsel to consult with Inuit Elders, benefitting from their knowledge and wisdom, and to further consider Inuit Qaujimajatuqangit in their assessment of a reasonable prospect of conviction and public interest. This project is expected to be launched in two pilot communities, Pangnirtung and Baker Lake (Qamini’tuaq). The Nunavut region hopes that the project will be extended to more communities in 2024.





Inuit Court Worker Program

The Nunavut region is committed to increasing Inuit representation as decision-makers in the criminal justice system in Nunavut. As part of this commitment, the region has created the Inuit Court Worker (ICW) Program, a first of its kind in the country. The ICW Program includes an intensive training program with internal and external courses to train the junior court workers to become paralegals able to act independently on behalf of the PPSC in the Nunavut Justice of the Peace Court and in summary conviction matters throughout Nunavut. The training has begun for three employees in the junior court worker positions, and one of the employees has started to make representations in court, under the supervision of senior counsel, marking an important milestone for this new program.

The ICW Program responds to a number of Calls for Justice for the Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People and is a priority in the Nunavut region.

Noteworthy Training

On a national level, training is being rolled out, which will be mandatory for all employees. This training series, specifically customized for the PPSC, is titled “Historical and Present Indigenous Realities, Trauma and *Gladue* Reports.”

Reconciliation with Indigenous Peoples is one of the most pressing issues facing Canada today. The over-representation of Indigenous people in the criminal justice system, both as accused and as victims, has been historically high and this rate keeps going up. The PPSC, which is obligated to have a better understanding of this issue, has an important role to play in helping curb these rates.

Although PPSC prosecutors and paralegals deal directly with the *Gladue* principles and reports, all employees must broaden their awareness of different cultures and Indigenous realities, in respect to the call to action #57 from the Truth and Reconciliation Commission of Canada.

VALUES IN ACTION



COURAGE

Ayodele's journey is one marked by courage and perseverance. Leaving behind a promising career with the Economic Community of West African States in Nigeria, he embarked on a new adventure to pursue a Masters of Law Degree program at the University of Manitoba in Canada. Despite facing numerous challenges, including the need to qualify as a Canadian lawyer through the National Committee on Accreditation examinations, Ayodele was called to the Manitoba Bar in 2013.

However, Ayodele's path to becoming a prosecutor in Canada was far from easy. As a Black man and immigrant, he faced multiple rejections and indifference in his pursuit of his dream job. Nevertheless, he persisted, and eventually found his way to the Saskatchewan Regional Office, where he is now making a significant impact in the legal profession.

Ayodele's lived experiences and intersectionality as a Black man and immigrant influence his daily prosecutorial decisions and enable him to provide a unique perspective on matters related to marginalized communities in the justice system.

Through his unwavering courage and dedication, Ayodele has made significant contributions to the PPSC, the National Council for Black employees and the legal profession as a whole in Canada. His inspiring journey serves as a reminder that with perseverance and determination, one can overcome even the most challenging obstacles and achieve great success.

IN WHAT SUPREME COURT OF CANADA CASES WAS THE PPSC INVOLVED?

During the reporting period, the PPSC was involved in the following appeals and interventions before the Supreme Court of Canada.

Appeals

R. v. Stairs, 2022

This is an appeal from the Ontario Court of Appeal's decision upholding the conviction for possession of a controlled substance for the purpose of trafficking where the sole issue before the Court was the permissible scope of a search incident to arrest in a home for safety purposes.



The Supreme Court of Canada modified the common law standard for a search incident to arrest in a home. Where the area searched in the arrested person's home is outside that person's physical control at the time of the arrest – but the area is sufficiently proximate to the arrest – two additional requirements are imposed: (1) the police must have a reasonable suspicion that there is a safety risk to the police, the arrested person, or the public which would be addressed by the search; and (2) the police must conduct the search in a reasonable manner, ensuring they respect the heightened privacy interests in a home.

R. v. Sharma, 2022

The DPP was granted leave to appeal the Ontario Court of Appeal's declaration of unconstitutionality of ss. 742.1(c) and 742.1(e)(ii) of the *Criminal Code*, which removed the availability of a conditional sentence for the importation of drugs. A majority of the Court of Appeal determined that the provisions were overbroad under s. 7 and discriminated against Indigenous offenders like the appellant under s. 15 and could not be saved by s. 1 of the *Charter*.

The DPP did not challenge the findings relating to the experiences of discrimination by Indigenous persons in the criminal justice system nor the value of conditional sentences. The DPP challenged the Court of Appeal's analysis of ss. 7 and 15 of the *Charter* as it relates to the bounds of parliamentary authority to enact and amend criminal law without offending the *Charter*. The majority of the Supreme Court of Canada accepted the DPP's arguments on both ss. 7 and 15, allowed the appeal and confirmed the constitutionality of ss. 742.1(c) and 742.1(e)(ii).



Interventions

R. v. Nahanee, 2022

The main issue raised in this appeal was whether the public interest test set out in *Anthony-Cook*, 2016, should apply to contested sentencing hearings following a guilty plea, when a sentencing judge is inclined to impose a sentence beyond the range of sentence recommended by the parties. The Supreme Court determined that the *Anthony-Cook* test does not apply to contested sentencing hearings following a guilty plea, but decided that judges must notify the parties if they intend to impose a harsher sentence than the one sought by the Crown to give the parties the opportunity to make further submissions.

R. v. Ramelson, 2022; R. v. Jaffer, 2022; R. v. Haniffa, 2022; and R. v. Dare, 2022

On November 24, 2022, the Supreme Court of Canada released four decisions addressing the issue of entrapment in the digital context. These cases all arose from an undercover police operation that targeted individuals procuring sexual services from underage girls through advertisements online, and dealt with the definition of virtual spaces. The Supreme Court unanimously affirmed

the conclusion of the Court of Appeal of Ontario that none of the appellants was entrapped by the police undercover operation. The Supreme Court concluded that the investigation was a bona fide inquiry into a sufficiently defined online space.

R. v. Hills, 2023; R. v. Hilbach, 2023

On January 27, 2023, the Supreme Court of Canada released two decisions concerning the constitutionality of mandatory minimum penalties for intentionally discharging a firearm at a place one knows to be occupied, contrary to s. 244.2(3)(b), and for robbery with a firearm, contrary to ss. 344(1) a)(i) and (1)a.1) of the *Criminal Code*. The DPP intervened to defend the constitutionality of those provisions. The Court found that the mandatory minimum sentence for discharging a firearm at a building known to be occupied was unconstitutional, primarily based on a hypothetical about a BB (ball bearing) gun with a high muzzle velocity that is technically a firearm. On the other hand, the Court found that the mandatory minimum sentence for robbery with a firearm was constitutional, primarily based on the narrow scope of the offence.

CASE PROFILE

Case: *R. v. Ultra Electronics Forensic Technology Inc.*

Topic: Remediation Agreement

Summary: The first remediation agreement conducted by the PPSC and only the second agreement pursued since Part XXII.1 of the *Criminal Code* came into force in 2018.

Detailed Summary:

Remediation agreements, also referred to as “Deferred Prosecution Agreements”, are an alternative to prosecution that can hold organizations accountable while mitigating the risk of future offences and harm to third parties. The intent of these agreements is to encourage organizations to voluntarily disclose wrongdoing.

On May 16, 2023, the Superior Court of Quebec published the details of the remediation agreement between the PPSC and Ultra Electronics Forensic Technology Inc. (UEFTI), which it approved earlier this year.

UEFTI faced two counts of bribing officials of the Republic of the Philippines, contrary to s. 3 of the *Corruption of Foreign Public Officials Act*, and one count of defrauding the Filipino government, contrary to s. 380 of the *Criminal Code*, as part of a scheme to secure the procurement of a ballistic identification system to the Philippine National Police. The prosecution against UEFTI is stayed and the charges will be withdrawn when the company has fulfilled its obligations under the agreement which include the following conditions:

- » A penalty of \$6,593,178; a surcharge of \$659,318; and forfeiture of \$3,296,589 for the advantage obtained from the wrongful conduct;
- » UEFTI must cooperate with any investigation or prosecution related to the offences;
- » UEFTI must report to the PPSC on the implementation of the agreement; and
- » UEFTI must abide by the terms of an anti-bribery and corruption program under the supervision of an external auditor, retained at UEFTI's expense.



CASE PROFILE

Case: *R. v. Barac*

Topic: Appeal – drug prosecution and the *Customs Act*

Summary: Drug lookout appeal dismissed

Detailed Summary:

Branislav Barac was the subject of a “drug lookout” at the border. A lookout is a specific intelligence product developed to identify a person, corporation, conveyance or shipment that, according to various risk indicators or other available intelligence, may pose a threat. Upon inspection, border authorities located approximately 25 kilograms of methamphetamine and US\$126,000 in cash in the cab of Mr. Barac’s transport truck. Mr. Barac was convicted of importing methamphetamine and sentenced to 12-year imprisonment. He appealed against both conviction and sentence.

Mr. Barac’s main ground of appeal was that the lookout, to which he was subjected, turned what would otherwise have been a routine custom examination into a criminal investigation and a detention that engaged his Charter rights from the moment he arrived at the border. He also argued other issues on appeal, including the length of the sentence imposed.



The appeal was dismissed in its entirety.

The Court concluded the following:

- » The routine inspection of persons entering Canada is not stigmatizing and, in that context, principles of fundamental justice permit greater interference with personal autonomy and privacy than would ordinarily be acceptable in a free and democratic society.
- » The sentence was not unreasonable, given that the sentences for offenders trafficking in large quantities (over five kilograms) of substances such as cocaine and methamphetamine have increased in recent years.

CASE PROFILE



Case: *R. v. Marc Haensel*

Topic: *Canada National Parks Act*

Summary: Unlawful fossil removal and trafficking

Detailed Summary:

The Burgess Shale is part of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Canadian Rocky Mountain Parks World Heritage Site and one of the most significant fossil areas in the world, containing 500-million-year-old soft-bodied fossil imprints. It provides key evidence of the history and early evolution of most animal groups known today and offers a more complete view than any other known site for that time period.

In 2020, Marc Haensel was charged with unlawfully removing and unlawfully trafficking fossils contrary to the *Canada National Parks Act*. The offences involve fossils located in the Yoho and Kootenay National Parks and included Burgess Shale fossils.

Mr. Haensel operated a fossil-selling business through a number of online platforms where he sold fossils he had personally removed from protected sites. Police became involved in August 2020 and they launched an undercover operation in which Mr. Haensel offered to sell an officer various Burgess Shale fossils. A warrant was executed at Mr. Haensel's home and police located a large collection of carefully labelled and stored fossils. In total, Mr. Haensel had 45 illegal fossils from Canadian National Parks.

Mr. Haensel was ordered to pay a fine of \$20,000 to the Environmental Damages Fund, and the court imposed a five-month conditional sentence order.



CASE PROFILE

Case: *R. v. Michels Canada Co.*

Topic: *Fisheries Act*

Summary: Contamination to fish habitat

Detailed Summary:

In Surrey, British Columbia on August 22, 2017, drilling fluid and sediment-laden waters were released into Cape Horn Creek, killing at least twenty fish. On September 2, 2017, another release of drilling fluid and sediment-laden waters, this time into Quibble Creek killed a further 533 fish.



Environmental enforcement officers conducted investigations into these incidents focusing on Michels Canada Co., the head contractor responsible for horizontal directional boring operations conducted in both locations. Officers went onsite collecting water samples, dead fish, and other evidence relating to the spills. Through testing, the deposits of drilling fluid and sediment-laden waters into Cape Horn Creek and Quibble Creek were determined to be deleterious to fish, which is a violation of the *Fisheries Act*.

On December 6, 2022, Michels Canada Co. was ordered to pay a total of \$2.8 million after pleading guilty to two charges laid under s. 36(3) of the *Fisheries Act* at the Provincial Court of British Columbia in Surrey. The fines will be directed to the Government of Canada's Environmental Damages Fund and the money will be used to support projects which have a positive impact on the environment.

CASE PROFILE



Case: *R. v. Rajwinder Singh*

Topic: *National Parks of Canada Aircraft Access Regulations*

Summary: Illegal drone use in a national park

Detailed Summary:

On September 6, 2022, Rajwinder Singh was observed flying a drone at Jasper Lake, in Jasper National Park, during an active wildfire at Chetamon Mountain. Mr. Singh flew his drone when helicopters were actively providing air support to firefighting efforts by bucketing water, overseeing operations, and transporting people and equipment to the ground. As a result of Mr. Singh's conduct, 8 helicopters had to be grounded for over an hour. In addition to the over \$20,000 cost of grounding the helicopters, air bucket efforts to fight the fire were interrupted, putting firefighters and ground crew at serious risk of injury.

The accused plead guilty to contravening section 2(3)(a) of the *National Parks of Canada Aircraft Access Regulations*.

The Court accepted the joint submission for a fine of \$10,000 to be paid to the Environmental Damages Fund. The Court ordered the forfeiture of all seized items including the drone.



CASE PROFILE



Case: *R. v. Borhot*

Topic: *Criminal Code*

Summary: Terrorist activities

Detailed Summary:

On April 28, 2022, in the Court of Queen's Bench of Alberta, Hussein Borhot pleaded guilty to travelling to Syria to join ISIS and participating in the activities of a terrorist group contrary to s. 83.18(1) of the *Criminal Code*. He also pleaded guilty to kidnapping contrary to s. 279(1), for the benefit of the terrorist group, thereby committing an offence contrary to s. 83.2 of the Code. He took training at a training camp in both religion and fighting techniques alongside other ISIS members, and kidnapped opposing fighters.

The PPSC and counsel for Mr. Borhot presented a joint submission seeking an 8-year sentence for his participation in the activities of the terrorist group, and four years for kidnapping for the benefit of the group. The Court agreed with the joint submission and imposed the recommended sentences, which are to be served consecutively in accordance with s. 83.26 of the *Criminal Code*. He will also be subjected to a DNA order, and a firearm prohibition order for 10 years following his release.



SUMMARY OF PROSECUTION ACTIVITIES FOR 2022-2023

In 2022-2023, the PPSC worked on 49,028 files. This figure includes 23,557 files opened during the year, as well as 25,451 files carried over from previous years. Overall, PPSC prosecutors and paralegals, legal support staff, and legal agents working on behalf of the PPSC spent a total of 1,069,242 hours working on prosecution files during the year. PPSC prosecutors and paralegals spent an additional 257,083 hours providing legal advice to investigative agencies, participating in various committees, both national and regional, and assisting with other important corporate work, as well as providing or receiving training.



OUTCOMES OF CHARGES (BY ACCUSED)

ACQUITTAL AFTER TRIAL	324
FINDING OF GUILT AFTER TRIAL	736
GUILTY PLEA	6,451
JUDICIAL STAY OF PROCEEDINGS	52
CHARGE WITHDRAWN AND/OR STAY OF PROCEEDINGS (CROWN)	12,639
OTHER ¹	25

1 The category "Other" includes the outcomes of discharge at preliminary hearing and mistrial.

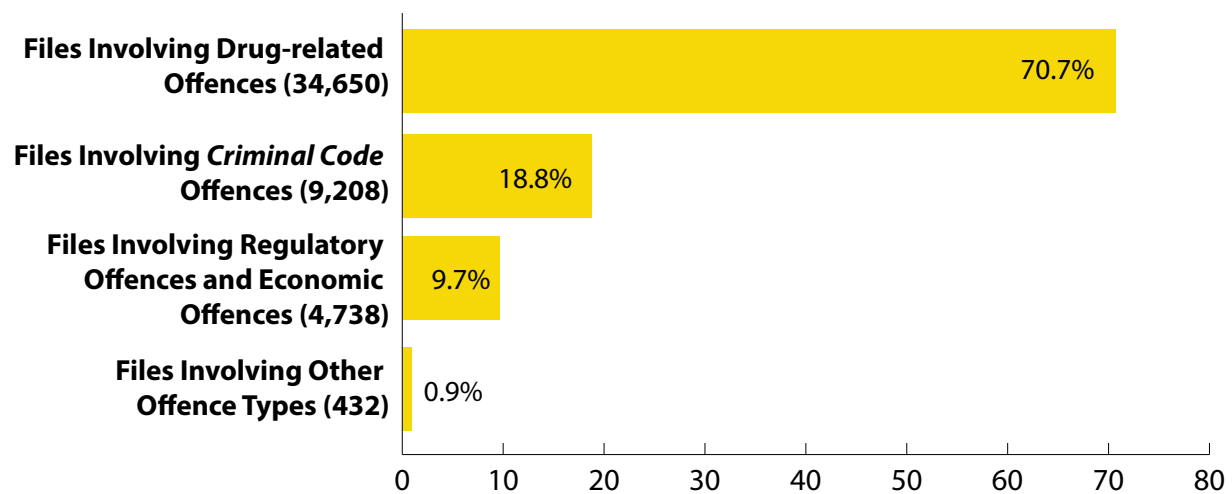
OUTCOMES OF CHARGES (BY CHARGE)¹

ACQUITTAL AFTER TRIAL	1,073
FINDING OF GUILT AFTER TRIAL	1,258
GUILTY PLEA	10,081
JUDICIAL STAY OF PROCEEDINGS	224
CHARGE WITHDRAWN AND/OR STAY OF PROCEEDINGS (CROWN)	41,910
OTHER ²	55

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 OFFENCES¹ (% OF FILES)



- 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 mislabelled in the case management system.

BREAKDOWN BY NUMBER OF FILES¹

REGION	TOTAL	REGULATORY AND ECONOMIC	DRUGS	CRIMINAL CODE	OTHER
Alberta	5,532	664	4,732	114	22
Atlantic	3,032	1,147	1,760	93	32
British Columbia	5,286	1,440	3,597	205	44
Headquarters	113	6	43	38	26
Manitoba	2,168	157	1,971	19	21
National Capital	6,394	274	6,052	50	18
Northwest Territories	4,015	9	121	3,840	45
Nunavut	3,057	2	14	2,999	42
Ontario	14,463	250	14,037	107	69
Quebec	951	656	144	89	62
Saskatchewan	2,285	132	2,124	20	9
Yukon	1,732	1	55	1,634	42

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 mislabelled 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>	93,907
<i>Controlled Drugs and Substances Act</i>	74,829
<i>Cannabis Act</i>	4,708
<i>Fisheries Act</i>	4,061
<i>Immigration and Refugee Protection Act</i>	1,085
<i>Quarantine Act</i>	851
<i>Employment Insurance Act</i>	809
<i>Customs Act</i>	700
<i>Income Tax Act</i>	436
<i>Excise Act, 2001</i>	364



4

AWARDS AND ACHIEVEMENTS

AWARDS AND ACHIEVEMENTS

The PPSC is proud to highlight the achievements of our outstanding staff members over the last year.

APPOINTMENTS

In 2022-2023, the PPSC was pleased to see three employees appointed as judges: Barry Nordin (Alberta), Anita Chan (British Columbia), and Jill Hartlen (Nova Scotia).

FORMAL AWARDS

The Director of Public Prosecutions Achievement Award

This award recognizes an individual or a team who, in performing their duties or executing a project, made an exceptional contribution to address the priorities of the PPSC. It was awarded to the team of: Manon Lapointe (General Counsel, Headquarters (HQ)), Martin Michaudville (Senior Counsel, HQ), Sarah Shaikh (General Counsel, Ontario Region), and Nikki Durksen (Executive Assistant and Office Coordinator, HQ).

This team created the PPSC's National Prosecution Policy Committee (NPPC) Secretariat to coordinate and guide the work of the various NPPC subcommittees in reviewing the *PPSC Deskbook*. The key objective of this review is to identify any policy, practice, or procedure that may contribute to discrimination, systemic racism, or over-representation in the criminal justice system, allowing these issues to be addressed as the Deskbook is revised and updated.

The Prosecution Excellence Award

This award recognizes an individual prosecutor or a team of prosecutors who demonstrated a high level of commitment and dedication to the ideals of justice over a sustained period, and demonstrated excellence, professionalism, and ethical behaviour. It was presented to Danielle Katherine Szabo (Senior Counsel, Alberta Region).

Danielle constantly performs at an exceptionally high level, providing legal and strategic advice to investigative agencies across Alberta with ad hoc counsel related to a variety of issues.

The Leadership Excellence Award

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. This year, the award was presented to Marie-Michèle Meloche (Designated Senior Official for Employment Equity, Diversity, and Inclusion, Quebec Region).

Marie-Michèle is a devoted champion for equity, diversity, inclusion and accessibility (EDIA). Her genuine commitment to human rights and inclusivity is obvious across the entire organization.



The Creativity and Innovation Award

This award recognizes individuals or teams who have contributed to the improvement of the way the organization functions and was awarded to one individual, Emily Enei (Senior Human Resources Advisor, HQ) and one team: Khristina Popadiouk (Senior Analyst, HQ) and Julie Wilson (Manager and Strategic Advisor to the Senior Director General, HQ).

Emily successfully supported senior management in completing over ten senior-level appointments this year. By running a national collective process, she filled several key positions through one advertised process while advocating for the importance of equity, diversity, inclusion and accessibility in the recruitment process.

Khristina and Julie form the PPSC's Gender-Based Analysis (GBA) Plus Responsibility Centre and have been instrumental in contributing to the advancement of equity, diversity, inclusion, and accessibility across the organization.

The Workplace Excellence Award

This award recognizes individuals or teams who have promoted and contributed to the improvement of a better workplace, and was

presented to Milena Jusza (Senior Counsel and Team Leader, Alberta Region).

Milena is the Chair of the Alberta Mental Health and Wellness (MHW) Committee and is a member of the MHW national committee. She worked tirelessly to promote positive mental health in both the Alberta region and nationally.

The Administrative Professional Award

This award recognizes individuals or teams who have supported or contributed behind the scenes in ways that reflect well on the Public Service and the PPSC. It was presented to two employees: Helene Burgermeister (Legal Assistant, Yukon Region) and Reepa Qaqqasiq (Legal Assistant, Nunavut Region). Helene joined the Yukon region as a disclosure clerk in November 2020 and was later promoted to a legal assistant position. Her initiative and attention to detail has elevated the service provided by the PPSC in the Yukon.

Reepa has worked in the Nunavut region for 24 years and always shows exceptional skills in executing her duties as a legal assistant. She has supported an entire generation of employees in the region, and remains an inspiration for dozens of current employees.



5

SUPPORTING THE PEOPLE OF THE PPSC

SUPPORTING THE PEOPLE OF THE PPSC

The PPSC could not fulfil its mandate without the ongoing commitment of the 1,122 people employed across the country who are all doing their best to advance the organization's priorities. To ensure all employees are welcomed, accepted, and supported, the PPSC has undertaken a number of initiatives:

- » Implemented an Equity, Diversity, Inclusion, and Accessibility Action Plan
- » Provided Gender-Based Analysis Plus training sessions
- » Developed a National Accessibility Plan
- » Developed an Official Languages Action Plan
- » Integrated character-based leadership in the selection process for senior leaders
- » Developed a People Strategy
- » Implemented a Mental Health and Wellness Strategy
- » Established support for hybrid workplaces
- » Integrated Occupational Health and Safety initiatives including the Workplace harassment and violence risk assessment tool

EQUITY, DIVERSITY, INCLUSION, AND ACCESSIBILITY

In May 2022, the PPSC's first [Equity, Diversity, Inclusion, and Accessibility \(EDIA\) Action Plan](#) was shared with the organization in English,

French, and Inuktitut. This action plan is the result of a broad consultation during which diverse voices were heard and respected. Given its evergreen nature, we will continue to consult with employees regularly to ensure commitments and focused activities are meeting our unique goals.

Our EDIA Commitments are:

- » To foster authentic, respectful, transparent, and accountable relationships.
- » To intentionally promote, recruit, and retain employees to reflect diverse perspectives.
- » To integrate an intersectional lens in our prosecutorial work.

We are making progress...a few highlights from the year:

To promote EDIA learning initiatives, EDIA committees were established in all 11 PPSC regions. Additionally, five (5) National Councils for Employees were created for:

- » Employees Living with Disabilities
- » Indigenous Employees
- » Black Employees
- » 2SLGBTQIA+ Employees
- » Racialized Employees

VALUES IN ACTION

EQUITY AND INCLUSION

Joshua has worked in the public service for 22 years, most of those years with the PPSC. He works as an Information Technology Support Technician in the Yukon Regional Office. Joshua lives with a disability due to brain damage left by a benign tumour. His supervisors worked with him to create a better set up for him that makes his life easier at work. Using adaptive computer technologies allows Joshua to perform his duties diligently.



In the regional offices, management and EDIA committees worked on several successful initiatives and strategies, including:

- » Hosting regional conversations on diversity and inclusion.
- » Assigning co-counsel on French trials and appeals for counsel who want to strengthen their French skills.
- » Ensuring assessment boards include representatives from their Regional EDIA Committee.
- » Collaborating between Human Resources, Communications, and the Northern offices on a Northern Recruitment Strategy, with a goal of increasing human resources capacity in the Northern regional offices and meeting our commitments to:
 - Reducing delays;
 - Minimizing trauma; and
 - Building stronger relationships with victims and witnesses.

The PPSC also developed a [National Accessibility Plan 2022-2025](#). This was supported by delivering disability and accessibility awareness etiquette information to all employees in collaboration with the National Council for Employees Living with Disabilities. Further, stronger EDIA corporate commitments were integrated into executive managers' performance agreements for 2022-2023.

In addition, the PPSC is taking steps to better recognize the use of Indigenous languages by some of our employees. This past year, various national communications were translated into Indigenous languages.

We continued to invite all staff to participate in our review of our policies, practices, and procedures for barriers. Examples include:

- » PPSC Accessibility Survey, launched May 2022, explored barriers for our employees living with disabilities.
- » PPSC Survey: Understanding and Supporting our 2SLGBTQIA+ Employees, launched in October 2022, focused on the challenges around being our authentic selves at work.

GENDER-BASED ANALYSIS PLUS

To ensure an intersectional lens is applied to work performed by the PPSC, Gender-Based Analysis (GBA) Plus-related initiatives remained a core element of our work this past year.

Expanding our Mindsets – Applying an Intersectional Lens to Prosecutorial Work (A GBA Plus approach)

In 2022-2023, we delivered 11 national training sessions with 262 prosecutors completing the training. This year, the content was adapted to reflect the direction of the new *PPSC Deskbook Chapter 2.3 – Decision to Prosecute*. These sessions were delivered by a facilitator from the Centre for Intercultural Learning with support from a small team of PPSC prosecutors, the Advancement Centre for EDIA, and the GBA Plus Responsibility Centre. Since the launch of the training in 2021, 76% of all PPSC prosecutors have completed the course, with the Atlantic region being the first PPSC region to have 100% of its prosecutors complete the training.



VALUES IN ACTION

PROFESSIONALISM

Victoria took on a temporary acting role of Manager for Information Management, which added to her already substantial workload. She handled navigating a significant number of issues and deadlines with utmost professionalism while always remaining respectful to everyone with whom she dealt. Teamwork is important to Victoria. She encouraged every member of the team to use their unique skills and abilities. Victoria and her team supported and advocated for information management initiatives that increase efficiency across the organization. One notable example being, they initiated a digitization project that allows for easier access to information and preservation of records.



Based on feedback from several rounds of consultation with the paralegal community, a second edition of the course was specifically adapted for their learning needs. Four national training sessions were delivered in 2022-2023. In total, 77 participants completed the training, representing 84% of all PPSC paralegals.

OFFICIAL LANGUAGES

The PPSC launched the Official Languages Action Plan 2022-2025 in December 2022. This action plan outlines the direction and identifies

the strategic priorities that will enable the PPSC to achieve its vision for official languages and Indigenous languages. By recognizing that Indigenous languages, French, and English are the historical foundations of Canada's linguistic diversity, the PPSC demonstrates leadership, innovation, and creativity in meeting its official languages obligations and contributes to initiatives that support strengthening the use of Indigenous languages.

CORPORATE PROFILE

The Supervisors' Network

The Supervisors' Network offered a variety of workshops and training opportunities to all PPSC supervisors, including:

- » Labour Relations 101
- » Emotional Intelligence
- » Compensation 101
- » Managing Performance 101
- » Duty to Accommodate and Return to Office



In addition to these activities, in 2022-2023, over 100 supervisors, managers, and executives from the PPSC completed the Leadership Development Program, comprising of two half-day workshops on character-based leadership and three workshops of leadership themes including:

- » Authentic Communication
- » Managerial Courage
- » Performance Management

The action plan includes three pillars:

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

In addition, the PPSC's Official Language Learning Boot Camp was highlighted as a best practice during the *Best Practices Forum on Official Languages 2023*. Through bite-sized content such as videos, tools, and quizzes this Boot Camp aims to equip employees with the resources needed to succeed in their language learning endeavours.

CHARACTER-BASED LEADERSHIP

The PPSC has fully integrated character-based leadership in the selection process for senior leaders. In 2022-2023, 10 executives were appointed after having successfully completed character leadership interviews. This involved an evaluation of 11 dimensions of character¹, alongside competence, during the leadership selection process. A leadership development training series was also implemented to further strengthen and develop leadership skills and character.

PEOPLE STRATEGY

The PPSC launched the People Strategy in November 2022. This strategy charts an ambitious course for people management and provides an overarching roadmap for creating a workforce and workplace where all employees can contribute their best and feel that they belong.

The strategy includes four pillars:

- » Build a Diverse, Inclusive, and Equitable Workforce
- » Foster a Safe, Healthy and Respectful Workplace

- » Develop Talent and Strengthen Leadership
- » Be Agile, Increase Innovation, and Focus on Effectiveness

MENTAL HEALTH AND WELLNESS

The health and wellness of the PPSC and its employees are vital to our success. We are at our best when our bodies, minds and workplaces are healthy, respectful and supportive, enabling us to work, build, and innovate.

To support health and wellness, the PPSC launched the Mental Health and Wellness Strategy 2022-2024 in April 2022. Through collaboration, inclusivity, and respect, this strategy supports mental health in the workplace with the goal of creating a culture that enshrines psychological health, safety, and well-being.

Some of our focused activities include:

- » Over 35 employees completed vicarious trauma training.
- » Over 30 supervisors completed the Mental Health First Aid training.
- » Over 30 Mental Health and Wellness Appreciation Awards were given.
- » Training was offered to managers and supervisors, such as:
 - Offering Psychological Safety to your Employees
 - Self-Care and Managing Stress

¹ The 11 dimensions of character that the PPSC assess are: integrity, humility, courage, humanity, drive, accountability, temperance, justice, collaboration, transcendence, and judgment.

- » Information sessions and promotion of the Employee Assistance Program, Healthy Workplace Services, and Informal Conflict Management Services were communicated to all employees.

HYBRID WORKPLACE

On December 15, 2022, the Secretary of the Treasury Board and the Chief Human Resources Officer directed deputy heads to adopt a common hybrid work model for the public service. The Direction on prescribed presence in the workplace requires deputy heads to implement a minimum requirement of 2-3 days per week (or 40-60% of regular schedule) in the workplace for all public servants in the core public administration.

The PPSC has developed a hybrid work model that suits not only our operational requirements, but that takes into consideration

health and safety, work-life balance, and the mental health of our employees.

To facilitate this transition, the PPSC:

- » established a working group to lead the return to the office;
- » provided training in First Aid and Mental Health First Aid to enable safe return to the office;
- » implemented an online telework management application;
- » developed a Hybrid Workplace User Guide and provided training for managers and supervisors; and
- » prepared the Headquarters office in Ottawa for flexible occupancy by clearing out personal belongings and setting up more standardized workstations.



OCCUPATIONAL HEALTH AND SAFETY

To implement its new Policy on the Prevention of Workplace Harassment and Violence, the PPSC conducted workplace risk assessments for harassment and violence in the workplace in all regions. Working groups were created in each region to assess the risks and identify mitigation measures; and consultations were held with subject matter experts (Security, Occupational, Health and Safety, and Labour Relations).

Human Resources are working diligently to ensure that identified risks are eliminated or mitigated. An implementation plan is being developed to ensure the appropriate management of corrective measures.

EMPLOYEE DATA

The following tables provide data on the number and distribution of the PPSC's workforce throughout Canada.

NUMBER OF EMPLOYEES : 1,122

REGIONS	PPSC EMPLOYEES
Headquarters	248
Alberta	118
Atlantic	68
British Columbia	109
Manitoba	43
National Capital Region	84
Northwest Territories	53
Nunavut	53
Ontario	200
Quebec	79
Saskatchewan	34
Yukon	33
Grand Total	1,122

FIRST OFFICIAL LANGUAGE	PPSC EMPLOYEES
English	871
French	251
Grand Total	1,122

	RACIALIZED GROUPS	INDIGENOUS PEOPLE	PERSONS LIVING WITH A DISABILITY	WOMEN
PPSC representation ²	20.4%	6.3%	6.8%	65.8%
PPSC Workforce availability ³	16.2%	5.2%	8.5%	60.9%
Public service Representation ⁴	20.2%	5.2%	6.2%	56%

² Representation of Employment equity (EE) groups at the PPSC as of March 31, 2023 – based on PeopleSoft self-identification information that is not mandatory for employees to fill out.

³ PPSC workforce availability is based on the occupational groups working at the PPSC on March 31, 2022, and the workforce availability estimates of the 2016 Census statistics and 2017 Canadian Survey on Disability.

⁴ Representation of EE groups in the public service of Canada as of March 31, 2022, as per this Treasury Board Secretariat report on [Employment Equity in the Public Service of Canada for Fiscal Year 2021 to 2022](#).

6

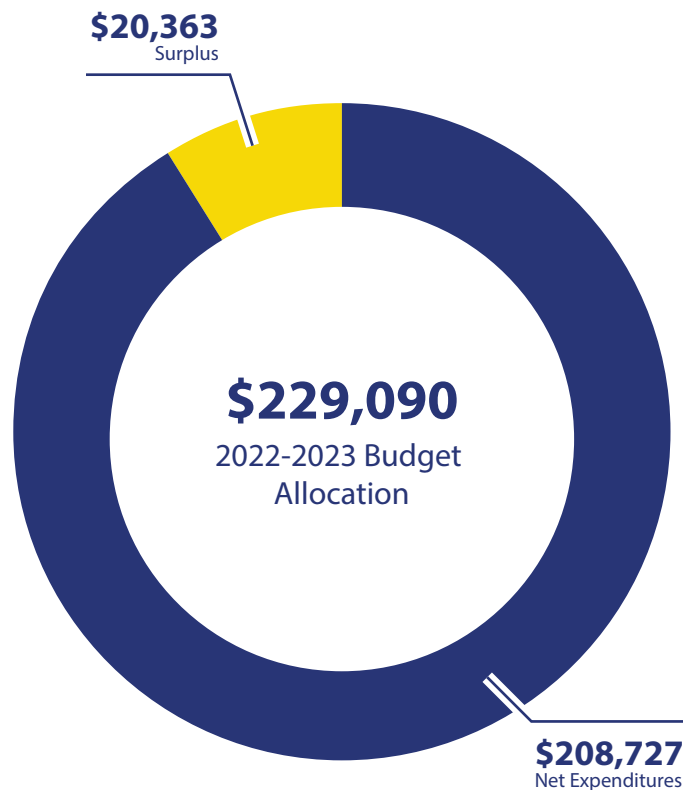
FINANCIAL INFORMATION

FINANCIAL INFORMATION

OVERVIEW

During fiscal year 2022-2023, Parliament allocated a net vote operating budget of \$229.1 million, including \$225.1 million for regular operations and \$4.0 million specific to the collection of outstanding federal fines. Furthermore, the PPSC recovered \$16.3 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 \$208.7 million and a total carryover of \$20.4 million. From that carryover, an amount of \$10.5 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:

	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
(amounts in thousands of dollars)	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
				(A)+(B)+(C)			(E) + (F)	(A)-(E)	(B)-(F)
Prosecution Services	194,492	4,000	16,208	214,700	168,533	1,451	81%	25,959	2,549
Internal Services	30,598	0	93	30,691	38,743	0	19%	-8,145	0
Total	225,090	4,000	16,301	245,391	207,276	1,451	100%	17,814	2,549

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

Prosecution Services

This core responsibility accounts for 81% of the PPSC's total expenditures. The majority of the prosecution services funding is spent on salaries and Crown agents' retainers (83%).

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 19% of the total expenditures.



7

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