

# **Public Prosecution Service of Canada**

**2011-12**

Report on Plans and Priorities



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## Message from the Attorney General of Canada

The Public Prosecution Service of Canada (PPSC) is a key player in Canada's fight against crime and a leader in the criminal justice field. It is responsible for prosecuting cases under federal law and for providing high-quality legal advice to investigative agencies, work that helps to make Canada a safer society that is governed by the rule of law.



This report outlines the PPSC's program and planning activities, and sets out how the PPSC will approach its mandate in the coming year. It demonstrates the PPSC's ongoing commitment to excellence in all aspects of its work.

I am confident that the PPSC will continue to serve Canadians with the integrity and leadership for which it is known.

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The Hon. Rob Nicholson, P.C., M.P., Q.C.  
Minister of Justice and Attorney General of Canada

## Message from the Director of Public Prosecutions

I am pleased to present the 2011-2012 *Report on Plans and Priorities* for the Public Prosecution Service of Canada.

The PPSC is an independent and accountable prosecuting authority, with a mandate to provide prosecutorial services and advice across Canada in a manner that is fair, impartial, and objective.

This report sets out how the PPSC plans to continue to deliver on this mandate in the coming year. It also identifies our corporate and management priorities in support of our mandate.

The PPSC faces ongoing challenges in areas including workload and resourcing, but PPSC staff continue to meet those challenges while demonstrating our key values: respect, integrity, excellence, and leadership.

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Brian Saunders  
Director of Public Prosecutions



# SECTION I—OVERVIEW

## 1.1 Summary Information

### Raison d’être

The mandate of the Public Prosecution Service of Canada (PPSC) is set out in the *Director of Public Prosecutions Act*<sup>1</sup>. The *Act* calls on the PPSC to provide prosecutorial advice to law enforcement agencies, and to prosecute matters on behalf of the Crown that are within the jurisdiction of the Attorney General of Canada. The PPSC’s sole strategic outcome is the prosecution of criminal and regulatory offences under federal law in a manner that is independent, impartial and fair.

The PPSC prosecutes offences under federal jurisdiction in a manner that is free of any improper influence and that respects the public interest. Its work directly supports the Government’s efforts to ensure the safety and security of communities across Canada.

The PPSC plays an integral role in the criminal justice system, promoting due process and working to safeguard the rights of all those who come into contact with the system. The benefits to Canadians from the work carried out by the PPSC include:

- provision of legal advice to police forces and federal investigative agencies on the criminal law implications of investigations and prosecutions;
- appropriate enforcement of federal laws through principled and independent decisions by prosecutors; and
- confidence in the administration of justice through professionally conducted prosecutions that result in a judicial determination on the merits of the evidence.

The PPSC is a national prosecution service with a network of offices across Canada. As of March 31, 2010, it had 920 employees<sup>2</sup>, the overwhelming majority of whom were staff prosecutors and paralegals as well as the support staff who assist them. The remainder included senior managers, administrators, and corporate services staff.

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1 The PPSC was created on December 12, 2006, when the *Director of Public Prosecutions Act*, Part 3 of the *Federal Accountability Act* came into force. *Office of the Director of Public Prosecutions* is the organization’s legal title, whereas *Public Prosecution Service of Canada* is its applied title.

2 This represents a total of 823 FTEs (full-time equivalents). A full-time equivalent is equal to the number of hours that a full-time employee would work during one fiscal year. An FTE count represents, therefore, the equivalent of full-time positions rather than an actual count of individual employees.

The PPSC also employs the services of private-sector legal agents in locations where it does not have an office or where it is impractical or otherwise not cost-effective for staff counsel to handle cases. As of January 2011, the PPSC had retained some 225 standing agent firms across Canada, representing approximately 540 individually appointed counsel.

## Responsibilities

The PPSC undertakes key duties on behalf of the Attorney General of Canada. These duties, to be carried out in an objective and non-partisan manner, are:

- **The duty to act independently in making decisions related to prosecutions** – This constitutional principle recognizes that decisions to prosecute, stay proceedings or launch an appeal must be made solely in accordance with legal criteria. The public interest must be taken into account, but not considerations of a partisan political nature. For regulatory prosecutions, public interest considerations must also take into account the regulatory goals of the legislation.
- **The duty to act independently in providing prosecution-related legal advice** – While prosecution-related advice to law enforcement and other federal investigative agencies will take into account the agencies' legal setting, prosecutors cannot be drawn into the agencies' policy making and program administration such that their ability to provide impartial and effective legal advice is undermined.

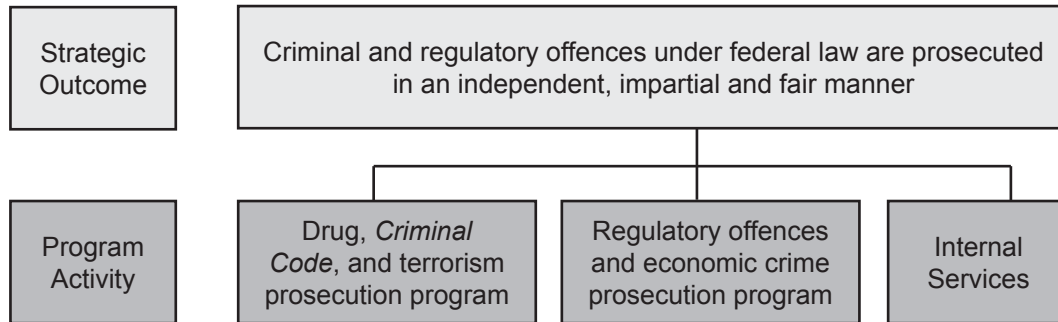
The PPSC is not an investigative agency. It prosecutes cases under federal statutes that are referred to it by the Royal Canadian Mounted Police (RCMP), other federal investigative agencies, provincial police forces and municipal police forces.

The PPSC is part of the criminal justice continuum, which includes investigative agencies, law enforcement, and courts. Prosecution-related advice during investigations can be crucial to ensuring that investigative techniques and procedures are consistent with evolving rules of evidence and the protections afforded by the *Canadian Charter of Rights and Freedoms*. The advantage of early prosecutorial advice includes reducing the risk that operational decisions, such as those about methods of obtaining evidence, will detrimentally affect the admissibility of evidence at trial or the constitutional rights of Canadians.



## Strategic Outcome and Program Activity Architecture (PAA)

The PPSC has one strategic outcome and three program activities, as illustrated in the following chart.



## 1.2 Planning Summary

The following tables provide a summary of the total planned spending for the PPSC for the next three fiscal years.

### Financial Resources (\$ millions)

2011-12	2012-13	2013-14
167.9	157.6	157.2

### Human Resources (Full-Time Equivalent—FTE)

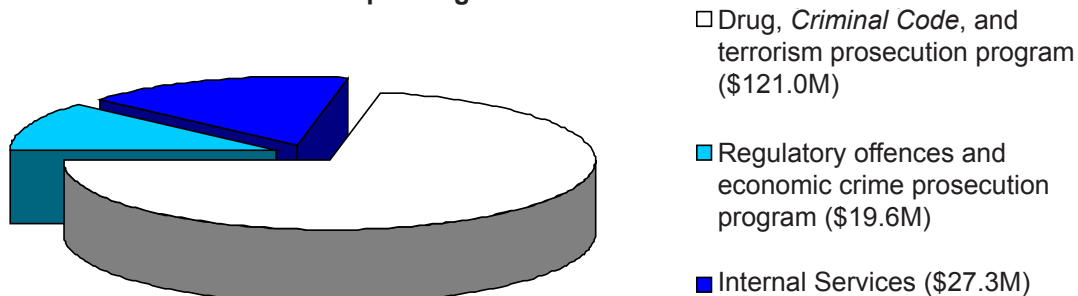
2011-12	2012-13	2013-14
1000	1000	1000

## Planning Summary Table

<b>Strategic Outcome:</b> Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner	
<b>Performance Indicators</b>	<b>Targets</b>
<ul style="list-style-type: none"> <li>Number and nature of judicial stays for abuse of process based on the conduct of a federal prosecutor.</li> <li>Number and percentage of successful malicious prosecution lawsuits.</li> <li>Number and nature of substantiated complaints regarding the PPSC's independence, impartiality or fairness.</li> </ul>	<ul style="list-style-type: none"> <li>Zero</li> <li>Zero</li> <li>Zero</li> </ul>

Program Activity <sup>3</sup>	Forecast Spending (\$ millions)	Planned Spending (\$ millions)			Alignment to Government of Canada Outcomes
	2010-11	2011-12	2012-13	2013-14	
<b>Program Activity #1:</b> Drug, <i>Criminal Code</i> , and terrorism prosecution program	111.4	121.0	118.1	117.8	Social Affairs: A safe and secure Canada
<b>Program Activity #2:</b> Regulatory offences and economic crime prosecution program.	17.4	19.6	19.0	19.0	
<b>Program Activity #3:</b> Internal Services	23.4	27.3	20.5	20.4	
<b>Total</b>	<b>152.2</b>	<b>167.9</b>	<b>157.6</b>	<b>157.2</b>	

2011-2012 Planned Spending



<sup>3</sup> For program activity descriptions, please access the Main Estimates online at: <http://www.tbs-sct.gc.ca/est-pre/20102011/me-bpd/JUS-eng.asp#bm06>

## Contribution of Priorities to Strategic Outcomes

Operational Priorities	Type	Description
Prosecuting offences under federal law	Ongoing	<p><b>Why is this a priority?</b></p> <ul style="list-style-type: none"> <li>A central element of the PPSC’s legal mandate is to prosecute matters on behalf of the Crown that are within the jurisdiction of the Attorney General of Canada.</li> </ul> <p><b>Plans for meeting the priority</b></p> <ul style="list-style-type: none"> <li>Prosecute cases under more than 60 federal statutes<sup>4</sup> where charges are laid by the RCMP, other federal investigative agencies, as well as by provincial and municipal police forces.</li> <li>Continue joint planning with partners to remain in step with investigative priorities and anticipate their impact on the various prosecution areas.</li> </ul>
Providing legal advice to investigative agencies	Ongoing	<p><b>Why is this a priority?</b></p> <ul style="list-style-type: none"> <li>Prosecution-related advice during police investigations, particularly large-scale and complex investigations, is crucial to ensure that investigative techniques and procedures conform with the evolving rules of evidence and the protections found in the <i>Canadian Charter of Rights and Freedoms</i>.</li> </ul> <p><b>Plans for meeting the priority</b></p> <ul style="list-style-type: none"> <li>Maintain specialized teams of prosecutors that are dedicated to prosecutions where expert knowledge of specific legislation is required, for example, economic crime prosecutions.</li> <li>Work cooperatively with investigative agencies, providing advice and litigation support during the investigative stage of highly complex cases.</li> </ul>

<sup>4</sup> In total, over 250 federal statutes contain offences that fall under the PPSC’s jurisdiction to prosecute. However, the PPSC regularly provides prosecution services under approximately 60 of those statutes.

## Contribution of Priorities to Strategic Outcomes *(continued)*

Operational Priorities	Type	Description
Contributing to strengthening the criminal justice system	Ongoing	<p><b>Why is this a priority?</b></p> <ul style="list-style-type: none"> <li>• The PPSC contributes to the government priority of strengthening the criminal justice system across Canada and improving its efficiency.</li> </ul> <p><b>Plans for meeting the priority</b></p> <ul style="list-style-type: none"> <li>• Continue implementing a vision for Law Practice Management.</li> <li>• Provide regular training to staff prosecutors, agents and investigators, and promote federal/provincial/territorial (FPT) cooperation within the prosecution community on shared issues.</li> <li>• Promote continued cooperation through participation in meetings of the FPT Deputy Ministers of Justice, and membership in the FPT Heads of Prosecution Committee and various related sub-committees.</li> </ul>

Management Priorities	Type	Description
Measuring organizational performance	Previously committed to	<p><b>Why is this a priority?</b></p> <ul style="list-style-type: none"> <li>• Sound performance measurement processes and tools help manage operational performance and enhance the planning, monitoring and reporting process.</li> </ul> <p><b>Plans for meeting the priority</b></p> <ul style="list-style-type: none"> <li>• Continue to refine the PPSC's performance measurement strategy and framework.</li> <li>• Improve the capabilities of internal systems to supply the required data to support performance indicators relating to corporate functions and improve operational indicators relating to prosecution and other activities.</li> </ul>

## Contribution of Priorities to Strategic Outcomes *(continued)*

Management Priorities	Type	Description
Engagement and employee development	Previously committed to	<p><b>Why is this a priority?</b></p> <ul style="list-style-type: none"> <li>• This priority is an evolution of the previous priority of “Recruitment and retention”.</li> <li>• The PPSC recognizes that its employees are essential to its success and values their contributions. The PPSC seeks to offer employees a rewarding career with diverse opportunities and intellectually challenging work.</li> <li>• It seeks to engage employees to foster a healthy, respectful environment and preserve corporate knowledge.</li> </ul> <p><b>Plans for meeting this priority</b></p> <ul style="list-style-type: none"> <li>• Incorporate employee satisfaction and engagement into the human resources planning cycle in order to identify and address key employee engagement issues.</li> <li>• Develop strategies to ensure a healthy and respectful workplace.</li> <li>• Develop a national engagement and outreach strategy and a national orientation initiative.</li> <li>• Create a career path for all employees. This includes finalizing the LA (Law Group) Framework - Ensuring Excellence Initiative in order to develop a comprehensive and integrated approach linking organizational and talent management initiatives, such as recruitment, learning and development, advancement and overall management of prosecutors.</li> </ul>
Safety and security of employees	Previously committed to	<p><b>Why is this a priority?</b></p> <ul style="list-style-type: none"> <li>• Ensuring the safety and security of its employees is of paramount importance to the PPSC. Due to the nature of their work, PPSC employees face the risk of direct and indirect threats to their safety.</li> </ul> <p><b>Plans for meeting the priority</b></p> <ul style="list-style-type: none"> <li>• Proceed with the development of the Employee Protection Plan.</li> <li>• Develop and implement a formal Security Awareness Program.</li> <li>• Continue to work closely with police forces and the FPT Heads of Prosecutions Committee to share information on security threats, issues and mitigation strategies.</li> </ul>

## 1.3 Risk Analysis

### Operational Trends

The PPSC's total volume of litigation files for 2009-10 reached 76,292, compared to 74,674 litigation files handled in 2008-09. Of this total, approximately 87% were within the drug, *Criminal Code* and terrorism offences prosecution program, whereas close to 13% involved the prosecution of federal regulatory offences and economic crime.

A small percentage of highly complex cases absorb a disproportionate share of the PPSC's resources. By way of example, drug mega cases and drug cases of high complexity represented 1.33% of the litigation caseload of PPSC staff counsel in 2009-10 but approximately 22% of the recorded litigation time. Thus, a single mega case can absorb more prosecutorial resources than several hundred low-complexity cases.

Collaboration with key stakeholders in the criminal justice system is an ongoing and important element of the PPSC's operating context. Since federal and provincial prosecution services face common issues and challenges, they benefit from collaboration under the leadership of the Federal/Provincial/Territorial (FPT) Heads of Prosecution Committee. The Committee will continue its work to promote inter-jurisdictional cooperation and assistance on such operational issues as quality assurance, organized crime prosecutions, concurrent jurisdiction, proceeds of crime, expert witnesses and prosecutor training and security.

### External and Internal Influences Facing the PPSC

***International crime networks:*** The globalization of crime networks poses significant dangers to national and global security. These networks are involved in organized crime, engaging in such activities as trafficking in human beings, telemarketing fraud, money laundering, drug trafficking and terrorism. International criminal networks exploit national borders in an attempt to thwart the efforts of authorities in their battle to prevent trans-national crime. This global reality has made it imperative for the PPSC and other organizations to work more effectively with international partners to challenge the serious threats posed by these international criminal networks, to uphold the rule of law, and to enhance safety and security at home and abroad. The PPSC has taken the lead with the Manitoba Prosecution Service, in establishing [crimorg.ca](http://crimorg.ca), a web-based resource for federal and provincial prosecutors involved in prosecuting criminal organizations. In 2011-12, the PPSC will continue to work with several international bodies such as the International Association of Prosecutors, the Heads of Prosecuting Agencies Conference, the International Network to Promote the Rule of Law, the United Nations Office on Drugs and Crime and the *Centro de Estudios de Justicia de las Americas* (based in Santiago, Chile).

***The North:*** Recruitment and retention continue to be a challenge in PPSC regional offices in the three northern territories. Crown prosecutors assigned to the North often face the stressful working conditions and pressures associated with, among other things, isolation, cultural differences, lengthy travel and elevated rates of violent crime. Northern prosecutors and Crown Witness Coordinators are required to travel on court circuits and often spend many days away from their homes and families. Prosecutors and Crown Witness Coordinators can also be subject to the effects of vicarious trauma due to the nature of the work they do. As a result, the PPSC will continue to offer training to assist in countering these effects.

Despite the challenges inherent to the PPSC's work in the North, this work presents many professional and personal opportunities. Convinced that the opportunities provided by Northern prosecutions were not widely known, the PPSC launched a recruitment strategy in February 2010. This included public notices aimed at attracting candidates to the unique environment of North and the experiences that can be gained from working and living there. The recruitment strategy resulted in the hiring of five Crown prosecutors in Nunavut during 2010-11; however, retention and recruitment challenges are ongoing in Nunavut, as well as in the Yukon and Northwest Territories.

***Workload:*** The PPSC has no control over the number of cases referred to it for prosecution by the police and other investigative agencies that lay charges under federal statutes. Its workload, therefore, is largely based on the decisions of these entities regarding investigative priorities, tactics and allocation of resources. For example, increases in drug enforcement or investigative resources can significantly affect the nature and volume of the PPSC caseload. Similarly, changes in tactics to focus on the upper echelons of organized crime groups rather than on individuals in the lower ranks affect the complexity and cost of prosecutions. The PPSC's caseload of new files has increased on average by 2.3% per year since it was established in December 2006. In 2009-10, it handled 76,292 cases.

***Resourcing issues:*** For 2011-12 and 2012-13, the Government has imposed a freeze on departmental operating budgets, thereby requiring federal organizations to fund salary increases and other costs from reallocations within their current budget levels. Accordingly, the PPSC must reallocate resources in order to fund the growth in legal staff arising from increases in workload intake over which it has no control, and cover overtime costs for the Law Group (according to the terms of a new collective agreement).

Since its creation in late 2006, the PPSC has been working to reach full capacity for the delivery of corporate services. Although it has succeeded in supporting the delivery of its core prosecution functions, in fulfilling corporate accountabilities and meeting planning and reporting obligations, intermittent funding shortfalls have impeded the PPSC's capacity to fully and optimally build a long-term corporate services capacity. Additional operational requirements relating to IM/IT and to Accommodations (for the relocation of PPSC offices from Department of Justice premises) are also unfunded.

In addition, the PPSC is faced with the challenge of developing a uniform approach for recovering costs from departments and investigative agencies for prosecutions of regulatory offences that fall under the statutes they administer.

***Workforce issues:*** The first collective agreement for lawyers in the federal public service, which was entered into in 2009-10, continues to present challenges to both managers and employees. In addition, the PPSC will have to adjust to the creation in late 2010, of a new occupational group for managers. This new group of lawyers will be distinct from lawyers who are practitioners.

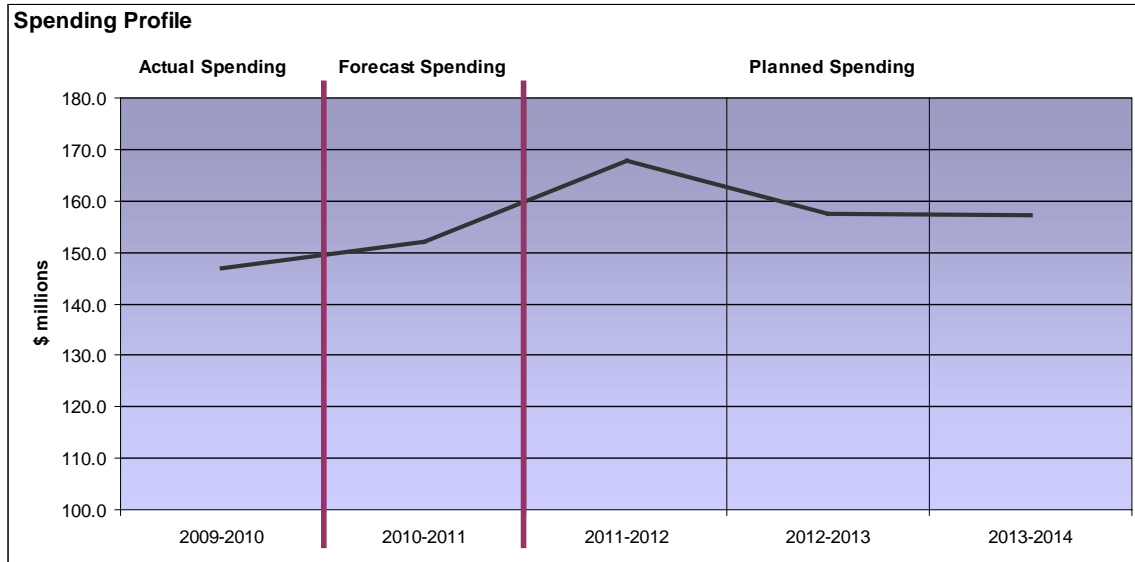
***Competition for resources:*** Some regional offices continued to face recruitment and retention challenges in 2009-10. In a number of provinces, the salaries paid to provincial prosecutors exceed those paid to PPSC lawyers. The PPSC will continue to undertake focused recruitment efforts, as well as post-secondary recruitment activities. To ensure that the PPSC remains an employer of choice, it has also introduced a People Management Strategy, covering 2009 to 2014, that guides the PPSC's activities with respect to human resources planning, recruitment, employee engagement and enabling infrastructure.

***Security:*** Ensuring the safety and security of its employees is a PPSC priority. Due to the nature of their work, PPSC employees may be exposed to threats and intimidation. The PPSC is establishing an Employee Protection Program to help protect employees against threats and incidents of intimidation. Business Continuity Plans are being developed for each office to ensure the continued delivery of services in the event of contingencies such as a pandemic illness.



## 1.4 Expenditure Profile

As noted in the financial resources summary presented in Section 1.2 above, the PPSC plans to spend \$167.9 million in 2011-12 to achieve the expected results of its program activities and to contribute to its strategic outcome. The following chart illustrates the PPSC's spending trends from 2009-10 to 2013-14.



The increase from 2009-2010 to 2010-2011 is due to the staffing of additional positions. The increase in 2011-2012 is due to the relocation of HQ offices, and the anticipated transfer of budget surplus from 2010-2011.

It should be noted that the PPSC underwent a strategic review in 2009-10 under the government-wide initiative led by the Treasury Board Secretariat, and that it will begin reporting on progress made in implementing approved reallocation proposals in the 2011-12 Departmental Performance Report.

### Estimates by Vote

Estimates by Vote are presented in the 2011-12 Main Estimates which are available here: <http://www.tbs-sct.gc.ca/est-pre/20112012/me-bpd/info/info-eng.asp>.



## SECTION II—ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

This section describes the PPSC’s three program activities as well as its priorities and plans for 2011-12.

### 2.1 Program Activity #1: Drug, *Criminal Code* and terrorism prosecution program

Human Resources (FTEs) and Planned Spending (\$ millions)					
2011-12		2012-13		2013-14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
616	121.0	616	118.1	615	117.8

Program Activity Expected Results	Performance Indicators	Targets
<ul style="list-style-type: none"> <li>Litigation files that are prosecuted are decided on merit<sup>5</sup></li> <li>Disposition of cases that are not decided on merit<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>Percentage of all litigation files pursued for prosecution that are decided on merit (i.e., by most serious outcome)</li> <li>Percentage of litigation files not decided on merit</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> <li>Not applicable</li> </ul>

### Description of Activity

Under this program activity, the PPSC provides prosecution-related advice<sup>7</sup> and litigation support during police investigations, and prosecutes all drug charges under the *Controlled Drugs and Substances Act*, regardless of whether a federal, provincial or municipal police agency lays the charges, except in the case of Quebec and New Brunswick, where the PPSC only prosecutes drug charges laid by the RCMP. Many of these cases involve organized crime, as well as proceeds of crime.

<sup>5</sup> A case is decided on its merits when a judge or jury determines the guilt or innocence of an accused person after a trial; where a judge determines after a guilty plea that a conviction is appropriate; or where a Crown prosecutor stays or withdraws a charge as a result of an assessment that the case does not meet the test for prosecution or as result of a plea of guilty being entered to a serious charge rendering proceedings on a less serious charge redundant.

<sup>6</sup> Cases not decided on merit are those that are stayed or quashed by the Court, and for which, as a result, there is no outcome decided by a judge or jury based on the evidence of guilt or innocence. A judicially imposed stay will generally mean discontinuance or permanent suspension of the proceedings.

<sup>7</sup> The operational priority for prosecution-related advice provided during investigations is primarily focused on highly complex and mega cases and cases involving a high degree of legal risk.

In the three territories, the PPSC prosecutes all *Criminal Code* offences. In the provinces, pursuant to arrangements with provincial prosecution authorities, the PPSC may prosecute *Criminal Code* offences where drug charges form the major part of the case.

The PPSC employs Crown Witness Coordinators (CWC) in the three territories as part of a program that is unique within Canada. The CWCs help explain to victims and witnesses how the court process works and support them during their involvement with the criminal justice system.

The PPSC also provides prosecution-related advice and litigation support during police investigations and prosecutes charges relating to war crimes, crimes against humanity, and charges pursuant to Part II.1 of the *Criminal Code (Terrorism)* to combat terrorism.

This program activity also includes the PPSC's Agent Affairs Program, established to enhance the quality of legal services provided by agents and to ensure cost-effective service delivery. The Program includes a centralized support unit at PPSC headquarters, namely the Agent Affairs Unit, and Agent Supervision Units located in each regional office, which are responsible for the day-to-day management of agents.

During 2009-10, this program activity involved approximately 66,672 litigation files. The projected volume of litigation files for 2010-11 is 67,788.

## **Planning Highlights for 2011-12**

Within this program activity, two ongoing priorities relate to organized crime and terrorism-related offences.

The ongoing focus on organized crime reflects the priority given to this issue by federal police and other law enforcement authorities. The PPSC will continue to emphasize inter-jurisdictional cooperation within the prosecutorial community and with investigative agencies federally, nationally and internationally; provide advice and litigation support during the investigative stage, especially on highly complex cases; prosecute organized crime cases on behalf of the federal Crown; and pursue proceeds of crime and offence-related property. While all PPSC regional offices prosecute organized crime cases, a number of them are involved in highly complex and resource-intensive cases that will continue through 2011-12, and will require dedicated teams of experienced counsel.

The priority given to terrorism-related offences reflects the gravity with which national security matters are viewed. These cases are usually resource-intensive. The PPSC has prosecuted four terrorism offence cases in which verdicts have been delivered on the evidence, and is currently prosecuting a fifth case in Ontario. In addition, PPSC counsel play an active role during the course of investigations in providing advice to police.

During 2011-12, the PPSC will continue to work closely with federal/provincial/territorial heads of prosecution on issues and challenges of common interest. As part of this work, the PPSC will continue to co-chair, and provide secretarial and administrative support to, the FPT Heads of Prosecution Committee and to ensure ongoing linkages between the Committee and partners from outside the prosecution community such as the Canadian Bar Association and the Federation of Law Societies of Canada. The PPSC will also continue to participate in the work of the Heads of Prosecuting Agencies Conference and the International Association of Prosecutors.

During 2011-12, the PPSC again expects to receive foreign delegations interested in criminal justice and who are seeking to deepen their understanding of the Canadian justice system and Canadian prosecution approaches, particularly in relation to drug and terrorism prosecutions, and with respect to areas of the *Criminal Code*.

The PPSC will continue to expand the CWC Program in collaboration with the Department of Justice, in order to better serve the needs of northern communities. It will also offer training to CWCs, as well as to Crown prosecutors working in the territories, to help them address the vicarious trauma issues they may face from dealing with cases of spousal and sexual abuse.

The PPSC's Agent Affairs Program will continue to implement fixed-term agreements for agents, replacing indeterminate appointments which were subject to termination without notice. This multi-year transition began in 2009; fixed-term agreements will be in place in all jurisdictions across Canada by 2014. Under the new regime, any law firm or lawyer interested in becoming a federal prosecution agent can apply for a five-year term when an opening occurs in a jurisdiction. Agents are selected pursuant to a competitive process that includes screening and reference checks. Further information about the fixed-term regime is available on the PPSC's website at <http://www.ppsc-sppc.gc.ca/eng/pub/tcfa-cetf/part3.html>.

## **Benefits to Canadians**

This program activity contributes to ensuring a safe and secure Canada through the prosecution of a broad range of criminal activities. It deals with drug-related offences, complex organized crime cases, terrorism offences as well as war crimes and crimes against humanity.

## 2.2 Program Activity #2: Regulatory offences and economic crime prosecution program

Human Resources (FTEs) and Planned Spending (\$ millions)					
2011-12		2012-13		2013-14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
239	19.6	239	19.0	240	19.0

Program Activity Expected Results	Performance Indicators	Targets
<ul style="list-style-type: none"> <li>Litigation files that are prosecuted are decided on merit</li> </ul>	<ul style="list-style-type: none"> <li>Percentage of all litigation files pursued for prosecution that are decided on merit (i.e., by most serious outcome)</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
<ul style="list-style-type: none"> <li>Disposition of cases that are not decided on merit</li> </ul>	<ul style="list-style-type: none"> <li>Percentage of litigation files not decided on merit</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>

### Description of Activity

Under this program activity, the PPSC provides prosecution-related advice and litigation support to federal investigative agencies, and prosecutes all non-drug cases under approximately 60 federal statutes, including regulatory offences and economic crimes. Examples include offences under the *Income Tax Act*, the *Canadian Environmental Protection Act*, the *Competition Act*, the *Fisheries Act* the *Corruption of Foreign Public Officials Act*, and the *Canada Elections Act*, as well as offences under the *Customs Act*, the *Excise Act* and the *Excise Tax Act*.

Specialized teams are dedicated to prosecutions in areas where a specialized knowledge of legislation is required. By way of example, several PPSC offices have teams of prosecutors dedicated to economic crimes prosecutions, and the Atlantic Regional Office has a team of counsel devoted full-time to regulatory prosecutions, with fisheries offences accounting for up to 75% of the workload. The British Columbia Regional Office has a team of counsel and legal assistants specializing in the provision of pre-charge legal advice and the prosecution of regulatory offences, such as pollution-related offences and the protection of the environment. As well, a group of PPSC prosecutors provides services under statutes that are the responsibility of the Commissioner of Competition.

PPSC counsel also provide advice on and prosecute complex capital market fraud cases as part of the RCMP's Integrated Market Enforcement Teams (IMETs) that investigate suspected capital market fraud offences. Pursuant to arrangements with the provinces, the provincial prosecution authorities have the right of first refusal to conduct prosecutions of IMET cases. The PPSC prosecutes such cases where provincial Attorneys General decline to prosecute.

The Supreme Court of Canada Coordinator acts as the PPSC's agent for the Supreme Court and is responsible for coordinating all litigation the PPSC conducts before the Court.

The PPSC is also responsible for recovering outstanding fines related to various federal offences.

During 2009-10, this program activity involved approximately 9,620 litigation files. The projected volume of litigation files for 2010-11 is 11,036.

## **Planning Highlights for 2011-12**

A priority for 2011-12 will be to further develop and implement the PPSC's vision for Law Practice Management. This will include continuing to update the *Federal Prosecution Service Deskbook*<sup>8</sup> and once again offering training through its School for Prosecutors. An extensive module on written advocacy that was introduced in 2010 as a component of the Advanced Issues for Prosecutors course will be repeated in 2011 as a stand-alone course. The School will also continue to offer an advanced course for senior prosecutors on wiretap and complex case issues in addition to the Prosecution Fundamentals course for new prosecutors. In order to facilitate the sharing of training materials, the School will also continue to develop its web-based and physical repository of training materials.

In addition, the PPSC will continue to work closely with federal/provincial/territorial heads of prosecution on issues and challenges of common interest in the areas of regulatory offences and economic crime. The Securities Fraud and Economic Crime Prosecutors Affiliation will be focusing on the training of prosecutors who handle capital market offences cases and the development of best practices in areas such as information sharing and immunity agreements.

The PPSC will continue to work with the RCMP and its international partners in support of Canada's efforts to combat foreign corruption. Since 2009, the PPSC has been working closely with the RCMP International Anti-Corruption teams, providing advice on investigations and anticipated complex prosecutions under the *Corruption of Foreign Public Officials Act*.

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<sup>8</sup> The *Federal Prosecution Service (FPS) Deskbook* is a policy manual governing all PPSC staff prosecutors and legal agents.

The PPSC will also actively participate in symposia, conferences and committees that focus on regulatory offences and economic crime prosecutions, and to host delegations interested in regulatory prosecutions. This work includes continued participation in the activities of the Heads of Prosecuting Agencies Conference and the International Association of Prosecutors.

The PPSC's Supreme Court of Canada Coordinator will prepare directives for federal prosecutors regarding litigation in the Supreme Court and templates for commonly used documents such as facta and memoranda of law.

## **Benefits to Canadians**

This program activity contributes to protecting the health, safety and general welfare of Canadians through the prosecution of offences that regulate individual and corporate conduct. It also contributes to maintaining a secure, fair marketplace by enhancing compliance with and enforcement of marketplace rules and regulations.



## 2.3 Program Activity #3: Internal Services

Human Resources (FTEs) and Planned Spending (\$ millions)					
2011-12		2012-13		2013-14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
145	27.3	145	20.5	145	20.4

### Program Activity Summary and Planning Highlights

Internal services comprises groups of related activities that support the above two program activities and other corporate accountabilities. The planning highlights of Internal Services also contribute to the management priorities presented earlier under Section I, and include the following:

- *Financial Management and Acquisition (Procurement and Assets Management):* The Finance and Acquisition Directorate will continue to strengthen its financial management and acquisition functions through the provision of support, advice and training and to improve internal processes to better support managers.

It will also focus its efforts on implementing the Treasury Board policy suite, particularly the *Policy on Internal Control*, the *Policy on the Management of Material*, the *Policy on Investment Planning - Assets and Acquired Services*, the *Directive on the Management of Expenditures on Travel, Hospitality and Conferences*, the *Departmental and Agency Quarterly Financial Report*, the *Future-oriented Financial Statements* and their specific requirements relating to financial reporting. These include impact analysis, amendments to existing internal processes and practices, development of new, or amendments to, existing directives and procedures, communications, monitoring and training.

- *Human Resources Management:* The PPSC's People Management Strategy will continue to focus on organizational management and talent management and the improvement of human resources management practices. One of the highlights is the LA (Law Group) Framework – Ensuring Excellence Initiative, which targets the recruitment, learning and development, advancement and overall management of prosecutors. Strategic frameworks will also be implemented for the Employment Equity, Diversity and Official Languages programs. The implementation of these frameworks reflects the importance of recognizing the diversity of our workforce and fostering an organizational culture that respects people's differences.

- *Management and Oversight:* A multi-disciplinary committee will continue to advance the organization's performance measurement framework, further improving the capabilities of the PPSC's internal systems to supply the required data to support indicators relating to corporate functions and prosecution activities.
- *Communications:* As PPSC communications efforts and mainstream media coverage continue to grow, the Communications Group will seek to identify more proactive communications opportunities in respect of prosecution-related matters, to increase transparency and help strengthen public confidence in the administration of justice.
- *Administration:* The PPSC's Administration Services will concentrate on the following priorities:
  - *Accommodations* – Pursue planning and implementation of the establishment of a single headquarters office location in the National Capital Region.
  - *Security* – Implement an Employee Protection Plan and develop and implement a Security Awareness Program.
  - *Informal Conflict Management* – Implement an Informal Conflict Management System in collaboration with bargaining agents as required by federal legislation.
- *Access to Information and Privacy (ATIP) Office:* The PPSC's ATIP Office will focus on developing policies and procedures to assist PPSC personnel in meeting their obligations under the *Access to Information Act* and the *Privacy Act*.

## SECTION III—SUPPLEMENTARY INFORMATION

### 3.1 Financial Highlights

The PPSC's financial statements can be found on its website at the following link:  
<http://www.ppsc-sppc.gc.ca/eng/pub/index.html>

#### Future-oriented Condensed Statement of Operations

For the Year (Ended March 31) (\$ millions)	% change	Future-oriented 2011–12	Future-oriented 2010–11
Total Expenses*	9.1%	187.6	171.9
Total Revenues	19.4%	14.8	12.4
<b>Net Cost of Operations</b>	<b>8.3%</b>	<b>172.8</b>	<b>159.5</b>

\*Total Expenses are higher than Forecast Spending and Planned Spending given that they include non-cash expenses such as amortization, allowances, and accrual expenditures.

#### Future-oriented Condensed Statement of Financial Position

For the Year (Ended March 31) (\$ millions)	% change	Future-oriented 2011–12	Future-oriented 2010–11
Total assets	5.2%	10.2	9.7
Total liabilities	2.5%	41.5	40.5
Equity	1.6%	-31.3	-30.8
<b>Total</b>	<b>5.2%</b>	<b>10.2</b>	<b>9.7</b>

## 3.2 List of Supplementary Tables

The following tables are located on the Treasury Board Secretariat website at:  
<http://www.tbs-sct.gc.ca/rpp/2011-2012/info/info-eng.asp>.

- Horizontal Initiatives<sup>9</sup>
- Sources of Respendable and Non-Respendable Revenue

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<sup>9</sup> The PPSC is a partner in the following horizontal initiatives, led by the departments indicated in parenthesis: National Anti-Drug Strategy (Justice); Integrated Market Enforcement Teams (Public Safety); and, Federal Tobacco Control Strategy (Health). More information can be found at <http://www.tbs-sct.gc.ca/hidb-bdih/dep-min-eng.aspx?Org=1115>

## SECTION IV—OTHER ITEMS OF INTEREST

The following publications are available at the PPSC's website:

Public Prosecution Services of Canada Annual Report 2009-2010

<http://www.ppsc-sppc.gc.ca/eng/pub/ar10-ra10/index.html>

The Federal Prosecution Service Deskbook

<http://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg.html>

Public Prosecution Service of Canada Annual Report on the *Access to Information Act* 2009-2010

<http://www.ppsc-sppc.gc.ca/eng/pub/ati10-aai10/index.html>

Public Prosecution Service of Canada Annual Report on the *Privacy Act* 2009-2010

<http://www.ppsc-sppc.gc.ca/eng/pub/pa10-prp10/index.html>