



Public Prosecution  
Service of Canada

Service des poursuites  
pénales du Canada

# Public Prosecution Service of Canada

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## Annual Report 2007–2008



Canada 

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

- The *Director of Public Prosecutions Act*;
  - The *Federal Prosecution Service Deskbook*.
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*Public Prosecution Service of Canada Annual Report 2007-2008*

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Public Prosecution  
Service of Canada

Office of the Director  
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Service des poursuites  
pénales du Canada

Bureau du directeur  
des poursuites pénales

JUN 27 2008  
JUN 27 2008

The Honourable Robert Nicholson, P.C., M.P.  
Minister of Justice and Attorney General of Canada  
House of Commons  
Ottawa, Ontario K1A 0H8

Dear Attorney General:

Pursuant to Section 16 (1) of the *Director of Public Prosecutions Act*, I am pleased to present you with the *Annual Report 2007-2008* of the Public Prosecution Service of Canada (PPSC).

The report covers the first full year of the PPSC's operations, from April 1, 2007 through March 31, 2008. It provides an overview of the organization, a summary of activities over the past year, and an outlook for the priorities and challenges of the year ahead.

I would like to thank you for your support of our work, as the PPSC continues to represent the federal Crown with pride and distinction in courtrooms across Canada.

Yours sincerely,

Brian Saunders  
Acting Director of Public Prosecutions

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# Message from the Acting Director of Public Prosecutions

I am pleased to present the *Annual Report 2007-2008* of the Public Prosecution Service of Canada (PPSC).

Last year's *Annual Report* chronicled our creation as well as our first few months of existence. This report is the first to cover a full year of operation.

Created by the *Director of Public Prosecutions Act* to represent the federal Crown in criminal matters in courts across Canada, the PPSC delivered prosecutorial services and provided legal advice in 2007-2008, pursuant to its legislated mandate, and continued its transition from the former Federal Prosecution Service of the Department of Justice Canada to a new independent organization.

In our *Annual Report 2006-2007*, we noted that the PPSC transition involved three phases. When the Report was tabled in Parliament in June of 2007, we had already completed two of these phases. While we expect the last phase of our transition to continue throughout the coming year, our progress to date clearly demonstrates that we are well placed to succeed not only in completing the transition but in the years ahead.

In 2007-2008, the PPSC established its governance structure and began developing its corporate services model. The governance structure includes an Executive Council and Senior Advisory Board, supported by committees with members from its various regional offices. In the area of corporate services, PPSC-wide progress continued in areas such as finance, human resources services, administrative services, communications and strategic services.

During 2007, the PPSC Executive Council announced four corporate priorities to guide the PPSC in 2008-2009. The priorities all have an operational focus, reflecting the nature of our mandate. The priorities are:

- - ensuring the safety and security of our employees;
- - developing a recruitment and retention strategy;
- - completing the PPSC's organizational structure; and
- - developing performance measures for key financial and human resources information.

I would like to acknowledge the dedication and determination of all PPSC staff who have taken on new challenges and become part of our successful PPSC team. Throughout this period of change, prosecutors and staff have maintained the high level of dedication and professionalism for which they are known.

I am confident in our people and in our organization, as we look to the year ahead and to the new challenges we will face. Our continued success and effectiveness as an organization is a reflection of the contributions of many towards a common goal: the promotion of the public interest.



**Brian Saunders**  
Acting Director of Public Prosecutions

# I. The Public Prosecution Service of Canada - An Overview

The PPSC was created on December 12, 2006 with the coming in force of the *Director of Public Prosecutions Act*, Part 3 of the *Federal Accountability Act*. The PPSC replaces the former Federal Prosecution Service of the Department of Justice Canada.

## Mandate

The mandate of the PPSC is set out in the *Director of Public Prosecutions Act*. The *Act* calls on the PPSC to provide prosecutorial advice to law enforcement agencies and to act as prosecutor in matters prosecuted by the Attorney General of Canada on behalf of the Crown.

## Roles and Responsibilities of the PPSC

The PPSC is responsible for prosecuting offences under more than 50 federal statutes and for providing prosecution-related legal advice to law enforcement agencies.

The PPSC is not an investigative agency. It prosecutes when a charge of violating federal law has been laid following an investigation by a law enforcement agency. The PPSC provides legal advice and assistance to investigators at the investigative stage and works closely with them on complex cases.

The responsibilities of the PPSC vary by province and territory.

In all provinces and territories, except Quebec and New Brunswick, the PPSC is responsible for prosecuting all drug offences under the *Controlled Drugs and Substances Act*, regardless of which police agency investigated the alleged offences. In Quebec and New Brunswick, the only drug offences prosecuted by the PPSC are those investigated by the RCMP.

In all provinces and territories, the PPSC prosecutes violations of federal statutes such as the *Fisheries Act*, the *Income Tax Act*, the *Excise Act*, the *Customs Act*, the *Canadian Environmental Protection Act*, and the *Canada Shipping Act*, as well as conspiracies and attempts to violate these statutes. The PPSC also prosecutes *Criminal Code* offences, including those related to terrorism as well as criminal organizations, money laundering and proceeds of crime offences when they arise from violations of other federal statutes. Under arrangements with the provinces, the PPSC may also prosecute *Criminal Code* offences related to drug charges. In the three territories, the PPSC is also responsible for prosecuting all *Criminal Code* offences.

On a national level, the PPSC performs a number of key roles to fulfill its criminal litigation responsibilities, including:

- - providing legal advice to federal investigative agencies and government departments on the criminal law implications of investigations and prosecutions;
- - participating in multidisciplinary integrated enforcement teams with members of partner organizations;
- - applying for various types of judicial authorizations before charges are laid to enable the police to carry out their investigations lawfully, including wiretap applications and applications for special search warrants and restraint orders;
- - reviewing charges and exercising the Attorney General of Canada's discretion to prosecute;
- - performing legal, financial, and strategic risk assessments and developing plans for managing the prosecution of mega cases;

- - acting as prosecutor on behalf of the Crown in matters within the jurisdiction of the Attorney General of Canada;
- - exercising the powers, duties and functions of the Attorney General of Canada in extradition and mutual legal assistance matters; and
- - acting as a centre of expertise for criminal law, and providing the prosecutor's perspective on the development of amendments to federal statutes relevant to the criminal justice system.

## Powers, Duties and Functions of the Director

The core powers, duties and functions of the Director of Public Prosecutions are set out in Section 3 of the *Director of Public Prosecutions Act*. These responsibilities include:

- - initiating and conducting federal prosecutions;
- - intervening in proceedings that raise a question of public interest that may affect the conduct of prosecutions or related investigations;
- - issuing guidelines to federal prosecutors;
- - advising law enforcement agencies or investigative bodies on general matters relating to prosecutions and on particular investigations that may lead to prosecutions;
- - communicating with the media and the public on all matters respecting the initiation and conduct of prosecutions;
- - exercising the authority of the Attorney General of Canada in respect of private prosecutions;
- - exercising any other power or carrying out any other duty or function assigned by the Attorney General of Canada that is compatible with the office of the Director;
- - initiating and conducting prosecutions under the *Canada Elections Act*; and
- - acting when requested by the Attorney General of Canada, in matters under the *Extradition Act* and the *Mutual Legal Assistance Act*.

When carrying out these statutory responsibilities, the Director is the Deputy Attorney General of Canada. The *Director of Public Prosecutions Act* empowers the Director to make final and binding decisions unless directed otherwise by the Attorney General of Canada. Such direction must be given in writing and published in the *Canada Gazette*.

The Director must inform the Attorney General of Canada of any prosecution or planned intervention that may raise important questions of general interest, allowing the Attorney General of Canada the opportunity to provide direction in, intervene in, or assume conduct of the case.

PPSC prosecutors are guided in their work by the policies and practices in the *Federal Prosecution Service Deskbook*, and by guidelines issued by the Director. In 2007, the Attorney General of Canada issued a directive instructing PPSC prosecutors to continue applying the *Deskbook*, subject to any guidelines issued by the Director.

## Role of the Prosecutor

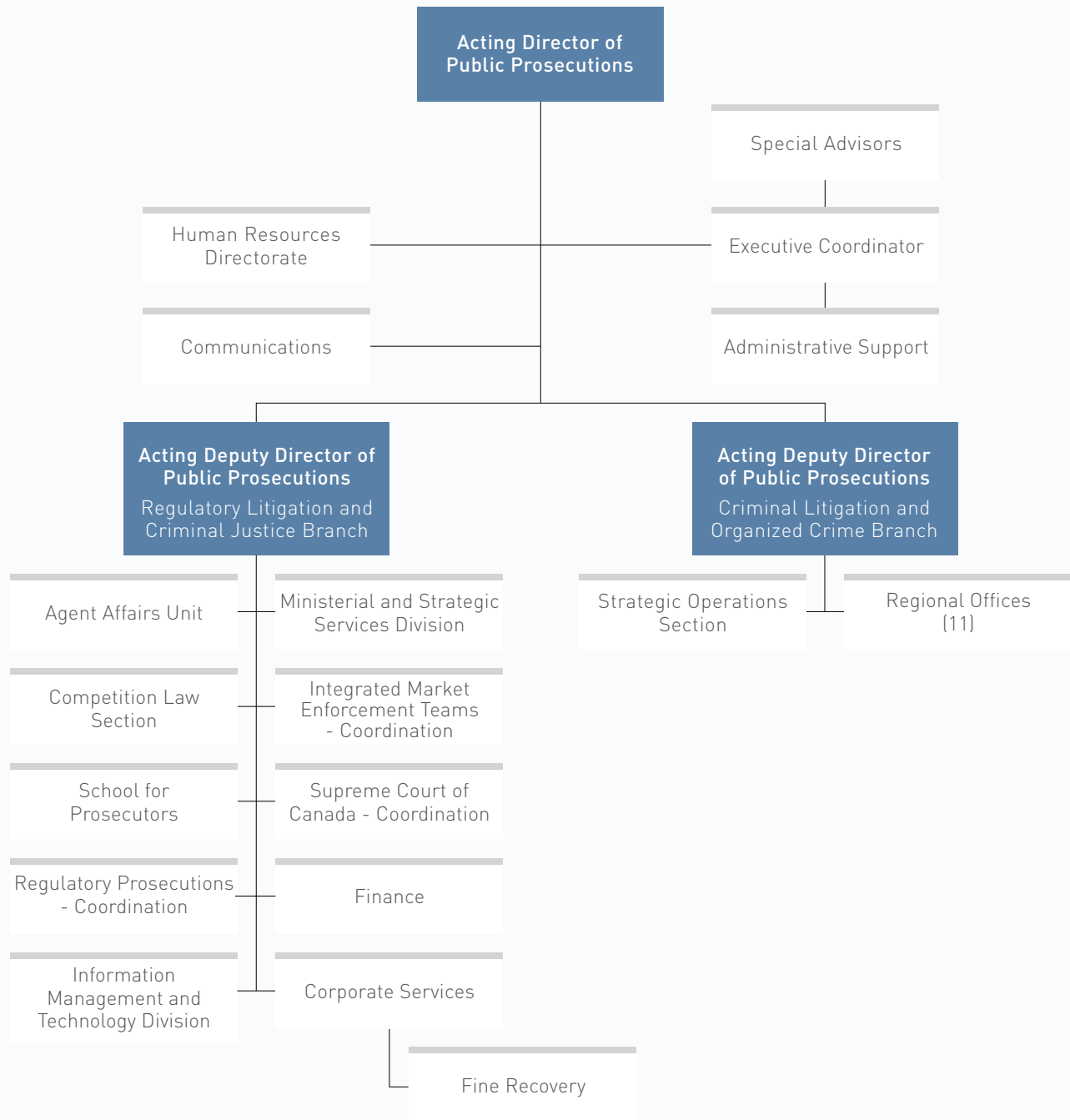
Canadian courts expect a great deal from prosecutors, who are subject to ethical, procedural, and constitutional obligations. Prosecutors are expected to discharge their duties with fairness, objectivity and integrity. Their role is not to win convictions at any cost but to put before the court all available, relevant, and admissible evidence necessary to enable the court to determine the guilt or innocence of an accused.

# About the Organization

The PPSC operates from 11 regional offices and five sub-offices across Canada. Its headquarters are located in Ottawa. Some PPSC staff prosecutors are co-located with the Competition Bureau and with integrated enforcement

teams across Canada. Of the PPSC’s approximately 830 employees, the majority are prosecutors. They work with paralegals, administrators, legal assistants and corporate services staff.

# Current Organizational Structure



# PPSC Partners

## Department of Justice Canada

The PPSC continues to work closely and cooperatively with the Department of Justice Canada. Federal prosecutors benefit from consultations with Justice counsel in areas such as human rights law, constitutional law, Aboriginal law and criminal law policy. Both the PPSC and the Department provide legal advice to investigative agencies.

From an administrative perspective, the PPSC continues to rely on the Department for certain transactional corporate services.

## Investigative Agencies

The PPSC works with several investigative agencies, including the RCMP and other police forces. It also works with the enforcement arms of federal departments and agencies, including the Competition Bureau, the Canada Revenue Agency, the Canada Border Services Agency, Fisheries and Oceans Canada, Environment Canada, and Health Canada.

Investigations that target sophisticated organizations or that use techniques that have not received definitive judicial consideration usually require ongoing advice from prosecutors. The complexity of the law and the high costs of multi-year investigations make it increasingly important for police to know as early as possible the impact of their decisions on potential prosecutions. In an era where considerable time in a trial can be spent analyzing investigative decisions, the PPSC provides ongoing legal advice before a charge is laid.

As well, certain key evidence gathering orders require — or may benefit from — the involvement of PPSC counsel. This includes wiretap applications and orders to produce potential evidence. In this capacity, counsel ensure that the court has what it needs in order to decide whether the police should be empowered to do what they are asking.

The early and ongoing involvement of prosecutors both during major investigations and in the implementation of national enforcement programs helps ensure that the police and other investigative agencies benefit from legal advice to decide how best to enforce the law.

## Provinces

Jurisdiction over prosecutions is shared between the federal and provincial governments. From this shared responsibility, the need arises for cooperation and coordination in the enforcement of criminal law. For example, the PPSC may prosecute *Criminal Code* offences with the consent and on behalf of a provincial attorney general where it is more efficient and cost-effective to do so. This generally occurs where the *Criminal Code* offences are related to some federal charge, such as firearms offences related to a drug charge.

Similarly, a provincial prosecution service may prosecute a drug charge where the major offence is found in the *Criminal Code*. Such arrangements are called “major-minor” agreements, meaning that the prosecution service responsible for prosecuting the “major” charge will prosecute the “minor” one as well. On February 10, 2007, the Director was assigned the power to conduct prosecutions that the Attorney General of Canada is authorized to undertake under such agreements.

Major cases that involve serious *Criminal Code* and other federal offences are also increasingly being prosecuted by joint prosecution teams, particularly in organized crime files.

## II. The Year in Review

### Areas of Operation

The business of the PPSC can be summarized by its strategic outcome, namely: “The prosecution of criminal offences under federal law in a manner that is independent of any improper influence and respects the public interest.”

The PPSC’s strategic outcome is achieved through the performance of its key program activities:

- - Prosecuting drug, organized crime and *Criminal Code* offences;
- - Prosecuting federal offences to protect the environment, natural resources, economic and social health;
- - Addressing criminal issues, in the context of prosecutions, to contribute to a safer world for Canada; and
- - Promoting a fair and effective justice system that reflects Canadian values within a prosecutorial context.

The PPSC caseload in 2007-2008 numbered 66,887 files.

### Drug Prosecutions

In 2007-2008, the PPSC handled 50,676 prosecution files related to offences under the *Controlled Drugs and Substances Act*. This number included cases prosecuted by staff counsel and by private-sector legal agents, and represented approximately 75 per cent of the files that the PPSC prosecuted. These cases covered a broad range of criminal activity. For example, the PPSC prosecuted cases of possession of marihuana, trafficking in crack cocaine on street corners, producing methamphetamine or growing marihuana in residential communities, or importing shipments of cocaine. Some cases were relatively straightforward, while others raised complex legal issues and required weeks, or even months, of testimony.



In recent years, several jurisdictions have established drug treatment courts to help address the problem posed by addiction-motivated crime. The drug treatment court model is predicated on the notion that reducing recidivism rates for such crime can sometimes be best achieved by addressing the underlying addiction to drugs. In this model, prosecutors, judges, treatment providers and other personnel work together to provide intensive supervision, monitoring and support for participants admitted into the program.

Drug treatment courts are currently operating in six major Canadian centres, five of which are staffed by PPSC prosecutors. (The Regina Drug Treatment court is staffed by prosecutors from the Ministry of the Attorney General of Saskatchewan). The Vancouver, Edmonton, Winnipeg, Toronto and Ottawa drug treatment courts collectively accepted 301 accused persons into their respective programs in 2007-2008.

## Organized Crime

The RCMP and other Canadian police forces are increasingly focusing resources on organized crime. Their investigations in this area are usually complex and there is a need to manage the disclosure of evidence throughout the investigations. As a result, the PPSC is often called upon to work closely with the police during the investigative stage.

The increase in organized crime investigations has led to an increase in the complexity of prosecutions, including the phenomenon of mega-cases, prosecutions of extraordinary scope and complexity that can require the full-time assignment of several prosecutors for lengthy periods. In 2007-2008, the PPSC prosecuted 620 cases related to organized criminal activity. While this represented approximately only two per cent of the number of files prosecuted during the year, the time spent on them amounted to almost 20 per cent of total time recorded by PPSC counsel.

The PPSC follows a mega-case policy, which is included in the *Federal Prosecution Service Deskbook*, to implement the lessons learned in the management of these cases. The policy requires the early involvement of prosecutors, the preparation of a prosecution plan at an early stage, and the review of each mega-case prosecution plan by the PPSC's National Prosecution Advisory Committee.

The PPSC is an active participant in the Federal-Provincial-Territorial Heads of Prosecution Committee, and with the assistance of provincial prosecution officials, shares information, precedents, best practices and the outcome of discussions among prosecutors and police, relating to organized crime prosecutions.

## Proceeds of Crime and Offence-Related Property

The PPSC is responsible for seizing and restraining proceeds of crime as well as property used in the commission of offences (offence-related property). During the year in review, most of the offences that generated proceeds of crime and offence-related property were drug offences. By way of example, PPSC counsel restrained bank accounts into which proceeds of crime had been placed and prosecuted account owners for possession of proceeds of crime. A person who has used a residence to produce marijuana may have the house forfeited upon being convicted of producing a controlled substance. In 2007-2008, proceeds of crime and offence-related property offences were identified in 5,402 files prosecuted by the PPSC.

The PPSC is an active partner in the Integrated Proceeds of Crime (IPOC) initiative, created in 1996. The initiative contributes to the disruption and deterrence of targeted organized criminal groups by pursuing their illegally obtained proceeds and assets. Under the initiative, 12 IPOC units are funded across the country. These units are staffed with PPSC counsel, RCMP and other police force members, forensic accountants and Public Works and Government Services Canada asset managers. The PPSC provides Crown counsel to the IPOC units, prosecutors to prosecute money laundering and proceeds of crime charges, and counsel at PPSC headquarters to manage and coordinate legal issues arising from proceeds of crime and money laundering cases.

## Prosecutions in Canada's North

In Canada's three territories, the PPSC prosecutes all *Criminal Code* offences and all offences under other federal legislation. In 2007-2008, the PPSC prosecuted 8,171 files in the territories of which 7,303 files involved *Criminal Code* offences, 406 drug offences and 235 regulatory offences.

Workload, travel and cultural differences make Nunavut, the Northwest Territory and Yukon unique but attractive places to work for those who enjoy a challenge. In particular the circuit court system in the North provides specific challenges, in terms of the time spent away from home and wellness issues.

Prosecutors who practise in the territories require cultural sensitivity training to better understand the communities they serve. PPSC Crown Witness Coordinators, who are members of the local cultural communities, provide invaluable assistance in this area. In 2007-2008, the PPSC Yukon Regional Office provided an intensive three-day cultural session, where prosecutors spent time on the land, and heard from a number of long-time residents who spoke passionately about subjects such as residential school issues, traditional medicines and the challenges faced by Aboriginal justice committees.

The session received positive feedback from participants. PPSC offices in the North will continue to work on approaches to providing this training annually, in order to reach all northern prosecutors.

In 2007-2008, the PPSC appointed a headquarters special advisor on northern issues with a mandate to address the special training, recruitment and retention needs in the territories. The special advisor focused on developing a stronger relationship with provincial counterparts because their case profiles are similar to those in the PPSC northern offices.

## National Security

### ***Anti-terrorism***

The Attorney General of Canada has concurrent jurisdiction with the provincial attorneys general to prosecute terrorism offences. In 2007-2008, the PPSC was responsible for prosecuting four cases involving terrorism-related offences in Trois-Rivières, Ottawa, Toronto and Vancouver.

While there were only four cases, they required approximately three per cent of the total of all in-house counsel time during 2007-2008.

The PPSC is one of the federal partners on Canada's Integrated National Security Enforcement Teams (INSETs). INSETs bring together representatives of the RCMP, the Canadian Security Intelligence Service, other federal departments and agencies, and provincial and municipal police services to help deal with threats to national security. INSETs are found in Vancouver, Toronto, Ottawa and Montreal.

The objective of INSETs is to increase the capacity to collect, share and analyze intelligence among partners on threats to national security and to improve the collective ability of partner departments and agencies to combat these threats to create an enhanced enforcement capacity.

### ***Border Enforcement***

A PPSC representative sits as a member of the International Joint Management Team of the Integrated Border Enforcement Teams (IBETs) program. The program is an intelligence-led initiative between Canadian and American law enforcement officials to promote integrated enforcement along the Canada-United States border. This bi-national partnership enables the core law enforcement partners involved in IBETs to share information and work together daily with other local, state and provincial enforcement agencies on issues relating to national security, organized crime and other criminal activity that occurs across the Canada-United States border.

## War Crimes and Crimes Against Humanity

The PPSC prosecutes offences under the *Crimes Against Humanity and War Crimes Act*. In 2007-2008, the PPSC was responsible for prosecuting Canada's first-ever such prosecution, in Montreal, in relation to offences alleged to have occurred in Rwanda in 1994. While such prosecutions may not arise frequently, they can be expected to be complex and lengthy, with significant amounts of evidence on events beyond Canada's borders.

## Regulatory and Economic Crime

### ***Regulatory Prosecutions***

Under federal law, there exists a wide category of offences that regulate individual and corporate conduct in the interests of health, safety and the general welfare of the public. These are referred to as regulatory offences and are

found under such statutes as: the *Income Tax Act*, the *Fisheries Act*, the *Immigration and Refugee Protection Act*, the *Canada Elections Act*, the *Customs Act*, the *Canadian Environmental Protection Act*, the *Food and Drugs Act*, the *Copyright Act*, the *Bankruptcy and Insolvency Act* and the *Canada Labour Code*.

Regulatory prosecutions comprise the second-largest category of offences prosecuted by the PPSC, after drug prosecutions. In 2007-2008, the PPSC was responsible for approximately 7,495 files involving regulatory prosecutions. This represented approximately 11 per cent of the total number of PPSC files during this period.

### ***Economic Crime***

As part of its work to fight economic crime, the PPSC prosecutes *Income Tax Act* offences such as tax evasion and *Bankruptcy and Insolvency Act* offences. In 2003, the federal government created Integrated Market Enforcement Teams (IMETs) to combat capital market fraud offences that are national or regional in scope and that pose a threat to investor confidence in Canada. IMET teams have since been established in Toronto, Vancouver, Montreal and Calgary to investigate these cases. The teams are composed of RCMP officers, PPSC lawyers and other investigators, such as forensic accountants.

In 2007-2008, PPSC members of IMETs continued to provide legal advice to investigators on a number of ongoing investigations. In December 2007, the RCMP released a report to the Commissioner, entitled *Enhancing Integrated Market Enforcement Teams, Achieving Results in Fighting Capital Markets Crime*, prepared by Senior Expert Advisor and former Superintendent of Financial Institutions, Mr. Nick Le Pan. The plan was developed to help improve the effectiveness of IMETs.

The PPSC is now working with its IMET partners to implement recommendations from Mr. Le Pan's report.

### ***Competition Law***

The Competition Law Section (CLS) of the PPSC handles prosecutions under the *Competition Act* and three other regulatory statutes: the *Consumer Packaging and Labelling Act*, the *Textile Labelling Act* and the *Precious Metals Marking Act*. All of these statutes are administered and enforced by the Commissioner of Competition, who oversees the Competition Bureau.

The CLS also provides advisory services during investigations by the Bureau on matters that may lead to prosecutions. The bulk of the work handled by the CLS relates to offences under the *Competition Act*, such as criminal conspiracies to fix prices, bid-rigging, false or misleading representations, deceptive telemarketing, and pyramid selling. In 2007-2008, PPSC prosecutors with the CLS worked on 60 cases, 14 of which were adjudicated by the courts.



## PPSC Programs

### Agent Affairs Program

The PPSC retains the services of private-sector legal agents to conduct prosecutions on behalf of the federal Crown. In 2007-2008, the PPSC contracted the services of over 700 private-sector lawyers from about 230 firms. The PPSC uses legal agents where it does not have a regional office or where it is impracticable or otherwise not cost-effective to handle cases with staff counsel. In 2007-2008, legal agents had carriage of 34,000 files, or just over half of the total handled by the PPSC.

The Agent Affairs Program (AAP) handles the management of legal agents. Its objective is to ensure that agents provide quality legal services at a reasonable cost. The AAP is located at headquarters, and each regional office (excluding the northern regions) has an Agent Supervision Unit to handle the day-to-day management of agents in their region.

In addition to the *Director of Public Prosecutions Act*, the relationship between the PPSC and its agents is governed by the *Federal Prosecution Service Deskbook* and the *Terms and Conditions of Appointment of Legal Agents*.

As part of its management control framework, the AAP uses modern audit techniques, such as risk management, for agent file review. Benchmarks have been developed for a number of case profiles, within the context of prosecutions under the *Controlled Drugs and Substances Act* and under other federal statutes and regulations.

Nationally, the caseload is further profiled by each region, with large or unusual files reviewed by agent supervisors. Small, or simpler, cases are statistically sampled on a quarterly basis and files are selected for review. Files that have a significant amount of billing or those which demonstrate anomalies are also sent to agent supervisors for review. In 2007-2008, 4,290 file audits were conducted.

### Fine Recovery

The PPSC's National Fine Recovery Program recovers outstanding court-ordered federal fines through the efforts of eight fine recovery units, located in regional PPSC offices across Canada. The responsibility for administering the program was the subject of an assignment from the Attorney General of Canada to the Director on September 20, 2007.

The program was implemented nationally in late 2002, and has since resulted in the recovery of over \$39 million. In 2007-2008, the program recovered \$4.5 million.

Outstanding fines are recovered through various types of interventions, including an initial demand letter, telephone contacts, seizure of assets, income garnishment, and suspension of federal licenses. The final resort is the issuance of a warrant of committal, in cases where offenders try to avoid making payment despite their ability to pay.

The most successful and cost-effective methods of recovery are demand letters, negotiated payment agreements and telephone calls, which resulted in the collection of \$1.7 million or almost 40 per cent of the total recovered in 2007-2008.

## Priorities 2007-2008

In 2007-2008, the PPSC's corporate priorities focused on providing the necessary support to its staff and building the organization's corporate structure. A number of measures were taken including the introduction of a governance structure for the resolution of legal issues, the creation of a number of senior complement positions to reflect the work done by prosecutors and provide them with a career path within the organization, the adoption of a strategic plan pursuant to the *Official Languages Act*, and the launch of an employment equity plan.

Throughout the year, the PPSC worked on improving its capacity to function administratively as an independent organization. In its *Annual Report 2006-2007*, the PPSC identified three phases in its transition, with the first two phases being completed and reported upon in that report.

The third phase began on April 1, 2007. During this phase, the PPSC has been developing its corporate services delivery model.

Finally, the PPSC identified as priorities for 2007-2008 the review of the *Federal Prosecution Service Deskbook* and the development of best practices for combating fraud against government. Progress on the *Deskbook* was slower than anticipated due to workload issues. As a result, steps were taken in early 2008 to initiate the staffing of a senior-level position to oversee this initiative. Work is well underway with respect to the best practices priority. The PPSC consulted with provincial prosecution services as well as with international partners whose criminal law systems are similar to Canada's.

For 2008-2009, the PPSC Executive Council has adopted four corporate priorities to help guide its work. These priorities are described in greater detail in section III.

## Directives and Assignments

To help safeguard the independence of the PPSC, the *Director of Public Prosecutions Act* requires that all directives and assignments issued by the Attorney General of Canada be published in the *Canada Gazette*. In 2007-2008, one assignment from the Attorney General to the Director was published. It concerned the National Fine Recovery Program, and was published on September 20, 2007:

*For greater certainty, I hereby assign to the Director of Public Prosecutions the responsibility of administering the National Fine Recovery Program and the power, duty and function to initiate and conduct proceedings on behalf of the Crown in right of Canada to enforce the collection of outstanding federal fines, including the bringing of civil proceedings.*

## Survey of Investigative Agencies

In 2007-2008, the PPSC conducted a national, in-house survey of the investigative agencies that initiate most of the cases that it prosecutes. The survey represents the PPSC's first attempt to seek feedback on its services from the RCMP, provincial and municipal police services, as well as other investigative agencies within the federal government. Nearly 450 responses were received from the 1,400 surveys sent during February and March 2008.

The survey was designed to provide a more complete picture of respondent perceptions of PPSC services. Respondents were asked to qualify various aspects of PPSC services, such as the consistency of pre-charge advice and prosecution strategies, their timeliness, and the quality of interactions with PPSC personnel.

## Facilities Management

When the PPSC was created, it continued to occupy the office space of the former Federal Prosecution Service of the Department of Justice Canada, both at headquarters and in regional offices across Canada. While this situation

may change in order to meet new space requirements, the changes in facilities will be done in a gradual and cost-effective manner.

In 2007-2008, the PPSC began the development of an accommodations plan in consultation with Public Works and Government Services Canada. Among other matters, the plan will address the consolidation of the PPSC headquarters functions in a single location. In the meantime, short-term accommodation needs at headquarters have been addressed by securing temporary space.

## New Document Tracking Systems

In order to meet its statutory obligations under the *Access to Information Act* and the *Privacy Act*, the PPSC set up an Access to Information and Privacy (ATIP) office in 2007. In April 2008, the PPSC completed the installation of a fully functional document imaging and tracking software system, further enhancing its ability to meet its statutory obligations. The ATIP office is the focal point for the application of Access to Information and Privacy legislation at the PPSC and deals directly with the public in relation to ATIP requests.

During 2007-2008, the PPSC also completed the installation of a system that electronically tracks documents such as correspondence and briefing material. This system is managed by the PPSC's Ministerial and Strategic Services Division.

## National Litigation Committee

The PPSC's National Litigation Committee was officially inaugurated on February 1, 2007. The Committee advises the Director on legal issues, makes recommendations to the Director on approving factums, applications for leave to appeal to the Supreme Court of Canada and on interventions in the Director's name in any Canadian court.

Committee membership includes representatives from PPSC headquarters and regional offices, as well as from the PPSC's Competition Law Section. The Director, deputy directors, regional directors and PPSC senior general counsel are *ex-officio* members.

In 2007-2008, three applications were made by the PPSC to the Supreme Court of Canada for leave to appeal.

The PPSC responded to 26 applications for leave to appeal during this period. The Director was also granted leave to intervene in three cases by the Supreme Court of Canada.

## Confidential Advice to Counsel Committee

The Confidential Advice to Counsel Committee is composed of senior prosecutors from across the country. The Committee is called upon by the Acting Deputy Director, Criminal Litigation and Organized Crime Branch to consider proposed practice directions relating to areas of the law that are of relevance to federal prosecutors and, if appropriate, to recommend their adoption by the Director. Through the work of the Committee, the PPSC ensures that national positions and approaches to pre-charge and post-charge legal issues are developed in light of the national experience. During 2007-2008, the Director issued four confidential practice guidelines.

## School for Prosecutors

The PPSC's School for Prosecutors offers annual in-house programs aimed at promoting professional development relevant to the prosecution function, through the delivery of practical and academic training to prosecutors.

In August 2007, the School conducted two intensive one-week courses — one fundamental, the other advanced — each covering a number of topics, to a total of 70 participants. Legal agents were also among the participants.

The School's faculty are experts in criminal law and are drawn largely from the senior ranks of the PPSC. The School also invites guest speakers from outside the PPSC, including members of the judiciary, professors of law, defence counsel, senior provincial prosecutors and senior police investigators.

A combination of lectures, seminars, panel discussions, case scenarios and papers is used to enhance participants' understanding of the modern practice of criminal law. Attention is also given to operational policies and guidelines, such as those contained in the *Federal Prosecution Service Deskbook*, that address important issues in prosecution practice. In addition to the formal instruction provided in a classroom setting, the School serves as a forum for prosecutors to meet, network, share work experiences and develop mentoring relationships.

The PPSC is examining the feasibility of expanding the program to offer training to more participants.

## Outreach

In 2007-2008, PPSC counsel provided training to police officers across Canada on numerous criminal law matters including search warrants, disclosure obligations, wiretaps and informant-related issues. PPSC counsel also participated in training given at the Canadian Police College, where a general counsel was assigned on a full-time basis to ensure that training and training materials addressed prosecutorial concerns.

The PPSC, in conjunction with the RCMP, the Department of Justice Canada and other federal partners, began a series of training workshops on human trafficking to law enforcement and prosecutors across Canada. The training focused on investigating and prosecuting human trafficking cases, immigration issues relating to victims, border detection of victims, witness problems during investigation and trial, a legislative overview, and two case studies. Workshops took place in Edmonton, Halifax and Fredericton and will continue in other cities through 2008 and 2009.

On November 26, 2007, a senior PPSC counsel participated in training relating to the adversarial system provided to Latin American criminal justice system participants sponsored by Centro de Estudios de Justicia de las Americas (Justice Studies Centre of the Americas) in Santiago, Chile.

## Federal-Provincial-Territorial Heads of Prosecutions Committee

Established in 1995, the Federal-Provincial-Territorial Heads of Prosecutions Committee coordinates many aspects of criminal law practice across Canada, given that provincial prosecution authorities and the PPSC prosecute offences under a common *Criminal Code*. The Director is permanent co-chair of the Committee and the PPSC acts as its secretariat.

The Committee promotes assistance and cooperation among different prosecution services; it also facilitates the coordination of national prosecution issues and the adoption, wherever possible, of a consistent position on

these issues. The Committee is the only national forum on prosecution issues in Canada and has provided the prosecution perspective to federal-provincial-territorial ministers and deputy ministers responsible for justice issues.

The PPSC co-chaired two meetings of the committee in the past year: one in May 2007, organized jointly with the Public Prosecution Service of New Brunswick, in Moncton, and the other in October 2007, with the Criminal Justice Division of Alberta, in Banff.

## Heads of Prosecuting Agencies Conference and the International Association of Prosecutors

The PPSC participates in cooperative law enforcement efforts at the international level, particularly in the fight against organized and trans-national crime and threats to national security.

The PPSC jointly organized the Heads of Prosecuting Agencies Conference (HOPAC) 2007 with the Director of Criminal and Penal Prosecutions of Quebec. This was the ninth meeting of HOPAC, which was formed in 1991 to bring together the heads of prosecuting agencies from countries with a criminal justice system derived from the common law tradition.

The PPSC also continued to support and participate in the activities of the International Association of Prosecutors (IAP). The scope of IAP activities is wide: it promotes the effective, fair, impartial and efficient prosecution of criminal offences through high standards and principles, including procedures to prevent or address miscarriages of justice, assists prosecutors internationally in the fight against organized or other serious crime, and fosters measures for the elimination of corruption in public administration.

# III. Looking Ahead – PPSC Priorities

For 2008-2009, the PPSC has adopted four corporate priorities.

## Security

Because of the function they perform as part of Canada's criminal justice system, prosecutors may become vulnerable to threats to their personal safety and security. Consequently, ensuring the safety and security of employees is of paramount importance to the PPSC.

The PPSC has established a national committee to identify and deal with these issues. One of its first tasks will be to craft a security policy that meets the needs of all employees, particularly prosecutors. As part of its mandate, it will also assess the security of PPSC offices and make recommendations to ensure staff are protected against threats and intimidation.

The PPSC continues to work closely with police forces as well as with the Federal-Provincial-Territorial Heads of Prosecutions Committee to share information on security threats, issues and mitigation strategies affecting the security of prosecutors, both inside and outside the workplace.

## Recruitment and Retention

As a key part of Canada's criminal justice system, the PPSC will continue to uphold the highest standards of excellence, fairness and integrity. In doing so, the PPSC seeks to attract qualified members of the legal community. An increasingly competitive environment has made this more difficult than ever before.

This priority reflects one of the key priorities of the public service at large. The Clerk of the Privy Council has made renewing the public service a priority. The Clerk has identified planning, recruitment, employee development and enabling infrastructure as essential to achieving this priority.

The PPSC will focus on investing in its workforce on several fronts. In 2008-2009, the PPSC will develop a national recruitment strategy that includes compiling a demographic study and developing competency profiles to support the recruitment, retention and career management of its workforce. The expansion of the School for Prosecutors will also contribute to employee development.

## Organizational Structure

The PPSC will continue to develop and put in place the corporate structure required to meet its needs. Work in this area includes a review of the lines of authority for all staff, ensuring positions at all levels support the PPSC mandate, and establishing a delivery approach for providing corporate services.

## Measuring Organizational Performance

Like all organizations of the federal government, the PPSC is accountable to the Canadian public for how it uses its resources. The PPSC's fourth priority is the development of performance measures to capture key financial and human resources information. In addition to improving departmental analysis and strategic planning, this information is essential for securing a sound and stable financial footing.

The PPSC has begun to identify results-based performance indicators to measure progress in achieving its strategic outcome. In 2008-2009, the PPSC will develop and implement indicators to help it manage its operations and report on its performance. The development process will include the examination of best practices of similar organizations in other jurisdictions, the assessment of the capability of internal systems to deliver measurement data, and the gradual implementation of benchmarking activities for the organization.



## IV. Financial Information

The following figures for Tables 1, 2 and 3 are in dollars and are based on information available in April 2008. Year end adjustments may result in final figures being different.

Table 1: Total Spending Authorities

	Fiscal Year 2007-2008			
	Spending Authorities Beginning of the Year	Additional Funding	Less Frozen allotment *	Spending Authorities at Year End
Personnel	66,223,000	7,061,231	<b>-3,855,000</b>	69,429,231
Playlist Eligible Expenditures		2,021,032		2,021,032
Other Operating Costs	31,394,000	13,730,610	<b>-1,292,400</b>	43,832,210
Contributions to Employee Benefit Plan	12,251,000	1,816,452	<b>-771,000</b>	13,296,452
Total Spending	109,868,000	24,629,325	<b>-5,918,400</b>	128,578,925
Receipts and Revenues credited to Vote	<b>-11,342,000</b>			<b>-11,342,000</b>
<b>Total Net Spending</b>	<b>98,526,000</b>	<b>24,629,325</b>	<b>-5,918,400</b>	<b>117,236,925</b>

\* A frozen allotment indicates that spending is not permitted until a specific condition established by Treasury Board has been met.

Additional Funding for:	Total
Additional federal prosecutors to focus on law enforcement priorities (frozen allotment)	5,918,400
Transition and ongoing corporate resources of the PPSC	9,576,544
Support of the appointment of Crown Witness Coordinators under Victims of Crime Initiatives in the Territories (transfer from Justice Canada)	1,386,143
Prosecution of drug and anti-terrorism offences (transfer from Justice Canada)	5,100,000
Public security initiatives related to the Coordination of Legal Analysis of Marine Security Initiatives (transfer from Transport Canada)	223,000
Reimbursement by Treasury Board of Canada Secretariat of Playlist Eligible Expenditures *	2,425,239
<b>Total Additional Spending</b>	<b>24,629,325</b>

\* The Playlist Eligible Expenditures include severance pay, maternity pay and leave cash-out pay. -

Table 2 : Total Actual Net Spending

Fiscal Year 2007-2008			
	Spending Authorities at Year End	Actual Spending	Unused Authorities (notes)
Personnel	69,429,231	67,311,931	2,117,300
Playlist Eligible Expenditures	2,021,032	2,021,032	0
Other Operating Costs	43,832,210	38,864,492	4,967,718
Contributions to Employee Benefit Plan	13,296,452	13,296,452	0
Total Spending	128,578,925	121,493,907	7,085,018
Receipts and Revenues credited to Vote	<b>-11,342,000</b>	<b>-9,202,206</b>	<b>-2,139,794</b>
<b>Total Net Spending</b>	<b>117,236,925</b>	<b>112,291,701</b>	<b>4,945,224</b>

Notes:

The salaries of prosecutors and lawyers in some regions of Canada continue to increase, which affects PPSC's ability to retain its highly skilled prosecutors, hence creating a personnel shortage. Due to the competition for scarce resources, not all vacant positions were filled.

Funding associated with the moving of headquarters staff was not used in 2007-2008 as no office space was available. PPSC is working closely with Public Works and Government Services Canada to identify office space for the PPSC headquarters.

Table 3 : Total Actual Net Spending by Program Activity

Fiscal Year 2007-2008			
Program Activity	Spending Authorities at Year End	Actual Spending	Unused Authorities
Prosecution of drug, organized crime and <i>Criminal Code</i> offences	84,410,586	80,850,025	3,560,561
Prosecution of federal offences to protect the environment, natural resources and economic and social health	26,964,493	25,827,091	1,137,402
Addressing criminal issues to contribute to a safer world for Canada	4,689,477	4,491,668	197,809
Promoting a fair and effective justice system that reflects Canadian values	1,172,369	1,122,917	49,452
<b>Total Net Spending</b>	<b>117,236,925</b>	<b>112,291,701</b>	<b>4,945,224</b>

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