



Public Prosecution
Service of Canada

Service des poursuites
pénales du Canada

Public Prosecution Service of Canada

Prosecuting federal crimes.
Protecting Canadians.



Annual Report
2019-2020

Canada 

If you would like to know more about the Public Prosecution Service of Canada (PPSC), please refer to the following documents, available on our website at www.ppsc-sppc.gc.ca:

Director of Public Prosecutions Act
Public Prosecution Service of Canada Deskbook

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This document is available in multiple formats upon request.

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Public Prosecution
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Service des poursuites
pénales du Canada

Office of the Director
of Public Prosecutions

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Ottawa, Canada
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June 29, 2020

The Honourable David Lametti, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, Ontario K1A 0A6

Dear Attorney General:

Pursuant to section 16(1) of the *Director of Public Prosecutions Act*, I am pleased to present you with the 2019-2020 Annual Report of the Public Prosecution Service of Canada. The report covers the period from April 1, 2019 through March 31, 2020.

Sincerely,

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

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MESSAGE FROM THE DIRECTOR OF PUBLIC PROSECUTIONS

What odd times we live in, where I am sitting in my makeshift office in my guest room, writing the cover message to the Public Prosecution Service of Canada's (PPSC) annual report. As I write this, it strikes me how lucky I am to manage such a robust organization. Staff have been tremendous in implementing our pandemic plan, in keeping up essential operations, and in putting their minds to reintegrating courts in the safest way possible. Throughout, they have also done their best to keep up each other's morale, and have found novel ways of communicating with each other. In short, we are resilient, while being incredibly committed to the rule of law and to protecting Canadians.

Of course, COVID-19 has also brought with it grief and sadness, including to the PPSC family who lost one of its own. I dedicate this report to the memory of Sandy Tse, a career prosecutor, colleague, mentor, husband, and father.

Our annual report speaks to the highlights of last year, and to progress made on many fronts. Our management team is solid and united, and we have made great strides in improving management practices. As we look to the future, we have a solid plan for technology investments that will allow us to function better, and to continue to improve on how we manage our files.

This organization, given its size, is agile. Over the year, we have managed to implement the accessibility passport and to make important changes to our policies and practices in respect of the interaction of Indigenous persons with the justice system. We have dealt with difficult files and responded to media scrutiny, while looking to pilot better approaches to offences involving those who make disordered use of opioids.

At times, our work may seem overwhelming — certainly, the sheer volume of homicides and other serious violent crimes in the North, and the continued pressure of managing court delays can take their toll on our people. Improvements made in how we deliver mental health and conflict resolution services can only help to improve outcomes, both for ourselves and for Canadians.

Of course, the year included the resolution of a number of high profile files, including Project Octane, SNC-Lavalin, Vice Admiral Norman, and Volkswagen Canada, to name only a few. I am proud, in each case, of how our people not only handled the pressure, but also delivered results for Canadians. As I said to a journalist who asked about a particular result, that pride is not dependent on the outcome, but rather on the professionalism and dedication of our people, on which I know I can always count.

As you read our annual report, I hope you will clearly see that dedication to public safety and to the protection of the public, which underlies not only our front line operations but also the central services that support them.

As we look to the future, and to recovery from the global pandemic, we will continue to hold ourselves to the highest standards in how we look after the health and safety of our people, while continuing to deliver results for Canadians.



Kathleen Roussel

Director of Public Prosecutions



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OVERVIEW

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

As of March 31, 2020, the PPSC had 1,122 employees. In addition to staff prosecutors, the PPSC retained the services of over 365 agents (private-sector prosecutors).

Total Employees by Region

Region	Total
British Columbia	98
Alberta	123
Saskatchewan	30
Manitoba	40
Ontario	202
National Capital Region	89
Headquarters	250
Quebec	86
Atlantic	68
Yukon	41
Northwest Territories	51
Nunavut	44
Total Number of Employees at the PPSC	1,122

MANDATE

The mandate of the PPSC is set out in the *Director of Public Prosecutions Act*. The Act empowers the Director of Public Prosecutions (DPP) to:

- » initiate and conduct federal prosecutions;
- » intervene in proceedings that raise a question of public interest that may affect the conduct of prosecutions or related investigations;
- » issue guidelines to federal prosecutors;
- » advise law enforcement agencies or investigative bodies on general matters relating to prosecutions and on particular investigations that may lead to prosecutions;
- » communicate with the media and the public on all matters that involve the initiation and conduct of prosecutions;
- » exercise the authority of the Attorney General of Canada in respect of private prosecutions; and
- » exercise any other power or carry out any other duty or function assigned by the Attorney General of Canada that is compatible with the Office of the DPP.

For the purpose of carrying out these statutory responsibilities, the DPP is the Deputy Attorney General of Canada.

The *Director of Public Prosecutions Act* also empowers the DPP to:

- » initiate and conduct prosecutions under the *Canada Elections Act*; and
- » act, when requested by the Attorney General of Canada, in matters under the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act*.

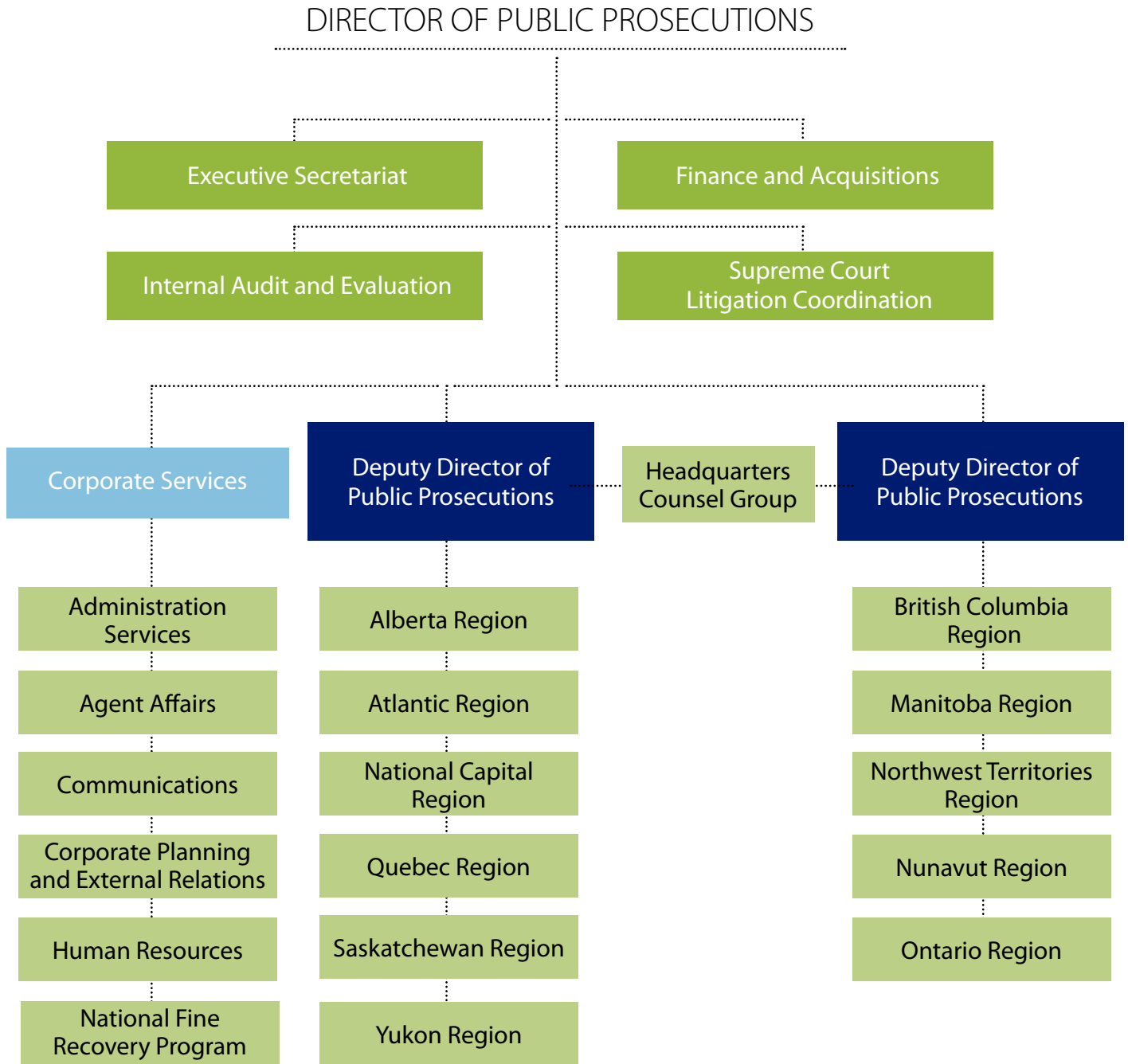
The DPP has the rank and status of a deputy head of a department, and in this capacity, is responsible for the management of the PPSC as a distinct governmental organization.

With the exception of *Canada Elections Act* matters, the Attorney General of Canada can issue a directive to the DPP about a prosecution or assume conduct of a prosecution, but must do so in writing and a corresponding notice must be published in the *Canada Gazette*. In turn, the DPP must inform the Attorney General of any prosecution or planned intervention that may raise important questions of general interest.

ROLE OF THE PROSECUTOR

Prosecutors play a key role in the Canadian criminal justice system. This role is quasi-judicial in nature, imposing on prosecutors the duty to be objective, independent, and dispassionate. They must see that all cases deserving of prosecution are brought to trial and prosecuted with competence, diligence, and fairness. Prosecutors must always be of integrity, above all suspicion, and must exercise the considerable discretion bestowed on them fairly, in good faith, and without any consideration of the political implications of their decisions. While they must be advocates, their role is not to seek convictions at any cost, but to put before the court all available, relevant, and admissible evidence necessary to enable the court to determine the guilt or innocence of an accused.

ORGANIZATIONAL STRUCTURE



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PROSECUTION ACTIVITIES

In 2019-2020, the PPSC worked on 60,252 files. This figure includes 32,839 files opened during the year, as well as 27,413 files carried over from previous years. Overall, PPSC prosecutors and paralegals, legal support staff, and legal agents working on behalf of the PPSC spent a total of 1,106,426 hours working on

prosecution files during the year. PPSC prosecutors and paralegals spent an additional 222,035 hours providing legal advice to investigative agencies, participating in various committees, both national and regional, and assisting with other important corporate work as well as providing or receiving training.

Disposition of Charges (by accused)*

	Acquittal After Trial	Conviction After Trial	Guilty Plea**	Judicial Stay of Proceedings	Charge Withdrawn and/or Stay of Proceedings (Crown)	Other***
Number of Dispositions	455	862	11,956	35	9,127	35

*In this table each accused is only counted once.

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

***Other includes discharge at preliminary hearing and mistrial.

Disposition of Charges (by charge)*

	Acquittal After Trial	Conviction After Trial	Guilty Plea**	Judicial Stay of Proceedings	Charge Withdrawn and/or Stay of Proceedings (Crown)	Other***
Number of Dispositions	1,439	1,673	17,833	118	35,519	137

*An accused facing multiple charges will have more than one disposition.

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

***Other includes discharge at preliminary hearing and mistrial.

PPSC Files by Complexity 2019-2020



* Includes agent and in-house files.

Types of Offences* (% of files)

Type of Offences	% of Files
Files Involving Drug-related Offences (44,373)	73.6%
Files Involving <i>Criminal Code</i> Offences (10,242)	17.0%
Files Involving Regulatory Offences and Economic Offences (5,140)	8.5%
Files Involving Other Offence Types (497)	0.8%

Types of Offences (% of hours)

Type of Offences	% of Hours
Hours Involving Drug-related Offences (793,282)	71.6%
Hours Involving <i>Criminal Code</i> Offences (153,886)	13.9%
Hours Involving Regulatory Offences and Economic Offences (144,449)	13.0%
Hours Involving Other Offence Types (17,009)	1.5%

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

Breakdown by Number of Files

Region	Total	Regulatory and Economic	Drugs	Criminal Code	Territories	Other
Alberta	8,872	747	8,051	54	0	20
Atlantic	3,793	1,479	2,164	82	0	68
British Columbia	6,848	1,080	5,376	358	0	34
Headquarters	143	6	37	44	0	56
Manitoba	2,307	78	2,166	43	0	20
NCR	5,964	374	5,465	90	0	35
Northwest Territories	4,109	28	116	3,907	24	34
Nunavut	3,421	2	30	3,374	5	10
Ontario	18,376	344	17,623	299	0	110
Quebec	1,192	907	180	79	0	26
Saskatchewan	3,237	92	3,099	32	0	14
Yukon	1,990	3	66	1,880	13	28

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

Top 10 Federal Statutes

The number of federal statutes regularly prosecuted is 34.

Statute	Number of Charges Laid
<i>Controlled Drugs and Substances Act</i>	110,553
<i>Criminal Code</i>	109,383
<i>Fisheries Act</i>	5,713
<i>Cannabis Act</i>	4,628
<i>Immigration and Refugee Protection Act</i>	1,693
<i>Employment Insurance Act</i>	1,624
<i>Income Tax Act</i>	1,415
<i>Customs Act</i>	1,078
<i>Excise Tax Act</i>	959
<i>Excise Act, 2001</i>	601

NATIONAL SECURITY PROSECUTIONS

The PPSC has the jurisdiction to prosecute terrorism offences, crimes against humanity and war crimes as well as offences contrary to the *Security of Information Act*.

Anti-Terrorism

Since 2001, 58 individuals have been charged with terrorism offences in Canada. As of March 31, 2020, four individuals are awaiting trial for terrorism offences or proceeding through pre-trial motions. Warrants are outstanding for nine more individuals.

The investigation and prosecution of terrorism offences bring together the efforts of law enforcement, intelligence agencies, and prosecution services. To fulfill its mandate in this area, the PPSC engages in ongoing communication with investigative agencies and takes their operational requirements into account when allocating resources.

In addition to a group of senior counsel at Headquarters, counsel are assigned in each regional office to fulfill the PPSC's advisory or prosecution role, and to assist with training for law enforcement officers.

Beyond providing advice to the police, the PPSC decides whether to provide the Attorney General's consent for applications for recognizances with conditions and terrorism peace bonds and for the initiation of prosecutions. These decisions are the product of a review of the evidence by investigators and prosecutors, both in regional offices and at Headquarters. Such consent was granted on three occasions in 2019-2020.

The PPSC worked on eight terrorism-related files in 2019-2020 including the following four appeals.

In *R. v. Esseghaier and Jaser*, the Ontario Court of Appeal allowed the accused's appeal on August 27, 2019, set aside the convictions and directed a new trial. The Crown sought leave to appeal, which was granted by the Supreme Court of Canada on February 20, 2020. A hearing date will be set later during the year.

In *R. v. Ader*, the accused abandoned his appeal in September 2019.

In *R. v. Ali*, the Ontario Court of Appeal dismissed the Crown's appeal on December 12, 2019, and upheld the acquittal on the terrorism offence charges.

In *Habib v. R.*, the Québec Court of Appeal dismissed the accused's appeal on November 28, 2019, and upheld the convictions.

Security of Information

Cameron Ortis was charged with eight offences pursuant to the *Security of Information Act*, including communicating and attempting to communicate special operational information, and committing preparatory acts for the purpose of communicating safeguarded information. He also faces two additional charges pursuant to the *Criminal Code*, for breach of trust and for unauthorized use of a computer. A trial date has not yet been scheduled. The PPSC provided the Attorney General's consent pursuant to s. 24 of the *Security of Information Act*.

Breach of Trust

In March 2018, Vice Admiral Mark Norman was charged with one count of breach of trust contrary to s. 122 of the *Criminal Code* for allegedly leaking confidential information regarding the contract for an interim Auxiliary Oiler Replenishment vessel with the Canadian shipbuilding company Chantier Davie. On May 8, 2019, the PPSC stayed the proceedings against Mr. Norman after it was determined that there was no longer a reasonable prospect of conviction.

PROSECUTIONS IN CANADA'S NORTH

The PPSC is responsible for the prosecution of all *Criminal Code* offences in the territories as well as offences under all other federal legislation, such as the *Controlled Drugs and Substances Act*, the *Cannabis Act*, the *Youth Criminal Justice Act*, and the *Fisheries Act*. In Nunavut, the PPSC also prosecutes all offences under territorial legislation. In the Northwest Territories (NWT), the PPSC prosecutes most territorial offences. The PPSC does not prosecute territorial offences in Yukon.

The PPSC has offices in each of the territorial capitals. The PPSC employs approximately 136 people in its northern offices, including 54 in-house lawyers. Prosecutors from southern offices also occasionally prosecute in the North.



R. v. Quash

After a violent confrontation between two people in Whitehorse, Wesley Quash was convicted of aggravated assault. He was sentenced to 10 months' imprisonment followed by 30 months of probation. The PPSC appealed the sentence.

On April 5, 2019, the Court of Appeal found the sentence unfit and increased the sentence to 24 months' imprisonment and commented on several sentencing principles and practices. The Court confirmed that in considering evidence that the offence had a significant impact on the victim, sentencing judges must do more than mention the injury the victim suffered. In addition, the Court confirmed that sentences can be compared even if they are not the exact same offence, as long as the judge is aware of the distinction between offences. Finally, the Court confirmed that an offender's moral blameworthiness is not reduced because of cognitive limitations unless those cognitive limitations played a role in the commission of the offence. Yukon is following a trend found in appellate jurisprudence in British Columbia, Ontario, Manitoba, Alberta, and Newfoundland, that will force all counsel and judges to look at the specific evidence of cognitive limitations and their mitigating impact, if any, on moral blameworthiness before imposing a fit sentence.

Challenges Relating to Northern Prosecutions

PPSC prosecutors and Crown Witness Coordinators (CWCs) attend court in over 60 communities across the North. Court is held at varying but regular intervals in each of the communities, most of which are accessible only by air.

A significant percentage of the population, particularly in the communities other than the territorial capitals, are Indigenous. In Yukon, approximately 25% of the population is Indigenous, while in the NWT 50% is Indigenous. In Nunavut, 85% of the population

is Inuit. Cultural awareness training is a priority for non-Indigenous employees within the PPSC, particularly in the North.

The territories have among the highest rates of violent crime in the country, particularly as it relates to sexual abuse (including historical sexual abuse cases) and domestic violence. There is also a high rate of homicide.

Unlike the South, the PPSC is now responsible for organizing, and paying for, all the civilian witness travel in the northern territories, which is logistically challenging and expensive, costing the PPSC approximately \$600,000 a year.

The high rate of violent crime involving offenders with significant rates of re-offending has led to the implementation of coordinated high-risk offender flagging processes in the North. In each regional office in the territories, paralegals assist in coordinating the flagging of high-risk offenders. This enables a more effective and organized preparation of prosecution files in order to conduct long-term offender and dangerous offender applications effectively.

Over the last few years, the Nunavut Court of Justice has attempted to apply Inuit Qaujimagatuqangit principles in a number of cases. Inuit Qaujimagatuqangit principles are rooted in a historical context and intertwined with societal values that go beyond law and justice. For instance, there is Aajiqatigiinniq (decision-making through discussion and consensus), Avatittinnik Kamatsiarniq (respect and care for the land, animals, and the environment), Inuuqatigiitsiarniq (respecting others, relationships, and caring for people), and Tunnganarniq (fostering good spirit by being open, welcoming, and inclusive).

Crown Witness Coordinator Program

The unique cultural setting for prosecutions in the North led to the creation of the CWC program in 1988. The program provides a service that bridges the cultural gap between the court system and Indigenous peoples who are victims and witnesses engaged in the court process.

Currently, the PPSC's northern regional offices employ 19 CWCs in addition to three CWC supervisors (one in each regional office). The CWCs work closely with PPSC prosecutors and travel to communities during court

circuits to assist victims and witnesses. A large percentage of the workload of CWCs involves domestic violence cases and other crimes of violence (e.g., sexual assault and homicide).

The main role of CWCs is to help victims and witnesses understand the court process, their rights and responsibilities in the process, and the roles of the court participants. They provide court updates, accompany witnesses to court, provide support during and after testimony, and assist with trial preparation. CWCs also act as liaisons between prosecutors and victims and witnesses, to ensure that their concerns are considered during the judicial process. Their work includes identifying victims' support needs and ensuring victims are referred to the appropriate territorial support agencies.

Specialized Treatment Courts in the North

A large number of offences in the North are related to spousal violence. Each territory has established specialized spousal abuse treatment court programs to address the issue of domestic violence. These specialized court programs provide a comprehensive multidisciplinary treatment-based approach to spousal assault matters aimed at ensuring that domestic violence offenders receive therapy in order to eliminate or reduce recidivism. Participation in these programs requires that the accused plead guilty at the outset after being charged. They are then eligible to receive treatment focused on spousal violence and addictions. At the end of the process, the offender receives a sentence mitigated by their involvement in the process, which usually means a community-based sentence. PPSC prosecutors in the three northern regional offices actively support these therapeutic court programs.

The PPSC has also been an active partner in the therapeutic court program known as the Community Wellness Court since its implementation in Yukon in 2007 and in the NWT in 2014. A therapeutic justice program pilot project was launched in April 2019 in Cambridge Bay, Nunavut. The Nunavut Regional Office worked closely with all the stakeholders in its implementation. The program is successful and the pilot project has been extended. Wellness Court programs aim to reduce recidivism and to provide support to chronic offenders by helping them deal with the addictions and/or mental health issues that contribute to their criminal behaviour. These programs



Riot at the Baffin Correctional Center

In the early evening on June 20, 2018, inmates in the Charlie unit at the Baffin Correctional Center (BCC) in Iqaluit, Nunavut tried to dig holes through the prison walls in order to obtain contraband from the outside. Over the course of the next few hours, the situation deteriorated, corrections officers were removed from the unit for their own safety, and the 26 inmates who remained barricaded themselves inside with ropes they made from sheets reinforced with steel wire.

Many of the barricaded inmates then began to cause significant damage to the facility. Corrections staff and RCMP officers amongst others contained the riot situation until such time as all 26 inmates were extracted one by one.

Eleven inmates were charged with participating in a riot and mischief over \$5,000, amongst other offences. Emergency repairs to the BCC cost \$459,000. As a result of the damages, inmates were sent to other jails while everything was repaired. In total, the cost of repairs and housing inmates at out-of-territory facilities was approximately \$1.88 million.

Two of the accused resolved their matters early. Nine of the eleven accused proceeded to preliminary inquiry. To accommodate all of the accused and their respective counsel, a courtroom at the Nunavut Court of Justice in Iqaluit required a substantial temporary redesign of the courtroom layout to allow for additional tables for counsel and the accused. At the conclusion of the preliminary inquiry, eight accused were committed to stand trial and one was discharged. Of those eight accused, six resolved their matters and one was tried in absentia, after refusing to attend his trial, and was found guilty. The remaining accused has filed a *Charter* application based on the conditions at the BCC, which will be heard once the courts reopen.

constitute judicially-supervised alternatives aimed at providing multidisciplinary support for offenders with mental health issues, substance use disorders or cognitive challenges. An offender who successfully undergoes the extensive treatment (usually over a year in length) associated with this program usually receives a community-based sentence.

Article 23 of the Nunavut Land Claims Agreement

The *Nunavut Act* and the *Nunavut Land Claims Agreement* created the territory of Nunavut in 1999. The Nunavut Agreement protects Inuit rights, including employment as set out in Article 23. The legal obligation on the federal and territorial governments is to increase Inuit participation in government employment to a representative level of 85% of the population in all occupational groups and levels.

The PPSC Inuit Employment Plan includes an employment strategy aimed at increasing the number of Inuit employees to the representative level. For some occupational groups, such as lawyers, this poses a particular challenge because of insufficient numbers of Inuit who meet the essential requirements of these groups. Therefore, in order to meet the needs of the organization, the PPSC is working with the other federal departments to develop education strategies to increase the number of Inuit lawyers and, in particular, is supporting two Nunavut regional employees enrolled in the Nunavut Law Program. Other measures in place are strategies to remove employment barriers, all-Inuit staffing panels, career laddering within the office, and an emphasis on acquiring leadership skills through formal and on-the-job training. These measures have significantly improved Inuit employment.

DRUG PROSECUTIONS

Drug prosecution files continue to represent the most significant portion of the PPSC's total caseload. Last year, the PPSC handled 44,373 prosecution files related to offences under the *Controlled Drugs and Substances Act*. Of those, 22,423 files were new, and 21,950 were carried over from previous years. The complexity and scope of these prosecutions varied greatly, ranging from cases of possession of narcotics to complex major drug trafficking and importation files employing sophisticated police techniques

resulting in seizures of large quantities of fentanyl and heroin, to the manufacturing of methamphetamine for both domestic use and for export to other countries. High-complexity drug cases required the deployment of significant PPSC time and resources throughout the country. More than just meeting our evidentiary burden, in many of these prosecutions the Crown responded to numerous challenges relating to the conduct of the investigations, the constitutionality of legislation, broad requests for further disclosure, and allegations of abuse of process and/or unreasonable delay.

While high-complexity files represented only 2.49% of counsel's drug caseload in 2019-2020, they took up 24.91% of the time dedicated to drug prosecutions.

Offences involving drugs are very often revenue-generating crimes, and these types of cases continued to represent the majority of offences prosecuted by the PPSC leading to the forfeiture of proceeds of crime and of the property used to commit the crime ("offence-related property"). The proceeds or property ranged from the money used to buy drugs from an undercover officer to real estate bought with proceeds of crime or used to produce drugs.

In Manitoba, Project Distress concluded in January 2020 following the dismissal of the conviction appeals of Jared Devloo and Jason Ong. They were convicted for conspiracy to traffic cocaine after a lengthy trial. The charges arose out of an investigation by the Manitoba Integrated Organized Crime Task Force into a high-level drug organization. The investigation used a civilian agent who was a long-time organized crime figure in Manitoba and British Columbia. Mr. Devloo provided the agent with a mobile phone with an encrypted application for the purpose of conducting their drug transactions. Using the encrypted phone, the agent purchased four kilograms of high-quality cocaine on three separate transactions from Mr. Ong, who was identified through various technological and traditional police investigative techniques. After trial, Mr. Devloo was sentenced to 10 years in jail and a fine in lieu of forfeiture of \$212,000, and Mr. Ong was sentenced to 8 years in jail. In addition, ten other individuals pleaded guilty to various drug offences and received sentences ranging from 3 to 9 years in jail based on the level of their involvement in supplying drugs to the agent.



Project Nitency was a high-level drug investigation of the British Columbia Combined Forces Special Enforcement Unit based in the Fraser Valley and extending into Northern British Columbia, Alberta, and Saskatchewan. The investigation targeted Clayton Eheler and other individuals operating within his organization. In total, police seized significant quantities of substances including more than a kilogram of fentanyl, more than 8 kilograms of powder cocaine, a kilogram of crack cocaine, heroin and methamphetamine, as well as drug paraphernalia including a large hydraulic press. After a lengthy and complicated trial, Mr. Eheler was convicted and sentenced to 9 years' imprisonment. Sentences ranging from 18 months to 6 years' incarceration were imposed upon his associates who were also convicted.

Crimes related to substance use disorders create diverse challenges for prosecutors when it comes to sentencing an accused. To attempt to address the substance use disorder and to decrease the crimes committed, there are a number of Drug Treatment Courts (DTCs) located across Canada. Currently, there are DTCs located in Vancouver, Edmonton, Calgary, Regina, Moosejaw, Winnipeg, Westman (Brandon), Toronto, Kitchener-Waterloo, Durham, Simcoe (Barrie), Hamilton, Guelph, Peterborough, Halton, Windsor, Kenora, Perth, Ottawa, Montreal, Kentville, and St. John's. There is also a Wellness Court in the Northwest Territories that handles files related to substance abuse disorders, as well as the Mental Health court in Halifax that includes drug treatment. These courts focus on the supervised treatment and rehabilitation of an offender. Prosecutors work with judges, defence counsel, treatment providers, and others to cooperatively, and with accountability, address the conduct of offenders appearing before these courts. PPSC prosecutors or agents regularly appear in most of Canada's DTCs.

Fentanyl Prosecutions

Fentanyl remains a prevalent concern in all communities across Canada. It continues to cause substantial harm and damage to those who procure it, whether intentionally or unknowingly. The PPSC has created a network of federal prosecutors from all regions of the country, coordinated at PPSC Headquarters, which focuses on all types of fentanyl-related crimes. This working group shares information about relevant jurisprudence from across the country, as well as emerging challenges

Project Silkstone

Project Silkstone targeted drug trafficking in eastern Ontario and resulted in the arrest of 27 individuals in 2017. Charges included trafficking in fentanyl, cocaine and ecstasy, production of marihuana, various weapons offences and proceeds of crime offences. The proceedings are taking place in Belleville, Ontario.

Several accused persons have now resolved their matters, while some charges remain outstanding. In 2019-2020, one individual pleaded guilty to several drug and proceeds charges and was sentenced to 10 years in prison.

Counsel in the National Capital Regional Office conducted a three-week long trial in the Ontario Superior Court, which resulted in the conviction of one individual for trafficking cocaine. Following another two-week-long trial, a jury convicted an accused person of production of approximately 7,000 marihuana plants.

Proceedings for the remaining accused persons will continue in 2020-2021.

and best practices when advising police involved in the investigation of fentanyl offences. In particular, the focus of the working group has been to create a complete record before the courts in fentanyl and carfentanyl sentencing cases, including expert evidence, in order to educate the judiciary on the appropriate sentencing range for these very dangerous drugs. Members offer training and input to partners on best practices to deal with the opioid crisis. The PPSC also maintains an internal intranet platform of fentanyl sentencing decisions, facts, expert reports, and other scientific data related to fentanyl to help prosecutors across the country with their sentencing submissions.

Fentanyl is a powerful synthetic opioid drug that is 80 to 100 times more powerful than morphine and approximately 25 to 50 times more powerful than heroin. Its use continues to grow widely and has led



R. v. Felix and R. v. Parranto

The PPSC successfully worked to establish a 9 years starting point sentence for wholesale trafficking in fentanyl. In *R. v. Felix and R. v. Parranto*, the Alberta Court of Appeal recognized that in order to address the fentanyl crisis in Alberta and Canada, the court needed to impose sentences that will severely deter potential traffickers who would otherwise seek to exploit those with substance use disorders. The court cautioned that more severe sentences will be imposed on those selling more toxic analogues such as carfentanyl.

to an alarming increase of opioid overdose deaths in Canada in recent years. The situation has been aggravated by the increasing presence of carfentanyl, another synthetic opioid that is approximately 100 times more potent than fentanyl. The opioid crisis has led to an increasing number of PPSC prosecutions for possession for the purpose of trafficking and the trafficking of fentanyl and carfentanyl. We have also been working with our provincial counterparts to identify cases where it is appropriate to pursue charges related to manslaughter or criminal negligence where fentanyl overdoses have resulted in death. Recently, we have seen a rise in the number of fentanyl-related substances seized by the police, including furanyl fentanyl, cyclopropyl fentanyl, methoxyacetylfentanyl and acetylfentanyl, which are all just as dangerous as fentanyl itself, if not more.

In Ontario, there were two significant sentences handed down in late 2019, related to a medical doctor and a pharmacist, Dr. George Otto and Shereen El Azrak, who were convicted in separate trials of jointly trafficking fentanyl. Dr. Otto was paid to write prescriptions and Ms. El Azrak dispensed the prescriptions knowing the fentanyl was being trafficked illicitly. The number of fentanyl patches trafficked in the scheme was estimated to be in the range of 4,000. In the end, Dr. Otto was sentenced to 12 years in jail; Ms. El Azrak

received a sentence of 13 years, as she was found to have brought Dr. Otto into the scheme. The two trials were complex and included constitutional challenges to two search provisions in the *Criminal Code*.

In a further testament to how serious the courts consider fentanyl trafficking offences to be, on March 25, 2020, the Nova Scotia Court of Appeal increased the sentence of convicted trafficker Jason White. Mr. White had been convicted at trial of possession for the purpose of trafficking 2,086 fentanyl pills worth between \$41,000-\$83,000 street value, and 6.5 ounces of cocaine, worth between \$14,500-\$18,100. He was also found in possession of \$12,000 cash. Mr. White had an extensive prior criminal record that included at least two prior convictions for trafficking drugs, and was on probation at the time of the offences. The trial judge had sentenced Mr. White to 6 years in jail for the fentanyl charge and 4 years in jail for the cocaine charge, to be served concurrently, but the Court of Appeal overturned these sentences and sentenced Mr. White to 8 years and 5 years concurrently.

Lastly, in one of the most significant fentanyl trafficking sentences handed down to date in Canada, Timothy Lodge pleaded guilty on October 9, 2019, in Kitchener, Ontario, to trafficking in a total of 7.3 kilograms of fentanyl on six different occasions. Mr. Lodge sold the fentanyl to both an undercover police officer and civilian police agent for a total of approximately \$550,000. After a very early guilty plea, the sentencing judge accepted a joint submission between the Crown and defence for 17 years' incarceration, forfeiture of approximately \$69,000 in seized currency, and a fine in lieu of forfeiture of \$202,000 for the unrecovered proceeds of crime. Had the matter proceeded to trial, the Crown stated on the record that it would have sought 22 years' incarceration, which the judge acknowledged during the sentencing would very likely have been the result.

Organized Crime Prosecutions

The PPSC prosecutes criminal organization charges when they are associated with another offence prosecuted by the PPSC. Most commonly, they are associated with drug offences, as one of the main activities of many organized criminal groups is the

trafficking of drugs. The volume of cases involving criminal organizations have remained high in recent years. Organized crime continues to be a priority for the police and other law enforcement authorities.

Operation Harley targeted a “hang-around” (a first level of membership) Chapter of the Hell’s Angels criminal organization in Nova Scotia. Three undercover operators completed multiple sales of marijuana with a hang-around member of the Hell’s Angels and purchased a total of five kilograms of cocaine from a

full patch member out of Ontario. The accused both pleaded guilty before completion of a preliminary inquiry. The full patch member received a global sentence of 57 months’ incarceration and the hang-around member is awaiting sentencing.

In July 2019, Season Alexandre Cardinal Truax was convicted of importation, conspiracy to import, possession for the purpose of trafficking, and committing the offence of importation for the benefit of a criminal organization. Ms. Truax was arrested and charged when Canada Border Services Agency officers seized 14.5 kilograms of methamphetamine when she was crossing the Canada-United States border at Del Bonita, Alberta. The trial included challenges to



Project OTremens

This project resulted in the conviction of 13 members or associates of La Cosa Nostra for large-scale fentanyl, cocaine, heroin, and other drug offences with sentences ranging from 4 to 17 years.

Project OTremens was an investigation that focused on members and associates of the organized crime group known as La Cosa Nostra (LCN). The investigation used a trusted associate of the New York City based “Bonanno” LCN crime family who, during the course of the investigation, became an official member. The agent’s membership in the LCN facilitated his criminal transactions with members and associates of other LCN-based criminal organizations operating in Canada and the United States. The international workings of this secretive criminal organization were illustrated by the agent and other undercover police officers who made purchases of a variety of drugs and other criminal commodities during the course of the investigation. At the conclusion of the investigation, the police had seized or purchased 6 kilograms of fentanyl, 40 kilograms of cocaine, 13 kilograms of heroin, 260,000 MDMA (ecstasy) and Methamphetamine pills, 3 kilograms of MDA, and 3 handguns.

As a result of the agent’s presence within LCN, the OTremens investigation also yielded unprecedented evidence disclosing the inner workings of LCN in Canada and the United States. Police audio and video recorded a secret ritual ceremony in which the agent was inducted into the “Bonanno” crime family, a law enforcement first in North America.

The investigation commenced in late 2013 and concluded a little over four years later in November 2017 with arrests coordinated across Canada and the United States for a variety of drug and gun trafficking offences and conspiracies to import significant quantities of drugs into Canada.

By December 2018, just over one year after “takedown,” of the 13 who were arrested and prosecuted in Canada, all but two accused pleaded guilty with two discrete trials that concluded in 2019. The total sentences ranged from 4 years for lower-level delivery persons, to 17 years for high-level fentanyl and cocaine traffickers. The vast majority of the guilty pleas occurred within 6 months of the arrests.

authorizations obtained by police to deploy an MDI (Mobile Device Identifier). The MDI was used in conjunction with physical surveillance. Police also obtained authorizations to intercept conversations Ms. Truax had with her two co-conspirators, both before and after her arrest, on a cellular telephone

number discovered during the investigation. The Provincial Court of Alberta admitted this evidence, determining that in the circumstances of this case, the MDI's use was lawful and deployed in a reasonable manner. Ms. Truax has appealed her conviction while the Crown is appealing her 3.5-year sentence imposed by the Court.



SNC-Lavalin and Sami Bebawi

SNC-Lavalin, a Quebec-based construction company, and two of its subsidiaries, were charged in 2015 with offences under the *Corruption of Foreign Public Officials Act* and with fraud arising from bribes paid to secure public contracts in Libya between 2001 and 2011. Following a preliminary inquiry, the company was committed to trial in May 2019.

The Remediation Agreements Regime came into force on September 19, 2018, and SNC-Lavalin wrote to the DPP requesting consideration of a remediation agreement. The DPP ultimately declined to offer an opportunity to negotiate such an agreement, and the prosecution proceeded.

In 2018, SNC-Lavalin filed an application for judicial review with the Federal Court to compel the DPP to invite SNC-Lavalin to enter into negotiations for a remediation agreement. The DPP filed a motion seeking an order to strike SNC-Lavalin's application for judicial review on January 8, 2019.

In a decision issued on March 8, 2019 (*SNC-Lavalin Group Inc. v. Canada (Public Prosecution Service of Canada)*), the Federal Court held that the application had no reasonable prospect of success and struck the proceeding with costs. The Court indicated that the law is clear that prosecutorial discretion is not subject to judicial review, except for an abuse of process claim. The DPP's decision to not invite SNC-Lavalin to enter into negotiations for a remediation agreement clearly fell within the ambit of prosecutorial discretion. On April 4, 2019, SNC-Lavalin filed an appeal of the Federal Court's decision with the Federal Court of Appeal.

The PPSC and SNC-Lavalin ultimately reached a resolution agreement. SNC-Lavalin Construction Inc. pleaded guilty to fraud on December 18, 2019, and a joint sentencing recommendation was made to the Court. The company was fined \$280 million, payable over a five-year period, and sentenced to three years of probation, during which time an independent monitor will periodically evaluate the effectiveness of mitigation measures put in place by SNC-Lavalin.

On January 17, 2020, SNC-Lavalin filed a Notice of Discontinuance of the appeal in the Federal Court of Appeal.

In a separate prosecution arising from the same events in Libya, Sami Bebawi, former president of SNC-Lavalin Construction Inc., was found guilty by a jury of fraud, corruption of a foreign public official, laundering proceeds of crime, and two counts of possession of proceeds of crime in Quebec Superior Court in Montreal on December 15, 2019. He was sentenced to 8.5 years' imprisonment in January 2020.

Cannabis Act

After the *Cannabis Act* was passed by Parliament on June 21, 2018, and came into force on October 17, 2018, the PPSC established a *Cannabis Act* Implementation Committee (CAIC) to provide advice and training to Crown prosecutors. This committee includes representatives from all regions and from Headquarters in Ottawa. The CAIC continues to provide advice to prosecutors with the PPSC and to develop guidance on issues as they arise under the new regime. Some current areas of concern for the CAIC are constitutional challenges to the legislation, illegal dispensaries, and illicit online sales. Approximately 3,160 charges under the new Act were being prosecuted by the PPSC at the end of the 2019-2020 fiscal year.

REGULATORY AND ECONOMIC PROSECUTIONS

The PPSC provides prosecution services related to legislation protecting the environment and the safety, health, economic security, and general welfare of the public. In addition to fines and sentences of imprisonment, these cases can result in the imposition of measures designed to enhance public health and safety, improve the management and protection of environmental resources, or discourage financial and economic malfeasance. In 2019-2020, the PPSC handled 5,140 files involving regulatory and economic offences, of which 2,237 were carried over from previous years.

Environmental Prosecutions

On October 13, 2016, the tug boat Nathan E. Stewart ran aground at Edge Reef near Bella Bella, British Columbia, released over 100,000 litres of diesel fuel and over 2,000 litres of lubricants. Both are deleterious to fish and migratory birds.

On August 12, 2019, the owner of the boat, Kirby Offshore Marine Operating LLC, was sentenced to a total penalty of \$2.905 million in the Provincial Court of British Columbia in Bella Bella after entering guilty pleas to offences under the *Fisheries Act*, the *Migratory Birds Convention Act, 1994* and the *Pilotage Act*.

The \$2.7 million penalty imposed under the *Fisheries Act* is the largest fine for the deposit of a deleterious substance into water frequented by fish from a single spill. This penalty was directed to the Government of Canada's Environmental Damages Fund to be used toward the conservation of fish and fish habitat in the Central Coast region of British Columbia. The \$200,000 penalty for the offence under the *Migratory Birds Convention Act, 1994* will also be directed to the Fund.

In August 2017, 1,800 litres of the solvent Petrosol spilled from a storage tank at the Westaskiwin Bulk Sales property operated by Drever Agencies Inc. into a creek flowing through the City of Wetaskiwin, Alberta to the Battle River. Over 400 minnows died as a result of the spill. Drever Agencies Inc. pleaded guilty to depositing a substance deleterious to fish, and on





Project Octane

Project Octane is one of the largest investigations ever undertaken by the Competition Bureau. It investigated allegations of price fixing of gasoline in Quebec. The project had been ongoing for approximately ten years and was concluded in the fall of 2019.

The project represented the culmination of significant efforts by, and cooperation between, the PPSC and the Competition Bureau. The proceedings involved complex legal issues and many thousands of documents. More than thirty individuals and eight corporations have either pleaded guilty or were found guilty of charges relating to the fixing of the price of gasoline in four regions in Quebec.

On November 6, 2019, following a 10 week judge and jury trial conducted by counsel in the National Capital Region, the last accused to be tried was acquitted. These proceedings brought the project to a conclusion.

February 18, 2020, was ordered to pay \$1.25 million to the Environmental Damages Fund, which is the highest fine in the history of the offence provision on a per-litre-spilled basis for a first-time offender.

On June 12, 2019, PPSC prosecutors appeared in Lloydminster Provincial Court, where Husky Oil Operations Limited pleaded guilty to one count of violating the *Fisheries Act* and one count of violating the *Migratory Birds Convention Act, 1994*. The company was ordered to pay a fine of \$2.5 million for violating the *Fisheries Act* and a fine of \$200,000 for violating the *Migratory Birds Convention Act, 1994*. The fines were directed to the Government of Canada's Environmental Damages Fund and will be used to support projects within the North Saskatchewan and/or Saskatchewan

Rivers and their associated watersheds related to the conservation and protection of fish and migratory birds.

The charges related to an incident that occurred between July 20 and 21, 2016, when an estimated 225,000 litres of blended heavy crude oil leaked from a Husky Oil Operations Limited pipeline. Approximately 90,000 litres of the oil entered the North Saskatchewan River near Maidstone, Saskatchewan. As a result of the federal conviction, the company's name was added to the Environmental Offenders Registry.



R. v. Dawson, Langille and Ross

A business person and two federal employees manipulated the contracting process for materials at a Halifax Canadian Forces Base. The main fraudulent techniques included soliciting bids from only companies controlled by the accused businessperson, and impermissible contract splitting. These techniques ensured that the granting of the contracts in issue remained under the control of the accused federal employees and that the bidding process was non-competitive. The fraud was conducted over four years, resulting in approximately 640 fraudulent contracts totalling nearly \$2 million. One employee pleaded guilty, while the others were convicted following a trial conducted from May 13 to June 24, 2019.

Aeronautics Act

On September 13, 2019, Mr. Matthews was convicted of unauthorized drone operation and making a false representation under the *Aeronautics Act* and sentenced to a fine of \$6,500. Mr. Matthews flew a drone camera across the North Saskatchewan River and next to a widely attended public event. The Crown

was concerned this flight posed a risk to an Edmonton Police Service (EPS) helicopter patrolling nearby airspace. After an EPS officer requested Mr. Matthews' Special Flight Operations Certificate (SFOC), Mr. Matthews went home and later emailed the officer an expired SFOC. He did so knowing the expiry date had been removed from that certificate and with intent to end the investigation.



Volkswagen AG

In January 2020, Volkswagen Aktiengesellschaft (VW AG), a German-based car manufacturer, pleaded guilty in the Ontario Court of Justice to 58 counts of unlawfully importing into Canada vehicles that do not conform to prescribed vehicle emissions standards, contrary to section 272(1)(a) of the *Canadian Environmental Protection Act, 1999*, and two counts of providing misleading information, contrary to s. 272(1)(k) of the Act.

In an Agreed Statement of Facts filed with the Court, VW AG admitted that between January 2008 and December 2015, nearly 128,000 diesel engine Volkswagen and Audi vehicles equipped with defeat devices were imported into Canada, along with over 2,000 similarly equipped Porsche vehicles. The company also admitted to deceiving the authorities, both in the U.S. and Canada, and intentionally defying emissions regulations.

After accepting the joint submission, the Court sentenced VW AG to the fines, consisting of a fine of \$188.5 million for the 58 importation offences, based on \$1,450 per vehicle for the approximately 130,000 non-compliant vehicles imported, and an \$8 million fine for the two counts of providing misleading information, based on a \$4 million fine per offence.

The \$196.5 million fine is on top of the class action settlement by VW AG that compensated and provided benefits and buyback options to Canadian consumers of the non-compliant vehicles up to a maximum of nearly \$2.4 billion. As well, VW AG paid a civil administrative penalty of \$17.5 million under the *Competition Act* for misleading advertising related to the sale of the vehicles.

In addition, the Court made an order, pursuant to s. 294.1(2) of the *Canadian Environmental Protection Act, 1999*, recommending that, to the extent possible, the fines credited to the Environmental Damages Fund as a result of these convictions be paid out to support the implementation of projects, proposals or programs nationally or in a province or territory on the basis of excess NOx emissions occurring in each province or territory, taking into account the number of vehicles equipped with a defeat device that were imported into a province or territory.

CRIMINAL JUSTICE PROCESS

INVESTIGATION

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

FILE ASSESSMENT

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

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

This is called the decision to prosecute test.

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

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

PROSECUTION

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

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

SENTENCING

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

APPEALS

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

SUPREME COURT OF CANADA LITIGATION

In 2019-2020, federal prosecutors handled 20 applications for leave to appeal to the Supreme Court of Canada and appeared before the Supreme Court of Canada in eight cases. Three of those cases are summarized below.

In *R. v. Larue*, on April 25, 2019, federal prosecutors successfully upheld the trial judge's decision to admit the hearsay statements of an accomplice who refused to testify during the murder trial of the accused. In the context of this appeal from Yukon, the Supreme Court of Canada applied the principled exception to the hearsay rule articulated in *R. v. Bradshaw*, to confirm the admissibility of the accomplice's statements obtained during a Mr. Big operation.

In *R. v. Kernaz*, on October 18, 2019, federal prosecutors persuaded the Supreme Court of Canada that the accused's admitted intention to share drugs in his possession was sufficient to prove the offence of possession for the purpose of trafficking. The prosecution does not need to prove that the accused had a settled plan to give the drugs in his possession to a third person.

In *R. v. S.H.*, on February 21, 2020, federal prosecutors successfully defended the application of the curative proviso under s. 686(1)b)(iii) of the *Criminal Code* regarding errors made by the trial judge to sustain the convictions for the possession of drugs for the purpose of trafficking.

HEADQUARTERS COUNSEL GROUP

The PPSC Headquarters Counsel Group in Ottawa has three major responsibilities: providing strategic direction, risk management and support for specific types of prosecutions or individual cases to the DPP, the Deputy Directors, and other federal departments and agencies; responding to requests for litigation support from frontline prosecutors in the PPSC regional offices; and providing legal training, corporate advice, and other law knowledge services to the PPSC.

The group coordinates and manages prosecutions involving litigation of issues of constitutional importance, national significance, or novel legal issues, keeping track of similar or related cases across the country, and providing assistance where needed to frontline prosecutors with respect to particular types of litigation.

The group also develops prosecutorial best-practice directives and collaborates with frontline PPSC prosecutors in researching and drafting legal memoranda to address emerging national legal issues. They also review new or amended federal legislation and provide advice on its implementation and interpretation to PPSC frontline counsel.

By developing and presenting training materials to law enforcement investigators and the PPSC prosecutors — both collaboratively and independently, as the case may require — the Headquarters Counsel Group ensures that PPSC prosecutors and their investigative partners across the country are receiving up-to-date, consistent, and cohesive litigation advice and support. Other major responsibilities include keeping the DPP abreast of developments affecting particular PPSC prosecution cases, identifying emerging risks and trends, and providing expert advice on behalf of the DPP before parliamentary committees. Internationally, the group collaborates with their counterparts in other countries on global initiatives to combat transnational drug trafficking, money laundering, and other forms of organized crime.

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AWARDS AND ACHIEVEMENTS

APPOINTMENTS

In 2019-2020, the PPSC was pleased to see ten employees appointed as judges to provincial courts across the country: Shaina Leonard, Christina Cheater, Lua Gibb, Stacy Cawley, Victoria Cornick, Nicole Angers, Anne Turner, Murray Pelletier, Nick Devlin, and André Chamberlain.

FORMAL AWARDS

A set of formal awards are issued by the DPP every year to well-deserving employees from across the country.

The Director of Public Prosecutions Achievement Award is the PPSC's highest distinction. It recognizes an individual or a team who, in performing their duties or executing a project, made an exceptional contribution to addressing the priorities of the PPSC. In 2019, the award was presented to Doug Curliss, Wade McBride, Lynn Hintz, Janelle Khan, Dawn Dembrowski, Claudette Friesen, and Colleen Streisel from the Saskatchewan Regional Office, in recognition of their work on Project Forseti.

The Creativity and Innovation Award recognizes those who have improved the way the organization functions. This year, two Creativity and Innovation awards were presented. The first award was presented

to Elizabeth Armitage, Marissa Martin, Guylain Racine, Nathalie Houle, Claire Rainville, Éric Lemieux, Sabrina Nemis, and Anne Michaud for their work in making the PPSC branding strategy a reality. The second Creativity and Innovation Award was presented to Gillian Angrove, a prosecutor who played an important role in responding to the opioid public health crisis in British Columbia.

The Leadership Excellence Award recognizes those who have demonstrated exceptional leadership and who have exerted a strong influence on a group of individuals. The awards were presented to Jason Buccino and Alexandre Cormier, who were nominated by their respective teams.

NATIONAL PROSECUTION AWARDS

In 2019, the Federal-Provincial-Territorial Heads of Prosecutions Committee issued the following two awards to PPSC employees. The Commitment to Justice Award was awarded to Croft Michaelson, former Crown Counsel with the PPSC and the Courage and Perseverance Award was awarded to Jason Mitschele, Counsel with the PPSC's Ontario Regional Office in Toronto.



5

CORPORATE ACTIVITIES

ORGANIZATIONAL PRIORITIES

In 2019-2020, the PPSC focused on the following four organizational priorities:

- » Grow our Talent for the Future
- » Modernize the Legal Case Management System and Tools
- » Fostering a Healthy and Respectful Workplace
- » Enhancing Communication and Opportunities for Employee Engagement

Grow our Talent for the Future

School for Prosecutors

The School for Prosecutors offers annual training designed to promote professional development relevant to the prosecution function. In 2019, the School delivered the three core annual courses. In addition to providing legal training that satisfies law society-imposed continuing professional development requirements, the School serves as an ongoing forum for participants to meet, to network, to develop mentoring relationships, and to enhance their sense of identity as federal prosecutors.

The School's 2019 training included:

- » **The Level One (Prosecution Fundamentals) course**, a four-and-a-half-day program that provided practical and academic training in traditional areas such as the role of the prosecutor, *Charter* issues and remedies, trial preparation and advocacy, evidence, and the ethical principles that law societies insist upon for counsel. Broken down into successive segments that constitute a criminal proceeding, such as bail, *voir dire*, prelim, trial and sentencing, the course offered an in-depth perspective on the many legal issues that are important to federal prosecutors.
- » **The Level Two (Advanced Issues for Prosecutors) course**, a three-and-a-half-day program that explored the intricacies of advising on, preparing for, and prosecuting complex cases with electronic evidence.
- » **The Written Advocacy course**, a three-and-a-half-day program designed to help prosecutors perfect factum-writing skills.

Other Legal Training

The following legal training webinars were produced in both official languages in 2019:

Cryptocurrency (Bitcoin) Training Webinar:

Issues such as cryptocurrency are increasingly arising in criminal prosecution cases; the webinar educates Crown counsel about cryptocurrency, its use in terrorism and money laundering cases, and in criminal activities conducted over the dark Web. A technical expert and a prosecutor discuss the relevant aspects that prosecutors need to know regarding search warrants for cryptocurrency and their execution, and share pertinent information about how to conduct a successful seizure.

Youth Criminal Justice Act Training Webinar:

This webinar provides a basic understanding of the Act and its core elements, and dispels some common misunderstandings.

Media Training Webinar: This webinar teaches Crown counsel how to deal effectively with the media and public when called upon to comment publicly about issues related to their prosecution practice. It includes a number of scenario-based re-enactments depicting typical Crown counsel interactions with media and a panel of experts discussing best practices.

Talent Development

The PPSC developed a resource calendar for supervisors and managers and implemented initiatives, such as mentoring practices, linguistic duality initiatives, and learning events. The PPSC supported the development of the PPSC's executive cadre throughout the year by providing brief and engaging information sessions on various corporate topics, such as finance, information technology and management, security, communications, audit, human resources, and corporate planning. The material from these sessions were shared with management and disseminated to supervisors through the intranet portal.

This year various in-person training sessions were offered to support the development of staff, supervisors, and managers. For example, as part of an in-person national executive-level meeting, information sessions were delivered related to changing mindset and behaviours, effective communications, diversity and inclusion, classification, staffing, labour relations, digital prosecution, reconciliation, and information management. A three-day forum for our administrative groups covered key training elements to address their day-to-day professional challenges. Finally, tailored training events were offered virtually and in-person to supervisors and managers in various regions to support them in their human resources management functions including harassment prevention, effective communications, talent management and development, recognition, diversity and inclusion, mental health and wellness.

The Supervisors' Network

The Supervisors' Network continued to support and enable supervisors and managers to build collaborative relationships, connect with each other in a safe environment, and create opportunities for personal and professional growth. The focus throughout the year was on leadership competencies, emotional intelligence, and creating a workplace free of harassment and discrimination.

The Network developed its voice by collaborating and partnering with various groups within the organization, such as the Diversity and Inclusion Committee, Mental Health and Wellness Committee, Departmental Audit Committee, and National Occupational Health and Safety Policy Committee.



PEOPLE AT THE PPSC

Business Coordinator

A Business Coordinator is responsible for administration coordination, support services, and advice for a region of the PPSC.

As a Business Coordinator, it is my responsibility to provide support to my region in the areas of human resources management, financial management, acquisitions, information management, security, accommodations, occupational health & safety, and travel. My duties also include supervising a team of legal and administrative support positions and providing support to the Chief Federal Prosecutor.

My work gives me the opportunity to work collaboratively with all staff members within our region and I have been able to develop strong working relationships with people from various corporate groups nationally.

My position is a stimulating and varied role that requires continuous learning. I am proud of the work I do and my ongoing effort toward upholding the mission and values of the PPSC.

– *Business Coordinator*
Saskatchewan Regional Office

The Network hosted a two-day national event where supervisors from across Canada came together to explore their leadership skills, connect with their peers and experts, and apply practices and methodologies that would be transferred back to their day-to-day work. It also developed and provided supervisors with an array of resources to consult and use, such as a "Set Yourself Up for Success" web-based leadership

resource calendar, to keep them informed and engaged in continuous learning. Finally, the Network hosted a number of “Speakers Series” events on topics such as emotional intelligence, intercultural communications and unconscious biases, and harassment prevention.

Modernize the Legal Case Management System and Tools

Legal Case Management System

The PPSC continues its project to implement a new case management system for the organization. User requirements and business processes specific to the PPSC continue to be refined. Multiple versions of the Legal Case Management System (LCMS) application were developed for user testing and functionality refinement in both English and French. Testing continues to be conducted with users from across the country. The data in the existing case management system was prepared for migration through cleansing and data integrity reviews.

Digital Modernization

The PPSC has developed a digital strategy to guide its modernization. The approach sets out to strike a balance between continuing to establish its solid digital foundation while moving ahead with digital enablement and innovation forward. Over the course of the last year, some of the key digital foundational activities that took place were the implementation of GCDOCS (Digital Information Repository) to most of its internal services sectors, the early development of the future LCMS support team, and the development of an information management services repatriation plan. From a digital enablement and innovation perspective, there was a focus on modernizing workplace technology devices to improve user mobility with an upgrade of all computers to laptops with Windows 10 and an upgrade of cellular devices to more modern smart phones.

Fostering a Healthy and Respectful Workplace

Gender Based Analysis Plus (GBA+)

In 2019-2020, the PPSC developed the GBA+ Statement of Intent (SOI) in consultation with the Diversity and Inclusion Committee. The SOI outlines the initiatives that the PPSC is currently taking and will continue to take to align with the GBA+ Framework developed by Women and Gender Equality Canada.

Diversity and Inclusion

The PPSC promotes a diverse and inclusive workplace enabling equality among its employees. Over the past year, the Diversity and Inclusion Committee promoted commemorative events and provided learning activities and resources to all PPSC employees. A special training event on unconscious bias was held in collaboration with the PPSC Supervisors’ Network, which was a great opportunity for PPSC supervisors to become more familiar with this concept.

In light of the Treasury Board Secretariat (TBS) Directive on Modernizing the Government of Canada’s Sex and Gender Information Practices: summary report, the Committee engaged with senior management and human resources to begin a review of PPSC policies, programs, and initiatives to ensure they are inclusive of all individuals.

In partnership with TBS’s Office of Public Service Accessibility and the PPSC’s Human Resources Directorate, the Committee launched the GC Workplace Accessibility Passport and provided information sessions to managers, supervisors, team leaders, and employees.

The Champion of Diversity and Inclusion and the five National Advisors for visible minorities, persons with disabilities, Indigenous peoples, women, and LGBTQ2+ came together for a face-to-face two-day event. This event enabled a better understanding and a shared knowledge of the direction of diversity and inclusion within the federal public service. A highlight of this event was the Positive Space Ambassador Training offered by the Canada School of Public Service; the Diversity and Inclusion Committee members are now

ambassadors and allies of LGBTQ2+ communities. The Committee is now better equipped and prepared to respond to the diversity and inclusion needs of the PPSC and to be a leader on this important initiative.

In collaboration with human resources staffing experts, the Committee had many opportunities to be involved in staffing processes to include a diversity and inclusion lens.

The PPSC will continue to foster diversity and inclusion by practicing, valuing, embracing and communicating diversity and inclusion practices to create a workplace where employees feel welcome, safe, valued and supported.

Mental Health and Employee Wellness

The PPSC promotes a healthy, inclusive and respectful workplace enabling the well-being of its employees. Over the past year, the Mental Health and Wellness Committee launched the Mental Health & Wellness Strategy and the Learning Roadmap on Creating a Healthy and Respectful Workplace. The Committee's team consists of mental health and wellness regional representatives to foster a culture where psychological support and protection, civility and respect thrive across the PPSC. Co-Champions worked collaboratively with mental health and wellness regional representatives, employees, management, and bargaining agents to implement the Mental Health & Wellness Strategy. The Strategy's aim is to enhance the work experience of all employees by nourishing and supporting their psychological well-being. It outlines concrete actions to enable a workplace that supports employees' overall mental health, increases job satisfaction, and ensures that employees feel respected, safe, engaged, and motivated. The Committee also communicated health promotion days and commemorative events to all PPSC employees.

To increase the chances of employees experiencing better mental health, the Committee provided input to update the PPSC's Code of Conduct and emphasized people management as well as integrated information on harassment and discrimination.

The Mental Health and Wellness Committee will continue to promote and support the well-being of PPSC employees by practicing, valuing, embracing, and communicating mental health and wellness practices.

Enhancing Communication and Opportunities for Employee Engagement PPSC Branding Initiative

The PPSC continued to strengthen its corporate brand internally and externally through outreach activities, recruitment events, and improved internal communication tools. The PPSC began modernizing its intranet by reviewing existing content, studying the current structure, and web analytics, and interviewing PPSC employees from across the country in order to develop a content structure for a new employee-centric PPSC intranet site.

In March 2019, the PPSC launched its first social media accounts on Twitter, one in [English](#) and one in [French](#). This was followed up in April 2019 with the launch of a bilingual LinkedIn account. The accounts primarily share information about the PPSC's mandate and work, job opportunities, news releases, observances, Canadian justice system milestones, and some prosecutorial updates. As of March 31, 2020, the Twitter account in English had 2,429 followers and 375 followers in French, and the LinkedIn account had 611 followers.

Official Languages

The Official Languages Committee's mandate is to advise senior management and the various PPSC groups on official languages issues and to promote both official languages within the organization. The Committee's legal professionals provided extensive legal advice on official languages to PPSC prosecutors in various regions and, in consultation with Justice Canada's Official Languages Law Section, continued to work on developing the federal position on language rights in criminal court proceedings.

Last year was very important, as it marked the 50th anniversary of the *Official Languages Act*. The PPSC took part in several events organized by the federal government to mark the anniversary.



PEOPLE AT THE PPSC

In order to promote official languages and second-language use among all employees, the Committee developed the second language training roadmap and implemented a language twinning initiative. The purpose of the initiative is to enable employees within one region or employees in different regions to communicate and exchange ideas in the other official language. The Montreal, Toronto, and Vancouver regions are already participating in this pilot project.

The PPSC undertook an evaluation of the number and the levels of bilingual positions in the regional offices and analysis is underway.

Lastly, the PPSC participates in the Interdepartmental Justice-Security Network and the Council of the Network of Official Languages Champions. The PPSC is also a regular and active participant at the meetings of the Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages, an interdepartmental and intergovernmental gathering of senior justice officials.

Other Corporate Activities

Like all federal government departments, the PPSC's financial management, human resources management, communications services, information management, information technology, security and facilities management, and other administrative functions support the needs of programs and meet the corporate obligations of the PPSC.

In addition to working in support of its organizational priorities, the PPSC saw significant progress and accomplishments in some of its other corporate activities.

Organizational Design

This year, the Human Resources Directorate saw an increase in reorganizations across the PPSC. The Human Resources Directorate, the Headquarters Counsel Group, the Corporate Services Branch, and various Headquarters and regional offices sector underwent significant exercises to identify and implement organizational models and structures that ensure effective use of resources (people, time and money), efficient delivery of services, and allow for career development and employee retention.

General Counsel

My duties are highly varied. My work consists primarily of ensuring the coordination of prosecution files and responses to complex legal issues. This work requires regular consultations with prosecutors and team leaders in the regional offices of the PPSC, legal services counsel, and investigative agencies head office. Given the complexity of the questions and issues involved, I must keep PPSC senior management informed on a regular basis. In addition to my coordination role, I provide regular training to investigators from various agencies and I continue to conduct criminal prosecutions. I also work with Department of Justice colleagues on a number of criminal policy files. Despite practicing as a lawyer for many years, my work always presents new issues and challenges. I particularly appreciate interacting with my colleagues who are conducting prosecutions in our regional offices. I'm always impressed with their enthusiasm, their dedication and the quality of their work.

– **General Counsel**
Headquarters, Ottawa

Staffing and Recruitment

This year, the Human Resources Directorate saw a focus placed on finding efficiencies in staffing, improving the candidate experience, increasing outreach to Indigenous communities, and continued education on management flexibilities. Through the use of new technologies, efficiencies were realized in the staffing process and candidates were given the opportunity to showcase their talent through alternative methods,

such as video submissions. The PPSC changed how it communicates and interacts with potential new hires, increasing the frequency while using plain and welcoming language. Collective processes for key positions and continual intake inventories were identified to address recruitment challenges in the northern offices. The organization increased outreach to Indigenous communities by working with partner organizations and visiting smaller communities in Nunavut through the Nunavut travelling career fair. At the same time, training was increased for managers, both at the national and regional level, to help them better understand how to leverage the staffing flexibilities available to them.

National Fine Recovery Program

The PPSC is responsible for administering the recovery of outstanding federal fines under the terms of an assignment issued by the Attorney General of Canada in 2007.

To perform its recoveries, the National Fine Recovery Division (NFRD) relies on eight full-time employees, the services of one private collection agency (Partners in Credit), in-house legal operations, and the Set-Off program from the Canada Revenue Agency (CRA). From April 1, 2019 to March 31, 2020, a total of 5,225 payments were recovered for a total value of \$1.3 million.

Following recommendations from internal evaluation and audit reports, the NFRD has undergone several changes. An executive director was hired to restructure the program. A new organizational structure was established, new personnel was hired, a priority plan was developed, and partnerships with internal and external stakeholders were created. Finally, internal processes were improved and program reporting was refined.

Transparency and Proactive Publication

Bill C-58, an *Act* to amend the *Access to Information Act* and the *Privacy Act* and to make other consequential amendments to other Acts, received Royal Assent on June 21, 2019. The impact of these changes was government-wide. Beforehand, the PPSC published popular government information such as travel and

hospitality expenses, position classifications, and contracts over \$10,000. Because of the new legal obligations, proactive publication has expanded and more PPSC information is accessible on [Canada's Open Government Portal](#).

The successful implementation of proactive publication at the PPSC was a collaborative effort. Several corporate services, such as those relating to access to information and privacy, information management, communications, finance, and human resources, as well as prosecutors, worked together to update or create processes that ensure that the PPSC meets its deadlines and other publishing requirements.

Since Royal Assent, the PPSC has proactively published the following new government information:

- » 180 titles and tracking numbers of briefing notes for the Attorney General of Canada and the Director of Public Prosecutions
- » 3 annual reports tabled in Parliament
- » 1 transition book for the incoming Attorney General of Canada in 2019

Outreach

During 2019-2020, the PPSC continued to support and advance external relations with national and international stakeholders involved in the law. These external relations help the PPSC fulfill its mandate in many ways, notably through the exchange of best practices.

Federal-Provincial-Territorial Heads of Prosecutions Committee

The Federal-Provincial-Territorial Heads of Prosecutions Committee brings together the directors of prosecution services from across Canada. Established in 1995, its goal is to promote mutual assistance and cooperation on operational issues and to ensure that advice and litigation in criminal matters are offered in a cohesive and coherent manner by provincial and federal prosecutors. The PPSC's DPP is the permanent co-chair of the Committee and the PPSC provides secretarial services to the Committee.

The Committee, as a national body, has become an integral part of the prosecution landscape of Canada and criminal justice system stakeholders usually will not introduce new measures or initiatives that impact criminal proceedings without the benefit of the coordination and expertise provided by and through the Heads of Prosecutions.

The Committee held two meetings in 2019. The first was in July 2019, in Quebec City, and was organized jointly with the *Directeur des poursuites criminelles et pénales*, the authority for criminal prosecutions under provincial jurisdiction in Quebec. The second meeting was organized jointly with the Manitoba Prosecution Service, and took place in Winnipeg, Manitoba, in November 2019. The Committee also met with the Executive Committee of the National District Attorneys Association of the United States on July 23, 2019, to discuss issues of common concerns for Canadian and American prosecutions.

The Committee also organized teleconferences throughout the year to address new issues arising between meetings, such as how prosecution services would deal with the implementation of the far-ranging provisions of Bill C-75, which notably amended the *Criminal Code* provisions on bail, preliminary inquiries, and jury trials.

International Association of Prosecutors

Throughout the year, the PPSC offered its support to the International Association of Prosecutors (IAP) and its sister organization, the *Association internationale des procureurs et poursuivants francophones* (AIPPF).

The IAP is an apolitical non-governmental organization that works to set professional and ethical standards for prosecutors worldwide and that promotes the rule of law, fairness, impartiality, and respect for human rights in criminal prosecutions.

The DPP continued her mandate as an elected member of the IAP Executive Committee. In addition to participating in the IAP and AIPPF annual meetings, she attended the IAP annual conference in Buenos Aires, Argentina, in September 2019, and two Executive Committee meetings, not to mention her work on a number of sub-committees.

In April 2019, the PPSC welcomed a delegation of prosecutors from Mongolia, under the IAP's Prosecutor's Exchange Program. The Mongolian prosecutors received training on economic crime, money laundering and organized crime and discussed issues with prosecutors from Headquarters and the Quebec and Ontario regional offices.

François Lacasse finished his term as Vice-President of the AIPPF at its general meeting. Over the past year, among other things, he spoke at the 6th regional AIPPF conference, which took place in April 2019 in Bucharest, Romania, with the themes of the fight against the illicit trafficking of cultural property and prosecutorial independence. Manon Lapointe, General Counsel at PPSC Headquarters, was elected AIPPF Vice-President for the Americas for a three-year term at the general meeting in Buenos Aires.



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REGIONAL PROFILES

YUKON – WHITEHORSE

Mental health is important and is a priority for the PPSC. In Yukon, a local counsellor provides vicarious trauma education to all new employees and confidential counseling upon request to any employee.

NORTHWEST TERRITORIES – YELLOWKNIFE

The Northwest Territories Regional Office has a diverse case load. In addition to prosecuting offences under all federal statutes, this region also prosecutes *Criminal Code* offences. Their case load includes a high number of violent offences, including homicide, sexual assaults, aggravated assault, and assault causing bodily harm or with a weapon.

BRITISH COLUMBIA – VANCOUVER

The opioid crisis remains a serious public health concern, with the [Public Health Agency of Canada](#) reporting 2,913 opioid-related overdose deaths between January and September 2019. The British Columbia region is amongst the most impacted by this crisis. The PPSC has taken action to address the issue, including introducing a [national policy](#) aimed at adapting bail positions to reduce the risk of overdose deaths.

ALBERTA – CALGARY, EDMONTON

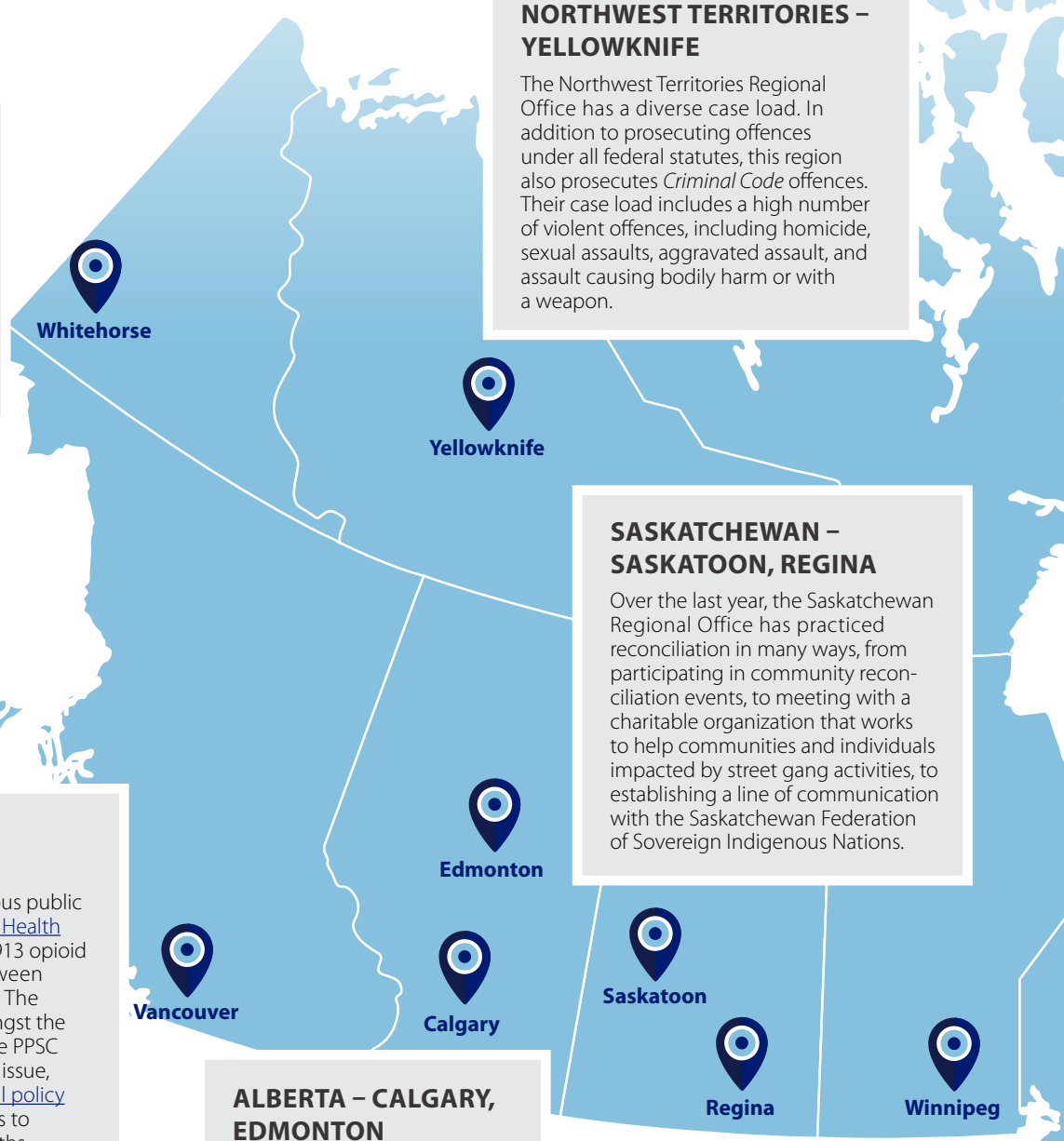
The Alberta Regional Office is actively participating in a variety of initiatives dealing with justice reform including a Pre-Charge Approval Pilot Program, bail reform, and electronic disclosure.

SASKATCHEWAN – SASKATOON, REGINA

Over the last year, the Saskatchewan Regional Office has practiced reconciliation in many ways, from participating in community reconciliation events, to meeting with a charitable organization that works to help communities and individuals impacted by street gang activities, to establishing a line of communication with the Saskatchewan Federation of Sovereign Indigenous Nations.

MANITOBA – WINNIPEG

Regional Office counsel regularly appear in approximately 80 Provincial Court of Manitoba circuit court points. Many circuit points are isolated Indigenous communities in northern Manitoba.



NUNAVUT – IQALUIT, YELLOWKNIFE

On April 1, 2019, in Cambridge Bay, Nunavut, the Therapeutic Justice Program pilot project officially began. A Government of Nunavut initiative designed by Inuit for Inuit, this alternative justice program incorporates Inuit values and local culture. The goal of the Program is to address the underlying causes of criminal behaviour, including trauma, mental health, and addiction issues, to ultimately make Cambridge Bay a healthier and safer community. The Nunavut Regional Office has an established local office in Yellowknife to facilitate travel to communities in western Nunavut.



Iqaluit

ATLANTIC – HALIFAX, MONCTON, ST-JOHN'S

The Atlantic Regional Office is required to cover a lot of ground as the only regional office to serve multiple provinces: Nova Scotia, Prince Edward Island, New Brunswick, and Newfoundland and Labrador. In addition, they are the only region serving an officially bilingual province, New Brunswick.



St-John's

QUEBEC – MONTREAL, QUEBEC

In Quebec, the PPSC only prosecutes drug offences if they were investigated by the RCMP; as a result, the Quebec Regional Office does not prosecute many low-complexity drug matters, and a large percentage of the office's files are of high complexity. The region has handled cases that were regional, national, or even international in scope.

NATIONAL CAPITAL REGION – OTTAWA, KENORA

The National Capital Regional (NCR) Office is responsible for federal prosecutions in the east, northwestern, and north-eastern regions of Ontario, as well as in judicial districts in western Quebec. It has established a new office in Kenora in northwestern Ontario. Counsel in the NCR Office provide training throughout the year to police and other investigative agencies. Training is provided at the Canadian Police College and the Canada Border Services Agency Training College, to Competition Bureau Canada investigators and to provincial and municipal police officers across the region.



Kenora



Quebec City



Moncton



Halifax

ONTARIO – TORONTO, BRAMPTON, KITCHENER, LONDON, NEWMARKET

The Ontario Regional Office is active in supporting drug treatment courts in Toronto and other cities, as well as mental health courts. The office in Toronto and London will also be involved in pilot courts through a new community justice initiative that will bring together social experts to help people that face numerous social challenges rather than channelling them through the traditional court system.



Brampton



Ottawa



Montreal



Toronto



Newmarket



London



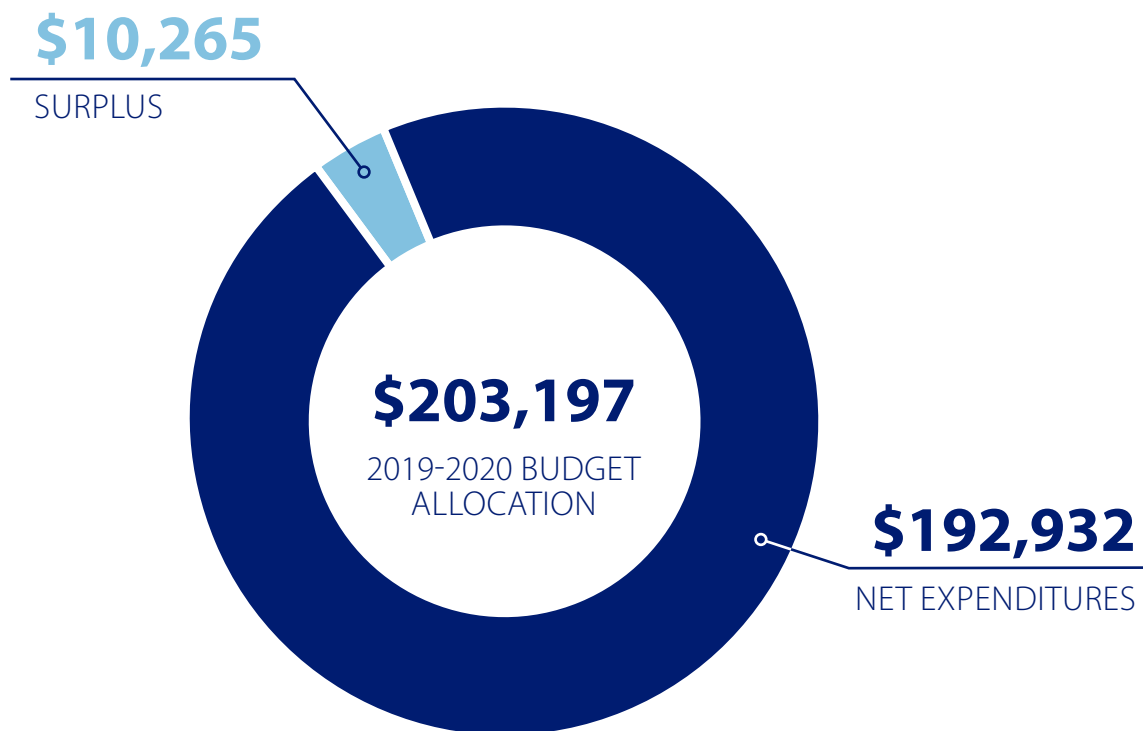
Kitchener

FINANCIAL INFORMATION

OVERVIEW

During fiscal year 2019-2020, Parliament allocated an operating budget of \$203.2 million including \$199.2 million for regular operations and \$4 million specific to the collection of outstanding federal fines. Furthermore, the PPSC recovered \$16.9 million from other government departments and agencies (OGDA) for prosecution activities related to their mandates. At year-end, there was a total net spending of \$192.9 million and a total carryover of \$10.3 million. From that carryover, an amount of \$5.8 million resulting from the operating budget can be spent in the next fiscal year.

Information about funding and spending is summarized in the following graph:



CORE RESPONSIBILITIES

The PPSC has one core responsibility, namely prosecution services that fall under the mandate of the Attorney General of Canada. It also has a number of administrative services grouped under the heading “Internal Services”. Information regarding the spending by core responsibility and internal services is provided in the following table:

(amounts in thousands of dollars)	Budget Allocated by Parliament		Amounts recovered from OGDA	Total Available Funding (D) (A) + (B) + (C)	Total Expenditures		%	Carryover	
	Operating	Fine Recovery			Net Operating Spending	Fine Recovery Spending		Operating	Fine Recovery
	(A)	(B)			(E)	(F)		(H) (A) - (E)	(I) (B) - (F)
Prosecution Services	172,334	3,950	16,830	193,114	165,698	700	86%	6,636	3,250
Internal Services	26,863	50	96	27,009	26,505	29	14%	358	21
Total	199,197	4,000	16,926	220,123	192,203	729	100%	6,994	3,271

Notes:

1. The complete carryover for Fine Recovery as well as \$1.2M of the Operating carryover is not permitted to be spent in the next fiscal year.
2. The 2019-2020 fiscal year expenditures represent the known values as of June 2, 2020. As a result of the COVID-19 pandemic, Government of Canada financial reporting timelines were extended. Should there be any variances in the figures above and those reported in the Departmental Results Report (DRR), the DRR amounts are considered to be the final departmental results.

Prosecution Services

This core responsibility accounts for 86% of the PPSC’s total expenditures. The majority of the prosecution services funding is spent on salaries and Crown agents retainers (85%). The other major expenditures are operational travel and fees paid to Law Societies which are mandatory in order to carry out the PPSC’s mandate.

Internal Services

Administrative activities include financial services, communications, human resources, information management and information technology, security, facilities, as well as health and safety, all of which support the core activities. These activities account for 14% of the total expenditures.



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