



Public Prosecution  
Service of Canada


Service des poursuites  
pénales du Canada

# Public Prosecution Service of Canada

## Annual Report 2010–2011



Canada



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

- *The Director of Public Prosecutions Act*
- *The Federal Prosecution Service Deskbook*

***Public Prosecution Service of Canada Annual Report 2010–2011***

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Public Prosecution Service of Canada    Service des poursuites pénales du Canada

Office of the Director    Bureau du directeur  
Ottawa, Canada  
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29 JUN 2011

The Honourable Robert Nicholson, 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 2010–2011 Annual Report of the Public Prosecution Service of Canada. The report covers the period from April 1, 2010 through March 31, 2011.

Yours sincerely,

Brian Saunders  
Director of Public Prosecutions

Canada

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# Message from the Director of Public Prosecutions

I am pleased to present the *Annual Report 2010–2011* of the Public Prosecution Service of Canada (PPSC).

The PPSC has a mandate to prosecute cases under federal law and to provide high-quality legal advice to investigative agencies. In fulfilling this mandate, we are guided by our core values of respect, integrity, excellence, and leadership.

This past year saw a number of significant accomplishments for the PPSC. Prosecutors argued high-profile and complex cases in areas as diverse as terrorism, organized crime, and fraud. The PPSC is gaining international recognition for its effectiveness as a prosecution service, and has been asked to make presentations about its experience in a number of international forums.

Over the year, the PPSC has continued to develop its operational capacity, and has made substantial progress in attaining its administrative goals. A national knowledge management initiative was put in place, and significant steps have been made in the area of recruitment and retention. The PPSC Executive Council has, therefore, updated our administrative priorities for 2011–2012. These priorities reflect the operational nature of the PPSC's mandate. These priorities are:

- the safety and security of our employees;
- the engagement and professional development of our employees; and
- the development of performance measures for key financial and human resources information.

Prosecuting cases represents our core function as an organization. Our relationship with our partners in the criminal justice system and with the Canadian public is characterized by our responsibility to act on this function with diligence, fairness, and objectivity.

I would like to thank all PPSC staff for their continued hard work. Their dedication enables the PPSC to fulfill its mandate and to succeed as an organization.



Brian Saunders  
Director of Public Prosecutions

# 1. The Public Prosecution Service of Canada – An Overview



The Public Prosecution Service of Canada (PPSC) is an independent and accountable prosecuting authority whose main objective is to prosecute offences under federal jurisdiction in a manner that is free of any improper influence and that respects the public interest. The PPSC was created on December 12, 2006 with the coming into force of the *Director of Public Prosecutions Act*, which is Part 3 of the *Federal Accountability Act*.

## 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 Director.

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*.

With the exception of *Canada Elections Act* matters, the Attorney General of Canada can issue a directive to the DPP about a prosecution or even assume conduct of a prosecution, but must do so in writing and a 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.

## Mission and Values

The PPSC's mission and values statement articulates the essential principles that guide the organization.

### Mission

The mission of the PPSC is to serve the public by:

- prosecuting cases with diligence, in a manner that is fair, impartial and objective;
- seeking to protect the rights of individuals and to uphold the rule of law; and
- working within the criminal justice system to help make Canada a safe and just society.

### Values

We in the PPSC are guided by our key values in carrying out our mandate.

- *Respect* forms the basis of our relationship with our fellow employees and with the public.
- *Integrity* motivates us to apply the highest ethical and professional standards.
- *Excellence* inspires us in all aspects of our work.
- *Leadership* characterizes our efforts to improve the quality of criminal justice throughout Canada.

## Assignments and Directives

In 2010–2011, no assignments or directives were issued by the Attorney General of Canada to the DPP, nor did the Attorney General assume conduct of any prosecutions.

## Roles and Responsibilities

The PPSC is a prosecution service, not an investigative agency. It prosecutes charges of violating federal law laid following an investigation by a law enforcement agency. The independence of law enforcement agencies from the prosecution function is a well-established principle of the Canadian criminal justice system. However, cooperation between investigators and prosecutors is recognized as essential, particularly in the context of large and complex cases. As a result, the PPSC often provides legal advice and assistance to law enforcement officials at the investigative stage.



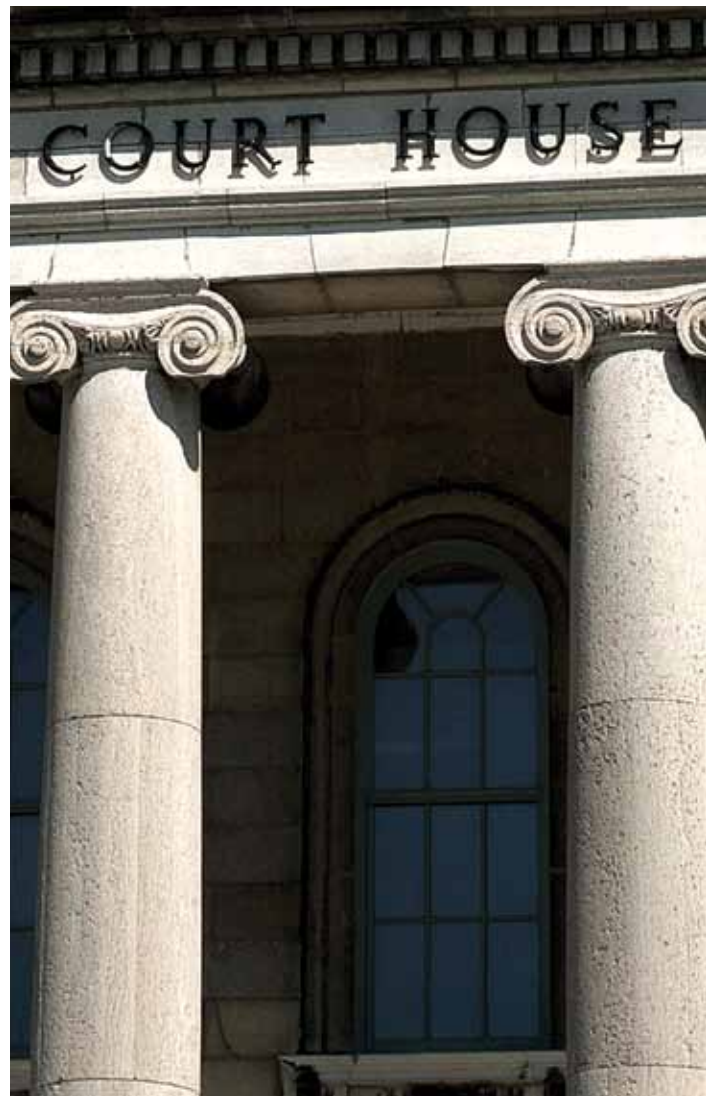
In all provinces and territories except Quebec and New Brunswick, the PPSC is responsible for prosecuting all drug offences under the *Controlled Drugs and Substances Act*, regardless of which police agency investigates the alleged offences. In Quebec and New Brunswick, the PPSC prosecutes only drug offences investigated by the Royal Canadian Mounted Police (RCMP).

In all provinces and territories, the PPSC prosecutes charges under federal statutes such as the *Income Tax Act*, the *Fisheries Act*, the *Excise Act*, the *Customs Act*, the *Canada Elections Act*, the *Canadian Environmental Protection Act*, the *Canada Shipping Act* and the *Competition Act*, as well as conspiracies and attempts to violate these statutes. In total, over 250 federal statutes contain offences that fall under the PPSC's jurisdiction to prosecute. However, the PPSC is called upon to regularly provide prosecution services under approximately 60 of those statutes.

The PPSC is responsible for prosecuting all *Criminal Code* offences in the territories. In the provinces, the PPSC has jurisdiction to prosecute a limited number of *Criminal Code* offences, including those related to terrorism, criminal organizations, money laundering, proceeds of crime, and fraud. Under arrangements with the provinces, the PPSC may also prosecute *Criminal Code* offences that are otherwise within provincial jurisdiction when the accused also faces charges within federal jurisdiction.

## Role of the Prosecutor

Prosecutors play a key role in the Canadian criminal justice system. Courts and the public have high expectations of them. Their role is quasi-judicial in nature, and has been described by the Supreme Court of Canada as a "Minister of Justice" responsibility, which imposes 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 be of absolute integrity, above all suspicion of favouritism, and must exercise the considerable discretion bestowed on them fairly, in good faith, and without any consideration of the political implications of their decisions. Their role is not to win convictions at any cost, but to put before the court all available, relevant, and admissible evidence necessary to enable the court to determine the guilt or innocence of an accused.

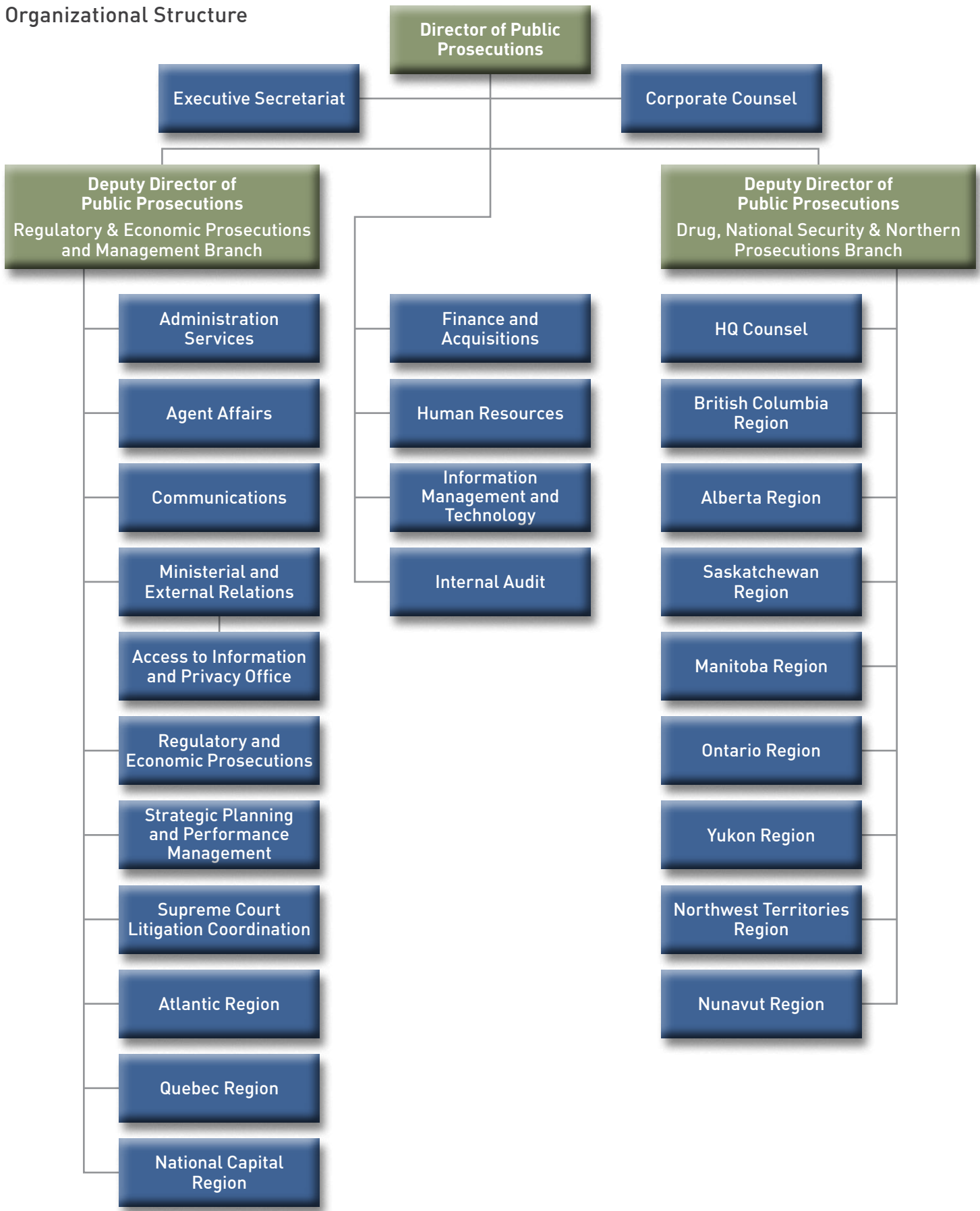


## About the Organization

As of March 31, 2011, the PPSC had 958 employees across Canada, the majority of whom were prosecutors. In addition to staff prosecutors, the PPSC retained the services of some 224 private-sector law firms, or 535 individually appointed lawyers, as standing agents.

PPSC Headquarters is located in Ottawa, and the organization maintains a network of regional and local offices across Canada. Some PPSC staff prosecutors are also co-located with the Competition Bureau in the National Capital Region and with integrated enforcement teams across Canada.

# Organizational Structure



## Partners

### Department of Justice Canada

While the PPSC is an independent organization, it maintains a close and cooperative working relationship with the Department of Justice Canada. PPSC prosecutors consult Justice counsel in areas such as human rights law, constitutional law, Aboriginal law, and public law.

The PPSC continues to rely on the Department of Justice for a number of transactional administrative services. In Canada's Northern territories, the PPSC provides transactional administrative services to the Department of Justice.

### Investigative Agencies

An important aspect of the PPSC's mandate is the provision of advice to law enforcement agencies during their investigations. By involving prosecutors early and continually during major investigations and in the implementation of national enforcement programs, the police and other investigative agencies benefit from legal advice to decide how best to enforce the law.

PPSC counsel provide advice on such issues as the disclosure of evidence required by law, and assist in obtaining key evidence-gathering orders, such as wiretap authorizations and orders to produce evidence.

### Provinces

The federal and provincial governments share jurisdiction over criminal prosecutions. This makes cooperation and coordination essential to the effective enforcement of the law. In order to ensure effective enforcement, the PPSC and provincial prosecution services have arrangements that allow the prosecution service prosecuting an offence within its jurisdiction to also prosecute related "minor" offences that would normally fall under the jurisdiction of the other prosecution service. Thus, the PPSC may prosecute a *Criminal Code* offence that is within provincial

### Project Divide

The Zig Zag Crew was a club controlled by the Hells Angels. Following a 14-month investigation conducted by the Manitoba Integrated Organized Crime Task Force (comprised of RCMP and municipal police officers as well as some civilians) into the criminal activities of the Zig Zag Crew, 37 persons were arrested and charged.

Three of the accused were released upon entering into criminal organization "peace bonds", under s. 810.01 of the *Criminal Code*. The other 34 were charged with various criminal offences, including trafficking and conspiracy to traffic in controlled substances, trafficking in firearms, conspiracy to launder proceeds of crime, and participation in a criminal organization. As of March 31, 2011, 30 of the accused had pleaded guilty to various offences and been sentenced to terms of imprisonment ranging from 18 months to nine years. Four accused remain before the court.

jurisdiction with the consent and on behalf of a provincial attorney general where it is related to a primary federal charge. Similarly, provincial prosecution services may prosecute federal offences when they come about in relation to a primary offence under the *Criminal Code*. The delegation relates only to the conduct of the prosecution. The prosecution service delegating the conduct of the prosecution retains ultimate control over the prosecution and over major decisions regarding the case.

## 2. The Year in Review



The total PPSC caseload in 2010–2011 numbered 78,817 files. This figure includes 48,504 files opened during the year, as well as 30,313 carried over from previous years.

PPSC counsel prosecute offences in four broad areas:

- drug offences throughout the country;
- crimes that threaten national security, such as terrorism and war crimes;
- all offences in the three Northern territories, including *Criminal Code* offences; and
- economic crime and offences under federal regulatory legislation.

### Drug Prosecutions

Drug prosecution files represent a significant proportion of the PPSC's total caseload. In 2010–2011, the PPSC handled 58,117 prosecution files related to offences under the *Controlled Drugs and Substances Act*. Of those, 24,245 files were carried over from previous years, and 33,872 files were new. These prosecutions vary greatly in complexity; some are simple cases of possession of a few grams of marijuana, while others involve complex schemes to import quantities of cocaine or to make methamphetamine in a suburban neighbourhood for export.

PPSC prosecutors are often involved early in investigations to ensure that investigators receive timely advice on the techniques they are using and to ensure that the evidence is marshalled to permit a prosecution on the merits of the case.

Cases targeting criminal organizations have increased as a result of police forces focusing more of their efforts on investigations of such organizations. Trafficking in drugs is one of the primary activities of most organized crime groups.

In part because of changes in enforcement in recent years, the PPSC has seen an increase in the number and size of drug cases in certain parts of the country. In British Columbia, for example, a single case involved a seizure of over 1,000 kilograms of cocaine, and another involved a seizure of over 1,000 kilograms of ketamine. Taken together, eight other cases involved over 420 kilograms of cocaine, 75 kilograms of methamphetamine, 88 kilograms of opium, and 55,000 hits of ecstasy. The wholesale value of the drugs seized in these ten cases exceeds \$75 million. The street value would be many times more.

Drug prosecutions can become time-consuming and complex. Lately, prosecutions that would have been relatively straightforward in the past have been prolonged as a result of motions focusing on the legality of the investigation, the constitutionality of the legislation or of the investigation, disclosure issues, allegations of abuse of process, or unreasonable delay.

High-complexity drug cases require a significant amount of PPSC resources. While such cases represented only 2.13% of staff counsel's drug caseload in 2010–2011, they took up 35.38% of the litigation time dedicated to drug prosecutions.

Drug offences are often revenue-generating crimes, and thus continue to represent the majority of offences that lead to the forfeiture of proceeds of crime and property used to commit crime ("offence-related property"). In 2010–2011, the PPSC handled 2,176 cases involving either proceeds of crime or offence-related property (1,296 were carried over from previous years, and 880 were new). The proceeds or property at issue ranged from money used to buy drugs from an undercover officer to real estate bought with the proceeds of crime or used to produce drugs. A total of \$35.6 million of proceeds of crime and offence-related property was forfeited during 2010–2011.

Addiction-motivated crime presents particular challenges. To try to reduce the revolving door of crime committed to feed an addiction, federally funded Drug Treatment Courts have been established in Vancouver, Edmonton, Regina, Winnipeg, Toronto, and Ottawa. As well, a community-funded Drug Treatment Court operates in Calgary. These courts focus on the supervised treatment of the offender. Prosecutors work with judges, defence counsel, treatment providers, and other personnel to cooperatively but accountably deal with the issues raised by the conduct of offenders diverted to these specialized courts.

## Project E-Pandora

Following a two-year investigation into the East End Charter of the Hells Angels (EEHA), 18 people were arrested and charged with a variety of offences connected to the production and trafficking of methamphetamine in association with a criminal organization.

The last of the trial matters concluded in the spring of 2010 with Randall Potts and John Punko (both EEHA members) pleading guilty to conspiracy to produce and traffic methamphetamine and trafficking cocaine. The trial judge ruled that the federal Crown was estopped (prevented) from proceeding on the criminal organization charges. The PPSC appealed the sentences and the estoppel ruling. In February 2011, the B.C. Court of Appeal increased both sentences and ordered a new trial for Mr. Punko and Mr. Potts on the criminal organization offences.

PPSC prosecutors currently staff all of Canada's Drug Treatment Courts with the exception of the Regina Drug Treatment Court, which is staffed by prosecutors from the Ministry of the Attorney General of Saskatchewan.

## National Security

### Anti-terrorism

The PPSC has concurrent jurisdiction with provincial prosecution services to prosecute terrorism offences. To date, the PPSC has concluded proceedings for three prosecutions under the anti-terrorism provisions of the *Criminal Code*.

In 2010–2011, the PPSC continued to strengthen its approach on national security prosecutions. Regional Terrorism Prosecutions Co-ordinators were appointed in each region of Canada. A National Co-ordinator was also appointed. These individuals make up the Terrorism Prosecutions Co-ordination Committee, which works on issues of concern in terrorism prosecutions.

## Khawaja

Mohammad Momim Khawaja was charged with building detonators in his Ottawa basement for a United Kingdom terror group. He also funded and trained with the group in Pakistan. At trial, he successfully challenged as unconstitutional the political or religious motive requirement for terrorism offences, but was nonetheless convicted and sentenced to 10.5 years in addition to the five years he had spent in pre-trial custody. The Crown appealed this sentence and Mr. Khawaja appealed both his conviction and the sentence. The Ontario Court of Appeal reversed the trial judge's constitutional ruling, upholding the anti-terrorism provisions of the *Criminal Code* in their entirety. The Court of Appeal also allowed the Crown's sentence appeal and increased Mr. Khawaja's sentence to life imprisonment. In the key part of its ruling, the Court of Appeal agreed with the PPSC's position that offenders who plan to harm large numbers of innocent civilians for terrorist purposes should face severe sentences in order to protect the public and to demonstrate that Canada cannot be used as a safe haven for terrorist activities.

A set of tools to support terrorism prosecutions has been developed that includes a comprehensive searchable database of court decisions on terrorism, as well as selected non-terrorism cases relevant to terrorism prosecutions. These tools help prosecutors better prepare for and prosecute terrorism-related cases.

PPSC counsel defended the constitutionality of s.38 of the *Canada Evidence Act* before the Supreme Court of Canada in *R. v. Ahmad*. In this case, the court found that the *Canadian Charter of Rights and Freedoms* is not violated by the fact that national security claims relating to disclosure in a criminal trial are addressed by the Federal Court rather than the criminal trial court.

PPSC counsel argued a number of appeals over sentencing considerations before the Ontario Court of Appeal in the cases of *R. v. Khawaja*, *R. v. Gaya*, and *R. v. Khalid*. The judgments in these three cases affirm the extraordinary challenges and exceptional risks to society associated with terrorism offences and call for an approach to sentencing that reflects these unique considerations. The decision in *R. v. Khawaja* also upholds the constitutionality of the definition of terrorist activity in s. 83.01 of the *Criminal Code*. Mr. Khawaja has sought leave to appeal to the Supreme Court of Canada.

As of the time of publication, two terrorism-related prosecutions are ongoing. In August 2010, charges were laid against three individuals in Ottawa and in March 2011, unrelated charges were laid against a single individual in Brampton, Ontario.

## War Crimes and Crimes Against Humanity

The PPSC is responsible for prosecuting offences under the *Crimes Against Humanity and War Crimes Act*.

The PPSC's first prosecution under the Act resulted in the conviction of Désiré Munyaneza of genocide, crimes against humanity, and war crimes in relation to events that occurred in Rwanda in 1994. Mr. Munyaneza received a life sentence in 2009. An appeal is ongoing.

A second case is ongoing. *R. v. Mungwarere* concerns a Rwandan national residing in Windsor, Ontario who was charged in 2009 with genocide. Additional charges of war crimes and crimes against humanity were added in 2010. A trial date of April 2, 2012 has been set. The accused, Jacques Mungwarere, remains in custody.

## Prosecutions in Canada's North

In Canada's three Northern territories, the PPSC prosecutes all *Criminal Code* offences, in addition to offences under other federal legislation. In 2010–2011, the PPSC handled 10,023 litigation files in the territories, of which 9,109 involved *Criminal Code* offences. Of those files, 8,546 were new, and 1,477 were carried over from previous years. Northern prosecutions also included 529 drug offences, 349 regulatory offences, and 366 territorial offences. Some files involved multiple offences. As in the past, a large number of charges involved family violence and sexual assault.



In 2010–2011, the Northern regional offices handled a total of 33 homicide files, 19 of which were carried over from previous years.

In 2009–2010, the PPSC joined forces with the RCMP and the Department of Justice to deliver training on the prevention of wrongful convictions in Nunavut and in 2010–2011, the same training was delivered to the Northwest Territories and Yukon regional offices.

## Regulatory and Economic Prosecutions

The PPSC provides a wide range of prosecution services related to legislation that is aimed at protecting the health, safety, economic and environmental security, and general welfare of the public.

Regulatory and economic prosecutions are the second-largest category of offences prosecuted by the PPSC, after drug prosecutions. Outcomes in these cases may generate large fines and penalties, and can result in remedial and preventative measures that enhance public and environmental health, safety, and security. In 2010–2011, the PPSC handled 9,863 files involving regulatory and economic offences. Approximately \$22 million in fines and surcharges were imposed by the courts.

Regulatory and economic prosecutions are typically complex and resource-intensive. Because of the nature of these cases, specialized teams of prosecutors have been established in most regional offices.

## Revenue Offences

The PPSC prosecutes offences under all statutes administered by the Canada Revenue Agency, notably the *Income Tax Act*. In 2010–2011, the PPSC handled a total of 584 files under the *Income Tax Act*, and concluded 286 prosecutions.

## Integrated Market Enforcement Teams

PPSC counsel assigned to Integrated Market Enforcement Teams (IMET) work with members of the RCMP and other investigators, including forensic accountants, who investigate suspected capital market fraud. These IMET units are located in Vancouver, Calgary, Toronto, and Montreal. PPSC counsel provide training as well as pre-charge and general legal advice and support to IMET teams. They may also support or participate in prosecutions of IMET cases. In 2010–2011, PPSC counsel, in their role as legal advisors to the IMETs, were consulted on 33 investigations.

The PPSC has concurrent jurisdiction to prosecute fraud charges under the *Criminal Code*. When a fraud charge is laid following an IMET investigation, the attorney general of the province in which the charge is laid has the right of first refusal to prosecute the offence. Where provinces, in the exercise of first refusal, choose not to assume responsibility for a case, the PPSC may assume carriage of the prosecution.



In 2010–2011, PPSC prosecutors were involved in two significant IMET-related prosecutions: a PPSC prosecutor was co-counsel in the prosecution of Vincent Lacroix, former president of the Norbourg investment firm, and his five associates, and a PPSC team conducted the prosecution of six corporate officers and executives of Royal Group Technologies, who were acquitted.

Charges were also laid during 2010–2011 in four other alleged capital market fraud investigations in British Columbia, Quebec, and Nova Scotia. Those matters are currently before the courts, and the PPSC has carriage of three of the prosecutions (one is being prosecuted by the British Columbia Attorney General).

## Norbourg

The PPSC worked with Quebec's Director of Criminal and Penal Prosecutions throughout the investigation and prosecution of Vincent Lacroix, former president of the Norbourg investment firm, and his five associates.

The PPSC provided advice to investigators throughout the investigation, which involved very complex and elaborate accounting systems and required a substantial investment of time. The prosecution was co-conducted by a prosecutor from the office of Quebec's Director of Criminal and Penal Prosecutions and a prosecutor from the PPSC's Quebec Regional Office.

Mr. Lacroix entered a guilty plea in 2009 and received a 13-year sentence. The trial of the five other accused ended in a mistrial in January 2010, as the jury was unable to reach a verdict. Following a retrial of that case, two of the remaining five accused were convicted of fraud and forgery-related offences on March 7, 2011. Two others were acquitted, and a mistrial was declared regarding the fifth accused, the jury being unable to reach a verdict. The two accused who were convicted are in custody and are expected to be sentenced in June 2011.

In 2010–2011, the PPSC continued implementing the recommendations of the Le Pan Report, taking steps to reduce delays and improve information sharing, including developing internal business rules. The PPSC also participated extensively in the evaluation of the IMET initiative conducted by Public Safety Canada, which began in 2009 and was completed in 2010. The PPSC began work on implementing the recommendations, particularly as they relate to the timeliness of investigations and prosecutions and to ongoing training needs.

## Competition Law Section

The PPSC handles prosecutions under the *Competition Act* as well as the *Consumer Packaging and Labelling Act*, the *Textile Labelling Act*, and the *Precious Metals Marking Act*. These statutes are administered and enforced by the Commissioner of Competition, who oversees the Competition Bureau. The PPSC also provides legal advice at the investigative stage on Bureau files that may lead to prosecutions.

In 2010–2011, the Section advised on 60 investigations and conducted 19 prosecutions, appeals and related proceedings, primarily related to alleged violations of the *Competition Act*. PPSC counsel also represented the Commissioner in her defence of a constitutional challenge of s.11 of the *Competition Act*.

In 2010, the Commissioner and the DPP entered into a memorandum of understanding that sets out each organization's roles and responsibilities at the investigative and prosecution stages of a case.

## Environmental Offences

The PPSC prosecutes a wide range of offences aimed at protecting the welfare of the public and the environment. They include offences under statutes such as the *Canadian Environmental Protection Act* and the *Migratory Birds Convention Act*.

In 2010, Syncrude Canada Ltd. was found guilty of offences under Alberta provincial legislation and the federal *Migratory Birds Convention Act* arising out of the deaths of 1,600 ducks in a Syncrude tailings pond. The Court imposed a sentence reflecting a plea negotiated between the Crown and the defence and consisting of a global penalty of \$3,000,000 which included fines of \$800,000 and another \$2,200,000 for a variety of initiatives designed to benefit migratory and shorebirds in Alberta.



## Corruption of Foreign Public Officials

The PPSC is responsible for the prosecution of offences under the *Corruption of Foreign Public Officials Act* (CFPOA). The PPSC also provides pre-charge advice to the two RCMP units dedicated full-time to the investigation of alleged offences under the CFPOA.

The CFPOA was enacted to implement the Organisation for Economic Co-operation and Development (OECD) *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, which was signed by Canada in 1997.

The Convention carries with it a robust and ongoing evaluation regime for signatory countries. The PPSC played a central role as part of the team representing Canada before the OECD during the phase 3 evaluation process.

There is currently one ongoing CFPOA prosecution, and pre-charge advice is being provided to the RCMP on a number of ongoing investigations.

## Nuclear Safety and Security

The PPSC undertook a prosecution in connection with an attempt to bypass sanctions imposed by the United Nations on Iran.

On March 4, 2009, Mahmoud Yadegari attempted to export restricted pressure transducers from Toronto to Iran. Mr. Yadegari had not obtained the required permits under the *United Nations Act*, the *Export and Import Permits Act*, and the *Nuclear Safety and Control Act*. In April 2009, he was charged with offences under those acts as well as the *Customs Act* and the *Criminal Code*. Mr. Yadegari was tried in the Ontario Court of Justice in the spring of 2010. He was convicted of nine offences and sentenced to 20 months in jail in addition to 15½ months of pre-sentence custody.

## Canada Labour Code Offences

The PPSC prosecutes *Canada Labour Code* offences following investigations conducted by health and safety officers of Human Resources and Skills Development Canada regarding the protection of workers employed in the operation of federal works, undertakings, and businesses.

In October 2009, a boiler at a plant that heats many downtown Ottawa buildings, including Parliament Hill, exploded, killing an engineer working at the plant. After an investigation, the Minister of Human Resources and Skills Development Canada approved the laying of charges under the *Canada Labour Code* against Public Works and Government Services Canada. The PPSC has carriage of this prosecution, which will continue into 2011–2012.

In July 2009, an employee of Fraser River Pile and Dredge (GP) Inc. was killed while working on the Dredge “Sceptre Columbia” in the waters of the Fraser River in British Columbia. The employer was charged with contravening the safety provisions of the *Canada Labour Code*. Fraser River Pile and Dredge (GP) Inc. pleaded guilty to an offence under the *Canada Labour Code* and was convicted and fined \$140,000.

## Census Offences

In 2010–2011, the PPSC conducted one prosecution under the *Statistics Act* related to the 2006 Census. *R. v. Sandra Finley* involved a charge under section 31 of the Act for failure to fill out and submit the long census form. Ms. Finley challenged the constitutional validity of section 31 on the grounds that it violated her constitutional rights. The Provincial Court of Saskatchewan dismissed Ms. Finley’s challenge and found her guilty of the offence. Ms. Finley has appealed her conviction and the appeal is pending before the Saskatchewan Court of Queen’s Bench.

## Fisheries Offences

In 2010–2011, the PPSC handled 2,189 files dealing with fisheries-related offences. These prosecutions stem from investigations undertaken by Fisheries and Oceans Canada in respect of its mandate to manage Canada’s fisheries.

Some fisheries-related prosecutions across Canada were defended on the basis of an assertion of an Aboriginal or Métis right to fish or a challenge to the regulation of Aboriginal fishing by Fisheries and Oceans Canada. *R. v. Vautour* involved a determination of whether an historic Métis community existed within a certain area of New Brunswick. The New Brunswick Provincial Court determined that the accused had not established that such a community existed, or that the accused had a constitutionally protected right to fish.

In *R. v. Armstrong et al.*, the Supreme Court of British Columbia dismissed the appeals of the convictions of 45 commercial fishers who had participated in a protest fishery. The defence to the prosecution was a claim that the federal government was failing to enforce the *Fisheries Act* against Aboriginal fishers. The appeal was dismissed on the basis that the evidence did not support a finding that there has been a dispensation of the law against Aboriginal fishers.



## Programs

### Agent Affairs

The PPSC retains the services of agents (private-sector lawyers) to conduct prosecutions on behalf of the Federal Crown where it does not have a regional office or where it is impractical or otherwise not cost-effective for staff counsel to handle cases. In 2010–2011, approximately 41,000 files of the total PPSC caseload were handled by agents. Of these, approximately 22,500 were new files and 18,500 were carried over from previous years.

The Agent Affairs Program (AAP) looks after the management of agents. Its objective is to ensure that agents provide quality legal services at a reasonable cost. Each regional office of the PPSC (with the exception of the Northern regional offices) has an Agent Supervision Unit to handle the day-to-day supervision of agents and to support them in their work.

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

In 2008–2009, the PPSC introduced a regime of fixed-term agreements for agents, replacing indeterminate appointments. Under the new regime, any law firm or lawyer interested in becoming an agent can apply for a five-year term when an opening occurs. The selection of agents is done pursuant to a competitive process.

The PPSC's transition to fixed-term agreements is progressing in accordance with a five-year plan. In 2010–2011, 71 fixed-term agreements were entered into with agents—a combination of incumbents as well as new private-sector lawyers and firms. As of March 31, 2011, the PPSC had retained the services of 535 agents from 224 law firms.

### Crown Witness Coordinators

The PPSC employs 12 Crown Witness Coordinators (CWCs) in its three Northern offices. They help explain to victims and witnesses how the court process works and support them throughout their involvement with the criminal justice system. A Northern Victim Services Coordinator (NVSC), based in Ottawa, provides liaison, coordination, program development, and advisory services.



During 2010–2011, the NVSC organized and facilitated a two-day training session for the CWCs. The training included a presentation by and discussion with the Federal Ombudsman for Victims of Crime. CWCs also participated in workshops on vicarious trauma, personal safety and preparedness, Foetal Alcohol Spectrum Disorder, victim registration, and risk assessment.

Over the past year, CWCs have participated in various training and speaking engagements throughout the country. One CWC sat on a panel at the Department of Justice Knowledge Exchange Conference on Child Advocacy and discussed the realities of working within a court-based program and preparing witnesses of violent crime to testify. Another CWC participated in a panel at the 4<sup>th</sup> International Foetal Alcohol Spectrum Disorder Conference in Vancouver, and a third made a presentation at the Northern Law and Policy Symposium in Yellowknife.

## Fine Recovery

The PPSC is responsible for administering the National Fine Recovery Program under the terms of an assignment issued by the Attorney General of Canada in 2007. The Program recovers outstanding court-ordered fines under federal statutes through the efforts of eight fine recovery units, located in PPSC regional offices.

Outstanding fines are recovered through various types of intervention, including an initial demand letter, telephone contacts, set-off of income tax refunds and GST/HST credits, payment negotiations, seizure of assets, registration of liens on property, and income garnishment.

In 2010–2011, the Program focussed its efforts on reducing the large number of small fines outstanding. The Program recovered over \$5 million in fines. Although this represents a decrease of 15% from the previous year, 95% of the fines collected were in the \$5,000 range and over 1,600 files were closed. Some 150 individuals were incarcerated for refusing to pay their fines despite their ability to pay. Since the Program was first established in late 2002, over \$56 million in fines has been recovered.

On July 1, 2008, the PPSC entered into an agreement with the Canada Revenue Agency (CRA) to allow the PPSC to recover offenders' outstanding fines by way of set-off against

the offenders' income tax refunds and GST/HST credits. In 2010–2011, this agreement resulted in the recovery of \$896,000, an increase of over 11% compared to the previous year's recovery of \$808,000.

More than 6,000 fines (out of a total of 22,379 outstanding fines), with almost \$22 million outstanding, are now registered with the CRA's set-off program, an increase of 20% over last year.

## Legal Committees

The PPSC's national legal committees provide advice and guidance on matters of law and policy for all regions of Canada. This national perspective helps to ensure that federal prosecutors apply the law consistently throughout the country and that Canadians everywhere are treated equitably.

### National Litigation Committee and Supreme Court of Canada Litigation

The National Litigation Committee advises the DPP on questions of law in the context of litigation, especially in the Supreme Court of Canada. This involves making recommendations to the DPP on the approval of applications for leave to appeal and factums in the Supreme Court, the filing of interventions in the DPP's name, and, on occasion, the provision of legal advice on other litigation issues.





The Committee considered 10 appeals in 2010–2011, all in the Supreme Court of Canada.

During 2010–2011, PPSC prosecutors appeared in the Supreme Court of Canada on six cases: three appeals, two interventions and one oral hearing on a leave application.

### National Prosecution Policy Committee

The National Prosecution Policy Committee is composed of senior prosecutors from across the PPSC. The Committee serves as a senior advisory body on matters that affect the PPSC nationally and that are not related to any specific on-going investigation, prosecution, appeal or intervention. The Committee's purpose is: a) to promote and ensure consistency and quality in PPSC legal advice, policy development and prosecution practices; and b) to contribute to the dissemination of knowledge across the PPSC.

More specifically, the National Prosecution Policy Committee:

- reviews proposed confidential advice directives to federal prosecutors and makes recommendations to the Deputy DPPs and the DPP about such directives;
- examines legal issues when its views are sought but where a formal practice directive may not be required;
- considers and recommends revisions to the *FPS Deskbook*;

- monitors emerging trends in federal prosecution practice and makes recommendations as to how the PPSC should adjust to such trends; and
- provides a forum for resolution of divergent views on legal issues so as to ensure consistency in arguments advanced by Crown counsel or agents on behalf of the DPP.

During 2010–2011, following recommendations from the Committee, the DPP issued seven confidential practice directives.

### Major Case Advisory Committee

The Major Case Advisory Committee is composed of senior PPSC prosecutors with expertise in major prosecutions from offices across Canada. It considers prosecution plans submitted for major and complex prosecutions, and makes recommendations to the responsible Deputy DPP. The Committee examined five such plans in 2010–2011.

## PPSC National Awards

The PPSC recognizes merit at both the national and local levels. There are three national awards:

- the **Excellence Award**, which recognizes exceptional performance and professionalism;
- the **Leadership Award**, which recognizes leadership in inspiring excellence, professionalism and ethical behaviour; and
- the **Team Achievement Award**, which recognizes exceptional performance and contributions beyond normal expectations for a team or group.

There are two types of local awards: the **Merit Award** and the **Immediate Recognition Award**. Local awards allow managers to recognize employees who have exceeded normal performance expectations.

Recipients of the 2010 PPSC National Awards were as follows:

### Excellence Award

**Elisapee Angnatsiik** – Nunavut Regional Office

Ms. Angnatsiik, a Crown Witness Coordinator, received the award for her remarkable attentiveness and sensitivity to the needs of others. Her award citation also noted her tireless work to help bridge the gap between Inuit and non-Inuit.

## Leadership Award

**Jyoti Grewal** – Human Resources Directorate

Ms. Grewal, Manager of Career and Leadership Development, received the award for her demonstrated dedication to the PPSC and her strong commitment to promoting and encouraging a workplace that is diverse and free from discrimination.

## Team Achievement Award

**Project Osage Team** – Ontario Regional Office

Geoffrey Roy, Clyde Bond, Croft Michaelson, Jason Wakely, Marco Mendicino, Giannice Lund, Iona Jaffe, and Sarah Shaikh

The award recognized the team's contribution to the prosecution of a number of terrorism cases, as well as their contribution to promoting public trust in the administration of criminal justice. Team members demonstrated exceptional commitment and dedication to the ideals of justice throughout a series of high-profile prosecutions, and dealt with highly complex and unprecedented legal issues.

***R. v. Munyaneza Prosecution Team*** – Quebec Regional Office

Pascale Ledoux, Lyne Champagne, Alexis Gauthier, Rita Haddad, H el ene Lecavalier, France Rousseau, and Richard Roy

The award recognized the team's prosecution of Canada's first modern war crimes case. The prosecutors worked long hours throughout, including conducting rogatory commissions overseas, in order to prosecute the case.

## FPT National Prosecution Awards

Every year, the Federal-Provincial-Territorial (FPT) Heads of Prosecutions Committee recognizes prosecutors through the National Prosecution Awards. In 2010–2011, the Committee presented one of its awards to a PPSC employee.

Ms. Sandra T. Thomas, prosecutor in the Ontario Regional Office, was awarded the Committee's 2010 Humanitarian Award. Ms. Thomas was recognized for her commitment as a prosecutor and her exemplary record of outstanding involvement

### Project Osage

Project Osage was an RCMP investigation into the activities of a group in the Toronto area who were planning to commit terrorist acts in Canada. The investigation culminated in June 2006 with the arrest of 18 people. The accused had initially conspired together, but later splintered into two separate groups. One group (led by Zakaria Amara) planned to detonate large ammonium nitrate-based bombs in three separate locations across the Toronto area. The other group (led by Fahim Ahmad) attempted to acquire firearms and paramilitary training for its members with the intention of eventually attacking certain government targets, including Parliament.

The Crown proceeded with charges against ten of the adult accused and one young person. All eleven were convicted. The young person was convicted after trial in 2009. Six of the adult accused pleaded guilty. Two separate trials were conducted in 2010 for the remaining adult accused. Shareef Abdelhaleem, a member of Mr. Amara's bomb plot, was convicted after a judge-alone trial and sentenced to life imprisonment. Mr. Ahmad, Steven Vikash Chand, and Asad Ansari were tried before a jury. Mr. Ahmad changed his plea to guilty midway through the trial. Mr. Chand and Mr. Ansari were convicted by the jury.

In December 2010, the Ontario Court of Appeal ruled on three sentence appeals arising out of the prosecution. The Court affirmed the life sentence imposed on Mr. Amara and allowed the Crown's appeals in respect of Saad Khalid and Saad Gaya, increasing their sentences to 20 and 18 years, respectively.

and dedication to community issues and needs. The award citation noted her work as a staunch advocate for inclusiveness of minorities and women in the legal profession, as well as her work in funding numerous educational scholarships to help provide the means for access to the legal profession.

## Training

The PPSC continues to focus on encouraging employee development, ensuring that employees follow and understand their career path and are able to develop the competencies required to perform their work.

In 2010–2011, the PPSC concentrated on initiatives that promote continuous learning and development to strengthen performance and leadership skills. This included ensuring certain mandatory training requirements were met, promoting mentoring throughout the organization, and ensuring all employees had learning plans.

## School for Prosecutors

The PPSC School for Prosecutors offers annual in-house training aimed at promoting professional development relevant to the prosecution function.

In 2010, the School conducted two intensive one-week courses—one fundamental, the other advanced—each covering a number of topics, for over 135 lawyers.

More than 45 faculty members, the majority of whom were drawn from the senior ranks of the PPSC, delivered the training. The faculty also included external speakers, including members of the judiciary, university professors, defence counsel, senior provincial prosecutors, and a senior police investigator.

Core elements of the *Prosecution Fundamentals* course—designed for counsel with less than five years of criminal law experience—included topics such as the role of the prosecutor, trial advocacy, wiretap issues, search and seizure, informer privilege, expert evidence, disclosure issues, proceeds of crime, regulatory offences, and preventing miscarriages of justice.



School for Prosecutors, Prosecution Fundamentals  
August 2010



School for Prosecutors, Advanced Issues for Prosecutors - Module I  
August 2010



School for Prosecutors, Advanced Issues for Prosecutors - Module II  
August 2010

The *Advanced Issues for Prosecutors* course was comprised of two separate components.

The first covered complex wiretap issues and was developed for senior prosecutors either seeking to attain or maintain a wiretap designation or for those who may be expected to work on wiretap files in future.

The second, a two-and-a-half-day workshop on written advocacy, was developed to help prosecutors improve their factum-writing skills. It consisted of plenary presentations, small group workshops, and individual meetings. The small group workshops were led by a professional writing instructor assisted by a judge or experienced lawyer.

In addition to the formal instruction provided in a classroom setting, the School program served as a forum for prosecutors to meet, share work experiences, and develop mentoring relationships.

### National Training Conference 2011

The second PPSC National Training Conference, *Adapting Federal Prosecutions Practice to Technology Changes*, took place in Calgary from March 21 to 24, 2011. It brought together more than 185 participants from across the country.

The training, which included sessions on electronic case management, knowledge sharing, and technology, helped to develop a greater understanding of the technological issues facing Crown prosecutors. Conference sessions also addressed many other issues related to the conduct of prosecutions.

## Outreach

The PPSC maintained contact with key national stakeholders involved in the criminal justice field throughout the year.

The PPSC discussed issues of mutual interest with the Executive of the Federation of Law Societies of Canada.

PPSC prosecutors continued to provide training to the RCMP and other police forces on search and seizure issues, wiretap law, and disclosure obligations. With the aim of contributing the prosecution viewpoint to police training, a PPSC prosecutor has been seconded to the Canadian Police College since 2004.

## FPT Heads of Prosecutions Committee

The Federal-Provincial-Territorial Heads of Prosecutions Committee brings together the leaders of Canada's prosecution services to promote assistance and cooperation on operational issues. The DPP is permanent co-chair of the Committee and the PPSC acts as its secretariat.

The Committee held two meetings in 2010. The first was organized jointly with the Public Prosecution Service of Nova Scotia in Halifax, in April, 2010. The second was organized with the Public Prosecutions Division of the Ministry of the Attorney General of Saskatchewan in Saskatoon, in October, 2010. The PPSC also organized several meetings and teleconferences of subcommittees and working groups of the Committee.

## United Nations-Sponsored Activities

In 2010–2011, PPSC counsel made presentations at several terrorism-related workshops organized by the United Nations Office on Drugs and Crime. In May 2010, counsel participated in a workshop in St. Vincent and the Grenadines which focused on terrorist financing. In July and August, counsel made a presentation at an anti-terrorism workshop in Jamaica, and in October, PPSC counsel participated in a workshop in Columbia dealing with the use of the Internet for terrorist purposes. In December 2010, counsel made a presentation at a Counter-Terrorism Executive Directorate Workshop for counter-terrorism prosecutors at the United Nations (UN) in New York City.

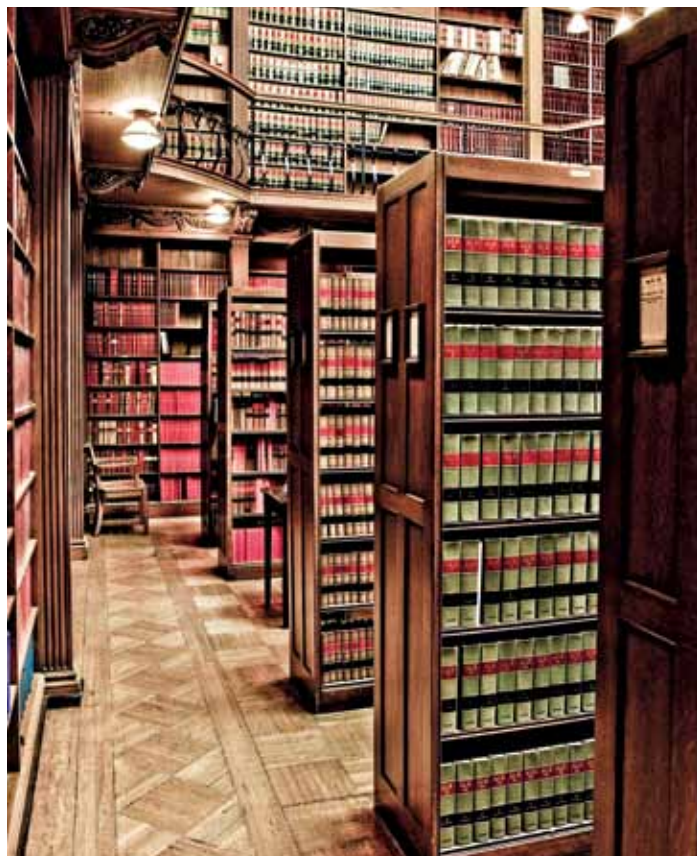
In March 2011, PPSC counsel made presentations to a UN-sponsored criminal law workshop in Nigeria. The workshop dealt with the global framework against the financing of terrorism and financial crimes. In August 2010, PPSC counsel made a presentation at a similar workshop in Trinidad and Tobago.

Also in March 2011, the PPSC attended briefing sessions and prepared briefing materials for the Canadian delegation to the 20<sup>th</sup> session of the United Nations Commission on Crime Prevention and Criminal Justice in Vienna, Austria, on the use and implementation of UN standards and norms in crime prevention and criminal justice, and on the dissemination and implementation in member states of the Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors.

## International Association of Prosecutors

The International Association of Prosecutors (IAP) is a non-governmental and non-political organization. It promotes the effective, fair, impartial, and efficient prosecution of criminal offences through high standards and principles, including procedures to prevent or address miscarriages of justice. It assists prosecutors internationally in the fight against organized or other serious crime, and fosters measures for the elimination of corruption in public administration.

The PPSC has a representative on the development board of the Global Prosecutors E-Crime Network (GPEN), a web-based platform launched by the IAP for specialist e-crime prosecutors that provides access to a library of documentary and training resources. The GPEN site offers cybercrime prosecutors, a contacts database, a discussion forum, and a virtual library and training materials. The PPSC representative on the development board prepared a regional reporting template which will enable the site to maintain a list of national legislative and regulatory instruments and enforcement bodies for each country represented in the IAP. The PPSC also produced a French version of the GPEN information leaflet.



The PPSC has a representative on the board of the *Association internationale des procureurs et poursuivants francophones*, a sister organization of the IAP.

The PPSC participated in the first North American and Caribbean Regional Conference of the IAP in Bermuda November 17–19, 2010, during which the DPP spoke as a member of a panel on Organized Crime and Money Laundering in one of the Plenary Sessions.

## Foreign Prosecution Services

In 2010–2011, the PPSC hosted a delegation of interns from Latin American countries seeking to learn more about Canada’s legal system. The delegates spent three weeks with PPSC mentors in the National Capital Regional Office and the Quebec Regional Office, and also attended presentations at the PPSC’s Headquarters in Ottawa.

Also, two prosecutors from Mexico and a prosecutor from France attended the PPSC’s School for Prosecutors. At that time, the PPSC arranged meetings for the Mexican prosecutors with Canadian judges, defence counsel, RCMP and City of Ottawa police officers, as well as various Crown counsel.

In November 2010, and again in March 2011, PPSC prosecutors conducted training sessions in Mexico as part of the Harmonization of Criminal Legislation and Strengthening of Prosecutions in Mexico Project. The training sessions dealt with professionalism, ethics, transparency, accountability, and fairness in prosecutorial decision-making, the work of the prosecutor, and oral advocacy skills. It also covered a number of trial-related process issues. A Canadian judge also participated and provided valuable daily “views from the bench” on the topics covered. The participants included 60 prosecutors from five Mexican states: Campeche, Yucatán, Tabasco, Chiapas and Quintana Roo.

The PPSC’s British Columbia Regional Office (BCRO) continued to support the International Centre for Criminal Law Reform Policy and Criminal Justice Policy (ICCLR) in its “China Programme” by meeting with senior justice officials from the People’s Republic of China in May 2010 and providing information on issues such as training and development and anti-corruption. The BCRO has worked with the ICCLR for several years on this project.

In September 2010, a PPSC prosecutor from the BCRO was appointed as one of five Commissioners on a Commission of Inquiry into the killings of prisoners that occurred on

January 19, 2010, in Les Cayes Prison, Haiti. The Commission was created by the United Nations and the Government of Haiti with the mandate to investigate and report on allegations of serious human rights violations resulting from the killings. The Commissioners submitted a final report to the Special Representative to the UN in Haiti and to the President of Haiti, which provided detailed recommendations on reforms to the Haitian justice and corrections system.

In November 2010, the BCRO collaborated with the Department of Justice Canada in its work with the Attorney General of the Palestinian Authority by undertaking a review of the prosecution service and providing recommendations for reform. The mission involved meeting with a wide range of Palestinian justice officials, including judges, focusing on the management challenges in the operation of a prosecution service.

## Internal Services

### Strategic Planning and Performance Management

The Strategic Planning and Performance Management Division is responsible for corporate-level strategic and business planning, performance management and reporting, central agency liaison, as well as research and evaluation.

The Division is responsible for coordinating the preparation of the PPSC's annual estimates reports to Parliament (Report on Plans and Priorities and Departmental Performance Report). The production of these reports is one of the PPSC's key planning and reporting obligations.

The Division also coordinates the PPSC's participation in the annual Management Accountability Framework (MAF) assessment process. The MAF process helps federal departments and agencies measure how well they meet Treasury Board's expectations for good public service management. In 2010–2011, the PPSC's assessment was positive overall and indicated that the PPSC's management capacity was improving. The PPSC is moving forward with a MAF action plan focused on increasing its capacity in management processes and structures.

In 2010–2011, the Division directed the PPSC's participation in the Treasury Board-mandated evaluations of three horizontal initiatives: the Anti-Money Laundering/Anti-Terrorist Financing Regime, the Integrated Proceeds of Crime initiative, and the National Fine Recovery Program component of the Federal Tobacco Control Strategy.

The Division also drafted a Research and Evaluation Framework which includes a research and evaluation plan to track mandatory research, evaluation, and performance reporting requirements, and to prioritize discretionary activities.

### Human Resources

The Human Resources Directorate is responsible for leadership and direction in human resources management. During 2010–2011, the Directorate continued to focus on its *People Management Strategic Plan (2009–2014)*. The plan supports the PPSC's ongoing efforts to attract and retain talent to ensure a vibrant, knowledgeable, and engaged workforce.

In July 2010, Treasury Board of Canada Secretariat and the Association of Justice Counsel (representing the Law (LA) occupational group) signed their first collective agreement. While this represents a significant shift in the way members of this group are managed, both managers and employees understand their new roles within a unionized environment and are adjusting well.

On December 9, 2010, the Law Management (LC) occupational group was introduced for those in excluded management positions. Lawyer-managers are now subject to the same terms and conditions of employment as those in the Executive (EX) Group in the federal public service.

The PPSC faced recruitment challenges over the course of the year in certain regions as a result of labour-market gaps and financial constraints. Nonetheless, the PPSC launched aggressive recruitment activities focused on staffing prosecutor positions, primarily in the Northern regions. The campaigns were successful, and several appointments were made.

### Finance and Acquisitions

The Finance and Acquisitions Directorate provides leadership and direction in resource management, accounting operations, and acquisition management. In 2010–2011, in addition to its ongoing commitments, the Directorate:

- implemented procurement requirements to ensure that the PPSC meets its legal obligations in relation to Comprehensive Land Claim Agreements, primarily in its Northern offices;
- took over responsibility for account verification and materiel management, which had been handled previously by the Department of Justice Canada;
- developed a succession plan for key positions;

- rolled out the government-wide expenditure management tool; and
- implemented changes to the chart of accounts and the salary forecast system.

## Information Management and Technology

The Information Management and Technology Directorate is responsible for the planning, management, and delivery of library, information management, information technology, and application services to PPSC staff across the country.

During 2010–2011, the PPSC refreshed its technology and systems in accordance with its technology renewal plan. Additionally, staff from the Law Practice Management and Information Technology directorates implemented a Knowledge Management system to facilitate the collection and sharing of legal information and knowledge throughout the organization.

## Ministerial and External Relations

The Ministerial and External Relations Secretariat (MERS) is responsible for Cabinet and parliamentary affairs, ministerial liaison, correspondence, relations with external groups, and access to information and privacy.

MERS responds to requests for information on PPSC activities, including questions placed on the Order Paper of the House of Commons and Senate and incoming correspondence. It coordinates the appearances of PPSC officials before parliamentary committees, as well as PPSC meetings with external stakeholders, such as the Federation of Law Societies of Canada.

The Access to Information and Privacy (ATIP) Office is responsible for the application of access to information and privacy legislation in the PPSC. The ATIP Office ensures that the PPSC complies with the *Access to Information Act* and the *Privacy Act*. The ATIP Office saw its workload increase considerably during the year, as almost twice as many access to information requests were received during 2010–2011 as in 2009–2010. The ATIP Office also carried out training and education activities to raise awareness and to educate management and employees about their roles and responsibilities under these Acts. The ATIP Office also completed an assessment of the organization's overall compliance with the *Privacy Act* and related regulations and policies.

During 2010–2011, the ATIP Office prepared the PPSC's annual reports on the administration of the *Access to Information Act* and the *Privacy Act* for tabling in Parliament. The publications can be found on the PPSC's Internet site.

## Administration Services

The Administration Services Division is responsible for the delivery of national programs and services in the areas of Security, Accommodations, Conflict Management, and Occupational Health and Safety (OHS). Key activities undertaken during the year included:

- continued work for the planning and implementation of several regional office fit-ups and relocations (principally Edmonton, Yellowknife, and St. John's) and for the establishment of a consolidated Headquarters facility in the National Capital Region;
- national coordination of conflict management and conflict resolution;
- the entrenchment of various program components and activities in security, including the provision of a wide range of security services within the PPSC; and
- the national coordination of the Occupational Health and Safety program and the provision of information, functional direction, and advice on legislative, administrative, and technical OHS matters.

## Corporate Counsel

The Office of the Corporate Counsel (OCC) provides advice to the DPP and to PPSC management on administrative and public law matters, risk management, values and ethics, and conflicts of interest. In addition, the OCC is involved in the provision of advisory services in areas pertaining to management issues.

In 2010–2011, the OCC provided advice on the proposed new federal Code on Values and Ethics, political activities, and conducted extensive research that will ultimately lead to the implementation of a Code of Conduct for the PPSC. The OCC also monitored and followed up on issues related to the Memorandum of Understanding on Corporate Services with the Department of Justice. The OCC provided direct support to the development of a report on risk management activities in the PPSC.



## Communications

The PPSC has a responsibility to communicate to the public and the media, as outlined in the *Director of Public Prosecutions Act*.

The Communications Division provides communications products, services, and advice to PPSC managers, regional offices, and functional areas. It is also responsible for internal communications products and services and for publishing the PPSC intranet and internal communications vehicles.

The Division provides strategic communications advice, media relations and monitoring, and Web publishing. It is also responsible for the application of federal identity standards within the PPSC, for reporting on advertising activities, and for producing the *PPSC Annual Report*.

In 2010–2011, the Communications Division worked on major internal and external communications projects, including a Northern recruitment initiative and substantial additions to the PPSC Web site and the intranet site in the area of Human Resources.

## Internal Audit

The Internal Audit Division (IAD) assesses the effectiveness of the PPSC's processes and makes recommendations to ensure that the PPSC achieves its objectives. The IAD works with the Departmental Audit Committee (DAC) to provide objective advice and recommendations to the DPP regarding the sufficiency, quality and results of the organization's risk management, control, and governance frameworks and processes.

In 2010–2011, the PPSC published its first audit report, on the topic of Account Verification. The IAD visited seven regional offices in the course of its work to examine and assess business processes and transactions and look for opportunities for improvement.

The DAC, which is chaired by the DPP, held four meetings during the year and reviewed a number of audit-related issues, as well as issues such as values and ethics, risk management, governance, financial reporting, privacy, information technology, program evaluation and research, and corporate planning.

# 3. Regional Office Profiles



## Alberta

The Alberta Regional Office operates from a regional headquarters in Edmonton and a local office in Calgary. The offices conduct a broad range of drug, organized crime, proceeds of crime, regulatory, and economic crime prosecutions throughout the province. Approximately 25 standing agents handle drug and some regulatory prosecutions in court circuit points outside Edmonton and Calgary.

All federal prosecutors work closely with investigative agencies, including the RCMP, municipal police, federal investigative agencies, and specialized combined forces special enforcement units.

The Alberta offices carried out initiatives in areas such as major case management, electronic case presentation, and educational exercises. There is a significant and highly successful initiative in restorative justice through the operation of Drug Treatment Courts. The Chief Federal Prosecutor and staff dedicated significant effort to criminal practice and law enforcement support activities with the Alberta Department of Justice, including work on a major-minor prosecution protocol, electronic court briefs, and a court case management system.

## Employee Demographics – Alberta

Employees	103
Women	76
Aboriginal Persons	4
Persons with Disabilities	5
Visible Minorities	5
Law Group	55

## Atlantic

The Atlantic Regional Office (ARO) carries out the PPSC's mandate throughout the four Atlantic provinces, each of which has a distinct legal environment. The ARO regional office is located in Halifax, Nova Scotia, with local offices in St. John's, Newfoundland and Labrador, and Moncton, New Brunswick. The ARO does not currently maintain an office in Prince Edward Island.

The ARO is comprised of seven different teams. Three General Prosecutions Teams provide drug prosecution services in Halifax, Moncton and St. John's. More specialized services are delivered throughout the entire region by the Agent Supervision Team, the Economic Crimes Team, the Organized Crime and Proceeds of Crime Team, and the Regulatory Team. Offences under the *Fisheries Act*, the *Migratory Birds Act*, the *Immigration and Refugee Protection Act*, and organized crime legislation are but a few of the many different types of cases handled by the ARO.

## Employee Demographics – Atlantic

Employees	64
Women	42
Aboriginal Persons	1
Persons with Disabilities	2
Visible Minorities	3
Law Group	42

## British Columbia

The British Columbia Regional Office (BCRO) is based in Vancouver. Its counsel travel throughout the province, including Haida Gwaii (formerly the Queen Charlotte Islands) and several remote coastal communities.

Prosecutors work on a wide range of files, including those involving drug offences, organized crime, economic crimes, and prosecutions directed towards protecting the environment. PPSC counsel work closely with investigative agencies and often provide pre-charge legal advice. Most recently, the BCRO implemented an online search warrant review project, in an effort to improve the quality of search warrants.

## Employee Demographics – British Columbia

Employees	114
Women	80
Aboriginal Persons	7
Persons with Disabilities	3
Visible Minorities	21
Law Group	67

## Manitoba

The Manitoba Regional Office provides service to the province of Manitoba. The office is located in Winnipeg, and prosecutors attend more than sixty court locations across the province. Two prosecutors are stationed off-site with the Integrated Proceeds of Crime Unit. All other prosecutors work on both *Controlled Drugs and Substances Act* (CDSA) files and regulatory matters.

Approximately 80 % of the files handled in the region relate to the CDSA, ranging from low-complexity matters to highly complex criminal organization conspiracies. The remaining 20% of files are regulatory prosecutions relating to tax, immigration, copyright, and environmental matters.

2010–2011 also saw an investigation and charges laid in a national security matter relating to a terrorism offence.

## Employee Demographics – Manitoba

Employees	42
Women	29
Aboriginal Persons	5
Persons with Disabilities	1
Visible Minorities	2
Law Group	23

## National Capital

The National Capital Regional Office (NCRO) is based in Ottawa, and is responsible for all federal prosecutions in Eastern Ontario, Northern Ontario, a portion of Central Ontario, and Western Quebec.

The office includes specialized teams focused on drug prosecutions, regulatory prosecutions, anti-terrorism and national security prosecutions, and complex prosecutions involving drug trafficking and related proceeds of crime activities of organized crime groups.

NCRO prosecutors participate in outreach initiatives with local justice partners. Ongoing training is provided to police services in relation to search and seizure issues, wiretap law and disclosure obligations. Prosecutors also work with judges, defence counsel and treatment providers to cooperatively but accountably deal with the issues raised by the conduct of offenders diverted to the specialized drug treatment and mental health courts.

### Employee Demographics– National Capital

Employees	70
Women	49
Aboriginal Persons	0
Persons with Disabilities	2
Visible Minorities	4
Law Group	40

## Northwest Territories

The Northwest Territories Regional Office (NWTRO) provides prosecution services to the citizens of the Northwest Territories with staff in the regional headquarters in Yellowknife and the local office in Inuvik. Communities throughout the NWT are served through the provision of circuit courts in both Territorial and Supreme Courts. In total, 20 communities are served by circuits.

Last year the NWTRO, along with its community and justice partners, started several innovative initiatives, including the development of closed circuit television for some court appearances, the use of the Ontario Domestic Assault Risk Assessment tool to assist prosecutors in getting a full perspective on those charged with spousal assaults prior to judicial interim

release proceedings, and the establishment of the Domestic Violence Treatment Option Court for proceedings against some offenders charged with spousal assaults.

The NWTRO continued to prosecute offences ranging from murder to property crimes and dealt with offenders who comprise a complete cross section of the NWT demographic.

### Employee Demographics– NWT

Employees	42
Women	30
Aboriginal Persons	5
Persons with Disabilities	3
Visible Minorities	0
Law Group	19

## Nunavut

The PPSC is responsible for the prosecution of all offences under federal and territorial legislation in Nunavut. The Nunavut Regional Office (NRO) is located in Iqaluit, and its prosecutors travel by air to all communities in the territory to conduct prosecutions.

Government agencies in Nunavut face a number of common issues, such as the recruitment and retention of skilled staff. In 2010, the PPSC conducted an extended recruiting program to fill a number of positions in the Iqaluit office. As a result, the NRO was able to hire six counsel ranging from junior to very senior members of the Bar and to fill a number of administrative support positions.

The majority of the work of the NRO is the prosecution of charges under the *Criminal Code*. Nunavut experiences the highest violent crime rate (per capita) in Canada.

### Employee Demographics– Nunavut

Employees	32
Women	21
Aboriginal Persons	7
Persons with Disabilities	3
Visible Minorities	0
Law Group	15



## Ontario

The Ontario Regional Office has its headquarters in Toronto, and is responsible for federal prosecutions throughout southern Ontario. Its geographical jurisdiction is marked by the area from Windsor to Trenton, and from Toronto north to Midland and Orillia.

A large proportion of the cases prosecuted in the region deal with offences under the *Controlled Drugs and Substances Act*. More complex cases under that statute, as well as anti-terrorism and counter-proliferation cases involving goods whose exports are controlled, are conducted by the Anti-Organized Crime Team. Other teams, such as the Revenue Unit, carry out regulatory prosecutions, while other prosecutors provide specialized advice to the police in investigations on proceeds of crime and capital market frauds.

Employee Demographics– Ontario	
Employees	176
Women	119
Aboriginal Persons	3
Persons with Disabilities	11
Visible Minorities	32
Law Group	117

## Quebec

The Quebec Regional Office (QRO) is located in Montreal, with an Integrated Proceeds of Crime unit located in Quebec City. The office is responsible for federal prosecutions throughout Quebec, except for Western Quebec, which is covered by the National Capital Regional Office.

Prosecutors in the QRO deal primarily with large and complex files, particularly related to organized crime, major financial offences, money laundering, terrorism, tax evasion, and border security.

In the area of capital markets fraud, prosecutors provide advice to investigative agencies in addition to conducting prosecutions.

The QRO works collaboratively with Quebec’s Director of Criminal and Penal Prosecutions in the prosecution of fraud, organized crime, and terrorism offences.

Employee Demographics– Quebec	
Employees	95
Women	66
Aboriginal Persons	2
Persons with Disabilities	2
Visible Minorities	8
Law Group	59

## Saskatchewan

The Saskatchewan Regional Office (SRO) is based in Saskatoon. Counsel travel throughout the province and supervise agents to cover over 80 court locations.

Saskatchewan crime rates continue to be the highest of all the southern provinces. An increase in organized crime and gang activity in 2010 also resulted in a higher number of drug and proceeds of crime cases. Economic and regulatory offences also represent a significant portion of the SRO's cases.

SRO counsel work closely with their provincial counterparts, and with police and investigative agencies across the province. Joint operations include anti-gang initiatives, environmental investigations, and criminal prosecutions under federal and provincial statutes. In addition, cross-border investigations, with other provinces and with the United States, are increasing.

Employee Demographics– Saskatchewan	
Employees	27
Women	18
Aboriginal Persons	1
Persons with Disabilities	2
Visible Minorities	1
Law Group	17

## Yukon

The Yukon Regional Office (YRO) has its headquarters in Whitehorse and is responsible for all *Criminal Code*, *Controlled Drugs and Substances Act*, and other federal prosecutions in the Yukon Territory. In addition to Whitehorse, the YRO covers 12 circuit court locations, including Old Crow, accessible only by air.

In addition to the regular court process, the YRO handled matters that were referred to various First Nations restorative justice programs in the communities. In Whitehorse, the PPSC partnered with local government to develop two specialized courts. The Domestic Violence Treatment Option Court has been operating for ten years in Whitehorse and all domestic assaults are placed in this court for first appearance. The Court offers a therapeutic alternative to the traditional court process, and incorporates group counselling on spousal violence. The Community Wellness Court, also located in Whitehorse, is an alternative treatment-based court for offenders affected by

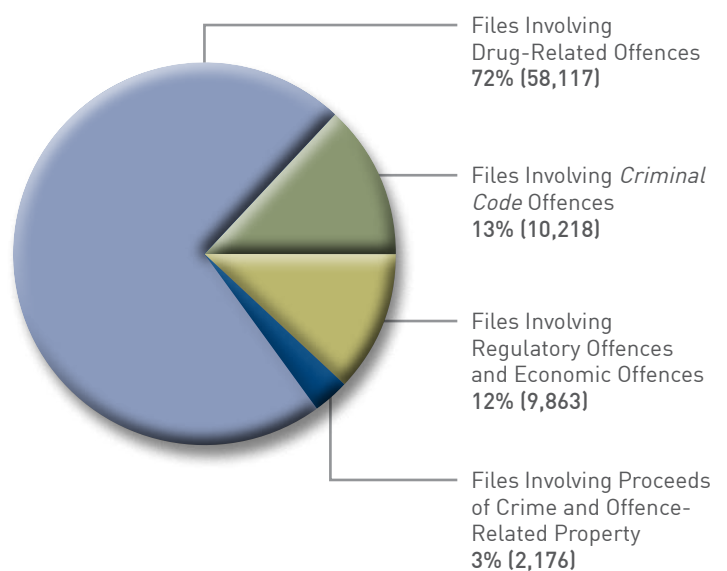
cognitive issues (including Foetal Alcohol Spectrum Disorder), mental health issues, and alcohol or drug addiction. The Court provides for a period of treatment and stabilization, with supports to help the offender with housing, education and other areas. The primary focus is on counselling.

Employee Demographics– Yukon	
Employees	28
Women	21
Aboriginal Persons	3
Persons with Disabilities	1
Visible Minorities	0
Law Group	12

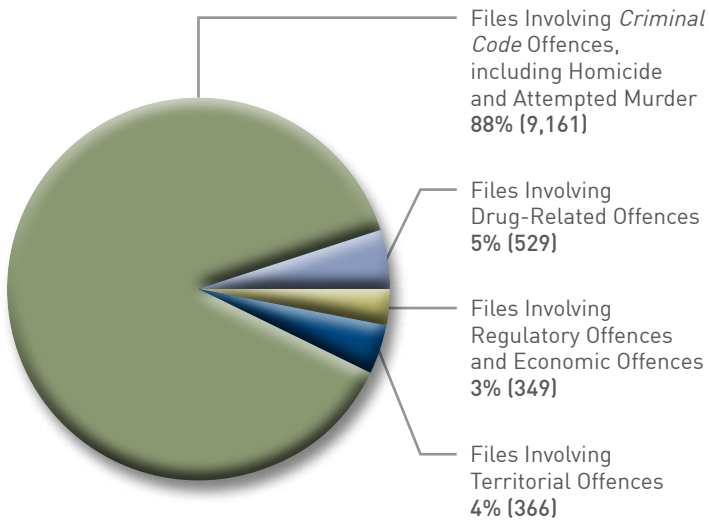
## All PPSC Offices

Employee Demographics – All PPSC Offices	
Employees	958
Women	651
Aboriginal Persons	42
Persons with Disabilities	47
Visible Minorities	90
Law Group	505

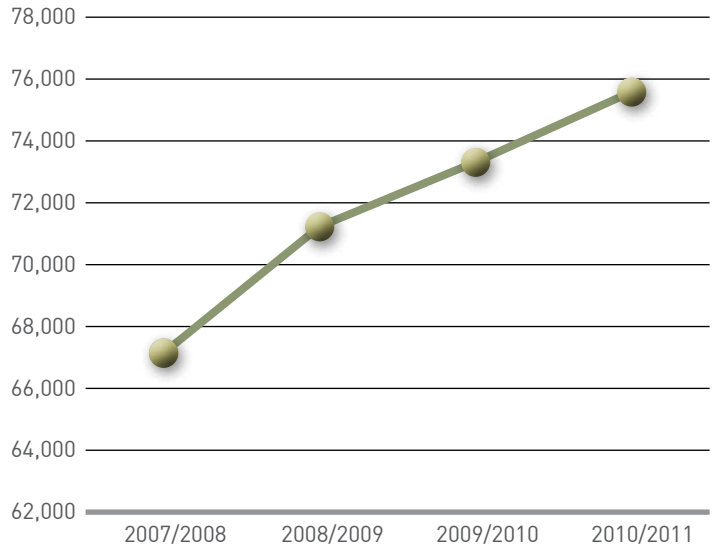
## Files by Offence Type – All PPSC Regional Offices



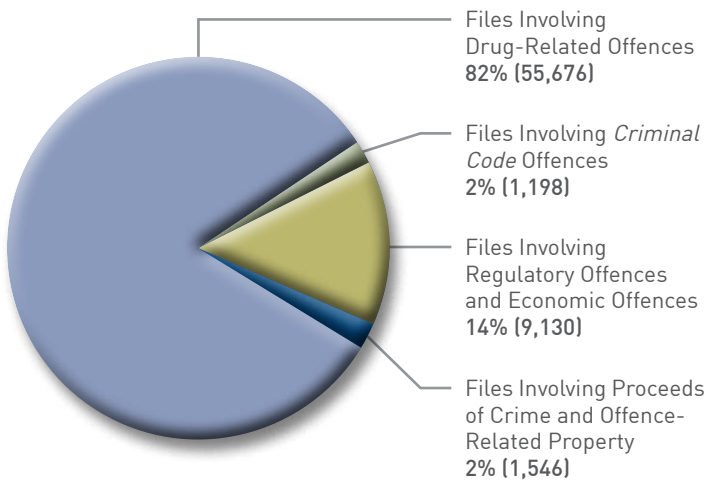
**Files by Offence Type –  
Regional Offices located in the territories**



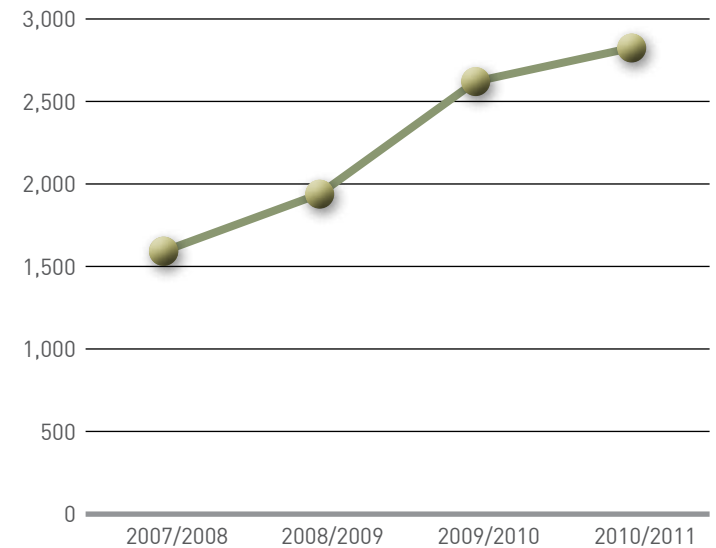
**Number of “Low” and “Moderate” Complexity Files over the Past Four Years**



**Files by Offence Type –  
Regional Offices located in the provinces**



**Number of “High” and “Mega” Complexity Files over the Past Four Years**



## 4. Administrative Priorities



The PPSC's overall operational priorities are the prosecution of cases under federal law free from any improper influence, and the provision of high-quality legal advice to investigative agencies. In 2010–2011, the PPSC worked on four corporate administrative priorities to support the organization's operational priorities. Those priorities were:

- recruitment and retention;
- safety and security of employees;
- measuring organizational performance; and
- knowledge management.

### Recruitment and Retention

The PPSC continues to invest in a diverse workforce through recruitment and retention efforts, while trying to ensure employees feel valued and appreciated and that the organization is viewed as an employer of choice.

In 2010–2011, the PPSC took a number of steps toward realizing this priority, including:

- continuation of work on the LA Group Project “Ensuring Excellence”, to develop a career path for prosecutors in the PPSC, beginning with the drafting of new generic work descriptions, competency standards, and generic statement of merit criteria for each prosecutorial level;
- implementation of a national recruitment strategy for the North;

- implementation of internal and external career websites focused on promoting and providing key human resources-related information from the perspective of employees and potential candidates, respectively; and
- establishment of two national committees, one on Employment Equity and Diversity and the other on Official Languages – each championed by senior management representatives and including employees from all regions and bargaining agents – to engage employees, identify and recommend issues of concern, promote and communicate best practices, and increase staff awareness.

In 2011–2012, the PPSC will shift its focus on this priority towards engaging and providing development opportunities for its employees.

The Engagement and Employee Development priority will address the following: employee development; employee performance management; organizational development and management; knowledge management; career outreach; and employee engagement.

## Safety and Security of Employees

The Security Services Section provides a wide range of security services within the PPSC. As required by the new Policy on Government Security, the PPSC has begun the development of a security plan that sets out approaches to managing security risks and outlines strategies, goals, priorities, and timelines for improving security within the PPSC.

The Employee Protection Program is in its final stages of planning. A framework for implementation has been developed and a Security Preparedness Officer appointed to coordinate the implementation phase during 2011–2012 and to provide logistical support in response to incidents as required.

As well, during the course of the year the PPSC made considerable progress in the area of business continuity planning. The PPSC completed a nation-wide Business Impact Analysis exercise and its results were approved by the PPSC's Executive Council. Offices across the country have put in place business continuity plans. The Security Preparedness Officer will also be responsible for coordinating emergency response and preparedness for the PPSC's offices and for implementing an emergency management structure to ensure organizational readiness during business disruptions.

## Measuring Organizational Performance

As a federal government organization, the PPSC is accountable for reporting on its performance. In keeping with this requirement, the PPSC made further refinements to its national timekeeping protocol to ensure that its timekeeping practices can better reflect PPSC activities and resource usage. The protocol ensures that more complete and reliable timekeeping information is available to guide decision-making, overtime compensation, and cost recovery. In addition, the PPSC continues to simplify and restructure various case management data sets for specific activities that relate to criminal, regulatory, and economic prosecutions, such as date code sets for litigation activities.

The PPSC also implemented a new standardized approach for capturing timekeeping information of a corporate nature to ensure national consistency in the categorization of general administrative files versus general litigation files. This new approach provides a structured file naming protocol, facilitates file location, provides a means to track counsel scheduling commitments, and assists with reporting on non-litigation activities.

Other measures target compliance with timekeeping requirements and data quality, including regular audits of information entered in iCase, the PPSC's case management system.

Additional performance indicators are being developed to assist with trend analysis of case volumes and distribution, changes in relative complexity of files, costs, and other quantifiable elements. These will be used to strengthen the analysis of internal and external factors affecting the PPSC's business and to improve its capacity to plan ahead.

## Knowledge Management

The PPSC has developed knowledge management tools to better support the sharing of information and knowledge. The work undertaken during 2010–2011 saw the realization of the goals of the corporate priority on knowledge management through the implementation of a national knowledge management system. With the system now in place, work will continue in 2011–2012 to maintain the many legal knowledge databases used as references by PPSC prosecutors, paralegals and legal assistants on a daily basis.

# 5. Financial Information

## Fiscal Year 2010-2011

**Table 1: Total Budget (\$ millions)**

	Budget at Beginning of the Year	Additions to Budget During Year	Budget at Year-End
Personnel (including employee benefit plans)	110.2	7.8	118.0
Other Operating Costs	60.0	8.5	68.5
Receipts and Revenues Credited to Vote	-11.3	-2.3	-13.6
<b>Total Net Budget</b>	<b>158.9</b>	<b>14.0</b>	<b>172.9</b>

### Additions to Budget During Year

Integrated Proceeds of Crime Initiative, measures to address contraband tobacco, the appointment of Crown Witness Coordinators under Victims of Crime Initiatives	5.4
Salary Adjustments (including collective agreements, cost containment measures, employee benefit plan adjustment)	2.4
Unused Budget carry-forward from 2009-2010	6.2
<b>Total Additions</b>	<b>14.0</b>

**Table 2: Total Actual Net Spending (\$ millions)**

	Actual Spending
Personnel	90.3
Other Operating Costs	55.5
Contributions to Employee Benefit Plan	14.1
<b>Total Spending</b>	<b>159.9</b>
Receipts and Revenues Credited to Vote	-13.6
<b>Total Net Spending</b>	<b>146.3</b>

**Table 3: Total Actual Net Spending by Program Activity (\$ millions)**

	Budget at Year-End	Actual Spending	Unused Authorities
Drug, <i>Criminal Code</i> , and terrorism prosecution program	130.5	111.9	18.6
Regulatory offences and economic crime prosecution program	17.3	13.1	4.2
Internal Services	25.1	21.3	3.8
<b>Total Net Spending</b>	<b>172.9</b>	<b>146.3</b>	<b>26.6</b>
<b>Explanations of the Unused Budget</b>			
Frozen allotment*: Mandatory Minimum Penalties under the National Anti-Drug Strategy	6.5		
Frozen allotment*: Restoring the effectiveness of Federal Policing	6.5		
Frozen allotment*: Cost Containment Measures	0.1		
Surplus related to operations	13.5		
<b>Total</b>	<b>26.6</b>		

\* A frozen allotment indicates that spending is not permitted until a specific condition established by Treasury Board has been met. Adjustments have been made to the employee benefit plan and revenues to reflect the actual spending and recoveries.

# 6. Contact Information



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