



**FEDERAL PROSECUTION
SERVICE RENEWAL –
YEAR IN REVIEW**

**Renewing the FPS
Commitment
to Canadians**

August 2002





“The greatest danger for most of us lies not in setting our aim too high and falling short; but in setting our aim too low, and achieving our mark.”

Michelangelo Buonarroti (1475-1564)

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I. EXECUTIVE SUMMARY

The Federal Prosecution Service (FPS) Year in Review reports on the progress of renewal to FPS staff, Justice Canada colleagues, and partners in Canada's criminal justice system.

It demonstrates that constructive change is happening and that the FPS has come a long way in managing the complexities of change, by focusing on strategic priorities and seeking solutions by working in partnership with others.

Although considerable progress has been made, it is also recognized that Renewal is an ongoing process. Much important work remains to be done.

The Year in Review highlights why Renewal was necessary, outlines the approach adopted to realize Renewal goals and provides detailed information on priorities and accomplishments. In addition, the document provides insights on the way ahead.

Highlights include:

- Joint initiatives have been established on training, cyber crime, mega case management and identification of expert witnesses, and other areas under the auspices of the Federal, Provincial and Territorial Heads of Prosecution.
- To strengthen relationships, the FPS has worked jointly with the RCMP to develop a Memorandum of Understanding (MOU), which sets out the roles and responsibilities of the RCMP and the FPS at the investigative stage and the prosecution stage.
- A new Northern Region has been established to better focus on the needs of northern communities.
- The FPS is working with partners to identify alternatives to prosecution on both regulatory matters and drug offences.
- To more effectively manage mega cases, the FPS is building a long-term management framework and increased support is being provided for prosecutorial teams to enhance safety and well-being.
- The FPS is addressing key management issues. Connectivity has improved considerably, the human resource mix is being strengthened, data management is improved and the FPS Bulletin has proven itself to be a key communications vehicle.

The FPS Year in Review is a chronicle of the distinguished efforts of the men and women of the FPS and their commitment to Renewal to strengthen Canada's criminal justice system.

August 2002



II. INTRODUCTION

The Federal Prosecution Service (FPS) conducts all federal prosecutions and provides prosecution-related advisory services on behalf of the Attorney General of Canada.

The Federal Prosecution Service Renewal — Year in Review outlines the achievements to date, and provides insight into the way ahead and a vision of where the organization will be in the future. It has been produced for FPS staff and their partners in Justice Canada, and in the criminal justice system. It reflects a renewal of the FPS commitment to excellence in serving Canadians. And, it is an important testament to the professional excellence and teamwork of FPS staff.

The Year in Review reveals a FPS that is dramatically redefining its role. As in all public sector institutions, the FPS operates in a world of constant change with the challenges and opportunities of globalization, rapid change in technologies and deservedly high public expectations. Workload, the increasing complexity of cases and resourcing pressures, combined with the resulting demands on staff, indicated it was the right time for the organization to take a fresh look at its operations and business practices. The FPS is facing a number of serious and interrelated challenges. The Deputy Minister of Justice launched the Federal Prosecution Service Renewal in February of 2001 in response to these challenges.

“The FPS Renewal Process is not simply about providing a prosecution service that is more affordable. More importantly, it is about providing leadership to serve Canadians as part of an accessible, efficient and fair system of justice. It is about creating an environment that is responsive to the many emerging challenges surrounding the prosecution function.”

Morris Rosenberg, Deputy Minister, June 2001

In parallel with Renewal, the Department of Justice will also undertake a resource review of the FPS to ensure it is on a sustainable and balanced financial footing. This review was announced in June, 2002.

The FPS has embraced Renewal to keep pace and remain relevant to Canadians. The FPS, as part of the Department of Justice (DoJ), is determined to help maintain public confidence in the administration of justice. FPS Renewal will ensure the federal government has a modern, strategic capacity to: prosecute offences within the federal mandate; provide leadership to the prosecution function by working closely with the Provinces and Territories; and administer the growing responsibilities of the Minister of Justice and the Attorney General in the international domain. It is an unprecedented effort to develop new approaches, to embrace a modern and effective strategy, and to build on a tradition of legal excellence.

“The FPS Renewal process is a “ground-up” exercise for the FPS staff, involving the entire community...” “The FPS is not an abstract concept; it is a tightly-knit team made up of colleagues who want and like to work together: Every member must be involved in Renewal, as the process will shape the FPS of tomorrow.”

D.A. Bellemare, Q.C., Assistant Deputy Attorney General, Criminal Law

FPS Renewal is for everyone: managers, prosecutors, staff and ultimately Canadians. A personal investment by staff is essential to ensuring they are the architects of their future. The desire is to achieve FPS Renewal priorities for Canada and Canadians in a manner that also meets staff needs and expectations.

Renewal is helping FPS redefine its prosecution culture and develop a clear vision for the future. It is addressing key questions: How can we maintain the public confidence in the administration of criminal justice in Canada? How do we answer the needs of victims? How can we rise to the many new challenges and the growing complexity of cases? How do we get the right mix of skills and expertise among lawyers, paralegals and other professionals? How can we best ensure the wellness of our prosecutors in the discharge of their difficult responsibilities? How do we position ourselves to provide effective national leadership for the prosecution function in general?

III. THE PROCESS

Build on Success: Renewal is a three-to five-year process. It is complex and involves a significant additional challenge to management and staff to deliver change while maintaining quality service to Canadians. Renewal needs focus and must be delivered in an incremental ‘Not Too Far Too Fast’ approach. It was also recognized that Renewal required the FPS to focus its energies and that the intent is to take digestible steps, make each of them work and then move forward. Experience had shown that FPS success in the past was a result of a continuous effort to adjust to changing needs in Canada’s criminal justice system. The road ahead requires the same determination.

To ease the process and simplify it as much as possible, the Department of Justice has taken extensive measures to establish priorities to focus on ensuring that the right things get done to achieve the right results. In June 1999, the Justice and Legal Affairs Committee of Deputy Ministers approved a process for the review of FPS to explore opportunities to improve the effectiveness and efficiency of the FPS as well as its capacity to serve Canadians well into the future. The results of this Review taken together with the Department’s strategic directions (Departmental Strategic Plan 2001-2005) resulted in the identification of six priorities for the FPS:

1. Increasing cooperation with the provinces and territories;
2. Strengthening relationships both inside and outside the Department of Justice;
3. Responding more effectively to the North;
4. Identifying and implementing alternatives to prosecution;
5. Improving the management of mega and complex cases; and,
6. Improving human and financial resource management, and making better use of technology.

The six priorities are being implemented in the following stages:

Stage 1, implementing priorities, Action Plans to deliver the priorities were developed and initial outreach and engagement efforts were launched with staff and stakeholders.

Given the requirement for change, it was necessary to increase the awareness of the benefits resulting from a Renewal within the FPS and Justice Canada. The capacity to move forward would be dependent on the organization’s ability to build consensus that Renewal was the right way to go and that all staff have an important role. The key tool used to build awareness and sustain the momentum was the creation of the FPS Bulletin. The Bulletin has been very well received throughout the FPS, by senior management in the department and international colleagues.

Cultural change is always a challenge; however, indications are that FPS has embraced Renewal as an important opportunity for a new way of doing business and to shape the future of FPS.

“Minds are like parachutes...they only work when they are open.”

Thomas Dawn

Stage 2, expanding partnerships, is an assertive effort to engage partners and build awareness and support outside of the FPS. Whereas the FPS needs to think and operate differently, so must the system. The full potential of the Attorney General must be maximized.

The FPS recognizes that the courts cannot resolve everything. The aim of the FPS is to help build a system of justice that is accessible and fair, and that allows the identification of alternatives to prosecution where there are better ways to achieve public policy goals. This of course should not be at the expense of being tough when warranted.

The FPS cannot be successful without productive relationships within Justice Canada and with partners in government, Canada's criminal justice system and internationally.

Since the fall of 2001, with the emphasis on security, the FPS has had a growing role in international matters, and therefore, a need to strengthen its international relationships. The FPS has and will continue to take considerable strides to modernize Canada's treaties and laws for providing and receiving assistance from other countries.

The FPS is expanding partnerships to gain the support needed to implement Renewal.

Stage 3, continuous improvement, is recognition that change is constant and that the pursuit of excellence must be second nature. OK is not good enough. The FPS must be characterized by its professionalism, flexibility, creativity, transparency and accountability. The FPS can offer more as it moves from a prosecution only to a solution-driven mentality.

IV. THE INITIAL APPROACH

FPS Renewal is nearing the end of Stage 1. These efforts have been launched on two fronts:

- First, the FPS established long-term action plans for each of the six Renewal Priorities; and,
- Second, it has put in place a number of Management Initiatives to facilitate and support the Renewal Priorities to engage staff and partners, and build a work environment and FPS culture where staff flourish and are more integrated within the Department. In other words to ***‘Make The Priorities Work’***.

V. PROGRESS ON THE SIX PRIORITIES

PRIORITY 1: COOPERATIVE APPROACHES WITH THE PROVINCES AND TERRITORIES

The prosecution environment is increasingly complex. The federal and provincial governments have a collective responsibility to more effectively manage prosecution resources. The FPS goal is increased collaboration with the provinces and territories to strengthen the prosecution capacity in Canada. Eliminating unnecessary duplication and achieving greater consistency at the operational level will allow better use of resources and enhance the development of expertise and knowledge.

WHAT DO WE NEED TO BE?

In three-to five-years there will be a stronger and more streamlined prosecution function across the country to serve Canadians more effectively through the exchange of expertise and knowledge, and through the collaborative development of prosecution training programs, joint prosecution approaches, shared data bases and other resources. Prosecutors across the country will benefit from opportunities to train and work together in a collegial environment of development and mentoring.

WHAT HAVE WE ACCOMPLISHED?

The Federal/Provincial/Territorial (FPT) Heads of Prosecution Committee provides a very effective forum for collaboration. The Committee actively promotes collective management of the prosecution function and resources through a number of sub-committees that work on issues of common interest and activities such as the development of a national inventory of expert witnesses, management of mega cases, etc.

PRIORITY 1: HIGHLIGHTS

- ✓ FPT Heads of Prosecution
- ✓ Tools - Technology, Information Sharing
- ✓ Inventory of Cooperative Arrangements
- ✓ Joint Training Initiatives

A satisfaction survey of members of FPT Heads of Prosecution Committee was completed. It has been followed by an examination of the factors that contribute to the success of the Committee so that this Committee and others might build on its achievements.

The Committee has created a senior prosecution 'community' in Canada whose members, and their respective governments, are now better able to respond more quickly and effectively to changes in the law, technology and the broader social environment.

Sussex Circle Report on FPT Heads of Prosecution Committee, April 2002

The ADAG (Criminal Law) has been meeting with his counterparts to reinforce FPS interest in working more cooperatively with the provinces and territories on a bilateral basis.

A number of joint training activities were launched on issues such as the prosecution of institutional abuse, witness protection, law practice management, information technology, etc.

The FPS compiled an inventory of the cooperative arrangements that are in place with provinces and territories, which it will maintain on an ongoing basis, and share with all jurisdictions as an idea bank.

The Information Technology Sub-Committee of the FPT Heads of Prosecution has been established to formulate national standards for the electronic transfer of Crown briefs and disclosure packages from police to Crown to defence. The Sub-committee has also developed a training module on cyber crime for prosecutors.

The FPS is consulting with the Alberta Criminal Investigations Service on the development of an electronic Crown brief and disclosure package specifically for use in major criminal investigations. This package may serve as a model for application by others across the country.

In November 2001, the FPS assumed the lead for the development of the Common Offence Library under the Integrated Justice Information Initiative (IJI), a tool that will be of great benefit to both federal and provincial justice agencies.

WHERE DO WE GO FROM HERE?

The primary goal for the future is to build on the strong capacity for collaboration that already exists among the federal, provincial and territorial governments, as exemplified by the FPT Heads of Prosecution Committee. The future focus will be on increasing cooperation and improving national capacity to address new and emerging criminal justice issues while retaining the flexibility for continued cooperation to respond to regional and local issues.

The FPS is drafting a preliminary discussion paper for consultation within the Department on a proposed vision for cooperation with the provinces in the future and will invite provincial discussion in the fall of 2002.

The FPS will also explore with the provinces and territories, opportunities to pilot new ways of working together, share expertise and streamline service to Canadians. It may also look for opportunities to formalize collaboration through Memoranda of Understanding based on the outcomes of pilot projects. Opportunities to expand on the joint training initiatives will be explored.

PRIORITY 2: STRENGTHENING RELATIONSHIPS

A strategic and effective prosecution service requires strong relations with partners within Canada's criminal justice system. The goal is to better integrate the FPS with the Department of Justice and its Departmental Legal Services Units (DLSUs). It is also important to strengthen relationships with other federal departments and agencies, and with law enforcement organizations to enable a more strategic approach to prosecution. Establishing and sustaining those relationships is as critical as building them. It requires good communications, trust and respect.

Public engagement is also very important to increase awareness and confidence in the prosecution function, and in the criminal justice system more generally.

WHAT DO WE NEED TO BE?

A modern strategic prosecution service is one that not only has excellent working relationships with other partners within Canada's criminal justice system, but also reaches out to the public, resulting in the respect and confidence of the public it serves.

The FPS wants to put in place mechanisms that provide for productive and sustainable relationships with key partners within the Department of Justice, other government departments and agencies, and law enforcement agencies. All staff must be involved because the responsibility for building and strengthening relations belongs to everyone in the organization.

WHAT HAVE WE ACCOMPLISHED?

Progress has been made in strengthening relationships within the department through the continuation of forums such as the Strategic Implementation Team (FPS.SIT). This team brings together senior executives from Headquarters and the Regions to provide strategic direction for the management of FPS operations and FPS Renewal. The result is partnership building that now includes the Regions.

A number of collaborative initiatives are underway to improve management of regulatory prosecutions by bringing together prosecutors and counsel from legal services in client departments to identify better ways of working together. One such initiative is the establishment of a Regulatory Practice Group.

PRIORITY 2: HIGHLIGHTS

- ✓ FPS/RCMP Memorandum of Understanding
- ✓ Stronger relationship with other departments
- ✓ Integrated approach within Justice
- ✓ Public outreach research
- ✓ Forum for regional/HQ senior management (FPS.SIT)
- ✓ Regulatory Practice Group

An excellent example of how the FPS is improving service delivery and building relationships is the work underway with the Canada Customs and Revenue Agency (CCRA). The FPS has worked closely with CCRA to develop a more effective means of prosecuting offences under tax statutes. Dedicated prosecution teams now exist in all regional offices for tax prosecution, and also, joint training programs now take place. Close consultations between prosecutors, investigators and the Departmental Legal Services Units (DLSUs) at CCRA are maintained through regular contacts and an annual tax conference.

The FPS is supporting other departments in promoting modern approaches to enforcement and compliance through a variety of means such as participation in the Fisheries and Oceans Symposium in March 2002 on restorative justice and alternatives to prosecution.

The FPS, RCMP and the Department of Citizenship and Immigration are developing a “joint prosecution framework” for immigration offences.

In July 2001, the FPS and the RCMP signed a Memorandum of Understanding (MOU) setting out respective roles and responsibilities in relation to the investigative stage and the prosecution stage. This MOU has provided a platform for future collaboration and coordination on communications, disclosure, major case management, and administrative forecasting.

FPS Directors and the RCMP Criminal Operations Officers have established a joint forum convened twice a year to discuss issues of mutual interest and avenues for collaboration.

In British Columbia, the FPS and the RCMP instituted monthly meetings to discuss on-going and planned investigations, and this provides a good model for other regions.

From a technology perspective, the FPS continues to develop and strengthen partnerships with the Solicitor General (Sol Gen), RCMP, and more recently with counterparts in the United States with respect to its IJI projects. Within the department there is collaboration with the Legal Risk Management Project (Barrister’s Briefcase) and in ensuring regional involvement and support in the development of the CRIME database.

WHERE DO WE GO FROM HERE?

The Federal Prosecution Service will create an inventory of current partnership arrangements to identify further opportunities to strengthen relationships within the Department of Justice, with other federal departments and agencies, with law enforcement agencies and other levels of government across Canada.

The FPS will continue to build on the MOU with the RCMP by completing joint protocols on communications, administrative forecasting, disclosure and major case management. It will use this as a model to develop similar MOUs with other federal departments to clarify roles, responsibilities and mutual expectations in the service of Canadians.

There is a need for public outreach. Maintaining public awareness and confidence in the prosecution system is an important aspect of service to Canadians. The FPS is conducting research to determine the level of public awareness and confidence in the prosecution function to ensure that the proper steps are taken to communicate and consult with the public.

PRIORITY 3: THE NORTH

As prosecutor of *Criminal Code* as well as federal offences in the territories, the Department of Justice has a central role in the justice system in the North. The small population, vast geography, and diverse languages and cultures of the North pose significant challenges for the prosecutorial function, but also offer an opportunity for the Department to work with territorial governments, First Nations and Inuit organizations, and communities to shape a justice system that responds to their needs and priorities.

Our goal is to better serve the communities of the North, particularly their Aboriginal populations. This includes: creating a new regional structure that will enable more focussed attention to be brought to bear on our role in the North; integrating the Northern region into the policy, program and operational activities of the Department; enhancing the prosecution service's capacity to work with communities and other justice system partners to develop and implement alternatives to traditional prosecutions; supporting victims in the criminal justice process; ensuring prosecutors receive cross-cultural training; building a prosecution function staffed by long-term Northern residents who know the communities they serve; and developing more formal arrangements for cooperation with the three territorial governments.

WHAT DO WE NEED TO BE?

The primary objective is to make our departmental activities in the North more responsive to the unique needs and circumstances of Northern communities, particularly their Aboriginal populations.

WHAT HAVE WE ACCOMPLISHED?

The Department created the Northern Region in May 2001, bringing the existing regional offices in the three territories together under one regional umbrella. The new Northern Region has given the North a more visible and active presence in the department, and has fostered growing collaboration across our offices in the three territories. Orientation days in Whitehorse and Yellowknife provided staff with an introduction to the priorities of the Department and the new region.

The new Region has begun to address some of the most pressing issues facing the FPS in the region. Additional prosecutors, victim-witnesses assistants and support staff have been brought on board in NWT and Nunavut to relieve workload pressures. The Policy Centre for Victims' Issues hosted two conferences of Northern Crown and Victim Witness Assistants (VWAs). These meetings looked at the important role of the victim witness, the relationship between VWA and the Crown, and the specific training and support needs of our victim witness assistants. A one-day workshop to identify wellness issues and solutions for northern prosecutors was conducted in Yellowknife in January, 2002. The results of the workshop, which highlight concerns related to recruitment and retention of prosecutors and the need for additional VWAs, will be reflected in the National FPS Wellness Framework. Finally, the FPS has conducted a comprehensive evaluation of the information technology challenges and requirements of FPS counsel in Northern Regional Offices.

PRIORITY 3: HIGHLIGHTS

- Northern Region Created May 2001
- Stronger relationships with territorial governments and other justice partners.
- Victim Witness Assistants Conference

The region has also focussed significant energy on better integrating the region in the prosecution, policy and program activities of the department. An intensive week of meetings between the Northern Region management team and Policy and FPS responsibility centres in March 2002, helped build regional/policy/FPS links and identify ways to work together to address policy and prosecutions issues of concern to the North.

The region has also focussed on building closer relationships with territorial governments. Territorial Deputy Ministers of Justice have invited Andy Watt, Senior Regional Director (Northern Region), to participate in their joint meetings.

WHERE DO WE GO FROM HERE?

The vision for the future is a Northern Region that is fully resourced and integrated with the policy and program activities of the department, and works in partnership with other federal departments, territorial governments, First Nations and Inuit organizations, and communities to develop and implement approaches to criminal justice issues that meet the needs of Northern communities.

Much work remains to be done to achieve a fully resourced, fully integrated regional structure in the North. Priorities for the coming year include: working with our partners to develop a policy framework that will establish common goals for our work in the North, and options for achieving them; collaborating with the Policy Centre for Victims' Issues to develop appropriate tools and training to support the work of the VWAs; and, continuing to strengthen our working relationships with territorial governments and other justice system partners.

PRIORITY 4: ALTERNATIVES TO PROSECUTIONS

Prosecution should be a last resort. Flexibility, creativity and innovation are key elements of FPS Renewal. The goal is to develop and implement alternatives to prosecution to manage workload and to establish a broader range of options to achieve public policy goals.

WHAT DO WE NEED TO BE?

The bulk of prosecutions (with the exception of the North) relate to enforcement of the Controlled Drugs and Substances Act and to the enforcement of federal statutes such as the Canadian Environmental Protection Act, the Income Tax Act, the Excise Tax Act, the Customs Act, and the Fisheries Act. In both the regulatory area as well as in responding to illicit drug use, the broader policy goals and how best to achieve them must be considered.

We need to build on our success in developing alternatives to drug prosecution where appropriate, and explore the development of an enhanced range of options.

In terms of alternatives to regulatory prosecution in three-to five-years, there will be an improved range of options for federal departments to encourage public compliance with regulations. The goal is to reduce demand for prosecutions and more importantly, provide for a broader range of tools for regulatory agencies to meet important goals in tax compliance, environmental protection, and transportation safety, for example.

WHAT HAVE WE ACCOMPLISHED?

Regulatory Prosecution

The FPS is working closely with the Policy Sector, the Legal Risk Management Project and the Business and Regulatory Law Portfolio in Justice Canada, in exploring a range of options to be available for use as alternatives to prosecution in order to better serve public policy needs.

This builds on successful models such as the “compliance continuum”, used by the Competition Bureau at Industry Canada as an innovative strategy that provides a range of alternatives that can be used to achieve industry compliance with regulations.

The Regulatory Prosecution Practice Group continues to be a good forum for collaboration between the Departmental Legal Services Units (DLSUs) and the FPS. A formal document on respective roles and responsibilities of counsel in the DLSUs and FPS is currently being developed through the Regulatory Prosecution Practice Group. The document addresses the need for an integrated approach and sets out expectations of both DLSUs and FPS in relation to prosecution.

The Research Division, on behalf of the FPS, is conducting an extensive survey of other departments’ practices and concerns in relation to alternatives to prosecution.

The FPS co-sponsored with the Legal Risk Management Project an Instrument Choice Symposium in March 2002. The landmark symposium enabled the sharing of ideas and generated momentum to develop and implement alternatives to prosecution. The Symposium brought together legal professionals and policy makers to discuss current practices and developments in the areas of self-regulation, alternative service delivery, voluntary codes, economic tools, dispute resolution, compliance and administrative sanctions.

“It may be stating the obvious, but criminal courts should be reserved to address conduct that cannot be remedied through other means. It is not only a matter of sound public policy: it is also a question of fiscal responsibility, effectiveness and efficiency. It is also recognition that criminal courts are often not the best forum to resolve many types of issues, given rules of evidence and constraints of law.”

D.A. Bellemare, Q.C., Assistant Deputy Attorney General, Criminal Law Instrument Choice Symposium, March 2002

PRIORITY 4: HIGHLIGHTS

Regulatory Prosecutions

- Research on Use of Prosecution Alternatives
- Instrument Choice Symposium
- Collaboration with other Departments
- Development of Alternatives to Prosecution Toolkit.

The Atlantic and British Columbia Regions will be organizing regional symposia on Instrument Choice as a follow-up to the national symposium.

The FPS has been working closely with Environment Canada in the implementation of the Canadian Environmental Protection Act, which provides for innovative alternatives to respond to environmental offences.

The Department of Fisheries and Oceans (DFO) and the DFO DLSU held a national conference on Restorative Justice and Alternatives to Prosecution in March 2002, in which the FPS was an active participant.

Meetings have been held in several regions with the Canada Customs and Revenue Agency and the Department of Fisheries and Oceans to discuss how to improve working relationships at the regional level to increase use of alternatives to prosecution.

Drug Prosecution

The FPS partnered with the National Crime Prevention Centre and provincial agencies, in the Drug Treatment Court (DTC) pilot projects in Toronto and Vancouver. Drug Treatment Courts are intended to help break the cycle of drug dependency and related criminal activity through judicially supervised treatment programs linked with community mental health, public health and social services.

FPS continues to work with the Criminal Law Policy Section of Justice Canada, and with Health Canada, on longer-term policy development in anticipation of the reports of the Senate and House Committees which are studying the drug issue.

The FPS has been active on many fronts; establishing diversion pilots in selected sites in British Columbia in collaboration with the Elizabeth Fry Society; implementing a Deferred Prosecution Pilot project for cannabis possession in Manitoba; and participating actively in an Aboriginal Court in Toronto in matters related to drug offences and other matters within its mandate.

WHERE DO WE GO FROM HERE?

A strong base has been built with other federal departments in order to explore alternatives to regulatory prosecution through strengthened liaison with the DLSUs, the Instrument Choice Symposium and various consultations with departments, both nationally and regionally.

The FPS will continue to partner with the Business and Regulatory Law Portfolio to maintain the Regulatory Prosecution Practice Group as an opportunity for shared learning and initiatives between Departmental Legal Services Units and the Federal Prosecution Service. This will improve service to other federal departments in dealing with their regulatory matters.

The FPS is also reviewing recommendations from the recent Instrument Choice Symposium to work with other government departments to address current barriers to the use of alternatives and to develop innovative alternatives to prosecution.

The FPS will develop a toolkit for other federal departments to raise awareness about alternatives to prosecution that are currently available and how to employ them. Pilot projects will be undertaken on alternative measures based on a restorative justice model for native offenders in

**PRIORITY 4:
HIGHLIGHTS**

Drug Prosecution

- Drug Treatment Courts
- Diversion Pilots
- Deferred Prosecution Pilots

relation to some regulatory matters.

On alternatives to drug prosecution, the FPS will conduct an evaluation of Deferred Prosecution Pilots, and identify areas for new diversion and deferred prosecution pilots. It will assess compliance with existing alternate measures, policy, and cost/benefits.

Research will continue on current practices in drug and regulatory prosecution, obstacles to the use of alternative measures and new approaches to achieving compliance.

This research work will also explore regulatory compliance mechanisms used in other countries such as the United States, Australia and New Zealand.

In future years, the Department of Justice will probe the feasibility of increasing the use of administrative sanctions to provide departments with a greater range of instruments to promote compliance and reduce the reliance on prosecution.

PRIORITY 5: MEGA AND COMPLEX CASES

Large and complex cases have unique requirements and very large resource demands. The goal is to provide national leadership to prosecution agencies in the management of highly complex and mega cases to ensure expeditious, efficient and effective conduct of cases.

In mega case management the focus is on improving the capacity to forecast cases in order to plan more effectively by liaising with police at the investigative stage, as well as examining the potential legal aid implications arising out of organized crime and drug prosecutions.

With enforcement and prosecution agencies focusing more of their effort and resources on fighting organized crime and terrorism, complex and mega cases will increasingly form a significant part of prosecution caseload. A flexible response to demands is required as they arise across the country. Also, the demands of mega cases raise significant wellness and security issues that must be addressed for those involved.

“Teamwork is also an important aspect of dealing with the phenomena of mega cases. A flexible and creative approach to how we assign resources to such cases could reduce the impact on our people. Teams can be co-located or spread across the country; they can be within FPS or involve provincial governments; and they can include other types of talent, such as policy experts and accountants.”

Morris Rosenberg, Deputy Minister, FPS Conference, Mont Ste-Anne, June 2000

WHAT DO WE NEED TO BE?

In three-to five-years, prosecution agencies across the country will be better positioned to cope with the demands of large, complex prosecutions.

They will be better equipped to conduct large-scale prosecutions in the public interest through better communication with the enforcement agencies, improved use of technology, more sharing of lessons learned, and development of best practices and training.

**PRIORITY 5:
HIGHLIGHTS**

- ✓ FPT Working Group on Mega Cases
- ✓ Internal Working Group on Mega Cases
- ✓ Disclosure Pilots
- ✓ Coordination with RCMP

WHAT HAVE WE ACCOMPLISHED?

A Federal/Provincial/Territorial (FPT) Working Group has been established on mega cases, as well as an in-house working group, to bring together experts in all areas related to mega cases, to gain a better understanding of mega cases and how to manage them.

A long-term framework for the management of mega cases is being developed. Increased support is being provided for prosecutorial teams to enhance safety and well-being for those involved in complex and intense or lengthy litigation, whether it is a single case or a series of cases.

An operational policy is being developed to deal with high cost cases and cases that involve federal funding of defense (Rowbotham applications). The FPS is also working with the Department's Policy Sector to follow up on a commitment to the provinces to examine the potential legal aid implications arising out of the organized crime and drug prosecutions.

The FPS is working with the police to ensure that the FPS has early involvement in the investigative process to predict and manage potential mega cases.

WHERE DO WE GO FROM HERE?

Mega cases, in themselves, will continue to be a significant challenge. An equally significant challenge for the FPS will be building the capacity for better joint planning with the police during the investigation stage and, developing in-house capacity including more effective use of paralegal assistance.

The FPS will continue the work it has initiated in-house with others in the Department, as well as with the FPT Working Group and with the RCMP to identify best practices. This work will result in practical tools, such as a Best Practices Manual and a Major Case Management Manual, as well as protocols with the RCMP, which will assist the FPS, the provincial and territorial Crowns, and the police to manage cases effectively and expeditiously. A Training Strategy involving prosecution staff and police will be developed.

Mega cases also pose a challenge for human resource management. Ensuring people with the right skills are in the right place at the right time is essential. Supporting the mega case team through appropriate safety and wellness measures will also ensure effective management of mega cases. The FPS Wellness Strategy will put in place specific measures to support mega case teams.

PRIORITY 6: MANAGEMENT PRIORITIES

The FPS must have a management framework and support structure that works for the institution and for its people. The goal is to develop the FPS as a workplace of choice, with the tools, technology and knowledge needed to support the FPS community and its partners. FPS must be efficient and staff must have a quality work environment that enables them to be successful while feeling empowered and valued. A primary challenge is to gain understanding and acceptance for technology and its application in prosecutorial work and a second challenge is the need to identify the appropriate technology.

The FPS must be an organization that promotes continuous learning through professional development. Other areas for attention in Human Resources are: wellness; recruitment; retention; and succession planning.

Modern and responsive public sector institutions require modern and responsive management, including sound human and financial resource management practices and forward-looking use of technology.

WHAT DO WE NEED TO BE?

In three-to five-years the FPS will provide national leadership to the prosecution function and it will be a highly professional learning organization that supports efficient law practice management, transparent and independent decision making and accountability, and information/knowledge approaches that are meaningful and insightful.

WHAT HAVE WE ACCOMPLISHED?

Connectivity

An eProsecutions Secretariat was established to enhance prosecutor connectivity and create linkages to other federal on-line justice initiatives. In February 2002, the FPS component of the Integrated Justice Information Initiative (IJI) funding was approved in the amount of \$2.1 million for 2001-2004. The eProsecutions Secretariat continues to work closely with the Department's Information Management Branch, the Legal Risk Management Project and Integrated Justice Information Initiative (IJI) partners in other departments.

CRIME, a national information/knowledge management database, was launched in June 2001. It contains judgments, decisions, opinions and other relevant information of assistance to prosecutors on criminal law issues. Development continues on the CRIME database, including special projects on disclosure and hyperlinks to key cases in the FPS desk book.

Human Resource Management

A three-year Human Resource Plan has been developed for implementation in 2002-2003. It includes a new look at the FPS resource mix, the development of competency profiles for prosecutors and measures to ensure the FPS reflects the diversity of the Canadian population it serves.

A major element of the plan is an initiative for better support of paralegals to strengthen their recruitment, retention and development within the FPS. The first Annual FPS Paralegals Conference was held on March 5, 2002.

The FPS has also turned its attention to the agent workforce it contracts with. Major improvements have been made to the supervision and support of legal agents to ensure they are equipped to carry out their work on behalf of the Crown.

Caseview/Resource Management

Caseview data is improving along with efforts to improve data integrity. Caseview clerical positions in regional offices have been staffed to ensure timely and accurate data collection. An overall action plan for comprehensive Caseview analysis to improve business planning is being developed.

PRIORITY 6: HIGHLIGHTS

- ✓ Launch of CRIME
- ✓ 3 Year Human Resource Plan
- ✓ Forecasting Improvements
- ✓ Improved Agent Supervision
- ✓ Wellness Strategy
- ✓ National Advisory Committee on FPS Paralegals
- ✓ First Annual FPS Paralegal Conference

Management Planning

Through the FPS Executive Services Office, a strategy for more effective law practice management is being developed, the key objective being improved support to senior managers and prosecution staff in regional offices.

A scanning function has been implemented to identify trends and support better forecasting. The FPS is using trend information gathered from regional offices that it will validate against Caseview data and then put in the context of the broader criminal justice environment.

A three-year business plan is being developed by the FPS for implementation in 2002-2003. This plan will include an accountability framework. Partnerships with Treasury Board are being explored to support the implementation of Modern Comptrollership.

WHERE DO WE GO FROM HERE?

Through the implementation of its long term Human Resource Plan, the FPS will implement specialized training for prosecutors, launch an initiative for recruitment, retention and development of paralegals and improve training and development for support staff. Wellness initiatives will be implemented, in particular but not confined to the needs of staff in the North and those involved in mega cases.

The FPS will continue to improve its capacity through Caseview, to measure workload and identify trends to enable it to better match resources with caseload, and anticipate future training and technology needs.

The FPS will continue to work with partners in the criminal justice system to conduct scanning of the criminal justice environment, including trends in crime and investigation, jurisprudence and broader social and economic factors which impact on crime.

Strategic use of information technology to expand CRIME and create standards for more effective electronic case management are priorities for the future.

The FPS will work with other agencies in the criminal justice system to develop shared data standards for greater collaboration. On-line learning tools will be developed to improve accessibility of training, particularly for employees in smaller and/or remote offices.

VI. MANAGEMENT INITIATIVES: Make The Priorities Work

FPS needs a management structure to support its six Renewal Priorities and **Make The Priorities Work**. An important element has been recognition of the links between FPS Renewal and the Justice Canada change agenda, particularly integration. FPS Renewal presents an excellent opportunity to strengthen these links.

FPS Renewal is heavily dependent on the goodwill, support and extensive experience of the FPS and Justice staff. Significant progress has been made in respect to the involvement of the FPS staff in the development of concrete ideas and actions to make the FPS more effective and more responsive to the needs of Canadians and to FPS staff in their work in the service of Canadians. For example, in April 2002, a special article in the FPS Bulletin (Annex 1) provided a Statement of Key Deliverables in the next 12 months for FPS staff.

To assist in the effort, FPS has established the Executive Services Office (ESO) to review FPS management processes to ensure they align with new directions and needs. This will ensure effective law practice management. The ESO is the lead on management priorities such as the new Human Resource Plan, the development of an FPS Business Plan and scanning to improve forecasting and workload management.

Headquarters has also reviewed internal management processes and developed a stronger senior management team approach to support the new departmental structure in a more integrated way and to provide strategic support for FPS Renewal and improved business planning.

A bi-weekly staff newsletter, the FPS Bulletin has been launched and it continues to be an excellent vehicle to provide information about FPS Renewal as well as substantive law issues. It is linked to the FPS Intranet to make information about FPS Renewal available to all Department of Justice employees. The Bulletin is shared with others outside the Department, e.g. provincial and territorial counterparts, RCMP, etc. and has proven to be an excellent tool to build partnerships.

A new FPS Intranet site has been designed to better reflect FPS Renewal and the resulting changes in the FPS.

Roundtables on FPS Renewal have been held to date in Montreal, Iqaluit, Winnipeg, Vancouver, Edmonton, Halifax, Yellowknife, Ottawa, and Toronto, involving more than 350 FPS staff. Roundtables will be held in Saskatoon, Calgary and Whitehorse in the fall of 2002. The Roundtables have proven to be an excellent opportunity to communicate the FPS Renewal process, to exchange ideas and to address the existing and emerging challenges for regional staff. In the context of the six FPS Renewal priorities and in conjunction with the FPS Renewal Roundtable regional visits, meetings were held with several other federal agencies with regulatory and/or enforcement responsibilities, which have identified areas for increased cooperation.

PRIORITY 7: HIGHLIGHTS

- Creation of the Executive Services Office
- Launch of the FPS Bulletin
- Creation of the FPS Intranet site
- FPS Renewal Roundtables
- Action Plan on each priority with co-leads from HQ and the regions.

As a result of the Roundtables, a significant number of recommendations have been produced 'from the field', which have been fed into the action plans for each priority. These recommendations will serve as a very useful resource to follow up on progress and to stimulate the dialogue with the regions, communities and other stakeholders on the progress of the FPS Renewal.

The FPS does not work in isolation. Informed, aware and engaged partners are key elements needed for FPS Renewal success. It is very important that the FPS and Justice staff and partners in the Government of Canada and across Canada understand the importance of FPS Renewal for Canada's criminal justice system. To this end, the FPS is committed to consultations and outreach internally, with its partners and with the Canadian public.

Outreach is important to ensure the FPS maintains the visibility and accountability that is key to continued public confidence. The FPS is looking to increase its outreach activities through participation in community forums and by making information about the FPS more available to the public through the Department's Internet site.

As efforts to communicate more effectively grow, the FPS is also actively promoting the benefits of integration. Partnerships are being developed throughout the Department, in Headquarters and the regions. The FPS staff were active participants in the Kelowna conference on the Power of a Progressive Workplace and hosted a well-attended workshop on FPS Renewal at the Justice Operations Conference.

Long-term action plans have been developed for each of the six priorities (Annex 2). Each action plan has a regional and a Headquarters co-lead. The co-leads together form the FPS Renewal Working Group. They report through the ADAG (Criminal Law) to FPS Renewal Advisory Group made up of the ADAG, Senior Regional Directors, the Assistant Deputy Minister (ADM) Integration, the Senior ADM Policy, the ADM Corporate Services and the Director General (DG) Communications.

Performance agreements provide an excellent vehicle to imbed expectations and commitments into the FPS Renewal process. For the fiscal year 2002-2003, all the FPS Directors will be asked to develop specific commitments to FPS Renewal.

VII. CONCLUSION

FPS Renewal has taken the first important steps to mark the beginning of a process of continuous improvement. Ongoing discussions about the future within the FPS, within the Department of Justice and with criminal justice partners are building a growing sense of accomplishment and shared purpose in serving Canadians. Meaningful progress has been made on the six key priorities of Renewal. As a result, the FPS is creating a strong foundation for the future, including its growing international responsibilities. Renewal is an ongoing process. The FPS must ensure that it remains a responsible and relevant element of Canada's criminal justice system and a modern, forward looking organization that will keep pace with the changing needs of all Canadians. The FPS will continue to consult with others and adjust its vision of the future, as the needs of Canada's criminal justice system evolve.

ANNEX 1 *

FPS RENEWAL – WHAT WILL THE NEXT 12 MONTHS BRING:

Summary Statement on Key Deliverables for FPS Staff

FPS Renewal is intended to ensure that the federal government has a modern, strategic capacity to prosecute offences within the federal mandate and to exercise the growing responsibilities of the Minister of Justice and Attorney General in the international domain.

FPS Renewal is to be accomplished through action on six strategic priorities:

1. Increasing cooperation with the provinces and territories.
2. Strengthening relationships both inside and outside the Department of Justice.
3. Responding more effectively to the North.
4. Identifying and implementing alternatives to prosecution.
5. Improving the management of mega and complex cases.
6. Improving human and financial resource planning, and making better use of technology.

A major focus of FPS Renewal is to provide assistance to our people to ensure both a manageable caseload, and that cases that do proceed can be prosecuted more efficiently and effectively in an environment promoting safety and wellness.

In relation to safety and wellness, which are two essential components of the Renewal, the recommendations of the *Task Force on Employees Security* chaired by **Jim Bissell** – and into which the FPS had much input – will be published shortly. In addition, a working group on *Protection of Counsel* chaired by **Paul Vickery**, and co-championed by the ADAG (Criminal Law), will develop a practical framework to address the various types of attacks on counsel.

Within the context of the six strategic priorities, FPS Management has agreed on the following key areas for action within the next 12 months to better support staff in their day-to-day work.

Finding alternatives to prosecution is key in order that other government departments have choices on how to achieve their enforcement mandates.

In the coming year we will:

- Hold regional conferences with prosecutors and investigative agencies, including other departments, aimed at increasing awareness and acceptance of alternatives.
- Capture ideas and best practices in a handbook that can be used by investigators and prosecutors.
- Launch a Pilot Project on the Deferred Cannabis Prosecution Model in Manitoba.

The implementation of **electronic connectivity and information tools**, such as CRIME and Caseview, is also essential so that prosecutors have easy access to the best factums, opinions and other work that the Department has to offer.

In the coming year we will:

- Develop a CRIME research tool on Disclosure that can be applied by prosecutors across Canada.
- Implement new, simpler time-keeping codes for Caseview.

Major and mega case management, including efforts to support and protect prosecutors, is also a major component. This includes such things as learning from past lessons, sharing expertise, developing consistent approaches to prosecution issues and enhancing prosecutor safety and confidence.

In the coming year we will:

- Publish a draft Best Practices Handbook, including items related to wellness and security.
- Develop and distribute a Prosecution Guide on Disclosure, Major Case Management, and Crown Briefs.

Collaborative relationships with other levels of government, with other departments and agencies, and within our own department are key to success. We must have partners who know our business and our pressures and who are willing to work with us to achieve successful prosecutions.

In the coming year we will:

- Provide opportunities through conferences and workshops to discuss policy and legal issues of common concern and encourage joint planning and training with our partners.
- Complete and implement a communications strategy for the FPS.
- Publish an inventory of practical working arrangements with provinces and territories.
- Draft a discussion paper on Federal/Provincial/Territorial co-operation.

These key deliverables represent the most obvious practical benefits in day-to-day operations this year for members of the FPS community, in the hope that the FPS become a workplace of choice. We will continue to pursue a range of other activities and initiatives under the six Renewal priorities including the North, always bearing mind the impact on people who are on the front line. FPS Directors and their staff in regional offices and headquarters will be consulted and engaged throughout the process.

** Annex 1 originated April 2002, and was updated July 2002. It was published in the FPS Bulletin, Vol.2, No.6, April 2002.*

ANNEX 2

FPS RENEWAL ACTION PLAN CHART

PRIORITY: COOPERATIVE APPROACHES WITH PROVINCES AND TERRITORIES

2002-2003

- Create an inventory of Federal/Provincial/Territorial (FPT) co-operation arrangements.
- Draft an Internal Discussion Paper on F/P/T co-operation.
- Consult on draft discussion paper with FPS Directors and FPS Renewal Steering Committee.
- Submit discussion paper to departmental Executive Council for approval.
- Engage in Formal bilateral discussions on vision with provinces and territories through ADAG, (Criminal Law) Senior Regional Directors, Regional Directors and FPS Directors.
- Pilot Projects on co-operative approaches.
- Develop F/P/T technology standards.

2003-2004

- Develop Memorandum of Understanding in one or more jurisdictions between federal government and provincial/territorial governments.
- Establish a stronger national training capacity.
- Establish joint standing teams/pools of experts on complex prosecution issues.
- Continue development of shared technology tools.

2004-2005

- Create a Memorandum of Understanding between federal government and most provincial/territorial governments.
- Evaluate earlier pilot projects.
- Develop a comprehensive national prosecution Information Technology systems.
- Expand courses in national prosecution training programs.

PRIORITY: STRENGTHENING RELATIONSHIPS

2002-2003

- Create inventory of Partnership accomplishments to date.
- Rank partnering proposals from Renewal Roundtable discussions and identify responsibility centres for follow-up strategies.
- Develop FPS Roles and Responsibilities Communiqué, including Frequently Asked Questions (FAQ's).
- Finalize FPS communications strategy, including Outreach strategies, and identified leads.

2003-2004

- Conduct evaluation of partnership strategies – identify successes and weaknesses, recommend adjustments.
- Follow-up: Refine strategies and implement adjustments.



PRIORITY: THE NORTH

2002-2003

- Finalize plan for provision of corporate services to Northern Region.
- Seek policy approval and resources to implement Action Plan for the North.
- Hold annual Crown-Victim Witness Assistant conference.
- Develop and initiate strategy for outreach to Northern communities.
- Introduce cross-regional training plan.

2003-2004

- Develop draft policy framework for the North, including departmental and interdepartmental consultations.
- Liase with program funders to harmonize program delivery in the North.
- Finalize Victim-Witness Assistant training manual; implement training program for Victim-Witness Assistants; convene annual Crown-Victim Witness Assistant conference.

2004-2005

- Continue consultations in the North on policy framework.
- Continue to pursue outreach strategy.
- Complete agreements with RCMP respecting workload forecasting, standards for charging and staying of charges, pre-charge consultation practices, and provision of dedicated legal advisors.

PRIORITY: ALTERNATIVES TO PROSECUTIONS (DRUGS)

2002-2003

- Review evaluation of Drug Treatment Court.
- Partner with Health, Sol Gen, and other stakeholders to develop a framework for a national drug strategy and the Government of Canada's response to the Committee reports.
- Research treatment orders in the United Kingdom/Australia, European developments re: drug prosecution policy.
- Launch diversion pilots and deferred prosecution pilots.

2003-2004

- Evaluate Deferred Prosecution Pilot.
- Assess compliance with existing alternate measures, policy, and cost/benefits.

PRIORITY: ALTERNATIVES TO PROSECUTIONS (REGULATORY)**2002-2003**

- Continue the Regulatory Prosecution Practice Group.
- Ensure follow-up to Instrument of Choice Symposium to develop concrete alternatives to prosecution.
- Conduct further research on inventory of compliance mechanisms now in use by client departments, as well as internationally (e.g. the United States & Australia).
- Create a toolkit for use by client departments.
- Hold regional Instrument of Choice Conferences (Atlantic provinces & British Columbia).
- Identify areas for new pilot projects to implement a restorative justice model for native offenders involved in regulatory offences.

2003-2004

- Examine the feasibility of the development of an Administrative Sanctions Act.
- Examine the feasibility of entering into agreements with the provinces and territories to utilize provincial and territorial legislation to promote compliance with federal legislation.
- If the pilot restorative justice are successful, develop template for alternative measures agreements.

2004-2005

- Support the implementation of legislative changes, including training of enforcement personnel.
- Hold second Instrument of Choice Conference to report on progress, shared lessons learned and to plan for the future.

PRIORITY: MEGA CASES**2002-2003**

- Convene FPS Mega Case Working Group to develop Best Practices Handbook draft.
- Convene F/P/T Working Group on mega cases for ongoing consultation on best practices and specific mega case approaches.
- Consult with experts from Air India and Twin Towers investigations.
- Prepare draft protocols on mega case management and disclosure for discussions with RCMP on annexes to the Memorandum of Understanding between FPS and RCMP.

2003-2004

- Finalize and circulate the Best Practices Handbook.
- Continue discussions with RCMP on mega cases and disclosure.
- Develop Training Strategy for prosecutors and police.

2004-2005

- Further develop and training of police.
- Finalize protocols with RCMP and incorporate into MOU.
- Publish the Best Practices Handbook.
- Continue developing and delivery of training for prosecutors and police.

PRIORITY: MANAGEMENT PRIORITIES**2002-2003**

- Communicate the full mandate of the e-Prosecution Secretariat and develop a national approach for CRIME.
- Create and communicate the goal of Law Practice Management; continue FPS training; and, continue Management of School of Prosecutors program.
- Implement Action Plan/protocol for Caseview.
- Implement HR Plan, Wellness Strategy, and share results for Competency Study.
- Develop the Resource Management Framework and ensure appropriate training of managers.
- Implement Planning Framework.

2003-2004

- Continue IT initiatives.
- Further implementation of Law Practice Management.
- Continue Data Collection and Analysis.
- Continue HR Plan and Wellness Strategy Implementation.
- Continue Resource Management activities.
- Implement FPS Planning Framework.

2004-2005

- Assess lessons learned.
- Revise established approaches.
- Implement activities.
- Perform needs analysis.