

2020–21 Departmental Results Report

Public Prosecution Service of Canada

The Honourable David Lametti, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada

Erratum

Subsequent to the printing of the Departmental Results Report 2020-21, corrections were made to the information reported in the section titled Analysis of Trends in Spending and Human Resources, subsection Departmental spending trend graph, for actual expenditures incurred during fiscal year 2020-21

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From the Director of Public Prosecutions and Deputy Attorney General of Canada

It is my pleasure to present the 2020-21 Departmental Results Report on behalf of the Public Prosecution Service of Canada (PPSC).

Looking back on 2020-21, it strikes me very much as a year of experimentation. While we had made the odd court appearance by telephone before the pandemic, I would venture to say that we did very few, if any, appearances by videoconference, let alone complete a trial. If necessity is the parent of invention, then our parental skills were indeed nurtured by the necessity of making remote appearances.

In a small department, there are very few people in any of our corporate services. Despite their relatively small size, our Information Technology and Information Management teams worked tirelessly to provide the right platforms to allow us to continue our operations and to support users who were, for the first time, contemplating remote appearances to court. Along with our partners in the criminal justice system, we learned on the fly how to communicate with each other, and how to make submissions from our living rooms and basements, and in our case, how to use new cloud-based disclosure systems.

Beyond the remote appearances, we also needed to come to terms with new safety and security considerations that arose during the pandemic. The issue was not, as it has been in the past, safety from someone who may wish to harm or intimidate one of our employees, but safety from illness in those instances where in-person court appearances were required. This necessitated unprecedented collaboration between our regional managers and supervisors, headquarter experts on occupational health and safety, and our bargaining agents who were there to support staff. Similarly, we had to consider the security of our information, while everyone shifted from a secured office setting to a workspace at home. Again, our experts showed great flexibility and devised solutions to problems we would not have anticipated a few years ago.

Beyond the obvious pandemic-related issues that every department needed to grapple with, we were able to make good progress on other fronts, most notably: equity, diversity and inclusion. Both as it relates to internal management within the PPSC and to our mandate as prosecutors and participants in the criminal justice system. The work completed in 2020-21 allowed us to put in place the building blocks for more diversity within the PPSC, more inclusion, and modern prosecution policies that take into consideration the Crown's important role in reducing over-representation and addressing systemic discrimination in the criminal justice system.



I am proud of how our employees have responded to the many changes brought about in 2020-21, and how they supported each other through difficult times, and look forward to continuing to build on the efforts made to modernize the PPSC's tools, practices and policies.

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

Results at a glance

<p>What funds were used? \$192,472,505 Actual Spending</p>	<div style="text-align: center;">  <p>Results Highlights Public Prosecution Service of Canada</p> </div> <ul style="list-style-type: none"> • The PPSC worked on 58,216 prosecution files in 2020-21, including files dealing with offences under the <i>Controlled Drugs and Substances Act</i>, the <i>Criminal Code</i>, and a wide range of regulatory offences. • The PPSC's staff and legal agents spent a total of 1,073,912 hours working on prosecution files. • In addition, the PPSC continued to provide legal advice to law enforcement agencies and investigative bodies on general matters relating to prosecutions and on particular investigations that may lead to prosecutions.
<p>Who was involved? 1077 Actual FTEs</p>	

Like most organizations, due to COVID-19, the PPSC was required to change how it delivered on its mandate during 2020-21, in a manner that was unprecedented. Despite the challenges the year brought, the PPSC¹ remained diligent in upholding its three corporate priorities and making progress in these areas. The following are highlights of some of the achievements realized.

Nurture a Culture of Civility, Wellness and Inclusion

This PPSC priority focuses on the well-being of employees and the culture of the organization by promoting and supporting a positive, healthy and inclusive workplace. The uncertainty of the COVID-19 pandemic amplified the need for the organization to reinforce its efforts towards nurturing a culture of civility, wellness and inclusion.

Departmental Response to COVID-19

Remote working was instituted for employees as courtrooms were closed or became virtual, and office locations were all but shut down. Great efforts were made to make sure employees were not only physically supported in their work, but also had access to tools and services for their mental health and well-being. In August 2020, an internal COVID-19 survey was designed and administered to all employees to gain insight into how the pandemic was affecting them. A COVID-19 Pandemic Plan and communications plan were developed, and the PPSC Business Resumption Plan was revised as the pandemic evolved. Regions across the country followed local government protocols, while the PPSC worked to ensure all employees had the capacity to work remotely. Office workspaces were equipped with sanitizing products, directional arrows, and access to the workplace was limited only to those who had to be there. Protocols were put in place for employees to follow to ensure their safety when they needed to be at work. Moreover, the PPSC communicated regularly with the courts and the unions to ensure employee safety when they were required to attend in person.

¹ Public Prosecution Service of Canada (PPSC) is its applied title, whereas the Office of the Director of Public Prosecutions (ODPP) is the PPSC's legal title.

Employment Equity, Diversity and Inclusion

The PPSC, as a key participant in the Canadian criminal justice system, seeks to integrate equity into every facet of its decisions: from its core mandate to its existing and future workforce. This led the PPSC to appoint an experienced lawyer from its legal management team to the position of Senior Designated Official for Employment Equity, Diversity and Inclusion (EEDI). With a legal background and understanding of the criminal justice system, and with the help of a small team of dedicated professionals, the goal is to keep considerations of intersectionality at the forefront of PPSC prosecutorial analysis and contribute to the necessary changes needed for a criminal justice system that is fair to all Canadians.

In September 2020, two Co-champions for a Bias-Free Workplace were also appointed to collaborate with the National Diversity and Inclusion Committee and engage with all employees to drive the PPSC further in addressing issues of systemic discrimination and bias within the department. More than 20 virtual roundtable discussions were conducted with employees across the organization as well as managers, supervisors and bargaining agents. Employee sessions were held without the presence of management and a confidential platform was provided to create a safe space for employees to share their views.

In addition, the PPSC maintained a contract for adaptive computer technology, which provides a wide range of adaptations, alternate approaches, tools, training, services, resources and adaptive computer technologies for employees with disabilities or injuries.

Other key initiatives launched at the PPSC during 2020-21 included:

- reviewing the manner in which career development opportunities are assigned;
- training employees in key roles on important issues, including unconscious bias and intersectionality;
- examining how files are assigned across the country, with a view to providing more equitable file assignment policies;
- reviewing the prosecution policies set out in the [PPSC Deskbook](#)ⁱ² to identify and address guidance that could contribute to systemic discrimination in the legal system; and
- creating National Employee Councils for persons with disabilities, Black employees, racialized employees, Indigenous employees, 2SLGBTQQA employees, and women, to advise on the challenges and barriers their group faces in regards to recruitment and retention, training, career development, accommodation through an equity, diversity and inclusion lens.

Public Service Employee Survey (PSES)

The PPSC continued to respond to the PSES results, focusing on providing educational/awareness sessions to address areas of concern such as harassment and discrimination, as well as pay and compensation. Moreover, a course was developed for

² The *Deskbook* is a compilation of directives that provide instruction and guidance to federal prosecutors, whether employees of the PPSC or private sector agents, in the exercise of their prosecutorial discretion.

supervisors and managers to educate them on their role and responsibilities in the workplace and on ways to create and foster a workplace free of discrimination and harassment.

Strengthen Accountability and Transparency

This priority focuses on the need for transparency of decision-making in the criminal justice system and the management of PPSC employees and resources, as well as for strong stewardship in handling public funds.

PPSC Code of Conduct

A new edition of the [PPSC Code of Conduct](#)ⁱⁱ was released. A working group of employees from all groups, levels and regions revised the Code, with an emphasis on respect for people and values that are important to the PPSC. This Code guides employees through their internal interactions and when they are representing the PPSC. It provides clarity on the standard of conduct that is expected when fulfilling their duties. The Code builds on the expectations for all public servants found in [Values and Ethics Code for the Public Sector](#)ⁱⁱⁱ, and the [Policy on People Management](#)^{iv}.

Misconduct of Justice System Participants

The PPSC completed work towards implementing and ensuring the consistent application of the *Deskbook* guideline concerning the misconduct of justice system participants in all regions of the PPSC. This guideline addresses allegations relating to conduct by justice system participants constituting criminality or serious procedural or ethical breaches that raise particular concerns for the administration of justice.

In 2020-21, a working group composed of regional representatives updated the national practice protocol with tools for the reporting, assessing and tracking of misconduct allegations against justice system participants who were involved in the investigation of charges or who may be called as a witness in a prosecution. The purpose of this initiative was to clarify, for national consistency, best practices and procedures in place throughout the regions in order to develop a new *Deskbook* guideline.

Staffing and Organizational Design

Strengthening the concepts of accountability and transparency in human resources staffing for managers was another priority in 2020-21. Efforts were increased to encourage managers to communicate staffing decisions at the PPSC to promote transparency. Several organizational structures were also revised, which included a review of functions and corresponding job descriptions to clarify accountabilities and responsibilities.

Foster Efficiency and Innovation

This priority focuses on positioning the organization to become more efficient and innovative, from the way we work, to the tools and technologies we adapt or develop.

Information Technology

As a result of the pandemic, the PPSC fast tracked the delivery of virtual private network (VPN) accounts, laptops, cell phones and virtual videoconferencing platforms to allow employees to work remotely and for the PPSC to participate in virtual court appearances.

A temporary eDisclosure solution was provided to allow prosecutors to submit redacted disclosure products to defence counsel and the courts in digital formats. PPSC's IM/IT plan for 2021 to 2024, which outlines priorities and investments required to modernize workplace technology and tools was also established.

Learning and Development

The PPSC quickly pivoted to a virtual learning environment to ensure the learning needs of all employees were supported throughout the pandemic. The organization updated the training requirements in its Learning Roadmap for all employees and launched a professional development roadmap titled “Learning Remotely to Engage and Succeed”. Various initiatives to support employees’ professional development were also launched. For example, the PPSC’s Language Twinning Program and Official Languages Learning Boot Camp were developed to respond to employees’ needs, enabling them to find a linguistic partner or learn at their own pace via virtual weekly objectives to help them practice their second language, learn in a relaxed atmosphere and take learning into their own hands.

For more information on the PPSC’s plans, priorities and results achieved, see the “Results: what we achieved” section of this report. Additional details are also available in the [2020-21 PPSC Annual Report](#)^v.

Results: what we achieved

Federal Prosecutions

Description

The PPSC prosecutes criminal and regulatory offences under federal law in an independent, impartial and fair manner. It also provides prosecutorial legal advice to investigative agencies.

Results

The majority of prosecution files continue to be related to offences under drug-related statutes, most of which are under the *Controlled Drugs and Substances Act (CDSA)*. In 2020-21, the PPSC was required to make significant changes to how it delivered on its core responsibility: Prosecution Services. The PPSC spent more than one million hours working on 58,216 files, despite the impact the pandemic had on bringing cases before the courts.

Reducing Detentions

During the pandemic, significant efforts were deployed to reduce the number of people in detention centres pending trial, through prioritizing cases and resolving cases in a timely and principled manner. Reduction of detentions was also targeted by minimizing or eliminating the imposition of certain bail order conditions for individuals with a substance use disorder, to avoid short-term detentions for breaches of bail conditions.

Addressing the Opioid Crisis

To tackle the opioid overdose crisis, the PPSC issued a new *PPSC Deskbook*^{vi} chapter on August 17, 2020, relating to the prosecution of simple possession cases of any drug under the *CDSA*. The approach set out in this guideline directs prosecutors to focus upon the most serious cases raising public safety concerns for prosecution and to otherwise pursue suitable alternative measures and diversion from the criminal justice system for simple possession cases.

Quarantine Act

The PPSC engaged actively with the Public Health Agency of Canada and enforcement partners to ensure that federal measures, such as those under the *Quarantine Act*, can be effectively enforced and prosecuted. As of March 31, 2021, 50 prosecutions were instituted under the *Quarantine Act*.

Indian Act By-laws

Recognizing the hard impact that the pandemic has had on Indigenous communities, the PPSC has agreed to conduct the prosecution of *Indian Act* by-laws directed at controlling the spread of COVID-19, when requested to do so by those communities. As of March 31, 2021, eleven protocols have been signed; however, no by-law prosecutions were instituted during 2020-21.

Remediation Agreement Regime

The Remediation Agreement Regime seeks to denounce corporate criminal wrongdoing by encouraging disclosure, holding organizations accountable and providing reparations while reducing the negative impact that prosecutions might have on innocent stakeholders. During 2020-21, the PPSC did not enter into any remedial agreement; however, it did incorporate guidelines into the [PPSC Deskbook^{vii}](#) for the administration of this Regime. In addition, it is making efforts to educate stakeholders about the features of the plan to engage their interest and encourage early disclosure of violations that might otherwise go unnoticed.

Prosecutions in Canada's North

The PPSC has a mandate to prosecute all criminal offences in the three territories and many of the court appearances occur on circuits to communities, many of which can only be reached by air. To help address the closure of courtrooms and travel restrictions during the pandemic, all territories increased the use of virtual hearings and the PPSC Nunavut Regional Office accelerated the move from paper disclosure to a new electronic disclosure process. The PPSC continues to work with the courts and other stakeholders to address these issues.

Assignment of Files and Work

The PPSC continued to focus on improving its prosecution management practices, including the way files are assigned and how work is managed and tracked throughout the lifecycle of a prosecution. The National Diversity and Inclusion Committee was engaged to work on a national project relating to file assignment and allocation of work. In every region, a sample of interviews were conducted with prosecutors and their supervisors to gather information regarding the process for assigning work, including the allocation of prosecution files and training opportunities. Interviews are now completed, and the information gathered will be analysed to identify best practices or gaps that need to be addressed.

Professional Development and Training

The PPSC provided its prosecutors with access to learning tools and opportunities necessary to continue to improve their skills, further their professional development, and tackle the complex challenges of today's prosecutions and operational requirements. Traditional in-person courses were revised to facilitate delivery using an online platform and all three of its internal annual training courses were successfully delivered.

In 2020-21, the Principled Prosecutor Training Program, which includes nine fact-based scenarios, was launched using real-life experiences faced by experienced PPSC prosecutors. It provides essential information to help prosecutors in every region, and at every stage of their career, to consistently make informed, appropriate, and ethical decisions in any circumstance. The Program is conducted in small groups, either in person or virtually, with highly experienced prosecutors working as facilitators to guide discussions.

The PPSC also provided virtual training sessions throughout the year for the Canadian Police College, the Canada Border Services Agency Training College, the Competition Bureau Canada, and for provincial and municipal police officers across the regions.

Gender-based Analysis Plus

To achieve its mandate while ensuring the relevance of the service it provides to the Canadian public, the PPSC needs to enhance its understanding of the realities faced by individuals subjected to systemic discrimination and overrepresentation in the criminal justice system. The PPSC's focus is to raise awareness among its employees; revise its practice guidelines to incorporate the lived experiences of individuals going through the criminal justice system; and, be equipped to identify and address unconscious biases that exist.

In 2020-21, the PPSC began work towards building capacity for prosecutors to apply GBA Plus throughout the lifespan of a prosecution, and building capacity within PPSC to conduct a comprehensive review and revision of the *Deskbook* from an intersectional perspective. This work resulted in the development of a PPSC-specific GBA Plus training for prosecutors: *Changing our Mindset – Applying an Intersectional Lens to Prosecutorial Work – A GBA Plus Approach*.

Experimentation

School for Prosecutors

In 2020-21, the PPSC School for Prosecutors began the virtual delivery of their program. The innovative delivery of the Level 1 and Factum writing sessions was the direct result of experimentation with various technologies. The experimentation had two principal goals: (1) determine what technologies would work well given the forum, the faculty and learners, and the subject matter; and (2) what mixture of technologies and approaches would lead to the optimisation of the virtual experience relatively comparable to an in-person experience. Under the leadership of the School, the Enterprise Solutions team of the Information Technology group developed various simulations to find the optimal solution set. Consequently, this partnership delivered an innovative virtual learning experience.

National Fine Recovery Program³ (NFRP)

In 2020-21, the NFRP promoted the need for investment in IT digital projects for data automation and reconciliation process and started consultations on how to build artificial intelligence into recovery processes for federal fines.

Language Twinning Program

The PPSC experimented with finding an informal avenue of effectively supporting employees with their second official language competence by launching the Language Twinning Program. The program pairs learners with a language partner (or a small group of employees from either

³ The National Fine Recovery Program initiates and conducts legal proceedings on behalf of the Crown and enforces the collection of outstanding federal fines.

their office or another unit/region) to practice their second official language in a relaxed, pressure-free environment.

Risks

The PPSC actively monitors its operating environment to identify and manage inherent and potential risks that may affect progress in achieving its strategic outcomes and organizational priorities. For 2020-21, the organization identified the following key risks: Risk to Stewardship, Risk to the Security of Information and Risk to the Safety of Staff.

Risk to Stewardship

There is a risk that the current state of PPSC's National Fine Recovery Program (NFRP) and Agent Affairs Program⁴ could negatively affect the PPSC's ability to manage its funds. To mitigate this risk and strengthen the financial accountabilities of these programs, the PPSC made the following improvements.

The PPSC's NFRP began the development of a program framework that includes short, medium and long-term strategies to improve and modernize the fine recovery process.

The Agent Affairs Program made improvements on business processes related to the management of agents' work and costs, and how financial commitments are created and approved, allowing for improved monitoring, tracking and reporting. The new process focuses on ensuring the appropriate engagement and involvement of all key stakeholders; namely the Agent Affairs Program, regional offices and the Finance and Acquisition Directorate.

Risk to Security of Information

There is a risk that sensitive information pertaining to the PPSC's work could be inadvertently disclosed or lost. To address this risk, the PPSC was able to move forward with several planned activities identified in its security awareness plan, despite the fact that the security team was heavily involved in the coordination of pandemic activities. For example, security awareness training was implemented as a mandatory requirement for all employees. A Virtual Security Escape Room was also developed. This new and innovative awareness tool will contribute to raising awareness of the importance of security principles, practices and the requirement to protect information within the PPSC.

Risk to Safety of Staff

There is a risk that employees and agents are exposed to incidents of threat and intimidation due to the nature of their work at the PPSC. In 2020-21, the Security Services Team remained focused on assessing security risks related to the safety of its employees. The fundamentals of its Employee Protection Program (EPP) were at the forefront of its activities, with a focus on

⁴ The PPSC uses legal agents where it does not have a regional office or where it is impracticable or otherwise not cost-effective to handle cases with staff counsel. The Agent Affairs Program (AAP) handles the management of legal agents.

prevention and risk analysis through senior management advice and guidance. The team focused on proactive interventions and active collaboration with federal, provincial and local security partners to ensure the security of employees remains a fundamental pillar of security activities within the PPSC.

Results achieved

Departmental Results	Departmental Result Indicators	Target	Date to achieve target	2018–19 actual result	2019–20 actual result	2020-21 actual result
Timely and comprehensive legal advice is provided to investigative agencies. ¹	Percentage of respondents satisfied with the timeliness of legal advice.	Greater than or equal to 80%	March 2021	72%	Not available	Not available
	Percentage of respondents satisfied with the comprehensiveness of legal advice.	Greater than or equal to 65%	March 2021	80%	Not available	Not available
Federal prosecutions are completed in a timely manner. ²	Number and percentage of cases that went to trial and resulted in a judicial stay of proceedings due to Crown delay. ³	Less than 4%	March 2021	0.07%	0.03%	0.005% ⁵
	Number and percentage of cases that went to trial and resulted in the Crown directing a stay of proceedings due to Crown delay. ³	Less than 4%	March 2021	0.05%	0.05%	0.03% ⁵
Through professionally conducted prosecution-related work, the ODPP contributes to the administration of justice.	Number and percentage of prosecutions that result in a determination on the merits of the evidence. ³	Greater than or equal to 96%	March 2021	99.69%	99.78%	99.81% ⁶
	Number and nature of judicial stays for abuse of process based on the conduct of a federal prosecutor.	0	March 2021	0	0	0
	Number and nature of successful malicious prosecution lawsuits.	0	March 2021	0	0	0
	Number and nature of substantiated complaints made pursuant to the PPSC's Complaint Policy.	0	March 2021	0	27	1 ⁸

¹ Level of satisfaction results are taken from the PPSC Survey of Investigative Agencies Report, which is conducted every three years. Therefore, results are unavailable for 2019-20 and 2020-21.

² The percentage of stay of proceedings as a result of delays is determined by case and not by individual charges. If there are more than one stay of proceedings for a case, it is counted as one case being stayed. Stay of proceedings as a result of delays include both agent and in-house cases.

³ The results presented are based on data gathered from the regions and on information extracted from the PPSC’s internal database. The figures are extracted from a live system and may be subject to revision from time to time, based on changes made to the data for any particular reporting period.

⁴ Of the 58,216 cases the PPSC worked on in 2020-21, 3 resulted in a judicial stay of proceedings due to Crown delay.

⁵ Of the 58,216 cases the PPSC worked on in 2020-21, 15 resulted in the Crown directing a stay of proceedings due to Crown delay.

⁶ 21,968 of the 22,010 cases closed in 2020-21, resulted in a determination on the merits of the evidence.

⁷ Updated result (from 1 to 2) to reflect a late reported outcome regarding a substantiated complaint.

⁸ The PPSC takes complaints seriously and seeks to ensure that they are dealt with in a timely and clear manner, thereby helping to maintain public confidence in the administration of justice. The substantiated complaint of misconduct was addressed according to the [PPSC’s Complaints Policy](#)^{viii}. Of note, the Director of Public Prosecutions has also requested a complete review of the PPSC’s complaint policy.

Budgetary financial resources (dollars)

2020–21 Main Estimates	2020–21 Planned spending	2020–21 Total authorities available for use	2020–21 Actual spending (authorities used)	2020–21 Difference (Actual spending minus Planned spending)
177,319,826	177,319,826	181,736,491	160,356,626	(16,963,200)

The variance of nearly \$17.0 million is mainly attributable to the pandemic, which had an impact on the entire criminal justice system as well as PPSC’s operations. A shift to remote appearances due to court closures reduced spending for operational travel and agent affairs, while delays in staffing also contributed to a reduction in salary expenses. The variance also stems from unspent funding for the outsourcing of the collection of federal fines, offset by a decrease in revenue collection in comparison to PPSC’s maximum revenue authority level.

Human resources (full-time equivalents)

2020–21 Planned full-time equivalents	2020–21 Actual full-time equivalents	2020–21 Difference (Actual full-time equivalents minus Planned full-time equivalents)
858	835	(23)

Lower than planned full-time equivalents in prosecution services reflect attrition and vacancies experienced in 2020-21.

Financial, human resources and performance information for the PPSC’s Program Inventory is available in [GC InfoBase](#)^{ix}.

Internal Services

Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct service categories that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. The 10 service categories are:

- ▶ Acquisition Management Services
- ▶ Communication Services
- ▶ Financial Management Services
- ▶ Human Resources Management Services
- ▶ Information Management Services
- ▶ Information Technology Services
- ▶ Legal Services
- ▶ Material Management Services
- ▶ Management and Oversight Services
- ▶ Real Property Management Services

Results

The mission of the Corporate Services Branch (CSB) is to strive for excellence as trusted business partners in the delivery of sustainable, modern and innovative services to the PPSC. In 2020-21, CSB focused much effort on addressing the effects of the pandemic on operations while continuing to deliver on its programs and services.

Healthy Workplace Services

Throughout 2020-21, Health Canada's Healthy Workplace Services (HWS) continued to be offered to all employees. HWS coordinators create a trusted, confidential, safe space for employees to discuss well-being and workplace issues, including harassment and discrimination, without fear of reprisal. Regular communication products were also shared to remind employees where and how they can seek help, and information sessions were delivered.

Communications

The Communications Division played a key role in ensuring that all employees were kept apprised of developments throughout the pandemic. Despite this increased workload, the small communications team collaborated with Headquarters and all regions to produce, a very comprehensive [PPSC Annual Report for 2020-2021](#)^x, all while continuing to respond to public enquiries and correspondence.

Access to Information

While the Access to Information and Privacy (ATIP) Office experienced limitations in managing operations remotely and digitally, employees made every effort to ensure that applicants received complete responses within established timelines. This included using the Epost Connect service to provide responses to requests electronically, and consulting with request applicants on a case-by-case basis to agree on solutions for moving forward when requests involved the processing of paper-based records.

Legal Case Management System - Amicus

The PPSC continued to innovate in developing and implementing Amicus⁵ and the GCdocs roll out to meet the evolving needs of the organization. The PPSC has successfully developed 75 percent of the anticipated core components of Amicus, in line with its development curriculum to meet the goal of replacing the existing legacy system. The implementation of both GCdocs and Amicus will be finalized in 2021-22 and will become two major foundational elements of the PPSC digital platforms.

Organizational Design

A review of organizational structures was conducted to ensure that the resources required to deliver on the PPSC's mandate are in place, allowing work to be allocated to the appropriate group and level. Work was also conducted to improve forecasting needs through HR planning and analysis of workforce data, including attrition rates, employment equity data, etc. These data will assist in implementing recruitment strategies and succession planning for key management, legal, functional and administrative positions.

Agent Affairs Program

The Agent Affairs Program currently manages 124 law firms that employ 584 individuals to assist with prosecutions on behalf of the federal Crown in areas where there is no regional office, or where it is impracticable or otherwise not cost-effective for cases to be handled by staff counsel. In 2020-21, the Program started a full review of its operations, which mainly focused on ensuring prudent spending and improving the financial stewardship of the program. A new business model for the review of active files was designed and improvements in the reporting tools for the monitoring of agent expenditures were also implemented.

National Fine Recovery Program (NFRP)

The NFRP fostered efficiency and innovation by redesigning, creating and documenting new recovery procedures. A massive clean-up of outstanding warrants of committal and iCase files was performed in preparation for migration to Amicus. A 3-year IT investment plan was developed and the NFRP toll-free call centre functionalities were redesigned to adapt, modernize and accommodate telework arrangements. Moreover, the NFRP processed over 4295 accounts

⁵ Amicus is a customized, prosecution-specific legal case management system.

and established a new precedent by negotiating and collecting a record value of 57.6 million dollars.

Official Languages Review

In 2020-21, the PPSC conducted an Official Languages review to determine compliance with the legislative requirements, including the *Criminal Code*; review and assess the effectiveness of existing departmental practices and decisions related to Official Languages; and, determine the need for bilingual positions at the executive and non-executive levels in regional offices. The creation of an action plan is currently under way.

Financial Administration

In 2020-21, the Finance and Acquisitions Directorate (FAD) became paperless by deploying Electronic Authorization and Authentication (EAA) and new financial management policy instruments. The FAD is now well equipped to continue supporting PPSC's operations, while working remotely.

Internal Audit and Evaluation

The Internal Audit Division continued to deliver on its risk-based audit plan while adjusting to the limitations imposed by the pandemic. The annual follow-up review of management action plans to address prior audit recommendations showed progress in the implementation of the plans. The Evaluation function also delivered on its annual plan and provided research assistance, including work on behalf of the National Diversity and Inclusion Committee that is ongoing.

Budgetary financial resources (dollars)

2020–21 Main Estimates	2020–21 Planned spending	2020–21 Total authorities available for use	2020–21 Actual spending (authorities used)	2020–21 Difference (Actual spending minus Planned spending)
23,378,719	23,378,719	32,347,606	32,115,879	8,737,160

The increase of \$8.7 million in actual spending is mainly due to increases in salary and purchase of equipment to accommodate telework and virtual appearances.

Human resources (full-time equivalents)

2020–21 Planned full-time equivalents	2020–21 Actual full-time equivalents	2020–21 Difference (Actual full-time equivalents minus Planned full-time equivalents)
165	188	23

The increase in full-time equivalents is due to the repatriation of services previously provided by the Department of Justice and the implementation of a new legal case management system.

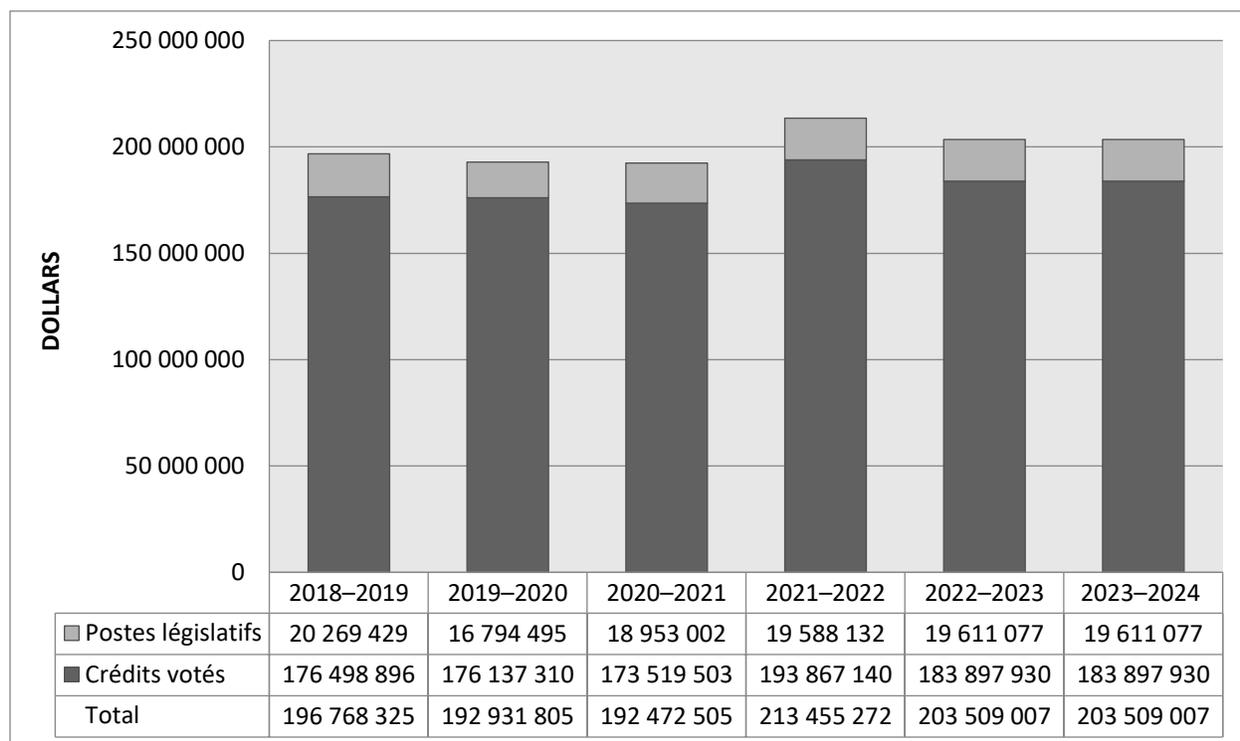
Analysis of trends in spending and human resources

Actual expenditures

Departmental spending trend graph

The following graph presents planned (voted and statutory spending) over time.

1. Spending for 2018–19, 2019–20 and 2020–21 represents the actual expenditures incurred during the respective fiscal years, as reported in Public Accounts.
2. Planned spending for 2021–22, 2022–23, and 2023–24 reflects funds already brought into the department's reference levels, as well as amounts to be authorized through the Estimates process, as presented in the department's Annual Reference Level Update. In 2021–22, it was adjusted to reflect an anticipated carryover of unused funds due to the COVID-19 pandemic.



Note: Actual and planned expenditure figures from 2019-20 onward have taken into account the transfer of the Office of the Commissioner of Canada Elections (OCCE) on April 1, 2019. The increase in planned spending for 2020-21 and ongoing includes program integrity funding secured through Budget 2019.

For more detailed information, see “Budgetary performance summary for Core Responsibilities and Internal Services” section of this report.

Budgetary performance summary for Core Responsibilities and Internal Services (dollars)

Core responsibilities and Internal Services	2020–21 Main Estimates	2020–21 Planned spending	2021–22 Planned spending	2022–23 Planned spending	2020–21 Total authorities available for use	2018–19 Actual spending (authorities used)	2019–20 Actual spending (authorities used)	2020–21 Actual spending (authorities used)
Prosecution Services	177,319,826	177,319,826	182,526,571	175,061,466	181,736,491	166,639,518	166,397,709	160,356,626
Electoral Compliance and Enforcement						4,596,852*		
Subtotal	177,319,826	177,319,826	182,526,571	175,061,466	181,736,491	171,236,370	166,397,709	160,356,626
Internal Services	23,378,719	23,378,719	30,928,701	28,447,541	32,347,606	25,531,955	26,534,096	32,115,879
Total	200,698,545	200,698,545	213,455,272	203,509,007	214,084,097	196,768,325	192,931,805	192,472,505

Note: As of April 1, 2019, the Office of the Commissioner of Canada Elections (OCCE) was transferred to Elections Canada.

The variance of \$21.6 million between the PPSC's total available authorities of \$214.1 million and actual spending of \$192.5 million stems from an operating surplus of \$18.5 million and a surplus of \$3.1 million related to the outsourcing of the collection of federal fines. From the surplus, an amount of \$9.7 million resulting from the operating budget can be spent in the next fiscal year.

2020–21 Budgetary actual gross spending summary (dollars)

Core responsibilities and Internal Services	2020–21 Actual gross spending	2020–21 Actual revenues netted against expenditures	2020–21 Actual net spending (authorities used)
Prosecution Services	174,240,233	13,883,607	160,356,626
Subtotal	174,240,233	13,883,607	160,356,626
Internal Services	32,219,980	104,101	32,115,879
Total	206,460,213	13,987,708	192,472,505

PPSC's revenue is generated from the authority to recover amounts from other departments and agencies for the provision of advisory and prosecution services.

Actual human resources

Human resources summary for core responsibilities and Internal Services

Core responsibilities and Internal Services	2018–19 Actual full-time equivalents	2019–20 Actual full-time equivalents	2020–21 Planned full-time equivalents	2020–21 Actual full-time equivalents	2021–22 Planned full-time equivalents	2022–23 Planned full-time equivalents
Prosecution Services	824	817	858	835	890	890
Electoral Compliance and Enforcement	24*	0	0	0	0	0
Subtotal	848	817	858	835	890	890
Internal Services	131	148	165	188	187	187
Total	979	965	1,023	1,023	1,077	1,077

Note: As of April 1, 2019, the Office of the Commissioner of Canada Elections (OCCE) was transferred to Elections Canada.

The planned full-time equivalent increase in future years represents the staffing of positions to maintain the PPSC's program integrity.

Expenditures by vote

For information on the PPSC's organizational voted and statutory expenditures, consult the [Public Accounts of Canada 2020–2021](#).^{xi}

Government of Canada spending and activities

Information on the alignment of the PPSC's spending with the Government of Canada's spending and activities is available in [GC InfoBase](#).^{xii}

Financial statements and financial statements highlights

Financial statements

The PPSC's financial statements (unaudited) for the year ended March 31, 2021, are available on the [departmental website](#).^{xiii}

Financial statement highlights

Condensed Statement of Operations (unaudited) for the year ended March 31, 2021 (dollars)

Financial information	2020–21 Planned results	2020–21 Actual results	2019–20 Actual results	Difference (2020–21 Actual results minus 2020–21 Planned results)	Difference (2020–21 Actual results minus 2019–20 Actual results)
Total expenses	244,353,057	231,026,037	235,854,522	(13,327,020)	(4,828,485)
Total revenues	22,742,000	15,340,354	18,472,133	(7,401,646)	(3,131,779)
Net cost of operations before government funding and transfers	221,611,057	215,685,683	217,382,389	(5,925,374)	(1,696,706)

Note: Revenues do not include the revenue from the collection of fines, forfeitures and court costs as well as rent from residential housing which is non-respendable revenue (i.e., cannot be used to fund PPSC's expenditures).

Planned Results are based on the Future-Oriented Financial Statements presented in the 2020-21 Departmental Plan.

Expenses by type

The total expenses in 2020-21 (\$231.0 million) have decreased by \$4.8 million (or 2.0%) in comparison with 2019-20 (\$235.9 million). This represents a \$14.5 million decrease in expenses mainly attributable to counsel fees as well as travel and relocation expenses; offset by an increase of \$7.0 million in salaries and \$2.7 million in operating and maintenance expenses.

During 2020-21, the PPSC had the following major categories of expenses:

- Salary expenses: \$155.6 million (or 67.4% of expenses);
- Professional services – counsel fees: \$37.6 million (or 16.3% of expenses);
- Accommodation: \$14.9 million (or 6.4% of expenses); and
- Other operating expenses: \$22.9 million (or 9.9% of expenses).

Revenue by type

The total respendable revenues earned in 2020-21 (\$15.3 million) decreased by \$3.1 million (or 16.8%) compared with the revenues in 2019-20 (\$18.5 million). During 2020-21, the PPSC had the following revenue categories:

Respendable Revenue

- Revenue earned from the provision of advisory and prosecution services to Other Government Departments and Agencies (OGDAs): \$15.3 million (or 21.1% of revenue);

Non-Respendable Revenue

- Collection of fines, forfeitures and court costs: \$56.5 million (or 77.9% of revenue); and
- Rent from residential housing provided to employees: \$0.6 million (or 0.8% of revenue).

Condensed Statement of Financial Position (unaudited) as of March 31, 2021 (dollars)

Financial information	2020–21	2019–20	Difference (2020–21 minus 2019–20)
Total net liabilities	44,484,938	48,811,129	(4,326,191)
Total net financial assets	33,433,572	32,454,982	978,590
Departmental net debt	11,051,366	16,356,147	(5,304,781)
Total non-financial assets	14,560,060	5,758,684	8,801,376
Departmental net financial position	3,508,694	(10,597,463)	14,106,157

Assets by type

The PPSC's assets include amounts due from the Consolidated Revenue Fund (CRF), accounts receivable and advances, and tangible capital assets:

Net Financial Assets

Amounts due from the CRF is the aggregate of all public money on deposit to the credit of the Receiver General for Canada, who is responsible for safeguarding the integrity of the CRF and issuing all payments out of the CRF for departments and agencies. The amount due from the CRF is the net amount between accounts payables remaining at the end of the year and accounts receivable from OGDAs, and it represents \$20.7 million (or 43.0%) of assets.

The accounts receivable amount of \$12.8 million (or 26.7% of assets) largely represents expenses to be recovered from OGDAs for the provision of advisory and prosecution services and salary overpayments to be recovered.

Non-Financial Assets

Tangible capital assets total \$14.6 million (or 30.3% of assets) and largely fall in the categories of leasehold improvements as well as machinery and equipment.

Liabilities by type

Liabilities include accounts payable and accrued liabilities, vacation pay and compensatory leave, and employee future benefits:

- Accounts payable and accrued liabilities represent accounts payable at year-end in the amount of \$30.9 million (or 69.4% of liabilities).
- Vacation pay and compensatory leave represent employees' accumulated vacation and compensatory leave and total \$8.8 million (or 19.9% of liabilities).

Employee future benefits represent the accumulated obligations of the PPSC at the end of the year and amount to \$4.8 million (or 10.7% of liabilities).

Corporate Information

Organizational profile

Appropriate minister[s]: The Honourable David Lametti

Institutional head: Kathleen Roussel, Director of Public Prosecutions and Deputy Attorney General of Canada

Ministerial portfolio: Justice

Enabling instrument[s]: *Director of Public Prosecutions Act*^{xiv}

Year of incorporation / commencement: 2006

Raison d'être, mandate and role: who we are and what we do

“Raison d'être, mandate and role: who we are and what we do” is available on the [PPSC's website](#)^{xv}.

For more information on the department's organizational mandate letter commitments, see the [Minister's mandate letter](#)^{xvi}.

Operating context

Information on the operating context is available on the [PPSC's website](#)^{xvii}.

Reporting framework

PPSC’s Departmental Results Framework and Program Inventory of record for 2020–21 are shown below.

Departmental Results Framework	Core Responsibility: Prosecution Services		Internal Services
	Departmental Result: Timely and comprehensive legal advice is provided to investigative agencies.	Indicator: Percentage of respondents satisfied with the timeliness of legal advice.	
		Indicator: Percentage of respondents satisfied with the comprehensiveness of legal advice.	
	Departmental Result: Federal prosecutions are completed in a timely manner.	Indicator: Number and percentage of cases that went to trial and resulted in a judicial stay of proceedings due to Crown delay.	
		Indicator: Number and percentage of cases that went to trial and resulted in the Crown directing a stay of proceedings due to Crown delay.	
	Departmental Result: Through professionally conducted prosecution related work, the ODPP contributes to the administration of justice.	Indicator: Number and percentage of prosecutions that result in a determination on the merits of the evidence.	
		Indicator: Number and nature of judicial stays for abuse of process based on the conduct of a federal prosecutor.	
		Indicator: Number and nature of successful malicious prosecution lawsuits.	
		Indicator: Number and nature of substantiated complaints made pursuant to the ODPP's Complaints Policy	
	Program Inventory	Program: Federal Prosecutions	

Supporting information on the program inventory

Financial, human resources and performance information for PPSC's Program Inventory is available in [GC InfoBase](#).^{xviii}

Supplementary information tables

The following supplementary information tables are available on [PPSC's website](#)^{xix}:

- ▶ Reporting on Green Procurement
- ▶ Gender-based analysis plus

Federal tax expenditures

PPSC's Departmental Plan does not include information on tax expenditures that relate to its planned results for 2021–22.

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the [Report on Federal Tax Expenditures](#).^{xx} This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs as well as evaluations and GBA Plus of tax expenditures.

Organizational contact information

Public Prosecution Service of Canada
160 Elgin Street, 12th Floor
Ottawa, Ontario K1A 0H8
613-957-7772
1-877-505-7772
info@ppsc.gc.ca

Appendix: definitions

appropriation (*crédit*)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (*dépenses budgétaires*)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

core responsibility (*responsabilité essentielle*)

An enduring function or role performed by a department. The intentions of the department with respect to a core responsibility are reflected in one or more related departmental results that the department seeks to contribute to or influence.

Departmental Plan (*plan ministériel*)

A report on the plans and expected performance of an appropriated department over a 3-year period. Departmental Plans are usually tabled in Parliament each spring.

departmental priority (*priorité*)

A plan or project that a department has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired departmental results.

departmental result (*résultat ministériel*)

A consequence or outcome that a department seeks to achieve. A departmental result is often outside departments' immediate control, but it should be influenced by program-level outcomes.

departmental result indicator (*indicateur de résultat ministériel*)

A quantitative measure of progress on a departmental result.

departmental results framework (*cadre ministériel des résultats*)

A framework that connects the department's core responsibilities to its departmental results and departmental result indicators.

Departmental Results Report (*rapport sur les résultats ministériels*)

A report on a department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

experimentation (*expérimentation*)

The conducting of activities that seek to first explore, then test and compare the effects and impacts of policies and interventions in order to inform evidence-based decision-making, and improve outcomes for Canadians, by learning what works, for whom and in what circumstances.

Experimentation is related to, but distinct from innovation (the trying of new things), because it involves a rigorous comparison of results. For example, using a new website to communicate with Canadians can be an innovation; systematically testing the new website against existing outreach tools or an old website to see which one leads to more engagement, is experimentation.

full-time equivalent (*équivalent temps plein*)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. For a particular position, the full-time equivalent figure is the ratio of number of hours the person actually works divided by the standard number of hours set out in the person's collective agreement.

gender-based analysis plus (GBA Plus) (*analyse comparative entre les sexes plus [ACS Plus]*)

An analytical process used to assess how diverse groups of women, men and gender-diverse people experience policies, programs and services based on multiple factors including race ethnicity, religion, age, and mental or physical disability.

government-wide priorities (*priorités pangouvernementales*)

For the purpose of the 2019–20 Departmental Results Report, those high-level themes outlining the government's agenda in the 2019 Speech from the Throne, namely: Fighting climate change; Strengthening the Middle Class; Walking the road of reconciliation; Keeping Canadians safe and healthy; and Positioning Canada for success in an uncertain world.

horizontal initiative (*initiative horizontale*)

An initiative where two or more federal organizations are given funding to pursue a shared outcome, often linked to a government priority.

non-budgetary expenditures (*dépenses non budgétaires*)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (*rendement*)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (*indicateur de rendement*)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting (*production de rapports sur le rendement*)

The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

plan (*plan*)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally, a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead to the expected result.

planned spending (*dépenses prévues*)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

program (*programme*)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

program inventory (*répertoire des programmes*)

Identifies all the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

result (*résultat*)

A consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (*dépenses législatives*)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

target (*cible*)

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (*dépenses votées*)

Expenditures that Parliament approves annually through an appropriation act. The vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

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- ⁱ *PPSC Deskbook*,
- ⁱⁱ PPSC Code of Conduct, <https://www.ppsc-sppc.gc.ca/eng/bas/cc.html>
- ⁱⁱⁱ Values and Ethics Code for the Public Sector, <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25049§ion=html>
- ^{iv} Policy on People Management, [https://www.tbs-sct.gc.ca/pol/\(S\(e021jvamqbhco5551teiyz55\)\)/index-eng.aspx](https://www.tbs-sct.gc.ca/pol/(S(e021jvamqbhco5551teiyz55))/index-eng.aspx)
- ^v PPSC 2020-21 Annual Report, <https://www.ppsc-sppc.gc.ca/eng/pub/ar-ra/index.html>
- ^{vi} *PPSC Deskbook*, <https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p5/ch13.html>
- ^{vii} *PPSC Deskbook*, <https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p3/ch21.html>
- ^{viii} PPSC's Complaints Policy, <https://www.ppsc-sppc.gc.ca/eng/cmp-pln/index.html>
- ^{ix} GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ^x PPSC 2020-21 Annual Report, <https://www.ppsc-sppc.gc.ca/eng/pub/ar-ra/index.html>
- ^{xi} Public Accounts of Canada, <http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html>
- ^{xii} GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ^{xiii} Departmental Website, <https://www.ppsc-sppc.gc.ca/eng/index.html>
- ^{xiv} Director of Public Prosecutions Act, <https://laws-lois.justice.gc.ca/eng/acts/d-2.5/page-1.html>
- ^{xv} PPSC's website, <https://www.ppsc-sppc.gc.ca/eng/bas/index.html><https://laws-lois.justice.gc.ca/eng/acts/d-2.5/page-1.html>
- ^{xvi} Minister's Mandate Letter, <https://pm.gc.ca/en/mandate-letters>
- ^{xvii} PPSC's website, <https://www.ppsc-sppc.gc.ca/eng/index.html>
- ^{xviii} GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ^{xix} PPSC's website, <https://www.ppsc-sppc.gc.ca/eng/pub/dp-pm/index.html>
- ^{xx} Report on Federal Tax Expenditures, <https://www.canada.ca/en/department-finance/services/publications/federal-tax-expenditures.html>