

**BC Prosecution Service
Annual Report**

2021/22



**Prosecution
Service**

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Message from the ADAG

I am pleased to present the 2021/22 Annual Report for the BC Prosecution Service (BCPS). Once again, our team of lawyers, professional staff, and managers performed at an exceedingly high level during the last fiscal year, despite the many challenges presented by changing protocols to deal with COVID-19 and the return to offices. They fulfilled our core mandate under the *Crown Counsel Act* of approving and conducting prosecutions and appeals, advising government on criminal law matters, liaising with the public and the media, and developing policies and procedures in respect of the administration of criminal justice in British Columbia. They initiated and implemented transformative changes that are making the system better, fairer, and more effective.



Peter Juk KC
Assistant Deputy Attorney General

In this Annual Report, you will find the following information for the 2021/22 fiscal year:

- An overview of the criminal justice process in British Columbia and the role the BCPS plays within it;
- Statistical summaries and data about the work of the BCPS and key performance indicators; and,
- A description of our operational structure, regional spotlights, and a financial summary.

Among others, our notable achievements and innovations in the last fiscal year included:

- **COVID-19 Recovery.** COVID-19 continued to challenge the BCPS, necessitating swift action in adapting to changing circumstances. The incredible team effort, ingenuity, and resilience displayed by our people ensured that we could continue carrying out our mandate while also moving forward on key innovations.
- **Digital Evidence and Disclosure Management System (DEMS).** We made significant progress on the electronic disclosure process. DEMS will allow us to receive all investigative materials directly from police electronically, manage the full review and disclosure process, and deliver disclosure to defence counsel and accused.
- **Comprehensive Bail Program.** The BCPS continued to expand the comprehensive bail program to more locations.
- **Indigenous Justice Framework.** We introduced further revisions to the Crown Counsel Policy Manual targeting the unacceptable overrepresentation of Indigenous people in

the criminal justice system and giving effect to the legal principle of restraint in charge assessment, bail, and sentencing. We also supported the expansion of Indigenous Courts, while continuing training, education, partnerships, and community engagement.

- Subcommittee on Equity, Diversity, and Inclusion (SEDI). A new standing subcommittee of the BCPS Management Committee supports and promotes our commitment to being an equitable, diverse, and inclusive workplace, where everyone can fully and freely carry out their work without discriminatory barriers.

We have made some changes to the form and content of the Annual Report this year. The data covers key measures of activity through all stages of a criminal file (i.e., investigation, charge assessment, prosecution, and file conclusion). To increase transparency and proactive disclosure, we have also expanded the scope of data provided. New this year is the inclusion of office-level data for several key measures for the 2021/22 fiscal year. There is also a new provincial overview table that includes five fiscal years of data for all measures. A similar overview table is also included for intimate partner violence (IPV) and youth files.

The data clearly demonstrates the impacts of the pandemic over the last two fiscal years. Police forwarded fewer Reports to Crown Counsel, especially for property and non-violent offences. This translated into a significant decrease in charge assessment decisions needing to be made. During this same time, court operations in British Columbia slowed and, in the height of the pandemic, briefly shut down. This added to a backlog of active prosecutions, which reached an all time high of almost 30,000 files in fiscal 2020/21 but is now starting to decline. Although the overall time to conclude prosecutions increased by almost 80 days in the first year of COVID, the majority of our files conclude at or before an arraignment hearing.

In closing, I would like to acknowledge with deep gratitude and pride the hard work, ingenuity, and resilience of our BCPS team in continually finding new ways to address and overcome the challenges we faced over the past fiscal year. They have done a truly remarkable job under difficult circumstances.

Peter Juk KC
Assistant Deputy Attorney General

About the BC Prosecution Service

Vision

An independent prosecution service that people respect and trust.

Mission

We make timely, principled, and impartial charge assessment decisions that promote public safety, justice, and respect for the rule of law.

We conduct independent, effective, and fair prosecutions and appeals.

We strive to do the right thing for the right reasons and to be transparent about how we do it.

Values

These values guide the BC Prosecution Service in everything we do:

- Justice
- Independence
- Fairness
- Integrity
- Professionalism

Crown Counsel Act

The mandate of the BC Prosecution Service, which is the Criminal Justice Branch of the Ministry of Attorney General, is defined by the [Crown Counsel Act](#), RSBC 1996 Chapter 87. Under the *Crown Counsel Act*, the BCPS:

- a) approves and conducts prosecutions of all criminal and provincial offences in British Columbia;
- b) initiates and conducts all appeals and other proceedings for these prosecutions;
- c) conducts appeals or other proceedings for prosecutions in which the Crown is named as a respondent;
- d) advises the government on all criminal law matters;
- e) develops policies and procedures for the administration of criminal justice in British Columbia;
- f) interacts with the media and affected members of the public on matters respecting the approval and conduct of prosecutions or related appeals; and,
- g) carries out any other function or responsibility assigned by the Attorney General (AG).

The Assistant Deputy Attorney General (ADAG) heads the BCPS and is charged with its the administration and with carrying out its mandate as outlined above. The ADAG designates lawyers as “Crown Counsel”, who represent the Crown in all provincial prosecution-related matters before all courts. Subject to the ADAG’s direction, Crown Counsel are authorized to:

- Examine all relevant information and documents and, following the examination, to approve for prosecution any offences they consider appropriate;
- Conduct the prosecutions approved; and,
- Supervise prosecutions of offences that are being initiated or conducted by individuals who are not Crown Counsel and, if the interests of justice require, intervene, and conduct those prosecutions.

The AG is ultimately responsible for prosecutions falling within provincial jurisdiction and must fulfill this constitutional role judicially, in a manner that is independent from the political side of governing. In British Columbia, the [Crown Counsel Act](#) gives the ADAG effective responsibility for the administration of all prosecutorial functions, subject only to specific (usually written) directions from the AG. Daily prosecution functions are carried out by Crown Counsel.

In carrying out these functions, Crown Counsel have legal and constitutional obligations to act as “ministers of justice”, exercising their prosecutorial discretion independently of government and police, and without regard for inappropriate pressure from any quarter. They must follow the law, as set out in the federal *Criminal Code* and interpreted by BC’s courts and the Supreme Court of Canada. They are assisted and guided in this task by BCPS policy, which directly reflects the prevailing legislation and caselaw.

Political, personal, and private considerations must not affect the way prosecutors conduct their cases. The role of prosecutor excludes any notion of winning or losing. It is a public function carrying with it great personal responsibility, and it must be carried out efficiently, with a sense of dignity, seriousness, and justice.

Role of Crown Counsel and Prosecutorial Independence

Crown Counsel’s paramount duty is to see justice done in each case. Crown Counsel do not represent individual victims. When a crime is committed, it is a crime against society as a whole and Crown Counsel perform their function on behalf of the entire community. In practice, this means that while Crown Counsel conduct prosecutions vigorously, their first duty is to ensure the trial process is fair, the evidence is presented thoroughly and accurately, and the integrity of the justice process is maintained. Crown Counsel are entrusted with the prosecution of all offences and appeals in British Columbia which arise under Canada’s *Criminal Code* and do not fall within the jurisdiction of the federal prosecution service (e.g., prosecutions under the *Controlled Drugs and Substances Act*). They also prosecute provincial regulatory offences.

British Columbia is one of three provinces in Canada where prosecutors decide whether criminal charges should be laid before a matter enters the court system. Police services and other investigative agencies prepare a Report to Crown Counsel (RCCs) setting out the evidence relating to an alleged offence. Crown Counsel independently assess whether charges should be laid, based on the whole of the available evidence contained in the RCC.

The charge assessment guidelines that Crown Counsel must apply in reviewing all RCCs are established by policy that is available online.

When charges are approved, the charge assessment standard continues to apply throughout the prosecution. If the standard for continuing a prosecution is no longer met, Crown Counsel must end the prosecution.

Pre-approval of charges by Crown Counsel ensures, as much as reasonably possible, that only viable cases proceed to court and that they are completed in a timely way. Oversight of the charging process by Crown Counsel also acts as a safeguard against miscarriages of justice.

The Supreme Court of Canada recently underlined the importance of Crown Counsel's independence from the police. Crown Counsel's role is:

...to assess whether a prosecution is in the public interest and, if so, to carry out that prosecution in accordance with the prosecutor's duties to the administration of justice and the accused. ... "Prosecutors provide the initial checks and balances to the power of the police". ...Independent prosecutorial review of the police's investigative process and decisions helps "ensure that both investigations and prosecutions are conducted more thoroughly, and thus more fairly" ... (Ontario (Attorney General) v Clark, 2021 SCC 18, at paragraphs 41 to 45)

Role of Special Prosecutors

When there is a significant potential for perceived or real improper influence in prosecutorial decision-making in a given case, a Special Prosecutor may be appointed to conduct the charge assessment and any ensuing prosecution and appeal. Special Prosecutors are appointed from a list of senior lawyers in private practice, that is reviewed every five years. Only the ADAG has authority to appoint Special Prosecutors under the *Crown Counsel Act*. The paramount consideration is the need to maintain public confidence in the administration of criminal justice.

Once appointed, Special Prosecutors perform the same role as regular Crown Counsel. They do not initiate, lead, or control police investigations and they must adhere to the policies of the BCPS when conducting their cases, including the charge assessment guidelines. However, they carry out their functions with greater independence from the BCPS.

The Criminal Justice Process

This section provides a summary of the criminal justice process in British Columbia and statistics on the work of the BCPS. The data source for the statistics, unless otherwise noted, is the Justice Information System (JUSTIN), a case management system that is used by investigative agencies, Crown Counsel, and the courts in British Columbia.

The BCPS has developed some Key Performance Indicators (KPIs) which help assess and measure performance:

- Judicial Stays of Proceedings (for delay only)
- Charge Assessment Duration
- Prosecution File Duration
- Percent of all files and percent of intimate partner violence-related files that resolve at or before arraignment
- Workforce Engagement Score

These KPIs are noted within the following tables, except for the Workforce Engagement Score, which is included in the financial summary.

Investigations

When an alleged crime is reported to an investigative agency, or the agency itself identifies a possible offence, the agency will investigate and decide whether the incident warrants forwarding an RCC with recommended charges to the BCPS. It is the responsibility of the investigative agency, which functions independently from the BCPS, to investigate and exercise its own discretion in deciding whether to forward an RCC for charge assessment and prosecution. Crown Counsel do not investigate offences. They receive files summarizing the evidence gathered by investigators.

The BCPS works with numerous investigative agencies with diverse mandates. Over 80 percent of RCCs are submitted by police agencies. Most of the remaining RCCs are submitted by BC Corrections, with less than one percent being submitted by other types of investigative agencies, such as the BC Conservation Officer Service and financial regulators.

Charge Assessments

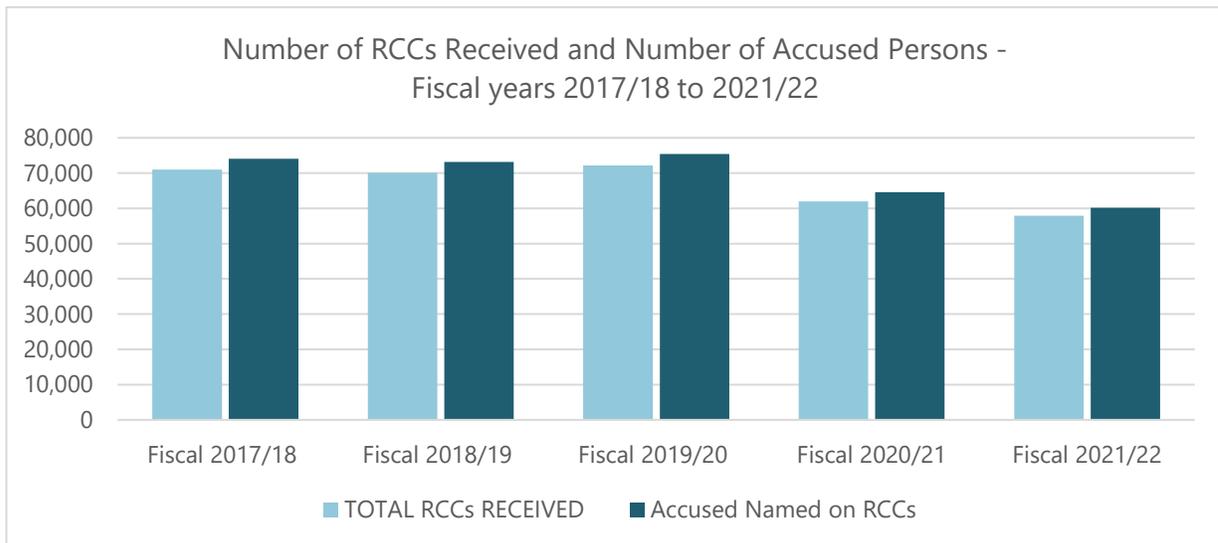
When Crown Counsel receive an RCC, they assess whether charges should be approved in accordance with the BCPS’s charge assessment standard. Crown Counsel must independently, objectively, and fairly measure all the available evidence against a two-part test:

1. Whether there is a substantial likelihood of conviction; and, if so,
2. Whether the public interest requires a prosecution.

Crown Counsel complete charge assessments as quickly as they can, while still conducting a thorough analysis and making a principled decision. For more complex cases, the charge assessment process may take longer. Crown Counsel may decide that charges should or should not be laid, or that the accused person should be referred for alternative measures.

Once the charge assessment has been conducted and charges are approved to court, a new prosecution file is created. The formal court process is initiated by swearing an Information (the charging document).

In 2021/22, the BCPS received a total of 57,858 RCCs, a decrease of 6.6% from 2020/21. The RCCs received had a total of 60,191 accused persons named, 3% of whom were youth (those under the age of 18 and over age 11 on the offence date). As a percentage of all accused named on RCCs received, the number of accused young persons has continued to decline over the last several years.



Source: JUSTIN database (data extracted on July 21, 2022)

Provincially, the total volume of RCCs received by BCPS increased almost 2% between fiscal 2017/18 and 2019/20 (pre-COVID). However, between fiscal 2019/20 and 2021/22, the volume

decreased by almost 20%. There was a notable decrease in property and non-violent offences, which make up the majority of the RCCs received by the BCPS.

RCCs Received and Accused Persons					
	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
TOTAL RCCs RECEIVED	71,019	70,118	72,148	61,976	57,858
Accused Named on RCCs	74,030	73,192	75,433	64,570	60,191
Adult accused	70,652	70,189	72,403	62,541	58,330
Youth accused	3,378	3,003	3,030	2,029	1,861
% Adult accused	95.4%	95.9%	96.0%	96.9%	96.9%
% Youth accused	4.6%	4.1%	4.0%	3.1%	3.1%
Accused In Custody on RCCs Received	18,593	16,898	17,489	12,681	11,567

Source: JUSTIN database (data extracted on July 21, 2022)

Note: An RCC is counted once based on the date it was first entered in JUSTIN, regardless of the number of accused persons, number of charges, or number of counts. An accused person is defined as a youth accused if they were under the age of 18 on the alleged offence date. An accused is counted as being in custody on an RCC if the "in-custody" flag is active in JUSTIN upon receipt of a new RCC. Please note that since this data is based on RCCs captured in JUSTIN, it excludes work done on files where an official RCC has not been received from police or where the file is originally civil in nature, such as the prosecution for contempt of court arising from a breach of a civil court order. Contempt of court prosecutions can require a significant amount of Crown and administrative resources that we are not able to capture in our data.

RCCs Received by Offence Category					
	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
TOTAL RCCs RECEIVED	71,019	70,118	72,148	61,976	57,858
Offences Against the Person	16,854	17,238	17,987	17,900	17,800
Property Offences	14,409	13,918	15,172	10,445	9,520
Admin. Of Justice Offences	25,603	24,530	24,528	19,494	17,873
Other Offences	14,153	14,432	14,461	14,137	12,665

Source: JUSTIN database (data extracted on July 21, 2022)

Note: The four offence categories (person, property, AOJ, other) are based on the offence categories used by Statistics Canada in the [Uniform Crime Reporting Survey](#). Offences against the person include offences involving violence or threat of violence, such as homicide, sexual assault, and assaults; property offences include offences such as theft, break and enter, arson, fraud, possession of stolen goods and mischief; administration of justice offences include offences such as bail violations, failure to appear, breach of probation, escaping lawful custody, and offences against the administration of law/justice; and, other offences include all offences not included in the other three categories, including *Criminal Code* and provincial *Motor Vehicle Act* offences, weapons offences, gaming, prostitution, participating in a criminal organization, non-*Criminal Code* federal statute and provincial statute offences.

Charge Assessment Decisions

When a decision is made to approve charges, a new prosecution file (or multiple prosecution files) will be initiated.

In fiscal 2021/22 there were a total of 59,227 charge assessment decisions made for accused named on RCCs, a decline of 7.3% from the previous fiscal year. A total of 44,931 accused persons had charges approved, resulting in a 76% approval rate.

Charge Assessment Decisions					
	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
Total Accused Decisions:	73,487	72,600	74,872	63,912	59,227
Approved to court	61,353	59,738	60,095	47,412	44,931
Referred to alternative measures	1,542	1,412	1,565	1,285	1,177
Not charged	9,012	9,635	11,412	13,750	11,275
RCC returned to agency for further info	1,580	1,815	1,800	1,465	1,844
% Approved to court	83.5%	82.3%	80.3%	74.2%	75.9%
% Referred to alternative measures	2.1%	1.9%	2.1%	2.0%	2.0%
% Not charged	12.3%	13.3%	15.2%	21.5%	19.0%
% RCC returned to agency for further info	2.2%	2.5%	2.4%	2.3%	3.1%

Source: JUSTIN database (data extracted on July 21, 2022)

Note: Charge assessment decisions are counted once for each accused person named on RCCs received in the fiscal year. If an accused person has at least one charge approved by Crown Counsel, the charge decision is recorded as "Approved to Court". Charge assessment decisions reported now include "returned to agency". This has always been one of the charge assessment decision categories, but it has not been reported in the Annual Report for the last few years.

In line with the provincial trend for RCCs received by the BCPS, the volume of charge assessment decisions increased 2% between fiscal 2017/18 and 2019/20 and then declined by 21% over the subsequent two fiscal years during the pandemic.

Looking at the breakdown of charge assessment decisions, the number of accused approved to court or referred to alternative measure followed the same trend, increasing pre-COVID and declining post COVID. However, the number of accused not charged increased in fiscal 2020/21, the first year of COVID, and then returned to pre-pandemic levels in fiscal 2021/22.

Charge Assessment Duration

This key performance indicator measures how many days it takes Crown Counsel to complete charge assessment, from the date an RCC is received to the date Crown Counsel makes a charge decision. The data indicate that Crown Counsel are taking more time to make and record charge assessment decisions. Part of the explanation for the increase in charge assessment duration may be that the BCPS has seen the volume of RCCs alleging less serious offences decline significantly over the last couple of years, while the volume alleging more serious offences, such as intimate partner violence and sexual assault files, have remained stable or increased, resulting in a higher proportion of more serious RCCs needing to be assessed.

Time to Charge Assessment Decisions					
KEY PERFORMANCE INDICATOR	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
Within 1 Day	50%	47%	45%	39%	37%
Within 3 Days	59%	55%	53%	46%	44%
Within 7 Days	72%	69%	66%	57%	55%
Within 15 Days	83%	80%	78%	69%	67%
Within 30 Days	90%	89%	87%	79%	78%

Source: JUSTIN database (data extracted on July 21, 2022). The duration of a charge assessment is measured from the date the RCC was first received by the BCPS to the date of the final charge decision for each accused person named on the RCC (i.e., approved to court, referred to alternative measures, no charge, or returned to agency).

Prosecutions & Appeals

Crown Counsel conduct prosecutions and appeals in every level of court: the Provincial Court of British Columbia, the British Columbia Supreme Court, the British Columbia Court of Appeal, and the Supreme Court of Canada. When doing so, they are bound by the legal principles contained in the *Criminal Code*, as interpreted and applied by the courts of British Columbia and the Supreme Court of Canada. Crown Counsel's decision making must also be informed by and consistent with the constitutional rights guaranteed under the *Canadian Charter of Rights and Freedoms*.

Active Prosecutions

We saw a significant increase in the backlog of active files as a result of the pandemic. We experienced record level highs of almost 30,000 active files in fiscal 2020/21 and are now seeing those volumes start to decline in fiscal 2021/22.

Active Prosecution Files					
	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
Average Monthly Active Files	22,431	22,671	24,674	29,624	25,022

Source: JUSTIN database (data extracted on July 21, 2022)

Note: An "active" file is any Information, Indictment, or Direct Indictment with a future court appearance scheduled and recorded in JUSTIN. The numbers are always changing as files are concluded and new files come into the system, so a snapshot of the file volumes is taken at the end of each month. The average monthly active file number is the average of the twelve-month end snapshots taken during each fiscal year.

Concluded Prosecutions

A total of 44,889 prosecutions were concluded in 2021/22. Concluded file volumes have been declining over the last five fiscal years, with the most notable declines in the last two years as a result of the pandemic.

Concluded Prosecutions					
	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
All Accused on concluded files	64,560	60,254	56,828	45,500	44,889
Adult accused	61,672	57,827	54,766	43,971	43,627
Youth accused	2,888	2,427	2,062	1,529	1,262

Source: JUSTIN database (data extracted on July 21, 2022) A concluded prosecution is counted once for each accused person on a file that concluded in the fiscal year. If an accused person was on more than one file that concluded in the fiscal year, they are counted each time.

Concluded Prosecutions by File Outcome					
	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
All Accused on concluded files	64,560	60,254	56,828	45,500	44,889
Guilty	38,832	36,122	34,021	22,101	23,996
Not Guilty	658	731	701	349	515
Other	497	567	566	843	1,013
Peace Bond	2,872	2,637	2,628	2,623	2,610
Stayed	21,701	20,197	18,912	19,584	16,755
% Guilty	60.1%	59.9%	59.9%	48.6%	53.5%
% Not Guilty	1.0%	1.2%	1.2%	0.8%	1.1%
% Other	0.8%	0.9%	1.0%	1.9%	2.3%
% Peace Bond	4.4%	4.4%	4.6%	5.8%	5.8%
% Stayed	33.6%	33.5%	33.3%	43.0%	37.3%

Source: JUSTIN database (data extracted on July 21, 2022)

Looking at the five-year trend, the volume of guilty and not guilty findings declined until fiscal 2020/21 and then increased in the last fiscal year. The volume of stays of proceedings increased in fiscal 2020/21 during the pandemic and then declined back towards pre-pandemic levels.

Percentage of Files Concluded at or before Arraignment

This key performance indicator measures the percentage of files concluded at or before arraignment. A higher percentage means that a higher proportion of files are concluded at the earliest stages in the criminal process.

The proportion of files reaching early resolution has remained stable over the last five years. Even in the face of court backlogs and delays during the pandemic, we continued to resolve the majority of files at or before an arraignment hearing.

Percent of Files Concluded at or before Arraignment Hearing					
KEY PERFORMANCE INDICATOR	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
All concluded files	72%	70%	72%	73%	71%

Source: File Closing Survey (data extracted on July 21, 2022).

Note: The percentage of files concluded at or before arraignment is a measure of early resolution; a higher percentage means a greater proportion of files are resolving at early stages.

Prosecution File Duration

This key performance indicator measures how many days it takes for a criminal file to conclude. The median time is used as it is less susceptible to the influence of outliers and skewed data. It has been taking longer to conclude files over the last few years, with the most significant delays occurring in fiscal 2020/21 and then declining somewhat in fiscal 2021/22. In the first year of the pandemic, court operations initially shut down completely and then opened up partially during the remainder of the fiscal year. This aligns with the backlogs we experienced in active file volumes.

Prosecution File Duration (net of bench warrant days)					
KEY PERFORMANCE INDICATOR	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
Median # days to conclude files	87	94	107	186	176

Source: JUSTIN database (data extracted on July 21, 2022)

Note: The duration of a prosecution file is measured from the date the Information was first sworn or filed in court to the disposition date. Any bench warrant days associated with the file are excluded from the calculation.

Stays of Proceedings

Throughout the course of a prosecution, Crown Counsel have an ongoing obligation to assess its viability and ensure that it continues to meet the BCPS charge assessment standard. Many things can affect the viability of charges after they are initially approved, including (but not limited to): material changes in the strength of the prosecution’s evidence; new evidence that would provide a principled basis for a finding of reasonable doubt; witness unavailability or lack of co-operation; or, new information that changes the assessment of whether the public interest requires a formal prosecution.

If the charge assessment standard is no longer met, Crown Counsel must end the prosecution. Usually that is done by directing a stay of proceedings. Approximately half of all stays of proceedings directed by Crown Counsel still involve some other form of consequence for the accused, such as a peace bond, referral to an alternative measures program, or a guilty plea on another file or to a different charge.

Number of Judicial Stays of Proceedings for Delay

This key performance indicator measures the number of times in the reporting period that judges stayed criminal court cases due to unreasonable delay.

The number of judicial stays of proceedings of BCPS cases have continued to decline over the last five fiscal years. In 2021/22, a total of six prosecutions concluded with a judicial stay of proceedings.

Judicial Stay of Proceedings for Delay					
KEY PERFORMANCE INDICATOR	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
Judicial Stays of Proceeding	14	10	8	8	6

Source: Data provided by Court Services Branch.

Note: Judicial stays of proceedings decisions are recorded in JUSTIN but the reason for the decision is not recorded. A judicial stay of proceedings can be for reasons other than delay, such as abuse of process. To obtain a count of the judicial stay decisions specifically for delay, the Court Services Branch contacts the relevant court registry for each judicial stay decision to confirm what the reason was. Each case is counted once based on the date of the judicial stay decision, regardless of how many accused persons were involved.

File Outcomes

About 54 percent of the matters for which charges are approved and which proceed to court result in a conviction – by way of guilty plea or a guilty verdict after trial. If an accused pleads guilty or is found guilty after a trial, Crown Counsel are responsible for making a recommendation on sentence. The decision about what sentence to impose is made by the court.

Criminal Contempt Proceedings

On invitation of the BC Supreme Court, Crown Counsel may intervene and conduct criminal contempt prosecutions under the BCPS *Civil Disobedience* (CIV1) policy. In recent years, the BCPS has conducted hundreds of individual prosecutions of this type, which can be resource intensive and legally complex. However, because of their unique nature, these cases are not tracked as *Criminal Code* matters and are not included in the statistic overview provided in this Annual Report.

Supporting Victims & Witnesses

The BCPS works diligently to ensure that all victims and witnesses are supported in their participation in the criminal justice process. As defined in British Columbia *Victims of Crime Act* (VOCA), a victim is an individual who suffers physical or mental injury, or economic loss because of an offence. There can be secondary victims who have suffered emotional trauma because of an offence caused against a family member.

Under the VOCA and the *Canadian Victims Bill of Rights*, victims are provided with Victim Impact Statement (VIS) forms and other guidance regarding the criminal justice process. If charges are approved, a *Victim Impact Statement & Statement on Restitution Information Guide* is sent to victims by BCPS local offices. Community Impact Statements are also possible in some circumstances.

Crown Counsel prepare victims for court and provide them with appropriate information about the prosecution and the criminal justice system. For certain files, Crown Counsel may meet with victims and their families to assist them in understanding the prosecution process.

When there are particular concerns for the safety of the victim, or there is a request by the victim for ongoing information, Crown Counsel take steps to ensure that the victim is notified, either directly by administrative staff or through a victim assistance program, of the course of the prosecution, any future court dates, any bail conditions, and any changes in those proceedings or conditions. In appropriate situations, Crown Counsel will make applications for testimonial accommodations.

Victims, witnesses, and members of the public are also invited to learn more about the BCPS and the work we do from our information sheets, available online:

www2.gov.bc.ca/gov/content/justice/criminal-justice/bc-prosecution-service/information-sheets

Several of the BCPS policies, including *Charge Assessment Guidelines* ([CHA 1](#)), *Intimate Partner Violence* ([IPV 1](#)), and *Vulnerable Victims and Witnesses* ([VUL 1](#)), and information sheets have been translated into French, Spanish, Chinese (simplified), Filipino, Korean, Persian, Punjabi, and Vietnamese.

Statistical Overview

Crime Trends

The primary workload driver for the BCPS is the volume of RCCs received from police and other investigative agencies and the complexity of the cases those RCCs represent. For this reason, overall crime trends directly affect our organization. As reported by Statistics Canada, the pandemic has had a significant impact on crime numbers. What we have seen in British Columbia is reflective of the crime trends from across the country.

Widespread decreases in the volume and rate of police-reported criminal incidents were reported not only in British Columbia but across Canada during 2020. While the national volume and rate of police-reported criminal incidents showed a small increase in 2021 these volumes continued to decline in British Columbia.

In British Columbia, police-reported property crime rates (e.g., break and enter, theft, shoplifting) decreased significantly. After a few years of increases, the rate decreased 16% in 2020 and another 6% in 2021. Our own data show the volume of RCCs received for property offences declining 31% in 2020 and another 9% in 2021. As noted by [Statistics Canada](#), it is reasonable to assume this data was affected by the pandemic and specifically the shift to remote work arrangements, the closure and restrictions on businesses and travel, and the reduced opportunities for breaches and failures to appear, given the reduction in court processes and in person hearings.

In British Columbia, violent crime has increased slightly (less than 1%) in 2020 and 2021. The increase in the number of violent incidents appears to be attributable to increased reporting of sexual assault. The overall trends in violent crime are consistent across most of our urban centres.

Police-reported crime statistics reflect only those incidents that are reported to the police and can be affected by population, police enforcement strategies, large-scale criminal events, social movements, and changes in legislation, policies, or procedures. Information on this and the broader social and economic impacts of the COVID-19 pandemic can be found on Statistics Canada's [COVID-19 hub](#).

Reports to Crown Counsel – Statistical Overview – Five-Year Trends

The five-year trend for RCCs received by the BCPS increased almost 2% between fiscal 2017/18 and 2019/20. However, between fiscal 2019/20 and 2021/22, the volume decreased by almost 20%.

These trends shift when we look specifically at intimate partner violence (IPV) RCCs. IPV RCCs are those involving offences between an accused and any person with whom the accused has, or has had, an ongoing close and personal or intimate relationship. IPV cases involve very serious, prevalent, and complex problems requiring a special response which is pro-active, coordinated, and vigorous. Approximately 20% of RCCs are IPV related.

Non-IPV RCCs increased 4% between 2017/18 and 2019/20 and then decreased almost 23% in the last two years. By contrast, IPV RCCs decreased 7% between 2017/18 and 2019/20 and then decreased only 8% in the last two years.

When we look at the five-year trend for RCCs received under the four main offence categories, we see decreases across the board except for crimes against the person.

- *Crimes against the person* – up 6.7% from 2018/18 to 2019/20, then levelling off
- *Property Crimes* – up 5% in first three years then dropping 37% in last two years
- *Administration of Justice* – down 4% in first three years then down another 27% in last two years
- *Other offences* – up 2% in first 3 years then down 12.5% in last two years

Although the volume of RCCs differs across the five BCPS regions, the overall trends we see at the provincial level are consistent across the regions with only minor differences. The one exception is in the Northern Region where, in addition to offences against the person showing an increase over the last two years, property offences have also started to increase in the last fiscal year.

Provincial Overview for All Files – Five-Year Trends					
	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
GENERAL INFORMATION					
# Crown offices	40	40	40	40	40
# Court locations including circuit courts	46	46	46	46	46
British Columbia population*	4,929,384	5,010,476	5,090,955	5,147,712	5,194,137
INVESTIGATION					
RCCs Received	71,019	70,118	72,148	61,976	57,858
RCCs Received per 1,000 population	14	14	14	12	11
RCCs Received by Offence Category					
Person Offence RCCs	16,854	17,238	17,987	17,900	17,800
Property Offence RCCs	14,409	13,918	15,172	10,445	9,520
Administration of Justice Offence RCCs	25,603	24,530	24,528	19,494	17,873
Other Offence RCCs	14,153	14,432	14,461	14,137	12,665
Accused named on RCCs	74,030	73,192	75,433	64,570	60,191
Accused In-Custody on RCCs received	18,593	16,898	17,489	12,681	11,567
CHARGE ASSESSMENT					
Charge Assessment Decisions	73,487	72,600	74,872	63,912	59,227
# Accused approved to court	61,353	59,738	60,095	47,412	44,931
# Accused referred to alternative measures	1,542	1,412	1,565	1,285	1,177
# Accused not charged	9,012	9,635	11,412	13,750	11,275
# Accused RCCs referred to agency	1,580	1,815	1,800	1,465	1,844
% Accused approved to court	83.5%	82.3%	80.3%	74.2%	75.9%
% Accused referred to alternative measures	2.1%	1.9%	2.1%	2.0%	2.0%
% Accused not charged	12.3%	13.3%	15.2%	21.5%	19.0%
% Accused RCCs referred to agency	2.2%	2.5%	2.4%	2.3%	3.1%
PROSECUTION					
Average Monthly Active Files	22,431	22,671	24,674	29,624	25,022
Accused on Concluded Files	64,560	60,254	56,828	45,500	44,889
% Files concluded at or before Arraignment	72.0%	70.0%	72.0%	73.0%	71.0%
Median days to conclude files	87	94	107	186	176
FILE OUTCOME					
Concluded Files by File Outcome					
# Accused - Guilty	38,832	36,122	34,021	22,101	23,996
# Accused - Not Guilty	658	731	701	349	515
# Accused - Other finding	497	567	566	843	1,013
# Accused - Peace Bond	2,872	2,637	2,628	2,623	2,610
# Accused - Stay of Proceeding	21,701	20,197	18,912	19,584	16,755
% Accused - Guilty	60.1%	59.9%	59.9%	48.6%	53.5%
% Accused - Not Guilty	1.0%	1.2%	1.2%	0.8%	1.1%
% Accused - Other finding	0.8%	0.9%	1.0%	1.9%	2.3%
% Accused - Peace Bond	4.4%	4.4%	4.6%	5.8%	5.8%
% Accused - Stay of Proceeding	33.6%	33.5%	33.3%	43.0%	37.3%

Source: JUSTIN database (data extracted on July 21, 2022)

* British Columbia population data is reported by calendar year, not fiscal year. For the purpose of this table, the population under each fiscal year is based on the calendar year that most closely aligns (e.g., 2017 population is used to compare to FY2017/18 RCC data).

Provincial Overview for Intimate Partner Violence (IPV) Files– Five-Year Trends

	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
GENERAL INFORMATION					
British Columbia Population*	4,929,384	5,010,476	5,090,955	5,147,712	5,194,137
INVESTIGATION					
IPV RCCs Received	14,905	14,033	13,884	13,578	12,831
IPV RCCs Received per 1,000 population	3	3	3	3	2
IPV RCCs Received by offence category					
Person Offence IPV RCCs	7,840	7,653	7,755	7,954	7,782
Property Offence IPV RCCs	299	331	332	315	301
Administration of Justice Offence IPV RCCs	6,141	5,490	5,275	4,803	4,260
Other Offence IPV RCCs	625	559	522	506	488
Accused named on IPV RCCs	15,027	14,158	13,991	13,670	12,931
Accused in-custody at charge assessment	5,297	4,826	4,952	4,647	4,288
CHARGE ASSESSMENT					
Charge Assessment Decisions	15,008	14,139	13,976	13,645	12,829
Accused approved to court	12,780	11,825	11,512	10,481	9,981
Accused referred to alternative measures	108	115	148	161	170
Accused not charged	1,958	1,972	2,096	2,842	2,529
Accused RCCs referred to agency for further info	165	227	221	165	204
% Accused approved to court	85.2%	83.6%	82.4%	76.8%	77.8%
% Accused referred to alternative measures	0.7%	0.8%	1.1%	1.2%	1.3%
% Accused not charged	13.0%	13.9%	15.0%	20.8%	19.7%
% Accused RCCs referred to agency for further info	1.1%	1.6%	1.6%	1.2%	1.6%
PROSECUTION					
Accused on concluded files	14,034	13,044	11,591	10,616	10,069
Percent Files Concluded at or before Arraignment	65%	60%	61%	70%	62%
Median # Days to Conclude Files	97	112	127	178	171
FILE OUTCOME					
Percent Files Concluded by File Outcome					
# Accused - Guilty	6,079	5,577	4,703	3,507	3,436
# Accused - Not Guilty	168	216	197	80	157
# Accused - Other finding	69	106	84	156	181
# Accused - Peace Bond	1,586	1,446	1,452	1,406	1,334
# Accused - Stay of Proceeding	6,132	5,699	5,155	5,467	4,961
% Accused - Guilty	43.3%	42.8%	40.6%	33.0%	34.1%
% Accused - Not Guilty	1.2%	1.7%	1.7%	0.8%	1.6%
% Accused - Other finding	0.5%	0.8%	0.7%	1.5%	1.8%
% Accused - Peace Bond	11.3%	11.1%	12.5%	13.2%	13.2%

Source: JUSTIN database (data extracted on July 21, 2022)

* British Columbia population data is reported by calendar year, not fiscal year. For the purpose of this table, the population under each fiscal year is based on the calendar year that most closely aligns (e.g., 2017 population is used to compare to FY2017/18 RCC data).

Provincial Overview for Youth Files – Five-Year Trends					
	Fiscal 2017/18	Fiscal 2018/19	Fiscal 2019/20	Fiscal 2020/21	Fiscal 2021/22
GENERAL INFORMATION					
British Columbia Youth Population*	865,054	868,295	870,896	873,740	864,180
INVESTIGATION					
Youth RCCs Received	3,140	2,721	2,710	1,821	1,681
Youth RCCs Received per 1,000 population	3.6	3.1	3.1	2.1	1.9
% All RCCs Received that are Youth	4.4%	3.9%	3.8%	2.9%	2.9%
Accused named on RCCs: Youth	3,378	3,003	3,030	2,029	1,861
Accused in-custody on RCCs received	693	515	521	248	191
CHARGE ASSESSMENT					
Charge Assessment Decisions	3,362	2,987	3,007	2,017	1,809
Accused approved to court	2,491	2,124	1,974	1,194	1,096
Accused referred to alternative measures	304	291	340	246	232
Accused not charged	468	478	590	504	372
Accused RCCs returned to agency for further info	99	94	103	73	109
% Accused approved to court	74.1%	71.1%	65.6%	59.2%	59.6%
% Accused referred to alternative measures	9.0%	9.7%	11.3%	12.2%	14.0%
% Accused not charged	13.9%	16.1%	19.8%	25.0%	21.2%
% Accused RCCs returned to agency for further info	2.9%	3.1%	3.3%	3.6%	5.2%
PROSECUTION					
Accused on concluded files	2,888	2,427	2,062	1,529	1,260
Percent Files Concluded at or Before Arraignment	75.9%	74.3%	74.6%	72.6%	70.4%
Median # Days to Conclude Files	89	110	120	225	195
FILE OUTCOME					
Percent Files Concluded by File Outcome					
# Accused - Guilty	1,623	1,321	1,115	691	596
# Accused - Not Guilty	24	43	34	19	28
# Accused - Other finding	12	12	14	6	12
# Accused - Peace Bond	104	83	88	83	82
# Accused - Stay of Proceeding	1,125	968	811	730	542
% Accused - Guilty	56.2%	54.4%	54.1%	45.2%	47.3%
% Accused - Not Guilty	0.8%	1.8%	1.6%	1.2%	2.2%
% Accused - Other finding	0.4%	0.5%	0.7%	0.4%	1.0%
% Accused - Peace Bond	3.6%	3.4%	4.3%	5.4%	6.5%
% Accused - Stay of Proceeding	39.0%	39.9%	39.3%	47.7%	43.0%

Source: JUSTIN database (data extracted on July 21, 2022)

* British Columbia youth population data is reported by calendar year, not fiscal year. For the purpose of this table, the population under each fiscal year is based on the calendar year that most closely aligns (e.g., 2017 population is used to compare to FY2017/18 RCC data).

Office-Level Data – RCCs Received, Charge Assessment Decisions, and Concluded Prosecutions

In addition to the Five-Year Trend Statistical Overview, we are reporting this year on data for several key measures for the 2021/22 fiscal year for every BCPS office. This includes information about the number of RCCs received, charge assessment decisions, and time to charge assessments. It also includes the number of concluded files, the time to a conclusion, and the finding.

FISCAL 2021/22 AT A GLANCE - RCC & Charge Assessment Data by Crown Office

RCCs Received and Charge Assessments											
	RCCs Received	Charge Assessment Decisions					Time to Charge Assessment Decisions				
		Approved to Court	Referred to Alternative Measures	Not Charged	RCC returned to agency	Total Decisions	Within 1 Day	Within 3 Days	Within 7 Days	Within 15 Days	Within 30 Days
Campbell River	666	537	7	104	33	681	31%	36%	48%	61%	77%
Colwood	1,088	837	18	248	17	1,120	29%	36%	56%	75%	87%
Courtenay	840	665	9	142	34	850	36%	42%	59%	74%	86%
Duncan	1,085	736	27	269	48	1,080	22%	27%	34%	48%	62%
Nanaimo	1,732	1,352	47	337	54	1,790	30%	37%	45%	58%	72%
Port Alberni	984	761	6	191	16	974	26%	29%	40%	52%	66%
Port Hardy	356	289	4	53	16	362	64%	69%	76%	83%	89%
Powell River	323	241	19	46	2	330	22%	27%	38%	54%	66%
Victoria	3,780	2,964	83	699	140	3,886	38%	46%	60%	72%	84%
VANCOUVER ISLAND REGION TOTAL	10,854	8,382	220	2,089	382	11,073	33%	39%	52%	65%	78%
Vancouver	8,600	6,438	174	1,727	327	8,666	42%	46%	54%	61%	70%
North Vancouver	1,420	974	58	378	53	1,463	28%	34%	45%	59%	75%
Richmond	1,433	1,145	52	217	78	1,492	39%	44%	53%	65%	78%
Sechelt	413	311	22	89	3	425	62%	72%	84%	91%	94%
VANCOUVER REGION TOTAL	11,866	8,868	306	2,411	461	12,046	41%	45%	54%	62%	72%
Abbotsford	2,692	2,325	31	355	56	2,767	52%	59%	69%	79%	86%
Chilliwack	2,166	1,755	24	345	80	2,204	37%	44%	53%	64%	74%
New Westminster	1,077	945	22	137	2	1,106	62%	69%	77%	84%	90%
Port Coquitlam	3,117	2,571	78	515	54	3,218	31%	38%	50%	66%	80%
Surrey	7,587	6,187	71	1,313	210	7,781	46%	55%	67%	78%	86%
FRASER REGION TOTAL	16,639	13,783	226	2,665	402	17,076	44%	52%	63%	74%	83%
Cranbrook	1,099	885	25	220	24	1,154	25%	32%	44%	59%	73%

FISCAL 2021/22 AT A GLANCE - RCC & Charge Assessment Data by Crown Office

RCCs Received and Charge Assessments											
	RCCs Received	Charge Assessment Decisions					Time to Charge Assessment Decisions				
		Approved to Court	Referred to Alternative Measures	Not Charged	RCC returned to agency	Total Decisions	Within 1 Day	Within 3 Days	Within 7 Days	Within 15 Days	Within 30 Days
Kamloops	1,912	1,370	48	454	78	1,950	36%	43%	59%	71%	82%
Kelowna	2,689	2,122	34	451	104	2,711	27%	33%	45%	59%	74%
Nelson	755	544	6	231	16	797	25%	30%	41%	56%	72%
Penticton	1,093	864	25	201	34	1,124	33%	44%	60%	76%	87%
Salmon Arm	532	379	10	142	6	537	26%	34%	46%	63%	80%
Vernon	1,292	1,049	19	231	30	1,329	35%	43%	58%	70%	84%
INTERIOR REGION TOTAL	9,372	7,213	167	1,930	292	9,602	30%	37%	51%	65%	79%
Dawson Creek	646	516	22	131	16	685	24%	28%	37%	48%	61%
Fort Nelson	211	140	3	68	1	212	36%	44%	53%	67%	77%
Fort St John	852	647	23	184	23	877	30%	32%	38%	50%	60%
Prince George	2,846	2,241	45	557	111	2,954	41%	50%	61%	72%	82%
Prince Rupert	615	439	74	123	7	643	30%	41%	55%	70%	82%
Quesnel	639	471	19	133	26	649	27%	32%	41%	52%	64%
Smithers	787	469	8	322	10	809	31%	40%	50%	66%	80%
Terrace	801	584	25	185	24	818	24%	30%	39%	54%	69%
Vanderhoof	681	505	25	151	25	706	34%	42%	57%	74%	86%
Williams Lake	956	594	14	318	59	985	24%	29%	40%	53%	65%
NORTHERN REGION TOTAL	9,034	6,606	258	2,172	302	9,338	32%	39%	49%	62%	74%
CASP TOTAL	97	79		8	5	92	11%	11%	12%	18%	19%
PROVINCIAL TOTAL	57,862	44,931	1,177	11,275	1,844	59,227	37%	44%	55%	67%	78%

Source: JUSTIN database (data extracted on July 21, 2022)

Note: Vancouver includes Main Street, Downtown Community Court, Vancouver Youth Court, and Vancouver Supreme Court. New Westminster includes New Westminster Provincial Court and the New Westminster Supreme Court. CASP location includes Special Prosecutions, Commercial Crime, Health Fraud Crown Counsel, ICBC Fraud Crown Counsel, and Welfare Fraud Crown Counsel.

Concluded Prosecutions – By Crown Office

FISCAL 2021/22 AT A GLANCE - Concluded Prosecution Data by Crown Office

Concluded Prosecutions								
	Concluded Prosecutions	Files Concluded at or Before Arraignment Hearing	Median # Days to Conclude Files	Concluded Prosecutions by File Outcome				
				Guilty	Not Guilty	Other	Peace Bond	Stay of Proceeding
Campbell River	532	63.8%	142	327	10	12	29	154
Colwood	785	72.5%	186	482	15	12	22	254
Courtenay	767	64.1%	154	476	7	33	29	222
Duncan	789	49.7%	223	368	8	11	47	355
Nanaimo	1,549	81.1%	195	857	3	31	99	559
Port Alberni	850	74.3%	109	418	9	12	61	350
Port Hardy	277	53.4%	203	129	26	8	21	93
Powell River	276	63.6%	186	143	2	10	34	87
Victoria	2,728	74.0%	135	1,585	24	27	126	966
VANCOUVER ISLAND REGION TOTAL	8,553	70.2%	159	4,785	104	156	468	3,040
Vancouver	6,231	83.8%	128	3,226	51	149	260	2,545
North Vancouver	1,039	62.1%	179	512	7	19	74	427
Richmond	1,157	76.1%	170	591	14	7	55	490
Sechelt	228	71.5%	132	107	7	6	11	97
VANCOUVER REGION TOTAL	8,655	79.5%	138	4,436	79	181	400	3,559
Abbotsford	2,055	81.8%	224	982	14	49	129	881
Chilliwack	1,512	60.9%	256	746	23	50	112	581
New Westminster	808	79.1%	197	517	14	17	61	199
Port Coquitlam	2,422	85.8%	170	1,263	11	63	198	887
Surrey	7,138	82.4%	205	3,840	61	173	437	2,627
FRASER REGION TOTAL	13,935	81.1%	205	7,348	123	352	937	5,175
Cranbrook	979	42.7%	208	509	34	64	54	318
Kamloops	1,457	68.9%	167	845	33	33	51	495
Kelowna	1,916	61.8%	203	1,171	14	37	71	623
Nelson	572	60.6%	203	251	18	2	47	254
Penticton	833	57.9%	246	452	8	29	50	294
Salmon Arm	416	65.6%	152	252	5	1	22	136
Vernon	1,059	60.1%	147	553	21	13	71	401
INTERIOR REGION TOTAL	7,232	60.2%	188	4,033	133	179	366	2,521

FISCAL 2021/22 AT A GLANCE - Concluded Prosecution Data by Crown Office

Concluded Prosecutions								
	Concluded Prosecutions	Files Concluded at or Before Arraignment Hearing	Median # Days to Conclude Files	Concluded Prosecutions by File Outcome				
				Guilty	Not Guilty	Other	Peace Bond	Stay of Proceeding
Dawson Creek	485	61.9%	195	253	1	11	37	183
Fort Nelson	135	47.8%	275	55	5	1	11	63
Fort St John	718	57.8%	222	407	14	7	49	241
Prince George	1,933	55.3%	131	1,106	13	51	80	683
Prince Rupert	431	63.4%	221	205	7	3	57	159
Quesnel	448	66.8%	149	269	5	22	17	135
Smithers	455	42.3%	206	200	4	12	41	198
Terrace	612	65.3%	181	336	10	2	52	212
Vanderhoof	432	57.4%	172	199	1	9	54	169
Williams Lake	739	53.2%	230	285	12	25	41	376
NORTHERN REGION TOTAL	6,388	56.7%	180	3,315	72	143	439	2,419
CASP TOTAL	126	55.3%	305	79	4	2		41
PROVINCIAL TOTAL	44,889	71.0%	176	23,996	515	1,013	2,610	16,755

Source: JUSTIN database (data extracted on July 21, 2022)

Note: Vancouver includes Main Street, Downtown Community Court, Vancouver Youth Court, and Vancouver Supreme Court. New Westminster includes New Westminster Provincial Court and the New Westminster Supreme Court. CASP location includes Special Prosecutions, Commercial Crime, Health Fraud Crown Counsel, ICBC Fraud Crown Counsel, and Welfare Fraud Crown Counsel.

Regional Profiles

The BCPS has approximately 500 Crown Counsel and 410 professional staff and managers located in communities across the province. There are five regions which conduct most prosecution functions at the local level: the Northern, Interior, Fraser, Vancouver, and Vancouver Island-Powell River Regions. The Criminal Appeals and Special Prosecutions (CASP) section, which has a province-wide mandate, has offices in Vancouver and Victoria. Headquarters personnel are located in Victoria and Vancouver.

Headquarters

Headquarters is responsible for the BCPS business operations, legal operations, policy development, and strategic planning.

Business Operations

The Business Operations team leads the annual budget process, including submissions to Treasury Board and delegation of the annual budget at the regional level, and oversees expenditures, including administrative policy development and compliance. They provide provincial-level facilities management functions, human resources services, business continuity planning, security, and occupational health and safety programs.

The Business Operations team is also responsible for the development and management of the BCPS technology-based applications and infrastructure, including major transformative initiatives and projects to support BCPS operations. Members of the team also manage data and business intelligence available from applications.

Policy and Justice Issues

The Policy and Justice Issues (PJI) team develops and implements policies, practices, protocols, and procedures to support the BCPS in fulfilling its mandate. Central to this is the publicly available Crown Counsel Policy Manual, which provides both general and situation-specific guidance to Crown Counsel in the exercise of their discretion.

Members participate in intra-provincial and inter-provincial working groups and committees to recommend, develop, and implement criminal law reform. Crown Counsel in PJI also advise government on criminal law and related matters.



Victoria Inner Harbour, just steps away from BCPS Headquarters

The PJI team oversees compliance with the *Freedom of Information and Protection of Privacy Act*, civil litigation involving the BCPS, and responses to correspondence received by the Minister and Deputy Minister regarding BCPS-related matters. The PJI team is responsible for the strategic management of the BCPS Indigenous Justice Framework.

Legal Operations

The Legal Operations team collaborates with justice sector partners to identify and implement standardized provincial processes wherever appropriate to promote consistency and efficiency in the delivery of criminal justice services. They work with individual regions within the BCPS to identify challenges or implement solutions that may be unique to a region or local Crown Counsel office and work with justice sector partners on sector-wide initiatives like the British Columbia Provincial Court comprehensive bail program or the development or implementation of specialized courtrooms.

BCPS Communications Crown Counsel

The BCPS Communications Crown Counsel responds to media requests for information on the status and outcome of BCPS cases and prepares media releases and clear statements. Communications Counsel briefs the ADAG on cases that may attract increased public scrutiny and liaises with government and police communications professionals with respect to BCPS-related matters.

Vancouver Island-Powell River Region (Region 1)

The Vancouver Island Region encompasses Vancouver Island, the Gulf Islands, the Outer Islands, and Powell River on the Sunshine Coast. The regional office is in the provincial capital, Victoria. There are 125 dedicated prosecutors and legal administrative professionals who work in nine offices and 14 court locations and receive RCCs from 30 police agencies and RCMP detachments.

Crown Counsel personnel work with our justice system partners, community agencies, and Indigenous communities to provide prosecution services relevant to the local community. Region 1 also has memoranda of understanding with local restorative justice agencies, which offer programs aimed at repairing the harm caused by crime and violence by addressing victims' needs, holding offenders meaningfully accountable for their actions, and engaging the community in the justice process.

Region 1 participates in the following specialized courts:

- **Indigenous Court, Duncan:** This court receives referrals of Indigenous offender files, mainly from the Cowichan area. The court focuses on balancing rehabilitation, accountability, and healing, recognizing the unique circumstances of Indigenous offenders within the framework of existing laws.
- **Intimate Partner Violence Courts, Nanaimo, and Duncan:** These courts are staffed by designated Crown Counsel who work with defence counsel and community agencies to engage resources that can assist victims and offenders. The approach seeks to reduce the traumatic impact of intimate partner violence with the goal of improving prospects for rehabilitation and victim safety.
- **Integrated Court, Victoria:** This court was established to improve access to health, social, and economic services for mentally disordered and drug addicted chronic offenders, to improve public safety, and to hold offenders accountable for their actions in a timely manner. A dedicated Crown Counsel has responsibility for prosecutions in this Court.



Portland Island looking towards Saltspring Island

Did You Know?

- Vancouver Island is approximately 460 km long and 100 km wide, covering a total area of 32,134 km², three times the size of the island of Hawai'i and bigger than all the Hawai'ian islands combined
- Vancouver Island has approximately 3400 km of coastline
- Circuit Court locations include Saltspring Island, Gold River, Tofino, and Ucluelet
- Vancouver Island is home to several world records, including the world's tallest totem pole in Alert Bay, and the world's largest hockey stick in Duncan
- Population served: 821,579
- Crown Counsel offices: 9
- FTEs: 125

Vancouver Region (Region 2)

The Vancouver Region has a diverse, multicultural population. It includes western areas of the Lower Mainland and the southern coast. Regional headquarters is in Vancouver.

Crown Counsel based in Vancouver are responsible for prosecutions in the central coast communities of Bella Bella, Bella Coola, and Klemtu, and regularly travel to attend circuit court at these locations.



Downtown Vancouver from Stanley Park

The largest office in the Vancouver region is the Vancouver Provincial Court at 222 Main Street and the Downtown Community Court at 211 Gore Street. Many offenders in downtown Vancouver have health and social problems, including addiction, homelessness, and poverty. Crown Counsel at Downtown Community Court work together with justice partners, including health and social services, in one location and take a problem-solving approach to address offenders’ needs and the underlying causes of criminal behaviour.

Did You Know?

- The Richmond RCMP detachment (the second largest in BC) and YVR (the second busiest airport in Canada) are both covered by the Richmond office
- Of British Columbia’s six major metropolitan areas, Vancouver has the highest linguistic diversity
- Vancouver’s Downtown Community Court is the first community court in Canada
- Population served: 1.3 million
- Crown Counsel offices: 7
- FTEs: 184

In addition to dealing with cases arising in Richmond, the Richmond Crown Counsel Office prosecutes matters arising from the University Endowment Lands, including the University of British Columbia, and Vancouver International Airport (YVR).

The North Vancouver Crown Counsel Office serves a wide range of communities, including West Vancouver, Lions Bay, Whistler, Bowen Island, Pemberton, and Mount Currie. It is also home to an Indigenous Justice Court which is working to assist in healing and rehabilitation and to reduce recidivism while acknowledging the harm done to victims and recognizing the needs of the local community.

Case complexity has increased over time, due to a number of factors such as an increase in the volume of electronic communications and electronic evidence. The growth of the Vancouver Region’s paralegal team over the past year, to a complement of 13 members, has enabled an expansion of the scope of assistance provided by the team on complex cases.

Fraser Region (Region 3)

The Fraser Region is the most populous and fastest growing region of the province. It covers the geographic area from New Westminster on the west to Boston Bar on the east. The Fraser Region offices, located in Chilliwack, Abbotsford, Surrey, Port Coquitlam, and New Westminster, serve approximately one and a half million people in the eastern half of the Lower Mainland and Fraser Valley.

Crown Counsel, paralegals, and other professional staff conduct many significant cases and have been instrumental in the development and implementation of new procedures, particularly those adopted over the past two years to respond to the COVID-19 pandemic. Fraser Region lawyers are actively involved in the development and refinement of Crown Counsel practice, making significant contributions in many areas, including intimate partner violence and sexual offence prosecutions and in the law related to seizure of evidence.



The new Abbotsford Law Courts

In 2021, a new courthouse and Crown Counsel office was opened in Abbotsford. This courthouse includes a Supreme Court registry, and criminal trials are now occurring at both the Provincial and the Supreme Court levels in Abbotsford.

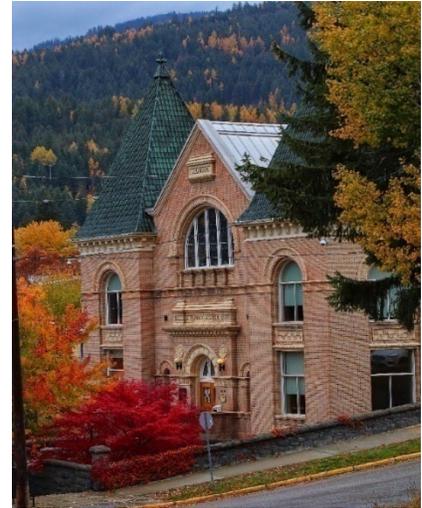
Over the past year, a variety of serious and complex prosecutions have continued to receive the time, energy, and attention of Fraser Region Crown Counsel and professional staff. Teams of senior Crown Counsel located in the New Westminster Supreme Court Office and elsewhere throughout the Region are managing some of the most challenging prosecutions in the province. New and innovative case management practices are being employed to ensure that these significant cases have the resourcing they need to be conducted effectively and efficiently.

Did You Know?

- Region 3 works with several RCMP detachments, and the Surrey, Port Moody, Abbotsford, and Delta Municipal Police Services
- The Fraser Region has the longest running Indigenous Court in British Columbia
- Population served: 1.5 million
- Crown Counsel offices: 6
- FTEs: 226

Interior Region (Region 4)

The Interior Region comprises central and southeastern British Columbia, an area that includes the Thompson, Okanagan, and Kootenay River valleys. Personnel in seven prosecution offices, stretching from Kamloops to Cranbrook, serve 23 court locations. The regional headquarters is in Kelowna. Within the region are 47 police detachments, eight full-time courthouses with registries, two Indigenous courts, and 12 circuit court locations. It is a geographically diverse region spanning from the St'át'imc Territory near Lillooet, south to the wine country of Osoyoos, east to the Rocky Mountains and North to the ski slopes of Revelstoke. Winter or summer, Crown Counsel are regularly on the move, driving to one or another of the several century-old heritage courthouses in the region to conduct their cases.



Rossland Courthouse, Photo by Andrew Mayes

Many of the courthouses are national treasures which have seen justice delivered in a variety of ways over the years. The traditional legal journals and scratch pads have given way to computers, electronic files, and virtual appearances; the latter greatly assisting with the administration of justice, since traveling to and from court often presents challenges, particularly with the snows of winter.



Recent days have seen the development of victim services and victim service dogs. These four-legged members of the justice community are increasingly common in our courtrooms where they give comfort and assistance to victims and witnesses. The service they provide is highly valued, as proven by a retirement party recently held in Penticton for Calypso, a Lab/Retriever crossbreed, who gave up her victim service duties in favour of playing ball full time.

Did You Know?

- Region 4's Rossland Courthouse (circa 1898 – 1901) is a National Historic Site
- The 112-year-old Nelson courthouse was designed by Francis Rattenbury
- Population served: 341,015
- Crown Counsel offices: 7
- FTEs: 112

Northern Region (Region 5)

Approximately 544,000 kilometres in size, the Northern region covers two-thirds of the province, a vast geographical area that stretches from the Yukon border in the north to 100 Mile House in the south, the Alberta border to the east, and Haida Gwaii to the west. With regional headquarters in Prince George, the region works with 36 police detachments and serves 35 court locations.



L to R: Hereditary Chief Simidiiks (Calvin Hyzims); Virginia DeWitt, Wet'suwet'en representative; Shannon Salter, Deputy Attorney General, Judge Wendy Bernt; and Hereditary Chief Wii Alaast (Jim)

Over 60 Indigenous communities are situated within Region 5. Northern Crown Counsel are committed to working towards reconciliation with local communities at a grassroots level, and to improving access to justice by using new technologies to help justice system partners participate more actively in the court process.

Did You Know?

- Region 5 works with RCMP detachments in Northern British Columbia and the Yukon
- The Northern Circuit (Atlin, Good Hope Lake, and Lower Post) is the longest circuit distance travelled: over 1900 km, and includes travel through the Yukon on the Alaska Hwy
- Many of the remote circuit courts are held in community halls or band offices, with limited or no cellular service or internet connectivity
- Population served: 341,015
- Crown Counsel offices: 10
- FTEs: 115

The Northern Region has three Indigenous Courts, located in Prince George, Williams Lake, and Hazelton. The Hazelton Indigenous Court began hearing matters in July 2021. The photo above shows a Hand Tying Ceremony as part of the Opening Ceremonies that celebrated the Court's launch. The backdrop was designed and painted by Court Elder and Hereditary Chief Wiimuugilxw (Art Wilson). Williams Lake Indigenous Court, which opened in December 2020, had its first two graduates this year.

Northern Crown Counsel frequently travel great distances to attend circuit courts, which are held at varying degrees of frequency; some weekly or monthly and others only three or four times a year.

The Northern Region was the first location to pilot the provincial Virtual Bail initiative so most bail hearings in the Region are now conducted online. This has freed up much needed court time in busy Northern courthouses, which can

now deal with more cases. Previously, bail hearings were scheduled into trial courtrooms and bail matters frequently interrupted trials. During the pandemic, the Northern Region was able to quickly transition to an electronic file format, making a necessary adaptation to working more effectively in the virtual world.

Criminal Appeals and Special Prosecutions (CASP)

Serving the entire province, Criminal Appeals and Special Prosecutions (CASP) conducts indictable appeals in the British Columbia Court of Appeal and Supreme Court of Canada. CASP members also conduct specialized prosecutions related to organized crime, proceeds of crime, securities, commercial crime, occupational health and safety, and police prosecutions.

CASP is also home to the Prosecution Support Unit (which assists Crown Counsel with constitutional and complex litigation), the Review Board office (which deals with accused found to be not criminally responsible on account of mental disorder), the High-Risk Offenders Identification Program, and Major Case Management project teams.



2021/22 Indigenous Youth Intern Nicole Bell is presented by LRLD team members with art by Christine Mackenzie

Did You Know?

- Crown Counsel at the Review Board handle close to 300 hearings a year
- CASP members have offices in Victoria, Vancouver, New Westminster, Campbell River, Vernon, Prince George, Kelowna, and work across BC
- The LRLD team hosted approximately 167 hours of professional development sessions
- At any given time, CASP coordinates around 40 French and bilingual active prosecutions under section 530 of the *Criminal Code*

Despite the challenges of pandemic conditions, the Legal Resources, Learning, and Development (LRLD) team hosted a virtual Spring 2021 Crown Conference with a program for all personnel focussing on digital literacy. At our fourth annual Indigenous Cultural Safety Workshop, we learned about the experience of urban Indigenous people. A highlight of the Hayulis Dała Xa Ik Noke' workshop was the performance from the Tsatsu Stalqyu, a traditional Salish song and dance group, promoting cultural understanding.

In 2021/22, the practice at Criminal Appeals reverted to pre-COVID procedures in some respects (most hearings were in-person), while retaining some new efficiencies, such as widespread electronic filing. In addition to a number of cases in the Supreme Court of Canada, counsel argued complex appeals with large records that were entirely digital.

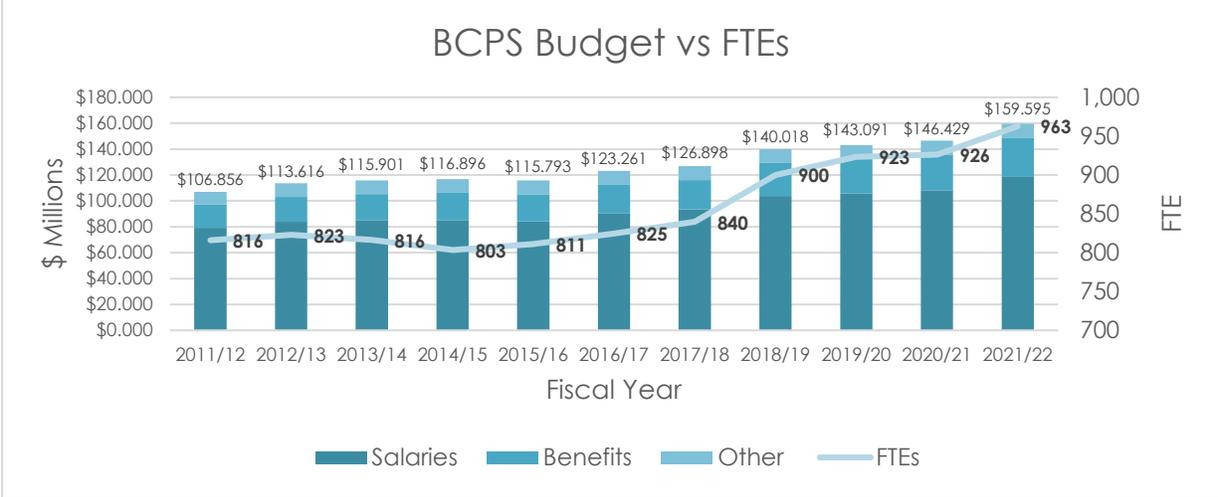
Files the Commercial, Police & Regulatory Prosecutions team handles range from workplace fatalities, seizures of untaxed tobacco, environmental disasters, alleged misconduct by police officers, to misappropriation of public funds.

Financial Overview

The BCPS had a small budget surplus in fiscal 2021/22. As a front-line operation, salary and benefits costs made up 95.7% of year end expenditures. The BCPS was able to successfully manage its budget, in part due to stringent controls on hiring, employee travel, and other operational expenditures. Internal savings related to COVID-19 courthouse closures and delays continued, which offset other cost pressures.

Budget and Expenditures 2021/22	
Estimates Budget	\$ 159,595,000
Contingencies Vote	\$ 0
Total Authorized Budget	\$ 159,595,000
Expenditures	\$ 159,232,518
Variance	\$ 362,482

Over the past decade, there has been a significant increase in both the BCPS budget and the number of employees. Much of the budget increase is directly attributable to negotiated salary increases. Additional funding has been provided for new personnel in response to facilities expansions in Surrey, Abbotsford, and Fort St. John, as well as in response to increasing workload pressures due to escalations in organized crime, and the expansion of Crown Counsel responsibilities for bail. Since fiscal 2011/12 the BCPS budget has increased by 49% and the number of full-time equivalent employees (FTEs) has increased by 18%.



Workforce Engagement Score

Employees across government are surveyed every two years to gauge workplace health and employee engagement. The BCPS uses the overall engagement score as one of its key performance indicators. BCPS employees were surveyed in January of 2022. During a year of significant uncertainty, strain, and adjustment as a result of the COVID pandemic, the overall engagement score was 68, a one-point increase over the 2020 number.

Innovations and Accomplishments

COVID response

The COVID response during 2021/22 fiscal year involved ensuring Crown Counsel offices were safe by establishing measures for cleanliness and reduced numbers of on-site employees. This work was led by the BCPS Risk and Security Unit. As the year progressed, in line with government direction, the BCPS transitioned to greater numbers of employees returning to the office, while allowing continued work from home arrangements in a hybrid model. An automated check-in system for employees working from home was implemented at the same time. Flexibility was required as COVID case numbers ebbed and flowed and the BCPS was quick to implement orders for employees to revert to working from home at times when the risk of transmission was highest. Employees generally reported feeling well-supported throughout the pandemic.

Indigenous Justice Framework

BCPS continued to work within its mandate to meet the standards set by the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's justice-related Calls to Action, all in alignment with British Columbia's *Declaration on the Rights of Indigenous Peoples Act*. The BCPS strives to change the status quo by moving towards reconciliation, building trust, and promoting better relationships with Indigenous communities.

The BCPS recognizes the need for culturally appropriate and legally informed policies, practices, and procedures at all stages of the criminal justice process. Under its Indigenous Justice Framework, the BCPS has released new and revised policies in three phases in 2019, 2021, and 2022. The BCPS continues to provide educational opportunities to all its members which emphasize existing legal and policy requirements, cultural safety, and related issues. The BCPS has hosted four Indigenous Justice Cultural Safety Gatherings with Indigenous Elders and employees, including virtual events in 2021 and 2022 due to the pandemic. The BCPS has also established an internal Indigenous Prosecution Service Resource Group to develop best practices, identify changes to address overrepresentation of Indigenous persons in the justice system, and to support our Indigenous employees.

Comprehensive Disclosure Strategy/DEMS

The BCPS is actively working with all police agencies in British Columbia to improve efficiencies in the disclosure process and reduce trial delays.

We are currently configuring and planning for implementation of the digital evidence and disclosure management system (DEMS), which will be the core element in the end-to-end management of digital evidence. DEMS will put in place a standardized digital system and uniform formatting to facilitate the expeditious flow of digital investigative materials from British Columbia police agencies to the BCPS for charge assessment and prosecution. DEMS will reduce delay in the transmission of investigative materials to the BCPS and will improve disclosure and information management practices. Implementation is expected to begin during fiscal 2022/23.

Bail

Prior to 2018, police were responsible for conducting some “after-hours” bail hearings in British Columbia. In that year, Crown Counsel began the process of assuming conduct of all after-hours bail processes. Since then, the BCPS has been proactively engaging with the Provincial Court of British Columbia and other justice partners on planning and implementing various bail reform initiatives, including a daytime virtual bail pilot in the Northern region that enabled Crown counsel to conduct charge assessments and appear virtually in bail hearings during court sitting hours for accused persons in every community in the region, eventually including weekday evening bail also conducted virtually.

Trauma Informed Practice/Mental Health and Resilience

Through various training and information initiatives for managers and staff, the BCPS has made strides towards de-stigmatizing mental health issues, helping employees identify and address the impacts of trauma on people they work with and themselves, and encouraging employees to look after their own mental health.

Awards and Achievements

- There were 21 recipients from the BC Prosecution Service eligible for Long Service Awards in 2021. Those eligible for awards for 25 years of service included Brian McKinley, Gerri-Lyn Nelson, Kimberly Henders Miller, and Lynett Jung. Those eligible for awards for 30 years of service included Andrew Mayes, Gayle McRoberts, Henry Waldock, Jody Rathbone, John Blackman, Joselyn Byrne, Kevin Marks, Paige Curtis, Shelene Rail, Shirley Pederson, Stacey Allan, Susan McGreish, Teresa Baptista, Vittorio Toselli, and Wendy Stephen. Declan Brennan was eligible for recognition for 35 years of service, and Alanna Wood was eligible for an impressive 40 years of service.
- On November 17, 2021, Trevor Shaw, Director of CASP, was presented with the 2021 Humanitarian Award by the Federal-Provincial-Territorial (FPT) Heads of Prosecutions at a national ceremony.
- In December 2021, Lesley Ruzicka KC and Leah Fontaine KC were appointed Queen's Counsel (now King's Counsel) for their leadership, professional accomplishments, and positive contributions to the legal profession and their wider communities.
- In February 2022, Michele Peacock was appointed to the Provincial Court of British Columbia.
- A number of BCPS staff members were recognized for their exceptional work and contributions as part of the AG/PSSG 2021 Excellence Awards:
 - The Risk and Security Unit, whose members included Carl Prophet, Matthew Doubleday, Peter Goncalves, Dimitar Ivanov, Riaz Bassari, Richard Langlois, and Sam Spada, received the Client Service Award for leadership in the BCPS COVID-19 response.
 - A team of BCPS and BC Corrections staff members were honoured with the Award for Collaboration for their work in looking at new ways to use alternative measures to appropriately and effectively address harm done to communities and victims, while still allowing offenders to be rehabilitated and accept responsibility for their criminal conduct. The project team members from the BCPS included: Alisia Adams, Richard de Boer, KC, Kristyn Kaitila, Debbie Granger, Arthur Hargrove, and Samantha Hulme.
 - The Subcommittee on Equity, Diversity, and Inclusion (SEDI), whose members included: Audra Bevan, Michelle Booker, Liz Boychuk, Michelle Clough, Amanda Jiao, Lynett Jung, Daphne Kvenich, Lauren Kristjanson, Angel Pedersen, Jason Singh, Kaitlyn Tourangeau, Louisa Winn, and Lionel Yip received the Diversity and Inclusion Award for innovative and important work in championing equitable, diverse, and inclusive workplaces.

- The cross-sector Trauma-Informed Practice Foundations Curriculum Project team received the Innovation Award, for their work on a multi-year, cross-sector initiative aimed at creating a more compassionate criminal justice system that recognizes the complexity of trauma and responds to the needs of victims and survivors. BCPS project members included Alex Henderson, Lynett Jung, and Gerri-Lyn Nelson.
- The Virtual Cart Team received the Innovation Award for its work in creating an electronic “virtual file cart” in response to COVID-19 challenges. Team members included: Christine Audette, Kevin Chang, Kiersten Cowdell, Kerri Fowler, Catherine Sloan, and Terri Wallace.
- Daniel Conti, the CDS/DEMS Programmer Analyst, received the Client Service Award for his positive, can-do attitude, and ability to creatively problem-solve client needs.

BC Prosecution Service Awards

The BCPS presents two internal awards annually – Leadership and Crown Counsel recognition.

The BCPS Leadership Award is granted to an employee who best demonstrates leadership qualities (whether or not they are in a formal leadership position) including those who demonstrate superior informal leadership with colleagues within the BCPS and/or outside justice partners; show innovative problem solving, team building, and collaboration; proven thought-leaders who can articulate a strong case for change, self-motivate, and motivate others through change; demonstrate ethical leadership practices; support innovation, new technology, and best practices; show a commitment to diversity and inclusiveness at work; contribute in significant ways to a positive office culture; or consistently go above and beyond, and whose optimism and constructive approach enables them to find the positive in any situation or task.

2021/22 Crown Counsel Leadership Awards

- Lorne Phipps – Vancouver Island Region
- Selena Chu – Vancouver Region
- Peter Ng – Fraser Region
- Mandy Klein – Interior Region
- Ashley Thomas – Northern Region
- Susanne Elliott – CASP

Administrative Employees Leadership Awards

- Mariah Morin – Vancouver Island Region
- Aileen Singh – Vancouver Region
- Serina Louie – Fraser Region
- Jamie Newall – Interior Region
- Leanne Kindler – Northern Region
- Tracy Buchanan – CASP
- Michelle Layton – Headquarters

The BCPS Crown Counsel Recognition Awards are presented to Crown Counsel who exemplify the values of the prosecution service and who have shown exceptional achievement and dedication. The 2021/22 recipients are:

Crown Counsel Recognition Awards

- Joselyn Byrne – Vancouver Island Region
- Michaela Donnelly – Vancouver Region
- Michael Fortino – Fraser Region
- David Grabavac – Interior Region
- Tyler Bauman – Northern Region
- Mary Ainslie, KC – CASP



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