

2020/21 ANNUAL REPORT



BRITISH
COLUMBIA

Prosecution
Service

Independent, Effective & Fair

TABLE OF CONTENTS

Message from the Assistant Deputy Attorney General.....	2
Vision, Mission and Values.....	3
Overview of the BC Prosecution Service.....	3
Role of Crown Counsel	5
Role of Special Prosecutors.....	5
Overview of the criminal justice process	6
Charge Assessment.....	6
Prosecutions & Appeals	7
Sentencing.....	7
Stays of Proceedings.....	7
Statistical Summary.....	9
Reports to Crown Counsel.....	9
Types of Investigative Agencies.....	10
Charge Assessment Decisions.....	11
Concluded Prosecutions.....	12
High-Risk Offenders	13
Dangerous Offender and Long-Term Offender Applications	13
Recognizances to Keep the Peace – Section 810.1 and 810.2 Applications.....	14
Supporting Victims	15
Key Performance Indicators.....	16
1. Number of Judicial Stays of Proceedings for Delay.....	16
2. Charge Assessment Duration	17
3. Prosecution File Duration	17
4. Percent of Files Concluded at or Before Arraignment.....	18
5. Workforce Engagement Score.....	19
Regional Profiles	20
Financial Summary	21
Awards and Achievements	22

MESSAGE FROM THE ASSISTANT DEPUTY ATTORNEY GENERAL

I am pleased to present the 2020/21 Annual Report for the BC Prosecution Service. Our team of lawyers, paralegals, administrative staff, and managers performed at an exceedingly high level during this fiscal year, despite the many obstacles we faced as a result of the COVID-19 pandemic. 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 administering the criminal justice system of British Columbia.



Peter Juk QC
Assistant Deputy Attorney General

In this Annual Report, you will find the following information:

- An overview of the criminal justice process in British Columbia and the role the BC Prosecution Service plays within it;
- Statistical summaries on some of the work of the BC Prosecution Service; including some measures of file volume and workload for the 2020/21 fiscal year;
- Some key performance indicators; and,
- A description of our operational structure and a summary of our financial position at the end of the fiscal year.

Some of our notable achievements in the past year included:

- Introducing more new and revised policies directed at the unacceptable overrepresentation of Indigenous people in the criminal justice system and giving effect to the principle of restraint in charging, bail, and sentencing.
- Continuing to support the mental health and wellness of our people by introducing a BCPS-wide poster campaign and other initiatives to raise awareness and reduce stigma about mental health issues, while promoting the many resources available to assist our people.
- Moving forward on our digital evidence and disclosure management system (DEMS) project.
- Developing and implementing innovative ways to work remotely.

In closing, I would like to acknowledge with deep gratitude and pride the ingenuity and resilience of our BC Prosecution Service team in finding ways to address and overcome the many challenges we have faced over the past year. They have done a remarkable job under extraordinarily difficult circumstances.

Peter Juk QC
Assistant Deputy Attorney General

VISION, MISSION AND VALUES

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

Justice

Independence

Fairness

Integrity

Professionalism

These values guide us in everything we do.

OVERVIEW OF THE BC PROSECUTION SERVICE

The mandate of the BC Prosecution Service, 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 BC Prosecution Service:

- 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) completes any other function or responsibility assigned by the Attorney General.*

The Assistant Deputy Attorney General (ADAG) heads the BC Prosecution Service and is charged with administering the BC Prosecution Service and carrying out its mandate as outlined above. The ADAG designates "Crown Counsel", who represent the Crown in all prosecution-related matters before all courts.

Subject to the ADAG's direction, Crown Counsel are authorized to:

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

In carrying out these functions, Crown Counsel have legal and constitutional obligations to act as "ministers of justice" in court. They must exercise their responsibilities fairly, impartially, in good faith, and in accordance with the highest ethical standards. Political, personal, and private considerations must not affect the manner in which prosecutors proceed. 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.

While the BC Prosecution Service is part of the Ministry of Attorney General, its prosecutorial functions must be carried out independently of all outside political pressure. This independence is guaranteed by the Constitution and by the *Crown Counsel Act*, which only permits the Attorney General or Deputy Attorney General to direct the conduct of individual prosecutions or appeals, if they do so in a manner that is open to public scrutiny: by providing a direction in writing that must be published in the BC Gazette, the official public record of all government notices.

Role of Crown Counsel

Crown Counsel exercise a *quasi*-judicial function under Canada's system of law. Their paramount duty is to see that justice is done in each case. When a crime is committed, it is a crime against society as a whole. Crown Counsel do not represent individual victims. They 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 that 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 (such as prosecutions under the *Controlled Drugs and Substances Act*). Crown Counsel 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 or another investigative agency prepare a Report to Crown Counsel (RCC) 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 and available online. When charges are not approved, Crown Counsel will make themselves available to explain the reasons for the decision when requested. In cases of significant public interest or concern, the reasons for charge assessment decisions may also be explained in "clear statements" disseminated by the Communications Crown Counsel and 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.

The requirement that Crown Counsel conduct charge assessment before charges are laid ensures, as much as reasonably possible, that only viable cases proceed to court. Oversight of the charging process by Crown Counsel also acts as a safeguard against miscarriages of justice.

Role of Special Prosecutors

Special prosecutors are appointed by the ADAG under the *Crown Counsel Act* when there is a significant potential for perceived or real improper influence in prosecutorial decision-making in a given case. The paramount consideration is the need to maintain public confidence in the administration of criminal justice. Special prosecutors are appointed from a list of senior lawyers in private practice. A lawyer's inclusion on the list is reviewed every five years, and approved by both the ADAG and the Deputy Attorney General. Only the ADAG has authority to appoint a special prosecutor and to define the special prosecutor's mandate.

Once appointed, special prosecutors must adhere to the policies of the BC Prosecution Service when conducting their cases, including the charge assessment guidelines. However, they make their decisions independently of the BC Prosecution Service. Where there is a decision to prosecute, the special prosecutor ordinarily conducts the prosecution and any subsequent appeals.

OVERVIEW OF THE CRIMINAL JUSTICE PROCESS

INVESTIGATION	CHARGE ASSESSMENT	PROSECUTION	SENTENCING	APPEALS
<ul style="list-style-type: none"> •Police investigate possible crime. If warranted, police or other investigative agencies submit a Report to Crown Counsel (RCC) for charge assessment. 	<ul style="list-style-type: none"> •Crown Counsel receives RCC - which is then subject to charge assessment: <ul style="list-style-type: none"> •Is there a substantial likelihood of conviction? •Does the public interest require a prosecution? •Crown Counsel can: <ul style="list-style-type: none"> •Lay charges •Not lay charges •Refer for alternative measures •Refer back to investigative agency for more information. 	<ul style="list-style-type: none"> •If charges are laid, Crown Counsel conducts a prosecution on behalf of the community. •Trials may be held in Provincial Court or the Supreme Court of BC. •The trial will determine if the accused is found guilty or not guilty. 	<ul style="list-style-type: none"> •If the accused pleads guilty or is found guilty after a trial, a judge sentences the accused. 	<ul style="list-style-type: none"> •The decision of the judge or jury is final. However, that decision may be appealed. An appeal is a formal request to change or overturn the trial decision on the basis that an error was made in some important aspect of the trial. •Appeals can be initiated: <ul style="list-style-type: none"> •From a conviction •From an acquittal, or •From sentence.

Investigation

When an alleged crime is reported to an investigative agency such as the police, or the agency itself identifies a possible offence, the agency will investigate and decide whether the incident warrants forwarding a RCC to the BC Prosecution Service. Crown Counsel do not investigate offences. It is the responsibility of the investigative agency, which functions independently from the BC Prosecution Service, to investigate and to exercise its own discretion in deciding whether to forward a RCC for charge assessment and prosecution.

Charge Assessment

When BC prosecutors receive a RCC from police or another investigative agency, they assess whether charges should be approved in accordance with the BC Prosecution Service’s charge assessment standard. Crown Counsel must fairly, independently, and objectively examine the available evidence in order to determine:

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

Crown Counsel conclude charge assessments as quickly as possible, while still conducting a thorough analysis and making a principled decision. For more complex cases, the charge assessment process may take a considerable period of time. Crown Counsel may decide that no charges should be laid, charges should be laid, or the accused person should be referred for alternative measures rather than go to court. This year, approximately 77 percent persons named in RCCs have charges against them approved by Crown Counsel.

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

Prosecutions & Appeals

Crown Counsel conduct prosecutions and appeals in every level of court: the Provincial Court of BC, the BC Supreme Court, the BC Court of Appeal, and the Supreme Court of Canada. When doing so, they are bound by the common law and statutory, procedural, and evidentiary rules that apply to criminal trials and appeals, including rules that govern the admissibility of evidence. Crown Counsel's decision making must also be informed by and be consistent with the constitutional rights that are guaranteed under the *Canadian Charter of Rights and Freedoms*.

Crown Counsel do not act for victims of a crime. Rather, Crown Counsel appear in court as agents for the Attorney General and conduct prosecutions on behalf of the entire community. However, under the provincial *Victims of Crime Act* and the *Canadian Victims Bill of Rights*, both Crown Counsel and BC Prosecution Service staff are responsible for ensuring that victims are made aware of available community and police-based victim assistance programs, and that there is a reasonable opportunity to have the impacts of an offence brought to the attention of the court in the form of a Victim Impact Statement.

Sentencing

About 60 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 verdict after trial. The remaining 40 percent are concluded or resolved in other ways. Some are stayed (terminated) by the court, on legal grounds, or by Crown Counsel, either because they no longer meet the charge assessment standard (and are therefore no longer viable for prosecution) or to facilitate a disposition following a guilty plea on another file or to a different charge. In some cases, the accused are acquitted, the charges are abated when the accused dies, or the charges result in some other form of consequence for the accused. If an accused pleads guilty or is found guilty after a trial, Crown Counsel are responsible for making a recommendation on sentence. The final sentencing decision is made by a judge. In a small proportion of cases, post-sentence reviews, applications, appeals, and other legal processes may result in some matters related to a concluded file being revisited.

Stays of Proceedings

Throughout the course of a prosecution, Crown Counsel have an ongoing obligation to assess the viability of each prosecution and ensure that it continues to meet the BC Prosecution Service's 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, information that changes the assessment of whether the public interest requires a formal prosecution.

If Crown Counsel determines that the charge assessment standard is no longer met, Crown Counsel must end the prosecution, usually by directing a stay of proceedings. Approximately half of all stays of proceedings directed by Crown Counsel still result in some form of consequence or guilty finding 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.

STATISTICAL SUMMARY

This section provides a summary of statistics on the work of the BC Prosecution Service. 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 BC.

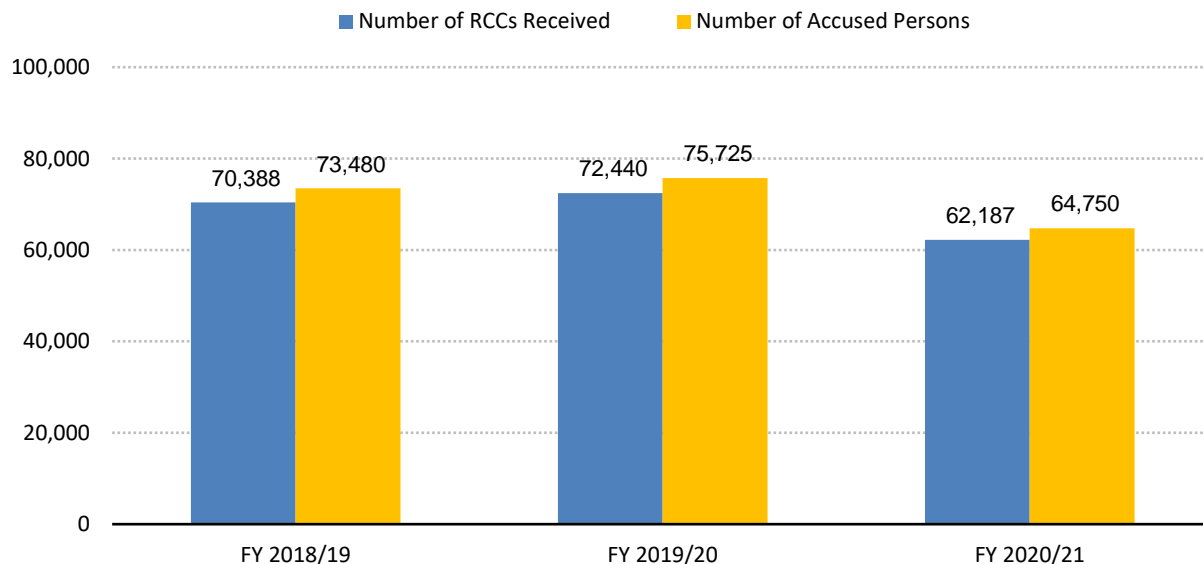
Reports to Crown Counsel

The number of RCCs submitted by investigative agencies is the single biggest driver of workload for the BC Prosecution Service. One or more accused persons may be named on a RCC, with one or more charges and one or more counts. Regardless of the number of accused persons, charges, and counts, each RCC is counted once based on the date it was first entered in JUSTIN (i.e. received by the BC Prosecution Service).

In 2020/21, the BC Prosecution Service received a total of 62,187 RCCs, a decrease of 14.2 percent from 2019/20. This decrease is likely due, at least in part, to the COVID-19 pandemic. The 2020/21 RCCs received had a total of 64,750 accused persons named, a decrease of 14.5 percent from the previous year.

RCCs Received by the BC Prosecution Service

Fiscal Years 2018/19 to 2020/21



Source: JUSTIN (data extracted on July 26, 2021)

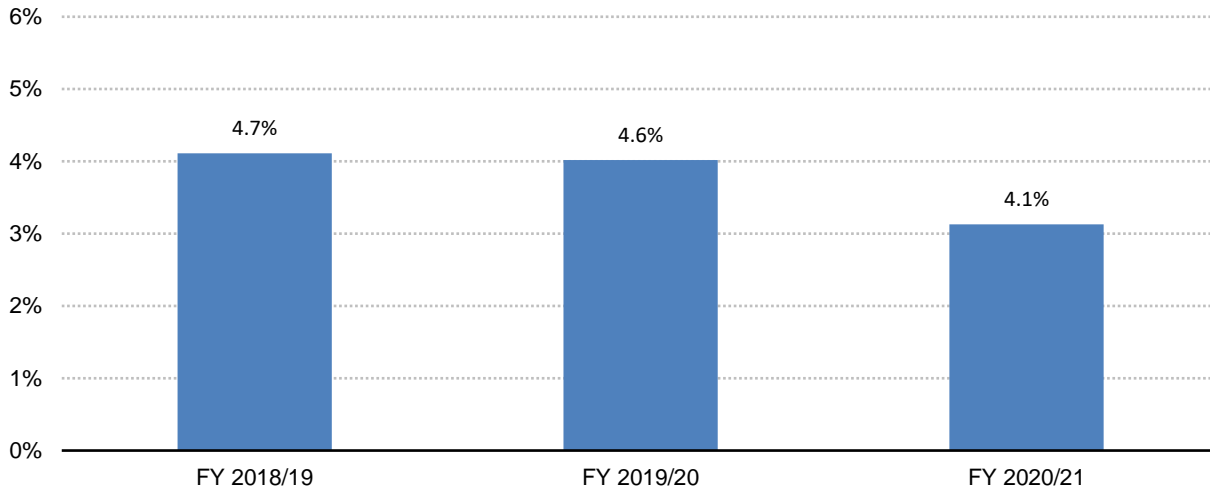
Note: An RCC is counted once based on the date it was first entered in JUSTIN, regardless of the number of accused persons, number of charges, or number of counts.

Accused Young Persons

As a percentage of all accused named on RCCs received, the number of accused young persons (those under the age of 18 and over age 11 on the offence date) has continued to decline over the last three years.

Percent of Accused Persons that were Youth

Fiscal Years 2018/19 to 2020/21



Source: JUSTIN (data extracted on July 26, 2021)

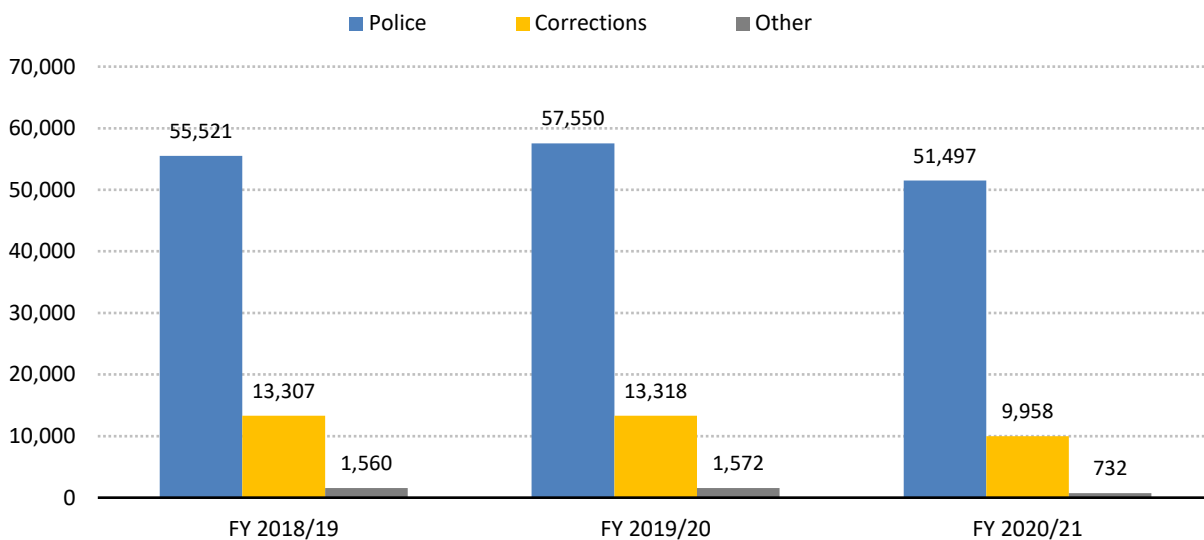
Note: An accused person is defined as a youth accused if they were under the age of 18 on the alleged offence date.

Types of Investigative Agencies

The BC Prosecution Service works with numerous investigative agencies with diverse mandates. Most of the RCCs received by the BC Prosecution Service are submitted by police agencies (83 percent). A significant proportion of RCCs (16 percent) are submitted by BC Corrections. A small proportion (1 percent) are submitted by other types of investigative agencies such as the wildlife conservation service, and financial regulators. Fiscal year 2020/21 saw a decrease in the volume of RCCs submitted by investigative agencies.

RCCs Received by the BC Prosecution Service by Investigative Agency Type

Fiscal Years 2018/19 to 2020/21



Source: JUSTIN (data extracted on July 26, 2021)

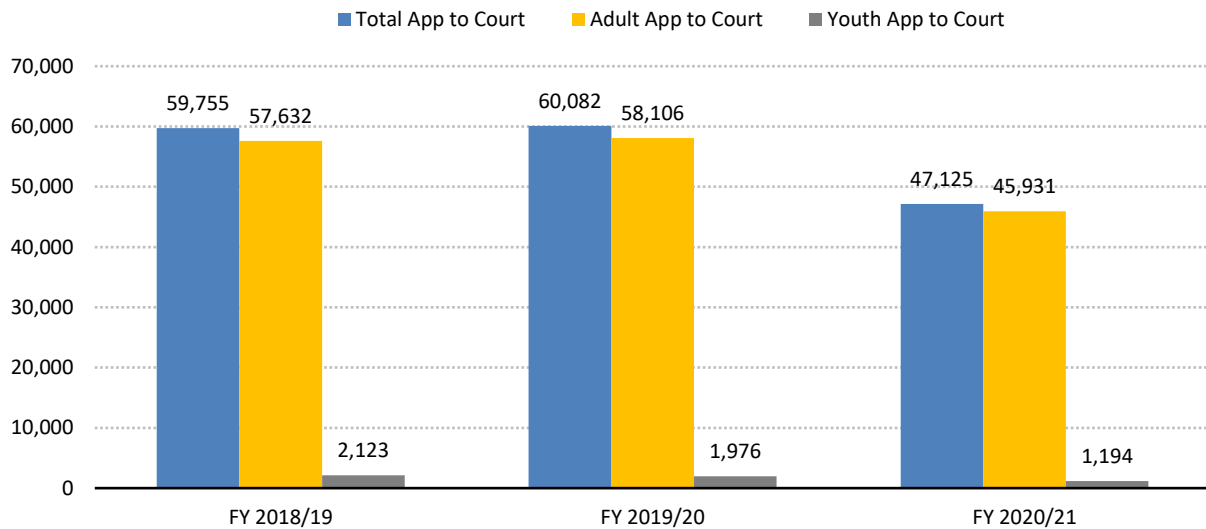
Note: An RCC is counted once based on the date it was first entered in JUSTIN, regardless of the number of accused persons, number of charges, or number of counts.

Charge Assessment Decisions

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”. In 2020/21 a total of 47,125 accused persons were approved to court, of whom 45,931 were adults and 1,194 were youth. The number of youth approved to court has declined each year since 2014/15.

Number of Accused Persons Approved to Court

For Accused Persons Named on RCCs Received in Fiscal Years 2018/19 to 2020/21



Source: JUSTIN (data extracted on July 26, 2021)

Of the 64,750 accused named on RCCs received in 2020/21, 61,013 had final charge assessment decisions at the time the data were extracted for this Annual Report. A total of 47,125 accused persons had charges approved, resulting in an overall charge approval rate of 77 percent. Twenty-one percent had no charges approved and two percent were referred to alternative measures.

Percent Distribution of Charge Decisions For Accused Named on RCCs Received in Fiscal Year 2020/21

Accused Persons	Approved to Court	No Charge	Alt Measures	Total
All Accused	77%	21%	2%	100%
Adult Accused	78%	21%	1%	100%
Youth Accused	63%	25%	12%	100%

Source: JUSTIN (data extracted on July 26, 2021)

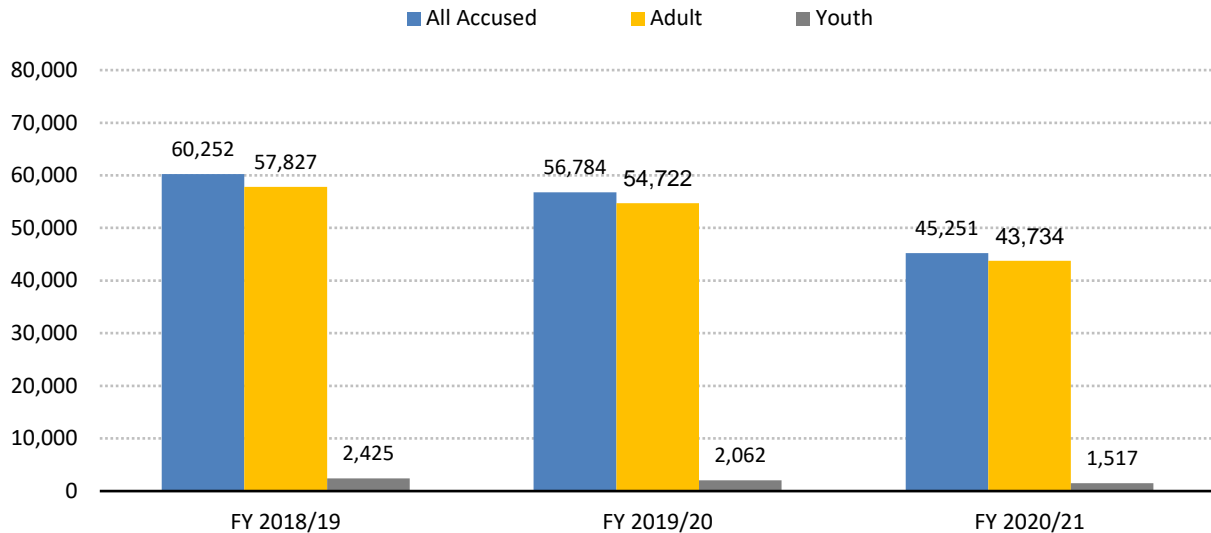
Note: Only includes final charge decisions as recorded in JUSTIN at the time of the data extract; does not include charge assessments that were still in progress or accused on RCCs that were returned to the investigative agency.

Concluded Prosecutions

A total of 45,251 prosecutions concluded in 2020/21, a decrease from the previous two years. The number of concluded youth prosecutions has also decreased in each of the last three fiscal years.

Number of Concluded Prosecutions

Accused Persons on Prosecution Files that Concluded in Fiscal Years 2018/19 to 2020/21



Source: JUSTIN (data extracted on July 26, 2021)

Note: 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.

Of the accused persons on prosecution files that concluded in 2020/21, 48 percent had a guilty finding, one percent were found not guilty, six percent entered into a recognizance to keep the peace (i.e. a peace bond), 43 percent had charges stayed (by the court or by Crown Counsel), and two percent concluded in some other fashion, such as a court finding of unfit to stand trial, or not criminally responsible due to mental disorder. Of the accused persons whose charges were stayed by Crown Counsel, approximately half resulted in some other consequence to the accused, including a peace bond, a referral to alternative measures, or a guilty plea and sentence on another file.

Percent Distribution of Concluded Prosecutions by Results Category For Accused Persons on Files that Concluded in Fiscal Year 2020/21

Accused Persons	Guilty	Not Guilty	Other	Peace Bond	Stayed	Total
All Accused	48%	1%	2%	6%	43%	100%
Adult Accused	48%	1%	2%	6%	43%	100%
Youth Accused	45%	1%	0%	6%	48%	100%

Source: JUSTIN (data extracted on July 26, 2021)

In 2020/21, a total of 8 prosecutions concluded with a Judicial Stay of Proceedings, for a variety of legal reasons, the most common being unreasonable delay.

HIGH-RISK OFFENDERS

The BC Prosecution Service is committed to protecting the community from high-risk sexual and violent offenders by making dangerous offender and long-term offender applications in appropriate cases. The protection of the public is the paramount concern.

Crown Counsel are responsible for identifying appropriate cases for dangerous or long-term offender applications, commencing with charge assessment for serious personal injury offences as defined by section 752 of the *Criminal Code*.

Dangerous Offender and Long-Term Offender Applications

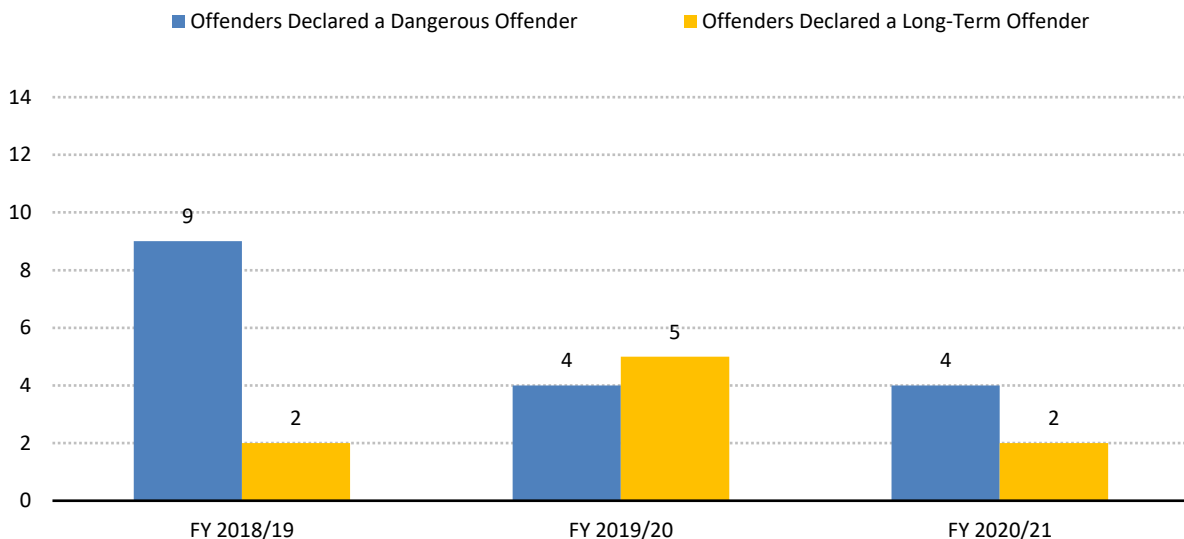
Section 753 of the *Criminal Code* sets out what findings are required to be made before an offender can be declared a “dangerous offender.” If the court declares an offender to be a “dangerous offender,” it has three sentencing options:

- Detention in a penitentiary for an indeterminate period;
- Incarceration for two years or more, followed by a long-term supervision order not to exceed 10 years in duration; or,
- An ordinary sentence, which may include incarceration or probation supervision, among other sentencing options.

The *Criminal Code* also sets out the circumstances in which the offender may be found to be a “long-term offender.” This designation is limited to cases where the offender has been convicted of certain specified sexual or violent offences or has engaged in serious conduct of a sexual or violent nature in the commission of another offence of which the offender was convicted. If the offender is found to be a long-term offender, the court will impose a sentence of two years or more, followed by a long-term supervision order not exceeding 10 years in duration.

Number of Dangerous and Long-Term Offenders Declared

Fiscal Years 2018/19 to 2020/21



Source: High-Risk Offenders Identification Program, BC Prosecution Service

Recognizances to Keep the Peace – Section 810.1 and 810.2 Applications

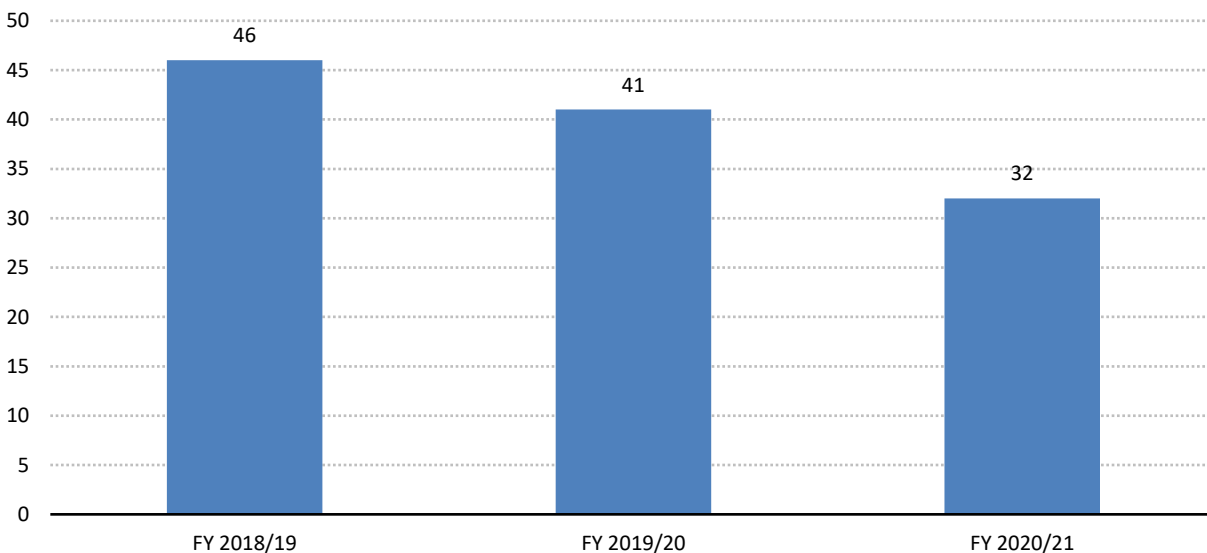
Section 810.1 and 810.2 of the *Criminal Code* provide a process for imposing restrictions on a defendant's behaviour where there are reasonable grounds to believe that the defendant will commit certain sexual offences against children or other offences of serious violence. If the grounds are established and the person is ordered to enter into a recognizance, it is not considered either a sentence or a conviction since no offence is created by the provisions. The orders are designed to be preventative – placing the person under a court order not to engage in certain prohibited behaviours.

Section 810.1 of the *Criminal Code* allows for an Information to be laid before a provincial court judge for the purpose of having the defendant enter into a recognizance including conditions that he or she not engage in activity that involves contact with persons under 16 years of age and prohibiting him or her from attending certain places where persons under 16 years of age are likely to be present. The judge makes the order where satisfied on evidence that there are reasonable grounds to fear that the defendant will commit certain sexual offences against children under 16 years of age.

Section 810.2 of the *Criminal Code* allows anyone, with the consent of the Attorney General, to lay an Information before a provincial court judge for the purpose of having the defendant enter into a recognizance where there are reasonable grounds to fear that the defendant may commit a "serious personal injury offence" as defined in the *Criminal Code*. Conditions may be imposed, such as a weapons prohibition, to secure the good conduct of the defendant.

Number of s.810.1 and s.810.2 Applications Filed in Court

Fiscal Years 2018/19 to 2020/21



Source: JUSTIN (data extracted on July 26, 2021)

SUPPORTING VICTIMS

The BC Prosecution Service works diligently to ensure that all victims and witnesses have a full opportunity to participate in the criminal justice process. As defined in BC *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 committed 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 VIS & Statement on Restitution (SOR) Information Guide is sent to victims by BC Prosecution Service local offices.

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

Where 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 for victims who will be testifying in court.

KEY PERFORMANCE INDICATORS

The BC Prosecution Service has developed several Key Performance Indicators (KPIs) which help assess and measure progress on important metrics.

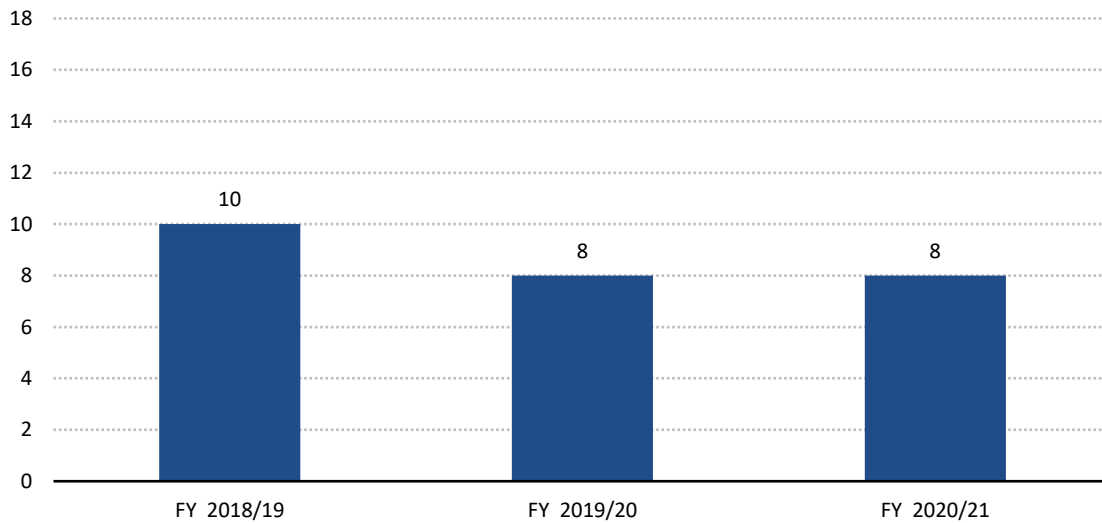
1. Judicial Stays of Proceedings (for delay only)
2. Charge Assessment Duration
3. Prosecution File Duration
4. Percent of all files and percent of intimate partner violence-related files that resolve at or before arraignment
5. Workforce Engagement Score

1. Number of Judicial Stays of Proceedings for Delay

This indicator measures the number of times in the reporting period that a judge stayed a criminal court case due specifically to delay. Each case is counted once based on the date of the judicial stay decision, regardless of how many accused persons were involved.

Number of Judicial Stay of Proceedings Decisions for Delay

Fiscal Years 2018/19 to 2020/21



Source: Court Services Branch

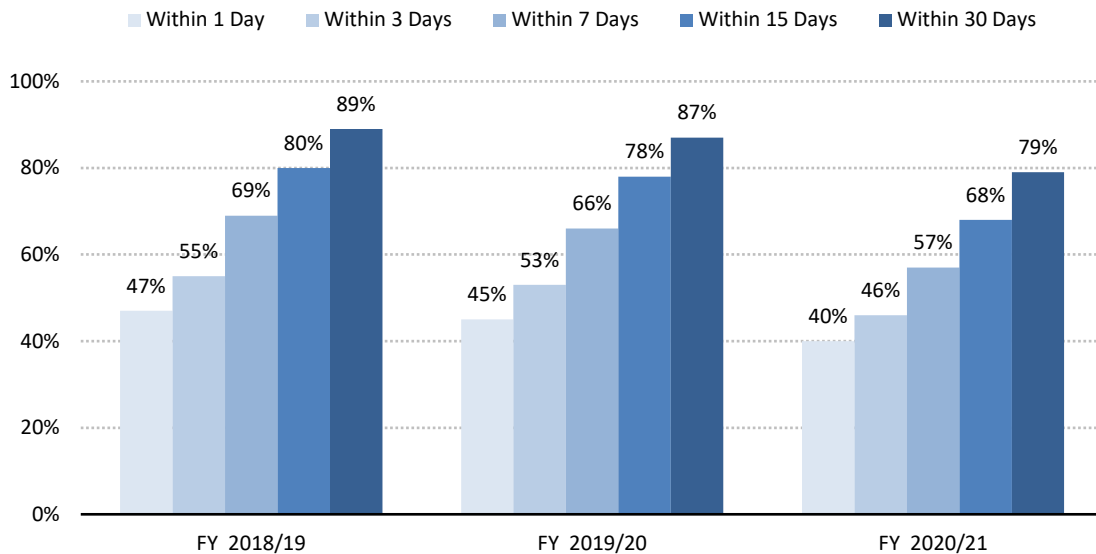
Note: Judicial Stay of Proceedings decisions are recorded in JUSTIN but the reason for the decision is not recorded. A Judicial stay of proceedings can be for reasons other than delay, such as abuse of process. To obtain a count of the Judicial stay decisions specifically for delay, the Court Services Branch contacts the relevant court registry for each Judicial stay decision to confirm what the reason was. This KPI includes only BC Prosecution Service files (i.e. federal files are excluded).

2. Charge Assessment Duration

This indicator measures how many days it takes Crown Counsel to complete charge assessment, from the date a RCC is received to the date Crown Counsel makes a charge decision.

Charge Assessment Duration

Fiscal Years 2018/19 to 2020/21



Source: JUSTIN (data extracted July 26, 2021)

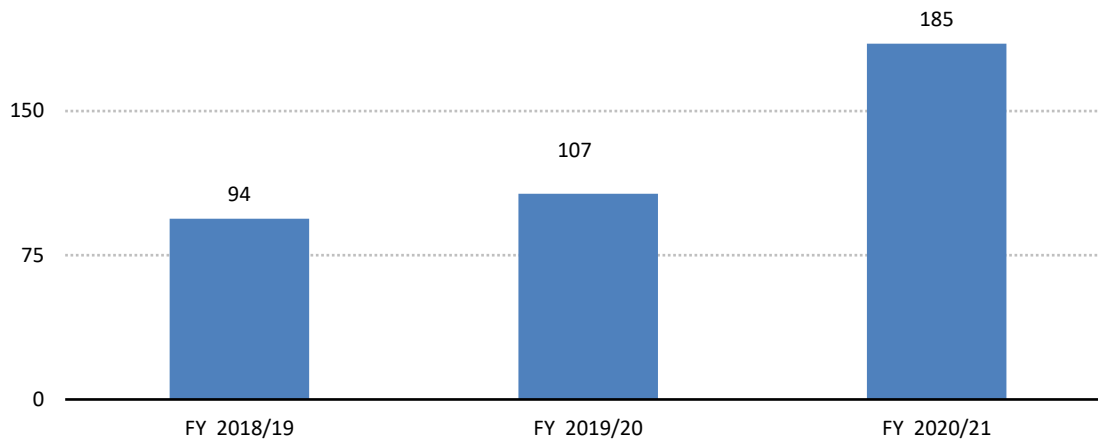
Note: The duration of a charge assessment is measured from the date the RCC was first received by the BC Prosecution Service to the date of the final charge decision for each accused person named on the RCC (i.e., approved to court, referred to alternative measures, or no charge).

3. Prosecution File Duration

This indicator measures how many days it takes for a criminal file to conclude, from the sworn/filed date to the date that all counts on the file have a final disposition, and there are no future scheduled appearances. The median time is used as it is less susceptible to the influence of outliers and skewed data.

Prosecution File Duration (Days)

Median Time in Days (Net of Bench Warrant Days)
Fiscal Years 2018/19 to 2020/21



Source: JUSTIN (data extracted July 26, 2021)

Note: The duration of a prosecution file is measured from the date the file was first sworn or filed in court to the disposition date. A prosecution file is counted once for each accused person on a file that concluded in the fiscal year. Any bench warrant days associated with the file are excluded from the calculation.

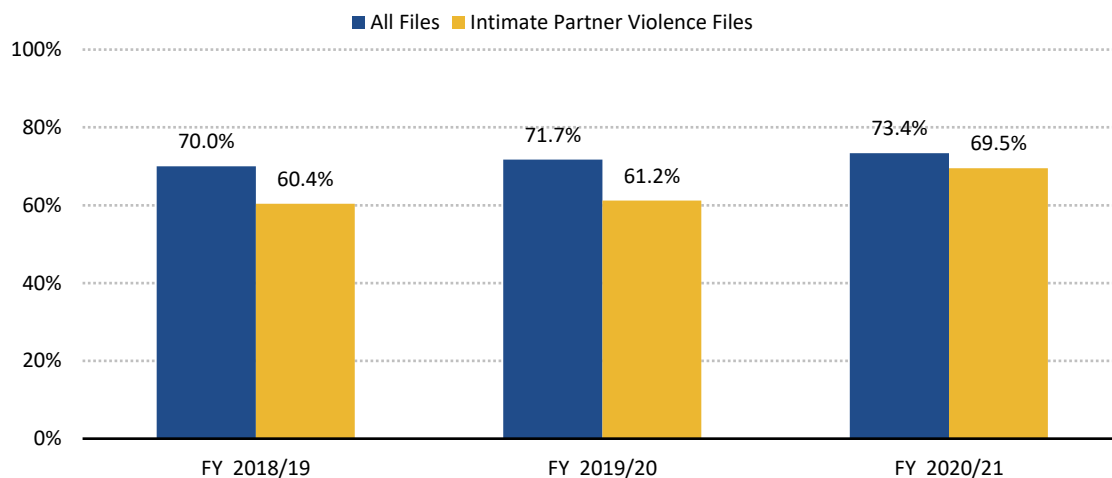
4. Percent of Files Concluded at or Before Arraignment

This 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.

Data for both intimate partner (also known as domestic) violence-related files and all files are included in the graph below.

Percent of Files Concluded at or Before Arraignment

Fiscal Years 2018/19 to 2020/21



Source: BC Prosecution Service File Closing Survey (data extracted July 26, 2021)

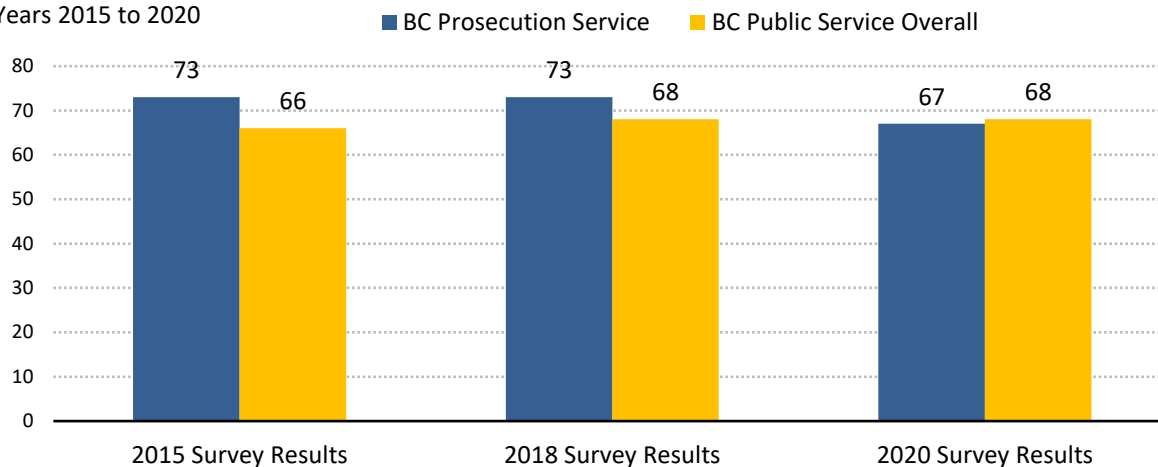
Note: The percent of files concluded at or before arraignment is a measure of early resolution; a higher percentage means a greater proportion of files are resolving at early stages.

5. Workforce Engagement Score

This indicator measures the overall level of employee engagement, as revealed through the Work Environment Survey (WES), which is commissioned by the BC Public Service Agency on behalf of the BC Public Service. Some of the drivers of last year's lower overall score included Stress & Workload, Tools & Workspace, and Pay & Benefits.

Workforce Engagement Score (Survey Results)

Years 2015 to 2020



Source: Work Environment Survey, BC Stats

Note: The Work Environment Survey is commissioned by the BC Public Service Agency on behalf of the BC Public Service. A report is provided every other year. The 2020 report results were received in May 2020. The next report should be received in 2022. The overall engagement score is what is tracked for this KPI. The overall engagement score is an average of the scores for BC Public Service Commitment, Job Satisfaction, and Organization Satisfaction.

REGIONAL PROFILES

The BC Prosecution Service has approximately 500 Crown Counsel and 410 administrative and management staff located in communities throughout the province. There are five regions: Northern, Interior, Fraser, Vancouver, and Vancouver Island, which conduct most prosecution functions at the regional and local level. 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.

Vancouver Island Region: The Vancouver Island region of the BC Prosecution Service encompasses Vancouver Island and the Powell River area of the Sunshine Coast. Nine prosecution offices serve nearly 100 communities. The regional headquarters is in Victoria.

Vancouver Region: The Vancouver region includes the urban communities of Vancouver, Burnaby, Richmond, West Vancouver, and the City and District of North Vancouver. It also encompasses the communities of Sechelt, Gibsons, Squamish, Whistler, Pemberton, Mount Currie and the Bella Bella, Bella Coola, and Klemtu circuit courts. The regional headquarters is in Vancouver.

Fraser Region: The Fraser region includes the communities of the Fraser Valley. Crown Counsel offices are located in Abbotsford, Chilliwack, New Westminster, Port Coquitlam, and Surrey. The regional headquarters is in New Westminster.

Interior Region: 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.

Northern Region: 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 Northern region operates out of 10 offices and serves 35 court locations.

Criminal Appeals and Special Prosecutions: Criminal Appeals and Special Prosecutions (CASP) has offices in Vancouver, New Westminster, Kelowna and Victoria. Serving the entire province, CASP conducts indictable appeals in the BC Court of Appeal and Supreme Court of Canada. It administers and conducts cases before the BC Review Board. It also houses the Major Case Management project team, and conducts specialized prosecutions and applications related to organized crime, proceeds of crime, securities, commercial crime, occupational health and safety, and police prosecutions. CASP is responsible for the coordination of French-language trials in BC. CASP staff run the province's flagging program for high-risk offenders. CASP provides policy coordination and constitutional litigation support to prosecutors across the province and manages the legal resources, learning and professional development services for Crown Counsel and administrative staff.

Headquarters: Headquarters has primary responsibility for the BC Prosecution Service business operations, as well as policy development, legislative updates, strategic planning, business intelligence, communications, security, financial operations, business applications and technology, information and privacy, and human resource services. Offices are located in Vancouver and Victoria.

FINANCIAL SUMMARY

Due to the COVID-19 pandemic, the BC Prosecution Service faced another challenging fiscal year in 2020/21. Extraordinary costs related to facilities and leave liability were partially offset by savings resulting from courthouse closures and delays. These savings, coupled with BCPS-implemented restrictions and controls in hiring, furniture and equipment, office supplies, employee travel and ad hoc, resulted in a minor overall variance. Access to contingencies funding (the Contingencies Vote) was received for pressures resulting from major case costs and leave liability.

Budget & Expenditures 2020/21	
Estimates Budget	\$146,429,000
Contingencies Vote	\$6,036,000
Total Authorized Budget	\$152,465,000
Expenditures	\$152,464,545
Variance	-\$455

AWARDS AND ACHIEVEMENTS

- AG/PSSG 2020 Excellence Award Winners:

Training Specialist Michale Celio received a *Leadership* award for reinventing the way we provide learning programs and events to support and train new and experienced members of our organization.

Wendy Petersen, Manager of the High-Risk Offenders Identification Program (HROIP) was also recognized in the *Leadership* category for continually taking on new challenges, seeking new ways to improve, and for being a mentor who supports and inspires her team.

Web Administrator Diane Clarkson was honoured with a *Spirit* award for her professionalism, attention to detail, and willingness to always step up to support our people whenever needed.

- Other notable accomplishments for the BC Prosecution Service (BCPS) include:

- In March 2020, when courts effectively shut down, and a provincial state of emergency was declared, the PSU pandemic response team (Lara Vizsolyi, Lesley Ruzicka, Rome Carot, Michelle Booker, and Paul Kirk) quickly stepped up and prepared written legal reference guides and analyses addressing many of the important aspects of the criminal justice system impacted by this new reality. As a result of the team's hard work, the BCPS was able to quickly respond to legal issues related to and flowing from the pandemic. Much of the work undertaken by this team was useful not only for prosecutors in the field, but served to assist management in formulating systematic responses to the pandemic challenges.
- Leah Fontaine and David Jardine QC were honoured by the National Heads of Prosecutions Committee in June 2020 for their outstanding achievements. Leah won the 2020 Humanitarian Award, which recognizes professional excellence and exemplary service in the legal profession, as well as outstanding contributions in the charitable and community sectors, both locally and internationally. David was the recipient of the 2020 Courage and Perseverance Award, which acknowledges David's outstanding dedication in many crucial criminal proceedings and criminal justice issues over the last 20 years, several of which involved dangerous individuals and tight security measures – both in local matters and on assignments in foreign jurisdictions.
- In July 2020, Tamera Golinsky and Oliver Fleck were appointed to the BC Provincial Court, with chambers in Dawson Creek and in Fort St. John, respectively.
- The BCPS was honoured last September with a 2020 Innovative Workplace Award by the Canadian Bar Association, BC Branch. The award was presented in acknowledgement of the extraordinary work the BCPS undertook to ensure our personnel could continue to function despite court closures, managing the necessity to work remotely and the need to maintain physical distancing.

- In October 2020, the BC Prosecution Service had 15 Long Service Award recipients. Kevin Blocka, Veronica Couture, Maurizio Dattilo, Tina Hawke, Karen Kowal, Robert Richardson, Laurie Riley and Brenda Schlegel received their 25-year Service Awards. Bruce Goddard, Samantha Hulme, Wendy Kavanagh, Susan McCallum, Margaret Mereigh and Adrienne Venturini received 30-year Service Awards. Mark Levitz was awarded for thirty-five years of service.
- December 2020, Colin Forsyth and Nina Purewal were appointed Queen’s Counsel by Attorney General David Eby QC, in acknowledgement of their accomplishments and their contributions to the legal profession and the community which have earned them the respect and confidence of the members of BC’s bench and bar.
- In March 2021, Martin Nadon and Jodie Harris were appointed to the Provincial Court of British Columbia. Martin was sworn in April 6 and assigned to chambers in Prince George. Jodie took oath of office on April 12, with chambers in Abbotsford
- During the 2021 Crown Counsel and Administrative staff Virtual Conference,
 - Crown Counsel Leadership Awards were presented to:
 - Christina Proteau – Vancouver Island Region
 - Kathy Ford – Vancouver Region
 - Michelle Wray – Fraser
 - Alison Buchanan – Interior Region
 - Allison Reed – Northern Region
 - Brian McKinley – Criminal Appeals and Special Prosecutions
 - Crown Counsel Recognition Awards were presented to:
 - Clare Jennings – Vancouver Island Region
 - Susanne Smith Kerr – Vancouver Region
 - James Powrie – Fraser Region
 - Paul Corbet – Interior Region
 - Julie Dufour – Northern Region
 - Cory Lo – Criminal Appeals and Special Prosecutions
 - Administrative Staff Leadership Awards were presented to:
 - Tara Whitney – Vancouver Island Region
 - Liz Carney & Kate Dawkins – Vancouver Region
 - Veronica Couture & Danielle Pohl – Fraser Region
 - Kelli Jennings – Interior Region
 - Megan Tilsner – Northern Region
 - Carl Prophet – Headquarters



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