Nova Scotia Department of Justice

Committed to the fair and effective administration of justice and to promoting public safety in Nova Scotia

Business Plan for 2012-2013

July 12, 2012
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1. Message from the Deputy Minister

It is my pleasure to present to the staff of the Nova Scotia Department of Justice our department’s business plan for 2012-2013.

As we embark on the new fiscal year, I’d like to thank all of you for your hard work in 2011-2012. Thanks to you, we made great progress on our departmental commitments throughout the year.

Our plans for the year will build on our vision where people are and feel safe and secure, where there is public confidence in the justice system and where the justice system is properly administered and cost-effective. We will continue to work collaboratively with our government and community partners to ensure justice policies, programs and services effectively serve the needs of our citizens.

In 2012-2013, we will put an increasing focus on crime prevention as an effective way of reducing crime in a cost-effective way. With our many partners, we will continue leading the implementation of Nova Scotia’s Domestic Violence Action Plan to address this pervasive issue comprehensively and in a way that better supports victims.

The Department of Justice will work to improve families’ access to the justice system by expanding family justice services across the province and by updating family laws so they are easier to use and more reflective of Nova Scotia families today. We will also continue to work with the Department of Health and Wellness to improve care in custody for people living with mental illness in Nova Scotia.

The Emergency Management Office (EMO) is now part of the Department and an area of focus this year will be to ensure Nova Scotia’s ability to manage and recover from the impacts of an emergency.

The work of this department is important and challenging and cannot be achieved without a healthy, engaged and well-trained workforce. We will focus our efforts in the year ahead on engaging our staff and, together, making the Department of Justice a good place to work.

We are fortunate to have talented and committed staff, supportive partners and the confidence of Nova Scotians to carry out the work we need to do to make Nova Scotia a better and safer place. I welcome your feedback on our plan for 2012-2013 and extend a sincere thanks to all who helped develop it and all who will contribute to its implementation.

Judith Ferguson
Deputy Minister
2. Departmental Mission and Strategic Directions

Mission:

The Department of Justice is committed to the fair and effective administration of justice and to promoting public safety in Nova Scotia.

Strategic Directions:

The justice system is properly administered and cost effective
We will focus on ensuring the efficiency of justice operations and facilities; improving service delivery; providing cost-effective justice services; increasing the department’s transparency and accountability; and ensuring that staff are engaged, well-trained and well-motivated.

There is public confidence in the justice system
We will focus on improving public perception of courts, corrections and policing; enhancing knowledge of and access to the justice system; demonstrating, in a transparent way, that we effectively prioritize and manage our programs, services and resources; and working collaboratively to ensure the justice system is inclusive and responsive to the needs of those it serves.

People are and feel safe and secure
We will strengthen our relationships with our community-based and justice partners to collectively develop and promote the safety of our citizens in their homes and communities. We will place an increasing emphasis on crime prevention as an effective way to reduce crime and address its root causes. We will enhance the safety of Nova Scotians and the security of their homes and businesses by ensuring we are better prepared for emergencies.

People make constructive choices
We will focus on achieving better outcomes for offender populations by developing and promoting programs and services that encourage positive change in offender behaviour and attitudes.
3. Overview of Department

Our department effectively manages daily operations of the justice system through a number of core business areas as outlined below:

**Public Safety and Security** has responsibility for public safety initiatives in the province, including oversight, governance and advice to police, private security services and firearm licence holders, as well as enforcement of community safety processes and crime prevention initiatives.

**Court Services** has responsibility for improving access to justice and improving public safety and security through civil, criminal and family law court services.

The Court Services Division also manages **Victim Services**, which aims to reduce the harmful impact of crime on victims and the **Maintenance Enforcement Program** which aims to improve access to justice for families by registering, collecting and enforcing court orders or agreements registered with the court for child and spousal support.

**Correctional Services** is responsible for the administration and operation of community and custody-based programs and services for adult offenders and young persons.

Within the Correctional Services core business area there are two programs: community corrections & correctional facilities. Each of these program areas is broken down into closely related activities that have a specific impact on the program’s target group.

The Correctional Services Division is also responsible for the management of the **Nova Scotia Restorative Justice Program** delivered with a network of eight community justice agencies and one tribal organization.

**Legal Services** is the Government's law office. It is a division of the Nova Scotia Department of Justice and the Minister is also the Attorney General. The Legal Services Division is responsible for the provision of quality legal services to the Government of Nova Scotia. Using our expertise, we help our clients avoid problems and respond to those that cannot be avoided.

**Medical Examiner Services** investigates all deaths due to violence, undue means, culpable negligence and sudden unexplained deaths, and documentation, which includes cause and manner of death;

**Office of the Public Trustee** is committed to the proper administration of estates of deceased persons, incompetent persons, children, and missing persons. It also provides informed consents for health care, placement to a continuing care home or home care services using an approach
that is client-centred, respectful of human rights and freedoms, and in the client's best interests if prior wishes, values, and beliefs are not known.

**The Nova Scotia Information Access and Privacy (IAP) Office** assists government public bodies in the day-to-day application of the *Freedom of Information Protection of Privacy Act* (FOIPOP) and associated regulations and the *Personal Information International Disclosure Protection Act* (PIIDPA), and promotes best practices related to information access and privacy administration across government in general. It is also responsible for IAP administration (including FOIPOP) for the Department of Justice.

**Emergency Management Office (EMO)** works to ensure the safety and security of Nova Scotians, their property and the environment by providing for a prompt and coordinated response to an emergency. EMO works hand-in-hand with municipal authorities to provide assistance in planning for emergencies, coordinate provincial resources when an emergency occurs, and assist with analysis and evaluation after an emergency. Headquartered in Dartmouth, Nova Scotia, EMO operates under the four pillars of emergency management - mitigation, preparedness, response and recovery.

Core business areas of the Department of Justice are supported by the following functions:

**Human Resources** provides HR advice, policy interpretation and support in all matters relating to human resource management, Human Resource and Workforce Planning support, HR operations and consulting services, organizational development and design, recruitment, selection and retention, attendance and performance management, compensation, classification and benefits, labour relations, and Occupational Health and Safety (including Ability Case Management).

**Policy and Information Management** brings together a diverse but inter-related group of department functions dedicated to the creation, analysis, sharing, security, accuracy, storage, protection and business use of information. The division’s support for Justice includes stimulating innovation by developing technological and business solutions, providing policy formulation, advice, research, and strategic planning services.

**Finance and Administration** provides strategic financial leadership and expertise to ensure all accounting/budgeting/procurement functions are performed in a timely and accurate manner.

**Communications** provides strategic communications advice and support to the Minister, Deputy Minister and department staff. It prepares an annual strategic communications plan, which outlines internal and external communications activities to support both departmental and corporate goals and objectives.

It works to promote public understanding of and confidence in the justice system by raising awareness of various initiatives and priorities and managing and mitigating any communications
issues. It also works to ensure Nova Scotians are confident in the province's ability to manage the impacts of an emergency.

Communications support includes but is not limited to: issues management, media relations, communications planning, social media, bill briefings, event planning, product development (speeches, news releases, etc.) and liaising with stakeholder groups (judiciary, PPS, police and others).

*XOffice of Compliance and Internal Investigation* provides leadership on investigations and compliance to all divisions of the Department of Justice in order to ensure that major incidents are appropriately investigated and to prevent incidents from occurring. The Director/Executive Officer of Compliance and Internal Investigation reports to the Deputy Minister of Justice.

### 4. Planning Context

**A. Environmental Scan: Some statistics to consider...**

**Volume and Severity of Crime:**
Between 2006 and 2010, the overall crime rate in Nova Scotia declined 14%, from 8,081 to 6,980 incidents per 100,000 residents. The rate of violent crime decreased 17% during this time, while the property crime rate decreased 16%, and other crime increased by 6%.

Between 2006 and 2010 the youth-accused crime rate declined by 19%, from 10,941 to 8,902 per 100,000 population aged 12-17 years. The rate of youth violent crime fell by 15%, while the property crime rate dropped 19%, and other crime dropped 23%, driven primarily by a decrease in youth accused or charged with *failure to comply with an order*.

Overall crime severity in Nova Scotia remained stable in 2010. Crime severity has gone down 22% since peaking in 2004. The severity of violent crime decreased by 6% in 2010 following a slight increase from 2008 to 2009. The severity of non-violent crime in the province increased 2% in 2010 after five consecutive years of decline.

**Charge Rates:**
While the overall crime rate in Nova Scotia declined between 2006 and 2010, the adult charge rate increased 6%. Specifically, the charge rate for violent and property offences declined, while the charge rate for other crime increased by 42%. Interestingly, this growth was driven primarily by an increase in charges related to the administration of justice, most notably *failure to comply with an order* and *fail to appear*.
Between 2006 and 2010, the charge rate for youth fell 6%. This decrease in charge rate was most pronounced for property crime (-11%), followed by other crime (-5%). The charge rate for youth violent crime was stable during this time.

Cost of Providing Justice Services in Nova Scotia:
Between 2000/01 and 2010/11, the total provincial cost of providing justice services in Nova Scotia doubled, from $79 to $158 million. Costs in all areas of the justice system increased over the past decade. The top three drivers of increasing costs are Policing/Public safety ($20 to $43 million); courts ($20 to $37 million) and corrections ($19 to $35 million).

The per capita cost of Justice services amounted to $167 in 2010-2011, up from $85 per person a decade ago (+96%).

Trends in Corrections:

Adults:
Over the past five years, we have seen increases in the number of admissions (+22%), the daily count of offenders (+12%) and the incarceration rate (+10%) in Nova Scotia. These increases have largely been due to a significant increase in admissions to remand (+42%) during this time.

The median custodial sentence length in Nova Scotia has increased somewhat in recent years, though yearly fluctuations are common. In 2008-09, the median custodial sentence length (excl. intermittent sentences) for adults was 60 days.

The use of community sentences in Nova Scotia increased somewhat between 2005-06 and 2009-10. While conditional sentence order breaches were down during this time, probation order breaches increased substantially. In 2009-10, there were 909 conditional sentence orders given by the courts.

Youth:
In 2008-09, the number of youth admissions to custody in Nova Scotia (642) declined from the previous year, and has decreased significantly over the past five years. In fact, the number of youth admissions has been steadily decreasing for more than a decade, with the sharpest decline occurring between 2004-05 and 2005-06. That year brought a major shift in youth admission trends, marked by fewer admissions overall, greater use of remand, and most significantly, ceasing the use of supervised probation as a community sentence option. These changes can be explained in large part by a change in sentencing philosophy and practices coinciding with the implementation of the YCJA after 2003-04. This declining trend also applies to the youth incarceration rate and the daily count of youth in provincial custody.
The proportion of admissions to remand decreased compared to the previous year, but has increased substantially since 2004-05 and earlier. In contrast, the proportion of community sentences increased over the previous year, but has declined significantly compared to 2004-05 and earlier.

Case processing times:

Adults:
There were 13,470 cases completed in adult criminal courts in Nova Scotia in 2009/2010, an increase of 4% over the previous year and a 15% increase over the number of cases completed in 2006/2007.

In 2006-2007, case processing times in Nova Scotia were 20% below the national average and Nova Scotia had the fifth lowest average elapsed time among the provinces. Between 2007-08 and 2009-10, adult case processing times in Nova Scotia increased by 27 days, while the national average declined by 22 days. It took an average of 222 days to process a case in adult court in Nova Scotia in 2009/2010, an increase of 12 days from the prior year and 2 days below the national average of 224 days.

Youth:
In 2010-11, 924 youth court cases were processed in the province, which is a decrease of 14% (146 cases) from 2009-10. This is the third consecutive year that the volume of youth cases has declined. The number of single charge cases decreased by 24% (88 cases), as compared to the previous year, while the number of multiple charge cases decreased by 8% (58 cases).

In 2010-2011, the average youth case processing time in Nova Scotia was 125 days (excludes restorative justice and bench warrants), the same as the previous year. Since 2006-07, youth case processing times have ranged only between 120 and 125 days, with the exception of 2007-08 when the average was 112 days. Reducing case processing times to reach the target of 98 days (established in response to the Nunn Commission) remains a priority for the Department of Justice and requires the combined efforts of the Police, the Nova Scotia Public Prosecution Service, Legal Aid, the Judiciary, the Courts and Corrections.

Demographic shifts:
Between 2006 and 2011, the population of Nova Scotia grew by just over 6,500 people (1%). Over the next five years, Nova Scotia is projected to lose nearly 4,000 residents, and to continue to experience shifts that reflect a general aging of the population. Between 2006 and 2011, the number of Nova Scotians 35 years of age and older increased by 3.4%, while the number in each of the other age cohorts decreased to varying degrees. Notably, the number under 15 years decreased by 6.6%, while the number of people in the crime-prone cohort of 15-24 years fell by 2.4%. Over the next five years, the percentage of Nova Scotians less than 25 years of age is
expected to continue to decline, while the number aged 25 years and older is expected to increase. In particular, the number of people in the crime-prone cohort is expected to fall by 13.9%. This shift in the age profile of the population, combined with relatively slow overall population growth between 2006 and 2016 will result in a slight shift in the projected proportion of the population comprised by each age cohort. For example, whereas 13.3% of the population in 2006 was in the crime-prone cohort between 15 and 24 years of age, just 11.2% are projected to be in this cohort by 2016.

**Trends in Public Opinion Polling:**
Nova Scotians’ familiarity with the justice system has increased in recent years. Between 2005 and 2011, the proportion of Nova Scotians who indicated being either “somewhat” or “very” familiar with the justice system increased from 54% to 71%.

The public’s confidence in the Nova Scotia’s justice system, on the other hand, has remained relatively stable since 2005 with about three-quarters of Nova Scotians indicating they have either “some” or “a great deal” of confidence in the justice system each year.

When rating the performance of the province’s **criminal courts**, Nova Scotians are much less likely to rate the courts as doing a “good” job when it comes to providing justice quickly (14%) or helping the victim (16%) as compared to determining whether the accused or person charged is guilty or not (26%) or ensuring the accused or person charged gets a fair trial (38%).

When rating the performance of the province’s **prisons**, Nova Scotians are somewhat less likely to rate the prisons as doing a “good” job when it comes to helping prisoners become law-abiding citizens (9%) or controlling offenders while on community supervision (14%) as compared to supervising or controlling prisoners while in prison (21%). Note that in 2006, 40% of Nova Scotians thought the prisons were doing a good job supervising or controlling prisoners while in prison.

About three-quarters (74%) of Nova Scotians surveyed in 2011 thought that crime in Nova Scotia had increased in the past five years though only one-quarter (26%) thought crime had increased in their neighbourhood.

Eight in ten Nova Scotians (79%) surveyed in 2011 indicated that they were not very or not at all worried when alone at home in the evening or at night and three-quarters (74%) felt very or reasonably safe when walking alone in their neighbourhood after dark.

**B. Key Drivers:**
There are numerous factors that have influence over the environment in which the Department of Justice operates. Some of these are described in our Statement of Mandate for 2012-2013, which illustrates how the work we have planned for this year aligns with and supports the core priorities of government, including “Getting Back to Balance”. Other factors, significant initiatives and circumstances that should be taken into consideration in our planning, given their influence over our current operating environment, include:

**Impact of Technology:**
The impact that technology has on the work we do and how we do it cannot be overstated. Through both department-wide (eg., OSM migration) and division-specific (eg., E-Courts) initiatives, all facets of the justice system will be affected by changing technology, resulting in advancements in communications and information management and streamlining of business processes, to name a few.

On the other hand, changing technology also has its challenges, including new types of crime, such as cybercrime, which are increasingly complex and “borderless” and require radically different approaches and collaborative, often, inter-jurisdictional solutions.

**Aging Justice System Infrastructure:**
Aging Justice System infrastructure is an issue, particularly for Nova Scotia’s correctional and court systems. The offender population has grown substantially since existing facilities were built and, as a result, facilities have become overcrowded and are no longer meeting the needs of the correctional system. Newer facilities will not only meet the increasing need for correctional beds but will also be much more energy and cost-efficient to run. Similarly, extensive HVAC renovations in the province’s law courts are required to meet health and safety requirements. A new forensic science facility for the Medical Examiner Services is required to meet current operational needs and will greatly improve the efficiency of these services.

**Staff engagement:**
Although there was some positive feedback resulting from the most recent Employee Survey it is certainly clear that we have opportunities for improvement. In particular, organizational communication, leadership practices, employee recognition, and career growth opportunities are areas needing improvement. Given the importance of employee engagement to the overall functioning and organizational health of the Department, promoting a healthy, diverse and engaged workforce will be an area of focus and important goal for the Department of Justice this year and in years to come.
Impact of Federal Initiatives – Bill C-10:
Changes to criminal law and other federal justice-related initiatives can have substantial impacts on provincial/territorial justice systems. Implications of such changes, eg., financial, operational and human resource requirements, have to be carefully considered within the planning context.

Of particular concern currently, are the implications of Bill C-10, the federal omnibus crime bill (*Safe Streets and Communities Act*) which is expected to have an impact on the rate of incarceration, remand wait times, and on the number of criminal cases that proceed to trial. As a result, it is anticipated that the cost of Court Services and Correctional Services will rise.

Significant horizontal initiatives led by Department of Justice:

Domestic Violence Action Plan:
The provincial Domestic Violence Action Plan was released in December, 2010 and builds on the work of a joint community-government committee co-chaired by the Transition House Association of Nova Scotia and the Department of Community Services.


Numerous government departments are involved in this work as intimate partner violence is a complex issue and those who are impacted have diverse needs that go beyond the abuse and include access to housing, employment programs and programs to stop the violence. Individual government departments have made a commitment to work on specific action items that will both improve services and better respond to those who need help.

A Deputy Ministers’ Committee is overseeing implementation, while the Department of Justice and the Nova Scotia Advisory Council on the Status of Women are co-chairing an inter-departmental group tasked with the work.

Building Bridges/Nova Scotia’s Mental Health Strategy:
The Department of Justice continues to focus on the implementation of recommendations stemming from the Hyde Inquiry. *Building Bridges: Improving Care in Custody for People Living with Mental Illness*, outlines the actions and strategies that have been or are being put in place to address the 80 recommendations which relate to five key areas: mental health services and supports, collaboration, training, the use of force, and supports within the criminal justice system. The overall strategy aims to improve communication and education/awareness, and to develop a multi-disciplinary approach to the care of persons living with mentally illness who come
into contact with the health and justice systems. Many of the recommendations involve collaborative work between these two systems. A progress report will be released in 2012.

The first recommendation resulting from the Hyde Inquiry was to develop a provincial mental health strategy that will lead to comprehensive, coordinated action and better standardization of care. A Mental Health and Addictions Strategy Advisory Committee was struck and extensive consultations were held with over 1,200 Nova Scotian stakeholders over the past two years. The Committee released a summary report with 61 recommendations in March, 2012 with four priority areas for action identified:

- Invest in health promotion, earlier intervention and faster access to services;
- Fix gaps within the system of care;
- Create supportive communities; and
- Strengthen collaboration.

**Crime Prevention:**
The Minister of Justice recently revealed the key principles for crime prevention and proposed actions to be taken in 2012-13 to reduce and prevent crime in Nova Scotia (*As We Go Forward: Nova Scotia’s Approach to Crime Prevention, 2012-13*). The principles which guide the Department’s crime prevention efforts are:

1. **Tackling root causes:** Nova Scotia will work with its partners to tackle the root causes of crime such as not finishing school, family violence, poverty.
2. **Accountability:** The province supports a range of ways to hold people accountable, eg., police, courts, corrections and restorative justice programs.
3. **Partnerships:** Crime is a community issue which requires the involvement of a broad range of internal and external partners.
4. **Restorative Approaches:** We will build on the success of the Nova Scotia Restorative Justice Program and support the application of restorative approaches at the school and community level.
5. **Fiscally Sustainable:** We will demonstrate ongoing results and leverage resources — financial or human — to ensure every investment has an impact and that it is sustainable.
6. **Evidence-based:** We will measure whether investments are making an impact and look for programs that will work, based on the evidence.

The Province’s actions to reduce and prevent crime will be supported through a new Crime Prevention Advisory Circle. The Advisory Circle will consider how government can combine resources to deliver crime prevention efforts. The Advisory Circle will highlight best practices used in other areas of the country and abroad, identify actions that can make a positive impact in communities in Nova Scotia, and identify ways to support communities in their crime prevention efforts.
### 5. Departmental Priorities for 2012-2013

#### Strategic Direction #1
**A Justice System that is properly administered and cost-effective**

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<th>Departmental Priorities</th>
<th>Areas of Focus</th>
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| Make courts more efficient | • E-Courts, including: E-SOT, E-probate and expanded use of technology (e.g., videoconferencing)  
• Reduce case processing times  
• Explore feasibility of enhancing impaired driving legislation in collaboration with Service Nova Scotia and Municipal Relations |
| Invest in infrastructure | • New correctional facility in Northern region  
• New forensic science facility for NS Medical Examiner Services  
• Law courts renovations |
| Determine the criminal justice system cost implications of Bill C-10 | • Justice Partners costing exercise  
• Atlantic Heads of Corrections costing exercise |
| Begin project development for Justice transformation | |
| Make DoJ a better place to work | • Enhance employee engagement via: dialogue sessions with DM; development of employee recognition award process; fostering collaborative work across divisions; and involving staff in business planning process of Department  
• Enhance communication among employees and between employees and management for all staff positions, in all regions of the province |

#### Strategic Direction #2
**There is public confidence in the Justice System**

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<th>Departmental Priorities</th>
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| Improve families' access to the justice system | • Conduct a targeted review of the province's family law statutes with the goal of updating and clarifying the legislation and bringing it more into line with other jurisdictions  
• Expand Family Justice services  
• MEP consolidation |
| Implement Building Bridges: Improving care in custody for people living with mental illness | • Training  
• Accountability reporting |
| Enhance security of the province's court facilities | |
## Strategic Direction #3
**People are and feel safe and secure**

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| Implement crime prevention initiatives | • Communities - Starting the Change: Develop community government networking approaches, explore Ceasefire as an option in HRM, develop crime prevention guide  
• Enforcement - Smart, Targeted Approach: Support focus on strategic policing  
• Youth - Positive Development from the Start: Continue to support Lighthouses, implement restorative approaches in schools initiative  
• Offenders - Less Frequent, Less Severe: Continue to support NSRJP, Adult RJ Pilot sites, Dalhousie Restorative Responses pilot, NSYF Restorative pilot, Pathways from Custody to Community model  
• Victims - Providing Support: Provide operational supports to the DV Action Plan implementation committee and ensure that all deliverables are met  
• Seniors - A Restorative Approach: Continue to develop a framework for early intervention responses to senior abuse  
• Enhance awareness of the Safer Communities and Neighbourhoods Act (SCAN) and the purpose of public safety investigations |
| Implement Domestic Violence Action Plan | • Launch DV Court Program Pilot  
• Develop campaigns to build awareness and help people address domestic violence  
• Dialogue on domestic violence  
• Amend legislation to ensure courts take family violence into consideration when making custody and access decisions  
• Work in partnership with Dept of Health and Wellness to improve education and training opportunities  
• Public opinion polling/analysis on domestic violence |
| Ensure Nova Scotia’s ability to manage the impacts of an emergency | • Develop an effective strategy for emergency management in First Nations communities  
• Increase the number of emergency management professionals who receive training  
• Replace/refresh 911 technology platform |
### Strategic Direction #4
**People make constructive choices**

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<th>Departmental Priorities</th>
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| Better outcomes for offenders | - Develop and implement Direct Supervision Model at CNSCF  
- Continue to dialogue with federal gov’t re. drug treatment court  
- Train staff in Core Correctional Practices to enhance their understanding and use of cognitive behavioural models with offenders to promote pro-social skills.  
- Implement restorative practices at the Nova Scotia Youth Facility to promote accountability and teach effective interpersonal skills to high risk and serious violent offenders, and ultimately facilitate their successful community integration;  
- Participate in a research initiative focusing on resiliency among youth offenders |