



Accountability Report

2018–2019

Justice


NOVA SCOTIA

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Accountability Report 2018–2019

ISBN 978-1-55457-983-9

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Accountability Statement

The Accountability Report of the Department of Justice for the year ended March 31, 2019 is prepared pursuant to the *Finance Act* and government policies and guidelines. These authorities require the reporting of outcomes against the Department of Justice Business Plan for the fiscal year just ended. The reporting of the Department of Justice outcomes necessarily includes estimates, judgments and opinions by Department of Justice management.

We acknowledge that this Accountability Report is the responsibility of Department of Justice management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Department of Justice 2018-19 Business Plan.

Original signed by

Original signed by

Mark Furey
Minister

Karen Hudson, Q.C.
Deputy Minister

Message from the Minister and Deputy Minister

It is our pleasure to present the Accountability Report for the 2018-19 fiscal year.

The Department's focus for this past year continued to be on a justice system that keeps all Nova Scotians safe. Our goal is to be responsive to the diversity of our people and to be accessible, especially to those who are vulnerable or marginalized.

The key areas of focus over the year were:

- Enhancing the public safety, well-being and economic stability of all Nova Scotians through supporting marginalized communities;
- Expanding the use of Restorative Justice and enhancing the policies and practices to support delivery of the program;
- Improving the program that supports families and children by strengthening enforcement of child and spousal support orders;
- Protecting Nova Scotians with the proclamation of a new *Intimate Images and Cyber Protection Act*;
- Addressing delays in the justice system through the work of the Criminal Justice Transformation Group;
- Taking a leadership role in making the province accessible by 2030;
- Leading Nova Scotia initiatives to ensure our province was ready to accommodate the federal policy to legalize cannabis; and,
- Working with Community Services to prevent domestic violence and support victims.

The Accountability Report highlights the work done by the Department to support its focus and goals throughout the year. Some of the highlights include:

- The Department continues to focus on supports for **marginalized communities** and advancing its Indigenous Justice Strategy, as well as initiatives for African Nova Scotians in order to address overrepresentation in the justice system.
- Development of a **Diversity and Inclusion Strategy for Agencies, Boards and Commissions**.
- **Implementing an opioid framework** in partnership with Health and Wellness. This includes the purchase of body scanners for our four adult correctional facilities to keep staff and inmates safe from contraband.
- Our ongoing efforts to **improve the Maintenance Enforcement Program**, including hiring of additional staff and improving client service.
- **Improved oversight** within Correctional Services, with creation of a new inspector position to ensure policies designed to keep staff and inmates safe are followed, and through renovations at the Central Nova Scotia Correctional Facility to support direct supervision;

- Increased educational programming for those in custody and under community supervision to strengthen reintegration;
- **Sexual assault training** was delivered to 34 investigators and audits were undertaken of all municipal police services to ensure they have the ability to conduct sexual assault investigations.
- **Free independent legal advice** for survivors of sexual assault
- **Increasing the use of Restorative Justice** as an option for adults in conflict with the law
- Expanding the use of **Video Conferencing** and other strategies in partnership with our Criminal Justice Transformation Group stakeholders to reduce court delay.
- **Domestic Violence Court Program** in Halifax and Sydney has served approximately 400 families experiencing domestic violence in the past year.

Much has been accomplished over the past year. We want to recognize the hard work and contribution of our department's 1,700 employees. Their dedication and professionalism are essential to the delivery of an effective and impartial justice system.

We present this Accountability Report with sincere thanks to our employees and partners around the province.

Mark Furey

Karen Hudson

Original signed by

Original signed by

Mark Furey
Minister

Karen Hudson, Q.C.
Deputy Minister

Financial Results

Accountability Report - Financial Table and Variance Explanation

Department of Justice
For the Year Ending March 31, 2019

	2018-2019 Estimate	2018-2019 Actual	2018-2019 Variance
Program & Service Area	(\$ thousands)		
Departmental Expenses:			
Administration	23,142	23,251	109
Nova Scotia Legal Aid	26,800	26,800	-
Court Services	75,090	75,678	588
Correctional Services	73,530	72,686	(844)
Public Trustee	2,649	2,465	(184)
Nova Scotia Medical Examiner Services	4,896	4,874	(22)
Public Safety	146,663	148,055	1,392
Serious Incident Response Team	607	601	(6)
Accessibility Directorate	1204	879	(325)
Total Department Expenses	354,581	355,289	708
Additional Information:			
Ordinary Revenue	(1,583)	(1,654)	(71)
Fees and Other Charges	(21,917)	(22,986)	(1,069)
Ordinary Recoveries	(121,851)	(120,632)	1,219
TCA Purchase Requirements	6,960	5,232	(1,728)
Provincial Funded Staff (FTEs)	1,647	1,620	(27)

Departmental Expenses Variance Explanation:

The Department of Justice expenses were \$708 thousand or 0.2% higher than estimate primarily due to Restorative Justice Initiative programs which included a \$600K contribution to the

Department of Justice Accountability Report 2018-19

International Centre of Excellence and \$220K for data collection enhancements. These increases are partially offset by an underspend of \$111K in miscellaneous operating expenses.

TCA Purchase Requirements Variance Explanation:

The Department's TCA variance is due to the projects moving slower than anticipated including: Maintenance Enforcement Program Compatibility and Accessibility; East Nova Scotia Correctional Facility Design Study; and Occupational Health and Safety Infrastructure Courts (leasehold improvements).

Fees and Other Charges Variance Explanation:

The Department of Justice Fees and Other Charges were overbudget by \$1.1 million or 5%. This variance primarily relates to higher than anticipated fees collected for various services and fines (\$538K Probate fees, \$355K Public Trustee fees, and \$176K net miscellaneous court costs which include fees and fines imposed by the Court).

Ordinary Recoveries Variance Explanation:

The Department of Justice Ordinary Recoveries was under budget by \$1.2 million or 1%. This variance primarily relates to lower than anticipated recovery of various federally funded programs (\$383K Opioid Navigator program, \$270K French Language services, \$259K Cannabis legalization and regulation), as well as \$321K lower than anticipated recoveries of overdue court fines collected by Service Nova Scotia. These decreases are offset by increased net miscellaneous recoveries of (\$22K).

Provincial Funded Staff (FTEs) Variance Explanation:

The Department of Justice FTEs were lower than estimate primarily due to vacancies.

Measuring Our Performance

As outlined throughout the 2018-19 Department of Justice Business Plan, we are highly committed to ensuring our key initiatives for the year aligned with the Ministerial Mandate. We have also been able to advance Government's Strategic Direction in many ways, in particular in the areas of:

- **Inclusive Economic Growth** through our continued work in the areas of Maintenance Enforcement and Accessibility.
- **Quality Education** through our continued work to improve educational programming offered to those in custody and under community supervision.
- **Healthy Population & System** through improving our programs offered to victims.
- **Safe & Connected Communities** through our work on CyberScan and the legalization of Cannabis.
- **Diversity** through our Indigenous Justice Strategy, African Nova Scotia initiatives and Agencies, Boards and Commission Diversity Recruitment and Inclusion Strategy.
- **Innovation** through developing new technology like the Victim Service Portal and Maintenance Enforcement Program online.
- **Federal Provincial Relations** through continued attendance at Federal/Provincial/Territorial meetings by the Minister, Deputy Minister and senior officials and collaborating on national projects aimed at accelerating the use of Restorative Justice in the criminal justice system.
- **Collaboration** across government and through sustaining and creating partnerships in all areas of the justice system.

The Department's work in 2018-19 in support of the Ministerial mandate and Government's strategic directive fell under the following 8 priority areas:

1. Preventative justice as a mechanism to support the economic and social well-being of our province

Supporting marginalized communities

African Nova Scotians and Indigenous people continue to be overrepresented in the justice system. The Department continues to advance its Indigenous Justice Strategy as well as initiatives for African Nova Scotians in order to address overrepresentation.

Indigenous Justice Strategy

In Spring 2018, a high-level strategic framework was adopted by Nova Scotia's Department of Justice and the Mi'kmaq Legal Support Network (MLSN). The strategic framework focuses on 4 main pillars:

- People – Our workforce will reflect the diversity of our province;

Department of Justice Accountability Report 2018-19

- Partnership – We will succeed by working together;
- Prevention – We will tackle the issues that matter most to communities; and
- Programs and policy – We will offer programming that is reflective of and sensitive to those we serve.

The overall goals of the Department's Indigenous Justice Strategy (IJS) are to have a justice system that is more responsive to the needs of the Indigenous population of Nova Scotia; to continue to address the recommendations of the Truth and Reconciliation Calls to Action; and reduce overrepresentation of Indigenous people in the justice system, as well as enhance supports for both victims and those who have come into conflict with the law.

Below are some highlights of what the Department of Justice accomplished in 2018-19:

People

- Targeted recruitment of frontline staff and management across the Department through promotion of vacancies with diverse communities, designating positions and engaging with partners.
- Developed two Aboriginal Provincial Liaison Officer positions to assist with facilitating connections with Indigenous community service providers, including mental health and addictions, to support Indigenous offenders.
- Held cultural awareness and educational sessions throughout the Department - this included: Diversity Lunch and Learns, Aboriginal Cultural Context Training, Kairos Blanket Exercise, L'Nu Way cultural training open to all divisions and sessions on Unconscious Bias.
- Correctional Services employs Indigenous Probation Officers working in communities throughout Nova Scotia where the focus is on strengths and not deficits. They create connections to the community for Indigenous services such as housing, employment and addictions.

Partnership

- Established Wagmatcook Wellness and Gladue Court; the Supreme Court Family Division has also been sitting in Wagmatcook.
- Co-chaired the Tripartite Justice Committee.
- Participated in the Federal/Provincial/Territorial (FPT) Working Group on Aboriginal Justice and their work on the on-going development of a Pan-Canadian Strategy to address the overrepresentation of Indigenous people in the Criminal Justice System.
- Engaged with Mi'kmaw Family Services to promote referrals of Indigenous offenders to community programming, including men's intervention programs, anger management, addictions and mental health issues.
- Indigenous Probation Officers utilized circles in the community as part of case management functions.
- Increased financial support and closer work with the Indigenous Blacks and Mi'kmaq Initiative at the Dalhousie Schulich School of Law.

Prevention

- Expanded the Aboriginal Liaison Officer role to include participation in Aboriginal offenders' case management teams. This will assist in ensuring offenders' cultural and spiritual needs are understood and met.
- Began education on Bill 27 – *Intimate Images and Cyber Protection Act* throughout Nova Scotia's 13 First Nations communities with a focus on education to students in First Nations Communities for the 2018-19 school year.
- Began development of an information sharing protocol for agencies who are involved in Missing and Murdered Indigenous Women and Girls cases and/or with their families.

Programs and Policy

- Developed an Indigenous Parent Information Program that is available for delivery in any interested First Nation community.
- Developed a statistical portrait of overrepresentation of Indigenous people in the Criminal Justice System.
- Offered the Red Road Cultural Sharing Circle Program in partnership with community Elders – an Indigenous cultural program offered to Indigenous youth at the Nova Scotia Youth Centre, focusing on the seven sacred teachings and traditional practices.
- Indigenous Probation Officers provided options to smudge before or after case management interviews and provided the choice of using the Mi'kmaq language.

In 2019-20 the Department will continue to work with Justice partners to advance the Indigenous Justice Strategy (IJS).

African Nova Scotian Initiatives

The Department of Justice completed many initiatives in 2018-19, which were inclusive of the needs of African Nova Scotians. Work completed focused on recruitment of employees, delivery of programs and services, and policy development and analysis.

Some highlights of initiatives for 2018-19 include:

- An African Nova Scotian Program Officer was hired in September 2018 to assist in addressing the program needs of African Nova Scotian offenders at Central Nova Scotia Correctional Facility.
- The position of Cultural Liaison Officer will focus on providing support for African Nova Scotians involved in the justice system.
- Offered an Africentric leadership program, Rites of Passage (formerly known as Life Lessons for Black Youth) to youth of African descent at Nova Scotia Youth Centre. The program was delivered by an external facilitator and interactions and group sessions were conducted that focused on discussion of fatherhood, returning home, anxiety, and pro-social lifestyles.
- Delivered Nova Scotia Community College's (NSCC's) *Communications 1227: An Africentric Approach* to African Nova Scotian offenders. The course focused on the

development and use of effective interpersonal, written and oral communication skills. Members of the African Nova Scotian community were invited to attend and to facilitate discussions about culturally relevant resources, as well as supports and opportunities to enhance awareness, promote access and increase the likelihood of successful community reintegration.

- Provided support to African Nova Scotians through projects funded by Crime Prevention Community Grants. These community grants will continue into the 2019-20 fiscal year.
- Participated on the Pathways to Justice Committee that explored ways to better address the barriers faced by victims of gender-based violence in marginalized communities with a focus on African Nova Scotian communities.

Performance Measure:

- In 2018-19, over 778 staff participated in cultural competency training, over numerous events including: L'nu-way; Kairos Blanket Exercises; the Diversity Roundtable Conference; Aboriginal Law Context for Nova Scotia; Cultural Bias and Awareness; Aboriginal Awareness and Perceptions; Unconscious Bias for Supervisors; Fair and Impartial Law Enforcement; Intercultural Competence Training Working within the Immigrant and Refugee Community; Diversity and Inclusion; Eagle Feather Oaths and Affirmations; Gender-based Violence from an Afrocentric Perspective; and Gender and Sexual Diversity.

Work will continue on African Nova Scotian Initiatives in 2019-20 as the Department will develop Africentric programming that better meets the needs of African Nova Scotians involved in the Justice system, with the goal of reducing their overrepresentation.

Agencies, Boards and Commissions (ABC) Diversity and Inclusion Strategy

After consultations with over thirty diverse stakeholders, the Executive Council Office, the Nova Scotia Human Rights Commission, and the Public Service Commission, the Department of Justice completed the ABC Diversity and Inclusion Strategy in December 2018 and began implementation on the 15 action items in the strategy. The objective of this strategy is to increase diverse representation and create an inclusive culture on the Department of Justice's ABCs.

Work will continue in this area in 2019-20 as action items are to be rolled out by the end of June 2019. This will include a cultural competency training for all Department of Justice ABC members with the goal of creating greater understanding and more inclusive environments.

Land Title Clarification

Since September 2017, the Department, along with the Department of Communities, Culture and Heritage, the Department of Lands and Forestry, the Office of African Nova Scotian Affairs, and Nova Scotia Legal Aid has collaborated on new initiatives to support clarification of land ownership in Nova Scotia. These initiatives include assistance with legal and other fees and costs associated with clarifying ownership of land through the *Land Titles Clarifications Act*,

through estate administration (*Probate Act* and *Intestate Succession Act*), and migration under the *Land Registration Act*.

Performance Measures:

- In 2018-19, 144 land title clarification files were opened, and 22 migrations were completed.

Opioid use and overdose strategy

The Department has worked with the Department of Health and Wellness to develop and implement a [comprehensive strategy to address opioid misuse](#). Specialized training and the provision of tools to assist in the detection of opioids and in managing the effects of opioid usage are key elements of the strategy. Correctional Services staff have been trained in the use of new body scanners installed within adult correctional facilities to limit entry of opioids and other illegal contraband.

Correctional Services staff and Sheriff deputies have access to naloxone kits and have been trained in administering naloxone in the event of a drug overdose. All courthouses have fentanyl response kits. Municipal police and provincial RCMP first responders have received 1800 naloxone kits.

Police across the province have received trauma-informed training to better deal with the trauma related to addiction and overdose. Four hundred officers have been trained in opioids investigation and Occupational Health and Safety procedures, while five officers received specialized drug investigation training in Ottawa. All municipalities can now access the province's Clandestine Laboratory Enforcement and Response (CLEAR) team, which is a team of subject matter experts who investigate the production and distribution of synthetic drugs and provide education to the public.

The Courts of Nova Scotia now include several specialized, therapeutic court programs to help courts respond to situations where problematic substance use has contributed to conflict with the justice system: the Mental Health Court in Dartmouth, the Domestic Violence Courts in Sydney and Halifax, the Court Monitored Drug Treatment Program in Kentville, Wellness Courts in Amherst and Port Hawkesbury, and the Gladue Wellness Court in Wagmatcook.

Performance Measures:

- The Department provided 1800 naloxone kits to Police, Sheriff Services and Correctional Services staff.
- Twenty-four at-risk inmates were provided naloxone kits upon release from facilities.
- The Department continued to provide training on naloxone kits and held 4 workshops with a total of 500 police officers in attendance from across the province.

Additional Officer Program review

The Additional Officer Program began in 2007, funding 132 additional police officers in the province in response to an increase in street level violent crime and drug activity. A review of the program has taken place and analysis of the review was complete in 2018-19.

Work will continue into 2019-20 and a recommendation on a way forward will follow.

Increased educational programming for those in custody and under community supervision

The Department has continued to partner with Nova Scotia Community College (NSCC), other government departments, local health authorities and other community partners to strengthen reintegration through enhancing educational programming opportunities for adults and youth.

In 2018-19, there were 84 participants in the Limitless Program, a NSCC program expanding post-secondary educational access for incarcerated Nova Scotians, compared to 21 in 2017-18 (300% increase)

Increased collaboration between the Correctional Services African Nova Scotian Program Officer and NSCC has provided enhanced and responsive cultural programming options.

Work in this area will continue into 2019-20, as the Department leverages existing partnerships to extend educational opportunities and services for those reintegrating from custody to community. In particular, to enhance education, housing, mental health and addictions services.

Performance Measures:

- 414 adults in custody and under community supervision participated in educational programming.
- 18 adults and young people in custody and under community supervision achieved their GED certification.
- 30 adults in custody and under community supervision completed NSCC courses.

Body scanners in adult correctional facilities

Body scanners were installed in all adult correctional facilities to reduce the introduction of contraband. From October 2, 2018 to May 27, 2019, 141 scans were positive for contraband and items were seized. The scanners have been effective in detecting contraband and reducing the risks of contraband entering the facilities upon admission.

Increased Oversight within Correctional Services

In 2018-19, the Department increased oversight within correctional facilities. A new Inspector position was created to complete inspections and audit follow plans to assist Correctional Services to proactively address compliance issues within the division.

Renovations at the Central Nova Scotia Correctional Facility were also completed. The renovations were required to allow the facility to utilize direct supervision, which is a corrections best practice standard for supervision of those in custody. The goal of direct supervision is to create an improved environment for inmates and staff to allow proactive interventions on daily living units and improve relations between inmates and staff.

In 2019-20, the Department will continue to increase programs and services in Correctional Services including cultural programming enhanced by Indigenous and African Nova Scotian Liaison Officers, and education with the addition of online GED testing.

An integration day room has been developed as an alternative to close confinement for those who would otherwise be administratively confined. In addition, staffing will increase for social workers and teachers on this unit.

Sexual assault investigations

In 2018-19, the Department undertook important steps to address sexual assault. This work recognizes that sexual assault complaints must be treated fairly and effectively, with sensitivity, respect and compassion.

Among the actions taken were audits designed to ensure police have the tools they need to investigate sexual assault cases. The audits revealed that there was a need to enhance training for police to be able to respond to sexual assault cases and investigations.

Performance Measures:

- In 2018-19, the Department commenced audits on the capability of Nova Scotia police agencies to conduct sexual assault investigations. Audits were undertaken at 10 municipal Police agencies and 5 RCMP detachments (New Minas, Yarmouth, Antigonish, Windsor, Eskasoni).
- 34 officers received sexual assault investigation training for investigators.
- 149 officers receiving trauma-informed response training for first responders.

Independent Legal Advice for Victims and Survivors of Sexual Assault

The Independent Legal Advice program offers support for survivors of sexual assault by providing up to 4 hours of free legal advice. In recognition of the barriers that survivors face within the justice system, the program has connected participants to qualified lawyers who are trained to help survivors understand their rights and legal options.

In 2018-19 the program was reviewed, and updates were made to be responsive to the needs of survivors. The updates included increasing program promotion through community engagement, creating a flexible survivor-centered complaint process and updating processes and forms through ongoing feedback with community partners to increase access for survivors from marginalized communities. Updates will continue to be made in 2019-20.

Inquiry into Missing and Murdered Indigenous Women and Girls and FILU

In response to calls for action from Indigenous families, communities and organizations, as well as non-governmental and international organizations, the Government of Canada launched an independent National Inquiry into Missing and Murdered Indigenous Women and Girls in September 2016. Nova Scotia has been involved in the work supporting the Inquiry, as well as in providing information and support services to family members of missing and murdered Indigenous women and girls through the Family Information Liaison Unit (FILU). The FILU team is a partnership between the Victim Services Aboriginal Victim Case Coordinator and three Community Outreach Specialists hired from the Nova Scotia Native Women's Association.

Performance Measures:

- The Department's Lawyers in the Legal Services Division represented the province of Nova Scotia at various hearings before the Inquiry, were active participants in Federal/Provincial/Territorial working groups and prepared [written submissions](#).
- 85% of family members rated the FILU service they received as 'good', 'very good' or 'awesome'.

Victim Services Portal

Innovative work continued in the Department in 2018-19 on the Victim Services Portal. The secure online Portal will allow victims to access services, information and case updates. In consultation with clients and staff, initial testing of the portal was complete, and it is expected that the Portal will be available by the end 2019-20.

Hub approach

The HUB approach is a preventative care model, which gets services to youth in a timely and collaborative manner. The Department of Justice collaborated with other government departments, various community partners, SchoolsPlus and the RCMP to support the use of HUBs in the province.

Performance Measure:

- There are currently 13 HUBs in the province. A review of the effectiveness of the model will be undertaken in Summer 2019.

Delivery of Legal Services

The Legal Services Division is government's law firm, providing a full range of legal advice and services to support government operations and help government achieve its corporate priorities while ensuring the administration of public affairs is carried out in accordance with the law.

Performance Measures:

- In Spring 2019, clients from across government were invited to complete a client satisfaction survey. 97% of clients indicated they were satisfied or very satisfied with the overall services provided by Legal Services. This is consistent with previous years.
- The Legal Services Division has increased the use of tools and resources to deliver legal services more efficiently by upgrading software and other technology. On average 73% of Division staff felt the improvements over the past fiscal year were either good or significant and 72% believed these tools had a high or critical impact on their ability to do their job.

Access to Justice and Law Reform Institute

The Department worked with and financially supported the Law Reform Commission of Nova Scotia to transform to the Access to Justice and Law Reform Institute of Nova Scotia. The new Institute will continue to make recommendations for the improvement, modernization and reform of the law. It will coordinate access to justice work across the province and provide leadership in research related to access to justice. The Department was pleased to be a part of the transformation in partnership with the Government of Canada, Law Foundation of Nova Scotia, Nova Scotia Barristers' Society, and Dalhousie University.

Family Law Website - NSFamilyLaw.ca

The Department has continued to ensure we are improving access to justice by communicating as effectively as possible with our clients and making the most up to date material available on the family law website.

The Department has increased the family law website content by adding the 'Going to Court: Self-Represented Parties in Family Law Matters' workbook. This workbook includes frequently asked questions (FAQs) and information pages on various subjects. A French Divorce Guide – 'Guide: faire une demande de divorce en Nouvelle Ecosse' and supporting documents, forms, FAQ's, and information were also added to the website. The Ta'n Wkjiksu'k Wikulti'tij L'nue'katik aqq Kisutasik Koqoey wjit Elmiaq Na'talitpiaq / Family Homes on Reserve & Emergency Protection Orders page was added which is available in English, Mi'kmaq and audio Mi'kmaq.

The Department also completed a project to translate the entire family law website into French which will go live in summer 2019.

2. Restorative justice, based on customary Aboriginal law, to reduce future contact with the justice system and recidivism and increase victim satisfaction

Restorative Justice seeks to understand and respond to the impact of crime on individuals and communities, providing the opportunity to bring together those harmed by crime and those with responsibilities for the harm. The Nova Scotia Restorative Justice Program uses processes to address the issues, harms and needs of those involved. Within those processes, plans are developed that include commitments to take actions by those who caused harm and those who can support a better outcome in the future.

Over the past year, the Restorative Initiatives Unit has done a significant amount of work to strengthen the Nova Scotia Restorative Justice Program in collaboration with community-based Restorative Justice agencies and Community Corrections. Community Corrections are working closer with their partners and are actively engaged in the Restorative Justice Program. The Unit has worked across government to support the application of restorative justice principles and to embed a restorative approach in the services government provides, as well as in how government services are delivered and integrated effectively. The Unit has supported large government institutions in the justice sector and other sectors to deal with critical incidents restoratively, as well as to assist those institutions in understanding and embracing restorative approaches generally. The Unit has been involved in work flowing from the Nova Scotia Home for Colored Children Restorative Inquiry, including work on the new family-led decision-making approach in child protection matters.

In collaboration with Federal/Provincial/Territorial counterparts, the Department led work to accelerate the use of Restorative Justice in the criminal justice system. This included development of Restorative Justice Key Elements of Success, which outlines the four key elements that should be taken into consideration, along with a principled approach, when accelerating the use of restorative justice in the criminal system. These four key elements are:

1. Recognition of RJ as an investment in an effective and efficient criminal justice system;
2. Endorsement of guiding principles and goals being applied nationally to ensure that a restorative approach starts the transformation of the criminal justice system to being more effective and just;
3. Commitment to collaboration: A structure in each jurisdiction to bring together RJ stakeholders; and
4. Focus on a principled approach to education, training and evaluation.

This work was endorsed by all Federal/Provincial/Territorial Ministers of Justice and Public Safety in fall 2018. Jurisdictions will take these key elements into consideration when introducing or enhancing Restorative Justice Programs. In addition, a research pilot project involving six jurisdictions and the Federal government was completed, which focused on peoples' experiences with Restorative Justice. Nova Scotia collected 348 narratives and overall 1192 narratives were collected for this project. Results will be used to inform Restorative

Justice policy and programing by helping jurisdictions measure success and understand the broader impacts of restorative justice. The Department has also been reviewing and identifying data requirements for Restorative Justice case management. This work will be finalized in 2019.

Performance Measures:

The Department's dedicated Restorative Initiatives team has made efforts to increase the usage of the Restorative Justice Program as an option for adults in conflict with the law. There was a 3.4% increase in program referrals for adults from 1252 in 2017-18 to 1295 in 2018-19.

The Department has enhanced policies and practices to support delivery of Restorative Justice by finalizing the Nova Scotia Restorative Justice Program (NSRJP) Protocols, the NSRJP Practice Guide and the NSRJP/Community-Based RJ Agencies Service Agreement.

Work will continue in the Restorative Initiatives Unit in 2019-20 with a focus on:

- Working with community partners to increase the use of Restorative Justice in the criminal justice system;
- Updating the Restorative Justice information management system to assist with case management and reporting requirements;
- Working across Government to support the use of a restorative approach; and
- Increasing focus on the use of a Restorative Approach in the workplace and education and awareness of a Restorative Approach across Departments.

Nova Scotia Home for Colored Children Restorative Inquiry

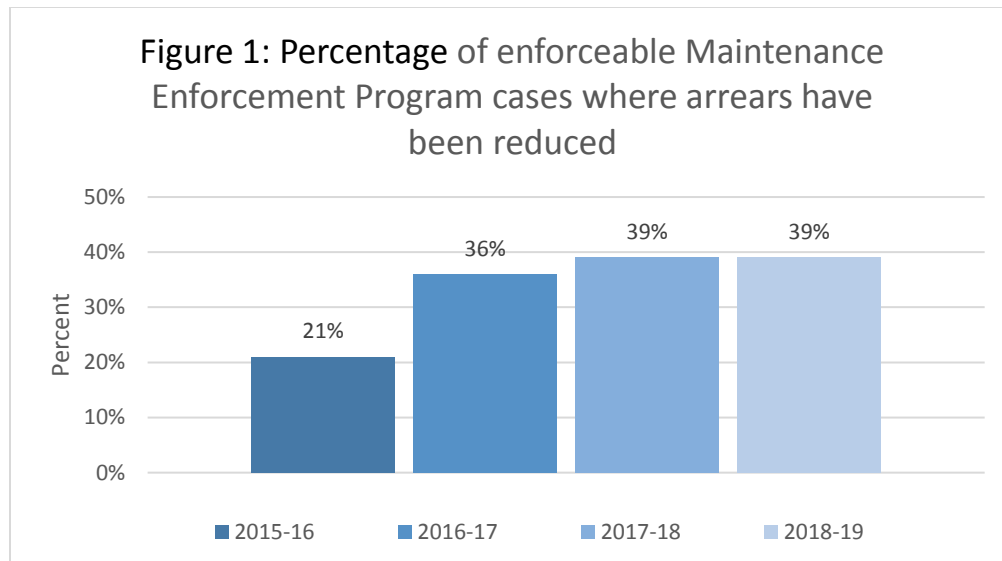
The Department supported the Nova Scotia Home for Colored Children Restorative Inquiry which reveals and addressed part of the harmful legacy of racism in Nova Scotia by examining the Home and the experiences of former residents, as well as the impact on their families and communities.

3. Increased responsiveness to Nova Scotian families and children for maintenance enforcement and take immediate action to improve maintenance enforcement services

The Maintenance Enforcement Program assists Nova Scotians to make or receive court-ordered maintenance payments when a court order is enrolled with the program, and takes steps to enforce maintenance orders when payments are not made.

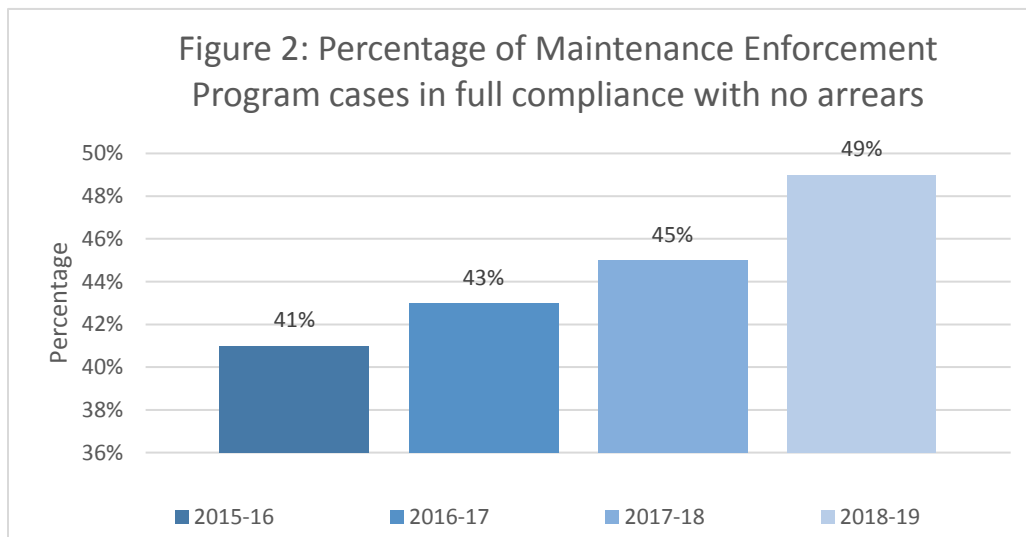
Performance Measure:

- Arrears for cases managed by the Maintenance Enforcement Program are at the lowest level in over 10 years. In 2018-19, arrears were reduced in 39% of enforceable Maintenance Enforcement Program cases. This is stable from the prior year and is an increase of 18% from the base year 2015-16 (Figure 1).

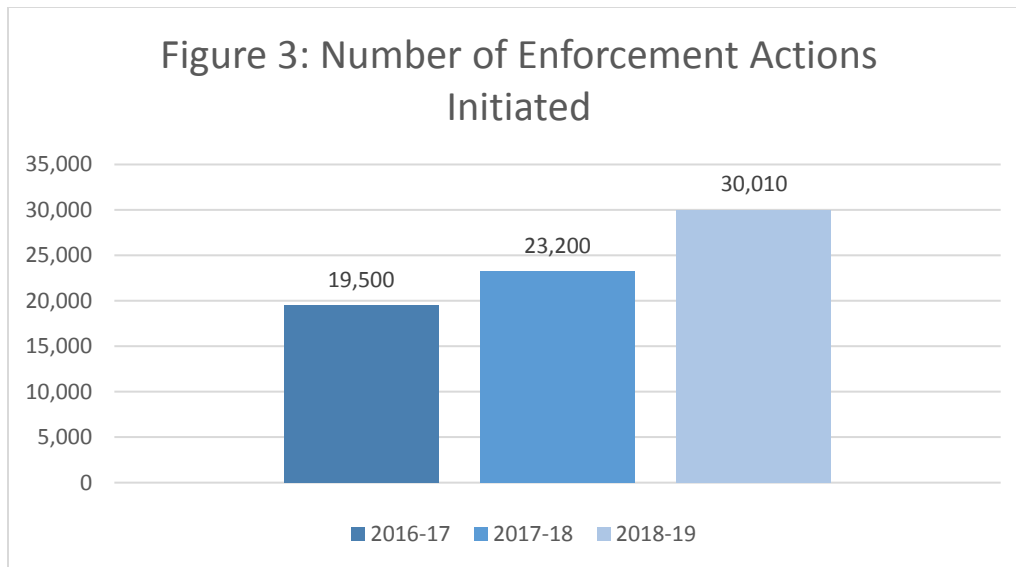


Performance Measure:

- In the last year, cases in full compliance with no arrears have increased from 45% to 49% (Figure 2), and the amount of outstanding arrears has decreased 7.8%, indicating that more of the money owed is being paid to recipients.



- Due to amendments to the *Maintenance Enforcement Act* to increase specific enforcement actions (e.g., motor vehicle suspensions, federal license denials, etc.) the number of enforcement actions has increased by 29% in the past year (Figure 3). There has been a 207% increase in motor vehicle enforcement actions and a 407% increase in federal license denials since 2016-17.



- Between 2016-17 and 2018-19, the Department increased reinstatement of garnishments when the payor stops voluntarily making payment by 7%.

When a payor cannot be located through any routine search process, it is important that other means of information searches for payors and employers be deployed in order to maintain monies owed to recipients through court orders. The Public Safety Investigation unit assists the Maintenance Enforcement Program in these instances. Although there was a 31% decrease in Public Safety Investigation referrals in 2018-19, overall referrals have increased since 2016-17 and vary based on operational requirements from year to year. This enforcement tool remains an important focus for the Maintenance Enforcement Program.

In 2019-20 the Department will continue to make improvements to the Maintenance Enforcement Program and work to enforce maintenance orders for child and spousal support. This is vital to the economic stability of approximately 15,000 families and more than 14,000 children and youth who are served by the program. The Department is working to implement enhanced technology capabilities to support improved case management practices and self-service information for clients.

4. Continue cyber protection actions to ensure the safety of Nova Scotians

The Department continues to provide an important service to improve the cyber safety of Nova Scotians. On October 26, 2017, the Bill for the *Intimate Images and Cyber Protection Act* was passed, with proclamation on July 5, 2018. The Act replaces the *Cyber-safety Act*, which was rescinded in 2015. The Act responds to the harms of sharing intimate images without consent and cyber-bullying. It also protects and upholds the fundamental freedoms of thought, belief, opinion and expression. Nova Scotia continues to be a leader nationally in this area.

The Nova Scotia CyberSCAN [website](#) provides easy access to information about the legislation, along with a link to a simplified guide 'What you need to know about the Intimate Images and Cyber-Protection Act' and details of how to contact CyberSCAN, including a toll-free phone number.

With the realignment of the program and creation of a complaints procedure, a Case Co-ordinator provides information about the Act and evaluates the initial complaints received. A case file is created when required and allocated to one of three agents for further contact with the complainant in order to determine what assistance CyberSCAN may be able to provide to try to resolve their complaint. The agent will provide information pertaining to an application for a Cyber Protection Order and offer support with navigation of the justice system, as required. Access to legal advice for victims is available through the Department's partnership with the Legal Information Society.

Cyber-Safety and awareness across the province continues to be an important and significant part of the CyberSCAN mandate. Under the current legislation, 170 presentations have been provided to schools, professional agencies, Indigenous groups and to the population in general. In total, nearly 5,000 people have attended the presentations. Province-wide distribution of CyberSCAN brochures, which are available in a variety of languages, is ongoing with over 87,000 brochures having been provided to various professionals including police officers, MLAs and various community services and groups. Outreach efforts continue to be pursued to successfully liaise with Indigenous groups to promote and offer the services of CyberSCAN and presentations.

Work will continue in this area in 2019-20 as the Department holds more education sessions across the province.

Performance Measure:

- CyberSCAN received 179 enquiries and calls for service from July 5, 2018 to March 31, 2019. Of these, 119 were determined to be within their jurisdiction and case files were created. To date, 117 of those cases have been closed, of which 78% (93 cases) were resolved and closed through a variety of informal measures. No cases have resulted in a Cyber Protection Order being sought.

5. Delays in the justice system

To meet the timelines established in the Supreme Court of Canada's decision in R v. Jordan (18 months in the Provincial Court and 30 months in the Supreme Court), the Department of Justice through the Criminal Justice Transformation Group, has continued its work with all stakeholders to support innovative approaches to address delays in the criminal court system.

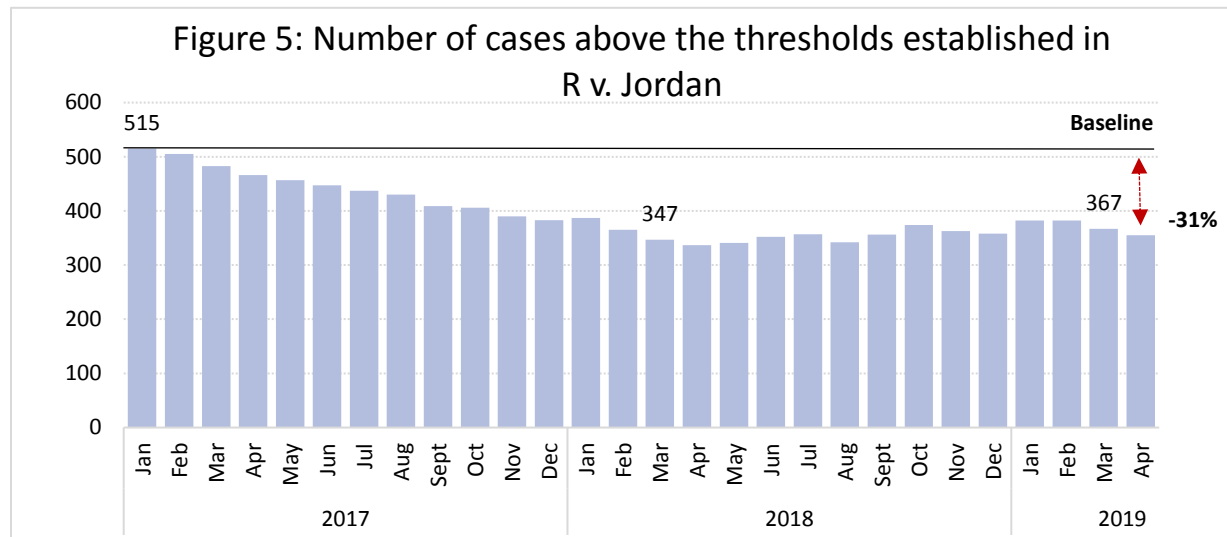
The Criminal Justice Transformation Group has also been focusing on the increase in remand and the overrepresentation of African Nova Scotians and Indigenous people. The Group met

with community partners, including leaders from the African Nova Scotian and Indigenous communities in November 2018 to discuss ways to address overrepresentation in remand.

In 2019-20, the Criminal Justice Transformation Group, will continue to focus on addressing unreasonable delay as well as the issue of remand.

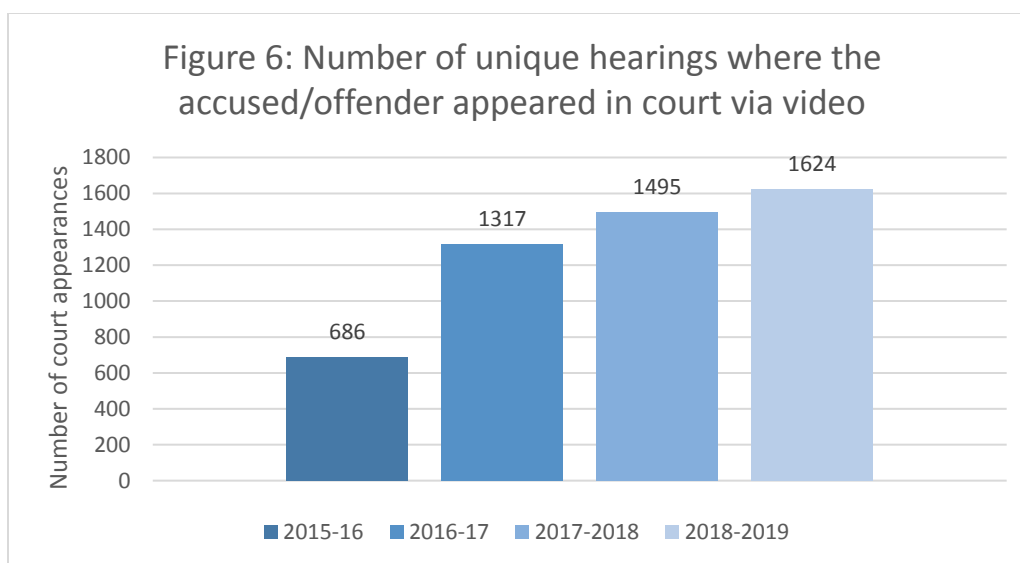
Performance Measure:

- At the end of 2018-19, the number of cases above the thresholds established in R v. Jordan had been reduced by 31%, compared to the baseline of January 2017.



One of the initiatives that is intended to reduce unnecessary court delay is increased use of video conferencing for court appearances by accused in custody. Video conferencing has been utilized for a number of years in Nova Scotia courts and includes benefits such as alleviating administrative burden and avoiding potential challenges and risks associated with transportation of accused. The Department continues to monitor video conferencing utilization and to share that data with stakeholders of the Criminal Justice Transformation Group.

Efforts to increase the number of appearances by video of persons in custody were again successful in 2018-19. Between April 1, 2018 and March 31, 2019, there were 1,624 unique hearings where the accused/offender appeared in court via video. This is an increase of 9% from 2017-18 and an increase of 136% from the base year of 2015-16 (Figure 6).



There were an additional 43 adult referrals to Restorative Justice in 2018-19, which means those cases were off-ramped out of the traditional courts system and into the Restorative Justice Program. Work continues to increase the use of Restorative Justice, which is expected to further contribute to a reduction in unnecessary delay in the criminal courts, as resources are freed up by diverting these cases.

6. Play a leadership role in the government's work on accessibility

Through the Accessibility Directorate, the Department has continued its leadership role in government's work to implement the *Accessibility Act* and improve accessibility in Nova Scotia. 2018-19 was a very busy year for the Accessibility Directorate.

Performance Measures: Access by Design 2030 filed with legislature in fall 2018 and made publicly available.

- [Access by Design 2030](#), the implementation strategy for an accessible Nova Scotia by 2030, and the [Government of Nova Scotia Accessibility Plan \(2018-2021\)](#) were approved by Cabinet in August 2018 and publicly released in September 2018. These documents are foundational to reaching government's goal of an accessible province by 2030. The Directorate is working closely with departments and external partners to implement the commitments they outline.

Performance Measure: Number of education and awareness sessions delivered to businesses and associations related to the Accessibility Act.

- The Accessibility Directorate continued its important work to develop and implement awareness programs relating to the *Accessibility Act*, as well as accessibility and disability issues. A total of 75 education and awareness sessions were provided to businesses and associations, which was an increase of 7% from 2017-18.

Work is underway on developing accessibility standards in education and the built environment. Accessibility Standard Development Committees were announced in March 2019, with a mandate to assist the Accessibility Advisory Board with making recommendations to the Minister on the content and implementation of standards in these areas. Committee members are representatives from the impacted sectors, and the majority identify as having a disability. In 2019-20, two rounds of public consultations will inform the recommendations, which are expected to be submitted to the Minister by September 2020.

The Accessibility Directorate partnered with Communities, Culture and Heritage to invest more than \$1 million to help 41 businesses increase their accessibility through the Business ACCESS-Ability Program. These grants have helped to increase awareness of the *Accessibility Act* and remove barriers for people with disabilities. For example, CarShare Atlantic, a car sharing company in Halifax, received funding to install hand controls in three fleet vehicles and add a fully converted accessible van to give access to people with physical challenges, and those who care for them.

Municipalities play a key role in creating a more accessible province and the Department continues its collaboration with the Nova Scotia Federation of Municipalities and Association of Municipal Administrators Nova Scotia to develop an Accessibility Planning Toolkit for Municipalities. This Toolkit will be a step by step guide with recommendations on how to form an accessibility advisory committee and develop an accessibility plan. The Toolkit will be launched once municipalities are prescribed as public sector bodies under the *Accessibility Act* in 2019-20.

In collaboration with the Department of Labour and Advanced Education and the Council of Nova Scotia University Presidents (CONSUP), the Directorate established a Post-Secondary Accessibility Working Group with representatives from each post-secondary institution. This group is developing a provincial post-secondary accessibility framework, establishing a shared vision and commitments for accessibility across the sector, and informing the development of each institution's accessibility plan.

The Accessibility Directorate established a partnership with the Rick Hansen Foundation, to advance the goal of an accessible Nova Scotia by 2030. The Rick Hansen Foundation Accessibility Certification (RHFAC) Accessibility Assessor Training course is delivered through the Nova Scotia Community College. As of March 31, 2019, two course sessions have taken place, with 40 individuals trained as RHFAC professionals. The Directorate also developed a sponsorship grant with the Rick Hansen Foundation to increase awareness of barriers and the importance of accessibility through the awareness campaign "Everyone, Everywhere".

7. Lead Nova Scotia initiatives to ensure our province is ready to accommodate the federal policy to legalize cannabis

Since the announcement by the federal government on the new *Cannabis Act*, the Department has the overarching priority to ensure the public health and safety of Nova Scotians, especially

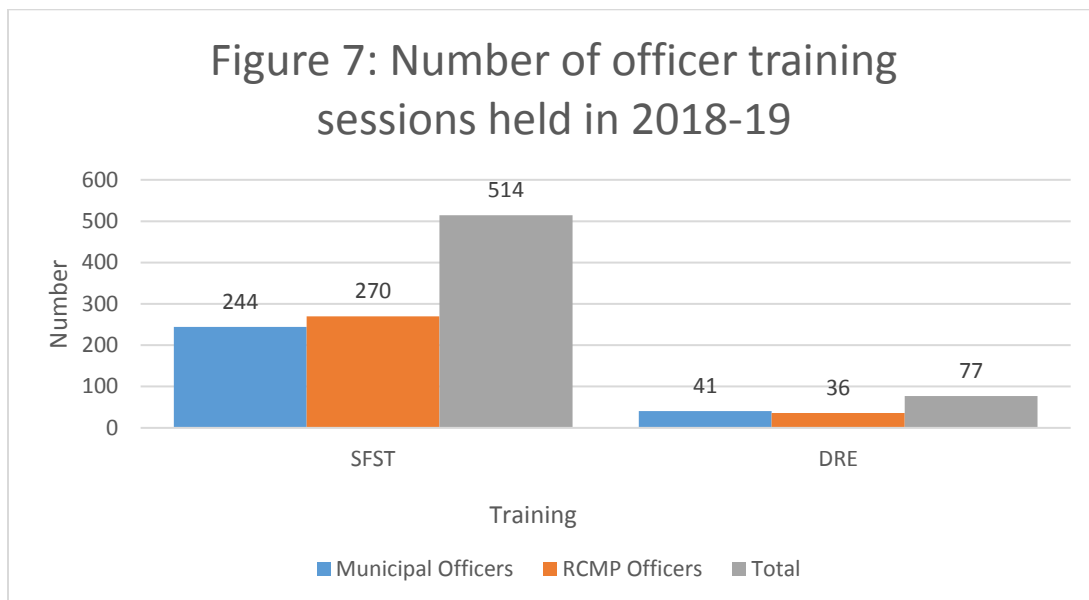
children and youth, in the development of a well-regulated cannabis framework. To do this, the Department has worked with an interdepartmental team, providing policy information and research to the lead Ministers, and key decisions were made regarding the retail system, minimum age, public consumption, personal possession limits, personal cultivation limits, and provincial offences.

Performance Measure:

- In fall of 2018, the provincial *Cannabis Control Act* was enacted. The *Cannabis Control Act* enacts new legislation but also amends seven other pieces of legislation, including the *Liquor Control Act*, *Smoke-free Places Act* and *Motor Vehicle Act*.

Performance Measures:

- Working with Law Enforcement Agencies, training was provided to ensure additional drug expertise is available in Nova Scotia. In 2018-19, 514 (244 municipal, 270 RCMP) officers were trained in Standardized Field Sobriety Test (SFST) and 77 (41 municipal, 36 RCMP) officers were trained as Drug Recognition Experts (DRE). This is a 126% increase in the number of DRE officers trained (Figure 7).



Investments in public education and awareness was key to the success of the implementation of this initiative. The public education and awareness efforts in 2018-19 resulted in more than 44,000 visits to the cannabis website for information.

In 2019-20, the Department will continue our work to ensure our province is ready to accommodate the next stage of federal policy to permit the sale of cannabis edibles, extracts and topicals when they become legal on October 17, 2019.

8. Work with the Department of Community Services to create a continuum of programs to address domestic violence

The Department of Justice has worked collaboratively with other government departments on the issue of Domestic Violence. This includes working with the Nova Scotia Advisory Council on the Status of Women in support of “Standing Together: A Provincial Action Plan to Prevent Domestic Violence”, as well as leading an interdepartmental committee focused on Intimate Partner Violence.

All Divisions focused on Domestic Violence in 2018-19, and a full review of gaps in programming to help prevent future violence and to support people affected by domestic violence was undertaken. Particular attention was paid to historically marginalized and equity seeking groups.

With the expansion of the Domestic Violence Court Program to Halifax, a key principle has been a commitment to “cultural humility/safety, and inclusion”, which recognizes that “Indigenous people, African Nova Scotians, and people of African descent are overrepresented in the traditional criminal justice system.” In support of this principle, Domestic Violence Court program partners have attended two full-day sessions by Senator Dr. Wanda Thomas Bernard on addressing violence from an Africentric perspective.

In 2018-19, the Department continued to provide dedicated legal support to children in care cases through a team in the Legal Services Division. Two more employees were added to the team of lawyers and assistants assigned to these cases. In 2019-20, work will continue in this area with a further increase in dedicated support.

A Domestic Violence Initiatives Project Manager position was staffed to focus on areas aligned with “Standing Together” and this work will continue in 2019-20. This includes working to expand the partner group for the High-Risk Protocol, building on the co-operation and co-ordination that has been established in high-risk domestic violence cases. There will also be a focus on training police and other service providers on domestic violence. In addition, efforts will be made to increase public awareness via the Neighbours, Friends and Family program, particularly in marginalized and newcomer communities. Research is also being undertaken on approaches to effectively engage domestic violence perpetrators for better outcomes.

In 2019-20, the Department will also be conducting Domestic Violence Audits of Municipal Law Enforcement Agencies, supporting and participating on a Domestic Violence Law Enforcement Committee of the Nova Scotia Chiefs of Police Association, and building stronger supportive connections between families participating in the Domestic Violence Court Program and child protection.

Performance Measure:

- Since the Domestic Violence Court was expanded in March 2018, the Department and the Judiciary have worked to effectively deliver the service to participants. The Domestic

Violence Court Program, available in Sydney and Halifax, has served approximately 400 families experiencing domestic violence in the last year. Approximately 80% of the accused are men and 20% are women. As of March 31, 2019, 199 cases have been referred to the Halifax Domestic Violence Court Program (DVCP).

Performance Measure:

- The Domestic Violence Court program is a problem-solving court that brings together Nova Scotia Legal Aid, the Crown and Child Protection along with a diverse team of community partners delivering services to respond to the needs of families experiencing domestic violence. This includes Alice House, Cape Breton Transition House, Cornerstone and New Start men's intervention programs, the People's Counselling Clinic, Elizabeth Fry Society (Cape Breton and the Mainland), MLSN, Mulgrave Park Caring and Learning Centre, Nova Scotia Brotherhood Initiative, Mi'kmaw Native Friendship Centre, Journey of Two Wolves Program, Family Service of Eastern Nova Scotia and Eastern Nova Scotia Mi'kmaq Mental Wellness Team.

Supplemental Information and Appendices

Key Facts about Department of Justice

The Department of Justice consists of approximately 1,700 employees (FTEs) and is responsible for the administration of justice and for promoting the safety and security of Nova Scotians through justice-related programs, services and initiatives.

The Department is responsible for over 170 different Acts and 100 different Regulations.

The Department provides services through six Divisions, the Restorative Initiatives Unit, and the Accessibility Directorate:

- Accessibility Directorate: responsible for implementing and administering Nova Scotia's new *Accessibility Act* with the goal to ensure Nova Scotia is accessible by 2030.
- Restorative Initiatives Unit: has a mandate to support and advance restorative initiatives in the Province. The unit is anchored by the Restorative Justice Program for youth and adults across the province and the Restorative Approach in Schools project supporting a province-wide network of educators and schools.
- Correctional Services: responsible for improving public safety and security through effective community and custody-based case management, rehabilitation, and supervision of remanded persons or sentenced offenders.
 - Operates four adult correctional facilities, and one youth centre, and
 - 22 Community Corrections offices throughout the province.
- Court Services: responsible for improving access to justice and improving public safety and security through support to the judiciary and the administration of Nova Scotia's Courts at 24 sites in 18 communities across the province:
 - Civil law court services;
 - Criminal law court services;
 - Family law court services; and
 - Sherriff Services - focuses on the safety and security of the judiciary, court staff, the public, and persons in custody. There are Sheriffs across the province, numbering over 200 in total.
- Legal Services: responsible for providing a full range of legal advice and services to support government operations and help government achieve its corporate priorities while ensuring the administration of public affairs is carried out in accordance with the law:
 - The Division represents government in legal proceedings, except prosecutions. This includes formal litigation on behalf of the Crown before all levels of courts in the Province, the Federal Courts and the Supreme Court of Canada.
 - The Division has extensive experience with legal issues that uniquely affect the Crown and offers a full range of commercial, administrative and legislative advice.
 - The Division is also home to the Registry of Regulations.

- Maintenance Enforcement and Victim Services: responsible for improving access to justice for families by registering, collecting and enforcing court orders or agreements registered with the court for child and spousal support. Victim Services is responsible for four Regional Offices and operates four core programs which aim to reduce the harmful impact of crime on victims.
- Policy & Information Management: responsible for supporting the Minister, Deputy Minister, Senior Management and all divisions through four sections.
 - Policy, Planning & Research (PP&R) provides policy advice, research, statistics and evaluation services, and leads the business planning process.
 - Legislation and Federal/Provincial/Territorial (FPT) Relations supports and advises on all aspects of the departmental legislative agenda; FPT committees and working groups; and manages the appointment process for the Department's agencies, boards and commissions.
 - Records Management administers the departmental records management program and provides guidance to the Courts of Nova Scotia in relation to their records management program.
 - The Facilities Group manages accommodation requirements including capital construction, leasehold acquisition, leasehold renovation and building maintenance projects.
- Public Safety and Security: responsible for public safety initiatives in the province, including oversight, governance and advice to police, private security services and firearms license holders, as well as enforcement of community safety processes and security intelligence management services.

Public Interest and Disclosure of Wrongdoing Act

Annual Report under Section 18 of the Public Interest Disclosure of Wrongdoing Act

The *Public Interest Disclosure of Wrongdoing Act* (PIDWA) was proclaimed into law on December 20, 2011.

The Act provides for government employees to be able to come forward if they reasonably believe that a wrongdoing has been committed or is about to be committed and they are acting in good faith.

The Act also protects employees who do disclose from reprisals, by enabling them to lay a complaint of reprisal with the Labour Board.

A wrongdoing, for the purposes of the Act is:

- a. a contravention of provincial or federal laws or regulations
- b. a misuse or gross mismanagement of public funds or assets
- c. an act or omission that creates an imminent risk of a substantial and specific danger to the life, health or safety of persons or the environment, or
- d. directing or counselling someone to commit a wrongdoing

The following is a summary of disclosures received by the Department of Justice.

Information Required under Section 18 of the Act	Fiscal Year 2018-2019
The number of disclosures received	One
The number of findings of wrongdoing	None
Details of each wrongdoing	N/A
Recommendations and actions taken on each wrongdoing	N/A