



# Accountability Report 2022–23

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Justice



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## Accountability Statement

The Accountability Report of the Department of Justice for the year ended March 31, 2023, is prepared pursuant to the *Finance Act* and government policies and guidelines. 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 2022-23 Business Plan.

Original signed by

**Bradley Johns**

**Candace L. Thomas, K.C.**

**Minister of Justice and Attorney General**

**Deputy Minister of Justice and  
Deputy Attorney General**

## Introduction

The Department of Justice tracks performance in key areas, including items from the Minister of Justice's 2021 Mandate Letter (the "**Mandate Letter**") and other policies and programs that support government's overall priorities. In 2022-23, the Department's 1,700 staff continued to work diligently on advancing these priorities to support a justice system that is responsive to the needs of all Nova Scotians. We are pleased to report that progress has been made in all these areas, as described below.

### Measuring Our Performance: Priority Areas

#### *Amend the Freedom of Information and Protection of Privacy Act to give order-making ability to the Privacy Commissioner*

It was determined that a fulsome review of the *Freedom of Information and Protection of Privacy Act* (FOIPOP Act) is warranted, given that the Act is functional but dated. In 2022-23, an inter-departmental working group was formed and is meeting regularly to review the Act and recommended amendments advanced by the Office of the Information and Privacy Commissioner (OIPC). The working group will then be planning the next steps for the review.

#### *Amend the Victims' Rights and Services Act to entitle a victim of sexual violence to be treated with respect when testifying about the sexual violence and enshrine the right of a victim of sexual violence to legal representation*

Proposed amendments to the *Victims' Rights and Services Act* would involve ensuring the longevity of two programs the Department delivers through its Maintenance Enforcement and Victim Services Division, the Sexual Offence Legal Representation Program (SOLR) and the Independent Legal Advice Program (ILA). SOLR provides complainants in sexual offence cases with legal representation when court applications are made to seek evidence about their sexual activity or their medical or therapeutic records. ILA provides free, independent legal advice to adult survivors of sexual assault.

In 2022-23, the Department received confirmation that federal funding will be provided to extend and expand the SOLR program through 2026. In addition, a Project Manager has been hired and a working group is in place to identify specific proposed amendments. The working group met regularly in 2022 and will be bringing forth proposed amendments for consideration in the 2023-24 fiscal year.

In 2022-23, SOLR received 61 applications for legal representation. Of these, 54 qualified for representation. Applications are approved or not approved based on the nature of the records being examined in court. Approved records include those related to sexual history, as well as medical, therapeutic, and counselling records. Records that are not approved include everything outside these categories, such as personal journals, social media content, immigration records, etc. These figures are down from 2021-22, but above the two years prior (Table 1).

Table 1: SOLR cases from 2019-2023

Year	Total Cases	Approved	Not Approved
2022-23	61	54	7
2021-22	69	66	3
2020-21	48	46	2
2019-20	43	38	5

In 2023, the ILA Program supported 115 cases, which is down from 2021-22, when there were 126 cases, but up from the two prior years (Table 2).

Table 2: ILA cases from 2019-2023

Year	Total Cases
2022-23	115
2021-22	126
2020-21	94
2019-20	79

Support the implementation of the Wortley Report and ensure that street checks end

The Department continues to support the implementation of the recommendations applicable to it from the Halifax Nova Scotia Street Checks Report (the "**Wortley Report**"). In September 2022, the Department released its annual update report entitled "[Wortley Report Update - Summary of Department of Justice-led Recommendations](#)". This report confirms that of the 12 recommendations that are led by the Department of Justice, four have been completed and eight are in progress.

In addition, in September 2022, the Wortley Report Research Committee ("**WRRC**") released its final [Report and Recommendations on the Collection of Race-Based Police Data in Nova Scotia](#). This report proposes a model for race-based data collection in interactions with police. Since the report's release, steps have been taken to advance the development and implementation of this model.

Related to the Wortley Report recommendations are the Department's broader goals of addressing systemic racism more broadly in the justice system. This work includes the development of an African Nova Scotian Justice Action Plan and an Indigenous Justice Action Strategy. In 2022-23, 32 community engagement sessions were held across the province in partnership with the African Nova Scotian Justice Institute, African Nova Scotia Affairs, and the Association of Black Social Workers. Following these sessions, staff prepared a 'What We Heard' report, and the African Nova Scotian Justice Action Plan is currently under development. Work has also begun with leaders, Indigenous organizations, persons in custody, and community around an Indigenous Justice Action Strategy. In addition, work with the Mi'kmaw Legal Support Network and federal funding partners is also ongoing.

Create a Human Trafficking Prosecution Team within the Public Prosecutions office to provide legal advice to police officers and to deliver enhanced education and training to justice sector employees

In 2022-23, this Mandate Letter item was completed as the Public Prosecution Service established a dedicated Human Trafficking Prosecution Team. This team consists of two Crown Attorneys (one who was in the position in the previous fiscal year), one legal assistant, and one paralegal.

Table 3: Criminal Code Charges April 1, 2022 to March 31, 2023

Number of cases assigned to the human trafficking Crown that involve at least one charge of human trafficking (ss. 279.01-279.03).	6
Number of cases assigned to the human trafficking Crown that are related to human trafficking but don't directly include a human trafficking charge.	25

The Human Trafficking Team also provided training to Crown Attorneys and other justice partners in 2022-23. This training included sessions on recognizing and responding to human trafficking (for law enforcement and victim services providers), the *Missing and Murdered Indigenous Women and Girls Inquiry* (for Crown Attorneys), and collaborative approaches to addressing human trafficking, delivered to partners across sectors including police, Crown Attorneys, victim services, social workers, and other community service providers.

Accessibility

In 2022-23, the Department's Accessibility Directorate continued to lead the work toward the implementation of the *Accessibility Act* and the goal of an Accessible Nova Scotia by 2030. At year end, work was under way for four of the six standard areas: built environment, education, employment and goods and services. A multi-year public awareness campaign, *Accessibility Includes Everyone*, was launched in April 2022; the Compliance and Enforcement Framework was approved in May 2022; and the 2022-25 Government of Nova Scotia Accessibility Plan, developed with the collaboration of 20+ departments and offices, was launched in December 2022.

Addictions and Mental Health

The interaction between addictions, mental health, and the justice system is complex and addressing it requires a collaborative effort across government departments, justice partners and community agencies. In 2022-23, the Department of Justice continued to fund supportive housing programs for individuals leaving custody; these programs include mental health treatment offered to all participants. A total of \$2.6 million was invested in three supportive housing programs: The John Howard Society received \$1.6 million; Elizabeth Fry Society of Mainland Nova Scotia and Elizabeth Fry Society of Cape Breton received \$950,000; and the Marguerite Centre received \$50,000. These programs include services delivered at Holly House in Dartmouth, a new facility in Pictou County (Berma's Place), and assessment and clinical services for youth delivered at the Nova Scotia Youth Centre in Waterville.

Court Services continue to participate in the administration of therapeutic Wellness Courts, and Victim Services continue to offer programs for victims of crime for compensable offences through the Criminal Injuries Counselling Program.

## Digital Transformation

The COVID-19 pandemic has emphasized the importance of modernizing Nova Scotia's courts and other elements of the justice system to operate with improved technology and approaches to better serve Nova Scotians. In 2022-23, the Digital Task Force, co-led by the Deputy Minister of Justice and the Chief Justice of Nova Scotia began work on a strategic road map to outline plans for progress in areas of electronic filing, virtual and hybrid courts, and online resources.

## Financial Results

### Departmental Expenses Summary (\$ thousands)

<b>Programs and Services</b>	<b>2022-2023 Estimate</b>	<b>2022-2023 Actuals</b>	<b>2022-2023 Variance</b>
Administration	33,483	46,996	13,513
Nova Scotia Legal Aid	29,450	30,029	579
Court Services	74,993	76,653	1,660
Correctional Services	80,745	84,878	4,133
Public Trustee	3,109	3,000	(109)
Nova Scotia Medical Examiner Service	5,537	6,084	547
Public Safety and Security	174,427	172,486	(1,941)
Serious Incident Response Team	661	716	55
Accessibility Directorate	2,837	2,692	(145)
Maintenance Enforcement and Victim Services	10,508	11,910	1,402
<b>Total: Departmental Expenses</b>	<b>415,750</b>	<b>435,444</b>	<b>19,694</b>
<b>Additional Information:</b>			
Ordinary Revenues	1,595	1,966	371
Fees and Other Charges	20,581	24,659	4,078
Ordinary Recoveries	142,204	141,682	(522)
<b>Total: Revenue, Fees and Recoveries</b>	<b>164,380</b>	<b>168,307</b>	<b>3,927</b>
TCA Purchase Requirements	1,660	1,851	191
<b>Funded Staff (# of FTEs)</b>			
<b>Department Funded Staff</b>	<b>1,717.6</b>	<b>1,601.8</b>	<b>(115.8)</b>

#### Departmental Expenses Variance Explanation:

Actual expenses were \$19.7 million or 4.7 percent higher than estimate primarily due to \$12.4 million in operating expenses related to the Mass Casualty Commission public inquiry, \$4.1 million in operational funding for the African Nova Scotian Justice Institute, \$3.2 million in operating expenses for Court Services, \$2.6 million for supportive housing for men and women, and \$1.5 million for wages related to the 2017 and 2020 Judicial Compensation Tribunal Recommendations. These increases were partially offset by \$2.8 million in vacancy and operational savings and \$1.3 million in RCMP and First Nations contract operational savings.



**Revenue, Fees and Recoveries Variance Explanation:**

*Ordinary Revenues*

Variance is not material.

*Fees and Other Charges*

Fees and Other charges were \$4.1 million or 19.8 percent higher than estimate primarily due to higher than anticipated fines imposed by the Courts.

*Ordinary Recoveries*

Ordinary recoveries were \$0.5 million or 0.4 percent lower than estimate primarily due to lower than anticipated recoveries of overdue court fines.

**TCA Purchase Requirements Variance Explanation:**

Variance is not material.

**Provincial Funded Staff (FTEs) Variance Explanation:**

FTEs were lower than estimate primarily due to vacancies.

## Appendix A - Public Interest Disclosure of Wrongdoing Act

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

The Public Interest Disclosure of Wrongdoing Act 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

Please use the following format to satisfy the disclosure obligation:

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

<b>Information Required under Section 18 of the Act</b>	<b>Fiscal Year 2022-2023</b>
The number of disclosures received	0
The number of findings of wrongdoing	0
Details of each wrongdoing (Insert separate row for each wrongdoing)	n/a
Recommendations and actions taken on each wrongdoing. (Insert separate row for each wrongdoing)	n/a