

CRIMINAL PROSECUTIONS PERSONNEL AND EXPENDITURES SURVEY

SCORING RULES

GENERAL NOTES AND INSTRUCTIONS:

- 1. Purpose of Survey:** The Criminal Prosecutions Expenditures and Personnel Survey, conducted biennially by the Courts Program, Canadian Centre for Justice Statistics, collects information on the human resources and costs associated with the delivery of criminal prosecution services in Canada. This information, in turn, assists National Justice Statistics Initiative partners in addressing their policy, management and research agendas.
- 2. Fiscal Year:** All data requested pertain to the fiscal year **April 1, 2002 to March 31, 2003**.
- 3. When Data are Not Available or Not Applicable:** If you are unable to break down the categories into their component parts (e.g. Permanent Lawyers by sex), please provide the aggregate total and indicate 'N/Av' (Not Available) in the appropriate cell(s) (e.g. Male / Female).

Similarly, if a particular figure is not available, please indicate '**N/Av**' or, preferably, provide a reasonable estimate of the figure - estimates should be indicated by '**e**' (estimate). For example, an estimate of \$925,000 in Salaries and Wages Paid to Permanent and Contract Lawyers would be written as '\$925,000 (e)' in the corresponding cell.

If a particular category is not applicable (e.g. Police do not perform Prosecutorial duties in your jurisdiction), please indicate '**N/Ap**' (Not Applicable).

SECTION 1: Actual Personnel as of March 31, 2003 by Category and Sex

- This section refers to the **actual number of full-time** as well as **permanent part-time** employees who were on the criminal prosecution branch's payroll as of March 31. Do **NOT** include part-time or casual workers who are not employed on a permanent basis. If counts are only available from the pay period ending closest to March 31 (but not beyond), report these figures.
- Convert 'permanent part-time' employees to a **full-time equivalent**. For example, three permanent part-time employees who each work twelve hours a week should be scored as one full-time employee.

Category of Personnel:

Lawyers: Include all crown counsel, crown attorneys or crown prosecutors appointed by the Attorney-General, under the provisions of provincial statutes, to take charge of and conduct, on behalf of the Crown, the prosecution of criminal offences. Also include lawyers who perform administrative functions (e.g. directors) or whose responsibilities entail conducting legal research related to the prosecutorial process. Do not include lawyers on long-term disability.

Permanent (line 1): **Include** only those lawyers who are considered indeterminate/permanent government employees.

Contract/Term (line 2): **Include** all lawyers who are employed on full-time contracts. Contract lawyers or standing agents are often private lawyers who are hired on a long-term basis.

Total Permanent / Contract Lawyers (line 3): This cell represents a total count of "Permanent" and "Contract" lawyers by sex (sum of lines 1 and 2).

Additional Prosecutorial Support: Please include all full-time and permanent part-time employees who perform direct prosecutorial functions (e.g. prosecute less serious offences such as traffic and other provincial statute cases).

Paralegals / Provincial Prosecutors (line 4): **Include** non-lawyers who conduct prosecutions (i.e. provincial statute offences, municipal by-law infractions) or who assist crown counsel in other prosecutorial matters (e.g. research).

Police (line 5): **Include** all police officers who conduct prosecutions (e.g. traffic, other provincial statute cases). In order to account for the contribution of police, a Crown “full-time equivalent” measurement must be created. To establish this indicator, the number of “hours billed by” or “monies paid to” police organizations could be converted into a person-year equivalent for a Crown in the same jurisdiction.

Students (line 6): **Include** all articling/law students who assist Crown counsel in their prosecutorial functions (e.g. conducting prosecutions, research).

Total Prosecutorial Support (line 7): This cell represents the branch’s total “prosecutorial support” strength (sum of lines 4 to 6).

Other Personnel: Include all full-time and permanent part-time personnel who are paid for out of the criminal prosecution branch’s budget. Do not include personnel who are supplied at no charge by the department/ministry.

Management / Professionals (line 8): **Include** personnel in any of the following positions: senior managers, administrators, systems/computer analysts, and other highly skilled personnel. Note: These individuals are not lawyers.

Clerical Support (line 9): **Include** all personnel who perform clerical support, secretarial or reception duties.

Other Personnel (line 10): **Include** all other personnel not included in the above categories.

Total Other Personnel (line 11): This cell represents the criminal prosecution branch’s total “other personnel” strength (sum of lines 8 to 10).

Total Personnel (line 12): represents the total of all personnel by sex and the grand total of all personnel (sum of lines 3, 7 and 11).

SECTION 2: Lawyers as of March 31, 2003 by Function and Category

1. This section refers to the **actual number of full-time** as well as **permanent part-time** lawyers who were on the criminal prosecution branch’s payroll as of March 31 (see Section 1 general rules).
2. With respect to Personnel Categories, please refer to the definitions listed in Section 1 for description of lawyer categories.
3. If you are unable to break down the categories into their component parts (e.g. Contract Lawyers by function), please provide the aggregate total and indicate **‘N/Av’** in the appropriate rows (e.g. Appeals, Commercial Crime, Family Violence, etc.). If a particular category is not applicable (e.g. Contract Lawyers), please indicate **‘N/Ap’**.
4. **Important Note:** Smaller criminal prosecution branches/programs will normally report the majority of their crown counsel under “General Duties”. Only if a lawyer is **assigned full-time to a specific task**, should he/she be included under “Specialized Functions”. For example, if a lawyer spends 50% of his/her time performing general duties (i.e. prosecuting assaults, break and enters, thefts), 30% of his/her time on family violence, and 20% on administrative work, he/she should be counted under “General Duties”.

Function:

Administration (line 13): For the purposes of this survey form, the term “administration” refers to those lawyers who are primarily (i.e. more than 3/4 of one’s time) involved in management, policy and planning, finance, scheduling, training, etc.

Prosecutorial Operations: Under prosecutorial operations, there are two major categories: “General Duties” and “Specialized Functions”.

General Duties (line 14): **Include** lawyers who conduct criminal prosecutions across a wide array of specializations (i.e. homicide, assault, break and enter, mischief). While a typical lawyer may spend part of

his/her normal week performing different prosecutorial duties (i.e. administration, research, court time), unless that individual is assigned full-time to a specific function, he/she should be scored as "General Duties".

Specialized Functions: Include only those lawyers assigned full-time to specialized functions:

Appeals (line 15): **Include** all lawyers who are dedicated to conducting appeals.

Commercial Crime (line 16): **Include** all lawyers who are dedicated to the prosecution of commercial crimes.

Family Violence (line 17): **Include** all lawyers who are dedicated to the prosecution of family violence cases.

Sexual Assault (line 18): **Include** all lawyers who are dedicated to the prosecution of sexual assault cases.

Young Offenders (line 19): **Include** all lawyers who are dedicated to the handling and prosecution of young offenders.

Other Specialized Functions (line 20): **Include** all other lawyers assigned full-time to other specific prosecutorial functions.

Total Prosecutorial Operations (line 21): This cell represents the summation of "General Duties" and "Specialized Functions", giving a total count of lawyers in Prosecutorial Operations (sum of lines 14 to 20).

Total (line 22): represents the total of "Administration" and "Total Prosecutorial Operations" (sum of lines 13 and 21).

SECTION 3: Criminal Prosecution Branch Expenditures

1. Report actual expenditures to the nearest dollar.
2. Expenditures represent gross expenditures. Do not include revenues and recoveries.
3. **Record only those expenditures that are paid from the criminal prosecution branch's budget.** If a particular expenditure is not part of the criminal prosecution branch budget, then it should be indicated by writing '**N/Ap**' in the appropriate cell.
4. Do not include large 'capital expenditures' (i.e. expenditures for the purchase of long-term assets), except for the purchase of vehicles.

Type of Expenditure:

Salaries, Wages and Benefits:

Paid to Permanent and Contract Lawyers (line 23).

Paid to Other Personnel (line 24).

Include all salaries and wages, including overtime, shift premiums, and awards for full-time and permanent part-time employees.

Holiday pay, long service payments, isolation pay and bursaries should also be reported here.

All payments made to employees which are neither salaries nor wages, are to be considered benefits. **Do not include** pensions paid out to retired employees or surviving spouses.

If “employee benefits” are not paid for by the Criminal Prosecutions Branch budget, this should be noted and attached. If the exact benefit payment amount is unknown, an estimate is acceptable (e.g. a percentage value applied to the total salary amount). Please indicate on a separate sheet how the estimate was obtained and attach.

Examples of benefits would include employer’s contribution to:

- | | |
|-------------------------------|--|
| - Canada Pension Plan (CPP) | - death benefits |
| - Quebec Pension Plan (QPP) | - worker’s compensation/disability payments |
| - Employment Insurance (EI) | - maternity leave payments |
| - Superannuation/Pension Plan | - severance pay |
| - Health Insurance Plan | - clothing allowance |
| - Dental Plan | - transportation allowance |
| - Group Life Insurance Plan | - miscellaneous allowances (e.g. contribution to plans such as Visioncare) |

Total Salaries, Wages and Benefits (line 25): This cell represents the summation of salaries, wages and benefits paid to lawyers and other criminal prosecution branch personnel (sum of lines 23 and 24).

Other Expenditures: (paid directly through prosecutions branch budget).

Payments to Ad Hoc / Per Diem Lawyers (line 26): **Include** all payments or purchased services of either ad hoc or per diem lawyers.

Training Costs (line 27): **Include** all costs incurred by the criminal prosecution branch for the purposes of training and/or professional development (e.g. courses, conference attendance, seminars, etc.).

Other Operating Expenditures (line 28): **Include** all other operating expenditures not mentioned elsewhere such as:

- witness costs (e.g. witness fees, transportation, accommodation, meals, any portion of police witness costs that are paid out of the prosecutorial budget)
- law library and publications
- purchases of transcripts (e.g. police transcripts of witness/victim statements from video-taped interviews)
- training
- vehicle maintenance, gasoline, oil
- purchase and leasing of vehicles
- transportation and travel expenses (e.g. airfare, taxi, and related travel expenses such as meals, hotels)
- materials, supplies, furniture
- office supplies
- telephone and communications
- systems costs (e.g. hardware, software and systems maintenance);
- equipment purchases (minor)
- leasing of equipment
- professional services, contracts (excludes per diem or contract lawyers)
- bank charges (e.g., incurred when handling foreign currency)

Note: Please do not include expenditures for rent and utilities as part of other operating expenditures (line 28). These expenses are not covered by the survey.

Total Other Expenditures (line 29): This cell represents the summation of payments to ad hoc/per diem lawyers, training costs, and other operating expenditures (sum of lines 26 to 28).

Total Operating Expenditures (line 30): represents the criminal prosecution branch’s total operating expenditures (sum of lines 25 and 29).

SECTION 4: Other Operating Expenditures

Please indicate with an 'X' in the appropriate box (**Yes** or **No**) whether or not the listed budget items were part of the Prosecutions budget and included as part of the 'Other Operating Expenditures' category located at line 28 in Section 3. Please provide the amount of the expenditure in the designated space. If "No" (the expenditure is not part of the Prosecutions budget) indicate in the blank space beside each item which Division or Department assumes responsibility for the expenditure and provide the amount in the "Amount of the Expenditure" column.

Additional Notes and/or Comments

1. Explanatory notes regarding any data are both welcome and encouraged.
2. We especially encourage you to provide your comments and/or suggestions regarding the questionnaire design in order to maintain a balance of the best quality data and the least amount of response burden.
3. If you require additional space, please attach a separate sheet.

Section 5: Contact Information

Name and Signature of Correspondent

1. This should be someone who can answer inquiries concerning the information on the form.
2. Please provide the name, title, name of jurisdiction, signature, date, telephone number, facsimile numbers and e-mail of the correspondent for any possible follow-ups of information provided.
2. Provide the date the form was completed.

For additional information please contact:

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