



**Statistics Canada**  
**Canadian Centre for Justice Statistics**

**Overview of the Prosecutions Personnel and Expenditures Survey**

**Purpose of Survey:**

In the Canadian criminal justice system, Crown prosecutors (also called ‘Crown counsel’ or ‘Crown attorneys’) are lawyers authorized to represent the Crown before the courts in relation to the prosecution of offences. Responsibility for these activities is divided between the Attorney General of each province and the Attorney General of Canada. The Prosecutions Personnel and Expenditure Survey, conducted biennially by the Canadian Centre for Justice Statistics (CCJS), collects information on the human resources and other operational costs associated with the delivery of criminal prosecution services in Canada. This information assists in addressing policy, management and research needs.

**Collection Method:**

Jurisdictional respondents complete survey questionnaires according to specific scoring rules and instructions. Information provided to the survey is used to create standard tables which are analysed for consistency and quality, and follow-up verification where necessary. Survey tables are then sent to respondents for final review and sign-off to confirm that the reported data are accurate.

**Reference Period:**

All data pertain to the fiscal year **April 1<sup>st</sup> to March 31<sup>st</sup>**.

**Factors Influencing Costs:**

In examining the size of operating expenditures and the number of personnel involved in criminal prosecution services, it is important to remember that there are significant differences among jurisdictions. Such differences may explain variations in expenditures, although it is not currently possible to quantify the extent of their effect.

It is particularly important to note that within Canada, two very distinct charging practices exist. In British Columbia, Quebec and New Brunswick, a Crown prosecutor assesses the charge(s) proposed on the Report to Crown Counsel from the police. The charges are assessed in relation to charging standards such as the likelihood of conviction and other charge standards as determined by the province. The Crown decides what charge(s) will be laid, or if the person will be diverted to alternative measures, not charged or if the Report to Crown Counsel will be returned to the police for further investigation. In the remaining provinces and territories, police may lay charges on their own, and prosecutors review the charges by way of a post-charge review. To varying degrees, it is common practice for police to approach a Crown prosecutor for legal advice during the course of an investigation, on the drafting of an information, and on other pre-charge issues.

There are also variations across jurisdictions in how work is distributed, in its volume, and its complexity. It is essential to bear in mind that unique factors (e.g. crime rates, criminal court workloads, geographic size and population distribution, etc.) contribute to the significant inter-jurisdictional differences. For example, in provinces with a large or difficult geographic area to cover, transportation costs will be relatively high. Another important variable when considering the cost of prosecution is the “size and complexity” of the cases which are prosecuted in relation to the time and effort (cost) that is required to prosecute the case. To date, national standards for assessing the profile of criminal court caseloads by factors such as complexity have not been developed. However, it is well known that the size of an individual case, the complexity of the legal issues, and the time required for preparation and all court appearances need to be considered when analyzing the cost of prosecution.

### **Data Qualifiers and Limitations:**

- Data for Quebec exclude prosecution services in municipal courts, representing approximately 25% of Criminal Code workload. Consequently, inter-jurisdictional comparisons with Quebec should be avoided.
- There can be significant variation in accounting practices for non-salary “other operational expenditures”, and as a result caution must be used when making any inter-jurisdictional comparisons.
- Expenditures reported for the Department of Justice Canada reflect the responsibility to prosecute federal statute offences nationally and all cases in Yukon, Northwest Territories and Nunavut.
- New Brunswick, Quebec and British Columbia have prosecutor-based charging systems.
- Smaller criminal prosecution branches/programs will normally report the majority of their crown counsel under “General Duties”. Only when lawyers are assigned full-time to a specific task are they included under “Specialized Functions”.
- Criminal prosecutions personnel represents the actual number of full-time employees (including all lawyers who are employed on full-time contracts) as well as permanent part-time employees who were on the criminal prosecution branch’s payroll as of March 31. These data do not include part-time or casual workers who are not employed on a permanent basis.
- Expenditures are presented in tables to the nearest \$1,000.
- Expenditures for rent, utilities and other building occupancy costs are not included in this survey.
- Vehicle purchases are included, but other large capital expenditures such as the purchase of long-term assets, are not included.

### **Definitions:**

**Lawyers by Function and Specialization:** Comprised of three groups, Administration, General Duties and Specialized Functions.

*Administration:* 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.

*General Duties:* Includes lawyers who conduct criminal prosecutions across a wide array of specializations (i.e. homicide, assault, break and enter, mischief).

*Specialized Functions:* Includes lawyers assigned full-time to specialized functions:

- Appeals
- Commercial Crime
- Family Violence
- Sexual Assault
- Young Offenders
- Other Specialized Functions: not identified above.

**Payments to Ad Hoc / Per Diem Lawyers:** Includes all payments or purchased services of either ad hoc or per diem lawyers.

**Prosecutorial Support:** Includes 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). It includes the following:

*Paralegals / Provincial Prosecutors:* Includes non-lawyers who conduct prosecutions such as provincial statute offences and municipal by-law infractions, or who assist crown counsel in other prosecutorial matters such as research.

*Police:* Includes all police officers who conduct prosecutions (e.g. traffic, other provincial statute cases). To account for the contribution of police, a Crown “full-time equivalent” measurement is used. It converts the number of “hours billed” or “monies paid to” police into a person-year equivalent.

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

**Other Operating Expenditures:** Includes all other operating expenditures such as:

- witness costs (e.g. witness fees, transportation, accommodation, meals);
- law library and publications;
- purchases of transcripts;
- purchase and leasing of vehicles, as well as vehicle maintenance, fuel, etc.
- transportation and travel expenses
- materials, offices supplies, furniture
- telephone and communications
- systems costs (e.g. hardware, software and systems maintenance)
- equipment leasing or purchase
- professional services, contracts (excluding per diem or contract lawyers).

**Other Personnel:** Includes all full-time and permanent part-time personnel who are paid for out of the criminal prosecution branch’s budget. It comprises the following:

*Management / Professionals:* Includes personnel (i.e., non-lawyers) in any of the following positions: senior managers, administrators, systems/computer analysts, and other highly skilled personnel.

*Clerical Support:* Includes all personnel who perform clerical support, secretarial or reception duties.

*Other Personnel:* Includes all other personnel not included in the above categories.

**Salaries, wages and benefits** includes all salaries and wages, including overtime and shift premiums, holiday pay, long service payments, and isolation pay. All payments made to employees which are neither salaries nor wages, are considered to be benefits. Examples of benefits include:

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

**Staff Lawyers:** Includes all crown counsel, crown attorneys or crown prosecutors appointed by the Attorneys-General, to conduct, on behalf of the Crown, the prosecution of criminal offences. Staff lawyers are grouped according to two categories:

*Permanent Lawyers:* Includes only those lawyers who are considered indeterminate/permanent government employees.

*Contract/Term Lawyers:* Includes 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.

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