

FINAL REPORT

Injecting a Sense of Urgency

A new approach to delivering justice in serious and violent criminal cases

Greg Lepp, ADM

Alberta Crown Prosecution Service

December 1, 2014



Introduction

It has now been over a year since the *Injecting a Sense of Urgency* report was released.¹ It is no exaggeration to say that the Alberta Crown Prosecution Service (ACPS) has completely re-examined its practices and made a plethora of changes in order to fulfill the commitments made in *Injecting a Sense of Urgency*. We have tracked the immediate actions and longer term solutions contained within the report, and it is clear that much progress has been made. I am proud to say that every action and solution in the report within our control is moving forward. This represents a huge amount of work and dedication.

The report and my commitments are now ingrained in the business of the ACPS. As previously stated, I sent *Injecting a Sense of Urgency* to every Crown prosecutor in the province. I spoke about the report at the Alberta Crown Prosecutors Conference in May 2013 and directed staff to start tracking and monitoring measures that relate to key actions contained in the report. The recommendations in the report have become operationalized within ACPS. It is also a key feature in the Justice and Solicitor General Results-Based Budgeting process in which we are now engaged.

I can assure Albertans that our Crown prosecutors are dedicated to implementing the actions and solutions contained in the report. It is a high priority for me and for the entire ACPS.

Sincerely,

[Original signed by]

Greg Lepp
Assistant Deputy Minister, Alberta Crown Prosecution Service

¹ You can read the full report here: [Injecting a Sense of Urgency](#)

**Chart: Update on Immediate Actions and Longer Term Solutions in
*Injecting a Sense of Urgency***

Immediate Actions	Progress Update
<p>Enhanced pre-charge consultation on serious and violent cases²</p>	<p>To increase pre-charge consultation on serious cases, a protocol was prepared and approved by the Prosecution Service Executive Leadership (PSEL) and the Standing Committee on Prosecutions and Enforcement (SCOPE). The President of the Alberta Association of Chiefs of Police (AACP) forwarded the protocol to Chiefs of Police to solicit their approval. Final approval and sign-off is anticipated shortly.</p>
<p>Education regarding <i>Best Practices for Investigating and Prosecuting Sexual Assault</i>³</p>	<p>The Handbook <i>Best Practices for Investigating and Prosecuting Sexual Assault</i>⁴ has been provided to every Crown prosecutor in the province. It has also been placed on the Alberta Crown Prosecution Service (ACPS) intranet site.</p> <p>A four-day Crown prosecutor sexual assault conference was held in Edmonton in March 2014, where many of the topics in the <i>Best Practices</i> handbook were examined in further detail. Evaluations revealed that the conference was very helpful and contained pertinent information for prosecutors.</p>
<p>Expand the Court Case Management (CCM) Program, including the use of Case Management Offices (CMOs)⁵</p>	<p>The objective of CCM is to make more efficient and effective use of criminal justice resources through improved court case management processes and innovative technological solutions. CCM continues to expand across the province.</p> <p>Case Management Offices (CMOs) were implemented in Cochrane in December 2013, Didsbury in January 2014, and Lethbridge and Strathmore in November 2014.</p>

² See action on page 18 of the report: [Enhanced pre-charge consultation on serious and violent cases](#)

³ See action on page 20 of the report: [Education regarding *Best Practices for Investigating and Prosecuting Sexual Assault*](#)

⁴ [Best Practices for Investigating and Prosecuting Sexual Assault](#)

⁵ See action on page 22 of the report: [Expand the Court Case Management \(CCM\) Program, including the use of Case Management Offices \(CMOs\)](#)

Immediate Actions	Progress Update
	A business case is being prepared to support a three year initiative that includes implementation of CMO processes for the remaining 14 base point locations and 34 circuit courts.
Increase Crown File Ownership⁶	<p>The computerized file management system which facilitates Crown prosecutor file ownership (PRISM) has been expanded to the Crowns' Office in Fort McMurray in June 2013, Lethbridge in December 2013, and in Grande Prairie in March 2014.</p> <p>The ACPS's long-term goal is to expand file ownership for all serious and violent offences to all Crown Offices in Alberta.</p> <p>A business case is being prepared to support a three year initiative that includes the implementation of PRISM in all remaining Crown prosecution offices.</p>
Increase the use of technology and Business Intelligence (BI)⁷	The ACPS continues to use technology and BI to improve its business processes. This technology is used to shed light on issues such as courtroom utilization, criminal case lead times, and prosecutor caseloads.
Shift cases to other court points⁸	<p>The ACPS has identified factors which need to be considered when requesting a criminal case be moved to another courthouse location. Resolution and Court Administration Services and the judiciary need to be consulted about the feasibility of the Crown initiating a transfer of the case.</p> <p>The Provincial Court of Alberta has sole jurisdiction to move cases from one sitting point to another, so they will ultimately determine whether it is feasible to shift cases from extremely busy courts to less busy ones.</p>
Change the Pre-Preliminary	Chief Judge Matchett has distributed a province-wide directive

⁶ See action on page 24 of the report: [Increase Crown File Ownership](#)

⁷ See action on page 25 of the report: [Increase the use of technology and Business Intelligence](#)

⁸ See action on page 25 of the report: [Shift cases to other court points](#)

Immediate Actions	Progress Update
protocol⁹	regarding the Pre-Preliminary Protocol. Specifically, the dates for both the pre-preliminary meeting and the preliminary hearing will be set at the time the accused confirms the election.
Increase the use of Direct Indictments¹⁰	Since the release of the <i>Injecting a Sense of Urgency</i> report, the use of Direct Indictments has increased dramatically. In 2010, there were 10 Direct Indictments filed in the province; in 2011, there were 15; in 2012, there were 20; and in 2013, there were 93. Of these, 87 were filed following the release of the report (April 2013 or later). As of July 17, 2014, there have been 13 additional Direct Indictments filed. The increase in numbers is directly attributable to new practices and policies that have been implemented by the ACPS. As well, educational materials encouraging the use of Direct Indictments, where applicable, have been distributed to Crown prosecutors.
Triage serious and violent criminal cases¹¹	Triage is defined as the prosecutor's professional responsibility to determine the priority of serious and violent criminal cases measured against all other criminal cases. Triage ascribes swift and efficient action when systemic resources or capacity is insufficient for the case to be heard within a reasonable period of time. This would include, for instance, adjourning, resolving, or transferring less serious cases in order to move serious and violent cases through the court system more quickly. The goal is to ensure that serious and violent matters take priority.
Crown office case management and tracking¹²	Through the use of Business Intelligence (BI), a Crown Workload report has been developed which flags all serious and violent cases experiencing significant delay so they can be brought to the attention of the assigned prosecutor and managing Crowns in each Crown Office.

⁹ See action on page 26 of the report: [Change the Pre-Preliminary protocol](#)

¹⁰ See action on page 26 of the report: [Increase the use of Direct Indictments](#)

¹¹ See action on page 27 of the report: [Triage serious and violent criminal cases](#)

¹² See action on page 29 of the report: [Crown office case management and tracking](#)

Immediate Actions	Progress Update
<p>Crown education (intranet, lunch box seminars, etc.)¹³</p>	<p>A number of educational opportunities for Crown prosecutors were held with respect to sexual assault and <i>Injecting a Sense of Urgency</i> training including:</p> <ul style="list-style-type: none"> • Lunch box seminars have been held in Crown Offices with topics including: how delay is assessed by the Courts, how to take proactive steps to avoid delay, and how to defend cases where delay will be argued; • Sexual assault training pod was held at the Fall Alberta Crown Prosecution Service Conference (ACPC) in 2013; • Askov plenary session at the Fall ACPC; • A session on Askov applications taught to all prosecutors attending Crown School in July 2013 and to first year Crowns in 2014; • Panel discussion on Askov held at the Spring ACPC; • Principles of the <i>Injecting</i> report were included in individual Crown performance plans for 2013/14; and • A Sexual Assault Conference for Crown prosecutors was held in March 2014.

Longer Term Solutions	Progress Update
<p>Senior police member consultation/review of serious and violent cases, pre-charge¹⁴</p>	<p>Police services in Alberta are aware of the importance of reviewing and consulting on serious and violent cases prior to charges being laid. Senior officers frequently mentor junior officers to assist them in determining whether additional evidence is necessary prior to laying a charge.</p> <p>In addition to senior police officers assisting junior ones in the pre-charge stage of an investigation, measures have also been</p>

¹³ See action on page 30 of the report: [Crown education \(intranet, lunch box seminars, etc.\)](#)

¹⁴ See action on page 21 of the report: [Senior police member consultation/review of serious and violent cases, pre-charge](#)

Longer Term Solutions	Progress Update
	<p>taken by police services and Crown Offices to enhance files where charges have been laid but additional information is needed.</p> <p>For instance, in Calgary the Crown Prosecutors’ Office sends the Calgary Police Service (CPS) a “Police Action Request” (PAR) when a file appears to be incomplete. The PAR system allows the prosecutor to request additional information. The PAR is sent electronically from the Crown to the CPS Joint Disclosure Team. It is tracked for receipt. The CPS then sends the PAR electronically to the primary investigator for the required follow-up work. Timelines are imposed and followed up by the CPS.</p> <p>The Edmonton Police Service has an Information Management and 24/7 Approval Centre (IMAC). The processes introduced by IMAC ensure that Crown prosecutors will see thorough and correct charges and content. IMAC improves the quality and format of investigative packages. This allows Crown prosecutors to better present the circumstances of the offence and the accused person to the Court, resulting in just outcomes at bail hearings, trials, and sentencing.</p> <p>Finally, in addition to the implementation of processes such as high risk task queues for the management of serious offences, tiered review of serious and violent crime files, annual risk assessment processes, and ongoing assessment and evaluation of the quality of investigations, the RCMP in Alberta led an initiative in partnership with Alberta Justice and Solicitor General and the Public Prosecution Service of Canada resulting in a comprehensive and standardized investigative court package. Ensuring consistency and enhancing the quality of the investigative packages provided to Crown Counsel by RCMP Detachments will create further efficiencies in many areas of work conducted by police and Crown.</p>

Longer Term Solutions	Progress Update
Adding additional justice resources¹⁵	Only elected government officials can make decisions regarding resource allocation.
Implement proportionality, especially with regard to traffic cases¹⁶	<p>The ACPS is working with relevant partners to develop transformative changes to effectively handle increasing volumes of traffic tickets by making them easier to resolve while ensuring there is a fair process for people to challenge any ticket they deem to be unjust. The goal is to make the process more sustainable, accessible, effective, and efficient, while maintaining Albertans' right to challenge a ticket. The changes being explored include creating an early ticket payment option and handling ticket disputes outside of the court system using proven administrative models. The result will be serious criminal and civil matters will face less competition for limited justice system resources. Justice system resources include: infrastructure, security, court clerks, computer systems, general court staff, judiciary, justices of the peace, prosecutors, provincial prosecutors, and law enforcement.</p> <p>The project team developed a consultation plan for the traffic court reform initiative, and consultations have been completed. Forums were held on March 17 and 18, 2014 in Edmonton and Calgary. In addition, a web survey was conducted and email address established for the month of March 2014 to collect input from additional stakeholders and the public. Consultation with partner ministries was completed in March 2014.</p> <p>Feedback from the consultations is being carefully considered as policy options are developed.</p>
Eliminate Preliminary Inquiries¹⁷	Alberta is working with Federal, Provincial and Territorial justice officials to change the <i>Criminal Code of Canada</i> to limit the use

¹⁵ See action on page 27 of the report: [Adding additional justice resources](#)

¹⁶ See action on page 28 of the report: [Implement proportionality, especially with regard to traffic cases](#)

Longer Term Solutions	Progress Update								
	<p>of Preliminary Inquiries. The initiative is moving through the federal law amendment/development process. Ultimately, the decision rests with the Federal government.</p> <p>As well, within Alberta we are taking action to increase the use of Direct Indictments and reduce Preliminary Inquiries, where appropriate. In 2013-14 fiscal year there were 1,046 preliminary hearings set across the province, a 29 percent decrease from the previous fiscal year.</p> <table border="1" data-bbox="626 730 1154 999"> <thead> <tr> <th>Year</th> <th>Preliminary Hearings Set</th> </tr> </thead> <tbody> <tr> <td>2011-12</td> <td>1477</td> </tr> <tr> <td>2012-13</td> <td>1469</td> </tr> <tr> <td>2013-14</td> <td>1046</td> </tr> </tbody> </table>	Year	Preliminary Hearings Set	2011-12	1477	2012-13	1469	2013-14	1046
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<p>Proactive case management by judges¹⁸</p>	<p>ADM Greg Lepp met Chief Judge Matchett and other leaders of the Provincial Court of Alberta and Alberta Justice and Solicitor General to discuss proactive case management by judges. Case management falls within the jurisdiction of the Court.</p> <p>A number of strategies to address lead times to trial were discussed and steps taken to implement them, including the enhanced use of Business Intelligence and a Pre-Preliminary Protocol.</p>								
<p>Electronic case processing¹⁹</p>	<p>A pilot project, known as Criminal e-File, was completed in 2013 to assist with processing cases electronically. Implementation of Criminal e-File is now underway in Edmonton.</p> <p>Criminal e-File facilitates the intake of prosecution packages</p>								

¹⁷ See action on page 29 of the report: [Eliminate Preliminary Inquiries](#)

¹⁸ See action on page 30 of the report: [Proactive case management by judges](#)

¹⁹ See action on page 31 of the report: [Electronic case processing](#)

Longer Term Solutions	Progress Update
	<p>from law enforcement agencies province wide, assists with the storage, archiving and retrieval of electronic documents and automation of business processes related to disclosure. The ACPS's long-term goal is to expand file ownership for all serious and violent offences to all Crown Offices in Alberta. Criminal e-File supports file ownership by increasing access to information and case files and providing automatic notifications and document routing.</p> <p>A business case is being prepared to support a three year initiative that contemplates implementation of Criminal e-File in all Crown prosecution offices.</p>

Conclusion

In the period since the *Injecting a Sense of Urgency* report was released, the ACPS has made great strides in transforming the criminal justice system. Every single immediate action and long-term solution within our control is moving forward. The entire ACPS has taken note of the need for culture change to increase the sense of urgency in dealing with serious and violent cases, and Crown prosecutors across the province are working to make the justice system in Alberta more efficient and effective. Some of these changes are not easy, and some of the transformations are not yet complete. However, it remains our commitment to ensure that serious and violent cases are not lost due to delay. We owe it to the brave victim in Airdrie who was the impetus for this report. And we owe it to all Albertans who trust the ACPS to prosecute fearlessly and fairly in the pursuit of justice.