

# PROGRESS REPORT

## Injecting a Sense of Urgency

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

Greg Lepp, ADM

Alberta Crown Prosecution Service

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## Introduction

*Injecting a Sense of Urgency* was released on April 12, 2013.<sup>1</sup> In the time since the report was released, the Alberta Crown Prosecution Service (ACPS) has worked hard to advance the immediate actions and longer term solutions contained within the report. Although some actions and solutions require consultation and coordination with other justice system participants and have not yet been completed, great progress has been made and we are pleased to report that progress to you.

The release of *Injecting a Sense of Urgency* was a watershed moment for the ACPS. Thanks to the brave complainant in this case, we took a hard look at our existing practices to determine what was going wrong. We identified several areas for improvement and made a commitment to change our culture. We decided we would alter processes in the criminal justice system which lie within our control, and make every effort possible to improve the way crimes are prosecuted in this province. I can say without hesitation that the ACPS is committed to preventing **any** serious, violent case from being lost because of delay. While it is never easy to change a culture, we are starting to do just that.

The report and my commitments are well known to all Crown prosecutors. 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. I can assure Albertans 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*

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<sup>1</sup> 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***

<b>Immediate Actions and Longer Term Solutions</b>	<b>Progress Update</b>
<b>Enhanced pre-charge consultation on serious and violent cases<sup>2</sup></b>	The ACPS is committed to working with policing agencies in Alberta to update the Standing Committee on Prosecutions and Enforcement (S.C.O.P.E.) pre-charge consultation protocol. This action requires collaboration with police services. It was raised with senior members of RCMP K Division on May 22, 2013.
<b>Education regarding <i>Best Practices for Investigating and Prosecuting Sexual Assault</i><sup>3</sup></b>	<p>The Handbook <i>Best Practices for Investigating and Prosecuting Sexual Assault</i> has been provided to every Crown prosecutor in the province.</p> <p>In addition, the fall Alberta Crown Prosecutors Conference will examine issues related to sexual assault prosecutions. A Crown prosecutor conference is also planned for March 2014 regarding sexual assault prosecutions.</p>
<b>Senior police member consultation/review of serious and violent cases, pre-charge<sup>4</sup></b>	This action requires the cooperation of police services in Alberta. Assistant Deputy Minister (ADM) Greg Lepp has and will continue to meet and raise this issue with policing groups.
<b>Expand the Court Case Management (CCM) Program, including the use of Case Management Offices (CMOs)<sup>5</sup></b>	CCM expansion is underway for Cochrane and Didsbury, and preliminary discussions have taken place with stakeholders in order to finalize implementation dates.

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

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

<sup>4</sup> See action on page 21 of the report: [Senior police member consultation/review of serious and violent cases, pre-charge](#)

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

<b>Immediate Actions and Longer Term Solutions</b>	<b>Progress Update</b>
<b>Increase Crown File Ownership<sup>6</sup></b>	<p>The computerized file management system which facilitates Crown prosecutor file ownership has been expanded to the Crown’s Office in Fort McMurray. Training on the new system was provided on June 18 and 19, 2013. The objective is to have expanded File Ownership on all serious violent offences in Fort McMurray.</p> <p>The ACPS’s goal is to expand file ownership for all serious and violent offences to all Crown offices in Alberta.</p>
<b>Increase the use of technology and Business Intelligence (BI)<sup>7</sup></b>	<p>We continue to use technology and BI to improve our business processes. This technology is used to shed light on issues such as courtroom utilization, criminal case lead times and Crown office caseloads. Metrics to track traffic lead times are also being developed.</p>
<b>Shift cases to other court points<sup>8</sup></b>	<p>The ACPS has identified factors which need to be considered when requesting a court case be moved to another court. Once these factors are confirmed, Court Services and the judiciary will be consulted.</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>
<b>Change the Pre-Preliminary protocol<sup>9</sup></b>	<p>While the protocols and processes with respect to scheduling of Preliminary Inquiries are within the jurisdiction of the Provincial Court of Alberta, the ACPS has commenced discussions with that Court, with the goal of changing the Pre-Preliminary Inquiry protocol.</p>

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

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

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

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

<b>Immediate Actions and Longer Term Solutions</b>	<b>Progress Update</b>
<b>Increase the use of Direct Indictments<sup>10</sup></b>	<p>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, as of June 30<sup>th</sup>, there have already been 35.</p> <p>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 have been distributed to Crown prosecutors.</p> <p>It is important to remember that a Direct Indictment dispenses with the Preliminary Inquiry and allows a prosecution to proceed directly to trial in the Court of Queen’s Bench. The impact on strained Provincial Court resources is remarkable. In the first 6 months of 2013 in Edmonton alone, 10 weeks of Provincial Court time were made available because of Preliminary Inquiries that have been avoided.</p>
<b>Triage serious and violent criminal cases<sup>11</sup></b>	<p>The Decision to Prosecute Guideline is being amended to take into account lead times in each judicial district. This guideline will allow Crown prosecutors to end less serious cases in order to make room for serious cases at risk of an Askov application (at that court location). The goal is to ensure serious and violent matters take priority.</p>
<b>Adding additional justice resources<sup>12</sup></b>	<p>Only elected government officials can make decisions regarding resource allocation. Given budget constraints and challenging fiscal times, it is not anticipated the criminal justice system will receive any additional justice resources in the near future.</p>
<b>Implement proportionality, especially with regard to</b>	<p>The ACPS is working to develop a process to deal with traffic violations that is more efficient, cost-effective and responsive to</p>

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

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

<sup>12</sup> See action on page 27 of the report: [Adding additional justice resources](#)

Immediate Actions and Longer Term Solutions	Progress Update
<b>traffic cases</b> <sup>13</sup>	<p>the needs of Albertans than the current process. This is a challenging three-year project aimed at fundamentally changing the way traffic violations are addressed. It is no longer the view of the ACPS that all traffic violations require a process as robust as a full criminal trial.</p> <p>The Traffic Court Reform Project Team and executive management met on May 10, 2013 to discuss the goals and objectives of the traffic initiative. Since then, the team has started to develop the Project Charter, define the project scope and identify key project risks.</p> <p>In addition, the ACPS has also been looking for opportunities to handle cases in a more proportionate manner. For instance, the ACPS is exploring the increased use of diversion through alternative measures and treatment options for low-risk offenders with mental health or addiction issues.</p>
<b>Eliminate Preliminary Inquiries</b> <sup>14</sup>	<p>Alberta is advancing an initiative with Federal, Provincial and Territorial justice officials to change the <i>Criminal Code of Canada</i> to limit the use of Preliminary Inquiries. Alberta's position was clearly outlined at a recent meeting of justice officials from across Canada.</p>
<b>Crown office case management and tracking</b> <sup>15</sup>	<p>Through the use of Business Intelligence (BI) a Crown Workload Report has been developed which flags all serious and violent cases experiencing delay so they can be brought to the attention of management.</p>
<b>Crown education (intranet, lunch box seminars, etc.)</b> <sup>16</sup>	<p>In July 2013, two senior Crown prosecutors will instruct all of Alberta's junior Crown prosecutors on the law of unreasonable</p>

<sup>13</sup> See action on page 28 of the report: [Implement proportionality, especially with regard to traffic cases](#)

<sup>14</sup> See action on page 29 of the report: [Eliminate Preliminary Inquiries](#)

<sup>15</sup> See action on page 29 of the report: [Crown office case management and tracking](#)

<sup>16</sup> See action on page 30 of the report: [Crown education \(intranet, lunch box seminars, etc.\)](#)

Immediate Actions and Longer Term Solutions	Progress Update
	delay. As well, issues arising in sexual assault prosecutions will be discussed at the Alberta Crown Prosecution Conference in the fall.
<b>Proactive case management by judges<sup>17</sup></b>	In the near future, ADM Greg Lepp will meet with leaders from the Provincial Court of Alberta to discuss this recommendation. Case management largely falls within the jurisdiction of the Court.
<b>Electronic case processing<sup>18</sup></b>	A pilot project has been approved which will assist with processing cases electronically. The goal of this project is to reduce administrative tasks performed by ACPS staff through the automation of document management processes. The project also seeks to improve disclosure processing times by reducing paper handling and unnecessary transport of paper documents.

## Conclusion

Fulfilling the commitments made in *Injecting a Sense of Urgency* remains a top priority for the ACPS. Culture change can happen, but it does not occur overnight. The ACPS will continue to implement the actions detailed in the report to help make the justice system in Alberta more efficient and effective, with even better results for Albertans.

<sup>17</sup> See action on page 30 of the report: [Proactive case management by judges](#)

<sup>18</sup> See action on page 31 of the report: [Electronic case processing](#)