



Public Prosecution Service of Canada Service des poursuites pénales du Canada

Office of the Director Bureau du directeur

Ottawa, Canada
K1A 0H8



FEB - 3 2012

Mr. Kevin Page
Parliamentary Budget Officer
Ottawa, Ontario K1A 0A9

Re: PBO Information Request IR0073

Dear Mr. Page:

This is in response to your letter dated January 20, 2012 requesting information from the Public Prosecution Service of Canada (PPSC) for fiscal years 2008-2009 and 2009-2010 on: 1) the average cost of prosecution of *Criminal Code* offences in each of the three territories; and 2) the average cost of prosecution of *Controlled Drugs and Substances Act (CDSA)* offences in each of the provinces and territories.

Prior to initiating our research, we discussed your request with Mr. Tolga Yalkin of your office. It was agreed that simple possession files would be excluded from the *CDSA* averages. As well, we discussed with Mr. Yalkin the issue of blended prosecutions (i.e., that many prosecution files involve *CDSA* offences as well as offences under other statutes such as the *Criminal Code*) and, as a result, it is not possible to separate costs in relation to *Criminal Code* offences for every prosecution file. Additionally, we advised Mr. Yalkin that some files involve costs in both fiscal years, or in the previous or subsequent fiscal years.

To calculate the costs, we have relied upon our timekeeping records for prosecutors and paralegals. We have applied Treasury Board approved hourly rates to these records. Please note that we have decided not to include mega cases and high complexity cases. The amount of mega and high complexity cases we have is small; however, these cases absorb a disproportionate share of the PPSC's prosecution resources. In many instances, a single mega case can absorb more resources than several hundred low complexity cases. To include these cases in the analysis would, therefore, leave a false impression as to the average cost of prosecution of *CDSA* or *Criminal Code* offences.

You will note that the average cost of prosecution of *CDSA* files in Quebec is higher than that of other provinces. In Quebec, the PPSC only handles *CDSA* offences


investigated by the RCMP. This amounts to an average of 50 or so serious drug offence files (production and distribution) every year, and even fewer simple possession files. As a result, junior prosecutors do not have any significant opportunity to gain experience in the prosecution of drug offences through the assignment of low complexity drug files. Rather, they are assigned moderate complexity drug files, under the supervision of a more senior lawyer, to gain experience in this area of prosecution. These circumstances account for the fact that moderate complexity *CDSA* files relating to production and distribution will take longer to handle, thereby increasing their overall cost of prosecution.

Note as well that the average cost of prosecution provided in our response does not include travel costs that may accompany prosecution costs, for example, in the case of circuit courts in the territories.

Given the above limitations and considerations, the attached response (**Annex 1**) has been provided.

I trust this information is of assistance. Thank you for writing.

Yours truly,

A handwritten signature in cursive script that reads "Brian Saunders".

Brian Saunders
Director of Public Prosecutions

c.c.: Rick Stewart, Assistant Secretary to the Cabinet, Privy Council Office, Liaison Secretariat for Macroeconomic Policy