



*Prince  
Edward  
Island*

CANADA

Justice and  
Public Safety

# Annual Report 2010-2011

Prince Edward Island  
Department of Justice and Public Safety

Annual Report

For the Fiscal Year  
April 1, 2010 to March 31, 2011

## Message of the Minister Message de la ministre

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The Honourable Frank Lewis  
Lieutenant Governor  
Province of Prince Edward Island

L'honorable H. Frank Lewis  
Lieutenant-gouverneur de  
l'Île-du-Prince-Édouard

May it Please Your Honour:

Qu'il plaise à Votre Honneur,

I have the honour to submit herewith the  
Annual Report of the Department of  
Justice and Public Safety for the fiscal  
year ending March 31, 2011.

J'ai le privilège de vous présenter le  
rapport annuel du ministère de la Justice  
et de la Sécurité publique pour l'exercice  
financier se terminant le 31 mars 2011.

Respectfully submitted,

Le tout respectueusement soumis,

A handwritten signature in cursive script that reads "Janice A. Sherry".

Janice Sherry,  
Minister of Environment, Labour and  
Justice and Attorney General

Janice Sherry  
Ministre de l'Environnement, du Travail  
et de la Justice et procureure générale

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## Deputy Attorney General's Overview Tour d'horizon de la sous-ministre

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The Honourable Janice Sherry  
Minister of Environment,  
Labour and Justice and  
Attorney General  
Province of Prince Edward Island  
P.O. Box 2000  
Charlottetown, PE C1A 7N8



L'honorable Janice Sherry  
Ministre de l'Environnement, du  
Travail et de la Justice et procureure  
générale  
Province de l'Île-du-Prince-Édouard  
C.P. 2000  
Charlottetown (Île-du-Prince-  
Édouard) C1A 7N8

Honourable Minister:

It is my pleasure to present the annual report of the Department of Justice and Public Safety for the fiscal year April 1, 2010 to March 31, 2011. The report contains some highlights and a general description of the work carried out by the department, under the leadership of the Honourable Doug W. Currie.

The year proved to be busy with many note-worthy accomplishments.

Two new pieces of legislation were introduced. The *Gift Card Act* was introduced in April 2010 and came into force on September 1, 2010. This Act will protect Island consumers by prohibiting expiry dates on most gift cards, prohibiting most administration fees, and requiring clear disclosure of all fees and other terms and conditions. In December 2010, a new *Pension Benefits Act* was introduced for first reading. This legislation sets clear rules and standards for Prince Edward Island employers with pension plans to protect the retirement assets of their employees. Upon introduction, the Department began a series of consultations with stakeholders to ensure that the Act adequately

Madame la Ministre,

J'ai le plaisir de vous présenter le rapport annuel du ministère de la Justice et de la Sécurité publique pour l'exercice s'étalant du 1<sup>er</sup> avril 2010 au 31 mars 2011. Ce rapport contient des faits saillants et une description générale du travail réalisé par le Ministère, sous la direction de l'honorable Doug W. Currie.

Cette année a été occupée et marquée par de nombreuses réalisations notables.

Deux nouvelles lois ont été présentées. La *Gift Card Act* (loi sur les cartes-cadeaux) a été présentée en avril 2010 et est entrée en vigueur le 1<sup>er</sup> septembre 2010. Cette loi protège les consommateurs de la province en interdisant l'expiration de la plupart des cartes-cadeaux, en interdisant la plupart des frais d'administration et en exigeant que tous frais et toutes conditions soient divulgués de façon claire. En décembre 2010, une nouvelle *Pension Benefits Act* (loi sur les prestations de retraite) a été présentée pour la première lecture. Cette loi établit une réglementation et des normes claires pour les employeurs de l'Île-du-Prince-Édouard offrant un régime de pension afin de protéger les actifs de retraite de leurs employés. Après la présentation de la loi, le Ministère a entrepris une série de consultations auprès des parties concernées afin de s'assurer que la loi satisfait les employeurs et

addressed the concerns of both employers and employees. In addition, amendments were made to a number of Acts, including the *Credit Unions Act*, the *Provincial Court Act*, the *Legal Profession Act* and the *Crown Proceedings Act*.

The construction of a new 48-bed addition for intermittent offenders at the Provincial Correctional Centre was completed and the new wing was opened in August 2010. The \$3.4 million project will help ensure that correctional facilities are safe, secure and designed to meet the current and future needs of our justice system.

Following up on the proclamation of the *Police Act* in March 2010, the Minister's Directive on Police Training was finalized in the spring of 2011. These new training requirements apply to municipal police officers, security police officers at the University of Prince Edward Island, and instructing officers at the Atlantic Police Academy. They include mandatory training for firearms, conducted energy weapons recertification, first aid and cardio-pulmonary resuscitation, domestic violence intervention, law and legal process, use of force, and motor vehicle pursuit and emergency vehicle operation

Throughout the year, the Office of Public Safety participated in a number of emergency management initiatives. The Joint Emergency Operations Centre was activated for enhanced monitoring during Hurricane Earl, the Cavendish Beach Music Festival and storm surge events in December 2010 and January 2011.

At the request of the Minister, the PEI Fire Service Advisory Committee was formed to provide government with recommendations to address key issues

les employés. De plus, des modifications ont été apportées à plusieurs lois, notamment la *Credit Unions Act* (loi sur les caisses populaires), la *Provincial Court Act* (la loi sur la cour provinciale), la *Legal Profession Act* (loi sur la profession d'avocat) et la *Crown Proceedings Act* (loi sur les procédures de la Couronne).

La construction d'un agrandissement pouvant accueillir 48 lits pour des contrevenants purgeant des peines discontinues au Centre correctionnel provincial est terminée. La nouvelle aile a ouvert en août 2010. Ce projet de 3,4 millions de dollars aidera à assurer que les établissements correctionnels de la province sont sécuritaires et répondent aux besoins actuels et futurs du système judiciaire.

À la suite de la promulgation de la *Police Act* (loi sur la police) en mars 2010, l'élaboration de la directive ministérielle sur la formation policière a été terminée au printemps 2011. Les nouvelles exigences en matière de formation s'appliquent aux policiers municipaux, aux agents de sécurité de l'Université de l'Île-du-Prince-Édouard et aux policiers-enseignants de l'Atlantic Police Academy. Les exigences abordent notamment la formation obligatoire sur les armes à feu, le renouvellement de la certification en ce qui concerne les armes à impulsions, le secourisme et la réanimation cardio-respiratoire, l'intervention en cas de violence familiale, la loi et le processus juridique, le recours à la force, la poursuite d'un véhicule et la conduite d'un véhicule d'urgence.

Au cours de l'exercice, le Bureau de la sécurité publique a participé à plusieurs initiatives de gestion des urgences. Le Centre des opérations d'urgence concertées a été activé pour permettre une surveillance accrue pendant l'ouragan Earl, le Festival de musique de Cavendish et les ondes de tempête en décembre 2010 et janvier 2011.

À la demande du ministre, un comité consultatif sur les services d'incendie de l'Î.-P.-É. a été créé afin de fournir des recommandations au gouvernement en vue de régler les principaux

that are facing fire services, such as recruitment, retention, and training. Co-chaired by the president of the PEI Firefighters Association and the Provincial Fire Marshal, the committee includes representatives from volunteer fire services, across each county and from a cross-section of municipal and rural services.

The Department hosted the Third Annual Youth Justice Summit with the assistance of funding from Justice Canada. The two-day conference brought together over 200 professionals who work with youth to develop a better understanding of the impacts of neglect and trauma on children and youth.

In June 2010, the name of the Department was changed from the Office of the Attorney General and Public Safety to the Department of Justice and Public Safety. The new name better reflects the full range of responsibilities and services that the department provides.

Departmental staff members continue to work with partners and all Islanders to help build safe Island communities and to ensure that all citizens have access to an effective and efficient justice system, and that consumers and businesses can operate in a fair and open regulatory environment. I take this opportunity to thank them for their dedicated service.

Respectfully submitted,



Shauna Sullivan Curley, Q.C.  
Deputy Minister of Justice and Public Safety and Deputy Attorney General

problèmes auxquels font face les services d'incendie, notamment le recrutement, la rétention et la formation. Le comité, qui est coprésidé par le président de la PEI Firefighters Association et le commissaire aux incendies de la province, comprend des représentants de services d'incendie bénévoles, de chaque comté et d'un groupe représentatif de services municipaux et ruraux.

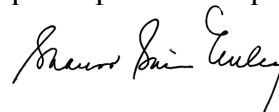
Le Ministère a tenu le troisième Youth Justice Summit annuel avec l'aide financière du ministère de la Justice Canada. La conférence de deux jours a rassemblé plus de 200 professionnels qui travaillent avec des jeunes en vue d'acquiescer une meilleure compréhension des conséquences de la négligence et des traumatismes sur les enfants et les jeunes.

En juin 2010, le nom du Ministère a été changé, passant de Bureau du procureur général et de la sécurité publique à ministère de la Justice et de la Sécurité publique. Le nouveau nom reflète mieux l'éventail de responsabilités et de services dont s'occupe le Ministère.

Les membres du Ministère continuent de travailler avec ses partenaires ainsi que tous les Insulaires pour assurer que les collectivités sont en sécurité, que tous les citoyens ont accès à un système juridique efficace et que les consommateurs et les entreprises peuvent exercer leurs activités dans un contexte réglementaire juste et ouvert. Je profite de la présente occasion pour les remercier pour leur dévouement et leur travail.

Je vous prie d'agréer, Madame la Ministre, l'expression de mes sentiments distingués.

La sous-ministre de la Justice et de la Sécurité publique et sous-procureure générale,



Shauna Sullivan Curley, c.r.

## Department of Justice and Public Safety

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### ***Vision***

The Department of Justice and Public Safety envisions a society, governed by law and order, where people work in partnership to prevent crime and provide a safe environment in which to live and where access to justice is available to all citizens.

### ***Mission***

The mission of the Department of Justice and Public Safety is to provide reliable, useful and timely advice, assistance and information on programs and services including the following:

- 911 Administration
- Aboriginal Justice
- Alternative Dispute Resolution
- Business Registry Services
- Clinical Services
- Community Services
- Consumer Protection
- Correctional Services
- Court Services
- Crime Prevention
- Emergency Management
- Family Violence Prevention
- Financial Services, Regulation and Enforcement
- Fire Marshal's Office
- Gun Control
- Impaired Driving
- Justice Policy
- Justice Resource Service
- Legal Aid Services
- Legal Services
- Policing
- Public Prosecution Services
- Victim Services

The Department of Justice and Public Safety plays a pivotal role in enhancing the rule of law and strengthening the efficiency and integrity of Prince Edward Island's legal system. The department provides a vast array of legal expertise for the good governance of PEI.

Staff assist the Judiciary in the fair and impartial administration of justice in the province and act as Government's legal adviser in all aspects of public administration law, criminal law, international law, legislation and law reform.

### ***Human Rights Act***

The Attorney General is responsible for the *Human Rights Act* and provides for its proper administration through the allocation of resources to the Human Rights Commission.



## Acts Administered by the Department of Justice and Public Safety

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*Affidavits Act*  
*Age of Majority Act*  
*Ancient Burial Grounds Act*  
*Appeals Act*  
*Apportionment Act*  
*Arbitration Act*  
*Auctioneers Act*  
*Bailable Proceedings Act*  
*Business Practices Act*  
*Canada-United Kingdom Judgments Recognition Act*  
*Canadian Judgments (Enforcement) Act*  
*Cemeteries Act*  
*Charities Act*  
*Child Status Act*  
*Collection Agencies Act*  
*Commorientes Act*  
*Companies Act*  
*Condominium Act*  
*Consumer Protection Act*  
*Consumer Reporting Act*  
*Contributory Negligence Act*  
*Controverted Elections (Provincial) Act*  
*Co-operative Associations Act*  
*Coroners Act*  
*Correctional Services Act*  
*Court Reporters Act*  
*Court Security Act*  
*Credit Unions Act*  
*Crown Proceedings Act*  
*Custody Jurisdiction and Enforcement Act*  
*Defamation Act*  
*Dependants of a Deceased Person Relief Act*  
*Designation of Beneficiaries Under Benefit Plans Act*  
*Direct Sellers Act*  
*Electronic Commerce Act*  
*Electronic Evidence Act*  
*Escheats Act*  
*Evidence Act*  
*Extra-provincial Corporations Registration Act*  
*Factors Act*  
*Family Law Act*  
*Fatal Accidents Act*  
*Films Act*  
*Floral Hills Memorial Gardens Administration Act*  
*Foreign Resident Corporations Act*  
*Franchises Act*  
*Frauds on Creditors Act*  
*Freedom of Information and Protection of Privacy Act*  
*Frustrated Contracts Act*  
*Garage Keepers' Lien Act*  
*Garnishee Act*  
*Gift Card Act*  
*Gulf Trust Corporation Act*  
*Habeas Corpus Act*  
*Human Rights Act*  
*Insurance Act*  
*Intercountry Adoption (Hague Convention) Act*  
*Interjurisdictional Support Orders Act*  
*International Commercial Arbitration Act*  
*International Sale of Goods Act*  
*International Trusts Act*  
*Interpretation Act*  
*Interprovincial Subpoena Act*  
*Investigation of Titles Act*  
*Judgment and Execution Act*  
*Judicature Act*  
*Judicial Review Act*  
*Jury Act*  
*Landlord and Tenant Act*  
*Legal Profession Act*  
*Limited Partnerships Act*  
*Maintenance Enforcement Act*  
*Mechanics' Lien Act*  
*Occupiers' Liability Act*  
*Partnership Act*  
*Perpetuities Act*  
*Personal Property Security Act*  
*Police Act*  
*Powers of Attorney Act*  
*Prearranged Funeral Services Act*  
*Premium Tax Act*  
*Private Investigators and Security Guards Act*  
*Probate Act*  
*Probation Act*  
*Provincial Administrator of Estates Act*  
*Provincial Court Act*  
*Public Accounting and Auditing Act*

*Public Trustee Act*  
*Quieting Titles Act*  
*Real Estate Trading Act*  
*Real Property Act*  
*Reciprocal Enforcement of Judgments Act*  
*Reciprocal Enforcement of*  
*Maintenance Orders Act*  
*Retail Business Holidays Act*  
*Sale of Goods Act*  
*Securities Act*  
*Sheriffs Act*  
*Statute of Fraud*  
*Statute of Limitations*  
*Store Hours Act*  
*Summary Proceedings Act*  
*Supreme Court Reporters Act*  
*Survival of Actions Act*  
*Time Uniformity Act*  
*Transboundary Pollution (Reciprocal Access) Act*  
*Trespass to Property Act*  
*Truck Operators' Remuneration Act*  
*Trust and Fiduciary Companies Act*  
*Trustee Act*  
*Unclaimed Articles Act*  
*Unconscionable Transactions Relief Act*  
*Uniformity Commissioners Act*  
*Variation of Trusts Act*  
*Vendors and Purchasers Act*  
*Victims of Crime Act*  
*Victims of Family Violence Act*  
*Volunteers Liability Act*  
*Warehousemen's Lien Act*  
*Winding-up Act*  
*Young Offenders (P.E.I.) Act*  
*Youth Justice Act*

## ***Boards, Agencies and Commissions***

Court Transcribers Examining Board  
Credit Union Deposit Insurance Corporation  
Criminal Code Review Board  
Human Rights Commission  
Judicial Remuneration Review Commission  
Law Society Council  
Office of the Police Commissioner  
Public Trustee Advisory Committee  
Supreme Court Finance Committee  
Uniformity Board of Commissioners  
Victim Services Advisory Committee

## Executive Summary

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The Department of Justice and Public Safety consists of the following divisions: Community and Correctional Services; Consumer, Corporate and Insurance Services; the Crown Attorneys' Office; Finance and Corporate Management Division ; Legal Aid; Legal and Judicial Services; Legislative Counsel Office; the PEI Office of Public Safety; and the Policy, Policing and Community Safety Division. Following is a brief description of each division.

### ***Community and Correctional Services Division***

Enhances public safety by providing custody facilities, rehabilitative and reintegrative programming to adult and young offenders as well as services to victims of crime.

### ***Consumer, Corporate and Insurance Services Division***

Registers and incorporates business enterprises, co-operatives and nonprofit organizations that are formed in the province and registers all out-of-province companies carrying on business in Prince Edward Island. Selected business enterprises such as insurance companies, securities issuers, real estate firms, credit unions and other financial institutions in the province are regulated through this division.

### ***Crown Attorneys' Division***

Represents the Attorney General and deals with all offences under the *Criminal Code* and provincial statutes.

### ***Finance and Corporate Management Division***

This division is a shared resource group which serves both the Department of Health and Wellness and the Department of Justice and Public Safety. It provides financial administration and human resource administration services to the Department of Justice and Public Safety.

### ***Legal Aid Division***

Provides criminal legal aid to persons unable to afford legal representation in serious criminal matters. The Division also offers civil and family legal aid to eligible applicants, with priority given to those who cannot afford the services of a lawyer in the most urgent family situations.

### ***Legal and Judicial Services Division***

Maintains the administrative structure for court services and provides legal services to government.

### ***Legislative Counsel Office***

Drafts and co-ordinates the publication of all government bills and regulations for the Government of Prince Edward Island.

### ***PEI Office of Public Safety***

This division is comprised of the 911 Administration Office, the Provincial Fire Marshal's Office, PEI Emergency Measures Organization and the Business Continuity Management Program for Corporate Government.

***Policy, Policing and Crime Prevention Division***

Provides policy analysis, advice and development; serves as provincial liaison for federal/provincial/territorial (FPT) criminal justice, research, statistics and human rights committees; develops provincial policing policy and co-ordinates police training; provides planning, FOIPP and communications co-ordination for the department; provides Access and Privacy Services support to government; supports work on community safety, crime prevention and Aboriginal justice; and encourages community involvement in justice issues.

## Sommaire

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Le ministère de la Justice et de la Sécurité publique est constitué des divisions suivantes : Division des services communautaires et correctionnels; Division des services de la consommation, des corporations et des assurances; Bureau des procureurs de la Couronne; Division des finances et de la gestion ministérielle; Division de l'aide juridique; Division des services juridiques et judiciaires; Bureau des conseillers législatifs; Bureau de la sécurité publique de l'Î.-P.-É. ainsi que la Division des politiques, des services policiers et de la sécurité communautaire. Suit une brève description de chaque division.

### ***Division des services communautaires et correctionnels***

La division renforce la sécurité publique en fournissant des centres de détention, des programmes de réadaptation et de réinsertion aux contrevenants adultes et aux jeunes contrevenants, ainsi que des services aux victimes d'actes criminels.

### ***Division de la consommation, des corporations et des assurances***

La division est responsable de l'inscription et de la constitution en corporation des entreprises commerciales, des coopératives et des organismes sans but lucratif qui se créent dans la province, de l'inscription de toutes les entreprises basées à l'extérieur de la province qui exercent des activités commerciales dans la province. Cette division veille également à la réglementation de certaines entreprises commerciales telles que les compagnies d'assurances, les émetteurs de valeurs, les sociétés immobilières, les caisses populaires et d'autres institutions financières.

### ***Division des procureurs de la Couronne***

La division représente le procureur général et s'occupe de toutes les infractions relevant du Code criminel et des lois provinciales.

### ***Division des finances et de la gestion ministérielle***

Cette division est un groupe de ressources partagées qui sert à la fois le ministère de la Santé et du Mieux-être et le ministère de la Justice et de la Sécurité publique. Elle fournit des services d'administration financière et d'administration des ressources humaines au ministère de la Justice et de la Sécurité publique.

### ***Division d'aide juridique***

Cette division fournit de l'aide juridique en matière pénale aux gens qui n'ont pas les moyens de payer une représentation juridique dans le cas d'affaires criminelles graves. La division offre également de l'aide juridique en matière civile et familiale aux personnes admissibles, la priorité étant accordée à ceux qui n'ont pas les moyens de retenir les services d'un avocat pour régler des situations familiales urgentes.

### ***Division des services juridiques et judiciaires***

La division s'occupe de la structure administrative des services judiciaires et fournit des services juridiques au gouvernement.

***Bureau des conseillers législatifs***

Les conseillers législatifs rédigent tous les projets de loi et les règlements du gouvernement de l'Île-du-Prince-Édouard et coordonnent leur publication.

***Bureau de la sécurité publique de l'Î.-P.-É.***

Cette division regroupe le Bureau d'administration du 911, le Bureau du commissaire aux incendies, l'Organisation des mesures d'urgence de l'Î.-P.-É. et le programme de gestion de la continuité des opérations pour les ministères du gouvernement.

***Division des politiques, des services policiers et de la prévention du crime***

La division élabore et analyse des politiques et elle fournit des avis à ce sujet; elle fait la liaison entre les comités fédéraux/provinciaux/territoriaux (FPT) de justice criminelle, de recherche, de statistiques et de droits de la personne; elle élabore des politiques provinciales en matière de services policiers et coordonne la formation policière; elle fournit des services de coordination de la planification et des communications ainsi que des services dans le domaine de l'accès à l'information et de la protection de la vie privée pour le ministère; elle fournit des services de soutien au gouvernement en matière d'accès et de confidentialité; elle appuie le travail sur la sécurité communautaire, la prévention du crime et la justice autochtone et elle encourage les communautés à s'impliquer dans les questions judiciaires.

# Community and Correctional Services Division

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*Director: John R. Picketts*

## **Mandate**

The Community and Correctional Services Division is an essential part of the criminal justice system, mandated to enhance public safety by contributing to the rehabilitation of youth and adult offenders, and providing services to victims of crime. The Division delivers a variety of programs through six sections: Victim Services, Community Services, Correctional Services, Clinical Services, Corporate Section and Planning and Development. The Division also contributes to public education, community development, crime prevention, research and policy and program development.

Divisional priorities for 2010-2011 were focused on three broad goals :

- Individuals are safe and secure from crime, the rights of people are protected and crime is reduced.
- The Community and Correctional Services Division is able to recruit and retain a qualified and motivated staff complement.
- The Community and Correctional Services Division is well positioned to meet current and future service demands.

## **Corporate Services Section**

The primary areas of responsibility of Corporate Services include: budgetary control, monitoring and forecasting of Divisional revenues and expenditures; assisting the Department with status quo process; negotiating and preparing claims for the numerous federally-funded projects in our Division; auditing expenditures and processes; providing advice and interpretations of Collective Agreement to payroll employees; leadership role in developing a statistical tracking process for the Division; approving and planning Divisional purchases and monitoring inventory levels; coordinating administration functions and cross-training of administrative staff; and providing support to Divisional managers in financial and process decisions.

## ***Priorities for 2011-2012***

- Negotiating a new five-year agreement for the period April 2011 - March 2016, with the Federal/Provincial/Territorial Young Offender Services Cost Sharing working group.
- Tracking the ongoing impacts of Federal legislative changes, in conjunction with the Atlantic Provinces, to determine the cumulative impacts on the number of offenders in custody and on the administration of justice, which will result in increased operational and capital costs.

## Planning and Development Section

The primary areas of responsibility of Planning and Development include: human resource planning, staffing, coordination of divisional training, policy development, occupational health and safety, and employee wellness.

### *Priorities for 2011-2012*

- Complete the Departmental Human Resource Plan, which will identify future impacts on human resources, set priorities and develop strategies.
- Complete a demographic analysis to identify impending vacancies.
- Continue with the development of recruitment strategies and training to ensure quality services.
- Update the Divisional Training Calendar for 2012-2014.

## Victim Services

Victim Services provides a client-centred service for victims of crime, assisting clients throughout their involvement with the criminal justice process.

The mandate of Victim Services is to:

- Assist victims as needed throughout their contacts with the criminal justice system;
- Help victims to access other needed services;
- Receive applications for criminal injuries compensation and investigate claims on behalf of the minister;
- Assist with the preparation and filing of victim impact statements;
- Assist justice personnel and community agencies in providing services to victims; and
- Promote the Statement of Principles set out in the *Victim of Crime Act*.

### *Statistical Overview*

The following provides a brief statistical overview of client demand and service trends. Further information and statistics regarding the Victim Services Program and Criminal Injuries Compensation Program are contained in the *22nd Annual Report of the Victims of Crime Act*.



Victim Services cases are categorized in the following classifications: general, sexual abuse, wife abuse, other family abuse, and commercial/institutional. The percentage breakdown of new cases- by- case classification in 2010/2011, and a comparison with previous years, are noted as follows:

<b>Victim Services New Cases</b>			
<b>Type of Client</b>	<b>Percent Breakdown</b>		
	<b>2008/09</b>	<b>2009/10</b>	<b>2010/101</b>
General*	48	50	57
Wife Abuse	31	29	26
Other Family Abuse	11	9	7
Sexual Abuse	7	9	9
Commercial/Institutional	3	3	1

\* *General includes break and enter, damage to property, theft, general assaults, etc.*

### ***Caseload Trends***

There were 866 new cases referred to Victim Services in 2010/2011, in addition to approximately 601 cases carried forward from the previous year. As of March 31, 2011, there were 559 active cases across the province. The average monthly caseload in 2010/2011 was 610 cases.

### ***Victim Impact Statements***

Victim Services is designated by Lieutenant Governor in Council as the program responsible for preparing and filing victim impact statements. In 2010/2011, Victim Services assisted in the preparation and filing of 208 victim impact statements. Over the past ten years, the number of victim impact statements filed has ranged from 157 to 340.

### ***Criminal Injuries Compensation***

Under the *Victims of Crime Act*, Victim Services is responsible for receiving applications and investigating claims for criminal injuries compensation. During the fiscal year 2010/2011, 39 new applications for criminal injuries compensation were filed, and one hundred were carried over from the previous year. Thirty-three final decisions and six interim decisions were made in 2010/2011. A total of \$113,317 was awarded in criminal injuries compensation.

### ***Victims of Family Violence Act***

Under this *Act*, Emergency Protection Orders are available 24 hours a day from designated justices of the peace. In non-emergency situations, longer-term Victim Assistance Orders are available by application to the Supreme Court. Victim Services staff assist with training and ongoing monitoring and promotion of the use of the *Victims of Family Violence Act*.

In 2010/2011, there were 48 applications for Emergency Protection Orders under the *Victims of Family Violence Act*. Since the proclamation of the *Act* in December 1996, there have been a total of 586 Emergency Protection Orders granted.

### ***Highlights and Initiatives***

Amendments to the *Victims of Crime Act* Regulations came into effect January 22, 2011, adding new Criminal Code offences to the list of offences eligible for Criminal Injury Compensation. The new amendments address gaps identified in administering the fund, add new offences which have been created under the Criminal Code since the last update to the Regulations, and update the schedule to be consistent with offences included in other Canadian jurisdictions.

A Memorandum of Understanding between RCMP "L" Division and the Province is being developed to facilitate information sharing and increase police referrals to Victim Services.

With funding support from the Victims of Crime Fund, a number of criminal justice reforms using enhanced technology have been implemented in Prince Edward Island Courts to improve the criminal justice system and increase access to justice, in particular for child victims and witnesses, and other vulnerable witnesses. Closed circuit TV/video conferencing capability is now fully operational in the four courthouses to help facilitate the testimony of children and other vulnerable witnesses; and the PEI courts have been equipped with technology to more discretely display electronic documents or exhibits that are categorized as sensitive information.

A survey tool to obtain feedback from child victims/witnesses and parents was developed and piloted. This will provide an opportunity for children and families to provide information on their experiences with the criminal justice system, and assist in evaluating supports and services for children.

The Aboriginal Victim Assistant Program was strengthened through additional training for Aboriginal Victim Assistants, and the program was promoted through presentations and distribution of print materials.

### **Community Services Section**

The Community Services Section is responsible for the planning, administration and delivery of the following community-based correctional programs and services:

- Adult Probation Services; and,
- Youth Justice Services:
  - The Alternative Residential Placement;
  - Community Youth Worker Program;
  - Youth Probation Services; and
  - Youth Intervention Outreach Program.

As well, the section supports inter-agency initiatives and partnerships with a particular focus on early intervention, restorative justice, crime prevention and community development. Community Services personnel support/assist in public education efforts on criminal justice and community corrections.

### **Probation Services**

Probation Services delivers the following province-wide community-based correctional programs and services to clients and the adult criminal court:

- Supervision and enforcement of adult probation orders and conditional sentence orders;
- Case management based on a client's assessed needs and specific requirements of the case (e.g., court orders). This may include referral to a variety of community-based services, including individual or group treatment/education programs, for example, alcohol and/or drug treatment programs; education programs; mental health services; anger management programs; life skills and employment preparation programs; parenting programs; the Turning Point Program; the Sexual Deviancy Assessment and Treatment Program, and a variety of other programs or services which address presenting problems, and support the needs of a particular client and the conditions/requirements of his/her sentence or disposition.
- Investigation and preparation of pre-sentence reports as requested by the courts;
- Development and management of alternative measures agreements for adult cases referred through Crown Counsel;
- Processing and management of adult cases under the provincial Fine Option Program; and
- Ensuring appropriate action and follow-up in cases of default or non-compliance with court orders and/or alternative measures agreements.

### Statistical Summary, Community Services

PROBATION SERVICES CASELOADS/WORKLOADS - ADULT OFFENDERS FISCAL YEAR APRIL 1, 2010 - MARCH 31, 2011					
	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
<b>Cases Under Supervision (Note: end of Quarter) (Include AM, FO, Cond/Sent and Probation)</b>	872	867	903	953	
<b>New Cases Opened (Include AM, FO, Cond/Sent and Probation)</b>	240	205	232	231	908
<b>Court Reports</b>	59	46	63	71	239
<b>New Charges (Breaches)</b>	18	24	38	29	109
<b>Probation Admissions under a Probation Order</b>	197	171	201	188	757
<b>Alternative Measures Admissions</b>	25	29	33	33	120
<b>Conditional Sentence Order Admissions</b>	14	6	6	8	32
<b>Fine Options Admissions</b>	14	15	12	19	60

### Youth Justice Services

The goal of Youth Justice Services is to provide a meaningful multi-disciplinary approach to intervention with youth and families with the intent of reducing the incidence of youth crime and the entry of young people into the formal justice system. Youth Justice Services delivers the following province-wide community-based correctional programs and services for young people and the youth criminal justice courts:

#### *Youth Probation*

- Supervision and enforcement of youth probation orders;
- Case management based on a client's assessed needs and specific requirements of the case (e.g., court orders). This may include referral to a variety of community-based services, including individual or group treatment/education programs, for example, alcohol and/or drug treatment programs, education programs, mental health services, anger management programs, life skills and employment preparation programs; parenting programs, the Turning Point Program, the Sexual Deviancy Assessment and Treatment Program; and, variety of other programs or services which address presenting problems; support the needs of a particular client and the conditions/requirements of his/her sentence or disposition.
- Investigation and preparation of pre-sentence and progress reports as requested by the court;
- Development and management of alternative measures agreements for youth cases referred through Crown Counsel;

- Supervision and management of deferred custody and supervision orders, and the community portion of custody and community supervision orders;
- Processing and management of youth cases under the provincial Fine Option Program; and
- Ensuring appropriate action and follow-up in cases of default or non-compliance with court orders and/or alternative measures agreements.

### ***Alternative Residential Placements***

- This component consists of financial resources to contract with private homes across the province. After screening and departmental approval, the placements can be contracted to provide residential resources for high risk/high need youth in need of safe, structured residential care outside of, or as a complement to, their natural homes.

### ***Community Youth Worker***

- One-to-one casework, counselling and support services;
- Community supervision and support for high risk youth and their families;
- Support to alternative residential placements and youth within these homes through regular contact, consultation, case management and liaison with other agencies and community organizations;
- Facilitate preventative programs for youth and their families within the community; and
- Participate in sustainable community development initiatives designed to support youth at risk in their own communities.

### ***Youth Intervention Outreach Program***

- Provide a community-based intervention service working directly with police agencies to assist with youth and family problems where the police have identified youth behaviour that places them at risk for actual or potential conflict with the law.

<b>PROBATION SERVICES            CASELOADS/WORKLOADS - YOUTH OFFENDERS            FISCAL YEAR APRIL 1, 2010 - MARCH 31, 2011</b>					
	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
Cases Under Supervision (Note: end of Quarter) (Include: AM, FO, Conditional Sentence and Probation)	162	143	174	176	
New Cases Opened (Include AM, FO, Cond/Sent and Probation)	43	28	64	62	197
Court Reports - written	8	8	14	12	42
Court Reports - oral	13	4	12	15	44
New Charges (Breaches)	12	7	14	18	51
Probation Admissions under a Probation Order	28	12	35	38	113
Alternative Measures Admissions	8	6	19	10	43
Fine Options Admissions	0	1	1	2	4
Youth Intervention Outreach Program Referrals	25	54	32	39	150

### ***Highlights and Initiatives***

- Under Project R.E.S.I.S.T. (*Reducing Crime and Eliminating Substance Abuse in Struggling Teens*) Funding staff delivered group and individual programming to youth in custody. 383 people who work with high risk youth, including all of the staff from Youth Justice Services and staff from other government departments and non-government organizations received training. Staff also delivered a "Train the Trainer" Program to youth justice staff and youth serving partners, in the area of core competencies and skills relevant to substance use issues.
- Project ReClaim for high risk youth offenders wrapped up in March 2011. The Project was a success and made a significant difference in the lives of the youth. It also helped fill a much needed service gap and provided youth service providers with another support to help address the needs of high-risk youth.
- In January 2011, Prince Edward Island entered into a Memorandum of Understanding with Public Safety Canada (PSC) to continue to use STICS (*Strategic Training Initiative in Community Supervision*) and received support from PSC. STICS is an evidence-based method for teaching core correctional practices to Probation Officers.

- Hosted the Youth Summit 2011 with expert presenters who explored the generational trauma; examined the trauma associated with child sexual abuse and domestic violence; and, revealed the neuro-developmental effects of trauma on child development. Over 230 staff and students from youth serving agencies across the province attended the Summit, including representatives from justice, addictions, mental health, education, police, social services, colleges, and non-government organizations.
- Divisional participation in Provincial High Risk Offender Committee.
- Youth Intervention Outreach Worker Pilot Project with the Maypoint Detachment of the RCMP.
- Through their working groups on training and development, complex cases, health and wellness, and remote areas, staff of Community Programs are identifying and implementing new strategies to enhance our service delivery model and improve work environments.
- Continued feedback to employees through Personal Development Plans (PDPs) and appropriate supports.
- Community Wellness team publishes a quarterly wellness newsletter for staff to provide ideas and information to help staff achieve exceptional health and wellness.
- Completed Youth Profile 2010 to help youth justice staff and other youth service providers better understand the characteristics and needs of youth offenders on P.E.I., and create programs/services to address their needs.

#### ***Community Priorities for 2011-2012***

- Secure funding from Justice Canada to host Youth Summit 2012.
- Secure funding to implement the STICS Mentor Model in P.E.I.
- Explore the possibility of a formalized Divisional mentorship program.

#### **Correctional Services Section**

Correctional Services is comprised of three institutions: two adult facilities, which are the Provincial Correctional Centre (PCC) and the Prince County Correctional Centre (PRCC) and a dual designated youth facility at the PEI Youth Centre. The primary functions are: sentence administration, remand, lock-up, court support, and open and secure custody. Internal programs include: academic, workshop, addictions, life skills, employment preparation, anger management, community service, family awareness programs, and recreation. All facilities are available to the community for meetings, recreation, training, and educational tours.

*Statistical Summary–Youth Custody Services*

<b>PEI YOUTH CENTRE RESIDENT DAYS      APRIL 1, 2010 - MARCH 31, 2011</b>					
<b>MONTH</b>	<b>Lock-up Days</b>	<b>Remand Days</b>	<b>Open Custody Days</b>	<b>Secure Custody Days</b>	<b>Monthly Total Resident Days</b>
April, 2010	2	24	161	164	351
May, 2010	5	6	137	147	295
June, 2010	1	44	180	120	345
July, 2010	4	31	136	148	319
August, 2010	2	40	99	125	266
September 2010	1	53	168	8	230
October, 2010	2	38	157	25	222
November., 2010	3	31	114	40	188
December, 2010	2	14	173	57	246
January, 2011	1	28	130	29	188
February, 2011	1	34	145	82	262
March 2011	0	38	221	37	296
<b>TOTAL FY 10/11</b>	<b>24</b>	<b>381</b>	<b>1821</b>	<b>982</b>	<b>3208</b>
<b>% OF RESIDENCY BASED ON FY TOTALS</b>	0.75%	11.88%	56.76%	30.61%	100.00%
<b>% OF RESIDENCY BASED ON TWO (2) 8-BED UNITS, FULL CAPACITY</b>			62.36%	33.63%	54.93%



*Statistical Summary – Adult Custody Services*

**PRINCE COUNTY CORRECTIONAL CENTRE  
INMATE DAYS - ADULT CUSTODY  
FISCAL YEAR APRIL 1, 2010 - MARCH 31, 2011**

Description	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Yearly Total	Average Daily Count
<b>Sentenced Male</b>	<b>826</b>	<b>577</b>	<b>606</b>	<b>600</b>	<b>2609</b>	<b>7.1</b>
<i>PCC Sentenced transfers held *</i>	<b>303</b>	<b>181</b>	<b>141</b>	<b>90</b>	<b>715</b>	<b>1.9</b>
<b>Remand Male</b>	<b>181</b>	<b>138</b>	<b>187</b>	<b>138</b>	<b>644</b>	<b>1.7</b>
<i>PCC Remand transfers held *</i>	<b>11</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>0</b>
<b>Intermittent Male</b>	<b>405</b>	<b>353</b>	<b>338</b>	<b>361</b>	<b>1457</b>	<b>3.9</b>
<i>PCC Intermittent transfers held *</i>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Exchange of Service Agreement (ESA) Male</b>	<b>0</b>	<b>0</b>	<b>51</b>	<b>0</b>	<b>51</b>	<b>0</b>
<b>Lockup Male</b>	<b>122</b>	<b>174</b>	<b>120</b>	<b>117</b>	<b>533</b>	<b>1.4</b>
<b>Lockup Female</b>	<b>12</b>	<b>21</b>	<b>13</b>	<b>13</b>	<b>59</b>	<b>0</b>
<b>Community Based Residential Facility (CBRF)</b>	<b>0</b>	<b>99</b>	<b>126</b>	<b>170</b>	<b>395</b>	<b>1</b>
<b>Annual Totals</b>	<b>1860</b>	<b>1546</b>	<b>1582</b>	<b>1489</b>	<b>6477</b>	<b>18</b>

### Statistical Summary – Adult Custody Services

**PROVINCIAL CORRECTIONAL CENTRE  
INMATE DAYS - ADULT CUSTODY  
FISCAL YEAR APRIL 1, 2010 - MARCH 31, 2011**

Description	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Yearly Total	Average Daily Count
<b>Sentenced Male</b>	4054	3326	3585	3568	14533	40
<b>Sentenced Female</b>	696	464	685	635	2480	7
<i>PRCC Sentenced transfers held *</i>	1335	1101	1540	1986	5962	16
<b>Intermittent Male</b>	666	942	1153	892	3653	10
<b>Intermittent Female</b>	114	107	73	123	417	1
<i>PRCC Intermittent transfers held *</i>	235	216	245	296	992	3
<b>Exchange of Service Agreement (ESA) Male</b>	182	13	0	0	195	.5
<b>Exchange of Service Agreement (ESA) Female</b>	7	0	9	17	33	.1
<b>Remand Male</b>	798	1079	1261	1397	4535	12
<b>Remand Female</b>	128	34	131	51	344	1
<i>PRCC Remand transfers held *</i>	260	451	251	164	1126	3
<b>Lockup Male</b>	185	294	248	194	921	3
<b>Lockup Female</b>	39	26	28	36	129	.4
<b>Young Offenders Male</b>	9	9	6	10	34	.1
<b>Young Offenders Female</b>	2	2	1	0	5	0
<b>Federal Parole Violators (FPV) Male</b>	0	43	65	0	108	.3
<b>Federal Parole Violators (FPV) Female</b>	37	15	0	51	103	.3
<b>Community Based Residential Facility (CBRF) Male</b>	0	0	0	0	0	0
<b>Community Based Residential Facility (CBRF) Female</b>	0	26	74	66	166	.5
<b>Annual Totals</b>	8747	8148	9355	9486	35736	98.2

### ***Highlights and Initiatives***

- Phase 1 of the Corrections Modernization Plan Completed. The 48 bed Unit at Provincial Correctional Centre became operational in August 2010.
- There has been an increased focus on service delivery in the area of addictions. The Clinical Intern Role now dedicates 4 days per week specifically for addictions work.
- As of April 2011, the salary range of Correctional Nurses will be on par with PEINU contract.
- A Drug formulary was completed, which provides a list of generic medications covered by financial assistance, making the transition from the institution to community easier for clients. If a physician wants to prescribe a medication not listed in the formulary, he/she must fill out an exceptional drug request.
- Provincial Drug Information System is now available to nurses at Provincial Correctional Centre.
- In adult custody, 10 offenders successfully completed the GED Program
- A workplan to enhance service delivery to female offenders was developed in response to training received on "Understanding Trauma and Building a Female Responsive Service".
- John Howard Society delivered the following programs in adult custody: First Aid/CPR, WHMIS, Commitment to Change, and Good Intentions/Bad Choices.
- The Adult Custody Program Manual was revised and updated for distribution to other Divisions and outside agencies.

### ***Custody Priorities for 2011-2012***

- Infrastructure improvements are a key priority. We are positioning corrections 25 years forward, so we can meet client needs, fulfil our legislative requirements, and ensure staff and public safety into the future. The Capital Planning Committee was re-established in March 2010 to work on the following tasks:
  - Define short term strategies to deal with high demand for adult custody;
  - Possible interim modification of existing facilities; and
  - Develop long term options for replacement of Prince County Correctional Centre.
- A number of programs will be reviewed, including nursing services at the Youth Centre and PRCC, client transport between facilities and the costing and liability issues associated with lock-up.
- The Medical Services and Program areas of the PCC require renovations to enhance service delivery.
- Planning continues with RCMP and local police regarding concerts and security measures required.
- Offender and youth handbooks were updated and will be translated to French.
- An update to the *Correctional Services Act* will be completed.
- Monitor recruitment and retention strategies for nurses.
- A Program audit is to be completed for Adult Custody.
- A Medical Audit is to be completed for PCC.

## Statistical Summary–Clinical Services

### Clinical Services Client Contacts

Clinical Services team members see individual offenders and youths on a one-to-one, ongoing, as-needed basis, based on referrals from both Community and Custody Program Staff. These can be brief interventions of only one to a few meetings, or ongoing treatment or counselling over the entire course of the individual client's disposition.

Team members also respond a great deal to staff members with individual consultative needs, whether with or without client contact. Many of these client contacts extend beyond a particular segment of the disposition, that is, an individual who was first seen in Custody may continue to be seen in the Community on release, and may continue to be seen if the client returns to Custody. The fact that the same team member can continue to see a particular client in these different settings provides a continuity of care that is important in maintaining a consistent therapeutic context.

In the fiscal year 2010-2011, team members provided approximately 1,215 Adult counseling sessions, and approximately 811 youth and family counseling sessions, averaging two to four sessions each per month. All PEI Youth Centre clients were seen individually as a matter of course, weekly or biweekly as needed. The Clinical Services Manager provided consultation and intervention services for high needs mental health cases and high risk self-harm cases; these clients are also already on other team members' caseloads. Brief Group Program Intervention was offered in Adult Custody, i.e., Relationships Skills for women, and for men, Anger Management, Relationship Skills, and Parenting,

<b>Clinical Services–Service Delivery Summary</b>			
<b>Fiscal Year April 1, 2010 - March 31, 2011</b>			
<b>ADULT</b>			
<b>Programs</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>Male Anger Management Program</b> (3 programs)	20	0	20
<b>Turning Point Program</b> (4 programs: 2-Ch'town, 1-Montague, 1-S'side)	42	0	42
<b>Sexual Deviance Treatment</b> (2 programs)	12	0	12
<b>Sex Offender Support Maintenance Group</b> (follow-up to treatment)	4	0	4
<b>Other Programs</b>	5	5	10
<b>Total Number of Program Participants</b>	<b>83</b>	<b>5</b>	<b>88</b>

<b>Assessments (Adult)</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>Anger Management</b>	<b>76</b>	<b>24</b>	<b>100</b>
<b>Sexual Deviance</b>	<b>21</b>	<b>0</b>	<b>21</b>
<b>Turning Point</b>	<b>98</b>	<b>0</b>	<b>98</b>
<b>Turning Point Victim Contacts/Consults</b>	<b>0</b>	<b>98</b>	<b>98</b>
<b>Total Assessments</b>	<b>195</b>	<b>122</b>	<b>317</b>

<b>Individual Counseling (Adult)</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>One-to-One Counseling/Intervention (all programs)</b>	<b>1034 Sessions</b>	<b>181 Sessions</b>	<b>1215 Sessions</b>
<b>Total Counseling</b>	<b>1034 Sessions</b>	<b>181 Sessions</b>	<b>1215sessions</b>

<b>Clinical Services–Service Delivery Summary Fiscal Year April 1, 2010 - March 31, 2011 YOUTH</b>			
<b>Assessments</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>Sexual Deviance Assessments Adolescent</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b>Other Program Assessments</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Assessments</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b>Counseling</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>One to One Counseling (all programs)</b>	<b>367 Sessions</b>	<b>8 sessions</b>	<b>475 Sessions</b>
<b>Family Counseling</b>	<b>204 Sessions</b>	<b>132 Sessions</b>	<b>336 Sessions</b>
<b>Total Counseling</b>	<b>571 Sessions</b>	<b>140 Sessions</b>	<b>811 Sessions</b>

## Consumer, Corporate and Insurance Services Division

Director: Katharine Tummon

General Counsel: Steven Dowling

The Consumer, Corporate and Insurance Services Division registers and incorporates provincial business enterprises, co-operatives and nonprofit organizations, and also registers all out-of-province companies carrying on business in the province. Selected business enterprises such as insurance companies, securities dealers, real estate firms, credit unions and other financial institutions in the province are regulated by the Division.

The division administers the Gun Control Program and the Orderly Payment of Debts Program. All charitable bingos, raffles and similar lotteries are licensed under the Lottery Schemes Order. Consumers are provided with information and assistance in dealing with problems encountered in the marketplace.

### Corporate Section

#### Acts Administered

The Corporate Section of the division is responsible for the administration of the following Acts:

<i>Companies Act</i>	<i>Limited Partnerships Act</i>
<i>Co-operative Associations Act</i>	<i>Partnership Act</i>
<i>Credit Unions Act</i>	<i>Securities Act</i>
<i>Extra-provincial Corporations Registration Act</i>	<i>Trust and Fiduciary Companies Act</i>
<i>Foreign Resident Corporations Act</i>	<i>Winding Up Act</i>
<i>Franchises Act</i>	

#### Statistics

Following are statistics related to the various statutes administered by the Corporate Section:

<b>Companies Act</b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>
Incorporations during the year:			
Business corporations	298	299	613
Nonprofit corporations	102	63	58
Certificates of Good Standing issued	278	244	1147
Annual returns filed under Section 80 of the <i>Companies Act</i>	5537	5190	5166
Number of companies dissolved	185	206	184
Number of companies revived	21	18	21

### *Co-operative Associations Act*

There are approximately 120 active co-operatives in the province. During 2010-2011, there were five new co-operatives incorporated.

### *Credit Unions Act*

*The Credit Unions Act* was administered by the Credit Union Central of Prince Edward Island, which also carried out inspections of credit unions. Effective January 1, 2011 the responsibility for the administration of the Act was transferred to the Minister.

Since 1992, there has been an insurance plan in place for credit unions, operated by the Credit Union Deposit Insurance Corporation (CUDIC). The insurance coverage, which was initially set at a maximum of \$60,000, is similar to that provided for deposits in banks and trust companies by the Canada Deposit Insurance Corporation.

On December 24, 1997, amendments to the *Credit Unions Act* were passed which increased the deposit insurance coverage to 100 per cent of credit union members' deposits held in registered retirement savings plans and registered retirement income funds. On October 7, 2008 amendments to the Act increased the basic coverage to \$125,000.

In December 2009, the inspection powers were transferred from Credit Union Central to CUDIC. CUDIC communicates regularly with the department to keep it informed about the credit union movement. The Director of Consumer, Corporate and Insurance Services serves as the Registrar of Credit Unions. General Counsel of the Division serves on the CUDIC board.

Effective January 1, 2011, the *Credit Unions Act* was amended to provide for the winding-up of Credit Union Central of Prince Edward Island which has combined with the other Atlantic Centrals to form the new Atlantic Central. Credit Union Central of Prince Edward Island is in the process of winding-up and is expected to be dissolved sometime in 2012.

### *Extra-provincial Corporations Registration Act*

All out-of-province businesses carrying on business in this province are required to register under the Extra-provincial Corporations Registration Act regardless of whether they have an office or employees in the province. Such business organizations include banks, trust companies, loan companies, finance companies, chain stores, oil and gas companies, construction companies, manufacturers and generally all companies not incorporated under the laws of this province and having their head office or chief place of business located outside the province.

<b><i>Extra-provincial Corporations Registration Act</i></b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>
Companies registered	3330	3089	2995
Certificates of Good Standing issued	201	195	242

### *Franchises Act*

*The Franchises Act* is the responsibility of the Corporate Section. The sections of the Act providing for a duty of fair dealing and rights of association came into force on July 1, 2006. The disclosure requirements of the Act and its regulations were brought into force on January 1, 2007.

*Partnership Act*

The business names of sole proprietorships and partnerships are registered under the *Partnership Act* as well as trade names of corporations.

<b><i>Partnership Act</i></b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>
Declarations filed	1,051	1,117	1,008
Dissolutions filed	291	255	1420

Declarations filed under the *Partnership Act* expire three years after the date of filing unless renewed.

*Securities Act*

The *Securities Act* regulates the sale of securities to the public and provides for the licensing of dealers and advisers and their representatives. The purpose of securities legislation is to provide investor protection and to foster efficient capital markets.

## Canadian Securities Administrators (CSA)

The Canadian Securities Administrators (CSA) is comprised of the 13 provincial and territorial securities regulatory authorities in Canada. Over several years, the CSA has established and continues to develop and administer the Canadian Securities Regulatory System. The CSA functions through meetings of Commission Chairs and Superintendents held at regular intervals, meetings and ad hoc interactions between executive directors, and through working committees.

In 2004, all CSA jurisdictions with the exception of Ontario entered into an agreement to implement a "passport system" of regulation for securities market participants across the country. On March 17, 2008, Prince Edward Island brought into force a new *Securities Act* which has permitted the province to adopt the passport system for the regulation of public companies. On September 28, 2009, sections of the new Act were proclaimed in force permitting the province to adopt the second stage of passport involving the registration of dealers, advisers and their representatives.

The province has a representative on the Advisory Council of the Canadian Securities Transition Office, which Office is working toward a single national regulator.

<b><i>Securities Act</i> registrations and filings:</b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>
Licenses issued:			
Individual registrants	6,951	4,489	4,336
Brokers and firm advisers licensed	263	221	229
Prospectuses registered	3,537	3,391	3,002
Prospectuses amendments registered	1,065	1,469	988
Certificates of Exemption	56	88	103
Annual Information Forms registered	1,176	1,118	1,251



## Revenue

<b>Revenue Source:</b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>
Companies Act	\$400,564	\$398,386	\$574,500
Extra-provincial Corporations Registration Act	\$910,366	\$909,555	\$780,396
Securities Act	\$5,110,000	\$4,720,000	\$4,413,120
Other statutes	\$137,082	\$145,341	\$150,016
Total revenue collected by Corporate Section	\$6,558,012	\$6,173,282	\$5,918,032

### Comments

Corporate section staff spend a significant amount of time responding to inquiries from the public as much of the information filed in the section is public information. Requests for information about corporations, co-operatives, partnerships or other matters come from the legal and accounting professions, other government departments, police authorities, business people, financial institutions and the public at large.

#### *Corporate Section Personnel*

##### *Securities*

Securities Secretary  
Securities Clerk

Lorraine Matheson  
Janice Callbeck

##### *Corporations*

Corporations Officer  
Corporations Clerk  
Corporations Clerk  
Corporations Clerk

Joan MacKay  
Lori Stewart  
Della Godfrey  
Lynda Callbeck

## Insurance and Real Estate Section

<b>Insurance Act</b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>	<b>2007-2008</b>
Insurance companies licensed	212	210	213	217
Applicants examined	45	40	47	41
Number of insurance agents licensed	2,903	1,294	1,120	1,150
Number of insurance adjusters licensed	438	216	140	230

### Comments

The Superintendent of Insurance also acts as the Registrar under the *Real Estate Trading Act*. The Superintendent primarily administers the Insurance Act. Duties of the office centre around the licensing and regulation of all insurers, agents and adjusters active in the province. The office receives consumer inquiries and complaints and responds to each with information and/or intervention as required.

The Superintendent participates in regional and national efforts to ensure the local insurance industry environment remains current and best serves the needs of all stakeholders. The ultimate goal remains to ensure the products demanded by the public are available at the lowest possible cost.

### Revenue

Revenue collected under the various statutes is as follows:

Revenue Source	2010-2011	2009-2010	2008-2009
Premium tax	\$9,744,601	\$9,674,000	\$8,756,000
Fire prevention tax	\$448,462	\$447,000	\$419,000
Third-party auto levy	\$1,843,714	\$1,921,000	\$1,904,000
License fees and other	\$531,550	\$559,000	\$622,000
Total Insurance and Real Estate Section revenue	\$12,568,327	\$12,601,000	\$11,701,000

### Comments

Premium tax at the rate of 3.5 per cent is collected on all insurance premiums (except fraternal) written in the province. The Fire Prevention Tax, which is assessed at one per cent of the total fire premium, is basically designed to defray expenses of the Provincial Fire Marshal's office. The Third Party Auto Levy is assessed on each insurer underwriting auto insurance. The purpose of the Third Party Auto Levy is to offset provincial health care costs associated with innocent victims of automobile accidents. The levy allows the province to recover its costs in an efficient manner and is assessed on a per earned vehicle basis.

### Real Estate

The Registrar administers the *Real Estate Trading Act*. Duties of the office include the licensing and regulation of all agents and salespersons active in the province. The office receives consumer inquiries and complaints and responds to each with information and/or intervention as required.

Real Estate Trading Act Statistics	2010-2011	2009-2010	2008-2009
Agents licensed	47	44	40
Salespersons licensed	257	243	250

**Insurance and Real Estate Section Personnel**

Superintendent of Insurance  
Compliance Officer

Robert Bradley  
Sandra Furlotte

**Consumer Services Section**

The Consumer Services Section is responsible for the administration of the following programs:

Program	Statutory Reference
Debtor Assistance	Orderly Payment of Debts, Part X of the <i>Bankruptcy &amp; Insolvency Act</i>
Gun Control	Sections 84-117, <i>Criminal Code</i> , and the <i>Firearms Act</i>
Consumer Education and Information, Complaints and Inquiries	Various Provincial Statutes
Regulation of Charitable Gaming	Lottery Schemes Order, sections 206 and 207 <i>Criminal Code</i>
Licensing of various industries	Various Provincial Statutes

**Debtor Assistance Program – Orderly Payment of Debts (OPD)**

Part X, *Bankruptcy and Insolvency Act*

Through this program, an alternative to consumer bankruptcy, a person pays off his or her debts by making a series of monthly payments to the Clerk of the Court. Through OPD, debtors are given the opportunity to retire their debts over an extended period of time, consistent with their ability, while maintaining a reasonable standard of living. The relevant statistics are as follows:

	2010-2011	2009-2010	2008-2009
Funds disbursed to creditor	\$114,765	\$116,860	\$134,572

In 2005-2006 the department began phasing out the OPD program and stopped taking on new clients. Three files were closed in 2010-11, 15 clients retired their debts in 2009-10, 15 clients retired their debts in 2008-09, 13 clients retired their debts in 2007-08, 15 clients retired their debts in 2006-2007 and 14 clients retired their debts in 2005-2006. The department continues to service all existing clients who are paying off their debts in an orderly fashion.

**Gun Control – Sections 105-116, *Criminal Code***

In 2010-2011 there were 30 organizations that had business licenses under the *Firearms Act*. Nine of these are businesses licensed to sell firearms, restricted and non-restricted, one is a theatrical company, two are armed guard companies and three are museums. Thirteen businesses are licensed to sell ammunition only. One company had a business license for firearms safety training instructional purposes only and one company is a wholesale distributor for ammunition only.

As well, there were 391 new firearms Possession and Acquisition Licenses (PALS) issued for the purpose of acquiring firearms from April 1, 2010 to March 31, 2011 and there were 760 firearms licenses renewed during this period.

There are three CFO approved shooting clubs: one in Queens County, the Big Boot Shooting Club; and two in Prince County, the Livingston Family Gun Club and the Prince County Sports Club Inc.

In addition to licensing firearms businesses, this office issued 135 Authorizations to Carry firearms to armed guards who work within the province and 233 Authorizations to Transport firearms for various purposes.

### Consumer Protection

This section provides information and assistance to consumers who are considering purchasing goods and services. Our staff also responds to consumer complaints and advises consumers of their rights under provincial consumer protection legislation. We assist with informal mediation between consumers and retailers and take corrective measures under provincial legislation where warranted. The section issues consumer alerts and participates in consumer protection seminars and workshops for seniors, youth and other groups.

### Regulation of Charitable Gaming

The Lottery Schemes Order made under the federal Criminal Code empowers the province to license and set terms and conditions for charitable gaming. These include bingos, raffles, lotteries, casino nights, 50/50 draws and sports pools. Licensing and financial statistics follow:

Licensing Statistics	2010-2011	2009-2010	2008-2009
Lottery scheme licenses issued	1135	1122	1052
Bingos licensed	27	29	31

Bingo Revenue and Expenses	2010-2011	2009-2010	2008-2009
Total receipts	\$9,634,233	\$10,374,571	\$11,716,833
Prizes paid out	\$7,380,125	\$7,659,352	\$8,505,173
Wages to employees	\$748,013	\$773,009	\$894,847
Supplies (bingo paper)	\$318,458	\$340,384	\$362,559
License fees	\$147,639	\$153,187	\$170,103
Advertising	\$124,030	\$126,459	\$141,992
Rent	\$169,119	\$178,341	\$181,365
Other expenses - utilities, management fees	\$257,999	\$280,803	\$355,185
Total Expenses	\$9,145,383	\$9,431,535	\$10,611,227
Total receipts minus total expenses	\$488,850	\$943,036	\$1,105,606

**Licensing and Registration of Various Industries**

In addition to those statutes mentioned earlier, this section also administers the following statutes which require a license or registration:

- Auctioneers Act*
- Cemeteries Act*
- Charities Act*
- Collection Agencies Act*
- Consumer Reporting Act*
- Direct Sellers Act*
- Private Investigators and Security Guards Act*

As well, the section is responsible for the administration of four other statutes which, while no license or registration is required, do prescribe rules of conduct. They are:

- Business Practices Act*
- Consumer Protection Act*
- Films Act*
- Pre-arranged Funeral Services Act*

<b>Licensing Statistics:</b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>
Auctioneers (two-year license term)	19	8	19
Collection agencies (two-year term)	27	29	25
Total number of Collection Agencies	57	53	54
Consumer reporting agencies (two year term)	4	1	6
Direct sellers (two-year term)			
Individuals	75	22	28
Companies	39	22	30
Private investigators and security guards			
Individuals licensed	515	378	290
Companies licensed	21	19	18

***Floral Hills Gardens Administration Act***

This Act came into force on December 15, 2006. It transfers ownership of the Floral Hills Memorial Gardens cemetery to the Province. The FHMGC Cemetery Co-operative Limited has been operating the cemetery on behalf of the Province.

## Revenue

The Consumer Services Section collects fees under various statutes, as follows:

Revenue Source:	2010-2011	2009-2010	2008-2009
Lottery Schemes Order	\$204,436	\$238,431	\$219,039
Gun control - federal funding	\$222,688	\$220,000	\$212,277
Other statutes	\$58,315	\$35,487	\$53,904
Total section revenue	\$485,439	\$493,918	\$485,220

### *Consumer Services Section Personnel*

#### *Firearms*

Chief Firearms Officer  
 Provincial Firearms Officer  
 Secretary

Vivian Hayward  
 Peter Coady  
 Debbie MacKenzie

#### *Consumer Protection*

Compliance Officer  
 Secretary

Linda Peters  
 Marlene Hughes

# Crown Attorneys' Division

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Director: Cyndria Wedge

## ***Mandate***

The Crown Attorneys' Office is mandated to represent the Attorney General of the province in all aspects of his prosecutorial function. The Crown Attorneys' Office prosecutes offences under the *Criminal Code of Canada*, the *Youth Criminal Justice Act* and provincial statutes in the Provincial, Supreme and Appeal Courts of Prince Edward Island and in the Supreme Court of Canada. The Crown Attorneys' Office also provides legal advice on criminal law to government ministries and the police, and develops policies and procedures on issues relating to the prosecution of criminal cases.

## ***Mission statement***

The mission of the Crown Attorneys' Division is to ensure fair and equal treatment in prosecuting offences.

## ***Vision Statement***

In attempting to achieve its mission, the Crown Attorneys' Division contributes to the government's priority of fulfilling its social responsibility for providing for public safety. In order to accomplish its mission, the Crown Attorneys' Division has set the following goals:

- (a) providing a prosecutorial service that reflects professional competency, dedication to public service and high ethical standards;
- (b) providing a prosecutorial service that identifies and allocates the resources required to carry out its mission;
- (c) providing within the prosecutorial service an environment that allows for the independent exercise of prosecutorial discretion; and
- (d) providing a prosecutorial service that is reflective of the community it serves.

## ***Main Activities***

- (a) Provide advice to the police, upon their request;
- (b) Provide advice to provincial government departments, upon their request, concerning enforcement and prosecutions under provincial legislation;
- (c) Represent the Crown at judicial interim release (bail) hearings and preliminary inquiries in indictable criminal matters;
- (d) Prosecute *Criminal Code*, *Youth Criminal Justice Act*, and provincial statute offences;
- (e) Represent the Attorney General in criminal appeals before the Supreme Court of Prince Edward Island;
- (f) Represent the Attorney General in criminal appeals before the Supreme Court of Canada;
- (g) Arrange and deal with criminal charges transferred to and from this province;
- (h) Act for the Crown pursuant to the provisions of the *Coroner's Act*;

- (i) Defend against constitutional challenges to provisions of the *Criminal Code of Canada* the *Youth Criminal Justice Act* and provincial statute offences;
- (j) Participate in the Alternative Measures Program for young offenders and adult offenders;
- (k) Represent of the Attorney General on the Criminal Code Review Board;
- (l) Conduct criminal law refresher programs with the various police agencies in the province; and
- (m) Participate on a number of federal/provincial/territorial committees and consult with task forces in relation to various criminal law initiatives, which include:
  - (i) DNA Data Bank;
  - (ii) *Firearms Act*;
  - (iii) *Corrections and Conditional Release Act* review;
  - (iv) Youth Criminal Justice Act;
  - (v) Cross-Border Crime;
  - (vi) National High Risk Offender flagging system;
  - (vii) FPT Sentencing Working Group;
  - (viii) Victims Services Advisory Committee;
  - (ix) Strategy for the Renewal of Youth Justice;
  - (x) Repeat Impaired Driving Project;
  - (xi) Aboriginal Community Justice Working Group;
  - (xii) Interagency Committee on Family Violence;
  - (xiii) Unified Law Conference (Criminal Law Section);
  - (xiv) Organized Crime; and
  - (xv) Anti-Terrorism.

### ***Administration***

The administrative office is located in Charlottetown. The Charlottetown office handles court matters in the Supreme Court in Charlottetown and the Provincial Courts located in Charlottetown and Georgetown. The Charlottetown office deals with other matters relating to the administration of prosecutions in the province. The Summerside branch office is responsible for Prince County Supreme and Provincial court matters located in Summerside.

### ***Organization***

As of March 31, 2011 the staffing of the Division is as follows:

Director - Cyndria L. Wedge, Charlottetown office

Senior Crown Attorney - David P. O'Brien, Q.C., Summerside office

Senior Crown Attorney - Gerald Quinn, Q.C., Charlottetown office



Crown Attorney - Valerie A. Moore, Charlottetown office  
 Crown Attorney - John A. McMillan, Q.C., Charlottetown office  
 Crown Attorney - Lisa Goulden, Charlottetown office  
 Crown Attorney - John R. Diamond, Q.C., Summerside office  
 Crown Attorney - Cheryl Schurman, Charlottetown office  
 Adm. Assistant - Wendy R. McKeeman, Charlottetown office  
 Adm. Support Worker - Michele Montgomery, Summerside Office  
 Adm. Support Worker - Lisa Munn, Charlottetown Office  
 Adm. Support Worker - Pam Sellick, Charlottetown Office

***Caseload - Overview***

A combined total of 5,135 adult and young offender *Criminal Code* charges were laid in the fiscal year 2010-2011. The four prior fiscal years are included for comparison purposes.

<b>Fiscal Year</b>	<b>Adult</b>	<b>Young Offenders</b>	<b>Total</b>
2006-2007	4,591	610	5,201
2007-2008	4,042	518	4,560
2008-2009	4,063	525	4,588
2009-2010	4,748	445	5,193
2010-2011	4,827	518	5,345

Provincial statutory offences are not included in the above-noted totals. In the fiscal year 2010 - 2011, the Crown Attorneys' Division dealt with 272 contested provincial matters. The preceding three fiscal years are as follows:

<b>Fiscal Year</b>	<b>Total</b>
2007-2008	165
2008-2009	208
2009-2010	197
2010-2011	272

***Alternative Measures***

For the fiscal year 2010-2011 a total of 114 adults had criminal matters dealt with by way of alternative measures, pursuant to s. 717(1)(a) of the *Criminal Code*. During the same period, 43 youth criminal matters went by way of the alternative measures program. The preceding three fiscal years are included for comparison purposes.

<b>Fiscal Year</b>	<b>Adult</b>	<b>Young Offenders</b>	<b>Total</b>
2007-2008	146	83	229
2008-2009	132	67	199
2009-2010	127	78	205
2010-2011	114	43	157

## Appeals

During the fiscal year 2010 - 2011, there were a total of 36 appeals involving the Crown Attorneys' office. The total consisted of 3 Crown appeals, 9 defence appeals, 1 prisoner appeal and 23 administrative appeals. The preceding three fiscal years are included for comparison purposes.

<b>Fiscal Year</b>	<b>Crown</b>	<b>Defence</b>	<b>Prisoner</b>	<b>Admin</b>	<b>Total</b>
2007-2008	4	9	3	8	24
2008-2009	3	9	1	16	29
2009-2010	0	11	0	18	29
2010-2011	3	9	1	23	36

# Finance and Corporate Management

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Director: Kevin Barnes

## ***Divisional Overview***

The Finance and Corporate Management Division is responsible for providing management support services within the department, including financial administration and human resource management. These corporate services are also provided to the Department of Health and Wellness.

The mandate of the division is to support the effective management of the department through the delivery of key corporate services. In this capacity, the division works closely with the minister's office and other divisions within the department. At the same time, the Finance and Corporate Management Division serves as a point of contact for other provincial ministries, federal government agencies, community organizations and the general public.

The following table outlines the primary management functions performed by the Finance and Corporate Management:

Responsibility Area	Management Functions
Financial Administration	Fiscal Management and Budgetary Control; Financial Reporting and Analysis, Financial Administration, and Accounting Services.
Human Resource Management	Human Resource Planning and Analysis; Departmental Staffing; Payroll and Employee Benefits Administration; and Labour Relations.

In addition, the division is responsible for federal-provincial policing agreements, including the *Provincial Police Services Agreement*, the *First Nations Community Policing Services Agreement*, and the *Confederation Bridge Policing Services Agreement*.

## ***Divisional Highlights***

During the year, the Finance and Corporate Management Division continued to focus on providing quality corporate services to its departmental clients. Likewise, efforts were directed at improved information-sharing with other departments, levels of government and the general public.

## Legal Aid

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*Director: Kent Brown*

Criminal and civil legal aid services are provided under the Prince Edward Island Legal Aid Program. The program is administered under the general powers of the Department of Justice and Public Safety. The scope of services covered by the program, and the terms and conditions of eligibility, are determined by government policy. Prince Edward Island does not have specific legal aid legislation.

The criminal legal aid services provided by the program are cost-shared by Canada under a federal-provincial agreement implemented in 1973 and renewed from time to time since then. The federal contribution agreement applies in all provinces and territories. It is intended to promote uniform access to a minimum level of service throughout Canada and as a result, criminal legal aid coverage in each province and territory is determined to some extent by the details of the agreement.

There is no similar federal-provincial arrangement for funding civil legal aid. The constitutional responsibilities of the two levels of government for civil legal aid are somewhat different from their responsibilities in the area of criminal law. The provinces and territories have been requesting greater federal support for civil legal aid. The federal government regards civil legal aid as a social program for which block funding is transferred to the provinces under the Canada Social Transfer. Civil legal aid coverage varies considerably from one province and territory to another. It consists primarily of family law, child protection, adult protection, and mental health matters.

### **Delivery Model**

Legal aid services are delivered primarily by salaried staff lawyers. Private sector lawyers are retained in cases where a staff lawyer is unavailable or where more than one party in the same legal dispute requires legal aid. About twenty percent of the province's practicing lawyers accept occasional legal aid referrals.

The legal aid program is administered by the Director of Legal Aid who reports to the Deputy Minister of Justice and Public Safety. Under this structural arrangement communications between Legal Aid and the Department of Justice and Public Safety are confined to matters of policy, resources, and administration. In solicitor-client services, the confidentiality rules of the legal profession govern the relationship. This means that in the delivery of professional services to individual clients, legal aid staff have autonomy equivalent to that of professional staff in programs administered by a legal aid commission.

The program has eight full-time staff lawyer positions, five in Charlottetown and three in Summerside. Two of the Charlottetown lawyers, and one Summerside lawyer, are assigned primarily to criminal law services. Three Charlottetown, and two Summerside staff lawyers are assigned primarily to family and other civil legal aid services. When the program was restructured in 2004, four new staff positions were added and a fifth was added in 2008. The original goal was that all five positions would be assigned to the provision of family and other civil legal aid services on a full-time basis. The goal has been difficult to maintain. Staff time

had to be reallocated in the past year to respond to an accumulation of pressures in the criminal program from a number of sources including staff sick leave, difficulties in retaining private sector lawyers, and heavy caseloads. In Prince Edward Island, as in the rest of Canada, legal aid administrators do not have total discretion in the allocation of legal aid resources between criminal and civil legal aid needs. In the criminal justice system a certain level of legal aid service must be maintained to protect basic rights to a fair trial. If the requirements are not met in serious criminal cases the courts may not allow the trial to proceed. In this province there are three Provincial Court judges who hold criminal court in separate locations each day. In addition, a number of criminal cases are conducted in the Supreme Court and bail hearings are conducted at other locations by justices of the peace. A minimum of three legal aid staff lawyers, and occasional support from private sector lawyers, is required to meet service requirements in all locations.

### **Criminal Legal Aid**

The objective of the Criminal Legal Aid Program is to promote access to legal representation in the criminal trial process. Under the program, lawyers are made available to persons who would otherwise be unable to afford legal representation in serious criminal matters. As a minimum, legal aid will be provided in situations where a court applying the *Canadian Charter of Rights and Freedoms* would consider the assistance of counsel to be essential for a fair trial.

#### **Eligibility:**

Eligibility for legal assistance is determined by a flexible means test. The test is conducted by Legal Aid staff who assess the seriousness of the legal proceedings and determine whether the applicant's present means would be sufficient to enable him or her to obtain private counsel, within the required time frame, if legal aid was refused. A scale based on income and family size is used as a guideline.

#### **Approved Applications:**

The criminal and YCJ caseload is counted by the number of applications approved and by the number of cases completed. Readers using this data for inter-jurisdictional comparisons on costs and caseloads are asked to note that terms such as "case" and "application" may vary from one province or territory to another. A case may involve more than one legal problem. For instance, an applicant may have multiple charges arising from a single incident or charges from several incidents closely related. Cases which have not been completed are carried over from one year to the next and counted only in the year in which the file is closed. Approved applications, on the other hand, are counted in the year in which the file was opened.

<b>Applications and Caseload: Criminal Adult and Youth</b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>
Criminal Adult and Youth Applications Approved <sup>1</sup>	1299	1318	1166
Refused Applications	109	115	129
Cases Completed and Closed	1303	1295	1080
Cases Referred to Private Counsel on a Legal Aid Basis <sup>2</sup>	65	53	43
<p>Note 1: The count of approved applications reported in 2008-2009 has been revised in this report to correct a procedural error in counting the number applications carried forward.</p> <p>Note 2: The number of criminal cases referred to private counsel does not include files handled by private sector lawyers on a per diem basis to resolve scheduling conflicts or to fill in for staff lawyers on sick leave or vacations.</p>			

Approved Applications by Region: Criminal Adult and Youth	2010-2011	2009-2010	2008-2009
Charlottetown Adult	632	582	492
Charlottetown Youth	126	110	124
<b>Charlottetown Total Approved</b>	<b>758</b>	<b>692</b>	<b>616</b>
Summerside Adult	475	519	468
Summerside Youth	66	107	82
<b>Summerside Total Approved</b>	<b>541</b>	<b>626</b>	<b>550</b>
<b>Provincial Totals Approved</b>	<b>1,299</b>	<b>1,318</b>	<b>1,166</b>

### New After-Hours Telephone Duty Counsel Program

On April 1, 2010, Prince Edward Island introduced an after-hours telephone duty counsel system to enable persons who are under arrest or police detention to contact legal counsel without delay.

Nationally, the program is referred to as *Brydges Duty Counsel*. It has been available in all other Canadian jurisdictions since the 1990s. The objectives of the program relate to the *Canadian Charter of Rights and Freedoms* which provides that everyone has the right on arrest or detention to retain and instruct counsel without delay. In the *Brydges* case in 1990, from which the program came to be known, the Supreme Court of Canada imposed additional duties on police to inform all persons at the time of arrest or detention, of the existence and availability of duty counsel and legal aid. Although *Brydges* was a murder case, the laws pertaining to the right to contact counsel apply to all criminal cases. In actual practice the most pressing demand for the program relates to the enforcement of impaired driving laws. The investigation of alcohol and drug related driving offences is time-sensitive and highly dependent on police compliance with the detainee's *Charter* rights to counsel. Telephone duty counsel programs thus have a dual purpose: protecting the *Charter* rights of detainees; and enabling police to proceed with their duties without having to allow detainees to wait for a lawyer to become available after the resumption of regular business hours. In most arrest and detention situations a brief telephone consultation with counsel will be sufficient to ensure both purposes are met.

The program is staffed by a roster of private sector and staff lawyers. Business-hours duty counsel calls are handled from Legal Aid staff offices. After-hours calls are dialed to a central Legal Aid office number and forwarded automatically to a cell phone carried by the duty lawyer. The phone numbers for the program are issued to all police services in the province but are otherwise unpublished. To ensure restrictions on the use of the program are observed, and to confirm contact, the arresting officer is requested to place the initial call to the duty counsel number. In addition the arresting officer is requested to provide brief details of the circumstances of the call. Financial eligibility requirements do not apply for the *Brydges* Duty Counsel program.

## After-Hours Telephone Duty Counsel Program April 1, 2010 to March 31, 2011

<b>Duty Counsel Calls Received:</b>	541	
Business Hours Calls	164	
After-Hours Calls	377	
<b>Type of Police Investigation:</b>		
Impaired Driving	141	
Break and Enter, Thefts, and Property Offences	114	
Assaults	102	
Administration of Justice (breach and failure to comply)	56	
Controlled Drugs and Substances	50	
All Other	73	
<b>Total Direct Expenditures for After-Hours Telephone Duty Counsel Program (excluding administrative costs):</b>		\$70,163

## Total Criminal Legal Aid Expenditures:

<b>Total Criminal Legal Aid Expenditures</b>	<b>2010-2011</b>	<b>2009-2010</b>	<b>2008-2009</b>
Salaries and Operating Cost	\$724,459	\$660,270	\$618,378
Fees to Private Counsel	\$79,805	\$61,548	\$48,827
Brydges After-Hours Duty Counsel	\$70,163		
<b>Total</b>	<b>\$874,427</b>	<b>\$721,818</b>	<b>\$667,205</b>

## Family and Civil Legal Aid

### Coverage:

The Prince Edward Island Legal Aid Program has provided civil legal aid coverage since 1980. The term "civil legal aid" is used collectively to refer to areas of legal aid coverage that do not directly involve criminal law. Civil legal aid is now available everywhere in Canada but the type and amount of assistance that may be provided, varies from one province or territory to another. The provinces and territories determine the types of legal problems that will be covered, the eligibility criteria for applicants, and the methods by which services will be delivered. Family matters account for the majority of civil cases in this province and across Canada.

Additional civil legal aid coverage areas include child protection law, and involuntary hospitalization or residential proceedings under mental health and adult protection laws. The provision of legal aid in these areas of law can become mandatory under the *Canadian Charter of Rights and Freedoms* if the litigation involves actions by government that affect individual liberties or security of the person.

**Priority for Assistance in Family Legal Aid:**

The objective of family legal aid is to provide legal assistance to those who cannot afford the services of a lawyer in the most urgent family situations. Legal needs are prioritized on two levels. Level One, the highest priority, refers to cases where domestic violence has occurred or where the personal security of the applicant or child(ren) in his or her care is endangered in a family situation. Level Two describes the need for essential legal services in family situations where there has been no domestic violence or present threat to the security of the applicant or a child(ren) in his or her care.

In Level Two situations, applicants who require legal assistance to meet the needs of their dependant children are given priority. Legal needs in this category include: custody, access, financial support, and housing. Due to the high demand for those services, only very limited resources remain available to assist applicants with legal needs that do not relate directly to the support of dependant children.

Divorce coverage is provided only where it is determined to be the most effective court procedure for addressing one or more of the foregoing objectives.

**Summary Advice:**

Where an applicant's legal needs do not qualify for full service, summary legal advice may be provided. Summary advice generally involves a brief telephone or office consultation with a staff lawyer. Further assistance may be provided subsequently if the applicant's legal needs change.

**Delivery of Services:**

Family and other civil legal aid services are delivered by staff and private sector lawyers. There are five staff lawyer positions assigned primarily to family legal aid services, three in Charlottetown and two in Summerside. Additional services are provided by private sector lawyers on a referral basis under a legal aid tariff of fees. Fees paid to private sector lawyers in 2009-10 accounted for approximately 13 percent of family and civil legal aid expenditures.

**The Law Foundation of Prince Edward Island:**

The Law Foundation of Prince Edward Island has been providing financial assistance for family legal aid since 1996. The Foundation is a non-profit organization created by the *Legal Profession Act* to receive and distribute interest paid by financial institutions on certain types of general trust accounts held by law firms. The goal of the Foundation is to channel as much as 25 percent of its annual interest revenue toward the promotion of legal aid in the province. In 2008, the Foundation entered a seven year financial contribution agreement with the province which led to the addition of a family legal aid staff lawyer position in the Summerside office.

**The Charter of Rights and Family Law:**

The *Canadian Charter of Rights and Freedoms* does not contain any specific reference to legal aid. However, the interpretation of the *Charter* by the courts does play a significant role in determining the minimum levels of legal aid coverage that must be provided by government. This is especially so in criminal cases where the courts may be required to make preliminary assessments about whether a trial can proceed if the accused is unrepresented. In the area of family law, *Charter* decisions have not had the same impact because the litigation is between private individuals and does not involve government action. Entitlement to legal aid is different



however, in child protection matters, where in all instances the state is the party taking the legal action which may have a direct and immediate impact on parental rights. The Supreme Court of Canada ruled in 1999, that parents who are unable to afford legal counsel to respond to child protection litigation, may be entitled to have counsel provided by the province or territory. Accordingly, child protection cases are given high priority for assistance by all legal aid programs in Canada.

#### **Legal Aid in Other Provinces and Territories:**

All provinces and territories of Canada participate in an informal reciprocal legal aid agreement. Under this agreement, residents of Prince Edward Island may obtain a limited range of legal aid services anywhere in Canada. A condition of inter-jurisdictional coverage for family and civil legal aid is that similar services must be available to non-residents in the requesting province or territory.

The reciprocal provisions are not required for criminal legal aid. Under the federal funding arrangements, criminal legal aid services must be offered by provinces and territories to residents and non-residents alike.

#### **Legal Assistance Provided by Other Family Justice Programs:**

In addition to the family legal aid outlined in this report, the province provides services to individuals through a number of other family justice programs. Family court counsellors conduct home studies and provide family mediation and counselling. Child support guidelines officers assist self-represented litigants in the preparation of child support applications. Victim assistance workers assist victims of family violence, and maintenance enforcement officers collect and disburse child support payments.

#### **Family and Civil Legal Aid Applications and Statistics:**

There are some basic differences in data reporting processes for criminal and civil legal aid caseloads. This is because there are fundamental differences in criminal and family law procedures. Criminal prosecutions begin with a very specific and narrowly defined criminal charge. The trial proceeds on a tight time frame and ends with a clear and final resolution. Family matters, on the other hand, generally do not begin in the courts. Most start with negotiations or mediation and may never involve actual court processes. The identification of issues and the time frame of family matters are mainly determined by the parties, within the scope of the legislation and rules of court. There is not the same obligation, as in the criminal trial process, to bring the proceedings to a formal resolution.

These factors require differing approaches in the eligibility screening processes for criminal and civil legal aid services. Criminal applications are rarely withdrawn, and refusal rates are usually below 10 percent. Despite pre-screening efforts on the family/civil side of the program, approximately 20 percent of all applications were never completed by the applicant and were noted as "withdrawn." An additional 17 percent of applications were refused. Reasons for refusal included coverage restrictions, financial eligibility, and lack of case merit. The reasons for incomplete and withdrawn applications remain somewhat unknown. The most common notation in those categories is that the applicant did not return with financial information to complete the application with 30 days and made no further contact.

Applications and Caseload: Family and Civil Legal Aid		2010-2011	2009-2010	2008-2009
1	Family and Civil Applications Received			
	Charlottetown	362	304	303
	Summerside	165	121	161
	Total	527	425	464
2	Withdrawn Applications:	123	87	144
3	Refused Applications:	45	73	89
4	Applications Approved for Full Service by Priority Level:			
	Child Protection Act	53	37	44
	Family Level 1	52	42	24
	Family Level 2 and Other Civil	171	122	115
5	Applications Approved for Summary Assistance	82	64	48
6	Family and Civil Cases Referred to Private Sector Counsel:	78	82	53
7	Interprovincial Applications:			
	Received from other provinces/ territories	7	9	6
	Sent to other provinces/ territories	3	3	2
8	Family and Civil Legal Aid Applicants:			
	Male	27%	27%	25%
	Female	73%	73%	75%

Total Family and Civil Legal Aid Expenditures			
	2010-2011	2009-2010	2008-2009
Salaries and Operating Cost	\$813,828	\$817,854	\$777,742
Fees to Private Counsel	\$149,549	\$119,714	\$81,299
<b>Total</b>	<b>\$963,377</b>	<b>\$937,568</b>	<b>\$859,041</b>

Combined Expenditures All Services			
	2010-2011	2009-2010	2008-2009
Total Criminal	\$874,427	\$721,818	\$667,205
Total Family and Civil	\$963,377	\$937,568	\$859,041
<b>Total</b>	<b>\$1,837,804</b>	<b>\$1,659,386</b>	<b>\$1,526,246</b>

## Legal and Judicial Services

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*Director: Barrie L. Grandy, Q.C.*

### **Family Law Section**

*Manager: Loretta Coady MacAulay*

The Honourable C.R. McQuaid Family Law Centre provides programs and services, in a coordinated manner, to families going through separation and divorce. It is the goal of the Family Law Centre to reduce the negative impact of separation and divorce on families and children by assisting parents to reach amicable agreements, in the best interests of the children, which meet the needs of all of the parties and to comply with the terms of orders and agreements once decisions regarding the children have been agreed upon or ordered. All programming offered at the Family Law Centre is free of charge.

The **Positive Parenting from Two Homes** Program is an educational program for parents who are separating/divorcing and/or parenting from two homes. This program is free of charge and is delivered in two three-hour sessions approximately one week apart. Trained facilitators provide information, present videos, facilitate discussion and answer questions to assist separated parents in understanding their feelings, their children's needs, and to develop a business-like relationship with the other parent. Information provided to parents during this educational program equips them to reach appropriate agreements regarding their children. In FY 2010-2011, the program was delivered 12 times and 105 clients completed the program. Evaluations are filled out by participants at the end of each session. Client feedback has been very positive.

The **Positive Parenting From Two Homes "For Kids!"** Program evolved from the Positive Parenting From Two Homes Program. The Program is a cost-free children's program. All children's programs are delivered in the school system, during school hours, and co-facilitated with the school guidance counsellors. The Program acts as a resource to the schools which makes the program accessible by many more children. Parents access the program through the school guidance counsellor. The guidance counsellors provide information to parents about the program and screen and register children.

In FY 2010-2011, the Positive Parenting From Two Homes "For Kids!" Program received funding from the Provincial Children's Secretariat to run additional children's programs. The program was delivered 19 times in 13 different schools in FY 2010-2011. This compared to 9 groups in 7 schools the previous year. A total of 125 children completed the children's program in FY 2010-2011, compared to 53 in FY 2009-2010. Of the 11 evaluations returned by the school guidance counsellors, all indicated that they would recommend the program be offered again the next year.

The **Family Court Counsellors' Office** prepares homestudies for custody and access cases proceeding through the courts. The office also mediates custody, access, and child support issues between parties as an alternative to proceeding to court. Each client is eligible for up to eight sessions or twelve hours of mediation service. Participation in the mediation service is voluntary. The services provided by the Family Court Counsellors' Office are provided free of charge and province-wide.

Between April 1, 2010, and March 31, 2011, there were 46 homestudies conducted. In FY 2010 - 2011, there were 120 client referrals for mediation. On March 31, 2011, 1 mediated agreement resolving all issues was reached; 1 mediated agreement resolving some of the issues was reached; 10 were in the mediation process; 10 had been terminated by the mediator; and 98 cases were screened out. The type of mediation involved in the 120 cases was as follows: 23 access cases; 17 involved custody and access; 11 issues of custody, access, and child support; 7 involved issues of custody, access, child support and assets; 7 involved issues of access and child support; 5 custody; 4 custody and child support; 3 child support; 2 involved assets; 2 involved assets; 1 involved child support and assets; 2 custody and assets; 1 involved access, child support, and assets; and 35 were unknown.

The **Child Support Guidelines Office** provides assistance to unrepresented parties proceeding through the courts on a first request for child support or a variation of child support. The office also coordinates form-based applications going out of province when parties live in two different provinces and are not in divorce proceedings (ISO applications).

In FY 2010-2011, the Charlottetown Child Support Guidelines Office assisted 245 self-represented litigants as follows: 33 court applications in which a first request for child support was sought; 59 court applications in which a variation of child support was requested; 19 ISO applications requesting child support for the first time; and 24 ISO applications requesting a variation of child support. The office also assisted self-represented litigants obtain 27 consent orders for first time child support and 50 consent orders for a variation of child support. In addition, the office assisted self-represented litigants prepare a response affidavit in 33 cases.

In FY 2010-2011, the Summerside Child Support Guidelines Office assisted 138 self-represented litigants as follows: 36 court applications for first time child support; 20 court applications in which a variation of child support was sought; 5 ISO applications for first time child support; and 1 ISO application requesting a variation of child support. The office also assisted self-represented litigants obtain 31 consent orders for first time child support and 40 consent orders for a variation of child support. In addition, the office also assisted self-represented litigants with 5 response affidavits.

The **Maintenance Enforcement Program** collects and disburses child/spousal support payments and takes steps to enforce orders and agreements if payments are in arrears. In FY 2010-2011, the program collected and disbursed \$6.1 million dollars. Currently, the Maintenance Enforcement Program manages 2,616 cases, including 1909 cases involving child support only, 85 cases involving spousal support only, 18 cases involving child and spousal support, and 604 cases are open for the collection of arrears only.

The Maintenance Enforcement Program has improved enforcement procedures. This improvement involved new business processes and electronic solutions to make the capture and reporting of client and accounting data more efficient. A new case management system and Interactive Voice Response System (IVR) went live in October 2010.

The **Administrative Recalculation Office** recalculates child support in cases where the original order/agreement provides for the automatic administrative recalculation of child support on an annual basis and where the discretion of the court is not required. This allows the parties to update child support in accordance with the parties' income without proceeding back through the courts. The office services all of Prince Edward Island. Between April 1, 2010, and March 31, 2011, 179 new orders and agreements were filed with the Administrative Recalculation Office, compared to 86 new orders and agreements filed in FY 2009-2010. There were 223 recalculation notices issued in FY 2010-2011, compared to 174 recalculation notices issued in FY 2009-2010. During FY 2010-2011, of the 223 recalculation notices issued, in 175 cases, the amount of child support increased; in 45 cases, there was a decrease in child support; and in 3 cases, the child support amount remained unchanged.

The manager of the Family Law Section coordinated all family justice initiatives in FY 2010-2011. Having a project manager oversee all family justice initiatives in the province allows for family justice services to be delivered in a strategic and coordinated manner. The participation of the manager on a number of Federal/Provincial/Territorial committees, working groups and sub-committees, including: Working Group on Child Support; Working group on s.25.1 Recalculation Services; Working Group on Implementation of the Hague Maintenance Convention; and Adhoc Committee on Family Violence allows Prince Edward Island to provide input to the Federal government with regards to specific needs of families experiencing separation and divorce in Prince Edward Island. Prince Edward Island is also represented on the Parenting and Contact Enforcement and Jurisdiction Working Group, the Interjurisdictional Support Sub-Committee, and the Research Sub-Committee. This allows for information sharing between provinces regarding best practices. The manager is also the Central Authority for Prince Edward Island under the Hague Convention on the Civil Aspects of International Child Abduction.

During the 2010 Fall session of the Legislature, amendments were introduced to the *Canadian Judgments (Enforcement) Act* to accord with amendments to the Uniform Enforcement Canadian Judgments and Decrees Act. The amendments provide immediate protection to victims of violence by giving policing agencies the authority to enforce civil protection orders made in other Canadian provinces and territories in Prince Edward Island when a victim crosses provincial boundaries.

In October 2010, the Family Law Section participated in a Separation & Divorce Expo which was coordinated by Community Legal Information Association and brought together professionals and service providers, using a trade show format, with exhibitor booths, information sessions and demonstrations, to provide information to parties experiencing or contemplating separation and divorce.

## Judicial Services Section

*Manager: Judy Turpin*

### Mission Statement

The mission of Judicial Services is to provide for the effective and efficient operation and maintenance of administrative services to all levels of courts in Prince Edward Island.

### Main Activities

Judicial Services is responsible for administrative activities in both Civil and Criminal Courts in all three levels of Courts B Provincial Court, or PEI, Supreme Court of PEI and the PEI Court of Appeal. Staff work with an objective to make the most effective and appropriate use of personnel and other resources to provide and manage comprehensive court services programs across the province. Such activities include:

- general administration
- judicial administration
- court records
- docketing at the Supreme Court level
- stenographic, secretarial and court clerk services
- financial records
- enforcement
- Sheriff Services

### Branches of Judicial Services

- Supreme Court, Provincial Court and Court of Appeal administration
- Sheriff Services
- Prothonotary's office administration

### Goals

The number of litigants appearing before the courts in Prince Edward Island has grown over the past few years. In addition, the number of litigants who choose to represent themselves in court has increased. The Judicial Services Section will continue to provide quality service to all those coming before the courts, as well as continue with its efforts to provide better access to justice for all individuals.

A number of criminal justice reforms have been undertaken in Prince Edward Island Courts to improve the criminal justice system and increase access to justice, in particular for child victims and witnesses, and other vulnerable witnesses. The following examples are provided:

**Supporting Child Victims and Witnesses:** With funding support from the Victims of Crime Fund, PEI has implemented testimonial aids and other measures to help facilitate the testimony of children and other vulnerable victims and witnesses. These aids include availability of witness screens, support persons, and closed circuit television and videoconferencing capability in the four courthouses in PEI.

In addition to the technology that has been implemented, child friendly waiting rooms have been designated in each courthouse, equipped with appropriate furniture and supplies. For victims and their families, who can sometimes have long waits before testifying, this makes the experience of coming to court more comfortable and less traumatic.

With funding support from the Victims of Crime Fund, PEI courts have been equipped with technology to more discreetly display electronic documents or exhibits that are categorized as sensitive information (eg. pornographic images, potentially traumatic images such as autopsy photos in a case involving death, etc. ). This technology allows the materials to be viewed by the Judge, Crown and Defence without being displayed to the whole courtroom, thereby demonstrating sensitivity and respecting the privacy of the victim and family members.

All PEI courts are now equipped with Assisted Listening Devices which provide enhanced audio to assist hard of hearing victims, witnesses and accused persons to participate in the court process.

Two stand alone portable CourtSmart Digital Recording Systems have been purchased to allow for testimony from a location outside the courthouse if appropriate, while still maintaining the ability to record the statement. This would assist in accommodating the safety needs of children and other vulnerable witnesses, and assist with contingency planning in the event of a disruption in availability of existing court facilities.

The PEI Court of Appeal in consultation with the Crown and Defence Bar has been working on modernizing the Criminal Appeal Rule. The intended effect of this modernization is to streamline transcript delivery and expedite matters when an accused's liberty is at stake. The rule will provide new forms that make it easier for self represented persons to represent themselves. The rule is currently translated into French and waiting for publication in the Canada Gazette prior to proclamation.

### **Statistics**

Provincial Courts - for a twelve month period ending March 31, 2011, the total number of charges laid in the three Provincial Courts was approximately 15,408. This figure includes Criminal Code, Federal Statute and Provincial Statutes offences. The Provincial Courts collected fines in the amount of \$2,274,707.00.

Supreme Court - for a twelve month period ending March 31, 2011, the total number of actions started in the Supreme Court including General, Family, Divorce, Small Claims and Appeals were approximately 1340. Total grants issued from the Estates section were 361 and there were 5 petitions for passing of accounts and 10 File and Register only Estates, and 11 Reseals.

### **Court of Appeal**

There were 22 appeals filed in the Court of Appeal during fiscal year 2010/11 – 19 civil appeals and 2 criminal appeals.

## **Sheriff Services**

*Sheriff: Ron Dowling*

Sheriff Services provides services to citizens, the business community, the courts and other government departments. These services include court security, inmate escorts, fine collection, process serving, execution of court orders, and bailiff services.

In the civil enforcement area, over 264 documents were processed and 202 new Writs of Execution were registered in the Sheriffs Registry. In terms of fine collection, 2921 drivers license Suspension Orders were issued in support of fine collection efforts.

## **Legal Services Section**

*Manager: Terri A. MacPherson, Q.C.*

### **Mission Statement**

The mission of the Legal Services Section is to fulfill the constitutional mandate of the Attorney General, as chief law officer of the Crown, by providing quality legal services to the Government of Prince Edward Island.

### **Main Activities**

The Legal Services Section is responsible for Government's civil law matters. Solicitors employed in the section provide comprehensive legal advice and legal services to government, including alternate dispute resolution services, and act for government in civil suits and tribunal proceedings. The following represents the types of legal service provided to government:

- represent the Director of Child Protection before the courts with respect to the protection of children;
- represent the Director of Maintenance Enforcement before the courts in the enforcement of court ordered financial support;
- appear before the Island Regulatory and Appeals Tribunal on ministerial appeals;
- represent the Government Self-Insurance and Risk Management Fund;
- represent the government in civil matters before the Supreme Court of Prince Edward Island and the Prince Edward Island Court of Appeal;
- represent the government in civil appeals before the Supreme Court of Canada;
- provide legal opinions on a wide range of matters to all government departments and to some commissions, agencies and Crown corporations;
- participate on a number of federal/provincial/territorial committees such as Forum on Management Issues, Aboriginal Law, Charter Conference; and
- provide advice on contracts and tender documents.

### **Goals**

The trend over the past few years has shown that the need for legal services has continually grown with an increase in its caseload and the complexity of some legal issues. The Legal Services Section will continue to maintain its current client base and existing service levels but will monitor the situation to ensure that all clients continue to receive quality service.



## Office of the Public Trustee, Public Guardian and Official Guardian

Manager: Denise Doiron

The Office of the Public Trustee, Public Guardian and Official Guardian is a service made available to the public for the purpose of ensuring that vulnerable members of our society are appropriately cared for and are not at risk. Through the work of the office the physical and financial well being of vulnerable clients is maintained in the best interest of that person. The office is called upon to assist a vulnerable person in matters of a personal and/or financial nature where there are no family or friends who are ready, willing and able to assist the person and there is an apparent need for assistance. The office operates on the principal that decisions made on behalf of a client of the office will always be made in the clients best interest .

Although the directing legislation for managing the affairs of a persons financial and personal interest empowers the office to step into the decision making role of a client, the office strives where possible to work through decisions on behalf of clients with the client themselves. The office maintains that where possible, working with the client in the decision making process is tantamount. It forms part of the mandate of the office. The integrity of the client will always be seen as a guiding principal in the work that is carried out by the office.

The Official Guardian role of the office provides for an independent oversight on behalf of minors and vulnerable adults of court settlements and other matters which may impact on the rights of these unrepresented parties in legal proceedings.

The Office of the Public Trustee, Public Guardian and Official Guardian was officially established as of April 1, 2009, under the Legal and Judicial Services Division of the Office of the Attorney General (now the Legal and Court Services Division of the Department of Justice and Public Safety). Prior to April 1, 2009, the Office of the Public Trustee, Public Guardian and Official Guardian were separate offices under different divisions and in some respects, different departments. The three offices were amalgamated and put under the authority of the Attorney General, due to the unique legal authorities and aspects of the work of the offices.

As at March 31, 2011, there were 367 Public Trustee and Public Guardian clients. In addition, this office now handles the Official Guardian role and a number of files were opened this year while additional files were brought forward from the previous years when the Official Guardian was not part of the office.

### **Public Trustee**

The Public Trustee is established as a corporation sole under the *Public Trustee Act* pursuant to an appointment of the Minister of Justice and Public Safety. The powers of the Public Trustee are established pursuant to the *Public Trustee Act*. The Public Trustee on appointment as committee for a client is empowered to manage the legal and financial affairs of a vulnerable person. The Public Trustee has also been granted specific powers by numerous pieces of legislation and the Rules of Court of the Province of Prince Edward Island. The Public Trustee can be appointed as Committee of a person upon receipt of 2 medical certificates from 2 practicing physicians within the province of Prince Edward Island (one designate is to be the attending physician of the person) who make a finding that a person is no longer able to manage his or her financial affairs by reason of incapacity. Certificates are based on a thorough assessment of the individual by the

physician. In many instances at least one assessment is conducted by the provincial geriatrician or a psychiatrist. The Public Trustee may also be appointed to act as committee pursuant to an order of the court.

Upon being appointed committee the Office of the Public Trustee will move to establish the asset base of the client and what is required for the benefit of the client to ensure that he or she is appropriately cared for. The Public Trustee will attempt where possible to gain guidance for any decisions that he makes from the client and is quick to recognize the importance of personal choices of a client and the clients desire to continue to participate in activities that are of interest of the client. The office will, in working with the client, attempt to advance the clients wishes where doing so is justifiable on a financial management basis.

The funds held in trust by the Public Trustee are not public funds, but personal funds of individuals who have been declared legally incapable of managing their financial and legal affairs. In addition, the Public Trustee holds funds on behalf of minors or other persons who are under disability, which were awarded through court settlements, estates, or under Attorney General's Orders pursuant to the Victims of Crime Act. The Public Trustee is also called upon to represent deceased persons in certain situations and act as Administrator of Estates when no one else is available or qualified to do so. In addition, the Public Trustee may act as litigation guardian for minors or other persons under legal disability, and may intervene in private applications for trusteeship if the Public Trustee considers it appropriate in the circumstances.

As at March 31, 2011, there were 330 Public Trustee clients with balances in their accounts ranging from \$18 to \$604,877.00. Funds, including assets, held in trust as at March 31, 2011, totaled approximately \$6.5 million. The funds of clients with available balances are invested in term bank deposits (total of \$2.8 million). The trust accounts are audited annually by the Auditor General and his report is available to the public.

There is a Public Trustee Advisory Committee which is consulted from time to time regarding administration and other issues as the need arises.

### **Public Guardian**

The Public Guardian is established under Part 3 of the *Mental Health Act* by court order. Upon being appointed as guardian, the guardian is empowered to make decisions of a personal nature on behalf of a client. Decisions made by the guardian may involve areas such as personal health care, residence, education, nutrition, and medical care. As with the Public Trustee authority, although the guardian is authorized to replace the decision making of the client, the public guardian will where possible, work with the client to advance decisions for the benefit of the client.

The Public Guardian sees its mandate as working with the client where possible in order to make decisions which are in the client's best interest. The Public Guardian, in respecting the integrity of the client, will work to involve the client, where possible in all decisions made on behalf of the client.

As at March 31, 2011, there were 37 client files under the Public Guardian. The clients of the Public Guardian are adult individuals who have been declared legally incapable of making decisions of a personal nature which are in their best interest. As it is recognized that without representation by a guardian the inability of the client to act on his/her own is putting that persons personal health at risk, the appointment of a guardian pursuant to the provisions of the *Mental Health Act* is determined to be a necessity.

With the exception of decisions regarding finances, the Public Guardian is responsible for making all personal decisions for clients related to all areas of daily living, including but not limited to those areas discussed previously. In addition, the Public Guardian is also mandated to make medical decisions on behalf of certain individuals, on a case-by-case/incident-by-incident basis, as a substitute decision-maker under the *Consent to Treatment and Health Care Directives Act*, when the individual is unable to consent to a required medical intervention and there is no one else available or able to consent to the medical intervention on behalf of the individual.

### **Increased Workload for Office of Public Trustee, Public and Official Guardian**

The number of client files under the Public Trustee has been increasing each year. It appears that many persons being admitted to supervised care and/or nursing care are being declared incompetent to manage their financial affairs before admission to a facility, and individuals remaining in the community are appearing to be becoming more vulnerable to being taken advantage of financially by others. The files are becoming more and more complex and are requiring much higher levels of involvement by the Public Trustee. Also, due to increasingly complex family dynamics, there is progressively more interaction with extended family members being required. The number of inquiries from the public and time spent responding to such inquiries, including explaining the process and trusteeship roles and responsibilities, has also been increasing steadily.

The number of client files under the Public Guardian has also been steadily increasing each year, and it is anticipated that this trend will also continue and very likely accelerate, particularly given the aging demographic of our society. As well, it is anticipated that the role of the Public Guardian will become increasingly more involved. The number of younger clients has been increasing in about equal number to the more aging clients. The overall physical ability of the clients on average is increasing, and the individual cases appear to be becoming progressively more complex. The end result is that the participation of the Public Guardian with each client is longer term and increasingly more involved and complex.

It is also anticipated that the changing age demographics, increase in individuals remaining in their homes longer and becoming more and more vulnerable, and decrease in family and/or community supports for these individuals will add to the client numbers and complexities of cases for both Public Trustee and Public Guardian.

The office continues to enjoy a close working relationship with the health care system and other agencies. As a result the office is better able to control the assets of clients who have been determined unable to look after their financial affairs and to assist in finding more appropriate alternatives and services for clients determined unable to look after their personal affairs.

Public Trustee, Public Guardian, Official Guardian  
Deputy Public Trustee  
Deputy Public Guardian  
Administrative Assistant

Denise Doiron (Acting)  
Robert L. Landry  
Judith A. Harper  
Nancy L. Walker

# Legislative Counsel Office

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*Director: Shawn B. Flynn*

## **Mission Statement:**

The mission of the Legislative Counsel Office is to draft and coordinate the publication of all government bills and regulations for the Government of Prince Edward Island.

## **Mandate**

The Legislative Counsel Office is responsible for the following services and functions:

reviewing proposals for bills;

- drafting bills and regulations for government;
- providing legal advice to government respecting legislation;
- drafting government motions respecting government bills;
- providing legal advice to the Operations Committee;
- providing a variety of services to the Legislative Assembly, including
  - staffing the position of the Law Clerk,
  - drafting and formatting legislation for Private Members,
  - indexing the Private Acts of the Assembly, and
  - sending bills to the government Web Site for the assembly;
- maintaining the printed and electronic records of the legislation of Prince Edward Island, including:
  - preparing consolidated statutes after each Session of the Legislative Assembly for the government Web site;
  - updating the electronic data base of the statutes and regulations of PEI;
  - updating the electronic histories of the amendments made to the Legislation of PEI;
  - maintaining the Legislative Counsel Web Site; and
  - preparing the Annual Volume of the Statutes of PEI.

## **Main Activities:**

- (1) During the Fall 2010 and Spring 2011 Sessions, 38 government bills and 2 private bills prepared by the Office were enacted (approximately 145 pages in total).
- (2) In addition, 54 regulations (approximately 138 pages) were completed by the Office from April 1, 2010 to March 31, 2011.
- (3) The consolidated versions of the regulations and the Acts of Prince Edward Island were updated frequently and made available to the public on the government website.

## PEI Office of Public Safety

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*Director: Aaron Campbell*

The Division, PEI Office of Public Safety, includes the 911 Administration Office, Provincial Fire Marshal's Office, PEI Emergency Measures Organization and the Business Continuity Management Program for Corporate Government. The Division is also responsible for representing Prince Edward Island on the tri-province Maritime Radio Communications Project.

The PEI Office of Public Safety is co-located with Public Safety Canada in the Joint Emergency Operations Centre on the sixth floor of the National Bank Tower in Charlottetown. (See S.II for more details on the JEOC).

The Office of Public Safety website at [www.peipublicsafety.ca](http://www.peipublicsafety.ca) includes practical information on courses and training offered, tips for personal emergency preparedness, planning templates for municipalities and organizations, and even a kids's fun page to help children become more familiar with emergency preparedness and simple safety precautions. The webpage is supplemented by facebook and Twitter sites, @peipublicsafety, which are regularly updated with preparedness tips, emergency public alerts and safety messages.

### **911 Administration Office**

The Prince Edward Island Emergency 911 Service operates under the authority of the *Emergency 911 Act*. The E911 System is a basic call answer/transfer system. For traditional, wire-line phones, specialized E911 software automatically draws information from a main data base and presents critical information on the call-takers screen, including the origin telephone number, the civic address location for that telephone, and call transfer keys for the fire, police and ambulance agencies which service that location. The system employs many built-in and back up features, such as call overflow routing, operator controlled disconnect, quick call back and manual line identification functions, all of which are consistent with public safety. The system is also engineered to handle a variety of incoming languages, as well as calls from people who are deaf or hard of hearing (TDD).

Working in conjunction with the Geomatics Division of Finance and Municipal Affairs, the 911 Administration Office plays a lead role in maintaining the provincial civic addressing data base, which serves as the foundation of the E911 Service. Cooperative arrangements have been established with 17 Island municipalities enabling them to report addressing changes directly to the 911 Administration Office. The flow of approved property development permits and subdivision application documents enables the 911 Administration Office to assign new civic addresses within rural-provincial addressing jurisdiction and within twelve smaller municipalities. The 911 Administration Office also ensures that new private roadways are adequately named and signed. The provincial department of Transportation and Infrastructure Renewal is also an integral partner in civic addressing matters involving official names for public roads, field signage for public roads, signage for private roadways and community name signage.

The 911 Administration Office regularly communicates with representatives of the emergency service community to improve public understanding of the E911 System and to provide the tools and information necessary to improve individual service capabilities and mutual aid agreements.

Public awareness and education continues to be an important activity of the 911 Administration Office. Public notices are issued regularly through traditional and social media to serve as important reminders about the E911 service and the provincial civic address system.

The provincial 911 Administration Office maintains the province's Master Dictaphone System, which records, in conjunction with the recording systems maintained by the Island's three Public Safety Answering Points (PSAPs), all 911 emergency calls placed on the Island. During the period April 1, 2010 and March 31, 2011 - the E911 system's 11<sup>th</sup> year of operation - approximately 30,811 emergency calls were received by the province's three Public Safety Answering Points (PSAPs). This is a 3.6% increase in the total number of calls received (29,760) during the period from April 1, 2009 to March 31, 2010.

**Initiatives:**

- Staff from the 911 Administration Office and managers of the Island's three Public Safety Answering Points (PSAPs) met on a regular basis to discuss quality control issues and other matters respecting the E911 Service.
- Staff participated in the consultations with the Canadian Radio-Television and Telecommunications Commission (CRTC) on the following issues in relation to 911 services: the Wireless Phase II project for identifying the location for 911 calls; Voice over Internet Provider (VoIP) services; and 911 text messaging initiatives for hard of hearing individuals.
- The Office of Public Safety awarded a contract to Medavie EMS to operate a Centralized 911 PSAP in the province with a projected start date of May 2011.
- The 911 Administration Office has worked closely with Medavie EMS to develop the training curriculum used to train all new 911 call takers.
- The 911 Administration Office also worked with the 911 software vendor to upgrade the software to allow for inclusion of an automated agencies of priority, that will identify the appropriate Emergency Service Providers for every incident.
- 911 Administration staff participated in, and co-hosted, the 911 Regional Council. These sessions opened discussions on a number of important matters related to 911 administration in the Atlantic Region, particularly best practices and lessons learned.

**911 Administration Office  
Statistical Figures**  
(April 1, 2010 to March 31, 2011)

911 Calls Received by three PSAPs	<b>30811</b>
Public Inquiries to Administration Office (primarily related to 911 and Civic Addressing)	<b>2,635*</b>
Private Roadways Identified, Named, and Signed	<b>29</b>
New Civic Addresses Assigned	<b>995</b>
Amendments to Civic Address Assignments - Provincial/ Municipal	<b>117</b>
Official Public Road Name Assignments/Amendments	<b>12</b>
911 Service Query Investigations	<b>2</b>
Certified 911 Call Transcripts provided, as per Court Order	<b>7</b>

\*Approximate

### Emergency Measures Organization

The PEI Emergency Measures Organization (EMO) is responsible to administer the *PEI Emergency Measures Act* and to coordinate and manage emergency management activities on behalf of the province. Emergency management includes the process of mitigation, preparedness, response and recovery for the protection of persons, property and the environment in response to emergencies and disasters.

### Financial Assistance

The Emergency Measures Organization administers, in cooperation with Public Safety Canada (PSC), two federal financial assistance programs dedicated to emergency management: the Joint Emergency Preparedness Program (JEPP) and Disaster Financial Assistance Arrangements.

Prince Edward Island is allotted approximately \$100,000 annually through the JEPP. Two projects were funded through this program during the 2010/11 fiscal year.

Applicant	Project	Federal Contribution
Province of PEI	Ortho Photo Digital Airborne Imagery	\$ 44,087.00
Community of Murray Harbour	Generator	\$ 7,867.00
	<b>TOTAL</b>	<b>\$ 51,954.00</b>

### Emergency Public Information

EMO encourages and promotes public awareness of emergency management by delivering informative presentations to various groups and by providing educational material and resources to the general public. Public information includes practical emergency management tips and steps to help Islanders prepare for, respond to, and recover from, emergencies.



Throughout the year Public Safety Officers participated in numerous community presentations and information sessions across the Island, including:

- PEI Family Expo held at Credit Union Place in Summerside
- Federation of PEI Municipalities Annual General Meeting
- Occupation Health and Safety division of the Queen Elizabeth Hospital
- The Town of Souris

EMO Staff actively participate in National Emergency Preparedness (EP) Week. Emergency Preparedness Week is an annual national awareness initiative that takes place each year during the first full week of May. This year, EMO highlighted the importance of emergency preparedness for seniors, people with disabilities, and their families and supporters, through partnerships with the PEI Seniors' Secretariat, RCMP, Canadian Red Cross, PEI Council of People with Disabilities, Queens County Residential Services, Bell Aliant, Maritime Electric, Island EMS and the Town of Stratford. Personal preparedness sessions were held in five communities, and Islanders were invited to participate in online campaigns for a chance to win a starter emergency kit.

### **Emergency Planning**

EMO continues to work with municipalities across the Island to provide guidance for emergency management. Public Safety Officers worked closely with more than 11 municipalities to provide Emergency Management awareness sessions to members of the municipal councils, and to assist - through planning, training and exercising - councils to develop Emergency Management Programs.

Public Safety Officers conducted reviews of several emergency plans from Island municipalities and internal government departments, in order to help enhance the organization's capacity for response and recovery.

### **Training**

The Emergency Measures Organization continues to deliver emergency management sessions, primarily Basic Emergency Management training, which introduces participants to the four components of emergency management: mitigation, preparedness, response and recovery. This past year, staff developed and presented new training courses, including Emergency Operations Centre Management, Emergency Public Information, Exercise Design, and Incident Command System.

Throughout this fiscal year, EMO offered a combination of six courses, training more than 180 people. In addition, the Basic Emergency Management course is regularly delivered to cadets at the PEI Justice Institute in Summerside. This year Public Safety Officers provided training to 120 cadets.

### **Exercising**

Exercising is a critical component of a comprehensive Emergency Management Program; testing plans and enhancing operational relationships between response agencies are just two of the key benefits to exercising. EMO assists municipalities, government departments, volunteer groups and the private sector to develop, coordinate and deliver emergency management exercises. The fiscal year 2010/2011 was a busy year with 13 exercises.

- Souris Hospital Table - Top Exercise
- Summerside Emergency Operation Centre (EOC) - Tabletop Exercise
- Murray Harbour Table - Top Exercise
- Province of PEI Department Emergency Services Officers - Table Top Exercise
- Stratford - Table Top Exercise
- Department of Health - Table Top Exercise
- Charlottetown EOC - Tabletop Exercise
- Tignish EOC - Tabletop Exercise
- Alberton/O'Leary Hospitals - School Bus Exercise
- Charlottetown, Cassumpec, Souris, and Fortune Bay - Search and Rescue Exercises (SAREX)

### **Search and Rescue**

RCMP, through the Provincial Policing Agreement, coordinate and manage PEI Ground Search and Rescue training and response activities. EMO staff bring together provincial government resources to support land, marine, and air search and rescue services; to determine the availability of support, and establish direct liaison between the responsible authorities and the providers of resources and services.

The Prince Edward Island Emergency Measures Organization participates as a member of the National Ground Search and Rescue Council of Canada. This group meets twice annually to address national issues relating to search and rescue, and to enhance training for members.

### **Joint Emergency Operations Centre (JEOC)**

The Joint Emergency Operations Centre operates daily at Level 1, which means events are monitored locally, regionally and worldwide. Emergency preparedness messages are disseminated to the public regularly. Level 2 means a perceived threat is more predictable. Additional staff may be called in or placed on stand-by. Level 3 means an imminent threat applies or the event or incident has already happened. Operational staff, including the JEOC Operations Group, are activated.

The JEOC Operations Group is made up of a team of representatives from various government and external agencies that coordinate the government's response to an emergency or disaster situation. It is chaired by the Director of the Public Safety and is comprised of Department Emergency Services Officers (DESOs), representing each provincial government department. Additional members of the JEOC Operations Group may include (depending on the emergency situation) representatives from RCMP "L" Division, the Fire Marshal's Office, Maritime Electric, Bell Aliant, and the Red Cross. The Operations Group may also include representatives from the federal government or non-governmental agencies, as deemed necessary.

The JEOC was activated, or monitoring at an appropriate level took place, for the following events during the F/Y 2010 - 2011:

- Hurricane Earl; September 2010. Enhanced monitoring mode.
- Cavendish Beach Music Festival; July 2010. Staff were active throughout the planning stages for this major public gathering, and throughout the five day Country Music Festival held in the Resort Municipality (Cavendish).
- Storm Surge; December 2010. Enhanced monitoring mode and active in collecting reports of coastal property damage.
- Storm Surge; January 2011. Enhanced monitoring mode and active in collecting reports of coastal property damage.

### **Risk Assessment**

As part of province wide Threat and Risk Assessment Program, Public Safety Officers visited various critical infrastructure sites throughout the year, to review facilities and emergency plans to gain awareness of the potential impacts to the province in an emergency or disaster. Site visits:

- Charlottetown Airport Authority
- First Nations Infrastructure at Lennox and Abegweit Bands
- Bell Aliant
- Charlottetown Harbour Authority

### **Office of the Provincial Fire Marshal (FMO)**

The Office of the Provincial Fire Marshal is staffed by the Fire Marshal, the Deputy Fire Marshal, and a Building Safety Inspector. The office administers the *Fire Prevention Act and Regulations* as well as the *National Fire Safety Codes and Standards (NFPA)*.

The mandate of the office is to provide information, education, and leadership to fire departments and various institutional, municipal, and emergency service officials across the province to enhance their capabilities to protect citizens from the devastation of fire and all related hazards.

The FMO's program delivery is divided into three areas of responsibility:

- Regional Services: inspecting buildings, controlling building occupancies, investigating fires, and providing advisory services and enforcement assistance to local fire chiefs (identified in the *Fire Prevention Act* as "assistants".)
- Technical Services: reviewing plans, providing fire loss analysis and consulting on fire safety and regulations
- Training and Education: serving fire departments, the general public, and occupational groups. Public education presentations to approximately 28 groups this year.

The Fire Marshal's Office works in cooperation with the following agencies and associations at the community, provincial, and national levels to reduce losses from fire:

- Crime Stoppers PEI
- Council of Canadian Fire Marshals and Fire Commissioners Canada
- PEI Network for Injury Prevention
- Canadian Gas Association
- PEI Agricultural Chemical Spill Response Committee
- Underwriters Laboratories of Canada
- PEI Petroleum Marketers Association
- Partnership for Children
- Critical Incident Stress Debriefing Team PEI
- Canadian Fallen Firefighters Association
- PEI Firefighters Association
- Canadian Association of Fire Chiefs
- PEI Hazardous Materials Response Team
- Kings Mutual Aid Group
- West Prince Mutual Aid Association
- Central Queens Mutual Aid Group

The Fire Marshal's Office provided technical and administrative support to the PEI Firefighters Association and the PEI Fire School for the following:

- 46 instructors, presented on 47 different course topics
- 370 firefighters from 28 fire departments participated in training throughout the year
- A total of 1812 sessions were offered

To aid the Fire Marshal's Office (FMO) in the collection of fire service response statistics, response activity information from the three fire service dispatch centres (Medacom Atlantic, City of Charlottetown Fire Services, and City of Summerside Police Services) is submitted to the FMO on a daily basis. The FMO uses this information to create a Daily Activity Report which is then issued to all members of the PEI fire service, neighbouring provincial Fire Marshal's Offices, and other interested parties such as the insurance industry.

The report includes a synopsis of the previous days incidents, the forest fire index for that day, contact information for the on-call fire investigator, details on upcoming training courses at the PEI Fire School, any road closures from Department of Transportation and Infrastructure Renewal, scheduled electrical power interruptions from Maritime Electric, and other relevant information. This report is a valuable tool for disseminating time sensitive information to the Island Fire Service. The response activity information from the report is also posted online and made available to the media and public on the website, and upon request.

The Fire Marshal's Office issued occupancy permits for special events, including the Cavendish Beach Music Festival, which drew thousands of spectators to the concert site and posed a number of challenges in respect to fire and evacuation issues. Permits were also issued to smaller community based events throughout the Island.

During the 2009-2010 fiscal year the Fire Marshal's Office continued to work with various fire departments to facilitate the creation of the Central Queens Mutual Aid Group. This group currently collaborates on large fire incidents through a 'gentlemen's agreement'. The FMO is assisting in the development of a Mutual Aid Agreement that will enhance rural water shuttle capability and will be recognized by the Fire Underwriters Survey. Such recognition could potentially result in a reduction of fire insurance premiums for residents and commercial occupancies in the area. Similar Mutual Aid Groups are already in place in the Prince and Kings County areas.

### **Prince Edward Island Fire Service Advisory Committee**

In December 2010, The Minister of Justice and Public Safety met with about 80 members of the volunteer fire service from across the province and heard about many issues of concern, including recruitment, retention, and training. The Minister requested that an advisory committee be implemented to address issues of concern, and that the committee provide government with recommendations to address the key issues.

#### Committee co-chairs:

Tim Jenkins, president of the PEI Firefighters Association  
Provincial Fire Marshal David Blacquiere

#### Committee members:

Islanders from the volunteer fire service, representing each county, and from a cross-section of municipal and rural services.

Troy Ferguson, Murray River;	Allan Gallant, Georgetown;
Colin LaVie, Souris;	Jay Adammsen, St. Peters;
George Stewart, Vernon River;	Jamie Masson, North Rustico;
Wayne MacDonald, North Shore;	Jason Peters, New Glasgow;
Ron Young, Crossroads;	Randy MacDonald, Charlottetown;
Jim Peters, Summerside;	Adam Baldwin, Kinkora;
Harvey Stewart, West Point;	Harley Perry from Tignish.

The Prince Edward Island Fire Service Advisory Committee held its first meeting in March and continues to explore issues facing the volunteer fire service province-wide.

**Office of the Provincial Fire Marshal  
Statistical Figures  
(April 1, 2009 to March 31, 2010)**

Building, Fire, & Occupancy Inspections	<b>334</b>
Fire Investigations Conducted by the FMO	<b>88</b>
Building Plans Reviewed	<b>186</b>
Fire and Explosion Deaths	<b>4</b>
Fire Service Incident Response's Recorded	<b>2,699</b>
Individual Fire losses over 1 million dollars	<b>1</b>
Fire Works and Pyrotechnics Permits issued	<b>23</b>
Burning Permits Issued (standing structures)	<b>52</b>
Occupant Capacity Permits	<b>98</b>

### **Business Continuity Management Planning**

This year the Business Continuity Management Planning section of the Office of Public Safety continued to develop and implement a Business Continuity Management Program for the Government of PEI. The Province of PEI has committed to ensuring that all government departments have appropriate business continuity plans in place.

Business continuity management includes the processes, procedures, decisions and activities to ensure that a department or agency can continue to function through an operational disruption. It is also an ongoing process of risk assessment and management. This program focuses on the protection of government resources (human resources, facilities, IT and telecommunications, finances, reputation, and data / records) and lines of business of the Government of Prince Edward Island.

Prince Edward Island's business continuity management program is being based on the "Good Practice Guidelines" of the Business Continuity Institute, and follow the British Standards BS25999 and the National Fire Protection Association NFPA 1600, two internationally recognized standards on business continuity management. The Provincial program will also comply with the Canadian standard CSA Z1600.

Throughout the past fiscal year, the Business Continuity Planning Unit has made progress in advancing Business Continuity Management (BCM) throughout various Departments. These accomplishments fall under four broad categories: training and education; project development; planning and project implementation.

As a result of this work and the significant effort of departmental coordinators, all provincial government departments are engaged in the planning process and working within a defined timeline to develop BCM plans.

The Business Continuity Planning Unit has also been working on a corporate level to explore interdependences, coordinate government wide planning and response, and define priority programs and services.

### **Maritime Radio Communications System Initiative**

A Memorandum of Understanding, signed by the Provinces of New Brunswick, Nova Scotia and Prince Edward Island on August 31, 2008, signified the beginning of an analysis to determine feasibility of procuring a single, public safety-grade mobile radio communications system, which would be shared by approximately 2,000 users in PEI and approximately 12,000 public safety-related users in the Maritime region.

Once feasibility of the initiative was established, a tri-province team prepared for issuance of a Requests for Proposals and made application for Federal funding assistance, which attracted interest from the newly-created P3 Canada Fund.

In May of 2010, P3 Canada announced funding for 25% of eligible costs of the initiative, up to \$50,000,000.

Following tri-province government approvals, a formal Request for Proposals (RFP) for a Maritime Radio Communications System (MRCS) was released on August 12, 2010 by Nova Scotia, on behalf of Nova Scotia, New Brunswick and Prince Edward Island.

The MRCS tri-province team continued work on governance models for various phases of the initiative, and to define an appropriate mechanism for the partnering provinces to interface with a private partner.

Formal responses from registered bidders are expected in the fall 2011.

## Policy, Policing and Crime Prevention Division

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Director: *Ellie Reddin*

### Overview

This division serves as a resource to the Department of Justice and Public Safety in the areas of policy development, policing, communications, planning, FOIPP, crime prevention, and community and social development.

### Staff of the Policy, Policing and Crime Prevention Division

- provide policy analysis and advice to the Attorney General and Deputy Attorney General;
- coordinate departmental criminal justice policy development;
- develop policing policy for the province, coordinate the provincial police training fund, and contribute to national policing policy;
- participate in managing the policing contract with the RCMP;
- coordinate planning and communications for the department;
- provide resources to Aboriginal justice, crime prevention/community safety, and public legal education;
- serve as OAG liaison for federal/provincial/territorial (FPT) criminal justice committees and working groups;
- represent the provincial government at the FPT Continuing Committee of Officials on Human Rights;
- provide departmental coordination for the Freedom of Information and Protection of Privacy Act and the French Language Services Act;
- provide leadership and federal/provincial liaison regarding justice research and statistics;
- participate in the healthy child development strategy;
- provide consultation to community and government agencies;
- encourage community involvement in justice issues;
- provide leadership and resource business continuity planning and emergency planning, and carry out the duties of the Departmental Emergency Services Officer (DESO); and
- provide leadership to the High Risk Offenders Advisory Committee and the Provincial Implementation Committee for the Sex Offender Registry.

### Crime Prevention/Community Safety

The PEI Partners for Community Safety, established in June 2008, is a knowledge and communication network where people learn from each other and make links among activities to strengthen the impact for safer communities. Everyone contributes to safer communities and there are partners from eight sectors: community organizations, community interest groups, Aboriginal justice, municipalities, provincial and federal government departments, the private



sector, and police. We are guided by the PEI Safer Communities Framework developed in 2007. The purpose is to work collaboratively across government and community sectors to reduce crime and create supportive environments where people feel safe and are safe. The Partners published 4 quarterly newsletters, the second annual report, updated speakers' kits and in June 2010 launched the Partners web site hosted by the Department. [www.communitysafetypei.ca](http://www.communitysafetypei.ca) Intern Nick Mullen assisted with this work.

The long-term goals are to:

- Increase capacity of local communities to address crime and victimization
- Reduce risk factors and increase protective factors for individuals and families
- Address unique needs of vulnerable people
- Create supportive environments for individuals and families.

The strategies are to:

- Strengthen community action
- Develop personal skills
- Build holistic policy.

The Justice Resource Service also continues to provide support to the Summerside Community Advisory Committee.

The Manager, Justice Resource Service, served on the Board of the Atlantic Summer Institute on Healthy and Safe Communities (ASI) which explores the integral links between health promotion, crime prevention and social development. The sixth annual Summer Institute was held in August 2010, with the theme of Innovation and Collaboration: Building Resilient Communities.

### **Aboriginal Justice**

The Division continued to provide support to the Mi'kmaq Confederacy of PEI Aboriginal Justice Program (MCPEI AJP). The MCPEI AJP has an Advisory Committee that includes Lennox Island and Abegweit First Nations, the Aboriginal Women's Association of PEI and the Native Council of PEI. Funding for MCPEI AJP is cost-shared through Canada's Aboriginal Justice Strategy. The program operates in the context of a Tripartite Agreement between Canada, PEI and MCPEI for the 2008-2012 and a Memorandum of Understanding between Canada and PEI for 2008-2012. Successful events included the 4th Aboriginal Justice Forum held in October 2010 and a 2nd Atlantic Circle Keepers workshop held in March 2011.

A small research project called Mapping Needs and Assets in Prince Edward Island for Aboriginal People Involved in Justice Issues began in 2010. The PEI Department of Justice and Public Safety guides this project, in collaboration with the Mi'kmaq Confederacy of PEI Aboriginal Justice Program and Canada's Aboriginal Justice Strategy. Justice Canada's Aboriginal Courtwork Program has provided funding for the project. MRSB Consulting Services Inc. of Charlottetown has been engaged to carry out research and report writing.

The idea is to map needs and gaps in service for Aboriginal people involved in the justice system and to identify strengths and assets in the community that can be built upon. The Project Steering Committee hopes that the results of this project will help create a foundation for evidence-based decision-making. Intern Nick Mullen assisted with this work.

The Manager of the Justice Resource Service participated on the FPT Working Group on Aboriginal Justice. FPT Deputy Ministers had identified the following four areas as priorities for the Working Group:

- Spousal abuse
- Child abuse
- Missing and murdered Aboriginal women
- Family, offender and community healing

### **Policing Services**

As reported in the 2009-2010 Annual Report, the new *Police Act* was proclaimed March 13, 2010.

In the calendar year of 2010, there were 101 full time municipal police officers, 8 part time police officers, 7 security police officers and an additional 12 police officers appointed for the summer season for a total, at peak season, of 131 officers. There were 26 auxiliary constables (volunteers) conducting duties pursuant to the *Police Act*. The Atlantic Police Academy had 7 instructing officers, 4 civilian instructors and appointed 81 police cadets.

In calendar year 2010, three (3) complaints pursuant to the *Police Act* were filed with chiefs of police in the province. All three were determined to be unfounded. There were no requests for the Office of the Police Commissioner to review a decision rendered on a complaint by a Chief of Police. No complaints were filed with the Office of the Police Commissioner pursuant to the *Police Act*.

Police Commissioner Gerard Mitchell, Deputy Police Commissioner Roy Ridlington and Manager/Senior Investigator Paul Stetson continue to provide services of the Office of the Police Commissioner. The Police Commissioner submitted an annual report to the Minister.

During the first year of operation of the new *Police Act*, through the work of the Police Policy/Training Advisory Group (group), chaired by the Policing Services Manager, the following achievements are highlighted:

- A provincial standard identification card for persons appointed under the *Act* was established and set out in the Minister's Directive on Identification Cards. The General Regulations related to the content of identification cards were amended to reflect the needs of police services..
- In May of 2010, the group completed work on the development of the provincial police training standards. The work was embodied in the Minister's Training Directive on Police Training. The Directive was signed by the Minister in November 2010 and came into effect January 1, 2011. All persons appointed pursuant to the *Police Act* are required to maintain a prescribed training regime which is based upon the best practices of policing services

nationally. The standards will serve as a foundation for future police training planning. Officers appointed pursuant to the *Police Act* are required to be compliant with the training standards by December 31, 2011 and as required thereafter.

- The Police Response to Domestic Violence - Woman Abuse Protocol was revised and all police services, inclusive of RCMP, municipal and security police services at UPEI, signed the protocol in November 2010. Consequently, all police services in PEI now apply the same procedures for responding to incidents of domestic violence in PEI.
- A Minister's Directive on Appointments of Security Police Officers and Extra-Jurisdictional Police Officers was signed in December 2010 giving effect to procedures for appointments of security police officers employed by the University of Prince Edward Island. Also, procedure was established for the temporary appointment of police officers from other provinces who may on occasion conduct duties in PEI.
- A comprehensive set of 18 forms required for processing complaints against police officers and instructing officers is being piloted and evaluated. This will result in province wide standard forms for the processing of complaints.

Based on a sharing formula developed by police agencies, the department continued to distribute to police agencies their respective portions of the annual \$50,000 provincial contribution to municipal police training.

Consultation with police services resulted in work on the following emerging areas:

- thefts of significant quantities of copper in the province and in the Atlantic Region;
- province wide application of the crime reduction and prolific offender intervention model;
- a significant increase in requests from employers and volunteer groups for criminal record and vulnerable sector checks;

Chiefs of police, the Director of the Atlantic Police Academy and the Director of Security Services at the University of PEI submitted annual reports to the Minister as per requirements of the *Act*. This is the first time that police services have provided annual reports to the Minister and they were well received. Police services and the department are piloting a template for the annual reports.

The Policing Services Manager contributed to the following working groups:

- national review of policy regarding the use of Conductive Energy Weapons by police officers,
- the provincial coordinating committee for Amber Alert,
- the national review and refinement of the Canadian Police Information system (CPIC),
- the Atlantic Coordinating Committee on Organized Crime and the National Working Group on Organized Crime, and
- is an ex-officio member of the Provincial Executive Committee of CISPEI.

The High Risk Offenders Advisory Committee met on a quarterly basis and additionally as required to contribute to the effective management of high risk offenders in the community.

The Director participated on the Federal/Provincial/Territorial Assistant Deputy Minister's Committee on Policing Issues, the National Coordinating Committee on Organized Crime, and the FPT Committee on First Nations Policing. The Director and Policing Services Manager participated in meetings with the PEI Association of Chiefs of Police.

### **Emergency Planning and Business Continuity Planning**

The Policing Services Manager, in the role of Departmental Emergency Services Officer (DESO), continued work with the Business Continuity Coordinator and implementation teams toward development of a business continuity plan for the department. The DESO continues to refine the department's emergency plan.

### **Policy Development**

Initial work was done towards development of policy binders to consolidate departmental policies in one place. Policies to be included relate to Victim Impact Statements, Alternative Measures, Spousal Abuse, and Management of High Risk Offenders. It is hoped the policy binders will be ready for distribution in the coming fiscal year.

### **Human Rights**

As PEI's representative on the FPT Continuing Committee of Officials on Human Rights, the Director gathers information from officials in various departments for PEI's submission to Canada's reports on the seven UN human rights treaties Canada has ratified, and also responds to other requests for information on an ongoing basis.

Executive Council supported Canada's ratification of the UN Convention of the Rights of Persons with Disabilities, which occurred on March 11, 2010. The Division convened an internal reference group from various departments to assist in preparing PEI's submission for Canada's first report to the UN.

With the assistance of an inter-departmental committee, the Director completed PEI's submission to Canada's 19th and 20th report on the Convention on the Elimination of All Forms of Racial Discrimination. Intern Nick Mullen assisted the Director with the initial work on PEI's submission to Canada's 6th Report on the UN Covenant on Economic, Social and Cultural Rights. This submission is to be completed in the 2010/11 fiscal year.

### **Communications**

The Planning, Communications, and FOIPP Coordinator provides both internal and external communications support. Activities include providing strategic communications support to the Minister, Deputy Minister, and senior staff regarding issues; responding to media inquiries; initiating strategic internal and external marketing initiatives; and preparing legislative briefing materials.

### Access and Privacy Services

The Department of Justice and Public Safety is home to this service which provides government-wide policy advice and support regarding the operation of the *Freedom of Information and Protection of Privacy (FOIPP) Act*, regulations, policies and procedures. The Access and Privacy Services Manager assists FOIPP coordinators and alternates by providing them with ongoing training and advice. In addition to these responsibilities, the Access and Privacy Services Manager is the delegated FOIPP Coordinator of the Department of Justice and Public Safety and has responsibility to process FOIPP requests received by the department. The Department of Justice and Public Safety received eight requests for information under the *FOIPP Act* in 2010-2011.

This fiscal year, public bodies experienced an increase in the number of access to information requests received under the *FOIPP Act*.

	2008-2009	2009-2010	2010-2011
Requests for records (includes personal information requests)	78	85	109

### Strategic Planning

Strategic planning processes within the department are led by senior management, with the Planning, Communications, and FOIPP Coordinator providing support where required.

### Personnel

In 2010/11, the Policy, Policing and Crime Prevention Division included:

Director - Ellie Reddin (to Dec 2010)

Jill Lightwood, (Acting from Dec 2010)

Manager, Justice Resource Service - Jill Lightwood

Planning, Communications, and FOIPP Coordinator – Joanne MacKinnon

Beth Cullen (Acting from July-Dec 2010)

Policing Services Manager – Gordon Garrison

Provincial Manager, Access and Privacy Services - Kathryn Dickson (from Dec. 2010)

Administrative Assistant - Margaret Creamer

Administrative Support (0.9 FTE) - Bonnie MacLean

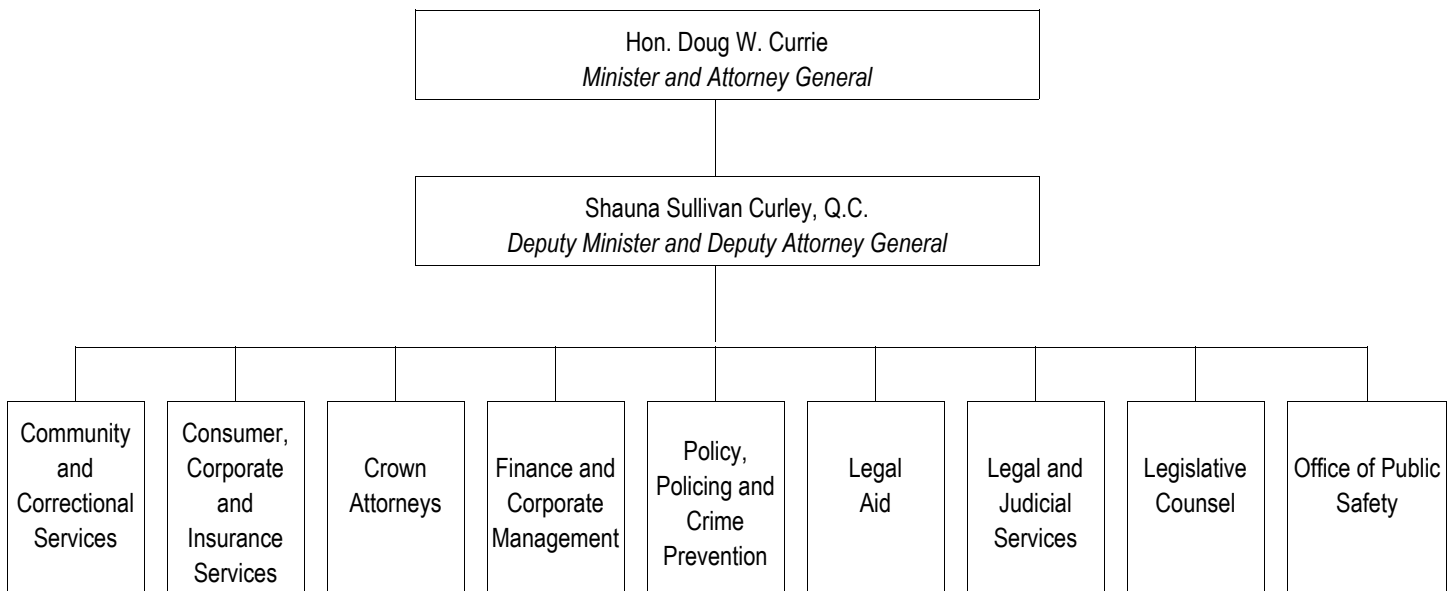
Consultant (contracted part-time) - Julie Devon Dodd

Intern Nick Mullen

Intern Matthew Drover

# Department of Justice and Public Safety

## Organizational Chart 2010-2011





Design: Creative Services  
Printing: Document Publishing Centre  
2013