



Justice

Administration Finance & Justice Innovation
1110-405 Broadway, Winnipeg, Manitoba, R3C 3L6
<http://www.gov.mb.ca/justice/index.html>

June 29, 2016

17(1) 17(2)(e)

17(3)(f)(i)

Winnipeg, MB

Dear 17(1) 17(2)(e) 17(3)(f)(i)

Re: **Your request for Access to Information under Part 2 of the Freedom of Information and Protection of Privacy Act: Our File 2016-43**

On May 5, 2016, Manitoba Justice received your request for access under *The Freedom of Information and Protection of Privacy Act* (FIPPA) for the following:

"All materials provided to the current Minister of Justice since the most recent provincial election, including but not limited to: advisory and briefing notes, house books and house preparation materials related to the transition of government. This includes materials related to the Community Safety Division of Justice".

I understand that on May 18, 2016, the Information Privacy Policy Secretariat (IPPS) contacted you to clarify your request which reads as follows:

"The transition binder prepared by the department and provided to a new Minister upon appointment that describes the department structure, responsibilities, priorities and critical issues, as well as any advisory notes, briefing notes, or other materials provided to the minister by the date of the access request."

I further understand that on June 3, 2016 the IPPS sent you a letter extending the time limit for an additional thirty days under the Act in order to respond to your access request.

One of the purposes of FIPPA is to allow any person a right of access to records in the custody or under the control of a public body, subject to limited and specific exemptions which are set out in the Act. Please be advised that partial access is granted to your access request. Our department House Book comprises a total of 122 pages; and our transition binder comprises a total of 62 pages. In total, 71 pages are granted in full, 107 pages are provided in part with some redaction; and 6 pages are withheld in full under various exceptions to disclosure. The responsive records are included with this letter.

Under Part 2, Access to Information, of *FIPPA*, we are unable to provide you with all the information requested. As required by subsection 7(2) of *FIPPA*, we have severed information that is excepted from disclosure and have provided you with as much information as possible.

Section 7 of FIPPA states:

Right of access

7(1) *Subject to this Act, an applicant has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.*

Severing information

7(2) *The right of access to a record does not extend to information that is excepted from disclosure under Division 3 or 4 of this Part, but if that information can reasonably be severed from the record, an applicant has a right of access to the remainder of the record.*

The following exceptions to disclosure apply to various parts of the withheld records:

1. Disclosure harmful to a third party's privacy

Disclosure harmful to a third party's privacy

17(1) *The head of a public body shall refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's privacy.*

Disclosures deemed to be an unreasonable invasion of privacy

17(2) *A disclosure of personal information about a third party is deemed to be an unreasonable invasion of the third party's privacy if*

...

(b) the personal information was compiled and is identifiable as part of an investigation into a possible violation of a law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

(e) the personal information relates to the third party's employment, occupational or educational history;

(g) the personal information describes the third party's source of income or financial circumstances, activities or history

...

Determining unreasonable invasion of privacy

17(3) *In determining under subsection (1) whether a disclosure of personal information not described in subsection (2) would unreasonably invade a third party's privacy, the head of a public body shall consider all the relevant circumstances including, but not limited to, whether*

...

(f) the personal information is highly sensitive;

(i) the disclosure would be inconsistent with the purpose for which the personal information was obtained

...

Section 17 is a mandatory exception to disclosure. This section provides for the protection of an individual's personal privacy. Release of personal information would constitute an unreasonable invasion of a person's privacy. Accordingly, the disclosure of information falling under this exception must be refused.

2. Disclosure harmful to relations with other governments

Disclosure harmful to relations between Manitoba and other governments

21(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to harm relations between the government of Manitoba or a government agency and any of the following or their agencies:

- (a) the Government of Canada;*
- (b) the government of another province or territory of Canada.*

Section 21 is a discretionary exemption. This section provides for the ability to discuss issues openly and frankly with the federal government and other governments and is vital to our working relationships. Disclosing such information could be harmful and impede those ongoing working relationships. Information falling under this exception is therefore not provided.

3. The information is advice to a public body

Advice to a public body

23(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to reveal

- (a) advice, opinions, proposals, recommendations, analyses or policy options developed by or for the public body or a minister;*
- (b) consultations or deliberations involving officers or employees of the public body or a minister;*
- (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Manitoba or the public body, or considerations that relate to those negotiations;*
- (d) plans relating to the management of personnel or the administration of the public body that have not yet been implemented*
- (e) the content of draft legislation, regulations and orders of ministers or the Lieutenant Governor in Council; or*
- (f) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.*

Section 23 is a discretionary exemption to disclosure. The application of this section is necessary to maintain and encourage candour when advice, opinions, analytical alternatives

and recommendations in the context of a deliberative or decision making process involves the public body. Information falling under this exception is therefore not provided.

4. Disclosure would be harmful to legal proceedings

Disclosure harmful to law enforcement or legal proceedings

25(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to

...

(n) be injurious to the conduct of existing or anticipated legal proceedings.

Section 25 is a discretionary exception to disclosure. This section provides that the public body has the discretion to refuse to disclose information that could reasonably be expected to be injurious to the department in the conduct of existing or anticipated legal proceedings. Information falling under this exception is therefore not provided.

5. The information is subject to solicitor-client privilege

Solicitor-client privilege

27(1) The head of a public body may refuse to disclose to an applicant

(a) information that is subject to solicitor-client privilege;

(b) information prepared by or for an agent or lawyer of the Minister of Justice and Attorney General or the public body in relation to a matter involving the provision of legal advice or legal services or in relation to the investigation or prosecution of an offence.

(c) information in correspondence between an agent or lawyer of the Minister of Justice and Attorney-General or the public body and any other person in relation to a matter involving the provision of legal advice or legal services or in relation to the investigation or prosecution of an offence.

Section 27(1) is a discretionary exception to disclosure. This section provides that information falling under this exception is recognized by the common law that communications between solicitor and client are privileged. It allows that all persons have full and ready access to legal advice and that full and frank communications take place in that solicitor client relationship. Information falling under this exception is therefore excepted from disclosure.

Third party's solicitor client privilege.

27(2) The head of a public body shall refuse to disclose to an applicant information that is subject to a solicitor-client privilege of a person other than the public body.

Section 27(2) is a mandatory exception to disclosure, meaning any information that falls within this exception cannot be disclosed. This section provides that information falling under this exception is privileged and belongs to a third party. The disclosure of information falling under this exception therefore must be refused.

6. The disclosure would be harmful to economic and other interests of the Department

Disclosure harmful to economic and other interests of a public body.

28(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to harm the economic or financial interests or negotiating position of a public body or the Government of Manitoba, including the following information:

- ...
- (b) financial, commercial, scientific, technical or other information in which a public body or the Government of Manitoba has a proprietary interest or right of use;
 - (c) information the disclosure of which could reasonably be expected to
 - (i) result in financial loss to,
 - (ii) prejudice the competitive position of, or
 - (iii) interfere with or prejudice contractual or other negotiations of,

a public body or the Government of Manitoba.

Section 28 is a discretionary exception to disclosure. This section allows the public body to protect information which if released could reasonably be expected to harm the economic, financial, contractual interests or other negotiations of the government or the public body. Information falling under this exception to disclosure is therefore not provided.

With respect to the discretionary exceptions, we considered whether we should exercise our discretion in favour of disclosure and concluded we should not do so in all the circumstances.

In the interest of the Manitoba Government's commitment to openness and transparency, this response letter along with the responsive records will be made available on our proactive disclosure website. Any personal or other confidential information belonging to you or a third party will be removed prior to disclosure.

Subsection 59(1) of FIPPA provides that you may make a complaint about our decision respecting your request for access to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to: Manitoba Ombudsman, 750-500 Portage Avenue, Winnipeg, MB R3C 3X1, phone: 1-204 982-9130.

If you have any questions, please contact Ms Debbie Haddad, FIPPA Access & Privacy Coordinator at 204-945-2892 or by mail at 1110-405 Broadway, Winnipeg, MB R3C 3L6.

Yours truly,



Irene Hamilton
Assistant Deputy Attorney General &
FIPPA Access Officer

c. Ms D. Haddad, FIPPA Coordinator
enclosures

REDACTED VERSION

TABLE OF CONTENTS # 2016-43 FIPPA
Spring Session 2016 – New Government

CRIMINAL LAW

Prosecutions

1. Community Prosecutor
2. Court Delay
3. Prosecutions Staffing & Workload

Victim Services

4. Bill C-32 – the Canadian Victims' Bill of Rights
5. Domestic Violence Death Review Committee
6. Missing Women
7. The Victims' Bill of Rights Legislation
8. Victim Services Overview

Innovation & Restorative Justice

9. Aboriginal & Community Justice Programming
10. Justice Innovation & Delivery

CIVIL LAW

Crown Law Analysis and Development

1. Drinking and Driving Inventory of Initiatives
2. How the Community Notification Process Relates to Management of High Risk Sex Offenders
3. Manitoba Crime, Homicide and Motor Vehicle Theft Statistics
4. Issues Discussed at Recent FPT Justice Ministers' Meetings
5. MADD Canada Rating the Provinces Report 2015
6. Provincial Internet Site for Sex Offenders

Criminal Property Forfeiture

7. The Criminal Property Forfeiture Act

Legal Services

8. Inquest Legal Fee Funding Policy
9. Kyle Unger Compensation Request
10. Legislative / Legal Responses to Trafficking in Persons
11. Tobacco Litigation – Health Care Cost Recovery

Legal Aid Manitoba

12. Legal Aid Manitoba

COMMUNITY SAFETY

Corporate Services

1. John Howard Society Bail Program
2. OAG Report - Managing the Province's Adult Offenders

Custody Corrections

3. Corrections Populations
4. Manitoba Corrections - New Dauphin Healing Centre (DHC)

Provincial Policing

5. Provincial Funding Provided To Police Services

Aboriginal & Community Law Enforcement

6. Aboriginal Policing Initiatives
7. Community Safety Officer Program
8. Fentanyl Task Force
9. First Nation Safety Officer Program

Independent Investigation Unit

10. The Police Services Act - Independent Investigation Unit (IIU)

COURTS

Corporate Services & Program Management

1. Circuit Court Facilities
2. Court Infrastructure
3. Fine Collection
4. Maintenance Enforcement Program - Performance Report

Court Operations

5. Photo Enforcement Legislation
6. Provincial Offences Act and Municipal By Law Enforcement Act

Judicial Services

7. Access to Justice
8. Judicial Complement: Court of Appeal, Court of Queen's Bench, Provincial Court
9. Child Support Recalculation Service

Community Prosecutor

Issue:

- Winnipeg's Community Prosecutions Program ("the Program") was established as the first Community Prosecutions Program in Canada in 2005. Community Prosecution is founded on the idea that prosecutors have a responsibility to not only prosecute offenders but to address community concerns through direct involvement with the public and agencies designed to enhance public safety problems, prevent crime and improve public confidence in the justice system. By meeting community stakeholders, Community Prosecutors (CPs) are involved in the crime-fighting agenda and participate in the solutions. CPs can measure the effect of their work on neighbourhood quality of life, community attitudes and crime.
- The role of the Downtown Community Prosecutor has focused on the prosecution of chronic offenders in the downtown area and upon building relationships with downtown community stakeholders. The Program also monitors prosecution of prostitution related offences in Winnipeg, offences against Winnipeg Transit Drivers, graffiti and offences occurring at downtown institutions such as the Millenium Library and the University of Winnipeg.
- The Program has been expanded with the addition of a second Community Prosecutor. The North End Community Prosecutor is responsible for building relationships with law enforcement and the North End Community in order to better respond to the challenges faced by that community. This will include an expansion of the geographic area covered by the Program and integration of the duties of the Community Prosecutors.
- The role of the CPs is to seek innovative and responsible approaches to the causes and conditions that bring criminal offenders repeatedly into conflict with the law, and where possible, promote strategies to address recidivism. This includes the efficient application of existing resources such as Winnipeg Drug Treatment Court and Mental Health Court. It also involves using

untapped existing local community resources to be responsive to the community' needs.

Background:

- The CPs are responsible for the prosecution of chronic offenders within their assigned area. Typically, these individuals are charged with offences like mischief, breaches of court orders, causing a disturbance, theft under, uttering threats and assault. Some of these individuals have a background that includes serious criminal offences, while others do not. Often, these offenders suffer from mental illnesses that are not being treated and that occasionally are not yet formally diagnosed. In addition, many such offenders are also suffering from co-occurring addictions that are also not being treated. The Program's focus is on rehabilitation and as a result, the CPs works closely with Probation Services and service providers within the community to find appropriate resources to help these offenders. Once the offenders, have a treatment plan and appropriate supports in place, they are very much less likely to re-offend.
- In addition to the prosecution of chronic offenders with mental health and addiction issues, the CPs also take conduct of cases of special concern to the community. These cases are often referred by stakeholder organizations such as the Spence Street Neighbourhood Association or the Downtown Biz. The CPs take conduct of all files that arise out of acts of aggressive panhandling as well as all files involving acts of violence on panhandlers. The CPs take conduct of adult graffiti prosecutions (most youth graffiti prosecutions are diverted) even when they fall outside of the geographical boundaries. Finally, the CPs take all cases that occur in certain "public service" areas such as the University of Winnipeg, the Millennium Library and any offence against a Winnipeg Transit employee.
- The CPs works within the Intensive Case Assessment Process Unit (ICAP), a Prosecution Service initiative established in June 2015 to ensure an early, integrated and consistent approach to matters that come into the criminal justice system.

- The CPs are responsible for the oversight of all charges of obtaining or communicating to obtain the sexual services of a person. The CPs review all such charges to determine viability and appropriateness for diversion.. Sellers of sexual services are not charged with the offence of communicating to provide sexual services for consideration. Winnipeg Police Service has adopted a strategy of fostering relationships with survivors of the sex trade with the goal of reducing exploitation. The CPs work to find rehabilitative services and programs for survivors of the sex trade who become involved with the criminal justice system. Heavy emphasis is placed on helping survivors leave the sex trade. Conversely, the criteria for admission to the Prostitution Offender Program (also known as John School) is strictly applied. The CPs focus with respect to “Johns” is to have the exploitative nature of the offence recognized and properly addressed.
- The CPs are active members of the Prostitution Diversion Program Committee. The CPs also attend all Prostitution Diversion Program Camps and Prostitution Offender Program sessions (“John Schools”) and make presentations to attendees.
- The final component of the Program is the establishment and maintenance of relationships with various community stakeholders including the Downtown Biz, the West End Biz, The Exchange Biz, the University of Winnipeg, the Millennium Library, Winnipeg Transit, the Spence Street Neighbourhood Association and North End Community organizations. Also, the CPs maintain close ties with certain community based police initiatives, and the Counter Exploitation Unit. The CPs make frequent presentations to the public in an effort to educate the community regarding the criminal justice system.
- Matters prosecuted by the CPs are often covered in the media (presumably because these cases involve matters that are of concern to the community and therefore of interest to the media) and to date, media coverage has been consistently positive.

Contact Person:

- Michael Mahon 204-945-2868

Court Delay

Issue:

- Current status within Prosecutions surrounding available single and multi-day trials in Winnipeg and across the Province.

Background:

- As of April 28, 2016 single day availability is as follows for Winnipeg:
 - Youth Custody Trial/Preliminary Hearing Dates – two months.
 - Youth Non-custody Trial/Preliminary Hearing Dates –two months.
 - Domestic Violence Custody Trial/Preliminary Hearing Dates – two months.
 - Domestic Violence Non-custody Trial/Preliminary Hearing Dates –two months.
 - Child Abuse Trial/Preliminary Hearing Dates – approximately three months.
 - General Adult Custody Trial/Preliminary Hearing Dates –two months.
 - General Adult Non-custody Trial/Preliminary Hearing Dates –two months.
 - Multi-day Custody hearings are available for each upcoming month. Non-custody multi days are not available until February of 2017.
 - Trial dates in the Court of Queen’s Bench, are set in Judge’s Chambers at the Pre-Trial Conference. Dates could be set as early as 6 months taking into account availability of Courts, Defence Counsel and the Crown. Multiple day matters will be longer with jury trials typically being scheduled within a one year period.
- The Winnipeg office of Manitoba Prosecutions services a number of circuit points. The availability of hearing dates will vary depending on the amount of volume, severity of offences, community and weather as circuit points are more likely to be cancelled due to bad weather conditions in the winter or unexpected events in some of the smaller communities such as funerals. Representative dates of four of the largest locations follow:

- **Selkirk:**
 - Dates for one day matters are available in approximately 2 months noting that multiple cases are ordinarily scheduled for each day. Multiple day matters would be dependent on the availability of special sittings scheduled with the Provincial Court.
- **Pine Falls:**
 - Custody one day matters for adults – there are some shared dates (more than one trial scheduled per day) available in 2016 with dates currently being reserved for early 2017; Multi day matters would be scheduled special sittings to be determined working with the Provincial Court staff.
 - Youth matters 9 months.
- **Peguis:**
 - Custody and Non-custody one day and multiday matters – 9 months.
- **Steinbach:**
 - Custody and Non-custody – single and multi-day matters dates available in approximately 11 – 12 months.
- **Regional Court Availability – Judicial Centres Brandon, Portage, Thompson, The Pas, and Dauphin:**
- **Brandon and surrounding area:**
 - Brandon Custody and Non-custody one day Provincial Court matters – 2 months; Multi-day matters – 4 – 5 months; circuit points – 3 – 4 months.
 - Queen’s Bench matters (Custody and Non-custody) (usually multi-day matters) – 6 - 9 months for Judge alone and 9 – 12 months for jury trials.
- **Dauphin and surrounding area:**
 - Custody and Non-custody one day Provincial Court matters – 4 – 5 months; Multi-day matters – 6 – 7 months; circuit points – 3 – 4 months.

- Queen's Bench matters (Custody and Non-custody) one day matters 5 months and multi-day matters 10 – 12 months.
- **Portage la Prairie and surrounding area:**
 - Custody one day Provincial Court matters – 4 – 5 months; Multi-day matters – 6 months; Non-custody one day matters in Provincial Court - 4 months for youth matters and 11 months for adult matters; circuit points – 9 months.
 - Queen's Bench matters (Custody and Non-custody) one day matters 6 months and multi-day matters – 10 months.
- **The Pas and surrounding area:**
 - Custody and Non-custody one day Provincial Court matters – 2 – 4 months; Multi-day matters – 4 – 6 months; circuit points – 1 – 2 months.
 - Queen's Bench matters (Custody and Non-custody) one day cases as well as multi-day matters 10 – 12 months.
- **Thompson and surrounding area:**
 - Custody one day Provincial Court matters – 3 – 4 months; Non-custody matters – 9 months; Multi-day Custody matters – 5 – 7 months; Non-custody multi-day matters – 9 – 12 months; circuit points – 4 – 5 months.
 - Queen's Bench matters (Custody and Non-custody) one day cases and multi-day matters – 17 months.
- Court time availability is determined by the Chief Judge of the Provincial Court and the Chief Justice of the Court of Queen's Bench and is coordinated through the Courts Administration Division of the Department.
- The Crown office is responsible for booking the time and courtrooms that are indicated as being available.
- The available time is affected by judicial demands such as accommodating judges' vacation, decision-writing days and other leave, the judicial rota (specific times during the calendar year when judges do not sit/are only minimally available or when certain courts are closed), along with administrative concerns such as

actual (physical) courtroom availability, court clerk resources and time used by others or for other purposes, such as Inquests, City of Winnipeg By-Law matters and Public Prosecution Service of Canada cases.

- Further, jury cases (Assizes) are only scheduled for certain periods during the year and do not run in July or August.
- The setting of hearing dates is also impacted by the availability of defence counsel and, at times, Crown counsel. Crown counsel are more flexible being able to shift individual cases to other lawyers to accommodate available dates. Lawyers acting for accused persons are independent actors in the system and manage their calendar as any professional. Their availability can be a factor in delay as they may not be available due to the date not coinciding with their schedule. Accused persons do have the right to choice of counsel, so the system is respectful of this reality.
- The increase in Manitoba Prosecution Service (MPS) personnel in the past number of years has allowed for more ability to reduce delay in the system. The disclosure of case material is handled effectively by the Crown Disclosure Unit. Defence counsel are provided with the details of the allegations against their client at the earliest opportunity and can seek and receive instructions about the case. Crown Attorney caseloads have decreased, meaning more time to assess and prepare matters for hearing, lessening the chances of late re-consideration on manner of proceeding.
- The Intensive Case Assessment Process (ICAP) Unit was formed within the MPS last June. Its aim is early identification of the cases that should not proceed or can be resolved without going to hearing. Currently, the staff in the Unit are reviewing all in-custody and out-of-custody non-domestic cases. This early and intensive review results in fewer matters being set for hearing and vying for the available court time.

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

Michael Mahon – 204-945-2868

PROSECUTIONS

STAFFING & WORKLOAD

Issue:

- The now dated but high profile issue of Manitoba Prosecution Service Crown Attorneys carrying a very large case load leading to concerns regarding time for preparation and protection of the public. This translated to a grievance that was ultimately settled in October of 2010 with an agreement that added 53 Crown Attorney FTE positions as well as 29 support staff positions to be filled gradually over an approximately five year time frame.

Background:

- The Manitoba Association of Crown Attorneys who represents all of the lawyers in the Civil and Criminal Law Divisions as well as the Legislative Counsel brought a workload grievance. The grievance was filed December 1st of 2006 and alleged that the government had "imposed an unreasonable workload on MACA members of the Prosecution Division." There was considerable publicity in and around the time driven by MACA regarding the issue of Crown Attorneys workload.
- On the eve of the arbitration, the government and MACA settled the grievance with an agreement that 53 Crown Attorneys and 29 support staff positions would be added at the rate of approximately 10 to 11 Crowns and 5 to 6 support staff per year until the totals were achieved. s. 23(1)(a)(d)
- The number of files being opened in Manitoba Prosecution Service have varied over the last 12 years with approximately 45,000 files created in the fiscal years between 2003-2004 to a high of slightly over 53,300 files in the 2012-2013 and 2013-2014 fiscal

years. The last two years have seen a reduction to 50,369 and most recently 51,374 files for fiscal year 2015-2016.

- The average number of files per prosecutor has been reduced to a more manageable level although the workload per file has increased due to the complexity of matters. Much of the added complexity is due to technology, legal requirements from the Courts and, to a lesser extent, legislative changes.
- Evidence such as statements from victims, witnesses and accused people that used to be taken by pen and paper are now videotaped and transcribed and what may have been a two or three page statement can now go for an extensive period of time (in the case of accused sometimes several hours). DNA advances, advances in cell phone tower tracking, GPS, black box information from cars, retrieval of information in cell phones, social media and the like are all valuable investigative tools and provide strong evidence but they require more time for all parts of the system. Supreme Court of Canada decisions in particular have added more responsibilities and concomitant delay to matters as Crown Attorneys must meet the standards particularly in the area of disclosure and charter protections. The additional responsibilities lead to more litigation. Legislative changes such as the Manitoba and Canadian Victim Bill of Rights have also added more responsibilities particularly for Crown Attorneys in the Domestic Violence area.

S. 23(1)(a)

- The 2015-2016 salary budget for the Prosecution's branch was \$30,417,000. The operating budget including witness expenses was \$4,447,000 for a total of \$34,864,000. The total FTEs were 301.3 which broke down to 188 Crown Attorneys and 123.3

Professional/support positions. This compared to 146 Crown positions and 101.3 support positions in the 2011-2012 fiscal year.

Suggested Response:

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s. 23(1)(a)

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s. 23(1)(a)

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s. 23(1)(a)

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s. 23(1)(a)

Contact Person:

- Michael Mahon- 204- 945-2868

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Bill C-32 – the *Canadian Victims' Bill of Rights (CVBR)*

Issue:

- Manitoba's implementation of the CVBR

Background:

- Bill C-32 came into force on July 24, 2015 and creates four areas of statutory rights for victims of crime (information, participation, protection and restitution) as well as a complaints process. Bill C-32 defines "victim" as someone who has suffered physical or emotional harm, property damage or financial loss as a result of crime. This definition casts a much wider net than Manitoba's *Victims' Bill of Rights (VBR)* as it applies to victims of all offences and expands the definition of victim beyond the complainant or nearest relative.
- Bill C-32 includes numerous technical amendments to the *Criminal Code* and the *Corrections and Conditional Release Act*. These technical amendments provide the context in which the rights are to be enacted. Justice personnel are instrumental in assisting victims of crime to understand the technical amendments which inform their rights under the Act.
- Since 2001 Manitoba Justice has provided support to victims of the most serious crimes through Manitoba's VBR and the Victims Rights Support Service. Since the CVBR came into force, Victim Services has seen a steady increase in additional requests for service that relate specifically to CVBR matters e.g. 110 in the last quarter alone.
- Many jurisdictions have implemented a tiered level of service delivery based on the seriousness of the incident. In Manitoba, this has meant that victims of domestic violence, child victims and victims of the most serious crimes as defined under Manitoba's VBR, continue to be assigned a Victim Services Worker and receive enhanced victim support, while others are being redirected to the court information line for court updates and to outside counselling agencies.

- Unlike other jurisdictions, Manitoba Justice – Victim Services does not use volunteers to deliver services. As government employees, Victim Service Workers share Manitoba Prosecution Services’ information system ensuring timely and accurate support for victims of crime.
- Manitoba Justice is in compliance with the CVBR and has established the mechanisms necessary to meet the rights of victims of crime.
 - All Victim Services Workers and Crown attorneys have been notified about their obligations under the CVBR and have been given direction on how to provide support to victims under the CVBR.
 - Prosecutions Information and Scheduling Management Program (PRISM) has been modified to track CVBR files entering the system.
 - Communication systems have been developed between Victim Services and Manitoba Prosecution Service (MPS) so that Crown attorneys are notified of victims who are requesting support under this legislation.
 - Victim Services and MPS have developed a new intake letter encouraging victims of crime to contact Victim Services and informing them of their right to be notified about plea agreements.
 - The Community Impact Statement Program has been designated through an Order in Council.
 - A link to the legislation and the federal government’s fact sheets on victims’ rights have been posted on Manitoba Justice - Victim Services’ website located at: <http://www.gov.mb.ca/justice/victims/index.html>.
 - The new Community Impact Statement, Victim Impact Statement and Restitution forms are on Victim Services’ website as noted above.
 - Victim Services has created an information card on the rights under the CVBR and a referral card for police to provide to victims.
 - Victim Services has reached out to Winnipeg Police Service (WPS) Victim Services, Pembina Valley Victim Services and Brandon Victim Services to discuss the best way to coordinate service to victims of crime under the CVBR.
 - Manitoba Justice hosted a two day workshop for Victim Services, MPS, Courts, WPS Victim Services, Brandon Police and Pembina Valley

Victim Services, R.C.M.P. and Age & Opportunity/Older Victims Services on February 23 and 24, 2016. The objectives of the workshop were to enhance participants' understanding of the CVBR as well as their roles as they relate to victims.

Suggested Response:

- s.23(1)(a)

- s.23(1)(a)

- s.23(1)(a)

Contact Person:

- Michael Mahon 204-945-2868

Domestic Violence Death Review Committee

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Issue:

- The Manitoba Domestic Violence Death Review Committee (DVDRC) and intimate partner/domestic violence homicides (defined as marital, common-law and dating relationships).

Background:

- The Manitoba DVDRC was established on June 16, 2010 and examines domestic violence homicides that are no longer before the courts in order to identify trends, risk factors and systematic concerns to prevent future tragedies and recommends changes for improvement.
- Manitoba's DVDRC is not legislated. Therefore, to mitigate privacy risks, Manitoba Justice – Victim Services (VS) completed a Privacy Impact Assessment (PIA) and asked that participating committee members enter into Memorandums of Understanding and Confidentiality Agreements. All individuals involved in reviewing cases also sign Consent forms and Confidentiality Agreements.
- To ensure an appropriate balance of protection of privacy and effective case reviews, both a DVDRC working group and an advisory committee were established. Advisory committee members include representatives from RESOLVE, Education, Status of Women, Probation Services, Prosecution Services, Victim Services, the Family Violence Prevention Program, the Office of the Chief Medical Examiner, Winnipeg Police Service (WPS), the RCMP and the special advisor on domestic violence. Representatives of the smaller working group, who also sit on the advisory committee, include individuals from WPS, RCMP, Probation Services, the Office of the Chief Medical Examiner, Prosecution Services and Victim Services. In 2015/2016, advisory committee membership was expanded to include the special advisor on Indigenous women's issues, a social worker from Winnipeg Regional Health Authority (W.R.H.A.), a senior manager from Manitoba Health, two shelter staff and an emergency room physician.
- The DVDRC's reviews take considerable time to complete for several reasons: coordinating and conducting in-depth interviews with friends, family, offender and co-workers etc;

meetings with the larger advisory and working groups and ongoing implementation of the recommendations.

- In total, the DVDRC has conducted six reviews. However, the 2015/16 DVDRC Annual Report which includes two reviews has not yet been provided to the Minister of Justice for approval and release.
- The executive summary of the first DVDRC annual report containing one review was released publicly on January 9, 2013. The second and third annual reports, which include recommendations from three additional reviews, were released in December 2014 and 2015. The DVDRC continues to work on implementation of the recommendations. See Appendix A for a listing of the recommendations stemming from the completed reviews as well as a status update on their implementation.
- The privacy of the families involved in the reviews is paramount and, as the Committee has no legislative authority to compel participation from the families, the DVDRC must ensure that any public release of information does not identify those involved or future reviews may be impacted.

5.23(1)(a)

Suggested Response:

- s.230(a)
- s.23(1)(a)
- s.23(1)(a)
- s.23(1)(a)
- s.23(1)(a)

Contact Person:

- Michael Mahon 204-945-2868

**APPENDIX A
DVDRC Annual Report
2011/2012**

	Recommendations	Status
	<p>1. Ensure that all police officers have direct access to cameras when responding to domestic violence calls so that injuries to victims can be photographed immediately.</p>	<p style="text-align: center;">s.23(1)(a)(c)(d)</p>
	<p>2. Ensure mandatory, ongoing domestic violence training for medical professionals and police agencies.</p>	<ul style="list-style-type: none"> • Victim Services is working with senior officials in the WRHA to create training materials on domestic violence for medical professionals and social workers. <p style="text-align: center;">s.23(1)(a)(c)(d)</p> <ul style="list-style-type: none"> • Victim Services continues to deliver training to Winnipeg Police Services recruits. <p style="text-align: center;">s.23(1)(a)(c)(d)</p>
	<p>3. Develop a public awareness campaign that specifically targets youth and promotes healthy relationships and domestic violence support services for family members.</p>	<ul style="list-style-type: none"> • Efforts to address this item were announced as part of Domestic Violence Prevention Month on November 4, 2013. Specifically, a grant of \$135.0 over three years was awarded to community organizations to develop initiatives that engage young men and boys

		<p>in ending domestic and gender-based violence.</p> <ul style="list-style-type: none"> • In addition, two videos on healthy relationships were developed with youth as part of an after-school program at the Broadway Neighbourhood Centre. • The toll-free number is being advertised as a resource for families and not just for direct victims of domestic violence.
	<p>4. Review and explore the use of risk factor checklists and the implications for Victim Services, MPS and Corrections.</p>	<p>S-23(1)(a)(c)(d)</p>

	<p>5. Review and explore services available to family members impacted by domestic homicide that offer practical assistance.</p>	<p style="text-align: right;">s. 23(1)(a)(c)(d)</p> <ul style="list-style-type: none"> • Through a Victims Assistance Grant from Manitoba Justice Victim Services, Aurora Family Therapy Centre provides two Family Bereavement Homicide groups; one in Winnipeg and one in Thompson. • The Province also provides funding to Manitoba Organization of Victim Assistance, Eyaa-Keen and Medicine Bear counselling project to support family members of homicide victims.
	<p>6. Review and explore the creation of an information sharing protocol with Animal Services in recognition that domestic violence is often linked to cases involving animal cruelty.</p>	<ul style="list-style-type: none"> • Manitoba Justice Victim Services has partnered with Animal Welfare to develop an information sharing protocol around animal abuse and domestic violence. Staff from the Chief Veterinarian's Office (CVO) understand the links between domestic violence and animal abuse and have begun flagging animal abuse incidents that also have domestic violence flags so that Victim Services Workers can reach out to individuals identified in these reports to assess safety issues and to offer support, information, and referral to resources as appropriate.

**DVDRRC Annual Report
2013/2014**

	Recommendations	Status
	<p>1. Expand Workplace Initiative to Support Employees (WISE) on Family Violence to target employers who employ a large youth and young adult demographic ex: restaurants, retail business.</p>	<ul style="list-style-type: none"> • Although this recommendation is unique, it is in line with the DV strategy's commitment to expand WISE to include online training. <p style="text-align: right;">s. 23(1)(a)(c)(d)</p>
	<p>2. Expand healthy dating and sexuality education for youth.</p>	<ul style="list-style-type: none"> • This relates to the DV strategy commitment to expand healthy relationship and dating violence programming at the Manitoba

cont'd from p. 106...

s 23(1)(a)

s. 23(1)(a)

s 23(1)(a)

Contact Persons:

Greg Graceffo 204-945-7291

10

The Police Services Act Independent Investigation Unit (IIU)

Issue:

- Status of the IIU

Background:

- On June 18, 2015, Part VII of *The Police Services Act* and regulations 99/2015 and 100/2015 came into force by proclamation on June 18, 2015. The official opening of the IIU was announced on June 19, 2015.
- The IIU investigates all fatal force and serious injury incidents that involve a police officer. The IIU can also deal with alleged offences committed by on or off-duty police officers.
- The IIU is comprised of 14 FTEs including the civilian Executive Director, Director of Investigations, Team Commander and seven full-time investigators. An eighth investigator will join the unit in May 2016 through a secondment agreement with the Winnipeg Police Service.
- The selection of investigators is the sole responsibility of the civilian director. *The Police Services Act* empowers the civilian director to hire former police officers, second police officers from a police service, or hire individuals who meet prescribed qualifications. For secondments, the Act specifically provides for severing the reporting relationship with his/her police service, and specifically mandates the reporting relationship to the civilian director while serving with the IIU.
- In the fiscal year 2015/16, the IIU received 36 notifications of police-related incidents from various services in the province. Of those, 17 resulted in IIU-led investigations, 11 were monitored agency investigations and the balance required no further involvement.
- For the current fiscal year 2016/17, as of April 26, 2016, the IIU received five notifications, two of which resulted in IIU-led investigations, one monitor and two no further involvement of the IIU.
- A civilian monitor has been requested and assigned in eight investigations involving fatalities. The use of a civilian monitor is mandatory if a police officer may have caused the death of a person. The civilian director may request the appointment of a civilian monitor where the civilian director considers the involvement of a civilian monitor to be in the public interest.

- Eleven matters have been concluded and the balance are currently ongoing.

Suggested Response:

• s. 23(1)(a)

Contact Person:

Greg Graceffo 204-945-7291

Circuit Court Facilities

Issue:

- Circuit court venues must meet minimum standards set out by the court in various locations across Manitoba.

Background:

- Agreed upon facility standards include general cleanliness, adequate washrooms, and sufficient heating.
- The Chief Judge of the Provincial Court has suspended court in some communities until issues related to cleanliness and safety were resolved to the satisfaction of the presiding circuit judge.
- To address these concerns, Courts Division in conjunction with Civil Legal Services, developed a circuit court rental agreement that sets out minimum standards and requirements for each facility based on the needs outlined by the Provincial Court Facilities Committee.
- This new rental agreement is a positive step toward building common understanding between the Courts and circuit communities regarding the importance of ensuring that an appropriate community facility is made available for the Provincial Court to sit.
- To date there has been no opposition to the adoption of minimum standards by any circuit facilities though there are still some communities that do not comply.
- 32 agreements have been finalized. There have been no complaints or concerns raised by communities or facility owners regarding the expectations identified in the contracts.
- 9 agreements with communities remain outstanding and work continues to get these agreements finalized.

s. 23(1)(a)

Suggested Response:

s. 23(1)(a)

s. 23(1)(a)

Contact Person:

Shauna Curtin 204-948-1122

110

Court Infrastructure

Issue:

- Judicial office space and ongoing court infrastructure projects in Manitoba

Background:

- The Canadian Constitution provides for the judiciary to be independent from the other branches of government so that any matters brought to the court will be resolved in an impartial manner, free from extraneous influence and intervention.
- Provincial governments are responsible for providing the necessary infrastructure for court and judiciary.

- s. 23(1)(a)(c)

Judicial interests must be balanced against government budgets.

- s. 23(1)(a)(c)

The full time judicial complement has remained static in all three courts. In the two superior courts judges have an option of electing supernumerary status and in the provincial court judges may elect to become senior judges.

- s. 23(1)(a)(c)

- s. 23(1)(a)(c)

- s. 23(1)(a)(c)

- The Division continues to work on court infrastructure projects in Manitoba to make improvements to the available space – especially in the case of life safety and accessibility issues.

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- The Division also makes building improvements when business efficiencies can be gained, however the majority of the court buildings were built over 50 years ago with an emphasis on design and esthetics over function. Courts Division continues to adjust the infrastructure to suit modern public expectation and business needs as well as current volumes.
- There are currently major infrastructure projects in the following locations:
 - Dauphin – project to address accessibility and Office of the Fire Commissioner issues, as well improve business functionality.
 - St. Boniface – construction underway to complete a functional courtroom space

s. 23(1)(a)(c)

• s. 23(1)(a)(c)

Suggested Response:

s. 23(1)(a)

Contact Person:

Shauna Curtin 204-948-1122

Fine Collection

Issues:

- Collection of provincial and federal fines

Background:

- The Department is responsible for the collection and enforcement of fines from Common Offence Notices (CON), Criminal Code offences and some municipal by-law offences.
- The Province enforces by-law offences such as alarm and noise violations but municipalities are responsible for parking tickets.
- Between April 1, 2015 and March 31, 2016, \$52.9 million in fines (provincial and municipal share) were paid voluntarily.
- The Fine Collection Unit (FCU) is responsible for the administration and collection of overdue fine amounts which do not expire.
- The FCU has collected \$134.9 million since 2000.
- The following enforcement tools are available to the Fine Collection Unit:
 1. Driver's License hold
 2. Garnishing Order
 3. Writ of Seizure and Sale
 4. MPI Registration hold
 5. Personal Property Searches
 6. Real Property Lien.
- The Department has used collection agencies to assist with the collection of unpaid fines since 1996 and CBV Collection Services Ltd. is currently the sole service provider with the Department.
- In 2015/16, \$17.6M became overdue. Amounts fluctuate from year to year.
- The total outstanding fines at FCU at fiscal year end was \$68.7M.

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

Shauna Curtin 204-948-1122

4

Maintenance Enforcement Program Performance Report

Issue:

- The Maintenance Enforcement Program (MEP) Compliance and Collection Results and Initiatives

Performance, Collection Results & Initiatives:

- The caseload of the MEP was 12,825 as at March 31, 2016.
- Between April 1, 2015 and March 31, 2016, MEP disbursed \$60.9 million in family support.
- Approximately \$3.9 million was disbursed to Employment and Income Assistance to offset social allowance benefits.
- Approximately 89% of payments have been disbursed to creditors through direct deposit.
- Approximately 67% of payments were received via electronic banking.
- Up to March 31, 2016, the MEP initiated over 34,900 enforcement actions including, but not limited, to debtor searches, support deduction notices and motor vehicle driving and registration suspension notices.
- The collectable support arrears balance as of March 31, 2016 is \$95.5 million.
 - As of March 31, 2016 \$42.3 million is not collectable due to statutory barriers and orders of the court.
 - As of March 31, 2016 arrears of \$16 million are considered to be compliant with payment arrangements in place.
 - Arrears of Late Payment Penalties (LLP) & Cost Recovery Fees (CRF) are \$33.8 million.

Suggested Response:

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s. 23(1)(a)

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s. 23(1)(a)

Contact Person:

Shauna Curtin 204-948-1122

Photo Enforcement Legislation

Issues:

- Photo Enforcement (Intersection and Mobile Cameras)

Background:

- Photo enforcement targets drivers that run red lights or speed through intersections, school, playground and construction zones.
- The registered owner is ticketed under this initiative. No one receives demerit points.
- Manitoba provides the enabling legislation for photo enforcement; the City of Winnipeg makes the decision as to where photo enforcement will be used.
- An outside supplier is contracted by the City of Winnipeg to manage the image capturing system.
- The total penalty is comprised of the base fine, court costs, a Justice Services Surcharge and the victim surcharge. The City of Winnipeg receives the base fine. The Province of Manitoba receives the costs (45% of base fine); Justice Services Surcharge (\$50); and a victim surcharge (25% of base fine). The victim surcharge is used to fund programs for victims.
- In 2015/16 a total of 141,197 tickets were issued with a total value of \$38.7 million.

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

Shauna Curtin 204-948-1122

6

Provincial Offences Act and Municipal By-law Enforcement Act

Issue:

Preparation for implementation of new legislation

Background:

- *The Provincial Offences Act* will replace the *Summary Convictions Act*, its 50-year old predecessor. The new act establishes clear and effective processes for prosecuting offences under Manitoba statutes, regulations and municipal by-laws. This legislation will deal with the over 200,000 provincial regulatory offences processed in Manitoba courts every year. The majority of regulatory offences will result in tickets with pre-set fines. This will reduce people attending at a court office to pay or have the fine set.
- Complementary legislation, the *Municipal By-law Enforcement Act* (MBEA), will modernize the way municipal by-laws are enforced. It enacts a new, standardized administrative approach for municipalities to adjudicate parking and other by-law infractions that will not involve court proceedings. Municipalities will appoint municipal screening officers to hear disputes with a right of review by an adjudicator, who is appointed by the Department of Justice. Municipalities may be permitted to use the new scheme to enforce other by-laws if they elect to do so. Both acts received Royal Assent on December 5, 2013 and will come into force on proclamation on a date yet to be determined.

• s. 23(1)(a)(d)(f)

• s. 23(1)(a)(d)(f)

• s. 23(1)(a)(d)(f)

• s. 23(1)(a)(d)(f)

cont'd from p. 116

s. 23(1)(a)(d) + (f)

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)
- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

Shauna Curtin 204-948-1122

Access to Justice

7

Issue:

- Department of Justice access to justice initiatives

Background:

- The public are more open to changes to the administration of justice than perhaps at any other time as it is well known that it can be difficult and expensive to access dispute resolution mechanisms in the traditional environment for both criminal and civil processes.
- The National Action Committee on Access to Justice in Civil and Family Law Matters (NAC), convened in late 2008 by the Chief Justice of Canada, released its final report in October 2013.
- The work of the NAC was focused in four main areas: court process simplification; access to legal services; prevention, triage and referral; and meaningful change for family justice
- Access to Justice committees have been established nationally, within the courts in Manitoba and also within the broader justice system in Manitoba. The largest committee is comprised of various stakeholders such as the Law Society of Manitoba, the Manitoba Bar Association and the Faculty of Law of the University of Manitoba.
- The Court of Queen's Bench has taken steps to enhance access to justice through changes in both family and civil court procedures, in particular, improving and expanding case management processes to provide litigants with the means to resolve their disputes early on and avoid the costs of going to trial.
- Changes to the small claims system continue to be reviewed and public input has been sought in regard to the design of a fair and efficient way to resolve small monetary disputes at a reasonable cost and within a reasonable time.
- Under the federal Supporting Families Fund, a family court triage centre in being piloted at the Law Courts in Winnipeg. The Family Justice Resource Centre provides information and assistance to the public in family law matters. Referrals to community resources or government agencies, such as Family Conciliation, are provided to support parties to seek non-court resolution where possible.
- Enhancements to the Manitoba Courts website provide greater access to court procedural information through the use of short informational videos.
- In criminal matters, the use of technology such as video conferencing, has enabled court proceedings to be heard on a more timely *s. 23(1)(a)*
Technology also permits defence counsel to make early, meaningful contact with in-custody clients.

118

Suggested Response:

§.23(1)(a)

Contact Person:

Shauna Curtin 204-948-1122

119

Judicial Complement: Court of Appeal, Court of Queen's Bench, Provincial Court

8

Issue:

- Statistics relating to judicial positions in Manitoba

Background:

There are three levels of court in Manitoba and the judicial complement includes the administrative judiciary of each court. Judicial Services is the branch that provides direct support to judiciary in terms of administrative staff and equipment. Following are the present complements of each court. There are vacancies in both the Court of Queen's Bench and the Provincial Court.

FEDERAL APPOINTMENTS			
	Court of Appeal	Queen's Bench Judges	Queen's Bench Masters
Judicial Positions	8 ¹ (incl. CJ)	35 ¹ (incl. CJ & 2 ACJ's)	5 (incl. Sr. Master)
Judges	12	38 ² (23 GD) (15 FD)	5
Supernumerary	4	6 (3 GD) (3 FD)	n/a
Vacancies	0	2	1
Women (% based on total current complement)	6 (50%)	17 (44%)	2 (40%)
Bilingual (% based on total current complement)	4 (33%)	5 (13%)	0

CJ Chief Justice

GD General Division

ACJ Associate Chief Justice

FD Family Division

¹ *As required by court statute*

² *Includes supernumerary judges*

PROVINCIAL JUDGE APPOINTMENTS	
Judicial Positions	41 (incl. CJ & 3 ACJ's)
Judges	40
Senior Judges	8
Vacancies	1
Women (% based on total current complement of judges)	21 (52%)
Bilingual (% based on total current complement of judges)	3 (8%)

120

9

Child Support Recalculation Service

Issue:

- Manitoba's Child Support Recalculation Service ("CSRS")

Background:

- Both *The Family Maintenance Act* and the *Divorce Act* provide for the recalculation of child support orders based on current income information.
- A recalculated order cannot deal with any arrears of support.
- The CSRS in Winnipeg has been in place since 2005 to handle Manitoba cases.
- To be eligible for recalculation, a child support order must contain a table amount of child support, be based on the actual (not imputed) income of the paying parent.
- As of April 25, 2016:
 - the CSRS has opened 4,984 files; and
 - the CSRS has issued 11,328 recalculated child support orders.
- The CSRS is a significant enhancement in terms of access to justice because it provides service to a number of self-represented parties, who require assistance to be enrolled with the CSRS.

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

Shauna Curtin 204-948-1122

		<p>§. 23(1)(a)(c)(d)</p> <ul style="list-style-type: none"> Manitoba Status of Women released 4 Girls Only in October 2014 that contains information on healthy dating and sexuality for girls.
	<p>3. Work with faith-based communities to create training and awareness materials.</p>	<ul style="list-style-type: none"> This relates to the DV strategy commitment to work with faith-based organizations to produce awareness and training materials. <p>S. 23(1)(a)(c)(d)</p>
	<p style="text-align: center;">Recommendations</p> <p>1. Review and explore a process for medical professionals to provide referral resources to clients whom they feel have been impacted by domestic abuse.</p>	<p style="text-align: center;">Status</p> <ul style="list-style-type: none"> This relates to the DVDRC recommendation #2 from the 2011/2012 annual report. <p>S. 23(1)(a)(c)(d)</p>

		<p>S. 23(1)(a)(c)(d)</p> <ul style="list-style-type: none"> Victim Services was successful in have <u>170</u> <u>172</u>(c) join the Advisory Committee.
	<p>2. Review and explore how to further educate domestic violence victims on risk factors related to drug and alcohol relapse.</p>	<p>S. 23(1)(a)(c)(d)</p> <p>A fact sheet has been created entitled "The Link Between Domestic Violence and Substance Use".</p>

**DVDRRC Annual Report
2014/2015**

	Recommendations	Status
	<p>1. Facilitate discussions between DVDRRC members and Circling Buffalo to explore different ways to promote community-led initiatives that address domestic violence.</p>	<p>S. 23(1)(a)(c)(d)</p>
	<p>2. Explore ways to ensure police document all responses for service whether requests are initiated through calls to 911 or during encounters while on patrol.</p>	<p>S. 23(1)(a)(c)(d)</p>

Missing Women

Issue:

- Missing and Murdered Indigenous Women and Girls (MMIWG)

Background:

- In November 2010, the Aboriginal Issues Committee of Cabinet appointed Nahanni Fontaine as the Special Advisor on Indigenous Women's Issues with primary focus on the MMIWG portfolio.
- On May 27, 2011, the RCMP and the Winnipeg Police Service (WPS) announced 'Project Devote.' Five criteria are considered before a case becomes part of Project Devote: substance abuse, transient lifestyle, hitchhiking, mental health issues and involvement in the sex trade.
- In July 2012, Project Devote provided detailed briefings to victims' families and Indigenous leaders and made Project Devote's investigative mandate available to the public.
- On October 4, 2012, Manitoba Justice and partnering law enforcement agencies announced that Facebook would be added as a method of public broadcast in Amber Alert situations for faster notification of missing children.
- On November 1 and 2, 2012, Manitoba hosted the third National Aboriginal Women's Summit on MMIWG. The two-day Summit opened with a community gathering and family honouring ceremony. The second day included a roundtable discussion with provincial and territorial representatives and national Aboriginal leaders. Discussions at the Summit focused on prevention and awareness, investigation and enforcement, and support for victims and families.
- The Minister proclaimed May 5 – 11, 2013, as Missing Persons Week in Manitoba.
- On May 29, 2013, the Manitoba Government passed new legislation; *The Missing Persons Act* that authorizes police timely access to personal information of persons reported missing, to support police investigations.

- On August 12, 2014, the Manitoba Government unveiled a monument in honour and support of MMIWG. The monument is the first of its kind in Canada and was created in partnership with community and government.
- On December 20, 2015, the Fourth Annual Christmas Celebration for Families of Manitoba's MMIWG took place. The first event took place in December 2012.
- On February 27, 2015, a National Roundtable on MMIWG was held in Ottawa. The Roundtable focused on three areas including: prevention and awareness; community safety plans and protocols; and police measures and justice system responses.
- On September 10 and 11, 2015 Manitoba hosted the 6th annual Wiping Away the Tears. As requested by family members at the Roundtable, the 2015 gathering hosted families from across Canada who came together to share in their healing journey.
- During the first Roundtable, Manitoba's Premier committed publicly to hosting a forum in Manitoba to bring together specialized police officers, prosecutors and victim services workers who are assigned to respond to cases of murdered and missing Indigenous women to share promising practices and to reconsider systemic issues.
- This Justice summit took place on January 7 and 8, 2016. It was well attended by approximately 200 people from across Canada including the families of murdered and missing women, investigators, prosecutors, victim workers and other key stakeholders. Numerous recommendations relating to policing, prosecutions and victim services were made and compiled into a Justice Practitioners Summit Report. 230(a)(d)
- The second National Roundtable on MMIWG was held in Winnipeg on February 24 - 26, 2016. The priority areas identified at the 2016 National Roundtable were not exhaustive or prescriptive but rather provided a foundation for an ongoing collaborative approach to addressing and preventing violence against Indigenous women and girls.
- One of the recommendations stemming from the second National Roundtable was to examine all recommendations contained within the 2016 Justice Practitioners' Summit

report and continue to work collaboratively to improve communication and coordination between Indigenous families and communities, victim services, policing, prosecutions, and other justice system professionals.

Suggested Response:

• s. 23(1)(a)

• s. 23(1)(a)

• s. 23(1)(a)

• s. 23(1)(a)

Contact Person:

• Michael Mahon 204-945-2868

7

The Victims' Bill of Rights Legislation – Compensation for Victims of Crime Amendment

Issue:

- Amendment to *The Victims' Bill of Rights (VBR) Act* and impact on the Compensation for Victims of Crime Program (CVCP)

Background:

- On May 30, 2011, *The VBR Amendment Act (Denying Compensation to Offenders and Other Amendments)* was proclaimed. This Act clarifies eligible benefits for witnesses, victims and family members affected by crime and enables the CVCP to deny benefits for individuals who incur serious criminal convictions for prescribed offences.
- The Act also enables CVCP staff to deny or reduce benefits in cases where the victim has been convicted of more than one non-prescribed (less serious) offence.
- The *Regulation* stipulates the reduction and denial of benefits, as well as eligibility for specific types of compensation, including the denial of compensation (wage loss) to dependants whose parents were not employed at the time of the incident that resulted in their death.

- s. 23(1)(a)

- s. 23(1)(a)

- s. 23(1)(a)

s. 23(1)(a)

- The Director of Victim Services does retain some discretion in the review of matters. For example, since January 2015, CVCP has been approving claims for surviving family members whose loved ones have incurred convictions for less serious non-prescribed offences by way of policy.
- CVCP will not be impacted by the introduction of Bill C-32 – the *Canadian Victims' Bill of Rights*. The federal Act does not speak to compensation for victims of crime and as such, the sections of Manitoba's *Victims' Bill of Rights* that relate to CVCP are supplementary to Bill C-32.

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)
- s. 23(1)(a)

- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

- Michael Mahon 204-945-2868

Victim Services Overview

Issue:

- Victim Services Highlights

Background:

- Victim Services (VS) has 55 Manitoba Justice employees. Services are provided to victims of the most serious crimes as defined under *The Victims' Bill of Rights* (VBR) as well as victims of domestic violence and child victims. The Branch is also responsible for: the Compensation for Victims of Crime Program; the Victim/Witness Assistance Program; the CELL Program, and the Protection Order Designates (POD) Program. In accordance with the *Canadian Victim Bill of Rights Act*, Victim Services also provides service to victims of crime who wish to exercise their right to information and assistance under this Act.
- VS offers support at all major court centres and circuit court locations in Manitoba.
- The Domestic Violence Support Service (DVSS) provides enhanced client continuity for victims of domestic violence who are involved in non-criminal and/or criminal charges, as well as a sound referral process to community service providers and a coordinated approach with police officers in situations where serious safety concerns are noted and/or further investigation is required.
- VS provides assistance and support to approximately 19,000 victims throughout Manitoba per year. This number is expected to rise with the implementation of the *Canadian Victim Bill of Rights*.
- VS continues to actively participate in the implementation of Manitoba's Multi-Year Domestic Violence Prevention Strategy.
- VS administers the Protection Order Training Program by: delivering training to 43 social service providers throughout Manitoba; working in conjunction with Family Law and Courts to maintain and develop training, and providing ongoing support to 126 POD service providers in 16 communities across the province.

- VS has taken the lead role in establishing the Domestic Violence Death Review Committee (DVDRC) (see Housenote).
- VS participates in the Thunderwing Hub/Block by Block Community Mobilization and Safety Project. Thunderwing Hub is a team of designated staff across government and non-government sectors that coordinates and mobilizes existing resources to increase community safety and improve family well-being within a specific geographical area of Winnipeg.
- VS continues to actively participate in supporting child victims at Snowflake Place. Victim Services staff are co-located at Snowflake Place through a rotational staffing schedule.
- VS participates on the UN Safe Cities Initiative Steering Committee and continues to look for innovative ways to fund sexual assault programs that support this project through the Victims Assistance Fund.

• s. 230)(a)(d)

- VS is a member of the Trafficked Persons Response Team which strives to develop protocols and policy for trafficked persons. In addition, VS participated in the Manitoba Sporting Events Safety Working Group which aimed to prevent sexual exploitation from occurring during the 2015 Grey Cup in Winnipeg. Manitoba has provided funding for the Trafficked Persons Hotline operating out of Klinik Community Health Centre.
- Canadian jurisdictions have recognized VS' employment of a therapist to support Justice employees who have been impacted by vicarious trauma and compassion fatigue as ground breaking work.
- The Victim Services Family Liaison Contact continues to reach out to the families of missing and murdered Indigenous women and was essential in providing support to families at the 2015 National Wiping Away the Tears gathering of families and the pre-inquiry consultation meetings with families in Winnipeg. Victim Services Staff were also invaluable in providing support to families at the second National Roundtable.

- VS continues to provide financial support (travel, accommodation, meals) for surviving family members of homicide victims to attend sentencing hearings. Parking costs are also covered for surviving family members when they attend preliminary hearings, trials or sentencing hearings.
- VS administers the Victim Assistance Fund and the Criminal Property Forfeiture Fund which assists 19 community based programs to deliver services and programs to victims of crime.

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

- Michael Mahon 204-945-2868

9

Aboriginal and Community Justice Programming

Issue:

The Innovation and Restorative Justice Branch administers the delivery of cost-shared programs under Justice Canada's Aboriginal Justice Strategy, which has a mandate to fund Community Justice Alternatives for youth and adults in conflict with the law. The branch also administers the delivery of programs funded by Manitoba only and is responsible for restorative initiatives within the department.

Background:

Programs Cost-Shared with Justice Canada

- The Branch is responsible for administration of contracts with Aboriginal organizations to provide restorative justice. These projects are co-funded by Canada under the Aboriginal Justice Strategy (AJS).
- The programs funded this way are delivered by: Onashowewin (Winnipeg), Hollow Water Community Holistic Healing Program, St. Theresa Point Youth Court, Manitoba Keewatinkowi Okimakanak Inc. (MKO) First Nations Justice Strategy (14 MKO communities), Cross Lake Band of Indians, Norway House Cree Nation, Manitoba Métis Federation Métis Justice Program (35 communities), Fisher River Cree Nation Justice Program, the Thompson Community Justice Program, and the Southern Chiefs Organization (SCO) Justice Strategy (5 communities).
- Onashowewin also provides a diversion program in Bloodvein First Nation. Court sits there 12 times a year, with busy adult and youth dockets. Onashowewin is responsible for ensuring the timely delivery of service with properly trained staff who ensure that prosecutors are kept informed on the progress of a diverted case.
- In 2015/16, Canada cost shared the program in the amount of \$12,500.

S. 21(1)(a) + 23(1)(a)

- For the last number of years, the department has been working with MKO, SCO and MMF to develop restorative justice

programs in Aboriginal communities to focus on improving outcomes for people with the ultimate goal of reducing their involvement in the criminal justice system.

- The SCO program has had some challenges over the past few years, both from a financial accountability perspective and from an operational perspective. Canada and Manitoba continue to review the program and have seen improvement over the last 6 months.
- The AJS has traditionally been renewed in 5 year terms; however, since 2012/2013 the AJS has been renewed for one or two year terms. s. 23(1)(a)(f)

Programs funded by Manitoba Justice

- Manitoba currently has 38 active designated community justice committees across the province.
- In addition, there are 2 agencies funded to provide diversions in the province - Mediation Services in Winnipeg and the John Howard Society of Brandon-Westman Mediation, in Brandon. These agencies work with youth and adults charged with criminal offences. Westman Mediation also provides support to 7 active Western Manitoba justice committees.
- The department has provided funding to pilot a restorative justice hub model in the Westman and Parkland Regions. A fifteen month agreement was entered into with the John Howard Society of Brandon-Westman Mediation in January 2016 to create this hub. A coordinator has been hired to triage diversions from Crown attorneys, courts and police. In 2016/17 restorative justice services will be expanded through education, leadership, training, and support for schools, other agencies, RCMP, Crown Attorneys in Dauphin and Brandon, 13 First Nations and 355 communities in the Westman and Parklands regions.
- The department has a service contract with Mediation Services to provide victim/offender mediations in the Portage/Morden area. s. 23(1)(a)

Departmental restorative justice initiatives

- In Winnipeg, the number of cases that are diverted has not increased over the past number of years and the regions have

seen a decline in cases referred to volunteer community justice committees.

- The department is looking at ways to increase the number of cases that are diverted from the traditional court process. *The Restorative Justice Act* was proclaimed in November, 2015 and a five year Restorative Justice strategy is currently being developed.
- The Intensive Case Assessment Process (ICAP) was introduced in the Winnipeg office of Manitoba Prosecutions Service on June 1, 2015. The intention of ICAP is to review cases early and where appropriate, divert cases to other programs such as restorative justice.

S. 23(1)(a)

S. 23(1)(a)(c)+(d)

Suggested Responses:

• S. 23(1)(a)

• S. 23(1)(a)

• S. 23(1)(a)

Contact Person:

Irene Hamilton, Assistant Deputy Attorney General 204, 945-5000

Justice Innovation and Delivery

Issue:

- The work of the Justice Innovation Branch and the Delivery Team

Background:

Innovation

- The Administration, Finance and Justice Innovation Division was created in 2011 and was staffed with a director and project manager in early 2012. Representatives from criminal justice system divisions were seconded as members of the Innovation Team.
- In 2016, Innovation became part of the amalgamated Innovation Restorative Justice Branch and an additional project manager was added when Courts Division transferred a position for that purpose.
- The objective of Innovation is to streamline processes within the criminal justice system while ensuring that it remains fair and effective.
- The overall goal of Innovation is to speed the processing of matters within the criminal justice system, thereby improving service to the public, enhancing public confidence in the justice system, reducing the number of accused in custody on remand status and reducing the length of time spent on remand status.
- The Innovation team is working on initiatives in a variety of areas, all focused on meeting these goals.
- Video technology to facilitate lawyer/client discussions has been installed in all youth and adult Correctional Centres, except Dauphin.
- Enhanced video conferencing equipment was installed in Thompson Provincial Court, to connect to The Pas Correctional Centre and Agassiz Youth Centre to allow court appearances by video, reducing the need to transport accused to Thompson from those correctional centres. Accused can also appear in this manner from all southern institutions that have video conferencing capacity for court: Headingley Correctional Centre (HCC), Women's

Correctional Centre (WCC), Milner Ridge Correctional Centre (MRCC), and the Winnipeg Remand Centre (WRC). This capacity increases access to justice and efficiencies in the system.

A 4 year video expansion project was approved in 2014/15. Implementation that began in 2015/16 includes the following:

- The number of “jail ends” (i.e., capacity for videoconferencing) in HCC will be increased from 1 to 3. This will significantly increase the number of accused who can appear by video to dispose of their criminal matters by guilty plea.
- Work is underway to install 2 new jail ends in the Brandon Correctional Centre (BCC) which has not previously had video conferencing capacity.
- Work is underway to increase video capacity in The Pas Correctional Centre from 1 to 2 jail ends.
- The number of early disposition courtrooms in the Law Courts building in Winnipeg increased by 1 which allows more guilty plea dispositions to be heard. (There were already 2 video bail courts and 1 video disposition court in operation at 408 York).
- Winnipeg Provincial courtrooms 401, 402 and 408 will have video conferencing equipment installed in 2016/17.
- Courtroom 101 in Brandon Provincial Court will have video conferencing equipment installed.
- Portage la Prairie Provincial Court will have video conferencing equipment installed to allow bail applications/early dispositions to be heard by video.
- Whenever video conferencing is used, it reduces the need to transport an accused for an in-person appearance in court. This reduces sheriffs’ costs and improves safety.
- Each video equipped courtroom can connect with any video equipped correctional centre.

- In Winnipeg, the Provincial Court has created additional court time in the afternoons to allow matters to proceed to disposition as soon as possible, and a newly created position in Courts coordinates the setting of matters to ensure effective utilization of court time.
- Following the amendment to *The Provincial Court Act* and enactment of a regulation dealing with electronic documents, electronic common offence notices (tickets) are now accepted from the RCMP.
- Work is underway to provide Brandon Police Service with e-ticket capacity.
- Work has begun on the business process review needed in preparation for the shift to an electronic environment in the Provincial Court.

Delivery

- Innovation has also co-chaired the Delivery Initiative in the department, working under the guidance of the Clerk's Delivery Unit.
- Delivery started in March 2014 and is an evidence-based process to allow analysis and measurement of progress towards the following aspirational statement and target metrics:

Aspiration: Improve the timeliness and effectiveness of the criminal justice system.

Target Metrics:

- 1) Decrease the number/volume of cases being adjudicated within the criminal justice system
- 2) Resolution of cases within the criminal justice system will occur within standardized and targeted benchmarks

The Delivery initiative is now at a stage where the discussions and analyses from the last 2 years are being prioritized and finalized into concrete work plans that can start to be implemented by cross-divisional teams in the department. The Innovation branch will play a major role in coordinating these projects.

Suggested Response:

- s. 23(1)(a)

- s. 23(1)(a)

- s. 23(1)(a)

Contact Person:

Irene Hamilton 204-945-5000

Drinking and Driving Inventory of Initiatives

Issue:

- Summary of key Manitoba Government impaired driving initiatives since 1999.

Background:

Since December 1999, Manitoba has:

1. Targeted Repeat Offenders

- Expanded the sentencing “look-back period” for repeat drunk drivers from two years to five years, thereby legally recognizing more repeat offenders.

2. Increased Driver Licence Suspensions

- Impaired driving causing death or bodily harm - 5 years on 1st conviction and 10 years for 2nd; impaired driving or driving over .08 - 1 year on 1st conviction, 5 years on 2nd and 10 years on 3rd.
- Refuse breathalyzer - 2 years on 1st conviction, 7 years on 2nd and 10 years on 3rd.
- Lifetime suspension: on 3 convictions if any offence involves death or bodily harm; or 4 or more for other impaired driving offences.

3. Targeted a Wider Range of Vehicles

- Extended drinking and driving sanctions to all off-road vehicles, including snowmobiles, all-terrain vehicles, dirt bikes and construction or farm implements.

4. Increased Vehicle Impoundment Periods Based on Blood Alcohol Readings

- Doubled vehicle impoundment period for refusing a breathalyzer or driving over .16.

5. Introduced Vehicle Forfeiture

- Vehicle forfeiture on conviction for impaired driving causing death or bodily harm or for repeat impaired drivers (3 or more convictions within 5 years).

- 6. Introduced Zero Blood Alcohol for New Drivers**
 - As part of the graduated driver licensing program, drivers must have a zero blood alcohol concentration (BAC) for the first five years of driving.
- 7. Pushed for Tough, New Criminal Sanctions**
 - Urged the federal government to: consider whether the *Criminal Code* BAC level should be lowered to .05; amend the *Criminal Code* to eliminate conditional sentences in cases of impaired driving cause death or injury; amend the *Criminal Code* to increase penalties for persons who drive impaired with a child passenger; and strengthen the laws on refusing a breathalyzer test.
- 8. Instituted Intensive Public Education Campaigns with MPI and Other Partners**
 - Launched the “You Lose” campaign to raise awareness of the consequences of drinking and driving; provided “Wrecked” resource package for high school students; presented *Under Pressure*, MADD’s multimedia production Manitoba students.
- 9. Boosted Community Efforts Against Impaired Driving**
 - Provided funding to TADD, Safe Grad, MADD, PARTY Program, Operation Red Nose and Homefree Winnipeg; introduced province-wide mandatory alcohol server education and voluntary designated driver programs; hosted a conference on impaired driving countermeasures and a public consultation; and gave new driving students presentations on the consequences of drinking and driving in Manitoba.
- 10. Put Victims of Impaired Driving First**
 - Phasing in Manitoba's *Victims Bill of Rights* to ensure victim notification and consultation on request, including survivors in cases of impaired driving cause death and injury victims.
 - Victim Impact Statement Program expanded by having a Crime Victim Rights worker encourage and assist victims in preparing a Victim Impact Statement and working with the Crown to have it presented in court.
- 11. Strengthened Police Enforcement**
 - Enhanced impaired driving roadside check stops by police through funding from MPI.

- Increased detection and consequences for driving while suspended by providing police with suspended driver lists, increasing the maximum fine to \$5,000 and increasing the maximum jail term to one year.

12. Introduced New Technology

- Introduced ignition interlocks for suspended impaired drivers on conditional licences and as a mandatory post-suspension driver's licence requirement for all impaired driving offenders.

13. Enhanced Police Powers

- Amended *The Highway Traffic Act* to provide clear authority for police to ask suspected impaired drivers if they have been drinking or consumed drugs and to conduct Physical Coordination Tests.

14. Eliminated Spousal Death Benefits for Impaired Driving Offenders

- Amended *The Manitoba Public Insurance Corporation Act* to deny spousal death benefits to a claimant who is at least 50 per cent responsible for a collision that caused the death and who is convicted of an impaired driving offence in connection with that collision.

15. Introduced New Licence Suspension for Impaired Driving Child Endangerment

- Increased driver's licence suspension for driving impaired with a passenger under the age of 16.

16. Extended Licence Suspensions to Manitobans Convicted of Impaired Driving in the United States.

- Amended *The Highway Traffic Act* to extend drivers licence suspensions and other post-conviction sanctions to Manitoba residents who are convicted of impaired driving in the U.S.

17. Establishing a Roadside Memorial Program

- Announced that Manitoba would be entering into a memorandum of understanding with MADD Canada to establish a roadside memorial program for persons killed by impaired drivers on Manitoba's provincial highways.

18. Extended Licence Suspensions to New *Criminal Code* Offences

- Amended *The Highway Traffic Act* to extend drivers licence suspensions and other post-conviction sanctions to drivers convicted of the new *Criminal Code* offences of driving over .08 causing bodily harm or death and refusing to provide a breath or blood sample where there has been an impaired driving related collision resulting in bodily harm or death.

19. Introduced Tiered Short-term Suspensions and Expanded Sanctions to More Types of Transportation

- Amended *The Highway Traffic Act* to adopt tiered, short-term suspensions of 72 hours (or seven days if a child passenger is in the vehicle) for a first violation of driving with a BAC of .05 to .08 or failing a physical co-ordination test, 15 days for a second violation, 30 days for a third violation and 60 days for a fourth or subsequent violation within ten years.
- Also, road-vehicle driver's licence suspension sanctions that apply to those found driving a road vehicle while impaired were expanded to apply to people found operating boats, planes and trains while impaired.

20. Increased Sanctions for Driving Without an Ignition Interlock Device

- Persons who are required to use an ignition interlock, but are caught driving without one may have their vehicle impounded and face a charge of driving while disqualified, which can lead to a fine of up to \$5,000, up to one year in jail or both a fine and jail sentence.

21. Increased Sanctions for Drug Impaired Driving

- A driver who is unable to safely operate a vehicle, based upon his or her performance of a Drug Recognition Evaluation test, will face an immediate tiered driver's licence suspension. Drivers who refuse to participate in the test or fail to follow instructions relating to the test will face an immediate three month roadside suspension and vehicle impoundment for at least 30 days.

Suggested Response:

S.230(a)

cont'd from p. 43

s. 23(1)(a)

Contact Person:

Irene Hamilton

204-945-5000

2

How the Community Notification Process Relates to Management of High Risk Sex Offenders

Issue:

- The role of the Community Notification process in relation to the management of high risk sex offenders in the community.

Background:

- There are a number of options for dealing with high risk sex offenders.
- In sentencing a sex offender, if appropriate, a Crown attorney may apply to have the court designate an offender as a dangerous offender, which may result in indefinite imprisonment of an individual.
- However, the *Criminal Code* provisions are very strict on when such orders may be made by the court and require a significant level of proof to obtain such orders.
- Courts in Canada have generally recognized that indeterminate detention was meant to apply to a very small group of offenders whose personal characteristics in particular circumstances require preventive detention orders to control their behaviour.
- If the court does not find the offender to be a dangerous offender, the court may still find the offender to be a long-term offender if, after reviewing the evidence, the court concludes that the offender should be sentenced to at least two years in custody, that there is a substantial risk that the offender will reoffend, but there is a reasonable possibility of eventual control of risk in the community.
- The court would then impose a jail sentence to be followed by a supervision order for up to 10 years. Supervision orders are supervised by the Correctional Service of Canada and result in concentrated risk management by imposing strict conditions on the offender once he/she is released from custody.
- If an offender is not sentenced as a dangerous or long term offender he may be denied any parole and held in custody

to the last day of his sentence. If so, he must be released without any parole conditions at the end of his sentence.

- However there are some other options available to deal with high risk sexual offenders that are released without conditions that pose a significant risk to the community. The Crown attorney high-risk sexual offender unit reviews high risk sexual offender cases to determine how best to deal with such cases.
- If appropriate, the Crown may make an application under section 810.1 of the *Criminal Code* for a protective recognizance asking the court to impose conditions of release to protect society and provide some control over an offender who has been released from jail and is considered at risk to re-offend.
- The conditions of the order may include residence requirements, imposition of a curfew, counselling requirements, prohibiting contact with children or prohibiting access to computers. A breach of any of these conditions may lead to arrest and charge and upon conviction, significant sentences and further protective orders.
- In addition, a Manitoba police agency can refer cases involving convicted sex offenders who are about to be released from jail, or already living in the community, and are thought to be at high-risk to offend again, to the Community Notification Advisory Committee (CNAC). CNAC reviews such cases and makes a recommendation to police about whether the public should be warned about such offenders living in the community.
- If a police agency issues a public notification about the danger presented by a particular offender, information regarding that offender will be placed on the Manitoba Sex Offender Website.
- The website provides the public with information about high-risk sex offenders who are at large in the community so that members of the public may take steps to protect themselves and their children. The website assists in notifying the public by providing a wider distribution of the notification.

- The Community Notification process is one strategy, together with the section 810.1 order process, in the management of high risk sex offenders by keeping the public informed about sex offenders who are in the community and pose a high risk to reoffend.

Suggested Response:

•
s. 23(1)(a)

• s. 23(1)(a)

Contact Person:

Irene Hamilton 204-945-5000

Manitoba Crime, Homicide and Motor Vehicle Theft Statistics

3

Issue:

- Summary of 2014 Manitoba crime statistics.

Background:

- These are the most current statistics available. They were released in July 2015. *s. 23(1)(a)*
- Since 2004, Manitoba's overall crime rate has decreased each year except for 2009. Manitoba's 2014 overall crime rate was 3% lower than in 2013 and 39% lower than a decade ago.
- In 2014 in Manitoba, there was a decrease in the overall severity of crime (-5%), the severity of violent crime (-7%) and the severity of non-violent crime (-3%), using Statistics Canada's Crime Severity Index (CSI) measures.
- In 2014, Manitoba experienced decreases in its rates of attempted murder (-35%), cannabis offences (-16%), homicide (-15%), robbery (-9%), other *Criminal Code* offences (-8%), impaired driving (-7%), break and enter (-6%), cocaine offences (-4%), sexual assault levels 1, 2 and 3 (-1%) and serious assault levels 2 and 3 (-1%).
- In 2014, Manitoba experienced an increase in its rates of sexual violations against children (+12%), other drug offences (+8%) and motor vehicle theft (+4%). Manitoba experienced no change in its property crime rate.
- Anecdotal information suggests that recent increased rates of the child sexual offences may be due to a greater willingness on the part of victims to report the offences to police.
- In 2014, Manitoba had the highest homicide, robbery, sexual assault rates, and highest violent CSI among the provinces.

Suggested Response:

- *s. 23(1)(a)*

48

cont'd from p. 48...

s. 23(1)(a)

Contld from p.49...

S. 23 (1)(a)

Contact Person:

Irene Hamilton

204-945-5000

4

Issues discussed at recent FPT Justice Ministers' Meetings

Issue:

- Summary of issues discussed at the January 21, 2016 meeting of Federal/Provincial/Territorial (FPT) Ministers Responsible for Justice and Public Safety in Quebec City.

Background:

The January 21, 2016 FPT Ministers' meeting did not follow the usual process as Provincial/Territorial (PT) Ministers were not allowed to propose agenda items for the meeting. The agenda for the meeting was distributed by the federal side and consisted of the following issues:

- 1) An opportunity for FPT Ministers to speak about their priority justice related issues;
- 2) Indigenous Items - Violence Against Indigenous Women and Girls and the Truth and Reconciliation Commission;
- 3) Countering Radicalization to Violence;
- 4) Cyber Security;
- 5) Financing an Innovative Justice System; and
- 6) Physician Assisted Dying (Supreme Court of Canada Carter Decision).

Suggested Response:

s. 23(1)(a) ;

+ s. 21(1)(a)+(b)

contld from p 51...

s. 230(a) & s. 21(1)(a)+(b)

Contact Person:

Irene Hamilton

204-945-5000

MADD Canada Rating the Provinces Report 2015

5

Issue:

- Manitoba's ranking in MADD Canada's 2015 report on the quality of provincial impaired driving legislation.

Background:

- Every three years since 2000, Mothers Against Drunk Driving Canada (MADD Canada) has released a "Rating the Provinces" report on the quality of provincial and territorial impaired driving legislation.
- Manitoba received a "C" grade in 2000, a "B" grade in 2003, an A minus grade in 2006, an A minus grade in 2009 and a "Making Some Progress" grade in 2012.
- Manitoba ranked 4th among provinces in 2000, had the highest ranking in 2003, 2006 and 2009 (along with Ontario) and was one of six jurisdictions (Alberta, Quebec, New Brunswick, Nova Scotia and PEI) noted as "Making Some Progress" between 2009 and 2012.
- However, the 2015 Rating the Provinces report took a different approach in rating the provinces, which is disadvantageous to Manitoba as it excludes many core elements of Manitoba's impaired driving program.
- Manitoba's 2015 rating was 48% (12/25) and an F+ grade, which places it 7th behind Alberta (C+ 68%), BC (C- 60%), Ontario (C- 60%), Nova Scotia (D 56%), PEI (D 56%), and Saskatchewan (D- 52%); tied with Newfoundland (F+ 48%); but ahead of New Brunswick (F 44%) and Quebec (F 44%).
- MADD is now focusing on four elements: Graduated Driver Licensing (GDL), roadside sanctions for driving between .05 and .08, roadside sanctions for drug impaired driving and ignition interlock program requirements.

- s. 23(1)(a)

Contld from p. 53...

• s. 23(1)(a)

s. 23(1)(a)

• s. 23(1)(a)

• s. 23(1)(a)

• s. 23(1)(a)

• s. 23(1)(a)

Suggested Response:

• s. 23(1)(a)

cont'd from p. 54...

s. 23(1)(a)

Contact Person:

Irene Hamilton 204-945-5000

6

Provincial Internet Site for Sex Offenders (Manitoba Sex Offender Website)

Issue:

- Provincial Internet Site for Sex Offenders

Background:

- On April 13, 2003, Manitoba Justice established a website that displays the names and photographs of high risk sex offenders who have been the subject of a public notification by one of Manitoba's police forces. The web address is: www.gov.mb.ca/justice/notification/index.html
- Information about a high risk sex offender is placed on the website only if a Manitoba police agency has issued a public notification about the danger presented by a particular offender who is in the community or about to be released to the community. The website assists in notifying the public by providing a wider distribution of the notification.
- The purpose of the website is to provide the public with information about high risk sex offenders who are at large in the community so that members of the public may take steps to protect themselves and their families. The website is accessible by residents of Manitoba.
- The offender information displayed on the website is contained in two sections: Current Notifications and Previous Notifications. The Current Notifications section displays all the media releases issued by the police in the past year about high-risk sex offenders. This normally includes information on the past offences committed by the offender, the area of the province where the offender is expected to reside and the type of person who is at risk from the offender (e.g. adult females, children).
- The second section of the website is Previous Notifications. Information about an offender is placed in the Previous Notifications section after it has been displayed in the Current section for one year. The Previous Notifications section displays more limited information about the offender.

- Offender information will remain in the Previous Notifications section unless the offender provides the Deputy Minister of Manitoba Justice with proof that he or she has received a pardon for the offences committed.
- In contrast, there is a national federally-operated sex offender registry which is run by the RCMP. It can only be accessed by police for the purposes of an active investigation. The registry is intended as an investigatory aid to the police. The information in the registry cannot be accessed by the general public or government.
- The legislation that established the federal sex offender registry requires offenders who have been convicted of certain sexual offences to advise the authorities (usually the local police) of their current address. This information along with the offender's name and the offence involved are compiled together to create the sex offender registry. If a sexual offence occurs in a certain geographic area, the police can consult the registry and obtain a list of individuals who live in that area and who have been previously convicted of a sexual offence. The registry cannot indicate who committed the offence but it may indicate individuals who might be suspects as a result of their prior conviction and geographic proximity to the offence.
- Manitoba does not operate the national sex offender registry and the Manitoba sex offender website is not a registry of offenders. Manitoba's sex offender website and the national sex offender registry are entirely separate and independent programs.

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

Irene Hamilton 204-945-5000

The Criminal Property Forfeiture Act

Issue:

- Criminal Property Forfeiture Branch

Background:

- Amendments to *The Criminal Property Forfeiture Act* (the Act) were proclaimed in December 2008 and established a new Criminal Property Forfeiture Branch within Manitoba Justice and a Director responsible for bringing forward applications under the Act.
- On June 8, 2009, the Director was in place and since September 10, 2009, the Director has filed numerous Statements of Claim or Applications in the Court of Queen's Bench against properties believed to be instruments or proceeds of unlawful activity.
- In pursuing forfeiture, the Director must be satisfied that property is a proceed or instrument of unlawful activity, the Director does not however, have to prove that the property was acquired in connection with a specific act.
- Forfeiture will only occur if the court is satisfied that there are reasonable grounds to believe that the property is a proceed or instrument and that ordering forfeiture would clearly be in the interests of justice.
- In June 2012, the Act was amended to provide the ability to allow for administrative forfeiture. Administrative forfeiture is a default process designed to avoid court proceedings by seeking forfeiture administratively. It occurs when the Director seeks forfeiture of property that has been seized by the police and no one files a claim contesting the forfeiture. If someone does file a claim (Notice of Dispute) to the property, the Director has a choice – file a civil process in the Court of Queen's Bench or discontinue the proceedings. Administrative forfeiture is applicable in cases where the proceeds or instrument of unlawful activity do not exceed \$75,000 in value and can include cash and other personal property.
- A significant number of administrative forfeiture files have been referred to the Criminal Property Forfeiture Branch. The administrative process is cost effective, efficient, timely and provides the ability to pursue property that has been unavailable in the past. To date more than \$3.6 million has been forfeited through the administrative process.
- The combination of claims pursued through the Court of Queen's Bench and the administrative forfeiture process has resulted in 1561 files being resolved and in excess of

\$13.6 million being forfeited to the Province of Manitoba (Administrative Forfeiture files: 1320, Part II Court process files: 241).

- Through the distribution process, \$4.3 million has been paid out or committed from the forfeited amounts and from the Federal Proceeds of Crime Trust Fund (FPOC Fund) to support safer communities through payments to provincial law enforcement agencies.
- A further \$1,719,337.87 has been distributed or committed to victims associated to specific files; to support programs or services that support victims of crime; and to support crime prevention programs such as Cybertip (\$513,237.87 to specific victims, \$1,092,000.00 Victims Assistance Fund, \$114,100.00 other).
- A donation program was initiated in 2013 which has so far seen over \$54,175.00 in horticultural (grow-op) equipment and electronics donated to Manitoba greenhouses and schools to support their academic programming.
- As required under the Act, a Memorandum of Understanding (MOU) has been developed to allow for the sharing of information among all signatory provinces as it relates to civil forfeiture investigations and proceedings. The MOU was signed in May 2011 and includes the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick and Nova Scotia.

Significant (ongoing) Proceedings:

- In July 2010, the Director initiated proceedings against the **Hells Angels Clubhouse**, a Statement of Claim was filed and a subsequent interim order was put in place which vacated the residence. This allowed the Director to have ongoing access and management of the property. The cost of maintaining the property was significant and on June 24, 2015, the Director obtained an order to sell the Property under subsection 7(1)(c.1) of *The Criminal Property Forfeiture Act*. The Court ordered that the Director could recover the maintenance costs out of the proceeds of the sale. The property was subsequently sold and an accounting of costs determined that there were no proceeds remaining from the sale. Though the property is sold, proceedings continue relative to the forfeiture of some items located within and on the property.
- On July 11, 2014 the Director filed a Statement of Claim, seeking forfeiture of **\$180,000.00** and a house located in the **RM of St Andrews (Valued at \$350,000.00)**. The proceeding resulted from an RCMP investigation in which a search warrant was executed at the property. The search

warrant had been obtained based upon information that the occupants were high level drug traffickers. Upon searching the house the police discovered over 157 pounds of cut and processed marihuana, almost one kilogram of packaged cocaine, over \$180,000.00 in cash and numerous firearms – some loaded. The occupants were arrested and charged with numerous criminal code offences.

- In January 2016, the Director filed a Statement of Claim, seeking forfeiture of a **Winnipeg house, a 2015 BMW and the contents of numerous bank accounts and investments** in relation to a Winnipeg Police Service investigation involving the theft of approximately \$400,000.00 from a Winnipeg Church.
- There are currently a substantial number of investigations being reviewed/filed and it is anticipated that forfeiture proceedings will continue to accelerate in the coming year.

Suggested Response

• s. 23(1)(a)

• s. 23(1)(a)

• s. 23(1)(a)

Contact Person:

Irene Hamilton 204-945-5000

Inquest Legal Fee Funding Policy

Issues:

- Response to requests for funding for legal expenses related to Inquests under *The Fatality Inquiries Act*

Background:

- Prior to March 21, 2012, Manitoba dealt with requests from the family of the subject of an inquest and organizations for funding for legal representation on an ad hoc basis. The policy was to not provide funding to organizations and only to provide funding for legal representation for the family of the subject of an inquest if extraordinary circumstances exist.
- Manitoba has consistently taken the position that it has no legal obligation to provide funding to parties with standing at an inquest.
- Manitoba was criticized for not having a formal, written publicly available policy in relation to funding. A written policy was approved on March 21, 2012 and is publicly available on the Government of Manitoba internet site.

Policy

- The Government of Manitoba will only consider a request for a contribution to help pay for legal fees for a lawyer to represent the family of the subject of an inquest in extraordinary cases where the circumstances of the death and the family make it such that it is in the interests of justice for the family to have independent counsel. Requests from other individuals and from organizations, with or without standing, will not be considered.
- This is substantially the same policy as was in place before it was put in writing.
- In accordance with the policy, decisions regarding whether to provide funding are final.

Response to Requests

- Since the policy was approved there has been an increase in the number of applications for funding from families and organizations. This appears to be in part because of the existence of the policy as well as a perception that inquests should be treated in the same way as inquiries called by government, where almost all counsel for parties with standing are being paid from public funds. There also appears to be a perception that specific funding has been appropriated for this purpose, which is not the

case. If a request is approved it must be found from within the responsible department's budget.

- When a request is received by the department it is reviewed and a determination made as to whether the person making the application is eligible for funding in accordance with the policy. If the person is eligible then the application is analyzed based on criteria including the circumstances of the death, the circumstances of the family, the complexity of the inquest, the purpose of an inquest and the role of inquest counsel.
- Families often have expectations of inquest outcomes that are beyond its legislated purpose. They may feel that a determination of fault is needed, not recognizing an inquest is to explore the circumstances and make recommendations to prevent deaths from occurring in similar circumstances. The public interest is the guiding objective.

Specific Applications

- A denial of funding in early 2013 prompted an application by counsel for a family challenging the government's denial. (Donald Moose Inquest) While encouraging the government to reconsider, the judge determined that he had neither the express nor implied jurisdiction to order the government to provide funding for counsel for the family.
- In December 2014 the department approved funding for

s. 17(1) + 17(2)(g)

- In March 2016, the department denied funding for

s. 17(1) + 17(2)(g)

It also denied
funding for s. 17(1) & s. 17(2)(g)

The department has not received an indication that these decisions will be challenged in Court but counsel have

been very assertive in their position that they should be funded.

Suggested Response:

s. 230)(a)

s. 234)(a)

Contact Person:

Irene A. Hamilton 204-945-5000

Kyle Unger Compensation Request

Issues:

- Claim for Compensation and Request for Declaration of Factual Innocence

Background:

- Kyle Unger was convicted of first degree murder of Brigitte Grenier and spent almost 14 years in prison. He was released on bail in 2005 pending a review of his conviction by the Federal Minister of Justice pursuant to section 696.2 of the Criminal Code. The review resulted in his conviction being set aside and a new trial ordered on March 11, 2009. On October 23, 2009, the court, at the request of the Crown, entered a verdict of not guilty.

s. 27(2)

s. 230(a) + s. 27(1)(a)

s. 230(a) ; s. 27(1)(a) + s. 28(1)(b)(c)

• s. 27(1)(a)

• s. 27(1)(a) + s. 27(2)

• s. 27(2)

• Subsequently,

s. 27(1)(a);

s. 27(2)

• s. 27(1)(a);

s. 27(2)

- A Statement of Claim was filed in the Court of Queen's Bench on September 21, 2011. The suit names the Attorney General for Manitoba and 3 Manitoba Justice employees (Dangerfield, now retired, Slough, now a Provincial Court Judge and Morrison, a former employee) as well as the RCMP, the Attorney General for Canada and several employees of those parties and seeks general damages of \$7.5M, punitive damages of \$3.5M, special damages of \$500K and other remedies. An Amended Statement of Claim was subsequently filed that removed the RCMP as a named party.

- s. 25(1)(h); s. 27(1)(a)

- A Statement of Defence was filed on behalf of the Attorney General of Canada on August 16, 2013 denying allegations.

- Manitoba filed its Statement of Defence on behalf of the defendants George Dangerfield, Donald Slough, Robert Morrison and the Attorney General of Manitoba on September 11, 2014 denying all allegations.

- s. 25(1)(h); s. 27(1)(a)

- s. 25(1)(h); s. 27(1)(a)

Suggested Response:

- s. 23(1)(a)

Contact Person:

Irene Hamilton

204-945-5000

10

Legislative/Legal Responses to Trafficking in Persons

Issue:

- Recent legal responses (including recent Manitoba legislation) to trafficking in persons (which usually victimizes women or children, generally for purposes of sexual exploitation, although forced labour may also be an issue).

Background:

- Trafficking in persons has been a long-standing problem, both internationally and in Canada. Canada has been seen as both a destination for trafficked persons, and a transit country (with the U.S. as the ultimate destination).
- The international focus has been both on stopping the phenomenon through tougher protective laws, and by assisting the victims of trafficking.
- Canada has ratified various international instruments targeting trafficking, including the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (ratified May, 2002) and most recently the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* (ratified September 2005).
- In 2005, Canada also enacted tougher criminal sanctions addressing the practice. (Until then, the *Criminal Code* made no specific reference to 'trafficking in persons').
- These *Code* amendments included s. 279.01(1), making trafficking of persons an offence. Profiting from trafficking, and the withholding or destruction of documents to facilitate trafficking also became offences.
- Trafficking offences were made 'listed offences' so as to provide a broader range of enforcement tools to police; and people convicted of the new offences may now be registered in the sex offender registry.
- Notably, in terms of victim assistance, the amendments also allow possible restitutionary orders in the criminal courts for victims who have suffered bodily or psychological harm.
- Over the past decade, there have been many HT cases in courts across Canada. These include a number of charges laid in Manitoba, including a man charged in the Fall of 2014 with a number of counts of trafficking, and a woman

charged with similar offences in late March 2015. These cases are still before the courts.

s. 23(1)(a)

- Federally, Bill 268 which imposes 5-year minimum sentences for trafficking of persons under 18 years of age, came into force in Canada on June 29, 2010.
- Bill C-310, came into force June 28, 2012 and further amends the provisions to enable the Canadian prosecution of Canadian citizens or permanent residents for conduct committed abroad that, if committed in Canada, would have been an offence under any of the four specific human trafficking offences in the *Criminal Code*. It also creates an evidentiary aid to assist the courts in determining whether a person exploited another person, as defined in s. 279.04 of the *Criminal Code*.
- In addition to criminalization, preventative and victim-focused initiatives are a key part of efforts to combat the harms done by this malignant practice. Manitoba Labour and Immigration has been assessing how regulations and initiatives such as the (federal) Temporary Residence Permit (effective May 2006) may impact on this activity. As well, *The Worker Recruitment and Protection Act*, passed June 12, 2008, was proclaimed and took effect April 1, 2009. Among other things it requires individuals involved in recruiting foreign workers to be licensed, employers who recruit foreign workers to be registered, etc. Manitoba Labour and Immigration has six investigators who work to implement the WRPA.
- An FPT Children and Youth Sexual Exploitation Working Group composed of Social Service officials works in an integrated fashion to address the sexual exploitation of children and youth.
- In February 2007 Manitoba Justice and the RCMP Human Trafficking National Coordination Centre, held four symposiums on human trafficking for police, Justice officials and community organizations.
- Manitoba participates in the FPT forum of Ministers Responsible for the Status of Women. Human trafficking has been an ongoing item for discussion. Manitoba, on behalf of the FPT forum, recently commissioned a study, *An Exploration of Promising Practices in Response to Human Trafficking in Canada*.

- Two specialized Crown Attorneys have been designated to coordinate and prosecute cases of sexual exploitation/sex trafficking.
 - At the November 2007 FPT meeting, Ministers responsible for Justice, discussed the domestic and international aspects of trafficking in persons and expressed support for continued consideration of ways to ensure that traffickers are held accountable and that appropriate steps are being taken to protect and assist trafficking victims.
 - The Assembly of Manitoba Chiefs (AMC) hosted a forum on July 8-9, 2009, to discuss measures for their 2009/2010 initiative "Prevent Human Trafficking: Stop the Sexual Exploitation of First Nations Women and Children". Attendees came from a broad background including all levels of government.
 - Subsequently, public awareness forums entitled "Dear John: It's Rape not a Date" took place in 2010 and 2011 to provide information to the public on the issue of sexual exploitation of children in Manitoba. That forum has continued annually in the second full week of March. Its name has changed to "All Children Matter: Protecting Sacred Lives". At the most recent forum, a key speaker spoke on the Domestic Trafficking of Aboriginal Girls in Canada, and there were related panel sessions, including a report of the National Task Force on Sex Trafficking of Women and Girls in Canada.
 - The Ministers responsible for Justice have acknowledged the need to work together and support coordinated actions on human trafficking and sexual exploitation.
 - The U.N. Committee responsible for the *Convention on the Elimination of All Forms of Discrimination against Women* recently praised the ongoing efforts made by Canada to address trafficking and its related problems.
- Recent and Pending Developments:*** *The Child Sexual Exploitation and Human Trafficking Act* was proclaimed on April 30, 2012. Among other things, it enables a protection order to be made when a Justice of the Peace has determined that a person has engaged in child sexual exploitation or human trafficking. The protection order will prevent that person from contacting or approaching his or her victim. It also creates a new tort of human trafficking, which will allow a victim of human trafficking to sue the trafficker.
- To date, there have been at least twenty-one successful applications made under the Act (including one adult

applicant, seven parent applicants on behalf of their children and thirteen Child and Family Services worker applicants). It has been difficult to track all of the protection orders that have been granted, as there is no notification process from courts to the CFS system. This concern is especially relevant in situations where applicants/guardians are not involved with CFS or Street Reach /provincial sexual exploitation resources. Where it is known that there is an order in effect, an Alert has been placed on the CFS provincial database (CFSIS) with a cross reference to an offender file. A parent who has no CFS involvement who is granted an order may not be aware that a referral ought to be made to the CFS agency with jurisdiction to complete an abuse investigation. Records of orders applied for and granted are not kept by the Queen's Bench Registry, and query of that system is instead run on an ad hoc basis. A meeting with Justice contacts has been requested to explore a Fact Sheet that might be provided to all applicants when an order is granted, informing them of process and resources, and to discuss a vehicle for stakeholders such as the Child Protection Branch to obtain accurate statistics.

- Protection Orders under the Act are used to protect vulnerable children from suspected offenders. There have been several arrests involving a number of offenders in different regions of the province, most recently in Brandon in August 2015, where victims of sexual exploitation or human trafficking applied for and were granted protection orders. In addition, *The Manitoba Human Trafficking Awareness Day Act* came into effect on September 13, 2013. It creates an annual "Manitoba Human Trafficking Awareness Day" on the Thursday of the second full week each March.
- The Winnipeg Police Service is participating in a national program, called Operation Northern Spotlight, to combat human trafficking, by providing outside support to women involved in the sex trade.
- *Tracia's Trust* is Manitoba's sexual exploitation strategy and is phase two of the *Manitoba Strategy Responding to Children and Youth at Risk of, or Survivors of, Sexual Exploitation*. *Manitoba's Sexual Exploitation Strategy* was launched in 2002 and has been coordinating the implementation of Manitoba's strategy in a variety of contexts. *Tracia's Trust* has developed initiatives over the past several years that focus on the areas of prevention, intervention, legislation, coordination, research and

evaluation of child sexual exploitation. A Report commissioned by the Canadian Women's Foundation, published in the Fall of 2014, "*No More*" *Ending Sex-Trafficking in Canada*, commented very positively on Manitoba's efforts in this regard.

- The *Missing Persons Act* helps police agencies combat human trafficking by allowing them to apply for court orders to widen the scope of their investigatory powers when someone is missing. Under the Act, police agencies can apply for an order allowing them access to information that may assist them in locating a missing person or serve a written demand requiring a person to give them information in cases where a missing person is at risk of imminent serious bodily harm or death.
- Victim Services is a member of the Trafficked Persons Response Team which strives to develop protocols and policy for trafficked persons. In addition, Victim Services participates in the Manitoba Sporting Events Safety Working Group which aims to prevent sexual exploitation from occurring during major sporting events; including the 2015 Grey Cup in Winnipeg. Manitoba has provided funding for the Trafficked Persons Hotline operating out of the Klinik Community Health Centre.
- A "National Task Force on Human Trafficking" will operate out of Ma Ma Wi for the next 3 years. This will be privately funded. Tasks include: policy, advocacy and research collection on effects of human trafficking. It will offer grants for research, but will not provide services *per se*: It will plan to organize a National Survivor's Summit, develop a data base of resources across Canada, and plan to operate a national hotline (in Year 3) to refer callers to local services (although it will not duplicate the Klinik line).

Suggested Response:

• s, 23(1)(a)

• s, 23(1)(a)

cont'd from p. 71...

s. 23(1)(a)

Contld from p. 72 ...

s. 23(1)(a)

s. 23(1)(a)

Contact Person:

Irene Hamilton 204-945-5000

11

Tobacco Litigation - Health Care Cost Recovery

Issue:

- What is Manitoba doing about its lawsuit against the tobacco companies?

Background:

- On May 31, 2012, Manitoba proclaimed *The Tobacco Damages and Health Care Costs Recovery Act* (the "Act"), and filed its Statement of Claim against the tobacco companies.
- The Act facilitates a government lawsuit against tobacco companies, for wrongs committed historically. It is alleged that the wrongs increased the incidence of smoking, which in turn caused the provincial government to spend more on health care costs.
- Equivalent legislation is in force in all 10 provinces, and all 10 provinces have filed Statements of Claim.
- Manitoba has hired a Consortium of two national firms, **Bennett Jones LLP** and **Siskinds LLP**, to act as legal counsel for the Province. In turn, the Consortium (not the Government) has engaged **Thompson Dorfman Sweatman LLP** as local counsel.
- That same Consortium has been hired by five other Provinces to act for them. Together, this Consortium acts for a group of six provinces: **BC, SK, MB, NB, NS, PEI**.
- **ON** and **QC** are using in-house legal teams to conduct their litigation. **AB** and **NL** have each retained their own separate external legal teams.
- The legal teams of all provinces are working cooperatively on the litigation efforts.
- In Manitoba's litigation:
 - Pleadings are now closed (meaning all Defences have now been filed by all defendants).
 - QB Chief Justice Joyal is the Case Management Judge.
 - The litigation now turns to Document Discovery, and within Government, Manitoba Health is the lead for this step.
 - s. 27(1)(a) + s 25(1)(h)

s. 25(1)(h) & s. 27(1)(a)

Suggested Response

- s. 23(1)(a)

Contact Person:

Irene Hamilton 204-945-5000

Legal Aid Manitoba

12

Issue:

- Maintaining the level of legal aid services in Manitoba.

Background:

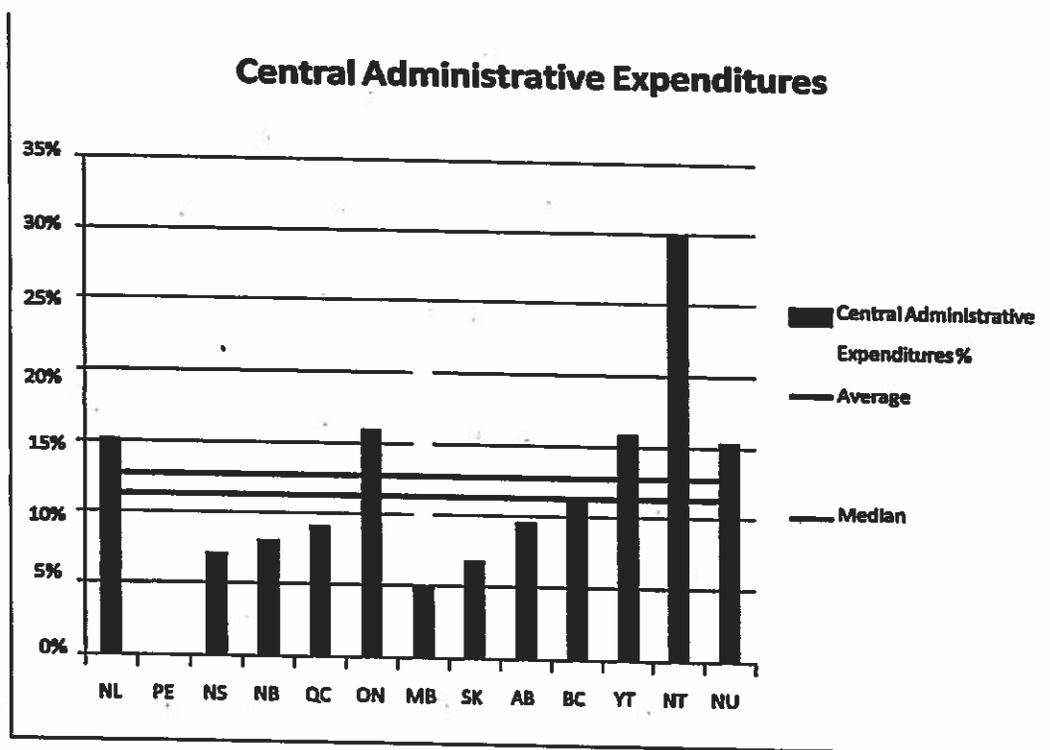
- Manitoba has one of the broadest ranges of legal aid coverage for low income citizens within any jurisdiction in Canada. This is partly because Manitoba uses a mixed system of delivery utilizing a combination of staff attorneys and members of the private bar.
- Legal Aid Manitoba's (LAM's) purpose is to ensure low income individuals and groups can achieve fair and just outcomes by accessing fundamental and essential legal "advice" and "representation" services provided by lawyers in the following areas of law:
 - Criminal defence (adult and youth);
 - Immigration and Refugee;
 - Child Protection;
 - Family Law;
 - Poverty Law issues including disputes involving housing issues, government benefits, and Mental Health Act detentions;
 - Public Interest matters (Indigenous, consumer, and environmental matters):
 - challenging systemic barriers and advancing the rights of vulnerable groups, i.e., assisting the families of missing and murdered Indigenous women and girls in Manitoba;
 - challenging systemic barriers and advancing the rights of vulnerable individuals, i.e., Manitoba's first ever Charter application to the Court on behalf of an individual seeking the right to die with the help of a doctor.
- The notion of "fairness" in the justice system is a core Canadian value. Canada's justice system is adversarial in nature. Imbalances between the power and resources of the Crown and the resources of an individual are readily apparent in the areas of
 - criminal defence,
 - immigration and refugee,
 - child protection, and
 - many poverty law matters.

76

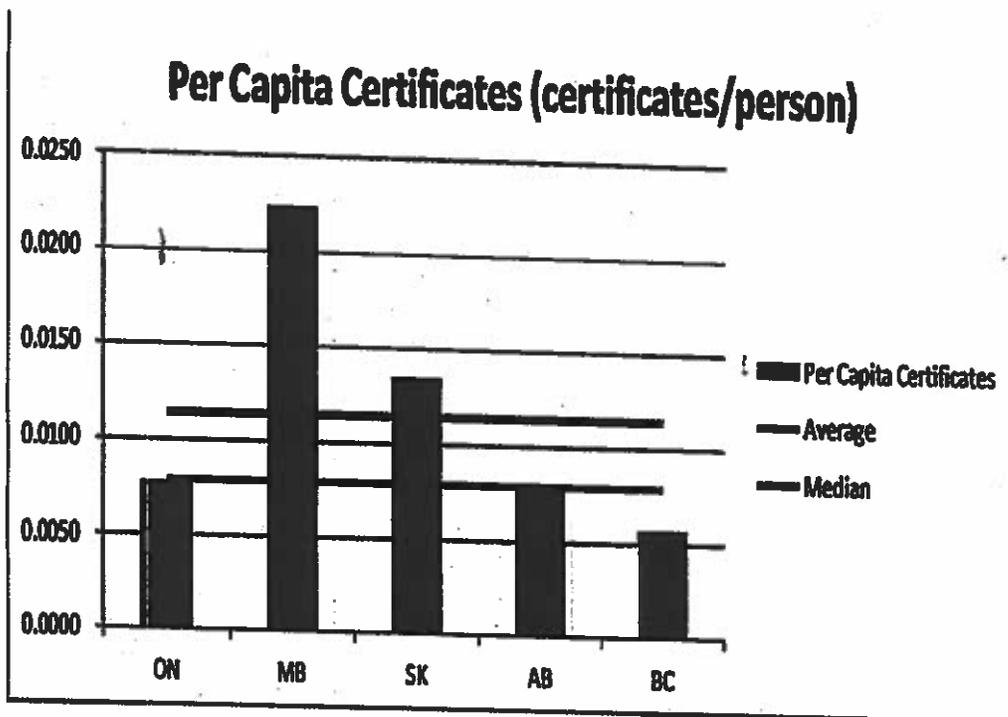
- Power and resource imbalances are equally apparent in family matters, and some poverty law matters, notwithstanding the fact that the Crown is not engaged.
- The justice system cannot function fairly and effectively if only the Crown or well-resourced litigants have access to legal “advice” and “representation” services provided by lawyers.
- The legal “advice” and “representation” services provided by LAM address the core value of “fairness”.

Delivery of Services:

- LAM delivers its services in a cost-effective and efficient manner by removing waste and inefficiencies from its processes and structure using sound business practices and principles.
- This chart compares the Administrative costs (as a percentage of total expenditures) of legal aid plans across Canada
- LAM’s Administration costs, as a percentage of total expenditures, are the lowest among all legal aid plans across Canada, (please note the data in this chart was sourced from information published by legal aid plans, and the Stats Canada website as at April 1, 2016).



- This chart, calculates the number of certificates issued per person in the province, using a discrete comparison group. LAM provides over double the number of representation services per person compared to Ontario and Alberta, and more than any other province, (please note the data in this chart was sourced from information published by legal aid plans, and the Stats Canada website as at April 1, 2016).



- LAM uses resources efficiently to ensure all eligible Manitobans have access to legal aid using a competitive service delivery model of staff and private bar lawyers.
- In order for LAM to retain the private bar, it offers a tariff based on the type of case that is undertaken. The private bar account for 60% to 65% of the legal aid services provided by LAM. LAM continually reviews the costs of delivering legal services using private bar versus costs using staff lawyers and will adjust the percentage of cases assigned based on cost of service.
- In 2000, the Province approved the first increase in tariff rates since 1987. Since then further increases for fees paid to the private bar were approved in 2003, 2005, and 2008. The Province also eliminated a previous percentage “hold-back” on fees in 2003.
- In 2008 the tariff was increased from \$57 to \$80 per hour, a 40% increase. The Legal Aid Manitoba Act requires that a Committee of representatives from the private bar review the tariffs every two years. The most recently prepared Committee review (2014) of the tariff recommended an increase to \$88.67 to tie the tariff to increases received by Legal Aid Lawyers Association (LALA). Such an increase would cost LAM and additional \$1.1 million per year. The Committee is

currently reviewing the tariff. s. 23(1)(a)

- While it is difficult to compare tariffs across the jurisdictions, as they are structured differently, Manitoba's current tariff is the sixth highest among the provincial legal aid plans. New Brunswick has a tariff maximum of \$70.0 per hour; Nova Scotia just increased their tariff rate in May of 2014 to an average of \$80.0 per hour. Saskatchewan just recently increased their tariff to \$88.0 per hour. Both Nova Scotia and Saskatchewan have a mainly staff lawyer model and do not use the private bar frequently. New Brunswick and Nova Scotia have a tiered rate, based on years of practice. A lawyer with 5 plus years of experience will receive a higher tariff rate than a lawyer that has just graduated. Manitoba does not operate a tiered system. The larger provinces have slightly higher tariff rates but the cost of living in those provinces is also higher.

s. 23(1)(a) + (f)

Funding Sources:

- LAM relies on funding from the Province, Canada (criminal legal aid), the Manitoba Law Foundation (MLF) and some fees for service from clients. The MLF income is dependent on interest earned on lawyers' trust accounts and can therefore fluctuate significantly. In 2008/09, MLF income was just over \$4 million. In 2010/11, MLF revenue reached a ten-year low at \$766.4. Revenues slowly increased largely due to the volume of transactions going through lawyers' trust accounts to a new height of \$1,420.6 in 2014/15. 2015/16 saw a decrease to \$1,140.6. The decrease affected both the statutory grant (down \$147.0) and the discretionary grants (down \$133.0) compared to 2014/15.
- Between 2006 and 2010; LAM used the income from the MLF to build reserves; however, with the low interest rates, LAM used up those reserves by 2012/13 and now relies almost exclusively on Manitoba as the significant funder. In the 2011/12 budget, Manitoba contributed an additional \$2.8 million to Legal Aid to stabilize funding and to ensure the continuation of core services.

- In 2012/13 Manitoba contributed a further \$1.755 million, \$1.255 million in 2013/14 and \$1.9 million in 2014/15 to address increases in the demand for legal aid and the annual salary increases.
- At one time Canada contributed 50% of the cost of criminal legal aid to the province. Over time, Canada has reduced its percentage contributions and has maintained *status quo* funding since 2003. Manitoba has absorbed the costs related to increased demand for LAM's services and general inflationary increases.

s. 23(1)(a)(c) ; 21(1)(a)

s. 23(1)(a)(c) ; 21(1)(a)

s. 23(1)(a)(c) ; 21(1)(a)

s. 23(1)(a)(c) ; s. 21(1)(a)

s. 23(1)(a)(c) ; s. 21(1)(a)

- Civil legal aid is handled differently by Canada. The federal government is responsible for civil law in the territories, while provincial governments have constitutional authority for property and civil matters. Responding to this division of authority, the federal government directly funds civil legal aid in the territories.

For the provinces, the federal government's position is that it supports civil legal aid through the Canada Social Transfer.

- Both family and child protection proceedings are civil proceedings, subject to the same burden of proof (on the applicant – in family matters, the person commencing the application; in child protection matters, the child protection agency) and the same standard of proof (balance of probabilities).
- A family proceeding is a private, civil action. The parents are responsible for bringing forward evidence and paying the costs of litigation. The court is entirely dependent on parties to bring forward evidence of intimate partner violence and associated expert evidence; legal representation can be costly, especially if a case proceeds to trial, and most parents with incomes near the poverty line are not eligible for legal aid in many other jurisdictions.
- Child protection proceedings, by contrast, are initiated by a state agency; the state pays the costs of the litigation by the agency, and legal aid often, but not always, covers the costs of litigation for the parent. Where legal aid is denied and the parent cannot afford counsel, the *Charter* requires that state-funded counsel be appointed; there is no corresponding requirement for state-funded counsel for indigent parents in family proceedings.
- Manitoba continues to fund legal aid for civil matters, (family and child protection) despite a lack of federal cost sharing for such services. LAM is maintaining a mixed legal aid service delivery model, which effectively utilizes both staff and private counsel.

Increasing Access to Justice:

- Although there has not been a Tariff increase since 2008, the private bar has not been demanding an increase by threatening a withdrawal of services as happened previously (at different times) during the period of 2005-2008.
- Instead, during 2013/14 the private bar recommended that LAM and Manitoba look at increasing access to justice by increasing the financial guidelines for persons eligible for legal aid. The guidelines have not been formally increased since 2000.
- As has been previously referred to above, Manitoba contributed a further \$1.9 million to LAM in 2014/15 to address increases in the demand for legal aid and the

annual salary increases.

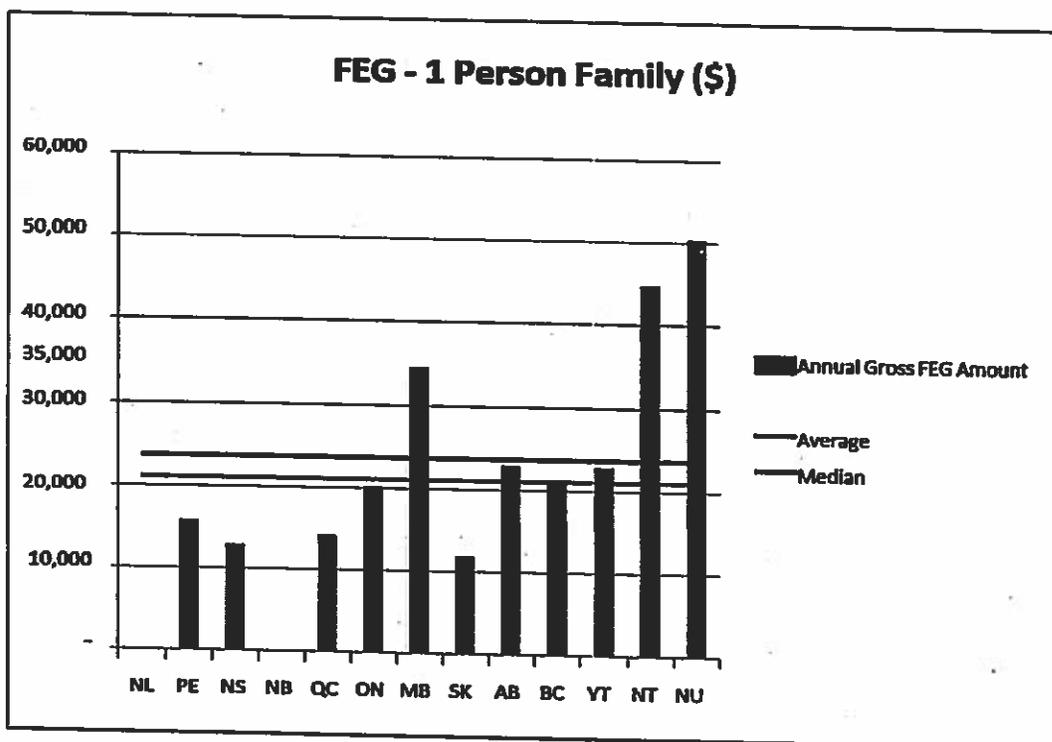
s. 23(1)(a)(c)

- As at April 1, 2016, LAM provides more representation services to more people, in more areas of law, than any other provincial legal aid plan.
- LAM's adjusted financial eligibility guidelines, (since April 1, 2014) provide a greater number of Manitobans with incomes near the poverty line with the opportunity of accessing legal aid.

- Individuals with gross family incomes that fall within the "Free" category receive legal aid without charge.
- Individuals with gross incomes that fall within the Agreement to Pay category, may receive legal aid by agreeing to pay the cost of their case.

Family Size	"Free" legal aid Gross Family Income	Agreement to Pay Gross Family Income	Poverty Line [2015 Stats Canada Low Income Cut Off (LICO) before tax]
1	23,000	23,000 - 35,000	23,851
2	27,000	27,000 - 45,000	29,705
3	31,000	31,000 - 50,000	35,559
4	34,000	34,000 - 54,000	41,413
5	37,000	37,000 - 57,000	47,267
6	39,000	39,000 - 60,000	53,121
More than 6	42,000	42,000 - 60,000	58,975

- This chart shows the current, as at January 2016, one person financial eligibility guideline (FEG) for each jurisdiction.
- LAM's eligibility guidelines for a single person and for all family sizes are the highest among the provincial legal aid plans.
- Please note the data in this chart was sourced from information published by legal aid plans, and the State Canada.



- LAM provided service on both a formal and informal basis to 96,913 persons in 2015/16, up from 86,933 persons in 2014/15.

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

Irene Hamilton (204) 945-5000

John Howard Society Bail Program

Issue:

- To provide an overview and an update of the Bail Assessment, Supervision and Support Program (BASSP) and Bail Residence Program managed by the John Howard Society (JHS).

Background:

- The JHS currently runs a bail program which has the capacity to supervise 75 men on bail in the community and includes a residential component with 26 beds.
- The program is intended to reduce the number of male offenders in custody awaiting trial and/or sentencing. The residential component is targeted towards individuals that do not have a suitable place to live which can be a major barrier for those seeking bail while awaiting trial.
- The location of the JHS bail program is at 583 Ellice which is handicapped accessible space with a semi-private area available for those with special needs. Recreation and meals are provided in areas immediately beside the dormitory. There is a minimum of one staff on duty at all times.
- The BASSP has three main functions:
 - staff from the program assess risk and behaviour of potential participants in custody and put together a plan to address these concerns. These plans are then submitted to the court as part of a bail hearing;
 - should the individual be released on bail, the program provides ongoing support to the individual as they follow the plan through face to face meetings, group work, advocacy and other services that the JHS has available (anger management, parenting classes, literacy instruction, etc.); and
 - the program has a supervisory role over the individuals on bail with an obligation to report any failures to comply with bail conditions to the courts.
- The BASSP provides verification reports to the courts thereby assisting the courts in its decision making process.
- The program is based on creating/following a comprehensive case plan developed by the bail supervision staff and client.

- The plan is developed looking at past risk issues and any current assessment made available from the province
- It focuses on helping male offenders to connect to resources in the community as needed such as substance abuse treatment, social assistance and education as well as assist them to comply with court mandated conditions.
- The JHS has briefed the neighborhood community about the bail and residential programs.
- The initial program budget for the bail program was based on operating at full capacity; however, those results have not yet been achieved. Initial estimates included revenue provided directly from residents who were either employed or in receipt of Employment Income Assistance.
- Departmental staff has been working with the JHS to develop strategies to manage budgetary concerns until the bail program grows to full capacity. Strategies include 'working' managers, a reduction in the day time residential staffing complement, removal of land lines; consideration of videoconferencing to reduce travel costs and the utilization of empty beds for intermittent offenders.

S. 23(1)(a)

- To date, the bail program has received 1551 referrals. Bail plans were developed and presented to the court on 569 clients who met the program criteria. The Crown supported 131 of the bail plans. Bail denied by the courts, releases on offenders' own recognizance, client withdrawals from the program and breaches are some of the reasons why the program numbers are low.
- Fifty Six (56) clients completed bail through the program.
- Additional presentations have been made to Judges, Crowns and the Defense Bar to provide more information about the program and referral process in an attempt to increase the number of participants in the program.

S. 23(1)(a)(d)

S. 23(1)(a)(d)

Suggested Response:

- S. 23(1)(a)

Contact Persons:

Greg Graceffo 204-945-7291

2

OAG Report – Managing the Province’s Adult Offenders

Issue:

- The OAG’s report and recommendations re adult corrections was released on March 19, 2014
- The report was considered at the August 27, 2014, meeting of the Standing Committee on Public Accounts
- The OAG has completed a follow up review to determine the status of the recommendations, and will be releasing a public report. The OAG has indicated that the date of release has not been determined.

Background:

- The audit focused on four key areas:
 - Infrastructure – management of adult correctional centre custody capacity
 - Community Supervision – management and supervision of adult offenders in the community
 - Rehabilitative Management of Offenders – planning and monitoring adult rehabilitation programs
 - Performance Management – public reporting of performance information
- The report cites 29 recommendations aimed at improving the Department’s management and processes in the audit areas.
- The majority of the recommendations can and will be implemented through training, policy enhancements and process improvements; however, some will require new or realigned resources in order to effect meaningful changes in the system and improved outcomes for offenders.

• s.23(1)(a)(d)

s. 23(1)(a)(d)

s. 23(1)(a)(d)

s. 23(1)(a)(d)

s. 23(1)(a)(d)

- Steps have been taken to address all of the recommendations and implementation is being monitored.

Suggested Response:

- s. 23(1)(a)

- s. 23(1)(a)

cont'd from p. 88 ...

s. 23(1)(a)

• s. 23(1)(a)

• s. 23(1)(a)

• s. 23(1)(a)

Contact Person:

Greg Graceffo 204-945-7291

Corrections Populations

Issue:

- Manitoba Corrections continues to experience chronic overcrowding in adult custody and higher concentrations in secure youth custody. High proportions of the youth and adult custody counts are remanded.

Background:

- Manitoba Corrections is responsible for managing adult offenders on remand, those sentenced to less than two years in custody, and all sentenced and remanded youth offenders.
- Adult correctional centres continue to experience overcrowding.
- Although youth custody counts have been decreasing over the past several years, high proportions of the population require secure custody (sentenced to secure custody or remanded).
- Count trends are affected by a variety of factors, including police activity and velocity through the Courts. The Department is focused on improving velocity and reducing the amount of time that people spend on remand status.

Adult Custody

- The average adult custody count has more than doubled over the past 10 years, with significant increases occurring in 2007/08. The average number of adult females in custody has quadrupled since 1999 and increased by 70% since 2010.
- The average daily provincial count in March 2016 was 2,447.
- Total rated capacity for the seven adult custodial centres is currently 2,010 beds, including 25 beds that are currently allocated for federal prisoners at the Women's Correctional Centre (WCC).
- Nearly all adult facilities continue to experience overcrowding and consistently operate at approximately 120% of rated capacity. The adult custody counts on April 26, 2016 are as follows:

	<u>Actual</u>	<u>Rated</u>	<u>% Capacity</u>
Brandon CC	326	252	129%
Dauphin CC	63	61	103%
Headingley CC	814	549	148%
Milner Ridge CC	529	524	101%
Women's CC	204	196	116%
Women's CC – Federal	19	25	76%
The Pas CC	164	114	144%
Winnipeg Remand Centre	308	289	107%
Totals	2427	2010	121%

- 1,038 beds have been added to adult centres, 450 of which since 2012.
- The need for bedspace has not yet permitted the decommissioning of the temporary dormitories in the gymnasiums at Brandon Correctional Centre (BCC) and the Winnipeg Remand Centre (WRC).
- Manitoba Bureau of Statistics completed a detailed forecast in June 2015 and projects an adult custody count of over 3,700 inmates by 2023/24.
- Planning for the replacement of the Dauphin facility is underway. The Functional Space Program is complete and Treasury Board has authorized MIT to proceed with facility design. The new facility will consist of 180 beds, or a net gain of 119 beds following the decommissioning of the existing facility.
- The ratio of sentenced to remanded offenders has remained fairly stable:

	<u>Sentenced</u>	<u>Remand</u>
December/14	37%	63%
January/15	34%	66%
February/15	34%	66%
March/15	35%	65%
April/15	34%	66%
September/15	31%	69%
March/16	35%	65%

Youth Custody

- Youth custody counts have been decreasing over the past several years, with high proportions of the population requiring secure custody. The proportion of remanded youth mirrors the trend in adult custody.

	<u>Remand</u>	<u>Open</u>	<u>Secure</u>	<u>Avg Count</u>
2012/13	185(65%)	42(15%)	56(20%)	283
2013/14	170(65%)	42(17%)	46(18%)	258
2014/15	160(68%)	30(13%)	45(19%)	235
2015/16	136(62%)	31(14%)	52(24%)	219

* Small numbers of federal youth are included in the remand figures (3%).

- The proportion of remanded youth has significantly increased since 2004/05, when the population was comprised of 53% remand, 28% open, and 19% secure.
- The higher proportions of remanded youth and reductions of open custody numbers have caused an underutilization of open custody beds in our centres and higher concentrations in secure areas.

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

Greg Graceffo 204-945-7291

4

Manitoba Corrections – New Dauphin Healing Centre (DHC)

Issue:

- The design of the new Dauphin Healing Centre is in process.

Background:

- Originally built in 1917 as part of the courthouse complex, the existing facility (Dauphin Correctional Centre) has reached the end of its lifespan. It is no longer suited as a modern correctional facility and is chronically overcrowded. This facility lacks appropriate living space and has limited infrastructure for programming, recreation, trades, health care and spiritual services.
- The new facility will have 180 beds, which represents a net gain of 119 beds after the existing facility is decommissioned. This will provide Manitoba Corrections with a regional program based facility for remanded and sentenced offenders.
- The new facility will emphasize programming, education and job training to assist and support community reintegration. This will include:
 - Medium-maximum security units that include general population, youth, female, and segregation housing.
 - Multiple living units.
 - Support spaces for administration, staff and inmate services, and program/education delivery.
 - Video services for courts, lawyers, and health.
- In May 2014, Dewberry was selected to complete the Functional Space Program (FSP) for the new facility. Representatives from this firm worked with Manitoba Corrections, MIT, and community stakeholders and completed the FSP in January 2015. This program design anticipates the construction of a 166,000 sq/ft, 100 year facility.
- MIT has also initiated site assessment work (Topographic Survey, ESA1, Geotechnical, Ground Source Heat Pump Assessment, Wastewater Collection and Disposal Assessment Report) 5.230(a)

- Treasury Board has approved the proposed program and authorized MIT to tender and award a contract for Prime Consulting, Construction Management, and Commissioning services. s. 23(1)(a)(d)

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)
- s. 23(1)(a)
- s. 23(1)(a)

Contact Person:

Greg Graceffo 204-945-7291

5

Provincial Funding Provided To Police Services

Issue:

- Total provincial funding to police services to support police personnel and operating.

Background:

- Funding is provided to the RCMP through the Provincial Police Service Agreement (PPSA), the Aboriginal Community Constable Program (ACCP) and the RCMP First Nations Community Policing Service (FNCPS). These agreements are cost-shared between Canada and Manitoba.
- Funding is provided to the Dakota Ojibway Police Service (DOPS) under the First Nations Policing Program, which is cost-shared with Canada.
- Municipalities that reach a certain population threshold (750) are required to provide for their policing, but have options on who they contract with for policing services. This population threshold also triggers an increase to their grant allocation from Municipal Government.
- Supplementary provincial funding is provided to support operations and increase the number of police personnel for the following police agencies: Winnipeg Police Service (WPS), Brandon Police Service (BPS).

RCMP

- The combined total provincial RCMP complement at March 31, 2016 is 793.5 regular and civilian members. The total 2015/16 estimate that has been approved for the RCMP is \$131,459,000.

RCMP PPSA – 732 members
RCMP ACCP – 23 members
RCMP FNCPS – 38.5 members

- Funding for the RCMP is appropriated through Justice, with a nominal recovery from Agriculture, Food & Rural Development.

WPS

- The authorized complement of the WPS at March 31, 2016 is 1,423 officers. The Province has allocated \$19,189,317 in 2015/16 to partially support 40 officers,

as well as 166 additional WPS police personnel and up to 75 cadets. Funds also support operating costs for the Flight Operations Unit, Integrated Warrant Apprehension Unit and Auxiliary Cadet Program.

- Funding for WPS is primarily appropriated through Municipal Government. Justice; Agriculture, Food & Rural Development; and Children & Youth Opportunities provide funding for specific initiatives.

§.23(1)(a)

BPS

- The authorized complement of the BPS at March 31, 2016 is 122 officers and civilian members. The Province has approved an estimate of \$1,190,000 to support 16 officers in 2015/16.
- Funding for the BPS is shared between Justice; Municipal Government; and Agriculture, Food & Rural Development.

DOPS

- The current authorized complement of the DOPS is 36 members. The Province has approved an estimate of \$3,376,000 (Manitoba's 48% share) for 2015/16. This policing agreement is cost shared 48% (Manitoba)/52% (Canada).
- Funding for DOPS is appropriated through Justice, with a nominal recovery from Agriculture, Food & Rural Development.

Police Service Funding Summary

- The following table shows the funding provided to police services.

Police Service	2015/16
RCMP/Provincial Policing	\$131,459,000
WPS	\$19,189,317
BPS	\$1,190,000
DOPS	\$3,376,000
Total	\$155,214,317

Suggested Response:

• s.23(1)(a)

• s.23(1)(a)

Contact Person:

Greg Graceffo 204-945-7291

Aboriginal Policing Initiatives

Issue:

- Expansion of First Nations (FN) Policing

Background:

- Manitoba has expanded FN policing in communities that have the capacity to support the RCMP First Nations Community Police Service (FNCPS) program, Aboriginal Community Constable Program (ACCP), and the Dakota Ojibway Police Service (DOPS).
- In October 2006, Canada informed all stakeholders that there would be no federal funding for new FN policing initiatives.
- Canada then conducted a First Nations Policing Program (FNPP) review to determine if the FNPP was still viable.
- In 2010, Canada announced the results of the review, confirming that the FNPP was still relevant for FN communities. However, Public Safety Canada (PSC) indicated that new funding for the program would not be available until 2012.
- In February 2011, PSC advised all funding partners that Canada would be reducing their FNPP funding by 19% to address a program funding shortfall. This funding was subsequently reinstated but program funding remains at 2010 levels.
- Manitoba has not reduced its share of the negotiated funding to match the federal reduction.
- Manitoba has repeatedly sought FNPP expansion at FPT Minister, Deputy Minister and ADM meetings to:
 - take action based on the comprehensive review of FNPP;
 - fund FNPP appropriately, including cost escalators which do not exist in the current funding arrangement;
 - address expansion of the program, especially into the North, as opposed to the current moratorium on expansion; and
 - engage stakeholders, especially the FN, as true partners in the negotiations process.
- On March 4, 2013, Canada announced that it would provide funding for five years, consisting of one-year extensions for existing programs and four-year agreements thereafter. In 2014, Canada and Manitoba signed four-year agreements to 2018.
- The current mandate of the FNPP expires on March 31, 2018.

- There is little or no room for expansion and some elements of the FNPP have been reduced or eliminated (e.g. the ACCP will end on March 31, 2018).
- In January 2014, PSC Minister Blaney wrote to the Minister of Justice and participating FNs announcing the termination of the Band Constable Program (BCP) effective March 31, 2015. The federal Minister noted Canada's expectation that Manitoba ensure continuity of policing services to impacted FNs and that PSC would re-invest its \$1.4 million BCP funding in Manitoba towards policing services in a cost-sharing partnership with Manitoba under the FNPP.
- In response to the decision to terminate the BCP, Manitoba tabled Bill 5, *The Police Services Amendment Act (First Nation Safety Officers)*, on November 26, 2014, which enables FN communities to partner with Manitoba to create successor First Nation Safety Officer Programs (FNSOP) in communities that currently receive federal funding. Bill 5 received Royal Assent on June 30, 2015, and was proclaimed into law on January 1, 2016.
- Efforts continue to complete the transition from the BCP to the FNSOP in the 31 First Nation communities who were receiving federal BCP funding, as well as three First Nation communities who had self-funded BCPs.
- In December 2015, PSC engaged and implemented a working group among provincial and territorial partners, of which Manitoba is a contributor, to renew and expand the FNPP beyond the 2018 deadline.
- Multi-jurisdictional teleconferences are being held on a monthly basis, individual bi-lateral teleconferences are semi-monthly in-person meeting was held in Ottawa on February 10 and 11, 2016 and PSC officials came to Manitoba in March for in-person engagements with stakeholders.

s. 23(1)(a)(d)

s. 23(1)(a)(d)

Suggested Response:

cont'd from p. 49...

- s. 23(1)(a)
- s. 23(1)(a)

- s. 23(1)(a)

- s. 23(1)(a)

Contact Person:

Greg Graceffo 204-945-7291

Community Safety Officer Program

Issue:

- Community Safety Officer (CSO) Program

Background:

- In June 2015, amendments to *The Police Services Act* to allow municipalities to create CSO programs to enhance public safety in their communities came into effect. The role of CSOs is to assist the local policing authority, deliver crime prevention programs, connect persons in need with appropriate social services, enforce specific provincial statutes and municipal by-laws and maintain a public presence in the community.
- The Department worked with the City of Thompson and the Thompson municipal RCMP Detachment to create a two-year pilot CSO program. The CSO program, which is cost-shared between Manitoba and Thompson, has been operational since June 2015 and feedback from Thompson has been extremely positive.
- The two-year pilot program will cost \$600,000 per year to operate, which is cost shared between Manitoba (50%) and Thompson (50%). Following the completion of the pilot program, Manitoba and Thompson will review the results of the pilot.
- The Department of Aboriginal and Northern Affairs (ANA) approached the Department regarding a replacement for their Community Constable Program (CCP), which operated in ten ANA communities.
- As the CCP was impacted by legal decisions regarding special constable appointments, the Department was mindful of both public safety issues in these ANA communities and the requirement for enforcement powers to be conferred through legislation
- The Department is working with ANA to develop CSO programs in their communities. s. 23(1)(a)

s. 23(1)(a) (d)

Suggested Response:

- s. 23(1)(a)
- s. 23(1)(a)

- s. 23(1)(a)

Contact Person:

Greg Graceffo 204-945-7291

Fentanyl Task Force

Issue:

- Canadian provinces, including Manitoba, have seen an increase in fentanyl-related overdoses and deaths.

Background:

- Fentanyl abuse has reached disturbing levels in western Canada, particularly in British Columbia (BC) and Alberta. Manitoba is beginning to experience the effects of fentanyl and therefore it is imperative that prevention initiatives are expediently implemented to restrict the supply of fentanyl and to reduce the demand for it.
- Although the issues related to fentanyl have not escalated at the same rate in Manitoba as they have in other provinces, it is crucial to act now to prevent losing further lives.
- The Manitoba government has established a Fentanyl Task Force to lead a coordinated province-wide response.
- The Task Force is co-chaired by representatives of the Departments of Justice (Glen Lewis) and Health.
- Included are representatives from the Winnipeg Police Service, Brandon Police Service, the RCMP, the College of Physicians and Surgeons, the College of Pharmacists, the AFM, and Canada Border Services.
- An awareness campaign was launched in January 2016 to inform the public on the dangers of fentanyl. The "Know Your Source" campaign originated in BC and is also used in Alberta.
- The campaign includes posters directing people to a website that contains information, links to local resources and safety tips for people currently using opiates.
- Manitoba is also supporting the distribution of naloxone kits through the Winnipeg Regional Health Authority. Naloxone is a medication used to reverse the effects of opiates, preventing accidental and potentially fatal overdoses. A plan will also be developed to distribute naloxone more widely across the province.
- The Task Force will also be looking at ways to expand supports available to those struggling with opiate use, including reducing wait times for assessment and addictions treatment.

Suggested Response:

s. 23(1)(a)

cont'd from p. 103...

S, 23 (1)(a)

Contact Persons:

- Glen Lewis 204-945-6990

104

First Nation Safety Officer Program

Issue:

- First Nation Safety Officer Program (FNSOP)

Background:

- The FNSOP replaces the federal Band Constable Program (BCP) that was terminated by the federal government effective March 31, 2015.
- The BCP in Manitoba included 120 federal and First Nation-funded officers with no apparent uniformity of qualifications, training, salary and operating funding. The BCP provided funding for 82 Band Constables in 31 First Nation communities, while First Nations provide funding for the other 38 Band Constables in 6 additional First Nation communities.
- Public Safety Canada (PSC) reinvested its \$1.4 million BCP funding in Manitoba toward the FNSOP. The FNSOP is funded on a 52% federal/48% provincial cost-shared basis under the federal First Nations Policing Program.
- To ensure continuity of services as the BCP transitioned to the FNSOP, Manitoba allocated interim funding to the participating 31 First Nation communities. Provincial support ensured the continued operation of the BCP until the FNSOP was established.

s. 23(1)(a)(c)(+)

- Bill 5 – *The Police Services Amendment Act (First Nation Safety Officers)* came into force and effect on January 1, 2016, along with the *First Nation Safety Officer Regulation*.
- 2015-16 FNSOP Operating Agreements were sent to funded First Nation communities in February and March 2016 for signature. The new agreements replace the interim agreements and provide increased funding for the period January 1 to March 31, 2016.
- Assiniboine Community College delivered the First Nation Safety Officer (FNSO) training program in four consecutive three-week training classes in Thompson, Brandon, Thompson and Dauphin from January 11 to

April 1, 2016 with 93 students from 32 different First Nation communities successfully completing the prescribed training. At least one additional training session will be required in the spring to ensure that the funded communities have the opportunity for their prospective FNSOs to meet the mandatory requirements for appointment.

- The Department awarded procurement contracts for standardized clothing and equipment in January/February 2016.

•
s. 23(1)(a) + s. 21(1)(a)(c)(f)

- The FNSOP will be fully operational in 28 of 31 previously BCP-funded First Nation communities when all Operating Agreements are returned from the First Nation communities and have been forwarded for signature by the RCMP and the Minister of Justice. Three unfunded communities will also have fully operational FNSOPs.

•
s. 23(1)(a)

- The FNSOP is responsive to academic and inquiry/report findings on Aboriginal policing and provides the necessary flexibility to respond to the range of needs and conditions in Manitoba. Further, the FNSOP represents a national first in First Nations policing programming and contains significant improvements on the former federal BCP through a focus on qualifications, training, and a clear legislative foundation, program parameters and the legislative authority of the FNSO, factors all absent in the former BCP.

Suggested Response:

• s. 23(1)(a)

• s. 23(1)(a)

REDACTED VERSION

#2016-43

MANITOBA JUSTICE

CONFIDENTIALITY STATEMENT

The following materials have been prepared on the instructions of the Clerk of the Executive Council as confidential records within the meaning of *The Freedom of Information and Protection of Privacy Act*. They contain background material, options, advice and recommendations for the consideration of the Premier and other members of the Executive Council and their advisers regarding government structure, operations, policy decision-making and implementation upon the formation of the Government following the April 19, 2016 Manitoba general election. As such, these materials and the information contained therein are the property of the Crown in Right of Manitoba and are confidential to it within the meaning of *The Civil Service Act* and its regulations and other applicable law or laws in the Province of Manitoba.

Unauthorized use, copying, transfer or disclosure of these materials and the information contained therein is strictly prohibited and the government reserves the right to enforce its property and other rights in these materials and with respect to the information contained therein to the full extent of the law.

Julie Frederickson
Deputy Minister of Justice and
Deputy Attorney General
April 18, 2016

MANITOBA JUSTICE
TRANSITION BINDER

TABLE OF CONTENTS

Briefing Document

Manitoba Justice Overview

Urgent Issues

1. Medical Assistance in Dying (MAID)
2. Proclamation of *The Provincial Offences Act* and *The Municipal By-Law Enforcement Act*
3. Provincial Court Judicial Complement
4. Judicial Justices of the Peace (JJP)
5. Potential Intervention at Supreme Court of Canada (SCC): *British Columbia Teachers' Federation v. BC*
6. Memorandum of Understanding (MOU) between Judiciary and Government
7. Amendments to *The Mental Health Act*
8. First Nation Safety Officer Program (FNSOP)
9. Appointment of Chief Medical Examiner
10. Appointments to the Manitoba Human Rights Commission

Manitoba Justice - Overview

Department Responsibilities

Manitoba Justice is responsible for the administration of civil and criminal justice in Manitoba. Key responsibilities flow from both federal legislation (notably the *Criminal Code* and the *Youth Criminal Justice Act*) and over 100 provincial statutes relating to criminal justice, civil law, court administration, correctional services and other matters.

Manitoba Justice provides a diverse range of services to Manitobans. The department's Mission is to support and promote safe and just communities for all Manitobans. The Vision of Manitoba Justice is to ensure Manitobans are safe in their communities and have confidence in the Justice System.

The criminal justice system is the area of the Department which is most often the subject of concern expressed by the media, members of the public, victims of crime, politicians, academics and the legal profession. Stories from the criminal justice system, often controversial in nature, appear in the media daily. Unlike most other areas of government responsibility, the criminal justice system plays out in public and is followed by specifically-assigned news reporters. The greatest proportion of the Department's financial resources is expended in the criminal justice system and it is the area of the department where outcomes are the most visible to the public.

The civil law side of the justice system deals with resolution of civil and family disputes, protection of vulnerable persons through the Public Guardian and Trustee and the Human Rights Commission, investigation and reporting of deaths through the Chief Medical Examiner's Office, support of the Legislative Assembly through the Legislative Counsel, and provision of sound legal advice to the government through the Legal Services Branch.

2

Department Organization

Manitoba Justice operates in five administrative divisions, each headed by an Assistant Deputy Minister or Assistant Deputy Attorney General:

- Administration and Finance
- Community Safety
- Courts
- Criminal Law
- Civil Law

The Innovation and Restorative Justice Branch, headed by an Executive Director, is in the Criminal Law Division but reports directly to the Deputy Minister.

The following areas operate independently under statutory mandates, but report administratively through the Assistant Deputy Attorney General, Civil Law Division:

- Human Rights Commission
- Office of the Chief Medical Examiner
- Public Guardian and Trustee (a Special Operating Agency)
- Legal Aid Manitoba

The following is a list of the key personnel who make up the Department's Executive Management Committee:

Julie Frederickson
Deputy Minister of Justice and
Deputy Attorney General

Greg Graceffo
Associate Deputy Minister
Community Safety Division

Michael Mahon
Assistant Deputy Attorney General
Criminal Law Division

Irene Hamilton
Assistant Deputy Attorney General
Civil Law Division

David Wright
Assistant Deputy Minister
Legislative Counsel

Shauna Curtin
Assistant Deputy Minister
Courts Division

Vacant (hiring process underway)
Assistant Deputy Minister
Administration and Finance

David Greening
Executive Director
Crown Law Analysis and Development

Heather Leonoff
Section Head
Constitutional Law, Legal Services Branch

Kusham Sharma
Executive Director
Innovation and Restorative Justice Branch

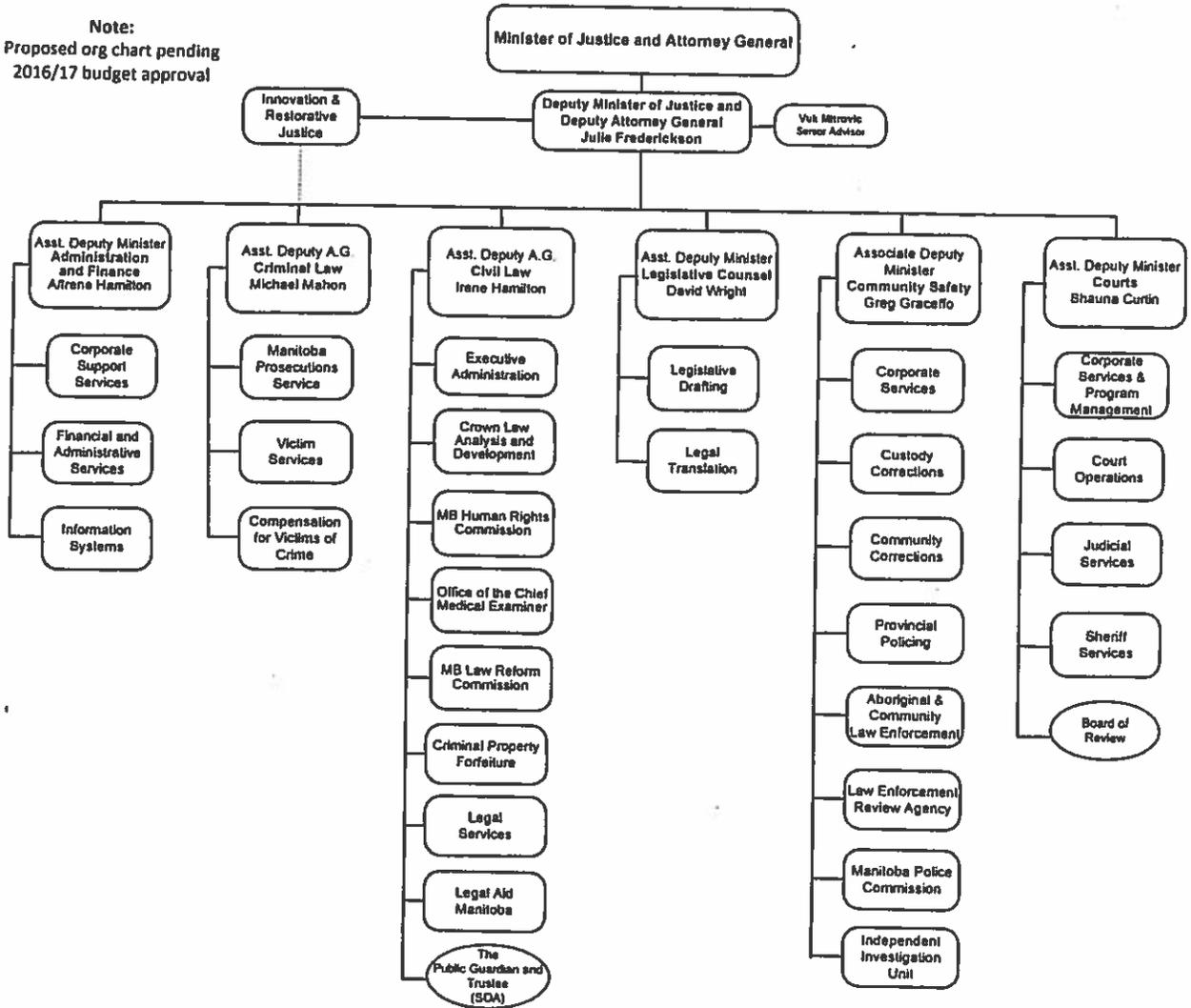
Rose Bear
Director
Human Resource Services

Vuk Mitrovic
Senior Advisor to the Deputy Minister of Justice
and Deputy Attorney General

Lenore Kowalchuk
Communications Coordinator

4

Note:
Proposed org chart pending
2016/17 budget approval



5

The Context in which the Department operates

The legal environment in which the criminal justice system operates is quite unique. Constitutional responsibility for operating the system rests with the province, but constitutional responsibility for enacting the laws under which the system operates, notably the *Criminal Code* and the *Youth Criminal Justice Act*, rests with the federal government.

Furthermore, unique legal and constitutional principles apply to Departments of Justice, because they encompass the role of Attorney General.

The justice system functions with a variety of players who are independent of government. Most notable is the judiciary. The principle of the independence of the judiciary is well known, but its reach is often not well understood. In addition to being individually and institutionally independent from government and the parties to the litigation, the judiciary must also be perceived as being independent by members of the public.

The police also have a measure of independence from government. It is well established that, although allegations can be referred to police for investigation, the police cannot be required to commence or halt an investigation and any attempt to do so would be a serious matter.

Finally, there are a number of other key stakeholders, including service delivery agencies, Indigenous political organizations, unions and professional associations (notably, MGEU, MGEU Corrections component, Manitoba Association of Crown Attorneys, Provincial Judges Association, Winnipeg Police Association and the Manitoba Bar Association).

Statutory Responsibilities of the Minister

The roles of Minister of Justice and Attorney General are quite different. The Minister of Justice is the political role and allows the incumbent to sit with his or her colleagues in Cabinet. The Attorney General role, on the other hand, is a quasi-judicial one. Decisions made by Attorneys General and their agents in the discharge of the criminal prosecution function must exclude any partisan political considerations. Under the law, it is clear that Attorneys General and their agents do not take instructions from Cabinet or even the Premier on matters of criminal prosecutions. This is rarely an issue, but is an important constitutional principle.

6

It is equally a longstanding practice in Manitoba that the Attorney General does not become involved in individual cases. There are a number of reasons for this, including the need to avoid even a perception that political considerations may be involved in the decision-making process. Rather, a Crown Attorney forms conclusions concerning the case on a principled basis, founded on as a result of the evidence and appropriate legal or policy considerations. Where appropriate, Crown Attorneys act in consultation with or under the direction of senior management of the Prosecutions Service and, in rare cases, under the direction of the Deputy Attorney General. S.23(1)(a)

7

Strategic Priorities

The Department has articulated the following key strategic priorities:

1. Creation of a Whole Systems Approach

Creation of a Whole Systems approach to criminal justice involves developing mechanisms, processes, and accountabilities with other systems in order to ensure the origins of criminal behaviour are addressed appropriately.

2. Differentiation of cases

Differentiation of cases at all points in the system ensures that not all offenders are treated with the same process and timelines regardless of severity and circumstances. Resources focused on more serious and violent offenders are maximized and alternatives and streamlined processes are addressed across the continuum to ensure an efficient and effective criminal justice system.

3. Restorative Justice

Ensuring that Restorative Justice philosophy, processes, and mechanisms are integrated into all aspects of the system is critical to reform, and would include front end and back end redesign components, resulting in less reliance on the traditional court-based system.

4. Partnership with Indigenous Communities

This will ensure the inclusion of Indigenous perspectives in the design and implementation of changes within the criminal justice system. Development of new processes that are respectful of Indigenous culture and acknowledge the origins of criminal behaviour will be consistent with the recommendations from the Truth and Reconciliation Commission.

Broad Policy or Financial Pressures

The Department operates in a challenging environment. Two of the larger and more immediate issues facing the Department are:

- 1. Corrections Overcrowding** – On April 4, 2016, 2,484 adults were in custody (124% of capacity). Manitoba Bureau of Statistics completed a detailed forecast in June 2015 which projects an adult custody count of over 3,700 inmates by 2023/24. Manitoba Justice has little control over the number of people who enter correctional centres and for a variety of reasons this number will continue to grow. For the foreseeable future, there is no option but to build more capacity. The government has announced the replacement of the Dauphin facility which will consist of 180 beds, a net gain of 119 beds following the

8

decommissioning of the existing facility. In addition, the Department is currently working with Accommodation Services and an independent external consultant to develop a strategic facility plan for Adult Corrections. The strategic plan is intended to provide options for addressing aging infrastructure in adult correctional facilities, current bed shortfall and future bed space requirements. The Department is also undertaking a variety of long term projects including the Intensive Case Assessment Process and the John Howard Society bail supervision project, that are intended to, in part, reduce the number of admissions to or shorten the length of stays in custody.

- 2. Access to Justice Issues** – Growing numbers of people are representing themselves in the courts, or not seeking the legal recourse they require. In most cases, they cannot afford legal representation and do not qualify for legal aid. Consequences of this issue include the need to allocate more court time and judicial resources to adjudicate what are often relatively straightforward cases. It also necessitates a corresponding increase in time spent by lawyers representing the opposing party. The presence of self-represented litigants in the criminal justice system often places significant added responsibilities on the judge and prosecutors to help ensure a full and fair hearing.

The Strategic Priorities identified above are intended to address these pressures.

9

Financial Pressures

The total projected deficit for 2015/16 is \$3,437.

1. **Community Safety** - The 2015/16 overall projected deficit of \$5,727, is driven by the obligation to manage a high adult remand population and a slight increase in the adult sentenced custody population over the previous fiscal year 2014/15. Overall, correctional centres are currently operating at 119% of capacity. In addition, provincial policing pressures contribute to the projected deficit.
2. **Courts** – Costs to transport prisoners to court are being reduced with the expansion of video conferencing in courtrooms and correctional facilities coming on line at full capacity in the next few years. However, the JCC (Judicial Compensation Committee) retroactive salary increase has added \$1,946 to salary costs, which is currently being managed from Internal Service Adjustments.
3. **Prosecutions** – Pressures are being felt in the rising cost of transcripts, the costs of covering northern circuits and increases in Law Society fees. In addition, it is anticipated that a pending decision regarding the MACA contract will result in retroactive salary increases, which will also impact the **Civil Law** division.
4. **Capital Equipment** – Part B capital equipment acquisitions are under-expended in the amount of \$1,400, due to delays in implementation of equipment replacement in correctional institutions. This under-expenditure offsets part of the projected deficit.

10

Concluding Comments

- 1. Significant benefits would flow from efforts to move matters through the criminal justice system more quickly. Public confidence in the justice system would be enhanced and, to the extent that cases involving persons in remand custody were involved, financial savings would also accrue. The Innovation and Restorative Justice Branch is focused on process improvements to achieve these objectives.**
- 2. Justice has significant influence over consequences for those who become involved with the justice system, but has limited ability to affect who those individuals will be and their number. The greatest positive impact on public safety would lie in reducing the number of people who come into conflict with the law; certain interventions can be highly cost-effective in reducing future criminal involvement as compared to post-involvement detection, apprehension, and correctional activities. However, most of these interventions require long-term effort and investment and lie largely outside the mandate and control of the justice system. These issues cross the major departments of the provincial government and may also involve the federal government, civic governments and community and Aboriginal organizations.**

11

List of Community Contacts

The responsibilities of Manitoba Justice result in frequent contact with the following stakeholders, community groups, and organizations:

Winnipeg Police Service
Brandon Police Service
Royal Canadian Mounted Police
John Howard Society
Salvation Army
Onashawewin
Canadian Centre for Child Protection
Mediation Services
Winnipeg Police Association
Provincial Judges Association
The Manitoba Government and General Employees' Union
Manitoba Bar Association
Canadian Bar Association
The Law Society of Manitoba
Manitoba Association of Crown Attorneys

The following is a list of the various Manitoba statutes that the Minister of Justice is responsible for administering:

The Body Armour and Fortified Vehicle Control Act
The Child Sexual Exploitation and Human Trafficking Act
The International Commercial Arbitration Act
The Constitutional Questions Act
The Correctional Services Act
The Court of Appeal Act
The Provincial Court Act
The Court of Queen's Bench Act
The Court Security Act
The Crime Prevention Foundation Act
The Criminal Property Forfeiture Act
The Cross-Border Policing Act
The Crown Attorneys Act
The Child Custody Enforcement Act
The Discriminatory Business Practices Act
The Domestic Violence and Stalking Act
The Enforcement of Canadian Judgments Act
The Enforcement of Judgments Conventions Act
The Escheats Act
The Manitoba Evidence Act [Division VI of Part I]
The Executive Government Organization Act
[subsection 12(2), only, as Keeper of the Great Seal]

12

The Expropriation Act
The Family Property Act
The Fatality Inquiries Act
The Fortified Buildings Act
The Gunshot and Stab Wounds Mandatory Reporting Act
The Helen Betty Osborne Memorial Foundation Act
The Human Rights Code
The Inter-jurisdictional Support Orders Act
The Intoxicated Persons Detention Act
The Reciprocal Enforcement of Judgments Act
The Canada - United Kingdom Judgments Enforcement Act
The Jury Act
The Department of Justice Act
The Justice for Victims of Child Pornography Act
The Law Enforcement Review Act
The Law Fees and Probate Charge Act
The Law Reform Commission Act
The Legal Aid Manitoba Act
The Lobbyists Registration Act
The Mental Health Act [Part 10 and clauses 125(1)(i) and (j)]
The Minors Intoxicating Substances Control Act
The Missing Persons Act
The Police Services Act
The Privacy Act
The Private Investigators and Security Guards Act
The Proceedings Against the Crown Act
The Profits of Criminal Notoriety Act
The Public Trustee Act
The Regulations Act
The Safer Communities and Neighbourhoods Act
The International Sale of Goods Act
The Sheriffs Act
The Interprovincial Subpoena Act
The Summary Convictions Act
The Taxicab Act
The Transboundary Pollution Reciprocal Access Act
The Uniform Law Conference Commissioners Act
The Vacant Property Act
The Victims' Bill of Rights
The Witness Security Act

In addition to the above provincial statutes, there are 71 additional provincial statutes related to areas for which the Minister of Justice is responsible. Furthermore, as previously noted, the criminal justice system operated by Manitoba Justice involves the application of federally enacted laws, such as the *Criminal Code* and the *Youth Criminal Justice Act*

13

Scheduled Events Within the Next 30 Days

None at this time

Department of Justice Acronyms

ACCA – Association of Canadian Court Administrators
ACWP – Aboriginal Court Worker Program
ADAG – Assistant Deputy Attorney General
ADM – Assistant Deputy Minister
AFN – Assembly of First Nations
AG – Attorney General
AIRC – Adult Inquest Review Committee
AJI – Aboriginal Justice Inquiry
AMC – Assembly of Manitoba Chiefs
AMM – Association of Manitoba Municipalities
AYC – Agassiz Youth Centre (Portage La Prairie)

BCC – Brandon Correctional Centre
BHF – Behavioural Health Foundation Inc. (formerly St. Norbert Foundation)
BPS – Brandon Police Service

CA – Court of Appeal
CARC – Child Abuse Registry Check
CASHRA – Canadian Association of Statutory Human Rights Agencies
CBA – Canadian Bar Association
CCAIN – Criminal Courts Automated Information Network
CCC – Criminal Code of Canada
CCCJ – Canadian Council of Chief Judges
CCJS – Canadian Centre for Justice Statistics
C3P – Canadian Centre for Child Protection
CCW – Community Correction Worker
CERU – Correctional Emergency Response Unit (Corrections)
CIA – Controversial Issues Alert
CIRC – Child Inquest Review Committee
CJ PC – Chief Judge Provincial Court
CJ QB – Chief Justice Court of Queen's Bench
CJM – Chief Justice of Manitoba (and the Court of Appeal)
CJP – Community Justice of the Peace
CLEA – Community Legal Education Association
CME – Chief Medical Examiner
CNAC – Community Notification Advisory Committee
COHROU – Criminal Organization and High Risk Offender Unit
COMS – Corrections Offender Management System
CON – Common Offence Notice System
CPIC – Canadian Police Information Centre

14

CSG – Child Support Guidelines
CSO – Conditional Sentence Order

DAG – Deputy Attorney General
DCC – Dauphin Correctional Centre
DI – Direct Indictment
DO – Dangerous Offender
DOPS – Dakota Ojibway Police Service
DOTC – Dakota Ojibway Tribal Council
DTC – Drug Treatment Court
DV – Domestic Violence
DVU – Domestic Violence Unit

EFO – Executive Financial Officer
EMC – Executive Management Committee

FIA – Fatality Inquiries Act
FNPP – First Nations Policing Policy
FNSO – First Nations Safety Officer
FOP – Fine Option Program
FPS – Fingerprint Serial Number (outside record)
FPT – Federal/Provincial/Territorial

HBOMF – Helen Betty Osborne Memorial Foundation
HCC or HCI – Headingley Correctional Centre / Institution
HRC – Human Rights Commission
HTA – Highway Traffic Act

ICAP - Intensive Case Assessment Process
ICE Unit- Integrated Child Exploitation Unit
ICES – Image Capturing Enforcement System (Photo Radar)
IIU – Independent Investigation Unit
INAC – Indigenous & Northern Affairs Canada
IPDA – Intoxicated Persons Detention Act
IRCS – Intensive Rehabilitation Custody & Supervision program
ISO - Inter-jurisdictional Support Orders Act (formerly REMO/ISO)
ISSP – Intensive Support & Supervision Program – (Community based program for Adult/Youth -Corrections)

JCC – Judicial Compensation Committee
JJP – Judicial Justice of the Peace
JNC – Judicial Nominating Committee

LALA – Legal Aid Lawyers Association
LAM – Legal Aid Manitoba

LERA – Law Enforcement Review Agency
LSB – Legal Services Branch
LSM – Law Society of Manitoba

MACA – Manitoba Association of Crown Attorneys
MACP – Manitoba Association of Chiefs of Police
MATC – Manitoba Adolescent Treatment Center
MBA – Manitoba Bar Association
MHC – Mental Health Court
MEP – Maintenance Enforcement Program
MGEU – Manitoba Government Employees Union
MKO – Manitoba Keewatinowi Okimakanak Inc. (northern Chiefs organization)
MLRC – Manitoba Law Reform Commission
MMF – Manitoba Métis Federation
MIOCTF – Manitoba Integrated Organized Crime Task Force - Policing
MOVA – Manitoba Organization of Victims Advocates
MRCC – Milner Ridge Correctional Centre (NE of Beausejour)
MYC – Manitoba Youth Centre (Winnipeg)
MYS – Macdonald Youth Services

NCPC – National Crime Prevention Centre
NPB – National Parole Board

PA – Personal Appearance
PAST – Partner Abuse Short Term Program (Corrections)
PC – Provincial Court
PGT – Public Guardian and Trustee
PILC – Public Interest Law Centre (Legal Aid)
PPSA - Provincial Police Service Agreement
PPSC – Public Prosecution Service of Canada (Federal Crown Attorneys)
PRISM – Prosecutions Information Scheduling & Management System
PSB – Public Safety Building
PSBIU – Public Safety Branch Investigation Unit
PSR – Pre-sentence Report
PTC – Pre-Trial Coordinator or Pre-Trial Conference
PWG – Permanent Working Group

QB – Court of Queen's Bench
QC – Queen's Counsel (special legal appointment)

RCMP – Royal Canadian Mounted Police
RJ – Restorative Justice
RMS – Records Management System (Wpg Police)

SCA – Summary Convictions Act
SCC – Summary Convictions Court or Supreme Court of Canada
SCO – Southern Chiefs Organization

16

SFI – Supporting Families Initiative
SJP – Staff Justice of the Peace
SMI – Stony Mountain Institution
SOP – Stay of Proceedings

TERF – Transition, Education & Resources for Females
TPCC – The Pas Correctional Centre
TSU – Transcription Services Unit

UCR – Uniform Crime Reporting System (Crime rate stats)
ULC – Uniform Law Conference

VAF – Victims' Assistance Fund
VBR – Victims' Bill of Rights
VICLAS – Violent Crime Linkage Analysis System
VIS – Victim Impact Statement

WCC – Women's Correctional Centre (Headingley)
WPS – Winnipeg Police Service
WRC – Winnipeg Remand Centre
WRTC – West Region Tribal Council

YBMP – Youth Bail Management Program
YCJA – Youth Criminal Justice Act
YOA – Young Offenders Act

17

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues:	Timeline for action	Page #
Medical Assistance in Dying (MAID)	230)(a)	

Issue overview

- The Supreme Court of Canada determined that the *Criminal Code* provisions prohibiting medical assistance in dying violated the rights to life, liberty and security of the person as protected by s. 7 of the *Charter of Rights and Freedoms*. The Court suspended the declaration of invalidity to June 6, 2016 to allow the federal government to develop legislation.
- On April 14, 2016 the federal government tabled for first reading Bill C-14. The government indicated an intention to have the law in place by June 6th in order to avoid a legal vacuum.

• s. 23(1)(a)

• s. 230)(a)

Current status:

• s. 23(1)(a)

Options

s. 23(1)(a)

Contact: Heather Leonoff, Constitutional Law Section
(204) 945-0717

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues:

Timeline for action

Page #

Provincial Court Judicial Complement
Vacancy in complement

Issue overview

Issue: Appointment of Provincial Court Judge

Current Status:

There are 41 full time judicial positions in Manitoba (includes the Chief Judge and three Associate Chief Judges). Judges are appointed by a nominating process set out under *The Provincial Court Act*. By Order-in-Council 404/2015 of September 30, 2015, a judicial nominating committee was established to recommend names for appointment as a judge of the Provincial Court. The OIC also mandated that the list of names provided to the Minister could be used for up to three additional judicial appointments if vacancies in the judicial complement in Winnipeg occurred within 12 months from the date the list was received by the Minister. The Minister of Justice made a judicial appointment on December 17, 2015, having received the list of nominees on November 27, 2015. Therefore, the list remains available for additional judicial appointments up to November, 2016.

On March 18, 2016, Judge Michel Chartier resigned from the Provincial Court, creating a vacancy in the complement in Winnipeg. There is significant need for an appointment to be made as soon as possible given the volume of work (such as; criminal cases, child protection matters, inquests and search warrant applications) that judges are required to perform. The public is acutely impacted by service delay.

An appointment can be made from the list provided to the Minister pursuant to OIC 404/2015. Alternatively, s. 230(a)

Options:

s. 230(a)

Contact: Karen Fulham, Executive Director, Judicial Services
(204) 945-0413

This document is a Cabinet confidence as defined in subsection 19(1) of *The Freedom of Information and Protection of Privacy Act*

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues:

Proclamation of *The Provincial Offences Act* (POA) and *The Municipal By-law Enforcement Act* (MBEA)

Timeline for action

S. 23(1)(a)

Page

Issue overview:

- These two acts were passed in December 2013 with the goal of modernizing the province's approach to the enforcement of provincial statutes and municipal by-laws. They replace the current *Summary Convictions Act*. The POA was designed to stream-line the process for handling provincial offences and speed up the time to have matters heard. The MBEA creates a brand new system that gives the municipalities an ability to enforce their by-laws, such as parking tickets, without the need to bring the matters to court.

• S. 23(1)(a)(d)(f)

• S. 23(1)(a)(d)(f)

• S. 23(1)(a)(d)(f)

Current status:

S. 23(1)(a)

Options

S. 23(1)(a)

Contact: Heather Leonoff, Constitutional Law Section
(204)945-0717

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues: **Timeline for action** **Page #**

Judicial Justices of the Peace (JJP)

23(1)(a)

Issue:

- Judicial Justices of the Peace (JJP) vacancies in complement;
- Senior JJP Program

Current Status:

There are 21 JJP positions in Manitoba, at present there are two vacancies (Dauphin/Winnipeg). JJPs are judicially independent and are not members of the civil service. They are appointed through a nominating process set out under *The Provincial Court Act*. This process is complete in regard to the two current vacancies. The respective lists of recommended names for appointment have been submitted by the Chief Judge to the Minister to put before Cabinet. There is significant need for these appointments to be made as soon as possible given the volume of front line justice services performed by JJPs. These include traffic court and protection order applications. There is high potential for the public to be acutely impacted by service delay.

s. 23(1)(a)(d)(f)

Options:

s. 23(1)(a)

Contact: Karen Fulham, Executive Director, Judicial Services
(204) 945-0413

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues:

Timeline for action

Page

Intervention in *British Columbia Teachers' Federation v. BC*

s. 23(1)(a)

Issue overview

- This case is presently before the Supreme Court of Canada (SCC) and will be argued on November 10, 2016. The deadline for interventions by provincial Attorneys General is April 20, 2016.
- The case deals with legislation that BC first passed in 2002 that nullified various terms of the teachers' collective agreement. The courts ruled that the legislation violated s. 2(d) of the *Charter*. Subsequently BC undertook consultations with the unions and passed new legislation that nullified the same terms in the collective agreement for a 14 month period. Once again the unions challenged the legislation. The BC Court of Appeal upheld the new legislation holding that the government had undertaken good faith consultations and had afforded the union a meaningful process.

s. 23(1)(a)

s. 23(1)(a)

Current status:

s. 23(1)(a)

Options

s. 23(1)(a)

Contact: Heather Leonoff, Constitutional Law Section
(204) 945-0717

22

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues:

Timeline for action

Page #

Memorandum of Understanding (MOU)
between Judiciary and Government

S. 23(1)(a)

Issue:

MOU between Judiciary and Government

Issue overview:

Ministers of Justice in some Canadian jurisdictions have entered MOUs with judiciary in order to clarify what areas of administration are exclusively judicial or within the purview of government.

S. 23(1)(a)(d)

Current Status:

S. 23(1)(a)(d)

Options:

S. 23(1)(a)

Contact: Shauna Curtin, Assistant Deputy Minister, Courts Division
(204) 948-1122

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues:

Timeline for action

Page #

Amendments to *The Mental Health Act*

Issue overview: Amendments to *The Mental Health Act*

Issue:

- Police workload pressures arising from persons suffering from a mental health crisis have been identified as a national policing priority and the need for a legislative solution has been supported by the Canadian Association of Chiefs of Police (CACP), the Manitoba Association of Chiefs of Police (MACP), the Association of Manitoba Municipalities (AMM), the Cities Caucus and health officials.
- *The Mental Health Act* (MHA) requires a peace officer to remain at a health facility with a person who has been detained for an involuntary medical examination or psychiatric assessment.

s. 23(1)(a)

s. 23(1)(a)

s. 23(1)(a) + (c)

Current Status:

s. 23(1)(a)

Options:

1.

s. 23(1)(a)(c)

2.

Contact:

Owen Fergusson
Director of Municipal Policing
204-945-2408

or

Kim Nicholson
Assistant Executive Director
Policing Services & Public Safety
204-945-5556

24

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues: **Timeline for action** **Page #**

First Nation Safety Officer Program (FNSOP)

Issue overview

Issue: First Nation Safety Officer Program (FNSOP)

Bill 5 – *The Police Services Amendment Act (First Nation Safety Officers)* came into force and effect on January 1, 2016, along with the *First Nation Safety Officer Regulation*. The FNSOP replaces the federal Band Constable Program (BCP) that was terminated effective March 31, 2015. The FNSOP is funded on a 52% federal/48% provincial cost-shared basis under the federal First Nations Policing Program.

Current Status:

Efforts continue to complete the transition from the BCP to the FNSOP in the 31 First Nation communities who were receiving federal BCP funding, as well as three First Nation communities who had self-funded BCPs.

Prescribed training was delivered by Assiniboine Community College between January 11 and April 1, 2016. Ninety-two students from 32 First Nation communities successfully completed training component and are eligible for appointment as First Nation Safety Officers (FNSO) under *The Police Services Act*. At least one additional training session will be required in the spring to ensure that the funded communities have the opportunity for their prospective FNSOs to meet the mandatory requirements for appointment.

Clothing and personal safety equipment for the FNSOs has been ordered and is being received as stock becomes available from suppliers.

S. 23(1)(a)

Interim funding agreements between Manitoba and First Nations for 2015/16 were replaced with FNSOP operating agreements that meet the requirements under the Act. A number of operating agreements from 2015/16 are outstanding from the First Nations and will be submitted for signature as they are received.

S. 23(1)(a) + (f)

Options: N/A

Contact: Wes Courchene, Director of First Nations Policing (204-945-5619) or Kim Nicholson, Assistant Executive Director, Policing Services and Public Safety (204-945-5556)

25

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues: **Timeline for action** **Page #**

Chief Medical Examiner

23(1)(a)

Issue overview

Issue: Appointment of a Chief Medical Examiner (CME) under *The Fatality Inquiries Act* to replace Dr. A.T. Balachandra who is: 17(1) 17(2)(e)

Current status:

Dr. John Younes, Deputy Chief Medical Examiner (DCME), has been Acting CME since July 1, 2015 when Dr. Balachandra 17(1) 17(2)(e). The new CME must also be appointed as inspector of Anatomy under *the Anatomy Act*. Dr. Younes was appointed DCME after a competition for the position, which was created as a succession planning tool for the OCME.

Dr. Younes, like Dr. Balachandra, is a board certified forensic pathologist with training and experience specifically suited to the position. He has been mentored by Dr. Balachandra as a forensic pathologist and, since July 1, 2015: 5.23(1)(a)

5.23(1)(a)

Options:

5.23(1)(a) + (d)

Contact: Mark O'Rourke
Director, OCME
(204) 945-7855

26

MANITOBA JUSTICE URGENT ISSUES

Index of Urgent Issues: **Timeline for action** **Page #**

Appointments to the Manitoba Human Rights Commission

Issue overview

Issue: Re-appointment and appointment of Board members to The Manitoba Human Rights Commission under section 2 of *The Human Rights Code*

Current status:

Per OIC 00033/2016, the appointments of Dr. Donn Short and John Burchill expired on April 4, 2016, but per section 2(4) of *The Human Rights Code*, those appointments will continue until the members are re-appointed or replaced.

s. 230)(a)+(d)

Options:

s. 23(1)(a)+(d)

Contact: Isha Khan
A/Executive Director
(204) 945-7855

27

Note

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TABLE OF CONTENTS

1. Manitoba Corrections Strategic Master Plan
2. Corrections Populations
3. New Correctional Centre in Dauphin
4. Women's Correctional Centre
5. Ongoing Courthouse Infrastructure Projects
6. Federal First Nations Policing Program (FNPP)
7. Community Safety Officers (CSO) Program
8. Winnipeg Police Services (WPS) Flight Operations Unit (FOU)
9. Independent Investigation Unit of Manitoba (IIU)
10. Ticket Volumes, Trial Wait Times and Service Enhancement at the Summary Convictions Court – 373 Broadway
11. Murdered and Missing Indigenous Women and Girls (MMIWG)
12. Manitoba Government Response to Federal Private Member's Bill C-226
13. "Delivery" in the Department of Justice
14. Electronic Monitoring
15. Criminal Property Forfeiture (CPF) Annual Grant Distribution

BRIEFING MATERIALS

Manitoba Justice

SUBJECT:

Manitoba Corrections Strategic Master Plan

ISSUE:

- Preparation of a Master Plan, Flowing from a Recommendation of the Auditor General

CRITICAL BACKGROUND:

- In 2012/13 the Office of the Auditor General (OAG) completed a Value for Money Audit on Adult Corrections. This included an analysis of Corrections' offender population forecasting and long-term capital planning related to both additional capacity and maintenance of aging infrastructure in adult custody facilities.
- The OAG recommended that "the Province have the Department work with Manitoba Infrastructure and Transportation to prepare a comprehensive, long-term capital plan".
- The objective is the completion of a strategic and long-term capital plan with a comprehensive life-cycle assessment of all Corrections' infrastructure and population projections to guide decisions with respect to future maintenance, replacement and related expenditures.

23(1)(a)(d)(f)

s. 23(1)(a)(d)(f)

Contact: Greg Graceffo
Associate Deputy Minister
Community Safety Division
204-945-7291

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Corrections Populations

ISSUE:

- Chronic Overcrowding at Adult Correctional Centres

CRITICAL BACKGROUND:

- Manitoba Corrections is responsible for managing adult offenders on remand, those sentenced to less than two years in custody, and all sentenced and remanded youth offenders.
- Adult correctional centres continue to experience chronic overcrowding and operate at approximately 120% of rated capacity (2,010 beds). The average daily provincial count in 2015/16 was 2,424, and this average has more than doubled over the past 11 years. Approximately 68% of inmates are remanded. The average number of adult females in custody has also quadrupled since 1999 and increased by 70% since 2010.
- Manitoba Bureau of Statistics completed a detailed population forecast in June 2015 and projects an adult custody count of over 3,700 inmates by 2023/24.
- Youth custody counts have been decreasing over the past several years. However, the proportion of remanded youth (62%) mirrors the trend in adult custody. This trend, combined with reductions of open custody youth, has caused an underutilization of open custody beds in our centres and higher concentrations in secure areas.
- Count trends are affected by a variety of factors, including police activity and velocity through the Courts. The Department is focused on improving velocity and reducing the amount of time that people spend on remand status.
- Over the past several years, 1,038 beds have been added to adult centres, 450 of which since 2012. The need for bed space has not yet permitted the decommissioning of the temporary dormitories in the gymnasiums at Brandon Correctional Centre (BCC) and the Winnipeg Remand Centre (WRC).
- The government has announced the replacement of the Dauphin facility and the functional space program is complete. The new facility would consist of 180 beds, representing a net gain of 119 beds following the decommissioning of the existing facility.

Contact: Greg Graceffo
Associate Deputy Minister
Community Safety Division
204-945-7291

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: New Correctional Centre in Dauphin

ISSUE:

- Dauphin Correctional Centre

CRITICAL BACKGROUND:

- Originally built in 1917 as part of the courthouse complex, the existing Dauphin Correctional Centre has reached the end of its lifespan. It is no longer suited as a modern correctional facility and is chronically overcrowded. This facility lacks appropriate living space and has limited infrastructure for programming, recreation, trades, health care and spiritual services.
- On June 21, 2011, the government announced that the Corrections Capacity Review Committee (CCRC) had been established to conduct a review of corrections' capacity. At the recommendation of this committee, the Minister of Justice announced on January 11, 2013 that the Dauphin Correctional Centre would be replaced.
- In May 2014, work on a Functional Space Program (FSP) for the new facility commenced. Consultants worked with Manitoba Corrections, MIT, and community stakeholders and completed the FSP in January 2015. The new facility will have 180 beds, which represents a net gain of 119 beds after the existing facility is decommissioned. This will provide Manitoba Corrections with a regional program-based facility for remanded and sentenced offenders.
- The new facility will emphasize programming, education and job training to assist and support community reintegration. This will include multiple medium-maximum security units that include general population, youth, female, and segregation. In addition, there will be improved support spaces for administration, courts, lawyers, staff and inmate services, health services, and program/education delivery.

s. 23(1)(a)(d)(f)

s. 23(1)(a)(d)(f)

Note: NO CONTACT NAME/ #
X NO DATE ON THIS ISSUES NOTE.

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Women's Correctional Centre

ISSUE:

- Women's Correctional Centre – Termination of the Exchange of Service Agreement with Correctional Services Canada

CRITICAL BACKGROUND:

- Construction of the new Women's Correctional Centre (WCC) was completed on October 3, 2011 and Manitoba Justice began the process of commissioning and testing the various security and operating systems within the facility at that time.
- The introduction of provincial offenders to the facility began on February 13, 2012. Bed capacity within the facility is 196 provincial beds and 25 federal beds for a total of 221 beds. An Exchange of Service Agreement between Correctional Services of Canada (CSC) and the Province of Manitoba was signed on February 13, 2013. This agreement allows for federal offenders to be housed at WCC.
- In March 2015, CSC was notified that Manitoba would be ending its special arrangements for female federal offenders housed at WCC.

s. 23(1)(a)

- Women's Correctional Centre is at 107% of rated capacity related to provincial beds as of April 8, 2016. In addition, there are 63 females that are housed throughout the province at adult male facilities including 35 women being housed in a single dormitory at the Winnipeg Remand Centre. As of April 8, 2016 there are 16 federal offenders at WCC.

s. 23(1)(a)

s. 23(1)(a)(d)

Contact: Greg Graceffo
Associate Deputy Minister
Community Safety Division
204-945-7291

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Ongoing Courthouse Infrastructure Projects

ISSUE:

- Ongoing capital infrastructure projects

s. 23(1)(a)(d)(f)

CRITICAL BACKGROUND:

s. 23(1)(a)(d)(f)

- St. Boniface court operations recently moved to a new location at 614 Des Meurons.

s. 23(1)(a)(d)(f)

Contact: Shauna Curtin
Assistant Deputy Minister
Courts Division
204-948-1122

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Federal First Nations Policing Program (FNPP)

ISSUE:

- Status Report and Update on Engagement Process

CRITICAL BACKGROUND:

- The Federal First Nation Policy establishes the framework for funding support for policing services to First Nation and Inuit communities. The policy and funding are implemented through the FNPP under a cost-sharing ratio of 52% federal/48% provincial (with some exceptions). Federal funding for the FNPP is committed to March 31, 2018.
- The federal government has commenced work to renew the policy (which has been in place since the 1990s) and the FNPP (which has faced chronic underfunding and sustainability issues) beyond its current mandate.
- Manitoba's FNPP funded policing services include RCMP-First Nation Community Police Services (FNCPS), the Dakota Ojibway Police Service (DOPS), the Aboriginal Community Constable Program (ACCP) and the First Nation Safety Officer Program (FNSOP).
- Manitoba has eight FNCPS detachments established through Community Tripartite Agreements (CTA) between Manitoba, Canada and the First Nation policed by the Royal Canadian Mounted Police. The eight CTA communities are: Bloodvein, Poplar River, Buffalo Point, Chemawawin, Opaskewayak Cree Nation, Swan Lake, Nisichawayasihk Cree Nation and Peguis.
- DOPS provides policing services to the following six communities: Waywayseecappo, Long Plain, Roseau River, Sandy Bay, Birdtail Sioux and Canupawakpa.
- Under the ACCP, Manitoba has 23 Aboriginal RCMP members who provide services to First Nation communities out of detachments not located on reserves. ACCP is cost-shared at 54% provincial/46% federal.

S. 23(1)(a)(c)

S. 23(1)(a)(c)

S. 23(1)(a)(c)

cont'd from p. 36...

s. 23 (1)(a)(c)

Contact: Greg Graceffo
Associate Deputy Minister
Community Safety Division
204-945-7291

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Community Safety Officer (CSO) Program

ISSUE:

- Status Report on the CSO Program

CRITICAL BACKGROUND:

- In June 2015, amendments to *The Police Services Act* to allow municipalities to create CSO programs to enhance public safety in their communities came into effect. The role of CSOs is to assist the local policing authority, deliver crime prevention programs, connect persons in need with appropriate social services, enforce specific provincial statutes and municipal by-laws and maintain a public presence in the community.
- The Department worked with the City of Thompson and the Thompson municipal RCMP Detachment to create a two-year pilot CSO program. The CSO program, which is cost-shared between Manitoba and Thompson, has been operational since June 2015 and feedback from Thompson has been extremely positive.

s. 230(a)(b)(c)+(f)

- Aboriginal and Northern Affairs (ANA) approached the Department in September 2015 to discuss an alternative program to their Community Constable Program (CCP) that operates in ten ANA communities. As CCP was impacted by legal decisions regarding special constable appointments, the Department was mindful of both public safety issues in these ANA communities and the requirement for enforcement powers to be conferred through legislation.

s. 230(a)(b)(c)(f)

s. 230(a)(b)(c)+(f)

Contact: Greg Graceffo
Associate Deputy Minister
Community Safety Division
204-945-7291

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Winnipeg Police Service (WPS) Flight Operations Unit (FOU)

ISSUE:

- Status of Review and Request for Funding

CRITICAL BACKGROUND:

- Following a tendering process, a consultant has been identified to conduct a program review of the FOU, including a cost-benefit analysis of the FOU on police operations.
- The program review is intended to provide an objective, fair and evidence-based assessment of the efficiency and effectiveness of the FOU to assist Manitoba and the City of Winnipeg to determine if funding and resources allocated to the FOU align with public safety priorities and objectives.

s. 23(1)(a)(b)(c)(f)

s. 23(1)(a)(b)(c)(f)

s. 23(1)(a)(b)(c)(f)

s. 23(1)(a)(b)(c)(f)

s. 23(1)(a)(b)(c)(f)

Contact: Greg Graceffo
Associate Deputy Minister
Community Safety Division
204-945-7291

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Independent Investigation Unit of Manitoba (IIU)

ISSUE:

- Status Report of the IIU

CRITICAL BACKGROUND:

- The IIU investigates all fatal force and serious injury incidents that involve a police officer. The IIU can also investigate alleged offences committed by on or off-duty police officers or any other matter for which the civilian director determines the public interest requires an independent investigation.
- The Unit became operational on June 19, 2015. Through to March 31, 2016, the IIU has received 29 formal notifications from the various provincial police services (including the RCMP). Of those, the IIU is the lead investigative agency in 17 matters. There have been 8 matters involving fatalities and a civilian monitor has been appointed in each instance;
- The IIU is comprised of 14 FTEs, including 7 full-time investigators with one vacancy.

s. 23(1)(a) (d)

Contact: Greg Graceffo
Associate Deputy Minister
Community Safety Division
204-945-7291

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Ticket Volumes, Trial Wait Times and Service Enhancement at the Summary Convictions Court – 373 Broadway

ISSUE:

- High ticket volumes have created significant trial wait times and increased workloads in all areas of the Summary Convictions Court (SCC).

• 23(1)(a)

- 23(1)(a), the Department has been examining the issues and has implemented a number of new initiatives aimed at increasing access to justice and reducing trial wait times to improve service to the public.

CRITICAL BACKGROUND:

- The Pre-plea Triage Pilot, which commenced on February 8, 2016, is already showing positive results. In the first two months of the pilot, there were two thirds fewer trials set than in the year previous during the same time period. The pilot is a joint effort by Courts Division and the Manitoba Prosecution Service.

• s 23(1)(a)(d)

• s 23(1)(a)(d)

- The Division will continue to monitor and review all operations at 373 Broadway to ensure timely access to justice.

Contact: Shauna Curtin
Assistant Deputy Minister
Courts Division
204-948-1122

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Murdered and Missing Indigenous Women and Girls (MMIWG)

ISSUE: Overview of Manitoba's response to MMIWWG

CRITICAL BACKGROUND:

- The Government of Manitoba has supported the federal government creating a national inquiry into MMIWG. Canada is conducting consultations across the country to help inform the scope and mandate of the inquiry and has stated it expects to announce the names of the Commissioners in June 2016.
- While the previous federal government opposed a national inquiry, agreement was reached to hold a National Roundtable on MMIWG in Ottawa on February 27, 2015. At that time, Manitoba proposed hosting a national summit for police, prosecutors and victim services workers assigned to MMIWG cases. The *Justice Practitioners' Summit on Murdered and Missing Indigenous Women and Girls* was subsequently held in Winnipeg in January 2016 and was attended by nearly two hundred officials from across Canada, and included presentations from families of MMIWG from various jurisdictions. S. 23(1)(a)

- Manitoba hosted the 2nd National Roundtable on MMIWG on February 26, 2016 which was attended by the lead federal ministers (Justice, Status of Women, and Indigenous Affairs), premiers and/or ministers from all provinces and territories, and the leaders of the five National Aboriginal Organizations (NAOs)¹. The final report identified 20 priorities for governments in the areas of prevention and awareness; community safety; and policing and justice practices.
- Manitoba has implemented a variety of policing, prevention and intervention programs to respond to MMIWG. Key provincial initiatives include:
 - 'Project Devote' is an integrated RCMP-Winnipeg Police task force investigating 28 MMIWG cases. This unit has an embedded family support worker to liaise with families and is supported by two prosecutors to provide legal advice to investigators on specific files. The unit is overseen by the RCMP, WPS and Manitoba Justice.
 - 'Wiping Away The Tears' is an annual event designed to support and bring together MMIWG families from across Manitoba. An annual Christmas gathering for MMIWG families is also held. Both were organized by the former Special Advisor to the Aboriginal Issues Committee of Cabinet.

¹ The NAOs are Assembly of First Nations, Congress of Aboriginal Peoples, Inuit Tapiriit Kanatami, Metis National Council, and the Native Women's Association of Canada.

- o Funding to various community groups to provide grief counselling and other supports to MMIWG families.
- o Justice, Aboriginal and Northern Affairs, and the Manitoba Status of Women each participate on FPT working groups examining various aspects of MMIWG in Canada.

S. 230(a)

Contact: Greg Graceffo
Associate Deputy Minister
Community Safety Division
204-945-7291

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Manitoba Government Response to Federal Private Member's Bill C-226.

ISSUE:

- Should the Manitoba Government amend *The Highway Traffic Act* (HTA) in the upcoming session of the Legislature to respond to the changes made by Bill C-226?

CRITICAL BACKGROUND:

- Federal Private Member's Bill C-226, *An Act to amend the Criminal Code (offences in relation to conveyances) and the Criminal Records Act and to make consequential amendments to other Acts (Impaired Driving Act)*, would make significant changes to the *Criminal Code* driving offence provisions and has significant implications for provisions of the HTA that cross reference or operate on the basis of the affected *Criminal Code* provisions (e.g. the entire impaired driving regime is being repealed and replaced).
- Bill C-226 has received the first hour of second reading debate and is scheduled for further debate on June 8, 2016.

S. 23(1)(a) + (e)

Contact: Irene Hamilton
Assistant Deputy Attorney General
Civil Law
204-945-5000

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: "Delivery" in the Department of Justice

ISSUE:

- Improving the Timeliness and Effectiveness of the Criminal Justice System

CRITICAL BACKGROUND:

- In March 2014, the Department embarked on a review of the criminal justice system designed to create transformative change in that part of the Department.
- The process used is "Delivery", a concept which focusses on the delivery of public service targets.
- The aspiration of this corporate process is to improve the timeliness and effectiveness of the criminal justice system.
- The target metrics are to: decrease the number and volume of cases being adjudicated within the criminal justice system and; resolve cases in the justice system within standardized and targeted benchmarks.

S. 230(a)

These areas are:

- **Creation of a Whole Systems Approach**
Creation of a Whole Systems approach to criminal justice involves developing mechanisms, processes, and accountabilities with other systems in order to ensure the origins of criminal behaviour are addressed appropriately. Discussions with other government departments have been initiated to commence this approach.
- **Differentiation of cases**
Differentiation of cases at all points in the system ensures that not all offenders are treated with the same process and timelines regardless of severity and circumstances. Resources focused on more serious and violent offenders are maximized and alternatives and streamlined processes are addressed across the continuum to ensure an efficient and effective criminal justice system. As an example, the Intensive Case Assessment Process (ICAP) Unit in the Criminal Law division provides an initial assessment of the case as soon as charges are laid. This assessment streams less serious matters for quick resolution, thereby freeing up resources to deal with the more serious criminal matters.
- **Restorative Justice**
Ensuring that Restorative Justice philosophy, processes, and mechanisms are integrated into all aspects of the system is critical to reform, and would include front end and back end redesign components, resulting in less reliance on the traditional court-based system for offences that lend

themselves to Restorative Justice. A new unit has been established to work with the impacted divisions and other government departments to implement these reforms.

o **Partnership with Indigenous Communities**

This will ensure the inclusion of Indigenous perspectives in the design and implementation of changes within the criminal justice system. Development of new processes that are respectful of Indigenous culture and acknowledge the origins of criminal behaviour will be consistent with the recommendations from the Truth and Reconciliation Commission.

Contact: Irene A. Hamilton
Assistant Deputy Attorney General
Civil Law Division
204.945.5000

Date: April 20, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Electronic Monitoring

ISSUE:

- Use of Electronic Monitoring

CRITICAL BACKGROUND:

- The Department currently utilizes Electronic Monitoring (EM) for select offenders within the population of high risk auto theft youth and high risk adult domestic violence offenders.
- Auto theft youth who meet specified criteria (risk level, seriousness of offence, history of related offences, etc) are included in the project. The Domestic Violence EM Pilot for adult offenders works in cooperation with Victim Services and Prosecutions to determine the appropriate candidates to refer to the Courts for EM conditions. To qualify for EM, offenders must be under a Probation Order or Conditional Sentence Order and be supervised by the Criminal Organization High Risk Offender Unit (COHROU). They must also have domestic violence convictions, safety concerns for an identified victim or potential victim(s) and a condition requiring EM Supervision.
- Two evaluations of the EM Project have been completed and reviewed by government. While EM had a "statistically significant" impact in reducing auto theft, the actual reduction in auto theft is attributed to the original WATSS model putting into question the continued necessity of electronic monitoring for this group.

S. 22(1)(a)

- In November 2015, the government announced that Manitoba would be introducing legislation that would make its domestic violence response the strongest in Canada. As part of this strategy, the government committed to exploring the greater use of GPS/EM monitoring in two ways:
 - exploring leading-edge GPS technology that would require monitoring bracelets which send information to the victim about the offender's location; and
 - the formation of a GPS Monitoring Expansion Team to develop expansion plans by spring so more high-risk offenders would be subject to GPS monitoring.

S. 23(1)(a)

Contact: Greg Graceffo
Associate Deputy Minister
Community Safety Division
204-945-7291

Date: April 22, 2016

BRIEFING MATERIALS

Manitoba Justice

SUBJECT: Criminal Property Forfeiture (CPF) Annual Grant Distribution

ISSUE

- Timing of CPF grant distributions to Manitoba Law Enforcement Agencies

CRITICAL BACKGROUND:

- *The Criminal Property Forfeiture Act/Regulations* provide that if there is any money remaining in the CPF fund after all victims who claim compensation have been paid, the money is to be paid out as indicated in section 19(4) (b, c, c.1 and d). Specifically 19(4)(c) provides for payments to be made to law enforcement agencies to promote safer communities, through programs operated by those agencies that are intended to enhance the practices and training of law enforcement agencies or reduce or prevent crime.
- Generally speaking, disbursement from the CPF Fund to law enforcement agencies (LEA) occurs once annually. Since 2011, the process has typically begun in February or March to allow for it to be completed before the summer break. The process begins with notifying the LEA of the commencement of the distribution process and providing an application form with a 30 day deadline date. Once the applications are received, CPF staff compile, vet and organize them in preparation for presentation to the Annual Distribution Committee (ADC) which is made up of:
 - The Executive Director of Criminal Property Forfeiture (chairperson); and/or
 - The Assistant Director of Criminal Property Forfeiture;
 - The President of the Manitoba Association of Chiefs of Police; and
 - The Assistant Deputy Attorney General (ADAG) responsible for Criminal Property Forfeiture matters
- This process can take up to 30 days to complete. Once the ADC has made their determinations and recommendations, a meeting with the Minister of Justice takes place to advise of the recommended grants and to seek concurrence. Depending upon the schedule of the Minister, this process can take up to another 30 days.
- When the meeting with the Minister is complete, all LEA are notified if their grant requests have been successful and the process begins to provide the requested funding.

S. 23(1)(a)(f)

Contact: Irene Hamilton
Associate Deputy Attorney General
Civil Law
204-945-5000

Date: April 22, 2016

NOTEWORTHY CASES

Note

No content. This page is
a binder page only.

52

Date: April 20, 2016

Route No.:

To: Donna J. Miller, Q.C.
Clerk of the Executive Council
and Cabinet Secretary
215 – 450 Broadway

From: Julie Frederickson
Deputy Minister of Justice and
Deputy Attorney General
110 Legislative Building

Telephone: (204) 945-8389

Fax No: (204) 945-4133

E-Mail: Julie.Frederickson@leg.gov.mb.ca

Subject: Noteworthy Cases / Decisions That May Occur 30 Days Post-Election

Please find below a number of cases / decisions that may occur or be released post-April 19,

23(1)(a)

CRIMINAL LAW

1. 17(1) 17(2)(b) 17(3)(f)(i)
23(1)(a)

2. 17(1) 17(2)(b) 17(3)(f)(i)
23(1)(a)

3. 17(1) 17(2)(b) 17(3)(f)(i)
23(1)(a)

4. 17(1) 17(2)(b) 17(3)(f)(i)
23(1)(a)

5. 17(1)17(2)(b)17(3)(f)(i)
230)(a)

6. 17(1)17(2)(b) 17(3)(f)(i)
230)(a)

7. 17(1)17(2)(b) 17(3)(f)(i)
230)(a)

8. 17(1)17(2)(b) 17(3)(f)(i)
230)(a)

LEGAL SERVICES BRANCH

Decisions Pending

1. 17(1) 17(2)(b) 17(3)(f)(i)
230)(a)

2. 17(1) 17(2)(b) 17(3)(f)(i)
230)(a)

Hearing Dates Set

3. 17(1)17(2)(b) 17(3)(f)(i)
23(1)(a)

4. 17(1)17(2)(b) 17(3)(f)(i)
23(1)(a)

5. 17(1)17(2)(b) 17(3)(f)(i)
23(1)(a)

23(1)(a)

23(1)(a)

6. 17(1)17(2)(b) 17(3)(f)(i)
23(1)(a)

7. 17(1) 17(2)(b) 17(3)(f)(i)
23(1)(a)

23(1)(a)

17(1) 17(2)(b) 17(3)(f)(i)
23(1)(a)

23(1)(a)

8. 17(1) 17(2)(b) 17(3)(f)(i)
23(1)(a)

23(1)(a)

23(1)(a)

Delay Motions - waiting for date

9. 17(1) 17(2)(b) 17(3)(f)(i)
23(1)(a)

23(1)(a)

- 10. 17(1)17(2)(b) 17(3)(f)(i)
23(1)(a)

Placeholders

- 11. 17(1)17(2)(b) 17(3)(f)(i)
23(1)(a)

23(1)(a)

23(1)(a)

CRIMINAL PROPERTY FORFEITURE BRANCH

- 1. 17(1) 17(2)(b) 17(3)(f)(i)
23(1)(a)

- 2. 17(1)17(2)(b) 17(3)(f)(i)
23(1)(a)

3. 17(1)17(2)(b)17(3)(f)(i)
23(1)(a)

HUMAN RIGHTS COMMISSION ADJUDICATION DECISIONS PENDING

1. 17(1)17(2)(b)17(3)(f)(i)
23(1)(a)

2. 17(1)17(2)(b)17(3)(f)(i)
23(1)(a)

3. 17(1)17(2)(b)17(3)(f)(i)
23(1)(a)

4. 17(1)17(2)(b)17(3)(f)(i)
23(1)(a)

5. 17(1)17(2)(b)17(3)(f)(i)
23(1)(a)

230(a)

Julie Frederickson

Note: NO context.
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60

SCHEDULE K
 STATUTES RESPONSIBILITY
 MINISTER OF JUSTICE

CONTINUING
 CONSOLIDATION
 CHAPTER

JUSTICE ACTS

The Body Armour and Fortified Vehicle Control Act.....	B 65
The Child Sexual Exploitation and Human Trafficking Act	C 94
The International Commercial Arbitration Act.....	C 151
The Constitutional Questions Act.....	C 180
The Correctional Services Act.....	C 230
The Court of Appeal Act	C 240
The Provincial Court Act.....	C 275
The Court of Queen's Bench Act.....	C 280
The Court of Queen's Bench Small Claims Practices Act.....	C 285
The Court Security Act.....	C 295
The Crime Prevention Foundation Act.....	C 303
The Criminal Property Forfeiture Act	C 306
The Cross-Border Policing Act.....	C 325
The Crown Attorneys Act.....	C 330
The Child Custody Enforcement Act.....	C 360
The Discriminatory Business Practices Act.....	D 80
The Domestic Violence and Stalking Act.....	D 93
The Election Financing Act	E 27
The Elections Act	E 30
The Electoral Divisions Act.....	E 40
The Enforcement of Canadian Judgments Act	E 116
The Enforcement of Judgments Conventions Act	E 117
The Escheats Act	E 140
The Manitoba Evidence Act [Division VI of Part I].....	E 150
The Executive Government Organization Act [subsection 12(2), only, as Keeper of the Great Seal].....	E 170
The Expropriation Act.....	E 190
The Family Property Act	F 25
The Fatality Inquiries Act.....	F 52
The Fortified Buildings Act.....	F 153
The Gunshot and Stab Wounds Mandatory Reporting Act	G 125
The Helen Betty Osborne Memorial Foundation Act.....	H 38.1
The Human Rights Code.....	H 175
The Inter-jurisdictional Support Orders Act	I 60
The Intimate Image Protection Act.....	I 87
The Intoxicated Persons Detention Act	I 90
The Reciprocal Enforcement of Judgments Act.....	J 20
The Canada - United Kingdom Judgments Enforcement Act.....	J 21
The Jury Act	J 30
The Department of Justice Act	J 35
The Justice for Victims of Child Pornography Act	J 39
The Law Enforcement Review Act	L 75
The Law Fees and Probate Charge Act.....	L 80
The Law Reform Commission Act.....	L 95
The Legal Aid Manitoba Act.....	L 105
The Liquor and Gaming Control Act.....	L 153
The Lobbyists Registration Act	L 178
The Mental Health Act [Part 10 and clauses 125(1)(i) and (j)].....	M 110
The Minors Intoxicating Substances Control Act.....	M 197
The Missing Persons Act.....	M 199
The Municipal By-law Enforcement Act.....	M 245
The Police Services Act.....	P 94.5
The Privacy Act	P 125
The Private Investigators and Security Guards Act.....	P 132
The Proceedings Against the Crown Act.....	P 140
The Profits of Criminal Notoriety Act.....	P 141
The Provincial Offences Act.....	P 160
The Public Guardian and Trustee Act.....	P 205
The Restorative Justice Act	R 119.6

SCHEDULE K

(JUSTICE) — CONTINUED

CONTINUING
CONSOLIDATION
CHAPTER

The Safer Communities and Neighbourhoods Act	S 5
The International Sale of Goods Act	S 11
The Sheriffs Act	S 100
The Statutes and Regulations Act	S 207
The Interprovincial Subpoena Act	S 212
The Summary Convictions Act	S 230
The Transboundary Pollution Reciprocal Access Act	T 145
The Uniform Law Conference Commissioners Act	U 30
The Vacant Property Act	V 10
The Victims' Bill of Rights	V 55
The Witness Security Act	W 167

CONSUMER PROTECTION ACTS

The Business Practices Act	B 120
The Cemeteries Act	C 30
The Title to Certain Lands Act (R.S.M. 1990, c. 259)	-
The Change of Name Act	C 50
The Condominium Act	C 170
The Consumer Protection Act	C 200
The Funeral Directors and Embalmers Act	F 195
The Prearranged Funeral Services Act	F 200
The Housing and Renewal Corporation Act [clause 44(k)]	H 160
The Hudson's Bay Company Land Register Act	H 170
The International Interests in Mobile Equipment Act (Aircraft Equipment)	I 63
The Landlord and Tenant Act	L 70
The Life Leases Act	L 130
The Marriage Act	M 50
The Mortgage Act [Part III]	M 200
The New Home Warranty Act	N 85
The Personal Investigations Act	P 34
The Personal Property Security Act	P 35
The Manitoba Public Insurance Corporation Act [sections 174.1 to 174.4 (claimant adviser office) and sections 175 to 185 (Automobile Injury Compensation Appeal Commission)]	P 215
The Real Estate Services Act	R 21
The Real Property Act	R 30
The Registry Act	R 50
The Residential Tenancies Act	R 119
The Special Survey Act	S 190
The Surveys Act [Part I]	S 240
The Trade Practices Inquiry Act	T 110
The Vital Statistics Act	V 60

and:

The Bedding and Other Upholstered or Stuffed Articles Regulation, M.R. 78/2004,
made under The Public Health Act