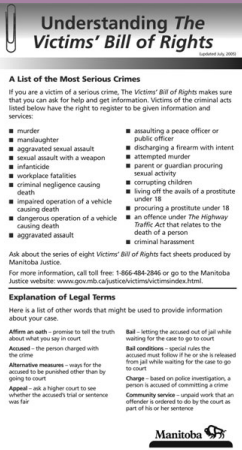


The Victims' Bill of Rights

The Role of the Prosecutions Division

Please refer to *Understanding The Victims' Bill of Rights* for a current list of the most serious crimes to see if you are eligible for services under *The Victims' Bill of Rights*.

The meaning of the words in bold type are also explained in *Understanding The Victims' Bill of Rights*.



Offering support assistance and information

Manitoba Justice recognizes the need to offer information, assistance and support to victims of the most serious crimes.

Crime victim services workers:

- provide information about the justice system and community resources
- tell victims about their options, rights and responsibilities

For information

Call toll free: **1-866-4VICTIM**(1-866-484-2846)

Or go to: www.gov.mb.ca/justice/victims/victimindex.html

What is the role of the Prosecutions Divisions?

The Prosecutions Division is responsible for carrying out legal proceedings for criminal offences committed in Manitoba. More than 80 Crown attorneys work in this division and present cases before the courts.

The Crown attorney is a government lawyer responsible for prosecuting cases fairly. Crown attorneys are not the victim's lawyer. Crown attorneys must be fair to all parties in the case, including victims, witnesses and the accused. They must also consider the general public's interests. Your interests and concerns will be considered if you choose to speak to the Crown attorney. However, the duty of fairness may sometimes require the Crown attorney to take actions or make decisions that are not the same as your wishes.

In Canadian criminal law, the accused is presumed innocent until proven guilty.

To obtain a conviction, the Crown attorney must present evidence in court that meets a very high standard. A **judge** must be satisfied beyond a reasonable doubt that the accused committed a criminal act.

What information may I request under *The Victim's Bill of Rights*?

Information about Prosecutions

- the possible use of alternative/ **extrajudicial** measures
- the court process, including everyone's role
- the right to have a language **interpreter** while testifying
- the right to apply for a ban on the publication or broadcast of your identity
- the right to attend any court proceeding, unless there is a court order that does not allow you to be there
- the right to ask the court, in select criminal code offences, to have a support person close to you while testifying if you are under 14 years old or mentally or physically disabled
- the right, in select criminal code offences, to ask the court if you can testify by closed-circuit television or behind a screen or other device in the court room if you are a witness who is under the age of 18 years, or mentally or physically disabled
- how to get the dates, times and places of a court hearing
- the process for entering a guilty or **not guilty** plea

- the possibility of discussions between the Crown attorney and the accused about the resolution of the charge
- the possibility of the court finding the accused “not criminally responsible by reason of mental disorder” or “unfit to stand trial”
- The process for sentencing an offender
- the possible application by a Crown attorney to designate an offender as a “dangerous offender”
- the right to file a **victim impact statement** and to add to it before sentencing
- how to get help completing a victim impact statement
- how victim impact statements and pre-sentence reports are used in sentencing
- how to apply for restitution and how it is ordered
- the right to have property returned when it is no longer needed (except in cases of homicide when property cannot be returned)
- the appeal process

Information about the status of a prosecution

When you request it, the Crown attorney must give you the following information, unless it would unreasonably delay or prejudice an investigation or prosecution or affect someone’s safety or security:

- the charge laid
- the name, address and telephone number of the Crown attorney handling the case
- how you can provide reasons the accused should be kept in custody or if released, whether the accused should have any conditions placed on him or her
- the date, time and place of any court appearance that may affect the outcome of the case
- the possibility that the offender may be ordered to pay **restitution**
- the date, time and place of an application by the Crown attorney for a dangerous offender designation
- the outcome of the prosecution and any appeal

Information about the corrections office

When you request it, the Crown attorney must give you the name, address and telephone number of the office or agency that can provide you with information about the sentenced offender.

What can I expect to be consulted about during the prosecution?

If you request it, and if it is reasonably possible without delaying or prejudicing an investigation or prosecution, the Crown attorney must make sure that you are consulted on the following:

- the decision to lay a charge
- the use of alternative/**extrajudicial** measures
- the decision to **stay** a charge
- any application for release by the accused
- any agreement relating to a disposition of the charge
- the Crown’s position on sentencing
- the decision to appeal or the Crown’s position on appeal

Can the Crown attorney ask for restitution?

An application for **restitution** must be made by the Crown when it is reasonably possible to do so.