



*Manitoba
Department of Justice
Prosecutions*

Guideline No. 2: VIC: 1

Policy Directive

Subject: Victims

Date: May 2021

POLICY STATEMENT:

At all stages of criminal and quasi-criminal proceedings, including matters in which charges are being contemplated, whether or not they are yet laid, and matters under appeal, Crown Attorneys must be attentive and sensitive to the needs and views of victims and seek to maintain a sense that they will be treated fairly in the justice system.

Since the coming into force of the *Manitoba Victims Bill of Rights* [MVBR] in 2001 and, more recently, the federal *Canadian Victims' Bill of Rights* [CVBR], there has been increasing awareness of the role and rights of victims in the criminal justice system and the need for prosecutors to fulfill their legislative obligations accordingly in a trauma informed manner.

These two pieces of legislation along with the *Criminal Code* set guidelines for the necessary approach for Crown Attorneys, all of which is supported by the work of the Victim Services Branch.

Victim Participation

To the best of their ability, Crown Attorneys must ensure that victims (and other witnesses) are prepared for any upcoming court hearings. This includes a review of the testimony expected of the victim (or witness) and an overview of what to expect during a preliminary hearing or trial. The nature of the case will determine the extent of preparation required.

Communications with Victims

Section 14 of the MVBR, as well as section 6 and following of the CVBR entitle victims to communicate with the assigned Crown Attorney on certain matters relating to the prosecution of a case. This does not mean that the victim is entitled to direct the prosecution or make decisions with respect to how the case is handled. **Crown Attorneys are required to listen to, acknowledge and seriously consider any concerns and information that the victim has to offer.**

Victim Impact Statements

Victims/complainants are entitled to provide a Victim Impact Statement to the Court. The CVBR also provides for Community Impact Statements.

RATIONALE:

Crown Attorneys have an obligation to ensure that the voices of victims of crime are heard and that their concerns are addressed as appropriate.

Related Policies:

Elder Abuse 2:ELD:1 located at:

http://intranet.mbgov.ca/justice/crown/prosecutions/prostaff/policy/Documents/elder_abuse.pdf

Domestic Violence 2:DOM:1 located at:

<http://intranet.mbgov.ca/justice/crown/prosecutions/prostaff/policy/Documents/domesticviolenceapr15.pdf>

Sentencing – Restitution 4 SEN:1 located at:

http://intranet.mbgov.ca/justice/crown/prosecutions/prostaff/policy/Documents/sentencing_disputefacts.pdf

Victim Impact Statements 4 SEN:1 located at:

http://intranet.mbgov.ca/justice/crown/prosecutions/prostaff/policy/Documents/sentencing_disputefacts.pdf

Child Abuse 2:CHI:1 located at:

http://intranet.mbgov.ca/justice/crown/prosecutions/prostaff/policy/Documents/childabusepolicy_apr17_2014.pdf

Direct Indictments 2:DIR:1 located at:

<http://intranet.mbgov.ca/justice/crown/prosecutions/prostaff/policy/Documents/directindictmentpolicy.pdf>