



The Provincial Court of Manitoba

Annual Report

2017 ■ 2018



The “Justice” sculpture stands at the entrance of the Provincial Court, 408 York Avenue in Winnipeg. Local artist, Professor Gordon Reeve is the creator of this massive sculpture.

“Consisting of three ribs or legs, the sculpture is topped by three long arms, each taking a different serpentine form. Capable of moving, these arms are balanced such that they can be set in motion by a visitor with little effort, despite their great weight. The concept draws to mind the metaphoric scales of justice, an image which appears carved in stone at the adjacent historic Law Courts Building (1912-16, 411 Broadway) visible from the site of “Justice.” At the time, Reeve stated of his work: “I wanted to create a structure to carry the metaphor of justice, one that is responsive to the individual, yet enduring and lasting. My hope is that even a child will make it move.”

(www.winnipegarchitecture.ca/justice/)



The Honourable Chief Judge
Margaret Wiebe



The Provincial Court of Manitoba

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The Honourable Cliff Cullen
Minister of Justice and Attorney General
Legislative Building
Room 104, 450 Broadway
Winnipeg (MB) R3C 0V8

Dear Minister:

We are pleased to enclose the Provincial Court's Annual Report for the fiscal year
April 1, 2017 to March 31, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Wiebe'.

Margaret Wiebe
Chief Judge

Encl.

The Honourable Chief Judge
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M. le ministre Cliff Cullen
Ministre de la Justice et procureur général
Palais législatif, bureau 104
450, Broadway
Winnipeg (MB) R3C 0V8

Monsieur le Ministre,

Nous avons l'honneur de vous soumettre le rapport annuel de La Cour provinciale du Manitoba pour la période du 1^{er} avril 2017 au 31 mars 2018.

Nous vous prions de bien vouloir agréer, Monsieur le Ministre, notre plus profonde considération.

A handwritten signature in black ink, appearing to read 'M. Wiebe'.

Margaret Wiebe
Juge en chef

Encl.

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Chief Judge of the Provincial Court



I am pleased to offer this report to the people of Manitoba, which outlines some of the work and initiatives of the Provincial Court of Manitoba during the fiscal year of 2017/2018. The Judges, the Judicial Justices of the Peace,

the staff of the Provincial Court of Manitoba all continue to work very hard to provide timely, independent and impartial access to justice to all Manitobans. These efforts are commended.

In our last annual report, we referred to *R. v. Jordan*, a July 8, 2016 decision of the Supreme Court of Canada. This decision imposed strict time limits on courts to complete criminal proceedings, including an 18-month timeline within which to complete matters in Provincial Court. In response to *Jordan*, the Provincial Court of Manitoba took several steps to bring matters to disposition more quickly. We instituted 2:00 p.m. trials, we added additional disposition time to our schedule, and we became more assertive in using case management to focus unresolved trial matters and more accurately determine the amount of time a hearing might take. I am pleased to report that these measures have shown some success. In this fiscal year, 96% of the cases, which appeared in Provincial Court, were disposed of in less than the 18-month *Jordan* timeline. This is an increase over last year when 93% of the charges appearing in Provincial Court were disposed of in less than 18 months. This is despite the fact the number of matters appearing in our Court increased over last year. In this fiscal year, the Court disposed of 5.5% more cases than last year. These numbers, while positive in terms of what the Court accomplished, also confirm what the Court has anecdotally known for some time. That is, we are busier and we are dealing with lengthier and more complex matters.

As former Chief Judges have pointed out in earlier Annual Reports, the ability to handle child protection, criminal and family cases before our court in a timely fashion is challenged, given our limited resources. This is particularly an issue in the North where the matters which appear before the court are numerous, serious and complex. Given minimal changes to the judicial composition of the court over the last decade, the court recognizes it will have to review its priorities going forward as it is concerned with its ability to address all of the issues it faces without additional judicial resources. Accordingly, a committee was struck to plan a Strategic Planning Session for the entire Bench in the spring of 2018. This Strategic Planning group and the Working committees formed with it, have been very busy gathering information to prepare us for the important discussions to be held at our Strategic Planning Session in the spring of 2018.

In addition to the above initiatives designed to make the Provincial Court more effective and efficient, the Court continues to look to the future and to ensuring our judges and judicial justices of the peace have education opportunities which promote a Court of excellence. To that end, the judges hold two education conferences per year. This year at the spring session, the judges focused on Child Protection and Family Law as substantive topics. As well, the judges toured the correctional facilities in Manitoba. At our fall education session, the judges focused their judicial education on sexual assault matters including social context.

The judicial justices of the peace also have two education sessions per year. In the spring, the education sessions focused on the Role of a JJP and ethical principles, search warrants, protection orders, bail applications and trial issues. In the fall, the JJP education component focused on the new *Provincial Offences Act*, search warrants, protection orders and rules of evidence during trial.

It has been a busy year at the Provincial Court. We continue to strive to provide timely, impartial and meaningful justice for Manitobans and look forward to reporting on our strategic planning session in the next Annual Report.

Juge en chef de la Cour provinciale du Manitoba



C'est avec plaisir que je sou mets à la population du Manitoba le présent rapport, qui décrit certains des travaux et des initiatives de la Cour provinciale du Manitoba au cours de l'exercice financier 2017/2018. Les juges, les juges de paix judiciaires et le

personnel de la Cour provinciale du Manitoba continuent tous à travailler très fort pour offrir à tous les Manitobains un accès à la justice indépendant et impartial, et ce, dans des délais raisonnables. Nous les remercions de leurs efforts.

Dans notre dernier rapport annuel, nous avons fait référence à l'arrêt *R. c. Jordan* une décision de la Cour suprême du Canada rendue le 8 juillet 2016. Cette décision a imposé aux tribunaux des délais stricts pour conclure les procédures pénales, notamment un délai de 18 mois pour conclure les causes portées devant la Cour provinciale. En réponse à l'arrêt *Jordan*, la Cour provinciale du Manitoba a pris plusieurs mesures visant à régler les causes plus rapidement. Nous avons mis en place des séances de procès à 14 h, nous avons ajouté des séances décisionnelles à notre calendrier, et nous avons amélioré notre gestion des causes pour orienter le règlement de questions en litige et déterminer plus précisément la durée des audiences. Je suis heureuse d'affirmer que ces mesures ont donné des résultats positifs. Au cours du présent exercice, 96 % des causes qui ont été entendues par la Cour provinciale ont été traitées en moins de 18 mois, le délai prévu par l'arrêt *Jordan*. Il s'agit d'une augmentation par rapport au dernier exercice, lors duquel 93 % des accusations portées devant la Cour provinciale ont été traitées en moins de 18 mois. Ces résultats ont été atteints en dépit du fait que le nombre de causes portées devant notre Cour a augmenté par rapport à l'exercice précédent. Au cours de l'exercice 2017/2018, la Cour a statué sur 5,5 % plus de causes qu'à l'exercice précédent. Ces chiffres, bien qu'ils soient positifs en ce qui a trait aux travaux de la Cour, confirment également ce que nous avons constaté à la Cour depuis un certain temps, c'est-à-dire, que nous sommes plus occupés qu'avant et que nous traitons des causes plus longues et plus complexes qu'avant.

Comme l'ont souligné d'anciens juges en chef dans des rapports annuels antérieurs, la capacité de traiter en temps opportun les affaires de protection de l'enfance,

les affaires pénales et les affaires familiales dont notre Cour est saisie est mise à rude épreuve, compte tenu de nos ressources limitées. La situation est particulièrement difficile dans le Nord où les causes qui se rendent devant les tribunaux sont nombreuses, graves et complexes. Étant donné les changements minimes apportés à la composition de la Cour au cours de la dernière décennie, nous savons que nous devons revoir nos priorités, car nous sommes inquiets par rapport à notre capacité de relever tous les défis auxquels sommes confrontés sans ressources judiciaires supplémentaires. Par conséquent, nous avons formé un comité chargé d'organiser une séance de planification stratégique pour l'ensemble de la magistrature au printemps 2018. Le groupe de planification stratégique et les comités de travail qui y sont associés ont été très occupés à recueillir des renseignements pour nous préparer aux importantes discussions qui auront lieu à notre séance de planification stratégique au printemps 2018.

En plus des initiatives susmentionnées visant à améliorer l'efficacité et l'efficience de la Cour provinciale, la Cour demeure tournée vers l'avenir et veille à ce que les juges et les juges de paix judiciaires aient des possibilités de formation qui favorisent l'excellence. À cette fin, les juges suivent deux séances de formation par année. Au printemps, la séance de formation des juges a porté principalement sur la protection de l'enfance et le droit de la famille. Les juges ont également visité les établissements correctionnels du Manitoba. Lors de la séance de formation de l'automne, la formation judiciaire était axée sur les questions d'agression sexuelle, y compris le contexte social.

Les juges de paix judiciaires reçoivent également deux séances de formation par année. Au printemps, les séances de formation ont porté sur le rôle d'un juge de paix judiciaire et les principes déontologiques, les mandats de perquisition, les ordonnances de protection, les demandes de cautionnement et les questions relatives aux procès. À l'automne, la formation des juges de paix judiciaires a porté sur la nouvelle *Loi sur les infractions provinciales*, les mandats de perquisition, les ordonnances de protection et les règles en matière de preuve pendant un procès.

Nous avons eu un exercice très occupé à la Cour provinciale. Nous continuons de nous efforcer d'offrir à la population du Manitoba des services de justice impartiaux et efficaces dans des délais raisonnables, et nous avons hâte de faire état de notre séance de planification stratégique dans le prochain rapport annuel.

Roles and Authorities of the Court

The roles and authority of all judicial officers of the Provincial Court are set out in the *Provincial Court Act* and in case law.

Chief Judge

The Chief Judge is the official spokesperson for the Court. The *Provincial Court Act* outlines that the Chief Judge will have general supervisory powers over judges, justices of the peace and staff in matters that are assigned by law to the court. The Chief Judge is responsible for the judicial functions of the court, including over court sittings and assignment of judicial duties. The Chief Judge can receive and investigate complaints about the misconduct or incapacity of any judge or judicial justice of the peace of the Provincial Court. The Chief Judge is appointed for a nonrenewable term of seven years. Chief Judge Wiebe's term will end July 10, 2023.

Associate Chief Judges

There are three Associate Chief Judges in the Provincial Court of Manitoba. One is responsible for assisting the Chief Judge primarily with administrative and scheduling matters in the regional court centres and the other two assist the Chief Judge with administrative matters primarily in Winnipeg. Associate Chief Judges also regularly preside in Court. The Associate Chief Judges are appointed for a non-renewable term of seven years. Associate Chief Judge Hewitt-Michta was appointed in Brandon and is the Regional Associate Chief Judge. Her term ends August 5, 2020. Associate Chief Judge John Guy was appointed in Winnipeg. His term ends October 17, 2020. Associate Chief Judge Anne Krahn was appointed in Winnipeg. Her term ends September 8, 2022.

Provincial Court Judges

Provincial Court Judges are appointed by the Lieutenant Governor in Council upon the recommendation of a nominating committee. The nominating committee is made up of the Chief Judge, another judge of the Court, three community members, the President of the Law Society and the President of the Manitoba Branch of the Canadian Bar Association. The nominating committee interviews and assesses candidates for recommendation to the Lieutenant Governor in Council.

Judges conduct trials, bail hearings, sentencing hearings, inquests and other proceedings in criminal, youth, child protection, family maintenance and regulatory matters. Judges do a significant amount of work outside of the courtroom such as reviewing requests for judicial authorizations (like search warrants) judgment writing, researching law, public speaking and committee work.

The Provincial Court of Manitoba has 41 full-time judges. There are six Provincial Court Centres in Manitoba with resident full-time judges:

- Winnipeg – thirty judges
- Brandon – three judges
- The Pas – two judges
- Dauphin – two judges
- Portage la Prairie – one judge
- Thompson – three judges

Senior Judges

In addition to the 41 full time judges, the court also relies on Senior Judges. During this fiscal year there were nine Senior Judges. A Senior Judge is a judge who has retired from full-time judicial work but continues to sit as needed by the Chief Judge in order to fill deficits in the court schedule. Senior Judges may also sit when a judge is away for a medical leave or a position is vacant as a result of a retirement and the position has not yet been filled. The Senior Judge program has been a welcome addition to the Provincial Court. It allows the court to continue to receive the benefit of experienced judges and the flexibility to cover needed court assignments. In February 2017 the *Senior Judges Regulation* was amended to allow for the equivalent of two full-time judges' salaries to be used in the fiscal year for Senior Judge assignments. In 2017/18, the Court relied on the Senior Judges on 378 days to provide much needed support. This continues to follow a pattern from previous years of increasing days assigned to Senior Judges demonstrating the essential nature of this program for the Court to meet scheduling demands and provide timely access to justice.

Roles and Authorities of the Court

Judicial Justices of the Peace

Judicial Justices of the Peace are appointed by the Lieutenant Governor in Council upon the recommendation of a nominating committee. The nominating committee is made up of the Chief Judge and two committee members appointed by the Minister of Justice. The nominating committee interviews, assesses, and recommends candidates for appointment to the Lieutenant Governor in Council.

Judicial Justices of the Peace conduct trials, bail hearings and sentencing hearings under *The Provincial Offences Act*, including *Highway Traffic Act* matters. Judicial Justices of the Peace also conduct hearings in relation to protection orders under *The Domestic Violence and Stalking Act*, and consider the issuance of judicial authorizations such as search warrants and production orders and consider judicial interim. On January 17, 2018, Nettie Cuthbert-Buchanan was appointed as an Administrative JJP. Her term expires on January 16, 2023. The Administrative JJP assists the Chief Judge with administrative matters related to the JJP Program.

Changes in Judicial complement from April 1, 2016 to April 1, 2018

On December 7, 2016, Judge Todd Rambow was appointed to preside in Thompson, Manitoba filling the vacancy left when Judge Alain Huberdeau transferred from Thompson to the Winnipeg Judicial Centre.

During the 2016/17 fiscal year there was a significant change in the complement of Judicial Justices of the Peace as five experienced JJPs retired that year. The Provincial Court is very grateful for the years of experience and dedicated service to the Province of Manitoba provided by JJP Helen Karr (retired December 8, 2016), JJP Bev Scharikow (retired December 9, 2016), JJP Benji Harvey (retired January 6, 2017), JJP Judy Beer (retired March 31, 2017), and JJP Lori Nelson (December 9, 2016). These retirements created a significant void for the Provincial Court. While the loss of the years of experience of these JJPs was missed, the positions were filled with enthusiastic and skilled persons who invigorated the program with new energy.

The Provincial Court welcomed the following JJP appointments: JJP Monique Navitka and JJP Linda Dawson on June 1, 2016, JJPs Gregory Jowett, Susanne Mymko, Roxanne Desrosiers, Alicia Schnell and Ashley-Dawn Zallack on February 22, 2017 and JJP Shawna Goy on April 5, 2017.

On June 2, 2017, the Senior JJP program came into effect. This program allows retired JJPs to return to the Court to perform JJP duties on a casual basis as needed, equivalent to one JJP salary. This was a much needed boost to the work of the Court and allowed the Court and the citizens of Manitoba to continue to benefit from the years of experience of these JJPs. JJPs Karr, Harvey and Scharikow all agreed to return as Senior JJPs.

During the 2017/18 fiscal year the court saw Judge Ted Lismer retire on July 31, 2017 and Judge Lynn Stannard retire on February 6, 2018. The many years of dedicated service provided by these experienced judges was a tremendous benefit to the Court and the justice system as a whole. These vacancies on the court were filled when Judges Julie Frederickson and Kusham Sharma were appointed on February 13, 2018.

During the 2017/18 fiscal year, one additional JJP retirement occurred. JJP Dennis Chambers retired on April 18, 2018. JJP Chambers chose to return as a Senior JJP. The Provincial Court is grateful for the years of dedicated service provided by JJP Chambers.

Circuit Courts

The Provincial Court holds regular court sittings in over fifty communities throughout Manitoba. The communities, to which the court party travels from the court centres of Winnipeg, Brandon, Thompson, The Pas, Dauphin, or Portage la Prairie, are called “circuits.” This important facet of the court’s work can mean that community facilities such as legion halls

and school gyms become the courtroom for the day. Judges, Crown Attorneys, defence counsel, court clerks, victim services workers and Indigenous court workers may travel by car, plane, helicopter, and/or boat, over winter roads and by air and water, in order to get to the circuit court location.



Locations of Manitoba Provincial Court Sittings

Legend
Circuit courts covered by Judges from the following centres:

- Winnipeg (Yellow)
- Portage La Prairie (Purple)
- Brandon (Pink)
- Dauphin (Green)
- The Pas (Orange)
- Thompson (Blue)

Provincial Court Performance Measures

In the previous Annual Report we reported on a number of performance measures which seek to provide an empirical picture of the work of the court. We continue with those measures we are able to capture in this report.

We continue to emphasize the need for the court to have updated information systems so it can collect data and measure its performance on a number of fronts to increase its efficiency. At this time, we are not able to capture reliable information on the number of matters that proceed to trial or preliminary inquiry, how much trial time is used, and why matters set for trial do not proceed on the day of trial. We continue to work with our stakeholders to emphasize the need for updated, integrated information systems.

The Court has seen the benefit of an expansion of video technology. This technology allows an offender in custody to appear before the court by video, which in many cases is preferable to transport from a correctional centre. During this fiscal year, video links were added in Brandon and Portage la Prairie.

Average Number of Appearances

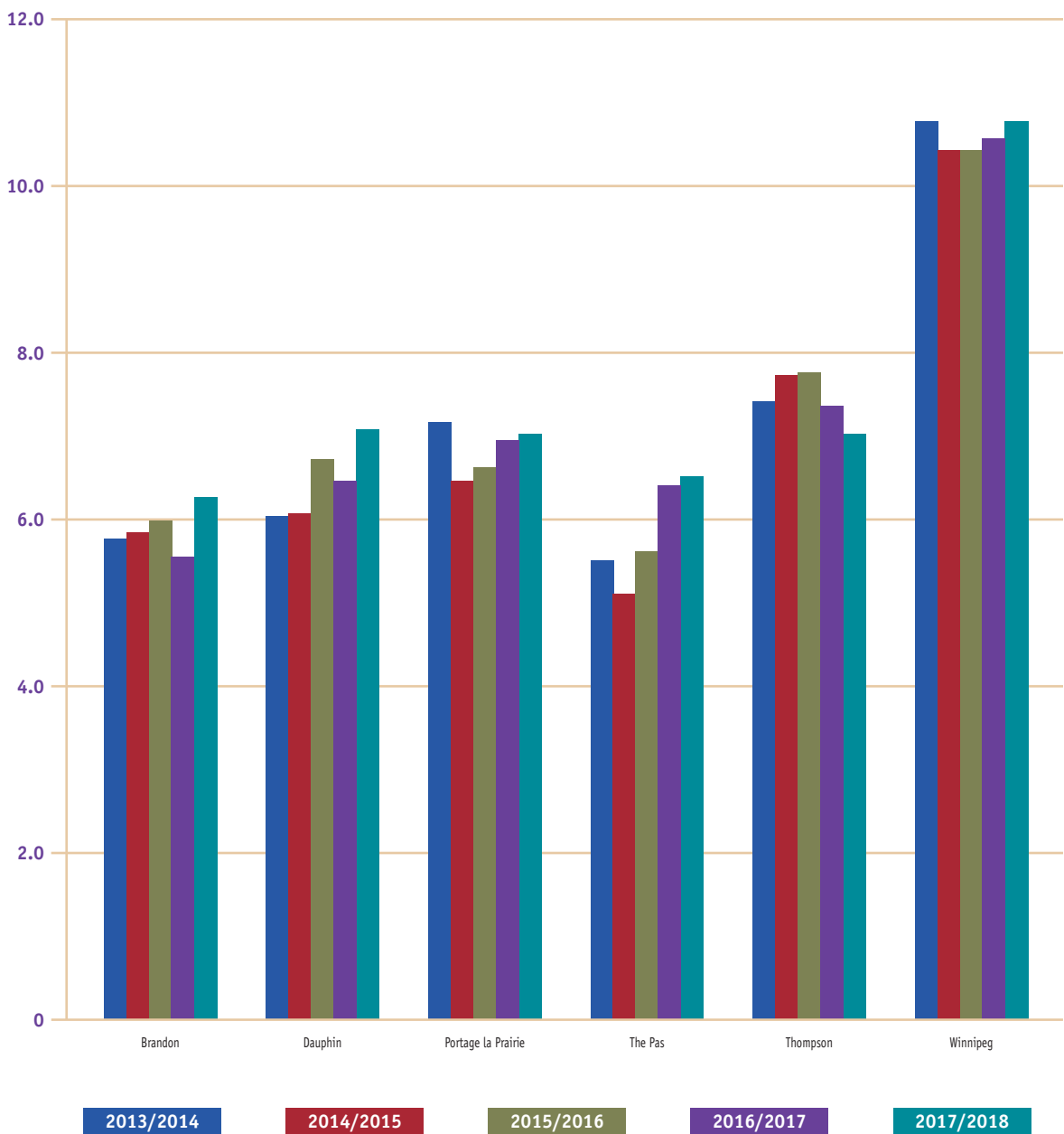
Figure 1 below provides the average number of appearances per case in each of the court centres in Manitoba. Winnipeg continues to have more appearances per case than the other regional court centres. This can be explained by a higher volume of charges and the greater frequency of court sittings. Matters are remanded for shorter time periods but appear more frequently. The Thompson Centre has seen a slight downward trend in the number of appearances in the last three years, while the other regional centres are trending upwards. The Court remains committed to a simplified process for the disposition of charges before the court as a way to promote access to justice. We will continue to monitor these trends.

Figure 1 – Average Number of Appearances to Disposition by Court Centre

Court Centre	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	Average
Brandon	5.8	5.8	6.0	5.6	6.3	5.9
Dauphin	6.0	6.1	6.7	6.5	7.1	6.5
Portage la Prairie	7.2	6.5	6.6	7.0	7.0	6.9
The Pas	5.5	5.1	5.6	6.4	6.5	5.8
Thompson	7.4	7.7	7.8	7.4	7.0	7.4
Winnipeg	10.8	10.4	10.4	10.6	10.8	10.6
Average	9.3	9.1	9.2	9.3	9.4	9.3

Provincial Court Performance Measures

Figure 1 – Average Number of Appearances to Disposition by Court Centre



Provincial Court Performance Measures

Time to Disposition

The Court disposed of 48,808 cases during the 2017/18 fiscal year. A case is defined as all of the charges on one information or charging document. An information frequently contains more than one charge or offence arising out of the same transaction. This is an increase of 2645 from last year.

The vast majority of informations (96%) were concluded in less than 18 months. This is an increase from last year where 93% of charges were disposed of in Provincial Court in less than 18 months. In every judicial centre, there was an increase in the number of cases disposed of in less than four months and less than eight months. This is significant because in *R. v. Jordan* 2016 SCC 27 the Supreme Court of Canada set a presumptive deadline that cases in Provincial Court should be heard within 18 months. If they are not, those cases risk breaching the charged person's *Charter* right to trial in a reasonable time.

The Provincial Court responded to *Jordan* by offering 2:00 p.m. trials, additional disposition time and case management to target the timely resolution of cases before the court. This measurement indicates these initiatives have met with some success. Judges have a role to play in the culture change called for by the Supreme Court of Canada. One way judges are working to change the culture is by being less tolerant of delay in the justice system.

The charts below breakdown the average length of time it took for matters to be disposed of by judicial centre.

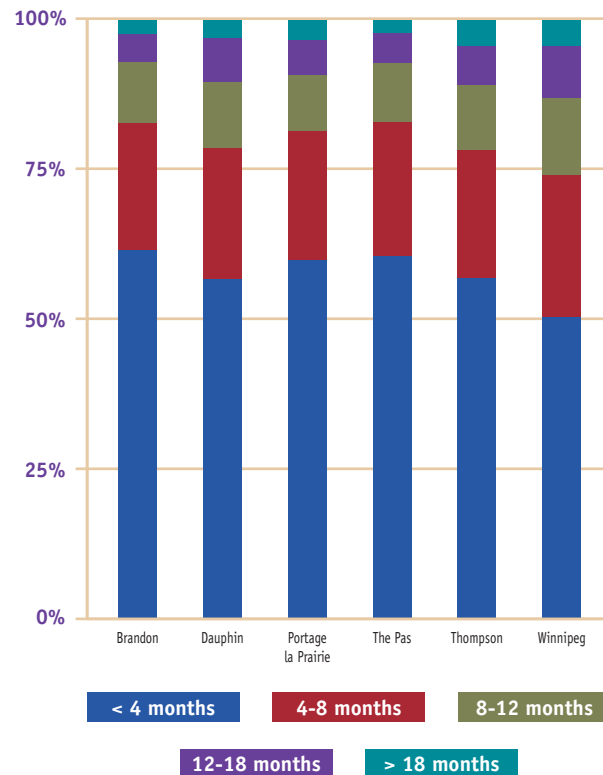


Figure 2 – Time to Disposition (excluding warrant time) by Court Centre, 2017/2018

Court Centre	<4 months	4-8 months	8-12 months	12-18 months	>18 months	Total
Brandon	2,580	889	438	187	104	4,198
Dauphin	1,217	469	233	163	64	2,146
Portage la Prairie	1,003	361	160	99	55	1,678
The Pas	1,260	469	200	109	45	2,083
Thompson	3,948	1,473	741	460	305	6,927
Winnipeg	16,026	7,480	4,094	2,776	1,400	31,776
Total	26,034	11,141	5,866	3,794	1,973	48,808

Provincial Court Performance Measures

Figure 3 provides a breakdown by severity level of cases disposed of in the Provincial Court. Severity level is a way in which to categorize the charges on an Information. For example, if an Information contained an aggravated assault and a breach of probation charge, the information is categorized as a Level 5 – the most serious charge being the aggravated assault. A significant number of Informations in the Court are categorized as Severity Level 2. Severity Level 2 offences include assaults, theft under \$5000, utter threats, breaches of probation and recognizance.

The proportion of charges at each severity level has remained virtually identical to that of last year.

The Court is interested in evaluating whether a different approach, including diversion for the high number of breach of court orders, is appropriate. We have tried to address these administrative charges by looking carefully at the conditions that are imposed as part of a disposition or release order to ensure the conditions are called for in the circumstances of a case. This is an area that we are continuing to explore with other partners in the justice system.

Figure 3 – Severity Level of Offences in 2017/2018

Offence Types comprising >3% of Severity Level Total in 2017/2018	Percentage of Total of all Informations	Percentage of Total Informations by Severity Level	Number of Informations
Severity Level 1	6%	100%	2,690
Impaired Operation	3%	55%	1,480
All Drug Classes - Possession	2%	38%	1,035
Liquor Act	0.2%	3%	91
SL 1 Other	0.2%	3%	84
Severity Level 2 (Breaches)	45%	100%	22,025
FTC Probation	14%	31%	6,764
FTA Court	10%	23%	5,124
FTC Recog	8%	18%	3,888
FTC Undertaking	5%	11%	2,450
FTC YCJA Order	5%	11%	2,339
SL 2B Other	2%	4%	780
FTA Identification	1%	3%	680
Severity Level 2 (Substantive Offences)	22%	100%	10,510
Assault	8%	36%	3,744
Theft under \$5,000	4%	18%	1,847

Provincial Court Performance Measures

Figure 3 – Severity Level of Offences in 2017/2018 (Continued)

Offence Types comprising >3% of Severity Level Total in 2017/2018	Percentage of Total of all Informations	Percentage of Total Informations by Severity Level	Number of Informations
Utter Threats	3%	13%	1,398
Mischief	2%	10%	1,068
Highway Traffic Act	2%	8%	879
SL 2S Other	1%	5%	507
Obstruct/Resist Peace Officer	1%	4%	377
Assault Peace Officer	1%	3%	361
Refuse/Fail to Comply/Provide Sample	1%	3%	329
Severity Level 3	18%	100%	8,659
Assault With a Weapon/CBH	5%	26%	2,286
Possession of Weapons	3%	19%	1,635
SL 3 Other	3%	18%	1,539
Possess Stolen Goods/Property OBC	3%	18%	1,518
Fraud	1%	8%	720
All Drug Classes - Trafficking	1%	6%	556
Driving While Proh./Disq./Susp. (CCC)	1%	5%	405
Severity Level 4	6%	100%	3,086
Break and Enter	2%	37%	1,143
SL 4 Other	1%	19%	582
Sexual Assault	1%	12%	380
Weapons Possession Contrary to Order	1%	10%	314
Forcible Confinement	1%	8%	249
Sexual Interference	0.5%	8%	235
Offences Against the Rights of Property (Part IX CC)	0.4%	6%	183

Provincial Court Performance Measures

Figure 3 – Severity Level of Offences in 2017/2018 (Continued)

Offence Types comprising >3% of Severity Level Total in 2017/2018	Percentage of Total of all Informations	Percentage of Total Informations by Severity Level	Number of Informations
Severity Level 5	3%	100%	1,369
Robbery	2%	55%	755
Aggravated Assault	1%	34%	461
SL 5 Other	0.2%	7%	97
Sexual Exploitation	0.1%	4%	56
Severity Level 6	1%	100%	333
Robbery with a Firearm	0.2%	29%	98
Discharge Firearm with Intent	0.2%	26%	85
Home Invasion	0.1%	18%	61
Kidnapping	0.05%	7%	23
Anal Intercourse	0.04%	6%	20
SL 6 Other	0.04%	6%	19
Incest	0.03%	5%	17
Impaired Cause Death	0.02%	3%	10
Severity Level 7	0.3%	100%	136
Murder 2nd Degree	0.1%	34%	46
Attempted Murder	0.1%	26%	36
Manslaughter	0.1%	26%	35
Murder 1st Degree	0.04%	14%	19
Grand Total			48,808

Provincial Court Performance Measures

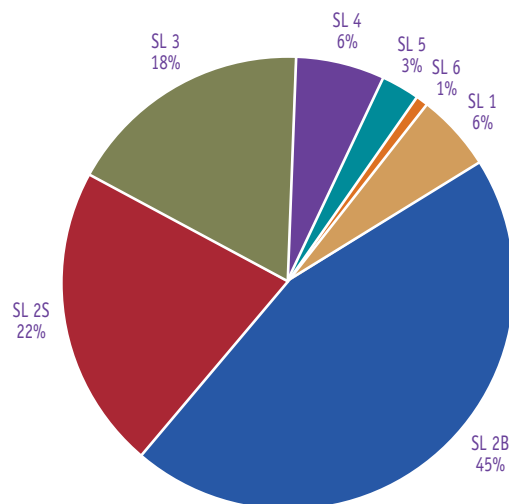
Time to Disposition by Severity Level

The charts below break down the average time it takes to dispose of each case by severity level.

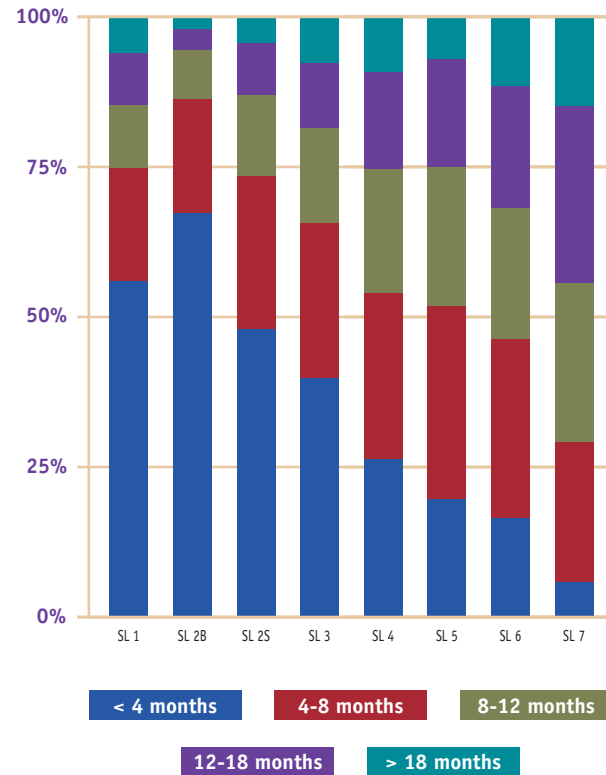
In comparison to the previous year, the number of charges at each severity level which exceeded 18 months was reduced. This is a positive step forward.

While there are a fairly significant number of lower severity offences that exceed 18 months, it is common for less serious charges to be remanded with a case of higher severity until the more serious charge is disposed.

Figure 4 – Number of Informations Disposed in 2017/2018 by Severity Level of Most Severe Charge on the Information



The pie chart provides a picture of the types of cases disposed by the Court according to severity level.



Provincial Court Performance Measures

Figure 5 – Time to Disposition (excluding warrant time) by Severity Level, 2017/2018

Severity Level	<4 months	4-8 months	8-12 months	12-18 months	>18 months	Total
SL 1	1,515	500	287	230	158	2,690
SL 2B	14,841	4,276	1,732	831	345	22,025
SL 2S	5,076	2,670	1,433	918	413	10,510
SL 3	3,451	2,266	1,358	954	630	8,659
SL 4	817	859	628	505	277	3,086
SL 5	271	438	320	247	93	1,369
SL 6	55	100	72	69	37	333
SL 7	8	32	36	40	20	136
Total	26,034	11,141	5,866	3,794	1,973	48,808

Warrant time is the period of time when there is an outstanding warrant on the information.

Provincial Court Performance Measures

Average Number of Days to Disposition

The average number of days to disposition is another way to look at how quickly matters were dealt with in the Provincial Court. It must be remembered this number is an average. Generally, the most serious cases take the longest to complete.

There are signs for optimism in that the Provincial Court average number of days to dispose of the most serious charges at severity level 7 has been reduced from 432 days in 2016/17 to 372 days. Cases of severity level 6 have gone from 354 days to being completed in 311 days. Cases at severity level 4 & 5 have gone down from 299 last year to 272 and 273 days on average. The cases at severity levels 1 & 2 have gone down but only very modestly.

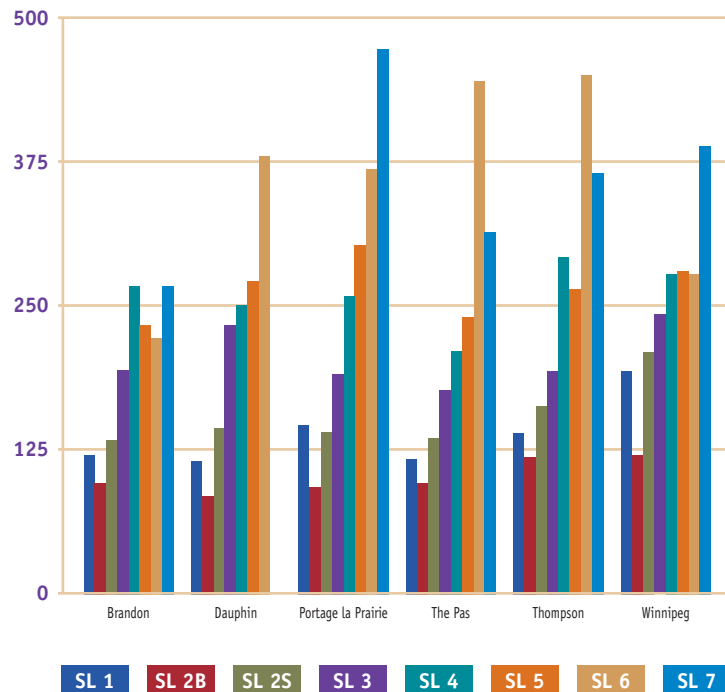


Figure 6 – Average Days to Disposition (excluding warrant time), 2017/2018

Court Centre	SL 1	SL 2B	SL 2S	SL 3	SL 4	SL 5	SL 6	SL 7	Global Average
Brandon	120	94	132	193	267	233	222	267	136
Dauphin	114	83	143	232	251	271	380		153
Portage la Prairie	145	90	139	190	258	302	369	473	144
The Pas	116	94	135	177	209	239	445	313	133
Thompson	138	117	162	192	291	264	449	365	159
Winnipeg	192	120	210	241	276	280	277	389	180
Global Average	172	114	184	226	272	273	311	372	169

Provincial Court Performance Measures

Clearance Rates

As a general proposition, the Court hopes to dispose of at least as many cases in a year as the number of new cases that enter the system. A completion or clearance rate of 100% demonstrates that there is balance between the number of new cases introduced into the justice system within the one year period and the concluded cases in a one year period. The completion rate for both adult and youth cases improved from the previous year. For youth, more cases were disposed of than entered the system. It is also noteworthy there

has been a reduction in the number of youth charges entering the system. We do not have information about why less youth charges are entering the system but there is evidence this is consistent with a national trend of reduction in youth crime and criminal charges.

For adult cases, the same number of cases entered the system as were disposed of during the fiscal year. It is noteworthy the five year trend has seen a continued increase each year in the number of charges entering the justice system and the Court has kept pace by clearing increasingly more charges.

Figure 7 – Youth Clearance Rate

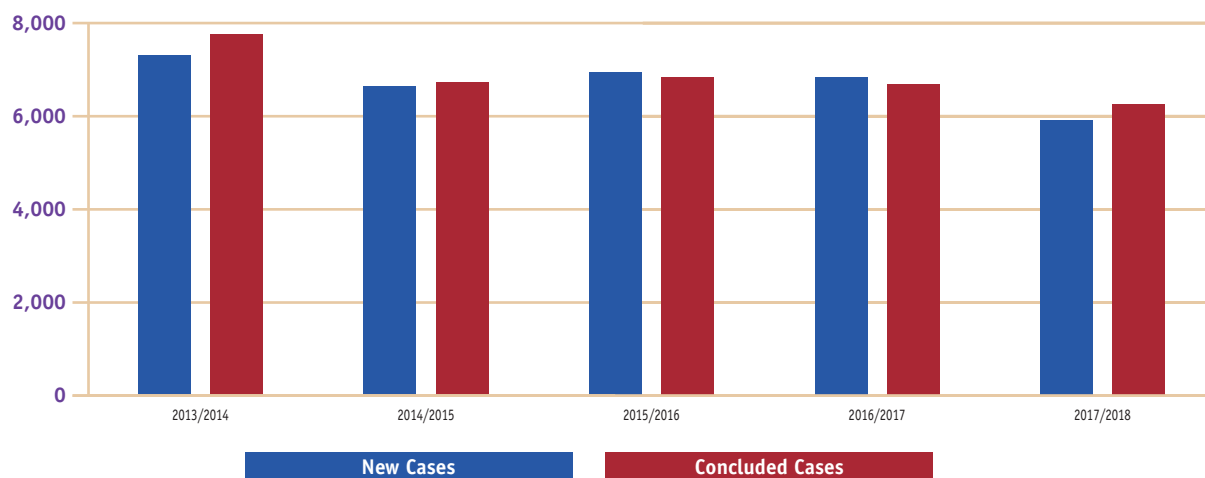
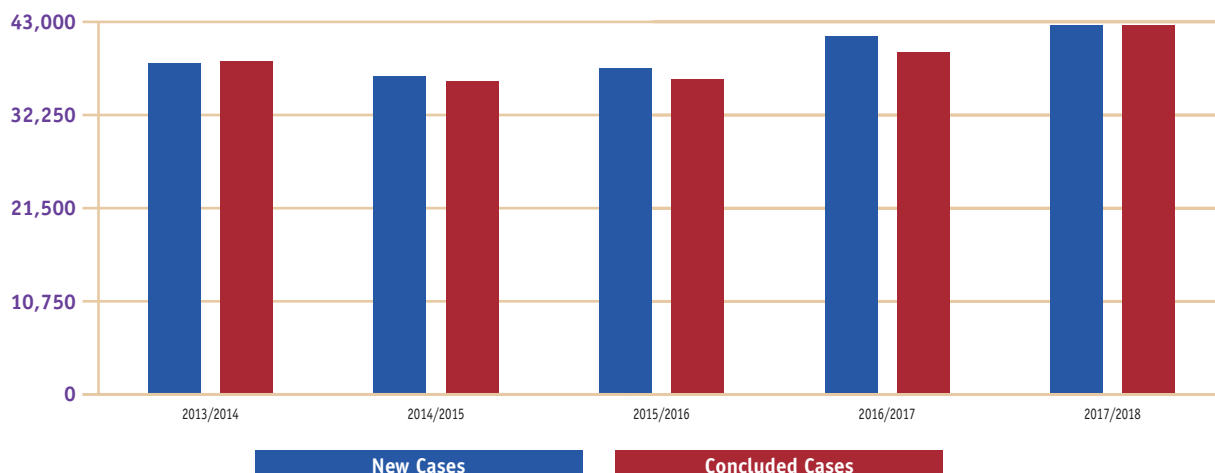


Figure 8 – Adult Clearance Rate



Judicial Authorizations

Judges and JJPs review applications for various types of warrants and production orders under the *Criminal Code*. The following demonstrates the number of applications as an eight year snapshot of this important work of the Court. While this Annual Report captures the work according to a fiscal year, the charts below are reported on a calendar year basis.

This chart reveals Judges reviewed more applications for judicial authorizations than previous years. It was noted earlier in this report a significant number of JJP retirements occurred in this fiscal year. In order to address the vacancies to the JJP complement, Judges stepped in and began to review all requests for judicial authorizations until the JJP complement was filled and they had received training. This accounts for the significant increase in the number of authorizations reviewed by Judges.

Figure 9 – Number of Judicial Authorizations made by Judges and JJPs

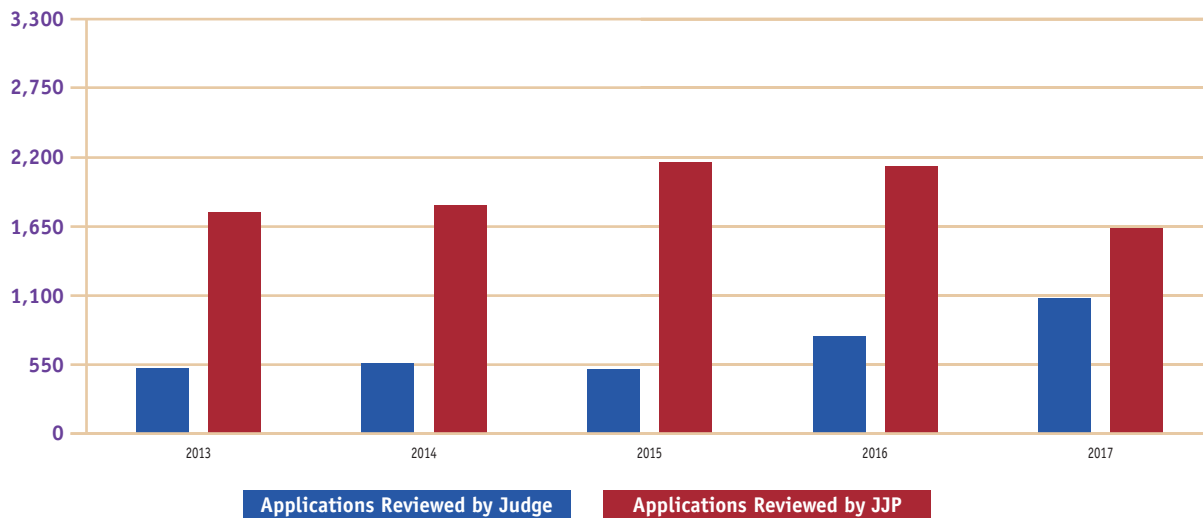
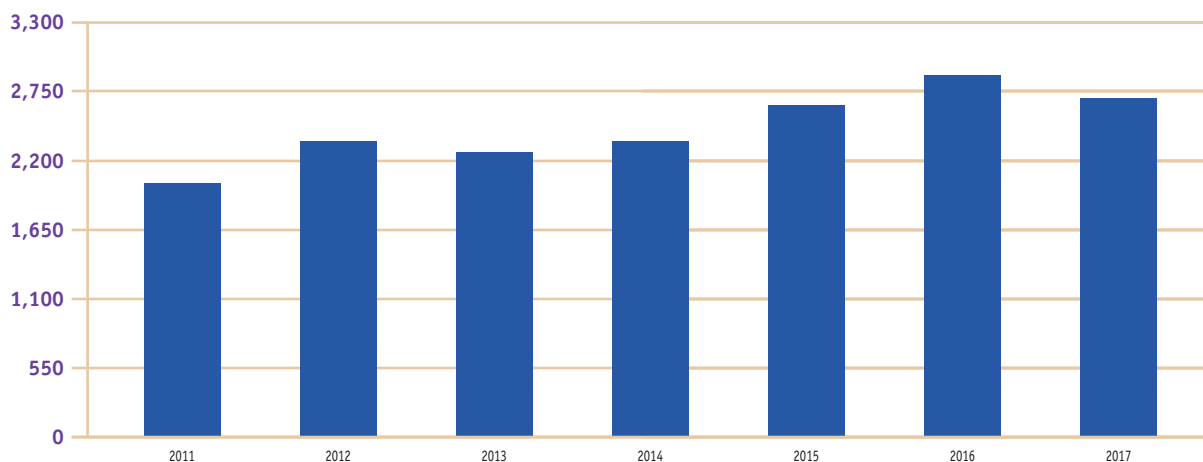


Figure 10 – Total Number of Judicial Authorizations



Judicial Authorizations

Figure 11 – Number of Protection Order Applications Under The Domestic Violence and Stalking Act

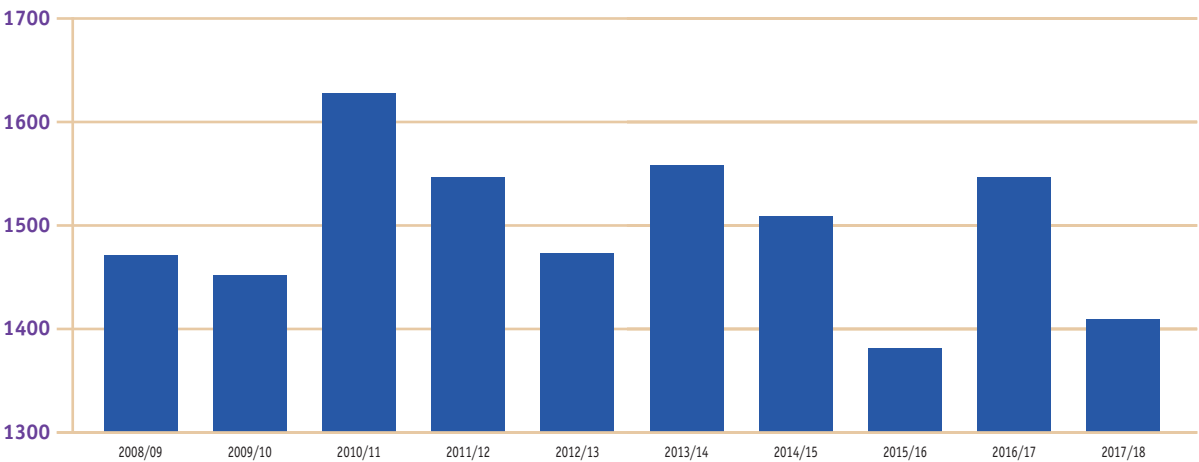
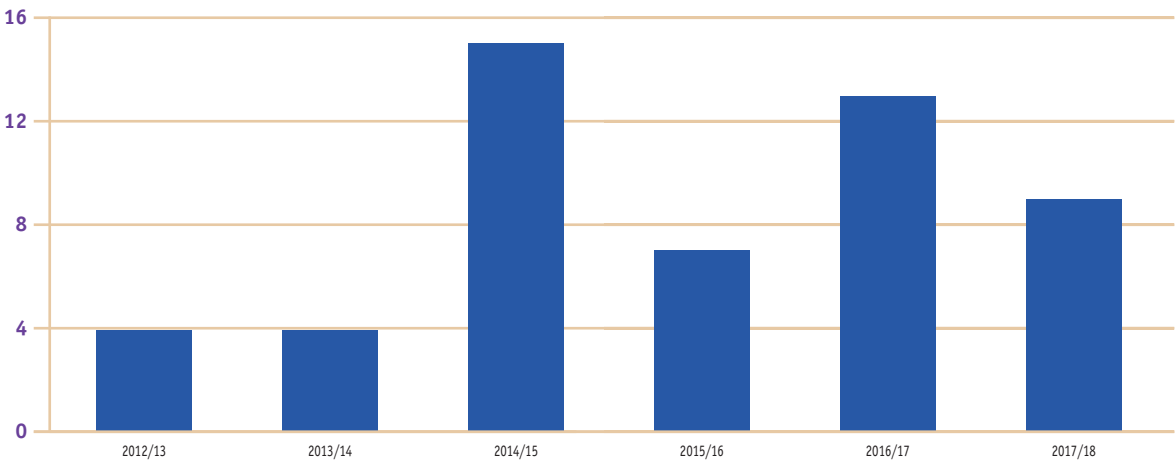


Figure 12 – Number of Protection Order Applications Under The Child Sexual Exploitation and Human Trafficking Act



Speciality Courts

The Provincial Court of Manitoba has a number of Specialty Courts. Specialty courts use a restorative justice team approach in which the Court partners with community organizations and services to increase rehabilitative opportunities and reduce recidivism. These courts generally require intensive support and therapeutic involvement prior to disposition. They offer an alternative to incarceration and attempt to break the cycle of criminal involvement.

The Winnipeg Mental Health Court is a weekly sitting of the Provincial Court of Manitoba available only in Winnipeg at the present time. This court offers pre-sentence intensive services and supports to persons whose criminal involvement is a direct result of their mental illness. Similar to Drug Treatment Court, the goal is to address the underlying issues which have contributed to criminal behaviour.

The Thompson Domestic Violence Court is a specialized court providing rehabilitative services to offenders who have been charged with events of domestic violence within the City of Thompson. All offenders charged with domestic violence offences who admit responsibility on their first appearance are referred to rehabilitative services offered in the community which must be completed before sentencing.

Drug Treatment Court

The Drug Treatment Court deals with offenders whose criminal offences have been committed because of a drug addiction. The goal of the Court is to work with offenders who choose to enter the program wishing to deal with their addictions. If an offender's addiction to drugs can be addressed, the hope is they will return to the community to become a contributing member of society and not commit further offences. Participation in Drug Treatment Court requires regular appearances before the Court to monitor the offender's rehabilitation and their work with an inter-disciplinary treatment team.

During 2017/18, the program received 38 requests from the Crown for assessment for program amenability. There were 23 completed assessments, 15 people were denied admission or withdrew their applications and 25 people were admitted to the program. There were nine assessments still to be completed as of March 31, 2018.

Graduate 1

Winnipeg Drug Treatment Court [WDTC] is a very helpful program. They challenge you and help you get your life back on track again. The groups are very informative and helpful. The staff are incredibly understanding, compassionate and help you to figure out what you need as an individual in your own recovery. Being in WDTC helped me establish a very vast support network, which is essential in recovery. Through group sessions, counselling, and being held accountable with drug testing and daily/weekly attendance, you can really put yourself first. WDTC helped me stay out of jail so I could be with my family and pushed me to get a job and do better for myself. I highly recommend this program to anyone who is struggling and wants to make a change.

Including existing and new participants, the program discharged 17 individuals in 2017/18, meaning they did not complete the program and were returned to the regular criminal justice system to deal with their charges. At year-end there were 17 active participants. There were eight graduations in 2017/18, meaning those participants successfully completed the program.

The following testimonials from two graduates of the drug treatment court provide personal perspectives from persons who have "graduated" from the Court after demonstrating sustained commitment to sobriety.

Graduate 2

Drug [Treatment] Court [DTC] is a great opportunity for people who are committed to turning their lives around. DTC is passionate people who always do their best to cater to each person's condition as well as help you focus on your goals to recovery. The time I spent there had taught me to be more open and understand what I go through very well. They are there to guide you and help you be someone you can be proud of again. The program has also taught me to become a better person by setting an example to new comers and show them that if you are committed and want a better life that it can happen if you put everything you have into it. It's not always easy but they are always there to lend a hand to everyone who needs it. I always felt good when I was there because I know there is people I can talk to and help me when I need it. To not look at me like a criminal but as a person who is trying to fix my life the best I can. This place is very effective. The only reason why this place does not work for some is if they don't commit to it. But for most of us who finish the program all I remember from this place is good people and good memories.

The Provincial Court is actively involved in considering expansion of specialty courts into regional areas and the potential for other types of specialty courts in Manitoba.

Child Protection and Family Maintenance Act files

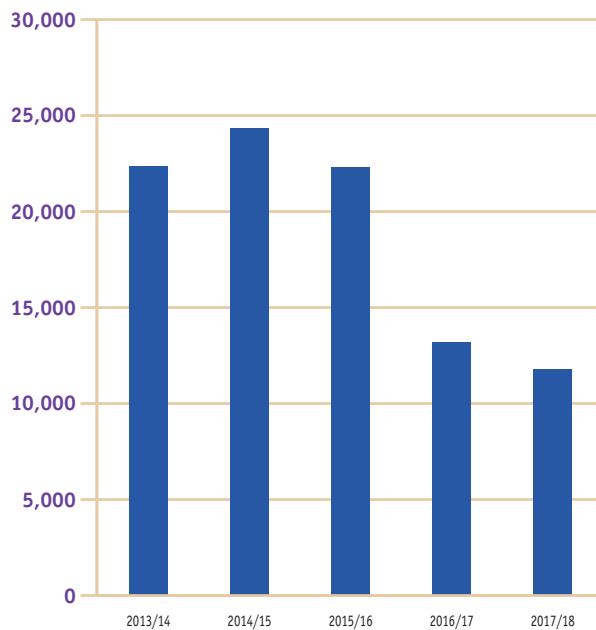
The Court has jurisdiction over Child Protection and Family Maintenance Act matters in regional areas, outside Winnipeg. There were 374 child protection files opened in the Court in the 2017/18 fiscal year. An increase of 10 files from last year. A committee of the Court has been convened to consider issues which arise in child protection proceedings and promote best practices for this important area of court work.

Provincial Offences Court

Traffic matters come before the Court in two ways, common offences notices (CON) and image capturing enforcement tickets (photo radar and red-light camera tickets) known as ICES.

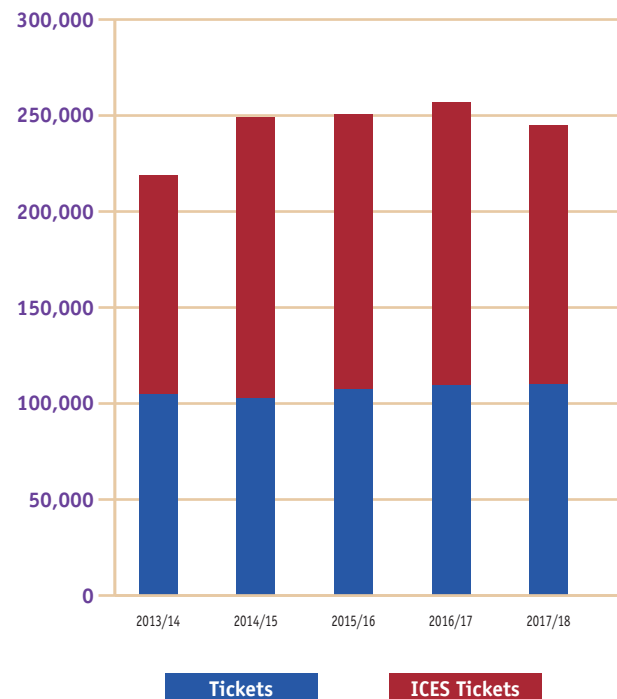
In the last annual report we reported that a resolution initiative which facilitated a meeting with Crown Counsel to resolve matters had resulted in a significant drop in the number of Summary Conviction Traffic Trials set. *The Provincial Offences Act* was proclaimed in November 2017. This Act has also had an impact in reducing the number of traffic tickets that proceed to trial.

Figure 13 – Number of Hearings* Set



* Note in November 2017 The Provincial Offences Act was in force and introduced the word “hearing” in place of “trial”.

Figure 14 – Number of New Tickets Issued



Inquests

The *Fatality Inquiries Act* authorizes the Chief Medical Examiner to determine when an Inquest should be held. An inquest is presided over by a Provincial Court Judge. The inquest is to inquire into the circumstances of a death. The inquest judge does not express an opinion or make a determination about who is or could be blamed in a way that could reasonably identify a person at fault. At the end of the inquest, the inquest judge provides a written report to the Minister of Justice and the Chief Medical Examiner. The report is to include any recommendations by the inquest judge concerning the laws of the province, programs, policies or practices of government or relevant public agencies or institutions, which, in the opinion of the inquest judge, would reduce the likelihood of deaths in circumstances similar to the death that is subject of the inquest.

Inquest reports are to be completed within six months of the end of the inquest hearing, unless the Chief Judge has approved an extension (up to three months or in exceptional circumstances, a length of time beyond three months).

As of March 31, 2018, there were two inquest hearings ongoing. A further three inquests had been called by the Chief Medical Examiner which had not yet been scheduled to commence. There were two inquest reports awaiting completion of the judge's report.

In 2017/18 there were five inquest reports issued by the Court as noted in the figure below:

Figure 15 - Inquest Reports

Name of Deceased	Date of Report Released	Number of Hearing Days	Time to Complete Report
Michael Winsor	May 19, 2017	10.5	1 ½ months
Craig McDougall	May 12, 2017	20	5 months
Cosmo Valente	April 21, 2017	4	1 ½ months
Ronald Bobbie	June 16, 2017	9	2 months
Christopher Chastellaine	February 15, 2018	5	4 months

In 2018, the *Fatality Inquiries Act* (FIA) was amended to afford some discretion to the Chief Medical Examiner on when to call an inquest. The FIA gave some discretion to the medical examiner not to call an inquest for example when the circumstances of the death were already known or if another Act would already require a review with recommendations to prevent a death in similar circumstances. In February 2018, applying the provisions of the amended Act the Chief Medical Examiner determined an inquest into the death of

Duane Taylor was no longer necessary. The circumstances of death had been well documented and considered in a review ordered by the Commissioner of Corrections pursuant to section 20 of the *Corrections and Conditional Release Act*. The Chief Medical Examiner agreed with the findings and recommendations made in that review. He concluded that no other reasonable recommendations aimed at preventing deaths in similar circumstances would result from a further inquest.

Other Work of the Court

Judicial Education

Judicial education is planned and implemented under the direction of an Education Committee and the Chief Judge. The Provincial Court is committed to providing at least 10 days of judicial education annually for each judge. The law and society is changing at a rapid pace. It is important for judges to continue a path of life-long learning to maintain their skill level and knowledge base to inform the important decisions they make every day. In addition to education arranged and planned by the Court's judicial education committee, there are numerous national organizations which provide high quality judicial education. The National Judicial Institute is an internationally recognized organization creating and providing education programs to all judges in Canada, at all levels of court. The Canadian Association of Provincial Court Judges organizes an annual conference every year focused on the educational needs of provincial court judges. There are other recognized institutions which provide quality judicial education opportunities.

The following list provides a sampling of the topic areas in which Manitoba Provincial Court judges received education this past fiscal year.

- Productivity & Management & Leadership
- New Judges Substantive Law Program
- Safety and Security of Women
- Decision writing course
- Federation of Law Societies National criminal law program
- Evidence Workshop
- Judges and Jails: The Realities of Incarceration
- Domestic Violence – Teen Dating Violence
- Dialogues on Judging: Challenges and Rewards of a Long-Serving Career
- Hearing and Deciding *Charter* Issues
- Restorative Justice
- Newly Appointed Provincial and Territorial Judges' Skills Seminar
- Aboriginal Criminal Law Conference

- Aboriginal Justice, Post Gladue (webcast)
- Child Protection and Family law
- Judging Sexual Assault Trials
- Assessing and Building Inter-cultural Competence
- The Art and Craft of Judging: Your "Sophomore Years"
- Search and Seizure

Judicial Justices of Peace Education

The Judicial Justices of the Peace receive significant "on the job" mentoring and training. New JJPs undergo intensive training and job shadowing. In addition, there are two education sessions annually, which all JJPs attend, amounting to at least four days. A JJP Education committee chaired by an Associate Chief Judge meets regularly to identify and plan education opportunities for JJPs. This fiscal year saw the proclamation of the *Provincial Offences Act* which significantly changed the procedure and hearings on summary conviction offences. Training aimed at this new legislation was added to ensure that JJPs were well informed on this new legislation. The education topics covered in the 2017/18 fiscal year included:

- Search and Seizure
- Gangs and Drugs
- *Provincial Offences Act*
- Manitoba Motor Carrier Enforcement
- Cycle of domestic violence
- *Domestic Violence and Stalking Act* and Protection Orders
- *Highway Traffic Act*
- Trial Training (trial procedure, evidence, adjudication, sentencing, demeanor and deportment)
- Photo radar and intersection technology
- Ethical principles and the role of JJP
- Bail applications

Law Enforcement Reviews & Hearings

The Law Enforcement Review Act sets out the process to be followed when there is a complaint about the conduct of members of policing agencies in Manitoba. There are two processes under *The Law Enforcement Review Act* where the Provincial Court is required to be involved: one is a “review” and the other is a “hearing”. If the Commissioner of the Law Enforcement Review Agency (LERA) decides not to take further action with respect to a complaint, the complainant may apply to the commissioner to have the decision reviewed by a judge of the Provincial Court. In 2017/18 there were 12 reviews conducted by Provincial Court Judges.

Hearings may be held when the Commissioner recommends a penalty for a disciplinary default and the complainant disagrees with the recommended penalty; and when the Commissioner refers the complaint to a judge for a decision on whether the complaint should result in disciplinary action. In 2017/18 there were no LERA hearings heard by the Provincial Court.



Contingent Liability

The *Provincial Court Act* directs that the Annual Report shall include the contingent liability of the government for public funds that results from unused vacation leave or severance allowances of the Judges. The vacation liability calculation as of March 31, 2018 (based on the premise of a Judge retiring from judicial office with unused vacation leave) is \$904,076.09. The severance liability as of March 31, 2018 is \$570,923.00 for those Judges entitled to same and who were eligible to retire on March 31, 2017.

Therefore, the total contingent liability of the Government of Manitoba for public funds that results from unused vacation leave or severance allowance of the Judges as of March 31, 2018 is **\$1,474,999.09** (\$570,923 + \$904,076.09).



Available in alternate formats, upon request.