



The Provincial Court of Manitoba

Annual Report

2022 ■ 2023





The “Justice” sculpture stands at the entrance of the Law Courts Building, 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 Ryan Rolston

The Provincial Court of Manitoba
La Cour provinciale du Manitoba

L'honorable
Juge en chef Ryan Rolston

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**TWENTY-FIRST ANNUAL REPORT
PROVINCIAL COURT OF MANITOBA
Fiscal Year Ending March 31, 2023**

The Honourable Matt Wiebe
Minister of Justice and Attorney General
Room 104 – Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Dear Minister:

Pursuant to Section 11.2(1) of *The Provincial Court Act*, I am pleased to submit the Twentieth Annual Report for the year ending March 31, 2023.

This Annual Report includes but is not limited to information regarding the roles and authorities of the Court, statistical information relating to the operation, functioning and administration of the Court during the year, the strategic plan of the Court as well as information relative to judicial and judicial justices of the peace education.

Sincerely,

Original signed by

Ryan Rolston, Chief Judge
Provincial Court of Manitoba
As from July 10, 2023



The Honourable
Chief Judge Ryan Rolston

The Provincial Court of Manitoba
La Cour provinciale du Manitoba

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**VINGT ET UN RAPPORT ANNUEL
COUR PROVINCIALE DU MANITOBA
pour l'exercice terminé le 31 mars 2023**

M. Matt Wiebe
Ministre de la Justice et procureur général
Palais législatif, 450, Broadway,
bureau 104,
Winnipeg (Manitoba) R3C 0V8

Monsieur le Ministre,

Conformément au paragraphe 11.2(1) de la *Loi sur la Cour provinciale*, j'ai le plaisir de présenter le vingtième rapport annuel pour l'exercice financier terminé le 31 mars 2022.

Ce rapport annuel comprend notamment les renseignements suivants : une description des rôles et compétences de la Cour; des données statistiques sur les activités, le fonctionnement et l'administration de la Cour pendant l'exercice; le plan stratégique de la Cour; et de l'information sur la formation des juges et des juges de paix judiciaires.

Je vous prie d'agréer, Monsieur le Ministre, l'expression de mes sentiments les meilleurs.

Original signé par

Ryan Rolston
Juge en chef de la Cour provinciale du Manitoba
À partir du 10 juillet 2023

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Chief Judge of the Provincial Court



Chief Judge Margaret Wiebe

This is my last report as Chief Judge of the Provincial Court of Manitoba as my term ends on July 9, 2023. At that time, I will return to sit as a puisne judge and spend my time presiding over cases, something I have missed during my tenure as Chief Judge. It has been an honour and a privilege to have served as the Chief Judge of such an outstanding Court. I am grateful to all of those who worked towards creating a Court of excellence, particularly through the difficult times of the COVID-19 pandemic.

As I hand the baton to the next Chief, I anticipate the Court will continue its work in important areas, such as providing timely and meaningful access to justice in the communities we serve, particularly in the north; setting performance targets and measuring our success against those targets and leveraging the use of technology in the courts. In addition, continuing to build strong relationships with our partners and stakeholders will allow to maximize our contributions to the provision of judicial services overall. Importantly, continuing to educate the

public and the other branches of government on the significance and importance of judicial independence is critical, particularly in this day and age where Courts around the world have seen threats to important judicial principles.

Judicial Independence is the cornerstone of democracy. It refers to the concept that the judiciary should be free from any external pressure from the public, the press, and other branches of government. This is fundamentally important as it allows judges to make independent, impartial decisions based solely on the law and facts in a case. It ensures the other branches of government do not infringe on Canadians' rights and liberties. The application of these principles allows the public to have confidence in the administration of justice.

The 2022/23 fiscal year for our Court was challenging. Fresh on the heels of opening courts fully after the pandemic on May 12, 2022, the hope and expectations were the Provincial Court would be able to dig in and address the backlog caused by the numerous court closures. As this report shows, the effects of the pandemic were severe. Inquests, trials, and dispositions could not be dealt with in a timely manner. Several Indigenous communities had no court proceedings for over two years. There was no return to the pre-pandemic "normal". The world had changed. There were shortages of everything from replacement parts for equipment, to pilots to transport us to our circuits, and the dated infrastructure of the justice system made the running of court extremely difficult. Courts administration was coping with surviving in a paper-based system at a time where counsel rightly expected we would be able to transition to remote hearings in a seamless manner.

In addition to the challenges stemming from the pandemic, the Court lost several judges due to retirement. The Judicial centre of the Pas was at half complement for the entire fiscal year and Winnipeg was short four Judicial positions for varying periods of time, one of which was for the entire fiscal year.

Addressing several of these challenges was difficult for the Court, as, although the Court is the third branch of government, (the executive and the legislative being the other two), it is reliant on the executive branch of government for funding and for moving forward on certain initiatives, including the appointment of Judges.

It is imperative for the integrity of our democratic system that the executive branch of government work with the judicial branch of government, to address these critical issues, while respecting the Court's judicial independence. Any actions taken regarding funding which affects the operations of the Court, or steps taken to amend legislation, which directly affects the functioning of the Court, should be done through meaningful consultation and cooperation with the Court, otherwise the Court is at risk of not fulfilling its constitutional obligations and judicial independence is threatened. Working together to resolve issues and to determine how best the criminal justice is served, is in the interests of all stakeholders. It is consistent with the roles and responsibilities of each branch of government and it is fundamental to maintaining public trust in the effective administration of justice.

Despite the challenges faced, the Court did move forward on its path of continuous improvement. The Court undertook an intensive review of how it was providing services, which caused it to streamline its processes and change court sittings to focus solely on substantive matters to better reflect the current needs of the criminal justice system. These changes, which focused primarily on the Judicial Centre of Winnipeg, were aimed at addressing delay in the Youth Criminal Justice System, as well as addressing issues with a ballooning trial schedule with no available dates for over a year. The Court has seen some success with these initiatives, and it plans to broaden the scope of its review of services, outside Winnipeg.

I will end as I started. It has been an extraordinary honour. I owe a debt of gratitude to the Administrative Team of the Court who I worked with over the course of my seven-year term. This group of Judges are dedicated, committed and hardworking, always with a view to serve the interests of the public and bring improvements to the Court. I thank the Judicial Justices of the Peace (JJP's) and in particular the Administrative Justices of the Peace. The JJP's are an integral part of the Court and do much of the heavy lifting, particularly when it comes to warrants and protection order hearings. Similarly, a special Thank you to the Judicial Services Branch, its Executive, the trial coordinators, the sheriffs, the clerks and the staff. They all work in challenging times, and they consistently bring the best of themselves forward for the benefit of the Court and all of its stakeholders. I have great admiration for the work they do.

The Provincial Court will always be committed to equal and meaningful access to justice for the people of Manitoba. It is the people's Court, and it will continue to be a supporter and defender of judicial independence to ensure the public maintains confidence in the administration of justice.

La Juge en chef de la Cour provinciale du Manitoba



Juge en chef Margaret Wiebe

Voici mon dernier rapport en tant que juge en chef de la Cour provinciale du Manitoba, mon mandat prenant fin le 9 juillet 2023. À cette date, je redeviendrai juge puînée et consacrerai mon temps à la présidence d'affaires, un rôle qui m'a manqué pendant mon mandat de juge en chef. Ce fut un honneur et un privilège de servir en tant que juge en chef d'un tribunal aussi exceptionnel. Je suis reconnaissante à tous ceux qui ont œuvré à la création d'un tribunal d'excellence, en particulier pendant la période difficile de la pandémie de COVID-19.

Alors que je passe le relais au prochain juge en chef, je m'attends à ce que la Cour poursuive son travail dans des domaines fondamentaux, tels que la prestation d'un accès opportun et important à la justice dans les collectivités que nous servons, en particulier dans le Nord, la fixation d'objectifs de rendement et l'évaluation de notre succès par rapport à ces objectifs, ainsi que la mise à profit de la technologie dans les tribunaux. En outre, en continuant de tisser des liens solides avec nos partenaires et les parties prenantes, nous pourrions optimiser nos contributions à la prestation de services judiciaires dans leur ensemble. Il est essentiel de continuer de sensibiliser

le public et les autres organes du gouvernement au sens et à l'importance de l'indépendance judiciaire, en particulier en cette époque où les tribunaux du monde entier voient des menaces peser sur des principes judiciaires de premier plan.

L'indépendance judiciaire est la pierre angulaire de la démocratie. Il s'agit du concept selon lequel le pouvoir judiciaire devrait être libre de toute pression extérieure de la part du public, de la presse et des autres organes du gouvernement. Elle est d'une importance fondamentale, car elle permet aux juges de prendre des décisions indépendantes et impartiales en se fondant uniquement sur le droit et les faits d'une affaire. Elle garantit que les autres organes du gouvernement n'empiètent pas sur les droits et les libertés des Canadiens. L'application de ces principes permet au public d'avoir confiance dans l'administration de la justice.

L'exercice 2022-2023 a été difficile pour notre Cour. Peu de temps après la réouverture complète des tribunaux qui a suivi la pandémie, le 12 mai 2022, on espérait que la Cour provinciale serait en mesure de s'attaquer à l'arriéré causé par les nombreuses fermetures de tribunaux. Comme le montre le présent rapport, la pandémie a eu de graves effets. Les enquêtes Médico-Légales, les procès et les impositions de la peine n'ont pas pu être traités en temps voulu. Plusieurs communautés autochtones n'ont pu bénéficier d'aucune procédure judiciaire pendant plus de deux ans. Il n'y a pas eu de retour «à la normale» d'avant la pandémie. Le monde avait changé. Nous avons connu des pénuries à tous les niveaux, depuis les pièces de rechange pour l'équipement aux pilotes pour nous transporter vers nos tribunaux. De plus, l'infrastructure désuète du système judiciaire a rendu extrêmement difficile le fonctionnement des tribunaux, tout cela à un moment où les avocats s'attendaient, à juste titre, à ce que nous puissions passer aux audiences à distance de manière fluide.

L'administration des tribunaux essayait de survivre dans un système de papier alors que les avocats s'attendaient à ce qu'on transitionne sans problème à des audiences à distance. Outre ses difficultés relevant de la pandémie, il y a eu plusieurs retraites.

Il a été difficile pour la Cour de relever plusieurs de ces défis, car bien qu'elle soit le troisième organe du gouvernement (l'exécutif et le législatif étant les deux autres), elle dépend de l'exécutif pour son financement et pour faire avancer certaines initiatives, comme la nomination des juges.

Il est impératif pour l'intégrité de notre système démocratique que les organes exécutif et judiciaire du gouvernement travaillent ensemble pour traiter ces questions cruciales, tout en respectant l'indépendance judiciaire des tribunaux. Toute action concernant le financement qui influe sur le fonctionnement de la Cour, ou toute mesure prise pour modifier la législation qui l'influence directement, doit être exécutée dans le cadre d'une consultation et d'une coopération significatives avec la Cour, faute de quoi la Cour risque de ne pas remplir ses obligations constitutionnelles et l'indépendance de la justice sera menacée. Il est dans l'intérêt de toutes les parties prenantes de travailler ensemble pour résoudre les problèmes et déterminer la meilleure façon de servir la justice criminelle. Cela est conforme aux rôles et responsabilités de chaque organe du gouvernement et est fondamental pour maintenir la confiance du public dans l'administration efficace de la justice.

Malgré les difficultés rencontrées, la Cour a progressé sur la voie de l'amélioration continue. Elle a entrepris un examen approfondi de ses modes de prestation de services, ce qui l'a amenée à rationaliser ses procédures et à modifier ses audiences pour se concentrer uniquement sur les questions de fond afin de mieux refléter les besoins actuels du système de justice criminelle. Ces changements, qui concernaient principalement le Centre judiciaire de Winnipeg, visaient à réduire les retards dans le système de justice criminelle pour les adolescents, ainsi qu'à résoudre les problèmes liés à l'explosion du calendrier des procès, aucune date n'étant disponible pendant plus d'un an. La Cour a connu un certain succès avec ces initiatives, et elle prévoit d'élargir la portée de son examen des services en dehors de Winnipeg.

Je terminerai comme j'ai commencé. Ce fut un honneur extraordinaire. Je dois une profonde reconnaissance aux équipes administratives de la Cour avec lesquelles j'ai travaillé au cours de mon mandat de sept ans. Ce groupe de juges dévoués, engagés et assidus a comme objectif constant de servir les intérêts du public et d'apporter des améliorations à la Cour. Je remercie les juges de paix judiciaires et en particulier les juges de paix administratifs. Les juges de paix font partie intégrante de la Cour et se chargent de la plupart des tâches lourdes, en particulier ce qui a trait aux mandats et aux audiences relatives à des ordonnances de protection. De même, je remercie tout particulièrement la Direction des services judiciaires, ses cadres, les coordonnateurs de procès, les shérifs, les greffiers et le personnel. Toutes ces personnes travaillent dans des conditions difficiles et donnent constamment le meilleur d'eux-mêmes dans l'intérêt de la Cour et de l'ensemble des parties prenantes. J'ai une grande admiration pour le travail qu'elles accomplissent.

La Cour provinciale s'engagera toujours en faveur d'un accès égal et important à la justice pour la population du Manitoba. C'est la Cour du peuple, et elle continuera de soutenir et de défendre l'indépendance judiciaire afin que le public garde confiance dans l'administration de la justice.

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 states the Chief Judge will have general supervisory powers over judges, justices of the peace and staff in matters assigned by law to the Court. The Chief Judge is responsible for the judicial functions of the Court, including oversight of 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 non-renewable term of seven years. Chief Judge Wiebe's term ended July 9, 2023.

Associate Chief Judges

There are three Associate Chief Judges (ACJ) 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; the other two assist the Chief Judge with administrative matters primarily in Winnipeg. ACJ Tracey Lord was appointed on July 2, 2019 for a term that ends on July 1, 2026. ACJ Judge Donovan Dvorak was appointed January 19, 2022 for a term that ends on January 18, 2029. ACJ Lee Ann Martin was appointed September 14, 2022 for a term that ends on September 13, 2029. ACJ Martin replaces ACJ Anne Krahn whose term ended September 8, 2022.

Judge Krahn dedicated her term as ACJ to increased access to justice, transparency and professional standards. She was instrumental in the development of the Judicial Authorization Registry and the technology protocol, to name but a few. Judge Krahn worked tirelessly during the pandemic years, helping to navigate the uncertainty of the times with an innovative mind and a calm pragmatism that epitomized her years of service as an Administrative Judge. Judge Krahn has our utmost respect and thanks for her unwavering commitment to the Court and the Judicial community.



Judge Anne Krahn

Roles and Authorities of the Court

Provincial Court Judges

Provincial court judges conduct bail hearings, sentencing hearings, trials, 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, judgement writing, researching law, public speaking, and committee work.

Provincial Court Judges are appointed by the Lieutenant Governor in Council upon the recommendation of a nominating committee. The Court of Appeal Amendment and Provincial Court Amendment Act, S.M. 2022, c. 11 which came into effect June 1, 2022 changed the composition and operation of the nominating committee.

As of June 1, 2022, the nominating committee is made up of the Chief Judge, four persons, who are not lawyers, judges or retired judges, appointed by the Lieutenant Governor in Council for a term of three years, renewable once, a judge designated by the judges of the Provincial Court, the President of the Law Society or their designate and the President of the Manitoba Branch of the Canadian Bar Association or their designate. The nominating committee is no longer chaired by the Chief Judge. Now the members of the nominating committee select one of their members who is not a judge, as chair.

The nominating committee is also now a standing committee. It receives judicial applications and meets at least annually to review the applications and evaluate candidates. Evaluation of a candidate results in a recommended or not recommended categorization. An alphabetical list of all candidates who meet the basic qualifications to be appointed as a judge, with a brief summary of the background and qualifications of each candidate and the committee's evaluation is sent to the Minister of Justice when the latter advises the Chief Judge of the Provincial Court that the appointment of a judge is required. The Minister of Justice may request the re-evaluation of a candidate if they disagree with the nominating committee's evaluation.

The Provincial Court of Manitoba has 43 full-time judicial positions. There are six Provincial Court Centres in Manitoba with resident full-time judges:

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

Roles and Authorities of the Court

Between April 1, 2022 and March 31, 2023, three full-time judges retired – Judge Sidney B. Lerner who was appointed on August 4, 1999; Judge Sandra Chapman who was appointed on August 4, 2009; and Judge Robert Heinrichs who was appointed on September 1, 2009. All three judges have since been appointed as senior judges. We thank these judges for their hard work and dedication. Their contributions went far beyond sitting in Court as they regularly provided education and mentorship within and outside the Court.

These three retirements raised the Provincial Court's vacancy to six judges, with no new judicial appointments during the 2022-2023 fiscal year.



Judge Sandra Chapman



Judge Sidney B. Lerner



Judge Robert Heinrichs

Roles and Authorities of the Court

Senior Judges

A Senior Judge is a judge who has retired from full-time judicial work but continues to sit as needed. The Provincial Court Senior Judge Program was introduced in 2011. Since its inception, the program has grown significantly in terms of ability to cover deficits in the court schedule that result from a judge being away for a medical leave or a position being vacant as a result of a retirement. It also allows the court to set extra sittings where needed.

During the fiscal year, the Provincial Court relied heavily on our 13 Senior Judges to assist with the judicial vacancies and backlog of cases that resulted from court closures due to COVID 19. In 2022/23 the Provincial Court used a record number of 1127 days to assist in our bail and disposition courts (as compared to 725 in 2021/22; 261.5 in 2020/21; 398 in 2019/20; 434 in 2018/19 and 378 in 2017/18).

Judicial Justices of the Peace

Judicial Justices of the Peace conduct trials and sentencing hearings under The Provincial Offences Act, including Highway Traffic Act matters and peace bond applications. They also conduct hearings in relation to protection orders under The Domestic Violence and Stalking Act and consider the issuance of judicial authorizations and judicial interim release applications. These judicial officers work day, evening, and weekend shifts which promotes timely access to justice.

Judicial justices of the peace are appointed by the Lieutenant Governor in Council upon the recommendation of a nominating committee. The nominating committee is comprised 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. An administrative judicial justice of the peace may also be appointed to assist the Chief Judge in administering and managing all judicial justices of the peace. The appointment is for a five-year term. Administrative Judicial Justice of the Peace Nettie Cuthbert-Buchanan finished her five-year term on January 16, 2023. We thank Judicial Justice of the Peace Cuthbert-Buchanan for her tireless work and energy during her five-year term. On January 18, 2023, Administrative Judicial Justice of the Peace Darlene Baker was appointed for a five-year term ending January 17, 2028.

Between April 1, 2022 and March 31, 2023, four Judicial Justices of the Peace retired. JJP Susanne Mymko, who was appointed February 22, 2017; JJP Shannon Becker, who was appointed June 11, 2014; JJP Boyd Lischenski, who was appointed February 10, 2010, and JJP Lynda Dawson, who was appointed June 1, 2016. JJP Lischenski was appointed a Senior Justice of the Peace on August 14, 2023. We thank the retired JJPs for their dedication and commitment.

Also during this period, the following Judicial Justices of the Peace were appointed: JJP Amy Dubnick, appointed June 1, 2022; JJP Kevin Reza Ali, appointed June 1, 2022 but resigned September 6, 2022, JJP Dana Young, appointed September 4, 2022 and JJP Lee Rynar, appointed February 9, 2023.

Roles and Authorities of the Court

Staff Justices of the Peace

Staff Justices of the Peace require extensive knowledge of court processes and relevant Federal and Provincial statutes, regulations, and municipal by-laws. The duties of a Staff Justice of the Peace are mandated by *The Justices of the Peace Regulation*. They are also required to preside in court and perform administrative judicial functions with limited judicial decision-making and discretion. Staff Justices of the Peace play an essential role providing frontline court services to Manitobans while promoting timely access to justice. They are often the first person encountered by members of the public when dealing with the Provincial Court. They include swearing Informations, issuing warrants, and reviewing court documents with an accused person.

Staff Justices of the Peace are the backbone of the entire Provincial Court system as every matter starts and ends with a Staff Justice of the Peace.

Staff Justices of the Peace are public service employees who are appointed under the authority of The Provincial Court Act by Order-in-Council on the recommendation of Cabinet. Upon appointment, they must successfully complete judicial training as determined by the Chief Judge.

Locations of Manitoba Provincial Court Sittings

The Provincial Court of Manitoba sits in 62 locations. There are six court centres – Winnipeg, Brandon, Dauphin, Portage la Prairie, The Pas and Thompson. Collectively, these six court centres serve an additional 56 locations outside of the court centre. These additional 56 locations are referred to as “circuits.” 20 of the 56 circuits are accessible by air (fly-in circuits) and 40 are in or proximate to First Nation communities. Every day of the week, Provincial Court judges travel to circuit points in three to nine communities.

Circuit court is held in community facilities which are made available for court use, such as court offices, legion halls, community centres or band offices. The Provincial Court relies very heavily on various stakeholders to get the court party (Judge, Crown Attorney, Legal Aid Duty Counsel, Defence Counsel, Clerk, Victim Services Worker, Indigenous Court Worker) to circuit safely when travelling by plane, helicopter, boat, hovercraft or truck, and to provide lodging and court security. While Sherrif services provides court security in most of the province, this is not the case in the North, where the Provincial Court continues to rely on the RCMP to do so.

In 2022-2023, the Provincial Court encountered difficulty returning to our fly-in circuits as a result of a shortage in pilots. Over 20 court sittings were cancelled. Many other circuit sittings were cancelled because of lack of ground transportation, weather, illness or inadequate facilities in the community. Inadequate facilities include lack of heating or plumbing.

Holding court throughout the Province in these 62 locations is important to ensuring people in all parts of Manitoba have an accessible justice system.

Roles and Authorities of the Court

Moving Forward from the Pandemic

On March 20, 2020 in response to an extraordinary pandemic, Manitoba Courts suspended significant operations to reduce community contacts and ensure the health care system was not overwhelmed. Given the emphasis on social distancing, the Provincial Court operated by remote appearances through telephone or video, with priority to in custody or urgent matters. Many court sittings were suspended including in particular, circuit court sittings, out of custody trials and inquests, and did not resume until February 28, 2022. It was not until May 12, 2022 that Manitoba Courts resumed normal operations. The resultant backlog was significant. Multiday trial slots in Winnipeg quickly filled up with no further availability for over a year.

Several circuit sittings did not take place for over two years; while the court party met remotely, the absence of a physical presence in communities with no cellular service or Wi-Fi meant little to no communication with accused or victims, and therefore no access to justice. The size of some circuit dockets soared to close to 300 matters for a single sitting. Only four inquests were held which meant very delayed hearings for deceased individuals' families with a mounting volume of incoming referrals.

Cognizant that the Provincial Court needed to adapt to this situation, it began an internal review of its operations, starting in Winnipeg. Changes were made to scheduling to streamline court utilization that led to freeing up nine additional slots of trial time per week (see Provincial Court Notices of January 5, 2023 and March 14, 2023).

Provincial Court Performance Measures

In previous annual reports we emphasized the need for updated information systems so the Court can collect data, measure performance, and increase efficiency. At this time, we are still not able to capture reliable information on the number of charges (as opposed to Informations) that appear in Provincial Court; the number of times an offender is breached and applies for judicial interim release, and the outcome of those applications, the number of charges disposed of, the number of matters set for hearing, and whether they actually proceed to trial or preliminary inquiry.

In the 2019/20 annual report we reported that the government announced its intention to procure an integrated case management system (ICMS). The ICMS is intended to modernize the court's information systems, reduce the reliance on paper, and provide increased public access to online systems. In December 2022 the ICMS contract was awarded to Thomson Reuters. It is anticipated that implementation of the ICMS will begin in 2023.

In previous annual reports we highlighted the technological deficits that impact the Provincial Court's ability to provide timely, efficient and meaningful access

to justice. During the pandemic, these technological deficits translated into lack of appropriate access to justice. Since the return to normal operations, the technological deficits persist. The Provincial Court is keen to adopt technological aids to promote access to justice (see Provincial Court Notice of November 14, 2022). However, most remote appearances can only take place by telephone as MS Teams, the computer application used by the Manitoba government, Courts Divisions, is not available in all court centres or courtrooms and it continues to be incompatible with existing correctional centre video technology. Further, Stony Mountain Correctional Centre continues to be without any video capability. Additionally, there is a lack of Wi-Fi in many of our court centres which means that lawyers are unable to access information pertinent to their case while in a judicial centre. The lack of adequate technology translates into an increased need for court resources, including sheriff officers and court staff.

We continue to emphasize that technological solutions – including internet and cell phone service – must be found to promote timely, efficient access to justice, particularly for remote communities in the North.

Provincial Court Performance Measures

Average Number of Appearances

Figure 1 below provides the average number of appearances per case in each of the court centres in Manitoba. Over five years, all court centres appear to be showing an upward trend, with 2021-2022 demonstrating a more dramatic increase in the average number of appearances due to court suspensions during the pandemic. Fiscal year 2022-2023 has shown a return to near pre-COVID numbers in Winnipeg, Dauphin, and Portage la Prairie.

Brandon continues to show an increase in appearances whereas Thompson and The Pas show no noticeable change. During the 2022-2023 fiscal year, the Provincial Court began a review of its remand practice and hopes to implement protocols to address this issue.

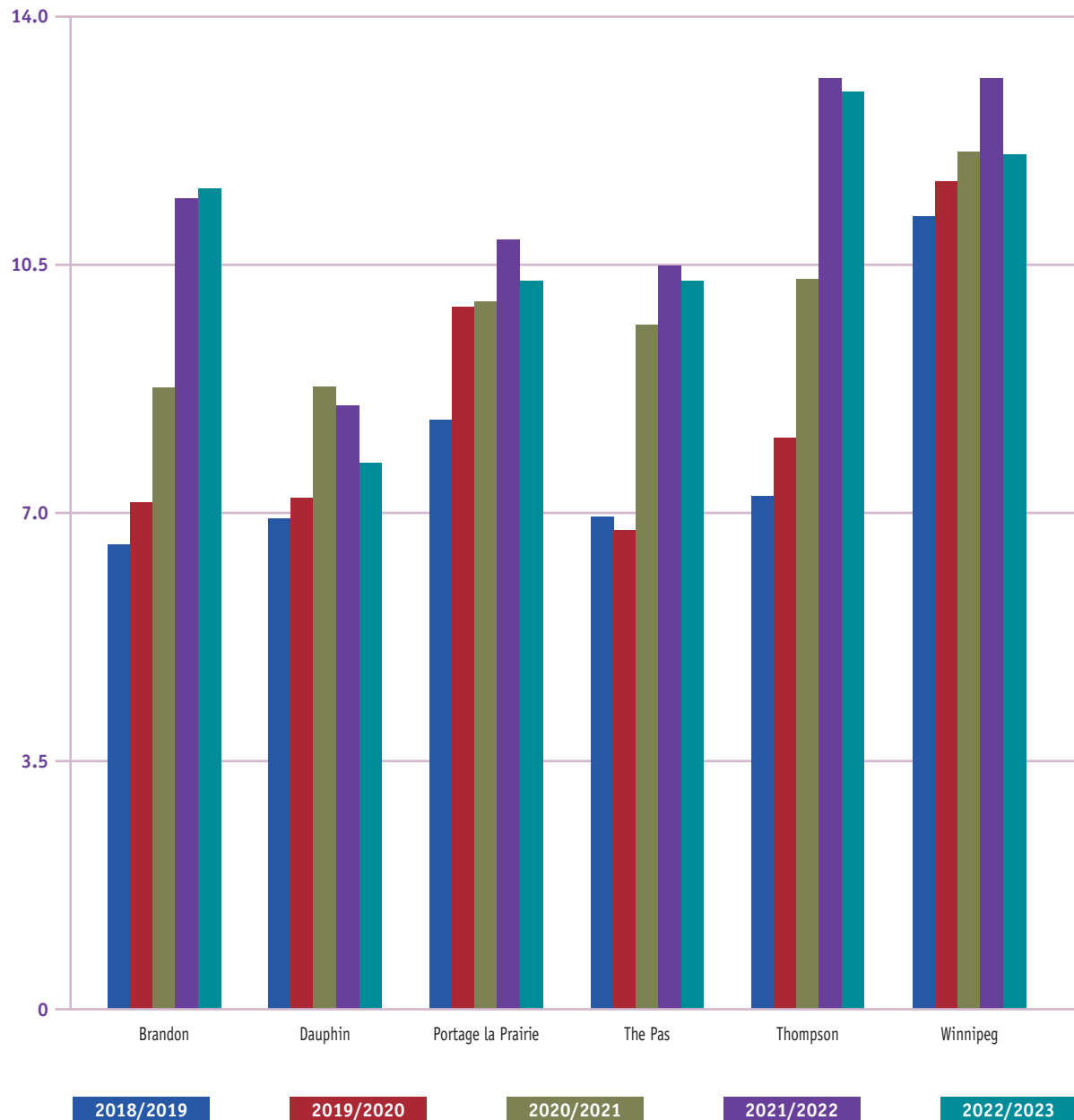
Figure 1 – Average number of appearances to disposition by court centre, last 5 years

Court Centre	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	Average
Brandon	6.6	7.1	8.8	11.4	11.6	9.0
Dauphin	6.9	7.2	8.8	8.5	7.7	7.8
Portage la Prairie	8.3	9.9	10.0	10.9	10.3	9.9
The Pas	7.0	6.8	9.7	10.5	10.3	8.7
Thompson	7.3	8.1	10.3	13.1	12.9	10.0
Winnipeg	11.2	11.7	12.1	13.1	12.1	12.0
Global Average*	9.7	10.2	11.3	12.5	11.8	11.0

* Average number of appearances to disposition of all cases in the province.

Provincial Court Performance Measures

Figure 1 – Average number of appearances to disposition by court centre, 2022/2023



Provincial Court Performance Measures

Time to Disposition

The Court disposed of 39,503 cases during the 2022/23 fiscal year. This is an increase of 6,020 cases from previous years. The number of cases disposed of during the 2022-2023 fiscal year remains significantly lower than pre-pandemic – 24 per cent less cases in the court system. 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. As such, the number of cases does not necessarily reflect the number of charges disposed of.

The vast majority of Informations (91 per cent) were concluded in less than 18 months, the same percentages as 2021-2022. In *R v Jordan*, 2016 SCC 27, the Supreme Court of Canada set a presumptive deadline that Provincial Court cases should be heard within 18 months. If not, the delay risks breaching the charged person's Charter right to trial in a reasonable time. In 2019/20 (pre-pandemic) we reported 77.4 per cent of cases disposed of in less than eight months. In 2020/2021 that percentage decreased to 70 per cent, and in 2021/2022 that percentage further declined to 63 per cent. In 2022/2023 the percentage increased to 67 per cent. The number of cases disposed

of in the eight to 18 month range decreased from to 27.8 per cent to 23.8 per cent this year. The number of cases taking longer than 18 months to complete remained steady at nine per cent this year but with marked increases in Brandon and The Pas. These numbers show signs of recovery from COVID-related delay.

In October 2019, the Court assumed responsibility for scheduling of all trials in Winnipeg; this was previously done by the Crown's office. Within the criminal justice system it is common knowledge that a high number of trials collapse on the trial day. We previously reported our finding that on average 80 per cent of trials set do not proceed and that many charges are stayed or resolved with a guilty plea on the day of trial. We have also found that many matters set for disposition are cancelled within a short period of time before the scheduled date, resulting in unused or wasted court time. The reasons behind collapse rates are unknown but can be cause for some concern given some of the delay in the criminal justice system. We are hopeful that some of the internal reviews we are undertaking will shed some light on them.

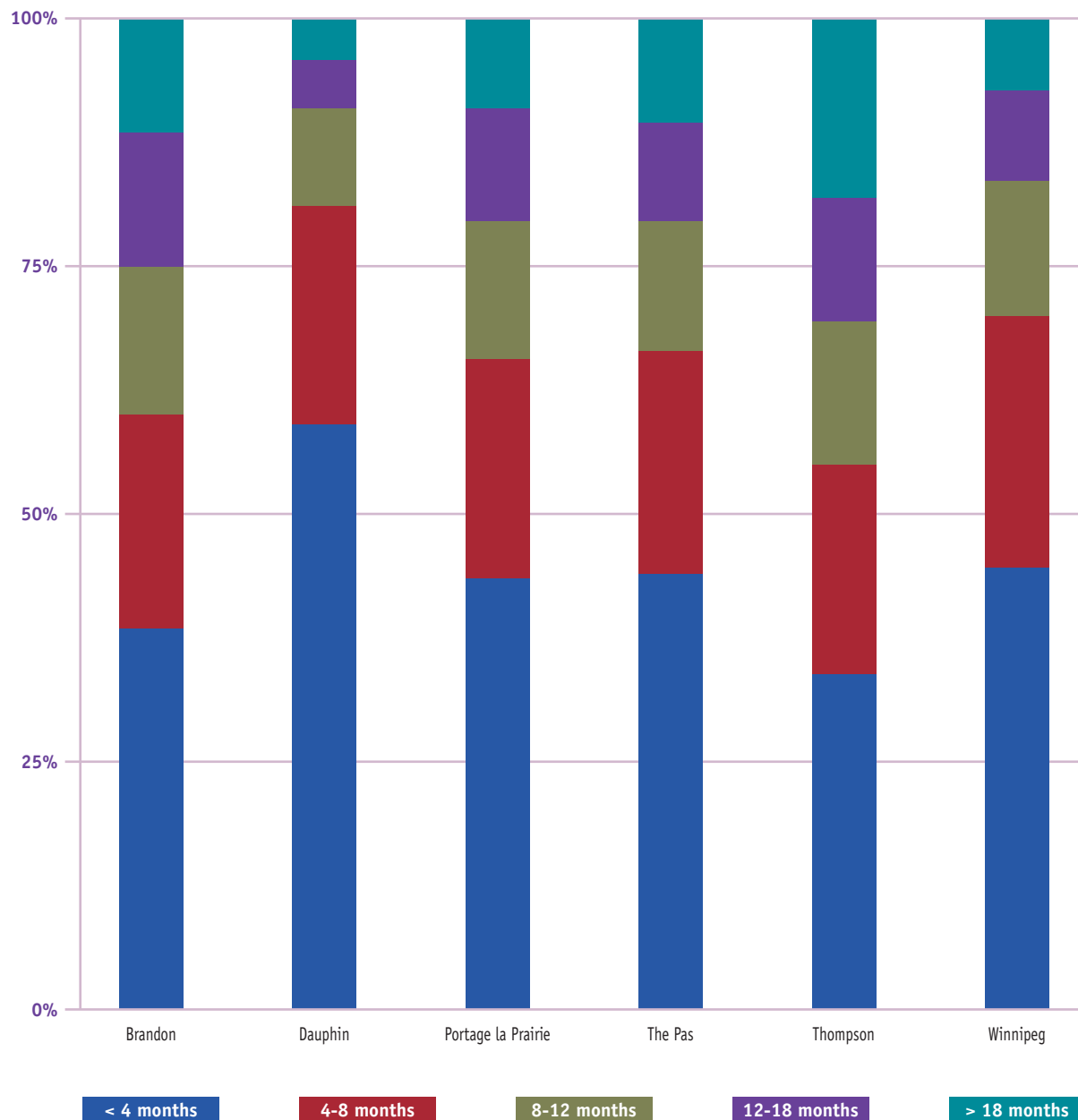
The charts below breakdown the average length of time taken for matters to be disposed of by judicial center.

Figure 2 – Informations disposed by court centre and time to disposition, 2022/2023

Court Centre	Time to Disposition					Total
	<4 months	4-8 months	8-12 months	12-18 months	>18 months	
Brandon	1,498	849	583	528	457	3,915
Dauphin	1,028	382	172	88	71	1,741
Portage la Prairie	719	368	230	192	148	1,657
The Pas	939	480	284	213	225	2,141
Thompson	1,868	1,160	801	697	1,000	5,526
Winnipeg	10,902	6,238	3,331	2,287	1,765	24,523
Total	16,954	9,477	5,401	4,005	3,666	39,503

Provincial Court Performance Measures

Figure 2 – Informations disposed by court centre and time to disposition, 2022/2023



Provincial Court Performance Measures

Figure 3 below provides a breakdown by severity level of cases disposed of in the Provincial Court. Severity level is determined by the most serious charge on the Information. It does not capture all of the charges on the Information.

For example, if an Information contained an aggravated assault, an assault with a weapon, and a breach of probation charge, the Information is categorized as a Level 5 – the most serious charge being the aggravated assault. The other charges on the Information are not captured so we do not have a complete picture of the cases in Provincial Court. A significant number of Informations in the court are categorized as severity level 2 and 3.

Severity level 2 offences include assaults, theft under \$5000, utter threats, assault peace officer and obstruct/resist officer. Severity level 3 offences include assault with a weapon, assault causing bodily harm, and drug trafficking.

While the proportion of charges at each severity level has remained largely constant from year to year there is a slight decline in administration of justice Informations and a slight increase in Informations related to the charges of assault with a weapon and assault causing bodily harm, sexual assault, forcible confinement, sexual interference, invitation to sexual touching, sexual exploitation and incest.

Figure 3 – Disposed informations by most severe included charge, 2022/2023

Most severe charge	Informations	Percentage of total	Percentage of level
Administration of Justice (AOJ)	16,150	40.88%	
Police Release - Fail to Attend (FTA) Court	4,823	12.21%	30%
AOJ Other	4,785	12.11%	30%
Adult Probation - Report	2,333	5.91%	14%
Court Release - Curfew	1,074	2.72%	7%
Police Release - FTA Ident/DNA/Register	1,054	3%	7%
Court Release - FTA Court	877	2.22%	5%
Police Release SP - Non-contact	642	2%	4%
Police Release SP - Not Attend	562	1%	3%
Substantive level 1 (S1)	2,373	6.01%	
Impaired Operation	895	2.27%	38%
Other Controlled Drugs and Substances Act - Possession	507	1.28%	21%
S1 Other	435	1.10%	18%
Refuse/Fail to Comply/Provide Sample	223	1%	9%
HTA - Licence/Registration/Insurance	204	0.52%	9%
HTA - Drive While Disqualified	109	0.28%	5%

Provincial Court Performance Measures

Figure 3 – Disposed informations by most severe included charge, 2022/2023 *(Continued)*

Most severe charge	Informations	Percentage of total	Percentage of level
Substantive level 2 (S2)	8,089	20.48%	
Assault	3,059	7.74%	38%
Utter Threats	1,176	2.98%	15%
Theft \$5,000 or under	1,153	2.92%	14%
Mischief	1,090	2.76%	13%
Other Provincial Statutes	630	1.59%	8%
S2 Other	341	0.86%	4%
Assault Peace Officer	332	0.84%	4%
Obstruct/Resist Peace Officer	308	0.78%	4%
Substantive level 3 (S3)	7,804	19.76%	
Assault With a Weapon/CBH	2,051	5.19%	26%
Possession of Weapons	1,619	4.10%	21%
S3 Other	1,259	3.19%	16%
Other Controlled Drugs and Substances Act - Trafficking	864	2.19%	11%
Possession of Stolen Goods over \$5,000	585	1.48%	7%
Driving While Prohibited/Disqualified/Suspended (CCC)	444	1.12%	6%
Possession of Stolen Goods \$5,000 or under	414	1.05%	5%
Fraud	321	0.81%	4%
Overcome Resistance - Choke/Drug	247	1%	3%
Substantive level 4 (S4)	3,480	8.81%	
Break and Enter	1,404	3.55%	40%
S4 Other	606	1.53%	17%
Sexual Assault	441	1.12%	13%
Weapons Possession Contrary to Order	380	0.96%	11%
Forcible Confinement	297	0.75%	9%

Provincial Court Performance Measures

Figure 3 – Disposed informations by most severe included charge, 2022/2023 *(Continued)*

Most severe charge	Informations	Percentage of total	Percentage of level
Sexual Interference	235	0.59%	7%
Invitation to Sexual Touching	117	0%	3%
Substantive level 5 (S5)	1,330	3.37%	
Robbery	682	1.73%	51%
Aggravated Assault	483	1.22%	36%
S5 Other	91	0.23%	7%
Sexual Exploitation by Person in Trust/Authority	74	0%	6%
Substantive level 6 (S6)	161	0.41%	
Discharge Firearm with Intent	99	0.25%	61%
Kidnapping	28	0.07%	17%
Incest	26	0.07%	16%
S6 Other	8	0.02%	5%
Substantive level 7 (S7)	116	0.29%	
Murder 2nd degree	59	0.15%	51%
Manslaughter	31	0.08%	27%
Murder 1st degree	15	0.04%	13%
Attempted Murder	11	0.03%	9%
Grand Total	39,503	100%	

Provincial Court Performance Measures

Time to Disposition by Severity Level

The charts below break down the average amount of time taken to dispose of cases by severity level.

Overall, the vast majority of cases are still completed in 18 months or less, indicating the Court is generally in compliance with the Supreme Court of Canada's *Jordan* guidance. However, we continue to note the lingering effect of COVID-19 and its significant impact on time to disposition. In 2019/20, the percentage of all cases which took longer than 18 months was 2.8 per cent; in 2020-2021 that number had risen to 4.3 per cent, and in 2021/2022 it had increased further to 9 per cent of all cases (including all severity levels). This year, the number rose slightly to 9.3 per cent.

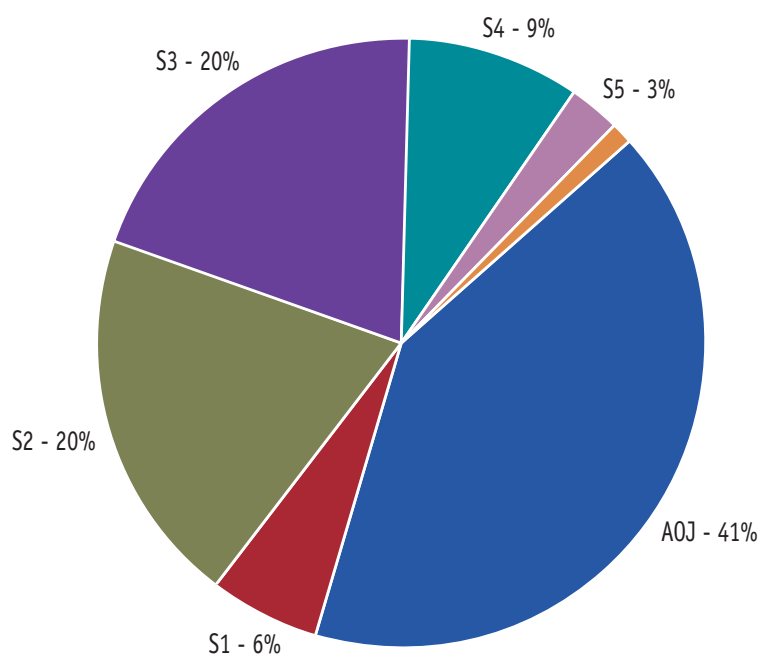
The Court would expect that the most serious cases in the system take the longest to complete, and the least serious, the least amount of time. Looking at the data from this perspective, although we have not returned to

pre-pandemic numbers, we are beginning to see a slight recovery. In 2019/20, 84 per cent of all severity level one cases, largely composed of administration of justice (AOJ) offences like breaches of court orders, were completed in less than eight months. In 2020/21, this number declined to 79 per cent of severity level one cases resolved in the same time frame and in 2021/22, 71.5 per cent. In 2022/2023, that number increased to 76 per cent.

The Court tries to prioritize cases of highest severity, to ensure they are completed in a timely manner. Again, while we are not at pre-pandemic numbers, we are beginning to see a slight improvement in this metric. In 2019/20, 5.7 per cent of all cases categorized as severity level 4 to 7, were completed in more than 18 months. In 2020/21, that number rose to 7.9 per cent and in 2021/22, to 16.3 per cent. In 2022/2023, the number declined to 16 per cent.

As previously noted, the Provincial Court has begun work to improve efficiencies and to address the backlog.

Figure 4 – Pie chart depicting the number of informations disposed in 2022/2023 by severity level of most severe charge on the information

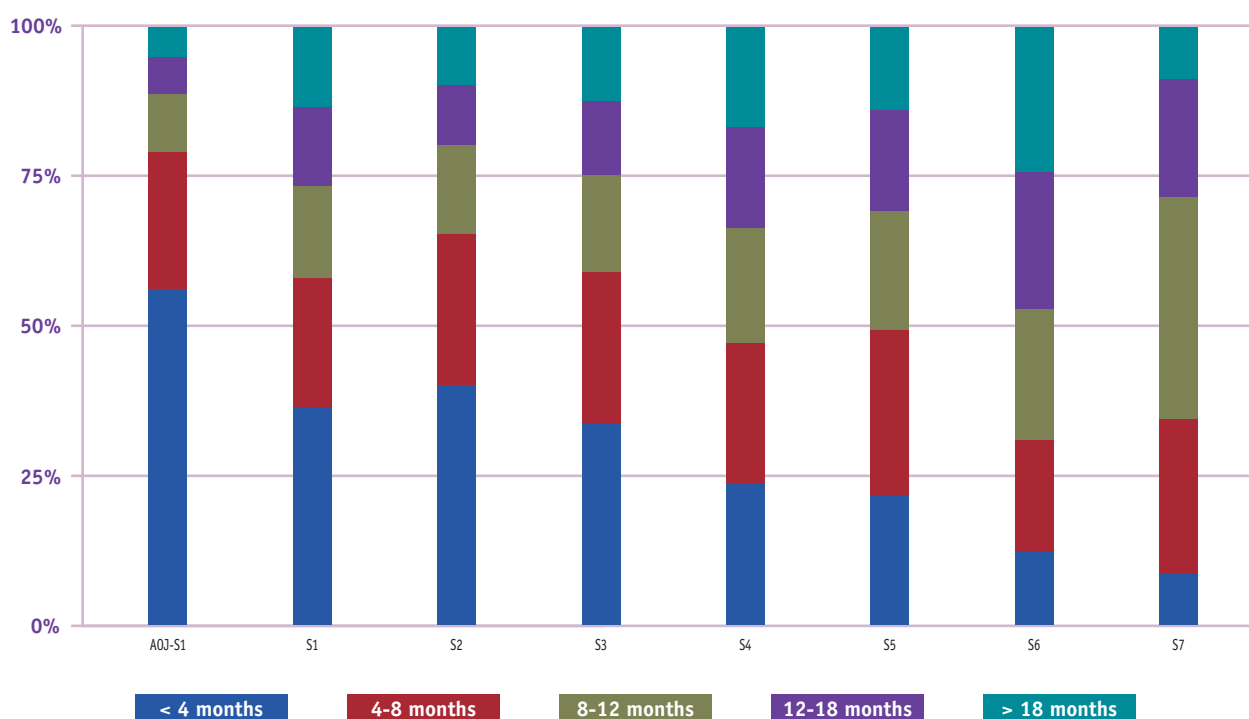


Provincial Court Performance Measures

Figure 5 – Disposed informations by offence type and time to disposition, 2022/2023

Most severe charge	Time to Disposition					Total
	<4 months	4-8 months	8-12 months	12-18 months	>18 months	
A0J-S1	9,067	3,702	1,577	1,008	796	16,150
S1	861	516	368	311	317	2,373
S2	3,240	2,055	1,183	833	778	8,089
S3	2,638	1,966	1,259	985	956	7,804
S4	829	813	669	585	584	3,480
S5	289	365	267	223	186	1,330
S6	20	30	35	37	39	161
S7	10	30	43	23	10	116
Total	16,954	9,477	5,401	4,005	3,666	39,503

Figure 5 – Disposed informations by offence type and time to disposition, 2022/2023



Provincial Court Performance Measures

Average Number of Days to Disposition

The average number of days to disposition is another measure for assessing how quickly matters were dealt with in Provincial Court. Bearing in mind that this number is an average, it is generally, the most serious cases that take the longest to complete, with the less serious cases completed in the least amount of time.

The time to disposition has increased yet again in 2022/2023 for severity level 1 to 5 offences. Whereas average time to disposition for severity level 6 offences has increased slightly from last year. The average time to disposition for severity level 7 cases decreased from 326 days to 318 days this year.

As the number of severity level 7 cases is relatively small (see figure 5 which shows 12 severity level 7 cases completed in more than 18 months), variations in the average number of days to disposition by court center may not be statistically significant.

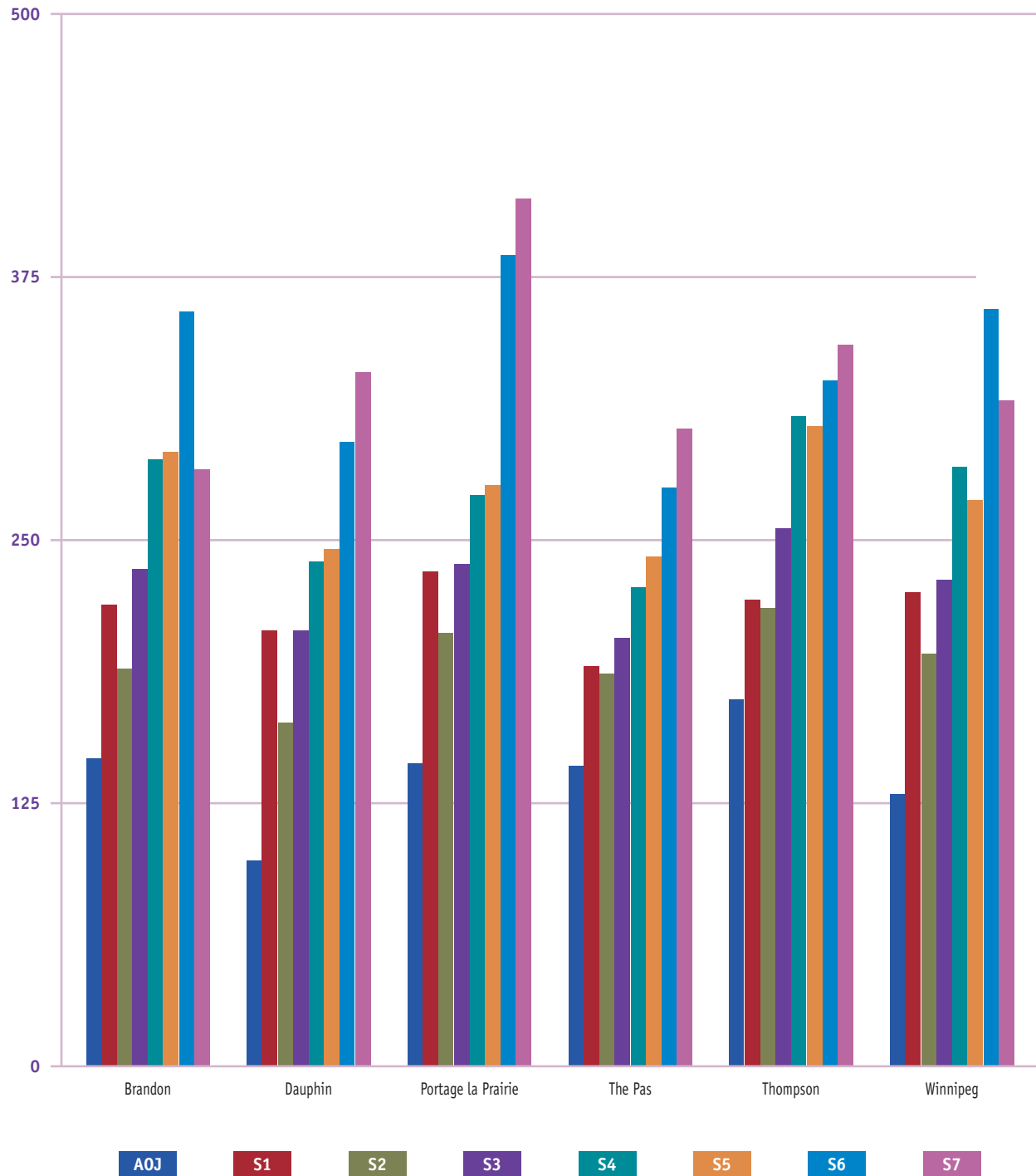
Figure 6 – Average days to disposition by court centre and offence type, 2022/2023

Court Centre	Type of most severe included charge							
	A0J	S1	S2	S3	S4	S5	S6	S7
Brandon	146	220	189	236	289	292	359	284
Dauphin	98	208	164	207	240	247	296	330
Portage la Prairie	144	235	206	239	272	276	385	413
The Pas	142	190	186	204	228	243	276	303
Thompson	174	221	219	256	309	304	326	343
Winnipeg	130	226	197	231	285	269	361	317
Global Average*	137	223	198	233	283	273	345	318

* Average days to disposition of all offences in the province at that severity level. See Figures 3 and 5 for the number of cases/informations at each severity level.

Provincial Court Performance Measures

Figure 6 – Average days to disposition by court centre and offence type, 2022/2023



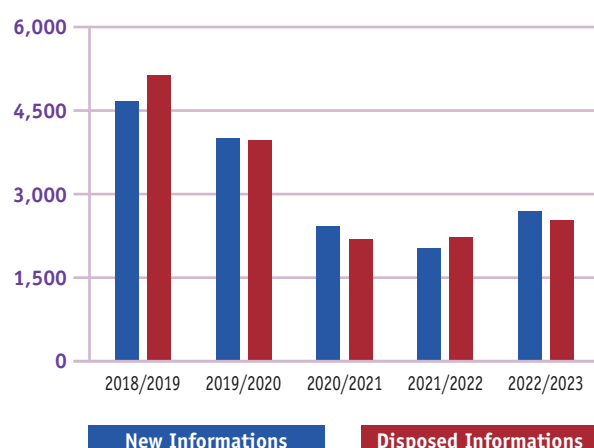
Provincial Court Performance Measures

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 per cent demonstrates a 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.

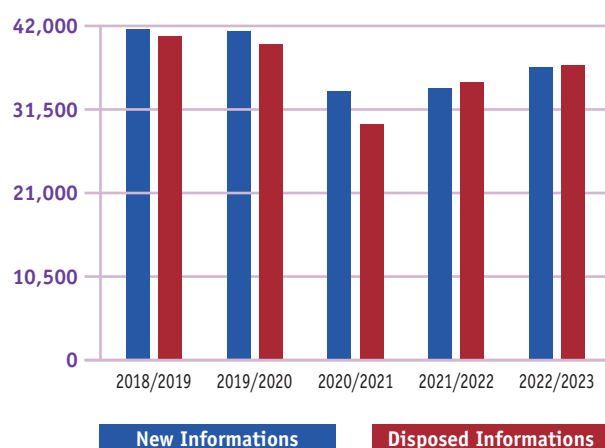
In 2021/22, there were more cases disposed of than entered the justice system. This year was nuanced: in the youth system, it disposed of less cases than entered the system; in the adult system, it disposed of the same number of cases as entered the system.

Figure 7 – Youth Clearance Rate



Year	New informations	Disposed informations	Clearance rate
2018/2019	4,695	5,162	110%
2019/2020	4,007	3,975	99%
2020/2021	2,428	2,204	91%
2021/2022	2,049	2,256	110%
2022/2023	2,704	2,535	94%

Figure 8 – Adult Clearance Rate



Year	New informations	Disposed informations	Clearance rate
2018/2019	41,668	40,690	98%
2019/2020	41,444	39,677	96%
2020/2021	33,989	29,737	87%
2021/2022	34,208	34,888	102%
2022/2023	36,807	36,968	100%

Judicial Authorizations

Judges and Judicial Justices of the Peace review applications for various types of judicial authorizations under the *Criminal Code* and, the Controlled Drugs and Substances Act, and Federal Statutes. Their respective jurisdiction is set out in the *Criminal Code* and determined by the Chief Judge.

Judges reviewed 1541 applications and Judicial Justices of the Peace reviewed 2740, for a total of 4281 authorizations.

Although the number of authorizations has remained the same from the previous year, there was an increase in authorizations reviewed by judges, which demonstrates an increase in the complexity of criminal investigations.

In support of a request for judicial authorization, law enforcement officers must submit affidavits to the Court for review and analysis. The affidavits to support these requests range in length from a few pages to hundreds of pages. The total number of authorizations considered reflect the significant upward trend in this work for the Provincial Court. Over the years, the *Criminal Code* has been amended numerous times and additional types of judicial authorizations have been added. On January 14, 2023, the *Criminal Code* was amended to allow for more types of warrants to be submitted by telecommunication. This amendment has allowed for more flexibility in processing authorizations.

Figure 9 – Judicial Authorizations 2022

	Judge's	JJP's
January	115	236
February	118	251
March	119	233
April	108	211
May	112	229
June	139	286
July	114	197
August	126	199
September	77	198
October	99	222
November	146	214
December	123	205
Total	1396	2681

Figure 10 – Judicial Authorizations 2023

	Judge's	JJP's
January	155	260
February	161	230
March	181	289
Total	497	779

Protection Orders

A person subjected to domestic violence and/or stalking can seek a protection order on an urgent basis from a JJP. The Domestic Violence and Stalking Act provides for hearings to occur in person or by telephone with the assistance of a police officer, lawyer or person designated under the act, after a sworn written application is completed. If the justice is satisfied stalking or domestic violence has occurred and the person seeking the order reasonably believes it will continue, a JJP is able to grant a protection order. Protection orders may contain conditions, including prohibiting the respondent from

contacting the applicant or attending any place where the applicant resides or works. In 2022-2023, JJPs heard 1403 protection order applications.

A second kind of protection order can be granted under The Sexual Exploitation and Human Trafficking Act. These types of protection orders offer relief to people victimized by sexual exploitation and human trafficking. These hearings also take place before a JJP. In 2022/2023, JJPs heard nine applications under this legislation.

Provincial Offences Court

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

Since the proclamation of The Provincial Offences Act in November 2017, there has been a significant reduction in the number of Highway Traffic Act matters proceeding to hearing.

Figure 11 – Number of Hearings Set

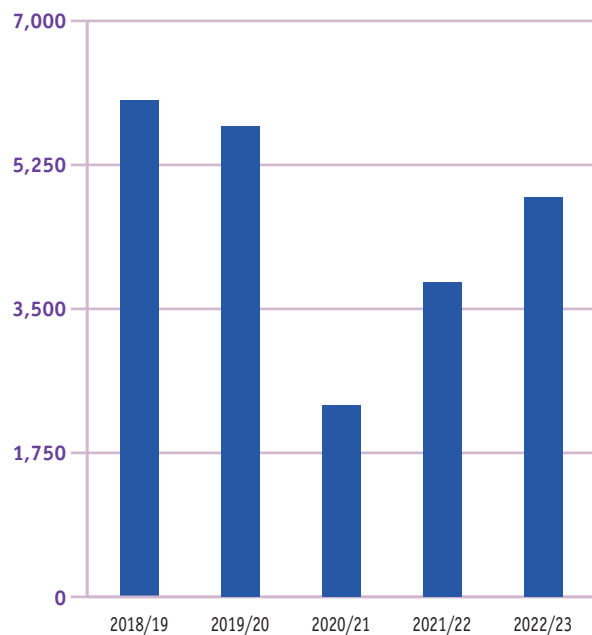
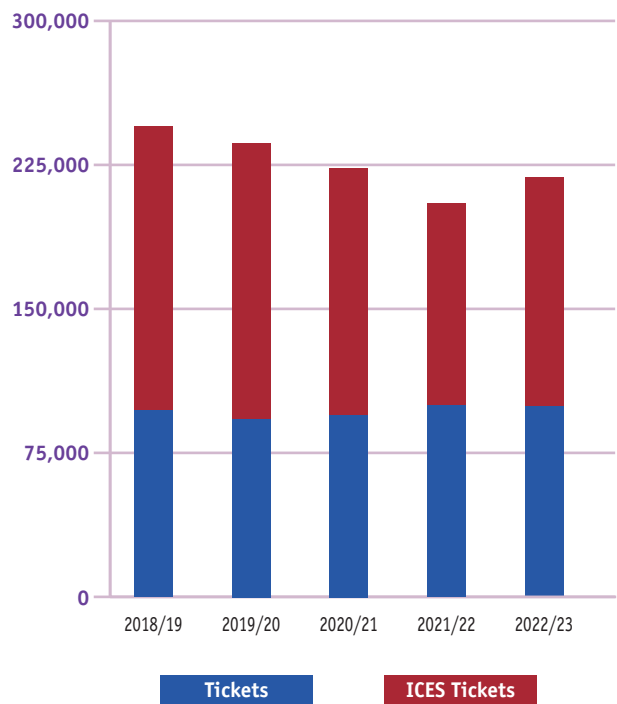


Figure 12 – Number of New Tickets Issued



Problem-Solving Courts

The Provincial Court of Manitoba has a number of Problem-Solving Courts. Problem Solving Courts, also known as 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. While the Provincial Court previously had a Domestic Violence Court in Thompson, this court was suspended during the COVID-19 pandemic while priority was placed on in custody matters. When the courts re-opened, priority was then placed on out of custody trials and dispositions that had incurred delay as a result of the pandemic. Concomitantly, Manitoba Justices' Restorative Justice Branch expanded diversionary programs in the North, which included the domestic violence matters appearing in the therapeutic court. As a result, the Thompson Domestic Violence Court was not re-opened.

Winnipeg Mental Health Court

The Winnipeg Mental Health Court is a weekly sitting of the Provincial Court of Manitoba available only in Winnipeg at the present time. Working with the Forensic Assertive Community Treatment (FACT) team, the court offers pre-sentence intensive services and supports to accused persons who suffer from DSM-V Axis 1 mental disorders. Similar to Drug Treatment Court, the goal is to address the underlying issues which may have contributed to criminal behavior, which will for the most part be mental illness but which may also include other factors such as drug addition or homelessness. The goal is to assist the accused in reaching a healthy mental state while also stabilizing other areas of the accused's life. Enrolment in Mental Health Court is typically for a two-year period and participants are expected to make regular appearances so the court can monitor their progress. Once the accused has achieved their goals, they graduate from the program and will be eligible for a non-custodial disposition or a stay of proceedings, depending on the original charges.

Mental Health Court has the capacity to manage approximately 35 participants, and there is a waiting list for admission into the program.

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 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 2022/23, the program received 33 applications for assessment for program amenability. There were 35 completed assessments, 15 people were denied admission or withdrew their applications and 25 people were admitted to the program. There were 18 assessments still to be completed as of March 31, 2023.

Including existing and new participants, the program discharged 18 individuals in 2022/23, 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 22 active participants, and eight graduations meaning eight participants who successfully completed the program.

Westman Drug Treatment Court

The Westman Drug Treatment Court opened in 2021. During 2022/23, the program received four applications for assessment for program amenability. There were 4 completed assessments. No one was denied admission or withdrew their applications and four people were admitted to the program. There were zero assessments still to be completed as of March 31, 2023.

Including existing and new participants, the program discharged three individuals in 2022/23, 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 three active participants and two graduations in 2022/23.

Problem-Solving Courts

FASD (Fetal Alcohol Spectrum Disorder) Court

In March 2019 the Provincial Court of Manitoba established an FASD disposition docket for both youth and adults who have an FASD diagnosis. One of the goals of these dockets is to provide the accused with a court environment that takes into account the specific deficits identified in the FASD assessment report and how they might be related to the offender's moral blameworthiness or degree of responsibility for an offence. If there is a link between the deficits resulting from FASD and the offending behaviour, the Court would explore how the sentence imposed would best reflect and respond to that link.

Waywayseecappo Circle Court

The Waywayseecappo Circle Court sits on the Waywayseecappo First Nation, an Anishinaabe community, where the Ojibway language is spoken. The Court originated more than 30 years ago, thanks to the efforts of then Associate Chief Judges Brian Giesbrecht and Murray Sinclair. The Court operates as a sentencing circle, issuing dispositions or sentences using a restorative justice approach. Sitting in a circle, the Court, with Elder participation, incorporates traditional Indigenous practices, including a pre-court smudging ceremony, opening and closing prayers by Elders, and the use of the Eagle Feather and tobacco. Circle participants can include the person to be sentenced, the victim or witnesses, a Provincial Court Judge, Waywayseecappo Elders, as well as a probation officer, community justice worker, Native Alcohol and Drug Addiction Program (NADAP) worker, and counselling resource person. The offence and its impact on the community are discussed so as to reinforce both accountability and community healing. All circle court participants have an opportunity to speak. At the conclusion, the Judge imposes sentence.

Indigenous Justice Committees

The Provincial Court is committed to seeing the expansion of the Waywayseecappo community-based justice model in other Indigenous communities. Of note is the approach taken in both Peguis and Fisher River First Nations where Elders sit with the Judge in Court. The Elders speak to the offenders, bringing Indigenous principles and local context to the court proceedings. Indigenous Justice Committees in each of these Nations have been essential as a conduit between the court and accused persons from the community; they assist in conveying information to community members to ensure court attendance and prevent delay. Most recently, the committees have been invaluable in communicating court closures and providing up to date contact information from clients to counsel.

Lake St. Martin and St. Theresa Point First Nations also have very active community Justice Committees; these have been instrumental in connecting accused persons with rehabilitative resources, Elders, and cultural activities. In these communities, many matters are diverted by the Crown to restorative justice organizations. These Committees provide a valuable connection to the community and enhance the Court's ability to incorporate Indigenous justice principles into the criminal justice system.

Child Protection and Family Maintenance Act Files

The Court has jurisdiction over Child and Family Services Act (child protection) and Family Maintenance Act matters in regional areas, outside Winnipeg. As in previous annual reports we report the number of “new” files opened in this fiscal year. There were 33 new Family Maintenance Act files and 360 new child protection files opened in the Court in the 2022/23 fiscal year, an increase of 153 child protection from the preceding year.

However, this number does not give a realistic or accurate accounting of the number of child protection petitions considered and heard by the Provincial Court. If a petition is served on a parent in relation to a different child in the family or a further petition for the same child is filed with

the court, these are not considered “new” files. Thus, the actual child protection work greatly exceeds the number of “new” files opened, as a new file is counted when there has been no previous involvement with the same parent. The Provincial Court is interested in updated electronic systems that would enhance our ability to accept electronic filings in child protection and accurately track child protection proceedings.

A committee of the court has been convened to consider issues that arise in child protection proceedings and promote best practices for this important area of court work.

Law Enforcement Reviews & Hearings

The Law Enforcement Review Act (LERA) 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 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 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 2022/23 there eight reviews conducted by a Provincial Court Judge.

Hearings may be held where the Commissioner recommends a penalty for a disciplinary default and the complainant disagrees with the recommended penalty; and where the Commissioner refers the complaint to a judge for a decision on whether the complaint should result in disciplinary action. In 2022/23 there were no LERA hearings heard by the Provincial Court.

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 similar future circumstances. All inquest reports can be accessed on the Court's website.

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, 2023, there were 35 inquest hearings called but not yet completed. However, despite our initial anticipated delayed inquest scheduling until the fall of 2023, a few inquests had standing hearings and four inquests proceeded as a result of using Senior Judges to cover bail and disposition courts. That said, the number of pending inquests demonstrates the backlog created by the pandemic.

In 2022/23 there were four inquest reports issued by the Court as noted below:

Figure 15 - Inquest Reports

Name of Deceased	Date Inquest Called	Date of Report Released	Number of Hearing Days	Time to Complete Report
Chad Johnathan Williams	October 10, 2019	October 19, 2022	4 days April 25, 26, 27 & 28, 2022	5.6 months
Benjiman Richard	November 21, 2019	August 3, 2022	5 days June 13 - 17, 2022	38 days
Jefferey Owen Tait	January 8, 2020	March 23, 2023	13 days September 19 - October 7, 2022	5.5 months
David Norbert	March 11, 2020	October 28, 2022	3 days April 11, 12 & May 2, 2022	5.9 months

Education

Judicial Education

An educated Judiciary is one of the pillars of a strong judicial system. Judicial education takes several forms – in person, on-line and self study. There are several dimensions to Judicial education – the law, courtroom skills, and an understanding of social context – to ensure that judges know the law and rules of evidence, but also have the skills to manage the courtroom and understand the social, cultural and economic context that exist in a given case.

Judicial education is planned and implemented under the direction of an Education Committee comprised of Provincial Court Judges and the Chief Judge. The Provincial Court is committed to providing at least 10 days of judicial education annually for each judge. Approximately four days of education is provided in-house; the remainder is provided by specialized judicial education organizations such as the National Judicial Institute and the Canadian Association of Provincial Court Judges. 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. It also provides or financially contributes to two weeklong programs for newly appointed judges to ensure they receive required legal and skill-based training. There are other recognized institutions which provide quality judicial education opportunities. Further, the Court regularly provides education sessions over the lunch hour. We also decided to retain the in-house new judges programs developed locally during the pandemic as we felt it provided additional programming not offered nationally.

It is important for judges to continue on a path of life-long learning to maintain their skill level and knowledge base to inform the important decisions they make every day. The law is changing at a rapid pace as is the social context of our communities. During the 2022/23 fiscal year, there were several amendments to both provincial and federal legislation, most notably, changes to the self-defence provisions, mandatory minimum sentences, conditional sentence orders, and warrants.

During this fiscal year, many education programs returned to in person sessions. In person education for judges is invaluable as it offers an opportunity to discuss legal and evidentiary issues with judges across the country. It also offers a venue to enhance Judicial skills. As invaluable as in person education is, it is also expensive. The Provincial Court receives a relatively modest education budget for our in-house education sessions. Each judge also receives an education allowance to attend other conferences.

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

- Criminal Evidence
- Impaired driving
- Sexual assault
- Evidence
- Sentencing
- Moral blameworthiness
- FASD
- *Charter* Issues
- Child Witnesses
- Credibility Assessment
- Family Law
- Access to Justice for Children
- Oral and Written Judgments
- Writing Sexual Assault decisions
- Judicial Independence
- Search and Seizure Law
- Child and Youth Law
- Building Cultural Competence
- Indigenous Issues
- French language training

Judicial Justices of the Peace Education

JJPs receive significant “on the job” mentoring and training. New JJPs undergo intensive training and job shadowing. In addition, there are two two-day education sessions annually, which all JJPs attend. A JJP Education committee chaired by an Associate Chief Judge meets regularly to identify and plan education opportunities for JJPs. Education topics covered in the 2022/23 fiscal year included bail and Indigenous issues.

Strategic Plan

In the spring of 2018, the Court held a strategic planning session. We created a strategic plan and set priorities for our Court. In determining how we can best serve the

people of Manitoba, we identified five strategic priorities. We are pleased to report on the steps taken to further our priorities.

The Provincial Court of Manitoba

Vision

An independent Court providing timely, fair and just decisions to all Manitobans.

Mission

Our Court is dedicated to providing a fair, efficient and accessible system of justice. We are committed to excellence, and enhancing public trust and understanding in the administration of justice.

Values

The Rule of Law
Equality Before the Law
Accessibility

Fairness & Impartiality
Independence & Competence
Public Confidence

Integrity
Respect

Priority One

Timely Access to Justice

Priority Two

An Innovative Court of Excellence

Priority Three

Strengthen Public Trust and Confidence in the Justice System

Priority Four

Focus on Indigenous Issues

Priority Five

Sound Infrastructure

Action

- Make the best use of judicial resources
- Timely Judicial Release
- Practice Guideline

Action

- Increase Problem Solving Courts
- Focus on Judicial Education

Action

- Maintain an Independent Court
- Increase Public Access to Justice System Information
- Strengthen relationships with partners and stakeholders
- Improve Justice Service Delivery

Action

- Meaningful interaction with Indigenous People
- Enhance Cultural Competencies
- Strategies to deal with Indigenous People in a more meaningful manner

Action

- Develop Information Technology to support the effective and efficient administration of Justice
- Enhance Judicial Facilities

Strategic Plan

Timely Access to Justice

In our last annual report, we highlighted our work with Willowtree Consulting to explore:

- options to expedite resolving the backlog created by the pandemic
- advancing the modernization of the criminal court, using technology where appropriate
- exploring approaches to target those most affected by the pandemic, specifically the impoverished and marginalized

The consultant began by defining and assessing the backlog. They then analysed performance indicators, interviewed stakeholders, conducted surveys, and held interviews. As the year ended, the Court was engaged in evaluating this information, and in arranging a workshop with stakeholders to develop a plan moving forward.

Coming out of the pandemic, we ascertained that our backlog was in the same communities and judicial centres indicated by the consultant and began work to re-adjust our courtroom designation in Winnipeg to increase sittings where they were needed the most, trial courts where the time to trial was approximately one year.

An Innovative Court of Excellence

In our last annual report, we indicated two new projects, the bail triage system in Winnipeg and the protocol in Thompson.

These two new projects continued to be worked on and monitored during this fiscal year. In addition, we created the youth first appearance court. All out of custody youth are released with a first appearance to this courtroom which is presided over by a youth court judge, a duty Crown and legal aid duty counsel. The objective is to ensure youth obtain counsel, disclosure, and a Crown position on the first appearance or as soon after as possible. In reviewing youth cases, we noticed that many out of custody youth cases were taking an inordinate amount of time to reach resolution. The court hopes to address this issue.

Strengthen Public Trust and Confidence in the Justice System

This year the Court began a systematic consultation process with the aim of addressing the backlog and streamlining and harmonizing court practices across the province.

Focus on Indigenous Issues

The Indigenous Justice Committee continues to look at ways to increase the inclusion of Indigenous practices in the court and increase the cultural competence of the court. During the 2022/23 fiscal year, several judges participated in a Sacred Eagle Feather Rededication ceremony. The Court also organized two online programs, Building Indigenous Courts and Indigenous history, the peace treaties.

Sound Infrastructure

Renovations continue for the Thompson and Dauphin courthouses. These renovations will allow greater accessibility and security to these two courthouses. Renovations are also greatly needed to the courthouses in The Pas and Portage la Prairie. These two facilities are in a state of disrepair. There is an insufficient number of courtrooms and workspace for court staff. In Winnipeg, the Provincial Court at 408 York faces similar overcrowding issues. There are not enough offices for Provincial Court Judges and the Judicial Justices of the Peace have inadequate office space with no sound barriers. This presents significant problems when conducting telephone hearings. There is also an insufficient number of courtrooms or appropriate courtrooms, particularly for our specialty or youth courts. At the Manitoba Youth Centre, the courtroom is small and enclosed. This presents safety issues, particularly given the very serious nature of charges the in-custody youth face.

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, 2023 (based on the premise of a judge retiring from judicial office with unused vacation leave) is \$1,119,325.03. The severance liability as of March 31, 2023 is \$231,028.50 for those Judges entitled to same and who were eligible to retire on March 31, 2023.

Therefore, the total contingent liability of the Manitoba government for public funds that results from unused vacation leave or severance allowance of the Judges as of March 31, 2023 is \$1,350,353.53 (\$231,028.50 + \$1,119,325.03).



Available in alternate formats, upon request.