

The Victims' Bill of Rights

The Role of the Manitoba Prosecution Service

Please refer to *Understanding The Victims' Bill of Rights* for definitions of common legal terms.

Offering support assistance and information

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

Crime victim services workers:

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

**For information call toll free:
1-866-4VICTIM (1-866-484-2846)**

or go to:
manitoba.ca/justice/victims/index.html

What is the role of the Manitoba Prosecution Service?

The Manitoba Prosecution Service is responsible for conducting criminal proceedings in Manitoba.

A Crown attorney is a government lawyer responsible for prosecuting cases fairly. Crown attorneys are not the victim's lawyer. Crown attorneys must be fair to all parties in the case, including victims, witnesses and the accused.

They must also consider the general public's interests. Your interests and concerns will be considered if you choose to speak to the Crown attorney. However, the duty of fairness may sometimes require the Crown attorney to take actions or make decisions that are not the same as your wishes.

In Canadian criminal law, the accused is presumed innocent until proven guilty. To obtain a conviction, the Crown attorney must present evidence in court that meets a very high standard. A judge must be satisfied beyond a reasonable doubt that the accused committed a criminal act.

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

Information about Prosecutions

- the possible use of alternative measures that do not directly involve the court system
- the court process, including everyone's role
- the right to have a language interpreter while testifying
- the right to apply for a ban on the publication or broadcast of your identity
- the right to attend any court proceeding, unless there is a court order that does not allow you to be there or unless you are a potential witness
- the right to ask the court to have a support person close to you while testifying if you are under 18 years old or mentally or physically disabled

Ces renseignements sont également offerts en français.



- the right to ask the Crown attorney if you can testify by closed-circuit television or behind a screen or other device in the court room
- how to get the dates, times and places of a court hearing
- the process for entering a guilty or not guilty plea
- the possibility of discussions between the Crown attorney and the accused about the resolution of the charge(s)
- the possibility of the court finding the accused "not criminally responsible by reason of mental disorder" or "unfit to stand trial"
- the process for sentencing an offender
- the possible application by a Crown attorney to designate an offender as a "dangerous offender"
- the right to file a victim impact statement and how to get help completing it
- how victim impact statements and pre-sentence reports are used in sentencing
- how to apply for restitution and how it is ordered
- the right to have property returned when it is no longer needed (except in some cases of homicide when property cannot be returned)
- the appeal process

Information about the status of a prosecution

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

- the charge laid
- the name and contact information of the Crown attorney handling the case
- how you can share your concerns regarding the potential release of the accused and/or conditions the court should consider placing on him/her if released
- the date, time and place of any court appearance that may affect the outcome of the case

- the possibility that the offender may be ordered to pay restitution
- the date, time and place of an application by the Crown attorney for a dangerous offender designation
- the outcome of the prosecution and any appeal

Information about Correctional Services

When you request it, the Crown attorney or a designate must give you the name and contact information for the office or agency that can provide you with information about the sentenced offender.

What can I expect to provide input on during the prosecution?

If you request it, and if it is reasonably possible without delaying or prejudicing an investigation or prosecution, the Crown attorney or a designate must make sure that you are given an opportunity to provide your views on the following:

- the decision to lay a charge
- the use of alternative/extrajudicial measures
- the decision to withdraw or not proceed with a charge
- any application for release by the accused
- any agreement relating to a disposition of the charge
- the Crown attorney's position on sentencing
- the decision to appeal or the Crown attorney's position on appeal

Victims' views will be considered seriously when a decision is made on the above matters.

Can the Crown attorney ask for restitution?

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