



The Provincial Court of Manitoba

Annual Report

2016 ■ 2017



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, 2016 to March 31, 2017.

Sincerely,

A handwritten signature in black ink that reads '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 2016 au 31 mars 2017.

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



The Provincial Court of Manitoba is committed to delivering timely, independent and impartial access to justice to all Manitobans. We are striving to provide more relevant, transparent and measurable

information to the public in a manner which clearly communicates the work we do and how we hold ourselves accountable. You will notice this approach reflected in this current Annual Report. We hope you find the information informative.

This past year can best be described as a year of change. On July 10, 2016, Chief Judge Ken Champagne finished his term as Chief and I began mine. The Court wants to thank Chief Judge Champagne for seven years of excellence during his dedicated service to the Court as its Chief Administrator. During his term, Chief Judge Champagne oversaw and implemented several changes, which improved the efficiency and transparency of the Court. Chief Judge Champagne held the first Strategic Planning Session for the Court, which resulted in a number of priorities for the Court with the ultimate goal of enhancing Access to Justice for all. Chief Judge Champagne was also instrumental in the introduction of a Senior Judges Program, and he continued to champion speciality courts such as Drug Treatment Court and Mental Health Court. Chief Judge Champagne saw 15 new Judges appointed during his tenure and he made it a priority to ensure all of the Judges of the Provincial Court were supported so they could fulfill their roles as impartial decision makers in the pursuit of justice. It is not possible to list all of Chief Judge Champagne's significant contributions to the administration of justice during his term, but the Provincial Court of Manitoba owes him a debt of gratitude for his dedicated service as Chief Judge.

Judge Todd Rambow was appointed to the Provincial Court of Manitoba Thompson Centre on December 7, 2016. Judge Rambow replaces Judge Alain Huberdeau who transferred to the Winnipeg Centre.

On July 8, 2016, the Supreme Court of Canada released its decision in *R v Jordan*. The case addresses the issue of delay in courts and it imposes strict time limits on completing criminal proceedings. In order to meet the requirements of the *Charter* and have a trial within a reasonable time, the Supreme Court of Canada has said a matter must be concluded in Provincial Courts within 18 months of the charge being laid. If a matter proceeds in the Court of Queen's Bench, the time limit is 30 months.

The *Jordan* case has generated much discussion throughout the criminal justice system. All stakeholders are contemplating what can be done to reduce delays in courts. The Provincial Court of Manitoba has been and will continue to examine its practices and processes to determine where we can improve to reduce the amount of time it takes to have a matter fairly and finally decided. The Provincial Court looks forward to continued dialogue with our stakeholders to determine where we can best work together to effect this change.

In the past year, we have increased the number of disposition courts, we have introduced trial slots at 2:00 p.m. Tuesdays, Wednesdays, and Thursdays, and we have added in extra sittings of the Court where possible. We have noted a slight downward trend in the number of appearances a case makes before the court in Winnipeg over the past five years. We continue to overbook trial and preliminary hearing multi-day matters given the high fold rate. The Provincial Court has also started a Case Management Pilot Project where more time slots are offered to lawyers and Judges are more intensely involved in the management and progression of a case. It is expected a more rigorous case management process will lead to a streamlining of the issues, which may reduce the number of days required for a trial and, in some cases, resolution of matters.

The Provincial Court of Manitoba recognizes and endorses the Supreme Court of Canada's stated principle that cultural change is needed to achieve our objectives. We look forward to continuing to report to you on our progress.

Juge en chef de la Cour provinciale du Manitoba



La Cour provinciale s'est engagée à offrir à tous les résidents du Manitoba un accès à la justice opportun, indépendant et impartial. Nous nous efforçons de fournir des renseignements plus pertinents, transparents et mesurables au public

de manière à communiquer clairement le travail que nous accomplissons et la façon dont nous en rendons compte. Vous remarquerez l'effet de cette approche dans le présent rapport annuel. Nous espérons que vous trouverez ces renseignements utiles.

On peut dire que l'année dernière a été pleine de changements. Le 10 juillet 2016, le juge en chef Ken Champagne a terminé son mandat et j'ai commencé le mien. La Cour provinciale remercie le juge en chef Champagne pour sept années d'excellence durant son service dévoué à titre d'administrateur en chef. Pendant son mandat, le juge en chef Champagne a supervisé et mis en œuvre plusieurs changements qui ont amélioré l'efficacité et la transparence de la Cour provinciale. Le juge en chef Champagne a tenu la première séance de planification stratégique pour la Cour provinciale. Cette séance a permis d'établir un certain nombre de priorités dans le but ultime d'améliorer l'accès à la justice pour tous. Il a également joué un rôle clé dans la création d'un programme de juges aînés, et il a continué à promouvoir les tribunaux spécialisés comme le tribunal de traitement de la toxicomanie et le tribunal de la santé mentale. Quinze juges ont été nommés pendant son mandat, et il a veillé à ce que tous les juges de la Cour provinciale soient appuyés afin de pouvoir remplir leur rôle de décideurs impartiaux en quête de justice. Il est impossible d'énumérer toutes les contributions importantes du juge en chef Champagne à l'administration de la justice pendant son mandat, mais la Cour provinciale du Manitoba lui voue une immense gratitude pour son service dévoué à titre de juge en chef.

Le juge Todd Rambow a été nommé à la Cour provinciale au centre de Thompson le 7 décembre 2016. Le juge Rambow remplace le juge Alain Huberdeau qui siège maintenant au centre de Winnipeg.

Le 8 juillet 2016, la Cour suprême du Canada a publié sa décision dans la cause R. c. Jordan. Cette cause porte sur les délais dans les tribunaux et la décision impose des délais stricts pour la durée des instances criminelles. Afin de répondre aux exigences de la Charte et qu'un procès ait lieu dans un délai raisonnable, il a été décidé par la Cour suprême du Canada qu'à la Cour provinciale, une cause doit se terminer au plus tard 18 mois après le dépôt d'une accusation. À la Cour du Banc de la Reine, ce délai est de 30 mois.

La cause Jordan a généré de nombreuses discussions dans l'ensemble du système de justice criminelle. Tous les intervenants se penchent sur des solutions visant à réduire les délais dans les tribunaux. La Cour provinciale du Manitoba va continuer d'examiner ses pratiques et ses processus pour voir ce que nous pouvons améliorer afin de réduire le temps nécessaire au règlement juste d'une instance. La Cour provinciale se réjouit de poursuivre le dialogue avec les intervenants pour déterminer de quelle façon nous pouvons le mieux collaborer pour obtenir ce résultat.

Au cours de la dernière année, nous avons augmenté le nombre d'audiences décisionnelles; nous avons mis en place des séances de procès à 14 h les mardis, mercredis et jeudis, et nous avons ajouté des séances additionnelles lorsque nous le pouvions. Au cours des cinq dernières années, nous avons remarqué une légère diminution du nombre de fois qu'une cause est mise au rôle à Winnipeg pendant qu'elle suit son cours. Nous continuons à surséserver les dates destinées aux procès et aux audiences préliminaires de plusieurs jours puisqu'un grand nombre de ces instances sont annulées avant de commencer. La Cour provinciale a aussi lancé un projet pilote de gestion de cause où plus de cases horaires sont proposées aux avocats et dans lequel les juges participent de manière plus intensive à la gestion et à la progression d'une cause. On s'attend à ce qu'un processus de gestion de cause plus rigoureux mène à une rationalisation des problèmes, ce qui pourrait réduire le nombre de jours requis pour un procès et, dans certains cas, pour la résolution des instances.

La Cour provinciale du Manitoba reconnaît et adopte le principe exprimé par la Cour suprême du Canada selon lequel un changement culturel est nécessaire pour atteindre nos objectifs. Nous nous réjouissons de continuer à vous présenter nos progrès.

Roles and Authorities of the Court

The roles and authority of all judicial officers of the Provincial Court of Manitoba (the 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 has 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 responsibility 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 non-renewable term of seven years. The current Chief Judge is Margaret Wiebe (2016-2023).

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 and scheduling 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. The current Associate Chief Judges are Associate Chief Judge Shauna Hewitt-Michta (2013-2020), Associate Chief Judge John Guy (2013-2020), and Associate Chief Judge Anne Krahn (2015-2022).

Provincial Court Judges

Provincial Court Judges are appointed by Lieutenant Governor in Council upon the recommendation of the Minister of Justice from a list of candidates provided by a nominating committee. The nominating committee is made up of the Chief Judge as chairperson, 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 Minister of Justice for appointment to the bench of the Provincial Court.

Judges conduct trials, bail hearings, sentencing hearings, inquests and other proceedings in criminal, youth, child protection and regulatory matters throughout the province. The vast majority of the matters heard are criminal cases.

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

In addition to this complement, there are eight 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. This may occur when a judge is away on a leave, including a medical leave. 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 the 2016/17 fiscal year, the regulation to The Provincial Court Act allowed the Chief Judge to use the equivalent of one full-time judge's salary divided between the Senior Judges to fill the scheduling needs of the Court. However, the Chief Judge sought approval for more days of coverage from Senior Judges than was allotted under the regulation. An additional 60 days were approved and used in 2016/17. This followed a pattern from previous years demonstrating the need for ongoing additional Senior Judge resources. In February 2017 the *Senior Judges Regulation* was amended to make available the equivalent of one additional full-time salary. The Senior Judges Program is of great assistance to the Court.

Roles and Authorities of the Court

In addition to presiding in court, Judges do a significant amount of work outside the courtroom such as judgment writing, researching law, public speaking and committee work. Some examples of the out of court work are detailed in this report.

Judicial Justices of the Peace

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

JJPs conduct trials, bail hearings and sentencing hearings under The Summary Convictions Act, including Highway Traffic Act matters. JJPs also conduct hearings in relation to protection orders under The Domestic Violence and Stalking Act, and The Child Sexual Exploitation and Human Trafficking Act. Additionally, JJPs consider the issuance of judicial authorizations such as search warrants (see Figures 1 and 2 below).

In previous annual reports, it has been reported the work of the JJPs has increased greatly since the inception of the program in May 2006. This is as a result of both the volume and scope of matters these judicial officers are required to hear and determine. The following are some examples of the additional legislated changes, which have increased the responsibilities of the JJP.

- On November 1, 2006 The Youth Drug Stabilization (Support for Parents) Act came into force. Under this Act a parent or guardian may apply to a judicial justice of the peace for an order to have a child apprehended and taken for assessment by an addictions specialist;
 - On September 15, 2009 The Testing of Bodily Fluids and Disclosure Act came into force. Applications for an expedited testing order under this Act are made before a judicial justice of the peace;
 - On April 30, 2012, The Child Sexual Exploitation and Human Trafficking Act came into force. Applications for a protection order for a child subjected to sexual exploitation or human trafficking are made before a judicial justice of the peace;
 - On May 29, 2013 The Missing Persons Act came into force. JJPs can consider various applications under this Act;
 - On March 16, 2016 The Domestic Violence and Stalking Amendment Act came into force. The amending Act expands upon what a judicial justice of the peace must consider when determining whether to grant a protection order (risk factors and other legal proceedings).
- Legislation amending The Highway Traffic Act creating new offences, increasing fines or suspending the right to obtain or renew driver's licences, including:
- **June 12, 2008:** The Highway Traffic Amendment Act – Street racing
 - **June 11, 2009:** The Highway Traffic Amendment Act (Promoting Safer and Healthier Conditions in Motor Vehicles) – Using hand-operated electronic device while driving/smoking in motor vehicles
 - **December 1, 2010:** The Highway Traffic Amendment Act (Suspending Driver's Licences of Drug Traffickers)
 - **September 15, 2013:** The Highway Traffic Amendment Act (Speed Limits in School Zones)
 - **February 15, 2014:** The Highway Traffic Amendment Act (Impoundment of Vehicles and Ignition Inter-Lock Program)
 - **May 16, 2014:** The Highway Traffic Amendment Act (Safety of Workers in Highway Construction Zones)
 - **December 1, 2014:** The Highway Traffic Amendment Act (Countermeasures Against Drug-Impaired Driving)

Roles and Authorities of the Court

These amendments contribute toward increased volume of matters before JJPs for a variety of proceedings, including:

- Applications for return of impounded motor vehicles, or for extension or forfeiture hearings;
- Guilty pleas in person, by telephone or in writing seeking a reduction in penalty;
- Offences with a fine range that do not have a set penalty require charged persons to appear before a justice to have a penalty assessed, for instance s. 225(1) and s. 173(1);
- Hearing de novos;
- Requests for exceptional circumstances hearings [s. 20.1(1) Summary Convictions Act];
- Requests for time to pay, and for time to pay extensions.

Also contributing to the increased volume of work for JJPs are requests for exceptional circumstances hearings, pursuant to Part 3 of The Courts Administration Improvement Act, which came into force on July 31, 2009. This legislation is used as a tool for government to place holds on vehicle registration renewals or refuse to issue vehicle registrations to individuals and businesses that have unpaid fines or fees. This power is in addition to the existing authority to place holds or refuse to issue driver's licences.

On October 1, 2008, the coming into force of *An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)*, created a new language right requirement [s. 530(3)] where the justice before whom the accused first appears shall ensure the accused is advised of his right to have a trial in either of Canada's official languages. The amendment requires this to be done in every case – even those where it is apparent that the accused is fluent in the language in which the court proceeding is being conducted. While not a lengthy process, this adds time to the appearance before a justice and subsequent document completion.

On March 9, 2015, An Act to amend the Criminal Code, the Canada Evidence Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act (Protecting Canadians from Online Crime Act) came into force. This amending legislation created new forms and processes, including new production orders to compel the production of data relating to the transmission of communications and the location of transactions, individuals or things.

On July 23, 2015, An Act to enact the *Canadian Victims Bill of Rights* and to amend certain Acts came into force. This legislative amendment made it mandatory for a justice to consider victim safety and security and to include in the record of the proceedings a statement the judicial officer has considered the issue.

Figure 1 – Number of Protection Order Applications under The Domestic Violence and Stalking Act

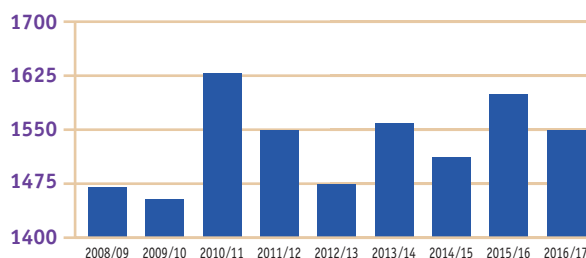
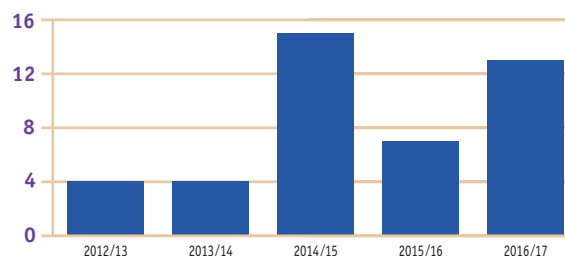


Figure 2 – Number of Protection Order Applications under The Child Exploitation and Human Trafficking Act



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 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 Aboriginal 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.



Provincial Court Performance Measures

It is recognized in many sectors across the country; effective management and resource allocation must be built from an empirical foundation and evidence-based measures. In previous Annual Reports, it is reported the court was pursuing different and more transparent ways of reporting the work of the court.

In this Annual Report, we have sought to provide some empirical data to demonstrate the workload of the court. More work needs to be done to implement the appropriate technological information systems to obtain meaningful data and to set standards or targets (benchmarks) for some of these measurements. The court will continue to pursue this goal going forward. There is a significant deficit in the ability of the court to measure and track the number of matters that proceed to trial; how much trial time is used; and why matters, set for trial, collapse. It is critical for the court to have information systems which measure these important outcomes so the court has a greater ability to assess, adjust, and reallocate the available judicial resources efficiently.

Average Number of Appearances

The Figure 3 below provides the number of appearances per case in each of the court centres in Manitoba. The Winnipeg Centre generally has more appearances per case than in a regional centre. This is most likely due to larger volumes and the processes required to manage those volumes. In Winnipeg, a slight downward trend has been noticed in the last five years and this is likely due to mandatory timelines and court imposed requirements to set a date for hearing or disposition once a matter is at the timeline. Because of processes implemented through the Front-End Project¹, first appearance courts are presided over by pre-trial coordinators who ensure that disclosure and an opportunity for discussions occurs before the matter appears before a judge for a meaningful event, such as a bail hearing, sentencing or trial.

In general, it is a goal of the Court to simplify process and reduce court appearances to those where a meaningful event will occur. The ability to compare across court centres allows the Court to study best practices in one area of the province to see if they can be transferred and implemented in another.

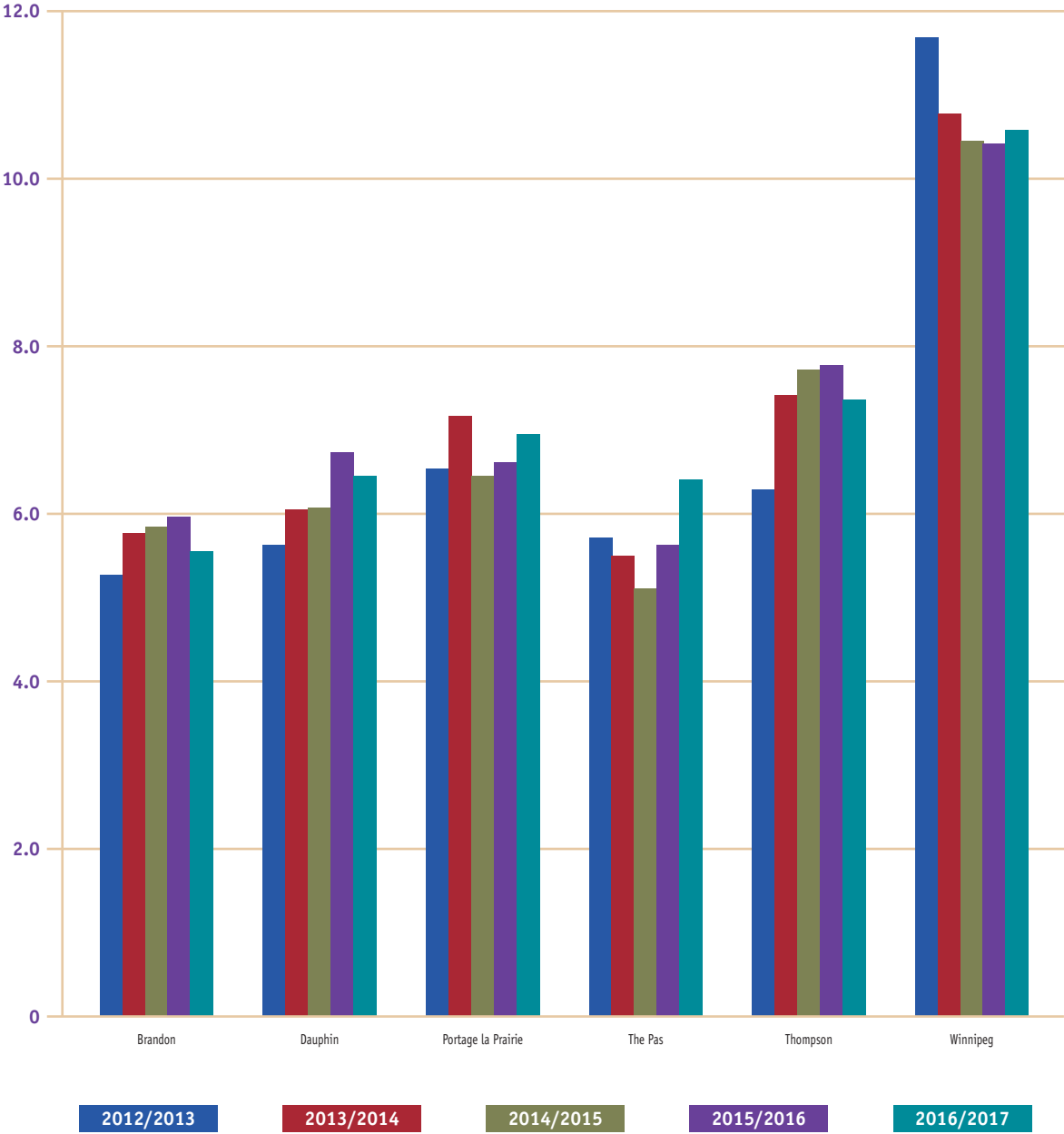
Figure 3 – Average Number of Appearances to Disposition by Court Centre

Court Centre	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	Average
Brandon	5.3	5.8	5.8	6.0	5.6	5.7
Dauphin	5.6	6.0	6.1	6.7	6.5	6.2
Portage la Prairie	6.5	7.2	6.5	6.6	7.0	6.8
The Pas	5.7	5.5	5.1	5.6	6.4	5.7
Thompson	6.3	7.4	7.7	7.8	7.4	7.3
Winnipeg	11.7	10.8	10.4	10.4	10.6	10.8
Average	9.7	9.3	9.1	9.2	9.3	9.3

¹ The Front End Project was fully implemented in March 2004.

Provincial Court Performance Measures

Figure 3 – Average Number of Appearances to Disposition by Court Centre



Provincial Court Performance Measures

Time to Disposition

The Court disposed of 46,163 Informations or cases in the 2016/17 fiscal year. An Information is the charging document, which may contain, and frequently does contain, more than one charge or offence. On July 8, 2016, the Supreme Court of Canada in *R. v. Jordan* 2016 SCC 27 held that matters in provincial courts should generally be concluded in less than 18 months, otherwise, there is a real risk that an individual's *Charter* right to be tried within a reasonable period of time will not be met. The vast majority of Informations (93 per cent), were disposed of within less than 18 months; however, there is still a significant number of Informations which took longer than 18 months to disposition.

The Office of the Chief Judge is reviewing the current scheduling model to determine if other models could help reduce the timelines for the most serious cases and provide greater efficiencies. The Judges of the Court continue to examine ways to ensure the Supreme Court's guidelines are followed and timely resolution of criminal charges occurs.

Figure 4 below illustrates the time to disposition of Informations, with warrants excluded, by Court centre.

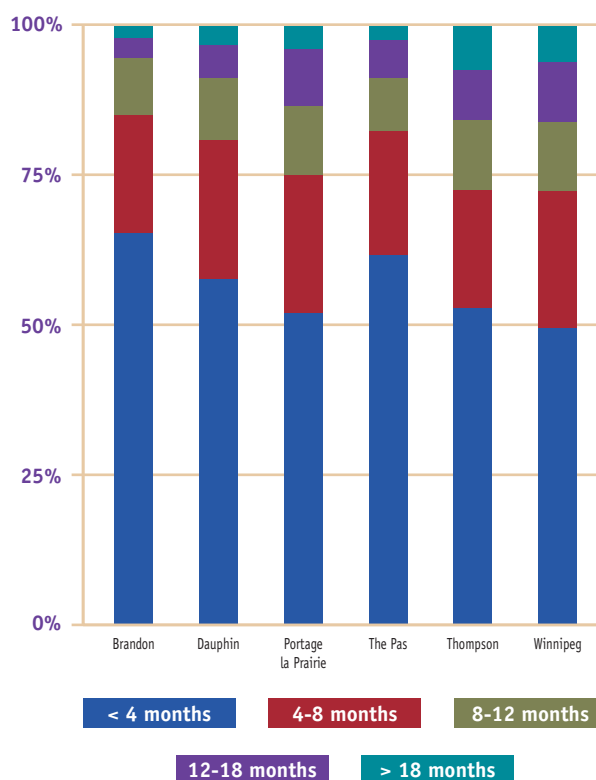


Figure 4 – Time to Disposition (excluding warrant time) by Court Centre, 2016/2017

Court Centre	<4 months	4-8 months	8-12 months	12-18 months	>18 months	Total
Brandon	2,529	754	370	133	78	3,864
Dauphin	1,104	444	199	103	65	1,915
Portage la Prairie	899	400	198	165	69	1,731
The Pas	1,244	419	177	131	50	2,021
Thompson	3,064	1,132	692	479	436	5,803
Winnipeg	15,267	7,026	3,530	3,054	1,952	30,829
Total	24,107	10,175	5,166	4,065	2,650	46,163

Provincial Court Performance Measures

Figure 5 provides a breakdown by severity level of cases disposed of in the 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 would be categorized at Severity 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 includes assaults, breaches of probation and recognizance, theft under \$5000 and mischief. Most cases in the Court (67 per cent) are Severity Level 2.

Figure 5 – Severity Level of Offences in 2016/2017

Offence Types comprising >3% of Severity Level Total in 2016/2017	Percentage of Total of all Informations	Percentage of Total Informations by Severity Level	Number of Informations
Severity Level 1	5%	100%	2,520
Impaired Operation	3%	55%	1,397
All Drug Classes - Possession	2%	35%	884
Liquor Act	0.3%	5%	131
SL 1 Other	0.2%	4%	108
Severity Level 2 (Breaches)	45%	100%	20,661
FTC Probation	13%	30%	6,200
FTA Court	9%	21%	4,308
FTC Recog	8%	17%	3,595
FTC YCJA Order	6%	13%	2,730
FTC Undertaking	5%	12%	2,428
SL 2B Other	3%	7%	1,400
Severity Level 2 (Substantive Offences)	22%	100%	10,361
Assault	8%	35%	3,620
Theft under \$5,000	4%	18%	1,874
Utter Threats	3%	13%	1,317
Mischief	2%	10%	1,037

Provincial Court Performance Measures

Figure 5 – Severity Level of Offences in 2016/2017 (Continued)

Offence Types comprising >3% of Severity Level Total in 2016/2017	Percentage of Total of all Informations	Percentage of Total Informations by Severity Level	Number of Informations
Highway Traffic Act	2%	9%	907
SL 2S Other	2%	9%	899
Assault Peace Officer	1%	4%	377
Refuse/Fail to Comply/Provide Sample	1%	3%	330
Severity Level 3	17%	100%	8,041
Assault With a Weapon/CBH	5%	27%	2,210
SL 3 Other	3%	19%	1,541
Possess Stolen Goods/Property OBC	3%	18%	1,448
Possession of Weapons	3%	15%	1,245
Fraud	1%	8%	676
All Drug Classes - Trafficking	1%	7%	555
Driving While Proh./Disq./Susp. (CCC)	1%	5%	366
Severity Level 4	6%	100%	2,902
Break and Enter	3%	40%	1,164
SL 4 Other	1%	18%	527
Sexual Assault	1%	13%	381
Weapons Possession Contrary to Order	1%	9%	249
Sexual Interference	1%	8%	238
Forcible Confinement	0.5%	8%	220
Offences Against the Rights of Property (Part IX CC)	0.3%	4%	123

Provincial Court Performance Measures

Figure 5 – Severity Level of Offences in 2016/2017 (Continued)

Offence Types comprising >3% of Severity Level Total in 2016/2017	Percentage of Total of all Informations	Percentage of Total Informations by Severity Level	Number of Informations
Severity Level 5	3%	100%	1,298
Robbery	2%	54%	700
Aggravated Assault	1%	35%	459
SL 5 Other	0.2%	7%	85
Sexual Exploitation	0.1%	4%	54
Severity Level 6	1%	100%	271
Robbery with a Firearm	0.1%	22%	59
Home Invasion	0.1%	20%	54
Discharge Firearm with Intent	0.1%	19%	52
Incest	0.1%	9%	24
Kidnapping	0.05%	8%	23
Anal Intercourse	0.05%	8%	23
Aggravated Sexual Assault	0.03%	5%	13
SL 6 Other	0.03%	4%	12
Impaired Cause Death	0.02%	4%	11
Severity Level 7	0.2%	100%	109
Attempted Murder	0.1%	35%	38
Murder 2nd Degree	0.1%	33%	36
Manslaughter	0.1%	26%	28
Murder 1st Degree	0.02%	6%	7
Total for all Informations	100%		46,163

Provincial Court Performance Measures

The pie chart in Figure 6 provides a picture of the types of cases disposed of by the Court according to severity level.

Figure 6 – Number of Informations Disposed in 2016/2017 by Severity Level Categorized by Most Severe Charge on the Information

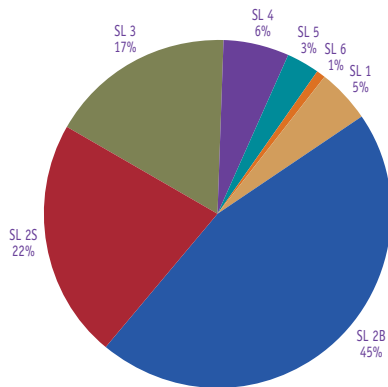


Figure 7 and 8 provide a picture of how long a case took to disposition by severity level. The chart demonstrates that almost all cases were completed within 18 months. Not surprisingly, the cases at the higher severity level take the most time and much more frequently exceeded eighteen months.

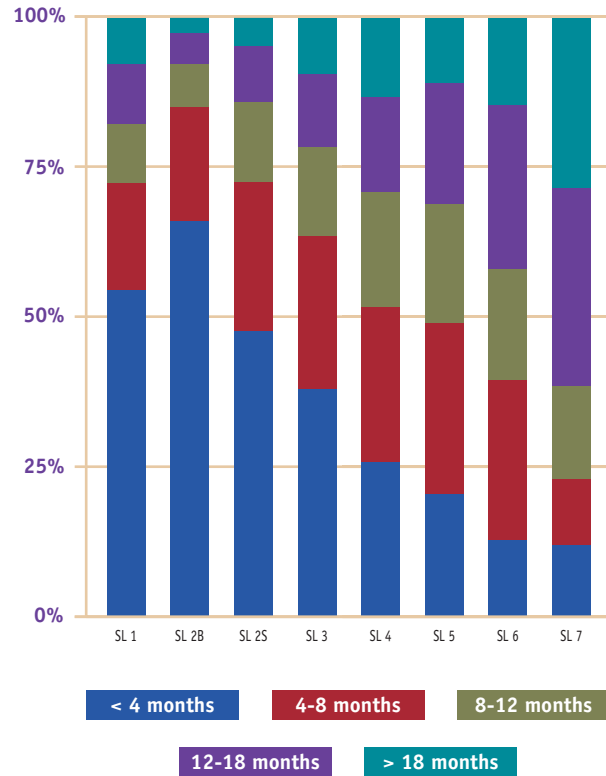


Figure 7 – Time to Disposition (excluding warrant time) by Severity Level, 2016/2017

Severity Level	<4 months	4-8 months	8-12 months	12-18 months	>18 months	Total
SL 1	1,377	448	244	254	197	2,520
SL 2B	13,651	3,901	1,493	1,037	579	20,661
SL 2S	4,949	2,571	1,366	965	510	10,361
SL 3	3,064	2,051	1,185	978	763	8,041
SL 4	752	750	553	461	386	2,902
SL 5	266	370	258	260	144	1,298
SL 6	35	72	50	74	40	271
SL 7	13	12	17	36	31	109
Total	24,107	10,175	5,166	4,065	2,650	46,163

Provincial Court Performance Measures

Average Number of Days to Disposition

Looking at the average number of days to disposition allows the Court to monitor those types of matters which tend to exceed eighteen months. Figure 8 below depicts the average number of days to disposition according to Severity Level. As some of the other data shows, the most serious matters (Severity Level 7 – SL7) take the longest. It must be kept in mind there are relatively few SL7 matters and therefore, the average time to disposition can be inflated where there is a single significantly lengthy case included in the calculation.

While in 2016/17, the average number of days to disposition indicates that many cases were disposed of within the *R v Jordan* time line of 18 months or 548 days, Figure 7 makes it clear that much work still needs to be done to ensure that there is a downward trend from the 2,650 cases that were not completed in the Provincial Court within 18 months.

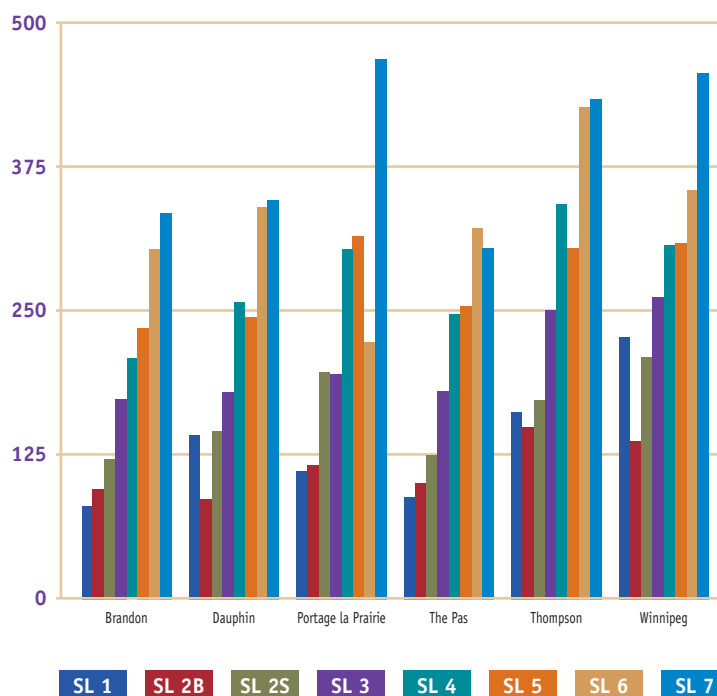


Figure 8 – Average Number of Days to Disposition (excluding warrant time), 2016/2017

Court Centre	SL 1	SL 2B	SL 2S	SL 3	SL 4	SL 5	SL 6	SL 7	Global Average
Brandon	79	94	120	173	208	234	303	334	123
Dauphin	141	85	144	178	256	243	339	345	146
Portage La Prairie	110	115	196	194	303	314	222	468	169
The Pas	87	99	124	180	247	254	322	304	134
Thompson	161	148	172	249	343	304	426	434	193
Winnipeg	226	136	209	261	306	308	354	456	195
Global Average	189	130	187	242	299	299	354	432	183

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 that there is balance between the number of new cases and concluded cases

in a one-year period. Both adult and youth cases are starting to show a downward trend in the clearance rate in the last four years. The Office of the Chief Judge will continue to monitor this trend.

Figure 9 – Youth Clearance Rate

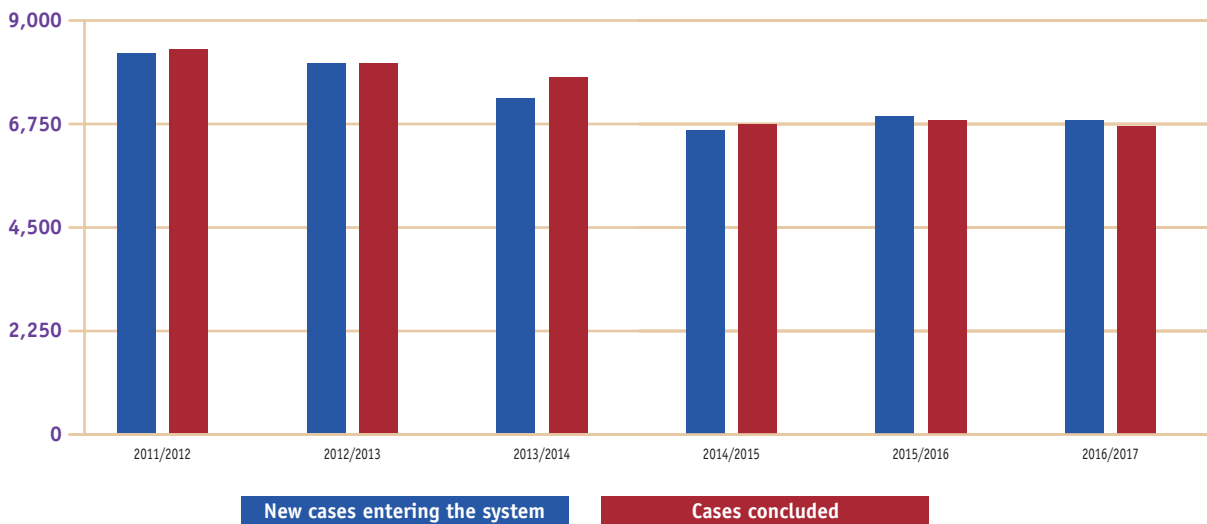
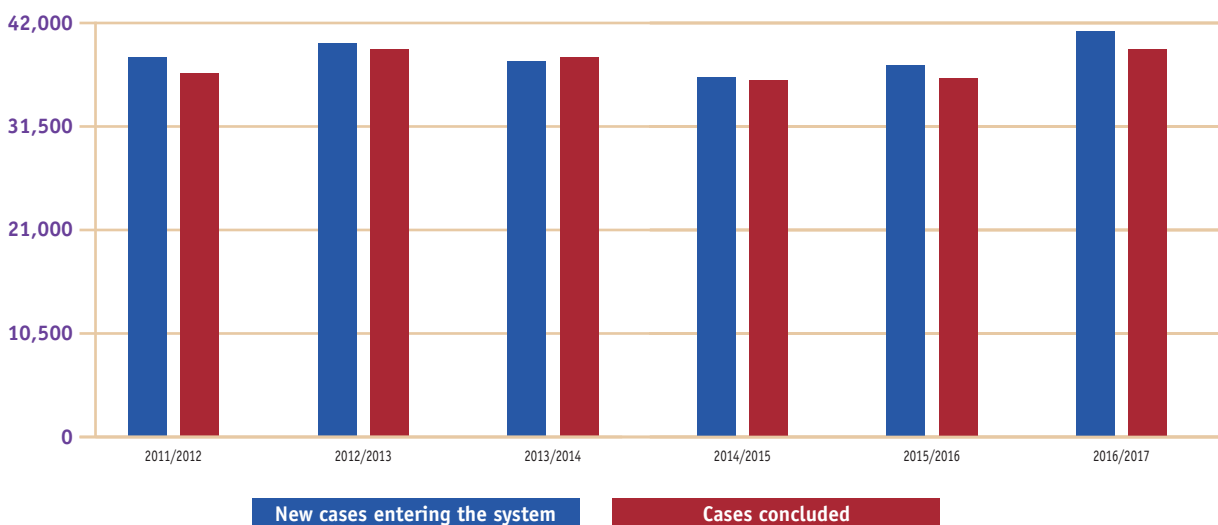


Figure 10 – Adult Clearance Rate



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 a seven-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.

Figure 11 – Number of Applications for Warrants and Production Orders Reviewed by Judges and JJPs

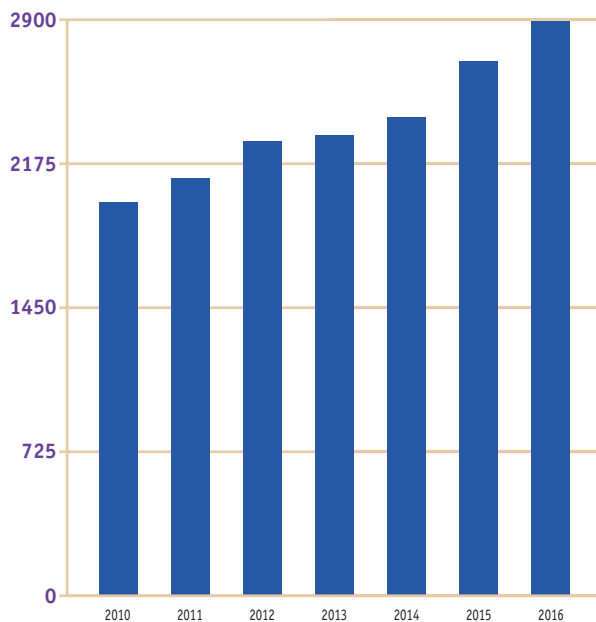
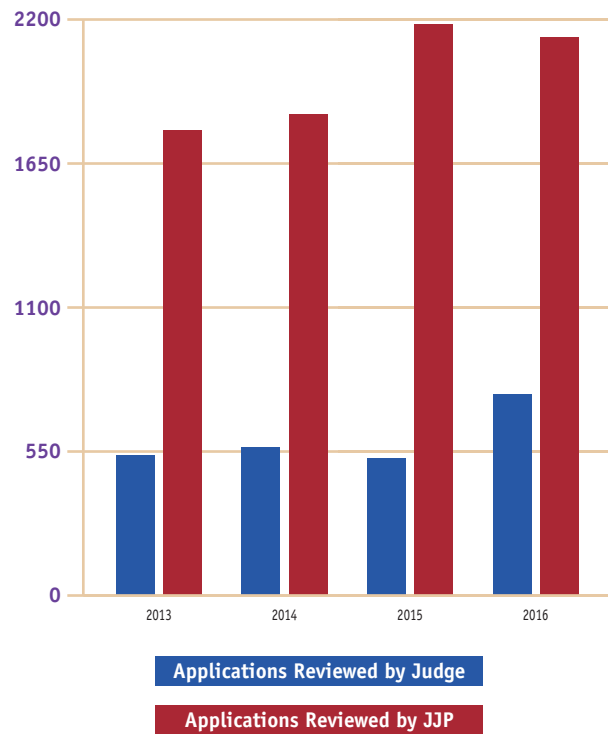


Figure 12 – Number of Applications for Warrants and Production Orders



It is noteworthy; the total number of judicial authorizations considered by the Court has seen a steady increase. This likely coincides with the addition to the *Criminal Code* of more types of orders and warrants – which may reflect Parliament responding to changing technology as well as decisions of the Supreme Court of Canada.

Speciality Courts

The Provincial Court of Manitoba is involved in Specialty Courts. Specialty courts use a team approach where the Court partners with community organizations and services in order to emphasize rehabilitation and reduce recidivism. These courts generally require some 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.

The Winnipeg Drug Treatment Court program is available to offenders charged under the *Controlled Drugs and Substances Act* with drug-related offences such as possession, possession for the purposes of trafficking, and trafficking, and/or non-violent Criminal Code offences. To be eligible, the offender must be dependent on drugs and their criminal behaviour must have been caused or motivated by their addiction.

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.

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 of Winnipeg. There were 364 child protection and Family Maintenance Act files opened in the Court in the 2016/17 fiscal year. In *Child and Family Service of Western Manitoba v. PH and TB* 2017 MBCA 41 and *Manitoba (Director of Child and Family Service) v. HH and CG* 2017 MBCA 33, the Manitoba Court of Appeal was critical of the length of time child protection matters remain before the court. The Court is in the process of evaluating the speed at which these matters proceed in order to improve the length of time it takes to resolve these issues.

Summary Convictions Court

Traffic matters come before the Court in two ways, common offence notices (officer-issued tickets) or CON and image capturing enforcement tickets (photo radar and red-light camera tickets) known as ICES. In February 2016, to address the significant delay in the hearing of traffic court matters, court administration worked with the Manitoba Prosecutions Service and launched an initiative to reduce trial wait times. This Pre-Plea Triage

project would provide persons charged with a Summary Convictions offence, who intended to set a trial date, with the opportunity to speak with a Crown Attorney to see if a resolution could be achieved. The resolution may be a guilty plea and a joint recommendation as to disposition before a JJP. At the close of the 2016/17 fiscal year, this initiative had substantially reduced the number of Summary Convictions Court trial dates set.

Figure 13 – Number of Trial Dates Set

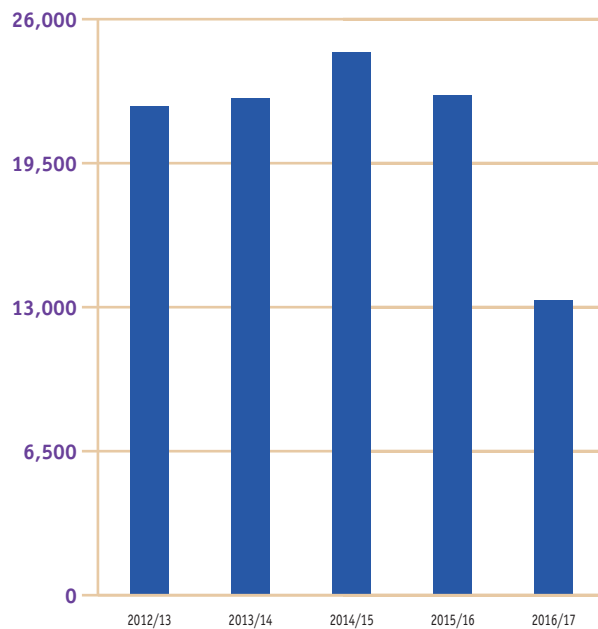
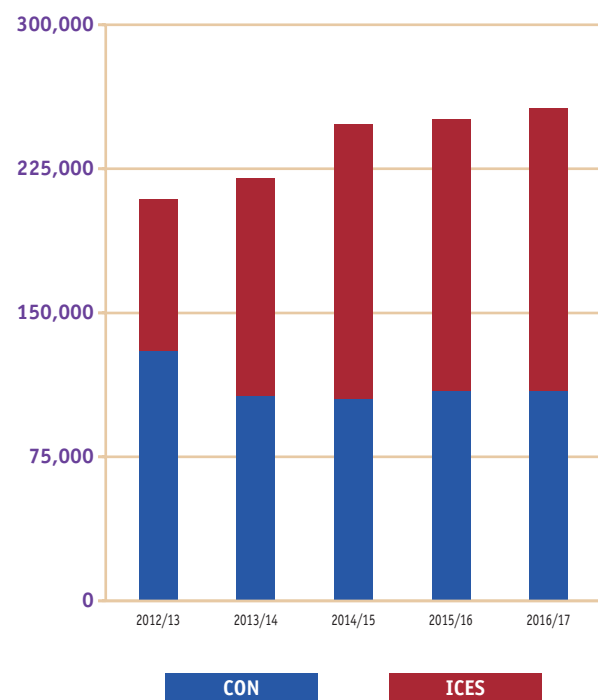


Figure 14 – Number of New Tickets Issued



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 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 2016/17 there were twelve reviews conducted by Provincial Court judges.

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 2016/17 there were two hearings held by the Provincial Court.



Inquests

Under The Fatality Inquiries Act, where the Chief Medical Examiner determines an inquest should be held, it is presided over by a judge of the Provincial Court. At the end of inquest hearings, 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 circumstances to those, which resulted in the death that is the subject of the inquest.

The inquest judge is not to 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.

Inquest Reports are to be completed within six months following the end of inquest hearings, 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, 2017, there were five inquest hearings ongoing and a further eight inquests that had been called by the Chief Medical Examiner, and these had either been scheduled to commence after March 31, 2017 or had not yet been scheduled to commence. There were two Inquest Reports awaiting completion as of March 31, 2017.

In 2016/17 there were five Inquest Reports issued by the Court as noted in Figure 15 below:

Figure 15 - Inquest Reports

Name of Deceased	Date of Report Release	Time to Complete Report
Craig Kutcher	April 13, 2016	6 months
David Durval Tavares and Sheldon Anthony McKay	June 15, 2016	2 months
Michael Brian Langan	July 14, 2016	1 month
Gilbert Moise	November 4, 2016	6 months
Tyler St. Paul	December 6, 2016	6 months

Other Work of the Court

Circle of Care – Sagkeeng Wellness

In the 2014/15 annual report, we reported significant groundwork had been laid for the Circle of Care. The Circle of Care was a voluntary program available to parents who live in the Sagkeeng First Nation and whose children had been apprehended by Sagkeeng Child and Family Services. The program was implemented with the cooperation of the Sagkeeng First Nations Council, Sagkeeng Child and Family Services, Sagkeeng Wellness Centre and the Court. The program was funded as a pilot project by the Province of Manitoba and concluded in December 2016.

The Circle of Care program enabled the parent(s) to work with a circle that included relevant community resources and supports including addictions and mental health programs, as well as family members and/or community elders. The philosophy is to apply a holistic and comprehensive approach to the issues, which brought children into care. The goal is to address these issues in a more timely and permanent fashion through the Caring Circle than can be done in the traditional court process.

In all, 32 families – encompassing 109 children participated in this program which provided an extra-judicial option for families involved in the child welfare system in Sagkeeng. A formal evaluation of the pilot project reported that the children of 17 of those 32 families were returned to the care of their parent(s), five families were still involved in the Circle, and six families were referred back to the child welfare agency because of a lack of engagement.

The evaluation was positive with recommendations for an improved model. The court understands the community is seeking additional funding to continue the program. The Provincial Court remains committed to working cooperatively with this community and all others in an effort to address the high number of children in care of provincial child protection agencies.

Judicial Education

Judicial education is planned and implemented under the direction of an internal Court Education Committee. The Court is committed to providing judges with at least 10 days of judicial education annually. The law and society is changing at a rapid pace and it is important judges continue a path of life-long learning to maintain their skill level and knowledge for the important decisions they make every day. In addition to education arranged and planned by the Court's education committee, there are numerous national organizations which provide exceptionally 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. Judges routinely study and discuss changes in the law. The following list provides a sampling of the topic areas in which Manitoba judges received education this past fiscal year.

- National Criminal Law program
- French language training
- Judicial Mentoring in Family law
- Family Law Conference: Children
- Writing style and Context
- Indigenous Legal Traditions
- New Judge's Skills-based Training
- New Judge's Communication Skills
- Evidence and Charter courses
- Survive and Thrive
- Judicial Authorizations and Search Issues
- Alcohol-related Neurological Deficits and Fetal Alcohol Syndrome Disorders
- Vicarious Trauma
- Child Protection and Family Maintenance Act
- Productivity, Management and Leadership for Chief Judges and Administrative Judges

Other Work of the Court

JJPs receive at least four days of classroom education annually. An orientation and education plan is organized for all newly appointed JJPs to ensure significant on-the-job learning is provided.

In this fiscal year, the JJPs received education on evidence, judicial authorizations, provincial offences, delivering reasons for judgments, Indigenous rights, moot court practical experience, and strategic planning follow-up. In addition to formal education programs, Judges and JJPs regularly study case law in order to stay current on legal principles and trends.

Out of Court work

A great deal of work by Provincial Court judges occurs outside of the courtroom. A sampling of the international, national, provincial and community involvement of the judges of the Provincial Court is provided below.

INTERNATIONAL

American Judges Association:

- Member of Board of Governors
- Co-chair of Education for 2018 National Conference

NATIONAL

On the Canadian Council of Chief Judges (CCCJ)

- Judicial Security Committee
- Aboriginal Justice Committee
- Jordan Committee
- Virtual Office/Website Committee
- Therapeutic Courts Evaluation Committee

CANADIAN ASSOCIATION OF PROVINCIAL COURT JUDGES (CAPCJ)

- National Education Committee Chair and Co-Chair
- Equality Committee
- CAPCJ Judicial Compensation Committee
- CAPCJ Judicial Independence Committee
- Chair of CAPCJ Ethics' Committee
- Ethics Advisory Council
- Committee on the Law
- Nominating Committee
- Co-chair of the CAPCJ Access to Justice Committee
- Chair of the Prairie Provinces and Territories Judgement writing course
- CAPCJ Newsletter Committee

CANADIAN BAR ASSOCIATION (CBA)

- Judge's Forum
- Board of the Judges Counselling Program
- Chair of the National Steering Committee on Justice Efficiencies and Access to the Justice System
- Chair of the National Symposium on Criminal Justice Reform
- Member of the Ontario/Saskatchewan Expert Advisory Committee

Other Work of the Court

PROVINCIAL

Manitoba Provincial Court Committees:

- Management Committee
- Manitoba Courts Security Advisory Committee
- (Judicial) Education Committee
- Social/Goodwill Committee
- Child Protection Committee
- Joint Committee on Family Law and Child Protection (with representation from the Manitoba Court of Queen's Bench)
- Child Protection Continuing Education Planning Committee
- Judge Shadowing Committee
- Articling Student Mentoring Committee
- Youth Justice Committee
- Video Expansion Committee
- Court Liaison Committee
- Drug Treatment Court oversight Committee
- Judicial Resources Committee
- Community Outreach Committee
- Case Management Committee
- Case Management Assessment Committee
- Indigenous Justice Committee
- JJP Education Committee
- Management Committee
- Advisory Committee to the Aboriginal Court Workers Program
- Provincial Judges Association of Manitoba Executive and Members at Large
- Access to Justice Stakeholder's Committee (a Law Society Committee)
- FASD youth justice steering committee
- Thompson domestic violence treatment court
- Compensation Committee

- Wellness Committee
- Warrant Working Group
- Mentoring Committee
- Prairie Regions Judicial Writing Program Faculty members
- Probation Liaison Committee
- Mentoring Committee
- Lecturer at Robson Hall Law School

In addition to professional committees, many judges volunteer and are significantly involved in their communities.

COMMUNITY INVOLVEMENT

- Waverly Park Parent Council
- Westman Community Mobilization Steering Committee
- Board of the Sisters of the Holy Names House of Peace
- Riverview Community Centre Board
- Parent Volunteer at School
- Westman Aphasia Inc.
- Board of directors of CancerCare Manitoba
- Board of Directors Jewish Foundation of Manitoba
- Board of the Winnipeg Jewish Theatre
- Advisory Committee to the Legal Help Center
- Dauphin and District Community Foundation
- Director/Producer of YAK Drama
- Saul and Claribel Simkin Centre-Nominating Committee
- President of the General Council of Winnipeg Community Centres
- Honourary Board of Directors The Westland Foundation
- Honourary Board of Directors Special Olympics Manitoba
- Member of Protocol Committee, Canada Games

Contingent Liability

Under The Provincial Court Act, the Annual Report of the Court is to include the contingent liability of the government for public funds that results from unused vacation leave or retirement allowances of the Judges. The financial liability of the Government of Manitoba for the retirement allowances of those Judges entitled to same and who were eligible to retire on March 31, 2017 was \$702,506.15. The financial liability of those Judges who had unused vacation leave as of March 31, 2017 (based on the premise of them having resigned from judicial office on March 31, 2017 without having used the vacation leave to which they were entitled) was \$874,357.27. Therefore, the total contingent liability of the Government of Manitoba for public funds that results from unused vacation leave or retirement allowances of the Judges as of March 31, 2017 was \$1,576,863.42.



Available in alternate formats, upon request.