

St. Hill, Jacqueline (JUS)

From: Dupuis, Rachelle (JUS)
Sent: 2004-Jul-08 3:15 PM
To: *WPG124 - Prosecutions All (JUS)
Subject: MESSAGE SENT ON BEHALF OF SMP (SENIOR MANAGEMENT PROSECUTIONS) - VBR



Memo - all staff - VBR
(July 8...

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Memorandum

DATE: July 8, 2004

TO: All Prosecutions Staff

FROM: Rob Finlayson
Jacqueline St. Hill
Don Slough
Brian Kaplan
Carol Abbott

PHONE:

FAX:

EMAIL:

FILE:

SUBJECT: *The Victims' Bill of Rights*, Victim Impact Statements and Use of PRISM

There continue to be issues arising throughout Prosecutions in relation to obligations under *The Victims Bill of Rights*.

Please be reminded that the designated offences are:

“Auto-Registered”

- Murder
- Manslaughter
- Aggravated sexual assault
- Sexual assault with a weapon including threats to a third party or causing bodily harm, and where an individual “is a party to the offence with another person”
- Infanticide
- Workplace fatalities
- Criminal negligence causing death
- Impaired operation of a vehicle causing death
- Dangerous operation of a vehicle causing death

“Non Auto-Registered” (victim initiated)

- Aggravated assault - **Auto-Register if domestic**
- Assaulting a peace officer or public officer
- Discharging firearm with intent - **Auto-Register if domestic**
- Attempted murder - **Auto-Register if domestic**
- Parent or guardian procuring sexual activity
- Corrupting children
- Computer luring of children
- Living off the avails of a prostitute under 18
- Procuring a prostitute under 18

In addition – all fatality cases under *The Highway Traffic Act* are to be treated in accordance with the approach under *The Victims Bill of Rights*. That is, family members are automatically registered in these cases as well, and will be informed and able to participate in the process.

The initial group of offences result in automatic registration of the victim contact person. The second group requires victim-initiated registration. In the latter category, many of you are aware that WPS and Winnipeg Police Association have made a concerted effort to have all police officer-complainants register.

VBR Registration forms are to be sent in to the CVRWs, however sometimes these forms are handed to a Crown Attorney or sent to our office. If you see these forms on a file, please ensure that it is forwarded to the CVRWs. (Make a note in PRISM indicating that you've done this)

Whenever you are dealing with a designated offence, it is imperative that PRISM be checked to determine the situation vis-a-vis the victim/victim's family and their rights.

The Crime Victim Rights Workers rely on PRISM for up-to-date information concerning the status of these cases (court dates, remand reasons, bail hearings, etc.). Accordingly, the system **must be used by support staff and Crown Attorneys alike** to allow for the CVRWs to assist in fulfilling Prosecutions' legal obligation. In particular, any direct contact with the victim by support staff or Crowns must be noted in PRISM in order for the CVRWs to be aware of same. Court dates for designated offences must be updated as soon as possible. PRISM file notes are helpful, easily made and legible! If you are handling a designated offence matter and are not checking PRISM for notes made by either the CVRWs or one of your colleagues, you are at risk of missing information that can be critical.

CVR Workers are able to run a report in PRISM that will show them all the PRISM files created that have designated offences but there is no automatic notification in PRISM to notify CVR Workers of remand dates or changes in status to a file. Further, the recent transition by Winnipeg Police Service to RMS has caused an impact on the notification of CVR Workers of designated offences. At this point, communication between the assigned Crown and the CVR Worker is all the more crucial.

PRISM is in place to assist everyone within Prosecutions and all staff has access to the system. Please use it.

All staff has been offered training and/or trained. However, anyone who would like assistance in the use of PRISM, or a "re-fresher" course can contact Ms. Rachelle Dupuis who will make the necessary arrangements.

Please also be reminded that the CVRWs can assist with meetings with family members. Crown Attorneys are not expected to handle such meetings alone. These meetings can be very difficult due to the family's emotional state and lack of understanding of the realities of the justice system and legal constraints facing the Crown. Please do not hesitate to contact the CVRWs as necessary.

There are a number of reminder points related to **Victim Impact Statements:**

- the opportunity to provide a VIS applies to **all Criminal Code** offences
- the VBR incorporates a reference to VIS and an obligation on the Crown to ensure that the victim can prepare the document if they wish

- the ordering of a pre-sentence report does not mean that a VIS will be done automatically. Corrections Division does not have this obligation. For Youth matters, the YCJA requires contact with the victim. For Adult matters, this is not the case. IF there is no VIS at the time a PSR is ordered, please send a letter to the victim with a VIS form advising that they have the option of submitting one for the sentencing. (Please refer to Crown Policy – Victim's Rights)
- if there is a VIS on file, please ensure that a copy is attached to the PSR request.

At any time if you have a question concerning an issue related to *The Victims Bill of Rights*, Victim Impact Statements or PRISM, please speak with your Supervising Senior Crown Attorney or appropriate Director.

Thank you

SMP

/rd