

# Exploring Criminal Justice in Manitoba\*

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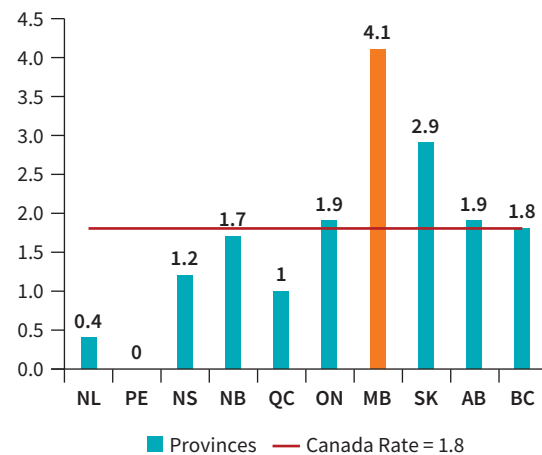
This supplement to *Exploring Criminal Justice in Canada* provides additional content about crime and the responses of the police, courts, and corrections that is specific to Manitoba, including issues related to urban and rural crime, and crime-related challenges that are distinctive to the province. In addition, there are examples of miscarriages of justice and issues related to managing crime and responding to victimization. Altogether, these cases, events, and information specific to Manitoba enable readers to better understand the provincial context that can't be covered in a textbook that focuses on the entire nation.

## MANITOBA: CRIME AT A GLANCE

Like neighbouring Saskatchewan, crime rates and rates of self-reported victimization in Manitoba lead the nation. While this is a gloomy start to a discussion about crime, the Crime Severity Index (CSI), a measure of the volume and seriousness of crimes reported to the police has been dropping since the 1990s, and between 2008 and 2018 there was a 3 per cent drop in the CSI in Manitoba. While the total CSI for the entire nation in 2018 was 75, Moreau (2019, p. 51) reports the total overall CSI for Manitoba was 126, the second highest provincial rate (behind Saskatchewan, with a CSI of 139). The violent CSI—170—was the highest in the nation, and over twice the national average of 82. With respect to individual offences, Moreau (2019) found that Manitoba also led the nation for homicide, robbery, and major assaults (levels 2 and 3). While *Exploring Criminal Justice* described the provincial differences in the CSI the following figures show differences in homicide and other specific crimes.

Figure 1 shows the homicide rate per 100,000 residents for 2018 and the Manitoba rate is more than double the national average. The number of

homicides in Manitoba averaged 49 per year from 2009 to 2018, but has been increasing. Of the 55 murders in 2018, for example, 22 of the victims (40 per cent) were from Winnipeg, which is a decrease from previous years (Moreau, 2019). One of the reasons why the homicide rate is high in Manitoba is the large number of aggravated assaults or assaults with a weapon which can turn into



**FIGURE 1** Provincial Homicide Rates (Per 100,000 Residents), 2018

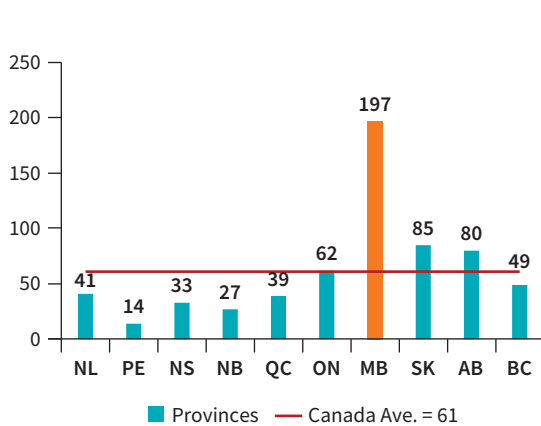
Source: Adapted from Moreau (2019).

\*The ten provincial summaries follow a common template and although the examples presented in this supplement differ from the other nine, some of the content is very similar or will have identical text.

homicides (e.g., if victims do not receive prompt medical care). Manitoba was second only to Saskatchewan in the rates of attempted murders and rates of major assaults (level 2 and 3) were over two times the national average. Homicides also tend to be highly related with robberies, and Manitoba also led the nation in robberies in 2018 and Moreau (2019) data shows these offences were over three times the national average (see Figure 2).

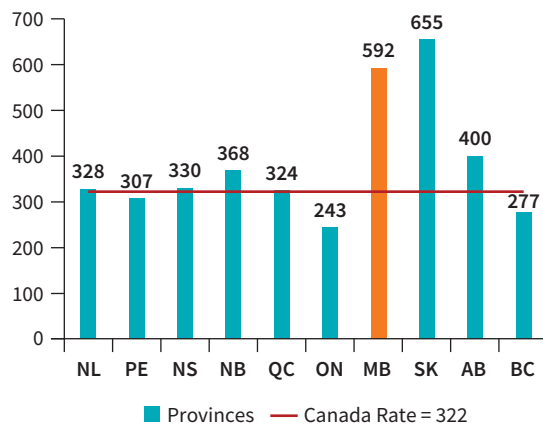
As noted in *Exploring Criminal Justice*, some populations are more vulnerable to being victimized and a disproportionate number of people murdered in Manitoba were of Indigenous ancestry: of the 55 victims in 2018, 40 were Indigenous. To put that number in perspective the homicide rate for Indigenous males in Manitoba was about 10 times higher than for non-Indigenous males, while the homicide rate for Indigenous women was almost 12 times the rate for non-Indigenous women (Roy & Marcellus, 2019). Roy and Marcellus also report that of the 59 persons accused of homicide in 2018, 47 were of Indigenous ancestry. Those researchers also report that homicide rates in Manitoba are seven times higher in the north than rates in the southern regions.

Manitoba also has high rates of family violence, including intimate partner violence (IPV), which are assaults committed by current or former spouses or intimate partners. The Chief Public Health Officer of Canada (2016) called family violence a serious public issue and reports that more than 200 people are victimized every day and a woman is killed by a family member every four days. Risks of victimization increase for women, Indigenous women, people with disabilities, and those who identify as lesbian, gay, bisexual, or trans or questioning (Chief Public Health Officer of Canada, 2016, p. 6). The findings of self-report surveys show that most incidents of family violence are never reported to the police. According to the 2014 General Social Survey (GSS) “4 per cent of Canadians in the provinces with a current or former spouse or common-law partner reported having been physically or sexually abused by their spouse during the preceding 5 years” (Canadian Centre for Justice Statistics, 2016, p. 3). We are awaiting the results of the 2019 General Social Survey on victimization to see if this trend has continued; those results should be published by the Canadian Centre for Justice Statistics by 2021. Figure 3 shows the provincial rates of IPV reported to the police, and Manitoba had the second highest rates in the nation.



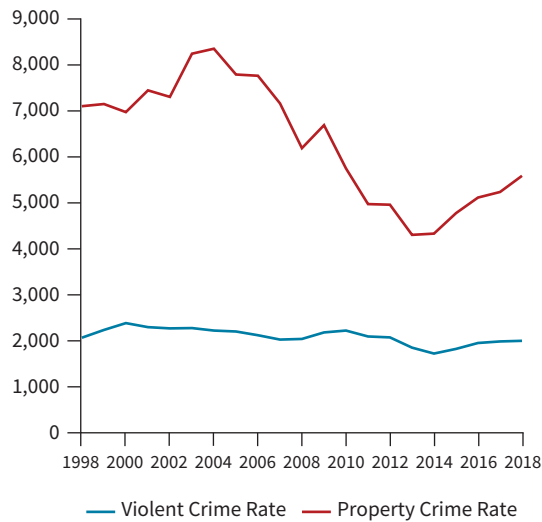
**FIGURE 2** Provincial Robbery Rates in Canada, 2018

Source: Adapted from Moreau (2019).



**FIGURE 3** Rates of Police-Reported Intimate Partner Violence per 100,000 Residents, 2018

Source: Adapted from Burczycka (2019).

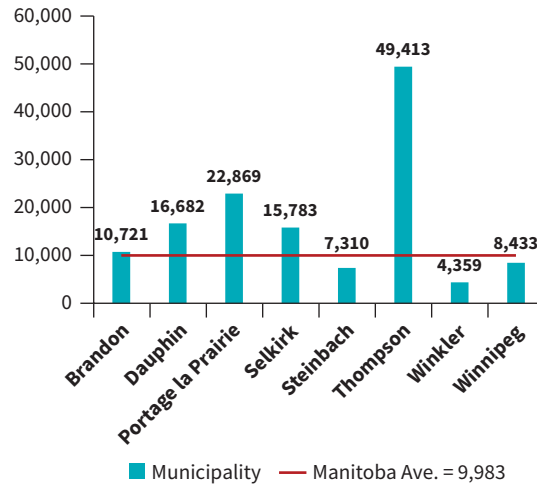


**FIGURE 4** Violent And Property Crime Rates Per 100,000 Residents, Manitoba, 1998–2018

Source: Adapted from Statistics Canada (2020a). Table 35-10-0181-01.

Despite the fact that Manitoba leads the nation in rates of crimes reported to the police, there is some good news as these rates have been decreasing in the past two decades. Figure 4 shows the drop from 1998 to 2018 for violent and property crimes reported to the police. The largest decrease was in the number of property offences while the violent crime rate was stable over those two decades. The finding of a decreased number of crimes reported to the police was confirmed by the 2014 GSS. Perreault (2015, p. 7) found the proportion of Manitobans who reported being the victims of violent crimes dropped from 139 per 100,000 residents in 2004 to 108 per 100,000 residents in 2014, a 22 per cent decrease.

Figure 5 presents the overall crime rates per 100,000 residents for the eight largest Manitoba cities for 2018, and this figure shows considerable variation in these places. Thompson, for example, has an overall crime rate that is almost six times higher than Winnipeg. An important question that criminologists ask is why crime differs so much between these places. Is it, for example, due to the actual number of crimes, or are residents of some cities more likely to report their victimization than their counterparts from other cities?



**FIGURE 5** Total Crime Rate per 100,000 Residents, Largest Manitoba Cities, 2018

Source: Adapted from Statistics Canada (2020a). Table 35-10-0181-01.

## Critical Thinking Questions

1. What are some possible reasons why rates of robbery, serious assaults and murders seem to be interconnected?
2. What factors might lead to higher crime rates in northern Manitoba?
3. Why does Manitoba have one of the highest rates of intimate partner violence in the nation?

## A STORM IS COMING: COVID-19 AND CANADA'S CRIMINAL JUSTICE SYSTEM

Three months into the pandemic—in mid-May 2020—the media isn't reporting significant national-level increases in the volume or seriousness of crime, but the types of crimes being committed are changing due to the number of people who are self-isolating, out-of-work, low on spending money, and suffering from stress and uncertainty. Some criminologists say that it is irresponsible to make predictions about the impact

of a one-time crisis on crime as there are few prior examples and too many unknowns. We do predict, however, that the crime-related impacts of the pandemic will differ throughout the nation. Some cities and provinces may be more resistant to the ill-effects of the economic downturn while parts of the country that were already suffering—such as Alberta or Newfoundland and Labrador—may be doubly disadvantaged.

The number of people turning to alcohol and drugs, committing suicide, and engaging in crime often increases in tough economic times. Police officials are reporting that the number of residential break and enters have decreased while commercial break-ins increased, as have domestic violence incidents and street robberies (Fitzpatrick, 2020; Howell, 2020). Hate crimes directed toward East Asians are also said to have increased since the start of the pandemic (Hager, 2020).

We might not consider how some social and legal changes affect criminal activities. Wells (2020) reports that closing the borders reduced the supply of illicit drugs coming into the country and prices increased; causing some users to turn to more lethal drugs. People involved in the sex trade can no longer sell their services due to the fear of transmitting the virus. Workers in some long-term care facilities in eastern Canada allegedly abandoned their clients and some elderly people died alone in these places. Furthermore, because schools have closed, it may be harder to detect cases of child abuse because teachers are no longer reporting these crimes. Last, although there are fewer cars on the road people are driving faster and the number of dangerous driving offences have increased in some provinces. We will not have a full accounting of the impact of COVID-19 pandemic until the 2020 police-reported crime statistics are released in the summer of 2021.

All three parts of the justice system are adapting to the pandemic, and the following briefly describes some initial impacts on the police, courts, and corrections:

**Police:** Luscombe and McClelland (2020) found that some police services have enforced social distance bylaws more aggressively

than others, and many people receiving tickets for violating these bylaws are already socially marginalized. It is proving difficult for some police services to strike a balance between ensuring public safety—including the health risks for officers and the people who get stopped, searched, and/or arrested—and resisting the expansion of police powers. Anecdotal accounts suggest that some police services directed their officers to ignore low-level crimes given the risks of contracting the COVID-19 virus in the interactions between suspects and officers.

**Courts:** Most courts closed because of social distancing and virtual and/or video hearings became more commonly used. Bail hearings were prioritized, although judges were reluctant to detain accused persons in jail given the risks of contracting the virus. There was a growing backlog of cases that need to be heard sometime in the future and some predict that jury trials will not resume until 2021 (Powell, 2020). There is likely to be a backlog of family matters and civil cases that further tie up the courts given the number of lawsuits that will be launched due to broken contracts.

**Corrections:** The virus swept through correctional facilities and inmate deaths were reported throughout the country. In order to reduce the risks of spreading COVID-19, about one-quarter of provincial inmates in Ontario were released from custody; the other nine provinces took a similar approach (and released about a similar proportion of inmates). The federal and provincial prisoners who remain in custody say that tensions in these facilities have increased as the people living behind bars feel powerless to avoid the virus, and family visits—which reduce tensions—have been cut to avoid importing the virus into these facilities. As a result, family members have expressed fear that their loved ones might die behind bars without their support.

We know that the criminal justice system will weather the unpredictable future, but question the

long-term impacts of the pandemic. By the time you read this summary, some of the issues we raised will have been resolved, but the long-term impact of the COVID-19 virus on the economy and jobs will shape the types of crimes that are occurring, and the operations of the police, courts, and corrections for years to come. As governments respond to manage a greater demand for services, their operating budgets maybe cut because of the economic downturns. Prior research has shown that recessions often result in less funding for the police, courts, and corrections at the same time that crime increases and the people involved in the criminal justice system have a greater set of unmet needs.

## RURAL CRIME

We tend to think of rural areas as having relatively low rates of crime and violence, but as noted in Chapter 2 of *Exploring Criminal Justice*, some rural places have higher levels of property and violent crime than any city. According to Statistics Canada (2019), about 343,000 Manitobans (27 per cent of the population), live in the countryside. Table 2.2 in *Exploring Criminal Justice*, which reports the results of research carried out by Perreault (2019) for Statistics Canada, shows that the total crime rate in rural Manitoba (11,309 offences per 100,000 residents) is higher than the rates for the cities (7,964 offences), and the violent crime rate in rural Manitoba (2,933 offences per 100,000 residents) is almost twice as high as the urban areas (1,521 offences).

One factor that sets urban and rural people apart is that some rural residents are hesitant to report their victimization to the police as they don't want to be the topic of gossip. Writing about rural residents, Smith and McElwee (2013, p. 116) note that "many victims of crime suffer in silence feeling a pressure to conform, 'keep the peace' and avoid making accusations." In addition, rural residents tend to be more conservative and independent than their city counterparts and may be more likely to retaliate against someone who have harmed them without involving the police

(Clairmont & Thomson, 2003). These conflicts sometimes lead to feuds between individuals, families, and entire communities. At some point the police become involved in these conflicts, but they are sometimes too late to prevent violence.

Life in the countryside presents some challenges, especially since the rural population is decreasing as young people are moving to the cities for other opportunities. Given the sparse populations, some residents feel exposed and fearful. Mandryk (2016, para. 15) reports that "rural people are all too aware that their remoteness" and the "scarcity of police makes them much more vulnerable." The RCMP detachments serving rural Manitoba are often spread thin and response times can be lengthy, given the areas that need to be patrolled and because bad weather can increase response times. As a result, when a city resident calls 911 the police can usually respond in minutes; in the countryside a response might take an hour or much longer if the weather conditions are poor.

Chapter 2 in the textbook addresses some specific types of rural crime. During tough economic times, the number of rural property crimes can increase as farms and ranches are often unattended and vulnerable to theft. Offences such as stealing livestock, harvested grain, or farm chemicals can be very profitable. It might, for example, only take a half-hour to load up a dozen cows into a trailer—and those animals might have the same value as a modest new car. People of all ages engage in these crimes and in October 2014 a 17-year-old from Fisher Branch, Manitoba, took nine cattle from a neighbouring farm. The youth loaded the cows into a trailer and sold them at the Winnipeg Live-stock Sales the next day, receiving \$9,000 for a few hours work (Pritchard, 2014).

The problem of rural crime is not unique to Manitoba and since 2016 there has been an increased awareness of the vulnerability of rural people to being victimized. In response to that fear the Government of Manitoba (2019, para. 3) announced that it was strengthening rural policing by expanding the use of crime reduction teams to "focus on serious, prolific offenders and

drug dealers.” Similar approaches have been taken in Alberta and Saskatchewan to respond to rural crime. In addition to the steps that governments have taken to reduce rural crime, there is an increased interest in rural crime watch, and some Manitoba rural municipalities (RM) have introduced citizens on patrol programs (see Rural Municipality of Springfield, 2020). Last, social media sites, such as Farmers Against Rural Crime—with over 16,500 Facebook members in May 2020—share information about rural crimes that have occurred. The individuals involved in these activities are encouraged to collect information about suspicious activities and crimes and give that information to the police.

### Critical Thinking Questions

1. What are some possible reasons why rates of robbery, serious assaults and murders seem to be interconnected?
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## THE 2014–18 CRIME INCREASE

One of the key themes in Chapter 2 of *Exploring Criminal Justice in Canada* was that police-reported crime was at the lowest point in decades. Moreau (2019, p. 33) says there were 11 years of decline between 2004 and 2014, but from 2014 to 2018 the CSI increased every year for the entire nation. Most of the national-level increase was due to a greater number of cases of sexual assault (level 1), drug offences (and specifically methamphetamine, ecstasy, heroin, and opioids such as fentanyl), shoplifting and fraud. But there are also substantial differences within the provinces. As noted above the CSI in Manitoba has dropped by 3 per cent between 2008 and 2018 although the

national average was a 17 per cent drop. Between 2017 and 2018 both the overall CSI and violent CSI rose by 6 per cent, which was higher than the national average (Moreau, 2019, p. 51). Table 1 shows that each province and territory undergoes some annual changes and the violations driving the one-year changes in provincial CSI. Most criminologists would agree that we shouldn't be too alarmed by a one-year increase or decrease in the overall crime rate as there are often yearly fluctuations. The four-year increase for the entire nation, however, is surprising and we wonder whether this trend will continue?

## MANITOBA'S JUSTICE SYSTEM AT A GLANCE

### The Police in Manitoba

The previous pages described how Manitoba's violent crime rates have fallen somewhat but that rates of reported crime are among the highest in the nation. On 1 July 2018, 2,552 police officers were employed in Manitoba, or 1.9 officers for every 1,000 residents, which is about the same as the national average (Conor, Robson, & Marcellus, 2019, p. 24). Manitoba has an approach to policing similar to the other Prairie Provinces as large cities have their own municipal services while most smaller towns contract with the RCMP to provide police services. In Manitoba there are 10 municipal departments and the Manitoba First Nations Police (formerly the Dakota Ojibway Police Service). Altogether these police services employed 1,557 officers and most of them were employed with the Winnipeg (n = 1,384) and Brandon Police Services (n = 85) (Conor et al., 2019). Nine smaller agencies—Altona Police Service, Cornwallis Police Service, Morden Police Service, Rivers Police Service, Riverdale Police Service, Springfield Police Service, Ste. Anne Police Service, Victoria Beach Police Service, and the Winkler Police Service—employed the remaining officers. Some of these agencies are very small, and Cornwallis employs only one officer.

**TABLE 1** Changing Crime Severity Index (CSI) in Canada, 2017–18

	<b>% Change</b>	<b>Violations Driving the Change in CSI</b>
Canada	+2	Increase in fraud, sexual assault (level 1), shoplifting and theft over \$5,000 (Decrease in B&E and robbery)
Newfoundland and Labrador	+4	Increase in weapons violations and fraud (Decrease in B&E)
Prince Edward Island	+17	Increase in B&E, sexual assault (level 1), and theft of \$5,000 or under.
Nova Scotia	-2	Decrease in homicide, child pornography, and B&E (Increase in sexual assault – level 1, and fraud)
New Brunswick	+4	Fraud (Decrease in B&E)
Quebec	-2	Decrease in B&E
Ontario	+6	Increase in fraud, B&E, homicide and sexual assault (level 1)
Manitoba	+6	Increase in robbery, fraud, shoplifting of \$5,000 and under, and B&E
Saskatchewan	-3	Decrease in administration of justice statistics and sexual violations against children (Increase in fraud and B&E)
Alberta	0	Increase in fraud (Decrease in homicide)
British Columbia	0	Increase in fraud, theft over \$5,000 and sexual assault (level 1) (Decrease in homicide)
Yukon	-7	Decrease in homicide (Increase in assault (level 2) and mischief)
Northwest Territories	+5	Increase in homicide, mischief, administration of justice violations and fraud (Decrease in cocaine related offences and sexual assault (levels 1 and 2))
Nunavut	+6	Increase in mischief, homicide, attempted murder, administration of justice violations and aggravated sexual assault (level 3) (Decrease in B&E).

Source: Adapted from Moreau (2019).

All of the remaining municipalities and rural areas in Manitoba are policed by the RCMP “D” division, which employed 995 officers on 1 July 2018 (Conor et al., 2019, p. 24). These officers policed an area of over 640,000 km<sup>2</sup>, or more than twice the size of the entire United Kingdom (Britain and Northern Ireland have an area of 243,610 km<sup>2</sup>). In addition to the sworn officers, the RCMP in Manitoba also employ about 450 civilian employees who work in 80 detachments (RCMP, 2019a).

Several Manitoba police agencies serve specific populations or have distinctive roles. There is, for example, one self-administered Indigenous police service, which means that a First Nation (or

group of First Nations) provides the oversight for this agency, just like a municipal government, although the operations of the agency are entirely funded by the federal and provincial governments. This agency, the Manitoba First Nations Police is based in the southeastern part of the province and deploys 36 officers in six detachments (Birdtail Sioux First Nation, Canupawakpa Dakota Nation; Roseau River Anishinabe First Nation, Long Plain First Nation, Sandy Bay First Nation, and the Waywayseecappo First Nation). This police service was one of the very first Indigenous self-administered police services in Canada—founded in 1977—which was long before the First Nations Policing Program was established in 1992.

Table 2 shows the provincial police strength and the 2018 CSI and Violent CSI (see Conor et al., 2019; Moreau, 2019) for the provinces. Although the number of police officers for every 1,000 residents is similar across the nation, there is a lot more variation in crime rates. Manitoba is in a five-way tie with the provinces of Nova Scotia, Quebec, Saskatchewan and British Columbia for the highest provincial per capita number police officers (1.9), yet it has the second highest overall CSI and highest violent CSI among the provinces. Phrased another way, the total CSI and violent CSI in Nova Scotia was half the Manitoba rate, but they had the same number of officers per 1,000 residents.

### Police Training in Manitoba

Most municipal officers in Manitoba are graduates of the Winnipeg Police Service (WPS) academy or the Assiniboine Community College (ACC) in Brandon. Individuals interested in working as a sworn officer for the Brandon Police Service (BPS) or other municipal agency must first complete Phase A of the training before they can apply for a job as a police

officer, and only individuals who are hired by an agency can take Phase B courses. The three phases of training are described by the BPS (2020) as:

- Phase A: Complete the eight-month training at the ACC, which offers an academic overview of policing taught by Brandon officers.
- Phase B: Once hired as a police officer, they attend a six-week Phase “B” training that provides instruction in firearms use, driving police vehicles, and officer safety.
- Phase C: After completing Phase B, the recruit becomes a probationary constable and must complete additional hands on practices such as using the computerized information systems, and learning agency policies.

After completing these three phases of training, the probationary constable enters into a field training program, where they receive coaching and mentoring from field training officers during a six-month period. After that point they can work on their own.

**TABLE 2** Police Officers and Crime Severity Index (CSI) in Canada, 2018

	Police Officers per 1,000 Residents (2018)	Total CSI (2018)	Violent CSI (2018)
Newfoundland and Labrador	1.7	65.9	70.2
Prince Edward Island	1.4	53.7	48.1
Nova Scotia	1.9	65.2	78.2
New Brunswick	1.6	71.8	76.1
Quebec	1.9	56.6	71.8
Ontario	1.8	60.0	73.4
Manitoba	1.9	125.8	169.8
Saskatchewan	1.9	139.2	138.1
Alberta	1.7	112.1	97.1
British Columbia	1.9	87.7	73.4
Yukon	3.3	170.3	208.7
Northwest Territories	4.2	324.4	421.6
Nunavut	3.5	319.9	550.5

Sources: Adapted from Conor, Robson, and Marcellus (2019); Moreau (2019).



The WPS has a different approach to new officer training as the individual must first be hired by the agency before receiving any training. The WPS approach is based on 36 weeks of paid training that includes 18 weeks of academic or classroom instruction (e.g., law, driving training, and using firearms) combined with 16 weeks of field training, and then an additional two weeks of academy instruction (WPS, 2017). All WPS officers are on probation for two years from the start of their employment. While both the BPS and WPS involve “on the job” training with classroom instruction, the RCMP training is based primarily on classroom training and new officers receive less work experience until their first assignments. The RCMP training is described below.

### RCMP Training

All RCMP officers in Canada are trained at the academy in Regina, which was established in 1885 and is called the “Depot” Division. Once recruits graduate from the academy, they are required to complete a six-month Field Coaching Program, where they receive on-the-job training from experienced field training officers, who are called field coaches. Table 3 summarizes the specific training areas

### Manitoba Courts

Most adult and youth criminal matters in Manitoba are heard in Provincial Courts; 53 are circuit courts, which are not full-time or permanent

courts. While there are permanent courts in Brandon, Dauphin, Portage la Prairie, The Pas, Thompson, and Winnipeg, circuit courts are often held in make-do facilities such as provincial buildings or band administration offices on First Nations. For example, the court held at Lundar (100 km North of Winnipeg) is at the town’s Legion Hall (Manitoba Courts, 2014). The courtroom staff members must travel to these circuit courts and according to Manitoba Courts (2017, p. 7), “Judges, Crown Attorneys, defence counsel, court clerks, victim service 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.” Criminal matters in these circuit courts might only be heard once or twice a month. Because of the make-do nature of these places, they often lack proper security or the privacy for lawyers to meet with their clients. On the other hand, these circuit courts give rural residents better access to the courts than requiring them to travel to the six permanent courts, which reduces the number of failure to appear in court offences.

Most *Criminal Code* cases are first heard in provincial courts, and provincial court judges also hear matters related to the federal *Youth Criminal Justice Act*, the *Manitoba Fatality Inquiries Act* (such as inquests called by the chief medical examiner), complaints related to the conduct of the police according to the *Law Enforcement Review Act*, child protection cases in the *Child and Family Services Act* and matters related to the *Highway Traffic Act*.

The Court of Queen’s Bench is the highest trial court for the province and there are two divisions; General and Family. The Family Division only hears cases related to family disputes in seven locations throughout the province. Judges in the General Division of the Court of Queen’s Bench, by contrast, hear cases related to serious criminal offences and civil matters (e.g., appeals from small claims hearings) at 17 locations throughout the province.

The Court of Appeal, which sits in Winnipeg, is the highest level of court in the province and

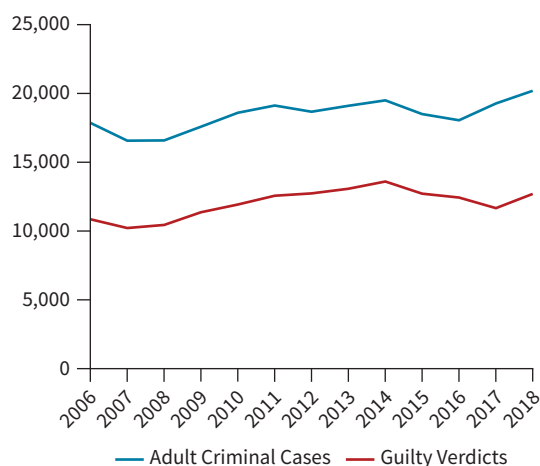
**TABLE 3** RCMP Recruit Training

Topic	Hours
Applied police sciences	432
Firearms	104
Police defensive techniques	94
Police driving	67
Operational conditioning	45
Drill and deportment	37
Other	41
<b>Total</b>	<b>820</b>

Source: Adapted from RCMP (2019b).

hears appeals from Provincial and Queen’s Bench Courts. According to Manitoba Justice (2016) the Court also hears “appeals from professional bodies and some government boards and tribunals, usually when a point of law or jurisdiction is involved.” These courts are sometimes called error-correcting courts as they do not rehear evidence (there are no juries or witnesses) but review decisions of other courts and, if necessary, correct those decisions if they believe an error has occurred. Most appeals involve a panel of three judges, although in rare cases five justices will hear a case.

Figure 6 shows that the number of adult criminal cases heard in Manitoba courts has been increasing and in 2017–18, Manitoba courts heard 20,180 adult criminal matters, which is up from 17,851 cases in 2005–6 (a 13 per cent increase). Of those cases, 63 per cent of them resulted in guilty verdicts and the remainder were either stayed or withdrawn by the prosecutors. Withdrawing a high number of cases might happen if the police overcharge suspects (where multiple charges are laid for one incident) and then some of those charges are later withdrawn by prosecutors. If overcharging is occurring, it shows how decisions in one part of the justice system (the police) can have an impact on the other components: the courts and corrections.



**FIGURE 6** Criminal Cases Heard in Manitoba Courts, 2005–6 to 2017–18

Source: Adapted from Statistics Canada (2020b) Table 35-10-0027-01.

The amount of time it takes to clear a case (from the person’s first appearance until the case is closed) has also been increasing. The median case processing time for these cases (not shown in Figure 6) increased from 121 days in 2005–6 to 141 days in 2017–18: this was somewhat longer than the national median time for the entire nation (136 days). These longer case processing times also have an impact on other elements of the justice system. If an inmate is remanded in custody for an additional month (e.g., from 120 to 150 days), for example, it will contribute to overcrowding in correctional institutions. The time it takes to process a case is important because delays can have a significant impact on the administration of justice, given the decision of the Supreme Court of Canada in *R. v. Jordan* that mandates that criminal cases be resolved within 18 months in provincial courts or 30 months in superior courts (e.g., Court of Queen’s Bench). As a result of this decision, the prosecution of “thousands of criminal cases are at risk of being tossed out of the courts due to delays caused by underfunding and the increasing complexity of criminal cases” (Lupton, 2016). The CBC (2019) reported that people accused of gun-related violence and sexual assaults in Manitoba had their charges or convictions dropped because of unreasonable delays. What factors enter into deciding whether an individual has not received a speedy trial? The Supreme Court heard the case of a Manitoba man who was convicted of sexual offences, and in March 2020 unanimously decided that the time that a judge takes to deliberate the accused’s guilt does not count toward the *Jordan* limits (Rabson, 2020).

## Specialized Courts

Specialized courts are being introduced throughout Canada to better manage distinct types of offenders, such as persons charged with domestic violence. As highlighted in Chapter 7 of *Exploring Criminal Justice*, members of the courtroom work group develop specialized knowledge and expertise about these offenders and are able to develop strategies that are more effective in reducing recidivism. In addition these courts are usually able

to access additional resources from community agencies for these offenders. There are four types of problem-solving courts in Manitoba: mental health, drug treatment, domestic violence, and fetal alcohol spectrum disorder.

In order to better manage cases involving domestic violence than traditional provincial courts offered, the Thompson domestic violence court (DVC) was established. The DVC gives offenders the choice of admitting responsibility for their actions and proceeding with rehabilitative interventions, or the individual can have the case heard in an ordinary court. According to Manitoba Courts (2014), “Those who wish to receive treatment, admit their responsibility and are then referred to rehabilitative service,” which is provided by an agency called “Men are Part of the Solutions (MAPS) for male offenders and to the Manitoba Métis Federation for female offenders” (Manitoba Courts, 2014). The work of the DVC program is also supported by a number of community agencies and volunteers.

As noted in the textbook, one of the biggest challenges for the police, courts, and corrections is the number of persons with mental disorders involved in the criminal justice system. A mental health court (MHC) sits once weekly in Winnipeg to provide supports for individuals whose involvement in the justice system are related to their mental disorders. The MHC was established in 2012 and prioritizes persons with serious mental health problems, including suffering from schizophrenia, bi-polar disorder or mood disorders. Dolloff (2019, p. 1) observes that the intent of

the court is to divert these people from the formal justice system and prioritizes individuals with few prior criminal charges and whose current offences are non-violent.

Manitoba Courts (2014) reports that the MHC interventions generally last between 18 and 24 months to complete. Most participants receive intensive supports in the first months of their program and those supports decrease over time. Once the individual has completed the treatment their case is stayed or the person is placed on a community sentence as no custody sentences are made in this court. An evaluation of the Winnipeg MHC showed that few participants dropped out of the program (Watts & Weinrath, 2017). Watts and Weinrath also found that participants had lower reoffending rates (and sentences to custody) than non-participants, and participants approved of the program.

Manitoba has also developed drug treatment courts for people whose substance abuse problems led to their involvement in crime. The short- and long-term goals of the drug treatment court, which was established in 2006, are presented in Table 4. Some of the individuals involved in these courts find it difficult to fulfill the expectations of the court due to their addictions problems. Miller (2013) observes, however, that “Drug treatment courts attempt to end the ‘revolving door syndrome’ of persons with drug addictions, and are making a difference.” Weinrath et al. (2019) found that about one-third of the people referred to the drug court actually graduated. However, the individuals who do finish the program are

**TABLE 4** Short- and Long-Term Goals of Winnipeg’s Drug Treatment Court

Short-Term Goals	Long-Term Goals
<ul style="list-style-type: none"> <li>To reduce recidivism through judicially supervised drug treatment programs</li> <li>To break the cycle of drug use, crime, and incarceration</li> <li>To provide information on community supports and improve a participant’s life through employment, vocational, and interpersonal support</li> </ul>	<ul style="list-style-type: none"> <li>To reduce the number of crimes associated with addiction</li> <li>To reduce harm due to drug use and addiction</li> <li>To provide the participant with the tools for vocational and educational success, positive mental and physical health, appropriate housing, and improved family relationships</li> </ul>

Source: Adapted from Manitoba Courts (2014).

quite successful and only 15.9 per cent re-offended (Weinrath et al., 2019). When participants in this program re-offended, their offences were often minor, such as failure to comply with probation orders and few had been charged with violent offences (Weinrath et al., 2019).

The fourth type of specialized court is the FASD court, which was introduced in Winnipeg in 2019. “FASD is an umbrella term used to describe the range of disabilities and diagnoses that could result in children of mothers who drink while pregnant” (Davidson, 2019, para. 4). Individuals suffering from FASD have a difficult time with learning and many cannot link their actions to consequences; resulting in their over-representation in the justice system. FASD courts are being introduced throughout the nation and Geary (2020) reports that demand in the Winnipeg court has grown to the point where the number of court dates were tripled in one year. That demand is not surprising given that about 4 per cent of the Canadian population is estimated to have this impairment (Canada FASD Research Network, 2019). While these types of courts appear to be a promising way to respond to people with this disorder, there is little evidence showing their effectiveness.

Ensuring security is an important but often overlooked aspect of the operations of the court system. Manitoba sheriffs provide security for all of the courts and are responsible for transporting prisoners from places of detention to courts, and from courts to provincial or federal correctional centres. Prior to the 1990s many of these duties were carried out by sworn police officers, but since sheriffs are not trained

as investigators, they are paid less than sworn police officers, and hiring them reduces court costs. Where police officers receive a half-year of training sheriffs receive three to four weeks of unpaid training and are hired into part-time jobs, while permanent positions are filled from the lists of part-time workers. In 2020 the role of sheriffs was expanded to carry out more prisoner transportation and court security duties throughout the province. Taking that step removes that responsibility from RCMP officers, who can then return to front-line policing (Manitoba Government, 2020).

### Provincial Corrections

There are seven adult correctional centres in Manitoba, ranging in size from the 61-bed Dauphin Correctional Centre—which will be closing—to the Headingley Correctional Centre, with a capacity of 549 inmates. While there is one women’s institution in Headingley, the Brandon and The Pas facilities hold small numbers of women inmates and youth. Table 6 shows that the actual numbers of inmates greatly exceeded the rated capacities of these facilities. Overcrowding increases the levels of stress for the inmates and correctional officers. This crowding may also harm those wanting to make some positive changes in their lives, as the capacity for treatment programs is rarely increased and more inmates will be chasing a limited number of places in rehabilitative programs. When this summary was being written—in May 2020—the province had reduced the number of inmates by about one-quarter in order to limit the spread of the COVID-19 virus in correctional facilities.

**TABLE 5** Manitoba’s Courts

Type	Number	Judges
Provincial Court	Base (6) and Circuit (53)	Chief and 3 associate chief judges, 41 full-time judges, and 8 senior (semi-retired) judges.
Court of Queen’s Bench	General (11) Family (7)	Chief and 2 associate chief justices, and 36 justices
Court of Appeal	Winnipeg (1)	Chief justice and 12 justices

Source: Adapted from Manitoba Courts (2014; 2019).

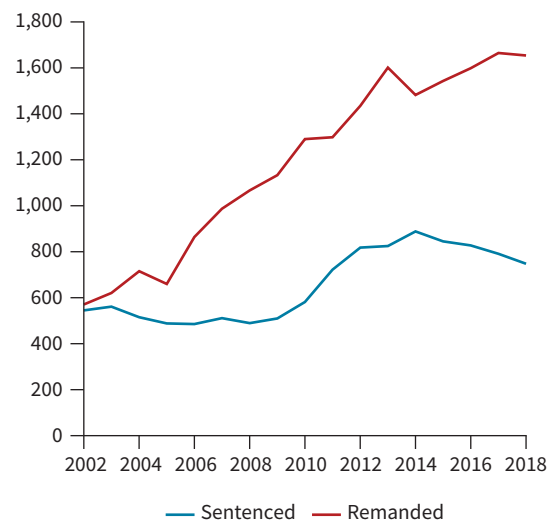
**TABLE 6** Manitoba Adult Correctional Centres

Facility	Rated Capacity	Actual Count January 2020
Brandon Correctional Centre (medium security male facility; with beds for 8 adult females)	244	302
Dauphin Correctional Centre (minimum security male facility, but can temporarily hold young offenders and females)	61	67
Headingley Correctional Centre (multi-security level male facility)	549	750
Milner Ridge Correctional Centre (multi-security level male facility)	524	442
The Pas Correctional Centre (multi-security level male facility with beds for females and temporarily hold young offenders)	110	138
Winnipeg Remand Centre (multi-security level coed facility)	289	334
Women's Correctional Centre (multi-security level female facility)	196	217

Source: Adapted from Unger (2020).

Manitoba's correctional centres provide rehabilitative programs based on an assessment of the individual's risks and needs. A report from the Office of the Auditor General, Manitoba (2014, pp. 273–4) describes the following rehabilitative programs that are intended to reduce reoffending: trades/work programming (e.g., includes trades as well as work experience programs within the facility, such as helping in the kitchen), educational programming such as high school classes, addictions programming (in some institutions), and programs that target an offender's criminogenic thinking, such as thinking awareness and anger management. Some offence-specific programming was also available for domestic violence and violent offenders. Correctional officials also deliver programming specifically designed for Indigenous inmates.

Figure 7 shows that the average daily number of remanded and sentenced provincial inmates more than doubled between 2001-2 and 2017-18; from an average daily count of 1,115 to 2,400 inmates. Manitoba incarcerated more people than any other province: 231 inmates for every 100,000 Manitoba residents, which is almost three times the national rate of 83 inmates for every 100,000 residents (Malakieh, 2019, p. 17). Figure 7 shows that the number of sentenced and remanded inmates was about equal in 2001-2, but by 2017-18

**FIGURE 7** Manitoba Custody Populations, 2001-2 to 2017-18

Source: Adapted from Statistics Canada (2020c), Table 35-10-0154-01.

there were about two remanded inmates for every sentenced offender.

Table 7 shows that incarcerating people is a costly undertaking. Malakieh (2019) reports that the average daily cost to house a Manitoba inmate was \$215, which was somewhat less than the national average of \$233. These costs, however, are much less than housing a federal inmate—which cost \$330 in 2017–18 (Malakieh, 2019, p. 17). Phrased another way, it costs \$78,475 for one year

**TABLE 7** Incarceration Costs, Ontario and Canada, 2018

	Daily Cost	Annual Cost
Cost to House an Inmate in a Provincial Facility in Manitoba	\$215	\$78,475
Cost to House an Inmate in a Provincial Facility (Average: All Provinces)	\$233	\$85,045
Cost to House an Inmate in a Correctional Service of Canada Prison	\$330	\$120,450

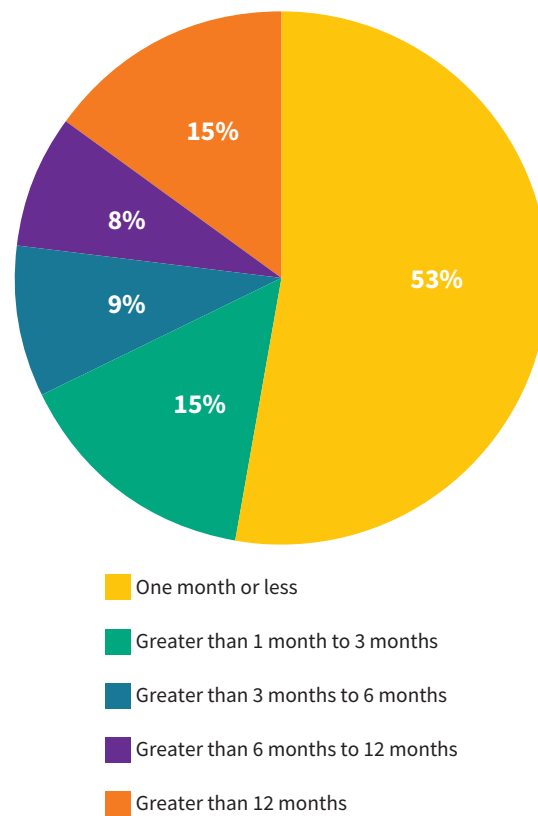
Source: Adapted from Malakieh (2019).

in a Manitoba facility whereas it costs \$120,450 to house an individual in a federal prison. While the public often believes that incarceration is a good investment in public safety, it costs more to house a Canadian inmate in a Correctional Service of Canada facility as sending them to Harvard University (tuition, room, and board costs \$101,866 CDN in 2020-21—see Harvard University, 2020).

Manitoba Corrections introduced the concept of a therapeutic community (TC) for inmates with histories of substance abuse at the Headingley Correctional Centre in 2013. Therapeutic communities provide a supportive environment for inmates where they organize themselves, interact with each other, conduct daily meetings, and engage in structured routines that might also include rehabilitative programming. An evaluation of the 152-bed Winding Rivers TC found that they engaged in less misconduct than inmates living on other units and had lower recidivism rates upon release compared to a matched sample of inmates (Weinrath, Tess, Willows, & Kutcha, 2015). One of the challenges of offering rehabilitative programs to correctional centre inmates, however, is that their sentences are often very short, thus restricting their participation in long-term programs.

Sentences in Manitoba provincial facilities tend to be somewhat longer than in most other provinces, although the median sentence length was 60 days. A review of the 7,333 individuals sentenced to serve a term in provincial corrections in Manitoba in 2017–18 shows that 53 per cent had a sentence of one month and 15 per cent were sentenced to one to three months. A total of 17 per cent were sentenced to terms of incarceration from 3 to 12 months, and the remaining 15 per cent were sentenced to more than one year; these

figures are presented in Figure 8. Even though most provincial sentences are relatively short, an inmate can earn an early release for good behaviour and abiding by institutional rules. In Manitoba inmates can reduce their sentence by up to one-third; this early release is called earned remission (Boyd, Shaffer, & Merry, 2013). In addition to earned remission some provincial inmates are being released in a program called the Responsible Reintegration Initiative, which was

**FIGURE 8** Manitoba Custody Sentences, 2018

Source: Adapted from Statistics Canada (2020d), Table 35-10-0018-01.

introduced in 2017, to grant releases for inmates who have less than two months left on their custody sentences and no probation to follow.

Unlike most provinces and the territories, Manitoba Corrections (2020) publishes the recidivism rates for offenders once their youth or adult custody and probationary sentences are completed. Researchers follow the criminal conduct of each person for two years after their sentences have expired, and Table 8 shows the recidivism rates for adults and youth whose sentences ended between 2017 and 2018. Recidivism rates for youth probationers are higher than adults: whereas the two-year average recidivism rate for adults was 13 per cent, the rate for youth was 19 per cent. When it comes to reoffending after their release from custody, again the rates for youth were higher: 25 per cent of adults reoffended while 35 per cent of youth released from open custody and 19 per cent from secure custody were sentenced on another offence within two years of their release. These results are not surprising given that young persons are at a higher risk of reoffending due to their immaturity and decision-making abilities.

### Federal Corrections

Federal prisoners are serving terms of imprisonment two years and longer and about one-quarter are “lifers” who will be under correctional supervision for the rest of their lives. The Stony Mountain Institution is the only Correctional Service of Canada (CSC) prison in Manitoba. This facility

houses federal prisoners who are in minimum (n = 217), medium (n = 484), and maximum security (n = 96) living units. Stony Mountain was one of the first prisons constructed after Confederation and the units originally built in 1877 still house medium security prisoners. In recognition of the high proportion of Indigenous offenders in Manitoba, Stony Mountain has one unit in medium and another in minimum security that offers culturally relevant programs and services to these people.

In addition to penitentiaries, several types of community based facilities house ex-prisoners on day parole or a conditional release. These places are often called half-way houses, and according to the CSC (2018, para. 1) “These facilities provide a bridge between the institution and the community. They work on a system of gradual, supervised release,” and many offer programming, such as “life skills, substance abuse, employment and/or crisis counseling.” The Osborne Community Correctional Centre, located in Winnipeg, is operated by the CSC and houses ex-prisoners on community supervision. The CSC also funds non-governmental agencies to operate eight community based residential facilities to house ex-prisoners returning to the community. Those facilities include the 21-bed Meredith Place, which is located in Brandon and is operated by the YWCA, and the O-Chi-Chak-Ko-Sipi Healing Lodge (in Crane River) while the remaining six are in Winnipeg. These community based programs are typically operated by non-profit organizations such as the Salvation Army or Young Women’s Christian Association.

### Youth Corrections

Youth aged 12 to 18 years who have been remanded or sentenced to custody can be placed in two facilities operated by the provincial government and they both offer secure and open custody programs. Open custody youth are held in less restrictive conditions and they have more access to community activities, such as attending a community school or working. Youth sentenced to secure custody, by contrast, have generally been

**TABLE 8** Manitoba Adult and Youth Recidivism Rates, January to March, 2020 (Two Years Post-Sentence Completion)

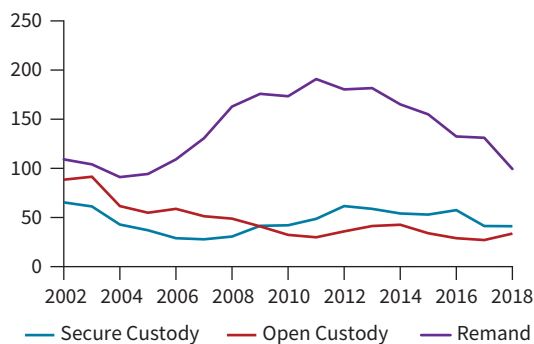
	Rate of Recidivism (%)
Adult Probation	13
Youth Probation	19
Adult Conditional Sentence	10
Youth Open Custody	35
Adult Custody	25
Youth Secure Custody	19

Source: Adapted from Manitoba Corrections (2020b).

found guilty of committing more serious offences, or they have histories of escapes from custody that make them less suited for a community based program. As a result, most of the rehabilitative and educational programs for these youth are delivered within the facility. The Agassiz Youth Centre, located near Portage la Prairie, can house 128 males in open and secure custody living units, including a high security unit. The Manitoba Youth Centre can hold 150 sentenced or remanded male and female youth (Manitoba Corrections, 2016).

Figure 9 shows that the average number of youth being held in custody in Manitoba dropped by one-third from 2001-2 (263 youth) and 2017-018 (174 youth). This figure shows that the number of remanded youth has remained almost the same, while the number of youth serving an open or secure custody sentence have dropped. During that same time the number of youth serving a community sentence also dropped by 41 per cent, from an average of 2,042 to 1,204 probationers. Webster, Sprott and Doob (2019) say that the drop in youth correctional populations was the result of:

- restraint in the use of imprisonment; which has been a core value for Canadians since the early 1900s
- political willingness to reject high youth imprisonment policies
- the introduction of the *Youth Criminal Justice Act* in 2003, which made it law to reduce the use of custody

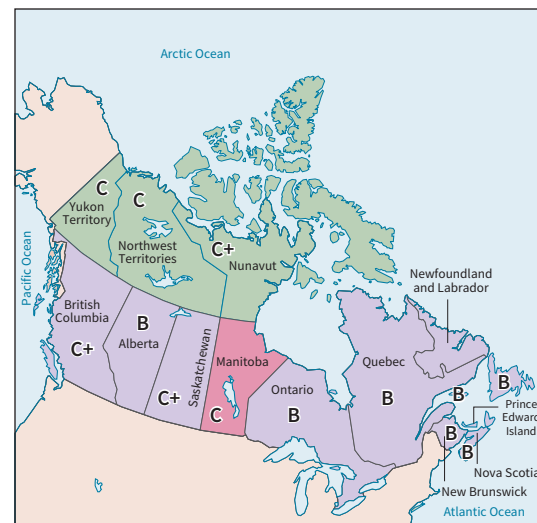


**FIGURE 9** Average Number of Youth in Custody, 2001-2 to 2017-18

Source: Adapted from Statistics Canada (2020c) Table 35-10-0003-01.

Altogether, after the introduction of the *Youth Criminal Justice Act*, the provinces took steps to hold youth accountable in the least restrictive environment and youth were supervised in the community rather than incarcerating them.

Several noteworthy programs have been developed by Manitoba's justice system to reduce youth crime. For example, the Winnipeg Auto Theft Suppression Strategy provided a distinctive coordinated approach to prevent auto theft offences that were primarily committed by Winnipeg youth. Manitoba Justice, the Winnipeg Police Service (Motor Vehicle Division), and Manitoba Public Insurance launched a number of initiatives, including targeting the highest-risk auto thieves (those with extensive histories of auto theft). These youth on probation were closely monitored by the police, who responded aggressively to breaches of probation, and Crown prosecutors were quick to alert judges to youth with histories of motor vehicle theft who were appearing in court. Manitoba Corrections also provided community support workers who helped youth confront their problems and to engage in more pro-social activities (Linden, 2010). Another feature of the strategy was requiring vehicle immobilizers on the Winnipeg



**FIGURE 10** Report Card for the Provinces and Territories

Source: Adapted from Perrin and Audas (2018).



autos most likely to be stolen. The impact was remarkable: once dubbed “the auto theft capital of Canada,” there was an 83.6 per cent decrease in car thefts in Winnipeg, from 13,723 thefts in 2006 to 2,811 thefts in 2018 (see: Statistics Canada, 2020a).

### Report Card on Manitoba’s Criminal Justice System

Perrin and Audas (2018) graded provinces and territories on their performance on public safety, support for victims, cost and resources, fairness, and efficiency; and the marks for each province are shown in Figure 10. Six provinces earned a B, British Columbia and Saskatchewan earned a C+,

and Manitoba earned a C grade. With respect to the territories, while Nunavut has a grade of C+, the Northwest Territories and Yukon were given a C grade. The report card for Manitoba is shown in Table 9. Perrin and Audas (2018, p. 37) give Manitoba high marks for high clearance rates for non-violent crimes (crimes that are solved) and low grades for the large number of people who to fail to appear in court. Those researchers were critical that Manitoba had among the highest rates of violent and property crime, high rates of failure to comply with court orders, and the very high involvement of Indigenous peoples in the justice system.

**TABLE 9** Report Card on Manitoba’s Justice System

Objective of Justice System	Indicators	Manitoba Overall Grade
Public Safety	<ul style="list-style-type: none"> <li>The fundamental purpose of the justice system is to protect society by holding offenders accountable, but also by providing supports to rehabilitate offenders.</li> <li>Measured by (a) crime and clearance rates; (b) public perceptions about police enforcing the law, ensuring safety, and satisfaction with safety.</li> </ul>	C+
Support for Victims	<ul style="list-style-type: none"> <li>Victims have rights related to information, protection, participation, and restitution.</li> <li>Measured by (a) proportion of offenders given restitution orders; (b) referrals to victim’s services; and (c) public perceptions about police supplying information and being approachable.</li> </ul>	C
Cost and Resources	<ul style="list-style-type: none"> <li>The justice system should be run in a cost-effective manner while meeting its core objectives.</li> <li>Measured by (a) per capita cost of public safety; (b) per capita cost of corrections, (c) average daily inmate cost; and (d) number of police per capita.</li> </ul>	D
Fairness and Access to Justice	<ul style="list-style-type: none"> <li>The justice system must guarantee the constitutional rights of accused persons and provide them with fair and impartial trials, as guaranteed by the <i>Charter</i>.</li> <li>Measured by (a) legal aid expenditures per crime; (b) percentage of trials with a guilty outcome; (c) proportion of Aboriginal persons in custody versus their prevalence in the population; and (d) public perceptions about the police being fair.</li> </ul>	C
Efficiency	<ul style="list-style-type: none"> <li>A well-functioning criminal justice system should ensure prompt and thorough investigations and timely prosecutions and trials.</li> <li>Measured by (a) Criminal Code incidents per police officer; (b) accused on remand per 1,000 crimes; (c) average criminal case processing time; (d) percentage of cases stayed or withdrawn; and (e) public perceptions about the police responding promptly.</li> </ul>	C

Source: Adapted from Perrin and Audas (2018, p. 9).

## ONE MANITOBA PROSECUTOR: FOUR MISCARRIAGES OF JUSTICE

Punishing somebody for an offence they didn't commit reduces the public's faith in the justice system. Wrongful convictions date back thousands of years, and from 1993 to 2020 at least 23 Canadians have been exonerated and released from prison due to their wrongful convictions being exposed through the efforts of Innocence Canada (2020). Other wrongfully convicted persons were exonerated for their involvement in crimes but did not receive any help from that organization. Another 90 prisoners have asked Innocence Canada to assist them with their cases and 5 are from Manitoba (Innocence Canada, 2020).

Winnipeg could be Canada's capital for wrongful convictions. Three high-profile cases—James Driskell, Thomas Sophonow, and Kyle Unger—were found to have been wrongfully convicted, and all three were prosecuted by the same man: George Dangerfield. Frank Ostrowski, who was convicted of murder in another case prosecuted by Dangerfield, was freed on bail in 2009 after serving 23 years of a life sentence. The federal Justice Minister in 2014 was “satisfied there is a reasonable basis to conclude that a miscarriage of justice likely occurred.” In 2018 the Manitoba Court of Appeal quashed (or invalidated) his conviction, but did not acquit him of murder (CBC News 2018). An editorial in the *Winnipeg Free Press* (2019, para. 3) says that the federal Justice Department are reviewing another three of Dangerfield's cases and “Innocence Canada believes these other three cases will also end up as confirmed wrongful convictions.”

The one common element in these miscarriages of justice was Dangerfield. The CBC (2010) called Dangerfield a star prosecutor who “was successful in getting convictions for some of the most notorious murder cases in that province” but three acquittals and quashing another conviction makes “Dangerfield responsible for the most wrongful murder convictions in Canada.” Thorpe (2019, para. 15) says that in order to get these

convictions Dangerfield “has been found to have withheld information from defence attorneys, relied on dubious evidence to secure convictions and made financial deals with jailhouse informants that he failed to disclose.” The following section briefly describes these cases.

### Cases

Thomas Sophonow was convicted in the 1981 murder of 16-year-old girl who was attacked at the Winnipeg donut shop where she worked. Sophonow was tried three times between 1982 and 1985; the first resulted in a mistrial and he was convicted in 1983. The Manitoba Court of Appeal, however, overturned the conviction based on an error made by the judge. He was convicted again in 1985, and after he appealed his conviction the Court of Appeal again found that his trial was unfair and he was acquitted in December 1985. Sophonow received \$2.6 million in government compensation for the 45 months he was imprisoned.

Harland-Logan (2020a) attributes the cause of Sophonow's wrongful conviction to false incriminating evidence, unreliable eyewitness evidence, the testimony of jailhouse informants (who allege they were pressured into giving inaccurate testimony), and a failure by the Crown prosecutor to give proper disclosure. The CBC (2009) reported that the police had provided prosecutors with evidence that supported Sophonow's alibi but that information was never disclosed to his defence attorney. The WPS later reinvestigated the case and found that Sophonow was not involved in the murder, and the Attorney General for Manitoba apologized to him and launched an inquiry (Manitoba, 2000).

James Driskell was convicted of first-degree murder for the 1990 killing of his partner in a shop that sold parts from stolen vehicles. According to MacFarlane (2012, p. 9) the Crown's case was “contaminated with unsavoury witnesses, inexplicable non-disclosure of critical evidence by the prosecutors and police, and a heated out-of-court confrontation between the lead prosecutor and counsel for one of the Crown witnesses.” One witness, who testified for the Crown, “received

\$83,000, including \$30,000 in cash, in return for his evidence” (Harland-Logan, 2020b). The CBC (2009) also noted that the person who testified against Driskell was given leniency for a crime committed in Saskatchewan.

After Driskell’s appeal of his conviction was dismissed by the Court of Appeal he sought help from Innocence Canada, which convinced the police to re-test the hairs that led to his conviction. Those DNA tests led to a review of his conviction in 2003, and later that year he was released and a new trial was ordered but the Crown stayed the proceedings. Driskell ultimately received \$4 million in compensation for his wrongful conviction, and an inquiry was held; the report can be accessed at <http://www.driskellinquiry.ca/>.

Dangerfield also prosecuted Kyle Unger, a 19-year-old who was convicted of murdering a 16-year-old girl after a 1990 rock concert near Roseisle, Manitoba. Unger was convicted in 1992 on the basis of physical evidence, including hairs on the victim’s clothing that were alleged to have been from him. Another factor leading to his conviction was the testimony of another young man who knew both Unger and the victim (that person committed suicide after the first trial that resulted in both men being convicted). Unger maintained his innocence for the 14 years he was imprisoned and DNA evidence ultimately led to his release from prison in 2005 as hairs retrieved from the victim’s body did not come from him. Woods (2019) reports that Unger received a multi-million-dollar settlement for his wrongful conviction but the terms of the agreement cannot be disclosed due to a confidentiality agreement.

Dangerfield also prosecuted Frank Ostrowski, a Winnipeg hairdresser who also dealt cocaine. In 1987 Ostrowski was convicted of ordering two men to murder a police informant. Ostrowski’s conviction was based primarily on the testimony of a jailhouse informant, who testified in return for prosecutors withdrawing charges related to dealing drugs. Ostrowski also claims that the Crown’s witness committed perjury by lying to the defence counsel that he had received no incentives for his testimony (CBC, 2010).

Ostrowski appealed his conviction with the Manitoba Court of Appeal and the Supreme Court of Canada, but those efforts were unsuccessful. After exhausting his appeals he approached Innocence Canada for help and their lawyers found evidence that supported his claims of “a hush-hush deal in exchange for perjured testimony” (Turner, 2009). In December 2009 he was released on bail and his conviction was quashed in 2018. Although Ostrowski is seeking compensation, it is unlikely that he will receive any compensation without being exonerated.

A review of these four Manitoba cases reveals a common set of factors leading to these wrongful convictions: cases built on circumstantial evidence, analyses of hair evidence that was accepted by the juries (DNA evidence later established the inaccuracy of that evidence), false testimony, perjury, and the unwillingness of the prosecutors to provide proper disclosure to the defence attorneys. Altogether, the four men reported above were imprisoned for over five decades for crimes they did not commit. Innocence Canada (2020) writes that Dangerfield was never held responsible for these miscarriages of justice, and he is currently retired. Aldrich (2020, para. 11) reports that Manitoba Justice has taken steps to reduce miscarriages of justice, including:

There has been extensive training and education for justice system participants to significantly reduce the risk of wrongful convictions, including Crowns, police, defence counsel and forensic scientists, [and] This training has led to improvements in areas such as disclosure, understanding tunnel vision, the limitations of eyewitness identification and testimony, understanding the risks associated with forensic and expert testimony and many more. Legal developments in disclosure and plea inquiry requirements have also reduced the potential for wrongful guilty pleas.

Readers interesting in these cases can watch “The Wrong Man,” a 45-minute program produced

by *The Fifth Estate* that provides a review of these cases and is available at <http://www.cbc.ca/fifth/episodes/2009-2010/the-wrong-man>.

### Critical Thinking Questions

1. James Driskell was awarded \$4 million in compensation for his wrongful conviction and subsequent punishment. Was that a fair amount of compensation?
2. How do we hold the persons who make such miscarriages of justice accountable?
3. How do cases of wrongful conviction influence our perceptions of the police, courts, and corrections?
4. What are the impacts of wrongful convictions on family members of victims and on the families of the wrongfully accused?

### SUMMARY

The amount and seriousness of crime varies across the country and this supplement shows that Manitoba has rates of property and violent crime that lead the nation. We must remember, however, that while these statistics often report averages for the

entire province, there is some variation between places and some rural and northern communities have higher rates of crime (Perreault, 2019) and cities such as Thompson has far more crime than Brandon or Winnipeg.

Because every province has different histories, population characteristics, levels of economic development, political values, and cultural beliefs, the crime control solutions will also be different. As a result, the personnel in Manitoba's adult and youth justice systems may respond to antisocial behaviour and crime in a slightly different manner from what occurs in neighbouring provinces or territories. A report card on the operations of the justice system developed by Perrin and Audas (2018) suggests that more progress is needed. A number of programs in Manitoba have been identified as promising, including responding to specialized offender populations (e.g., drug and mental health courts) or specific types of offenders, such as young auto thieves. While the justice system will never eliminate crime, we can attempt to prevent crimes, reduce harm, and protect those most at risk of victimization. Learning about the differences in crime problems and how we respond to them makes exploring criminal justice in Canada such an interesting undertaking!

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