



**Manitoba
Department of Justice**

Guideline No. 6:CRI:1

Public Prosecutions

Policy Directive

Subject: Criminal Convictions - Crown Attorneys

Date: April 20, 1990

POLICY STATEMENT

There are several categories of offenders and it must be borne in mind that no firm rule can apply, though the following will have application in the absence of extraordinary circumstances:

1. Regulatory Offences:

Convictions for speeding, imprudent driving, and so on will not usually warrant disciplinary action: However, the attendant behaviour of the Crown Attorney with the enforcement official may in certain cases, attract censure. This applies to any situation.

2. Impaired Driving:

This and related offences are no longer being treated routinely by the courts, or society. Convictions in this category will result in a minimum suspension of two (2) consecutive weeks without pay, with additional time imposed according to exacerbating features of the case. These would include a high reading, public endangerment, abusive behaviour, and so on.

3. Theft:

Convictions for crimes of moral turpitude will result in immediate dismissal irrespective of whether a discharge is imposed.

4. Other Criminal Offences:

Convictions for crimes of violence or other serious matters, particularly indictable offences result in termination, according to the particular case.

In the event of an acquittal, the record may nevertheless be reviewed, with a view to disciplinary consequences. Though it may fall short of the standard for criminal conduct, it may be conduct which falls short of what is expected of crown counsel in their professional and/or public department.

RATIONALE

The fact of convictions for criminal and some quasi-criminal offences is an embarrassment to the Crown office, where a prosecutor is found guilty of these kinds of misconduct. In many respects, it impairs the ability of the prosecutor to be perceived as impartial and representative of the best ideals of the community.



MANITOBA

MEMORANDUM

TO: All Crown Attorneys

FROM: S.J. Whitley, Q.C.
Assistant Deputy Minister, Public Prosecutions
5th Floor, 405 Broadway
Ph: 945-2873
Fax: 945-1260

DATE: August 26, 1992

RE: Regulatory Offences Against Crown Attorneys

Effective immediately, all Crown Counsel who receive a ticket, offence notice or summons for any offence whatsoever, which is intended to be acted upon in any other way than by way of a simple plea of guilty, must advise his/her Director in writing.

For greater certainty, this means that where some plea/explanation is offered in mitigation, or a trial date set or a matter removed from the jurisdiction in which it arose, and so on, this must be set out in your memorandum.

Thank you for your cooperation. This measure is designed solely to ensure that the appearance of openness is secured. All such communication will be held in strictest confidence.

S.J. WHITLEY, Q.C.

/cmt

cc: Shirley Strutt, A/Deputy Attorney General
Bruce Miller, Q.C.
Les Kee
Michael Watson