



*Manitoba  
Department of Justice  
Prosecutions*

*Guideline No: 2:INI:1.1*

*Policy Directive*

*Subject: Laying, Staying and Proceeding  
on Charges*

*Date: June 2017*

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**POLICY STATEMENT:**

Crown attorneys shall continue to use the following twofold test in exercising their professional judgment to determine whether charges ought to be laid or proceeded upon:

1. Is there a reasonable likelihood of conviction; and
2. Is it in the public interest to proceed?

The first arm of this test requires prosecutors to bring all of their professional skills to bear on making a determination of whether a conviction to the criminal law standard of beyond a reasonable doubt is the more likely outcome if the matter was to proceed to trial.

The second arm requires prosecutors to recognize that many societal values impact the criminal justice system. Prosecutions advance the important societal interest in the deterrence, denunciation and punishment of criminal conduct. But society equally values other important ideals including:

- the timely prosecution of criminal matters in accordance with s.11(b) of the *Canadian Charter of Rights and Freedoms*;
- support to victims of crime and respect for their views; and
- the legal duty to further reconciliation with Canada's Indigenous peoples and to enhance equality.

Prosecutors are expected to exercise their professional judgment to consider these and other societal interests in determining whether a prosecution is in the public interest, recognizing that the more serious the offence and the more dangerous the offender the more likely that the value in prosecution will outweigh other public interest concerns.