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Attorney General

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Mr. Murray Jose
Executive Director
The Toronto People Living With AIDS Foundation

December 16, 2010

Dear Mr. Peck, Ms. Kazatchkine, Mr. Shime, [REDACTED] and Mr. Jose:

Thank you for your email of November 3, 2010 in which you outline a proposed process for developing guidelines for a consultation process for the development of prosecutorial guidelines for criminal allegations of HIV non-disclosure.

As you know, MAG is engaged in a process to develop a Practice Memorandum for Crown prosecutors in the area of HIV prosecutions. I appreciate that The Ontario Working Group on Criminal Law and HIV Exposure is recommending that the guidelines address concerns regarding clarity and consistency across the province in the application of the law. I further appreciate the importance of Crown Attorneys accessing the appropriate expert evidence both when screening cases and throughout the prosecution. It has been very helpful to me to have met with you and with Dr. Rupert Kaul, Dr. Eric Mykhalovskiy and Mr. Glenn Betteridge, and for the Ministry of the Attorney General to have received the benefit of the information provided to date. The Ministry of the Attorney General welcome the opportunity to receive the reports and recommendations

generated by your own consultation process. These will inform the process MAG will be engaged in regarding the development of Ministry guidelines.

I appreciate that you had proposed a somewhat different process. However, on behalf of the Ministry I can assure you that MAG will make every effort to consider all relevant perspectives and concerns, including those presented by your working group. Further, I would be happy to continue to meet with you to ensure open lines of communication continue between the Ministry and your working group. We will share with you a draft of the Practice Memorandum prior to its issuance.

Ultimately, we share the goal of providing Crown Attorneys the tools to make effective and timely decisions in these difficult cases. It is my sincere hope that we can continue to build upon our strong working relationship, and that MAG will be the beneficiary of your recommendations.

Yours truly,



Erin Winocur
Counsel
Criminal Law Policy Branch