



COVID-19: PROVINCIAL COURT PROCESS FOR INDIVIDUALS IN POLICE CUSTODY

Date: March 31, 2020

Updated: Feb. 2, 2022

At the beginning of the COVID-19 pandemic, the Provincial Court of Nova Scotia changed its processes for dealing with individuals in police custody and prisoners at correctional facilities to limit in-person contact at courthouses and the Justice of the Peace (JP) Centre.

Those changes, outlined below, went into effect on April 1, 2020, and **remain in effect today for evening and overnight bail matters, or if a Provincial Court judge is not available by telephone or video during daytime hours**. In those instances, releases and remands of individuals in police custody are to be done through the JP Centre.

Bail Matters (9:30 a.m. – 3 p.m.)

If a Provincial Court judge is not available to deal with a bail matter by telephone or video between the hours of 9:30 a.m. and 3 p.m., the matter will be heard by the JP Centre at **902-424-8888**. Cells Crown and Legal Aid Duty Counsel for each district/courthouse will assist as needed. In most instances, releases and remands will be handled by the police, although there may be cases where cells Crown and defence counsel will be involved with the JP Centre, rather than police. This is subject to local court processes.

Bail Matters (3 – 9 p.m.)

After 3 p.m., bail matters will be heard by a Presiding Justice of the Peace by calling **902-424-8888**. Police/Crown are to prepare and submit the release conditions if seeking a Release Order. The Release Order or the Order for Remand will be prepared by staff at the JP Centre. The cut-off for sending paperwork to the JP Centre is 8 p.m. If Police/Crown are seeking a release order after 8 p.m., they will need to wait until 9 p.m. for the on-call Presiding Justice of the Peace.

Releases (9 p.m. – 1 a.m.) and Emergency Remands Only

After 9 p.m., Police/Crown seeking Release Orders or emergency remands are to call **902-424-8888**. Police/Crown are expected to prepare and submit the Release Order and list of conditions or the Remand Order to a fax number provided by the Presiding Justice of the Peace.

After 1 a.m., police should not engage unless the matter is considered an emergency. Typically, releases or remands of charged persons after 1 a.m. can be done during regular business hours later that day.

Follow-up Appearances in Provincial Court

Individuals who are released via the JP Centre will be provided a return date to Provincial Court. Those who are remanded to a correctional facility will have their next court appearance via video conferencing.

The Nova Scotia Public Prosecution Service has advised police departments across the province to use their new Bill C-75 release powers widely to release persons charged without involving the JP Centre.

There will be no need to call the JP Centre prior to preparing documentation either during the day or at night. In fact, this is discouraged. When the Information and draft warrant or release order are ready, a call should be placed and the PJP will advise what fax number should be used for sending the documentation, including the usual Request for Services. The hearing will proceed very shortly after the documentation has been reviewed.

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