



## **COVID-19: PROCESS TO APPLY TO A PROVINCIAL COURT JUDGE FOR A SEARCH WARRANT**

**Wednesday, April 8, 2020**

The Provincial Court has modified its processes to apply to a judge for search warrants not authorized via the tele-warrant process. These new processes will help reduce in-person contact at courthouses and the handling of paperwork during the COVID-19 pandemic.

Provincial Court Judges outside the Halifax Regional Municipality will review requests to sign Production Orders, Tracking Warrants and Transmission Data Recorder Warrants, as the *Criminal Code* does not authorize their execution by tele-warrant.

### **Process to Apply for Production Order Warrants, Tracking Warrants, Transmission Data Recorder Warrants and other Warrants *not* authorized via the tele-warrant process:**

1. The officer seeking the authorization of a warrant will phone the Court Administrator (CA) for the Provincial Court or the Supervisor in the area.
2. The CA/Supervisor will direct the officer to send the documents (Application, Information to Obtain (ITO), and draft order) by PDF to a specified secure email address. Municipal Investigative agencies will send a second email with a password to open the PDF documents.
3. The CA/Supervisor will forward the unopened emails to the Judge for review **BEFORE** the investigator comes to the courthouse.
4. The CA/Supervisor will provide the officer a set time to come to the courthouse.
5. The officer will attend the courthouse, bringing the original signed and sworn documents and one copy.
6. A Deputy Sheriff will meet the officer at the courthouse door and take the sworn documents directly to the presiding Judge, who will either authorize or reject the warrant.

7. If authorized, the documents will be logged by the CA/Supervisor in the normal course, and the original warrant will be returned to the Deputy Sheriff to hand-deliver to the waiting officer.
8. Should the Judge decline to issue the warrant, it will be endorsed with brief reasons, a copy will be retained at the courthouse and the original will be returned to the officer via the Deputy Sheriff.

**Process to Apply for General Warrants:**

1. The officer seeking the authorization of a warrant will phone the Court Administrator (CA) for the Provincial Court or the Supervisor in the area.
2. The CA/Supervisor will direct the officer to send the documents (Application, Information to Obtain (ITO) and draft order) by PDF to a specified secure email address. Municipal Investigative agencies will send a second email with a password to open the PDF documents.
3. The CA/Supervisor will electronically forward the unopened emails to the Judge who will review and print two copies of the PDF documents.
4. If authorized, the documents will be logged by the CA in the normal course, and the original signed warrant will be sent electronically to the Investigator.
5. Should the Judge decline to issue the Warrant, it will be endorsed with brief reasons, scanned and all materials will be returned to the Investigator via the secure email address. Should this occur while the officer is at the courthouse, a Deputy Sheriff will return the documents to the officer at the courthouse door.

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