

Investigative Warrant (Telewarrant)

Sections 2B(1A); 2B(4)(6B)(7)(8)(8A)

SUMMARY PROCEEDINGS ACT

TO: The Peace Officers in Nova Scotia

OR

(Peace Officer(s))

IT APPEARS ON THE OATH OF _____

(Peace Officer)

Received in writing through a facsimile information; or

Administered orally by means of telecommunication that does not produce a writing upon finding there are reasonable grounds to believe that it is impracticable for the informant to attend personally before a justice of the peace to apply for a warrant; that there are reasonable grounds for believing that offence(s) against an enactment named in Schedule B of the *Summary Proceedings Act* of the Province of Nova Scotia is/are being or will be committed as follows:

AND that information concerning the offence(s) will be obtained through the use of a certain device, investigative technique, procedure or doing of anything that would, if not authorized, constitute an unreasonable search or seizure in respect of a person or person's property.

AND that there is no other provision in a Nova Scotia Statute that would provide for a warrant, authorization or order permitting the technique, procedure or device to be used or the thing to be done.

AND UPON BEING SATISFIED THAT it would be in the best interests of the administration of justice to issue the warrant and that the search will not interfere with the bodily integrity of any person, take samples of bodily substances for the purpose of forensic DNA analysis or use any device to intercept private communications as prohibited in Part VI of the *Criminal Code*.

You are authorized to enter _____

(location or description of property)

and seek information concerning the offence(s) through the use of a certain device, investigative technique, procedure or doing of anything that would, if not authorized, constitute an unreasonable search or seizure in respect of a person or person's property as follows:

(check if applicable)

(a) search for and examine and copy any drawings, specifications, licence, document, record or report as follows:

(b) search for and examine any equipment, machine, device, article, thing, material or biological, chemical or physical agent as follows:

(c) require _____ (a person) to produce any item described in clause (a) or (b) as follows:

(d) conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent, and take and carry away samples from the testing as follows:

(e) take measurements of and record by any means the physical circumstances of the place as follows:

(f)

the following terms and conditions are ordered to ensure the search and seizure is reasonable in the circumstances:

the following terms and conditions are ordered to ensure the privacy of the person or of any other person is respected as much as possible where an investigative warrant is sought to authorize a peace officer to observe, by means of a television (video) camera or other similar electronic device, any person who is engaged in activity in circumstances in which the person has a reasonable expectation of privacy:

This warrant may be executed for the following period pursuant to sections 2B(1H) and 2C of the *Summary Proceedings Act* (up to 30 days which may include provisions for re-entry):

(Check if Applicable)

by day (between 8:00 a.m. and 9:00 p.m. of the same day)
 between _____ m. and _____ m.
 on _____, 20 _____.

by day or night
 between _____ m. and _____ m.
 on _____, 20 _____.
 between _____, 20 ____ and _____ 20 ____.

For the following period(s): _____

Re-entry (more than one execution of this warrant) is
 not authorized
 authorized on the following terms and conditions for the following purposes:

It is ordered that the warrant authorize persons who have special, expert or professional knowledge to accompany and assist a peace officer in the execution of the warrant pursuant to section 2B(3A) of the *Summary Proceedings Act* as follows:

It is also ordered that the peace officer shall, on entering the place or as soon as practicable thereafter give a duplicate or facsimile of this warrant to any person present who appears to be in control of the premises, or, if no person is found therein, shall cause a duplicate or a facsimile copy of the warrant to be suitably affixed in a prominent place within the place or premises (subsection 2B(9)(10) *Summary Proceedings Act*).

It is also ordered that a peace officer report in accordance with subsection 2B(11) *Summary Proceedings Act* thereon as soon as practicable but within a period not exceeding seven days from the execution of the warrant (or, if the warrant expires without execution, within seven days of the expiry).

This warrant is also subject to the following conditions (if any):

The warrant is authorized for execution until _____
(date / time)

pursuant to the provisions of subsection 2B(7)(e) *Summary Proceedings Act*;

Method of Issue of Warrant (choose applicable method of issue)

This warrant is issued by a Justice of the Peace **by means of a telecommunication that produces a writing** (subsection 2B(8A) *Summary Proceedings Act*)

ISSUED at _____, Nova Scotia,
on _____, 20 _____
at the hour of _____ o'clock ____ m.

Issuing Designated Justice of the Peace

OR

This warrant is issued by a Justice of the Peace **by means of a telecommunication that does not produce a writing** and in this case has been **completed IN DUPLICATE** by a peace officer on the direction of the issuing justice and who has noted on its face the issuing Justice, time, date and place of issuance (subsection 2B(8) *Summary Proceedings Act*):

ISSUED at _____, Nova Scotia,
on _____, 20 _____
at the hour of _____ o'clock ____ m.

*Name of Peace Officer completing warrant
at direction of designated Justice of the Peace*

Name of issuing designated Justice of the Peace

To the Occupant: This search warrant was issued by telephone or other means of telecommunication. If you wish to know the basis on which this warrant was issued, you may apply to the clerk of the court in which the warrant was executed, at:

_____ (address), to obtain a copy of the information on oath.
to obtain a copy of the

You may apply to the clerk of the court for a copy of the report filed by the peace officer who executed this warrant. That report will indicate the things, if any, that were seized and the location where they are being held.