



CALGARY (CRIMINAL DIVISION) COURTS,

Effective February 22, 2022

COVID-19 Measures:

Throughout the COVID-19 pandemic the Provincial Court of Alberta has continuously revised and updated policies and practices in response to the latest available data and the orders, recommendations, and other guidance provided by federal and provincial health officials. These decisions are grounded in two principles:

- 1) The courts are an essential public service and access to the courts must be maintained to the greatest extent possible in the circumstances of a global pandemic.
- 2) While the Court will consider government and health decisions applicable in the broader community, the court system is unique. People do not voluntarily choose to attend criminal court. They are required by law either as witnesses or persons charged with offences to come to court. A cautious approach is warranted in recognition of that fact.

That caution is reflected in two aspects of these decisions. First, it provides for a gradual resumption of normal operations. This allows us to limit the number of people who must come to the courthouse. Second, it allows the Court to adjust the timing of other stages of re-opening based on the progress of vaccination, and the data relating to the prevalence and transmission of COVID in the community.

Beginning February 22, 2022

All trials, preliminary hearings, Fatality Inquiries, and other proceedings where witnesses are called will resume on an in-person basis. All the participants in the trial process will appear in person. Applications for remote participation using video technology must be made 30 days in advance of the trial date wherever possible. All safety measures – masking, physical distance, capacity limits, and plexiglass remain in place.

Dispositions will be conducted in person, subject to the same protocols described above. Applications for accused persons who are out of custody, or other participants in the disposition process to appear remotely must be made 30 days in advance of the disposition wherever possible. Whether a disposition matter will be adjourned to permit or require remote appearance by the accused individual will be at the discretion of the presiding Judge, exercised in accordance with the law and existing Practice Notes.

All other proceedings

All other scheduled docket proceedings will be conducted by way of remote appearance by Webex or telephone, in accordance with existing Practice Notes.

Drug Treatment Court

The Calgary Drug Treatment Court can resume in person as appearance times are set to permit social distancing and capacity limits.

Calgary Indigenous Court

The Calgary Indigenous Court will continue, but all parties will appear remotely by Webex or telephone for docket appearances and in person for dispositions at the discretion of the presiding judge. Social distancing and capacity limits apply.

Pre-trial conferences

Pre-trial Conferences will continue remotely as scheduled by Judges Chambers.

Trial Confirmation Hearings

In-custody Trial Confirmation Hearings will continue, but all parties will appear remotely by Webex or telephone.

For out-of-custody Trial Confirmation hearings in which:

- a trial date has been previously set, the matter will be returned to the trial date with an endorsement on the court file that no trial confirmation hearing was held due to COVID-19 restrictions; or
- no trial date has been set, the matter will remain in the courtroom scheduled for the

Trial Confirmation Hearing on the scheduled date for the sole purpose of adjourning to a future Trial Confirmation Hearing date and issuing a warrant to hold to maintain jurisdiction. If the accused attends in person, the matter will be addressed at the discretion of the presiding Judge.

As per: Assistant Chief Judge Joshua B. Hawkes
Calgary Criminal and Regional Courts

Date: February 15, 2022