

## **Notice to Law Enforcement Agencies**

### **Re Warrant Applications**

#### **Edmonton and Calgary**

**April, 2020**

Please be advised of the current warrant application protocol, which is effective immediately. As procedures are modified, we will keep you informed. We are also working on a digital application process and it may be operational very soon. Until then, please follow these guidelines as closely as possible:

1. **All warrant applications begin at the Hearing Office (HO).** The exceptions would be General Warrants, DNA warrants and ongoing investigations where a Provincial Court Judge (PCJ) has already reviewed/granted warrants on the file concerned. Please present them in manner prescribed by the HO.
2. **All ITOs must be sworn/affirmed before being presented** to a Justice of the Peace (JP) or PCJ.
3. Where **sealing orders** are requested the document should be completed, in part, where the information is known to the member applying (eg. agency file number, dates of documents submitted, name of member and agency).
4. Please complete and attach the checklist to the application before giving it to the HO or to the staff in Provincial Court Judges' Chambers (Chambers).
5. When the warrant is from an ongoing investigation, indicate on the checklist the name of the Judge(s) that have already reviewed or granted a warrant.
6. Warrants that are urgent will be handled at the HO. Should the HO not be in a position to address the warrants in a timely fashion, they will be directed to Chambers during regular business hours Monday to Friday. Non-urgent matters will be completed at the HO within 24 to 48 hours.
7. Urgent matters where a PCJ has already reviewed or granted a warrant in an ongoing investigation will be reviewed in Chambers, unless the PCJ is working from home. In that case, the matter may be completed by a Duty Judge in Chambers or the Agency may be required to deliver the warrant to the personal residence of the PCJ. Once warrants have been completed, the member **must** take all documents and attend at Chambers as usual, to photocopy and leave the original ITO and any other documents to be filed with the Courts.

## COVID-19 Warrant Protocol (“Protocol”)

### Edmonton and Calgary

The Provincial Court of Alberta (“Court”) has implemented its COVID-19 Pandemic Plan (“Plan”) and has endorsed and promulgated this Plan as a Rule of Court, until further notice. The Court is now focused on providing essential functions as outlined in Appendix A of the Plan. In relation to warrants and other judicial authorizations (“warrants”) paragraph 4 defines, as essential, the continued provision of “warrants on urgent basis by JP and PCJ”.

Outlined below, this Protocol describes the manner in which the Justices of the Peace Hearing Office (“HO”) and Provincial Court Judges’ Chambers (“Chambers”) will provide this essential function in **Edmonton and Calgary**.

1. The HO will be the first point of contact for all warrants where there is concurrent jurisdiction between JPs and PCJs, with the exception of matters where a PCJ has already reviewed or granted a warrant in an ongoing investigation.
2. All agencies seeking warrants are expected to have ITOs that are **already sworn/affirmed** before presentation to the JP. Also required is the completion of a checklist indicating whether or not the matter is urgent, based upon one or more of the following factors:
  - holding a suspected crime scene;
  - imminent risk to public safety;
  - concern about loss or destruction of potential evidence;
  - following the suspect (Tracking device); or
  - national security.
3. ITOs for General warrants and DNA warrants must also be sworn/affirmed prior to presenting them to a PCJ.
4. When requesting sealing orders, this document should be completed, in part, and submitted with the warrant application.
5. All applications should be submitted in a manner prescribed by the HO.
6. The HO will give priority to urgent warrants. Non-urgent matters will be completed within 24 to 48 hours.
7. If the HO does not have the capacity to process an urgent warrant in a timely way, the Agency will be referred to Chambers.
8. Chambers will assign the urgent warrant to a Duty Judge. If the Duty Judge does not have capacity to deal with the matter in a timely way, the Agency will be required to deliver the warrant to the personal residence of a PCJ who is working from home.
9. Urgent matters where a PCJ has already reviewed or granted a warrant in an ongoing investigation will be reviewed in Chambers, unless the PCJ is working from home. In that case, the matter may be completed by a Duty Judge in Chambers or the Agency may be required to deliver the warrant to the personal residence of the PCJ.
10. Non-urgent matters where a PCJ has already reviewed or granted a warrant in an ongoing investigation will be completed in Chambers within five business days.
11. On weekends, statutory holidays and Monday through Friday (outside of regular business hours), if the HO requires the assistance of a PCJ, they will contact a PCJ on their call list.

**CHECKLIST**  
**For Warrants**  
**Edmonton and Calgary**

**INFORMATION TO OBTAIN HAS BEEN SWORN/AFFIRMED.**

**PLEASE INDICATE BELOW THE URGENT NATURE OF THIS APPLICATION:**

**HOLDING A SUSPECTED CRIME SCENE;**

**IMMINENT RISK TO PUBLIC SAFETY;**

**CONCERN ABOUT LOSS OR DESTRUCTION OF POTENTIAL EVIDENCE;**

**FOLLOWING THE SUSPECT (TRACKING DEVICE);**

**NATIONAL SECURITY; OR**

**NOT AN URGENT APPLICATION.**

**IS THIS AN ONGOING INVESTIGATION?     YES                       NO**

**IF YES, NAME OF JUDGE WHO HAS REVIEWED PREVIOUS APPLICATION(s):**

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**PLEASE ENSURE APPLICATION IS PRESENTED IN THE MANNER PRESCRIBED BY THE HEARING OFFICE.**