



Alberta Court of Justice

Edmonton Criminal Division Bail Court

Effective: December 21, 2021

Introduction

The Alberta Court of Justice, Edmonton Criminal Division has determined that a court dedicated to bail hearings is necessary to address Charter compliance and compliance with the bail provisions of the Criminal Code.

This Practice Directive does not impact bail hearings in courtrooms 267 (Federal and Specialized Prosecution matters), 268 (Family Violence matters), 355 (bail hearings over 2 hours), 356 (scheduled bail hearings of up to 30 minutes) and 357 (Mental Health Court and the Edmonton Indigenous Court).

The New Bail Process

Commencing November 29, 2021 Bail Court will be open every afternoon in courtroom 353, from 1:30 pm to 4:00 pm. The intention is to conduct Bail Court with only the minimum necessary procedural requirements, as outlined below.

The Crown prosecutor formerly designated as the “B” Crown in courtroom 265 will now deal primarily with bail (bail being the priority). The Bail Crown will be available every morning prior to 9:00 am, via email.

The Bail Crown, or the “A” Crown will advise the presiding Justice in 265 every day at 900 am who the Bail Crown is for the day.

Counsel (including Duty Counsel) who are ready to speak to bail on behalf of their clients will be expected to notify the Bail Crown via email as early as possible, that a bail hearing will be required.

The more advance notice counsel are able to provide the better, but there will be no cut off time, and no requirement to schedule bail through the CMO. Late notice to the Bail Crown may risk the matter not being heard on the same day.

By 11:30 am the Bail Crown will advise the presiding Justice in 265 as to which matters will be heard in Bail Court that afternoon. This will facilitate moving the physical court files and notifying the 1 Edmonton Remand Centre (or other Corrections facility) that the accused person will be required in 353 in the afternoon.

Where feasible, all counsel are encouraged to email the Bail Crown the day prior, of their intention to speak to bail.

Any documents necessary to conduct the bail hearing can be forwarded to EDM353@just.gov.ab.ca

For clarity, court files will not be moved to 353 unless bail is to be spoken to, and bail matters cannot be directly booked in 353 without going through the docket court, 265. There should be ample opportunity for counsel on both sides to be in contact, and discuss the application prior to 1:30 pm.

Counsel are required to carefully consider the length of time each bail hearing will take.

The intention is to complete as many matters as can be done with the time available, each afternoon.

This process is subject to the following exceptions. First, matters over 2 hours must to be heard in 355; and, second, where an accused person wishes to have a bail application heard in 356. In either case bail will be booked through the CMO, however, unscheduled bail matters will be heard in 356, when time permits. The time limit in 356 will remain at 30 minutes, with a maximum of 5 hearings per day. 356 bail matters will be heard in 356 and will not be moved to 265 for referral to 353.

This Practice Directive applies, as may be possible and as necessary, to self-represented accused persons.

Transitional Provisions

For the next several months the afternoon trial list in 353 will be spoken to in courtroom 355 at 2:00 pm. At the discretion of the presiding Justice those matters may be assigned to any available trial court for a 2:00 pm start, or dealt with by the 355 Justice, in that court. If insufficient time is available, matters may be adjourned with a direction to overbook.

Anyone showing up in 353 for the 2:00 pm low complexity trial list will be directed to the appropriate courtroom.