



COVID-19 TRAFFIC COURT RESUMPTION PROTOCOL

(PHASE 3 – ADDENDUM EFFECTIVE DECEMBER 17, 2020)

Purpose:

To provide a phased approach to resumption of services in Traffic Court operations across the province.

Phase 1 of the Resumption Protocol came into effect on June 1, 2020. Phase 1 focused on clearing the backlog of ticket matters, including trials, that were previously scheduled from March 16th onward.

Phase 2 of the Resumption Protocol came into effect on July 6, 2020. Phase 2 focuses on the continued clearance of the backlog of all ticket matters (noted above in Phase 1).

Effective July 6, 2020, there were no longer any presumptive adjournments in effect for ticket matters.

Trials scheduled for the months of July and August, and from September 1 – 4, 2020, would not be proceeding as scheduled.

Phase 2 also introduced a mechanism for Defence Counsel and Commercial Legal Agents remote appearances in Webex Courtrooms, where available.

Phase 3 of the Resumption Protocol comes in to effect on September 8, 2020. Adjournment requests and time to pay applications/extensions and set aside applications will continue to be handled as desk top applications.

Warrants to Hold will only be considered in those situations where the Justice of the Peace (JP) or Provincial Court Judge (PCJ) determines there was a likelihood that the accused was unable to contact the requisite court location.

Commercial Legal Agents and Defence Counsel will continue to appear by Webex.

Docket Courtrooms will open for self-represented Defendants for a limited type of in person appearances for the scheduled days and times as set out by the Assistant Chief Judge (ACJ) in each of the court locations. Additional sittings as required due to change in volumes will be determined by the respective ACJ.



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INTERIM PROCEDURES - EFFECTIVE FROM DECEMBER 17, 2020 TO APRIL 1, 2021

For the period commencing December 17, 2020 and until April 1, 2021 all **“in person”** appearances are **suspended** for all Traffic Court matters (adult and youth) in all Provincial base and circuit court locations.

Circuit court traffic matters will be heard **remotely** at their respective base court locations.

Commercial Legal Agents and Defence Counsel will continue to appear by Webex (where applicable) or telephone.

There will be no presumptive adjournments during this time.

Defendants will be required to contact the respective base court office to deal with their matters.

I. Docket Courtroom Appearances for Part 2 Tickets:

1. Files at Warrant Status

a. Warrants to Hold – Defendant Contacts the Court Office

- i. Where a Defendant contacts the court location by email or telephone and wishes to deal with their warrant to hold by telephone, and it is the intention of the Defendant to plead guilty to the matter, the matter will be scheduled in a courtroom in the respective base court before a JP/PCJ in accordance with local scheduling protocols.
- ii. The Crown will attend the base court remotely for these appearances, unless the Crown determines that an “in person” appearance is required.

b. Warrant to Hold – Defendant Does Not Contact the Court Office

- i. If the Defendant does not contact the court office by the scheduled court date, the JP/PCJ will determine whether the warrant will be released, extend the hold, and if released, whether the warrant should be endorsed or not.



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c. Appearances on Outstanding Warrants

- i. If a Defendant attends the court house and advises the sheriffs at perimeter security that they have an outstanding warrant they wish to deal with, they will be directed to call or email the court office for further information.

d. Releases on Outstanding Warrants

- i. Where Law Enforcement Agencies (LEA) or a bail JP releases a person arrested on a Traffic warrant, the accused should be released to appear at a date (April 2021 or later), place and time in accordance with local scheduling protocols then in effect.

2. In Custody Appearances

- a. Accused persons who are in custody exclusively for traffic matters will appear in the respective traffic courtroom at the base court location. For base court locations that don't have regularly scheduled traffic sitting days, the accused will appear in a criminal courtroom.

3. Mandatory Court Appearances for Self-Represented Defendants

- a. If a Defendant attends the courthouse and advises the sheriffs at perimeter security that they have a ticket with a mandatory court appearance they wish to deal with, they will be directed to call or email the court office for further information.
- b. Where the Defendant contacts the court office by email or telephone and advises they wish to plead guilty to their matter and there is a mandatory court appearance required (e.g. no insurance, suspended driving, etc.), the court office will provide the Defendant the opportunity to adjourn their matter into a courtroom for a telephone appearance.
- c. Where the Defendant advises they wish to make a telephone appearance, the court office will adjourn the matter into a courtroom at the base court (as per the local scheduling protocols).



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- d. The court office will obtain a phone number from the Defendant for the phone appearance and advise the Defendant that they are required to be available for the telephone court appearance on the date and time scheduled.
- e. The matter will be heard in the scheduled courtroom on the date and time scheduled by the court, in “c” above, as per the local scheduling protocol.

II. Sentencings/Decisions/Trial Continuations

These matters will be treated as a priority and will be scheduled into the earliest available trial slot, taking into consideration the availability of the seized JP/PCJ.

III. Trial Courtrooms

All trial matters are suspended during this period. The Defendant is required to contact the respective base court office to deal with their matter – ask for a new trial date, plead guilty and request time to pay if required.

IV. Justice of the Peace Counters

Justice of the Peace Counters will remain closed and all tickets will continue to be handled through the remote process.