

PROVINCIAL COURT OF ALBERTA

Digital Judicial Authorization Rule

April 20, 2020

Pursuant to sections 482(2),(3)(a-c) and Part XXVIII of the Criminal Code and the Electronic Documents Regulation (Alta Reg 57/2020I) under the Provincial Court Act (RSA 2000, c. P-31), the Provincial Court of Alberta promulgates the following Rule to regulate the conduct of court staff, Judges and Justices of the Peace in receiving, reviewing, and approving or denying applications for warrants or orders under the Criminal Code or other statute incorporating the provisions of Part XV of the Criminal Code:

Where an application for a warrant or order under the Criminal Code or other applicable statute is made, and where s. 487.1 of the Criminal Code does not apply, the approval or rejection of that application shall be carried out in accordance with the Digital Judicial Authorization Protocol attached to this rule. All of the provisions of the Criminal Code or other authorizing statute continue to apply. The documents required by these statutes may be received and processed by the Court electronically through the attached protocol.

PROVINCIAL COURT OF ALBERTA

Digital Judicial Authorization Protocol

April 20, 2020

1. An application for a judicial authorization will be submitted in the current manner throughout Alberta, unless Law Enforcement Agencies (LEAs) have been given notice this protocol applies to them. Once the Protocol has been activated for any LEA it must be followed until further notice is provided.
2. The substantive contents of an application for a judicial authorization shall be the same as the prior paper submission. The application will be scanned and converted to a digital file.
3. Applications shall be submitted by a peace officer of a LEA to the designated email address using FortiNet secure mail.
4. The applications received shall be logged by the Judicial Assistant responsible for monitoring submissions and shall be electronically forwarded to the Judge or Justice assigned to consider the application.
5. If a peace officer of a LEA seeks to submit an application in person rather than in accordance with this Protocol, the peace officer shall apply for leave from the Assistant Chief Judge of the Division in writing for leave to submit the application for the judicial authorization in person through the same designated email utilized for receipt of digital applications. If leave is granted instructions regarding the time, place and process for the personal submission shall be provided by the Assistant Chief Judge or his designate.
6. The assigned Judge shall review the application and make one of the following determinations:
 - a. Issue the authorization as sought;
 - b. Decline the authorization without reasons for rejection; or
 - c. Decline the authorization providing written reasons for rejection.
7. The assigned Judge shall transmit her or his decision to the email address from which the application was received.
8. The Judicial Assistant monitoring the designated email address shall take the following steps following receipt of the response of the assigned Judge:
 - a. Log the decision of the assigned Judge;
 - b. If the application was granted, print the ITO, Judicial Authorizations and Sealing Order and provide to the Clerk of the Court of the division; and
 - c. Return the authorization (with Sealing Order if granted) or the written notice of rejection to the applicant at the same email address from which the application was received.

NOTICE OF CHANGE TO JUDICIAL AUTHORIZATION PROCESS

Edmonton Provincial Court

Effective April 27, 2020

Effective April 27, 2020 the COVID-19 Warrant Protocol will be suspended for Edmonton Provincial Court and Hearing Office. The following guidelines will take effect:

1. **Judicial Authorization applications will be submitted to the Edmonton Adult Criminal Division of Provincial Court during regular office hours using the new Digital Judicial Authorization Protocol.**
2. Judicial Authorization applications will still be accepted in person at the Hearing Office after hours and on weekends.
3. Pursuant to the new Protocol all applications are to be submitted using the prescribed secure transfer application.
4. Individual Law Enforcement Agency (LEA) peace officers will be invited to register for access to this service as coordinated with each LEA. Further details will be provided from your Agency or from the contact below.
5. The digital process is as follows:
 - a. To set up access, you will receive an email invitation to take you through the registration process and provide instructions how to submit an application via the secure service.
 - b. You will prepare the Judicial Authorization in the same fashion you prepare an application for in person submission.
 - c. You sign and scan the application and then transmit the application to the Edmonton Adult Criminal Division as an attachment using the secure server.
 - d. Your application will be acknowledged by email when received.
 - e. You will be notified by email once the application has been reviewed and will be directed to sign onto your secure account to receive the results. You will print any documents you require from the package returned to you.
 - f. Your application and any resulting Orders will be electronically filed with the Courts.
6. Please review the Digital Judicial Authorization Rule and Protocol located on the Court website for more details.

FOR INFORMATION REGARDING SECURE SERVICE REGISTRATION CONTACT:

1. The Warrant Coordinator in your Law Enforcement Agency
2. The Duty Monitor at PC.DutyMonitor@albertacourts.ca