
HEARING OFFICE REVIEW COMMITTEE DISCUSSION DOCUMENT



HEARING OFFICE REVIEW COMMITTEE

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NOTE: Information on the operations of bail hearings in other jurisdictions in Canada was gathered at the time of the preparation of this Discussion Document for the purposes of comparison only and is subject to change. Readers should not rely on the information in the report when referencing practices in other jurisdictions

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I. Executive Summary

In June of 2015, the Hearing Office Review Committee (HORC) was initiated and tasked with conducting an internal review of current procedures and processes for Justice of the Peace services in the Calgary and Edmonton Hearing Offices. A Terms of Reference document was developed and subsequently approved by a Steering Committee led by the Assistant Deputy Minister, Resolution and Court Administration Services. The Steering Committee includes the Assistant Deputy Ministers from Alberta Crown Prosecution Services, Public Security, Correctional Services, Deputy Chief Judge of the Provincial Court and the Executive Directors for Provincial Court and Provincial Court Administration. The Terms of Reference (*Appendix 1*) document identified reviews in the following areas:

- Statistical Review;
- Process Review;
- Service Review;
- Jurisdictional Review; and
- Expansion of Services.

The HORC has representation from the Provincial Court (Administrative Justices of the Peace), Resolution and Court Administration Services, Alberta Crown Prosecution Services, Public Security, and Correctional Services. The review produced a robust Discussion Document to be provided to the Steering Committee.

The Hearing Offices are operational 365 days per year, 24 hours a day to provide services to Albertans and law enforcement agencies. There are two central offices one located in Calgary and one located in Edmonton. Each office has a minimum of five legally trained (law degree with minimum of five years at the Bar) Justices of the Peace on shift each day to hear varied types of applications from the public and law enforcement agencies throughout the province. Calgary Hearing Office hears applications for all enforcement agencies Red Deer and south to the U.S. border and the Edmonton Hearing Office hears applications for all enforcement agencies north of Red Deer to the Territorial Border. The Hearing Offices also have administrative staff (Judicial Clerks) on each shift to facilitate the workflow and produce all requisite court documentation arising from the hearings.

Justices of the Peace presiding at the Hearing Offices are governed by the Justice of the Peace Act and regulations (*Appendix 2*) and are authorized to hear all types of

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emergency applications, bail hearings, and process applications. Bail hearings make up the majority of service requests received at the Hearing Offices. Police Officers (presenting officers) representing the Crown present the Crown's case at all bail hearings. Duty Counsel is not available to assist the accused, therefore, often matters are adjourned to the next scheduled court date so that accused persons have the benefit of legal representation.

Applications or requests for service are prioritized in accordance with urgency, as follows:

- Priority 1 –Emergency Applications (search warrants, Emergency Protection Orders and Apprehension Orders);
- Priority 2 – Bail Hearings; then
- Priorities 3 – Process Applications (warrant or summons applications).

For the 2014-2015 fiscal year, Hearing Offices heard 118,478 applications. Of the total applications heard, 5% were priority 1, 63% were priority 2, and 32% were priority 3 applications. This is a 15% increase in the total number of applications heard over a three-year period. The greatest amount of increase over the three-year period is in priority 2 applications – there is a 25% increase in this area.

RCMP detachments account for 37% of the total service requests handled by the Hearing Offices; Calgary Police Service (CPS) for 24%; and Edmonton Police Service for 21%; and other agencies for the remaining 18%.

The increase in volume and complexity of time sensitive applications continues to put a strain on Hearing Office resources, contributes to longer wait times for hearing of applications, and greatly impacts law enforcement agencies and the accused, particularly in smaller detachments.

Key process areas were mapped at Hearing Office operations with the objective of identifying process gaps and advancing best practices. There were minimal process gaps between the two offices. Both offices identified the changes in prioritization of service requests according to the urgency of the matter. The best example of this is in relation to production orders, which fall into the definition of "search warrant" but classified as priority 1 for swearing the Information to Obtain (ITO). Once the ITO is sworn, the production order becomes a priority 3 application unless the officer can support the

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urgency of the application. All other areas of prioritization of service requests continue to be supported with the same initial reasons/information and remain classified as such.

Law enforcement agencies have voiced concerns regarding service delays since the inception of the Hearing Offices in 1999. This continues to be a key factor in determining successful service delivery, particularly from a law enforcement perspective. In an effort to address these concerns, Hearing Offices conducted a survey over a two-month period (July 20 – September 20, 2015) in order to determine the issues that contribute to service delay. Over the two-month period, Justices of the Peace tracked each time there was a delay in service, the nature of the delay and the time associated with the delay. Of the total number of forms submitted for analysis, 51% of service delay was attributed to law enforcement agencies not being available when the Hearing Office was ready to commence the hearing. While Calgary and Edmonton Police Services have dedicated presenting officers responsible for presenting at bail hearings, RCMP detachments and other enforcement agencies do not. Therefore, it is not surprising that the largest percentage of delay was attributed to RCMP detachments. The survey also revealed service delays in the following areas - 25% attributed to priority 1 (emergency applications); 13% due to accused not being ready to proceed; and 11% of service delay was due to incomplete/inaccurate documentation and/or equipment problems.

A survey of Justice of the Peace services was conducted in other jurisdictions across Canada in an effort to compare the level of services provided. In particular, the areas of interest related to centralization of services, hours of operation, available services, and the handling of bail hearings. Each jurisdiction varied in different aspects of service delivery, with most offering after hours services on an on call basis only. British Columbia and Manitoba conduct bail hearings seven days per week, until 11:00 p.m. daily; Newfoundland & Labrador and Ontario conduct bail hearings seven days per week during regular business hours (8:30 a.m. to 4:30 p.m.); Nova Scotia, Yukon and Northwest Territories also conduct bail hearings seven days per week, but the times available, particularly during weekends and statutory holidays varied. Alberta is the only jurisdiction that provides scheduled Justices of the Peace services 365 days per year, 24 hours a day for all types of service requests.

There are a number of areas where Justice of the Peace services can be expanded throughout Alberta to allow for more efficiency and timeliness of services. This would allow Provincial Court Judges to hear trial and other matters requiring their attention. Currently, Hearing Offices hear return bail applications (appearances for bail hearing subsequent to initial bail hearing) for most of northern Alberta. In particular, Grande Prairie and Red Deer return bail hearings are scheduled through the Calgary Hearing Office at set dates and times. For these particular bail hearings Crown prosecutors, duty

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counsel and/or defence counsel participate in the hearings. Expansion of services to include bail-hearing courts for all return bails in the province would free up finite judicial resources for more meaningful hearings, and will affect any future considerations regarding the expansion of courtroom facilities across the province.

Further expansion of Justice of the Peace services at the Hearing Offices for criminal adult/youth and family docket matters would free up Provincial Court Judges to hear trial matters in these areas, where lead times continue to increase. Having the required participants available to the Justices of the Peace for these matters would allow for timelier processing of bail hearings and emergency applications and would potentially reduce the number of appearances accused or applicants make.

The following information contained in the Discussion Document is based on information gathered and considered throughout the review process. A number of documents, including graphs, survey results and statistical data are included and appended to the document to provide the reader a comprehensive picture of all activities undertaken at the Hearing Offices in Alberta.

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II. Overview

The Hearing Offices have been providing Justice of the Peace (JP) Services since the mid-1970s. Since their inception and until legislative changes in 1999, the offices were located in Calgary and Edmonton, in close proximity, and almost as an appendage to the Calgary and Edmonton Police Services Headquarters. The offices were open seven days per week, for two shifts (8 a.m. to 4 p.m. and 6 p.m. to 2 a.m.) and only provided services to Calgary and Edmonton. Until 1999, any service requirements/applications by members of the public or enforcement agencies were required to be heard in-person. For those areas outside the Calgary/Edmonton corridor, most applications were made before Fee JPs that were on call and paid on a “per service provided” basis, or before a Provincial Court Judge.

During this period, the JPs performing bail hearings and hearing search warrant applications at the respective Bail Offices and, the Fee JPs providing the same services in the regional areas were not required to be lawyers. Further, Staff JPs appointed within court offices also had the authority to perform these services, and often did, particularly at circuit court locations.

With the proclamation of Bill C-25 on February 1, 1999, the qualifications and duties of JPs in Alberta changed, thereby requiring that all JPs performing substantial services be lawyers. In response to a number of legislative changes, the Province expanded the two Hearing Offices (Calgary/Edmonton) for provision of JP services to the public and police agencies throughout the province. The Calgary Hearing Office services all areas from the northern border of the Red Deer judicial district south to the U.S. and Provincial borders. The Edmonton Hearing Office services all areas north of the Red Deer judicial district to the Territorial and Provincial borders. Lawyers were appointed as JPs (referred to as Presiding JPs at the time) to hear all emergency applications, bail hearings and process applications seven days a week on a twenty-four hour a day basis. These services are provided in-person, by fax and by telephone.

Today, Fee and Staff JPs (referred to as non-presiding Justices of the Peace) continue to exist, however, have very restrictive duties/powers and continue to perform purely administrative functions within court operations and at regional court locations. Their duties include swearing/receiving Court Informations, confirming/cancelling police process, issuing subpoenas, administrative releases, surety interviews and other administrative duties that require minimal judicial discretion.

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The Hearing Offices also have a complement of Judicial Clerks as administrative staff that support the work of the Court of Queen's Bench and Provincial Court, and provide support services to the JPs. These Judicial Clerks are responsible for the receipt, production and distribution of all court ordered documents handled through the Hearing Offices. They also hold non-presiding JP appointments and in this capacity provide services to enforcement agencies and members of the public, which includes performing administrative releases for various correctional facilities and enforcement agency arrest processing areas

Hearing Office Judicial Clerks also operate a fully functional registry counter, providing services to members of the public and stakeholders in a variety of areas, including processing fine and bail payments, qualifying sureties, and liaising with all agencies to ensure all service requests are processed in a timely manner.

Hearing Offices hear all after hours emergency applications including search warrants, EPOs, CYFEA child apprehensions orders, Feeney Warrants, Production Orders, all bail hearings whether on initial arrest or arrest on a bench warrant, and all summons/warrant and other process applications. All bail hearings commence at the Hearing Office and all subsequent appearance are before a Provincial Court Judge in the court sitting point having jurisdiction over the charges. The only exceptions would be the Grande Prairie/Red Deer/Northern bail hearings brought forward at the request of the accused or counsel for the accused.

Provincial Court Judges hear emergency and, in Edmonton, non-emergency search warrant and Production Order applications, EPO applications and child apprehension applications during normal court sitting days and business hours. However, in Calgary, the Hearing Office JPs hear the majority of search warrant applications with the exception of those that are in the exclusive jurisdiction of Provincial Court Judges.

As part of a cost savings initiative, in January of 2003, a decision was made to amalgamate the Calgary and Edmonton midnight shift and have all applications heard through the Edmonton Hearing Office between the hours of midnight and 8:00 am. As a result, the Calgary Hearing Office operation was reduced to four eight hour shifts; providing service between the hours of 8 a.m. and midnight. The amalgamation of this shift was not sustainable due to the increased workload volumes, and complaints from enforcement agencies relating to timeliness of service. In March 2007, the midnight shift in Calgary was re-opened and since then both the Calgary and Edmonton Hearing offices continue to be open 365 days per year, 24 hours a day for service to the public and enforcement agencies.

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Since July 2009, the Hearing Offices have taken on the additional responsibility for conducting return bail hearings for court locations in Northern Alberta. This allows an accused person who, did not speak to their release at their initial appearance at one of the Hearing Offices to have their matter adjourned back to the appropriate Hearing Office to speak to release at a later date/time. This is primarily due to the conflict or perceived conflict that exists in the smaller communities where there are a limited number of Provincial Court Judges in these areas to deal with all matters. In particular, the Judge hearing the bail application is more likely to be the same Judge hearing the trial of the matter, and would have heard details of the accused criminal record and other information during the bail hearing.

The practise for Northern Alberta bail hearings heard at the Edmonton Hearing office, is to remand the accused to appear at the next sitting of the court having jurisdiction over the offence if the bail hearing is not held on 'first instance'. The warrant remanding the accused indicates that the accused or their counsel have the right to bring the matter of bail forward at any time prior to their next court appearance for a bail hearing at the Edmonton Hearing Office. The RCMP act for the Crown in the vast majority of the 'brought forward' bail hearings, however Crown prosecutors occasionally take over major files.

In April of 2009, Alberta Crown Prosecution Services (ACPS) commenced a "bail project" that would see Crown prosecutors take conduct of all bail hearings through the Calgary and Edmonton Hearing Offices, Monday to Friday, between the hours of 9:00 a.m. and 4:00 p.m. Legal Aid Alberta also participated in this pilot by scheduling Duty Counsel at both the Edmonton Police Service (EPS) and Calgary Police Service (CPS) arrest-processing units to assist the accused during their bail hearings. The ultimate plan was to expand this project to include evening hours for CPS and EPS and add regional bail hearings; however, in October 2009 the ACPS advised that due to budgetary constraints they were no longer able to continue with the project. Because of the ACPS's decision, Police Officers from CPS and EPS once again assumed the role of presenting at all bail hearings, and continue in that capacity today.

In October 2013, the Calgary Hearing Office commenced a pilot project to assume responsibility for all return Grande Prairie bail hearings. Bail hearings are scheduled on Tuesdays and Fridays at a set time, and a JP is specifically assigned to these hearings. Further, the Crown takes conduct of the bail hearing, and often defence counsel is present to represent the accused.

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Another pilot project commenced in September 2015 where the Calgary Hearing Office assumed responsibility for return bail hearings for the Red Deer Provincial Courts. This was primarily due to facility and resource pressures and limitations in Red Deer Provincial Court. Red Deer bail hearings are scheduled at set times, two days per week through the Calgary Hearing Office, with participation of Crown prosecutors, Duty Counsel and defence counsel.

1) Types of Applications Heard

Services provided by the Hearing Offices are divided into the following three categories.

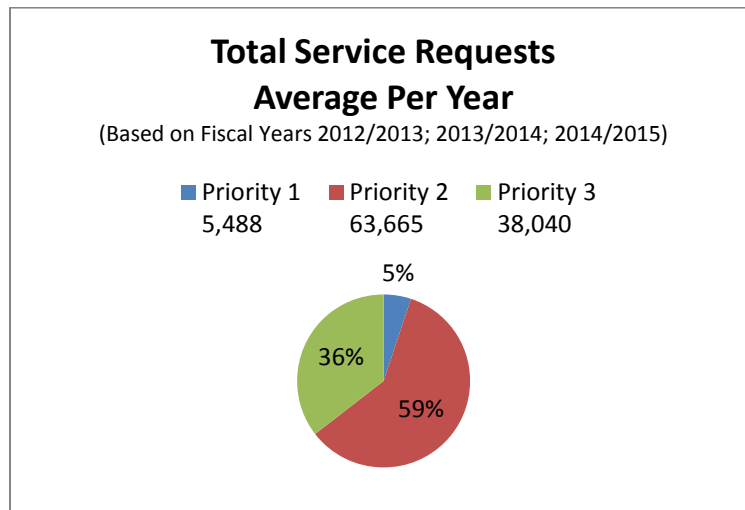
- Priority 1 applications are emergency applications requiring immediate attention;
- Priority 2 applications are judicial interim release hearings and administrative releases; and
- Priority 3 applications are all other applications.

The Hearing Offices receive over 100,000 service requests per year. The type of requests handled through these offices varies, and are therefore actioned and heard relative to the urgency of the request. Incoming requests are prioritized into three categories noted above in accordance of urgency, with priority 1 being the most urgent. All applications can be made in-person, and most applications may be made by telephone or fax.

Of particular importance is the fact that the definition of priorities can differ somewhat depending on the urgency of the application. In Edmonton, Production Orders are considered a lower priority (often categorized as priority 3) depending on the date the order is required. However, in Calgary, Production Orders are treated as priority 1 applications, when the Hearing Office staff receives them, as they are classified as a type of search warrant. The determination of urgency is left with the reviewing JP.

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a) Priority 1 Applications

These include Emergency Protection Orders (*Protection Against Family Violence Act*); Apprehension Orders under various legislative authorities including: *Child, Youth & Family Enhancement Act* (CYFEA), *Protection of Sexually Exploited Children Act* (PSECA), *Drug Endangered Children Act* (DECA), applications under the *Missing Persons Act*, Feeney warrants, production orders, and various search warrant applications including blood warrants.

These applications are often complex, time sensitive and urgent in nature, and tend to take an hour or longer of JP time and resources. Although, the numbers in this area are smaller in comparison to priority 2 and priority 3 applications, they take more time to consider and often sworn evidence is required.

On average, there are approximately 5,488 priority 1 service requests per year – representing approximately 5% of the total applications handled through the Hearing Offices.

b) Priority 2 Applications

These applications include Judicial Interim Release (bail hearings) for fresh arrests, northern Alberta bail hearings (bail hearings that are returnable to the Hearing Office for hearing by the JP), six day remands on out-of-province warrants, taking pleas and assessing penalties on outstanding warrants for provincial and municipal offences, and administrative releases.

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In general, bail hearings for Calgary Police Service and Edmonton Police Service arrests are conducted by video conference, while bail hearings for all other enforcement agencies are conducted by telephone (tele-bail).

Bail hearings on fresh arrests are conducted on a 24-hour basis as required. Presenting Officers, from the appropriate law enforcement agency, act for the Crown on the majority (approximately 99%) of these bail hearings. However, on occasion a Crown prosecutor will take conduct of a bail hearing due to the nature and/or complexity of the file. Private counsel on occasion may participate in a bail hearing, either in-person, or by telephone. Duty counsel is not available to assist self-represented accused at these hearings.

Administrative release is a term used to describe the post-court procedures involved in processing the release of an accused who has met the conditions for release set by the court or JP. Judicial Clerks at the Hearing Offices handle administrative releases by telephone. Due to the volume of administrative releases from the Calgary and Edmonton Remand Centers, there is also one Judicial Clerk (non-presiding JP) situated in each of these correctional facilities during the week to handle all administrative releases in-person. These Judicial Clerks also perform a number of other functions/duties for court operations.

On average, there are 63,665 priority 2 service requests per year. This constitutes 59% of all service request applications handled through the Hearing Offices.

Further, there are approximately an additional 6,300 administrative releases handled by the Judicial Clerks at the Calgary and Edmonton Remand Centres. The Remand Centre administrative releases are not included in the above statistics for priority 2 requests.

c) Priority 3 Applications

These applications include summons/warrant applications, subpoenas, and other administrative applications that are not urgent in nature. These are the least urgent of all service requests, and are generally not time sensitive. However, these requests are usually completed within 24 hours.

On average, there are approximately 38,040 priority 3 service requests per year - 35% of the total applications handled through the Hearing Offices.

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2) Facilities

a) Calgary Hearing Office

The Calgary Hearing Office is located on the second floor, north tower of the Calgary Courts Centre (CCC), a modern facility centrally located in downtown Calgary. Public access to the Calgary Hearing Office is gained through the main entrance of the CCC, where members of the public are then subject to security screening. Although the CCC remains open twenty-four hours a day, seven days a week, after hours public access (6 p.m. to 6 a.m.) is restricted to the south exterior doors. The Calgary Hearing Office is organized similar to all registry offices in the CCC. It is equipped with a generous counter (three wickets); a reception area within close proximity; and administration space to accommodate staff and equipment for the Hearing Office operation. There is also a security desk mid-way between the Hearing Office and the Youth Court registry, which is located on the same floor. After hours, the security desk in this reception area is always staffed.

There are three fully equipped courtrooms (similar to all of the CCC courtrooms) for JP hearings. The largest of the courtrooms is also equipped with a prisoner's dock (with secure access to lower level cells) and a detached witness stand.

All courtrooms are equipped with Crestron video/telephone link stations linked to a desktop computer equipped with for the Record (FTR) digital recording software. All matters/applications are conducted in a courtroom and all are digitally recorded.

Regional bail hearings are conducted by telephone with the capacity to link up to six parties using the Creston video/telephone link station. Calgary Police Service bail hearings are heard by CCTV. Bail hearings are open to the public and access is provided to the Courtrooms for this purpose. Although defence counsel have the opportunity to attend in-person, they frequently link into hearings by telephone.

Family applications for Emergency Protection Orders, Child Apprehension Orders and other emergency applications are heard in the courtroom either in-person, or by telephone. For all in-person applications, only the JP and applicant are present.

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Sheriff or security presence in the courtrooms is only provided upon request. However, Sheriffs are available in the CCC during normal work hours. Court security officers (commissionaires) are available on a 24/7 basis. Since they are not peace officers, they merely attend in an observe and report capacity.

b) Edmonton Hearing Office

The Edmonton Hearing Office is located on the main floor of the John E. Brownlee Building (“the Brownlee”) in downtown Edmonton, across the street diagonally from the Edmonton Law Courts. Public access to the Hearing Office is by way of a locked door on the southwest corner of the Brownlee. A staff member must buzz in all visitors, public or enforcement agencies. Police, EPO claimants and those paying bail share a small reception area (seating for 6). EPO claimants and parents or guardians attending to participate in Youth bail hearings access a small room via the reception area. The door is glass and offers little privacy from those sitting in the reception area. A video link joins the participants with the JP.

Within the administrative area of the office, there is a small service counter and workstations for six clerks and a small office for the supervisor.

There are two JP offices equipped with large, workstation style desks, console telephones for tele-bail hearings and video conference equipment. Each JP office has a desktop computer for recording hearings on the FTR digital recording system. One JP office is equipped with a 40” flat screen TV and is used primarily to conduct video conference hearings with the Edmonton Police Service but can also be conferenced with any Provincial Correctional facility having video conference capabilities, including institutions housing accused persons. The other JP office lacks the large screen but has a small desktop monitor which can be used to videoconference if need be.

The Edmonton Hearing Office also operates a satellite office on the main floor of the Edmonton Law Courts on Monday, Wednesday and Friday, from 8:15 a.m. to 4:00 p.m. This office deals with priority 3 requests for Edmonton Police Service process (typically, swearing Informations and issuing warrants/summons), swearing Informations and issuing process for various walk-in members of enforcement agencies, swearing Informations to Obtain various warrants and Production Orders, overflow EPO applications from the family courtrooms and (by appointment) private Information applications (typically s. 810 Peace Bonds).

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This office is equipped with FTR recording equipment for in-person and telephone applications, but is not equipped with video-conferencing. The capability to conduct telephone applications was a recent addition (September 2015) to this office and now allows the JP in this office to render assistance to the Brownlee Hearing Office when bail-hearing volume reaches critical levels, technology failures in one of the main JP offices or when extra JP shifts are required to deal with workloads.

3) Resources

a) Justice of the Peace Complement and Shift Schedules (Appendix 3)

Justices of the Peace (JPs) are judicial appointments and fall under the supervision and auspices of the Deputy Chief Judge of the Provincial Court. JPs are appointed by the Minister of Justice through Orders in Council: after being approved by the Judicial Council, a process consistent with other judicial appointments.

In total, there are 12 full time and 31 part time JPs appointed for the Province. The twelve full time JPs are located in Calgary and Edmonton. Of the 31 part time JPs; five are located in regional court locations for purposes of hearing Traffic Court matters. The other 25 part time JPs are located in Calgary and Edmonton and are assigned to Hearing Office and Traffic Courts within each of those areas. There are two designated Administrative JPs (one in each of the Hearing Offices) who are given additional administrative responsibilities to ensure adequate coverage of all Hearing Office shifts and Traffic Court assignments for Calgary, Edmonton and surrounding Regional areas as well as act as a liaison between enforcement agencies, JPs and court administration.

LOCATION	FULL TIME	PART TIME
Calgary	6	15
Edmonton	6	11
Lethbridge		1
Medicine Hat		1
Grande Prairie		1
Red Deer		2

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Hearing Office shift schedules vary throughout the province, but the constant is that each office provide 24 hour, 7 day per week coverage. During the day and evening shifts one JP is assigned to hear applications specific to Calgary Police Service (Calgary Hearing Office); one JP is assigned to hear applications specific to Edmonton Police Service (Edmonton Hearing Office); and two JPs (one in each of the Calgary and Edmonton Hearing Offices) are assigned to regional enforcement agencies (North and South). The midnight shift sees the number of JPs in each Hearing Office drop to one. This means that there are only two JPs assigned to service all enforcement agencies for the entire province during the midnight shift.

b) Staff Complement and Shift Schedules
(Appendix 4)

Resolution and Court Administration Services provides the staff that supports the work of the JPs at the Hearing Offices. The staff ensure applications are in order, produce the requisite court orders, and ensure the timely processing and distribution of all resulting documentation. All staff are classified as Judicial Clerks/Senior Judicial Clerks who hold non-presiding JP appointments to assist with qualification of sureties, administrative releases, and any other administrative JP duties within their scope of authority.

Hearing Office staff complement includes 35 Judicial Clerks in total – 26 full time and 9 part time staff. Judicial Clerks are required to work shift rotations, throughout the week and are scheduled in accordance with workload indicators, and peak time service hours. Of the total Judicial Clerk complement, there are 8 team leads assigned to ensure the availability of senior personnel on most shifts. Team leads oversee the review and signing of all documentation produced from bail hearings, and ensuring an accurate log is maintained for all incoming and outgoing service requests.

The Hearing Office also provides one Judicial Clerk member stationed at each of Calgary and Edmonton Remand Centres for purposes of affecting administrative releases for any accused persons held in custody, where bail has been set but not yet met. They also process other court documentation as required.

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III. Statistical Review – Priority 1, 2 & 3

Hearing Office staff utilize a specialized database (Hearing Office Database) to track all service requests received in the Hearing Offices to ensure the services provided are efficient and timely. The data collected includes:

- Requesting Agency;
- Type of Service Request;
- Time Faxed In;
- Time Provided to JP;
- Time Received Back from JP; and
- Time Resulting Document Faxed Back to Requesting Agency.

For the purpose of this report, statistical data over three fiscal years (2012/13, 2013/14, 2014/15) was gathered and analyzed for all service requests (priority 1, 2 & 3) from the Hearing Office Database. Data and graphs contained in this report include “combined” totals for both Hearing Offices for the fiscal year 2014/15, as this is the most recent information and is most reflective of the current state. Statistical information includes workload indicators; service peak hours for agency requests throughout the year; service peak hours for agency requests relevant to day of the week; service turnaround times (time from initial request to completion); and Calgary and Edmonton Remand Centre workload volumes.

1) **Workload Volumes** (Appendix 5)

Workload volumes are indicative of the number of service requests handled by the Hearing Offices in a given period. The following information provides an overall view of service requests, commencing with “All Service Requests” and then continuing with individual workload volumes in accordance with designated priority.

a) All Service Requests

(Based on averages over a three year period – 2012/13, 2013/14, 2014/15)

i. Average Based on Three Fiscal Years

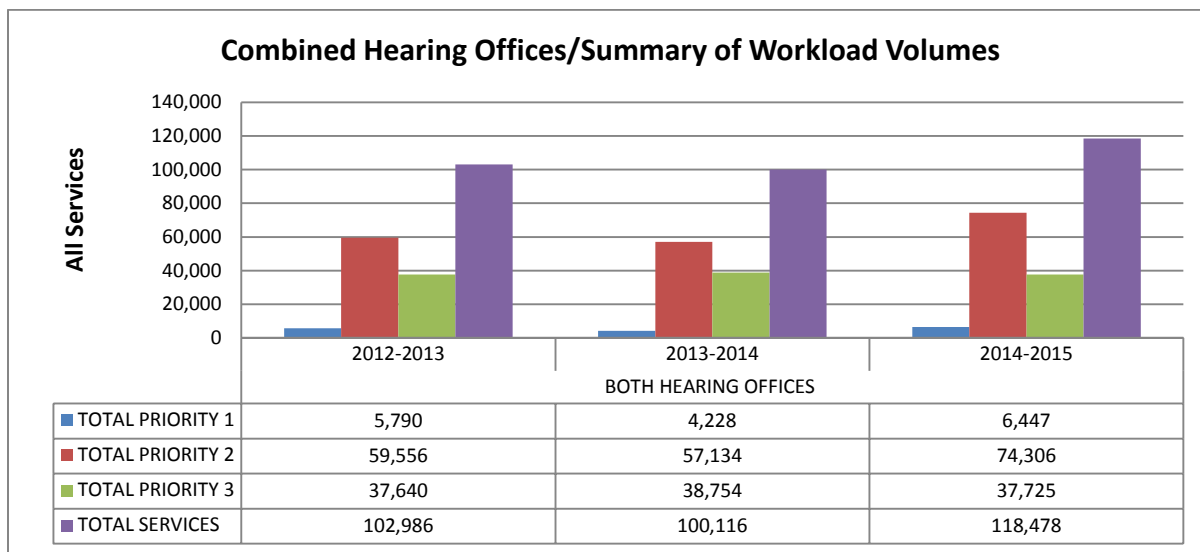
There were 107,193 service requests – priority 1 = 5,488; priority 2 = 63,665; priority 3 = 38,040.

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ii. Increase from 2012/13 to 2014/15

There was a 15% increase in all service requests: priority 1 = 11% increase; priority 2 = 25 % increase; priority 3 remained consistent throughout the three-year period.



iii. Service Demands by Day of Week for Service Requests Time In
(Appendix 6)

Weekdays are predominately busier than weekends. Weekdays average 18,556 service requests per day, in comparison to weekends, which average 12,850 service requests per day. Although Thursdays are the busiest days of the week, there has been a 38% increase in service requests on Tuesdays over a three year period (2012/12 – 2104/15). For the fiscal year 2014/15, there were over 18,556 service requests on Wednesdays, Thursdays and Fridays.

iv. Service Demands by Individual Agencies
(Appendix 7)

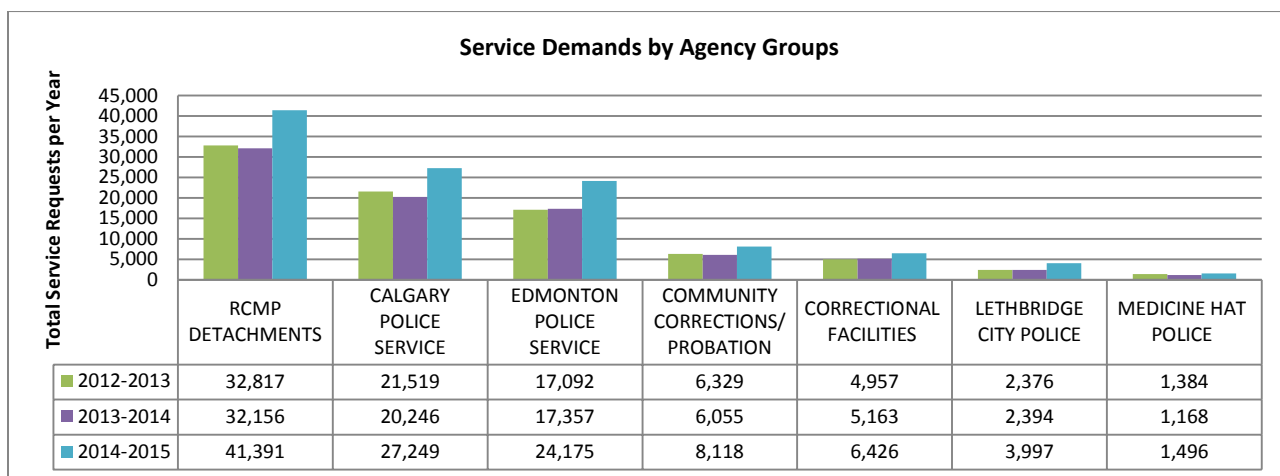
The highest users of Hearing Offices services (based on over 1,000 service requests per year) in descending order are Calgary Police Service, Edmonton Police Service, Edmonton Remand Centre, Lethbridge Police Service, Red Deer City RCMP, Fort McMurray RCMP Grande Prairie RCMP, and Medicine Hat Police Service.

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v. Service Demands by Agency Grouping
(Appendix 8)

The highest user groups of Hearing Office services (based on over 1,000 service requests per year) in descending order are – RCMP, Calgary Police Service, Edmonton Police Service, Community Corrections/Probation, Correctional Facilities, Lethbridge Police Service, Medicine Hat Police Service. Calgary Police Service and Edmonton Police Service average over 51,000 service requests per year.



b) Priority 1 Service Requests

(Based on averages over a three year period – 2012/13, 2013/14, 2014/15)
(Appendix 9)

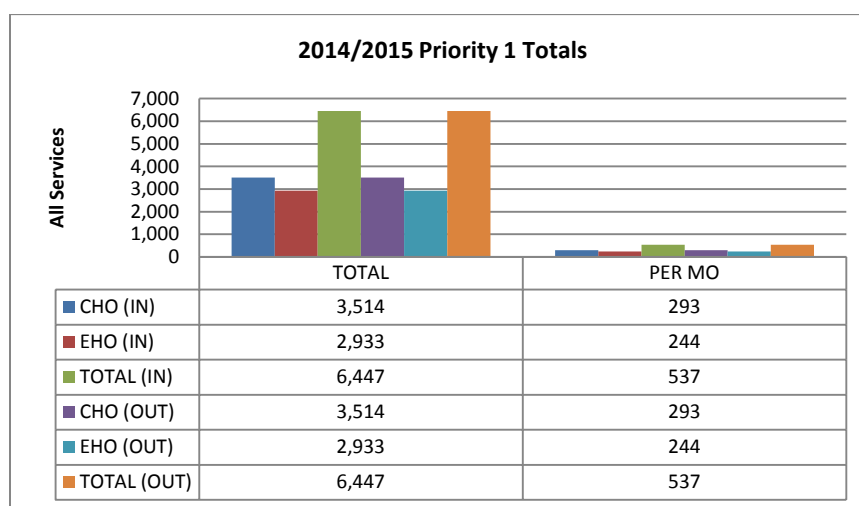
Priority 1 Service Requests make up 5% of all service requests handled through the Hearing Offices. On weekdays, priority 1 service requests are 6% of the total workload, while on weekends they are 5% of the total workload.

It is important to note that although priority 1 applications are only 5% of the total service requests handled by the Hearing Offices, they are by far the most time consuming. Most often, these applications require the JPs to hear sworn evidence in order to make a learned decision on the emergency application before them.

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- i. Increase from 2012/13 to 2014/15
There was an 11% increase in priority 1 service requests.
- ii. Fiscal Year 2014/15
Priority 1 service requests averaged approximately 1,062 service requests per weekday and 568 service requests on the weekends. On Tuesdays, Wednesdays and Thursdays the total number of service requests exceeded the weekday average.
- iii. Average Based on Three Fiscal Years
There is a 79% increase in all priority 1 service requests on Tuesdays and a 60% increase in these applications on Thursdays. The increase in this area is predominately in the area of EPOs.
- iv. Increase in Emergency Protection Orders (EPO)
In October 2011, the Court of Queen's Bench advised that they would no longer accept applications for Ex Parte Restraining Orders involving domestic violence matters by complainants as defined by the *Protection Against Family Violence Act* (PAFVA). The Court of Queen's Bench felt that jurisdiction was an issue in granting restraining orders given the EPO provisions in the PAFVA. This decision substantially increased the number of EPO applications made in the Provincial Courts. As a result, there is an increase in these types of applications at the Hearing Office, as any EPO applicants attending the courthouse after 3:00 p.m. are re-directed to the Hearing Office to have their matter heard before a JP.



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c) Priority 2 Service Requests

(Based on averages over a three year period – 2012/13, 2013/14, 2014/15)
(Appendix 10)

Priority 2 Requests make up 75% of all service requests handled through the Hearing Offices. On weekdays, priority 2 service requests are 57% of the total workload, while on weekends they are 84% of the total workload.

i. Increase from 2012/13 to 2014/15

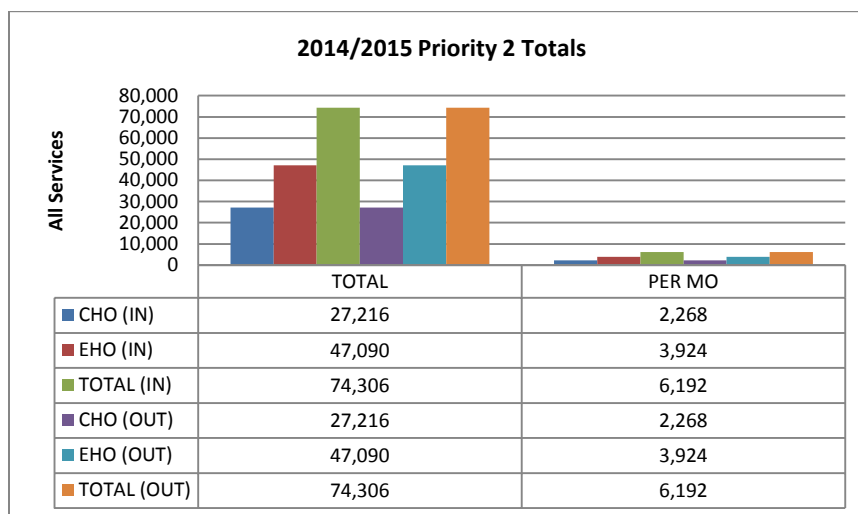
There was a 25% increase in priority 2 service requests overall. Further, there was a 34% increase in priority 2 service requests on Fridays. The increase in this area is partially due to a decision by some Courts in the northern regions of the province to have all bail hearings conducted through the Hearing Offices. The majority of these hearings are typically conducted on Fridays.

ii. Fiscal Year 2014/15

Priority 2 service requests averaged approximately 10,615 service requests per day overall.

iii. Service Demands by Day of Week for Service Requests Time-In

For the fiscal year 2014/15, - priority 2 service requests averaged approximately 10,580 service requests per weekday and 10,704 service requests on weekends. During the week, the busiest day was Friday (11,937 service requests), and on the weekend the busiest day was Saturday (11,489 service requests).



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d) Priority 3 Service Requests

(Based on averages over a three year period – 2012/13, 2013/14, 2014/15)
(Appendix 11)

Priority 3 requests make up 21% of all service requests handled through the Hearing Offices. On weekdays, priority 3 service requests are 25% of the total workload, while on weekends they are only 11% of the total workload.

i. Fiscal Year 2014/15

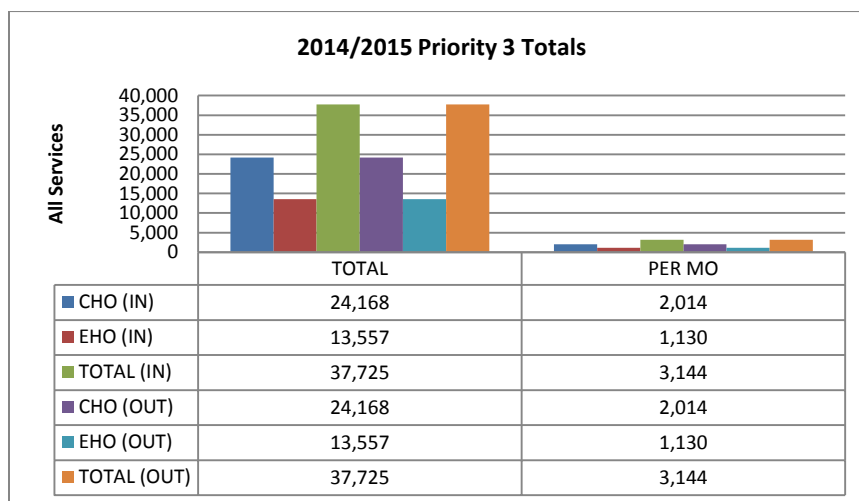
Priority 3 service requests averaged approximately 5,389 service requests per day. For every weekday (Monday to Friday), there were over 5,389 service requests per day.

ii. Increase from 2012/13 to 2014/15

There is a 41% increase in all priority 3 service requests on Tuesdays and a 40% increase in these applications on Mondays.

iii. Service Demands by Day of Week for Service Requests Time-In

Weekdays are predominately busier than weekends for priority 3 service requests. During the week, there is an average of 6,914 service requests for each weekday. Thursday was the busiest of the all days with 7,653 service requests. As agency support staff that are typically responsible for the production of these documents work during the week, it makes sense that weekdays would be busiest.



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2) Service Request Peak Hours

Statistical data is collected for each hour of the 24 hour period to determine peak hours/rush hours within the operations. The data reflects the time the service request is received in the Hearing Offices as well as the time the completed orders are dispersed to requesting agencies. This information allows re-allocation of resources as required.

Peak hours are determined based on calculating the average number of service requests per hour over a 24-hour period. This average becomes the baseline for peak hour determination and using a 24-hour clock, any hour where service requests exceed the calculated average becomes a peak hour.

a) All Service Requests

(Based on averages over a three year period – 2012/13, 2013/14, 2014/15)
(Appendix 12)

i. Service Requests Time-In

Peak hours for service requests received in the Hearing Offices consistently over a three-year period are from 8 a.m. to 4 p.m.

ii. Service Requests Time-Out

Peak hours for faxing out completed court orders/documents, vary from year to year. This occurs when the hearing is complete, and the requisite documentation is complete. For the most part, consistently, the time between 1 a.m. and 2 a.m., 10 a.m. to 5 p.m., and 7 p.m. to 11 p.m. are busiest. However, for the fiscal year 2014/15 peak hours increased to encompass the period between 10 a.m. and 11 p.m. This reflects the increase in service demands to the Hearing Offices over the past three years.

iii. Increase in Service Request Peak Hours

Peak hour averages for 2012/13 are based on 3,927 service requests per hour in comparison to 2014/15 where service requests are 4,937 service requests, an increase of 1,010 service requests per hour over a three-year period.

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b) Priority 1 Service Requests

(Based on averages over a three year period – 2012/13, 2013/14, 2014/15
(Appendix 13))

i. Service Requests Time-In

Peak hours for service requests received in the Hearing Offices vary from year to year. However, consistently over a three-year period, peak hours are between 9 a.m. and 7 p.m.; and the non-peak hours are between 2 a.m. and 8 a.m. (midnight shift). However, for the fiscal year 2014/15 peak hours increased to encompass the time between 9 a.m. and 9 p.m., a twelve-hour period.

ii. Service Requests Time-Out

Peak hours for faxing out completed court documentation vary from year to year. This occurs when the hearing is concluded and the requisite documentation is complete. For the most part, over the three-year period, the time between 2 p.m. and 7 p.m. would be consistent as the peak hours. However, for the fiscal year 2014/15 peak hours increased to encompass the time between 1 p.m. and 1 a.m., a twelve-hour period.

iii. Increase in Service Request Peak Hours

Peak hour averages for 2012/13 are based on 207 service requests per hour in comparison to 2014/15 where service requests were 269, an increase of 62 service requests per hour over a three-year period.

c) Priority 2 Service Requests

(Based on averages over a three year period – 2012/13, 2013/14, 2014/15)
(Appendix 14)

i. Service Requests Time-In

Peak hours for service requests received in the Hearing Offices vary from year to year. However, consistently over a three-year period, peak hours are between 1 a.m. and 2 a.m.; 9 a.m. and 11 a.m.; 1 p.m. and 4 p.m.; and 7 p.m. and 10 p.m. Consistently, over a three-year period, the only time during the 24-hour period where service requests were below the baseline numbers was between 3 a.m. and 9 a.m. For the fiscal year 2014/15, peak hours increased to encompass the midnight hour.

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ii. Service Requests Time-Out

Peak hours for faxing out completed court documentation vary from year to year. This occurs when the hearing is complete, and the requisite documentation is complete. For the most part, over the three-year period, the time-out peak hour periods are the same as the time-in peak hour periods for service requests. Consistently, over a three-year period, the only time during the 24-hour period where service requests were below the baseline numbers was between 3 a.m. and 9 a.m.

iii. Increase in Service Request Peak Hours

Peak hour averages for 2012/13 are based on 2,474 service requests per hour in comparison to 2014/15 where service request were 3,096, an increase of 622 service requests per hour over a three-year period.

d) Priority 3 Service Requests

(Based on averages over a three year period – 2012/13, 2013/14, 2014/15)

(Appendix 15)

i. Service Requests Time-In

Peak hours for service requests received in the Hearing Offices over a three-year period are consistently between 7 a.m. and 4 p.m. (during day shift). This is probably based on the availability of administrative staff working for law enforcement agencies, as they would be the primary persons responsible for entry and production of these documents. Priority 3 requests are primarily new court Informations where the request is for a summons or warrant to issue. The majority of these applications are faxed in to the Hearing Offices during normal business hours during the week.

ii. Service Requests Time-Out

Peak hours for faxing out completed court orders/documents vary from year to year. This occurs when the hearing is complete, and the requisite paperwork is complete. For the most part, over the three-year period, peak hours were from 9 a.m. to 7 p.m. However, for the fiscal year 2014/15 peak hours became more sporadic – between 1 a.m. and 2 a.m.; 9 a.m. and 11 a.m.; 1 p.m. and 7 p.m.; and 9 p.m. and 10 p.m. Because these applications are the least urgent of all service requests, the pattern seems to be that staff are completing and faxing back these documents when they are not busy with other service requests that are more urgent.

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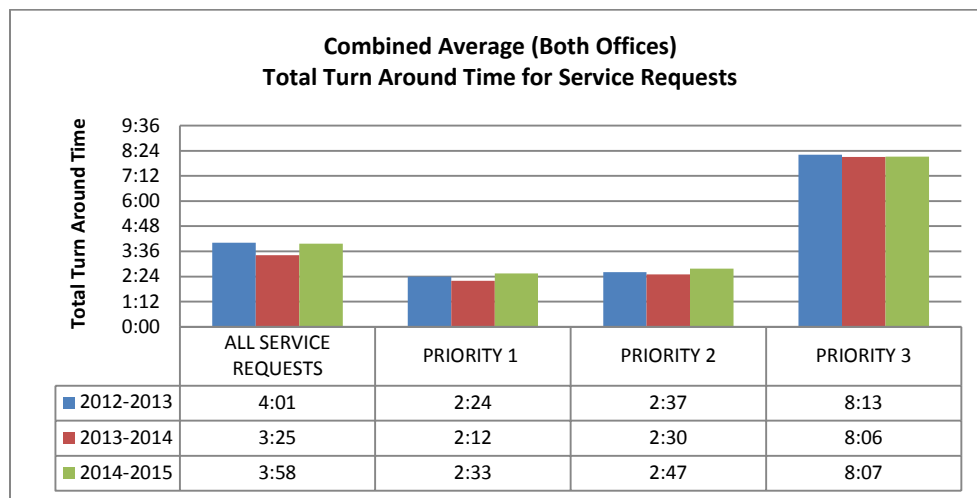
iii. Increase in Service Request Peak Hours

Peak hour averages for 2012/13 is based on 1,172 service requests per hour in comparison to 2014/15 where service requests are 1,572 service requests, an increase of 400 service requests per hour over a three-year period.

3) **Service Request Turn Around Times**

(Based on averages over a three year period – 2012/13, 2013/14, 2014/15)

Service turnaround times are defined as the total time for completion of a service request, based from time of receipt to time of disbursement. In other words, when a service request is received/faxed in to the Hearing Office, the “time-in” is noted in the Hearing Office log. Subsequently, once the resulting order is complete and faxed back to the requesting agency, the “time-out” is noted in the Hearing Office log. The overall turnaround time is calculated as follows - Average Turn Around Time for fiscal years 2012/13 + 2013/14 + 2014/15 divided by 3 (three years).



a) All Service Requests

- i. Based on averages over a three year period – 2012/13, 2013/14, 2014/15 the turnaround time is 3hrs. 48mins.
- ii. For 2014-2015 fiscal year, the average turnaround time is 3hrs. 58mins.

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b) Priority 1- Requests

- i. Based on averages over a three year period – 2012/13, 2013/14, 2014/15 the turnaround time is 2hrs. 23mins.
- ii. For 2014-2015 fiscal year, the average turnaround time is 2hrs. 33mins.

c) Priority 2 – Requests

- i. Based on averages over a three year period – 2012/13, 2013/14, 2014/15 the average turnaround time is 2hrs. 38mins.
- ii. For 2014-2015 fiscal year, the average turnaround time is 2hrs. 47mins.

d) Priority 3 – Requests

- i. Based on averaged over a three-year period – 2012/13, 2013/14, 2014/15 the average turnaround time is 8hrs. 9mins.
- ii. For 2014-2015 fiscal year, the average turnaround time is 8hrs. 7mins.

4) **Pressure Points**

a) Increase and Complexity in Emergency Applications

The increase in volume and complexity of time-sensitive applications has put a strain on the operations and increased turnaround times. Production Orders have increased significantly over the past year, and the recent legislative changes (Bill C-13 – March 2015), have resulted in the standard length of the Information to Obtain a Production Order to be over 30 pages long. Search Warrants, Tracking Warrants, Production Orders and other applications of this sort have become more complex and it takes much longer to read these documents for consideration of warrant issuance. The JPs who work the midnight shift – 0000-08:00 (particularly mid-week), are finding their work volumes overwhelming and are often unable to take any health or meal breaks during their shift. They find that the number of emergency applications takes increasingly more time than bail hearings. It is important to reiterate that priority 1 applications are far more time consuming than priority 3 applications that might only take a matter of minutes to process.

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The ability to determine/distinguish priority 1 matters from non-urgent matters has become increasingly difficult. For example, when is a Tracking Warrant considered urgent? When is a Production Order (or similar order) urgent and deserving of priority 1 status? This determination has a great impact on the turn-around times on bail hearings. In some instances, the clerk will try to ascertain from the applicant the required urgency/timeline for having the order reviewed- is it urgent and time is of the essence, or is it merely an application for production of bank or other documents they can seize within a few days? Most often, the applicant will say they need the documents “a.s.a.p.”, and the staff are not in a position to challenge the officer’s due date or position. Therefore, the matter is considered a priority 1 (search warrant application) and given to the JP for review.

In Calgary, there is an internal administrative directive that does not allow for consideration/reading of Production Order applications on the midnight shift. (This is to ensure that no one is tied up with a production order when more pressing matters arrive.)

Since January of this year, Edmonton Police Service have commenced making telephone applications for EPOs. Previously, claimants were referred to either the Courts or the Hearing Office. While applications for EPOs by designated persons can actually result in more efficient (i.e. shorter) hearings, they are still Priority 1 applications which require the JP to cease bail hearing activity for a period of time to deal with more urgent applications.

There is a distinct rise in EPO volumes as the weekend approaches and it usually peaks on Sundays, just when the Northern Alberta bail hearings and other bail matters are increasing.

b) Increase/Complexity/ Varied Bail Hearings

There has been a substantial increase in the number and type of bail hearings handled through the Hearing Offices (Northern Bail Hearings). The Hearing Offices historically only heard bail applications on fresh arrests or first instance.

For many years, the Provincial Court Judges in the northwest part of the province have declined to exercise their jurisdiction to hear any bail matters in their Courts. As a result, accused who wish to adjourn their matters because they wish to be represented by counsel are remanded in custody to appear at the next available court date, but with the right to re-open bail at any time before that next court date with the Edmonton Hearing Office. Even if the local Court is

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sitting the next morning, an accused in one of these northern jurisdictions would not be able to speak to bail until he or she could retain and instruct counsel or apply successfully for counsel appointed by Legal Aid. This can have a significant impact on the amount of time an accused spends in custody awaiting a bail hearing.

When counsel is appointed by Legal Aid, counsel will obtain disclosure, seek instructions and request the originating RCMP detachment forward a bail package to the Edmonton (or Calgary, for Grande Prairie files) Hearing Office so that bail may be re-opened and spoken to. All of these matters are heard through the telephone (tele-bail) process. While one might think it does not really matter to the Hearing Office whether bail is spoken to shortly after arrest or three weeks later, this is far from accurate.

If northern Alberta bail hearings come in at various times over a seven-day period, the additional workload may be manageable. Unfortunately, there is only a handful of counsel regularly servicing the northern communities, with the majority busy in circuit points all week long and travelling from one point to the next in the evenings. As a result, the Edmonton Hearing Office is faced with a deluge of Northern Alberta bail hearings coming in on the fax machines starting Thursday evening and continuing into the weekend. This coincides with some of the busiest times of the week for RCMP detachments and contributes to the delay in setting these hearings up. It is not unusual for bail packages received in the Hearing Office on Friday to still be sitting in a pile on Monday morning after multiple JPs have attempted to set up the hearing, without success, over the weekend.

Often, with the combination of these hearings and regular bail hearings, there may be in excess of 20 bail hearings awaiting action by the JP on a Friday. The JP hearing telephone bail during that shift handles all these hearings. It is rare that a JP would be able to complete more than 18 tele-bail hearings in a single shift; and that is only likely to occur if no priority 1 applications are received during that shift.

Further, there is a substantial increase in the volume of domestic violence cases in Alberta. Regardless of whether this is due to more reporting, more charges laid, new approaches by police agencies or other causes, these cases generate more pressure on existing Hearing Office resources.

Bail hearings on domestic charges take longer. There is typically more paper in the bail package, including the Family Violence Investigation Report ("FIVR

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Report"). Police are usually very careful to put in ALL of the facts and domestic background, even where they are not opposed to release. Many times, we see police charge an individual criminally and pursue an application for an Emergency Protection Order at the same time. Subsequently, this results in more hearings and requirement for JP resources.

c) Insufficient Facilities/Equipment

The Edmonton facility is small and unable to handle the increase in the volume of hearings and applications. The operation is split – two JPs conduct hearings in small offices in the Hearing Office facility and one JP handles priority 3 applications in the satellite office in the Edmonton Law Courts. Although additional space has been acquired on the main floor of the Brownlee building for future expansion, budgetary restrictions impede the ability to renovate the space.

Hearing Office staff and JP's continue to look at the most efficient use of this space in its current form, without reducing the effectiveness of the limited human resources currently responsible for all document flow and public service during each shift. Once the space is renovated and fully functional, it will have a very positive outcome on the operation.

The telephone hardware used in the Edmonton Hearing Office is only capable of allowing the JP to join three parties to the recorded call: the RCMP, the lawyer and the JP. This works well when the accused has a lawyer and the lawyer participates in the post-arrest bail hearing conducted from the Detachment. However, when the accused is no longer in the Detachment, the accused becomes a fourth party and the telephone system can no longer be used to conference all four necessary parties.

The GOA employs the services of Telus Conferencing to set up these hearings. If the recording equipment fails for some reason, Telus provides recording/transcript services as well, if requested. The JP (not staff) must call Telus Conferencing, provide the names and telephone numbers of all parties, and give Telus a reasonable period to set up the conference call. Practice has shown that it is usually prudent to call all parties and ensure they are going to be available at a certain time in the near future for the Telus call.

Sometimes the effort to re-open the hearing crashes and burns at this stage. Lawyers may be in court, or otherwise occupied. Detachments may be out on a call or if it is late at night, not available until the next morning. Some institutions

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are unable to support bail hearings at certain times (i.e. when checking in intermittent sentence servers on Friday evenings). Sometimes, even once the parties indicate availability, when Telus calls, the party is no longer available (i.e. RCMP get called away from the Detachment, lawyer out of cell phone range, etc.). There is an inordinate amount of additional JP time expended in attempting to set up these hearings.

There have been attempts to get around involving Telus Conferencing by using the video-conferencing equipment currently in place at the Hearing Office. However, there has been some pushback from institutions due to resource and training issues.

d) Resources

Continued increase in workload volumes, complexity of matters heard, and longer turnaround times has had an adverse impact on existing resources and stakeholders. In order to mitigate the service delays caused by the increase in workload volumes, Calgary added a “straddle shift” to the schedule for assistance during peak hours of the day for handling of all priority 1 applications. This allows the other two JPs to hear the increased number of bail hearings. Although this has taken pressure off the other two JPs during the day, the volume and complexity of priority 1 applications has increased such that the “straddle” JP has become overwhelmed.

Further, with the requirement to handle more bail after first instance from other jurisdictions (i.e. Red Deer), the demands on Hearing Office resources has increased significantly.

During the midnight shift, there is only one JP on shift in each of the Hearing Offices to handle all applications. Although this was sufficient in earlier years, this is no longer sustainable, particularly during mid-week midnight shifts. The JPs working the midnight shift (0000-0800) report that from Tuesday to Friday, they are becoming overwhelmed, find the workload is greater than one person can handle, and often skip their breaks to get as many hearings as possible completed.

It is becoming increasingly difficult to fill JP midnight shifts, and straddle shifts. It has been anecdotally reported that several otherwise qualified candidates declined to apply or subsequently withdrew their applications upon hearing of the shift requirements of the position. The last JP Compensation Commission recognized the difficult challenges presented by the 24/7 nature of the work of

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JPs and recommended a new model of compensation for evening, weekend and statutory holiday shift differential premiums. The Government of Alberta accepted this recommendation. Even with the new shift differentials, Administrative JPs report challenges covering these particular shifts.

Turnaround times on regular bail hearings (first instance) are increasing at the Calgary Hearing Office. As volumes build in the courtroom, the efficiency of the JP is decreased as time is consumed with call-backs to requesting agencies, and other interruptions including emergency requests.

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IV. Process Review

1) Current Processes

Hearing Offices handle fourteen distinct process applications. Legislative authorities dictate which of the processes can be handled by telephone; fax or which require “in-person” appearances. Location, accessibility and infrastructure of both Hearing Offices also influence how applications are heard.

The majority of applications dealt with at the Hearing Offices commence with a faxed request for services. A standardized form titled “Request for JP Services” (*Appendix 16*) was developed for use by all enforcement agencies. This form accompanies all faxed in service requests for emergency applications, bail hearings and process hearings and provides the JP with information regarding the requesting agency, type of service requested, supporting documents accompanying the request, and any other details the JP may require.

For “in-person” applications, Judicial Clerks complete a “Priority Request Service” form for use by the JP (*Appendix 17*). The “Priority Request Service” form provides the JP with information regarding time of request, person requesting service and type of service required along with other, often-critical information that facilitates the expediency of the request.

All forms utilized for moving documents between JPs and Judicial Clerks at the Hearing Office, are referred to as “transport documents”. These forms were created in collaboration with Administrative JPs, Court Administration and various stakeholder groups through the Hearing Office Roundtable meetings, and received the approval of the Deputy Chief Judge. A review of transport documents in both Hearing Offices revealed that both offices utilize the same forms with slight modifications.

For example, in Edmonton, forms are color coded to distinguish the urgency of the request, whereas in Calgary if a matter requires urgent attention, a note is placed on the priority request form to alert the JP.

Judicial Clerks are responsible for reviewing all service requests to ensure the package is complete prior to providing the package to the JP. The review process mitigates delay in processing the service request.

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If the package is incomplete (i.e. proper paperwork required for the service application does not accompany the service request), the Judicial Clerk will return the package to the requesting agency by fax indicating the reason for return.

A Hearing Office database was developed for capturing statistical information on workload volumes, service turnaround times and other statistical data relating to Hearing Office processes. Judicial Clerks enter the requisite information in to a Log on the database which reflects all activities the file/package goes through once received in the Hearing Office (*Appendix 18 - "Edmonton & Calgary Hearing Office Data Entry Guide"*)

The Hearing Office Log contains the following information:

- Time Faxed In/Received at Counter;
- Name of Requesting Agency;
- Type of Request;
- Time Provided to JP;
- Time Returned from JP;
- Type of Order;
- Time Order/Document Faxed Back to Requesting Agency; and
- If the package is rejected for any reason, the time the package is faxed back to the agency, and the reason for rejecting the package.

All statistical data captured in this document and utilized for review of process is based on information entered by Judicial Clerks into the Hearing Office database. Current processes were mapped in each Hearing Office for all service requests handled. Upon review of all process maps, a select sample of the highest demand areas were identified for joint process mapping, gap analysis and identification of best practices. Process maps include detailed steps for handling each application from time of receipt in the Hearing Office (by fax or in-person) to completion of court order and transmittal back to the requesting agency.

The following nine (9) combined (Calgary & Edmonton Hearing Offices) process maps were used as the baseline for this portion of the report (*Appendix 19*).

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COMBINED CALGARY & EDMONTON PROCESS MAPS				
Process Map #	Application Type	Process Flow Chart	Hearing Type	Comments
1	Priority 1	Search Warrant/Feeney Warrant/Production Order Application	In-person	Applicant attends the HO in-person
2	Priority 1	Search Warrant Application	By Fax	Request and supporting documents come in by fax.
3	Priority 1	Blood Warrant/Feeney Warrant	By Telephone	Request comes in by telephone
4	Priority 1	Child Apprehension Order (APO) under the <i>Child, Youth and Family Enhancement Act</i> ; Drug Endangered Children Act Order (DECA); or Protection Against Sexually Exploited Children Act Order (PSECA)	By Telephone	Request comes in by telephone or fax Application is heard by telephone
5	Priority 1	Emergency Protection Order	In-person	Applicant attends the HO in-person
6	Priority 1	Emergency Protection Order	By Telephone	Request comes in by telephone or fax Heard by telephone
7	Priority 2	Judicial Interim Release Hearing	By Telephone or By CCTV	Request comes in by Fax Heard by CCTV or by telephone
8	Priority 2	Administrative Release	In-person/By Telephone	In-person – where there is a JP available By Telephone - Request comes in by Telephone or Fax
9	Priority 3	Information and Process Application	By Fax Or In-person	Request comes in by fax and/or in-person.

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2) Review Of Documentation

All documents were reviewed for the purposes of identifying differences in practice between the two offices and developing best practices. Hearing Office subject matter experts (SMEs) and Administrative JP's were engaged in the review process. After a comprehensive review of the process maps, the differences noted were deemed insignificant and pertained largely to administrative handling of documents by Judicial Clerks.

The following processes were noted as having some differences in practice:

a) Search Warrant/Blood Warrant/Feeney Warrants

Differences in practice were identified in the method of handling these documents after being considered by the JP and either granted or denied. This included copying, distributing and logging of documents.

i. Calgary Hearing Office

Justices of the Peace (JPs) make all the required copies of the documents once they have granted/denied the application, place the documents in a sealed envelope and drop them into a safe for pick up by the Search Warrant Coordinator or designate. Access to the safe is restricted to a select few individuals. The Search Warrant Coordinator is responsible for processing the documents and mailing out to the requisite court location.

Logging on the database: "time-out" is defined and noted as the time the JP make their decision on the application.

ii. Edmonton Hearing Office

Once the JPs have granted/denied the application, Judicial Clerks make the necessary copies of the documentation and are responsible for distribution. Search warrants are mailed to the requisite court location directly from the Hearing Office.

Logging on the database: "time-out" is defined and noted as the time the officer picks up the document from the Hearing Office rather than the time of completion by the JP.

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b) Emergency Protection Orders (EPOs)

Minor differences were noted in the distribution of EPO documents once considered by the JP. Both offices distribute copies to the appropriate Provincial Family Court and Queen's Bench Court. However, Calgary distributes copies of documents to Transcript Management and Edmonton Hearing Office does not. Edmonton Hearing Office distributes copies of documents to the Family Law Information Centre and Calgary Hearing Office does not. Although these differences appear minor in nature they require further investigation to ensure the proper areas are notified when these orders are granted or denied and unnecessary work is not being done.

c) Administrative Releases

Differences noted in this area pertain to distribution of documents. In Calgary, the Calgary Remand Centre (CRC) non-presiding JP distributes all documentation to the designate base court directly from CRC. In contrast, the Edmonton Remand Centre (ERC) non-presiding JP returns all documents to the Edmonton Hearing Office for distribution by Judicial Clerks.

Upon review it was concluded the differences in practice were insignificant in relation to the "substantive" work undertaken at the Hearing Offices. However, these differences will be considered in the development of best practices, as the goal is to provide the most efficient and effective service delivery through these offices.

3) Review of Prioritization of Services *(Appendix 20)*

The third focus of the review included Hearing Office Judicial Clerks, supervisors, managers and Administrative JPs reviewing the list of services provided at the Hearing Office and noting the priorities assigned to each from their perspective. The purpose of the exercise was to determine the understanding the Judicial Clerks had regarding "what constitutes a priority", in relation to what that same understanding was from a JP perspective.

It became apparent that priorities differed between Judicial Clerks and JPs and within each office. The most significant difference related to classification of Production Orders.

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In the Calgary Hearing Office, Judicial Clerks treat Production Orders as priority 1 applications, and always use the priority 1 – Emergency Application Form when receiving these. The Calgary Judicial Clerks regard these applications as being very similar to search warrant requests. Further, the priority 1 Emergency Application form (approved for use by the Deputy Chief Judge and included in the JP Manual) includes Production Orders.

In Edmonton, Judicial Clerks treat Production Orders as priority 3 applications and in consultation with the Edmonton Administrative JP, created their own color-coded (purple) priority 3 – Production Order Request form for these applications. They also created a color-coded (yellow) priority 1 – Emergency Application Request form, and defined the yellow form as a service requiring immediate attention.

In both Calgary and Edmonton, JPs consider Production Orders as priority 3 applications unless the applicant attends in-person and requires the Information To Obtain be sworn immediately; or the applicant presents information to the JP to support the urgency of the matter.

For statistical purposes, Production Orders are considered priority 1 applications and numbers are included under this area for workload volumes.

4) Suggested Best Practices for Consideration of the Steering Committee

(The areas identified in this part of the document were considered by HORC as being worthy of further discussion and consideration by the Steering Committee. It is essential to note that these are advanced as “suggested best practices” and further investigation and consultation is required in each area.)

(Appendix 21)

At the conclusion of the process review, a “Hearing Office Service Request Applications – Gap Analysis and Best Practices” document was produced identifying the gaps in practice between the two Hearing Offices’ current practices. Suggested best practices relating to the administrative processes were identified in each service area. JP duties and practices were not part of this exercise. Identified best practices were primarily in the area of document handling and distribution for administrative releases, EPOs, blood/feeney warrants, search warrants and bail orders. These practices will be reviewed to ensure efficiency in processes at each location.

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Other suggested best practices for consideration have been identified as follows:

a) First Line (Judicial Clerk) Rejection of Clearly Defective Documents

These are documents with defects or omissions on the face. Rejection of these documents by Judicial Clerks would not require any legal training – they are defects that are easily recognized. Judicial Clerks are familiar with JP rejections on telewarrant applications – reasons such as Information to Obtain submitted on the wrong form and therefore not “receivable as if sworn” are frequently sent back to the applicant prior to the JP seeing it.

This practice has been adopted by some Judicial Clerks in an effort to save JPs from wasting their time. However, the practice is not consistent and not all Judicial Clerks see this as part of their role. In other jurisdictions such as British Columbia’s central office, administrative staff and non-presiding JPs screen the documents for defects such as “no pagination” or “jurat on its own” or clearly noticeable defects. Stopping the defective document from reaching a JP ensures valuable time is not wasted.

Having this first line screening would also reduce the time spent by applicants and JPs for “in-person” applications, as the defects are currently only noticed when the applicant is brought before the JP. It is then that the JP recognizes the error and rejects the document. Other areas for first line screening for defective documents would be in priority 1 applications (screening for use of proper forms), and bail packages submitted for bail hearings. The service delay survey found that 11% of delay was based on documentation being sent back to law enforcement agencies due to error or incompleteness.

Review of all documents by Judicial Clerks prior to the documents reaching the JP would assist in decreasing turnaround times and have JP’s only deal with matters that are complete and ready to proceed.

Although currently there is a standard rejection form in use for search warrants, the best practise would be the development of a standardized “Rejection Form” that includes the most common reasons for rejection. This form would be utilized for other service requests including bail packages, telewarrants and administrative process applications. The form would be appended to the rejected documentation and returned to the requesting enforcement agency.

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Developing a “Rejection Form” in consultation with Judicial Clerks and Administrative Justices of the Peace would allow for the tracking of rejected documents in the Hearing Office database and identify incomplete/inaccurate documentation for agency follow-up.

b) Have Judicial Clerks Copy All Emergent Documentation Including Search Warrants

Suggested best practice in this area is to have Judicial Clerks handle the copying and distribution of these documents. This would allow more time for JPs to perform JP duties rather than administrative duties. Security concerns regarding staff handling confidential materials will have to be considered, along with the appropriate safeguarding and storing of original documents. This will ensure the integrity of the documentation is not compromised and public confidence in the justice system is maintained.

c) Scheduled Times for Bail Hearings

Best practices suggest scheduled bail hearings are more effective than those that are handled when they are randomly received. Often, enforcement agencies, such as Calgary Police Service will fax in multiple bail packages at one time followed immediately by a shift change. Other agencies do not have dedicated presenting officers and therefore, they may be ready at the time the bail package is faxed in, but are called out on an emergency and are no longer available when the JP calls back to conduct the hearing.

The service delay survey noted that 51% of delay is due to the requesting agency not being available at the time the JP is ready to conduct the hearing. Further, the JP spends a significant amount of time calling agencies repeatedly in an effort to coordinate the bail hearing. In contrast, the Grande Prairie and Red Deer bail hearings, are set to specific days and times and all participants are aware and ready to conduct their business at the appointed times. Best practice would see each agency having their own scheduled time period during each Hearing Office shift to conduct bail hearings. The details of this process would require further examination and consultation with Law Enforcement Agencies and other stakeholders.

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d) Bail Packages to Include Copies of All Outstanding Warrants

Having copies of all outstanding warrants listed on the Summary of Outstanding Warrant form would allow the JP conducting the bail hearing to have better information before them and reduce the delay in bail hearings (i.e. what is a bench warrant vs what is a first instance warrant?) Often the police are asked to verify information on the Summary of Outstanding Warrant form, and/or provide more information on the warrants listed.

e) Standardized Bail Packages

Best practices would include having standardized bail packages for use by all enforcement agencies. This would ensure that the JP has all required documents before them prior to commencing the bail hearing. Having a checklist of all documents that are required as part of the bail package would also assist the requesting agency to ensure the package would not be rejected by the Judicial Clerks or JP. Furthermore, the checklist would assist Judicial Clerks in their review of the package for completeness.

5) Identify Gaps to Suggested Best Practices

For all suggested best practices noted above, consideration and further examination is required in a number of key areas. Common factors for consideration include, but are not limited too – judicial approval, resource requirements, time commitment, budgetary impact, staff training, facility and infrastructure limitations, stakeholder engagement and commitment to the process.

a) First Line (Judicial Clerk) Rejection of Clearly Defective Documents

Require the establishment of clear guidelines/direction for Judicial Clerks in determining “which documents should be rejected.

b) Have Judicial Clerks Copy All Emergent Documentation Including Search Warrants

This already occurs in Edmonton in which Judicial Clerks are able to meet these commitments. However, in Calgary resource implications and the ability to take on these additional duties require further examination.

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c) Scheduled Times for Bail Hearings

Consultation and approval of the Deputy Chief Judge and Administrative JPs would be required as this directly affects the work of the JPs. Stakeholder engagement and cooperation from Law Enforcement Agencies to specific assigned times for bail hearings is required, particularly for smaller detachments/agencies. There may be an impact on resources for enforcement agencies, correctional facilities, Provincial Courts, Hearing Office operations, and others. Consultation with various stakeholders is required to ensure that documents and timelines are met for prisoner transport, shift changes, paperwork transmittal, etc.

d) Standardized Bail Packages

Consultation and approval of the Deputy Chief Judge and Administrative JPs would be required as this directly affects the work of the JPs. Stakeholder engagement from Law Enforcement Agencies, particularly for smaller detachments/agencies is necessary. There may be an initial impact on resources, but the result will be complete accurate bail packages, reduced time spent rejecting documents, and timelier bail hearings.

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V. Service Review

Concerns in relation to service delay have been alive since the opening of the Hearing Offices on a 24/7 basis in 1999. In order to address these concerns, the courts have advanced a number of systems/processes to allow for tracking of deficiencies within the area. The creation of a Hearing Office database allows the Courts to track all activity in the Hearing Offices including workload volumes and service delays. The information collected allows the courts to make informed decisions on resources and respond to enforcement agencies on specific matters of concern.

Another collaboration advanced to address law enforcement and other stakeholder concerns was the establishment of the Hearing Office Roundtable Stakeholder Committees in both Calgary and Edmonton. The Hearing Office Roundtable Committee is intended to be a forum for open discussions in relation to service provision, processes, documentation and other issues/concerns that affect Hearing Office operations. The Hearing Office Roundtable Committee meets quarterly in both Calgary and Edmonton, and all participants contribute in developing the items for discussion at each meeting.

Meeting notes are completed and distributed to each committee member to ensure an accurate record of discussion items, and agreed upon processes are captured. The Deputy Chief Judge, as the Supervising Judge for JP services chairs each of these committees.

Committee membership for each respective committee includes the following for each area:

- Assistant Chief Judge;
- Administrative JP;
- Court Administration/Hearing Office Staff;
- Provincial/Federal/Municipal Crown Prosecution Services;
- RCMP Detachments;
- Municipal Police Services;
- Defence Counsel (Criminal Defence Bar Representatives);
- Community Corrections/ Probation;
- Correctional Services (Remand Centres);

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- Arrest Processing Units (Calgary Police and Edmonton Police Services);
- Legal Aid (Duty Counsel);
- Youth Criminal Defence Office;
- Elizabeth Fry;
- Student Legal Assistance; and
- Any other stakeholder that has an interest in the operation.

Because of the diverse representation and stakeholder involvement at these meetings, including the leadership of the Deputy Chief Judge, many decisions are made during these meetings for procedural change and service improvements, and implemented within a very short period of time.

However, even with the establishment of the Hearing Office Roundtable Committees, with representation by various law enforcement agencies on the committee, law enforcement agencies continue to voice their concerns in relation to the level of service provided by the Hearing Offices. A number of informal reviews have been conducted since the establishment of the full Hearing Office services, and the findings have been consistent: delay in services is based upon the increase in workload volumes and the difficulties faced with the coordination of all parties required for the hearing/application to be heard.

In 2007, the Province undertook the “JP Program Review 2007” to address concerns relating to the speed, efficiency and consistency of processes. During that time, the Calgary Hearing Office midnight shift had closed, thereby reducing JP services to enforcement agencies. Shortly after the review, the Calgary midnight shift re-opened to address some of the concerns, however, policing agencies continue to voice concerns regarding long wait times, inconsistency in document requirements, and various other matters.

In December of 2014, the Alberta Chiefs of Police sent a letter to then Minister Jonathan Denis concerning what they viewed as “the need for a review of operations of the Bail Offices and identification of areas requiring improved efficiencies in service delivery.”

In January 2015, there was a tragic shooting and death of a St. Albert RCMP Constable by Shawn Rehn, a man with a lengthy criminal record. His release on bail from the Edmonton Hearing Office renewed previous concerns expressed by policing agencies relating to the conduct of bail hearings in Alberta and Hearing Office processes.

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As a result of the Rehn incident, an initial assessment of the proceedings involving Mr. Rehn prior to the shooting was conducted by the Alberta Crown Prosecution Service, entitled “The Rehn Report.”

https://www.justice.alberta.ca/programs_services/criminal_pros/Documents/Report%20on%20Shawn%20Rehn%20-%20A%20review%20of%20the%20involvement%20of%20the%20Alberta%20Crown%20Prosecution%20Service%20with%20Shawn%20Maxwell%20Rehn.pdf

The ACPS is following this report with a comprehensive review of bail processes in Alberta, led by Nancy Irving formerly of the Public Prosecution Services Canada. This independent report is expected in February of 2016.

The Hearing Office Review Committee (HORC) was convened in March 2015, and tasked with conducting a comprehensive review of all current processes at the Hearing Offices.

There has been additional correspondence sent to the Minister of Justice from the Edmonton Police Commission (March 2015) and MLA Calgary West – Mike Ellis (June 2015) expressing concerns in relation to the level of service provided by the Hearing Offices.

A highlight of concerns, revealed the following:

- Increase in the number of bail hearings presented by policing agencies;
- Pressures, costs and impact on current policing resources;
- Significant wait times and delays for call backs from Justices of the Peace;
- Procedural inconsistencies between Justices of the Peace;
- Transferring the responsibility of presenting bail hearings to Crown prosecutors instead of police officers; and
- Equitable access to JP Services throughout the province.

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Some recommendations arising from these reports include:

- Conduct a review of the role of the Justice of the Peace (referred to as Hearing Officer) in judicial interim release hearings in order to maximize efficiencies and utilize otherwise untapped professional resources;
- Ensure adequate staffing of bail offices to ensure timely justice for both the offender and the Crown;
- Consult with police services to identify and implement procedural consistency of process as it relates to the submission of judicial documents;
- Increase awareness and understanding of criminal code sections as they relate to release provisions;
- Improve existing JOIN data base for more accurate and timely information exchange;
- Improve the use of technology to increase the amount of judicial interim release hearings through video link, aided by translation services if needed; and
- Establish and monitor measureable benchmarks for service delivery.

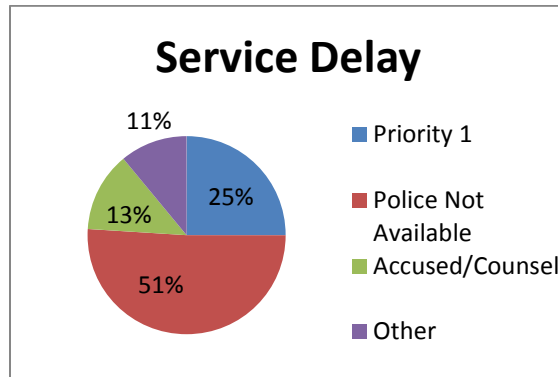
Information gleaned through the Hearing Office Review Committee (HORC) confirms that a large part of the delay experienced at the Hearing Offices is directly attributed to workload volumes, emergency applications and availability of law enforcement agencies, particularly those agencies that are limited in the number of police officers scheduled or available at the detachment.

The review also identified the delay in services is more prevalent during the midnight shift (Midnight – 8 am.), when there are only two JPs on shift to provide service to the entire province. During all other times, there are at least four JPs on shift at any given time (two in Calgary and two in Edmonton), a time when most regional policing agencies are at minimal staffing.

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The following information is based on a study conducted through the Hearing Offices in relation to service delay, and attempts to address Law Enforcement concerns utilizing real data.



1) Consider/Review Law Enforcement Agency Service Complaints

In order to establish some baseline data for reporting on service delay, each of the Hearing Offices was asked to track service delays within their operations for a two-month period (July 20 – September 20, 2015). HORC relied on anecdotal experiences over the past 15 years, the 2007 Hearing Office Review results and continued law enforcement concerns, to identify the most common areas that cause delay.

The committee agreed that the most accurate information for delay in services would need to be captured by the JPs on duty, as they were in conduct of the process and would have first-hand information on what constitutes the delay. A document was developed for use by the JPs to track this information.

The form included tracking of information in three key areas:

- Priority 1 (EPO, Search Warrant, etc.);
- Police NOT Available; and
- Other Types of Delay (Equipment issues, Fire Alarm, Document Issues, etc.).

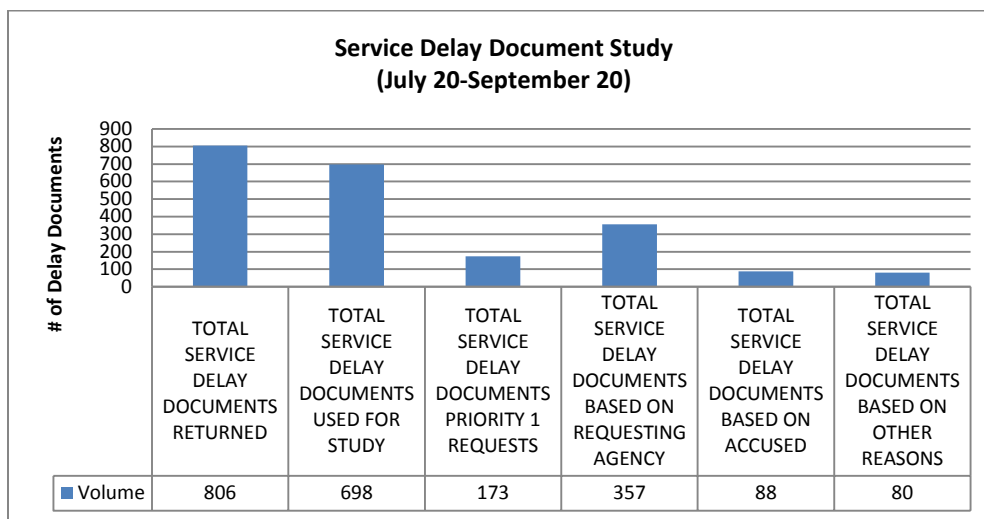
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Additional information HORC felt was critical in determining the impact of delay on services included:

- Agency Delay is Attributed to (RCMP, CPS, EPS, Other);
- Hearing Office Shift (Days, Evenings, Midnight);
- Delay Onset Time;
- Recommended Time;
- Elapsed Delay Time (to nearest .25 of an hour); and
- Type of Delay.

At the conclusion of the two-month period, HORC received 806 completed “Service Delay” forms. Of the total documents received, 108 of the forms did not have sufficient information to calculate delay and therefore were not included as part of the service delay evaluation. The data and following evaluation are based on 698 completed service delay forms. For the purposes of this review, each of the areas will be considered individually.



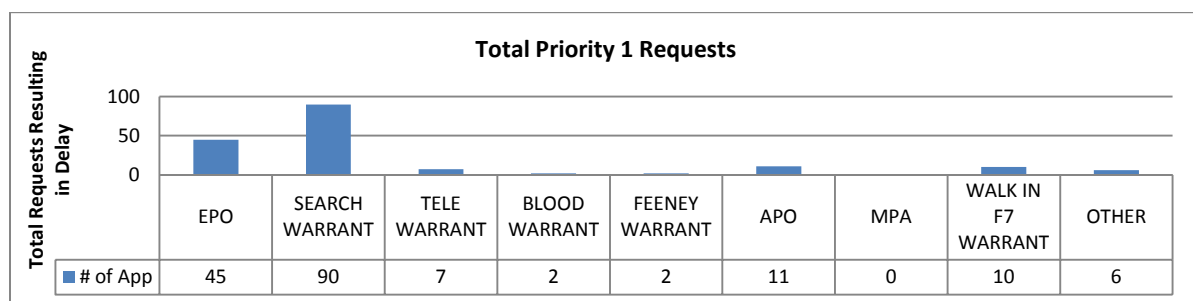
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a) Service Delay Based on Priority 1 Applications (25% of all service delays)
(Appendix 22)

Since these are emergency applications and must be handled as soon as possible, all other service requests must wait until the emergency application has been heard.

- i. 52% of the forms collected related to search warrant request applications and 26% related to Emergency Protection Orders (EPO).
- ii. 42% of the applications contributing to the delay in service were received between 4 p.m. and midnight. This is likely attributed to a decision of the Provincial Court to refer all EPO applications to the Hearing Offices after 3:30 p.m.
- iii. 34% of the applications contributing to the delay in service were received on the 7 p.m. to 3 a.m. shift, 21% were received during the 8 a.m. - 4 p.m. shift and only 3% were received during the midnight to 8 a.m. shift.
- iv. The average time of delay per service request in this area is 3hrs. 35mins.
- v. RCMP priority 1 requests account for 31% of the total service delay forms collected and all other agencies combined make up the remaining 69%.

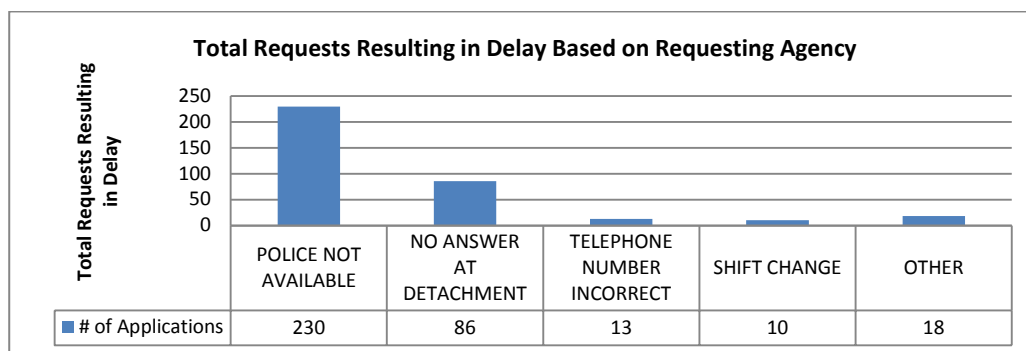


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b) Service Delay Based on Police NOT Available (51% of all service delays)
(Appendix 23)

- i. 64% of the forms collected related to police not being available at the time that the JP was ready to conduct the hearing. In these instances, the call was answered, however the JP was advised there was no officer available to present at the bail hearing.
- ii. 24% of the delay in services is attributed to “no answer at the detachment; 4% of the delay in services is attributed to incorrect phone numbers on fax cover sheets – some go to voice mail, some to administrative line, some are just incorrect number.
- iii. There is a disproportionate amount of time spent by the JP in attempting to make contact with the policing agency in order to conduct the bail hearing, or review emergency applications. Data collected indicates that often the JP makes numerous calls to detachments without success – particularly after hours.
- iv. 75% of service delay based on police unavailability occurs between the hours of 8 a.m. and midnight. RCMP service delays account for 84% of total, while other agencies account for 16%.
- v. The average time of delay per service request in this area is 2hrs. 44mins.
- vi. This is reflective of a systemic reality with respect to regional policing: in a small detachment, if officers are called out to answer to an emergency or other police business, they are not available to conduct a bail hearing.

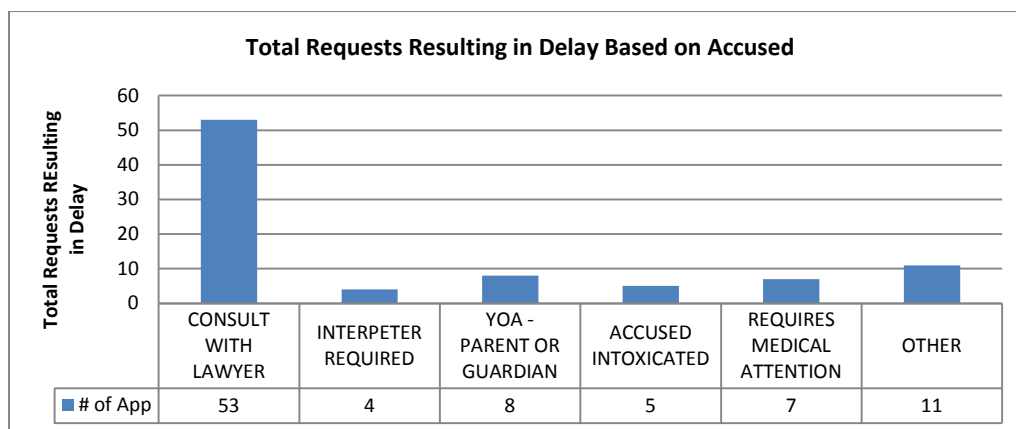


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c) Service Delay Based on Accused/Counsel (13% of all service delays)
(Appendix 24)

- i. 60% of the delay in services at the Hearing Offices is attributed to the accused's request for counsel to assist in the bail hearing. Often defence counsel is not available for the hearing, and the accused, police and court are left waiting for counsel availability.
- ii. 9% of the delay in services is attributed to young persons requiring a parent or guardian present at the bail hearing.
- iii. 5% of the delay is attributed to the accused requiring the services of an interpreter.
- iv. 26% of the delay is attributed to other reasons (accused intoxicated, requires medical attention, etc.).
- v. The average time of delay per service request in this area is 3 hr. 35 mins.
- vi. RCMP service delays account for 84% of total, while other agencies account for 14%.

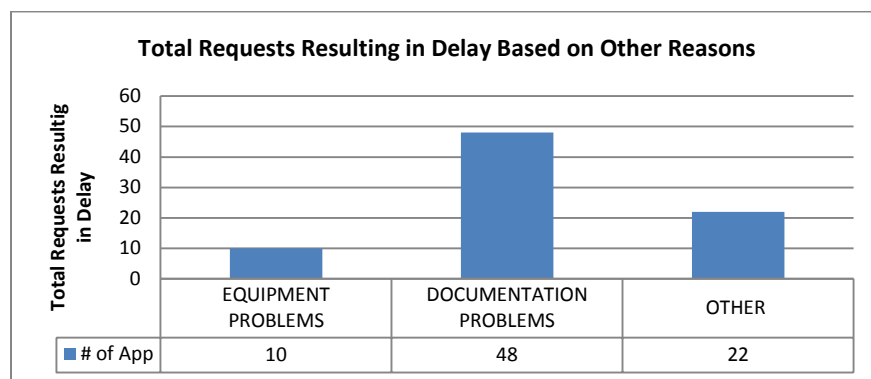


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d) Service Delay Based on Other Reasons (11% of service delays)
(Appendix 25)

- i. 60% of service delay is attributed to incomplete/incorrect documents. There are an increasingly high number of packages/documents that are rejected and faxed back to requesting agencies daily by administrative staff. These files never reach the JPs desk, as the initial review by administration staff is intended to ensure that only complete packages are provided to the JPs in an effort to mitigate delay.
- ii. The numbers captured for this exercise do not include incorrect/incomplete documentation rejected and faxed back to requesting agencies by administrative staff. The numbers captured for this exercise only include service requests that are rejected by the JP at the time of hearing. The much larger percentage would be those documents that are rejected by administrative staff.
- iii. 13% of the service delay is attributable to equipment problems, with most relating to the Telus Recording System. The system is predominately used in Edmonton when there are more than three participants conferencing during bail hearing. This is not an issue in Calgary as their equipment/technology is newer and more reliable.
- iv. The average delay time per service request in this area is 2 hr. 28 mins.
- v. RCMP service delays account for 69% of total, while other agencies account for 31%.



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e) Northern Bail Hearings – Edmonton Hearing Office

The Justice of the Peace (JP) is responsible for the coordination of all participants in the bail hearing via the Telus conference operator. This takes an inordinate amount of time on the part of the JP and causes delay for other bail hearings and service requests that may be sitting in the queue.

In contrast, although there is some coordination required by the JP in the Calgary Hearing Office for Grande Prairie and Red Deer return bail hearings, there is a requirement that these hearings be scheduled at a specified day and time. This ensures all participants are prepared to proceed at the scheduled time.

At least half of the 108 incomplete service delay forms related to northern bail hearings included substantial delay, often requiring the bail hearing to go into the next day before completion. Due to insufficient information noted on the delay forms, these were not included in the statistical roll-up. Had these been included, the delay times would have increased considerably.

As a result of the significantly higher volumes of accused in custody awaiting bail hearings, police services in Calgary and Edmonton have dedicated bail units comprised of police officers, peace officers and civilian employees trained and experienced in the preparation and presentation of bail packages. Many accused are brought before the JP for bail hearings in succession (the “batting order”) and bail hearings are conducted in an efficient manner.

This process is in contrast with most RCMP detachments, where bail is presented by whichever officer is available when the Hearing Office calls. The training and experience of these officers in bail matters varies widely. When an officer is not available, the Hearing Office can only attempt to call the detachment back over the course of the JP’s shift, as other duties may allow. It is not unusual for such “call back” files to be held over until the next JP comes on shift.

With the inception of the Red Deer and Grande Prairie Bail Projects, these types of issues have been effectively addressed at two court points. Second appearance bail hearings in these jurisdictions utilize Crown prosecutors rather than police bail presenters and the hearings proceed according to a schedule. This enhances the efficiency of the process and allows an increased number of hearings to proceed per shift, rather than if the JP had to call individual detachments and set up conference calls on each bail hearing.

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Any future consideration to expand return bail hearings will require setting clear guidelines for scheduling matters and improvements to the IT infrastructure.

2) Define/Redefine Priorities

Systematic prioritization of pending applications at the Hearing Offices ensures that the Hearing Offices contribute in a rational and meaningful way to public safety and protection, the protection of persons at risk of imminent harm, as well as ensuring that administration of justice is well-served by matters being addressed efficiently, taking into account the relative seriousness and time-sensitivity of applications.

Staff and JPs need to have a common understanding on the service delivery requirements and the priority order in which they should be handled. Having an established “priority system” accomplishes that task. However, the system needs some flexibility to allow discretionary decisions to be made. For example, a domestic or homicide warrant may require its default priority 3 status to be elevated to a priority 1 status; or a priority 2 application (bail hearing) may be approaching or beyond the 24 hour mark and require that it be elevated to priority 1 status.

When there are several priority 1 applications at the Hearing Office at the same time, the JPs will be called upon to exercise discretion in determining the order in which these matters will be dealt with.

a) Relationship Between How an Application is Received and Prioritized

Typically, it is the nature of the application rather than when it is received that determines the priority given at the Hearing Office. Judicial Clerks utilize standardized priority sheets to indicate to the Justice of the Peace whether the application is in-person, by telephone or by fax.

In Calgary, the first available JP deals with all in person applications requiring a sworn document (i.e. Information to Obtain (ITO) a Search Warrant) as soon as possible. In Edmonton, the video-bail JP, who typically deals exclusively with Edmonton Police Service (EPS) bail hearings, deals with all in-person applications. This JP also conducts all EPS telephone Emergency Protection Order (EPO) applications. The tele-bail JP deals only with regional telewarrants, EPO's and telephone child apprehension applications.

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If one of the JPs is not available (due to, gaps in video-bail shift coverage, for example), then the other JP on shift will deal with the application. In both Hearing Offices, when multiple priority 1 applications are received, there is a triage process, and all available JPs are expected to assist with these urgent applications to ensure they are dealt with in a timely fashion, regardless of whether the application was received in-person, by fax or telephone.

b) Priority 1 Applications:

i. Blood Warrant

As a result of the legislated requirement in the Criminal Code which stipulates a four-hour window from time of driving to time of order, in *most circumstances*, these applications will be considered ahead of other priority 1 applications.

ii. Child Apprehension Order (under CYFEA, DECA, or PSECA)

Often referred to as APO's. In *most circumstances*, these applications are heard immediately, and ahead of all other priority 1 applications since children are at risk.

iii. Feeney Warrant

As there is an awareness that police resources are usually engaged in keeping continuity of a residence, these matters have priority 1 status. However, in *most circumstances*, it is NOT heard in advance of any application for a Blood Warrant or APO.

iv. Emergency Protection Order

With persons at risk, EPO applications are treated as a priority 1 in *most circumstances*. Justices of the Peace (JPs) may down grade these applications to a priority 2 or 3 status, if it is determined that the respondent is in custody and awaiting a bail hearing (at the same Hearing Office); or other arrangements have been made to ensure that the claimant and their family are at no risk of harm in the short term.

Priority 2 applications (bail matters) are sometimes heard prior to considering these applications, where the claimant is not at immediate risk of harm (for example, sitting in the Hearing Office.)

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v. Search Warrant

These applications are generally given a priority 1 status. However, in Calgary, if it is determined that the items to be seized are already in police custody or that the applicant is not seeking execution for some time, only the swearing (or receipt) of the application is treated as priority 1. The review of the application on its merits is considered a priority 3, and the file is placed aside for review when time is available to a JP.

In Edmonton, the swearing of the ITO is given priority 1 status, as in Calgary. However, on weekdays, Edmonton JPs only swear the ITO and then send the applicant to Judges' Chambers to have the application considered. After hours and on weekends, the Edmonton JPs consider the application immediately regardless of whether the warrant deals with seized items and regardless of the required date of execution of the warrant.

vi. Tracking Device Warrant

In Calgary, these applications are given priority 1 status, unless the commencement date for the warrant is well into the future. The process is similar to search warrants: non-urgent Tracking Device Warrants are reviewed as and when a JP becomes available. In Edmonton, the procedure for Tracking Device Warrants is the same as Search Warrants.

vii. Production Order

The swearing of the ITO for these applications has priority 1 status in the Hearing Offices. In Calgary, the review of these applications is given a priority 3 status – with a twist. In the past, JPs have enquired of the officer a “due date” and the review of these orders has been determined by the due date. Generally, a JP would not advance a Production Order ahead of a priority 2 bail application.

As of September 1, 2015, Calgary has adopted Edmonton's procedure for prioritizing Production Order applications. The applicant is required to articulate to the JP who swears the ITO sufficient reasons for dealing with the application on a priority 1 basis.

If there is no urgency determined, the applicant leaves the application with the Hearing Office along with contact information and the first available JP will consider the application as a priority 3. Judicial Clerks

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contact the applicant once the application has been considered to advise them they can attend to retrieve the documents.

viii. Other matters

Other matters that receive priority 1 status are matters going to Provincial Court Judges' chamber for review. The JP swears the ITO and sends the applicant to chambers. These applications include General Warrants, DNA from suspect warrants and one party affidavit swearing.

The Calgary Police Service has commenced swearing ITOs for ALL applications for Search Warrants or Production Orders in-house by police members. Therefore, the Calgary Hearing Office will see a reduction in walk-ins for swearing ITOs.

In Edmonton, the Edmonton Police Service (EPS) is still formulating its policy on this topic. Should EPS follow Calgary's lead, there will be a reduction in the number of walk-ins for swearing ITOs during weekdays in Edmonton.

ix. Missing Persons Act Applications

These applications are relatively rare in the Hearing Offices and are normally dealt with on a low priority 1 basis. There is usually no imminent, articulable risk of harm if the application is not dealt with immediately. However, similar to other types of applications, the priority can change with the circumstances alleged by the applicant.

c) Priority 2 applications

All requests for bail hearings are considered priority 2 application. Bail applications may be elevated to priority 1 status when the applicant agency provides notice to the Hearing Office that the prisoner is approaching, or has passed 24 hours in custody. (Under s. 503 of the *Criminal Code*, police agencies are required to present a prisoner as soon as possible and in no case no more than 24 hours after arrest where a JP is available.)

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d) Priority 3 applications

All process applications are given priority 3 status, unless the applicant flags the application as “Urgent” when faxed in, or is a “walk in” (typically a domestic violence warrant).

In Calgary, most process applications are submitted to the Hearing Office by fax. The exception would be in-person applications for “walk in” warrants, which are usually for very serious charges such as murder.

In addition, some agencies, such as youth probation officers prefer to make applications on multiple files in-person. This is usually accomplished by the applicant leaving a phone number on the priority 3 intake sheet and the JP subsequently following up with a phone call to arrange a time for swearing.

In Edmonton, most “walk-in” warrant applications are made in domestic violence cases. These are given priority 1 status and are typically dealt with between bail hearings by the JP assigned to video-bail. The bulk of priority 3 warrant or summons applications in Edmonton are submitted by fax from probation or police agencies and are dealt with by the JP assigned to tele-bail. A significant volume of the Edmonton Police Service warrant applications are handled by the JP in the Edmonton Law Courts satellite office on Mondays, Wednesdays and Fridays. Edmonton traffic and by-law warrants are dealt with each day by the three JPs assigned to Traffic Court.

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VI. Jurisdictional Review of Justice of the Peace Services

1) Survey Other Jurisdictions

(Appendix 26)

As part of the Hearing Office review a survey of Justice of the Peace Services was conducted across Canada. The survey document consisted of four key areas:

- Levels of JP's (Legally or Non-Legally Trained);
- Number of Locations and Hours of Service;
- Bail Hearings; and
- Other Services.

Following is a summary of the survey results in each key area. Detailed responses to the survey questions are included in *Appendix 26*.

a) Levels of Justices of the Peace (Legally vs Non-Legally Trained)

Of the twelve jurisdictions surveyed, six jurisdictions had a mixture of legally and non-legally trained Justices of the Peace (JPs), while the other six only had non-legally trained JPs.

Alberta, British Columbia, Nova Scotia, Nunavut, Quebec and Saskatchewan all have a combination of legally and non-legally trained JPs. Although not legislated, there is a requirement for some JPs to have law degrees. JP duties are assigned in accordance with whether or not the JP has a law degree or not.

In Alberta (JPs), Nova Scotia (Presiding JPs), Nunavut (Senior JPs) and Quebec (Magistrate JPs) are required to be lawyers. Legally trained JPs in these jurisdictions hear bail applications, search warrant applications, emergency applications, and hear and try matters arising under a variety of designated provincial regulatory acts, including traffic court matters.

In Nova Scotia, Presiding JPs also preside over night court for Peace Bond applications and motor vehicle court.

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In Nunavut, there is one senior JP position hired through the Department of Justice that is required to be a lawyer with five years' experience. This senior JP provides all duties of legally trained JP's noted above, and also hears summary conviction trials, both quasi-criminal and criminal, and first stage child welfare hearings (similar to our Child Apprehension Orders).

In Quebec, one of the three levels of JPs is a Magistrate JP. Magistrates are named by the Provincial Court and are required to have a law degree and a minimum of 10 years of practice.

In British Columbia, Manitoba, Newfoundland & Labrador, Northwest Territories, Nunavut, Ontario, Prince Edward Island Saskatchewan and Yukon, non-legally trained JPs provide all services. In some of these jurisdictions, such as Manitoba and the Yukon there are various levels of JPs which provide various levels of service. Most JPs are administrative (staff), community, or judicial JPs. Staff JPs perform most of the administrative functions, and community JPs perform varied duties depending on the jurisdictions. Judicial JPs provide varied services including search warrant applications, bail hearings, document processing, surety approval, peace bond applications, etc.

In British Columbia, Judicial Justice of the Peace is the title given to legally trained JPs; and they hear bail applications, search warrant applications, small claims payment hearings, and adjudicate traffic disputes.

In Saskatchewan, legally trained JPs are titled Senior Justices of the Peace and deal with regulatory trials, property detention hearings, bail hearings, search warrant considerations and document processing.

In Ontario, the scope of the non-legally trained JP is much broader and includes conducting bail hearings, considering search warrant applications, presiding over intake and traffic court, setting dates, dealing with first appearances, and conducting pre-enquete hearings (commonly referred to as "process hearings") for private complainants laying an Information.

b) Number of Locations and Hours of Service

i. Centralized Services

Newfoundland & Labrador and Prince Edward Island are the only two jurisdictions that do not have any form of centralized services. All other jurisdictions have some form of centralized JP service. Six of the

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jurisdictions operate most JP services out of one central location (B.C., Manitoba, Nova Scotia, Nunavut, Quebec, Saskatchewan, Yukon); and Ontario have two Telewarrant Centres that hear search warrant applications for the entire province when they cannot otherwise be obtained. The other jurisdictions have between two to four centralized locations within their province or territory.

Hours of operation vary dependant on required services. Northwest Territories, Nunavut and Yukon operate during normal business hours only (varied between 8 a.m. to 5 p.m.); Saskatchewan, Quebec, British Columbia have courts that operate until 11 p.m. and midnight respectively.

All jurisdictions have reported 24/7 services and do so through on an “on call” basis only - a much different service model from Alberta’s 24/7 Hearing Office operation, employing JPs on rotating shifts. In all of these jurisdictions, either JPs or Provincial Court Judges are scheduled on an “on call” basis in the event their services are required. Only Alberta has regularly scheduled JPs available 365 days per year, 24 hours a day.

ii. Multiple Locations

All jurisdictions have administrative or staff JPs available in each court location for performing administrative duties. Since most of these JPs are court staff, regular hours of operation are Monday to Friday during business hours (8 a.m. to 4:30 p.m.)

Manitoba, Newfoundland & Labrador, Northwest Territories, Nunavut and Saskatchewan have JPs appointed to provide services in communities in which they reside. These JPs are referred to as “Community Justices of the Peace” and operate on an on call basis with no defined hours. Duties and remuneration of these JPs vary in each jurisdiction. Where there are no community JPs assigned, Provincial Court Judges are available to deal with emergency matters.

c) Bail Hearings

The only jurisdiction that has regularly scheduled JPs available to hear bail applications on a 24-hour, seven day per week basis is Alberta. All other jurisdictions that report 24/7 bail hearings, do so on an “on call” basis only.

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Some jurisdictions have scheduled times for bail hearings seven days per week; however, none of these times exceeds 11:00 p.m.

Other jurisdictions provide bail-hearing services only during regular courthouse hours. Any bail hearings after hours are provided on an “on call” basis, and then only for the explicit purpose of remanding the accused over to the next scheduled court sitting.

Bail hearings are conducted either in-person or by telephone, depending on the location of the accused. Six of the twelve provinces/territories also utilize video conferencing for bail hearings.

None of these jurisdictions have standardized bail packages with the exception of Alberta. Alberta has a type of standardized package, however, the contents of the package may vary dependant on whether any warrant matters being addressed originate from outside the presenting agency.

Newfoundland & Labrador, Northwest Territories, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan and Yukon all reported that Crown prosecutors present at bail hearings during the day, including weekends and statutory holidays. Law enforcement officers present at bail hearings after hours for the purpose of adjourning matters to the next court sitting or uncontested bail hearings.

In Manitoba Crown prosecutors present at all contested bail hearings regardless of the time. In British Columbia, Surrey & Vancouver have dedicated Crown prosecutors who appear after hours and on weekends for offences arising out of those two jurisdictions.

In contrast, Alberta conducts bail hearings through the Hearing Offices 365 days per year, 24 hours a day, without having any dedicated Crown prosecutors available to present at the majority of bail hearings. The only exception where Crown prosecutors are available is for the Grande Prairie and Red Deer “return” bail hearings. Occasionally, a Crown prosecutor will appear on a high profile and/or serious matter.

Duty Counsel is only available for bail hearings heard by a Provincial Court Judge during regular sitting hours. However, in Manitoba, Nunavut, Ontario and the Yukon, Duty Counsel is available for all bail hearings including those held after hours, on weekends and statutory holidays.

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2) Suggested Best Practices for Consideration by the Steering Committee

(The areas identified in this part of the document were considered by HORC as being worthy of further discussion and consideration by the Steering Committee. It is essential to note that these are advanced as “suggested best practices” and further investigation and consultation is required in each area.)

Based on the responses received to survey questions from other jurisdictions, the following have been identified as worthy of further discussion for development of best practices.

a) Legally Trained JP's

Any Justice of the Peace system would benefit with legally trained JPs. In particular, lawyers dedicated to the role of JP are judicially independent and not subject to influence from other branches of government. They often have years of experience in the legal system, engage in judicial education, study legislation, are up to date on case law and have access to information/training that lay JPs will not have. Further, bail hearings have become more complex over the years, and often have defence counsel participation.

b) Crown Prosecutors Available to Present at Bail Hearings

Having Crown prosecutors available to present during bail hearings ensures all required information is before the JP, and may reduce the number of matters set into a courtroom before a Provincial Court Judge. Often matters are adjourned by presenting officers because police need information from other agencies or the assigned Crown prosecutor, the file is serious in nature and requires the assigned Crown prosecutor to conduct the hearing. It is anticipated that having Crown prosecutors present during the bail hearing would reduce the number of adjournments for bail hearing. Further, policing agencies have said for some time now that they want to be out of the bail business.

c) Duty Counsel Available to Assist the Accused During Bail Hearings

Having Duty Counsel available to assist the accused during bail hearings will reduce the number of matters that are adjourned to Provincial Court for the accused to have the benefit of legal representation. With both Crown Prosecutors and Duty Counsel available during the bail hearing, it is anticipated that more bail hearings would proceed on first appearance before the JP

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d) Set Hours for Conducting Bail Hearings

Most jurisdictions conduct bail hearings only during fixed hours. None of the jurisdictions surveyed regularly conducts bail hearings after 11 p.m. If there is an urgent bail hearing required after the regularly scheduled hours, for most jurisdictions, there are on call JPs available for purposes of setting the matter over to the next scheduled court date. Alberta is the only jurisdiction that has regularly scheduled bail hearings after midnight.

3) Identify Gaps to Suggested Best Practices

For all suggested best practices noted above, consideration and further examination is required in a number of key areas. Common factors for consideration include, but are not limited too – judicial approval, resource requirements, time commitment, budgetary impact, staff training, facility and infrastructure limitations, stakeholder engagement and commitment to the process.

a) Legally Trained JP's

Most jurisdictions have non-legally trained JPs that perform the majority of all JP duties.

b) Crown Prosecutors Available to Conduct Bail Hearings

A number of jurisdictions already have Crown prosecutors presenting at bail hearings, particularly during regular hours, including weekends and statutory holidays. Only two jurisdictions have Crown prosecutors presenting after hours. The other jurisdictions still rely on police to present at bail hearings, in particular after hours.

c) Duty Counsel Available to Assist the Accused During Bail Hearings

Very few jurisdictions have Duty Counsel available for bail hearings after hours. Those that do, report that having Duty Counsel available greatly benefits the bail process.

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d) Set Hours for Conducting Bail Hearings

Only Alberta conducts bail hearings 365 days per year, 24 hours a day. B.C. conducts bail hearings until 11:00 p.m. and sometimes until midnight (at the discretion of the on shift JP). All other jurisdictions that have bail hearings after regular hours cease bail hearings around 9:00 p.m. Having set hours for bail hearings (until midnight) would be seen as a best practice.

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VII. Identify Possible Expansion of Services in Regional Areas

As previously noted in this document, the Edmonton Hearing Office has been hearing return bails from northern Alberta since 2009.

In October of 2013, the Calgary Hearing Office commenced hearing all return bail hearings for Grande Prairie Courts. A protocol was developed at this time, in collaboration with the Deputy Chief Judge, Assistant Chief Judge, Chief Crown Prosecutor, Administrative JP, Calgary Hearing Office, Managers of the respective court operations and various other stakeholders.

Bail hearings are scheduled through the Grande Prairie Crown office, and heard in the Calgary Hearing Office for two-hour intervals on Tuesdays & Fridays. Crown prosecutors, rather than police officers present at all bail hearings, and either defence counsel or Duty Counsel is available representing the accused.

Bail packages are faxed to all parties, as well as the Hearing Office in advance of the hearings. Usually, accused persons are held in either the Edmonton Remand Centre or Peace River Correctional Centre. All hearings are conducted by telephone. This initiative has been very successful in assisting the courts, and to date the Hearing Office has been able to accommodate the number of hearings scheduled each day.

1) Identify Opportunity for Additional Services at Hearing Offices (i.e. return bail hearings for court operations similar to Grande Prairie Bail Hearing Initiative)

In mid-2015, due to facility and other concerns at the Red Deer Courts, the Calgary Hearing Office was asked for their assistance in handling bail hearings for Red Deer Provincial Court. A number of meetings took place with the Deputy Chief Judge, Assistant Chief Judge, Chief Crown Prosecutor, Legal Aid, and other stakeholders, to discuss protocols/processes. The Grande Prairie protocol was used as the baseline document for developing the Red Deer guidelines (*Appendix 27*).

In September 2015, Calgary Hearing Office commenced hearing Red Deer bail applications after first instance. This is a pilot project intended to continue for three-month duration and will be evaluated at the conclusion of the pilot. Bail hearings are scheduled through the Red Deer Crown Office for two-hour intervals on Mondays and Wednesdays. Crown prosecutors present at all bail hearings, and either defence or Duty Counsel is available to assist the accused.

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There are many other regions/areas within the province that would benefit from having return bail hearings heard through the Hearing Offices. In particular, smaller regional court offices in Alberta, where there are a very limited number of judges assigned to hear all matters including bail hearings, emergency applications and trial matters.

In order to be effective, the same type of procedures/protocols would need to apply to ensure the most effective use of time and resources, and ensure only those matters that are ready to proceed to a bail hearing are scheduled.

Further potential for expansion of bail hearings for consideration by the Steering Committee include:

- Expansion of return bail hearings for all regional courts;
- Expansion of return bail hearings for Calgary and Edmonton Courts; and
- Expansion to include all bail hearings for Provincial Courts province wide, through regularly scheduled bail courts, seven days per week, from 8:00 a.m. to 4:00 p.m.

As with any expansion of services, there is a requirement for detailed examination of the process required, facility requirements, resource impact, stakeholder consultation and judicial approval.

2) Identify Areas for Expansion of Services in Other Regions (Types of Service Requests)

There are many other potential opportunities for possible service expansion through the Hearing Offices. Opportunities can be advanced for the centralization of services for ease of access and efficiency in the processing of applications province wide. The HORC felt that expansion of these services through the Hearing Offices would potentially free up valuable court time for Provincial Court Judges, allowing them to deal with more complex applications and trial matters.

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HORC recognizes that all of the suggested areas of service expansion require further examination and are highly dependent on judicial approval, facilities and required resources. The following are put forward for consideration by the Steering Committee.

- a) Centralized Priority 1 Application Centre – one central location in the province to hear all emergency applications on a 24/7 basis, seven days per week.
- b) Centralized Priority 2 Application Centre – one central location in the province to hear all initial bail hearings and return bail applications 7 days per week, between the hours of 8 a.m. and midnight.
- c) Centralized Priority 3 Application Centre – one central location in the province to consider all process applications by fax. Suggested centre hours of operation would be Monday to Friday, from 8 a.m. to 4 p.m.

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VIII. Conclusion/Summary

Although there have been a few occasions in the past, where statistical and other information was gathered to respond to specific concerns from law enforcement agencies in relation to service delivery, this is the first formal comprehensive review of Hearing Offices processes since its inception in 1999.

This Discussion Document represents a detailed portrayal of all Hearing Office activity using the most current statistical data available (gathered for the past three fiscal years); and other information/data gathered during the period between May 1 and September 30, 2015. The statistical data is based on information entered into the Hearing Office database by Judicial Clerks. Service delay information is based on a snapshot in time (June 20 – September 20, 2015), and jurisdictional data is current as of June 2015. As with any statistical data, or information gathering process, there is always a limitation in interpretation. This review is based on data collected when the service was being provided and not recreated at a later time. This “real-time” data is the best information we had available to conduct this review.

All components of this document represent the findings of the Hearing Office Review Committee and are based on information gleaned through the review. The information relating to “best practices” is based on information gathered through the review, particularly in the areas of service delivery, process mapping, and practices in other jurisdictions. These “best practices” are not meant to be recommendations; rather they are mere observations of the committee through the review process.

It is important to recognize in any service delivery area; there is always room for improvement. If any consideration is to be contemplated in the future for the implementation of best practices, judicial approval, in particular the approval of the Deputy Chief Judge, would be required before moving forward.

There are a number of factors outside the control of the Hearing Office that are important to note as they continue to affect the operations. These include but are not limited to resourcing, legislative changes, increase in workload volumes, complexity of matters heard, availability of Crown prosecutors and Duty Counsel during bail hearings, standardized bail packages, infrastructure, facilities, and others.

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However, the committee found that in comparison to other jurisdictions, Alberta provides exceptional access to Justice of the Peace services to law enforcement agencies and members of the public, through two fully functional centralized offices.

No other province or territory in Canada provides a full range of comprehensive services 365 days a year, 24 hours a day.

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HORC DISCUSSION DOCUMENT – LIST OF APPENDICES	
APPENDIX NUMBER	DESCRIPTION OF DOCUMENT
1	HORC Terms of Reference
2	Justice of the Peace Act
2 (a)	Justice of the Peace Regulations
3	Staff Complement and Shift Schedules
4	Justice of the Peace Complement and Shift Schedules
5	Hearing Office(s) Overview Summary of Workload Volumes (3 Year Comparison)
5 (a)	Combined Hearing Offices/Summary of Workload Volumes
6	Combined Hearing Office – All Service Requests – Time In
7	Service Demands by Individual Agency
7 (a)	Service Demands by Agency Group - Graph
8	Service Demands by Groups (Corrections, Municipalities, RCMP, Etc)
9	Combined Hearing Office – Priority 1 Requests – Time In
10	Combined Hearing Office – Priority 2 Requests – Time In
11	Combined Hearing Office – Priority 3 Requests – Time In
12	2014/2015 All Services Time In and Out - Graph
13	2014/2015 Priority 1 Time In and Out - Graph
14	2014/2015 Priority 2 Time In and Out - Graph
15	2014/2015 Priority 3 Time In and Out - Graph
16	Fax Cover Sheet – Request for Justice of the Peace Services of Alberta

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HORC DISCUSSION DOCUMENT – LIST OF APPENDICES	
APPENDIX NUMBER	DESCRIPTION OF DOCUMENT
17	Hearing Office – Priority 1 – Emergency Application Request Form
17 (a)	Hearing Office – Priority 1 – Emergency Application Request Form (Yellow)
17 (b)	Hearing Office – Priority 3 – Production Order Form (Purple)
18	Calgary & Edmonton Hearing Office Data Entry Guide
19	Process Flow Charts – Total of Nine (9) Charts – Listed as 19(a) – 19(i)
19 (a)	Priority 1- Search Warrant/Feeney Warrant/Production Order – In Person
19 (b)	Priority 1 – Search Warrant Application – By Fax
19 (c)	Priority 1 – Blood/Feeney Warrant Application – By Telephone
19 (d)	Priority 1 – Apprehension Orders – By Telephone Child Youth & Family Enhancement Act (CYFEA)/Drug Endangered Act (DECA)/ Protection of Sexually Exploited Children Act (PSECA) Applications
19 (e)	Priority 1 – Emergency Protection Order – In Person
19 (f)	Priority 1 – Emergency Protection Order – By Telephone
19 (g)	Priority 2 – Judicial Interim Release Hearing
19 (h)	Priority 2 – Administrative Release –In Person/By Telephone
19 (i)	Priority 3 – Information and Process – Warrant/Summons Applications
20	Combined Hearing Office Priority Listing of Service Requests
21	Hearing Office Service Request Applications – Gap Analysis and Best Practices
22	Combined Hearing Office Service Delay – Delay Based on Priority 1 Requests
22 (a)	Total Delay Based on Priority 1 Requests – Detailed Information

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HORC DISCUSSION DOCUMENT – LIST OF APPENDICES	
APPENDIX NUMBER	DESCRIPTION OF DOCUMENT
22 (b)	Total Delay Based on Priority 1 Requests – Graphs
23	Combined Hearing Office Service Delay – Delay Based on Requesting Agency
23 (a)	Total Delay Based on Requesting Agency – Detailed Information
23 (b)	Total Delay Based on Requesting Agency – Graphs
24	Combined Hearing Office Service Delay – Delay Based on Accused
24 (a)	Total Delay Based on Accused – Detailed Information
24 (b)	Total Delay Based on Accused – Graphs
25	Combined Hearing Office Service Delay – Delay Based on Other Reasons
25 (a)	Total Delay Based on Other Reasons – Detailed Information
25 (b)	Total Delay Based on Other Reasons – Graphs
26	Hearing Office Review (HORC) – Jurisdictional Review – Justice of the Peace Services
27	Red Deer Bail Hearing Protocol
27 (a)	Request for Justice of the Peace Services (Red Deer) Judicial Interim Release Hearing
27 (b)	Red Deer Bail Hearing Statistics

Hearing Office Review Committee (HORC)

Terms of Reference

May 22, 2015

Purpose of the HORC Terms of Reference (Terms)

The purpose of these Terms is to ensure a common understanding of the expectations for all HORC members. The Terms are intended to be used to guide the Team's engagement approach and operational style.

Membership

The Hearing Office Review Committee is comprised of:

- Basem Hage, Senior Manager, Provincial Court Calgary & South, RCAS
- Brenda Haynes, Senior Manager, Provincial Court Edmonton & North, RCAS
- Kelly McEwen, Acting Executive Director, Correctional Services, Edmonton
- Paddy Barker, Manager, Provincial Sentence Administration, Correctional Services
- Avril Inglis, Project Counsel, Alberta Crown Prosecution Services
- Menasha Nikhanj, Manager, Public Security
- William Shiplett, Administrative Justice of the Peace, Calgary
- Bill Faulkner, Administrative Justice of the Peace, Edmonton
- External Stakeholders, such as Policing agencies, may be added after the initial phase

HORC will be supported, as required, by a Divisional Communications representative.

Mandate and Purpose

Role and Mandate of HORC

The fundamental purpose of HORC is to conduct an internal review of current Hearing Office processes with a view towards identification, documentation and gap analysis of best practices. The review will include information gathering, observations on existing practices, and identification of process gaps.

Another component of the review will include the exploration of increased and/or expanded Justice of the Peace services in other regional areas in the Province.

The group will also undertake a jurisdictional review of Justice of the Peace Services in other Provinces. Observations, findings and best practices will be identified, documented and compiled in a robust Discussion Document.

The focus of the HORC will be to gather information and perspectives on the following:

- What are the key issues facing the Hearing Offices - processes, volumes, service delivery time lines?
- Review of statistical data concerning workload volumes, turnaround time lines, etc.
- Review of processes – how is the work done?
- Review of defined priorities - do they still apply?

- Identifying best practices for defined priorities.
- Documenting gaps to best practices for defined priorities.
- Examine/explore increased/expanded Justice of the Peace Services
- Review Justice of the Peace services in other jurisdictions – how do they compare to Alberta?
- Reflections on Findings/Information gleaned through review process.

The outcome of the Committee will include a robust Discussion Document that will set out the identified issues/concerns, observations and identification of topics for consideration and further discussion.

Throughout the review process, this group will collectively develop perspectives in relation to information gleaned, develop discussion items/topics, and may make decisions on a range of issues and opportunities related to best practices, administrative paperwork, processes and service delivery. The group will also make observations for consideration relating to shift schedules, human resources, process flows, policy and budget (where applicable) in relation to the operation, and expansion of Hearing Office services to meet public needs.

This group understands that its role may vary along the spectrum of integrating, collaborating, consulting, or cooperating, depending upon the topic at hand. The group also understands that this review is to be done in a phased approach - the first phase is the information gathering process, identification of best practices, review of existing service delivery, potential expansion of services, and jurisdictional review of Justice of the Peace services in other Provinces. The next phase may engage key stakeholders/users of the Hearing Office services.

Overall, our role is to:

- Consult with a broad range of strategic stakeholders to gather input and provide information and feedback regarding Justice of the Peace Services.
- Undertake a jurisdictional review of Justice of the Peace Services in other Provinces.
- Understand the emerging needs and expectations of Albertans as they relate to the Hearing Offices.
- Help define and/or validate best practices for the Hearing Offices across the province.
- Explore additional and/or expanded Justice of the Peace services for Albertans.
- Validate the information gathered throughout the review process.
- Work collaboratively within the team and with external stakeholders in all endeavors.

HORC Principles and Values

Principle (What we Value)	Processes and Behaviors (What we Do)
Leadership and Vision	<ul style="list-style-type: none"> • We lead by example, demonstrating our commitment and focus to achieving excellence in court administration. • We provide leadership by demonstrating professionalism in the pursuit of excellence in court administration (follow through). • We prepare for and attend planned meetings and maximize our level of participation. • We commit to being informed, seeking out information if we miss a meeting and need to "catch up." • We value the differences of experience and ideas that our team members represent. • We go beyond listening; we seek to understand. • We openly discuss our issues and concerns • We work to build buy-in and trust to enhance our team's effectiveness, addressing any perceived lack of buy-in or trust by a process where we: <ul style="list-style-type: none"> - tell the other person about our concern, - choose our words thoughtfully, - provide personal feedback, - listen to the responses of others, and - focus on the issue
Commitment to teamwork and placing shared goals ahead of individual goals	<ul style="list-style-type: none"> • We remember and confirm that we are a team focused on engagement. • We work together to get the job done.
Strong and open lines of communication	<ul style="list-style-type: none"> • We strive to ensure that everyone is heard. • We respect differing opinions and understand that it is okay to disagree. • We understand that open communication is required to build trust.
Focus on honesty, trust, integrity and respect in the way we act and do business	<ul style="list-style-type: none"> • We promote trust through actions that focus on collective system outcomes. • We treat each other and our staff with respect.
Excellence and Accountability	<ul style="list-style-type: none"> • We will collectively define what excellence in Hearing Office processes means and work to achieve that standard.

Standing Agenda

Hearing Office Review Project

Statistical Review – Priority 1, 2 & 3

1. Workload Volumes
2. Service Request Peak Periods
3. Service Turn Around Times
4. Identify Pressure Points
5. Create Statistical Reference Document

Process Review

6. Mapping of Current Processes
7. Review of Documentation
8. Review of Prioritization of Services
9. Document Best Practices
10. Identify the Gaps to the Best Practices
11. Create Discussion Document

Service Review

12. Define/Re-Define Priorities
13. Consider/Review Law Enforcement Agency Service Complaints

Jurisdictional Review of Justice of the Peace Services

14. Survey other Provinces
15. Identify Best Practices
16. Identify Gaps in Best Practices
17. Create Discussion Document

Identify Possible Expansion of Services in Regional Areas

18. Identify Opportunity for Additional Services at Hearing Offices (i.e. bail hearing for court operations, similar to Grande Prairie Bail Hearing initiative)
19. Identify Areas for Expansion of Services in other regions (Types of Services Requests)
20. Create Discussion Document

Final Report

21. Draft Detailed Discussion Document (Internal) to Steering Committee
22. Draft Discussion Document (External Stakeholders) to Steering Committee

MEMBERSHIP	FREQUENCY & DURATION		
<ul style="list-style-type: none"> Basem Hage, Senior Manager, Provincial Court Calgary - Hearing Office (CHAIR) Brenda Haynes, Senior Manager, Provincial Court Edmonton – Hearing Office (CO-CHAIR) William Shiplett, Administrative Justice of the Peace Calgary Bill Faulkner, Administrative Justice of the Peace Edmonton Kelly McEwen, A/Executive Director Edmonton, Community Corrections Paddy Barker, Manager, Provincial Sentence Administration, Correctional Services Avril Inglis, Project Counsel, Alberta Crown Prosecution Services Menasha Nikhanj, Manager, Public Security <p>External Stakeholders, such as Policing agencies, may be added after the initial phase</p> <p>HORC will be supported, as required, by a Divisional Communications representative.</p>	<p>Bi-monthly (Twice a month) By video conference</p> <p>First meeting: May 22, 2015 – 10:00 a.m.</p> <p>All other meetings scheduled for:</p> <p>Alternate Mondays (commencing June 8) 1:00 p.m. 3:00p.m.</p> <p>June – December 2015 (includes July & August where possible)</p> <p>Cancellation of a meeting is at the call of the 1. Chair</p> <th data-bbox="797 884 1451 957">MEETING ACCOUNTABILITIES</th> <td data-bbox="797 957 1451 1465"> <ul style="list-style-type: none"> Agenda items and review materials to be received 5 business days prior to meeting. Members come prepared to lead the discussion and speak to agenda items brought forward. Agenda items will be relative to the goals of the project/review. Information items will support agenda items/initiatives and will have a backgrounder. Every effort should be made for members to attend. Alternates permitted <u>only</u> as last resort option. </td>	MEETING ACCOUNTABILITIES	<ul style="list-style-type: none"> Agenda items and review materials to be received 5 business days prior to meeting. Members come prepared to lead the discussion and speak to agenda items brought forward. Agenda items will be relative to the goals of the project/review. Information items will support agenda items/initiatives and will have a backgrounder. Every effort should be made for members to attend. Alternates permitted <u>only</u> as last resort option.
COLLECTIVE HORC ACCOUNTABILITIES			
<ol style="list-style-type: none"> Shared accountability for target goals and outcomes of project. Accountable for carrying forward actions, recommendations, and consensus decisions of HORC – more than an information sharing group. Responsible for communicating and cascading HORC key messages to respective stakeholders. Commitment to act as a cohesive, collective, and collaborative group. Accountable for highly collaborative understanding and respect of our strategic, operating, and judicial environment. Measure progress at the end of each meeting to track and ensure effectiveness. Shared accountability for production of Discussion Document for forwarding to ADM's. 			

'Rules of the Road' For Working Together

The following section details the common views and expectations for working together as a team effectively; also known as the 'Rules of the Road'.

1. Live our values.
2. Engage in frank conversations, not avoiding them for the sake of being nice.
3. Act with discipline and respect for managing the agenda and being mindful of one another's time.
4. Be open, honest, and willing to have tough discussions that may potentially cause conflict. Tension and conflict is ok, as long as it is resolved.
5. Revisit only past issues in light of new and/or relevant information.
6. Orient new members: Will commit to designating a team member to provide proper communication and information to orient new members.
7. Be in the moment: PDA's or Smart Phones used for note taking only, with email and phone usage limited to regularly scheduled breaks.
8. Invite and welcome guests as related to agenda items and in alignment with HORC mandate.
9. Establish mechanisms to resolve and advance actions. Report back on items following each bi-monthly meeting.
10. Start on time, end on time.
11. Meeting notes taken and distributed.
12. Focus on processes and mechanisms to advance the review project.
13. Look at Best Practices within the Hearing Office operations.
14. Participate in the development of a "Discussion Document for review by ADM Resolution and Court Administration Services.
15. Develop a "go forward" plan for Phase 2 of the project review.

These Terms of Reference were approved by:

Name	Title	Date Approved <i>June 2, 2015</i>
Lynn Varty	Assistant Deputy Minister, JSG, Resolution and Court Administration Services	<i>-Approved May 22/15</i>
Basem Hage	Senior Manager, Provincial Court Calgary & Southern Area, RCAS	<i>[Signature]</i>
Brenda Haynes	Senior Manager, Provincial Court Edmonton & Northern Area, RCAS	<i>[Signature]</i>
William Shiplett	Administrative Justice of the Peace, Calgary	<i>[Signature]</i>
Bill Faulkner	Administrative Justice of the Peace, Edmonton	<i>[Signature]</i>
Kelly McEwen	A/Executive Director, Community Corrections Edmonton	<i>[Signature]</i>
Paddy Barker	Manager, Provincial Sentence Administration, Correctional Services	<i>[Signature]</i>
Avril Inglis	Project Counsel, Alberta Crown Prosecution Services	<i>[Signature]</i>
Menasha Nikhanj	Manager, Public Security	<i>[Signature]</i>



Province of Alberta

JUSTICE OF THE PEACE ACT

Revised Statutes of Alberta 2000
Chapter J-4

Current as of May 27, 2013

Office Consolidation

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*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Justice of the Peace Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Justice of the Peace Act		
Constitutional Notice	102/99	251/2001, 110/2012
Justice of the Peace	6/99	103/99, 251/2001, 117/2003, 127/2004, 39/2006, 178/2006, 35/2007, 48/2007, 148/2007, 68/2008, 75/2010, 110/2012, 170/2012, 210/2013, 113/2014, 227/2014

JUSTICE OF THE PEACE ACT

Chapter J-4

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

- 1** In this Act,
- (a) “Chief Judge” means the Chief Judge of The Provincial Court of Alberta;
 - (b) “Judicial Council” means the Judicial Council established under Part 6 of the *Judicature Act*;

- (b.1) “justice of the peace” means a justice of the peace who is appointed under this Act as a justice of the peace and includes an ad hoc justice of the peace;
- (c) “non-presiding justice of the peace” means a justice of the peace who is appointed by the Minister under section 5(1);
- (d), (e) repealed 2011 c20 s8.

RSA 2000 cJ-4 s1;2009 c27 s2;2011 c20 s8

Jurisdiction

- 2** A justice of the peace has jurisdiction throughout Alberta.

RSA 1980 cJ-3 s1;1998 c18 s3

Ineligibility

- 3** No person other than a Canadian citizen is eligible to be appointed as a justice of the peace.

RSA 1980 cJ-3 s2;1991 c21 s16

Appointment of justices of the peace

- 4(1)** The Lieutenant Governor in Council may appoint a person as a justice of the peace if the Judicial Council has determined that the person is qualified.

- (2)** An order under subsection (1) shall designate whether the appointment is full time or part time.

- (3)** Subject to subsection (4), a designation under subsection (2) may not be changed except with the consent of the Judicial Council and the justice of the peace.

- (4)** A person whose appointment has been designated as a full-time justice of the peace may apply, in accordance with the regulations, to have the appointment designated as a part-time justice of the peace.

- (4.1)** A person whose appointment has been designated as a part-time justice of the peace may apply, in accordance with the regulations, to have the appointment designated as a full-time justice of the peace.

- (5)** The following are not eligible to be appointed or to remain as justices of the peace appointed under this section:

- (a) an employee of the government of Canada or Alberta or of a municipality or Metis settlement;
- (b) a person employed

- (i) to serve or execute civil process, including a sheriff or a bailiff,
 - (ii) to preserve and maintain the public peace, including a member of any law enforcement agency,
 - (iii) to prosecute an offence under any federal or provincial statute or regulation or municipal bylaw,
 - (iv) to issue any offence notice, or
 - (v) to work in a penitentiary or in a correctional institution as defined in the *Corrections Act*, including a warden or a guard;
- (c) a councillor of a municipality;
 - (d) a councillor of a Metis settlement or a member of the Metis Settlements General Council;
 - (e) a Member of the Legislative Assembly;
 - (f) subject to sections 7.1(1) and 7.2(1) a person who is 70 years of age or older.

(6) The appointment of a justice of the peace under this section terminates if the person becomes ineligible under subsection (5).

(7) A person whose appointment as a justice of the peace under this section has expired or terminated may not be employed by the Government of Alberta or be appointed to a Provincial agency as defined in the *Financial Administration Act* until at least the amount of time prescribed by the regulations has elapsed since the date of the expiry or termination.

RSA 2000 cJ-4 s4;2009 c27 s3;2011 c20 s8

Appointment of non-presiding justices of the peace

5(1) The Minister may appoint a person as a justice of the peace designated as a non-presiding justice of the peace.

(2) A non-presiding justice of the peace is appointed as a justice of the peace solely for the purposes of exercising the following, to the extent that their exercise is consistent with the constitutional requirements for independence, if any:

- (a) administering oaths or affirmations or taking declarations;
- (b) processing judicial interim release orders;
- (c) adjourning cases where a judge of the Provincial Court or a justice of the peace is not present;

- (d) performing any other functions and duties prescribed by the regulations.

RSA 2000 cJ-4 s5;2011 c20 s8

Powers and duties

6(1) Notwithstanding that a statute or regulation provides that any power or duty must be exercised by 2 or more justices of the peace, the following may be exercised by any one justice of the peace:

- (a) receiving an information or complaint or receiving an information or complaint from another justice of the peace and granting a summons or warrant on it;
- (b) issuing a subpoena, summons or warrant to compel the attendance of any witnesses for either party;
- (c) doing all other acts and matters necessary preliminary to a hearing.

(2) A justice of the peace may conduct a hearing or settlement conference or hear an application under Part 4 of the *Provincial Court Act*.

(3) In the absence of any provision to the contrary in any statute and subject to the regulations made under this Act, a complaint or information may be heard, tried and determined by one justice of the peace.

(4) Nothing in this section shall be taken to confer on any justice of the peace, other than one who is also a judge of the Provincial Court acting in that capacity, the power to hold a preliminary inquiry under the *Criminal Code* (Canada).

(5) Every justice of the peace is by virtue of the office a commissioner for taking affidavits and declarations and for administering oaths and affirmations.

RSA 2000 cJ-4 s6;2011 c20 s8

Term of appointment

7(1) Subject to sections 4(6), 7.1(1) and 7.2(1), a justice of the peace appointed under section 4(1) holds office for 10 years and may be removed from office only in accordance with Part 6 of the *Judicature Act*.

(2) An appointment referred to in subsection (1) may not be renewed or extended except in accordance with section 7.1 or 7.2.

(3) A non-presiding justice of the peace holds office at the discretion of the Minister.

(4) to (8) Repealed 2011 c20 s8.

RSA 2000 cJ-4 s7;2005 c41 s2;2009 c27 s4;
2011 c20 s8

Reappointment of justices of the peace

7.1(1) A justice of the peace appointed under section 4(1) may, if the justice of the peace is not disqualified under section 4(5)(a) to (e), be reappointed as a justice of the peace in accordance with this section.

(2) Where a justice of the peace referred to in subsection (1) is approaching the age of 70 years but the term of appointment of that justice of the peace under section 7(1) has not expired, the Chief Judge may request that the Lieutenant Governor in Council reappoint the justice of the peace for a term of one year.

(3) Where a justice of the peace has been reappointed under this section, the Chief Judge may request that the Lieutenant Governor in Council reappoint that person for a term of one year.

(4) The Chief Judge may request the reappointment of a justice of the peace under this section if

- (a) the Chief Judge determines that the reappointment will enhance the efficient and effective administration of the Court, and
- (b) the request is made in accordance with and subject to the criteria established by the Chief Judge and approved by the Judicial Council.

(5) Where the Chief Judge requests under subsection (2) or (3) that the Lieutenant Governor in Council reappoint a justice of the peace for a term of one year, the Lieutenant Governor in Council shall, subject to subsection (7), reappoint that justice of the peace for a term of one year.

(6) Subject to section 4(3), (4) and (4.1), a justice of the peace reappointed under this section must be designated as a full-time or part-time justice of the peace.

(7) A justice of the peace shall be reappointed under this section only if

- (a) a request for reappointment has been made under subsection (2) or (3),
- (b) the justice of the peace in respect of whom the request has been made has consented to the reappointment, and

- (c) the justice of the peace has not attained the age of 75 years.

(8) A justice of the peace who has been reappointed under this section may, subject to subsection (7), be reappointed under subsection (5) for further terms of one year until 10 years has elapsed from the date on which the justice of the peace was appointed under section 4(1).

(9) Notwithstanding anything in this section, a term of reappointment of a justice of the peace who is reappointed under this section expires when

- (a) the justice of the peace attains the age of 75 years, or
- (b) 10 years has elapsed from the date on which the justice of the peace was appointed under section 4(1),

whichever occurs first.

(10) Subject to Part 6 of the *Judicature Act*, no justice of the peace reappointed under this section may be removed from office before the expiry of the justice of the peace's term.

2009 c27 s5;2011 c20 s8

Appointment of ad hoc justices of the peace

7.2(1) A justice of the peace appointed under section 4(1) or reappointed under section 7.1(1) may, if the justice of the peace is not disqualified under section 4(5)(a) to (e), be appointed as an ad hoc justice of the peace in accordance with this section.

(2) Where 10 years has elapsed from the date on which a justice of the peace referred to in subsection (1) was appointed under section 4(1), the Chief Judge may request that the Lieutenant Governor in Council appoint the justice of the peace as an ad hoc justice of the peace for a term of one year.

(3) Where an ad hoc justice of the peace has been appointed under this section, the Chief Judge may request that the Lieutenant Governor in Council reappoint that person for a term of one year.

(4) The Chief Judge may request the appointment or the reappointment of an ad hoc justice of the peace under this section if

- (a) the Chief Judge determines that the appointment or reappointment will enhance the efficient and effective administration of the Court, and
- (b) the request is made in accordance with and subject to the criteria established by the Chief Judge and approved by the Judicial Council.

(5) Where the Chief Judge requests

- (a) under subsection (2) that the Lieutenant Governor in Council appoint, or
- (b) under subsection (3) that the Lieutenant Governor in Council reappoint,

an ad hoc justice of the peace for a term of one year, the Lieutenant Governor in Council shall, subject to subsection (6), appoint or reappoint that ad hoc justice of the peace for a term of one year.

(6) A justice of the peace shall be appointed or reappointed under this section only if

- (a) a request for appointment has been made under subsection (2) or a request for reappointment has been made under subsection (3),
- (b) the justice of the peace in respect of whom the request has been made has consented to the appointment or reappointment, and
- (c) the justice of the peace has not attained the age of 75 years.

(7) A justice of the peace may, subject to subsection (6), be appointed or reappointed under subsection (5) for a maximum of 5 terms of one year.

(8) Notwithstanding anything in this section, a term of appointment or reappointment of a justice of the peace who is appointed or reappointed under this section expires when

- (a) the justice of the peace attains the age of 75 years, or
- (b) the justice of the peace has served 5 terms of one year as an ad hoc justice of the peace,

whichever occurs first.

(9) Subject to Part 6 of the *Judicature Act*, no justice of the peace reappointed under this section may be removed from office before the expiry of the justice of the peace's term.

2011 c20 s8

Oaths

8(1) Every justice of the peace, before acting, shall take and subscribe before a person authorized to administer oaths and declarations in Alberta the oath of allegiance and the judicial oath prescribed by the *Oaths of Office Act*.

(2) The oaths once taken and subscribed shall be transmitted forthwith by the justice of the peace to the Department of Justice and Solicitor General.

RSA 2000 cJ-4 s8;2013 c10 s36

Supervision and duties

9(1) The Chief Judge of the Provincial Court

- (a) shall supervise and assign duties to justices of the peace, and
- (b) may delegate the supervision and assignment of duties referred to in clause (a) to a judge or a supernumerary judge of the Provincial Court.

(2) The judge or supernumerary judge to whom the Chief Judge has made a delegation under subsection (1)(b) may further delegate to justices of the peace administrative functions including scheduling, record-keeping, interfacing with police agencies and developing forms.

RSA 2000 cJ-4 s9;2011 c20 s8

Complaints

10(1) This section applies only to justices of the peace appointed under section 4, reappointed under section 7.1 or appointed or reappointed under section 7.2.

(2) A complaint about the competence, conduct, misbehaviour or neglect of duty of a justice of the peace or the inability of a justice of the peace to perform duties shall be dealt with in accordance with Part 6 of the *Judicature Act*.

RSA 2000 cJ-4 s10;2009 c27 s6;2011 c20 s8

Restriction on other employment

10.1 Unless otherwise authorized by the Lieutenant Governor in Council,

- (a) a justice of the peace who is designated as a full-time justice of the peace shall not practise law;
- (b) a justice of the peace who is designated as a part-time justice of the peace shall not practise criminal law or family law, appear as counsel on any matter in the Provincial Court of Alberta, represent any client in any proceeding involving the Government of Alberta or the Government of Canada, or represent the Government of Alberta or the Government of Canada in any proceeding.

2011 c20 s8

Resignation

11 A justice of the peace may at any time resign the position of justice of the peace in writing signed by the justice of the peace and delivered to the Chief Judge of the Provincial Court.

RSA 1980 cJ-3 s6;1991 c21 s16

Determination of complaint or information

12(1) Where a justice of the peace

- (a) hears, tries and determines a complaint or information, or
- (b) conducts a hearing or settlement conference or hears an application under Part 4 of the *Provincial Court Act*,

that justice of the peace shall do the things referred to in subsection (2).

(2) Where subsection (1) applies, the justice of the peace while carrying out the functions referred to in subsection (1)

- (a) shall hear, try and determine the matter in the Provincial Court, and
- (b) for the purpose of hearing, trying and determining the matter is, subject to the regulations, empowered to exercise all of the powers and perform all of the duties of a judge of the Provincial Court.

RSA 2000 cJ-4 s12;2008 c32 s17;2011 c20 s8

Provincial Court Act

13 Sections 9.21, 9.5 and 9.51 of the *Provincial Court Act* apply to a justice of the peace in the same manner as if the justice of the peace were a provincial judge.

RSA 2000 cJ-4 s13;RSA 2000 c16(Supp) s28

Status of certain appointments

14 The appointment or designation of a justice of the peace for a term of years made before April 30, 1998 is confirmed and validated from the date of the appointment or designation, as the case may be.

1998 c18 s3

Regulations

15(1) The Lieutenant Governor in Council may make regulations


- (a) governing the process under which a person may be selected to be appointed as a justice of the peace;

- (b) prescribing the statutes, the regulations and the bylaws of municipalities or any provision of them in respect of which a justice of the peace may hear, try and determine a complaint or information;
 - (c) prescribing duties that shall not be assigned to justices of the peace;
 - (c.1) governing and restricting the jurisdiction and powers of justices of the peace;
 - (d) respecting a duty roster for justices of the peace;
 - (e) respecting the qualifications of a person to be appointed as a justice of the peace, including a justice of the peace designated as a non-presiding justice of the peace;
 - (f) respecting the application of a justice of the peace for a change in designation from full time to part time and from part time to full time;
 - (g) respecting fees to be paid to non-presiding justices of the peace;
 - (h) prescribing the period of time for the purposes of section 4(7);
 - (i) prescribing functions and duties for the purposes of section 5(2)(d);
 - (j) prescribing fees to be paid for each proceeding or specified service;
 - (k) requiring and governing the making of returns and reports by justices of the peace;
 - (l) governing the remission of fines, penalties, forfeitures or other sums of money;
 - (m) respecting any matter necessary and advisable to carry out effectively the intent and purposes of this Act.
- (2)** The Lieutenant Governor in Council shall make regulations
- (a) respecting the remuneration to be paid to justices of the peace;
 - (b) respecting the remuneration to be paid to justices of the peace who sit part time;
 - (c) providing for and governing the benefits to which justices of the peace are entitled.

(3) A regulation made under subsection (2) shall, if so provided in the regulation, be effective from a date prior to the making of the regulation.

RSA 2000 cJ-4 s15;2005 c41 s3;2011 c20 s8



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Province of Alberta

JUSTICE OF THE PEACE ACT

JUSTICE OF THE PEACE REGULATION

Alberta Regulation 6/1999

With amendments up to and including Alberta Regulation 227/2014

Office Consolidation

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(Consolidated up to 227/2014)

ALBERTA REGULATION 6/99

Justice of the Peace Act

JUSTICE OF THE PEACE REGULATION

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Definitions

1 In this Regulation,

(a) “Act” means the *Justice of the Peace Act*;

(a.01) “justice of the peace” means a justice of the peace who is appointed under the Act as a justice of the peace and includes an ad hoc justice of the peace but does not include a non-presiding justice of the peace unless the context requires otherwise.

(a.1), (b) repealed AR 113/2014 s2.

AR 6/99 s1;251/2001;178/2006;110/2012;113/2014

Duty roster

2(1) The Chief Judge, or a judge within the meaning of section 1(b) of the *Provincial Court Act* to whom the Chief Judge has delegated the power, may establish duty rosters for justices of the

peace, which duty rosters may include evening and weekend assignments.

(2) The duties of justices of the peace must be performed in accordance with the appropriate duty roster established under subsection (1).

AR 6/99 s2;110/2012

Designation as part-time justice of the peace

2.1(1) Where a person referred to in section 4(4) of the Act whose term of appointment as a justice of the peace has not yet expired applies in writing to the Chief Judge under that subsection to have the remaining term of that appointment designated as part-time, the Chief Judge may request the Lieutenant Governor in Council to designate the remaining term of that appointment as part-time if the conditions in subsection (2) are met.

(2) The request to the Lieutenant Governor in Council may be made only if

- (a) the Chief Judge considers that the designation will enhance the efficient and effective administration of the Court, and
- (b) the request is made in accordance with and subject to the criteria established by the Chief Judge and approved by the Judicial Council.

(3) The Lieutenant Governor in Council shall designate the remaining term of the appointment for the justice of the peace as part-time if satisfied that subsections (1) and (2) are or have been met.

AR 110/2012 s3

Designation as full-time justice of the peace

2.2(1) Where a person referred to in section 4(4.1) of the Act whose term of appointment as a justice of the peace has not yet expired applies in writing to the Chief Judge under that subsection to have the remaining term of that appointment designated as full-time, the Chief Judge may request the Lieutenant Governor in Council to designate the remaining term of that appointment as full-time if the conditions in subsection (2) are met.

(2) The request to the Lieutenant Governor in Council may be made only if

- (a) a vacancy exists for a full-time justice of the peace,

- (b) the Chief Judge considers that the designation will enhance the efficient and effective administration of the Court, and
- (c) the request is made in accordance with and subject to the criteria established by the Chief Judge and approved by the Judicial Council.

(3) The Lieutenant Governor in Council shall designate the remaining term of the appointment for the justice of the peace as full-time if satisfied that subsections (1) and (2) are or have been met.

AR 110/2012 s3

Jurisdiction of justices

3(1) Subject to subsection (2), a justice of the peace may hear, try and determine matters arising under the following:

- (a) the *Amusements Act*;
- (b) the *Animal Protection Act*;
- (c) the *Dangerous Dogs Act*;
- (d) the *Dangerous Goods Transportation and Handling Act*;
- (e) the *Fisheries (Alberta) Act*;
- (f) the *Forests Act*;
- (g) the *Fuel Tax Act*;
- (h) provisions of the *Gaming and Liquor Act* that relate to liquor matters;
- (i) the *Government Property Traffic Act* (Canada);
- (j) the *Highway Traffic Act*;
- (k) the *Livestock Identification and Brand Inspection Act*;
- (l) the *Livestock and Livestock Products Act*;
- (m) the *Motor Transport Act*;
- (n) the *Motor Vehicle Administration Act*;
- (n.1) the *Occupational Health and Safety Act* for which a specified penalty is set out in Schedule 2, Parts 13.1 and 13.2 of the *Procedures Regulation* (AR 233/89) under the *Provincial Offences Procedure Act*;

- (o) the *Off-highway Vehicle Act*;
- (p) the *Petty Trespass Act*;
- (p.1) repealed AR 227/2014 s2;
- (q) the *Provincial Offences Procedure Act*, section 5;
- (r) a provision of
 - (i) the *Provincial Parks Act*, or
 - (ii) the *Provincial Parks (General) Regulation* (AR 102/85)for which a specified penalty is set out in Schedule 2, Part 20 of the *Procedures Regulation* (AR 233/89) under the *Provincial Offences Procedure Act*;
- (s) the *Railway Act* (Canada);
- (t) the *School Act*, section 27(1);
- (t.1) the *Security Services and Investigators Act* for which a specified penalty is set out in Schedule 2, Parts 20.4, 20.5 and 20.6 of the *Procedures Regulation* (AR 233/89) under the *Provincial Offences Procedure Act*;
- (u) the *Stray Animals Act*;
- (v) the *Tobacco Tax Act*, sections 3(1), 4(2)(b), (3), (4) and (5) and 4.1;
- (v.1) *Traffic Safety Act*;
- (w) repealed AR 39/2006 s2;
- (w.1) *Tobacco and Smoking Reduction Act*;
- (x) the *Trespass to Premises Act*;
- (y) the *Youth Justice Act*, section 20;
- (z) the *Wildlife Act*;
- (aa) any regulations or orders made under any Act referred to in clauses (a) to (g) and (i) to (z);
- (bb) a provision of
 - (i) the *Environmental Protection and Enhancement Act*, or

- (ii) a regulation made under that Act
for which a specified penalty is set out in Schedule 2,
Parts 3.1 to 3.4 of the *Procedures Regulation* (AR 233/89)
under the *Provincial Offences Procedure Act*;
 - (cc) the *Alberta Fishery Regulations* made under the *Fisheries Act* (Canada);
 - (dd) regulations made under Schedule 11 of the *Government Organization Act*;
 - (ee) regulations made under the *Gaming and Liquor Act* that relate to liquor matters or to contraventions that relate to self-exclusion programs within the meaning of section 34.2(4) of the *Gaming and Liquor Regulation* (AR 143/96);
 - (ff) provisions of the *Youth Justice Act*, to the extent that those provisions deal with statutes, regulations, bylaws and orders referred to in clauses (a) to (hh);
 - (gg) any bylaw of a municipality or a Metis settlement;
 - (hh) any orders made by the Minister of Municipal Affairs in respect of an improvement district or special area;
 - (ii) a provision of
 - (i) the *Residential Tenancies Act*, or
 - (ii) a regulation made under that Act
for which a specified penalty is set out in Schedule 2,
Parts 20.1 and 20.2 of the *Procedures Regulation* (AR 233/89);
 - (jj) a provision of the *Insurance Act* for which a specified penalty is set out in Schedule 2, Part 7.2 of the *Procedures Regulation* (AR 233/89).
- (2) A justice of the peace may not be assigned to hear, try or determine
- (a) any complaint or information that involves the death of any person,
 - (b) any complaint or information that involves a determination whether any rights under the *Canadian Charter of Rights and Freedoms* have been infringed or denied,

- (c) any issue relating to the constitutional validity of any law, or
- (d) any complaint or information that involves a determination of any aboriginal or treaty rights.

AR 6/99 s3;103/99;251/2001;117/03;127/2004;39/2006;
35/2007;68/2008;75/2010;110/2012;210/2013;227/2014

Additional functions and duties of non-presiding justices

4(1) For the purposes of section 5(2)(d) of the Act, the prescribed functions and duties of a non-presiding justice of the peace are the following:

- (a) processing judicial interim release orders that have previously been made by a judge or a justice of the peace;
- (b) qualifying sureties on judicial interim release orders;
- (c) receiving informations, except under section 810 of the *Criminal Code* (Canada);
- (d) subject to subsection (2), confirming or cancelling an appearance notice, promise to appear or recognizance under section 508(1) of the *Criminal Code* (Canada);
- (e) repealed AR 39/2006 s3;
- (f) issuing subpoenas;
- (g) taking affidavits;
- (h) ordering the disposition of seized items;
- (i) with respect to offences under the statutes, regulations, bylaws and orders referred to in section 3, dealing with first appearances and with applications for extension of time to pay, except
 - (i) the taking of guilty pleas on mandatory court appearances, and
 - (ii) the issuing of warrants for arrest;
- (j) dealing with the following:
 - (i) uncontested adjournments;
 - (ii) elections as to the mode of trial by an accused;
 - (iii) Crown elections;

- (iv) setting dates for trial or summary dispositions;
- (v) setting dates for early case resolution;
- (vi) accepting requests for preliminary inquiries;
- (vii) setting preliminary inquiry dates;
- (viii) setting sentencing dates;
- (ix) issuing summonses;
- (x) taking not guilty pleas.

(2) When a non-presiding justice of the peace cancels an appearance notice, promise to appear or recognizance under section 508(1)(b)(ii) of the *Criminal Code* (Canada), the justice of the peace may only issue a summons.

AR 6/99 s4;251/2001;39/2006;110/2012

Cooling-off period

5 For the purpose of section 4(7) of the Act, the amount of time that must elapse is 6 months.

AR 6/99 s5;251/2001

Remuneration - full-time justices of the peace

6(1) The annual salary for a full-time justice of the peace is as follows:

- (a) for the year from April 1, 2008 to March 31, 2009,
\$117 480;
- (b) for the year from April 1, 2009 to March 31, 2010,
\$125 000;
- (c) for the year from April 1, 2010 to March 31, 2011,
\$129 375;
- (d) for the year from April 1, 2011 to March 31, 2012,
\$134 550;
- (e) for the year from April 1, 2012 to March 31, 2013,
\$139 932.

(2) In addition to the salary provided under subsection (1), a full-time justice of the peace is entitled

- (a) effective April 1, 2008, in lieu of pension benefits, to an additional amount of 13.1% of his or her salary, and

- (b) to the benefits set out in Schedule 1.

AR 6/99 s6;178/2006;48/2007;113/2014

7 Repealed AR 178/2006 s3.

Remuneration - part-time justices of the peace

8(1) The remuneration for a part-time justice of the peace working an 8-hour shift is as follows:

- (a) for the year from April 1, 2008 to March 31, 2009, \$740;
- (b) for the year from April 1, 2009 to March 31, 2010, \$786;
- (c) for the year from April 1, 2010 to March 31, 2011, \$813;
- (d) for the year from April 1, 2011 to March 31, 2012, \$844;
- (e) for the year from April 1, 2012 to March 31, 2013, \$877.

(1.1) The remuneration for a part-time justice of the peace working a 4-hour shift is 50% of the remuneration set out in subsection (1) for the applicable time period.

(2) A part-time justice of the peace is not entitled to any other payment or benefits except as provided in this section and sections 8.1 and 8.2.

AR 6/99 s8;178/2006;48/2007;148/2007;113/2014

Evening, night, weekend and holiday shift differentials

8.1(1) For the purposes of this section,

- (a) “day shift” means a shift that starts at or after 7:00 a.m. and ends at or before 7:00 p.m.;
- (b) “evening shift” means
 - (i) in respect of an 8-hour shift, a shift that starts at or after 12 noon and ends at or before 12 midnight, or
 - (ii) in respect of a 4-hour shift, a shift that starts after 3:00 p.m. and ends at or before 12 midnight;
- (c) “holiday” means New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and the Christmas floater as identified each year by the Public Service Commissioner for members of the public service of the Province;

- (d) “night shift” means a shift other than a day shift or an evening shift;
- (e) “weekday” means the time commencing immediately on the beginning of a Monday and ending at the end of a Friday, but does not include where this time falls on a holiday;
- (f) “weekend” means the time commencing immediately on the beginning of a Saturday and ending at the end of a Sunday, except when this time falls on a holiday.

(2) Commencing April 1, 2008, over and above the remuneration payable under section 6 or 8, as the case may be, a justice of the peace is entitled to a payment as follows for work during the following times:

- (a) weekday evening shift - \$6.25 per hour;
- (b) weekday night shift - \$12.50 per hour;
- (c) weekend day shift - \$6.25 per hour;
- (d) weekend evening shift - \$9.50 per hour;
- (e) weekend night shift - \$18.75 per hour;
- (f) holiday day shift - \$9.50 per hour;
- (g) holiday evening shift - \$12.50 per hour;
- (h) holiday night shift - \$25.00 per hour.

(3) Payment for work under subsection (2) is to be made at the hourly rate applicable at the time the work shift is scheduled to commence.

AR 48/2007 s4;113/2014

Professional allowance

8.2(1) Subject to subsections (2) to (4), effective April 1, 2012, a full-time or part-time justice of the peace is entitled to claim an annual professional allowance of not more than \$2000 for expenses incurred for any or all of the following purposes, as authorized by the Chief Judge or his or her delegate:

- (a) the attendance at relevant conferences that are related to the carrying out of the duties and functions of a justice of the peace;

- (b) the purchase of books and journals that are related to the carrying out of the duties and functions of a justice of the peace;
- (c) the maintenance of memberships in professional organizations;
- (d) the purchase of security systems for a justice of the peace's home and the monthly service charges for those systems;
- (e) the purchase of attire required for the carrying out of the duties and functions of a justice of the peace.

(2) Any unused portion of the annual professional allowances for the time from April 1, 2012 to March 31, 2014 may be carried forward so that the maximum total amount of annual professional allowances that may be claimed under subsection (1) for the time period from April 1, 2012 to March 31, 2015 is \$6000.

(3) Claims for the annual professional allowances in respect of expenses incurred from April 1, 2012 to March 31, 2015 must be submitted by March 31, 2015 in order to be eligible for reimbursement.

(4) A claim for the annual professional allowance must be accompanied by itemized receipts for all expenses claimed.

AR 113/2014 s6

Fee - non-presiding justices

9 A non-presiding justice of the peace, who is not an employee of the Government of Alberta, is entitled to be paid fees for serving as a non-presiding justice of the peace in accordance with Schedule 2.

9.1 Repealed AR 110/2012 s6.

10 Repealed AR 178/2006 s5.

Coming into force

11 This Regulation comes into force on February 1, 1999.

Schedule 1

Benefits for Full-time Justices of the Peace

1 In this Schedule, "full-time justices" means a full-time justice of the peace.

2(1) Subject to subsection (2), full-time justices are entitled to participate in the group benefit plans available to managers in the public service of the Province.

(2) The Long Term Disability Income Continuance Plan contained in the Subschedule to this Schedule is established and applies with respect to full-time justices of the peace.

3 The Province must pay 1/2 of the cost of the full-time justice's participation in the Alberta Health Care Insurance Plan.

4(1) Effective April 1, 2008, full-time justices are entitled to vacation of 30 working days per year.

(2) The scheduling of vacation is subject to the prior approval of the Chief Judge.

(3) If the appointment of a full-time justice is terminated, the full-time justice's actual vacation entitlement is to be calculated on the basis of 2.5 days' vacation per completed month of service and the full-time justice must, at such termination, reimburse the Province for any vacation taken in excess of the full-time justice's actual entitlement.

(4) Any actual vacation entitlement not taken by the full-time justice must, at such termination, be paid by the Province to the full-time justice.

4.1(1) In this section,

- (a) "casual illness" means a sickness, injury or disability (other than one resulting from self-infliction) or a quarantine restriction, that causes a justice to be absent from work for 3 consecutive work days or less;
- (b) "general illness" means a sickness, injury or disability (other than one resulting from self-infliction) or a quarantine restriction, that causes a justice to be absent from work for more than 3 consecutive work days, to a maximum of 80 work days;
- (c) "justice" means a full-time justice of the peace;
- (d) "service" means service as a justice of either or both kinds;
- (e) "work day" means a day on which a justice is expected to be working as a justice;
- (f) "year of service" means a consecutive period of 12 months commencing from the date a justice commenced service and thereafter from an anniversary of that date.

- (2) A justice is entitled to take casual illness leave of up to 10 work days in each year of service, subject to the approval in each case of the Chief Judge, and to be paid full salary during the periods of casual leave taken.
- (3) Where a justice has worked at least one hour in a half day, that half-day is not to be treated as casual illness leave taken and the justice is entitled to full salary for that half day.
- (4) Subject to subsection (9), a justice is entitled to take general illness leave of up to 80 days in each year of service, subject to the approval in each case of the Chief Judge, with salary at the rate of
- (a) 100% of full salary for the first 60 days of that leave period taken, and
 - (b) 70% of full salary for the last 20 days of that leave period taken.
- (5) General illness leave may be taken on an hourly equivalent basis if the illness will result in ongoing periods of absences or treatments mixed with periods when the justice can return to work.
- (6) A justice's general illness leave benefits are reinstated the day the justice returns to work or, in the circumstances referred to in subsection (5), returns to work after the periods referred to in that subsection have ended.
- (7) When a paid holiday falls during a period of general illness leave, it is to be paid as a day of general illness leave and a justice is not to receive additional compensation for the paid holiday.
- (8) The Chief Judge may require a justice to produce a medical certificate for any leave taken under this section.
- (9) Where general illness leave of less than 80 days is taken by a justice in a year of service and the justice returns to work in the same year of service, that leave is reinstated for future additional use in that year of service at 70% of full salary on the justice's return to work.
- 5(1), (2)** Repealed AR 48/2007 s5.
- (3) A full-time justice is entitled to all statutory holidays normally granted to employees in the public service of the Province.
- (4) The full-time justice must provide the Chief Judge with a periodic reporting of absences.
- 6** A full-time justice is entitled to reimbursement for travelling and subsistence expenses incurred in the course of the performance of duties as a justice of the peace in accordance with the

Subsistence, Travel and Moving Expenses Regulation made under the Public Service Act.

Subschedule

Long Term Disability Income Continuance Plan Full-time Justices of the Peace

Definitions

1(1) In this Plan,

- (a) “adjudicator” means a person who is independent of the Government and the participant, who determines whether a participant is disabled for the purposes of this Subschedule and who may also provide any additional services that are agreed to by the Government and that person;
- (b) “amount of coverage” means a participant’s monthly benefit as expressed as a percentage of monthly earnings;
- (c) “benefit” means money provided to a participant under the Plan;
- (d) “Chief Judge” includes a judge or a supernumerary judge of the Provincial Court to whom the Chief Judge has delegated powers or duties, or both, relating to the implementation of this Plan;
- (e) “disability” means a medical condition that causes a participant to be unable to perform any combination of duties that, prior to the commencement of illness or injury, regularly took at least 60% of the participant’s time at work to complete;
- (f) “elimination period” means 80 consecutive normal work days or the number of hours of work for a continuing illness equivalent to 80 normal work days, starting the day a participant stops work or partially stops work because of bodily injury or illness;
- (g) “month” means a period of time between the same dates in 2 successive calendar months;
- (h) “monthly earnings” means the participant’s current regular monthly rate of pay;
- (i) “participant” means a person to whom the Plan applies under section 2 of this Subschedule;

- (j) “period of disability” means the period in which a participant is entitled to receive benefits from the Plan beginning after the day of the elimination period;
- (k) “Plan” means the plan established in this Schedule;
- (l) “Plan Administrator” means the Plan Administrator under the Public Service Long Term Disability Income Continuance Plan;
- (m) “pre-disability salary” means the monthly earnings a participant is entitled to or subsequently becomes entitled to receive as of the last day of the elimination period;
- (n) “regular duties” means the regular duties or duties similar to the regular duties that the participant was performing immediately prior to the beginning of the elimination period.

(2) Definitions in section 4.1(1) of the part of this Schedule preceding this Subschedule apply with respect to the interpretation of this Subschedule.

Application

2 This Plan applies to full-time justices of the peace so entitled under section 6(2) of the *Justice of the Peace Regulation*.

Coverage

3(1) A participant is covered under the Plan beginning the first day after the participant compiles 3 consecutive months of service without absence because of illness or disability, except for casual illness.

(2) A participant’s coverage under the Plan terminates on the earliest of the following:

- (a) the date of the participant’s 70th birthday;
- (b) the date the participant’s service ends.

Eligibility for benefits

4(1) When the adjudicator determines that a participant’s bodily injury or illness results in a disability, and the disability continues during the entire elimination period, the participant is eligible for benefits beginning immediately after the elimination period.

(2) If a participant returns to work during the elimination period and then takes general illness leave for the same or a related illness within 10 days of returning to work, the time that the participant was at work is considered to be part of the elimination period.

(3) A participant is not eligible for benefits payable after the elimination period for

- (a) a disability suffered as a result of participation in the commission of crime,
- (b) a disability suffered as a result of an act of war,
- (c) an intentionally self-inflicted injury or illness,
- (d) any period during which the participant is not under the continuous care of a physician, or not following the treatment a physician prescribes, or
- (e) a period of incarceration in a prison or similar institution.

(4) Depending on the nature and severity of a participant's condition, the adjudicator may require a participant to be under a specialist's care.

(5) If substance abuse, including alcoholism and drug addiction, contributes to a participant's disability, the participant's treatment program must include participation in a recognized substance withdrawal program.

(6) As soon as possible after a participant is injured or becomes ill, the adjudicator will determine whether the participant's condition is a disability.

(7) If a participant, who returns to work after an absence caused by a disability, is no longer receiving disability benefits, and is disabled as a result of the same or a related condition within 6 months after the date of return to work, the disability is considered continued and another elimination period is not required to be served.

(8) Any authorized benefits may continue up to the maximum benefit period described in section 9 of this Subschedule during any one period of disability, but the benefits end when the adjudicator determines that the disability has ceased.

Pre-existing condition

5(1) Benefits are not payable for any medically documented injury or illness for which a participant received medical services, supplies, or any medication prescribed by a physician during the 90 days immediately preceding the later of

- (a) the commencement of the participant's service, and

- (b) the date this Plan is effective pursuant to section 6 of the *Justice of the Peace (LTDI Addition, 2007) Amendment Regulation*.

(2) Subsection (1) does not apply to a participant who has been covered by the Plan for 2 consecutive years and is not absent from work because of a pre-coverage injury or illness on the date the 2 years are completed.

(3) If the participant has been covered by the Plan for 2 consecutive years but is absent from work because of a pre-coverage injury or illness at the 2-year point, the participant is eligible for coverage under the Plan on the date the participant returns to work.

Interim payment

6(1) If the adjudicator does not decide on a participant's eligibility for benefits before the end of the elimination period, the Chief Judge may order that the participant continue to be paid at the rate of 70% of the participant's normal salary for up to 2 months or until the date the decision is received, whichever comes first.

(2) The participant is not entitled to receive an interim payment and benefits under subsection (1).

(3) If the participant received an interim payment and is found eligible for benefits,

- (a) that payment is to be treated as a prepayment by the Province, on behalf of the Plan, of the benefits due for that period,
- (b) the Plan Administrator must not pay to the participant further benefits for the period covered by the payments, and
- (c) the Plan Administrator must repay the amount of the interim payment.

(4) If the participant received an interim payment and is found not eligible for benefits, the participant must repay the payment.

Rehabilitation program

7(1) A rehabilitation program approved by the adjudicator may be established by the Department of Justice and Solicitor General and the Plan Administrator, with appropriate consultation of the Chief Judge, for a specified time period not exceeding 24 months.

(2) The program may require that the participant perform the participant's regular work on a part-time basis.

- (3) At the end of the elimination period, if a participant suffers from a disability that prevents the performance of regular duties, but the participant is able to participate in a rehabilitation program, the participant is eligible for benefits.
- (4) If a participant is receiving less income under a rehabilitation program than was being received prior to the disability, the monthly benefit amount to which the participant is entitled is to be reduced by 50% of the income received from that program.
- (5) If the combination of reduced benefits and income equal an amount that exceeds the participant's pre-disability salary, benefits will be further reduced so that the combined benefits and income do not exceed the pre-disability salary.
- (6) If a participant refuses or wilfully fails to participate and co-operate in a rehabilitation program, the adjudicator may determine whether the participant is eligible to receive or continue to receive benefits.

Amount of benefit

- 8(1)** The benefit amount for a participant is 70% of the participant's pre-disability salary, which is effective on completion of the elimination period.
- (2) The monthly benefit amount to which a participant is entitled will be reduced as follows:
- (a) by the amount of disability benefit entitlement, excluding children's benefits and cost-of-living increases, under the *Canada Pension Plan* and the *Quebec Pension Plan*;
 - (b) by the amount of benefits payable from any other group disability plan sponsored by the employer;
 - (c) by vacation leave pay.
- (3) A participant must apply for *Canada Pension Plan* or *Quebec Pension Plan* disability benefits within 12 months of being placed on the Plan and provide proof of application to the Plan Administrator.
- (4) A participant who does not apply for benefits pursuant to subsection (3) after reasonable notice to do so may have the maximum *Canada Pension Plan* or *Quebec Pension Plan* disability benefit deducted pursuant to subsection (2)(a).
- (5) If any amount or benefit described in subsection (2) is received in the form of a lump sum payment instead of monthly instalments, the benefit under subsection (1) will be reduced by the equivalent commuted monthly instalments.

Termination of benefits

9 The benefits payable under the Plan terminate on the earliest of the following:

- (a) the date determined by the adjudicator when the participant refuses or wilfully fails to participate and co-operate in a rehabilitation program;
- (b) the date of the participant's 70th birthday;
- (c) the date the adjudicator determines the participant is no longer disabled or the date the participant returns to the participant's regular duties, whichever comes first;
- (d) the date the participant's earnings from employment, self-employment or the rehabilitation program are the same as the participant's pre-disability salary;
- (e) the date the participant's service ends.

Coverage during leave of absence

10(1) A participant is covered under the Plan for a period not exceeding 12 consecutive months from the date the participant begins leave if the participant is on authorized development leave initiated and approved by the Chief Judge.

(2) Coverage under the Plan continues for a participant on a leave of absence without pay, but benefits are not payable during the leave and, if applicable, premiums are not paid.

Participation in group plans

11(1) If a participant is eligible for benefits, the participant continues to be covered under the plans referred to in the part of this Schedule preceding this Subschedule.

(2) During the period that coverage continues, the Province and the participant must continue to pay their respective share of premiums costs for each plan.

Adjudication review

12(1) When the adjudicator has ruled that a participant is not eligible for benefits or that benefits are to cease, the participant may request that the adjudicator review the claim and may, at the participant's expense, make representation to the adjudicator with the participant's representative only once.

(2) A participant must submit a request for a review within 21 calendar days of receiving notice of the adjudicator's ruling.

(3) Within 60 calendar days of receiving notice of the adjudicator's ruling, the participant must submit any new or

additional medical information and other written material that the participant intends to be part of the review.

(4) On receiving a request for a review, the adjudicator must review the participant's case, taking into account the representation by the participant or participant's representative and any new information, and make a decision.

AR 6/99 Sched.1;178/2006;48/2007;110/2012;170/2012;113/2014

Schedule 2


Fees for Non-presiding Justices of the Peace not Employed by the Province

The following fees are payable to a non-presiding justice of the peace who is not an employee of the Province:

- (a) administering oaths, affirmations or taking declarations, \$2;
- (b) processing judicial interim release orders that have previously been made by a judge or of the peace, 9 a.m. to 12 a.m. - \$10, 12 a.m. to 9 a.m. - \$20;
- (c) adjourning cases where a judge of the Provincial Court or a justice of the peace is not present, \$5 per accused;
- (d) confirming or cancelling an appearance notice, promise to appear or recognizance, \$2;
- (e) issuing summonses where appearance notices, promises to appear or recognizances are cancelled, \$2;
- (f) receiving informations, except under section 810 of the *Criminal Code* (Canada), \$2;
- (g) issuing subpoenas, \$1;
- (h) ordering disposition of seized items, \$2.

AR 6/99 Sched.2;110/2012;113/2014



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HEARING OFFICE REVIEW COMMITTEE

DISCUSSION DOCUMENT

CALGARY HEARING OFFICE STAFF COMPLEMENT & SHIFT SCHEDULE

NUMBER OF STAFF (TOTAL = 19)	ROLE	FULL TIME/ PART TIME (FTE COUNT =14.1)	WEEK DAYS (Monday – Friday)	WEEKENDS (Saturday/Sunday)
1	Senior Supervisor	Full Time	8 a.m. – 4 p.m.	
1	Team Leads	Full Time	8 a.m. – 4 p.m.	
1	Team Leads	Full Time	4 p.m. - Midnight	
1	Team Leads	Part Time (40%)		8 a.m. – 4 p.m.
1	Team Leads	Part Time (40%)		4 p.m. - Midnight
1	Judicial Clerk	Full Time	7 a.m. – 3 p.m.	
2	Judicial Clerks	Full Time	8 a.m. – 4 p.m.	
1	Judicial Clerk	Full Time	3 p.m. – 11 p.m.	
1	Judicial Clerk	Full Time	4 p.m. – Midnight	
1	Judicial Clerk	Full Time	11 p.m. – 7 a.m.	
1	Judicial Clerk	Full Time	Midnight – 8 a.m.	
1	Judicial Clerk	Part Time		7 a.m. to 3 p.m.
1	Judicial Clerk	Part Time		8 a.m. – 4 p.m.
1	Judicial Clerk	Part Time		3 p.m. – 11 p.m.
1	Judicial Clerk	Part Time		4 p.m. - Midnight
1	Judicial Clerks	Part Time		11 p.m. – 7 a.m.
2	Judicial Clerks	Part Time (50%) each	Calgary Remand Centre 1 p.m. – 9:15 p.m.	Releases done through H.O.

Weekday Shift Schedule

- 7 a.m. – 3 p.m. (Days)
- 8 a.m. – 4 p.m. (Days)
- 3 p.m. – 11 p.m. (Evenings)
- 4 p.m. – Midnight (Evenings)
- 11 p.m. to 7 a.m. (Nights)
- Midnight – 8 a.m. (Nights)
- Day Shift includes a Team Lead and 3 Judicial Clerks
- Evening Shift includes a Team Lead and 2 Judicial Clerks
- Night Shift includes 2 Judicial Clerks, with no Team Lead.

Additional Information

- Fridays there may be additional staff available to cover annual leave/courses or assist in other duties. Some staff assigned to weekend duties are .50 FTE which allows them to work every other Friday.
- During the week there is a JP stationed at the Calgary Remand Centre between the hours of 1 p.m. and 9:15 p.m. to deal with all administrative releases and other court orders for the Calgary Remand Centre, Calgary Correctional Centre and Calgary Young Offender Centre. Administrative releases outside of these hours are handled through the Hearing Office.

Weekends Shift schedule

- 7 a.m. to 3 p.m. (Days)
- 8 a.m. – 4 p.m. (Days)
- 3 p.m. to 11 p.m. (Evenings)
- 4 p.m. – Midnight (Evenings)
- 11 p.m. – 7 a.m. (Nights)

Additional Information

- Day Shift includes a Team Lead and 2 Judicial Clerks
- Evening Shift includes a Team Lead and 2 Judicial Clerks
- Night Shift includes 1 Judicial Clerk, with no Team Lead.
- All administrative releases are handled through the Hearing Office on the weekend, as there is no administrative JP located at the centre.

HEARING OFFICE REVIEW COMMITTEE

DISCUSSION DOCUMENT

EDMONTON HEARING OFFICE STAFF COMPLEMENT & SHIFT SCHEDULE

NUMBER OF STAFF (TOTAL = 16)	ROLE	FULL TIME (FTE COUNT =16)	WEEK DAYS (Monday – Friday)	ROTATING 6 DAYS ON 3 DAYS OFF
1	Senior Supervisor	Full Time	8 a.m. – 4 p.m.	
1	Team Lead	Full Time	8 a.m. – 4 p.m.	
1	Team Lead (Night Shift)	Full Time	19:30 – 04:00 or 23:30 – 08:00	7.75 hours
13	Judicial Clerks	Full Time		7.75 hours
1	Administrative Support	60%	Monday, Wednesday, Friday 8:30 a.m. – 4:30 p.m. Law Courts Satellite Office	
1	Judicial Clerk	Full Time	Edmonton Remand Centre 1p.m. – 9:00 p.m.	

Three rotating teams working the following shifts 6 days on 3 days off:

Day Shift Schedule

Shift #1: 07:15 – 15:45

Shift #2: 08:00 – 16:30

Shift #3: 08:45 – 17:15

Shift #4: 09:30 – 18:00

Evening Shift Schedule

Shift #5: 11:30 – 20:00

Shift #6: 14:00 – 22:30

Shift #7: 15:00 – 23:30

Night Shift Schedule

Shift #8: 19:30 – 04:00 or 23:30 – 08:00 (Night Shift - Team Lead)

Shift #9: 18:45 – 03:15

Shift #10: 21:30 – 06:00

Shift #11: 23:00 – 07:30

Law Courts Satellite Office Shift Schedule (Monday, Wednesday, Friday) - 8:30 a.m. – 4:30 pm

- Rotational Judicial Clerk staff work under 'Option B', voted in under the Master Agreement.
- Mandatory shifts to cover in the 24-hour period: 1, 3, 5, 7, 9, 10, and 11.
- Monday through Friday Day Shift: Includes one Senior Supervisor and one Team Lead, both working 8 am-4 pm.
- Night Shift Team Lead works on rotational schedule: 6 days on, 3 days off.
- When rotating Team Lead (night shift) is on days off, there is no supervision from 4:00pm to 8:00am.
- There is no Team Lead in evenings between 4:00 pm and 11:30pm, when working the 23:30 – 08:00 shift, and the Senior Supervisor accepts phone calls after hours from staff as necessary.
- Law Courts Day Office runs Monday, Wednesday, and Friday, from 8:15 a.m. to 4:15 p.m. Justices of the Peace (JPs) swear informations and hear process applications from Enforcement Agencies, ITOs, private information applications, and Emergency Protection Orders (after 3:00 p.m.)
- There is a JP stationed at the Edmonton Remand Centre Monday to Friday 1:00pm to 9:00pm. Outside of these hours, the Hearing Office handles all administrative releases, including administrative releases from Provincial Court, Edmonton, Criminal, remaining at the conclusion of court. The Hearing Office also handles administrative releases for Peace River and Ft. Saskatchewan Correctional Centres and federal institutions in northern Alberta.

HEARING OFFICE REVIEW COMMITTEE

DISCUSSION DOCUMENT

CALGARY HEARING OFFICE JUSTICE OF THE PEACE COMPLEMENT & SHIFT SCHEDULE

FULL-TIME JPs: six (6)
PART-TIME JPs: fifteen (15)

Shift Hours	Days of the Week	# of JP's	Responsibilities
00:00-08:00	7 Days/Week	1	Receiving and reviewing matters of all three priority levels
08:00-16:00	7 Days/Week	2	Receiving and reviewing matters of all three priority levels; bail and priorities are divided between the two JPs based on origin of application: "CPS" vs "RURAL". <i>(When this shift overlaps with a "straddle shift", the JP assigned to the "straddle shift" assumes responsibility for all priority one applications)</i>
16:00-23:59	7 Days/Week	2	Receiving and reviewing matters of all three priority levels, bail and priorities are divided between the two JPs based on origin of application: "CPS" vs "RURAL". <i>(When this shift overlaps with a "straddle shift", the JP assigned to the "straddle" shift assumes responsibility for all priority one applications.)</i>
Straddle Shift			
12:00-20:00	Monday	1	Priority 1 applications and Red Deer bail hearings
12:00-20:00	Tuesday	1	Priority 1 applications and Grand Prairie bail hearings.
12:00-20:00	Wednesday	1	Priority 1 applications and Red Deer bail hearings
12:00-20:00	Thursday	1	Priority 1 applications.
09:00-17:00	Friday	1	Priority 1 applications and Grand Prairie bail hearings.

Assignments:

Justices of the Peace (JPs) assigned at the Calgary Hearing Office are responsible for receiving and issuing process (priority three matters), receiving the process and conducting judicial interim release hearings (priority two matters), and the swearing of applicants and reviewing of applications for search warrants, emergency protection orders, and child apprehensions (priority one matters).

Generally, JPs at the Calgary Hearing Office on all shifts review all priority one applications. When JPs are paired up on a shift, one will do "CPS" matters and the other will do "RURAL" matters. When a third – or "straddle" JP – is sitting, the other two JPs will work primarily on "bail hearings", the priority two (2) matters.

Where the application is a "judge only" matter – such as a one party consent wiretap application – the involvement of the JP is confined to swearing the Applicant; after being sworn, the applicant is then referred to Judges' Chambers.

HEARING OFFICE REVIEW COMMITTEE

DISCUSSION DOCUMENT

EDMONTON HEARING OFFICE JUSTICE OF THE PEACE COMPLEMENT & SHIFT SCHEDULE

FULL-TIME JPs: six (6)
PART-TIME JPs: eleven (11)

Shift Hours	Days of the Week	# of JP's	Responsibilities
00:00-08:00	7 Days/Week	1	Tele-bail JP for RCMP only until 0300 then may assist with EPS video bail. IF REQUESTED by EPS until 0400, then solo to deal with RCMP bail and all priority of walk-in/call in matters until 0800
00:30-03:00	7 Days/Week	1	Last half of 1900-0300 video-bail shift for EPS, including all walk-in matters
08:00-16:00	7 Days/Week	1	Tele-bail JP dealing with all priorities but via telephone or fax only
09:00-17:00	7 Days/Week	1	Video-bail JP for bail with EPS, all walk-ins plus Edmonton telephone EPOs from EPS members
16:00-24:00	7 Days/Week	1	Tele-bail JP dealing with all priorities via telephone or fax only, plus all walk-ins between 1700-1900
19:00-23:30	7 Days/Week	1	First half of 1900-0300 shift, video bail for EPS plus all priorities of walk-in matters
Satellite Office Shifts			
08:15-16:15	Monday, Wednesday, Friday	1	<p>This office deals with EPS Priority 3 process requests, walk-in enforcement agency requests to swear Informations/issue process, private Information applicants by appointment only and over-flow EPO applications from Family Court upstairs after 1500.</p> <p>If required, bail hearings can be conducted from this office as the FTR equipment was recently configured to record telephone applications.</p> <p>When open, only this office (and not the Brownlee HO) deals with police attending to swear an ITO for a Search Warrant, Production Order, etc. Once sworn, the police member takes the documents up to Judges' Chambers where the application is considered by a PCJ.</p>

HEARING OFFICE(S) OVERVIEW/SUMMARY OF WORKLOAD VOLUMES (3 YEAR COMPARISON)

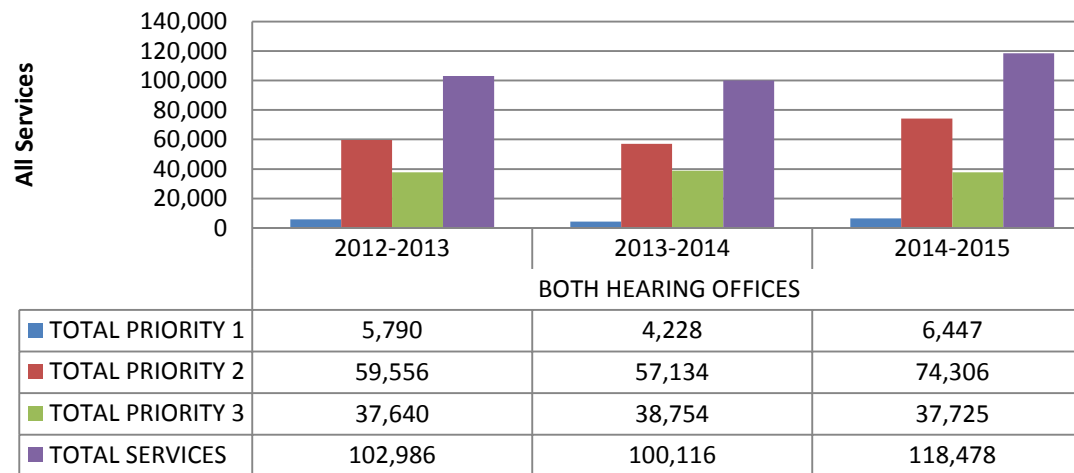
TOTAL SERVICE REQUESTS

LOCATION	CALGARY HEARING OFFICE			EDMONTON HEARING OFFICE		
YEAR	2012-2013	2013-2014	2014-2015	2012-2013	2013-2014	2014-2015
PRIORITY 1	2,435	1,381	3,514	3,355	2,847	2,933
PRIORITY 2	22,312	19,870	27,216	37,244	37,264	47,090
PRIORITY 3	17,665	17,367	24,168	19,975	21,387	13,557
TOTAL	42,412	38,618	54,898	60,574	61,498	63,580
TOTAL SERVICES	BOTH HEARING OFFICES			Average Per Year	Difference Between Year 1 & 3	% Difference Between Year 1 & 3
	2012-2013	2013-2014	2014-2015			
TOTAL PRIORITY 1	5,790	4,228	6,447	5,488	657	11%
TOTAL PRIORITY 2	59,556	57,134	74,306	63,665	14,750	25%
TOTAL PRIORITY 3	37,640	38,754	37,725	38,040	85	0%
TOTAL SERVICES	102,986	100,116	118,478	107,193	15,492	15%

ADDITIONAL INFORMATION

PRIORITY 1	Applications for - Emergency Protection Orders; Child Apprehension Orders, All Search Warrants, Drug Endangered Childrens Act Orders, Protection of Sexually Exploited Children Orders, Missing Persons Act Orders, Feeney Warrants, Blood Warrants
	<ul style="list-style-type: none"> • These applications are very complex and time consuming. • Applications can be made in person, by telephone and in some instances by fax. • Applications must be handled as soon as possible.
PRIORITY 2	Judicial Interim Release Hearings, Endorsement of Out of Province Warrants, Administrative Releases
	<ul style="list-style-type: none"> • Applications can be made by telephone or CCTV link. In emergent situations (i.e. Calgary Flood) bail hearings may be conducted in person. • These applications involve complex assessments of fact and law and decisions made can have a significant impact on public safety and protection. • Packages in support of these applications are typically sent in by fax. The packages sent in support of these applications have become more voluminous, with more material offered for consideration by the JP.
PRIORITY 3	Receiving/Swearing Information and considering process - Summons/Warrant; Confirming Police Process; Issuing Subpoenas, Backing of Form 5.2 - Report to a Justice; Fine Payments
	<ul style="list-style-type: none"> • These applications can be made in person or by fax. • Volumes continue to be constant here with very little change. • These are considered the least important of all Hearing Office processes. • However, domestic or homicide-related "walk through" warrants may elevate to Priority 1. • Are usually not time sensitive. • They are usually completed the same day, or within a 24 hour time frame

Combined Hearing Offices/Summary of Workload Volumes



COMBINED HEARING OFFICE - ALL SERVICE REQUESTS - TIME IN																					
DAY	MONDAY			TUESDAY			WEDNESDAY			THURSDAY			FRIDAY			SATURDAY			SUNDAY		
YEAR	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015
12:00 AM	380	374	489	303	348	515	388	365	513	394	389	561	422	471	619	426	407	597	438	407	525
1:00 AM	427	469	590	383	424	570	452	457	656	498	500	692	520	540	778	485	574	734	505	419	593
2:00 AM	427	349	499	408	392	571	416	434	556	519	475	625	518	537	740	527	482	694	450	416	550
3:00 AM	267	244	310	273	254	344	314	261	377	341	312	424	358	378	396	407	366	474	316	281	358
4:00 AM	211	202	243	184	157	253	216	205	236	274	269	309	271	233	341	431	300	388	278	244	329
5:00 AM	172	113	184	199	116	158	172	139	235	216	176	200	194	217	245	326	213	314	235	168	227
6:00 AM	139	153	148	158	255	207	274	178	235	211	189	225	258	262	354	211	128	180	151	152	186
7:00 AM	324	291	270	390	382	450	419	418	533	572	491	497	398	407	503	234	178	216	179	132	170
8:00 AM	559	529	609	712	743	983	763	716	876	812	810	955	784	712	888	428	339	440	304	253	405
9:00 AM	909	851	1,112	887	1,005	1,246	948	893	1,291	969	978	1,239	987	841	1,224	576	613	872	595	486	658
10:00 A.M	859	799	1,181	1,014	1,061	1,370	944	1,067	1,463	945	1,202	1,461	993	996	1,201	678	660	850	602	567	730
11:00 AM	699	874	1,012	924	1,002	1,263	1,072	1,062	1,346	1,021	1,113	1,338	980	1,017	1,495	636	576	790	606	538	755
12:00 PM	669	675	1,033	742	770	1,106	852	798	1,197	904	970	1,459	805	955	1,220	555	429	633	434	408	508
1:00 PM	734	814	1,195	923	981	1,434	903	927	1,214	1,066	1,088	1,355	998	899	1,306	469	506	565	432	399	482
2:00 PM	706	701	1,062	992	978	1,416	1,089	968	1,427	1,020	1,004	1,447	925	912	1,477	600	516	758	526	493	609
3:00 PM	693	739	910	826	790	1,174	842	876	1,173	1,048	954	1,343	923	849	1,098	545	529	707	490	429	591
4:00 PM	699	644	903	790	800	1,062	812	804	1,112	918	928	1,218	817	733	1,106	558	471	620	433	425	555
5:00 PM	382	379	572	427	458	575	446	434	587	454	367	598	465	420	603	322	331	495	322	253	386
6:00 PM	320	374	514	377	363	532	364	391	503	386	391	605	398	406	533	275	258	470	327	258	392
7:00 PM	515	478	668	473	515	706	509	547	708	545	539	695	612	618	776	502	512	713	495	482	628
8:00 PM	538	475	569	522	510	700	544	508	680	554	579	763	598	575	765	560	526	662	496	435	568
9:00 PM	499	479	611	578	523	689	570	510	702	559	539	712	540	598	765	491	492	658	432	424	554
10:00 PM	452	422	514	548	501	706	551	543	650	533	566	707	520	566	750	495	492	583	434	433	594
11:00 PM	361	362	488	358	349	501	434	422	531	454	396	571	422	413	578	433	366	505	313	310	429
TOTAL	11,941	11,790	15,686	13,391	13,677	18,531	14,294	13,923	18,801	15,213	15,225	19,999	14,706	14,555	19,761	11,170	10,264	13,918	9,793	8,812	11,782
AVERAGE PER HR (YEARLY)	498	491	654	558	570	772	596	580	783	634	634	833	613	606	823	465	428	580	408	367	491
AVERAGE PER HR/PER MONTH	41	41	54	46	47	64	50	48	65	53	53	69	51	51	69	39	36	48	34	31	41
INCREASE OVER 3 YEAR	31%			38%			32%			31%			34%			25%			20%		

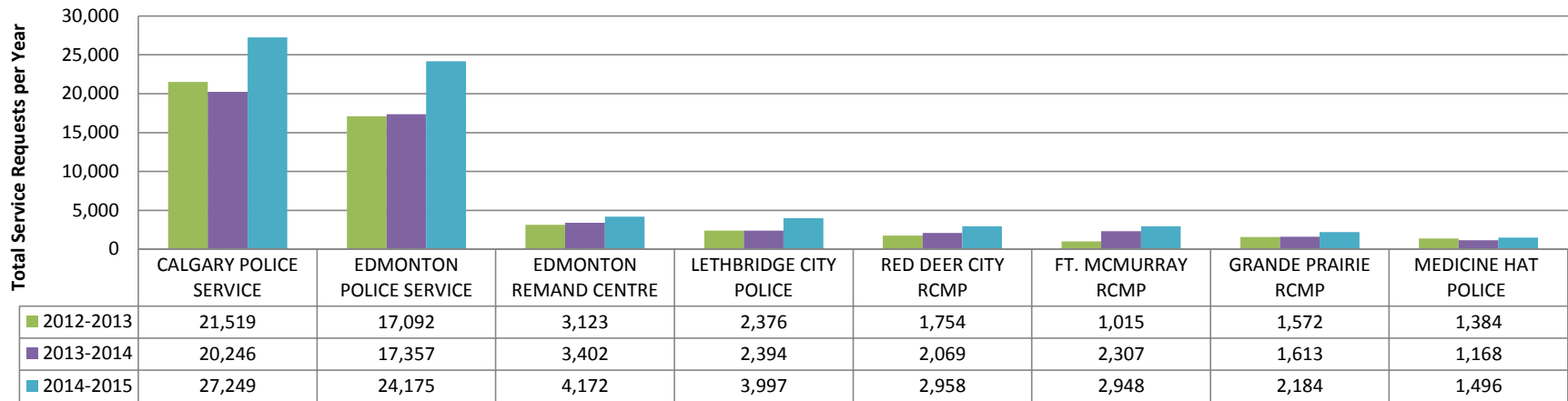
SERVICE DEMANDS BY INDIVIDUAL AGENCY

SERVICES PROVIDED THROUGH THE HEARING OFFICES BY AGENCY IN DESCENDING ORDER (OVER 1,000 SERVICE REQUESTS)	TOTAL SERVICE REQUESTS PER YEAR				
	2012-2013	2013-2014	2014-2015	Difference Year 1 to Year 3	% Difference
CALGARY POLICE SERVICE	21,519	20,246	27,249	5,730	27%
EDMONTON POLICE SERVICE	17,092	17,357	24,175	7,083	41%
EDMONTON REMAND CENTRE	3,123	3,402	4,172	1,049	34%
LETHBRIDGE CITY POLICE	2,376	2,394	3,997	1,621	68%
RED DEER CITY RCMP	1,754	2,069	2,958	1,204	69%
FT. MCMURRAY RCMP	1,015	2,307	2,948	1,933	190%
GRANDE PRAIRIE RCMP	1,572	1,613	2,184	612	39%
MEDICINE HAT POLICE	1,384	1,168	1,496	112	8%

ADDITIONAL INFORMATION

1	Calgary Hearing Office provides service to all enforcement agencies in the Province for Red Deer & South.
2	Edmonton Hearing Office provides service to all enforcement agencies in the Province North of Red Deer. Edmonton Hearing Office also provide services for return bail for all northern courts (bail after first instance).
3	In October 2013, Calgary Hearing Office assumed bail hearings after first instance hearing through the Edmonton Hearing Office for Grande Prairie. These hearings would normally be heard by a PCJ in Grande Prairie, but at the direction of the Judiciary, they are now heard through the Hearing Offices. These hearings are scheduled and heard 2 days per week.
4	In September 2015, Calgary Hearing Office expanded the hearing of return bail (after first instance) to Red Deer Provincial Court. This was primarily due to the inability of Red Deer to expand their docket/bail courts due to lack of facilities and infrastructure restrictions. This may open the door to expansion of return bail to other court locations, which in turn increases the workload on Hearing Office resources.
5	Agencies listed are those that are the highest requestors of service from the Hearing Offices.
6	Only individual agencies that request 1,000 or more services per year are captured above.
7	The numbers include all service requests - Priority 1, 2 and 3. These are not broken down, however, there are stats available for a breakdown of services.

Service Demands by Agency



SERVICE DEMANDS BY GROUPS (CORRECTIONS, MUNICIPALITIES, RCMP, ETC.)

SERVICES PROVIDED THROUGH THE HEARING OFFICES BY AGENCIES (GROUPED) IN DESCENDING ORDER (OVER 1,000 SERVICE REQUESTS)	TOTAL SERVICE REQUESTS PER YEAR				
	2012-2013	2013-2014	2014-2015	Difference Year 1 to Year 3	% Difference
RCMP DETACHMENTS	32,817	32,156	41,391	8,574	26%
CALGARY POLICE SERVICE	21,519	20,246	27,249	5,730	27%
EDMONTON POLICE SERVICE	17,092	17,357	24,175	7,083	41%
COMMUNITY CORRECTIONS/PROBATION	6,329	6,055	8,118	1,789	28%
CORRECTIONAL FACILITIES	4,957	5,163	6,426	1,469	30%
LETHBRIDGE CITY POLICE	2,376	2,394	3,997	1,621	68%
MEDICINE HAT POLICE	1,384	1,168	1,496	112	8%
JUSTICE OF THE PEACE RELEASES (CRC/ERC)	3,086	2,578	6,353	3,267	106%

ADDITIONAL INFORMATION

1	Highest Users of the Hearing Offices are the various RCMP Detachments - Red Deer City, Grande Prairie, Medicine Hat & Fort McMurray are the highest individual users. Of the RCMP Detachments 65% usage is from the northern part of the Province.
2	Calgary Police Service is the next highest user, followed by Edmonton Police Service. Calgary Police Service utilizes Officer in Charge Release wherever possible, whereas Edmonton Police Service continues to rely on the Hearing Offices for bail hearings on the majority of arrests.
3	Community Corrections Probation includes all offices for the entire Province - 44% usage in the southern part of the Province and 56% usage in the northern part of the Province.
4	Correctional Facilities include all correctional facilities throughout the Province. Of the total usage 50% are from the Edmonton Remand Centre. The large volume is due to all administrative releases being handled out of the Hearing Offices until 2014. By contrast, in Calgary, all administrative releases are handled by an on site Justice of the Peace who services Calgary Remand Centre, Calgary Correctional Centre and Calgary Young Offender Centre. Edmonton implemented a similar system in June 2014 when ERC moved. The increase in JP Releases is based on the added requests by ERC in 2014-15.
5	For municipal policing agencies, Lethbridge and Medicine Hat continue to be high volume areas.

COMBINED HEARING OFFICE - PRIORITY 1 REQUESTS - TIME IN

DAY	MONDAY			TUESDAY			WEDNESDAY			THURSDAY			FRIDAY			SATURDAY			SUNDAY		
YEAR	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015
12:00 AM	22	19	21	20	19	37	28	13	38	19	20	33	27	28	33	30	26	32	19	19	34
1:00 AM	17	18	24	25	21	23	20	12	27	13	26	35	29	31	38	23	26	26	25	15	22
2:00 AM	29	9	24	18	16	35	15	15	18	18	16	31	18	21	21	20	16	22	16	21	25
3:00 AM	14	8	19	14	7	16	12	9	17	18	10	20	8	7	15	14	25	20	14	19	27
4:00 AM	13	10	10	5	6	10	8	16	9	6	13	16	11	13	14	16	17	26	15	11	15
5:00 AM	8	6	10	7	6	11	9	3	5	13	7	9	5	6	6	10	14	20	3	9	18
6:00 AM	8	6	5	2	3	10	7	1	7	4	8	10	4	5	10	13	5	7	4	7	10
7:00 AM	7	2	4	10	9	7	15	10	15	10	19	12	4	12	13	9	4	7	4	5	9
8:00 AM	11	18	28	16	20	42	27	28	58	22	31	43	22	22	26	18	5	9	8	11	18
9:00 AM	29	39	47	32	56	84	52	40	85	42	57	89	26	36	48	11	15	13	12	9	18
10:00 A.M	44	35	62	46	58	101	37	59	82	44	51	89	35	41	46	15	17	25	20	7	20
11:00 AM	32	36	73	36	42	68	45	41	69	39	48	62	40	40	50	17	18	24	14	14	19
12:00 PM	31	25	37	35	30	60	39	36	58	26	40	62	22	46	34	13	12	21	19	15	26
1:00 PM	32	31	60	40	50	81	39	48	70	40	64	79	33	36	50	32	18	22	27	18	18
2:00 PM	29	45	55	47	46	77	49	34	73	49	44	78	51	38	61	24	14	32	27	19	25
3:00 PM	49	52	83	45	67	99	53	59	87	51	72	69	55	65	75	21	18	32	21	18	28
4:00 PM	81	65	85	60	85	118	81	54	91	74	71	96	81	83	100	29	17	39	20	20	28
5:00 PM	29	32	52	38	59	70	51	33	53	47	29	61	49	38	53	18	20	27	24	14	17
6:00 PM	41	38	40	42	52	55	29	41	41	44	42	66	32	38	38	19	16	28	11	20	28
7:00 PM	19	26	37	28	29	48	29	30	66	34	30	44	33	33	43	29	19	44	36	28	32
8:00 PM	24	28	29	29	25	31	33	26	38	34	32	47	32	34	40	23	14	23	20	17	16
9:00 PM	29	28	34	29	28	41	20	28	41	32	29	50	30	26	47	21	20	32	18	22	26
10:00 PM	22	21	28	25	28	46	32	22	21	28	42	32	33	30	47	22	16	28	24	22	31
								22	28	24	17	34	26	27	38	26	19	35	18	23	32
TOTAL	641	618	893	676	783	1,208	756	680	1,097	731	818	1,167	706	756	946	473	391	594	419	383	542
AVERAGE PER HR (YEARLY)	27	26	37	28	33	50	32	28	46	30	34	49	29	32	39	20	16	25	17	16	23
AVERAGE PER HR/PER MONTH	2	2	3	2	3	4	3	2	4	3	3	4	2	3	3	2	1	2	1	1	2
INCREASE OVER 3 YEAR	39%			79%			45%			60%			34%			26%			29%		

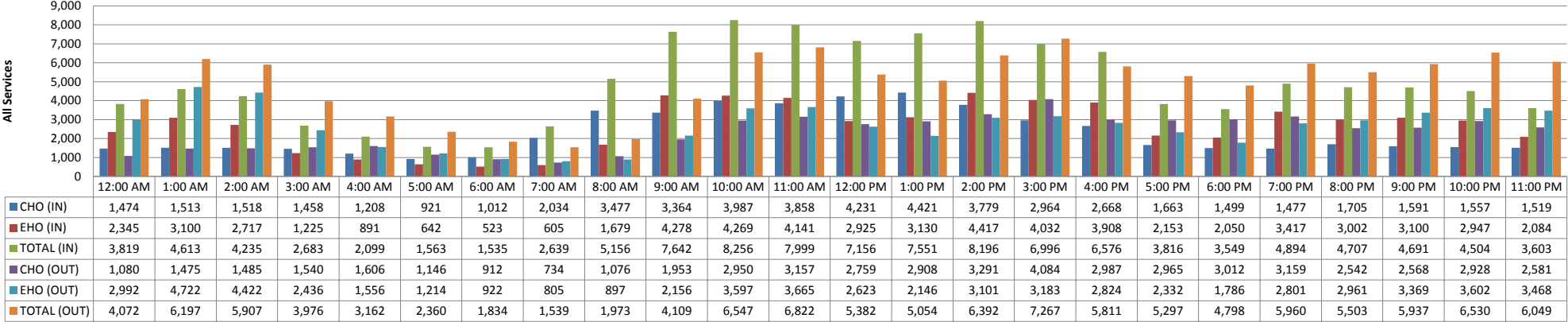
COMBINED HEARING OFFICE - PRIORITY 2 REQUESTS - TIME IN

DAY	MONDAY			TUESDAY			WEDNESDAY			THURSDAY			FRIDAY			SATURDAY			SUNDAY		
YEAR	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015	2012 2013	2013 2014	2014 2015
12:00 AM	312	299	400	249	278	410	310	323	428	334	322	477	359	393	509	356	326	481	371	339	417
1:00 AM	345	377	490	310	347	484	386	394	538	428	410	594	434	441	665	396	459	603	441	352	502
2:00 AM	333	297	399	329	315	450	351	351	469	426	396	525	449	471	649	435	391	549	381	352	468
3:00 AM	192	177	215	196	183	260	244	204	300	272	234	346	297	317	313	307	257	335	261	215	271
4:00 AM	155	140	175	147	109	175	151	146	169	221	208	216	213	163	283	282	213	273	223	198	256
5:00 AM	108	69	126	123	77	108	122	90	152	156	123	138	150	161	195	209	150	228	188	125	149
6:00 AM	87	76	93	77	71	82	119	82	106	116	69	108	122	115	156	144	102	145	108	115	132
7:00 AM	114	104	131	125	94	147	127	124	155	147	128	119	167	142	206	195	157	178	150	112	140
8:00 AM	225	221	329	255	253	384	262	253	310	274	298	372	358	321	439	370	294	396	282	221	362
9:00 AM	475	478	610	478	449	599	454	433	634	464	445	610	535	495	676	527	548	785	567	450	618
10:00 A.M	460	407	535	409	377	569	413	450	566	421	494	663	519	482	587	614	576	771	539	517	661
11:00 AM	371	346	474	437	360	523	421	435	546	430	445	603	453	460	616	559	497	654	539	485	682
12:00 PM	300	285	392	292	275	340	322	294	413	305	337	453	309	329	417	478	355	522	351	333	424
1:00 PM	294	287	379	323	325	418	315	314	415	318	372	456	340	338	498	370	418	466	362	336	415
2:00 PM	371	319	459	366	411	538	426	414	577	448	471	607	477	423	666	500	444	615	440	439	522
3:00 PM	299	344	428	381	310	550	374	384	525	470	396	602	436	448	616	468	451	591	416	368	494
4:00 PM	357	323	431	406	340	482	399	389	564	425	409	543	427	432	580	456	398	499	371	345	454
5:00 PM	281	243	370	283	268	368	287	278	375	290	243	389	300	286	391	260	265	369	250	186	311
6:00 PM	229	267	381	273	255	374	283	304	387	265	296	416	304	306	404	225	200	369	272	190	278
7:00 PM	444	411	576	407	440	595	427	479	576	447	469	583	506	519	672	433	456	607	414	411	543
8:00 PM	470	402	508	447	441	617	467	436	588	474	502	659	519	492	642	499	458	574	436	373	500
9:00 PM	433	404	515	503	452	594	516	442	604	480	476	615	462	530	647	431	423	556	372	356	466
10:00 PM	393	359	437	472	432	607	471	471	569	450	490	623	436	480	630	435	428	503	368	362	509
11:00 PM	301	304	410	291	296	420	363	366	459	375	324	463	353	345	480	373	300	420	248	260	344
TOTAL	7,349	6,939	9,263	7,579	7,158	10,094	8,010	7,856	10,425	8,436	8,357	11,180	8,925	8,889	11,937	9,322	8,566	11,489	8,350	7,440	9,918
AVERAGE PER HR (YEARLY)	306	289	386	316	298	421	334	327	434	352	348	466	372	370	497	388	357	479	348	310	413
AVERAGE PER	26	24	32	26	25	35	28	27	36	29	29	39	31	31	41	32	30	40	29	26	34
INCREASE OVER 3 YEAR	26%			33%			30%			33%			34%			23%			19%		

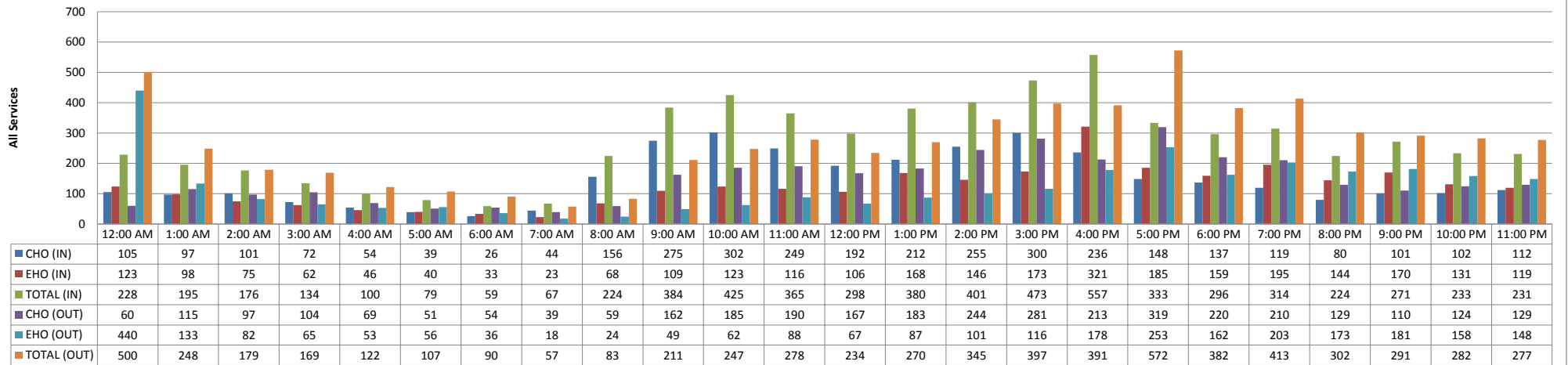
COMBINED HEARING OFFICE - PRIORITY 3 REQUESTS - TIME IN

DAY	MONDAY			TUESDAY			WEDNESDAY			THURSDAY			FRIDAY			SATURDAY			SUNDAY		
YEAR	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
12:00 AM	46	56	68	34	65	68	50	29	47	41	47	51	36	50	77	40	55	84	48	49	74
1:00 AM	65	74	76	48	56	63	46	51	91	57	64	63	57	68	75	66	89	105	39	52	69
2:00 AM	65	43	76	61	61	86	50	68	69	75	63	69	51	45	70	72	75	123	53	43	57
3:00 AM	61	59	76	63	64	68	58	48	60	51	68	58	53	54	68	86	84	119	41	47	60
4:00 AM	43	52	58	32	42	68	57	43	58	47	48	77	47	57	44	133	70	89	40	35	58
5:00 AM	56	38	48	69	33	39	41	46	78	47	46	53	39	50	44	107	49	66	44	34	60
6:00 AM	44	71	50	79	181	115	148	95	122	91	112	107	132	142	188	54	21	28	39	30	44
7:00 AM	203	185	135	255	279	296	277	284	363	415	344	366	227	253	284	30	17	31	25	15	21
8:00 AM	323	290	252	441	470	557	474	435	508	516	481	540	404	369	423	40	40	35	14	21	25
9:00 AM	405	334	455	377	500	563	442	420	572	463	476	540	426	310	500	38	50	74	16	27	22
10:00 A.M	355	357	584	559	626	700	494	558	815	480	657	709	439	473	568	49	67	54	43	43	49
11:00 AM	296	492	465	451	600	672	606	586	731	552	620	673	487	517	829	60	61	112	53	39	54
12:00 PM	338	365	604	415	465	706	491	468	726	573	593	944	474	580	769	64	62	90	64	60	58
1:00 PM	408	496	756	560	606	935	549	565	729	708	652	820	625	525	758	67	70	77	43	45	49
2:00 PM	306	337	548	579	521	801	614	520	777	523	489	762	397	451	750	76	58	111	59	35	62
3:00 PM	345	343	399	400	413	525	415	433	561	527	486	672	432	336	407	56	60	84	53	43	69
4:00 PM	261	256	387	324	375	462	332	361	457	419	448	579	309	218	426	73	56	82	42	60	73
5:00 PM	72	104	150	106	131	137	108	123	159	117	95	148	116	96	159	44	46	99	48	53	58
6:00 PM	50	69	93	62	56	103	52	46	75	77	53	123	62	62	91	31	42	73	44	48	86
7:00 PM	52	41	55	38	46	63	53	38	66	64	40	68	73	66	61	40	37	62	45	43	53
8:00 PM	44	45	32	46	44	52	44	46	54	46	45	57	47	49	83	38	54	65	40	45	52
9:00 PM	37	47	62	46	43	54	34	40	57	47	34	47	48	42	71	39	49	70	42	46	62
10:00 PM	37	42	49	51	41	53	48	50	60	55	34	52	51	56	73	38	48	52	42	49	54
								34	44	55	55	74	43	41	60	34	47	50	47	27	53
TOTAL	3,951	4,233	5,530	5,136	5,750	7,229	5,528	5,387	7,279	6,046	6,050	7,652	5,075	4,910	6,878	1,375	1,307	1,835	1,024	989	1,322
AVERAGE PER HR (YEARLY)	165	176	230	214	240	301	230	224	303	252	252	319	211	205	287	57	54	76	43	41	55
AVERAGE PER HR/PER MONTH	14	15	19	18	20	25	19	19	25	21	21	27	18	17	24	5	5	6	4	3	5
INCREASE OVER 3 YEAR	40%			41%			32%			27%			36%			33%			29%		

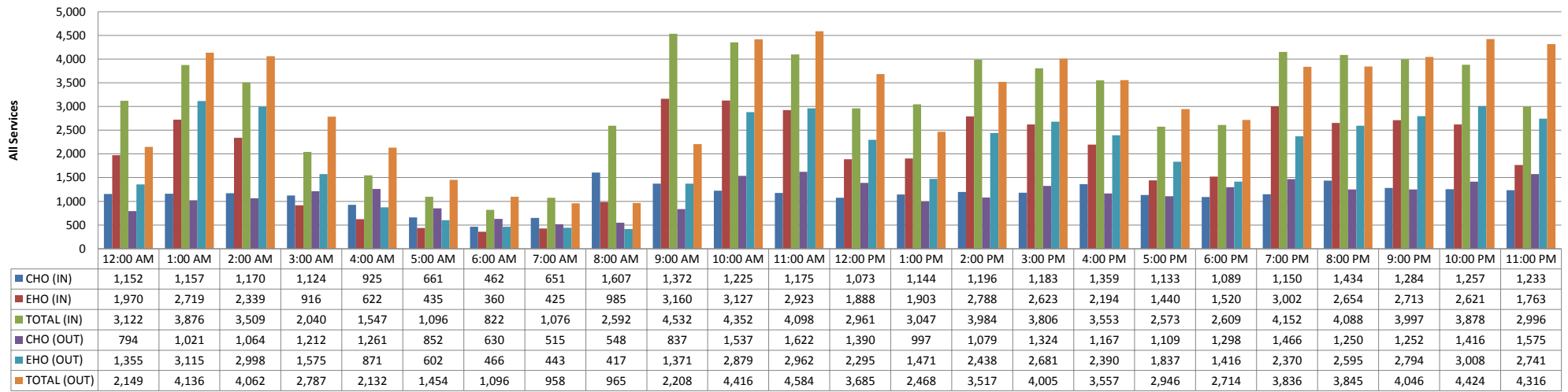
2014/2015 All Services Time In and Out



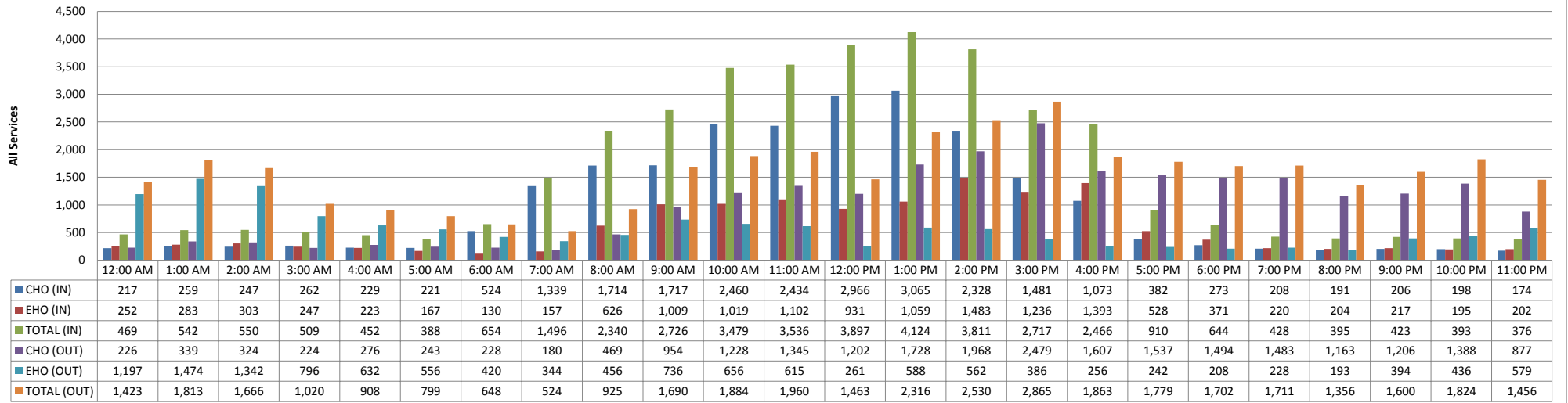
2014/2015 Priority 1 Time In and Out



2014/2015 Priority 2 Time In and Out



2014/2015 Priority 3 Time In and Out





ALBERTA

Fax Cover Sheet Request for Justice of the Peace Services

Provincial Court of Alberta

Date (mm/dd/yyyy) _____

Detachment Name: _____ Detachment/Police File Number: _____

Crown Prosecutor/Presenting Officer's Name: _____

Direct Phone Number: (include area code) _____

Fax Number: (include area code) _____

Surname(s) of Accused: (when applicable) _____

Location of Accused - At Agency: _____ Other: _____

Has any previous application been made regarding matters on this file?

☐ No ☐ Yes (If yes, please explain)

Application is made for the following: (mark applicable box or boxes)

☐ **Process**

☐ **Fax Swearing of an Information** Spousal: ☐ Yes ☐ No

☐ **Issuance of Summons** ☐ Allegations attached

Return Date and Location: _____

Fingerprint Date: (mm/dd/yyyy) _____ at: _____

☐ **Issuance of Warrant** ☐ Allegations attached

☐ Endorsed ☐ Unendorsed (please explain why in allegations)

☐ **Confirmation of Process** ☐ Form 11.1 included ☐ Allegations attached

☐ **Judicial Interim Release Hearing***

☐ Outstanding Warrants form (CTS3591) attached. (required for all JIR Hearings involving outstanding arrest warrants)
(Do Not Include Form 21 Warrants)

☐ Accused has no known Criminal Record

or

☐ Yes ☐ No Criminal Record attached

☐ Yes ☐ No Criminal Record acknowledged by Accused

*** Please indicate the following has been done**

☐ Notify Accused of Crown/Police position regarding bail/release

☐ Allow Accused to discuss Crown/Police position with counsel

☐ Youth - comply with s.26 YCJA: notify parent/guardian of right to participate in bail hearing

☐ Provide names and numbers for parents or counsel who wish to participate by phone. (To Whom)

☐ **Telewarrant**

☐ Search Warrant ☐ Blood Warrant ☐ Warrant to Enter Dwelling House

☐ **EPO**

☐ **Apprehension** ☐ CYFEA ☐ DECA

☐ **Other (describe)**

** Are all your additional pages initialed? ☐ Yes ☐ No

Total pages sent including cover sheet: _____

Confidentiality Notice

This communication is intended for the addressee only. It may contain information that is confidential, subject to legal privilege, or both. Further photocopying, disclosure or use of this communication in whole or in part by any other person in any manner is prohibited.

If you have received this FAX in error, please telephone the FAX operator immediately and destroy the entire document.

Please advise our FAX operator as soon as possible if you do not receive all the pages.

Thank you.

FAX Operator: _____ Telephone Number: (include area code) _____



JUSTICE

HEARING OFFICE

PRIORITY 1 - EMERGENCY APPLICATION REQUEST FORM

- ☐ In Person
☐ By Fax

- ☐ By Telephone

Family Law Applications

- ☐ Emergency Protection Orders
☐ DECA Applications
☐ PSECA Applications
☐ CYFEA Applications

Warrants

- ☐ Search Warrant
☐ Blood Warrant
☐ Feeney Warrant
☐ Number Recorder Warrant
☐ Production Order
☐ Tracking Device Warrant
☐ Information to Obtain
☐ Missing Person Act
☐ General Warrant (receive ITO only)

Police / Agency / Applicant: _____

Applicant Name: _____

Respondent's Name: _____

Applicant Phone Number: _____

Applicant Fax Number: _____

Requested For: _____ (Date/Time)

**PLEASE RETURN THIS FORM TO THE
HEARING OFFICE CLERK UPON COMPLETION**

Time In: _____
Time Out: _____

Clerk: _____
Date: _____

Application: _____ GRANTED _____ DENIED
_____ Application received- forwarded to Judge's Chambers

Calgary & Edmonton Hearing Office Data Entry Guide

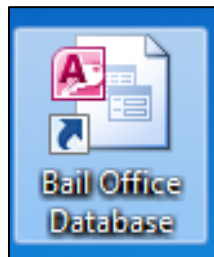
06/24/2015

Version 1

Purpose: When a package is received at the Hearing Office, either on the fax machine or in person at the counter, it is logged in and out on the database to keep proper statistics as well to maintain an acceptable lead-time. This also helps to ensure productivity, work performance and respond to the increasing demands for service.

Procedure: LOGGING IN

1. Upon receiving a package at the Hearing Office, click the icon to get into the database.



2. Once in the database, determine whether the package should be logged under CPS/EPs or Telebail and click on the appropriate selection. Select your name from the drop down list of clerks. You don't have to re-enter it every time you do an entry on the database if you leave the program open.

<input type="button" value="CPS"/>		<input type="button" value="Telebail"/>			
Clerk's Name		JP's Name			
<input type="text" value="SinghH"/>		<input type="text"/>			
<input type="button" value="Refresh"/>					
Month: <input type="text"/>		Clerk: <input type="text"/>		<input type="button" value="Search"/>	
JP: <input type="text"/>		Accused: <input type="text"/>		<input type="button" value="Reset"/>	
Show entries which are missing: <input type="text" value="(Show All)"/>					

3. Today's date will be auto-populated in the appropriate field for each entry. If you are entering for a prior date, you will have to manually back date.

Refresh				Show entries
Clerk's Name	JP's Name	Date	Time Faxed In	Police Agency
▶ Singh		02/03/2015		CALGARY POLICE S

4. Each package is logged in according to the fax time stamp on the package or actual time, if in person. Using the 24-hour clock, enter that time in the time column.

Date	Time Faxed In	Police Agency
03/18/2015	16:33	CALGARY POLICE S
03/18/2015		CALGARY POLICE S

- Identify from the coversheet, which agency is sending in the package and choose accordingly from the drop down list on the database under “Agency”. If the package is not from an agency and is a walk-in, please select “Public Walk-In” under the Police Agency/Other drop down list.

The screenshot shows a web application interface. At the top, there are two tabs: 'CPS' and 'Telebail'. Below these, there are input fields for 'Month', 'Clerk', 'JP's Name', and 'Accused'. A 'Refresh' button is located below the 'JP's Name' field. To the right, there is a button labeled 'Show entries which are missing: (Show)'. Below this is a table with columns: 's Name', 'JP's Name', 'Date', 'Time Faxed In', 'Police Agency/Other', and 'Accused'. The table has one row with the date '06/23/2015' and the agency 'CALGARY POLICE SERVICE'. A dropdown menu is open for the 'Police Agency/Other' column, showing a list of agencies including 'OYEN RCMP', 'PEACE RIVER RCMP', 'PICTURE BUTTE', 'PIIKANI NATION', 'PINCHER CREEK PROBATION', 'PINCHER CREEK RCMP', 'PONOKA RCMP', 'PROBATION - OTHER', 'PUBLIC WALK-IN' (which is highlighted), 'RAY-MCGRATH RCMP', 'RED CLIFFE RCMP', 'RED DEER CITY RCMP', 'RED DEER COURT UNIT', 'RED DEER PROBATION', 'RED DEER REMAND', and 'RED DEER RURAL'.

- The next column is for the accused name. Log the name in capital letters as such: LAST NAME, FIRST NAME.

The screenshot shows a web application interface with a table. The table has three columns: 'Police Agency/Other', 'Accused's Name', and 'Process Requ'. The first row of the table has 'CALGARY POLICE SERVICE' in the first column, 'LAST NAME, FIRST NAME' in the second column, and an empty field in the third column. The second row of the table has 'CALGARY POLICE SERVICE' in the first column, an empty field in the second column, and an empty field in the third column.

NOTE: For Emergency Protection Orders enter the Respondent's name. For Telewarrant or Apprehension orders enter the name of the Applicant.

7. Identify what service they are requesting and log in accordingly. (Refer to chart below)

me	Process Requested	Time Returned
NAME		
	ADC	
	APN	
	APD	
	BOC	
	BRE	
	BW	
	CSB	
	DECA	
	EPO	
	FINE	
	FORM28	
	FW	
	INFO	
	ITO	
	JIR	
	MPA	

Your options along with Priority level are as follows.

Description	Expanded Description	Priority Level
APO	Apprehension Order ¹	1
BW	Blood Warrant	1
EPO	Emergency Protection Order	1
FW	Feeney Warrant	1
ITO	Information to Obtain	1
PO	Production Order	1
SW	Search Warrant	1
BRE	Recognizance	2
JIR	Judicial Interim Release	2
UND	Undertaking (Judicial Interim Release)	2
Fine	Fine Payments	3
Form 28	Out of Province Endorsed Warrant	3
NOP	No process	3
INFO	Information Swear ²	3
MPA	Missing Persons Act	3
PTA	Promise to Appear	3
SUM	Summons Application	3
SUBP	Subpoena	3
REPORT	Report to Justice	3
SUBSERV	Substitution Service Order	3
WRT	Warrants	3

8. The package is taken to the Justice of the Peace to process according to priority level.

LOGGING OUT

9. Once the Justice of the Peace has processed the file, staff will produce the resulting documents and fax to the appropriate agency. Locate the entry on the database and use the corresponding log out codes in the drop box.

You options are: GRANTED
 DENIED
 CONFIRMED³

¹ DECA and PICP entries are to be entered as APO, with related information in the comments section.

² Replacement Informations and additional charges are to be entered as INFO

³ Logout code for Replacement Informations are to be entered as CONFIRMED

WRT	Warrant issued
SUM	Summons issued
NOP	No Process
6DR	6 day Remand Warrant
TTP	Time to Pay
NTP	No time to Pay
RIC	Remand Show Cause
BOD	Bail Denied
BOW	Bail Order Warrant
BRE ⁴	Recognizance
UND	Undertaking
URP	Undertaking to a Responsible Person
SIGNED	
NOT SIGNED	
PAYMENT	
DUPLICATE ⁵	
REJECTED	
CANCELLED	
EDMONTON/CALGARY	
WDN	Withdrawn

10. Next, enter the FTR time when the matter was spoken to on record. This entry will help in listening to the audio if need be, without locating the original package. If the matter was spoken to at different intervals, you can enter the additional FTR times in the comment section.

Process Requested	FTR Start Time	FTR End Time	Crown / D Defence
JIR	22:30	22:49	Other
			Other

NOTE: For EPOs and JIRs, FTR times must be entered.

⁴ Type of BRE (Bail Officer In Charge, N/D, O/R release, Cash, or Surety Recognizance) to be entered under the code BRE, with specific recognizance information indicated in the comments section.

⁵ Duplicate files are to be logged using the same procedures as regular files. The code DUPLICATE is then used in the Process Given drop box.

11. Enter the counsel information in the "Crown/Duty Counsel/Defence Counsel" field.

FTR nd Time	Crown / Duty Counsel / Defense Counsel	Process
	Other	

12. Finally enter the log out time, which is the time the package or resulting document is faxed back to the agency.

Process Given	Time Faxed Out
WRT	22:46

NOTE: Each package is logged in separately and if there are multiple accused in one package, each accused is logged separately. If an accused has various orders that are returning to different base points, count them separately.

Data Collection: Once the above information is entered, it is stored in the corresponding locations' Access database.

Reports:

All reports will be produced at the end of each fiscal year, as well as on an on-demand basis. The following are reports generated from data collected:

Report	Description
Total Activities	Total number of services requested by an agency per month, by service type.
Agency	Total number of services requested in a month by agency, sorted in descending order.
Elapsed Time- All Priority Levels	ID, Date, Time In, Time Out, JP Time Done, and Elapsed Time are reported for each application in a selected time period.
Elapsed Time- Priority 1,2 or 3 individually	Time In, Time Out, JP Time Done, and Elapsed Time are reported for each application for a selected time period.
EPO Detail	Total number of Emergency Protection Order services sorted by service requested, service provided and agency.
EPO Requested	Total Emergency Protection Orders requested, sorted by agency and month.
Total Service Demand Report by Time-In , All Priority Levels	Total service demands for a given time period, sorted by the number of service demands received per each hour of the day.
Total Service Demand Report by Time-In, Priority 1, 2, or 3 individually	Total service demands for a given time period, sorted by the number of service demands received per each hour of the day. Available for each priority.
Total Service Demand Report by Time-Out, All Priority Levels	Total service demands for a given time period sorted by the number of service demands returned to agencies per each hour of the day.
Total Service Demand Report by Time-Out, Priority 1, 2, or 3 individually	Total service demands for a given time period, sorted by the number of service demands returned to agencies per each hour of the day. Available for each priority.
Total Service Demand by Time-In and Day of Week, All Priorities	Total service demands by the number of service demands received per each hour of the day, sorted by each day of the week.
Total Service Demand by Time-In and Day of Week, Priority 1, 2, or 3 individually	Total service demands by the number of service demands received per each hour of the day, sorted by each day of the week. Available for each priority.
Total Service Demand by Time-Out and Day of Week, All priorities	Total service demands by the number of service demands returned to agencies per each hour of the day, sorted by each day of the week.
Total Service Demand by Time-Out and Day of Week, All priorities	Total service demands by the number of service demands returned to agencies per each hour of the day, sorted by each day of the week.
Total Service Demand by Time-Out and Day of Week, Priority 1, 2, or 3 individually	Total service demands by the number of service demands returned to agencies per each hour of the day, sorted by each day of the week. Available for each priority.

Appendix A: Total Activities Report

Calgary Hearing Office April 2013/March 2014 Total Activities

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total Requests
ADDITIONAL CHARGES	1	2	2		3		2				2		12
APPEARANCE NOTICES							2						2
APPREHENSION ORDERS	9	18	4	16	19	7	18	6	5	12	12	9	135
BLOOD WARRANTS	1	2	1	1					1	1	1		8
EMERGENCY PROTECTION ORDERS	57	58	61	65	57	60	54	69	44	55	48	36	664
ENDORSED WARRANTS	5	6	4	7	5	5	9	4	14	12	2	2	75
FEENEY WARRANTS	3	3		5	5	1	5	5	4	1	7	3	42
FINE PAYMENTS	29	41	17	25	29	17	16	18	21	21	23	26	283
INFORMATION TO OBTAIN		8	28	30	37	34	43	22	40	54	39	29	364
INFORMATIONS		1	1		2	1	1				1		7
JUDICIAL INTERIM RELEASES	1,740	1,833	1,485	1,623	1,715	1,565	1,746	1,665	1,406	1,731	1,493	1,868	19,870
MISSING PERSONS ACT	1				1	1		1	3			2	9
NO PROCESS			1	1									2
PRODUCTION ORDER	40	33	29	32	31	34	48	41	46	55	33	34	456
PROMISE TO APPEAR						1	1						2
SEARCH WARRANTS	84	91	50	73	56	70	95	79	59	90	75	66	888
SUBPOENAS					1								1
SUBSTITUTIONAL SERVICE ORDERS		3	1	4	1	1	3	2	4	5	10	1	35
SUMMONS	156	185	138	150	166	212	210	134	153	197	176	161	2,038
WARRANTS	1,191	1,244	1,188	1,524	1,427	1,447	1,561	1,255	1,187	1,422	1,252	1,259	15,957
	3,317	3,528	3,010	3,556	3,555	3,456	3,814	3,301	2,987	3,656	3,174	3,496	40,850

Appendix B: Agency Report

CALGARY HEARING OFFICE
APRIL 2013/MARCH 2014
PRIORITY 1 BY AGENCY IN DESCENDING ORDER

Agency	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
CALGARY POLICE SERVICE	99	122	111	130	117	117	177	142	129	178	124	110	1,556
CALGARY RCMP	7	6	8	14	10	13	11	10	26	22	22	16	165
PUBLIC WALK-IN	9	12	5	17	8	12	6	12	6	9	13	6	115
SOCIAL SERVICES	5	12	3	15	19	6	15	6	5	10	9	9	114
ALBERTA GOVERNMENT SERVICES	8	5	4	5	4	3	6	2		6	8	4	55
RED DEER CITY RCMP	3	7	5	3	2	7	6	3	5	5	3	5	54
COCHRANE RCMP	6	3	3	3	3	2	4	1	1		2	5	33
MEDICINE HAT POLICE	2	4		6	1	5	3	5	3		1		30
AIRDRIE RCMP	5	3	3	1	4	4	3	3		1	2		29
LETHBRIDGE CITY POLICE	4		4		4	2	2		2	2	1	1	22
GLEICHEN RCMP	2	5	1	2	3		3	1	2	1	1		21
STRATHMORE RCMP	2	3		2	2	2	1	4	1	1	1	2	21
BROOKS RCMP		4		1		5	1	1	2	2	3	1	20
OKOTOKS RCMP	4		1		2	3	1			2	6	1	20
TURNER VALLEY RCMP	2		1	3	2	5	1	1	1	2	1		19
RED CLIFFE RCMP					2	1	2	2	1	5	2	2	17
OLDS RCMP	1	1		1	1	1	1	5	1	4			16
BLOOD TRIBE POLICE SERVICES	2		1		4			3		2		1	13
BANFF RCMP	4	3	1			1				1	1	1	12
ROCKY MOUNTAIN HOUSE RCMP	5	2		1	1							2	11
SERVICE ALBERTA							2	4	2	2	1		11
TABER POLICE	4		1		2				2	1	1		11
CLARESHOLM RCMP		3	1			4	1	1					10

Tuesday, February 10, 2015

Page 1 of 4

Appendix C: Elapsed Time All Priority Levels Report

Edmonton Hearing Office				Report for 04/01/2014 through 04/30/2014		
ID	Date	Time In	Time Out	JP Time Done	Elapsed Time	Elapsed Time (minutes)
T-242814	4/1/2014	00:38	01:52	01:06	1 Hrs 14 Mins	74
T-242815	4/1/2014	00:39	02:30	01:31	1 Hrs 51 Mins	111
E-148528	4/1/2014	00:40	01:11	00:43	0 Hrs 31 Mins	31
E-148529	4/1/2014	00:45	01:31		0 Hrs 46 Mins	46
E-148530	4/1/2014	00:46	01:35	00:50	0 Hrs 49 Mins	49
E-148532	4/1/2014	01:24	02:10	01:29	0 Hrs 46 Mins	46
E-148533	4/1/2014	01:24	02:10	01:29	0 Hrs 46 Mins	46
E-148531	4/1/2014	01:25	02:03		0 Hrs 38 Mins	38
T-242817	4/1/2014	01:44	03:50		2 Hrs 6 Mins	126
T-242820	4/1/2014	02:07	03:38	02:54	1 Hrs 31 Mins	91
T-242819	4/1/2014	02:10	03:35	03:05	1 Hrs 25 Mins	85
T-242823	4/1/2014	02:30	04:43	04:19	2 Hrs 13 Mins	133
E-148535	4/1/2014	02:39	02:49	02:46	0 Hrs 10 Mins	10
T-242818	4/1/2014	02:43	03:03		0 Hrs 20 Mins	20
E-148536	4/1/2014	02:48	02:58	02:53	0 Hrs 10 Mins	10
T-242821	4/1/2014	03:14	06:02		2 Hrs 48 Mins	168
T-242822	4/1/2014	03:16	04:03	03:33	0 Hrs 47 Mins	47
T-242824	4/1/2014	04:48	05:09	04:58	0 Hrs 21 Mins	21
T-242825	4/1/2014	07:30	08:08	07:46	0 Hrs 38 Mins	38
T-242826	4/1/2014	08:00	10:00		2 Hrs 0 Mins	120
T-242827	4/1/2014	08:00	10:03	09:26	2 Hrs 3 Mins	123
T-242829	4/1/2014	08:15	09:25	08:35	1 Hrs 10 Mins	70
T-242830	4/1/2014	08:50	01:43		16 Hrs 53 Mins	1013
T-242833	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242843	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242831	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242845	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242853	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242852	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242851	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242850	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242849	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242840	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242846	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242835	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242844	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242839	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242842	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242838	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
T-242837	4/1/2014	08:50	11:40		2 Hrs 50 Mins	170
E-150769	4/30/2014	21:55	22:14		0 Hrs 19 Mins	19
E-150771	4/30/2014	22:13	22:31	22:19	0 Hrs 18 Mins	18
E-150772	4/30/2014	22:13	22:31	22:19	0 Hrs 18 Mins	18
E-150773	4/30/2014	22:20	22:48		0 Hrs 28 Mins	28
T-245257	4/30/2014	22:26	02:16		3 Hrs 50 Mins	230
E-150776	4/30/2014	22:57	00:50	23:02	1 Hrs 53 Mins	113
E-150774	4/30/2014	23:06	23:13	23:12	0 Hrs 7 Mins	7
E-150775	4/30/2014	23:15	23:20	23:21	0 Hrs 5 Mins	5
Total Elapsed Time:						
Average Elapsed Time:						
Total Elapsed Time (minutes):						
Average Elapsed Time (minutes):						

Appendix D: EPO Detail Report

Edmonton Hearing Office Emergency Protection Orders

<i>ServiceRequested</i>	<i>ServiceProvided</i>	<i>AgencyFullName</i>	<i>Total</i>
EPO			
	Denied		
		BEAUMONT - RCMP	1
		BRETON - RCMP	1
		EDMONTON POLICE SERVICES WALK	3
		GRANDE CACHE - RCMP	1
		HINTON - RCMP	1
		PEACE RIVER - RCMP	1
		PRIVATE	2
		PRIVATE - WALK IN	3
		PROVOST - RCMP	1
		ST. ALBERT - RCMP	1
		<i>Total</i>	15
	Granted		
		CALGARY POLICE SERVICES	1
		EDMONTON POLICE SERVICES WALK	5
		FT. CHIPEWYAN - RCMP	1
		FT. SASKATCHEWAN - RCMP	1
		GRANDE PRAIRIE - RCMP	1
		HOBBEMA POLICE SERVICE & RCMP	1
		LAC LA BICHE - RCMP	1
		LEDUC - RCMP	1
		MAYERTHORPE - RCMP	1
		PONOKA - RCMP	1
		PRIVATE	7
		PRIVATE - WALK IN	8
		SPRUCE GROVE - RCMP	2
		WHITECOURT - RCMP	1
		<i>Total</i>	32
	NFA		

Wednesday, February 25, 2015

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Appendix E: EPO Requested Report

Edmonton Hearing Office Emergency Protection Orders Requested

Agency	Total	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
EDMONTON POLICE SERVICES	16379	1273	1434	1325	1417	1538	1257	1295	1349	1328	1438	1257	1468
EDMONTON POLICE SERVICES WALK IN	2827	222	261	219	252	222	216	222	212	239	245	258	259
FT. MCMURRAY - RCMP	2436	243	204	185	235	237	188	178	203	183	183	197	200
EDMONTON REMAND CENTRE	2392	145	168	202	202	209	218	210	212	235	155	221	215
GRANDE PRAIRIE - RCMP	1679	152	166	131	141	142	160	133	124	125	116	132	157
EDMONTON REMAND CENTRE WALK IN	1328	135	132	94	109	99	127	126	95	104	124	88	95
HOBBSMA POLICE SERVICE & RCMP	880	82	78	84	81	84	90	86	53	74	50	51	67
HIGH LEVEL - RCMP	830	83	115	92	70	66	48	71	47	58	54	54	72
WETASKIWIN - RCMP	785	48	72	59	55	83	71	75	84	62	65	65	46
EDMONTON CORRECTIONS	757	58	52	53	85	76	56	100	61	54	59	41	62
ST. PAUL - RCMP	752	95	74	55	57	67	58	57	51	63	61	45	69
WABASCA/DESMARAIS - RCMP	746	52	62	72	71	57	55	47	73	85	53	46	73
BONNYVILLE - RCMP	734	55	58	69	64	75	77	62	59	55	66	50	44
STONY PLAIN - RCMP	728	54	54	90	57	65	76	59	53	58	64	50	48
PEACE RIVER - RCMP	694	45	45	66	62	62	67	79	43	44	76	40	65
ST. ALBERT - RCMP	676	50	80	60	79	75	56	67	43	46	45	30	45
LAC LA BICHE - RCMP	636	39	40	53	61	64	31	89	42	60	42	51	64
LLOYDMINSTER - RCMP	572	48	57	47	42	46	49	57	53	32	37	40	64
HIGH PRAIRIE - RCMP	532	45	51	40	52	48	33	60	52	34	48	22	47
FT. SASKATCHEWAN - RCMP	501	35	31	33	29	53	40	63	35	49	53	29	51
COLD LAKE - RCMP	472	23	47	33	51	33	37	37	43	34	49	48	37
LEDUC - RCMP	457	48	38	31	25	41	39	42	38	54	32	29	40
RED DEER CORRECTIONS - WALK IN	1										1		
REDCLIFFE - RCMP	1			1									
STONY PLAIN - RCMP WALK IN	1								1				
STRATHMORE - RCMP	1			1									

Total Requests

Appendix F: Total Service Demand Report by Time-In Priority 1 Report

Calgary Hearing Office April 2013/March 2014 Priority 1 Service Demand by Time In

Time Requested	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Totals
12 AM	4	5	8	7	5	8	5	6	4	12	4	4	72
1 AM	7	10	8	5	9	5	7	8	6	5	6	5	81
2 AM	3	3	9	8	2	8	4	4	2	4	7	6	60
3 AM	4	4	7	1	5	3	1	4	2	4	4	4	43
4 AM	4	10	3	3	5	3	2	3	2	3	9	6	53
5 AM	4	4	3	1	2		4	6	2	5	3	2	36
6 AM	1	2	1	2	2	1	2		1	5	1	2	20
7 AM	3	8		3	4	4	6	5	2	5	1	3	44
8 AM	12	5	10	7	10	6	15	5	8	5	6	10	99
9 AM	13	21	10	9	20	16	14	18	18	29	14	16	198
10 AM	12	16	13	17	11	17	28	16	22	24	21	18	215
11 AM	4	5	17	15	12	16	16	13	18	19	18	13	166
12 PM	8	10	7	16	15	12	22	9	13	15	11	12	150
1 PM	17	11	13	9	14	16	18	18	9	15	13	13	166
2 PM	14	11	11	15	6	10	19	14	12	23	11	10	156
3 PM	14	17	10	30	18	17	12	28	16	23	21	8	214
4 PM	20	16	10	18	19	12	13	9	15	14	15	10	171
5 PM	6	13	3	13	14	7	12	8	7	9	9	5	106
6 PM	8	8	2	11	3	9	12	7	3	9	16	11	99
7 PM	11	9	2	9	8	8	7	8	5	12	7	6	92
8 PM	7	7	7	3	4	6	10	10	8	6	4	1	73
9 PM	5	10	8	5	8	7	13	6	7	5	3	4	81
10 PM	7	3	5	12	7	11	8	9	9	9	5	3	88
11 PM	6	5	6	3	2	4	13	8	8	8	6	5	74
	194	213	173	222	205	206	263	222	199	268	215	177	2,557

Appendix G: Total Service Demand Report by Time-Out Priority 1 Report

Calgary Hearing Office April 2013/March 2014 Priority 1 Service Demand by Time Out

Time Provided	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Totals
12 AM	5	4	5	6	2	4	2	2	5	3	2		40
1 AM	5	6	6	9	7	8	10	11	10	12	6	7	97
2 AM	5	5	10	1	7	8	8	6	6	8	4	5	73
3 AM	3	7	9	9	5	8	3	3	2	7	8	5	69
4 AM	3	5	4	1	4	2		5	2	5	4	5	40
5 AM	6	9	7	6	2	3	1	1	2	5	8	4	54
6 AM	3	3	4	1	3	1	5	3	2	6	6	2	39
7 AM	2	1		3	2	3	4	2	1	4	1	3	26
8 AM	2	3	2	4	3	2	6	4	3	2	4	5	40
9 AM	11	11	9	6	15	9	12	11	15	18	7	11	135
10 AM	10	11	9	17	9	11	21	12	17	9	15	15	156
11 AM	12	7	11	19	21	13	17	12	15	18	9	9	163
12 PM	5	6	6	6	5	9	13	12	14	13	14	11	114
1 PM	10	15	8	10	14	12	19	7	11	17	11	9	143
2 PM	16	17	14	12	10	16	17	17	14	19	20	11	183
3 PM	11	10	13	21	13	8	13	14	14	19	14	17	167
4 PM	11	18	8	14	17	15	15	18	11	15	13	8	163
5 PM	20	15	9	18	18	17	21	25	11	18	15	14	201
6 PM	14	14	9	22	13	13	15	9	10	17	13	8	157
7 PM	12	8	5	17	5	12	12	14	8	17	14	11	135
8 PM	3	10	4	2	10	9	8	7	3	9	7	6	78
9 PM	6	8	8	4	3	8	11	11	10	9	8	1	87
10 PM	7	7	10	8	8	6	14	6	8	9	3	6	92
11 PM	12	13	3	6	9	9	16	10	5	9	9	4	105
	194	213	173	222	205	206	263	222	199	268	215	177	2,557

Appendix H: Total Service Demand by Time-In and Day of Week, All Priorities Report

Edmonton Hearing Office April 2014 /March 2015 Service Demands by Time In All Priorities

Time Requested	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Totals
12 AM	254	276	272	263	278	291	279	1913
1 AM	329	320	370	407	435	364	330	2555
2 AM	269	320	304	305	404	357	280	2239
3 AM	115	127	133	163	157	165	139	999
4 AM	82	93	84	105	130	136	113	743
5 AM	87	48	81	66	74	97	87	540
6 AM	56	45	66	51	78	65	58	419
7 AM	48	63	86	59	83	81	56	476
8 AM	156	220	253	221	230	152	143	1375
9 AM	466	529	557	545	540	482	408	3527
10 AM	464	541	535	573	528	480	414	3535
11 AM	378	503	537	564	522	453	384	3341
12 PM	297	325	384	453	395	340	252	2446
1 PM	316	477	407	451	459	276	256	2642
2 PM	438	564	588	663	638	449	331	3671
3 PM	386	527	503	628	537	398	342	3321
4 PM	429	507	560	551	578	335	297	3257
5 PM	265	241	279	283	315	248	190	1821
6 PM	228	236	252	277	263	268	184	1708
7 PM	367	414	402	388	429	416	353	2769
8 PM	310	369	356	367	415	328	323	2468
9 PM	318	389	383	402	408	360	292	2552
10 PM	265	386	360	362	384	297	328	2382
11 PM	231	232	249	267	289	277	206	1751
	6554	7752	8001	8414	8569	7115	6045	52450

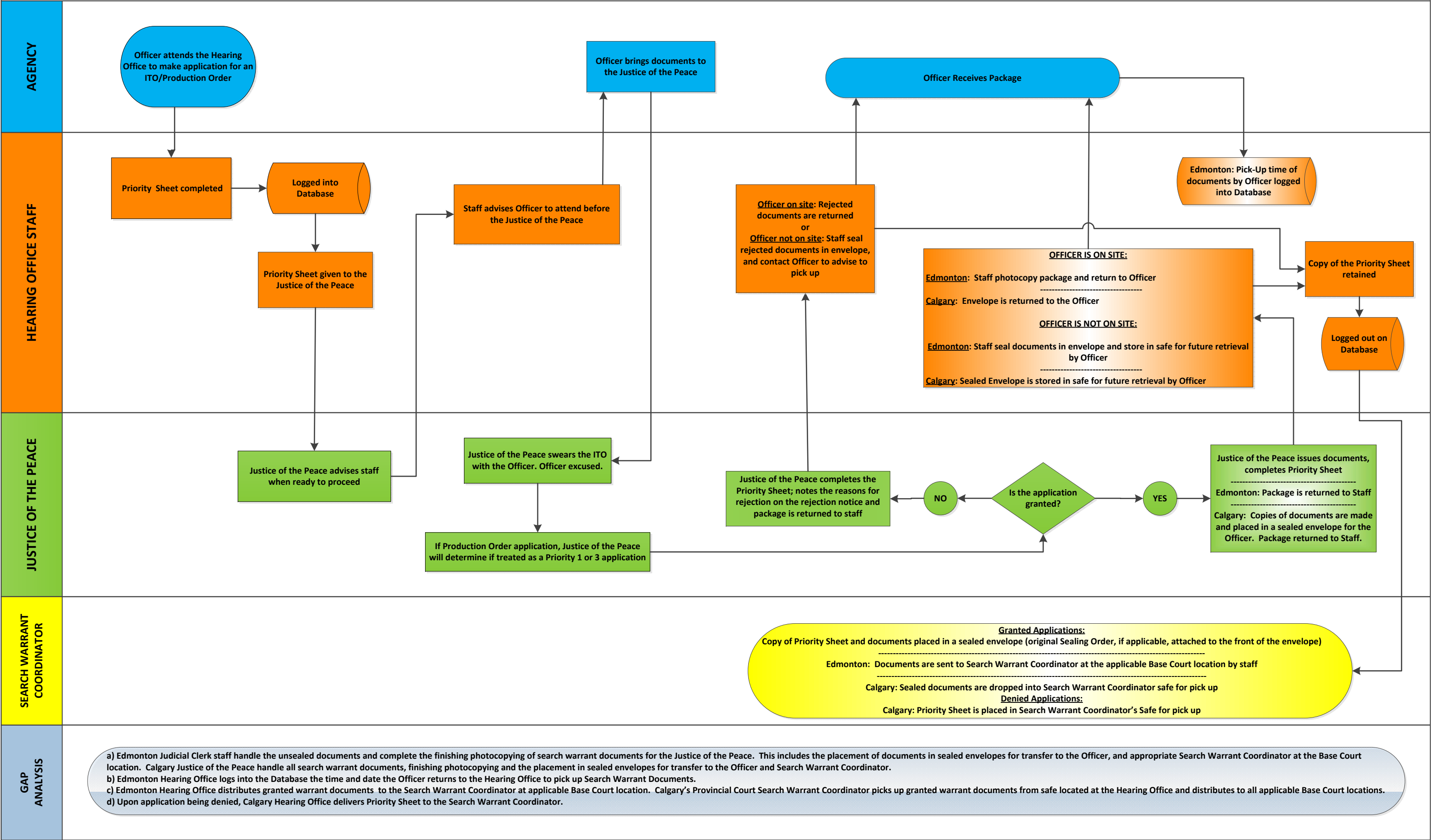
Appendix I: Total Service Demand by Time-Out and Day of Week, All Priorities Report

Calgary Hearing Office April 2014/ March 2015 Service Demand by Time Out All Priorities

Time Out	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Totals
12 AM	130	118	145	154	127	139	112	925
1 AM	169	226	167	180	194	165	113	1214
2 AM	178	174	171	194	196	146	111	1170
3 AM	188	208	172	219	201	144	142	1274
4 AM	170	202	205	192	228	154	147	1298
5 AM	110	111	140	147	158	160	114	940
6 AM	88	91	88	152	145	107	74	745
7 AM	60	104	111	118	97	81	29	600
8 AM	106	156	117	208	134	103	29	853
9 AM	183	263	291	297	287	171	92	1584
10 AM	365	353	372	364	430	251	270	2405
11 AM	321	463	426	425	438	273	244	2590
12 PM	289	395	422	326	368	217	203	2220
1 PM	377	368	479	395	391	184	170	2364
2 PM	394	392	427	656	452	176	183	2680
3 PM	359	584	625	562	743	235	181	3289
4 PM	316	405	496	473	461	171	153	2475
5 PM	369	454	415	436	417	183	147	2421
6 PM	360	451	414	460	372	199	205	2461
7 PM	365	543	414	442	469	202	192	2627
8 PM	308	369	327	408	334	168	141	2055
9 PM	257	309	350	510	365	189	143	2123
10 PM	409	393	375	442	408	200	189	2416
11 PM	261	367	360	385	332	244	166	2115
	6132	7499	7509	8145	7747	4262	3550	44844

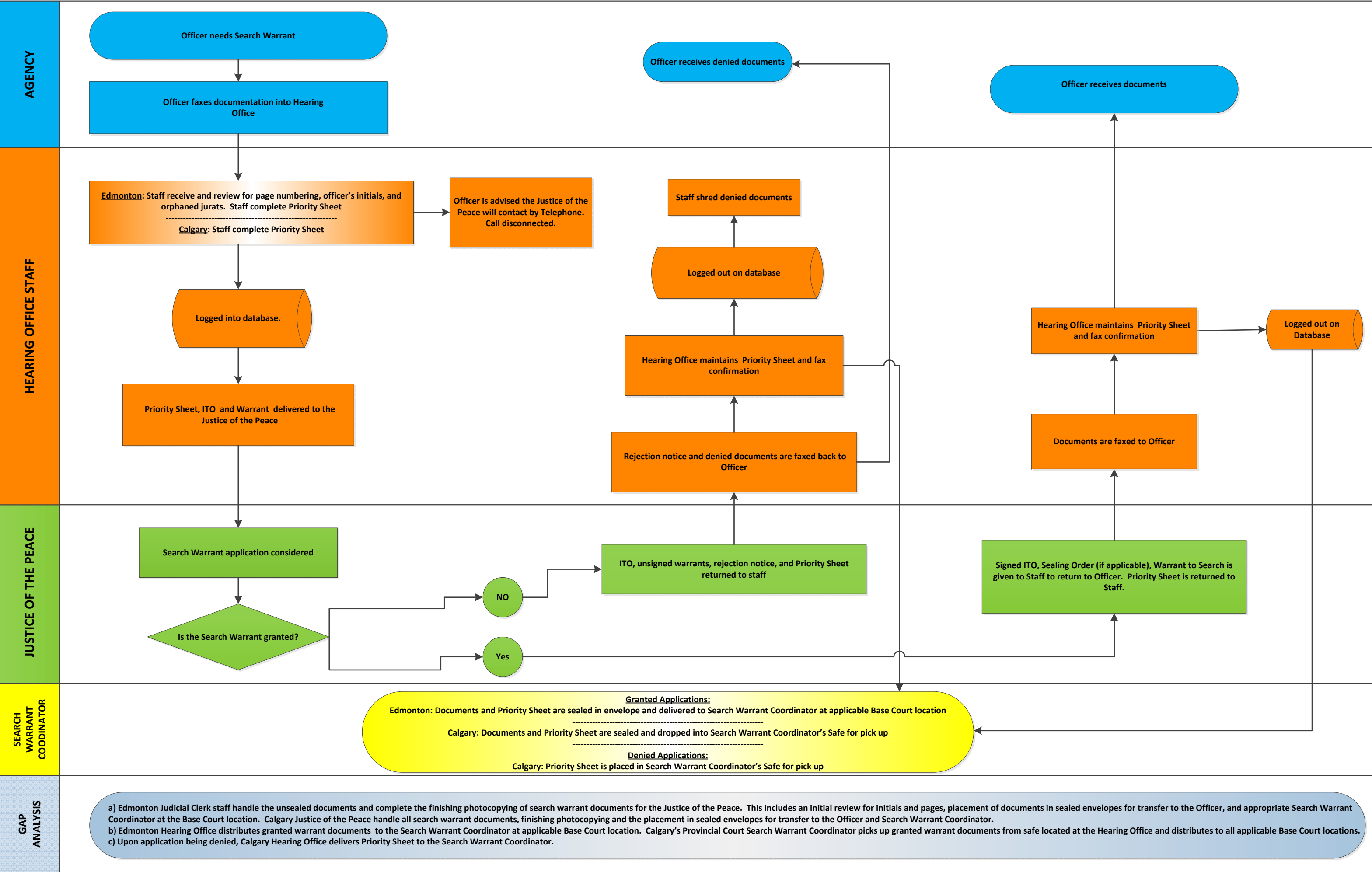
SEARCH WARRANT/FEENEY WARRANT (Priority #1) / PRODUCTION ORDER (Priority #1/#3) APPLICATIONS - IN PERSON

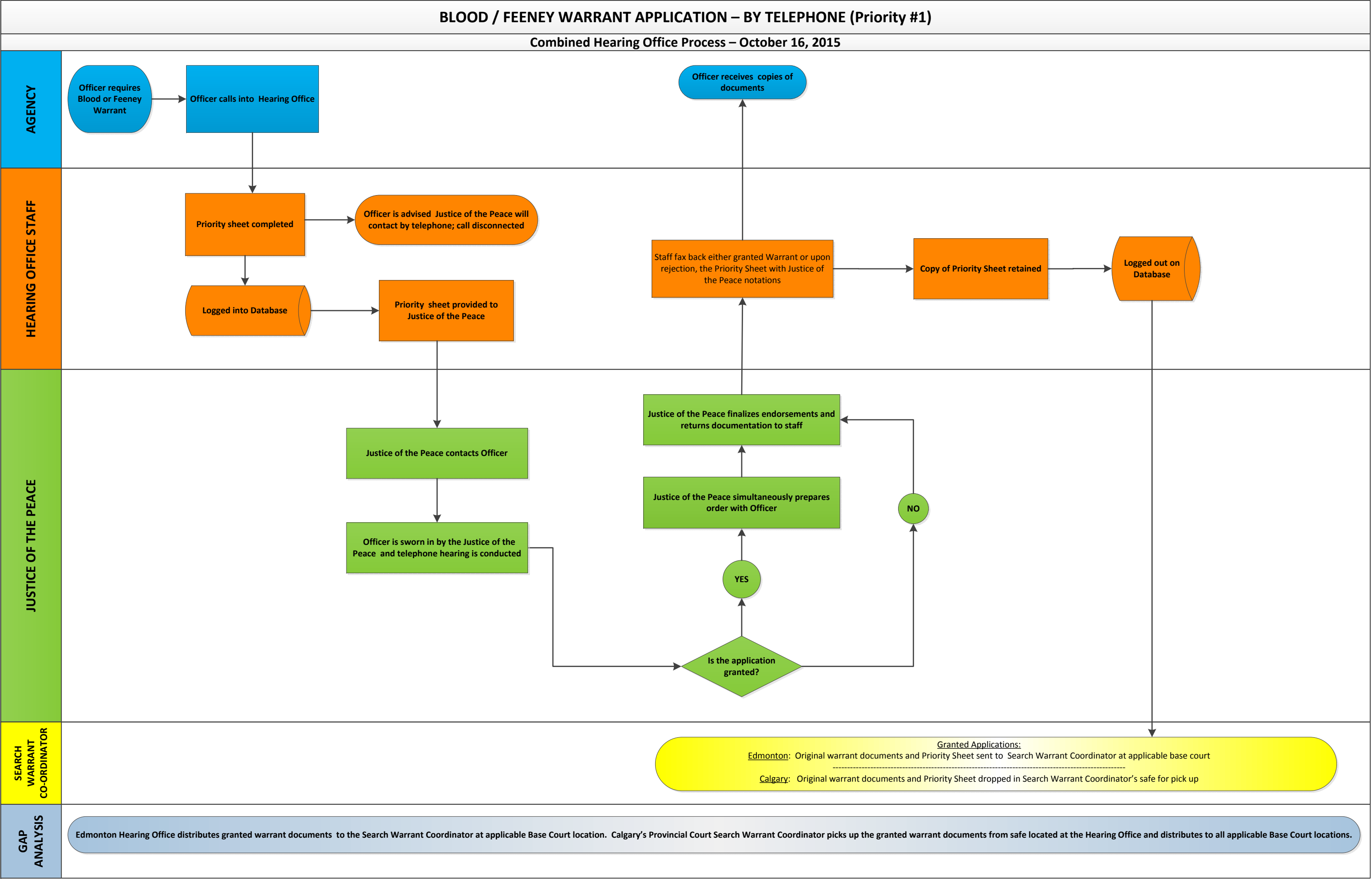
Combined Hearing Office Process – October 16, 2015

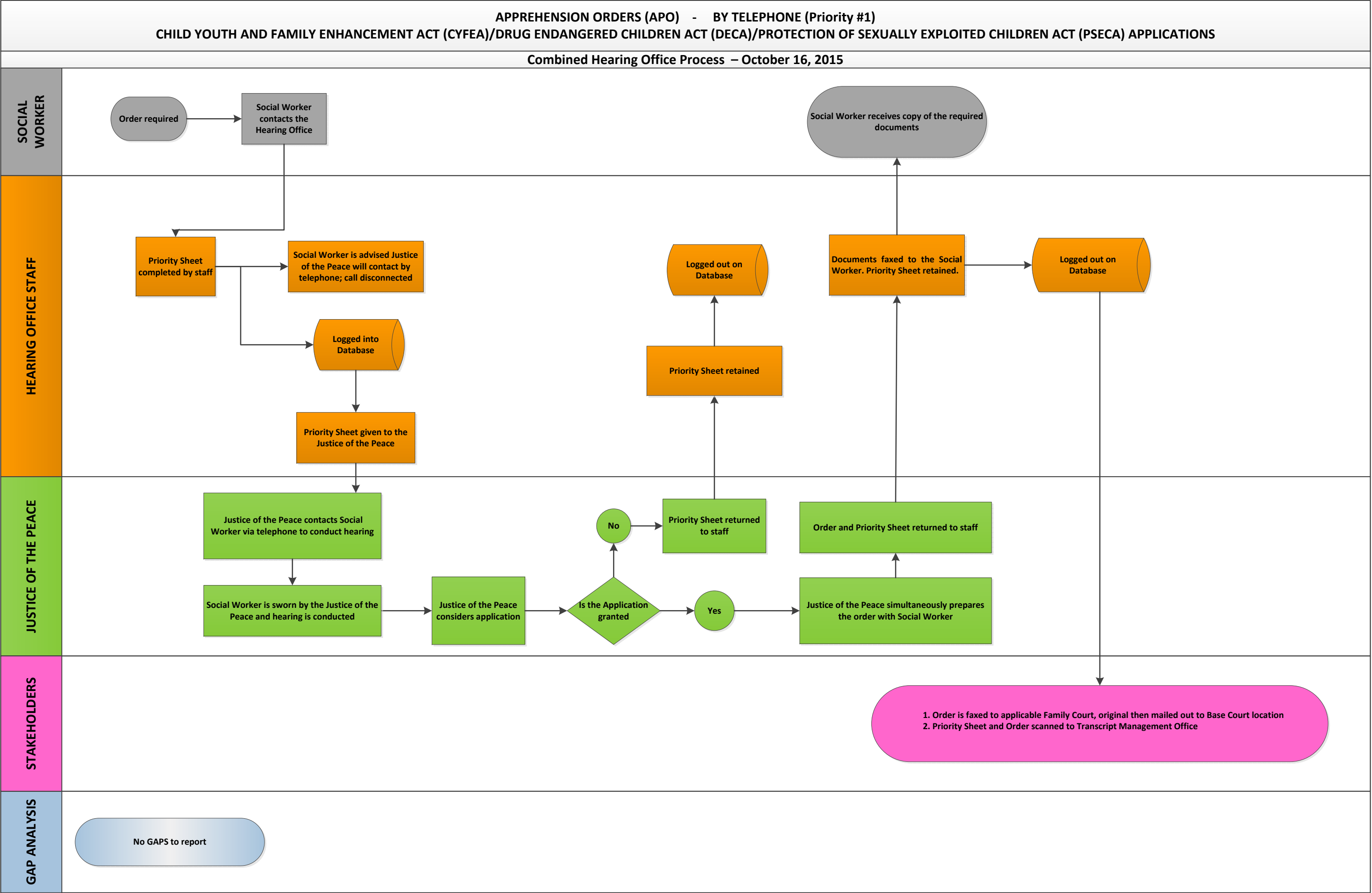


SEARCH WARRANT APPLICATION – BY FAX (Priority #1)

Combined Hearing Office Process – October 16, 2015

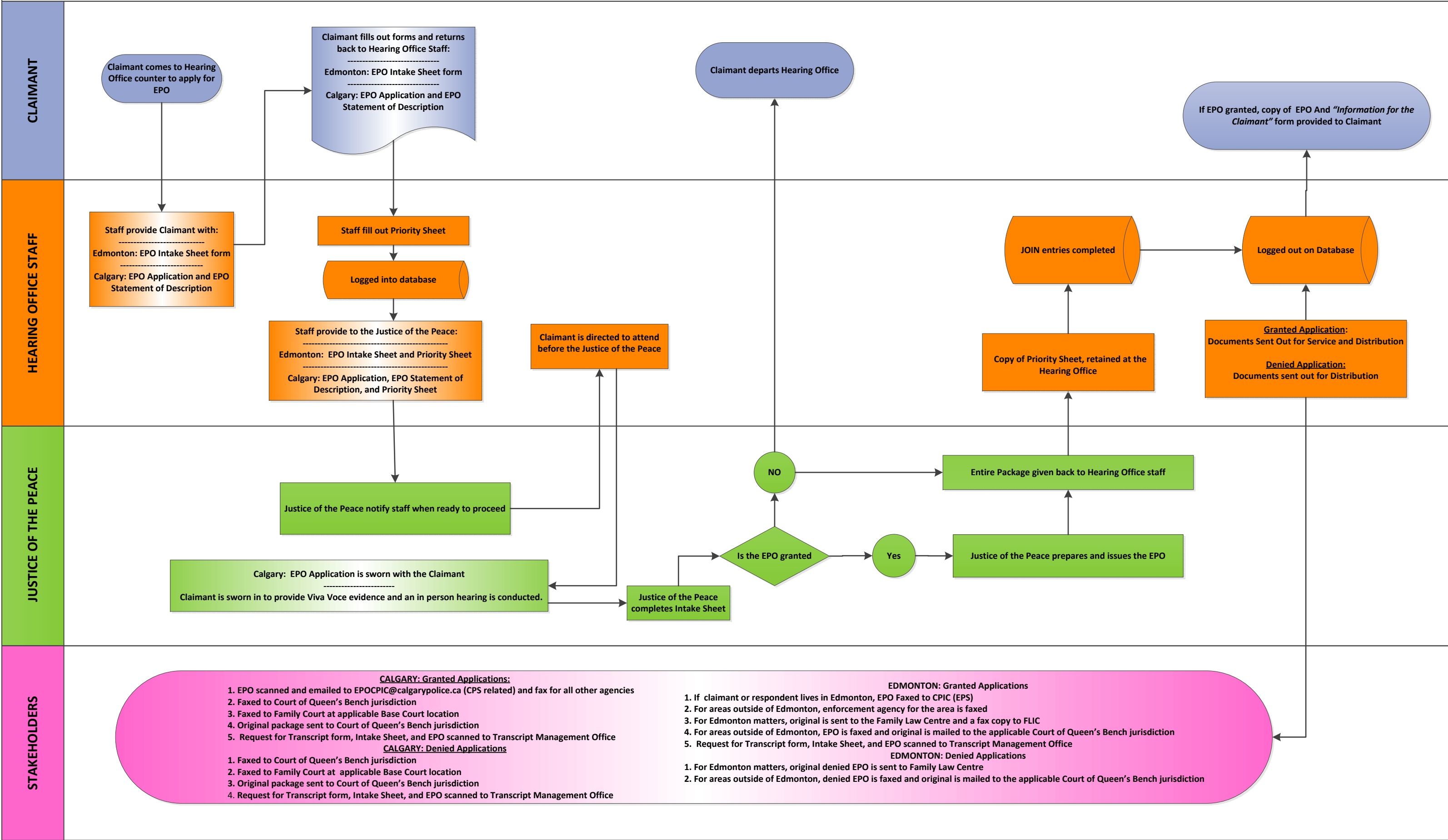


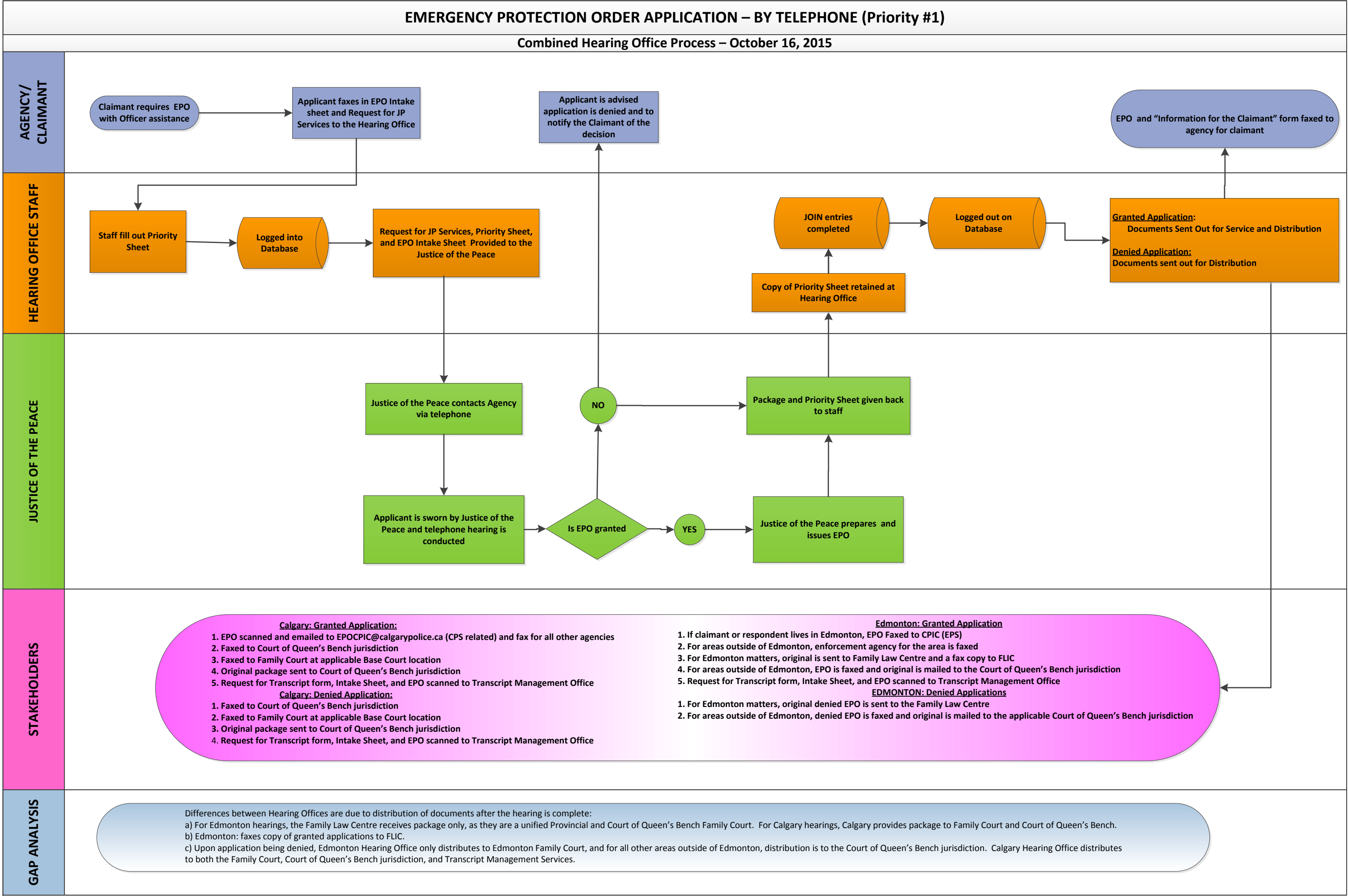




EMERGENCY PROTECTION ORDER – IN PERSON (Priority #1)

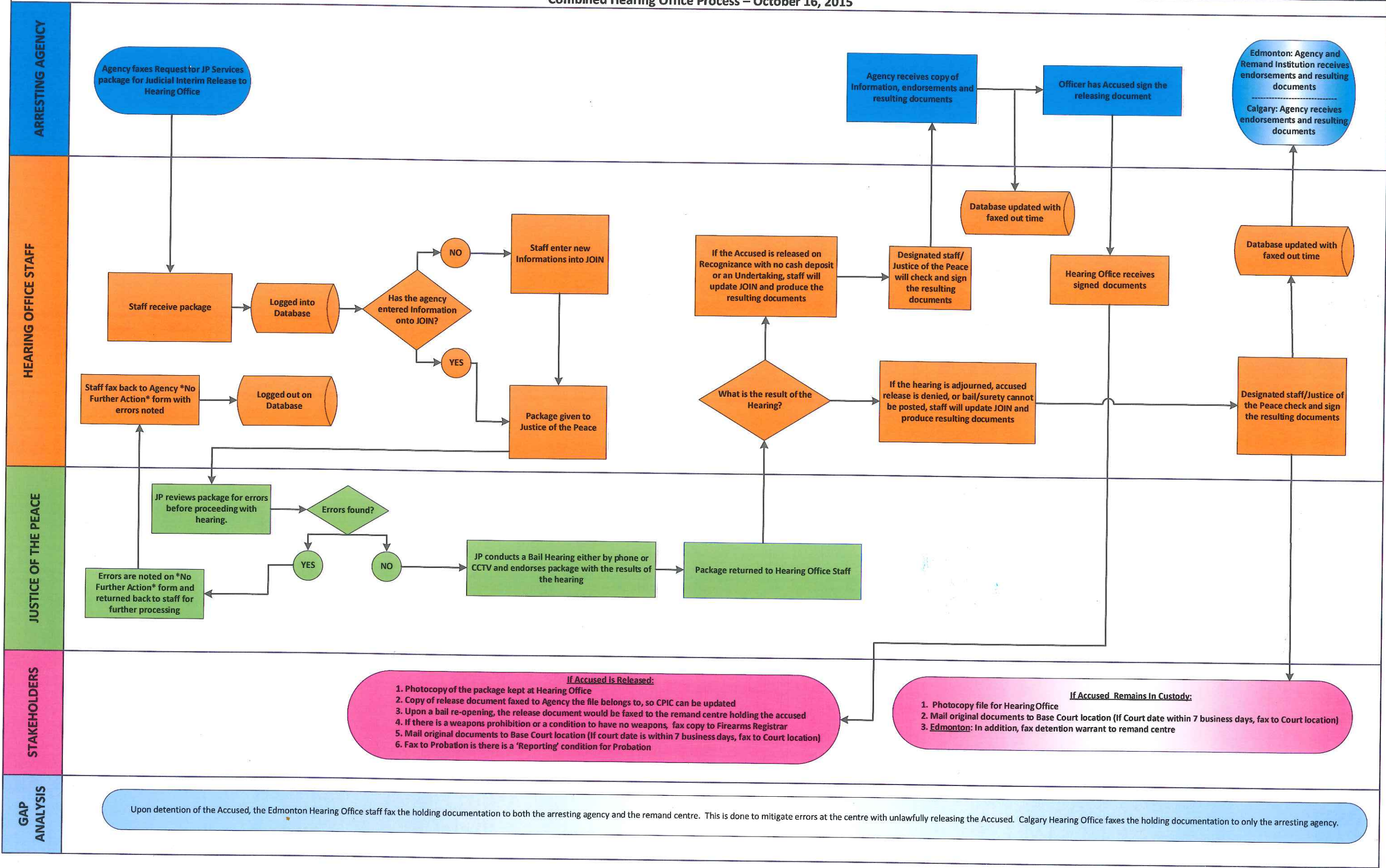
Combined Hearing Office Process – October 16, 2015





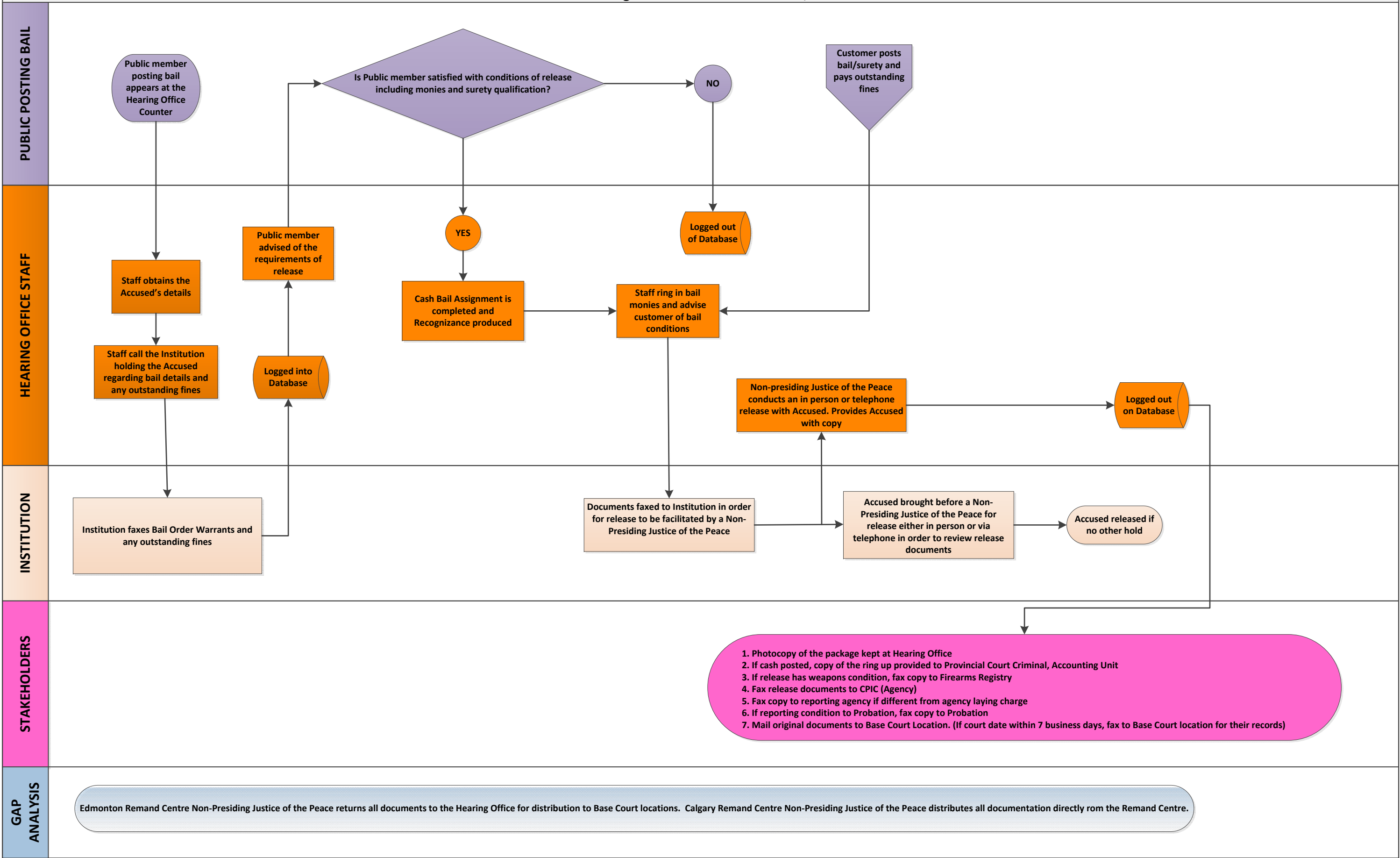
JUDICIAL INTERIM RELEASE – BY TELEPHONE/CCTV - (Priority #2)

Combined Hearing Office Process – October 16, 2015



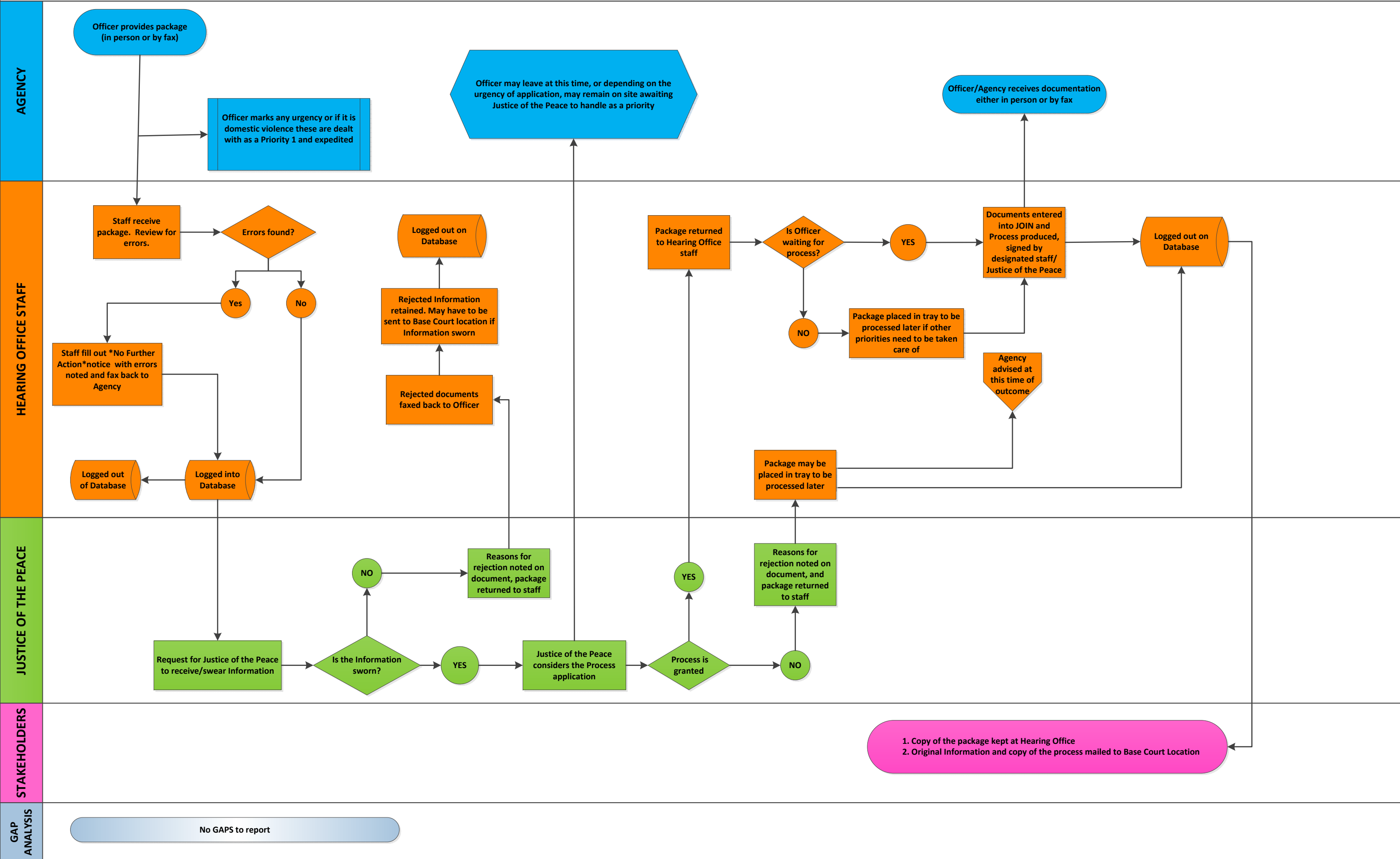
ADMINISTRATIVE RELEASE - IN PERSON/TELEPHONE (Priority #2)

Combined Hearing Office Process – October 16, 2015



INFORMATION AND PROCESS – WARRANT/SUMMONS APPLICATIONS – IN PERSON/FAX - (Priority #3)

Combined Hearing Office Process – October 16, 2015



COMBINED HEARING OFFICE PRIORITY LISTING OF SERVICE REQUESTS

LOCATION		CALGARY HEARING OFFICE		EDMONTON HEARING OFFICE		OTHER INFORMATION
TYPES OF SERVICE REQUESTS:		PRIORITY	FORM TO BEGIN PROCESS	PRIORITY	FORM TO BEGIN PROCESS	COMMENTS
1	<p>Production Order</p> <p>In Person</p>	<p>Priority 1 or 3 (depending on the urgency).</p> <p>The Information to Obtain a Production Order is categorized as a Priority 1 for purposes of swearing the ITO with the Police Officer.</p> <p>At this time, the Justice of the Peace determines the processing priority.</p> <p>Production Orders are processed immediately, if the Applicant can justify the urgency of the request.</p> <p>If the Priority 1 status cannot be justified, the request proceeds as a Priority 3. Production Order documents are then left with the Justice of the Peace to be dealt with at a later time.</p> <p>The Applicant leaves a telephone number for contact purposes and the Application is placed in an intake basket for JP.</p> <p>Once reviewed by the JP, the Applicant is contacted and advised of the outcome and when they can pick up the documents.</p>	<p>Priority 1 - Emergency Application Request Form</p> <p>Priority 3 - Production Order Request Form</p>	<p>Priority 1 or 3 (depending on the urgency).</p> <p>The Information to Obtain a Production Order is categorized as a Priority 1 for purposes of swearing the ITO with the Police Officer.</p> <p>At this time, the Justice of the Peace determines the processing priority.</p> <p>Production Orders are processed immediately, if the Applicant can justify the urgency of the request.</p> <p>If the Priority 1 status cannot be justified, the request proceeds as a Priority 3. Production Order documents are then left with the Justice of the Peace to be dealt with at a later time.</p> <p>The Applicant leaves a telephone number for contact purposes and the Application is placed in an intake basket for JP.</p> <p>Once reviewed by the JP, the Applicant is contacted and advised of the outcome and when they can pick up the documents.</p>	<p>Priority 1 - Emergency Application Request Form (yellow)</p> <p>Priority 3 - Production Order Request Form (purple)</p>	<p><u>Edmonton:</u></p> <p>For all Search Warrants, Production Orders, or General Warrants: On Monday, Wednesday, and Friday (8:15 a.m.-4:15 p.m.), the Information to Obtain is usually sworn at the Day Justice of the Peace Office located in the Edmonton Law Courts.</p> <p>On Thursday and Friday (8:15 a.m.-4:15 p.m.), the Information to Obtain is sworn at the Hearing Office.</p> <p>Officer then attends to Judge's Chambers for the consideration of the search warrant or order.</p> <p>After 4 p.m., both the swearing of the Information to Obtain and consideration of the application occurs at the Hearing Office.</p> <p><u>Calgary:</u></p> <p>All Search Warrant and Production Order applications for which Justices of the Peace have jurisdiction are received and considered at the Hearing Office. All other search warrant-related applications for which Justices of the Peace do not have jurisdiction are sworn at the Hearing Office then forwarded to Judges' Chambers for consideration of warrant.</p> <p><u>Additional Straddle Shift</u> - Additional Justice of the Peace is scheduled from Mondays to Thursdays between the hours of 12 noon to 8:00 p.m. and Fridays between the hours of 9:00 a.m. to 5:00 p.m. This additional Justice of the Peace primarily considers Priority one applications in addition to Grande Prairie and Red Deer Bail Hearings.</p>

COMBINED HEARING OFFICE PRIORITY LISTING OF SERVICE REQUESTS

LOCATION		CALGARY HEARING OFFICE		EDMONTON HEARING OFFICE		OTHER INFORMATION
TYPES OF SERVICE REQUESTS:		PRIORITY	FORM TO BEGIN PROCESS	PRIORITY	FORM TO BEGIN PROCESS	COMMENTS
2	General Warrants/DNA Warrants In Person	Priority 1	Priority 1 - Emergency Application Request Form	Priority 1	Priority 1 - Emergency Application Request Form (yellow)	<p><u>Edmonton:</u></p> <p>ITO can be sworn by a JP but the application must be made before a Provincial Court Judge. The ITO's are always awarded P1 status.</p> <p>The experience has been that not all of these applications are urgent enough to warrant calling a PCJ at night or on a weekend and the officer was simply attending out of convenience.</p> <p>The JP reviews the paperwork to determine if the request turns out not to be for a General Warrant but rather a warrant or order the JP could have granted.</p> <p>After reviewing the paperwork, if the JP determines there is an urgency for the application the Hearing Office Clerk is instructed to access a list of on call PCJ's to contact a PCJ and advise them of the application.</p> <p><u>Calgary:</u></p> <p>ITO is sworn by the Justice of the Peace. Sworn ITO returned back to Officer who delivers his application to Judges Chambers. No further screening is completed by the Justice of the Peace.</p> <p><u>After Hours (Calgary and Edmonton)</u></p> <p>Whether the officer needs the warrant right away, or is prepared to take it to Judges Chambers on the next working day is a decision that JP's are encouraged to make after discussing it with the officers in private.</p>

COMBINED HEARING OFFICE PRIORITY LISTING OF SERVICE REQUESTS

LOCATION		CALGARY HEARING OFFICE		EDMONTON HEARING OFFICE		OTHER INFORMATION
TYPES OF SERVICE REQUESTS:		PRIORITY	FORM TO BEGIN PROCESS	PRIORITY	FORM TO BEGIN PROCESS	COMMENTS
3	Search Warrant In Person	Priority 1	Priority 1 - Emergency Application Request Form	Priority 1	Priority 1 - Emergency Application Request Form (yellow)	<p>In Edmonton: For all Search Warrants, Production Orders, or General Warrants: On Monday, Wednesday, and Friday (8:15 a.m.-4:15 p.m.), the Information to Obtain is usually sworn at the Day Justice of the Peace Office located in the Edmonton Law Courts.</p> <p>On Thursday and Friday (8:15 a.m.-4:15 p.m.), the Information to Obtain is sworn at the Hearing Office.</p> <p>Officer then attends to Judge's Chambers for the consideration of the search warrant or order.</p> <p>After 4 p.m., both the swearing of the Information to Obtain and consideration of the application occurs at the Hearing Office.</p>
4	Search Warrant (487.1) By Telephone or Fax	Priority 1	<p>Priority 1 - Emergency Application Request Form (via telephone)</p> <p>Priority 1 - Emergency Application Request Form & Fax Cover Sheet Request for Justice of the Peace Services Form (via fax)</p>	Priority 1	<p>Priority 1 - Emergency Application Request Form (yellow) (via telephone)</p> <p>Priority 1 - Emergency Application Request Form (yellow) & Fax Cover Sheet Request for Justice of the Peace Services Form (via fax)</p>	Although the ability exists to request a search warrant by telephone, the experience in both Hearing Offices has been that this type of application rarely occurs. In fact, the recollection of the JP's is that this may occur less than five times per year.
5	Blood Warrant [256(1)] By Telephone or Fax	Priority 1	Priority 1 - Emergency Application Request Form & Fax Cover Sheet Request for Justice of the Peace Services	Priority 1	Priority 1 - Emergency Application Request Form (yellow) (via Telephone)	Blood warrants are almost exclusively by telephone.

COMBINED HEARING OFFICE PRIORITY LISTING OF SERVICE REQUESTS

LOCATION		CALGARY HEARING OFFICE		EDMONTON HEARING OFFICE		OTHER INFORMATION
TYPES OF SERVICE REQUESTS:		PRIORITY	FORM TO BEGIN PROCESS	PRIORITY	FORM TO BEGIN PROCESS	COMMENTS
6	Emergency Protection Order By Telephone	Priority 1	Priority 1 - Emergency Application Request Form & Fax Cover Sheet Request for Justice of the Peace Services (many agencies supply a draft Intake Sheet and draft Emergency Protection Order)	Priority 1	Priority 1 - Emergency Application Request Form (yellow), Fax Cover Sheet Request for Justice of the Peace Services, and EPO Intake Sheet from Claimant/Applicant (faxed)	Emergency Protection Orders (EPO) require viva voce evidence by telephone (via a "designated person", typically a police officer but sometimes a duly authorized victims services representative and any other person defined in the Regulation).
7	Emergency Protection Order In Person	Priority 1	Priority 1 - Emergency Application Request Form & EPO Application (Affidavit) from the Claimant	Priority 1	Priority 1 - Emergency Application Request Form (yellow) & EPO Intake Sheet from Claimant/Applicant (original)	Emergency Protection Orders (EPO) require viva voce evidence in person.
8	Substitutional Service Orders for EPO In Person	Priority 1	Priority 1 - Emergency Application Request Form	Priority 1	Priority 1: Emergency Application Request Form (yellow) , Granted Emergency Protection Order, and PAFVA form for Substitutional Service	Application for substitutional service may be made at the same time as the granting of the EPO or after unsuccessful attempts for service have occurred. For both, an EPO Intake Sheet Substitutional Service form is completed. If order is granted, an Order for Substitutional Service of the Emergency Protection Order form is completed.
9	Substitutional Service Orders for EPO By Telephone	Priority 1	Priority 1 - Emergency Application Request Form & Fax Cover Sheet Request for Justice of the Peace Services & Substitutional Service Intake Sheet	Priority 1	Priority 1 - Emergency Application Request Form (yellow), Fax Cover Sheet Request for Justice of the Peace Services, Granted Emergency Protection Order, and PAFVA form for Substitutional Service	Application for substitutional service may be made at the same time as the granting of the EPO or after unsuccessful attempts for service have occurred. For both, an EPO Intake Sheet Substitutional Service form is completed. If order is granted, An Order for Substitutional Service of the Emergency Protection Order form is completed.

COMBINED HEARING OFFICE PRIORITY LISTING OF SERVICE REQUESTS

LOCATION		CALGARY HEARING OFFICE		EDMONTON HEARING OFFICE		OTHER INFORMATION
TYPES OF SERVICE REQUESTS:		PRIORITY	FORM TO BEGIN PROCESS	PRIORITY	FORM TO BEGIN PROCESS	COMMENTS
10	Missing Persons Act - In Person	Priority 1	Priority 1 - Emergency Application Request Form	Priority 1	Priority 1 - Emergency Application Request Form (yellow)	Applications can be made in person. Sworn affidavit in support of application needs to be prepared.
11	Feeney Warrant Application In Person	Priority 1	Priority 1 - Emergency Application Request Form	Priority 1	Priority 1 - Emergency Application Request Form (yellow)	
12	Feeney Warrant Application (529.5) By Telephone or Fax	Priority 1	Priority 1 - Emergency Application Request Form & Fax Cover Sheet Request for Justice of the Peace Services	Priority 1	Priority 1 - Emergency Application Request Form (yellow) (via Telephone) Fax Cover Sheet Request for Justice of the Peace Services and ITO (via Fax)	Feeney warrants are almost exclusively by telephone
13	Child Apprehension Order (APO) Application/Drug Endangered Children's Act (DECA) Application/Protection Against Sexually Exploited Children's Act (PSECA)	Priority 1	Priority 1 - Emergency Application Request Form	Priority 1	Priority 1 - Emergency Application Request Form (yellow)	These applications can be made via telephone if the Applicant can show that it is impracticable to do so in person. Although, most applications are made via telephone and very few in person applications
14	Process Applications - Warrants (508.1) By Fax	Priority 1 or 3 (depending on the urgency) - For Warrant for Arrest Applications, JP may treat as Priority 1 (i.e. Domestic Violence matters)	Priority 1 Applications (fax) - Emergency Application Request Form and Fax Cover Sheet Request for Justice of the Peace Services; Priority 3 Applications - Priority 3 - Process Application Request Form and Fax Cover Sheet for the Justice of the Peace	Priority 3 or Priority 1 - (depending on urgency)	Priority 3 - Fax Cover Sheet - Request for Justice of the Peace Services Priority 1 - Urgent Tag (orange) attached to Agency Package when provided to the Justice of the Peace	

COMBINED HEARING OFFICE PRIORITY LISTING OF SERVICE REQUESTS

LOCATION		CALGARY HEARING OFFICE		EDMONTON HEARING OFFICE		OTHER INFORMATION
TYPES OF SERVICE REQUESTS:		PRIORITY	FORM TO BEGIN PROCESS	PRIORITY	FORM TO BEGIN PROCESS	COMMENTS
15	Process Applications (Warrants) In Person	Priority 1 or 3 (depending on the urgency) - For Warrant for Arrest Applications, JP may treat as Priority 1 (i.e. Domestic Violence matters)	Priority 3 - Process Application Request Form (if it is of an urgent nature, a notation is made on the request form so that the JP is aware that it's an emergent request)	Priority 1	No Form Used - Agency Package Provided the to Justice of the Peace	
16	Process Applications - Summons In Person or by Fax (508.1)	Priority 3	Priority 3 - Process Application Request Form	Priority 3	No Form Used - Agency Package Provided to the Justice of the Peace	These are treated as P3's unless the agency can justify why issuing a summons is urgent. This usually never occurs as if the matter is urgent the accused is either arrested and held for bail or a warrant is sought. Hearing Offices also see many "other" enforcement agencies (Fish & Wildlife, Alberta Health Services, Service Alberta, etc.) attending in person to get informations sworn and summons issued. These requests would be treated as P1's in the Day Office at Edmonton Law Courts.
17	Judicial Interim Release (508.1/515(2.2), (2.3) By Telephone or CCTV	Priority 2	Fax Cover Sheet- Request for Justice of the Peace Services	Priority 2	Fax Cover Sheet- Request for Justice of the Peace Services	
18	Administrative Releases By Telephone or In Person	Priority 2	No form- Completed by Staff JP	Priority 2	No form- Completed by Staff JP	

COMBINED HEARING OFFICE PRIORITY LISTING OF SERVICE REQUESTS

LOCATION		CALGARY HEARING OFFICE		EDMONTON HEARING OFFICE		OTHER INFORMATION
TYPES OF SERVICE REQUESTS:		PRIORITY	FORM TO BEGIN PROCESS	PRIORITY	FORM TO BEGIN PROCESS	COMMENTS
19	<p>Six Day Remand</p> <p>By Telephone or CCTV - 515 (2.2), (2.3)</p> <p>- Part A - By Fax, Part B - By Telephone or CCTV</p>	Priority 2	Fax Cover Sheet- Request for Justice of the Peace Services	Priority 2	Fax Cover Sheet- Request for Justice of the Peace Services (via fax)	<p>There are two parts to Form 28 Warrants:</p> <p>a) If an accused is arrested on Alberta warrants in a different province, the Hearing Office receives an affidavit by fax requesting verification of the signature on the warrants</p> <p>b) If an accused is arrested in Alberta on out-of-province warrants, the Justice of the Peace will hear these remand hearings either through CCTV or Telephone, no different than, as an example, a Judicial Interim Release.</p> <p><u>Calgary:</u></p> <p>If an accused is arrested in Alberta on out-of-province warrants, the Justice of the Peace will hear these remand hearings either through CCTV or Telephone, no different than, as an example, a Judicial Interim Release.</p>
20	<p>Form 28</p> <p>In Person</p>	Priority 3 - Officer may be waiting for the Form 28 endorsement in order to execute the warrant	Priority 3 - Process Application Request Form (if it is of an urgent nature, a notation is made on the request form so that the JP is aware that it's an emergent request)	Priority 1 or 2 (depending on the urgency) - Officer may be waiting for the Form 28 endorsement in order to execute the warrant	<p>No Form Used - Agency Package Provided to the Justice of the Peace</p> <p>Priority 1 - Urgent Tag (orange) attached to Agency Package when provided to the Justice of the Peace</p>	<p>Most often these requests are urgent because the Sheriff's are waiting to take the accused away and need the Form 28 processed without delay, which it usually is barring issues with the paperwork.</p> <p><u>Calgary:</u></p> <p>Priority 3 Request form completed. If it of an urgent nature, Priority Request is flagged with an "urgent" note.</p>
21	<p>Form 28 528(1.1)</p> <p>By Fax</p>	Priority 3 (depending on the urgency) - Officer may be waiting at Agency Office in order to execute the warrant	Priority 3 - Process Application Request Form and Fax Cover Sheet Request for Justice of the Peace Services (if it is of an urgent nature, a notation is made on the request form so that the JP is aware that it's an emergent request)	Priority 1 or 2 (depending on the urgency) - Officer may be waiting at Agency Office in order to execute the warrant	<p>Fax Cover Sheet- Request for Justice of the Peace Services</p> <p>Priority 1 - Urgent Tag (orange) attached to Agency Package when provided to the Justice of the Peace</p>	<p><u>Calgary:</u></p> <p>Priority 3 Request form completed. If it of an urgent nature, Priority Request is flagged with an "urgent" note.</p>

HEARING OFFICE SERVICE REQUEST APPLICATIONS - GAP ANALYSIS and BEST PRACTICES

LOCATION		CALGARY HEARING OFFICE	EDMONTON HEARING OFFICE	SUGGESTED BEST PRACTICE/FURTHER INFORMATION
PROCESS		CURRENT PRACTICE	CURRENT PRACTICE	
1	ADMINISTRATIVE RELEASE	a) Calgary Remand Centre JP distributes documentation copies to all stakeholder parties	a) Edmonton Remand Centre JP does not distribute, due to capacity. All documentation is returned to the Edmonton Hearing Office for distribution	a) Remand Centre JP should do all distribution of documentation being handled at the Centre. This is a process change required with the Edmonton Remand Centre JP, but due to current capacity, unsure when this change can be implemented.
2	INFORMATION AND PROCESS - WARRANT/SUMMONS APPLICATION	No GAPS to report	No GAPS to report	
3	APPREHENSION ORDER CYFEA/DECA/PSECA ORDERS	No GAPS to report	No GAPS to report	
4	EMERGENCY PROTECTION ORDER In Person	<p>a) Calgary Justice of the Peace receives an EPO Application from the claimant to begin process - Protection Against Family Violence Act (PAFVA) changes - November 1, 2011</p> <p>b) For Calgary matters, fax and original is sent to Court of Queen's Bench, and fax to the applicable Family Court</p> <p>c) No distribution to the Family Law Information Centre (FLIC) occurs</p> <p>d) Denied EPO applications, Calgary distributes to Court of Queens' Bench, Family Court, and Transcript Management Services</p>	<p>a) Edmonton Justice of the Peace receives an EPO Intake form from the claimant to begin the process</p> <p>b) For Edmonton matters, fax and original is sent to the Family Law Centre (FLC) , a unified Family Court, not individually to Court of Queen's Bench and Family Court</p> <p>c) Fax copy of granted EPO is sent to Family Law Centre (FLIC) occurs</p> <p>d) Denied EPO applications, Edmonton only distributes to the Family Law Centre and applicable Court of Queen's Bench jurisdictions</p>	<p>a) Justice of the Peace in both Hearing Offices are using a different form to begin the EPO process when in person. Administrative JPs to decide if a change should occur with these forms.</p> <p>b) No change required. Edmonton does not distribute individually in Edmonton, due to the unified Provincial and Court of Queen's Bench Court, Family Law Centre.</p> <p>c) For Edmonton matters, Edmonton Hearing Office faxes a copy of the granted EPO to FLIC. FLIC informs they utilize this copy to prepare their court docket ahead of time and would like the practice to continue. Calgary FLIC has not requested this same distribution.</p> <p>d) There is an inconsistent practice in the province causing this difference. Some QB jurisdictions open files on denied EPOS and receive a transcript, other's only receive the denied EPO and hold for destruction under current regulations. Future work will be done to clarify the required procedure with QB, and then both Hearing Offices will adjust this distribution as required.</p>

HEARING OFFICE SERVICE REQUEST APPLICATIONS - GAP ANALYSIS and BEST PRACTICES

LOCATION		CALGARY HEARING OFFICE	EDMONTON HEARING OFFICE	SUGGESTED BEST PRACTICE/FURTHER INFORMATION
PROCESS		CURRENT PRACTICE	CURRENT PRACTICE	
5	EMERGENCY PROTECTION ORDER By Telephone	<p>a) For Calgary matters, fax and original is sent to Court of Queen's Bench, and fax to the applicable Family Court</p> <p>b) No distribution to the Family Law Information Centre (FLIC) occurs</p> <p>c) Denied EPO applications, Calgary distributes to Court of Queens' Bench, Family Court, and Transcript Management Services</p>	<p>a) For Edmonton matters, fax and original is sent to the Family Law Centre (FLC) , a unified Family Court, not individually to Court of Queen's Bench and Family Court</p> <p>b) Fax copy of granted EPO is sent to Family Law Centre (FLIC)</p> <p>c) Denied EPO applications, Edmonton only distributes to the Family Law Centre and applicable Court of Queen's Bench jurisdictions</p>	<p>a) No change required. Edmonton does not distribute individually in Edmonton, due to the unified Provincial and Court of Queen's Bench Court, Family Law Centre.</p> <p>b) For Edmonton matters, Edmonton Hearing Office faxes a copy of the granted EPO to FLIC. FLIC informs they utilize this copy to prepare their court docket ahead of time and would like the practice to continue. Calgary FLIC has not requested this same distribution.</p> <p>c) There is an inconsistent practice in the province causing this difference. Some QB jurisdictions open files on denied EPOS and receive a transcript, other's only receive the denied EPO and hold for destruction under current regulations. Future work will be done to clarify the required procedure with QB, and then both Hearing Offices will adjust this distribution as required.</p>
6	BLOOD/FEENEY WARRANT APPLICATION	<p>a) Granted Search warrants goes to Calgary's Provincial Court Search Warrant Coordinator for distribution to applicable Base Court locations</p>	<p>a) Hearing Office staff send search warrants to applicable Base Court locations</p>	<p>Provincial Court Administration is arranged differently in both centres. The Search Warrant Co-ordinator in Edmonton is under Provincial Court, Criminal, and handles search warrants for the operation as well as supervises the Finished Filing Unit. There is no capacity in this position to absorb the distribution of all search warrants for the Edmonton Hearing Office.</p>

HEARING OFFICE SERVICE REQUEST APPLICATIONS - GAP ANALYSIS and BEST PRACTICES

LOCATION		CALGARY HEARING OFFICE	EDMONTON HEARING OFFICE	SUGGESTED BEST PRACTICE/FURTHER INFORMATION
PROCESS		CURRENT PRACTICE	CURRENT PRACTICE	
7	<p>SEARCH WARRANT</p> <p>By Fax</p>	<p>a) Hearing Office Staff do not review search warrant documentation</p> <p>b) Granted applications go to Calgary's Provincial Court Search Warrant Coordinator for distribution to applicable Base Courts</p> <p>c) Upon application being denied, Calgary Hearing Office delivers Priority Sheet to the Search Warrant Coordinator</p>	<p>a) Hearing Office Staff review search warrant documentation for page numbering, officer's initials, and orphaned jurats</p> <p>b) Hearing Office staff send granted applications to applicable Base Court locations</p> <p>c) Upon application being denied, Edmonton Hearing Office does not distribute documents to the Search Warrant Coordinator at the applicable Base Court location</p> <p>☐</p>	<p>a) Edmonton Hearing Office Staff conduct an initial review for page numbering, Officer initials, and orphaned jurats. This practice has always been in place in Edmonton. A possible recommended best practice for granted search warrants and sealing orders would be to adopt Calgary's processes, where the JP prepare copies of documents, or faxes, and then seal in envelopes for both the Officer and the Search Warrant Coordinators prior to handing back to staff for distribution. Such a recommendation requires further research and consultation.</p> <p>b) No change to occur. Provincial Court Administration is arranged differently in both centres. The Search Warrant Co-ordinator in Edmonton is under Provincial Court, Criminal, and handles search warrants for the operation as well as supervises the Finished Filing Unit. There is no capacity in this position to absorb the distribution of all search warrants for the Edmonton Hearing Office.</p> <p>c) Due to the Calgary City Police internal control numbering system on their search warrants, all Priority Sheets are delivered to the Calgary Search Warrant Coordinator for tracking purposes.</p>

HEARING OFFICE SERVICE REQUEST APPLICATIONS - GAP ANALYSIS and BEST PRACTICES

LOCATION		CALGARY HEARING OFFICE	EDMONTON HEARING OFFICE	SUGGESTED BEST PRACTICE/FURTHER INFORMATION
PROCESS		CURRENT PRACTICE	CURRENT PRACTICE	
8	<p>SEARCH WARRANT FEENEY/PRODUCTION ORDER/ In Person</p>	<p>a) Hearing Office Staff do not review search warrant documentation</p> <p>b) Pick up time of officer retrieving held documents is not logged into the database</p> <p>c) Granted applications go to Calgary's Provincial Court Search Warrant Coordinator for distribution to applicable Base Courts</p> <p>d) Upon application being denied, Calgary Hearing Office delivers Priority Sheet to the Search Warrant Coordinator.</p>	<p>a) Hearing Office Staff review search warrant documentation for page numbering, officer's initials, and orphaned jurats</p> <p>b) Pick up time of officer retrieving held documents is logged into the database</p> <p>c) Hearing Office staff send granted applications to applicable Base Court locations</p> <p>d) Upon application being denied, Edmonton Hearing Office does not distribute documents to the Search Warrant Coordinator at the applicable Base Court location</p>	<p>a) Edmonton Hearing Office Staff conduct an initial review for page numbering, Officer initials, and orphaned jurats. This practice has always been in place in Edmonton. A possible recommended best practice for granted search warrants and sealing orders would be to adopt Calgary's processes, where the JP prepare copies of documents, or faxes, and then seal in envelopes for both the Officer and the Search Warrant Coordinators prior to handing back to staff for distribution. Such a recommendation requires further research and consultation. It should be noted that the current Calgary practice of the Justice of the Peace reviewing and copying the documents can consume up to one hour in total of an eight hour shift.</p> <p>b) Due to the importance of these documents, pick up time of the officer retrieving documents should be logged into the database</p> <p>c) No change to occur. Provincial Court Administration is arranged differently in both centres. The Search Warrant Co-ordinator in Edmonton is under Provincial Court, Criminal, and handles search warrants for the operation as well as supervises the Finished Filing Unit. There is no capacity in this position to absorb the distribution of all search warrants for the Edmonton Hearing Office.</p> <p>d) Due to Calgary City Police using an internal control numbering system on their search warrants, all Priority Sheets are delivered to the Calgary Search Warrant Coordinator for tracking purposes</p>

HEARING OFFICE SERVICE REQUEST APPLICATIONS - GAP ANALYSIS and BEST PRACTICES

LOCATION		CALGARY HEARING OFFICE	EDMONTON HEARING OFFICE	SUGGESTED BEST PRACTICE/FURTHER INFORMATION
PROCESS		CURRENT PRACTICE	CURRENT PRACTICE	
9	JUDICIAL INTERIM RELEASE (BAIL HEARINGS)	a) Hearing Office Staff do not routinely fax remand centres all detention warrants from judicial interim release hearings	a) Hearing Office Staff fax remand centres with all detention warrants from judicial interim release hearings	<p>This GAP is due to an inconsistent practice within provincial remand centres. Edmonton routinely faxes both the remand centre and the Agency with the detention warrant from judicial interim release hearings, and bail-brought-back hearings.</p> <p>This is done to mitigate risks, for example:</p> <p>a) staff are not always aware that the accused is not at the same location as the presenting officer,</p> <p>b) Agency does not always turn in a copy of the warrant to Sentence Administration at the centre when transporting the prisoner,</p> <p>c) Remand centres have incorrectly released inmates due to this warrant not being within Sentence Administration. By faxing the remand centre, it allows the institution to expect transport or to know the outcome of a bail-brought-back hearing.</p>

ADDITIONAL INFORMATION:

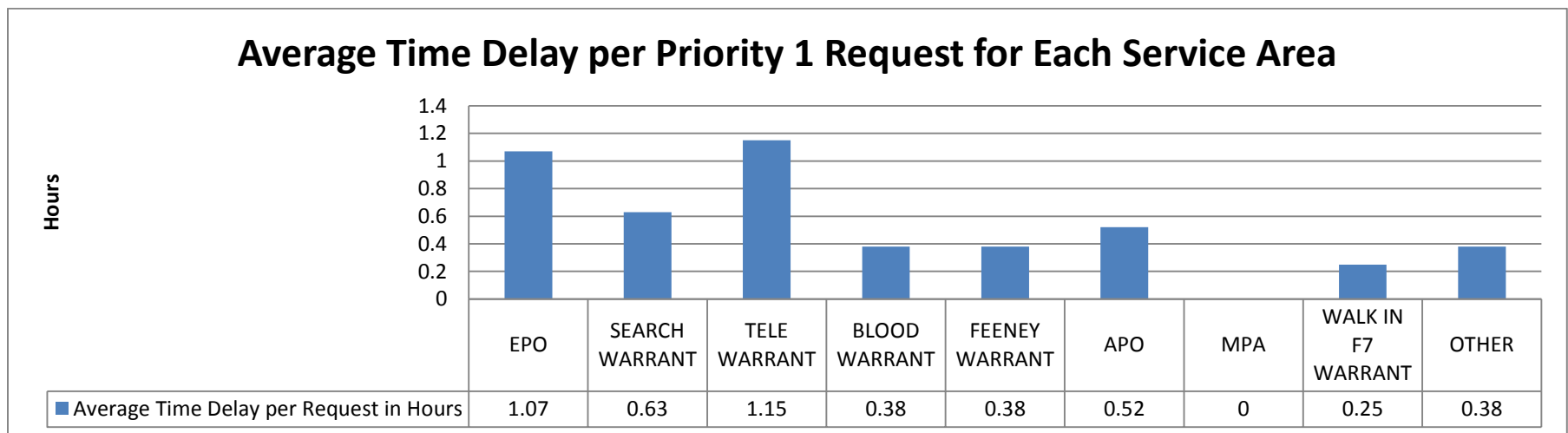
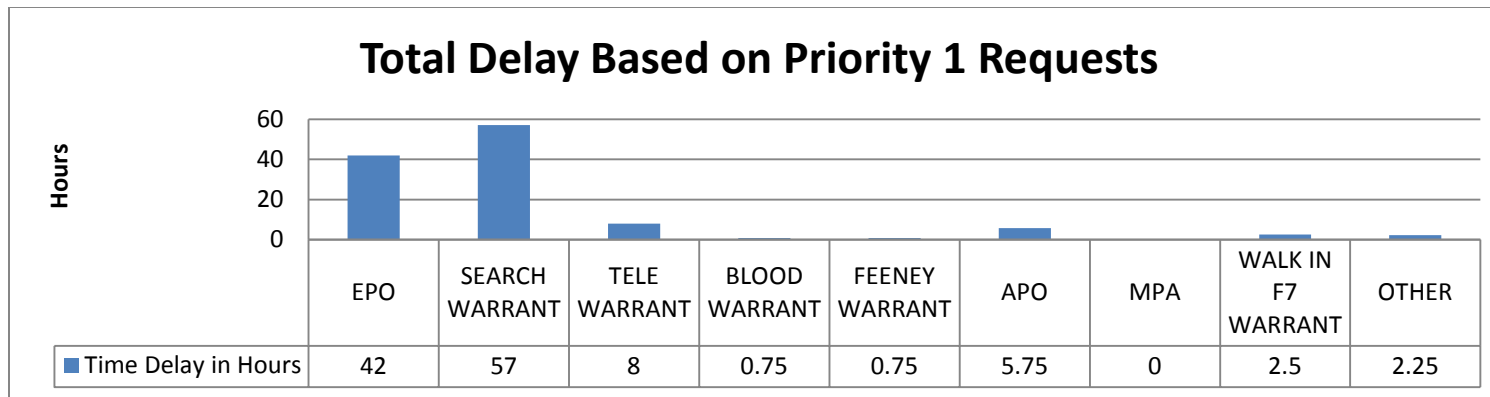
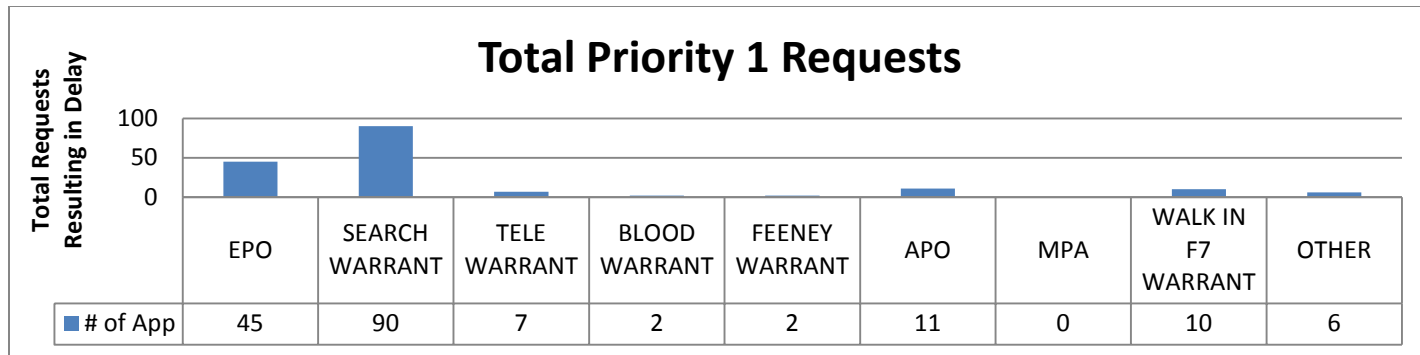
EDMONTON - All in Person Search Warrants, Production Orders, or General Warrants: On Monday, Wednesday, and Friday from 8:15 a.m. - 4:15 p.m., the Information to Obtain is usually sworn at the Day Justice of the Peace Office located in the Edmonton Law Courts. On Tuesday and Thursday from 8:15 a.m. - 4:15 p.m., the Information to Obtain is sworn at the Hearing Office. In either case, the Officer then attends to Judge's Chambers for the consideration of the search warrant or order. After 4 p.m. on weekdays, and at any time on weekends and holidays, both the swearing of the Information to Obtain and consideration of the application occurs at the Hearing Office.

CALGARY - All Search Warrant and Production Order applications for which Justices of the Peace have jurisdiction are received and considered at the Hearing Office. All other search warrant-related applications for which Justices of the Peace do not have jurisdiction are sworn at the Hearing Office then forwarded to Judges' Chambers for consideration of warrant.

EDMONTON - DAY JUSTICE OF THE PEACE OFFICE - Shift schedule is Monday, Wednesday, and Friday from 8:15 a.m. to 4:15 p.m. Justice of the Peace accepts Priority 3 process requests, walk-in enforcement agency requests to swear informations and issue process, private information applicants by appointment and over-flow EPO applications from Edmonton Provincial Family Court. Other enforcement agencies attend in person for the swearing of informations and issuance of process. These in person requests are treated as a priority 1.

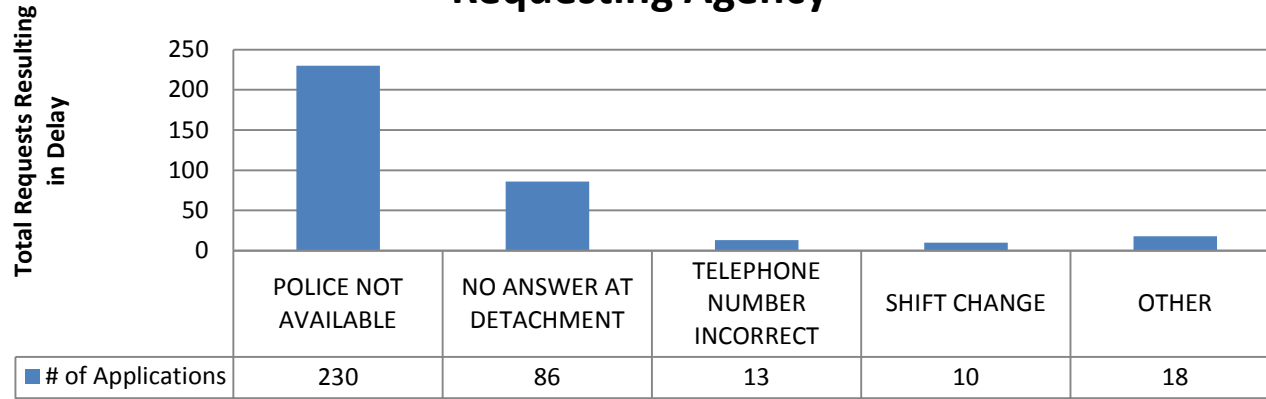
CALGARY - JUSTICE OF THE PEACE STRADDLE SHIFT - Additional Justice of the Peace is scheduled from Mondays to Thursdays between the hours of 12 noon to 8:00 p.m. and Fridays between the hours of 9:00 a.m. to 5:00 p.m. This additional Justice of the Peace primarily considers Priority one applications in addition to Grande Prairie and Red Deer Bail Hearings.

COMBINED HEARING OFFICE SERVICE DELAY			
DELAY BASED ON PRIORITY 1 REQUESTS			
TOTAL TIME DELAY - RCMP	36.75 hrs.	OVERALL AVERAGE DELAY - RCMP	41 min.
TOTAL TIME DELAY - OTHER AGENCIES	82.50 hrs.	OVERALL AVERAGE DELAY - OTHER AGENCIES	41 min.
TOTAL COMBINED TIME DELAY	119.25 hrs.	COMBINED AVERAGE DELAY	41 min.
TOTAL REQUESTS - RCMP	54	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - RCMP	3
TOTAL REQUESTS - OTHER AGENCIES	119	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - OTHER AGENCIES	1
TOTAL COMBINED REQUEST	173	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - OTHER AGENCIES	4
OVERALL TOTAL REQUESTS = INCLUDES FORMS WHERE NO TIME HAS BEEN PROVIDED BY JP = 177 (57 RCMP; 120 OTHER AGENCIES) TOTAL DELAY FORMS USED FOR SURVEY = 173 (54 RCMP; 119 OTHER AGENCIES)			
COMMENTS:			
➡ RCMP = 31% of the total tracked delay was attributed to RCMP service requests.			
➡ OTHER AGENCIES = 69 % of the total tracked delay was attributed to all other agencies.			
➡ <u>Amount of Time Attributed to Delay</u> - on average the delay to other service requests due to Priority 1 applications (emergency applications) coming in to the Hearing Office is 41 minutes per Priority 1 request.			
➡ RCMP = Average of 41 min. delay per Priority 1 service request			
➡ OTHER AGENCIES = Average of 41 min. delay per Priority 1 service request			

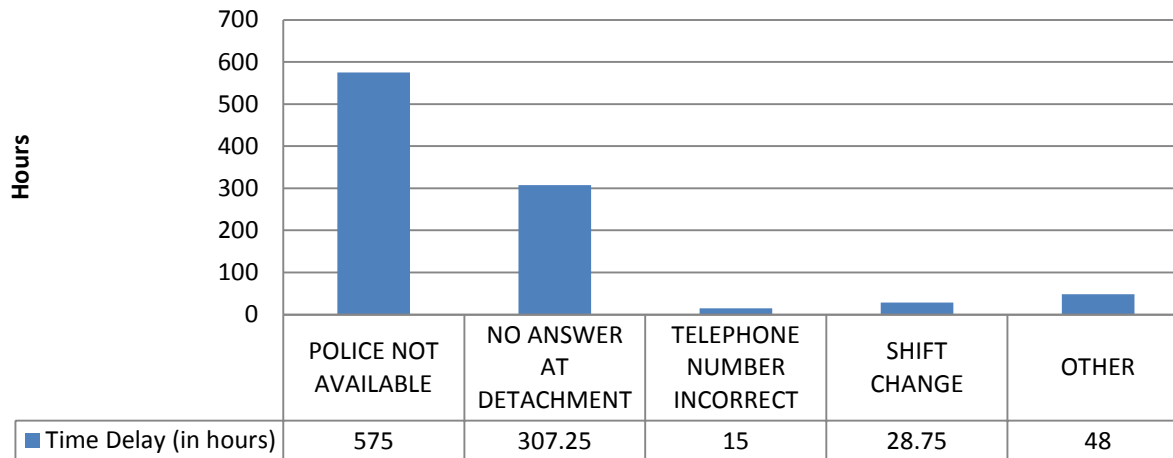


COMBINED HEARING OFFICE SERVICE DELAY			
DELAY BASED ON REQUESTING AGENCY			
TOTAL TIME DELAY - RCMP	847.75 hrs.	OVERALL AVERAGE DELAY - RCMP	2 hr. 49 min.
TOTAL TIME DELAY - OTHER AGENCIES	127.25 hrs.	OVERALL AVERAGE DELAY - OTHER AGENCIES	2 hr. 14 min.
TOTAL COMBINED TIME DELAY	975 hrs.	COMBINED AVERAGE DELAY	2 hr. 44 min
TOTAL REQUESTS - RCMP	300	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - RCMP	76
TOTAL REQUESTS - OTHER AGENCIES	57	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - OTHER AGENCIES	3
TOTAL COMBINED REQUEST	357	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - OTHER AGENCIES	79
OVERALL TOTAL REQUESTS = INCLUDES FORMS WHERE NO TIME HAS BEEN PROVIDED BY JP = 436 (376 RCMP; 60 OTHER AGENCIES) TOTAL DELAY FORMS USED FOR SURVEY = 357 (300 RCMP; 57 OTHER AGENCIES)			
COMMENTS (Most of the tracked delay in this area is based on requests for bail hearings):			
➡ RCMP = 300 SERVICE REQUESTS - 84% of the total tracked delay based on requesting agency was attributed to accused in custody at RCMP detachments. It is duly noted that Calgary and Edmonton Police Services have dedicated staff assigned to bail hearings while most other agencies, including RCMP do not.			
➡ OTHER AGENCIES = 57 SERVICE REQUESTS - 16 % of the total tracked delay based on requesting agency was attributed to accused in custody at other agencies, including Calgary and Edmonton Police Services.			
➡ <u>Amount of Time Attributed to Delay</u> - on average the delay based on requesting agency not being ready to proceed when called by the Hearing Office is 2 hrs. and 44 minutes per service request.			
➡ RCMP = total tracked delay attributed to RCMP not being ready to proceed = 2 hrs. and 49 minutes per service request.			
➡ OTHER AGENCIES = total tracked delay attributed to Other Agencies not being ready to proceed = 2 hrs. and 14 minutes per service request (this includes Calgary and Edmonton Police Services)			

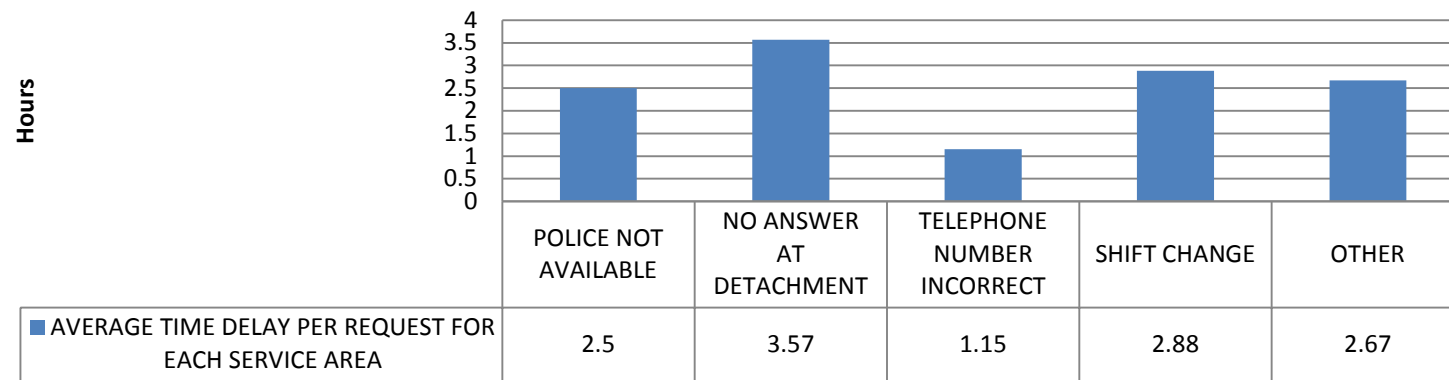
Total Requests Resulting in Delay Based on Requesting Agency



Total Delay Based on Requesting Agency

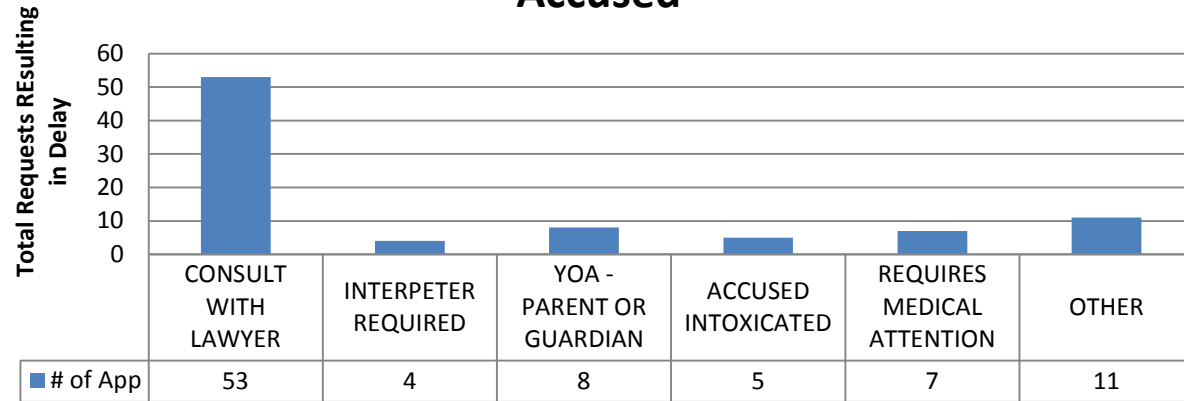


Average Time Delay per Request Based on Requesting Agency

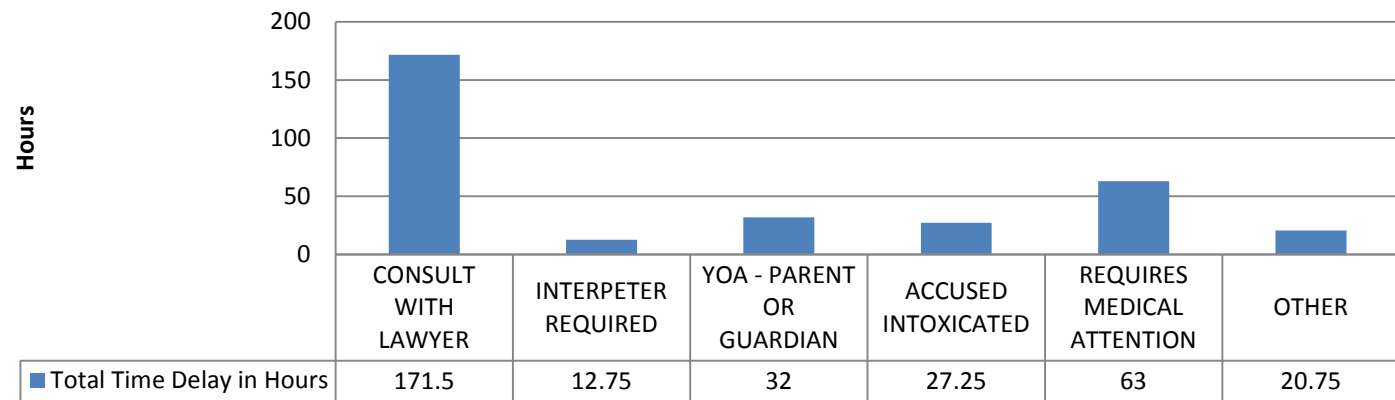


COMBINED HEARING OFFICE SERVICE DELAY			
TOTAL TIME DELAY BASED ON ACCUSED			
TOTAL TIME DELAY - RCMP	261.5 hrs.	OVERALL AVERAGE DELAY - RCMP	3 hr. 32 min.
TOTAL TIME DELAY - OTHER AGENCIES	65.75 hrs.	OVERALL AVERAGE DELAY - OTHER AGENCIES	4 hr. 41 min.
TOTAL COMBINED TIME DELAY	327.25 hrs.	COMBINED AVERAGE DELAY	3 hr. 43 min.
TOTAL REQUESTS - RCMP	74	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - RCMP	18
TOTAL REQUESTS - OTHER AGENCIES	14	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - OTHER AGENCIES	2
TOTAL COMBINED REQUEST	88	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - OTHER AGENCIES	20
OVERALL TOTAL REQUESTS = INCLUDES FORMS WHERE NO TIME HAS BEEN PROVIDED BY JP = 108 (92 RCMP; 16 OTHER AGENCIES) TOTAL DELAY FORMS USED FOR SURVEY = 88 (74 RCMP; 14 OTHER AGENCIES)			
COMMENTS (All of the tracked delay in this area is based on requests for bail hearings):			
➡ RCMP = 74 SERVICE REQUESTS - 84% of the total tracked delay attributed to the accused or counsel were for accused in custody at RCMP detachments.			
➡ OTHER AGENCIES = 14 SERVICE REQUESTS - 16% of the total tracked delay attributed to the accused or counsel were for accused in custody in other enforcement agency holding cells (includes Calgary and Edmonton Police Service Arrest Processing Units).			
➡ <u>Amount of Time Attributed to Delay</u> - on average the delay based on accused requiring counsel, or other delay attributed to the accused not being ready to proceed when called by the Hearing Office is 3 hrs. and 43 minutes per service request.			
➡ RCMP HEARINGS= total tracked delay attributed to accused in RCMP custody not being ready to proceed = 3 hrs. and 32 minutes per service request.			
➡ OTHER AGENCY HEARINGS= total tracked delay attributed to accused in custody in other enforcement agency holding cells (includes Calgary and Edmonton Police Service Arrest Processing Units) = 4 hrs. and 42 minutes per service request.			

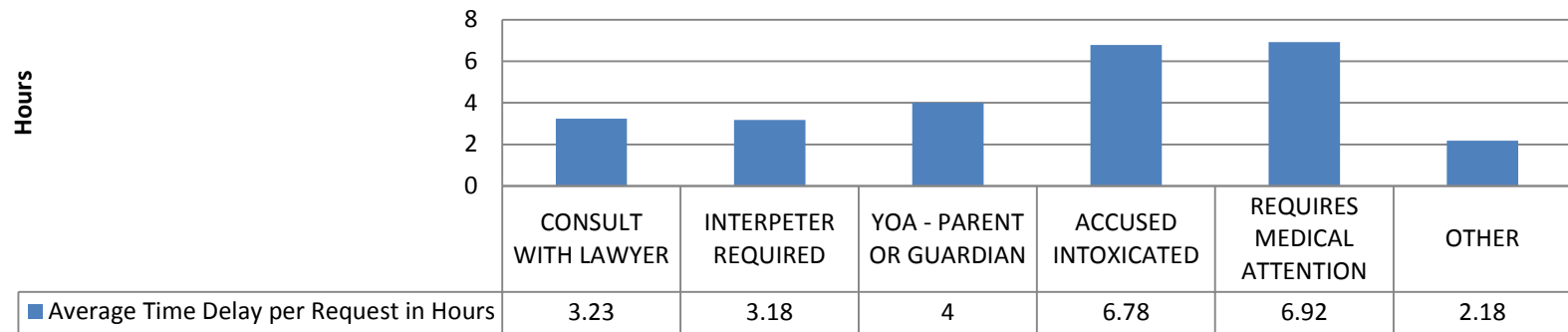
Total Requests Resulting in Delay Based on Accused



Total Delay Based on Accused

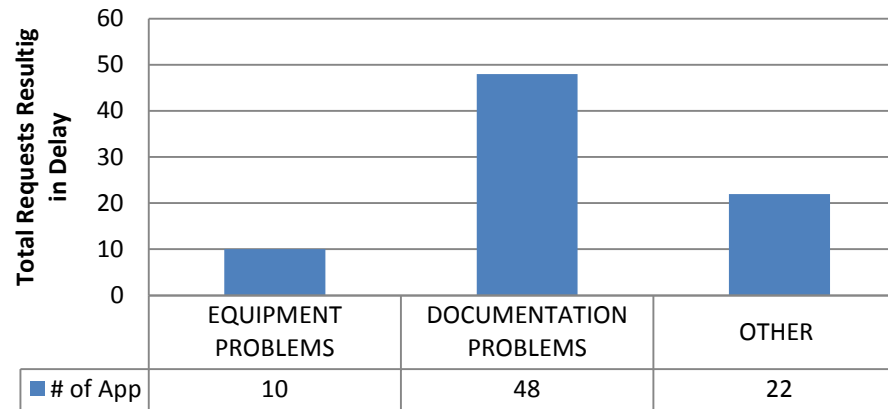


Average Time Delay per Request Based on Accused

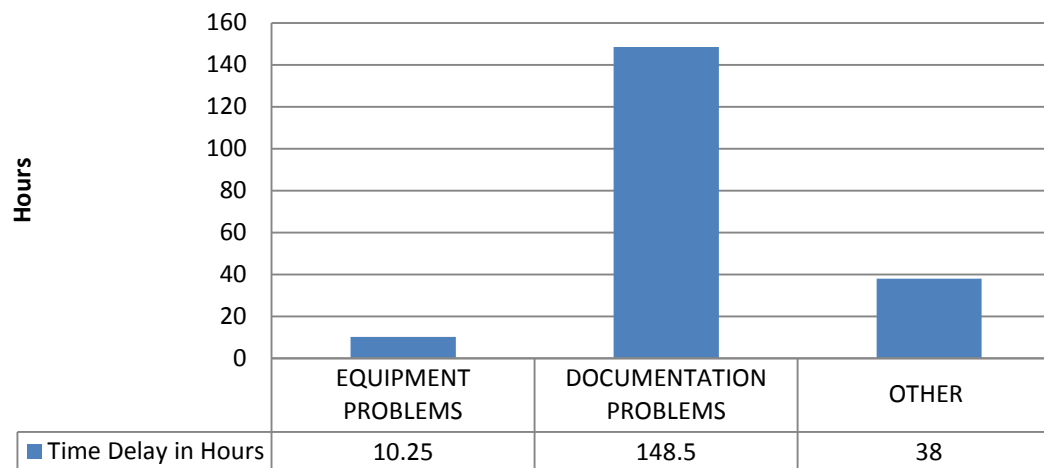


COMBINED HEARING OFFICE SERVICE DELAY			
TOTAL TIME DELAY BASED ON OTHER REASONS (Equipment Failure, Incomplete Documents, Other)			
TOTAL TIME DELAY - RCMP	144 hrs.	OVERALL AVERAGE DELAY - RCMP	2 hr. 37 min.
TOTAL TIME DELAY - OTHER AGENCIES	52.75 hrs.	OVERALL AVERAGE DELAY - OTHER AGENCIES	2 hr. 7 min.
TOTAL COMBINED TIME DELAY	196.75 hrs.	COMBINED AVERAGE DELAY	2 hr. 27 min.
TOTAL REQUESTS - RCMP	55	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - RCMP	5
TOTAL REQUESTS - OTHER AGENCIES	25	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - OTHER AGENCIES	0
TOTAL COMBINED REQUEST	80	TOTAL REQUESTS WHERE NO TIME IS RECORDED BY JP - OTHER AGENCIES	5
OVERALL TOTAL REQUESTS = INCLUDES FORMS WHERE NO TIME HAS BEEN PROVIDED BY JP = 85 (60 RCMP; 25 OTHER AGENCIES) TOTAL DELAY FORMS USED FOR SURVEY = 80 (55 RCMP; 25 OTHER AGENCIES)			
COMMENTS (Most of the tracked delay in this area is based on requests for bail hearings):			
➡ RCMP = 55 SERVICE REQUESTS - 69% of the total tracked delay attributed to other reasons are for service requests arising from RCMP detachments. The majority of this delay is due to incomplete and or inaccurate documentation.			
➡ OTHER AGENCIES = 25 SERVICE REQUESTS - 31% of the total tracked delay attributed to other reasons are for service requests arising from other agencies. The majority of this delay is due to incomplete and or inaccurate documentation.			
➡ <u>Amount of Time Attributed to Delay</u> - on average the total tracked delay based on other reasons is 2 hrs. and 27 minutes per service request.			
➡ RCMP HEARINGS= total tracked delay for accused in RCMP custody based on other reasons = 2 hrs. and 37 minutes per service request.			
➡ OTHER AGENCY HEARINGS = total tracked delay for accused in custody at other enforcement agency holding cells (includes Calgary & Edmonton Police Service Arrest Processing Units- based on other reasons = 2 hrs. and 7 minutes per service request.			

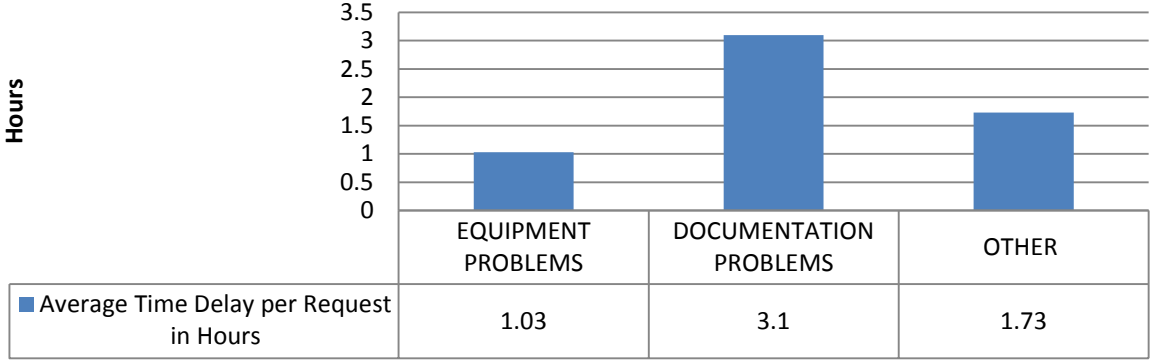
Total Requests Resulting in Delay Based on Other Reasons



Total Delay Based on Other Reasons



Average Time Delay per Request Based on Other Reasons



HEARING OFFICE REVIEW (HORC) - JURISDICTIONAL REVIEW - JUSTICE OF THE PEACE SERVICES

What level of Justices of the Peace (JP) do you have? Legally or Non Legally Trained

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
Both Legally & Non-Legally Trained 1) Justice of the Peace - legally trained 2) Non-Presiding Justice of the Peace - non-legally trained.	Both Legally & Non-Legally Trained	Non-Legally Trained There is no requirement in Manitoba for JP's to be legally trained.	Non-Legally Trained	Non-Legally Trained (See letters of authorization attached) NWT has <u>5 levels</u> of JP's: 1) <u>A1</u> - Administrative 1 Court Personnel 2) <u>A2</u> - Administrative 2 Public Administrative 3) <u>P1</u> - Presiding Level 1 4) <u>P2</u> - Presiding Level 2 5) <u>P3</u> - Presiding Level 3	Both Legally & Non-Legally Trained Nova Scotia has 3 levels of Justices of the Peace. Staff JP, Administrative JP, and Presiding JPs.	Both Legally & Non-Legally Trained	Non-Legally Trained	Non-Legally Trained	Both Legally & Non-Legally Trained <u>There are 3 levels of JP's:</u> <u>JP 1</u> - not legally trained <u>JP 2</u> - not legally trained but have a College Degree <u>Magistrate JP's</u> - named by the Provincial Court (law degree)	Both Legally & Non-Legally Trained	Non-Legally Trained

Legally Trained Justices of the Peace & Services Provided

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
<u>Justice of the Peace</u> <u>Services Provided:</u> - receiving informations; issuing process; under the CCC: issuing Search Warrants, Feeney Warrants, Blood Warrants, etc.; presiding over judicial interim release hearings; under provincial legislation: issuing orders for Child Apprehension or Emergency Protection; or orders under the Missing Persons Act; may hear and try matters arising under a variety of designated provincial regulatory acts, including traffic court matters.	<u>Judicial Justice of the Peace</u> <u>Services Provided:</u> Search Warrants Small Claims payment hearings Adjudicate traffic disputes Bail Hearings	Not applicable - no requirement for legal training Although there is no requirement for JP's to be legally trained, one of the 21 Judicial Justice of the Peace (JJP) has legal training.	Not applicable - no requirement for legal training	Not applicable - no requirement for legal training	<u>Presiding JPs</u> are practicing lawyers. <u>Services Provided:</u> Presiding JPs preside over night court for Peace Bond applications, Motor Vehicle Court. Presiding JPs also hear applications for Emergency Protection Orders, Search Warrants, and Cyber Safety Protection Orders.	<u>Senior Justice of the Peace</u> - There is one legally trained, Senior JP position. The legislation does not require JP's to be legally trained but the senior JP is a position hired through the DoJ and requires 5 years experience as a lawyer. <u>Services Provided:</u> The Senior JP provides all services including administrative JP duties, judicial interim release hearings, summary conviction trials (quasi criminal and criminal), and first stage child welfare hearings (similar to APO's) and territorial offence court (bylaw court).	Not applicable - no requirement for legal training	Not applicable - no requirement for legal training	<u>Justice of the Peace (JP 2)</u> have a College Degree. Degree includes some courses in general law. Degree is not mandatory - but preferable. <u>Magistrate Justice of the Peace</u> - area named by the Provincial Court. These positions require a law degree and a minimum of 10 years of practice. Services provided by each type of officer are determined by the Courts of Justice Act.	<u>Senior Justice of the Peace</u> - In Saskatchewan, legally trained Justices of the Peace are appointed to Senior Justice of the Peace positions. There is no legislative requirement for legal training for JP's - it is a policy requirement only. Senior Justices of the Peace have office hours and duties that include regulatory trials, property detention hearings, judicial interim release hearings, search warrant considerations and document processing.	Not applicable - no requirement for legal training

HEARING OFFICE REVIEW (HORC) - JURISDICTIONAL REVIEW - JUSTICE OF THE PEACE SERVICES

Non - Legally Trained Justices of the Peace & Services Provided

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
<p>"Non-Presiding Justice of the Peace"</p> <p><u>Services Provided</u> Duties are processing judicial interim release orders that have previously been made; receiving informations; confirming or cancelling process; issuing subpoenas; taking affidavits; ordering the disposition of seized items; dealing with uncontested adjournments, setting of dates for trial; and, issuing summonses.</p>	<p>Justice of the Peace</p> <p><u>Services Provided</u> The duties assigned to Court Services JPs (CSJP) underwent significant changes in April 2001 as a result of court decisions about judicial independence. The main change was the transfer of contested bail hearings and search warrants from CSJPs to Judicial Justices. Consent release (uncontested bail hearings)</p> <p>Consent remand (s.516 CC)</p> <p>Approve Sureties</p> <p>Enter accused and/or surety into recognizance</p> <p>Issue Subpoenas</p> <p>Swear Informations and issue or confirm process</p> <p>Offence Act-Order for Attendance</p> <p>Issue bench warrant including those under s.524 or failing to attend for fingerprinting</p> <p>Issue 5.2 order (s.489CC)</p>	<p>Manitoba has three levels of justice of the peace. Community Justice of the Peace (CJP), Staff Justice of the Peace (SJP) and Judicial Justice of the Peace (JJP).</p> <p>The Lieutenant Governor in Council may appoint up to 21 Judicial Justice of the Peace (JJP).</p> <p>The powers and duties of judicial justices of the peace are found at section 2, staff justices of the peace at section 5, and section 11 provides for duties of community justices of the peace.</p>	<p><u>Non-Legally Trained</u> - all court staff are JP's. There are a few community JP's in the smaller communities.</p> <p>The present policy of the government is to limit the appointment of Justices of the Peace to personnel in the Provincial and Supreme Courts.</p> <p><u>Services Provided:</u> Swearing Criminal Code Informations and considering process; issuing documents pursuant to an order of a judge; taking oaths.</p>	<p>Non-Legally Trained</p> <p>(See letters of authorization attached)</p> <p>NWT has 5 levels of JP's:</p> <ol style="list-style-type: none"> 1) <u>A1</u> - Administrative 1 Court Personnel 2) <u>A2</u> - Administrative 2 Public Administrative 3) <u>P1</u> - Presiding Level 1 4) <u>P2</u> - Presiding Level 2 5) <u>P3</u> - Presiding Level 3 <p>Designations vary dependant on training</p> <p>There are currently 38 active JPs in the Northwest Territories</p>	<p><u>Staff JPs</u> - are not legally trained.</p> <p><u>Services Provided:</u> Provide quasi-judicial services in the Justice Centres which includes swearing informations, summons, subpoenas, etc.</p> <p><u>Administrative JPs</u> - are not legally trained.</p> <p><u>Services Provided:</u> Preside over civil weddings</p>	<p><u>Non-Legally Trained:</u></p> <p>There are 68 active non-legally trained JPs (lay JP's).</p> <p><u>Services Provided:</u> They range in duties from administrative JP duties such as swearing of informations to handling judicial interim release hearings in the communities and territorial offence court.</p> <p><u>Community JPs (fee for service)</u> can be authorized to do summary conviction trials but there are currently none designated to handle those matters.</p>	<p>Ontario has a single level Justice of the Peace.</p> <p><u>Services Provided:</u> Provide all services including telewarrants, search warrants, intake court, set dates, balls, first appearances, pre-enquêtes ("in camera" proceeding before a justice of the peace to determine whether an Information should be laid against a person at the private complaint of another person), child apprehension, mental health assessment requests and provincial offences trials.</p>	<p><u>Services Provided:</u> Referred to as lay JP's. There are 3 JP's in the Province that are assigned to conduct bail hearings. All other JP's can deal with bail for remand purposes only.</p> <p>Up to a month ago, JP's also heard search warrant, and feeney warrant applications. They have now had a constitutional challenge, therefore, now all search warrant and feeney warrant applications are heard by Provincial Court Judges.</p> <p>There are also 3 salaried JP's (one for each county) on call on a 24/7 basis. These JP's only deal with bail on 1st instance, and only for remand purposes</p>	<p>There are two levels of justice of the peace other than Magistrates. <u>JP1 are not legally trained.</u> The services provided by each type of officer are determined by the courts of justice act.</p> <p>Their duties include judicial interim release hearings, search warrant consideration and document processing.</p> <p>The main difference between Senior JP's and other JP's is that only Senior JP's are assigned trial and case management work.</p> <p>Saskatchewan also has staff JP's - court officials who are court clerks and are employees of the government. They are not independent of government and cannot make judicial decisions.</p>	<p><u>Regular Justice of the Peace</u> in Saskatchewan are not legally trained. They work primarily on a call-in basis except for work on the JP Hub which is scheduled shift work.</p> <p>1) <u>Administrative JP</u> - receives informations (can't consider process), Comm for Oaths, perform weddings.</p> <p>2) <u>Presiding JP 2</u> - issue process, uncontested bail hearings, consider and issue peace bonds.</p> <p>3) <u>Presiding JP 3</u> - hear contested bail, consider search warrant applications</p> <p>Refer to the Territorial Court Act for legislative guidelines</p>	<p>There are <u>3 levels</u> of JP's. they are all lay people trained by senior JP's and Judiciary.</p> <p>1) <u>Administrative JP</u> - receives informations (can't consider process), Comm for Oaths, perform weddings.</p> <p>2) <u>Presiding JP 2</u> - issue process, uncontested bail hearings, consider and issue peace bonds.</p> <p>3) <u>Presiding JP 3</u> - hear contested bail, consider search warrant applications</p> <p>Refer to the Territorial Court Act for legislative guidelines</p>

HEARING OFFICE REVIEW (HORC) - JURISDICTIONAL REVIEW - JUSTICE OF THE PEACE SERVICES

Number of Locations and Hours of Service - Centralized Services

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
<p>There are two Hearing Offices: one is located in downtown Calgary at the Courts Centre; one is located in downtown Edmonton at the Brownlee Building. All judicial interim release hearings are conducted from these centres by C.C.T.V. or telephone. (Applications for orders under federal and provincial legislation may be in person, by telephone or facsimile transmission to these centres.) .</p> <p>All summary conviction courts hearing traffic matters or matters under designated provincial regulatory acts are held in court rooms at local court buildings throughout the province.</p>	<p>Justice Centre (JC) is located in Burnaby and is available 24 hours a day, 7 days a week. (Judicial Justice)</p> <p>The Justice Centre cut-off time for bail hearings is 11:00 p.m., however, this is at the discretion of the Judicial Justice on duty at the Centre who may decide to accept bail hearings until midnight.</p> <p>After the JC offices closes at midnight, there is a JJ on duty working from home midnight to 8 a.m. This JJ reviews search warrant applications and applications for arrest warrants.</p> <p>All in custody matters that do not make the cut-off time are held over for hearing at a courthouse in front of a PCJ or through the JC at 8:00 a.m.</p>	<p><u>JJPs</u>: There are 13 JJPs working out of the Winnipeg court office and 8 JJPs working out of six Regional Court offices.</p> <p>Service requests for JJPs are routed through a centralized location in the Winnipeg Court office. A coordinator working at the Winnipeg office is responsible for assigning the service request to the Winnipeg JJP's first. If required, due to workload volume or shortage of JJP's, the coordinator will then assign to the 8 JJP's working out of the Regional offices.</p> <p>JJPs also sit in Summary Conviction Court hearing traffic matters.</p>	<p>N/A</p> <p>There is no centralized JP Office. Any search warrant applications, emergency orders or bail hearings are dealt with by an on call Judge.</p>	<p><u>Yellowknife Courthouse and 3 Other Locations:</u></p> <p>Monday to Friday 9:00 a.m. - 4:00 P.M.</p> <p>A1 Justices of the Peace are available to receive court Informations and confirm/cancel process</p>	<p><u>Centralized Justice of the Peace Centre - Dartmouth:</u></p> <p>Presiding JPs provide JP services province-wide from a centralized geographical location in Dartmouth Nova Scotia.</p> <p>Their office is called the Justice of the Peace Centre.</p> <p>These services are provided outside of regular working hours when Justice Centres are not open. During regular day-time hours, Provincial Court Judges conduct bail hearings.</p> <p><u>Services Provided:</u></p> <p>After hours, Presiding JPs conduct bail hearing in person, via telecom and via video conferencing.</p> <p>During regular working hours, staff JPs and judiciary provide services.</p>	<p><u>Nunavut Justice Centre - Iqaluit :</u></p> <p>Two JPs work regular court hours (9:30 a.m. to 5:00 p.m.) at the Nunavut Justice Centre in Iqaluit.</p>	<p><u>Centralized Telewarrant Centre</u> - JP's are scheduled for shifts in two locations that serve the province (Newmarket & Oshawa)</p> <p>They hear search warrant applications for the entire Province when they cannot be obtained otherwise.</p> <p><u>Days and Hours of Operations:</u></p> <p>24 hours a day, 7 days a week</p>	<p>N/A - PEI does not have any form of centralized services</p>	<p>Centralized Services - Montreal</p> <p><u>Days and Hours of Operation:</u></p> <p><u>Magistrate Justice of the Peace</u> - Fridays from 6:00 pm to 10:00 p.m. Saturdays from 7:00am to 4:30 pm</p> <p><u>Level 2 Justice of the Peace</u> - also available on a 24 hour basis Fridays and weekends for non-contested liberations (bail hearings).</p> <p>No urgent procedures in youth matters take place outside office hours.</p>	<p><u>Centralized JP services</u> in Saskatchewan are provided by telecommunication through the JP Hub located at the Justice of the Peace Centre in Regina, Saskatchewan.</p> <p>The JP Hub provides primary and back up JP Services to 77 locations in the province</p> <p>It operates very similar to the Alberta Hearing Offices in Calgary and Edmonton, and the B.C. Hub in Burnaby, B.C. Saskatchewan Hub JP's conduct judicial interim release hearings by telecommunications. Hub JP's consider telewarrants and process a variety of court related documents by telecommunication.</p> <p><u>Days and Hours of Operations:</u></p> <p>The Hub operates 24 hours a day, 365 days a year.</p> <p><u>Hours of Operation</u> - Regular hours of operation are from 8 a.m. to midnight on weekdays and 2 p.m. to 10 p.m. on weekends.</p> <p>The Hub has an on-call JP available outside of regular ours for emergencies</p>	<p><u>Centralized Services (Whitehorse):</u></p> <p><u>Days and Hours of Operations:</u></p> <p><u>Bail Hearings:</u> Monday to Friday from 8:30 a.m. to 5:00 p.m. & Saturday/Sundays/Stat Holidays from 10 a.m. until complete</p> <p><u>Search Warrants:</u> 7 days a week, 24 hours a day</p> <p>All JP's in Whitehorse have P3 designations</p>

HEARING OFFICE REVIEW (HORC) - JURISDICTIONAL REVIEW - JUSTICE OF THE PEACE SERVICES

Number of Locations and Hours of Service - Multiple Locations

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
<p>2 Locations</p> <p><u>Days and Hours of Operations:</u></p> <p>The Hearing Offices in Edmonton and Calgary operate 24/7.</p> <p>(Traffic Courts are at all court house locations and sit in accordance with the published Court Calendar.)</p>	<p>44 court locations (Justice of the Peace)</p> <p>8:30a.m. to 4:30p.m. Monday to Friday (except statutory holidays)</p> <p>Some small locations may have limited hours</p>	<p><u>JJPs</u> - See above (Centralized Services) for JJPs</p> <p><u>SJPs</u>- located at 12 court offices throughout the Province</p> <p><u>CJPs</u>-58 communities being served throughout the Province</p>	<p><u>Ten Court Centres</u>.</p> <p>In addition, there are community based JPs.</p> <p><u>Days and Hours of Operation:</u></p> <p><u>Monday to Friday</u> - 8:30 a.m. to 4:30 p.m. for routine administrative JP procedures.</p> <p>On Call <u>Duty Judge</u> - Judges of the Provincial Court are placed on a rotating on-call list whereby one judge is assigned the Duty Judge for one-week period and is on call 24/7 for telewarrants, Emergency Protection Orders, etc.</p> <p>For this purpose, all judges have been supplied with fax machines to assist with afterhours responsibilities.</p>	<p>16 Communities - most without courthouses</p> <p>Days and Hours of Operation: On Call - As required</p> <p>A2/P1/P2/P3 Justice of the Peace</p>	<p>All courthouse locations</p>	<p>There are JPs in 24 communities in Nunavut.</p> <p><u>Days and Hours of Operations:</u></p> <p>The community JPs operate on an "on call, as needed" with no defined hours. They are remunerated on a fee for service basis.</p>	<p><u>Province Wide</u> - JP's are available at approximately 84 locations across the Province to provide JP services. There are 7 distinct regions for JP Services in Ontario and each of these regions has an Administrative JP responsible for scheduling the JP's in the area.</p> <p><u>Days and Hours of Operations:</u></p> <p>Monday to Friday : 8:30 a.m. to 5:00 p.m.</p> <p><u>Weekend and Statutory Holiday (WASH Courts):</u></p> <p>Bail courts operate in nine locations throughout the province starting at 9a.m. for hearings. Anyone arrested the night before is set over to 9 a.m. the following day for bail. Courts run until all bail hearings are complete.</p>	<p>3 Locations (one in each county)</p> <p><u>Days and Hours of Operations:</u></p> <p>Main activities (bail hearings, search warrant applications, etc.) are heard at each county during regular office hours (8 a.m. - 4 p.m. or 9:00 a.m. - 5 p.m.) depending on the county.</p>	<p>Justice of the Peace services are provided in all courthouses and service points (Level 1 JP)</p> <p>These are staff JP's.</p> <p><u>Days and Hours of Operations:</u></p> <p>Monday to Friday 8:30 am to 4:30 pm</p>	<p>There are multiple JP locations in the province.</p> <p>There are 79 locations with in-person JPs available 24 hours a day on a call in basis.</p> <p><u>Senior JPs</u> with office hours are available in the two major cities from 8 a.m. to 5 p.m. weekdays.</p>	<p>15 Locations</p> <p>In addition to centralized bail services provided out of Whitehorse, we have JPs who can swear information in <u>15 Yukon communities</u>.</p> <p>Some of these JP's have P2 designations.</p> <p><u>Days and Hours of Operations:</u></p> <p>JP's are scheduled during normal business hours.</p> <p><u>On Call</u> - 24/7 based on individual JP availability</p>

HEARING OFFICE REVIEW (HORC) - JURISDICTIONAL REVIEW - JUSTICE OF THE PEACE SERVICES

Are all services provided during your business hours? If not, please specify.

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
Yes	Yes	<p>JJPs- 7 days per week services Weekdays (Monday to Friday) from 8:30 a.m. to 11 p.m., Weekends and Statutory Holidays - 7 a.m. to 11p.m.and</p> <p><u>On Call</u> - One JP is on call from 11p.m. to 7 a.m., 7 days a week including all weekends and statutory holidays. Only emergent matters are dealt with during this time - very strict rules in place.</p> <p>During <u>normal business hours</u>, the JJPs deal with the following applications: Mental Health Search Warrants Youth Drug Stabilization Protection Orders Facilitate Accused's Release s 5013.(1) applications Any other emergency orders</p> <p>SJPs-5 days a week from 7 a.m. to 6p.m. with potential overtime depending on courtroom completion.</p> <p>CJPs - have no scheduled time. They operate 7 days per week on an as needed basis, and their hours of availability are agreed upon with the local policing agency.</p>	As stated above, Provincial Court Judges perform JP duties after hours and during weekends and statutory holidays.	<p>Services are provided on an "as required" basis</p> <p><u>On Call Basis</u> - JP's are scheduled and available 24/7 when required. A toll free line is available for service requests. When someone calls the toll free line it is automatically forwarded to the duty JP.</p>	<p><u>Yes</u></p> <p><u>At all</u> courthouses across the province by resident judiciary.</p>	<p><u>No</u></p> <p>The JPs have a roster of "on call" JPs that provide services after hours for the RCMP and for EP hearings under the <i>Family Abuse Intervention Act</i>, as well as bail hearings.</p>	<p><u>Yes</u></p> <p>All services are provided during business hours.</p>	<p><u>No</u></p> <p>Bail hearings are only conducted on Tuesday and Friday mornings.</p> <p>Search warrant applications and other emergency applications are heard by a PCJ at any time during court sitting times.</p>	<p>All services are provided during business hours ; apart from the <u>Centralized Service</u> in operations on Friday and Saturdays.</p> <p>Bail hearings are heard by Judges Monday to Friday from 8:30 a.m. - 4:30 p.m.</p>	<p>Services are typically provided during office hours (if applicable) or regular JP work hours (8am to midnight) with after hours availability for emergencies (i.e. Feeny Warrants, Blood Warrants).</p>	Yes

HEARING OFFICE REVIEW (HORC) - JURISDICTIONAL REVIEW - JUSTICE OF THE PEACE SERVICES

Do you conduct hearings: In Person By Video Conference By Telephone

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
<p>Bail hearings are conducted by video conferencing or by telephone.</p> <p>Applications for process (arrest warrants and summonses), search warrant and similar orders are made in person, by telephone, or by facsimile transmission.</p> <p>The vast majority of process applications are by facsimile transmission. EPOs and APOs are primarily by telephone, with faxed packages in support. All search warrants are in person or by facsimile transmission. Blood warrants (s. 256 CC) are almost exclusively by telephone.</p>	<p><u>Justice Centre</u> (Judicial Justice)-If dealing with search warrants or bail hearings, there are conducted primarily by telephone</p> <p><u>Judicial Justices</u> (Legally Trained) are also assigned to hear traffic matters and small claims payment hearings. When scheduled for these courts, for the majority of the appearances the judicial justice is in person. However, in some instances, the judicial justice may attend by video conference</p> <p><u>Justice of the Peace</u>-most services are provided in person with the notable exception of Swearing Informations. We have tele-swearing processing that allows police detachments in municipalities that do not have JP personally present to swear their informations by tele - communications</p>	<p>Bail hearings can be done in person, by video conferencing or by telephone depending on where the accused is being held.</p>	<p><u>In person</u>- Yes</p> <p><u>Video Conferencing</u>- Yes</p> <p><u>By Telephone</u>- Yes</p> <p>All of the above. Provincial Court Judges preside over Weekend and Statutory Holiday Court out of the St. John's Court Centre. Judges may appear in person, via telephone or video conferencing. The same is true for accused persons outside of St. John's</p>	<p><u>In Person</u>- in the courthouses</p> <p><u>Video Conferencing</u>- available in all correctional facilities and courthouses</p> <p><u>By Telephone</u>- Documents are faxed in to JP and service is provided over the phone</p>	<p><u>In Person</u> - Yes</p> <p><u>Video</u> - Yes</p> <p><u>By Telephone</u> - Yes</p>	<p><u>In Person</u> - Yes</p> <p><u>Video Conferencing</u> - Yes</p> <p><u>By Telephone</u> - Yes</p> <p><u>Community JPs</u> hold hearings by phone and in person if they are resident in the community where the hearing is held.</p> <p>The <u>JP Court in Iqaluit (Nunavut Justice Centre)</u> has the capacity to do video conferencing hearings at the Nunavut Justice Centre.</p>	<p><u>In Person</u> - Yes</p> <p><u>Video</u> - Yes</p> <p><u>By Telephone</u> - Yes</p>	<p><u>In Person</u> only at this time. PEI is currently exploring video conferencing options with the correctional facilities.</p>	<p><u>In Person</u> - Weekly hearings are done at the courthouse in presence of a judge.</p> <p><u>By Telephone</u> - Weekend appearances are held by phone.</p> <p>There is a pilot project in place for testing video appearances but this is very much in infancy stages.</p>	<p><u>In Person</u> - Yes</p> <p><u>By Telephone</u> - Yes</p> <p>Although JP hearings are currently conducted either in person or by telephone we anticipate implementing JP hearings by video conference as a pilot project in one location within the next year</p>	<p><u>In Person</u> - Yes</p> <p><u>Video Conferencing</u> - Yes</p> <p><u>By Telephone</u> - Yes</p>

H E A R I N G O F F I C E R E V I E W (H O R C) - J U R I S D I C T I O N A L R E V I E W - J U S T I C E O F T H E P E A C E S E R V I C E S

Do you conduct bail hearings on a 24 hour basis? If not, during what hours are they conducted?

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
<p>YES - on a 24 hour basis."</p> <p><u>*Exception:</u> no hearing services are provided to the Edmonton Police Service between 0300 to 0900 and 1700-1900</p>	<p>Yes</p> <p>Justice Centre (JC) is available 24 hours a day, 7 days a week. (Judicial Justice)</p> <p>The Justice Centre cut-off time for bail hearings is 11:00 p.m., however, this is at the discretion of the Judicial Justice on duty at the Centre who may decide to accept bail hearings until midnight.</p> <p>All in custody matters that do not make the cut-off time are held over for hearing at a courthouse in front of a PCJ or through the JC at 8:00 a.m.</p>	<p>No</p> <p>Bail hearings are conducted from 8:30 a.m. to 11:00 p.m. seven days per week, including weekends and statutory holidays</p>	<p>No</p> <p>Bail hearings are normally dealt with between the hours of 8:30 a.m. and 4:30 p.m. seven days a week, including Statutory holidays.</p>	<p>No</p> <p>RCMP are asked to schedule bail hearings for 1:30 p.m. during the week and on week ends. Most often bail hearings are conducted in person in Yellowknife through an on call JP.</p> <p>Prisoners are transported in person. NWT would like to shift to hearing bail by video or phone but the reliability of video and phone is not quite there yet.</p>	<p>No</p> <p>Bail hearings are held during regular hours at courthouses across the province.</p> <p>After hours, they are held by the Presiding JPs at the JP Centre.</p> <p>Hearings are held after 3 pm to 9 pm on weekdays and from 9 am to 9 pm on weekends and holidays.</p>	<p>No</p> <p><u>On call basis only</u> - Bail hearings are conducted seven days per week as required. It is up to the individual on call JP as to when they will hear bail.</p>	<p>No</p> <p><u>Monday to Friday</u> - during regular business hours</p> <p>Bail hearings are never heard at night or outside of the regular court day.</p> <p><u>Weekend/Stat Holidays</u> - WASH bail courts commence at 9 a.m. and continue until all bail hearings have been completed</p>	<p>No</p> <p>Bail hearings are heard only on Tuesday and Friday mornings in the county courthouse.</p> <p>Staff JP's at the courthouse have the ability to remand the accused in custody to the next bail hearing day during regular court hours.</p> <p>Any arrests after court hours are handled by the on call JP's, who remands the accused to next bail hearing court.</p>	<p>Monday to Friday bail hearings are heard by Judges from 8:30 a.m. to 4:30 p.m.</p> <p>JPs are not involved in bail hearings that occur within office hours since hearings are made in the presence of a provincial court judge.</p> <p>If the bail hearing must occur during the weekend, contested bail hearings will be given to Magistrate Justice of the Peace which will systematically remand the cases to the coming Monday. If the liberation (bail hearing) is not contested, a JP2 will render decision, complete the required documentation and send out the court order and conditions by fax.</p>	<p>Hearings are conducted on a 24 hour basis for <u>urgent matters</u>.</p> <p>In practice, very few bail hearings take place outside of regular court hours as critical resources are rarely available during these timeframes (i.e. Legal Counsel/Legal Aid, Crown Prosecutors).</p> <p>As a result, the majority of after hours bail hearing requests in Saskatchewan are requests for adjournments to prepare for bail hearings.</p>	<p>No</p> <p><u>Bail Hearings:</u> Monday to Friday from 8:30 a.m. to 5:00 p.m. & Saturday/Sundays/Stat Holidays from 10 a.m. until completion</p>

Who presents at bail hearings: Crown Law Enforcement Other (please specify)

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
<p>All enforcement agencies (RCMP and city police services) provide peace officers as "Presenting Officers" at j.i.r. hearings.</p> <p>Occasionally, a Crown prosecutor will appear on a high profile and/or serious matter.</p> <p>As well, at pilot projects with Grand Prairie and Red Deer court points, Crown prosecutors present at "pre-booked" bail hearings.</p>	<p>Both Crown and Law Enforcement as follows:</p> <p>Most bail hearings are conducted by a peace officer.</p> <p>Surrey and Vancouver have dedicated Crown who appears after hours and on weekends for offences arising out of those two jurisdictions.</p> <p>On a rare occasion a Crown from another jurisdiction may conduct a bail hearing.</p>	<p><u>Crown</u> - Crown is required to be present if the bail is contested.</p> <p><u>Law Enforcement</u> - If the bail is uncontested only. Law Enforcement cannot give submissions.</p>	<p><u>Crown</u></p>	<p><u>Crown</u></p>	<p>Traditionally, crown presents during regular working hours and law enforcement presents after hours.</p>	<p><u>Crown</u> - Crown is present for bail hearings that are handled in Iqaluit Court. This court only handles bail hearings.</p> <p><u>Law Enforcement</u> - everywhere else in Nunavut RCMP present at bail hearings.</p>	<p><u>Crown</u> - Crown are available Monday to Friday during normal business hours to conduct bail hearings. They are also scheduled to conduct bail at WASH courts .</p> <p>In addition:</p> <p>Defence, Duty Counsel, John Howard's Bail Supervision Program, Interpreters.</p>	<p><u>Crown</u> - Crown conduct bail before a PCJ during regular court sitting hours</p>	<p><u>Crown</u> - Yes</p> <p><u>Law Enforcement</u> - Yes</p> <p>Law Enforcement is present for bail hearings outside of office hours.</p>	<p><u>Crown</u> - Crown prosecutors are required for contested bail hearings. Crown Prosecutors also handle all bail matters taking place during regular court hours.</p> <p><u>Law Enforcement</u> - In Saskatchewan, police officers represent the Crown for after hours release hearings and after hours requests for adjournments of bail hearings.</p>	<p><u>Crown</u> - Yes</p> <p><u>Law Enforcement</u> - On rare occasions RCMP in some smaller communities</p> <p><u>Other</u> - Duty Counsel for Defence</p>

H E A R I N G O F F I C E R E V I E W (H O R C) - J U R I S D I C T I O N A L R E V I E W - J U S T I C E O F T H E P E A C E S E R V I C E S

During bail hearings do your JP's: **hear evidence under oath or affirmation from Crown or Defence Witnesses**
 hear evidence under oath from accused persons
 rely solely upon allegations of circumstances provided by the Bail Presenter from police reports or unsworn statements from the accused
 Other (please specify)

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
<p><u>X</u> - rely solely upon allegations of circumstances provided by the bail presenter from police reports or unsworn statements from the accused.</p>	<p>All bail hearings are conducted by Judicial Justices (Legally Trained)</p> <p><u>X</u> - They rely solely upon allegations of circumstances provided by the bail presenter from police reports or unsworn statements from the accused</p>	<p><u>X</u> - rely solely upon allegations of circumstances provided by the bail presenter from police reports or unsworn statements from the accused</p>	<p><u>Other</u>-</p> <p>Bail hearings are presided over by Provincial Court Judges.</p>	<p><u>X</u> - rely solely upon allegations of circumstances provided by the bail presenter (crown) from police reports or unsworn statements from the accused</p>	<p><u>X</u> - Hear evidence under oath or affirmation from Crown or Defence witnesses</p> <p><u>X</u> - Hear evidence under oath from the accused</p>	<p><u>X</u> - Hear evidence under oath or affirmation from Crown or Defence witnesses</p> <p><u>X</u> - Hear evidence under oath from the accused</p>	<p><u>X</u> - hear evidence under oath or affirmation from Crown or Defence witnesses</p> <p><u>X</u> - hear evidence under oath from the accused</p>	<p>X - hear evidence under oath or affirmation from Crown or Defence witnesses - <i>sometimes, but usually just the Crown presents</i></p> <p>X - hear evidence under oath from the accused - <i>Not usually</i></p> <p>X - rely solely upon allegations of circumstances provided by the bail presenter from police reports or unsworn statements from the accused - <i>Not usually</i></p> <p>All bail hearings are conducted in a courtroom during regular court business hours</p>	<p><u>None</u>.</p> <p>JPs are not involved in bail hearings that occur within office hours since hearings are made in the presence of a provincial court judge.</p> <p>If the bail hearing must occur during the weekend, contested bail hearings will be given to Magistrate Justice of the Peace which will systematically remand the cases to the coming Monday. If the liberation (bail hearing) is not contested, a JP2 will render decision, complete the required documentation and send out the court order and conditions by fax.</p>	<p><u>Other</u></p> <p>Bail hearings in Saskatchewan typically involve unsworn oral evidence from the accused and oral submissions made by Crown Prosecutors and Legal Counsel/Legal Aid.</p> <p>Evidence is rarely provided under oath in these proceedings.</p>	<p><u>X</u> - rely solely upon allegations of circumstances provided by the bail presenter from police reports or unsworn statements from the accused</p>

H E A R I N G O F F I C E R E V I E W (H O R C) - J U R I S D I C T I O N A L R E V I E W - J U S T I C E O F T H E P E A C E S E R V I C E S

Do you have standardized Bail Packages? (Please provide a copy if available)

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
Yes. The contents of the package may vary. For warrants originating from outside the presenting agency, often the package contains only a CPIC message confirming the outstanding warrant. Having a copy of the warrant would assist with the provision of further details.	No	Somewhat - Police Consent form is currently used by the City of Winnipeg Police Crown and Defence agreed upon Bail Condition Sheet	No.	No	No	No	No	No	No	No	No

Do you have Duty Counsel available for bail hearings?

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
No. In 2010, a pilot project was run at the Calgary Hearing Office with Crown Prosecutors and duty counsel on all C.P.S. bail files. <u>Days/Hours of the Project:</u> Monday to Friday 9 a.m. to 4 p.m.	On occasion counsel may appear with the accused	Duty Counsel is available for all bail hearings. On weekends and statutory holidays, bail hearings for all overnight arrests are heard the following morning. A docket is produced and Duty Counsel are available <u>in the morning only</u> to deal with any matters.	Yes - bail hearings are heard by a judge	Duty Counsel are routinely in attendance for bail hearings (NWT Legal Aid program)	Only during regular work hours. There is no Duty Counsel after hours and/or on weekends.	Yes Duty Counsel are available and on call on a 24 hour basis	Yes Duty Counsel are available at all bail hearings including WASH bail hearings	No - Duty Counsel is not available for bail hearings at all. If the accused qualifies for legal aid, they may have an appointed lawyer appear for them for their bail hearing.	No Duty Counsel is only available for bail hearings heard at the courthouse by Provincial Court Judges	Duty Counsel is only available for bail hearings taking place during regular court hours	Yes For all bail hearings week days and week ends

HEARING OFFICE REVIEW (HORC) - JURISDICTIONAL REVIEW - JUSTICE OF THE PEACE SERVICES

Other Services - Are all other services provided throughout your hours of operation, or are certain services restricted to specific hours? (Please specify)

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
Yes	<p>There are some restrictions for using the Justice Centre during the day. The Provincial Court issued practice directives in relation to Daytime Search Warrant Applications and Missing Persons Act Applications (these are included in Appendix ? Of the Discussion Document)</p> <p>The Justice Centre only provides the following services - Search Warrants Bail Hearings</p> <p>There are other Justices that do not work at the JC who preside over traffic hearings and bylaw matters. While most of the Judicial Justices reside in the lower mainland, they preside over traffic court hearings in over 44 court locations either by travelling in person or appearing by video.</p> <p>There is also another classification of JP, Justice of the Peace Adjudicators (JPA). JPA's are appointed to hear civil cases having a monetary value up to \$5,000. The JPA's only preside over these matters in Vancouver and Richmond small claims matters.</p>	<p>There are restrictions on the following:</p> <p><u>Surety</u> qualification is only heard from 7 a.m. to 8 p.m. daily.</p> <p><u>From 11 p.m. to 7 a.m.</u> - only the most emergent matters are heard. There is no JP on duty - there is one on call for these matters, and there are very stringent guidelines/rules relating to urgent matters.</p> <p><u>Between 7 a.m. and 11 p.m.</u> - the only matters dealt with are search warrants, protection order applications, mental health applications, youth drug stabilization applications, facilitate accused releases, appearance of accused before a justice pursuant to s503.1CC and any other emergency orders.</p> <p><u>Production Orders</u> - not considered emergent orders. However, JP's still review dependant on workload.</p>	<p>Court staff are appointed JPs for administrative purposes only and carry out their JP responsibilities during normal work hours including administering oaths, signing Informations and Applications, and reading documentation to accused.</p> <p>Provincial Court Judges, however provide telewarrants services 24/7 and preside over bail hearings 7 days a week.</p>	<p>Informations are received and process confirmed at any court registry during regular hours, or by JPs outside of regular hours in person or by phone.</p> <p>Bail hearings are restricted to afternoons Monday to Friday from 1:30 p.m. and weekends in Yellowknife from 1:30 p.m. as required.</p> <p>Evening Justice of the Peace Court is held several days per week in Yellowknife and on a scheduled basis outside of Yellowknife to hear municipal and territorial offences (summary offences such as traffic violations) .</p> <p>Emergency Protection Order applications are heard as and when required in person or by phone.</p> <p>Weddings are performed as and when required.</p>	<p>Yes - during regular working hours at Justice Centres (Provincial Court Judges sitting in court)</p> <p>After hours services for warrants and other emergency applications are processed through the JP Centre.</p> <p>During regular working hours, the applications are processed through Justice Centres (i.e. Provincial Court Judges presiding in court)</p> <p>Some services may be provided by the JP Centre. However, JP Centres during the day are being eliminated as a result of budget decisions.</p>	<p>Yes</p> <p>All services are provided throughout regular hours of operation - 9:30 a.m. to 5:00 p.m.</p> <p>After hours the on call JP's deal with bail hearings, search warrants and other emergent applications as required.</p>	Yes	<p>No</p> <p>Bail hearings are restricted to Tuesday and Friday mornings only</p> <p>For search warrant applications after regular hours, there is a central number to call, where a JP ensures they call a judge other than the judge that is assigned to hear the case, and determines when the ITO will be ready. Once the judge is contacted and agrees to handle the matter, the JP calls the officer back and relays contact information. This is a temporary situation that has been put in place due to the current legislative challenge relating to issuance of search warrants by JPs.</p>	<p>All other services are provided throughout working hours.</p> <p>8:30 a.m. - 4:30 p.m.</p>	<p>While JPs are available 24/7 for urgent matters, non-urgent matters are restricted to regular work hours.</p>	<p><u>Days and Hours of Operations:</u></p> <p>Bail Hearings: Monday to Friday from 8:30 a.m. to 5:00 p.m. & Saturday/Sundays/Stat Holidays from 10 a.m. until complete</p> <p>Search Warrants: 7 days a week, 24 hours a day</p> <p>All JP's in Whitehorse have P3 designations</p>

HEARING OFFICE REVIEW (HORC) - JURISDICTIONAL REVIEW - JUSTICE OF THE PEACE SERVICES

What medium do you use for documentation? Electronic (comments) Hard Copy (comments)

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
<p><u>Hard Copy</u> Most documents are submitted by fax to the Hearing Offices.</p>	<p><u>Electronic</u> We employ SmartForm technology for preparing Informations</p> <p><u>Hard Copy</u> Most documents are submitted by fax to the Justice Centre</p>	<p><u>Electronic</u> - for the most part, documents are received in the Central JP Office by email from the Winnipeg Police. Documents from RCMP are received by fax. Manitoba is trying to get everyone to use the email process as they find that the fax quality if very poor.</p> <p><u>Hard Copy</u> - Manitoba still uses hard copy documents for hearing, endorses the hard copy and utilizes the hard copy document for court purposes.</p>	<p>Hard Copy</p>	<p>Hard Copy</p>		<p><u>Hard Copy</u></p> <p>Documents are scanned and submitted to JP's and/or court registry by email.</p> <p>The scanned copy of the document becomes the original court file.</p>	<p><u>Electronic</u> - At the Telewarrant Centre, the JP receives the documents by email, signs the order electronically and emails back to the requesting agency. The search warrant files are kept electronically until there is a need to print. Bail orders are also produced electronically, but they are all printed for signature.</p> <p><u>Hard Copy</u> - court documents are all still handled by hard copy</p>	<p><u>Hard Copy</u></p> <p>All court documents are submitted in hard copy. Hard copy documents are used in the courtroom and resulting documents are all produced in hard copy.</p>	<p><u>Hard Copy</u></p> <p>If liberation (bail hearing) is not contested, JP2 completes documents and sends out by fax.</p> <p>Justice of the Peace do not benefit from any administrative support personnel for clerical matters following the hearing.</p>	<p><u>Hard Copy</u></p> <p>Although electronic documents are not currently in use, we anticipate piloting their use within the next 1-2 years</p>	<p><u>Hard Copy</u></p> <p>Documents received by fax from the communities</p>

Other Comments You Wish to Add: What works well, what does not? What would you change about the delivery model? What IT changes, if any, are needed?

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
	<p>As the police detachments are the main user of the Justice Centre, and the majority of the services are provided using their delivery model, it may be useful to solicit from their perspective what works and what doesn't.</p> <p>From a Court Perspective, there is a duplication of effort and significant amount of paperwork. To streamline the process by employing technological solutions would be costly given the number of police detachments and volume of work being handled by the centre.</p>	<p>Manitoba is continuing to employ technology where it is able to support JP services; such as tele/video conferencing; document scanning/email.</p> <p><i>The Provincial Court Act of Manitoba was recently amended to allow for the use of electronic signatures and review is being undertaken of processes to see where the use of electronic signatures can streamline and make processes electronic and eliminate the use of paper.</i></p>	<p>No response provided</p>	<p>No response provided</p>	<p>No response provided</p>	<p>Nunavut is looking to professionalize their JP course to make it more structured and available.</p>	<p>None</p>	<p>None</p>	<p>None</p>	<p>Expand use of video conferencing and the ability to use electronic documents would increase the efficiency of the current system and are under review.</p>	<p>N/A</p>

HEARING OFFICE REVIEW (HORC) - JURISDICTIONAL REVIEW - JUSTICE OF THE PEACE SERVICES

Legislative Authorities that Govern Justices of the Peace

ALBERTA	BRITISH COLUMBIA	MANITOBA	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES	NOVA SCOTIA	NUNAVUT	ONTARIO	PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN	YUKON
https://qp.alberta.ca/documents/Acts/JU4.pdf https://qp.alberta.ca/documents/Regs/1999_006.pdf	https://www.bclaws/Eplibraries/bclaws_new/document/ID/freeside/00_96379_01 A Practical Guide to Bail Hearings at the Justice Centre	http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=117/2006	http://www.assembly.nl.ca/legislation/sr/annexedstatutes/2004/0436.chp.htm http://www.assembly.nl.ca/legislation/sr/statutes/j04.htm	https://www.justice.gov.nt.ca/en/files/legislation/justices-of-peace/justices-of-peace.a.pdf	http://nslegislature.ca/leg/statutes/justice%20of%20the%20peace.pdf http://www.novascotia.ca/just/regulations/regs/jopregs.htm	https://www.canlii.org/en/nu/laws/stat/snw-1998-c-34-s-2-part-1.pdf Nunavut Court of Justice - Justice of the Peace Policy	https://www.ontario.ca/laws/statute/90j04	http://www.gov.pe.ca/laws/statutes/pdf/p-25.pdf	https://www.canlii.org/en/qc/laws/stat/cqlr-c-t-16/latest/cqlr-c-t-16.html	Justice of the Peace Act, 1988 & Justice of the Peace Regulations, 1989 www.qp.gov.sk.ca	http://www.gov.yk.ca/legislation/regs/oic1982_130.pdf http://www.gov.yk.ca/legislation/regs/oic1982_131.pdf http://www.gov.yk.ca/legislation/regs/co1977_118.pdf

RED DEER BAIL HEARING PROTOCOL

Red Deer Court Operations Three month Pilot commencing September 2, 2015

Purpose:

To ensure timely access to bail hearings for Accused persons appearing in Red Deer Courts.

Introduction:

Due to inadequate court facilities and workload volumes, Red Deer Courts are currently experiencing capacity issues for conduct of timely bail hearings through their regular docket court process. Currently, the Calgary Hearing Office deals with fresh arrests for all Red Deer matters on initial appearance either by telephone or video appearance. If the bail hearing does not proceed on first instance before the Justice of the Peace at the Calgary Hearing Office, the matter is adjourned over to the Red Deer Court for the bail hearing to be conducted by a Provincial Court Judge. Often, the adjournment is for the purpose of seeking legal advice through Duty Counsel or private counsel. This pilot project proposes to alleviate the backlog of bail hearings in the Red Deer Courts by providing an alternate venue for conduct of these bail hearings.

Proposal:

In order to alleviate capacity and conflict issues as noted above, the Calgary Hearing Office will commence conducting scheduled bail hearings for Red Deer Bail Hearings on subsequent court appearances effective September 2, 2015. This initiative will commence as a pilot project for a period of 3 months, at which time it will be reviewed for efficiency and effectiveness. The purpose of this initiative is to ensure an Accused person's timely access to a bail hearing, and relieve the current pressures on the Red Deer Courts.

On the first Red Deer court appearance, if the Accused person has not yet had a bail hearing, the Accused will be advised that their bail hearing will need to be scheduled through the Calgary Hearing Office for one of the designated "Red Deer Bail Hearing" days.

Calgary Hearing Office will assign two hour blocks of time two days per week for Red Deer bail hearings.

For this pilot, the times agreed upon will be as follows:

Mondays:

- Federal matters will be heard between the hours of 12:00 noon to 1:00 p.m.
- Provincial matters will be heard between the hours of 1:00 p.m. to 3:00 p.m.

and

Wednesdays:

- Federal matters will be heard between the hours of 12:00 noon to 12:30 p.m.
- Provincial matters will be heard between the hours of 12:30 p.m. to 2:30 p.m.

* Dates and times are subject to change pending evaluation of the pilot project*

Procedures – Red Deer Bail Hearings heard by Calgary Hearing Office:

The procedure for arranging a bail hearing at the Calgary Hearing Office (subsequent to initial attendance at the Calgary Hearing Office and prior to Red Deer court appearance) is:

1. Crown and Defense/Duty Counsel will speak to these matters in Red Deer docket court.
2. Where the bail hearing is adjourned, the matter(s) will be adjourned to a date specific with leave to speak to bail during the blocked time (Monday or Wednesday for the pilot).
3. Red Deer Clerks' Office will endorse files and prepare the Warrant Remanding a Prisoner to the agreed upon adjournment date. A copy of the Warrant Remanding a Prisoner will be provided to the Red Deer Crown office.
4. Defense/Duty Counsel will contact the Crown office by email or fax to provide contact information and confirm that the bail hearing will be proceeding at the date and time arranged in docket court.

Contact information is as follows:

Red Deer Provincial Crown

Email address: jsg-acps-disclosure-rd@gov.ab.ca

Fax Number: 1-403-340-7193

Contact: Bina Border

Red Deer Federal Crown

Email address: dinglis@leeinglissalbrecht.com

Fax Number: 1-403-341-3066

Telephone Number: 1-343-1223

Contact: David Inglis

5. Red Deer Crown will prepare and forward bail hearing package to the Defense/Duty Counsel or the Accused, if unrepresented.
6. Red Deer Crown will provide a list of scheduled bail hearings and packages with fax coversheet that includes all contact information, where Accused is located and any fax back numbers to the Calgary Hearing Office at 403-297-3229 the morning of the hearings. Package will include:
 - a copy of the sworn Information(s)
 - a copy of the Prosecutor's Information Sheet
 - a copy of the Warrant Remanding and,
 - a copy of the Accused's criminal record (CPIC and JOIN Conviction Report).
7. Calgary Hearing Office will log files into their database as Red Deer hearings under "telebail". Packages will be provided to the straddle JP.
8. Calgary Hearing Office Justice of the Peace will contact all parties at contact numbers provided in Bail Hearing packages at the appointed time.
9. At the conclusion of hearings, the Hearing Office will prepare resulting paperwork, sign and fax documentation to:
 - The Remand facility housing the Accused: the release/detention document. A telephone release may be required.
 - The CPIC Unit of the charging agency: any release document.
 - The Federal Chief Firearms Officer: any release document that contains a weapons condition.
 - Red Deer Court: any resulting paperwork, JP endorsements and any CPIC/Federal Chief Firearm Officer confirmation.

Statistical Information

Crown will track:

- The number of matters where Accused were remanded with leave to conduct a bail hearing.
- The number of matters arranged through their office for bail hearing.
- The number of hearings that proceeded to hearing and any that did not proceed and record conflicts due to time/date, Accused unavailability, consent release or other circumstances.
- Whether the Accused was represented by Counsel or Duty Counsel or unrepresented.
- The time required to conduct bail hearings (to measure whether 2 hours blocks of time are appropriate).

REQUEST FOR JUSTICE OF THE PEACE SERVICES (RED DEER)
Judicial Interim Release Hearing
VIA FAX: 1(403)297-3229 TO THE CALGARY HEARING OFFICE

Date and time of scheduled hearing: _____

Red Deer Crown Prosecutor's Office
Red Deer, Alberta
Phone: (403)340-5190
Fax: (403)340-7193
E-Mail: jsg-acps-disclosure-rd@gov.ab.ca

Crown Prosecutor: _____ Phone: _____
Defence Counsel: _____ Phone: _____
Name of Accused: _____ DOB: _____
Location of Accused: _____ Phone #: _____

Has any previous application been made regarding matters on this file?
☐ No ☐ Yes (if yes, please explain) _____

Application is made for the following:

Judicial Interim Release Hearing

____ Accused has no known Criminal Record

or

(Criminal Record attached) ☐ Yes ☐ No

Attached please find the following:

- 1) Prosecutor's Information Sheet and Information
- 2) Warrant Remanding a Prisoner
- 3) CPIC Criminal Record/JOIN Conviction Report

****Defence Counsel/Accused has been provided a copy of this Judicial hearing package.****

Total pages (including coversheet): _____

copy to:

Institution Fax #'s (coversheet only will be sent to the Institution unless Accused is self-represented)

Calgary Correctional Centre:	(403)297-4214
Calgary Remand Centre	(403)695-2079
Edmonton Remand Centre	(780)638-5592
Fort Saskatchewan	(780)992-6827
Lethbridge Correctional Centre	(403)388-2969
Medicine Hat Remand Centre	(403)528-5272
Peace River Correctional Centre	(780)624-8884
Red Deer Remand Centre	(403)340-7181
Red Deer RCMP cells	(403)346-1365

RED DEER BAIL HEARING STATISTICS
Month of _____

				TOTAL TIME					
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