



PROVINCIAL COURT OF ALBERTA

REMOTE OUT OF CUSTODY APPLICATIONS INCLUDING GUILTY PLEAS

GUIDELINES

Effective: April 23, 2020

Background

1. As the Provincial Court of Alberta moves towards stage 5 of the Court Pandemic Plan and begins to implement a staged resumption of normal operations, the Court will develop protocols that permit the Court to remotely hear Applications including out of custody guilty pleas.
2. These guidelines are intended to provide the framework for the development of protocols in each of the regions. These protocols may vary depending on the resources available and the needs of the region. These guidelines will come into effect in each region when the protocol applicable to the region is published on The Provincial court website.

Application

3. The protocols to be developed pursuant to this guideline will apply to those matters where defence counsel/duty counsel/agents* and the Crown have agreed that the matter should be addressed at this time and either leads to the conclusion of the matter or deals with an issue where there is a present need to have it addressed. This will include but not necessarily be limited to guilty pleas, peace bonds and amendments to release conditions.
4. With respect to guilty pleas, the protocols will only apply to matters where a joint submission will be presented to the Court for the Courts consideration that does not involve a (further) period of incarceration or should counsel not be presenting a joint submission, where the Crown will not be seeking a (further) period of incarceration.

Guidelines

Pre-Court

5. Prior to the court application being heard, defense counsel/duty counsel/agent will have contacted the assigned Crown prosecutor to discuss and agree upon the charges to be addressed, the facts to be presented, and any supporting documents to be referenced.
6. Defense counsel/duty counsel/agent will be required to obtain their clients consent to proceedings under the protocol and fully canvas the provisions of s.606(1.1) of the *Criminal Code* in advance of the Court appearance.
7. Defense counsel/duty counsel/agent will be required to provide basic information with respect to the accused and counsel including names and contact information as more specifically set out in the protocol.

Court Proceedings

8. Each person appearing, including the accused, may do so remotely through telephone or video conferencing at a time and in a matter described in the practice note.
9. Nothing in the protocol will in any way fetter the discretion of the presiding Judge in determining a fit sentence or in directing the accused to appear in person.

Post-Court

10. In the event the sentence imposed by the presiding Judge requires an ancillary order to be prepared, the respective protocols will set out the process to have the order explained, signed and returned to the court in a timely fashion.

*Agents are those persons permitted to appear before the Court pursuant to Section 802.1 of the *Criminal Code* including an agent as described under Alberta Order in Council 334/203.