

PRACTICE DIRECTION

COURT OF QUEEN'S BENCH OF MANITOBA

RE: DETENTION REVIEW HEARINGS UNDER SECTIONS 520 AND 525 OF THE *CRIMINAL CODE*

THOMPSON AND THE PAS JUDICIAL CENTRES

As part of the Court of Queen's Bench's ongoing attempts to improve access to justice in all areas of its jurisdiction, the following direction applies to detention review hearings under sections 520 and 525 of the *Criminal Code* in the Thompson and The Pas judicial centres. Informing this practice direction are the following reference points:

- To ensure the integrity of the administration of justice, generally, criminal matters are to be adjudicated in the judicial centre most proximate to the community where the alleged offence took place.
- The constitutional obligation that flows from the *Charter* right not to be denied reasonable bail without just cause requires that bail review hearings take place without unreasonable delay.
- The Thompson judicial centre has a particularly high volume of criminal cases and in-custody accused.
- There is no remand facility in Thompson.
- It is not unusual that accused in criminal matters originating in Thompson and The Pas judicial centres are held in custody in a facility that is a significant distance from the courthouses in these judicial centres.
- Bail review hearings may take place in person, by video, or by teleconference.

Effective immediately, with the above reference points in mind, detention review hearings under sections 520 and 525 of the *Criminal Code* in the Thompson and The Pas judicial centres will be subject to the following procedure:

- The accused will appear either by video or by teleconference from the institution in which they are located, unless the local trial coordinator is advised by counsel or a self-represented accused at least five full business days prior to the scheduled hearing date that an accused is to appear at the hearing in person (to permit sufficient time for transportation).
- Counsel will appear in person in the judicial centre in which the matter originates, unless the local trial coordinator is advised at least one full business day prior to the scheduled hearing date that counsel will appear either by video or by teleconference. When counsel are appearing remotely, they are to contact the

local trial coordinator to obtain call-in instructions. Where this remote appearance is from another judicial centre, it will be coordinated through the local trial coordinator and court clerk.

- Where the accused is appearing in person, defence counsel must also appear in person.
- The judge will preside either in person or by video or by teleconference.
- Applications and supporting material must be filed in the judicial centre in which the matter originates. These may be filed by facsimile or email in the manner directed by the local trial coordinator, with an undertaking to file the original documents.
- An application is to be made returnable in the appropriate judicial centre of Thompson or The Pas on any Monday or Thursday at 9 a.m.
- All hearings will take place between 9 a.m. and 10 a.m.
- The hearing will be monitored in the judicial centre in which the matter originates, regardless of the location of the presiding judge, counsel, and the accused.
- The foregoing is subject to any direction by a judge that counsel or an accused is to appear in person.

Coming into effect

This Practice Direction comes into effect immediately.

ISSUED BY:

“Original signed by Chief Justice Joyal”

**The Honourable Chief Justice Glenn D. Joyal
Court of Queen’s Bench (Manitoba)**

DATE: March 5, 2020