



PRACTICE DIRECTION
Port Coquitlam - North Fraser District

Effective February 4, 2008

Criminal Caseflow Management Rules ("CCFM")

**Arraignment and Trial Confirmation Hearings,
Compliance and Administrative Court Sitings**

There are three objectives to this Direction:

- 1. Expanded judicial assignments for Judicial Case Managers ("JCMs")** - JCMs shall be assigned by the Chief Judge to deal with virtually all administrative and remand, and limited case management, matters (including arraignment and trial confirmation hearings). This is to ensure that the limited resource of judges' time is utilized most effectively for trials and hearings as opposed to administrative and certain case management functions.
- 2. Simplified scheduling of breach allegations - timely and fair determination** - Summary conviction prosecutions for alleged contravention of terms of judicial interim release, or alleged failure to attend court, failure to appear and failure to comply with probation, as well as allegations of breach of Conditional Sentence (collectively, "breach allegations") may be distinguished from prosecutions of substantive criminal allegations. It is the Court's experience that where breach allegations proceed to trial, the issues and the process are relatively simple. This experience, and the public interest in enforcing lawful compliance with Court Orders, commend procedural priority and expedited processes being applied to breach allegations.
- 3. Enforcing compliance with CCFM** - To achieve the objectives of the Criminal Caseflow Management Rules ("CCFM"), if there has been an apparent failure on the part of counsel or an accused to comply with CCFM, this Directive requires prompt senior judicial attention to that non-compliance in order to address issues that lead to undue delay and to backlog, and to a loss of public confidence in the justice system.

Nothing in this Practice Direction limits or abrogates the authority of a Provincial Court Judge to deal with matters under the CCFM.

In this Practice Direction, "Administrative Judge" means the Administrative Judge for the North Fraser District, or another judge assigned by the Administrative Judge.

For the purpose of this Direction, the Practice Direction of November 25, 2003 regarding Arraignment Hearings is rescinded.

I make this Practice Direction under Rule 3 of the Criminal Caseflow Management Rules and pursuant to s. 11 of the *Provincial Court Act*.

This Court is piloting two projects at the Port Coquitlam Courthouse:

- 1) expanded assignments of judicial duties for designated JCMs to hear and deal with arraignment and trial confirmation hearings, and to accept guilty pleas and elections in certain matters;
- 2) specific Court sittings:
 - a) "Compliance Court" - for the case management, and guilty pleas and trials, of breach allegations that have been filed in the Port Coquitlam Registry (all Informations alleging one or more breach allegations, and no other offences, are subject to this Direction), and
 - b) "Administrative Court" - to address failures to comply with the CCFM.

The key characteristics of these pilot projects of which counsel should be aware are as follows:

Arraignment and Trial Confirmation Hearings before JCMs

1. Under their expanded assignment of judicial duties JCMs will:
 - a) conduct CCFM appearances,
 - b) take guilty pleas and take elections (except elections from unrepresented persons) with guilty pleas confirmed in front of a judge;
 - c) issue publication bans pursuant to s.517 or s. 486.4 of the *Criminal Code*, and,
 - d) where uncontested, release/remand accused persons;
 - e) amend informations;
 - f) vacate bench warrants;
 - g) vacate trial dates at or prior to a trial confirmation hearing.
2. If a guilty plea is entered before the completion of an Arraignment Hearing, the sentencing will either proceed on the date of plea or, if that cannot occur, be adjourned by the JCM to a date within 30 days, before a judge on a specific date jointly requested by both Defence and Crown.
3. The arraignment process must be completed within 60 days of the initial appearance for offences proceeding summarily and within 90 days for offences proceeding by indictment unless a longer completion period is approved by the Administrative Judge.
4. When a warrant is executed following a failure to appear, the timeline to complete the process may be extended in the discretion of the JCM or the Administrative Judge.
5. A trial confirmation hearing must be completed and the trial date confirmed not less than 30 days before the trial unless the trial date has been adjourned before that time or the Administrative Judge has approved an extension of time for completion of the hearing.

6. If a JCM is unable to confirm a scheduled trial date with counsel at a trial confirmation hearing, the JCM will adjourn the matter to Administrative Court.
7. If any of the timelines established under this Practice Direction are exceeded with respect to any Information, or if the JCM otherwise deems it appropriate, the matter will be adjourned over to Administrative Court.
8. With regard to trial confirmation hearings referred to Administrative Court, counsel will be expected to show cause why the trial date should not be struck and reset.
9. All trial adjournment requests will be adjourned to Administrative Court by the JCM.
10. No files will be added to a court list without prior JCM approval or that of a judge.
11. For any initial appearance, adjournment of an Arraignment Hearing or Trial Confirmation Hearing, a JCM may authorize counsel to appear by telephone, facsimile, email or other telecommunication means provided:
 - a) a request to do so is received in writing by the JCM no later than 10 am of the court sitting day prior to the scheduled appearance date;
 - b) the timelines established by this Direction are not exceeded; and
 - c) counsel are fully instructed and on the record for the accused.

Compliance Court:

1. The Administrative Judge will assign dates for Compliance Court sittings.
2. When any information contains one or more stand alone breach allegations and the breach allegation(s) are not resolved by a plea or stay of proceedings within 30 days of the initial appearance, the JCM will complete the arraignment process, record a plea to the charge(s) or allegation(s) and, where the plea is not guilty, adjourn the breach allegation(s) for trial to a date and time designated for a Compliance Court sitting.
3. JCMs will adjourn matters for disposition before a judge on a specific date when jointly requested by both Defence and Crown, if a guilty plea is entered within 30 days of the initial appearance and the matter can be heard within 30 days.
4. Any applications for exemption or dispensation from this Direction will be made to a Judge in Administrative Court.

5. Breach allegations will be exempt from the CCFM with respect to arraignment reports, arraignment hearings, trial readiness reports, trial confirmation hearings unless otherwise ordered by the Administrative Judge.

Administrative Court:

1. Administrative Court will be presided over by the Administrative Judge.
2. In addition to those matters identified earlier in this Practice Direction, and upon request of counsel and/or at the discretion of the JCM, a matter may be adjourned to Administrative Court for direction regarding matters such as Crown disclosure, defence access to information and other related matters.
3. A JCM may adjourn other matters to Administrative Court with the approval of the Administrative Judge.

The Court's Expectations of Counsel

Arraignment Hearings and Trial Confirmation Hearings

Expectations of the Court:

1. It is expected that counsel will have fully canvassed admissions and trial estimates before appearing before the JCM;
2. Arraignment Hearings and Trial Confirmation Hearings are expected to be single events before a JCM and should not be adjourned for further preparation except in extraordinary circumstances;
3. With regard to arraignment matters referred to Administrative Court, counsel are expected to explain why they have been unable to enter pleas, elections or to set trial dates. The presumption will be that matters will stay in Administrative Court until they move on in the process as determined by the Administrative Judge;
4. At all times, the defendant or Defence or Crown Counsel who appear must be fully informed regarding the matter before the Court, and have the necessary authority to deal with the matter;
5. If a matter is proceeding by way of alternative measures, the Court expects that no more than one adjournment beyond the timelines established in this Practice Direction will be required to complete the alternative measures process.

Compliance Court

Expectations of the Court:

1. Counsel will be canvassed by the JCM as to admissions and time required for hearing.
2. Where an unrepresented accused entered a not guilty plea and the matter has been set for trial, counsel who are thereafter retained will make themselves available for the existing trial date.

Administrative Court

Expectations of the Court:

1. Either trial Crown, or a senior Crown counsel fully briefed with respect to all matters regarding the file, will attend Administrative Court as will counsel for the Accused. No agents will be permitted to attend except with the permission of the Administrative Judge.
2. The trial Crown, or senior Crown counsel fully briefed with respect to all matters regarding the file, and Defence counsel are expected to explain why pleas have not been entered, elections made, trial dates set or trial dates confirmed.
3. There is an expectation that cases will have a maximum of four scheduled appearances between the first appearance and the scheduling of a matter for disposition or trial.

Hugh C. Stansfield
Chief Judge