



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: 18 July 2022

CRIM 14

PRACTICE DIRECTION

NORTHERN AND INTERIOR BAIL PILOT PROJECT

Purpose

To set out the directions for centralized virtual bail hearings in virtual courtrooms during court sitting hours on weekdays in the Northern and Interior Regions.

Application

This practice direction applies to bail hearings for all adult and youth criminal files in the Northern and Interior Regions.

Directions

1. Weekday bail hearings during court sitting hours regarding adult and youth criminal matters in the Northern and Interior Regions will be conducted by judges attending remotely by Microsoft Teams ("Teams") videoconference in virtual courtrooms ("virtual bail hearings"). The accused will also attend remotely by Teams videoconference or audioconference at the virtual bail hearings. Duty or defence counsel and Crown counsel must appear by Teams videoconference or apply to the Court to appear by audioconference only (see [NP 21](#)).
2. The virtual bail hearings are heard in two virtual courtrooms in both the Northern Region (VR1 and VR2) and the Interior Region (VR3 and VR4). See **Appendix "A"** for the virtual courtroom catchments. Please note the virtual courtrooms and the assigned catchments are subject to change.
3. The daily virtual bail hearing schedule will be:

9:00AM to 9:30AM	<ul style="list-style-type: none">• The Northern and Interior Virtual Bail Judicial Case Managers ("Bail JCM(s)") attend by Teams videoconference respectively in VR1 for the Northern Region and VR4 for the Interior Region to triage matters to finalize the morning remand hearing list.
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	<ul style="list-style-type: none"> • All counsel having files on the morning remand list must attend by Teams videoconference at 9:00AM unless they have connected with the Bail JCM, or filed a Consent Remand Form or Consent Requisition Form, prior to that time. • Duty counsel are required to attend by Teams videoconference at the 9:00AM triage to see if their assistance is required on any of the files on the morning remand hearing list. • Counsel on matters stood down by the Bail JCM at the 9:00AM triage are to keep the Bail JCM informed of what is happening on their matter and must do so by no later than 10:30AM.
9:30AM to 12:00PM	<ul style="list-style-type: none"> • Hearings for accused persons remanded in custody to Correctional Centres in the Province or in custody at police station and courthouses.
By 12:00PM	<ul style="list-style-type: none"> • The Crown will submit to the applicable court registry a bail package for each new in custody accused person. It is acknowledged that on rare occasions, a bail package may not be ready by noon but will be submitted to the applicable court registry as soon as reasonably practicable thereafter. • Upon receipt, the court registry will process the bail package, including signing tele-informations and adding required files. Once a bail package is processed, the court registry will schedule the new in-custody file into JUSTIN, which will update the Court Digital Display System ("CDDS"). The court registry will initially schedule all files for 5:00PM.
1:15PM to 1:30PM	<ol style="list-style-type: none"> 1. At 1:15PM, the following individuals must meet by Teams videoconference with a Registry Quarterback in each virtual courtroom to as best as possible finalize the order the afternoon files are to be called in that court (the "afternoon list"): <ol style="list-style-type: none"> a. All Crown with conduct of any of the afternoon files; b. Duty counsel with conduct of the afternoon files; and c. Any defence counsel who intend to speak to an afternoon file. 2. The following principles guide how the afternoon list is set: <ol style="list-style-type: none"> a. All the parties should inform themselves of the time of arrests, to ensure compliance with <i>Criminal Code</i>, sections 493 and 503. b. Counsel must be reasonably accurate in their estimation of the length of time required for contested bail hearings. Failure to complete contested bail hearings in the estimated time may result in the hearing being stood down until the completion of the afternoon list or adjourned to another day. c. Except in cases where compliance with section 503 (24-hour time limit) requires an immediate appearance, the parties must make reasonable efforts to ensure when a matter is called that

	<p>the appearance will be meaningful and not simply spoken to and stood down. Files that are not ready to be spoken to will remain scheduled at 5:00PM and not called until counsel are ready for something meaningful to happen with them. Once ready for the files to be called, counsel must immediately advise the Sheriff Quarterback on the MS Teams channel and the court clerk.</p> <p>d. Files approaching the 24-hour time limit will be given scheduling priority provided, after consultation with the judge, they can be completed during the afternoon court sitting bearing in mind all the other files scheduled for court that afternoon. These files may also be called briefly to meet the 24-hour time limit and then stood down until later in the afternoon if time permits, or adjourned to another day.</p> <p>e. Subject to the above, youth files have the highest priority in the afternoon list followed by consent releases. Files simply being adjourned to another day have the third highest priority and thereafter, files should be set in the afternoon list based on time estimates, shortest to longest, but also factoring in any known time or resource issues with police stations. Files adjourned from the morning remand hearing list and files from later time zones should also be given some priority in the afternoon list. Files not able to be heard that day will preferably be adjourned to the Bail JCM to be scheduled on another date or adjourned by the judge to another date. Files that are scheduled onto a virtual bail court list are not to be adjourned to the Justice Centre but must be adjourned to the JCM fix date list or to another virtual bail court date.</p> <p>f. If counsel are unable to agree on the afternoon list, direction can be sought from the presiding judge when court starts.</p> <p>3. All efforts will be made to have the afternoon list finalized prior to 1:30PM. Immediately following the afternoon list triage, the Registry Quarterback will update JUSTIN, which will update CDDS, and notify the Sheriff Quarterback and the Bail JCM that the triaged list is available for viewing. The Sheriff Quarterback will immediately communicate with the police stations and courthouses to let them know when the accused are expected to be contacted for virtual bail hearings. If there are any concerns about being able to complete the list, those concerns should be communicated to the Bail JCM as soon as possible so that they can determine whether another judge is available to hear any of the matters.</p>
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	As close as possible, court will start at 1:30PM and proceed through the afternoon list. Where necessary, adjustments to the afternoon list may be made with the input of counsel and the judge. Adjustments should be communicated to the Sheriff Quarterback as soon as possible. When court commences, Crown counsel should be in a position to let the judge know what the afternoon list is and if the parties foresee any problems completing it. If they do, and the judge agrees, these concerns should be communicated to the Bail JCM through the clerk as soon as possible to determine whether alternative arrangements can be made.
1:30PM to 4:30PM	Hearing of the afternoon list as well as any files adjourned by the judge or Bail JCM from the morning court list.

4. The Court does not endorse any cut-off times for the processing of files as part of the bail process. However, the Court recognizes that stakeholders may establish cut-off times as part of their bail processes, but the stakeholders accept that in doing so there is a need for flexibility with the guiding principle being that bail hearings, including consent releases on new arrest files, are to be conducted at the earliest reasonable opportunity.
5. Consistent with that principle, bail hearings for new arrests are to be heard on the day they are scheduled into Court unless, pursuant to section 516, the accused consents to having the matter heard on another day, or it is adjourned by the court. Bail hearings for new arrests are not to be adjourned simply because the estimated time to complete it is beyond a certain time length.
6. In the Interior Region, for bail hearings unable to be heard during court sitting hours, paragraphs 3 to 5 of [CRIM 05 Hearing of Bail Applications](#) continue to apply. Ordinarily, absent a specific request from the accused or their counsel, matters that do not make it onto a daytime court list and are spoken to by police in the afternoon or evening at the Justice Centre, should be adjourned to the next virtual bail remand court date or as directed by the judicial justice, unless the accused is released on bail. In the Northern Region, matters that do not make it onto a daytime court list are spoken to by Crown counsel in the evening at the Justice Centre.
7. If the matter is scheduled for virtual bail court, it cannot be adjourned to the Justice Centre for evening bail.
8. If the accused is self-represented, the matter cannot be adjourned to initial appearance court: either the accused must exercise their right to have a bail hearing, or all initial appearance issues must be addressed before a judge before fixing a date for a trial or sentencing.

9. Despite the virtual nature of the hearings, all the same evidentiary and procedural rules that apply to in-person proceedings should apply, like marking exhibits.
10. The Court expects counsel will use the [Consent Requisition Form](#) and the [Consent Remand Form](#) ("Consent Forms") whenever possible to cancel a scheduled virtual bail hearing/appearance that will not be proceeding (so the Bail JCM can remove the matter from the hearing list) as follows:
- With the exception of the direction regarding Consent Form submission set out in paras. b and c below, all the other directions and procedures set out in [2013 CPD-1 CCFM Practice Direction](#) and [CRIM 08 Criminal Caseflow Management Rules Forms and Procedure](#) regarding the use of the [Consent Requisition Form](#) and the [Consent Remand Form](#) apply.
 - The Consent Forms are to be emailed by counsel to the Northern Virtual Bail JCM (Northern.VirtualBail@provincialcourt.bc.ca) or the Interior Virtual Bail JCM (Interior.VirtualBail@provincialcourt.bc.ca).
 - The following summary chart has been included for counsel's quick reference only:

	Consent Remand Form	Consent Requisition Form
Form use	To adjourn a scheduled bail hearing/appearance date by Defence to another date without the accused or counsel having to appear in court (only used for in custody bail appearances)	To adjourn a scheduled non-trial out of custody or in custody appearances (including bail hearing/appearance) by Defence to another date without the accused or counsel having to appear in court Can also change the next appearance reason (i.e. from Bail Hearing to Sentencing), call-ahead a scheduled appearance date, and add files by Defence
When to submit the Consent Form by email to the Northern Virtual Bail JCM or Interior Virtual Bail JCM	1. 12:00PM-4:30PM the business day before for processing at 9:00AM the day of the scheduled appearance date; or 2. Any time on the day of the scheduled appearance date	Anytime up until noon the business day before the scheduled appearance date
Defence counsel as agent or designated counsel	Yes	Yes

Consent required	Yes	Yes
Counsel signature required	No	No
Court appearance required	No	No
Self-represented accused	No	No

11. Crown and defence counsel shall submit any documents they wish the Court to consider for a virtual bail hearing by following the process set out in **Appendix “B”** - Document Protocol for Counsel.

12. For registry arrests that may or may not be added to a virtual bail court list, see **Appendix “C”** for the process to be followed.

Cross-Reference

- The Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy, including the general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court; and
- Notice to the Profession and Public 21 for etiquette and directions on connecting by remotely. (**Anyone** appearing in Provincial Court by Teams can email the CBABC at members@cbabc.org for technical support.)

History of Practice Direction

- Original Practice Direction effective April 19, 2021.
- Revised Practice Direction July 18, 2022: adding reference to Interior Region throughout and updating to reflect current processes, including updating Appendices “A” and “B” and adding Appendix “C”.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, and Rule 3 of the *Criminal Caseflow Management Rules*.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia

Appendix "A"

Northern and Interior Region Catchments, Location Codes, and Court Registry Email Addresses

NORTHERN REGION CATCHMENTS			
VR1	PRINCE GEORGE CATCHMENT	Code	Court Registry Email Addresses¹
	Prince George Provincial Court	PG	csbpg.criminalregistry@gov.bc.ca
	CARIBOO CATCHMENT		
	Anahim Lake Provincial Court	AL	Office15231@gov.bc.ca
	100 Mile House Law Courts	OMH	Office15231@gov.bc.ca
	Fort St James Provincial Court	FSJ	csbpg.criminalregistry@gov.bc.ca
	Fraser Lake Provincial Court	FL	csbpg.criminalregistry@gov.bc.ca
	Kwadacha Provincial Court	KWA	Office15216@gov.bc.ca
	Mackenzie Provincial Court	MAC	Office15216@gov.bc.ca
	McBride Provincial Court	MCB	Office15215@gov.bc.ca
	Quesnel Law Courts	QUE	Office15230@gov.bc.ca
	Tsay Keh Dene Provincial Court	TKD	csbpg.criminalregistry@gov.bc.ca
	Valemount Provincial Court	VAL	Office15215@gov.bc.ca
	Vanderhoof Law Courts	VHF	csbpg.criminalregistry@gov.bc.ca
	Williams Lake Law Courts	WL	Office15231@gov.bc.ca
VR2	NORTHWEST CATCHMENT		
	Atlin Provincial Court	ATL	Office15228@gov.bc.ca
	Burns Lake Provincial Court	BL	Office15219@gov.bc.ca
	Dease Lake Provincial Court	DL	Office15222@gov.bc.ca
	Good Hope Lake Provincial Court	GHL	Office15228@gov.bc.ca
	Hazelton Provincial Court	HAZ	Office15224@gov.bc.ca
	Houston Provincial Court	HOU	Office15224@gov.bc.ca
	Kitimat Law Courts	KIT	Office15222@gov.bc.ca
	Lower Post Provincial Court	LP	Office15228@gov.bc.ca
	Masset Provincial Court	MAS	Office15220@gov.bc.ca
	New Aiyansh Provincial Court	NEA	Office15222@gov.bc.ca
	Prince Rupert Law Courts	PR	Office15220@gov.bc.ca
	Queen Charlotte Provincial Court	QCC	Office15220@gov.bc.ca
	Smithers Law Courts	SMI	Office15224@gov.bc.ca
	Stewart Law Courts	STE	Office15222@gov.bc.ca
	Terrace Law Courts	TER	Office15222@gov.bc.ca
	PEACE CATCHMENT		
	Chetwynd Provincial Court	CHE	Office15226@gov.bc.ca
	Dawson Creek Law Courts	DC	Office15226@gov.bc.ca
	Fort Nelson Law Courts	FN	Office15229@gov.bc.ca
	Fort St John Law Courts	FOS	Office15228@gov.bc.ca
	Tumbler Ridge Provincial Court	TR	Office15226@gov.bc.ca

¹ The Court Registry email addresses have been copied from the BC Government webpage [here](#).

INTERIOR REGION CATCHMENTS			
VR3	Kelowna	KEL	CSB.KelownaCriminal@gov.bc.ca
	Penticton	PEN	PentictonCourtRegistry@gov.bc.ca
	Princeton	PRI	PentictonCourtRegistry@gov.bc.ca
	Nelson	NEL	NelsonCourtRegistry@gov.bc.ca
	Nakusp	NAK	NelsonCourtRegistry@gov.bc.ca
	Castlegar	CAS	NelsonCourtRegistry@gov.bc.ca
	Grand Forks	GRF	VCRosslandCrt@gov.bc.ca
	Rossland	ROS	VCRosslandCrt@gov.bc.ca
	Cranbrook	CLB	cranbrookcourtregistry@gov.bc.ca
	Creston	CRE	cranbrookcourtregistry@gov.bc.ca
	Invermere	INV	cranbrookcourtregistry@gov.bc.ca
	Fernie	FER	cranbrookcourtregistry@gov.bc.ca
	Sparwood	SPA	cranbrookcourtregistry@gov.bc.ca
	Golden	GOL	GoldenCourtRegistry@gov.bc.ca
VR4	Kamloops	KAM	JAGCSBKamloopsScheduling@gov.bc.ca
	Merritt	MER	JAGCSBKamloopsScheduling@gov.bc.ca
	Lillooet	LIL	JAGCSBKamloopsScheduling@gov.bc.ca
	Clearwater	CLW	JAGCSBKamloopsScheduling@gov.bc.ca
	Vernon	VER	JAGCSBVernonScheduling@gov.bc.ca
	Salmon Arm	SAA	JAGCSBSalmonArmScheduling@gov.bc.ca
	Revelstoke	REV	JAGCSBSalmonArmScheduling@gov.bc.ca

Appendix “B”

Document Protocol for Counsel

Counsel shall submit in advance any documents they wish the Court to consider for a bail or sentencing hearing as set out below. The documents, unless marked as an exhibit, do not form part of the court record in the court file.

A. Email attaching documents for virtual bail hearing

1. New Arrests

Crown and defence counsel shall email documents to the court registry where the charge originates using the generic email address for that [court registry](#) [a list of the Northern and Interior Region court registry email addresses is included in **Appendix “A”**]

When emailing the registry, counsel shall send one email per accused with the following in the **subject line** of the email:

Urgent IC_Accused Last Name_Accused First Name_Home Court Location Code_Date of Court Appearance

Example: Urgent IC_Smith_John_PG_Apr27

A list of the Northern and Interior Region court location codes is included in **Appendix “A”**.

2. Additional Documents (For Remands)

If the bail hearing is adjourned to another date in a virtual courtroom and counsel wants to submit any **additional** documents for the bail hearing, counsel shall email documents to the court registry where the charge originated using the generic email address for that court location [see **Appendix “A”**]

When emailing documents to the registry, counsel shall put the following in the **subject line** of the email:

Virtual Room#_accusedrecords_court location code_date of court appearance

Example: VR1_accusedrecords_PG_Apr30

A list of the Northern and Interior Region court location codes is included in **Appendix “A”**.

3. Adjourned Matters Returning to Local Registry

If the bail hearing is adjourned to another date at the home court location and counsel wants to submit **additional** documents for the bail hearing, counsel shall email documents to the court registry where the charge originated using the generic email address for that court location [see **Appendix “A”**]

When emailing documents to the registry counsel shall put the following in the **subject line** of the email:

Courtroom#_accusedrecords_court location code_date of court appearance

Example: 101_accusedrecords_PG_Apr30

A list of the Northern and Interior Region court location codes is included in **Appendix "A"**.

B. Documents

Crown counsel shall submit the following documents for a bail hearing (where relevant):

- JUSTIN Conviction List/CPIC/MVA Record
- Suggested bail conditions using [picklists](#)
- Any other documents Crown will be relying on at the bail hearing

C. Document Naming Protocol

Crown counsel shall save the documents for a bail hearing as a single bookmarked PDF (identifying the individual documents contained in the PDF) and name the PDF using the following naming protocol:

- **Accused Last Name_Accused First Name**
- **_Court File Number (if single file) or _Multi (if multiple files re same accused) – including Sequence # and Type Reference**
- **_Home Court Location Code (i.e., Registry Location where file is being processed)**
- **Month and Day of Court Appearance**
- **.pdf**

Example: SMITH_John_12345-1K_PG_Apr19.pdf
SMITH_John_Multi_PG_Apr19.pdf

Defence counsel are strongly encouraged to save documents for a bail hearing as a single bookmarked PDF using the above naming protocol. However, if sending multiple PDFs or Word documents for the same accused, defence counsel shall add the type of the document to the document name:

Accused last name_accused first name_information#_document type_home court location code_month and day of court appearance.pdf

Example: Smith_John_123456-6B_probationorderJan2019_PG_Apr19.pdf

Example: Smith_John_123456-6B_letterofemployment_PG_Apr19.pdf

If defence counsel is sending more than one document for an accused, defence counsel shall send a separate email for each accused.

If counsel is sending a single PDF containing all of the documents for an accused, counsel may send PDFs for more than one accused in the same email to the registry, as long as they are all for the same courtroom and court location. This does not apply to documents for new arrests where the email must contain documents for only one accused (as identified in the subject line).

D. Adjournments

Where a bail hearing is adjourned for a bail hearing on another date and counsel previously emailed documents to the registry, counsel does not need to re-send the documents (see A.2. and A.3. above). If the bail hearing is adjourned for another purpose (eg. sentencing) counsel is required to email all documents relevant for this new appearance to the appropriate registry (see E. below).

E. Documents for sentencing hearings by audioconference or videoconference

Where counsel will be appearing by audioconference or videoconference at a sentencing hearing, counsel shall email any documents they wish the Court to consider at the sentencing hearing by following the process below.

1. Email attaching documents for sentencing hearing:

Crown and defence counsel shall email documents to the court registry where the sentencing hearing is scheduled using the generic email address for that court location [see **Appendix "A"**].

When emailing documents to the registry, counsel shall put the following in the subject line of the email:

Courtroom#_accusedrecords_court location code_date of court appearance

Example: 101_accusedrecords_PG_Apr30

2. Documents

Crown counsel shall submit the following documents for a sentencing hearing (where relevant):

- JUSTIN Conviction List/CPIC
- Gladue Reports and other Reports not ordered by the Court
- Suggested probation/CSO conditions using [picklists](#)
- Any other documents Crown will be relying on at the sentencing hearing

3. Document Naming Protocol

The same document organization and naming protocol for bail hearings above applies to sentencing hearings where counsel will be appearing by audioconference or videoconference.

4. Adjournments

Where a sentencing hearing is adjourned for a sentencing hearing on another date and counsel previously emailed documents to the registry, counsel does not need to re-send the documents.

Appendix “C”

Processing Outstanding Arrest Warrants for Accused with Existing Bail During Courthouse Registry Business Hours

Note: This procedure applies to endorsed and unendorsed arrest warrants issued by the Provincial Court where the accused has existing bail² on all files that the arrest warrants apply to. The exceptions are that this procedure does not apply to warrants specifically issued under Criminal Code s. 597, Criminal Code s. 766, or Youth Criminal Justice Act s. 31(5); warrants issued under these sections should always be executed or deemed executed in court.

1. When an adult or youth accused attends the courthouse to voluntarily deal with an outstanding warrant, the accused will be directed to go to the court registry.
2. A Court Services Branch Justice of the Peace (JP) will contact Crown Counsel to determine whether the warrant can be vacated or the matter should be scheduled into court.
3. **If both the Crown and the accused consent to the warrant being vacated and are not seeking to change the accused’s bail or to address the matter in court**, the JP may vacate the warrant, adjourn the accused’s file(s) to a new court date, and confirm with the accused that the existing bail (whether police or court) is still in effect.
4. **If the Crown or the accused do not consent to the warrant being vacated, are seeking to change the accused’s bail, or wish to address the matter in court**, the accused must appear in court before a judge or judicial justice. The registry will contact a judicial case manager (JCM) to arrange the court appearance.
 - a. If sheriffs are available, the sheriffs will determine whether the warrant should be executed prior to the accused’s court appearance. Where appropriate, efforts will be made to avoid executing the warrant, but that may not be operationally possible. The sheriffs will provide the accused with access to counsel. If the sheriffs execute the warrant and the matter cannot be scheduled into court that day during regular daytime court sitting hours, the sheriffs must transport the accused to the local police station.
 - b. If no sheriff is available, the JP must contact the local police to attend the courthouse to execute the warrant unless the Crown advises it is not seeking to have the accused detained and the JCM advises that the matter can be addressed in court that day during regular daytime court sitting hours. If the police are contacted to attend the courthouse to execute the warrant and the accused leaves the courthouse before police arrive, the registry should notify the police and Crown and report the incident in IRIS.
 - c. The accused may appear in court in person, by videoconference, or by audioconference, provided that the method of appearance is satisfactory to the presiding judge or judicial justice.
 - d. If the accused is arrested and does not wish to have their bail hearing that day and the requirements for a consent remand in the [CPD-1](#) and [CRIM 08](#) Practice Directions are satisfied, a consent remand may be used to adjourn to another date.

² In this Appendix, “existing bail” includes all forms of interim release as well as any other process that compels the accused’s appearance in court, such as a summons.