



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: 19 April 2021

CRIM 14

PRACTICE DIRECTION

NORTHERN BAIL PILOT PROJECT

Background

In light of the COVID-19 pandemic and the current public health emergency, and as described in the [NP 19 Court Operations During COVID-19](#), all judicial interim release (bail) hearings are currently being held virtually by videoconference or audioconference unless a judge or justice orders otherwise. As an extension of these efforts, the Northern Bail Pilot Project is a proof of concept for a centralized virtual bail hearing model that takes place in virtual courtrooms and to gather information about the improvement to access to justice using video technology to support further video installations in other Northern police detachments. The objectives of the Pilot Project include:

- Reducing the overall time spent in-custody for those awaiting a bail hearing as efficiencies are gained through Crown charge assessment and duty counsel assistance available on all new arrests, more timely bail hearings, reduction of police-led bail during the weekday at the Justice Centre, and increased use of consent releases, resulting in fewer sheriff transports and fewer overnight remands in police cells;
- Reducing sheriff transports to courthouses/centralized correctional facilities, which will reduce the displacement of accused people from the housing, employment, support in their community;
- Improving access to justice including by:
 - installing Microsoft Teams (“Teams”) videoconferencing units in 7 of the 37 RCMP Detachments across Northern BC¹, as well as 1 unit in Prince George Regional Correctional Centre (PGRCC), to support either video or telephone appearances at virtual bail hearings thereby expanding the use of videoconferencing for bail hearings; and
 - reducing or eliminating interruptions to previously scheduled trials to accommodate unscheduled bail hearings for newly arrested people and by increasing access to duty counsel and Crown resources as they are consolidated in larger locations, resulting in people arrested always having access to duty counsel, remotely by telephone or video, in advance of the bail hearings;

¹ Currently, Burns Lake, Dawson Creek, Fort Nelson, Kitimat, New Hazelton, Prince George, and Quesnel.

- Reducing the need for police to lay information and appear as a prosecutor on weekday, daytime bail hearings at the Justice Centre, in remote detachments/circuit court locations; and
- Greater efficiencies by reducing the need for counsel to travel to different court locations, and then wait in court for bail hearings to proceed, in addition to more efficient use of judicial, counsel, and court resources through the introduction of enhanced JCM bail hearing scheduling.

The Pilot Project will be evaluated by the Court to consider its long term potential and viability of scaling to additional locations across the Province.

Purpose

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

Application

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

Directions

1. The Pilot Project will be subject to review by the Court at 30-, 60- and 90- days from the effective date of this direction, and the directions herein may be modified as a result.
2. Weekday bail hearings during court sitting hours regarding adult and youth criminal matters in the Northern Region will be conducted virtually by judges appearing remotely by Teams videoconference in virtual courtrooms. The accused, duty or defence counsel, and Crown counsel will also appear remotely by Teams videoconference or audioconference at the virtual bail hearings.
3. The virtual bail hearings will be heard in two virtual courtrooms:
 - a. VR1 which will hear matters from the Prince George and Cariboo catchments; and
 - b. VR2 which will hear matters from the Peace and Northwest catchments.

See **Appendix "A"** for the four catchments. Please note the virtual courtrooms and the assigned catchments are subject to change.

4. The daily virtual bail hearing schedule will be:

- **9:00AM – 9:30AM:** The Northern Bail Judicial Case Manager is available via Teams videoconference to triage matters to finalize the morning remand hearing list.
 - **9:30AM – 12:00PM:** Hearings for accused persons remanded in custody at PGRCC or other Correctional Centres in the Province or in custody at police detachments awaiting transport to PGRCC.
 - **1:00PM – 4:30PM:** Hearings for accused persons newly in-custody (arrested overnight) and charges have been approved.
5. Bail hearings estimated to take 30 minutes or longer, or where a judge is seized or Crown counsel is assigned conduct of the matter, will need to be scheduled by the Northern Bail JCM into a court.
 6. 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 miss the cut-off time 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 **at 1:00PM** unless the accused is released on bail.
 7. 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 Northern Bail JCM can remove the matter from the hearing list) as follows:
 - a. 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.
 - b. The Consent Forms are to be submitted by counsel to the Northern Bail JCM by email to: Northern.VirtualBail@provinciacourt.bc.ca.
 - c. 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 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

8. 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.

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: Guide to Virtual Proceedings](#) 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.

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 Region Catchments, Location Codes, and Court Registry Email Addresses

VR1	PRINCE GEORGE CATCHMENT	Code	Court Registry Email Addresses²
	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

² The Court Registry email addresses have been copied from the BC Government webpage [here](#).

Appendix “B”

Document Protocol for Counsel

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 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.court location code.date of court appearance

Example: UrgentIC.Smith.John.PG.Apr27

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

2. Additional Documents (For Remands)

If the bail hearing is adjourned to another date in VR1 or VR2 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#.accused records.court location code.date of court appearance

Example: VR1.accusedrecords.PG.Apr30

A list of the Northern 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#.accused records.court location code.date of court appearance

Example: 101.accusedrecords.PG.Apr30

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

B. Documents

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

- Information(s)
- JUSTIN Conviction List/CPIC
- Reports, including PSR, Gladue, etc.
- Suggested bail conditions using picklists
- Any other documents crown will be relying on at the bail hearing

C. Document Naming Protocol

Counsel shall use the following document naming protocol when saving documents for attachment to the email to the originating court registry:

Accused last name.accused first name.information#.home court location code.month and day of court appearance

Example: Smith.John.123456-6B.PG.Apr19

The documents for one accused can either be grouped into a single PDF or emailed as separate pdf or word documents. If sending a PDF containing several documents, the PDF must contain bookmarks identifying the individual documents contained in the PDF.

If sending multiple PDFs or word documents for the same accused, 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.day

Example: Smith.John.123456-6B.probationorderJan2019.PG.Apr19

Example: Smith.John.123456-6B.letterofemployment.PG.Apr19

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).

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

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#.accused records.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):

- Information(s)
- JUSTIN Conviction List/CPIC
- Reports, including PSR, Gladue, etc.
- 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 naming protocol for virtual 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.