

NOTICE

PROVINCIAL COURT OF MANITOBA

RETURN TO SITTING FOR TRIALS, DISPOSITIONS AND SPECIAL SITTINGS IN MOST CIRCUITS

FURTHER SUSPENSION AND RESTRICTION OF HEARINGS

RE: COVID-19 SUSPENSIONS, RESTRICTIONS AND RESUMPTIONS

March 15, 2021

Since the beginning of the COVID-19 pandemic all levels of Court have taken proactive preventative measures to protect the health and safety of all court users to help contain the spread of COVID-19 while providing essential judicial services to Manitobans. Further to our earlier Notices, and due to the on going pandemic in Manitoba and in line with public health directives, we continue to take incremental steps towards re-opening.

This notice covers April and May 2021.

Overview of Additional Court Resumptions

As of April 1, 2021:

- All criminal trials set in the six major Court centres (Winnipeg, Portage la Prairie, Brandon, Dauphin, The Pas, Thompson) will proceed as scheduled.
- All dispositions where the person is in custody **or** a custodial disposition is being sought will proceed.
- All dispositions where a non-custodial sentence is being sought can proceed, if the parties are able to attend remotely.
- All dockets containing matters which are not yet set for disposition or trial will proceed virtually. Accused persons should not attend these dockets in person.
- All circuit court trials and up to five in-person dispositions at each circuit court sitting can proceed. Additional dispositions can proceed on circuit if the accused person can appear remotely at the court sitting.

- We will not be returning to the following communities in April and dockets will continue to be held virtually. The communities are Cross Lake, Garden Hill, God's Lake, Lac Brochet, Nelson House, Oxford House, Pukatawagan, Split Lake and Waywayseecappo.

As of May 1, 2021:

- We plan to return to sittings in Cross Lake, Garden Hill, God's Lake, Lac Brochet, Nelson House and Waywayseecappo in May 2021, but these communities will be subject of a later notice as we assess on an ongoing basis the public health situation in those communities.

Further suspension in April and May 2021:

- We do not expect to be able to return to Oxford House, Pukatawagan and Split Lake in April and May 2021.

Open Court Proceedings

The Provincial Court of Manitoba remains open to hear applications with respect to urgent matters in addition to those the Court is hearing as set out in this notice.

In-custody trials or dispositions from circuit locations not yet opened, can be transferred to the appropriate major court centre where possible. In all other cases, a change of venue motion must be filed or judicial permission sought as set out in the previous Transferring Matters between Judicial Court Centres notices.

http://www.manitobacourts.mb.ca/site/assets/files/1175/notice_-_transferring_matters_between_judicial_court_centres_-_amendment.pdf

Adult and youth in-custody bail and disposition courts will continue to sit, with accused persons appearing by telephone or video conference, if available. Efforts will be made to facilitate counsel appearing by telephone when requested (for matters scheduled up to half a day). The Court continues to expand its ability to hear matters by video where possible.

Remote appearances by accused persons can occur by telephone, or where available, video-conference.

In addition to the above, the following additional matters set on and after April 1, 2021, can now be heard in the court locations as noted:

WINNIPEG

Trials

In Winnipeg, the court will hear **all** criminal trials and preliminary inquiries set in the months of April and May, 2021.

Dispositions

If both counsel are agreed on recommending a non-custodial disposition, the matter can proceed with remote appearances by all parties. These dispositions will not be heard in person at this time, subject to the Judge's discretion. If a custodial sentence will be sought, the disposition can proceed with the accused appearing in person. Counsel must contact the Disposition Coordinator to confirm the manner in which the accused can appear remotely. Counsel are encouraged to attend remotely. Telephone and video conference dispositions are always subject to the discretion of the presiding judge, at the time of disposition, to ensure this manner of proceeding is fit and appropriate.

Provincial Court Counter (PCC) Docket (formerly PTC Dockets) and In-Custody PTC Dockets

The Pre-Trial Coordinator (also known as Provincial Court Counter) dockets will proceed by teleconference in April and May, 2021. Counsel must appear virtually. A teleconference phone line will be available for counsel. Counsel are to contact the Crown to arrange future dates **in advance** of the docket, to reduce the need to make any appearance on the day of the docket. If dates are pre-arranged, those dates will be set, without the need to phone in. Self-represented persons will have the option of calling into the Court to speak to their matter. Please see the notice of January 28, 2021, which details the process.

http://www.manitobacourts.mb.ca/site/assets/files/1966/notice_57_-_provincial_court_-_covid-19_-_virtual_docket_appearance_january_28_2021_-_e.pdf

Gun Prohibition Court

April 12 and May 10, 2021, will be administratively adjourned to June 14, 2021.

Legal Aid Administrative Court

This court will proceed virtually, all parties can appear remotely. If you are representing yourself, please see the instructions in the link above under Provincial Court Counter on how you can speak to your matter or contact Legal Aid or the Crown Attorney.

Private Prosecution Court

April 19, May 3, 17, 31, 2021, will be administratively adjourned to June 7, 2021. Any peace bonds that can be dealt with remotely should be set by contacting the Disposition

Coordinator and set for a virtual appearance. All matters will be referred to Mediation Services who continue to offer their services.

BRANDON, THE PAS, DAUPHIN, PORTAGE LA PRAIRIE AND THOMPSON

Trials

The Provincial Court of Manitoba will proceed to hear **all** criminal trials and preliminary inquiries (in and out of custody) scheduled in the court centres of Brandon, Dauphin, Portage la Prairie, The Pas and Thompson.

Dispositions

If both counsel are agreed on recommending a non-custodial disposition, the matter can proceed with remote appearances by all parties. These dispositions will not be heard in person at this time, subject to the Judge's discretion. If a custodial sentence will be sought, the disposition can proceed with the accused appearing in person. Counsel must contact the Disposition Coordinator to confirm the manner in which the accused can appear remotely. Counsel are encouraged to attend remotely. Telephone and video conference dispositions are always subject to the discretion of the presiding judge, at the time of disposition, to ensure this manner of proceeding is fit and appropriate.

Dockets

All docket appearances will proceed virtually. Accused persons are not permitted to attend in person for virtual dockets. Counsel are to contact the Crown to arrange future dates in advance of the docket. Counsel are encouraged to appear remotely.

CHILD PROTECTION

Child Protection proceedings are considered to be a priority in the essential services provided by the Court during this time and therefore Child Protection dockets from the courts circuit points will occur in the communities in Beausejour, Berens River, Bloodvein, Emerson, Norway House, Little Grand Rapids, Peguis, Pine Falls, Poplar River, St. Martin and Steinbach. Parents, guardians, parties to the proceedings and social workers will be allowed to attend court in person, if they can do so respecting social distancing and safety protocols. All efforts should continue to be made to reduce the number of people attending court to only those essential to the proceedings. Counsel are asked to organize staggered appearances so that physical distancing can be accommodated. Counsel and parties to the proceedings are encouraged to appear by telephone for the child protection dockets.

In those communities where child protection matters are proceeding, counsel are still expected to communicate with each other and with their clients in advance, to reduce the number of people attending court. If attendance is not necessary, counsel are asked to let their clients know they need not attend court as counsel will speak to the matter.

Child Protection trials will proceed as scheduled. Counsel are encouraged to contact the appropriate court centre to arrange teleconference case management meetings to discuss alternative options. The court remains available to hear applications with respect to urgent matters, especially where those can be arranged with the parties attending remotely.

PROTECTION ORDERS

Protection Order applications will continue to be heard by Judicial Justices of the Peace, both in person and by telephone.

CASE MANAGEMENT CONFERENCES

Case Management Conferences will continue as scheduled, but will be conducted by teleconference.

PROVINCIAL OFFENCES COURT

The Provincial Offences Court Office at 373 Broadway Avenue, Winnipeg, will remain closed to the public up to and including **May 3, 2021**. *Provincial Offences Act* matters (Winnipeg and Regional) including *Highway Traffic Act* matters scheduled to appear up to and including May 3, 2021, throughout Manitoba will be adjourned without you appearing and rescheduled to a later date. Notification of the new date and time will be sent to you. The court office at 373 Broadway remains open to accept fine payments only if other remote options are not utilized.

It is anticipated some *Provincial Offences Act* courts will open in May 2021, and be able to proceed with the parties appearing virtually. This will be subject to a later notice.

This suspension includes all *Provincial Offences Act* matters, including *Highway Traffic Act* matters scheduled for hearing in Winnipeg as well as those scheduled for:

Minnedosa on April 13, 2021

Portage la Prairie on April 21, 2021

Selkirk on April 13, 2021

Steinbach on April 14, 2021

Thompson on April 9, 2021

Virden April 30, 2021

CIRCUIT LOCATIONS

In April and May 2021, we are returning to a significant number of circuit locations.

In these circuit court locations, it has been determined the facilities have the space capacity, and with the reduced number of people attending Court, allows the COVID-19 health protocols to be implemented so the matters can proceed safely and within the public health guidelines. Please refer to the attached sample of the protocols that will be implemented at each circuit court. The trials and preliminary inquiries will proceed in the circuit locations listed below. The Courts will only be open to those people necessary to the proceedings before the courts. The Courts will remain closed to the general public. Those people attending as an accused or a witness may have a maximum of two support people in attendance with them. This Notice is subject to amendment if there are changes in the COVID-19 situation in Manitoba.

In addition, up to five in-person dispositions can be scheduled to proceed on each docket. These dispositions are to be identified and coordinated with the Crown Attorney in advance. Any additional dispositions where the accused person can appear remotely **and** a non-custodial disposition is being sought by both counsel, can proceed. All other matters on the docket must be dealt with virtually. A virtual docket is intended to be an opportunity to discuss or review the status of the matter, however accused persons should not be attending court in person.

Sheriff Officers will be assuming significant extra duties related to maintaining and enforcing COVID-19 safety protocols. As a result, it is necessary that the only people transported, in-custody, are those people who will have trials proceeding in these communities. If a matter resolves in advance, it should proceed to disposition in the appropriate major Court centre and the transport should be cancelled. It is imperative that counsel communicate in advance regarding the trial proceeding. Counsel must confirm with Sheriff Services at least 48 hours in advance that the transport of the person for court is required. If such confirmation is not received by Sheriff Services, the person will NOT be transported to the community, to prevent the prisoner from being isolated for 14 days.

Please note, any in-custody accused who is transported to attend for a matter outside a court centre (Winnipeg or Brandon), if they are returning to custody after the appearance, will have to isolate for 14 days.

All JJP dockets will continue to be heard virtually in Thompson. A virtual docket is intended to be an opportunity to discuss or review the status of the matter, however accused persons should not be attending court in person.

Beginning April 1, 2021, court in the following locations will proceed in the community, implementing the protocols set out above:

Altona

Arborg

Ashern

Beausejour

Berens River

Bloodvein

Brochet

Camperville

Churchill

Cranberry Portage

Easterville

Emerson

Flin Flon

Gillam

Gimli

Gods River

Grand Rapids

Killarney

Leaf Rapids

Little Grand Rapids

Lynn Lake

Lundar

Minnedosa

Moose Lake

Morden

Norway House

Paucingassi

Peguis

Pine Falls

Poplar River

Roblin

Rosburn

Russell

Sandy Bay/Amaranth

Selkirk

Shamattawa

Sioux Valley

South Indian Lake

St. Boniface

St. Pierre

St. Martin

St. Theresa Point

Steinbach

Stonewall

Swan River

Virden

Further suspensions in April 2021, but planned resumption in May 2021:

We anticipate returning to trial court sittings in the following communities in May 2021, but this will be subject to a later notice based on the public health circumstances in each community:

Cross Lake

April 12 and April 26, 2021, trials will be administratively adjourned to the May 13, 2021, JJP docket to be held virtually in Thompson.

Garden Hill

April 14 and 15, 2021, court sittings will be held virtually in Winnipeg.

Gods Lake

April 20, 2021, docket will be administratively adjourned to the JJP docket to be heard virtually in Thompson on May 12, 2021.

Lac Brochet

There are no planned sittings in April.

Nelson House

April 21, 2021, JJP docket will be heard virtually in Thompson.

Waywayseecappo

April 7, 2021, the docket will be held virtually in Brandon.

Further Suspensions in April 2021, and May 2021

We will not be able to return to the following communities in April and May 2021:

Oxford House

April 22, 2021, trials and docket will be administratively adjourned to May 14, 2021, JJP docket to be heard virtually in Thompson.

May 20, 2021, trials and docket will be administratively adjourned to June 11, 2021, JJP docket.

Pukatawagan

April 14, April 20, May 12, May 25, 2021, docket will be heard virtually in The Pas, all parties may appear remotely.

April 20, 2021, criminal docket will be administratively adjourned to May 12, 2021.

March 30, 2021, criminal docket will be administratively adjourned to April 14, 2021.

Split Lake

April 19 and May 17, 2021, dockets will be heard virtually in Thompson, all parties may appear remotely.

ISSUED BY:

“Original signed by:”

**The Honourable Chief Judge
Margaret Wiebe**

DATE: March 15, 2021

Sample Circuit Court COVID Protocol:

*Masks are mandatory as per the Notices to the Profession dated September 7 and 8, 2020 from the three Chief Judges of the three levels of Court. Counsel are asked to advise clients that they are expected to supply their own masks, the court will have a limited supply available.

All attendees must follow the instructions of the Judge, Sheriff's Officers, RCMP, Band Constables and First Nation's Safety Officers, failure to do so could result in removal from the facility.

The aim is to have only those necessary in court attend. To ensure that only those necessary attend, please note:

- Counsel are to have discussions ahead of the court date and filter out those who do not need to make an appearance.
- Prosecutions will be providing a weekly spreadsheet of witnesses they anticipate attending.
- A COVID screener will be stationed in the front lobby on the main floor with an updated docket to confirm access is required.
- Due to the capacity in [Circuit Court location], only a limited number of individuals may enter at one time. All others will be asked to wait outside; they will be allowed entry as others leave.
- The COVID screener, with the assistance of the Court Clerk & counsel can assist with staging of appearances. Staging area will be outside and called in when their matter is going to be dealt with.
- In the event of inclement weather, the COVID screener will request contact information and a call could be made by the Court Clerk to return.
- Individuals will be asked to leave once their matter has been addressed.

The COVID screener will ask all counsel and public entering the [Circuit Court Location] the following questions, if their response to any is yes, they are not permitted entry:

- Have you returned from travel outside of Manitoba in the last 14 days?
- Are you under direction to self-monitor or self-isolate?
- Are you experiencing any of the following cold/flu symptoms; weakness, cough, runny nose, sore throat or headache?
- Have you been in close contact in the last 14 days with someone that is confirmed to have COVID-19?

Following the COVID-19 screening questions, all members of the public and court stakeholders, including counsel are to be temperature screened.

- In colder weather, individuals may need to wait until your skin temperature normalizes.

- Individuals should avoid drinking hot or cold liquids or smoking 15 minutes before screening.
- A non-contact temperature reading is to be taken on the individual's forehead. A minimum of two readings should be taken.
- If the individual's temperature is within the acceptable range (below 38 degrees), they will be allowed access. If an individual has a fever, they are not allowed access.

The following are allowed access (May 15, 2020 PJC Notice):

- Those persons who have something meaningful occurring. (such as disposition or trial)
- A maximum of two support persons per accused / witness.
- Self-represented individuals.

Note: if a member of the public scheduled to appear before the court is denied entry, the court is to be notified ASAP.

Public will be asked to sanitize their hands, if they are wearing a mask they will be required to keep it on while in the building and they will be reminded (verbally & signage) to maintain physical distancing.

General:

- Portable barriers are available for use in the courtroom.
- The courtroom will be disinfected / fogged prior to and after court.
- All surfaces occupied by multiple individuals will be cleaned and sanitized before the next person is allowed in the area, including the witness box and counsel table.
- All oath materials will be sanitized between uses.

Physical Distancing:

- Individuals will be allowed to sit together if they are from the same household.
- Counsel will be gently reminded of social distancing measures if there are multiple counsel in the designated courtroom at any specific time.

Prisoner Escorts:

- Persons who are in custody and anticipate proceeding to disposition will not be transported to court in [Circuit Court Location]. Counsel should set the matter for disposition in the nearest appropriate Court Centre. Every person who is transported to [Circuit Court location] for court and returned to a correctional facility will be required to self-isolate for 14 days.
- It is imperative that counsel communicate in advance regarding the trial proceeding for any accused persons who are in custody. Counsel must confirm with the Sheriff's office at least 48 hours in advance that the transport of the person for court is required. If such confirmation is not received by Sheriff Services, the person will NOT be transported to the community, to prevent the prisoner from being isolated for 14 days.