

ADULT BAIL TRIAGE COURT PROTOCOL

WINNIPEG CENTRE

The Provincial
Court of Manitoba

This Protocol is subject to change. It is expected that over time changes will be made and the Protocol will be amended. Please refer to our website at www.manitobacourts.mb.ca for the most updated version of the Protocol

ADULT BAIL TRIAGE COURT PROTOCOL

PREAMBLE

This protocol applies to individuals newly arrested who have not been released by the police or a Judicial Justice of the Peace (JJP) and remain in custody awaiting a bail application.

The Bail Triage Court is a court of record held Monday to Friday starting at 9:30 a.m. in courtroom 301 at 408 York Avenue in Winnipeg. The Court will sit until the docket is complete, with a lunch recess of at least 45 minutes. The usual rules of courtroom decorum apply to appearances in Bail Triage Court.

Matters appearing in this court are triaged by a JJP for the purpose of monitoring when counsel are ready to proceed with a contested application for judicial interim release, a consent release, an expedited disposition or a further remand in custody.

METHOD OF APPEARANCE

Provincial Crown paralegals will appear in person on behalf of the Provincial Crown between 9:30 a.m. and 3:00 p.m. After 3:00 p.m. a Crown Attorney, if available, will appear in person to speak to any remaining outstanding matters. If a Crown Attorney is unavailable to attend at 3:00 p.m. the Crown Paralegal will remain to complete the docket.

The Public Prosecution Service of Canada Crown Counsel will attend in person to speak to their matters when required or appear by Teams video link or Teams call-in audio if necessary.

Defence counsel may appear in person, by Teams video link or by Teams call-in audio.

Unless an accused is being remanded in custody by consent without conditions, and their appearance is waived by counsel, accused appearing from the Winnipeg Police Service Central Processing Unit and the Winnipeg Remand Centre will appear by Teams video link. All other accused appearing from other correctional institutions will appear by teleconference.

CONTESTED APPLICATIONS FOR JUDICIAL INTERIM RELEASE

If, *prior* to 11:30 a.m. counsel advise the JJP they are ready to proceed with a contested application for judicial interim release their matter will be transferred to bail court to make the application before a Provincial Court Judge (PCJ). Only matters that are contested will be transferred to bail court.

If counsel have not received a Crown position on release by 11:30 a.m. it will be presumed the matter is contested and a transfer to a bail court may be requested.

If a matter becomes a consent release after it has been transferred to a bail court, the presiding Judge has the discretion to return the matter to Bail Triage Court to be completed.

The JJP has the discretion to transfer a matter to bail court after the 11:30 a.m. cut-off time in appropriate circumstances.

CONSENT RELEASES, S. 810 PEACE BONDS AND STAYS OF PROCEEDINGS

All consent releases are to proceed before the JJP in Bail Triage Court. Counsel may file a consent release form electronically or provide a hard copy of the completed form to the Crown paralegal. If the consent release form is properly completed, counsel do not need to appear to address the matter.

The presiding JJP will require the Crown and defence counsel to appear if the form is incomplete, unclear or clarification regarding any matter is required. The court clerk will email counsel to advise the appearance is required.

All s. 810 peace bonds proceeding by consent and the endorsement of any stays of proceedings by the Crown are to proceed in Bail Triage Court.

EXPEDITED DISPOSITIONS

If, *prior* to 11:30 a.m. counsel advise they are prepared to proceed with a disposition involving no further custody, they will be transferred to a bail court for disposition before a PJC.

If the anticipated disposition *may* not involve further custody, the matter will be transferred to bail court as above, but the presiding Judge will determine, in light of the contested matters expected to proceed, whether there is sufficient time to hear the disposition. In the event there is insufficient time to hear the disposition, counsel may adjourn the matter directly to a bail court at 10:00 a.m. the following day for disposition.

CONSENT REMANDS IN CUSTODY

All consent remands in custody are to proceed before the JJP in Bail Triage Court.

Unless an accused is being remanded in custody by consent without conditions, and their appearance is waived by counsel, all accused will appear by Teams video link or teleconference for their remand to be addressed on the record.

Where a s. 524 bail cancellation is being dealt with by consent, counsel for the accused may waive their client's appearance.

TIMELINES

Adult bail matters may stay on the Bail Triage docket for 5 working days. After 5 working days matters will be remanded to a Pre-trial Coordinator (PTC) in custody docket or to the next sitting of the appropriate circuit court. The JJP has the discretion to extend the timeline beyond 5 days at the request of counsel in appropriate circumstances.