

NOTICE
PROVINCIAL COURT OF MANITOBA

RE: COVID-19 SUSPENSION AND RE-OPENING OF SOME COURTS

Further to our Notices of March 16, 2020 and April 15, 2020 which suspended circuit court sittings throughout Manitoba and out-of-custody proceedings until May 29, 2020, and after consultation with stakeholders, the Provincial Court of Manitoba will reopen court proceedings on a staged and incremental basis beginning June 1, 2020. 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. This Notice is subject to amendment if there are changes in the COVID-19 situation in Manitoba.

The locations where court will re-open is based on the premise all stakeholders will contribute to managing the COVID-19 health and safety protocols necessary to continue to reduce the spreading of the virus. All persons attending court will be required to participate and cooperate to attain the recommended COVID-19 safety protocols. This includes practicing social distancing and adhering to all recommended health protocols. The protocols may include you waiting outside the courtroom or the courthouse until your matter is ready to proceed. All persons will be subject to a screening process which requires answering specific health and travel related questions. **Do not come to court if you are exhibiting any symptoms of COVID-19, have travelled internationally or interprovincially and/or have been in contact with someone with COVID-19.** Please refer to the appropriate health sources for more information. One link to resources is below. The directions of Sheriffs and Judges must be followed during each court sitting.

<https://sharedhealthmb.ca/covid19/screening-tool/>

Please also refer to the attached and related Notice outlining the safety and cleaning protocols that will be in place in all locations.

Courts Open for all matters

The Provincial Court of Manitoba will continue to hear in-custody matters. In addition, the Court will begin to preside over all out-of-custody dispositions, trials and dockets in the six major Court Centers:

Brandon
Dauphin

Portage la Prairie
The Pas

Thompson
Winnipeg

The previously scheduled dockets, dispositions and trials scheduled in the following locations will also resume on June 1, 2020:

Beausejour	Morden	Selkirk
Flin Flon	Saint-Boniface	Steinbach
Minnedosa	Saint-Pierre	Swan River

All matters previously scheduled for June 1, 2020 and thereafter remain scheduled and are now expected to proceed on the date booked at the above locations.

Please note, any in-custody accused who is transported to attend a docket, trial or disposition outside Winnipeg or Brandon, if they are returning to custody after the appearance, will have to self isolate for 14 days. .

In order to reopen the courts responsibly and remain vigilant about preventing the spread of COVID-19, the Courts remain closed to the general public. As well, the Court is seeking to reduce the number of persons attending court who have business at the court. Counsel are directed to contact their clients to ensure only those persons who have something meaningful occurring (such as a disposition or a trial) attend court. Those people attending as an accused or a witness may have a maximum of two support people in attendance with them when a meaningful event occurs.

Counsel will be allowed to appear by teleconference for bail applications and straightforward dispositions (those expected to take 30 minutes or less in total time) as well as any other matter which has received advance permission from a judge. Those persons who are self-represented will be allowed to attend court.

If you are representing yourself and need to speak to the Crown Attorney, please phone them in advance to discuss whether you need to attend court and to discuss your case. Please contact the Crown Attorney at the court center nearest to you.

Crown Attorney:	
Brandon	General Phone: (204) 726-6013
Dauphin	General Phone: (204) 622-2082
Portage la Prairie	General Phone: (204) 239-3343
The Pas	General Phone: (204) 627-8444
Thompson	General Phone: (204) 677-6766
Winnipeg	General Phone: (204) 945-2852

Those persons having an appearance before the Court in June are directed to contact their lawyer. If you do not have a lawyer, you are directed to contact Legal Aid duty

counsel to inquire whether your personal appearance in court is required. If your appearance is not required you can request Legal Aid duty counsel speak to the matter:

Legal Aid duty counsel:	Email	Telephone
Winnipeg and Portage la Prairie:	crimdco@legalaid.mb.ca	(204) 985-8500 or 1 (800) 261-2960
Brandon:	brandonagent@legalaid.mb.ca	(204) 729-3484 or 1 (800) 876-7326
Dauphin:	amisk@legalaid.mb.ca	(204) 622-7000 or 1 (800) 810-6977
The Pas:	thepas@legalaid.mb.ca	(204) 627-4820 or 1 (800) 268-9790
Thompson:	thompson@legalaid.mb.ca	(204) 677-1211 or 1 (800) 665-0656

To apply for Legal Aid online visit www.legalaid.mb.ca, or call (204) 985-8511 or 1-866-800-8056 Monday-Friday between 9:00 a.m. and 4:00 p.m.

The above steps are critical to reducing the number of people who attend court.

Adult and youth in-custody bail and disposition courts will continue to sit with accused persons appearing by video if available. Counsel are invited to appear by teleconference where that is available and requested.

Please refer to the Child Protection Hearing Notice released May 13, 2020 regarding Child Protection Hearings for the month of June.

Protection Orders will continue to be heard by Judicial Justices of the Peace.

The Provincial Offences Act Proceedings

The Provincial Court of Manitoba is resuming dealing with some Provincial Offences Act ticket offences. As of May 19, 2020, a process will be in place for people throughout Manitoba to deal with guilty pleas with an explanation by teleconference. In addition, people will be able to set their matters down for a disputed hearing at a future date. Instructions on how to participate will be the subject of a separate Notice.

Fly-In Circuits suspended in June

The circuit courts which require the court party to fly into the community will not sit during June. All matters on those dockets will be further suspended and administratively adjourned to the next court date set for that community. Counsel are asked to meet to discuss matters related to those circuits. Those matters that can be resolved before the

next sitting of the circuit court can be added to the nearest, affiliated court center to complete the resolution of the matter.

Additional Circuit Sitings suspended in June

All other circuit court locations throughout Manitoba are further suspended for the month of June. All matters on these dockets will be administratively adjourned to the next court date set for that community. Counsel are asked to meet to discuss matters related to those circuits. Those matters which can be resolved before the next sitting of the court can be added to the nearest affiliated court centre to complete the resolution of the matter.

Case Management Conference

Case management conferences will continue as scheduled and may be conducted by teleconference. Counsel are encouraged to request a case management in any case where the logistics of the case are complicated or where additional assistance from the Court is required to have the matter heard properly. Hearings involving multiple accused, currently scheduled to proceed in any of the above centres opening on June 1, 2020, may be subject to further case management at the courts direction.

The Provincial Court of Manitoba will continue to assess the situation on an ongoing basis and may change or cancel court sittings. We thank all of the stakeholders who have provided input and information regarding the re-start of these courts. We recognize managing the social distancing protocols will take the effort and cooperation of all court participants and we thank you in advance for your patience and cooperation.

ISSUED BY:

“Original signed by:”

**The Honourable Chief Judge
Margaret Wiebe
DATE: May 15, 2020**

COVID-19 and Resumption of Court Hearings for the Provincial Court of Manitoba

The Provincial Court of Manitoba has confirmed it will reopen court proceedings in a limited number of court centres on a staged and incremental basis beginning June 1, 2020. See Notice of May 15, 2020. The Courts will only be open to those people necessary to the proceedings before the Courts and will remain closed to the general public.

The locations where Court will re-open is based on the premise all stakeholders will contribute to managing the COVID-19 health and safety protocols necessary to continue to reduce the spread of the virus. This is a shared responsibility. All persons attending Courts will be required to participate and cooperate with the recommended COVID -19 safety protocols.

This Notice is to provide court stakeholders with information about the steps Courts are taking to ensure safe proceedings for all stakeholders and participants. Please note that these may be subject to change if there are changes in the COVID-19 situation in Manitoba.

COVID-19 Courts Safety

In order to ensure the safety of all participants of in person hearings, Manitoba Justice has implemented and encourages your cooperation in complying with the following safety measures:

- All persons entering a Courthouse or circuit point location will be subject to a pre-screening process that includes answering specific questions regarding health and travel.
- Hand sanitizer will be available at the entrance of every court facility or circuit point location. All persons attending court should sanitize their hands upon entry and exit of any court facility or circuit point location.
- Signage has been posted in all Courthouses reminding people to adhere to social/physical distancing practices.
- Signage will be in place at all circuit point facilities reminding people to adhere to social/physical distancing practices.
- People attending matters in courtrooms are asked to remain outside the courtroom and potentially the court facility until they are called in.
- Victims and witnesses subpoenaed to testify may check in at the Victim Witness Assistance office. Safe occupancy levels will be maintained in the Victim Witness

Assistance office, so witnesses may be asked to wait outside the courtroom until they are called in to testify. Those entering the Victim Witness Assistance office in Winnipeg will be asked to sanitize their hands and follow physical distancing rules in the waiting area.

- Safe occupancy levels of courtrooms, circuit points and public spaces will be determined and adjusted depending upon public health orders in force at the time. However, you will not be allowed to attend inside the courtroom unless your matter is being dealt with or you have the permission of the presiding judge.
- Hand sanitizer is available at the entrance of each courtroom and circuit point location; all persons should sanitize their hands upon entry and exit of a courtroom or circuit point location.
- Signage has been placed outside of elevators, limiting use to one to two parties.
- Each courtroom is disinfected daily.
- Each circuit point location is disinfected prior to the court party entering the facility.
- 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 tables.
- The court will not be supplying masks for individuals attending court. However, personal masks may be worn, subject to the Judge requiring any person to remove their mask for any portion of the proceeding.
- Interview rooms will be sanitized frequently throughout the day.
- All other high traffic surfaces, including door handles and hand railings, are cleaned and sanitized frequently throughout the day.
- No physical touching will be tolerated.
- Water will not be available in the courtroom during this time.
- In cases where a clerk is providing a witness facial tissues, etc., the clerk will sanitize their hands before and after they touch the items or will wear gloves for the transaction and dispose of the gloves afterwards.

- All oath materials including Bibles and Eagle Feathers will be sanitized between uses or other arrangements will be made to ensure access in a safe way.
- Plexiglas barriers have been installed in some public areas and courtrooms as an added precaution.
- Portable Plexiglas barriers will be available in circuit point locations.
- Pens used to sign and witness documents will be sanitized between uses.
- A maximum of two (2) support persons per witness/accused will be allowed in the courtroom.
- Sheriff's Officers are wearing re-usable masks and gloves when working with the public or prisoners. Eye protection has also been issued, to be worn when working in or attending to an isolation centre (WRC and parts of MYC), or when dealing with incidents. Due to the nature of work Sheriff's Officers do, social/physical distancing is not always possible, wearing PPE is a preventative measure to mitigate their risk in these situations.
- Lawyer interview rooms in the Sheriff's Lockup are being disinfected after each use - lawyer and inmate sides.
- The Sheriff Lockup and transport units are being disinfected daily.
- To allow for social/physical distancing on prisoner transport, Sheriff Services has implemented a limit of one prisoner in each compartment of prisoner transport containment unit (PTCU) and three prisoners per flight, seated in separate rows.

Everybody has a role to play when it comes to preventing the spread of COVID-19. Any person attending a court proceeding must follow the directions of Sheriff Officers and Judges. Failure to comply with safety measures may result in removal from court facilities.

Suzanne Gervais
Assistant Deputy Minister
Courts Division
May 15, 2020