

NOTICE
PROVINCIAL COURT OF MANITOBA

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

This is further to our previous Notices which announced the re-opening of court proceedings on a staged and incremental basis:

On September 18, 2020, we announced we hoped to return to the community of God's Lake Narrows, amongst others. Unfortunately, at this time, we will not be able to re-open court in God's Lake Narrows in October. We hope to return to holding court in God's Lake Narrows in November.

As of October 1, 2020, the Court will return to sitting in Altona, Arborg, Ashern and Lundar.

On September 10, 2020, we re-opened Court in Easterville.

For localized reasons, we have not been able to return to Court in Garden Hill, despite our previous Notices, in the months of August and September. We expect to return to holding court sittings in Garden Hill as of October 1, 2020.

We continue to work on opening Pukatawagan in October but are unable to confirm this by the date of this Notice. A subsequent Notice will issue if the Court is able to confirm the protocols necessary to re-open are in place.

The Provincial Court of Manitoba is committed to re-opening a court sitting only when safety protocols and the resources to implement the safety protocols are in place to protect all participants and the community. The ability to implement such protocols is a challenging endeavour at this time affecting the opening of several circuit locations. We continue to work with our partners towards resuming court sittings.

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 east of Terrace Bay, Ontario 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, peace officers 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

Beginning October 1, 2020, the Provincial Court of Manitoba will hear in-custody and out of custody trials and out of custody dispositions in the communities of:

Altona

Arborg

Ashern

Lundar

Sheriff Officers and/or First Nation Safety Officers and/or police 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 nearest open court centre (Winnipeg, Brandon, The Pas, Thompson, Dauphin, Portage la Prairie) and the transport should be cancelled.** It is imperative that counsel communicate in advance regarding the trial proceeding. Counsel must confirm with the 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 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.

All matters previously scheduled for the above-noted communities are now expected to proceed on the date booked at the above locations.

These locations are in addition to the following court sittings which were previously opened for all matters:

Beausejour	Grand Rapids	Saint-Pierre
Bloodvein	Little Grand Rapids	Sandy Bay/Amaranth
Boissevain	Minnedosa	Selkirk
Brandon	Moose Lake	Sioux Valley
Brochet	Morden	Snow Lake
Camperville	Nelson House	St. Theresa Point
Cranberry Portage	Norway House	Steinbach
Cross Lake	Peguis First Nation	Stonewall
Dauphin	Pine Falls	Swan River
Easterville	Portage la Prairie	The Pas
Emerson	Roblin	Thompson
Flin Flon	Rosburn	Virden
Garden Hill	Russell	Winnipeg
Gimli	Saint-Boniface	

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. 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 are now encouraged to attend court in person, however, 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 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) 985-8572 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.

Child Protection

A further Notice regarding child protection sittings for the month of October will be released.

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

Administrative Dockets

For those circuit locations which are not yet opened, the currently scheduled docket days (not the trial days) will sit in the appropriate affiliated court center. Prior to all dockets, counsel are expected to discuss the matters in advance with each other and with their clients and provide the Court with information about the status of the matter. Dates for disposition on the Judge's dockets in the circuit location and trial dates can be set from these dockets. Where a person is able to appear in person or on the telephone (telephone contact must be made on counsel's telephones), and the Judge agrees to proceed in that manner, it may proceed to disposition. The Court's teleconference number is reserved for counsel and should **not** be given to any accused persons or members of the public.

This is necessary to maintain the integrity of the teleconference line for other closed court proceedings.

Those matters that can be resolved before the next sitting of the circuit court can be added to the nearest, affiliated open court center to complete the resolution of the matter.

JJP Administrative Dockets

As announced in our Notice of September 9, 2020, in Thompson all of the Judicial Justice of the Peace (JJP) dockets, including those where a circuit location has opened, will occur in Thompson and not the circuit location. The directions in the September 9, 2020 notice will continue to apply.

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 open courts 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: September 28, 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 14, 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.

NORWAY HOUSE, NELSON HOUSE, SNOW LAKE & CRANBERRY POTAGE PROTOCOL:

All attendees must follow the instructions of the Judge, Sheriffs, police officers and the First Nations Safety Officers. Failure to do so could result in removal from the facility.

Courtroom Protocol

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

- Counsel are expected to have discussions in advance of the day of court in order to identify those cases where something meaningful (i.e. disposition, hearing) will occur.
- The Crown is responsible for providing the Sheriff's Officer / First Nations Safety Officer with those names by no later than the day of the court proceeding so the Sheriff's Officer / First Nations Safety know these individuals are approved to appear in person.
- Sheriff's Officer / First Nations Safety Officer will advise the Court of Individuals who attend the courthouse but were not on the list of attendees provided to them. The Court will determine whether that individual can be allowed entry into the courtroom.

In principle, only the following will be allowed access to the courtroom (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 / First appearances.

Note: If an individual scheduled to appear before the court for disposition or a hearing is denied entry, the court is to be notified ASAP. If a witness for a trial is denied entry, the Crown is to be notified ASAP.

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

Sheriff's Officer / First Nations Safety Officer will ensure only those required in court enter, all others will remain outside of the courthouse or in the lobby, physically distanced, until required.

General:

- The courtroom will be disinfected prior to and after court at the direction of the Sheriff's Officer / Court Clerk.
- All surfaces occupied by multiple individuals will be cleaned and sanitized before the next person is allowed in the area, including the witness box. Crown/Counsel is expected to disinfect their own station when changing individuals.
- All oath materials will be sanitized between uses by the Court Clerk.
- The Court Clerk will bring disinfectant and paper towels from the Thompson / The Pas Court.

Physical Distancing:

- Individuals will be allowed to sit together if they are from the same household.
- To ensure physical distancing in the gallery, chairs will be placed six feet apart.
- Counsel will be gently reminded of social distancing measures if there are multiple counsel in the designated courtroom at any specific time.
- Defence counsel are to ensure physical distancing at defence table. All other counsel will sit in the gallery or remain outside the courtroom until it is time for their matter.

Travel Protocol

- Counsel flying with Keewatin are asked to arrive at approximately 7:30 a.m. Keewatin will have their own COVID-19 protocol which will likely include asking

about potential exposure to COVID-19 or travel outside of the province and a temperature check.

- Keewatin will likely be providing masks for plane travel. However, please bring your own. You will need to wear the mask for the entire flight.
- When in the community, the court party will walk from the airport to the dock, and the dock to the courthouse. IT IS IMPERATIVE THAT WE MINIMIZE OUR CONTACT WITH THE COMMUNITY.
- Our gear will be taken from the plane to the boat and then to the courthouse by local transport.
- The court party will return to Winnipeg at the end of the day, NO overnights will be allowed.
- NO FOOD OR DRINK will be provided. As such, all members of the court party are to ensure they have sufficient food and drink for the day. Attendance at the Northern Store will NOT be allowed.

Suzanne Gervais
Assistant Deputy Minister
Courts Division