
May 6, 2021

Kevin Walby
515 Poratge Ave
Winnipeg, MB

Sent via email: k.walby@uwinnipeg.ca

Dear Kevin Walby:

Re: You are entitled to part of the information you requested – 2021-00167-PPS

The Public Prosecution Service received your application for access to information under the *Freedom of Information and Protection of Privacy Act* on February 1, 2021.

In your application, you requested a copy of the following records:

Amended March 11, 2021: Alternatives to Imprisonment: I am requesting all policies, directions, memorandums, or notes issued to Crown prosecutors with respect to bail and pre-trial detention related to COVID-19 pandemic prevention and management. (Date Range for Record Search: From 3/2/2020 To 4/14/2020)

You are entitled to part of the records requested. However, we have removed some of the information from this record according to subsection 5(2) of the Act. The severed information is exempt from disclosure under the Act for the following reasons:

- Section 14(1): The head of a public body may refuse to disclose to an applicant information that would reveal advice, recommendations or draft regulations developed by or for a public body or a minister.
- Section 15(1)(k): The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm the security of any property or system, including a building, a vehicle, a computer system, or a communications system.
- Section 20(1): The head of a public body shall refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

The remainder of the records are enclosed.

You have the right to ask for a review of this decision by the Information Access and Privacy Commissioner (formerly the Review Officer). You have 60 days from the date of this letter to exercise this right. If you wish to ask for a review, you may do so on Form 7, a copy of which is attached. Send the completed form to the Information Access and Privacy Commissioner, P.O. Box 181, Halifax, Nova Scotia B3J 2M4.

Please be advised that a de-identified copy of this disclosure letter and the attached response to your FOIPOP application will be made public after 14 days. The package will be posted online at <https://openinformation.novascotia.ca/>. The letter will not include your name, address or any other personal information that you have supplied while making your application under FOIPOP.

Please contact Melinda Frelick at 902-424-6920 or by e-mail at melinda.frelick@novascotia.ca, if you need further assistance regarding this application.

Sincerely,



Kathryn March
Director, Business Affairs

Attachment

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: COVID-19 Strategic planning update
Date: February 4, 2021 12:49:32 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 16, 2020 4:37 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: COVID-19 Strategic planning update
Sensitivity: Confidential

Dear Fellow PPS Employees:

Thank you for your patience and understanding during this first day of implementing a strategy of safety and prevention against the COVID-19 virus.

Meetings

The Executive, with the input from front line Crown, Sarah Kirby, have been continuously monitoring the day and speaking with other system participants. We will be meeting twice each day to update and address issues that arise, as well as continue with a consistent plan for the safe operation of the PPS through this time.

Progress and a plan for support staff

Many have implemented the work from home practice and social distancing with proper hygiene practices. After much discussion, the **regional Chiefs are empowered to form a rotating roster of support staff and reduce the numbers present each day to combat the risk of contagion. Minimal social contact will continue while we maintain operations in line with the advice of health authorities.**

Provincial Court

As for Provincial Court operations, some hiccups were reported, and it seems they are ironing themselves out. That is still evolving. Chief Judge Williams has stated:

[the Court plans] to do all contested bail hearings by telephone for persons in police custody in the province so as to try and reduce the number of automatic remands. I am mindful of s. 515(2.3) that consent of the Crown and defence is required if, at the contested hearing, a witness is to be heard.

On a go forward basis, I have asked my colleagues to accede to such requests, starting tomorrow. The JPC will be asked to do all non-contested matters. If colleagues are unable to do so, they are directed to contact my office so we can make other arrangements.

It will be important for Crowns to notify clerks of their contact information in order to have this run smoothly.

For bail, it is being urged that you adopt a more forgiving approach on close calls in favour of release in order to avoid the health risks associated with congested remand centres.

For sentencings, if a person is remanded and there is a good chance they will be released on time served, matters should not be adjourned. For sentencings where people are at large and there is a risk of them going to jail, please agree to adjourn in order to avoid congesting prisons.

As for adjournments, it has been agreed by NSLA, the PPSC and the PPS (and re-iterated as a preliminary observation by CJ Williams) that such adjournments are part of "exceptional circumstances", to use Jordan language. While NSLA is not waiving the delay, I am assured that this is the common understanding as inherent and implicit with this joint effort. I am told by NSLA Executive Director Megan Longley that NSLA lawyers are advising their clients of this. In the event of a Jordan application for these cases, these pockets of proceedings will be seen as exceptional circumstances.

We therefore ask that Crowns do not get combative over this aspect of adjournments, where the alternate option of going to trial is putting the health and safety of the public and you at risk. As stated before, we either join in such requests or seek them.

Thank you again. We will update you tomorrow on any important developments.

Regards,

Mark



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From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: COVID-19_Measures_NR_03_16_20.pdf
Date: February 4, 2021 12:49:51 PM
Attachments: [COVID-19_Measures_NR_03_16_20.pdf](#)
[image001.jpg](#)



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From: Scott, Mark
Sent: March 17, 2020 9:05 AM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: COVID-19_Measures_NR_03_16_20.pdf

In case you have not seen Ingrid's email last evening.

As well, I am on a call regarding JP Centre involvement in consent releases and will update shortly.

Regards,

Mark



COVID-19: ADDITIONAL PREVENTATIVE MEASURES FOR THE NOVA SCOTIA COURTS

Monday, March 16, 2020 (Halifax, NS) – The Nova Scotia Courts are introducing additional measures that will help minimize the spread of the COVID-19 virus in this province, while keeping the Courts open and continuing to process cases.

There are now five presumptive cases of the virus in Nova Scotia. The measures the Courts are taking follow the advice of public health officials regarding social distancing and avoiding public gatherings. They are also in line with the province's direction that anyone who has travelled outside of Canada must self-isolate for a period of 14 days upon their return to Nova Scotia.

Measures Applicable to All Nova Scotia Courts

Counsel or members of the public who have travelled internationally within the last two weeks, or who are experiencing symptoms of the coronavirus, should not visit a courthouse anywhere in Nova Scotia.

Individuals who are due in court who have travelled recently or are experiencing symptoms should contact their lawyer or the Court immediately to seek instructions from the presiding judge in their case. Contact information for all courthouses can be found on the [Courts of Nova Scotia website](#).

Communal water jugs and disposable cups will no longer be provided in any courtrooms. Instead, counsel and their clients will be allowed to bring their own individual water bottles, which they must take with them or dispose of at the end of the proceedings.

The province is increasing cleaning protocols inside courtrooms, as well as secure and common areas of courthouses.

Counsel in all matters are encouraged to cooperate to determine what matters can be dealt with through alternative measures, such as telephone and video conferencing. This will help reduce the number of people who need to appear in person. Social distancing measures will be practised for all court matters that proceed in person.

Finally, counsel are advised there may be delays in processing paperwork at some courthouses, depending on staffing levels.

Measures Applicable to the Court of Appeal

Following the advice of public health officials regarding social distancing and public gatherings, Chief Justice Michael Wood has directed that all appeals scheduled for the March/April term will be adjourned. Court staff will contact counsel and the parties involved to reschedule these matters.

The Court will review this term's docket to determine if there are any matters that must proceed due to their exceptional circumstances. Parties in those matters will be contacted and advised of alternative procedures to permit the appeal to be heard without the parties or counsel having to appear in person.

All Chambers matters will proceed as scheduled and will be heard by telephone only.

Anyone looking to file documents electronically with the Court of Appeal should make that request in writing to the Registrar at Caroline.McInnes@courts.ns.ca.

Measures Applicable to the Supreme Court (including Family Division)

Jury Trials

Upcoming jury trials in the Supreme Court are postponed for a period of 60 days. This applies to all jury trials that have not yet commenced in court. The situation will be re-evaluated after the 60-day period.

Members of the public who have received a jury summons requiring them to come to court for jury duty within the next 60 days, and who are not presently sitting on a case, are officially released from that summons.

Jurors presently participating in a jury trial, are required to report to court as usual. Anyone exhibiting signs of the coronavirus should contact the Court immediately to seek further instructions from the judge presiding over the case they are involved with.

Pending Trials or Hearings

Where a matter has been set down for a hearing and the trial judge is known, all inquiries as to the conduct of future hearings are to be directed to the assigned judge.

Crownside

Where the prosecutor and the accused or their lawyer agree that a matter can be conducted by either telephone or videoconferencing, they must make a request to the Criminal Scheduling office at 902-424-7967 or 902-424-7963. Requests must be made by 10 a.m. the day before Crownside.

If counsel cannot agree on how the case should be heard, the presiding judge will provide that direction. In all cases, the presiding judge will make the final determination of how a matter will be heard.

Counsel can appear on behalf of an accused individual, provided that a Designation of Counsel form has been filed with the Court.

Where an accused individual is in custody and required to participate in court, arrangements will be made for the accused to participate via video from the correctional institution.

Pretrial Conferences

Initial pre-trial conferences will be conducted by telephone unless otherwise directed.

General and Special Time Chambers

General and Special Time Chambers matters, including in the Family Division, will be conducted by telephone, unless cross-examination of a witness is required. This is a temporary arrangement only.

Whenever possible, counsel are asked to use a secure landline for these appearances, however, the Court recognizes that may not always be possible. If you must use a cell phone, please do so in a stable location with good cellular reception.

Weddings

Until further notice, all civil weddings at the courthouses are cancelled. Individuals looking to get married outside a courthouse can find a list of Justices of the Peace who perform wedding ceremonies on the [Department of Justice website](#).

Measures Applicable to the Provincial Court

Measures are being put in place to limit the number of individuals inside courtrooms, by encouraging appearances by counsel whenever possible, staggering appearances, rescheduling matters and making use of video technology.

Starting Tuesday, March 17, access to Provincial Courts will be restricted to only those persons who are necessary to the proceedings before the Court. This will include counsel, litigants, accused individuals, witnesses, support workers, and members of the media. The general public will not be permitted in the Provincial Court. Media access is provided to honor the open court principle.

Counsel should advise their clients not to attend court unless their presence is necessary. Whenever possible, first appearances and matters set for election and plea should be handled by counsel. Designations of counsel will still be required for indictable matters.

Counsel may appear in person, or via telephone or video, for these matters, provided arrangements are made for remote appearances in advance.

Arrangements may be made with court staff for telephone pre-trial conferences and focus hearings.

If seeking a trial adjournment, counsel should file an application with the Provincial Court to enable a judge to determine, in advance of the trial, whether the adjournment will be granted. Adjournment requests related to public safety issues will be considered at this time.

For many matters presently before the Provincial Court, efforts are being made to adjourn the next appearance until after May 31, 2020.

Accused individuals who are representing themselves in court are encouraged to appear by telephone or via duty counsel with Nova Scotia Legal Aid to request an adjournment of their case until after May 31, 2020.

For individuals in custody, video appearance will be the default position, including bail hearings by video, unless the judge directs otherwise. Arrangements should be made with the Court for any matters that can be handled this way.

Summary offence matters in Night Court in Halifax and Sydney will be adjourned until June. Court staff will be in touch about rescheduling. Night Court will continue to hear applications for peace bonds.

Chief Judge Pamela Williams has sent a directive to all law enforcement agencies that all first appearances to be scheduled after May 31, 2020, whenever possible. To help reduce public interactions at Court Administration, law enforcement agencies were also directed to fax or email paperwork to the Justice of the Peace Centre in Dartmouth for matters in the Halifax Regional Municipality, or to Court Administration for the courthouses elsewhere in the province.

Until further notice, the Justice of the Peace Centre will deal with all new uncontested matters involving individuals in custody. For individuals in custody who wish to have a contested hearing on their first appearance, the Provincial Court, at the various court locations, will accommodate hearings by telephone.

Measures Applicable to the Small Claims Court

All matters in the Small Claims Court across the province will be adjourned to June. Court staff will be in touch about rescheduling. The Court will continue to deal with residential tenancy vacant possession orders by telephone only.

Measures Applicable to the Bankruptcy Court

Bankruptcy Court will continue to sit Fridays in Halifax, and elsewhere in the province, as needed. Social distancing measures will be practised for all these appearances.

Trustees should contact the Deputy Registrar if, to their knowledge, a debtor is symptomatic or has immunocompromising health issues. In those instances, the Court will consider handling the matter via alternative measures, such as teleconference. Long dockets may also be staggered so that a smaller number of people are in the courtroom at any given time.

As with other Courts, trustees or debtors who have travelled internationally within the last two weeks, or are experiencing symptoms of the coronavirus, should contact the Office of the Registrar to seek further instructions.

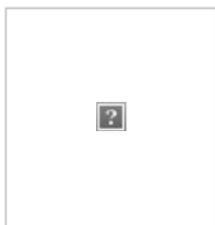
The Nova Scotia Courts are continuing to monitor updates and advisories from public health officials and will make decisions regarding court proceedings and services with this information in mind. Further notices will be posted through the Courts' website (www.courts.ns.ca) and social media.

- 30 -

Media Contact:

Jennifer Stairs
Communications Director
Nova Scotia Judiciary
902-221-5257
stairsjl@courts.ns.ca

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: COVID strategy Update
Date: February 4, 2021 12:50:25 PM
Attachments: [image001.jpg](#)
Importance: High
Sensitivity: Confidential



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From: Scott, Mark
Sent: March 17, 2020 7:33 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: COVID strategy Update
Importance: High
Sensitivity: Confidential

Dear Fellow PPS Employees:

We thank you for your continued diligence in safe practices and coping with the early, uncertain stages of this prevention strategy.

There are not a huge amount of updates. They are, however, important for next steps in handling dockets and minimizing social contact:

- (i) **The plan to bring forward trial files for adjournment and the next steps have been communicated to the court and counsel.**

The CJ of Provincial Court (and the defence bar and PPSC) was notified by Martin today that we plan to bring forward trials scheduled for next week to seek adjournments. The matters will be docketed for Friday and will be aimed at minimum numbers of Crowns involved. The same will follow next week, hopefully with the requests set earlier in the week. We will continue to work on upcoming weeks. The standard request will be to adjourn for 10 weeks, with the return date to set dates. This will be a coordinated effort, with the chief Crowns guiding each Region.

As well, Crowns who want to adjourn other matters will be responsible for handling the

requests with the Courts and counsel.

This is a two-pathed approach.

The Court and defence bar is good with this.

(ii) In-custody matters

It is repeated that in-custody matters are to be assessed case by case, and, where you are uncertain, in consultation with your Chief Crown.

(iii) Practice to be tried for consent releases from police stations in the daytime -- the aim, where feasible, is to have the police not bring the detainee to the Courthouse.

The plan is for the police to share the Crownsheet, etc., with the Crown electronically, if possible. Depending on how the JP Centre wants to deal with this, the Crowns will handle release with the JP Centre virtually, or the Crowns will inform the police of conditions and the police will handle the release virtually.

This scenario will be very similar to after hours release from the JP Centre. It will cover those cases where, *inter alia*:

- a. The after hours duty Crown concluded that release may be acceptable, but the matter is set over for various reasons -- including letting cells Crown have a better look at the matter; or,
- b. police hold someone over because of the 8 p.m. cut-off for filing documents at the JP Centre.

The important bit here is ensuring that the police know to not take detainees to Court, and to make sure they have contact information of the cells Crowns. The Chiefs will try to assist in coordinating with your respective police services. There will be **many** times where duty counsel may not be involved....duty counsel coverage and need will have to be sorted as we work through this process.

Reports are that many areas are handling these things effectively ahead of the game. This is great! The above suggestions are intended to bring some consistent control and certainty in a very dynamic and uncertain time.

Thanks again for your patience and enduring my emails.

Regards,

Mark



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From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Day end update
Date: February 4, 2021 12:51:21 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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From: Scott, Mark
Sent: March 18, 2020 7:00 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Day end update
Sensitivity: Confidential

Dear Fellow PPS Employees:

Lots has happened today, both positive and concerning. We have been in regular communications with the Courts, Court Services, police agencies, the PPSC and defence bar. Various stakeholders had the collective benefit of infectious disease physician, Dr. Lisa Barrett's strong cautions about priorities in the days to come. Her health and safety concerns are in line with ours and all parties at the table agreed that a more stringent collective response is required moving forward. I can say that our concerns were genuinely welcomed, and today's reported incidents were real illustrations in favour of change.

Much of the news from around the province showed real cooperation and common sense. Outliers were discussed and we hope to avoid repeats.

All of the above prompted the directive from the Provincial Court that was just forwarded to you. We have been warned that some Provincial Court judges dealing with urgent matters believe they can require the Crown's in-person presence. We will have to see how this unfolds, and ask that Crowns facing such a direction consult their Chief Crown. The courts are aware of our concerns and generally agree that virtual presence is the default.

Here is news on a few particular initiatives:

- (i) Police across the province are on board with **JP Centre releases from police stations**

for easier calls regarding “overnighters”. It is understood that there will be coordination with the Crown regions/offices regarding emailed Crownsheets, etc., coordinating to whom they should be sent, etc. They are also implementing their own release powers and forestalling certain administrative tasks, such as summonses, etc. Their big ask is consistent and standardized arrangements with the JP Centre and Crowns.

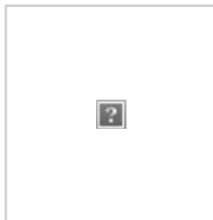
- (ii) We are asked to **review current remands to see whether there are any who can be released** in these trying times. The defence bar will be making requests for their clients. Corrections will provide us with a list of remanded prisoners so we can then cross-reference with our files, in case there are people missed by the defence initiative. Dr. Barrett stressed that, to make a difference, we need numbers by no later than Friday and a plan no later than Sunday. Everyone agreed to put their best foot forward on this.
- (iii) The first en masse trial adjournment request (in HRP) is shaping up, and should make the remainder a smoother process.

In some ways, this email does not sum up the amount and nature of day-long discussions that were had between all system participants. There is still much to do, but we hope that pressures will decrease with the Provincial Court release.

As always, everyone’s understanding and efforts are greatly appreciated. These are early days. If we get out in front of things now, hopefully our biggest concerns will be running out of things to watch on Netflix.

Stay safe. Be good neighbours.

Mark



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From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: PIC Release Process From Correctional Facilities
Date: February 4, 2021 12:51:39 PM
Attachments: [PIC Release Process From Correctional Facilities.docx](#)
[image001.jpg](#)



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From: Scott, Mark
Sent: March 19, 2020 3:22 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: FW: PIC Release Process From Correctional Facilities

Dear Fellow PPS Employees:

Please find attached the protocol for video-enabled release of people from remand in corrections in anticipation of the upcoming review of our remands. This will also, obviously, be available for bail Crowns.

Regards,

Mark



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From: Pellow, Tanya <Tanya.Pellow@novascotia.ca>
Sent: March 19, 2020 3:12 PM
To: Scott, Mark <Mark.Scott@novascotia.ca>

Subject: FW: PIC Release Process From Correctional Facilities

Hi Mark:

Attached is the release process from corrections to the court.

Tanya

PIC Release Process from Correctional Facilities

Below is the process staff will follow to release PICs from Correctional Facilities (as opposed to justice centres).

After a video appearance:

- Court staff will scan and email (or fax) unsigned documents (to the general email account at correctional facility), court staff will flag email (or fax) as URGENT and arrange with the facility for the person in custody to return to the video room (equipment).
 - Email subject line MUST be standardized as:
Doe, John; Order #-----; order type; date
- Correctional facility staff will need to pull fax or print scanned documents.
- Court clerk appears via video room to correctional facility – both parties to have unsigned orders in hand.
- Court clerk will read document(s) to accused via video, accused requires pen and will sign document(s).
- Correctional facility will scan signed document(s) and email (or fax) back to the court's general email address.
- Court Clerk/Justice of the Peace will sign appropriately then scan and email (or fax) fully signed document(s) back to correctional facility for the person in custody.

NOTE:

- General email accounts MUST be used for the process, for example:
halifaxprovincialcourt@courts.ns.ca ; dartmouthprovincialcourt@courts.ns.ca etc.
- Where the documentation being signed is a Recognizance requiring a surety(ies), the surety(ies) MUST be present at the courthouse to sign the appropriate Affidavit of Justification and Recognizance with the Justice of the Peace.
- In situations where the accused is required to pay cash bail, and the bail money is in their possession, a transport order will be required to bring the accused person to the court.

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Day end update
Date: February 4, 2021 12:52:09 PM
Attachments: [News Release COVID-19 SUPREME COURT ADOPTS ESSENTIAL SERVICES MODEL.msg](#)
[image001.jpg](#)
Importance: High
Sensitivity: Confidential



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From: Scott, Mark
Sent: March 19, 2020 7:24 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Day end update
Importance: High
Sensitivity: Confidential

Good Evening, Everyone!

Well, it seems some kinks are getting worked out as we all navigate the unknown. Some early signs of miscommunication seem to have been rectified in many areas. As the Courts try to handle this, many of you have asked very legitimate questions and raised very legitimate concerns. We have been able to communicate with all system participants in a frank way to ensure we're collectively engaged to improve safety and manage the day to day. I would be remiss if I did not mention that everyone is deeply indebted to support staff for their efforts -- they are integral to all of this working.

-

Specific updates

-

Supreme Court – Justice Duncan and CJ Smith indicated at a joint Justice subcommittee meeting that more specific information will be released regarding proceedings, including Crownside details, adjournments and resume dates. This will be in addition to today's news release regarding the essential services model (see attached).

Provincial Court – The experiences you've reported to Chief Crowns have been brought to the attention of CJ. Martin, which is evident from the clear and supportive directive issued earlier today. It will impact Crown appearances and handling of "urgent" in-custody matters. We reiterate that

your personal health and safety, and that of the public is priority number one and that these are to be assessed on a case by case basis. We urge you to be sensible and creative in release or resolution efforts where appropriate. And, where in doubt, we urge you to consult your Chief Crown.

Docketing non-trial, non-custody matters for adjournments -- Dealing with upcoming trials has been our recent focus. We also invite individual Crowns to try to manage other matters on your docket. 14(1)

14(1)

Release – the CJ is trying to organize the JP Centre to work 24/7 to handle all bail matters. If the Provincial Courts have to deal with bail, the accused will appear via video. Efforts are being made to enable Crowns to handle bail remotely, with emailed/electronically provided court packages from the police, to be shared, where applicable, with duty/defence counsel. Police have repeated that they are seriously implementing their new release powers per Bill C-75.

Remand reviews – Lots to say. I will be brief, though. Corrections provided Chief Crowns, defence counsel and police the list of remanded prisoners across the province. Steps are under way to organize a review of remands – they take up 70-75% of the provincially incarcerated in Nova Scotia, and are a great risk when COVID hits the facilities. So, the aim is to implement the plan of review and, where appropriate, release next week.

To that end:

- (i) The Provincial Court is ready and waiting – the protocol for video release has been distributed (and shared with the Supreme Court) to everyone.
- (ii) The Supreme Court will handle variations on request, and recognize these as “urgent”. So far, telephone presence and safe distancing have worked, and the Court is happy to see cooperation. S.525 reviews may arise, and otherwise, variations can be scheduled though 20(1) (They have the protocol for video release, which may help).
- (iii)

14(1)
- (iv) Dr. Barrett highlighted that many remanded people are on medication. They should be transitioned into release. This means that there should be a 12 – 24 hour window to enable correctional facility doctors to have them up to date on their prescriptions before they are released. Please be aware and raise with defence counsel or the Court where there is no defence counsel.

Well, I said I would be brief...I lied!!!!!!

Thanks again for your attention and be safe.

Mark



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Acting Deputy Director of Public Prosecutions
And Chief Crown Attorney
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From: [Judiciary Communications](#)
Subject: News Release: COVID-19: SUPREME COURT ADOPTS ESSENTIAL SERVICES MODEL
Date: March 19, 2020 9:38:40 AM
Attachments: [image001.jpg](#)



COVID-19: SUPREME COURT ADOPTS ESSENTIAL SERVICES MODEL

Thursday, March 19, 2020 (Halifax, NS) – To help address the growing number of COVID-19 cases in the province, the Nova Scotia Supreme Court (including the Family Division) is adopting an essential services model.

Unless ordered otherwise by the trial judge, any trials that are currently underway will continue until they conclude. All other proceedings will be limited to those deemed urgent or essential by the presiding justice.

In relation to urgent or essential matters, judges will consider whether alternative measures, such as telephone or videoconferencing, may be used to hear those matters. Counsel are encouraged to do the same to reduce the number of people who need to appear in court in person. Social distancing measures will be practiced for all court matters that proceed in person.

These measures will remain in place until further notice.

There are now three confirmed cases and nine presumptive cases of the COVID-19 virus in Nova Scotia. These preventative measures are in line with the advice of public health officials regarding social distancing and avoiding public gatherings of more than 50 people.

Counsel and members of the public are reminded you should **not** visit a courthouse if:

- You have travelled outside Canada in the past 14 days;
- You are experiencing symptoms of the coronavirus; or
- You have been directed by public health officials, 811 or your doctor to self-isolate.

If any of these criteria apply to you, and you are scheduled to be in court, contact your lawyer or the Court immediately to seek instructions from the presiding judge in your case. Contact information for all courthouses can be found on the [Courts of Nova Scotia website](#).

Media Contact:

Jennifer Stairs
Communications Director
Nova Scotia Judiciary
902-221-5257
stairsjl@courts.ns.ca

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Week end footnote
Date: February 4, 2021 12:53:09 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



Mark Scott, QC (*he, him, his*)
 Chief Crown Attorney
 Appeals & Special Prosecutions

Email: mark.scott@novascotia.ca
 Office: 902-424-6794
 Fax: 902-424-8440

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From: Scott, Mark
Sent: March 20, 2020 6:43 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Week end footnote
Sensitivity: Confidential

Dear Fellow PPS Employees:

As a footnote to Martin's email, I provide the day/week end progress report.

I have tried to keep everyone updated on important things as the day progressed today, so I hope this recap will be brief....we will only know when I am done.....

I will get right to new developments that will affect us now:

(i) Weekend consent release initiative

At 2:45 today, what went from "List by Friday, plan by Sunday" from Dr. Barrett went to "Plan by today" and CJ Williams offered to open up her courtroom for all consent releases from remand centres across the province. Everyone is working on trying to identify who can be released in each Region. Here are the details on actually getting it done:

- a. The release precedent was sent out earlier....work on that with defence counsel;
- b. If Crowns identify a person who can be released who is represented by NSLA, but cannot get hold of their lawyer, you can email Lonny Queripel:
Lonny.Queripel@nslegalaid.ca;
- c. The we also sent out **what the Court needs** to get the matter on the docket, and **Anja Clyde** is the email recipient;
- d. Once you have your information and form ready, the **Court will sit from 1 p.m. to 3**

p.m.;

- e. The Court will arrange for these things to be heard 15 minutes apart;
 f. The telephone appearance will be 15(1)(k) code 15(1)(k)

(ii) JP Centre releases during cells hours

We are working on having the JP Centre deal with all consent releases **where the police have not already released** unless that agreement somehow occurs through the course of an otherwise contested hearing. The Centre will be open 24/7, but this does not mean that duty Crown will be up all night dealing with these (they will deal with warrants, etc. at this time. **Police have been made well aware that they must use their enhanced powers under Bill C-75 towards releases and discretion regarding charges, etc.** I will be drafting a memo for the stakeholders' input for clear and consistent operation and will repeat this.

We will be working on a clear protocol for emailing "bail" disclosure to crowns, who then send to defence counsel, and then deal with consent release through the JP Centre while the accused are in police cells. Any contested bail hearings will be remanded for bail hearings where the Crown appears by phone and accused by video.

As of Monday, Metro NSLA will have 20(1) and a number of lawyers ready to deal with each accused in order to speed things up.

ONE THING THAT MUST BE CLEAR: THE JP CENTRE WILL NOT BE DEALING WITH CONSENT RELEASES WHERE POLICE CAN AND WOULD OTHERWISE DO SO THEMSELVES .

This has been a long week for everyone.
 Stay safe. Be kind to each other. **And,**
again, CONGRATS to Josie, Kim and
Tanya! Fantastic work!

Mark

-

Mark Scott, QC (*he, him, his*)
 Acting Deputy Director of Public Prosecutions
 And Chief Crown Attorney
 Appeals & Special Prosecutions

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 Fax: 902-424-8440



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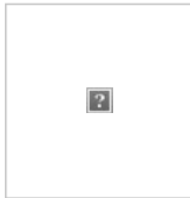
From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: On-call Probation Officer
Date: February 4, 2021 12:53:59 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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From: Scott, Mark
Sent: March 21, 2020 1:30 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: FW: On-call Probation Officer
Sensitivity: Confidential

FYI...please read below.



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Acting Deputy Director of Public Prosecutions
And Chief Crown Attorney
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www.novascotia.ca/pps/

From: Beumer, Remco R <Remco.Beumer@novascotia.ca>
Sent: March 21, 2020 1:06 PM
To: Scott, Mark <Mark.Scott@novascotia.ca>
Subject: RE: On-call Probation Officer
Sensitivity: Confidential

Hi Mark,

I just want to clarify and reinforce the Probation on-call service we provide for after hours/weekends is strictly for Emergency Matters requiring immediate action, not for info or questions that can wait. Any matters which can wait until regular/ normal work hours should be forwarded at a later date to the respective probation office. Today is an exception to the norm, our PO is available for the Crown and Court sitting from 1-4pm.

Thanks,
Remco

From: Scott, Mark <Mark.Scott@novascotia.ca>
Sent: March 21, 2020 11:47 AM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Cc: Beumer, Remco R <Remco.Beumer@novascotia.ca>; Collett, Chris <Chris.Collett@novascotia.ca>
Subject: Fwd: On-call Probation Officer
Sensitivity: Confidential

Dear PPS employees involved in this weekend's remand review or weekday cells:

Probation services is offering their help to give info on persons or discuss community measures designed to increase releases in the COVID world.

Please see the email below if you want to avail of their aid.

Regards,

Mark

Sent from my iPhone

Begin forwarded message:

From: "Beumer, Remco R" <Remco.Beumer@novascotia.ca>
Date: March 21, 2020 at 11:39:42 AM ADT
To: "Scott, Mark" <Mark.Scott@novascotia.ca>
Subject: Fwd: On-call Probation Officer

Hi Mark,
The on-call probation service is available for weekends (Saturday & Sunday) 0800-midnight and weekdays after hrs 1630-midnight. The cell number for on-call is 15(1)(k) and each week a Probation officer is assigned with support from a Senior Probation Officer. This weekend the on-call Probation officer is Greg Sullivan

As for weekly cell matters during regular hrs, any probation office attached to respective Court can assist.

Let me know if you require anything else

Sent from my iPhone

Begin forwarded message:

From: "Young, Brenda Lynn" <Brenda.Young@novascotia.ca>
Date: March 21, 2020 at 11:03:07 AM ADT
To: "Beumer, Remco R" <Remco.Beumer@novascotia.ca>
Subject: Fwd: On-call Probation Officer

Please reach out to Mark as soon as possible to discuss options. We need to do whatever we can on our end. Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Collett, Chris" <Chris.Collett@novascotia.ca>
Date: March 21, 2020 at 10:56:49 AM ADT
To: "Young, Brenda Lynn" <Brenda.Young@novascotia.ca>
Subject: Fwd: On-call Probation Officer

Can you respond to this please.

Chris Collett
Executive Director
NS Correctional Services

Sent from my iPhone

Begin forwarded message:

From: "Scott, Mark" <Mark.Scott@novascotia.ca>
Date: March 21, 2020 at 10:52:01 AM ADT
To: "Collett, Chris" <Chris.Collett@novascotia.ca>
Subject: On-call Probation Officer

Hi, Chris.

Just trying to confirm: Is the on-call probation officer for the weekend release push only or for weekly cells, too? Is there a name, email address and/or cell number that I can share?

Thanks,

Mark



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And Chief Crown Attorney
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www.novascotia.ca/ppsf/

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Consent releases through the JP Centre
Date: February 4, 2021 1:15:52 PM
Attachments: [THE COVID.docx](#)
[image001.jpg](#)
Sensitivity: Confidential



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www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 22, 2020 5:55 PM
To: JUSTPPSCA <JUSTPPSCA@novascotia.ca>; Fetterly, Robert <Robert.Fetterly@novascotia.ca>
Subject: Consent releases through the JP Centre
Sensitivity: Confidential

Dear Al:

Please find attached the plan for dealing with consent release through the JP Centre during regular weekday hours. To ensure clear understanding, there is information about the after-hours JP Centre, too. I await the email address and teleconference number from the JP Centre. They are very busy right now. Once I receive it I will forward it along.

This plan has been received, reviewed and approved by Chiefs of police, Chief Judge Williams, the JP Centre, NSLA, Trevor McGuigan and the PPSC.

Any questions, I am here.

Mark



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THE COVID-19 BAIL SYSTEM ROADMAP

Preamble

To prevent the spread of COVID-19 amongst a very vulnerable segment of the NS population, the following scheme is intended to reduce the number of remanded prisoners by having as many charged persons released from police custody as is practicable.

It is recognized that the entry of detainees into correctional centres, even temporarily, risks the unmanageable spread of COVID-19 to inmates and to the public at large.

This measure is intended to balance protection of the public from a broader health perspective with the protection of the public from a safety/violence perspective.

Because the main element of this roadmap is new to many, ie. Virtual participation, it will be essential to ensure a clear standard practice, with clear paths for sharing information*. At the same time, the roadmap must enable the continued good practices of phone advice and exchange of information where more formalized processes are not required to achieve the same goal.

(*Some areas of the Province have carved out their plan for this. It will be for them to decide whether to switch to this model if it differs from what they have in place. The JP Centre will **in all cases**, however, be the venue for consent release, with the release plan sent electronically by either the Crown or defence counsel)

A major step to accomplishing this goal is the revision to a 24/7 JP Centre. The following is intended to guide all stakeholders through this new process.

Arrest to release – step by step

This plan does not dispense with the Brydges Legal Aid system or the after-hours duty Crown system. People who are detained are required to be given their s.10(a) and s. 10(b) Charter Rights (and caution).

As dictated by the new COVID-19 world in which we live, police are urged to use their new Bill C-75 release powers widely to release persons charged from station without involving the JP Centre. This should considerably reduce detainees for cells during the weekdays

Over the weekend, after-hours duty Crown and after-hours Brydges counsel will be available until 8:30 a.m. on Monday.

During weekdays, from 8:30 a.m. to 4:30 p.m., office hours cells Crown and defence duty counsel will be the vehicle for release *where police are not satisfied that release should/can be decided by the officer in charge per Bill C-75.*

During after-hours, police understand to use their common sense when engaging after-hours Crown or the JP Centre in early morning hours. In most cases it is anticipated that the release of those charged persons can be done in the morning.

For weekday after-hours (including Sunday night):

- (i) Police will continue to implement their ss.10(a) and (b) obligations.
- (ii) Police will use their Bill C-75 release powers as much as is practicable in these times of public health crisis.
- (iii) After-hours duty Crown will operate as usual and will provide advice on release/remand. Some releases may continue to be accomplished through the JP Centre, with the police informing the JP Centre of the consent release conditions following Crown advice.
- (iv) The police will continue to be responsible for completing the paperwork for these matters.
- (v) The exchange of necessary information will be by email/fax, with the necessary email and/or fax information shared with each detachment by the JP Centre.

From 8:30 a.m. to 4:30 p.m., Monday to Friday:

- (i) Cells Crown, office hours Brydges defence counsel (for s.10(b) implementation), and defence cells duty counsel will operate as usual.
- (ii) Where police are unsure of whether to release the charged person, either under their enhanced Bill C-75 release powers, or through the JP Centre, they should call the cells Crown responsible for their office/detachment. In some circumstances, consent release may occur from the police station without the need for the more formalized process outlined below.
- (iii) There may be times where cells Crown is unavailable because they are working on other cells files.
- (iv) For *both* circumstances under (ii) and (iii), the local police and Crown offices will exchange information regarding how contact with the Crown is to be accomplished.
- (v) Where police are of the view that they should not release under conditions set out in their enhanced Bill C-75 release powers, and where (ii) is not applicable, the decision on release will be made by the cells Crown responsible for their area. The procedure will be:
 - a. The police will furnish the cells Crown with an emailed bail package*. The package should include a copy of the Information, Crowsheet, CPIC printout, and other

information relevant to, and setting out any concerns under, the primary, secondary or tertiary grounds per s.515(10) of the *Criminal Code*. (“bail disclosure”).

- b. A template will be developed and distributed to assist officers in identifying and enumerating relevant s.515(10) information and concerns.
- c. Cells Crown will email the bail disclosure (in addition to the Crown’s PICS/JEIN offender information relevant to bail) to defence duty counsel.
- d. In the HRM, Lonny Queripel will be the initial point of defence duty counsel contact/disclosure with whom the cells Crown will share disclosure electronically. (Lonny’s email has been provided to the Halifax Region Chief Crowns for distribution).
- e. Where the Crown and defence arrive at a consent release, the consent terms of release will be forwarded to the JP Centre by the Crown or defence counsel via email to:
_____.
- f. The JP Centre will confirm the charged person’s agreement with the proposed release conditions by telephone conference, which will include the charged person at the police station, the cells Crown and defence duty counsel.
- g. For teleconferences with the JP Centre, the teleconference number for the JP Centre is _____/will be distributed to both counsel via email.
- h. In some instances, where cells Crown and defence duty counsel agree, the release of the charged person from the police station through the JP Centre can be handled by the booking officer and charged person, via telephone, per the procedures followed after-hours.
- i. The JP Centre will prepare the official documents for signatures, etc. These documents will be exchanged electronically. The JP Centre will provide the Court and Crown with an electronic version of the executed release conditions.
- j. Where the cells Crown and defence counsel cannot agree on release conditions, or the Crown is opposed to bail, the charged person will be remanded to a correctional facility from where his bail hearing will be conducted by the Court (the Provincial Court for those offences not captured by s.522 of the *Criminal Code*).
- k. The bail hearing captured under “j” will involve video appearance by the charged person and either virtual or in person appearance by counsel, as the safety considerations and practicalities allow or require.

- I. In instances where contested bail hearings occur, more disclosure may be required, and all parties (including the police) must discuss the best, sufficiently secure means to share this added disclosure in a manner that is consistent with best safety practices for the prevention of COVID-19 spread.

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Consent releases through the JP Centre
Date: February 4, 2021 1:16:10 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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From: Scott, Mark
Sent: March 23, 2020 5:20 PM
To: JUSTPPSCA <JUSTPPSCA@novascotia.ca>; Fetterly, Robert <Robert.Fetterly@novascotia.ca>
Subject: RE: Consent releases through the JP Centre
Sensitivity: Confidential

Follow up....not entirely in place. Waiting for the Centre to get a proper conference call number. Stay tuned!

M



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From: Scott, Mark <Mark.Scott@novascotia.ca>
Sent: March 22, 2020 5:55 PM
To: JUSTPPSCA <JUSTPPSCA@novascotia.ca>; Fetterly, Robert <Robert.Fetterly@novascotia.ca>
Subject: Consent releases through the JP Centre
Sensitivity: Confidential

Dear Al:

Please find attached the plan for dealing with consent release through the JP Centre during regular weekday hours. To ensure clear understanding, there is information about the after-hours JP Centre, too. I await the email address and teleconference number from the JP Centre. They are very busy right now. Once I receive it I will forward it along.

This plan has been received, reviewed and approved by Chiefs of police, Chief Judge Williams, the JP Centre, NSLA, Trevor McGuigan and the PPSC.

Any questions, I am here.

Mark



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www.novascotia.ca/pps/

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Day end recap -- I really promise to be brief
Date: February 4, 2021 12:54:23 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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 Fax: 902-424-8440
 Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 23, 2020 6:58 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Day end recap -- I really promise to be brief
Sensitivity: Confidential

Good Evening, Everyone.

As we continue to work through the early stages of plans (and would-be plans), I thank everyone for their diligence and patience in rapidly changing circumstances.

Some things seem to be settling; but, more guidance and consistency is being worked on.

A few quick notes:

- (i) Everyone is adapting to the work from home/work rotation environment. We are still monitoring and trying to balance our essential service requirements with your health and safety. More measures are being contemplated to achieve this as we know more.
- (ii) The JP Centre consent release bail program is not yet there, but nearly there. We are working on getting conference call number(s) that are capable of handling the necessary players. 14(1)
- (iii) 14(1) Really great work continues on the “remand to release” efforts that began this weekend past and continue through this week.
- (iv) Halifax’s administrative adjournments seem to have gone well. Dartmouth less clearly; but, everyone is getting through and there is some more clarity following today.
- (v) The Supreme Court and Court of Appeal are developing more direction since the state of emergency. What is “urgent” and how to deal with urgent matters are getting honed.

You will be so notified of developments. The Provincial Court is looking at their dockets to the end of May to see how they may redefine “urgent” since the state of emergency. Stay tuned!

- (vi) Various stakeholders seem to have better channels to rectify confusion. A few instances of confusion arose today, but were resolved relatively effortlessly.

There is still a lot to be done. Once this phase has settled a new one will begin and our energies will be re-focused. We will continue to be safe. We will continue to our common goal. We will be mindful of others. We will get through this together.

Have a restful night.

Mark



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Fax: 902-424-8440

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www.novascotia.ca/pps/

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: VERY IMPORTANT CORRECTION
Date: February 4, 2021 12:55:06 PM
Attachments: [image001.jpg](#)
Importance: High
Sensitivity: Confidential



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www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 24, 2020 8:27 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: VERY IMPORTANT CORRECTION
Importance: High
Sensitivity: Confidential

Dear Crowns:

I am slap happy. We were on a call today with one of the heads of Corrections, a person I had dealt with all week, when we discussed the high risk violent offenders. When we spoke, he was acting Associate Deputy Minister of Justice, speaking for victims. I had the first title indelibly in my mind.

So, when you saw point (i)(d) of today's recap, you probably wondered, "Why don't we just contact Victims' Services?"

GOOD NEWS! You would have been right and that is what it should have said!

I have reproduced the entire message below if you need it. MOST importantly, please see corrected part here:

- (a) For any remaining reviews of remands, we have been asked by Victims' Services to **please notify them of any high risk domestic violence matters.** 14(1)
- 14(1)
- 14(1) But, if there is a chance it could happen, Victims' Services needs to look into an accelerated plan for the victim's safety as access to shelters and other protections are now compromised. 14(1)

[14(1)] Please maintain vigilance.

I am so sorry for any confusion! If you do not know who to contact you can email Dana.Bowden@novascotia.ca

Regards,

Mark

Good Afternoon, Everyone!

Here is the day end recap:

Things are ironing themselves out here and there (More to say in specific bullets below).

The release of remands has been a phenomenal success. Everyone on the joint subcommittee and other calls cannot say enough about the Crowns' efforts. The balance of public safety (health) and public safety (risk of violence, etc.) has been a challenge, and, I hope, delicately maintained. Thank you and congratulations!

Some specifics:

(i) Provincial Court

(b) There is hope that the Dartmouth docketing and adjournment of matters will be clearly and consistently communicated in the next day or so. We await word from the Chief Judge. But, rest assured that your concerns were raised and well-received.

(c) There is hope for a clear and consistent position and process to deal with in-custody trials and Preliminary Inquiries [14(1)]
[14(1)]

(d) We ask all Crowns to **please review the in-custody trials and PIs** coming up to see if there is any chance of resolution by way of time served. Please review the attached Excel spreadsheet, identify your files, and consider whether the prospect for such a resolution is realistic. It will greatly help the process if a decision is made one way or the other.

[14(1)]

(e) For any remaining reviews of remands, we have been asked by **Victims' Services** to **please notify them of any high risk domestic violence matters.** [14(1)]

[14(1)]

[14(1)] But, if there is a chance it could happen, **Victims' Services** needs to look into an accelerated plan for the victim's safety as access to shelters and other protections are now compromised. [14(1)]

[14(1)] Please maintain vigilance.

(ii) Supreme Court

- a. The Court is going through the dockets to adjourn matters. They are proceeding chronologically, and will set new dates based on priority as they deem appropriate. In HRM, Justice Duncan is assisting Justice Campbell, who is the only sitting Justice for the next while. This is set up to provide consistency. PLEASE DO NOT SEND REQUESTS FOR DOCKETING OR INFORMATION ON MATTERS THAT ARE A FEW WEEKS OUT. The Court will be in touch. Other districts are apparently adopting a similar approach.
- b. The Court will only handle appearances (by phone or video) for “urgent” matters. **This applies to bail reviews.** What is “urgent” will depend on how counsel articulate their client’s particular circumstances. 14(1)

14(1)

14(1) The Court is aware of the concerted efforts of the Crown and defence to reduce the inmate population, and how that enables the prisons to manage the population amid COVID-19. The message is: don’t assume it will be heard; but, don’t assume it won’t be heard. (Electronic filings and telephone appearance will be the procedure)

Please stay tuned for more information from Chris and Melissa on general COVID-19 matters and helpful links to information related to the PPS. Stay safe and be patient with everyone....

OUT.

Mark



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 Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Bail confirmation of address
Date: February 4, 2021 12:55:30 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)



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www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 25, 2020 4:00 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: FW: Bail confirmation of address

Dear Employees:

For those involved with reviewing current remands for the potential release, community services and other support groups have been worried that inmates are claiming to have a home to get released, but then show up looking for housing. This is creating a strain on their resources, at very short notice.

To assist Crowns reviewing release in ensuring accurate statements about a residence, please see the offer of help to verify from corrections/probation.

Regards,

Mark



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Office: 902-424-6794
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Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: Mickelson, Jennifer R <Jennifer.Mickelson@novascotia.ca>
Sent: March 25, 2020 11:31 AM
To: Young, Brenda Lynn <Brenda.Young@novascotia.ca>
Cc: Beumer, Remco R <Remco.Beumer@novascotia.ca>; MacDougall, Brian N <Brian.MacDougall@novascotia.ca>; Collett, Chris <Chris.Collett@novascotia.ca>; Scott, Mark <Mark.Scott@novascotia.ca>
Subject: RE: Bail confirmation of address

Thank you for reaching out Brenda. I will pass on that information in the best way I can right now.... It will be an email fan out right after I am done with a court matter.

Please thank your people for making themselves available to us, we are all trying to make things work in these unprecedented circumstances and knowing that all agencies are involved helps a lot.

JENNIFER R. MICKELSON
Crown Attorney, Dartmouth PPS
Jennifer.Mickelson@novascotia.ca

From: Young, Brenda Lynn <Brenda.Young@novascotia.ca>
Sent: March 25, 2020 11:27 AM
To: Mickelson, Jennifer R <Jennifer.Mickelson@novascotia.ca>
Cc: Beumer, Remco R <Remco.Beumer@novascotia.ca>; MacDougall, Brian N <Brian.MacDougall@novascotia.ca>; Collett, Chris <Chris.Collett@novascotia.ca>
Subject: Bail confirmation of address

Hi Jennifer

I was given your name by my Executive Director, Chris Collett, who has been in contact with Mark Scott on issues regarding bail.

We were asked if we could assist the process by being available to the crown to help confirm addresses of those being released from court on bail if there were concerns about the address being valid. We have an on-call number, answered by either a probation officer or a senior probation officer, that the crown can call if they need assistance in this area. The number is 15(1)(k)

We will do whatever we can to assist the crown to confirm addresses, but please be aware that we will only have access to our justice network of information.

I've also copied the two Managers of Community Corrections who oversee all probation offices in the province.

Any question please give me a call.

Thanks

Brenda



Department of Justice

2nd Floor, Joseph Howe Building
PO Box 7, 1690 Hollis St.
Halifax, NS B3J 2L6

Brenda Young
Director, Correctional Services

902-424-2991 Office
902-237-6325 Cell
brenda.young@novascotia.ca

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Recap
Date: February 4, 2021 12:55:57 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



Mark Scott, QC (*he, him, his*)
 Chief Crown Attorney
 Appeals & Special Prosecutions

Email: mark.scott@novascotia.ca
 Office: 902-424-6794
 Fax: 902-424-8440

Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 25, 2020 5:34 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Recap
Sensitivity: Confidential

Dear Fellow PPS Employees:

We are another day closer to the end of this thing. And the weekend...

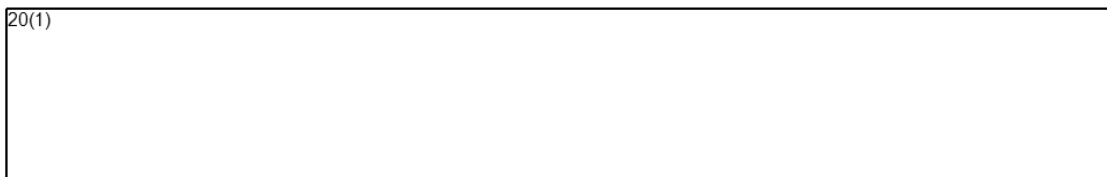
Here are a few updates:

- (i) Many thanks to Chris and Melissa for the very helpful information on COVID facts and prevention in our work and home lives!
- (ii) The Dartmouth Provincial Court is coming together, and the Chief Judge of the Provincial Court hopes to have a comprehensive, province-wide directive out soon. The directive will further establish a streamlined process for in-custody contested bail hearings, preliminary inquires, trials and sentencings. I hope to have more news, if not the directive, by Friday.
- (iii) As for our part, the Chief Judge has asked us to continue reviewing the upcoming files referred to in (ii) with an eye to RPC and/or resolution where feasible.
- (iv) As we continue to review the remanded prisoners, the Chief Judge is willing to open her Court over the weekend for consent releases, if necessary. She will accept applications province-wide. At this point, if release has been agreed to, **it will be incumbent on each reviewing Crown to participate in the telephone appearance for their files.** The instructions for coordinating with the Court have been distributed. Whether there is a need for the Court to be open this weekend will be reviewed with the Chief Judge on Friday.

- (v) The Supreme Court is staying true to its word on “urgent matters”. Justice Duncan did caution today that the Court *may* allow in person testimony, in urgent matters, where the Judge concludes that it is in the interests of justice to do so. But, the threshold will be high.
- (vi) For those in Appeals, the Chief Justice says they will release something soon that will relax the filing requirements, along the lines of the Supreme Court directive.

Our work is far from done. Once the decks are cleared for this phase, we will move into the “What do we do now?” phase --- also known as, “Prepare for the Return to Court!”

In the meantime, let’s figure this out step by step.



Be safe and be kind,

Mark

-



Mark Scott, QC (*he, him, his*)
Acting Deputy Director of Public Prosecutions
And Chief Crown Attorney
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www.novascotia.ca/pps/

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Weekend bail court
Date: February 4, 2021 12:56:54 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 26, 2020 2:34 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Weekend bail court
Sensitivity: Confidential

Dear Fellow Employees:

The Chief Judge re-iterated that she will open her Court over the weekend for consent releases. All matters across the province should come through her Court. She and Court services ask that, where possible, we send her a list of releases, the names and locations/jurisdictions of the charges so that the Informations can be gathered efficiently, ideally in advance.

While each Crown reviewing their files will be responsible to arrange for the telephone appearances, etc., if you do happen to have some information in advance, you can send it to me and/or Anja Clyke.

Thanks,

Mark

Mark Scott, QC (*he, him, his*)
Acting Deputy Director of Public Prosecutions
And Chief Crown Attorney
Appeals & Special Prosecutions
Email: mark.scott@novascotia.ca
Office: 902-424-6794
Fax: 902-424-8440



Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Day End -- fireside chat
Date: February 4, 2021 12:57:05 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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 Fax: 902-424-8440
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www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 26, 2020 7:17 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Day End -- fireside chat
Sensitivity: Confidential

Dear Fellow PPS Employees:

20(1)

Not too much to report today.

Things are working their way through this uncertain time. Specific points to pay attention to are:

- (i) To close some gaps and settle some unease in releasing some of our remands, we should try to exercise heightened awareness of the following needs: **consult** with **police** in advance; **notify victims**; and **verify** the potential releasee’s stated **address** – we are getting reports that addresses either don’t exist or the occupiers don’t want the remandee there;
- (ii) For victims, inquire about the wish for and availability of alarm bracelets from your local police;
- (iii) Copies of the release orders are not making it to where they should go (police/victims). The Court is seeing if they can email orders to us and police;
- (iv) The **Provincial Court** is asking for advance lists of potential releases for weekend bail court so that they can gather the necessary court documents related to these people and streamline the process;
- (v) **Appeals** – regular chambers will be limited to matters of urgency, to be

determined by the chambers judge for the week; letters will be sent out next week adjourning the balance of the May/June docket; certain filings (appeal books & factums) will also be suspended – We will be receiving a release with the details soon;

- (vi) Otherwise, stay tuned for further decision/directive from the Provincial Court regarding in-custody trials, etc.

Everyone must be email weary by now. That will end this one.

Please stay safe and sane.

Mark



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www.novascotia.ca/pps/

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Week's End recap
Date: February 4, 2021 12:57:30 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 27, 2020 5:43 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Week's End recap
Sensitivity: Confidential

Dear Fellow PPS Employees:

Well, we have another week down, and it has been quite a ride!

I am going to give a few quick hits from today's telephone conferences and emails, and then a special call-out.

1. **Supreme Court** – As you may know if you have any Supreme Court matters, **no trials** are being conducted. No trials, no continuations, nada. Only "urgent" bail hearings. S.525 matters that are not urgent will not be docketed until May: May 14, 19, 21, 28.
2. **Provincial Court** – a directive is forthcoming that should settle the issue of upcoming in-custody trials. There is nothing official; but, the Chief Judge is well aware of the need to settle this quickly and decisively.
3. **JP Centre** – the JP Centre is receiving police submissions on remand requests that only say they do not want to do telephone bail hearings (and asking that the matter be set over to Monday, or the next Court day). ^{f14(1)}

^{f14(1)}

Something like that is all that is needed.

Before signing off, I have been rightly reminded that **a special shout out is long overdue for our support staff**. You have been in the dark about some issues, isolated from your friends and co-workers, and likely exercising superhuman patience with those around you. You have been asked to mix your work life with your home life, where that division is highly valued for a work-life balance. Your work and well-being are critical to the PPS.

For everyone who is working out of their comfort zone, thank you and please stay safe.

I gotta go – somebody said, “Yahtzee!”

Mark



Mark Scott, QC (*he, him, his*)
Acting Deputy Director of Public Prosecutions
And Chief Crown Attorney
Appeals & Special Prosecutions

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Fax: 902-424-8440

Nova Centre | 700-1625 Grafton Street Halifax, NS

www.novascotia.ca/pps/

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Consent Bail Variations
Date: February 4, 2021 12:57:38 PM
Attachments: [NSPC Consent Bail Variation Procedure 03 28 20.docx](#)
[Application to Vary Bail by Consent - March 2020.pdf](#)
[image001.jpg](#)



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Fax: 902-424-8440
Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 29, 2020 1:31 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: FW: Consent Bail Variations



Mark Scott, QC (*he, him, his*)
Acting Deputy Director of Public Prosecutions
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Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: Williams, Pamela <WILLIAPS@courts.ns.ca>
Sent: March 29, 2020 1:09 PM
To: Scott, Mark <Mark.Scott@novascotia.ca>; Megan Longley <Megan.Longley@nslegalaid.ca>;
[20\(1\)](#) <[20\(1\)@ppsc-sppc.gc.ca](mailto:20(1)@ppsc-sppc.gc.ca)>; [20\(1\)](#) <[20\(1\)@macmcgiac.ca](mailto:20(1)@macmcgiac.ca)>; [20\(1\)](#) <[20\(1\)@macmcgiac.ca](mailto:20(1)@macmcgiac.ca)>
Cc: Mann, Claudia <Claudia.Mann@novascotia.ca>; Fraser, Lillian <Lillian.Fraser@courts.ns.ca>;
Clyke, Anja Z <Anja.Clyke@courts.ns.ca>
Subject: Consent Bail Variations

Hi Folks,

We have been able to develop a fully electronic process for consent bail variations and the notice is being posted on the courts website shortly. Here it is for your constituents.

Regards,
psw



COVID-19: CONSENT BAIL VARIATIONS PROCEDURE PROVINCIAL COURT AND YOUTH JUSTICE COURT

Sunday, March 29, 2020

To help reduce the spread of the COVID-19 virus, the Nova Scotia Provincial Court and the Youth Justice Court have adopted a new procedure to help accused individuals apply to vary their release conditions without having to go to court in person.

Effective immediately, the following procedure allows for the consent variation of release conditions for accused individuals who have been released either by the Court (s. 515 of the Criminal Code) or by the police (s. 498, 499 or 503 of the Criminal Code).

This procedure will not apply to vary a release order with surety.

Step 1

The applicant or counsel for the applicant completes **Part 1** of the PDF fillable form setting out the requested change and the reasons for the change. **Part 1** of the form is signed electronically and dated by the applicant or counsel for the applicant.

Part 3 of the form is completed by the applicant or counsel for the applicant. **Part 3** states the variation is not in effect until court staff contact the applicant or counsel for the applicant to confirm. **Part 3** also confirms the understanding of the applicant/counsel that once verbally acknowledged and accepted, failure to comply without lawful excuse with the release order as varied is an offence.

*****If counsel complete the application form on behalf of a client, the Court accepts that action as an undertaking from counsel to the Court to explain the process, including the potential consequences for not complying with the varied conditions to their client.***

Step 2

The form is sent electronically to the Crown who either consents or does not consent to the request. **Part 2** of the form is signed electronically and dated by the Crown. Once the Crown portion of the form is complete, it is sent by the Crown to the Court via the Court's email address:

Amherst Provincial Court: AmherstProvincialCourt@courts.ns.ca

Antigonish Provincial Court: AntigonishProvincialCourt@courts.ns.ca

Bridgewater Provincial Court: BridgewaterProvincialCourt@courts.ns.ca

Digby Provincial Court: Digbyprovincialcourt@courts.ns.ca

Dartmouth Provincial Court: DartmouthProvincialCourt@courts.ns.ca

Halifax Provincial Court: HalifaxProvincialCourt@courts.ns.ca

Kentville Provincial Court: kentvilleprovincialcourt@courts.ns.ca

Pictou Provincial Court: Pictoucourt@courts.ns.ca

Port Hawkesbury Provincial Court: PortHawkesburyProvincialCourt@courts.ns.ca

Sydney Provincial Court: Sydneyprovincialcourt@courts.ns.ca

Truro Provincial Court: TruroProvincialCourt@courts.ns.ca

Yarmouth Provincial Court: YarmouthProvincialCourt@courts.ns.ca

Step 3

Upon receipt of the form, court staff will print the form and provide/send it to a judge for review. If the judge agrees to the variation, the judge will sign and date **Part 3** of the form, confirming the variation.

Step 4

Court staff will contact the applicant or counsel for the applicant to read the terms of the order and confirm the new order is now in effect. Once staff complete this step, the applicant is then bound by the new release order and will continue to be bound by that order for the duration of the case or until further variation by the court.

Court staff will sign and date **Part 4** of the form, and it will be attached to the court file.

Court staff will then update the JEIN system to reflect the variation and distribute the new order to the enforcement agency and the Crown, via email.

Assistance from Nova Scotia Legal Aid

To help reduce the number of people visiting courthouses, staff at Nova Scotia Legal Aid will assist any unrepresented people who need urgent changes to their undertaking, recognizance or release order. Rather than coming to a courthouse, anyone without a lawyer should contact the Legal Aid office nearest to the courthouse from which you were released. Locations and contact information for Legal Aid offices across the province are available online at <https://www.nslegalaid.ca/legal-aid-offices/>.

Please note that all Legal Aid offices are currently closed to walk-in traffic, but staff can be reached by telephone or email.

For unrepresented individuals in the Halifax Regional Municipality, call the office or complete this simple [webform](#) for duty counsel assistance.

***If you already have a lawyer representing you, please contact your lawyer directly and they will assist you.**

Instructions for Electronic Signatures in the Fillable PDF Form

At the signature line, click **Fill & Sign**.



On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

Once the form has been completed, save the file using the Applicant's name: last name, first name, and the date (see example below):

Doe, John – March 28, 2020



Court File No.(s)
DOB:

APPLICATION TO VARY BAIL BY CONSENT

In the Provincial/Youth Justice Court of Nova Scotia
Canada: Province of Nova Scotia

<u>PART 1</u>	
APPLICANT: _____ Full Name (first/middle/last)	
_____	_____
Address	Phone Number

Name of Counsel for Applicant	
Under section 519.1 of the <i>Criminal Code</i> , an application is made to vary the attached document on which _____ was released on _____.	
Name of accused/young person	Date
Consent of the Crown is requested to vary the bail as follows:	
The reasons on which the application is based are as follows: (If more space is required, add more pages.)	
_____	_____
Date	Signature of Applicant/Counsel for Applicant

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: COVID-19: NEW CONSENT BAIL VARIATION PROCEDURE FOR PROVINCIAL COURT AND YOUTH JUSTICE COURT
Date: February 4, 2021 12:57:49 PM
Attachments: [Application to Vary Bail by Consent Form 20_03.pdf](#)
[image001.jpg](#)
[image004.jpg](#)
[image002.jpg](#)
[image003.jpg](#)



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www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 29, 2020 1:42 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: FW: COVID-19: NEW CONSENT BAIL VARIATION PROCEDURE FOR PROVINCIAL COURT AND YOUTH JUSTICE COURT



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Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: Judiciary Communications <communications@courts.ns.ca>
Sent: March 29, 2020 1:21 PM
Subject: COVID-19: NEW CONSENT BAIL VARIATION PROCEDURE FOR PROVINCIAL COURT AND YOUTH JUSTICE COURT

The following notice and the attached fillable PDF form are also available on the Courts' website at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.



COVID-19: NEW CONSENT BAIL VARIATION PROCEDURE PROVINCIAL COURT AND YOUTH JUSTICE COURT

Sunday, March 29, 2020

To help reduce the spread of the COVID-19 virus, the Nova Scotia Provincial Court and the Youth Justice Court have adopted a new procedure to help accused individuals apply to vary their release conditions without having to go to court in person.

Effective immediately, the following procedure allows for the consent variation of release conditions for accused individuals who have been released either by the Court (s. 515 of the Criminal Code) or by the police (s. 498, s. 499 or s. 503 of the Criminal Code).

This procedure will not apply to vary a release order with surety.

Step 1

The applicant or counsel for the applicant completes **Part 1** of the [PDF fillable form](#) setting out the requested change and the reasons for the change. **Part 1** of the form is signed electronically and dated by the applicant or counsel for the applicant.

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Step 2

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Antigonish Provincial Court: AntigonishProvincialCourt@courts.ns.ca
 Bridgewater Provincial Court: BridgewaterProvincialCourt@courts.ns.ca
 Digby Provincial Court: Digbyprovincialcourt@courts.ns.ca
 Dartmouth Provincial Court: DartmouthProvincialCourt@courts.ns.ca
 Halifax Provincial Court: HalifaxProvincialCourt@courts.ns.ca
 Kentville Provincial Court: kentvilleprovincialcourt@courts.ns.ca
 Pictou Provincial Court: Pictoucourt@courts.ns.ca
 Port Hawkesbury Provincial Court: PortHawkesburyProvincialCourt@courts.ns.ca
 Sydney Provincial Court: Sydneyprovincialcourt@courts.ns.ca
 Truro Provincial Court: TruroProvincialCourt@courts.ns.ca
 Yarmouth Provincial Court: YarmouthProvincialCourt@courts.ns.ca

Step 3

Upon receipt of the form, court staff will print the form and provide/send it to a judge for review. If the judge agrees to the variation, the judge will sign and date **Part 3** of the form, confirming the variation.

Step 4

Court staff will contact the applicant or counsel for the applicant to read the terms of the order and confirm the new order is now in effect. Once staff complete this step, the applicant is then bound by the new release order and will continue to be bound by that order for the duration of the case or until further variation by the court.

Court staff will sign and date **Part 4** of the form, and it will be attached to the court file.

Court staff will then update the JEIN system to reflect the variation and distribute the new order to the enforcement agency and the Crown, via email.

Assistance from Nova Scotia Legal Aid

To help reduce the number of people visiting courthouses, staff at Nova Scotia Legal Aid will assist any unrepresented people who need urgent changes to their undertaking, recognizance or release order. Rather than coming to a courthouse, anyone without a lawyer should contact the Legal Aid office nearest to the courthouse from which you were released. Locations and contact information for Legal Aid offices across the province are available online at <https://www.nslegalaid.ca/legal-aid-offices/>.

Please note that all Legal Aid offices are currently closed to walk-in traffic, but staff can be reached by telephone or email.

For unrepresented individuals in the Halifax Regional Municipality, call the office or complete this simple [webform](#) for duty counsel assistance.

****If you already have a lawyer representing you, please contact your lawyer directly and they will assist you.***

-

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On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

Once the form has been completed, save the file using the Applicant's name: last name, first name, and the date (see example below):

Doe, John – March 28, 2020

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: UPDATE RE: COVID-19: NEW CONSENT BAIL VARIATION PROCEDURE FOR PROVINCIAL COURT AND YOUTH JUSTICE COURT
Date: February 4, 2021 12:59:17 PM
Attachments: [NSPC Consent Variation Procedure Release and Probation Orders 03_28_20.pdf](#)
[Application to Vary Release or Probation Order by Consent March 2020.pdf](#)
[image001.jpg](#)
[image002.jpg](#)
[image004.jpg](#)
[image006.jpg](#)



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www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 31, 2020 1:28 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: FW: UPDATE RE: COVID-19: NEW CONSENT BAIL VARIATION PROCEDURE FOR PROVINCIAL COURT AND YOUTH JUSTICE COURT



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Acting Deputy Director of Public Prosecutions
And Chief Crown Attorney
Appeals & Special Prosecutions
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Office: 902-424-6794
Fax: 902-424-8440
Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: Judiciary Communications <communications@courts.ns.ca>
Sent: March 31, 2020 1:25 PM
Subject: UPDATE RE: COVID-19: NEW CONSENT BAIL VARIATION PROCEDURE FOR PROVINCIAL COURT AND YOUTH JUSTICE COURT

Good afternoon,

Further to the notice that went out on Sunday, the Provincial Court and the Youth Justice Court have expanded this new procedure to also include consent variations to probation orders. The revised notice and related court form are now on the Courts' website at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm. Please refer to these versions going forward.

Thank you!

Jennifer

Jennifer L. Stairs

Director of Communications
Nova Scotia Judiciary
Executive Office, The Law Courts
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Halifax, NS B3J 1S7
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902-221-5257 (C)
www.courts.ns.ca

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From: Judiciary Communications

Sent: March 29, 2020 1:21 PM

Subject: COVID-19: NEW CONSENT BAIL VARIATION PROCEDURE FOR PROVINCIAL COURT AND YOUTH JUSTICE COURT

The following notice and the attached fillable PDF form are also available on the Courts' website at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.



**COVID-19: NEW CONSENT BAIL VARIATION PROCEDURE PROVINCIAL
COURT AND YOUTH JUSTICE COURT**

Sunday, March 29, 2020

To help reduce the spread of the COVID-19 virus, the Nova Scotia Provincial Court and the Youth Justice Court have adopted a new procedure to help accused individuals apply to vary their release conditions without having to go to court in person.

Effective immediately, the following procedure allows for the consent variation of release conditions for accused individuals who have been released either by the Court (s. 515 of the Criminal Code) or by the police (s. 498, s. 499 or s. 503 of the Criminal Code).

This procedure will not apply to vary a release order with surety.

Step 1

The applicant or counsel for the applicant completes **Part 1** of the [PDF fillable form](#) setting out the requested change and the reasons for the change. **Part 1** of the form is signed electronically and dated by the applicant or counsel for the applicant.

Part 3 of the form is completed by the applicant or counsel for the applicant. **Part 3** states the variation is not in effect until court staff contact the applicant or counsel for the applicant to confirm. **Part 3** also confirms the understanding of the applicant/counsel that once verbally acknowledged and accepted, failure to comply without lawful excuse with the release order as varied is an offence.

*****If counsel complete the application form on behalf of a client, the Court accepts that action as an undertaking from counsel to the Court to explain the process, including the potential consequences for not complying with the varied conditions to their client.***

Step 2

The form is sent electronically to the Crown who either consents or does not consent to the request. **Part 2** of the form is signed electronically and dated by the Crown. Once the Crown portion of the form is complete, it is sent by the Crown to the Court via the Court's email address:

Amherst Provincial Court: AmherstProvincialCourt@courts.ns.ca

Antigonish Provincial Court: AntigonishProvincialCourt@courts.ns.ca

Bridgewater Provincial Court: BridgewaterProvincialCourt@courts.ns.ca
 Digby Provincial Court: Digbyprovincialcourt@courts.ns.ca
 Dartmouth Provincial Court: DartmouthProvincialCourt@courts.ns.ca
 Halifax Provincial Court: HalifaxProvincialCourt@courts.ns.ca
 Kentville Provincial Court: kentvilleprovincialcourt@courts.ns.ca
 Pictou Provincial Court: Pictoucourt@courts.ns.ca
 Port Hawkesbury Provincial Court: PortHawkesburyProvincialCourt@courts.ns.ca
 Sydney Provincial Court: Sydneyprovincialcourt@courts.ns.ca
 Truro Provincial Court: TruroProvincialCourt@courts.ns.ca
 Yarmouth Provincial Court: YarmouthProvincialCourt@courts.ns.ca

Step 3

Upon receipt of the form, court staff will print the form and provide/send it to a judge for review. If the judge agrees to the variation, the judge will sign and date **Part 3** of the form, confirming the variation.

Step 4

Court staff will contact the applicant or counsel for the applicant to read the terms of the order and confirm the new order is now in effect. Once staff complete this step, the applicant is then bound by the new release order and will continue to be bound by that order for the duration of the case or until further variation by the court.

Court staff will sign and date **Part 4** of the form, and it will be attached to the court file.

Court staff will then update the JEIN system to reflect the variation and distribute the new order to the enforcement agency and the Crown, via email.

Assistance from Nova Scotia Legal Aid

To help reduce the number of people visiting courthouses, staff at Nova Scotia Legal Aid will assist any unrepresented people who need urgent changes to their undertaking, recognizance or release order. Rather than coming to a courthouse, anyone without a lawyer should contact the Legal Aid office nearest to the courthouse from which you were released. Locations and contact information for Legal Aid offices across the province are available online at <https://www.nslegalaid.ca/legal-aid-offices/>.

Please note that all Legal Aid offices are currently closed to walk-in traffic, but staff can be reached by telephone or email.

For unrepresented individuals in the Halifax Regional Municipality, call the office or complete this simple [webform](#) for duty counsel assistance.

****If you already have a lawyer representing you, please contact your lawyer directly and they will assist you.***

Instructions for Electronic Signatures in the Fillable PDF Form

At the signature line, click **Fill & Sign**.



On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

Once the form has been completed, save the file using the Applicant's name: last name, first name, and the date (see example below):

Doe, John – March 28, 2020



**COVID-19: CONSENT VARIATION PROCEDURE
FOR RELEASE ORDERS AND PROBATION ORDERS
PROVINCIAL COURT AND YOUTH JUSTICE COURT**

Tuesday, March 31, 2020

To help reduce the spread of the COVID-19 virus, the Nova Scotia Provincial Court and the Youth Justice Court have adopted a new procedure to help individuals apply to vary their release or probation conditions without having to go to court in person.

Effective immediately, the following procedure allows for the consent variation of release conditions for individuals who have been released either by the Court (s. 515 of the Criminal Code) or by the police (s. 498, 499 or 503 of the Criminal Code) or for variation of probation conditions (s. 732.2(3) of the Criminal Code).

Step 1

The applicant or counsel for the applicant completes **Part 1** of the PDF fillable form setting out the requested change and the reasons for the change. **Part 1** of the form is signed electronically and dated by the applicant or counsel for the applicant.

Part 2 of the form is signed electronically by the surety(ies).

Part 4 of the form is completed by the applicant or counsel for the applicant. **Part 4** states the variation is not in effect until court staff contact the applicant or counsel for the applicant to confirm. **Part 4** also confirms the understanding of the applicant/counsel that once verbally acknowledged and accepted, failure to comply without lawful excuse with the release order or probation order as varied is an offence.

*****If counsel complete the application form on behalf of a client, the Court accepts that action as an undertaking from counsel to the Court to explain the process, including the potential consequences for not complying with the varied conditions to their client.***

Step 2

The form is sent electronically to the Crown who either consents or does not consent to the request. **Part 3** of the form is signed electronically and dated by the Crown. Once the Crown portion of the form is complete, it is sent by the Crown to the Court via the Court's email address:

Amherst Provincial Court:	AmherstProvincialCourt@courts.ns.ca
Antigonish Provincial Court:	AntigonishProvincialCourt@courts.ns.ca
Bridgewater Provincial Court:	BridgewaterProvincialCourt@courts.ns.ca
Digby Provincial Court:	Digbyprovincialcourt@courts.ns.ca
Dartmouth Provincial Court:	DartmouthProvincialCourt@courts.ns.ca
Halifax Provincial Court:	HalifaxProvincialCourt@courts.ns.ca
Kentville Provincial Court:	kentvilleprovincialcourt@courts.ns.ca
Pictou Provincial Court:	Pictoucourt@courts.ns.ca
Port Hawkesbury Provincial Court:	PortHawkesburyProvincialCourt@courts.ns.ca
Sydney Provincial Court:	Sydneyprovincialcourt@courts.ns.ca
Truro Provincial Court:	TruroProvincialCourt@courts.ns.ca
Yarmouth Provincial Court:	YarmouthProvincialCourt@courts.ns.ca

Step 3

Upon receipt of the form, court staff will print the form and provide/send it to a judge for review. If the judge agrees to the variation, the judge will sign and date **Part 4** of the form, confirming the variation.

Step 4

Court staff will contact the applicant or counsel for the applicant to read the terms of the order and confirm the new order is now in effect. Once staff complete this step, the applicant is then bound by the new order and will continue to be bound by that order for the duration of the case or until further variation by the court.

Court staff will sign and date **Part 5** of the form, and it will be attached to the court file.

Court staff will then update the JEIN system to reflect the variation and distribute the new order to the enforcement agency and the Crown, via email.

Assistance from Nova Scotia Legal Aid

To help reduce the number of people visiting courthouses, staff at Nova Scotia Legal Aid will assist any unrepresented people who need urgent changes to their undertaking, recognizance or release order. Rather than coming to a courthouse, anyone without a lawyer should contact the Legal Aid office nearest to the courthouse from which you were released. Locations and contact information for Legal Aid offices across the province are available online at <https://www.nslegalaid.ca/legal-aid-offices/>.

Please note that all Legal Aid offices are currently closed to walk-in traffic, but staff can be reached by telephone or email.

For unrepresented individuals in the Halifax Regional Municipality, call the office or complete this simple [webform](#) for duty counsel assistance.

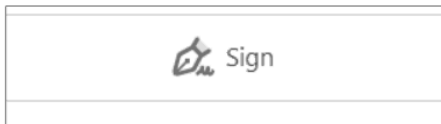
***If you already have a lawyer representing you, please contact your lawyer directly and they will assist you.**

Instructions for Electronic Signatures in the Fillable PDF Form

At the signature line, click **Fill & Sign**.



On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

Once the form has been completed, save the file using the Applicant's name: last name, first name, and the date (see example below):

Doe, John – March 28, 2020

PART 5

COURT SERVICES:

I, _____, Clerk of the Provincial Court, spoke with

_____ by: telephone in person

Accused/young person/counsel

I read the terms of the Order to them, and they acknowledged acceptance and understanding of all the conditions.

OR

The terms of the variation were confirmed with Counsel for the accused/young person who acknowledged acceptance and understanding on behalf of their client.

Signature

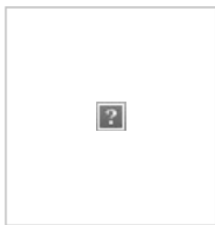
Date

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: COVID-19: CONSOLIDATED DIRECTIVE RE: MATTERS IN THE PROVINCIAL COURT AND YOUTH JUSTICE COURT
Date: February 4, 2021 12:59:46 PM
Attachments: [NSPC Consolidated Directive COVID19 03 31 20.pdf](#)
[image001.jpg](#)
Importance: High



Mark Scott, QC (*he, him, his*)
Chief Crown Attorney
Appeals & Special Prosecutions
Email: mark.scott@novascotia.ca
Office: 902-424-6794
Fax: 902-424-8440
Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: Scott, Mark
Sent: March 31, 2020 5:13 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: FW: COVID-19: CONSOLIDATED DIRECTIVE RE: MATTERS IN THE PROVINCIAL COURT AND YOUTH JUSTICE COURT
Importance: High



Mark Scott, QC (*he, him, his*)
Acting Deputy Director of Public Prosecutions
And Chief Crown Attorney
Appeals & Special Prosecutions
Email: mark.scott@novascotia.ca
Office: 902-424-6794
Fax: 902-424-8440
Nova Centre | 700-1625 Grafton Street Halifax, NS
www.novascotia.ca/pps/

From: Judiciary Communications <communications@courts.ns.ca>
Sent: March 31, 2020 5:05 PM
Subject: COVID-19: CONSOLIDATED DIRECTIVE RE: MATTERS IN THE PROVINCIAL COURT AND YOUTH JUSTICE COURT

Good afternoon,

The attached directive from the Provincial Court and Youth Justice Court consolidates, and in some cases updates, the measures previously announced for those Courts.

Please note that effective March 30, 2020, Chief Judge Pamela Williams has directed that all in-custody trials and preliminary inquiries scheduled in the Provincial Court and the Youth Justice Court, from now until May 31, 2020, should be adjourned. Court staff will contact counsel to advise them of the adjournment. In-custody trials and preliminary inquiries will be considered a priority as matters are rescheduled in June or later.

This consolidated directive will be updated as additional measures are announced and adjournment schedules for each Provincial Court location are confirmed. Please visit https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm for the updated versions, as they are released.

Thank you!

Jennifer

Jennifer L. Stairs

Director of Communications
Nova Scotia Judiciary
Executive Office, The Law Courts
1815 Upper Water Street
Halifax, NS B3J 1S7
902-424-6018 (W)
902-221-5257 (C)
www.courts.ns.ca

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COVID-19: NOTICE TO COUNSEL AND THE PUBLIC RE: MATTERS IN THE PROVINCIAL COURT AND YOUTH JUSTICE COURT

**This Notice consolidates, and in some cases updates, the measures previously announced.*

Tuesday, March 31, 2020

Urgent and Essential Matters

Until further notice, the Provincial Court and the Youth Justice Court are hearing urgent and essential matters only. That includes in-custody bail hearings, and some sentencings and youth criminal sentence reviews. The Courts will make full use of video and audio technology to deal with these urgent matters. Peace Bond applications and hearings will be heard over the telephone.

Access to Courthouses

Until further notice, the general public will not be permitted in Provincial Courts. Access is restricted to only those persons who are necessary to the urgent and essential matters that are proceeding before the Court. Anyone attending court will be expected to answer a series of screening questions to determine if they are healthy and directly involved with an urgent or essential matter.

Filing of Informations

Until further notice, all law enforcement agencies must fax or email this paperwork to the Justice of the Peace Centre in Dartmouth for matters in the Halifax Regional Municipality, or to Court Administration for the courthouses elsewhere in the province.

Individuals in Police Custody

Until further notice, the Justice of the Peace Centre will deal with all new matters involving individuals in police custody by telephone (902-424-8888). Individuals will either be released on conditions or remanded to a correctional facility with the next appearance by video in Provincial Court. Duty Crown and Duty Legal Aid counsel will assist during daytime hours. The full process for individuals in police custody is outlined [here](#).

Bail Hearings

All bail hearings in the Provincial Court and Youth Justice Court will continue to be held by video or telephone conference, unless a judge orders otherwise.

Surety Declarations

The Provincial Court has adopted a new procedure for individuals applying to the Court or at the Justice of the Peace Centre for a release order with surety under s. 515.1 of the Criminal Code (Declaration of Surety). The new procedure and fillable PDF form are available online [here](#). Counsel are reminded that s. 515.1(2)(a) and (b) allow for dispensing with the need for a declaration.

Posting Cash Bail

Individuals posting cash bail should go to the front entrance of the courthouse and must answer the screening questions asked of everyone visiting a courthouse. Those who pass the screening questions will be allowed into the courthouse and sent directly to the front counter. Court Administration staff can facilitate the posting of cash bail. Those who do not pass will not be admitted and should make other arrangements to post cash bail.

In-Custody Trials and Preliminary Inquiries

Effective March 30, 2020, Chief Judge Pamela Williams has directed that all in-custody trials and preliminary inquiries scheduled in the Provincial Court and the Youth Justice Court, from now until May 31, 2020, should be adjourned. Court staff will contact counsel to advise them of the adjournment. In-custody trials and preliminary inquiries will be considered a priority as matters are rescheduled in June or later.

Matters Involving Accused Individuals Not in Custody

All matters involving accused individuals not in custody, including initial appearances, applications, trials, and sentencings, that were scheduled between March 19 and May 31, 2020, are adjourned without the parties having to attend court. Please refer to [Appendix A – Adjournment Schedules by Location](#) on when you must now attend court. The court file will indicate this adjournment is due to the situation with COVID-19.

File Access

Public access to court files is suspended for 60 days, except in urgent situations. Court Administration staff are still accepting file requests from media, if they relate to urgent or essential matters proceeding before the Court. File requests for media should be directed to the [Judiciary's Communications Director](#) to facilitate.

Warrants and Judicial Authorizations

The Provincial Court and the Justice of the Peace Centre will continue to be available to process warrants and judicial authorizations. However, the processes to obtain search warrants will be modified to reduce in-person contact and the handling of paperwork at the courthouses and the Justice of the Peace Centre. The new processes will be finalized this week and will be posted online shortly after.

Provincial Court judges outside the Halifax Regional Municipality will continue to sign production orders, tracking warrants and transmission data recorder warrants, as the Criminal Code does not authorize their execution by tele warrant.

Consent Variation of Release Orders and Probation Orders

The Provincial Court and the Youth Justice Court have adopted a new procedure to help individuals apply to vary their release or probation conditions without having to go to court in person.

The new procedure allows for the consent variation of release conditions for individuals who have been released either by the Court (s. 515 of the Criminal Code) or by the police (s. 498, 499 or 503 of the Criminal Code) or for variation of probation conditions (s. 732.2(3) of the Criminal Code). The new procedure and fillable PDF application form are available online [here](#).

To help reduce the number of people visiting courthouses, staff at Nova Scotia Legal Aid will assist any unrepresented people who need urgent changes to their undertaking, recognizance or release order.

Anyone who does not have a lawyer and is looking to vary their release conditions should contact the Legal Aid office nearest to the courthouse from which they were released. Locations and contact information for Legal Aid offices across the province are available online [here](#).

Please note that due to COVID-19, all Legal Aid offices are currently closed to walk-in traffic, but staff can be reached by telephone or email. For unrepresented individuals in the Halifax Regional Municipality, call the office or complete this simple [webform](#) for duty counsel assistance.

Night Court

Summary offence matters in Night Court in Halifax and Sydney will be adjourned until at least June and into the fall. Court staff will be in touch about rescheduling. All peace bond applications and peace bond hearings will be heard via telephone.

Summary Offence Fines and Default Convictions

All Staff Justices of the Peace have been directed to extend fine payment deadlines 90 days beyond the existing due dates. Anyone who is able and wants to pay their fine now can do so online at <https://novascotia.ca/just/nsjustice/>.

The Registry of Motor Vehicles has suspended issuing certificates of default for a 60-day period, effective March 16, 2020. This relates to default convictions for summary offence tickets and parking tickets. The situation will be re-evaluated at the end of the 60 days. Anyone with questions should contact the [Registry of Motor Vehicles](#).

Appendix A - Adjournment Schedules by Location

Click on a Provincial Court in the list below to view the adjournment schedule for that location. Due to the volume of matters in the Halifax and Dartmouth Provincial Courts, those locations have separate schedules for each courtroom.

PLEASE NOTE: Adjournment schedules have yet to be finalized for the Provincial Courts in Amherst, Bridgewater, Digby, Halifax, Yarmouth and Shelburne. That information will be added to this directive as it is confirmed.

[Amherst Provincial Court](#)

[Antigonish Provincial Court](#)

[Bridgewater Provincial Court](#)

[Digby Provincial Court](#)

[Kentville Provincial Court](#)

[Pictou Provincial Court](#)

[Halifax Provincial Court](#)

- [Courtroom 1](#)
- [Courtroom 2](#)
- [Courtroom 3](#)
- [Courtroom 4](#)
- [Courtroom 5](#)
- [Courtroom 6](#)

[Port Hawkesbury Provincial Court](#)

[Shubenacadie Provincial Court](#)

[Sydney Provincial Court](#)

[Truro Provincial Court](#)

[Wagmatcook Provincial Court](#)

[Windsor Provincial Court](#)

[Yarmouth /Shelburne Provincial Court](#)

[Dartmouth Provincial Court](#)

- [Courtroom 1](#)
- [Courtroom 2](#)
- [Courtroom 3](#)
- [Courtroom 4](#)
- [Courtroom 5](#)

Antigonish Provincial Court

If your matter was scheduled...	You must now attend court on...
Between March 23 and April 6 (except March 25)	A date in June 2020. Please contact the court at 902-863-3676 to obtain your new court date.
March 25	July 15
April 8	July 15
April 9	July 15
April 15	July 15
April 16	July 15
April 22	July 15
April 29	July 15
May 6	August 12
May 11	August 12
May 13	August 12
May 27	August 12
If your Summary Offence Ticket Trial was scheduled...	It will now be held on...
Between March 23 - April 3	August 27
April 23	September 24
May 28	October 22
If your Fine Order was scheduled...	It will now be held on...
April 2	June 4
May 7	July 2

Dartmouth Provincial Court – Courtroom 1

If your matter was scheduled...	You must now attend court at 9:30 a.m. on...
March 30	June 12
March 31	June 12
April 1	June 12
April 2	June 12
April 3	June 12
April 6	June 12
April 7	June 12
April 8	June 12
April 9	June 12
April 14	June 12
April 15	June 12
April 16	June 12
April 17	June 12
April 20 (INTAKE)	June 12
April 21 (INTAKE)	June 12
April 22 (INTAKE)	June 12
April 23 (INTAKE)	June 12
April 24 (INTAKE)	June 12
April 27	June 12
April 28	June 19
April 29	June 19
April 30	June 19
May 1	June 19
May 4	June 19
May 5	June 19
May 6	June 19
May 7	June 19
May 8	June 19
May 11	June 19
May 12	June 19
May 13	June 19
May 14	June 19
May 15	June 19
May 19	June 19
May 25 (INTAKE)	June 19
May 26 (INTAKE)	June 19
May 27 (INTAKE)	June 19
May 28 (INTAKE)	June 19
May 29 (INTAKE)	June 19

Dartmouth Provincial Court – Courtroom 2

If your matter was scheduled...	You must now attend court at 9:30 a.m. on...
March 30	June 8
March 31	June 8
April 1	June 9
April 2	June 10
April 3	
April 6	June 11
April 7	June 15
April 8	June 16
April 9	June 17
April 14	June 18
April 15	June 22
April 16	June 24
April 17	
April 20	
April 21	
April 22	
April 23	
April 24	
April 27 (INTAKE)	July 6 (INTAKE)
April 28 (INTAKE)	July 7 (INTAKE)
April 29 (INTAKE)	July 8 (INTAKE)
April 30 (INTAKE)	July 9 (INTAKE)
May 1 (INTAKE)	July 10 (INTAKE)
May 4	August 10
May 5	August 10
May 6	August 10
May 7	August 10
May 8	
May 11	August 11
May 12	August 11
May 13	August 11
May 14	August 11
May 15	
May 19	
May 25	August 12
May 26	August 12
May 27	August 13
May 28	August 13
May 29	

Dartmouth Provincial Court – Courtroom 3

If your matter was a...	Then...
Seized matter before Judge MacRury	Crown and defence counsel will be contacted by phone to set new dates on the date the matter has been brought forward to.
Matter involving a self-represented accused	Warrants will be issued and held to June 10, 2020, at 9:30 a.m. in Courtroom 3
Matter with counsel	Dates that were previously selected for matters to return will stand.
Summary offence ticket matter	All matters will be adjourned to September 24, 2020 at 9:30 a.m. in Courtroom 3. The due date to pay will be extended to that date and any requests for default to be lifted will be granted.

Matters where counsel has not provided a date for adjournment will be as follows:

If your matter was scheduled...	You must now attend court on...
March 30	June 8
March 31	June 9
April 1	June 10
April 2	June 11
April 3	June 12

Dartmouth Provincial Court (Courtroom 4)

** If your matter was originally scheduled for 9:30 a.m., it will be heard at 9:30 a.m. on the new date. If it was originally scheduled for 1:30 p.m. it will be heard at 1:30 p.m. on the new date. Warrants will be held on all matters to maintain jurisdiction.

If your matter was scheduled...	You must now attend court on...
March 30	June 15
March 31	June 16
April 1	June 17
April 2	June 18
April 3	June 19
April 6	June 15
April 7	June 16
April 8	June 17
April 9	June 18
April 14	June 16
April 15	June 17
April 16	June 18
April 17	June 19
April 20	June 15
April 21	June 16
April 22	June 17
April 23	June 18
April 24	June 19
April 27	June 15
April 28	June 16
April 29	June 17
April 30	June 18
May 1	June 19
May 4	June 15
May 5	June 16
May 6	June 17
May 7	June 18
May 8	June 19
May 11	June 15
May 12	June 16
May 13	June 17
May 14	June 18
May 15	June 19
May 19	June 16
May 20	June 17
May 21	June 18
May 22	June 19

May 25	June 15
May 26	June 16
May 27	June 17
May 28	June 18
May 29	June 19

Dartmouth Provincial Court – Courtroom 5

If your matter was scheduled...	You must now attend court at 9:30 a.m. on...
March 30	June 22
March 31	June 23
April 1	June 24
April 2	June 25
April 3	June 26
April 6	June 22
April 7	June 23
April 8	June 24
April 9	June 25
April 14	June 23
April 15	June 24
April 16	June 25
April 17	June 26
April 20	June 22
April 21	June 23
April 22	June 24
April 23	June 25
April 24	June 26
April 27	June 22
April 28	June 23
April 29	June 24
April 30	June 25
May 1	June 26
May 4	June 22
May 5	June 23
May 6	June 24
May 7	June 25
May 8	June 26
May 11	June 22
May 12	June 23
May 13	June 24
May 14	June 25
May 15	June 26
May 19	June 23
May 20	June 24
May 21	June 25
May 22	June 26
May 25	June 22

May 26	June 23
May 27	June 24
May 28	June 25
May 29	June 26

Kentville Provincial Court

If your matter was scheduled...	You must now attend court on...
March 30	June 29
March 31	June 29
April 1	July 2
April 2	July 6
April 6	July 7
April 7	July 8
April 8	July 9
April 9	July 13
April 14	July 13
April 15	July 15
April 16	July 15
April 20	July 16
April 21	July 20
April 22	July 21
April 23	July 22
April 24	July 23
April 27	July 20
April 28	July 22
April 29	July 22
April 30	July 23
May 1	August 10
May 4	August 11
May 5	August 12
May 6	August 13
May 7	August 10
May 11	August 10
May 12	August 10
May 13	August 12
May 14	August 13
May 25	August 18
May 26	August 19
May 27	August 18
May 28	August 19

Pictou Provincial Court

If you have a matter scheduled in the Pictou Provincial Court during the months of March, April or May and you have a lawyer, please contact your lawyer to find out your new court date. If you do not have a lawyer, please contact the Court Administration office at 902-485-7350. Court staff will assist you.

Port Hawkesbury Provincial Court

If you have a matter scheduled in the Port Hawkesbury Provincial Court during the months of March, April or May and you have a lawyer, please contact your lawyer to find out your new court date. For those who are self-represented, any Provincial Court matters that were scheduled between March 25, 2020, and May 29, 2020, have been adjourned to June 29, 2020, at 9:30 a.m. in Port Hawkesbury. The only exception are matters that were originally scheduled for April 21, 2020. Those matters are adjourned to June 16, 2020, at 9:30 a.m. in Port Hawkesbury. If you have any questions, please contact Court Administration at 902-625-2665.

Shubenacadie Provincial Court

If your matter was scheduled on...	You must now attend court on...
March 23	June 8, June 22, July 6
March 26	June 22
March 30	June 8, June 22
April 2	June 8, June 22, November 26 (TRIAL)
April 6	June 22, July 6
April 9	June 22
April 16	June 8, June 22, July 6
April 20	June 22, July 6
April 23	June 8
April 27	June 18
April 30	June 22, June 18
May 4	June 8, June 22, July 6
May 7	July 20
May 11	June 8, July 20
May 14	June 8
May 25	July 6
May 28	June 11, June 22

Sydney Provincial Court

All Provincial Court matters in Sydney through to May 31, 2020, have been adjourned with counsel present. you have a lawyer, please contact your lawyer to find out your new court date. If you are representing yourself, or you are unsure of your new court date, please call Court Administration at 902-563-3510. Court staff will assist you.

Truro Provincial Court

If your matter was scheduled the...	You must now attend court on...
Week of March 23 – March 27	June 17
Week of March 30 – April 3	June 24
Week of April 6 – April 10	July 15
Week of April 13 – April 17	July 22
Week of April 20 – April 24	July 29
Week of April 27 – May 29	August 5
Justice of the Peace Summary Offence Ticket Court	
April 24	July 24
May 15	August 21

Wagmatcook Provincial Court

If you have a matter scheduled in the Wagmatcook Court and you have a lawyer, please contact your lawyer to find out your new court date. For those who are self-represented, any Provincial Court matters that were scheduled between March 25, 2020, and May 29, 2020, have been adjourned to June 3, 2020, at 10 a.m. in Wagmatcook. If you have any questions, please contact Court Administration at 902-625-2665.

Windsor Provincial Court

If your matter was scheduled the...	You must now attend court on...
March 23	June 22
March 24	June 22
March 27	June 26
March 30	June 29
March 31	June 30
April 3	July 6
April 6	July 7
April 7	July 10
April 14	July 13
April 17	July 17
April 20	July 17
April 21	July 20
April 24	July 24
April 27	July 24
April 28	July 27
May 1	July 31
May 4	July 31
May 5	July 31
May 11	August 7
May 12	August 11
May 15	August 17
May 25	August 17
May 26	August 18
May 29	August 21

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: NSPC_Individuals_in_Police_Custody_03_31_20.pdf
Date: February 4, 2021 1:00:16 PM
Attachments: [NSPC_Individuals_in_Police_Custody_03_31_20.pdf](#)
[image001.jpg](#)



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From: Scott, Mark
Sent: April 1, 2020 1:43 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: NSPC_Individuals_in_Police_Custody_03_31_20.pdf

Dear Fellow PPS Employees:

The attached release from Provincial Court has been added to the Courts' website. It's primary focus is to the attention of police. I am providing it in case police or anyone else have questions.

Regards,

Mark



COVID-19: PROVINCIAL COURT PROCESS FOR INDIVIDUALS IN POLICE CUSTODY

Tuesday, March 31, 2020

Due to the ongoing situation with the COVID-19 pandemic, the Provincial Court has made changes to its processes for dealing with individuals in police custody and prisoners at correctional facilities to further limit in-person contact at courthouses and the Justice of the Peace Centre.

Effective immediately, releases and remands of all individuals in police custody are to be done through the Justice of the Peace Centre by telephone. Bail matters will be heard by telephone during the daytime hours, with the assistance of Duty Crown and Duty Legal Aid counsel at 902-424-8888. After 9 p.m., bail will be conducted via the tele-bail system used regularly on weekends.

To accommodate this, an additional Justice of the Peace will be available, as needed, after 9 p.m. to deal exclusively with bail matters, particularly releases. Access to this service will be via a separate phone number (902-424-6317).

All other after-hours emergency matters will be directed to the regular number at the Justice of the Peace Centre. Police should exercise restraint when engaging after-hours Crowns or the Justice of the Peace Centre in the early morning hours for bail matters. In most cases, it is anticipated that the release or remand of those charged persons can be done during regular business hours in the morning.

Individuals who are released will be provided with a return date to Provincial Court after May 31, 2020. Those who are remanded to a correctional facility will have their next court appearance via video conferencing.

The Nova Scotia Public Prosecution Service has advised police departments across the province to use their new Bill C-75 release powers widely to release persons charged from their stations without involving the Justice of the Peace Centre.

There will be no need to call the bail number at the Justice of the Peace Centre prior to preparing documentation. In fact, this is discouraged. When the Information and draft warrant or release order are ready, a call should be placed and the bail Justice of the Peace will advise what fax number should be used for sending the documentation, including the usual Request for Services. The hearing will proceed very shortly after the documentation has been reviewed.

-30-

Media Contact:

Jennifer Stairs
Communications Director
Nova Scotia Judiciary
902-221-5257
stairsjl@courts.ns.ca

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Another day done
Date: February 4, 2021 1:00:53 PM
Attachments: [image001.jpg](#)
[THE COVID.docx](#)
Sensitivity: Confidential



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From: Scott, Mark
Sent: April 1, 2020 5:15 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Another day done
Sensitivity: Confidential

Good Afternoon, Everyone!

20(1)

As we start into another phase of working on files and keeping busy, I ask that we keep cognizant of the repeated and more stringent public health messages about staying home unless truly necessary. So, as much as you can:

- (i) Please make the switch from paper to electronic forms.
- (ii) Please be sensitive to our administrative staff when requesting physical file tasks. Our offices are clean and safe, but we want to minimize potential risks during the commute into work. We also want to minimize the number of people in our offices at any given time. Our Administrative Coordinators have developed a rotation schedule* to assist in this regard. Considering this, we ask Crowns to communicate with Admin. Coordinators if they require in-office work compete. (*To be re-assessed as the situation evolves).
- (iii) In addition to point (ii), each Chief Crown will be developing various strategies for their region to enable Crowns to work as efficiently as possible, while minimum of in-person traffic at the offices.

Things are chugging along in the courts. Following a request for clarification from the PPS (thanks for bringing it to my attention, Ingrid!) the new directive on the JP Centre release system will be updated to clearly indicate when after-hours duty Crown will handle bail, versus cells Crowns. Otherwise, the JP Centre will be operational for all consent releases where people are in *police* custody (versus at a correctional centre). For convenience, I have attached the roadmap again. Please use this as a complement to the newly released (and soon to be amended) directive.

As the COVID-19 prevention measures stretch onward, we cannot become complacent. 20(1)

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Mark

-



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Pages 98-101 Duplicate of Pages 29-32

Page 098 to/à Page 101

Withheld

Duplicate

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Victims/Victims" Services
Date: February 4, 2021 1:00:05 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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From: Scott, Mark
Sent: April 1, 2020 8:48 AM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Victims/Victims' Services
Sensitivity: Confidential

Dear All:

Victims' Services are not getting added to some Court communications. I have provided Dana Bowden with the most recent updates (including the adjournment chart), and qualified that some courts are going off script.

Because of the above, I urge you to, where possible, notify the victims or Victims' Services of any adjournments, changes to bail or remand and sentencings that may take place in the next while. I recognize that many of us will not have this information at home – this is why I have asked Dana to follow the adjournment chart unless otherwise notified – but, for those anomalies or assigned files, best efforts to communicate developments should be the norm.

Thanks,

Mark

P.S. This applies to appeals files, too!

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From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Day end.....
Date: February 4, 2021 1:01:15 PM
Attachments: [THE COVID.docx](#)
[image001.jpg](#)
Sensitivity: Confidential



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From: Scott, Mark
Sent: April 2, 2020 6:37 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Day end.....
Sensitivity: Confidential

Good Afternoon, Everyone.

We are one day closer to this being over! I hope everyone is coping well and keeping a sense of humour.

There is not too much to report as we approach another weekend (or what we previously knew to be weekends).

Here is what I have:

PPS

The Chiefs are working on strategies for next steps in keeping everyone safe, but busy. Each Region will have their own peculiar aspects, but there will no doubt be plenty of common ground.

We will provide the Deputy Minister of Justice final tallies of remanded prisoners whose cases were reviewed, and those who were released.

The Chiefs report the continued resiliency and professionalism of all of the PPS employees. This is no mean feat in such uncertain times and each of you is to be commended!!!!

Courts

The Supreme Court hopes to have the docket up to May 12th addressed by the end of next week.

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The Provincial Court is working on some clarifications to its consolidated directive....stay tuned! In the meantime, I have been authorized to share that consent releases from police custody through the JP Centre during regular business hours will generally involve: the cells Crown and defence counsel agreeing on the release terms; and, the police who have custody of the prisoner making the telephone call to the JP Centre. This will enable cell Crowns to carry on with their other matters. Please see the attached, updated roadmap, with the pertinent changes [Clauses (v)e-g] highlighted in red.

20(1)

Out.

Mark

-

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THE COVID-19 BAIL SYSTEM ROADMAP

Preamble

To prevent the spread of COVID-19 amongst a very vulnerable segment of the NS population, the following scheme is intended to reduce the number of remanded prisoners by having as many charged persons released from police custody as is practicable.

It is recognized that the entry of detainees into correctional centres, even temporarily, risks the unmanageable spread of COVID-19 to inmates and to the public at large.

This measure is intended to balance protection of the public from a broader health perspective with the protection of the public from a safety/violence perspective.

Because the main element of this roadmap is new to many, ie. Virtual participation, it will be essential to ensure a clear standard practice, with clear paths for sharing information*. At the same time, the roadmap must enable the continued good practices of phone advice and exchange of information where more formalized processes are not required to achieve the same goal.

(*Some areas of the Province have carved out their plan for this. It will be for them to decide whether to switch to this model if it differs from what they have in place. The JP Centre will **in all cases**, however, be the venue for consent release, with the release plan sent electronically by either the Crown or defence counsel)

A major step to accomplishing this goal is the revision to a 24/7 JP Centre. The following is intended to guide all stakeholders through this new process.

Arrest to release – step by step

This plan does not dispense with the Brydges Legal Aid system or the after-hours duty Crown system. People who are detained are required to be given their s.10(a) and s. 10(b) Charter Rights (and caution).

As dictated by the new COVID-19 world in which we live, police are urged to use their new Bill C-75 release powers widely to release persons charged from station without involving the JP Centre. This should considerably reduce detainees for cells during the weekdays

Over the weekend, after-hours duty Crown and after-hours Brydges counsel will be available until 8:30 a.m. on Monday.

During weekdays, from 8:30 a.m. to 4:30 p.m., office hours cells Crown and defence duty counsel will be the vehicle for release *where police are not satisfied that release should/can be decided by the officer in charge per Bill C-75.*

During after-hours, police understand to use their common sense when engaging after-hours Crown or the JP Centre in early morning hours. In most cases it is anticipated that the release of those charged persons can be done in the morning.

For weekday after-hours (including Sunday night):

- (i) Police will continue to implement their ss.10(a) and (b) obligations.
- (ii) Police will use their Bill C-75 release powers as much as is practicable in these times of public health crisis.
- (iii) After-hours duty Crown will operate as usual and will provide advice on release/remand. Some releases may continue to be accomplished through the JP Centre, with the police informing the JP Centre of the consent release conditions following Crown advice.
- (iv) The police will continue to be responsible for completing the paperwork for these matters.
- (v) The exchange of necessary information will be by email/fax, with the necessary email and/or fax information shared with each detachment by the JP Centre.

From 8:30 a.m. to 4:30 p.m., Monday to Friday:

- (i) Cells Crown, office hours Brydges defence counsel (for s.10(b) implementation), and defence cells duty counsel will operate as usual.
- (ii) Where police are unsure of whether to release the charged person, either under their enhanced Bill C-75 release powers, or through the JP Centre, they should call the cells Crown responsible for their office/detachment. In some circumstances, consent release may occur from the police station without the need for the more formalized process outlined below.
- (iii) There may be times where cells Crown is unavailable because they are working on other cells files.
- (iv) For *both* circumstances under (ii) and (iii), the local police and Crown offices will exchange information regarding how contact with the Crown is to be accomplished.
- (v) Where police are of the view that they should not release under conditions set out in their enhanced Bill C-75 release powers, and where (ii) is not applicable, the decision on release will be made by the cells Crown responsible for their area. The procedure will be:
 - a. The police will furnish the cells Crown with an emailed bail package*. The package should include a copy of the Information, Crownsheet, CPIC printout, and other

information relevant to, and setting out any concerns under, the primary, secondary or tertiary grounds per s.515(10) of the *Criminal Code*. (*"bail disclosure").

- b. A template will be developed and distributed to assist officers in identifying and enumerating relevant s.515(10) information and concerns.
- c. Cells Crown will email the bail disclosure (in addition to the Crown's PICS/JEIN offender information relevant to bail) to defence duty counsel.
- d. In the HRM, Lonny Queripel will be the initial point of defence duty counsel contact/disclosure with whom the cells Crown will share disclosure electronically. (Lonny's email has been provided to the Halifax Region Chief Crowns for distribution).
- e. The JP Centre will confirm the charged person's agreement with the proposed release conditions by telephone conference, **which will include the charged person at the police station and the police.**
- f. In **most** instances, where cells Crown and defence duty counsel agree, the release of the charged person from the police station through the JP Centre can be handled by the booking officer and charged person, via telephone, per the procedures followed after-hours.
- g. There may be some instances where the cells Crown and defence counsel will be involved with the JP Centre, rather than the police. They will follow the procedure that the police do, including use of the telephone number in the Court's directive.
- h. The JP Centre will prepare the official documents for signatures, etc. These documents will be exchanged electronically. The JP Centre will provide the Court and Crown with an electronic version of the executed release conditions.
- i. Where the cells Crown and defence counsel cannot agree on release conditions, or the Crown is opposed to bail, the charged person will be remanded to a correctional facility from where his bail hearing will be conducted by the Court (the Provincial Court for those offences not captured by s.522 of the *Criminal Code*).
- j. The bail hearing captured under "i" will involve video appearance by the charged person and either virtual or in person appearance by counsel, as the safety considerations and practicalities allow or require.
- k. In instances where contested bail hearings occur, more disclosure may be required, and all parties (including the police) must discuss the best, sufficiently secure means to share this added disclosure in a manner that is consistent with best safety practices for the prevention of COVID-19 spread.

From: [Scott, Mark](#)
To: [March, Kathryn M](#)
Subject: FW: Day's end update.....
Date: February 4, 2021 1:02:49 PM
Attachments: [image001.jpg](#)
Sensitivity: Confidential



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From: Scott, Mark
Sent: April 14, 2020 7:30 PM
To: JUSTPPSALL <JUSTPPSALL@novascotia.ca>
Subject: Day's end update.....
Sensitivity: Confidential

Dear Fellow PPS Employees:

I hope everyone had a relaxing long weekend, and had a moment to enjoy the beautiful day today.

There is little to report generally. While people may be getting antsy with work from home, caring for children, and social distancing, by following the public health plan you are saving lives. You are to be commended for your continued vigilance.

For court matters, some notices will be coming out from the Supreme and Provincial Courts soon about next steps. Stay tuned! I can say that the Provincial Court is amenable to ex parte applications to unseal ITOs for redactions and disclosure. They are working on a procedure to make this easy and avoid court attendance.

As well, questions were asked about inmates who get new charges and need bail decided. The Provincial Court Judges were all of the view that video appearance suffices for being "before the Court" for s.515. Therefore, you need only arrange a video attendance from the correctional centres for such matters.

For everyone's continuing education and training, stay tuned for some initiatives that are being developed to keep your minds sharp and your knowledge base up to date during these times.

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