



## COVID-19 Impact on Provincial Courts in Prince Edward Island

Issued as of March 20, 2020

In order to protect the health and safety of all Court users and help contain the spread of COVID-19 the Provincial Court of Prince Edward Island is significantly reducing court operations while ensuring meaningful access to the Court for those with urgent matters.

Cleaning protocols have been increased inside courtrooms as well as secure and common areas of the court facilities. All persons in court facilities are asked to cooperate with the recommendations of the Chief Health Office, including recommended handwashing, use of hand sanitizer practices and to ensure social distancing by keeping two metres of space between yourself and other individuals.

Effective March 20, 2020, access to Provincial Court in Prince Edward Island will be restricted to only those persons who are necessary to the proceedings before the Court. This will include counsel, accused, witnesses, support workers, and members of the media.

Provincial Court will post further information as it becomes available, so please continue to check [www.courts.pe.ca](http://www.courts.pe.ca) for updates.

### *People showing COVID-19 symptoms*

No one who is **experiencing any COVID-19-related symptoms** or who has been advised to self-isolate should attend the court houses. Persons who fall within that category and who have scheduled court appearances including those who have been subpoenaed for court are to immediately contact the appropriate Court office by telephone for directions.

The Provincial Court in Charlottetown and in Summerside remain open, but with restricted access, as noted. Georgetown is closed for two weeks.

### **CRIMINAL MATTERS – FOR ACCUSED WHO ARE IN CUSTODY**

The scheduling and hearing of urgent in-custody criminal trials, preliminary hearings, sentencing and bail hearings will proceed **unless** adjourned by the Court on its own motion or on application **by telephone** by a party.

The Court will make full use of video and audio technology whenever possible, to effectively address criminal matters involving accused persons who are **in custody, and avoid personal attendance at the Courthouse, if at all possible**. For these matters, a victim or witness may apply to appear by videoconference. You may contact the Crown Prosecutor or the Provincial Court by telephone to apply to use videoconferencing.

If at all possible, bail or sentencing hearings will be conducted by use of video/audio conference instead of in-person, and unless otherwise directed by the judge. Lawyers are to appear by telephone on behalf of their clients, with arrangements being made in advance.

### **CRIMINAL MATTERS FOR ACCUSED WHO ARE NOT IN CUSTODY**

#### **Trials and Preliminary Inquiries:**

Effective March 23, 2020, trials and preliminary hearings for accused who are **not in custody** will be adjourned to dates after May 31, 2020. These cases **will be called in court on the original date and time**. However, judges **will use video and audio technology where possible**. Lawyers are expected to appear by telephone on behalf of their clients, and to make those arrangements in advance. Accused persons are **NOT to attend court for those adjournments**.

For those who are **not represented** by a lawyer, you should **call the court in advance** of your scheduled court date to arrange to appear on a new date, which will be **after May 31, 2020**. Your matter will be adjourned

without you being present, using a Court Order called a "bench warrant held by the Crown" which will require you to attend Court on the new court date. If you do not appear on the new date you may then be arrested.

**Pleas or Sentencings:**

A number of accused have charges set for plea and some are set for sentencing over the next two months. Those matters will still be called on the dates set, and **lawyers are expected to appear by telephone** to obtain new dates.

For those who are **not represented by a lawyer**, you should call the court **in advance** of your scheduled court date to arrange to appear on a new date. You are **NOT to go to the Courthouse**. Your matter will be adjourned without you being present, using a Court Order called a "bench warrant held by the Crown" which will require you to attend Court on the new court date. If you do not appear on the new date you may then be arrested.

**Provincial Courthouses in Summerside and Georgetown:**

As the entrance to the Courthouse in Summerside and in Georgetown, and to the courtroom itself, makes social distancing difficult for those as they come into the building, only those who have a **matter scheduled for court that day and whose attendance is required will be admitted to the Courthouse** and in a fashion that respects social distancing. Lawyers are expected to attend by telephone for routine matters and to obtain designations of counsel in advance.

If counsel or a self-represented accused feels that a matter is **urgent and should be considered prior to May 31, 2020**, please contact the courthouse **by telephone**.

If you have any questions, do **NOT** go to the Courthouse. Contact the Provincial Court office **by telephone** in Charlottetown at (902) 368-6693 or in Summerside at (902) 888-8187.

Police should now set all first appearances for new matters for individuals who are **NOT** in custody for docket days **after** May 31, 2020.

Dated at Charlottetown, Prince Edward Island this 20<sup>th</sup> day of March, 2020.

SGD. NANCY K. ORR

Nancy K. Orr

Chief Judge of the Provincial Court of Prince Edward Island