

Communique to the Profession

TO: All Justice of the Peace, LAJ Deborah Calderwood, Crown Counsel, Defence Counsel, Legal Aid Ontario, Niagara Trial Co-ordinator, Niagara Regional Police (court branch), Detention Centres and Correctional Facilities

FROM: Shari St. Peter
Local Administrative Justice of the Peace
St. Catharines- Welland
Ontario Court of Justice

DATE: June 14, 2024

RE: Changes to St. Catharines Bail Court (SB2)

This communique applies to all criminal cases that appear in the Justice of the Peace bail court (SB2- Monday to Friday at 9:30) in St. Catharines Ontario Court of Justice. This communique does not apply to weekend WASH court in Niagara.

In an effort towards effectively managing the volume of matters in the bail court while maintaining the accused right to bail in a timely manner and recognizing the need for efficient use of court resources, the following change will be implemented. All bail matters hold priority for those who have recently been arrested as well as for those who have been in custody awaiting their bail hearing.

There has been much discussion with the office of the Regional Senior Justice of the Peace, Regional Senior Judge and at the stakeholders table about how best to address the challenges faced in the St. Catharines bail court. Simply adding an additional courtroom is not possible due to resource limitations on all fronts. Various options and approaches have been canvassed and the following is a best effort at providing a solution to the challenges as presented.

New Bail Court Schedule- NEW

Effective June 24, 2024 courtroom SB2 will hear scheduled contested matters on a daily basis (Monday to Friday) in the morning at 9:45 a.m. and 11:15 a.m. Each time slot will be 1 hour and 15 mins and can be scheduled in advance through the court at any time he/she has an appearance in SB2. Both the clerk of the court and the presiding Justice of the Peace will have access to the shared booking calendar to schedule contested matters.

The bail court (SB2) will continue to address all in person and station matters (overnight arrests) in this court.

As a result of this change, the order in which matters are heard will slightly alter. Court will begin at 9:30 at which time the presiding Justice will canvas whether there are any s.503 concerns at the police station. If there is a s.503 concern, the matter can then be addressed so the accused person is made aware of their charges and the Crown's position on bail. The matter can then be held down (if required) for bail plan development.

The court will then launch into scheduled contested matters. All defense counsel, duty counsel and Crown counsel are expected to come prepared for the scheduled contested hearing(s) as scheduled. The schedule is limited and 1 hour and 15 minutes is allotted to hear the matter. At the time the matter is scheduled for a contested hearing, if the matter is anticipated to take longer than 1 hour and 15 minutes, both slots can then be booked to ensure the matter is reached.

At this time the Special Bail Hearing protocol remains in place. All matters anticipated to take 3 hours or more will be subject to a special bail conference as per the usual course. The Special Bail hearing threshold will be reviewed in consideration of the proposed bail court changes in the coming months to determine whether a change to the threshold is required to ensure matters are being reached promptly.

Courtroom SB3 will continue to provide bail assistance on a daily basis (except Thursday afternoons) when available and as necessary.

To summarize, the anticipated course of action in SB2 as of June 24th will be:

Please note: if the scheduled contested hearings are completed prior to lunch, the court will then address the remaining matters including adjournment requests, consent releases and other contested matters. If there are no contested matters scheduled for the day, then the court will begin addressing all bail matters.

9:30	Canvass station matters for s.503 concerns
9:45-11:00	Contested hearing
11:00-11:15	Courtroom staff break
11:15-12:30	Contested hearing
12:30 Or shortly thereafter	Courtroom breaks for Lunch
1:30 Or shortly thereafter	Remaining bail matters including: new arrests/station matters, adjournments, contested hearings

Please ensure that you are communicating with the court and the bail Crown in a timely matter to apprise both of the status of your pending bail so as to prevent a bottleneck of matters to be addressed late in the afternoon.

When can I begin to schedule Contested Matters?

Court Operations has already created the shared booking calendar for hearings on June 24, 2024 and into the future. The shared booking calendar will be available to schedule hearings at least two (2) weeks prior to the following month.

How can I best prepare for bail court?

To ensure that the bail court operates efficiently and with the liberty interests of the accused person as the priority, all counsel are expected to come to bail court prepared to address their matter in a timely manner. Counsel who have scheduled a contested matter are respectfully asked to attend on time ready to proceed with the hearing. Crowns are respectfully requested to send bail packages for contested matters to the st.catharinesbail@ontario.ca mailbox in advance of the scheduled hearing so the presiding Justice will have the opportunity to review materials prior to the hearing if possible.

We will continue to monitor the progress of matters in the bail court over the coming months and I invite your feedback during our regularly scheduled stakeholder and bench meetings.

What about Video Remand?

We are continuing to assess the volume in the Video Remand court on Monday, Wednesdays and Fridays and will advise of any changes forthcoming as necessary.