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<p>CHAPTER IV – CHAPITRE IV : Pre-trial, Trial, and Appeal Matters Questions avant le procès, pendant le procès et en appel</p>	<p>Readers are referred to the list of Related Documents at the end of this Policy for additional information. Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.</p>	

WEEKEND AND STATUTORY HOLIDAY REMAND COURT

1. Introduction

Weekend and Statutory Holiday Remand Court (WASH Court) is held every weekend and statutory holiday, and it rotates among the regions. The purpose of this policy is to promote consistency and efficiency in the delivery of prosecution services at WASH Court in the various regions.

2. Assignment of Crown Prosecutors

The Regional Director for the region in which WASH Court is to be held shall assign one or more Crown Prosecutors to provide prosecution services for each day of WASH Court. The Regional Director shall ensure that these services are available in both French and English.

3. Duties of the Crown Prosecutor

The Crown Prosecutor assigned to WASH Court shall be present in the office from 8:15 a.m. until WASH Court begins, and shall ensure that the cell phone designated for WASH Court, where available, is operational during this period.

The Crown Prosecutor shall appear in court at the scheduled time. Where appropriate, as set out in sections 4, 5, and 6 below, the Crown Prosecutor shall object to the release of the accused and request that the court schedule a show cause hearing.

Immediately after court has concluded, the Crown Prosecutor shall

- (a) send, by e-mail, a completed WASH Court Report, a sample of which is included in Appendix A, to all Regional Directors;
- (b) with respect to each show cause hearing ordered by the court, send, by fax, a copy of the Information, the Crown Prosecutor's Information Sheet and any other material reviewed to the office that will be responsible for the show cause hearing; and
- (c) maintain a copy of all materials.

4. Release of Detainees

The Crown Prosecutor shall, with respect to each detainee

- (a) review the materials provided by the police agency;

- (b) consult with the police agency; and
- (c) review the information on the New Brunswick Justice Information System (JIS) and other available sources regarding the detainee's
 - (i) criminal history;
 - (ii) outstanding warrants of arrest and committal; and
 - (iii) future pleas, trials, preliminary inquiries, and sentencing hearings.

The Crown Prosecutor shall then determine

- (a) whether the proposed charges meet the usual charge approval standard;
- (b) whether there is a reasonable likelihood that the court would order detention in custody, given the grounds set out in subsection 515(10) of the *Criminal Code*; and
- (c) whether detention in custody is in the public interest, given the following aspects of the public interest:
 - (i) the interest in protecting the community, including the victim of the alleged offence;
 - (ii) the interest in maintaining public confidence in the administration of justice;
 - (iii) the interest in ensuring that accused persons attend court; and
 - (iv) the liberty interests of the accused.

Where the Crown Prosecutor determines that none of the proposed charges meet the charge approval standard, the Crown Prosecutor shall advise the police agency that he or she does not approve the charges.

Where the Crown Prosecutor determines that one or more of the proposed charges meet the charge approval standard but determines that there is not a reasonable likelihood that the court would order detention in custody, or that detention in custody is not in the public interest, the Crown Prosecutor shall

- (a) advise the police agency that he or she will not approve the charges; and
- (b) advise the police agency to seek approval of the charges from the regional office.

Where the Crown Prosecutor determines that one or more of the proposed charges meet the charge approval standard, that there is a reasonable likelihood that the court would order detention in custody, and that detention in custody is in the public interest, the Crown Prosecutor shall

- (a) advise the police agency that he or she approves only the least serious charge;
- (b) request that the police agency lay only that charge in WASH Court;
- (c) advise the police agency to seek approval of the other charges from the regional office; and
- (d) during WASH Court, object to the release of the accused and request that the court schedule a show cause hearing.

5. Unendorsed Arrest Warrants

Where an accused was arrested pursuant to an unendorsed arrest warrant, the Crown Prosecutor has no authority to permit the police agency to release the accused. In such circumstances, the Crown

Prosecutor shall determine whether there is a reasonable likelihood that the court would order detention in custody and whether detention in custody is in the public interest.

Where the Crown Prosecutor determines both of these criteria are met, the Crown Prosecutor shall object to the release of the accused. Where the Crown Prosecutor determines that one or both of these criteria are not met, the Crown Prosecutor shall determine appropriate conditions of release and shall propose those conditions to the court.

6. Allegations Involving Death or a Serious Personal Injury Offence

Where the only charge proposed by the police agency relates to allegations involving death or a serious personal injury offence as defined under section 752 of the *Criminal Code*, the Crown Prosecutor shall ensure that the charge has been reviewed by the Regional Director for the region in which the matter originated. The Crown Prosecutor shall act in accordance with the Regional Director's decision regarding charge approval.

Where the charge has not been reviewed by the Regional Director, the Crown Prosecutor shall request that the police agency contact the Regional Director and request that he or she review the charge. Where the police agency is unable to contact the Regional Director, the Crown Prosecutor shall consult with his or her Regional Director to determine the appropriate course of action.

7. Related Documents

Policy 23 Judicial Interim Release