



**CALGARY CRIMINAL COURTS
CALGARY (CRIMINAL DIVISION) COURTS,
CALGARY REGIONAL COURTS, DRUMHELLER COURTS**

Effective: May 10, 2021

COVID-19 Measures:

On May 5, 2021, the Provincial Court of Alberta announced further measures to respond to the ongoing COVID-19 pandemic. These measures are designed to reduce the number of in person appearances in courthouses and courtrooms, with a view to reducing the risk of infection to justice system participants. The effective period for these new measures is May 10 to 28, 2021, inclusive.

This Practice Note applies to matters scheduled in the Calgary (Criminal Division) Courts, the Calgary Regional Courts (Airdrie, Canmore, Cochrane, Didsbury, Okotoks, Tsuut'ina, Turner Valley) and the Drumheller Courts (Drumheller, Hanna, Siksika, Strathmore) from May 10 to May 28, 2021, inclusive.

This Practice Note does not impact the current process for low complexity out-of-custody (non-domestic violence) trials scheduled in the Calgary (Criminal Division) Courts between April 26 and May 28, 2021, which will continue to be adjourned (https://albertacourts.ca/docs/default-source/pc/pc-covid-measures-update.pdf?sfvrsn=fcf87583_31).

In this Practice Note, "in-custody" or "in-custody matters" refers to trials or preliminary inquiries or other proceedings for which the accused individual is detained.

Calgary (Criminal Division) Courts

- **All non-urgent out-of-custody trials, preliminary inquiries and other hearings requiring viva voce evidence will be adjourned (Assignment Courts - 1005 and 1106; Low Complexity Domestic Violence Court - 506)**
- For these matters, counsel will obtain new hearing dates.

- Where possible, matters will be brought forward to the Case Management Office (CMO) to book a new trial or preliminary inquiry date. The CMO remains closed for in person appearances. Either the prosecutor or defence counsel may contact the CMO, with notice to the other party, to reschedule these matters. Parties may [telephone or email the CMO](#) between 12:00 and 4:00 p.m. for this purpose.
- Summary Proceeding matters and matters for which there is a filed Designation of Counsel that have not been not brought forward will be moved from the designated Assignment Court to the CMO on the scheduled trial or preliminary inquiry date, at which time a new date will be booked.
- All other matters will remain in the designated Assignment Court. These matters may be dealt with summarily (e.g., withdrawal, stay, guilty plea) or adjourned, all in accordance with the current practice. Parties will appear remotely by Webex or telephone.
- Self-represented individuals must obtain a new date on the currently scheduled trial or preliminary inquiry date by [contacting the CMO by telephone or email](#) or with the assistance of duty counsel.
- If, on the date of the trial or preliminary inquiry, counsel or a self-represented individual does not wish to set a new date at CMO (e.g., because of an intention to resolve the matter), the matter will be moved to an Assignment Court to be spoken to before the presiding Judge.
- In accordance with the usual practice matters for which there is non-attendance at CMO will be moved to the Required Appearance Court.

Hearing dates are maintained for in-custody matters and urgent matters

- Matters scheduled for trial or preliminary inquiry for which accused individuals are in custody will maintain their scheduled hearing dates.
- Matters scheduled for trial or preliminary inquiry that have been determined by the Assistant Chief Judge to be urgent will maintain their scheduled hearing dates.

All other proceedings

All other scheduled docket and disposition court proceedings will be conducted by way of remote appearance by Webex or telephone, in accordance with existing Practice Notes. Whether a disposition matter will be adjourned to allow for personal appearance by the accused individual will be at the discretion of the presiding Judge, exercised in accordance with existing Practice Notes.

Drug Treatment Court

The Calgary Drug Treatment Court will continue, but all parties will appear remotely by Webex or telephone.

Calgary Indigenous Court

The Calgary Indigenous Court will continue, but all parties will appear remotely by Webex or telephone.

Calgary Regional Courts and Drumheller Courts

Criminal and Youth Court Matters

- **All non-urgent out-of-custody trials, preliminary inquiries and other hearings requiring viva voce evidence scheduled for Calgary Regional Courts and Drumheller Courts will be adjourned**
 - For Regional Courts with Calgary as the base court (Airdrie, Canmore, Cochrane, Didsbury, Okotoks, Tsuut'ina, Turner Valley) matters will be moved to Calgary Court Centre courtroom 1405. These matters may be dealt with summarily (e.g., withdrawal, stay, guilty plea) or adjourned, all in accordance with the current practice. Parties will appear remotely by Webex or telephone.
 - For Regional Courts with Drumheller as the base court (Drumheller, Hanna, Siksika, Strathmore) matters will be moved to the Drumheller Courthouse. These matters may be dealt with summarily (e.g., withdrawal, stay, guilty plea) or adjourned, all in accordance with the current practice. Parties will appear remotely by Webex or telephone.
- **Hearing dates are maintained for in-custody and urgent matters**
 - Matters scheduled for trial or preliminary inquiry for which the accused individuals are in custody will maintain their scheduled hearing dates.
 - Matters scheduled for trial or preliminary inquiry that have been determined by the Assistant Chief Judge to be urgent will maintain their scheduled hearing dates.
- **All other Criminal and Youth Court Matters proceedings**

All other Calgary Regional Courts and Drumheller Courts proceedings will be conducted by way of remote appearance by Webex or telephone. Whether a disposition matter will be adjourned to allow for personal appearance by the

accused individual will be at the discretion of the presiding Judge, exercised in accordance with existing Practice Notes.

Civil Division and Family Court matters in Calgary Regional Courts and in Drumheller Courts (except Siksika)

- All Civil Division and Family Court matters will be adjourned and new dates scheduled unless the matter has been deemed urgent by the Assistant Chief Judge.
- Information on specific matters is available by contacting the Calgary Regional Courts (RegionalCMO.Calgary@gov.ab.ca or [403-297-4396](tel:403-297-4396)) or the Drumheller Courthouse (PC-Crim.Drumheller@gov.ab.ca or [403-820-7300](tel:403-820-7300)).

Generally

Urgent Matters

Should the prosecutor or defence counsel wish to have an out-of-custody criminal or Youth Court matter proceed, they must submit a written request to the Assistant Chief Judge, outlining why the matter is urgent, with a copy to opposing counsel, at least seven business days prior to the first day of the hearing. The Assistant Chief Judge will then determine if the matter will be adjourned or proceed, and will advise counsel accordingly.

The same procedure is to be followed by counsel in Civil Division and Family Court matters, and in Fatality Inquiries.

In the case of matters in which a Judge is seized, that Judge will determine whether the matter is urgent.

This time period can be abridged at the discretion of the Assistant Chief Judge or seized Judge, as the case may be.

Seized Matters and Trial Continuations

All in-custody trial continuations and other in-custody matters in which a Judge is seized will maintain the scheduled hearing or continuation dates.

All out-of-custody trial continuations and other out-of-custody matters in which a Judge is seized will be moved to the CMO on the date it is scheduled to be heard for the purpose of scheduling a new date before the seized judge.

If, however, the matter has been determined by the seized Judge to be urgent (upon advance application by counsel) the scheduled hearing or continuation dates will be maintained.

Trial Confirmation Hearings

In-custody Trial Confirmation Hearings will continue, but all parties will appear remotely by Webex or telephone.

For out-of-custody Trial Confirmation hearings in which:

- a trial date has been previously set, the matter will be returned to the trial date with an endorsement on the court file that no trial confirmation hearing was held due to COVID-19 restrictions; or
- no trial date has been set, the matter will remain in the courtroom scheduled for the Trial Confirmation Hearing on the scheduled date for the sole purpose of adjourning to a future Trial Confirmation Hearing date and issuing a warrant to hold to maintain jurisdiction.

Fatality Inquiries

Hearing dates will be maintained for Fatality Inquiries that have been determined by the Assistant Chief Judge to be urgent.

Hearing continuation dates for Fatality Inquiries in which evidence has commenced will be maintained only if the seized Judge (upon advance application by counsel) has determined the matter to be urgent.

All remaining Fatality Inquiries will be rescheduled in the usual manner.

Pre-trial conferences

Pre-trial Conferences will continue remotely as scheduled by Judges Chambers.

Note: This Practice Note is accurate as of May 7, 2021, and may be subject to change.

As per: Acting Assistant Chief Judge Eric J. Tolppanen
Calgary Criminal and Regional Courts

Date: May 7, 2021