



COVID-19: EX PARTE APPLICATIONS TO UNSEAL SEALED INFORMATIONS TO OBTAIN SEARCH WARRANTS AND OTHER JUDICIAL AUTHORIZATIONS

Monday, April 27, 2020

Due to the ongoing situation with the COVID-19 pandemic, the Provincial Court has implemented a remote process for ex parte applications to unseal Informations to Obtain (ITO) search warrants and other forms of judicial authorizations. These applications are necessary for the Crown to fulfill its disclosure obligations to defence counsel.

Prosecution services seeking to unseal an ITO are asked to prepare the unsealing application documents, including an application, supporting affidavit and unsealing order for submission to the Court. The documents are to be filed electronically with the Provincial Court where the original ITO is filed. A list of email addresses for the Provincial Courts is available online [here](#).

The original sealed ITO will be photocopied, and a paper copy will be handed to the designated person named in the Order to Unseal. The following process is intended to balance this legal requirement with public health advice regarding social distancing and the safe handling of paper documents.

1. The PDF Fillable Application Documents

The documents in support of the application are:

- a) The Application;
- b) The Affidavit of either the Crown or police; and
- c) The draft Order.

If it is not possible for the Crown or the police to swear the affidavit in the actual presence of a barrister or commissioner of oaths due to the risk of the COVID-19 virus, it may be done electronically as follows:

- The Crown or police officer sends the electronic PDF copy of the affidavit to a barrister/commissioner of oaths.
- The Crown or police officer swearing the affidavit does so by video or telephone and signs the affidavit.
- The Crown or police officer sends the signed affidavit to the barrister or commissioner, who endorses the jurat and electronically re-sends the executed copy to the Crown or police.

- It may be specified in the Order that the original sworn affidavit be filed with the Court at a future date.

2. Instructions for Electronic Signatures in the Fillable PDF Form

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

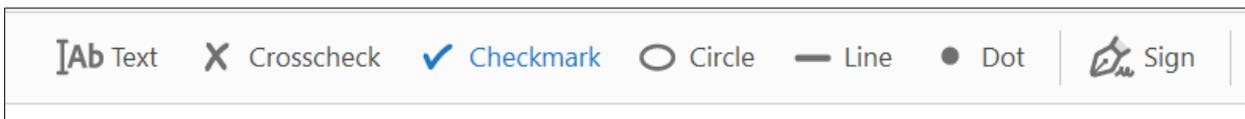


On the tool bar at the top, click **Sign**.



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.

On the tool bar, click the **Crosscheck (X)** option and then click in the document to add the X. (Note: If the Crosscheck option does not appear on the tool bar, enter crosscheck in the Search Tools box.)



3. Getting the Documents to the Court

Contact the Court Administrator or Supervisor at the Provincial Court where the original ITO is filed to determine the recipient of your application. A Provincial Court judge will review the documents for signature.

4. Retrieving the Copy for Redaction and Disclosure

Like many sectors right now, the judicial system continues to operate with significantly reduced staff. With that in mind, it will likely take longer than usual for the copy of the ITO to be made after the Order is signed. Please arrange a date and time with court staff for the person designated in the Order to retrieve the copy of the ITO. This must be done in-person, so please be prepared to follow the health and safety protocols that court staff may have in place to facilitate this step.

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