



COVID-19: PROCESS TO APPLY FOR SEARCH WARRANTS AT THE JUSTICE OF THE PEACE CENTRE

Wednesday, April 8, 2020

The Provincial Court has modified its process to obtain search warrants at the Justice of the Peace Centre to reduce in-person contact and the handling of paperwork during the COVID-19 pandemic.

Some types of search warrants can be applied for via the tele-warrant process set out in Sec. 487.1 of the *Criminal Code*. Those include:

- Sec. 487 Traditional Warrants
- Sec. 256 Blood Warrants
- Sec. 487.092 Body Impression Warrants
- Feeney Warrants
- Warrants under the *Controlled Drugs and Substances Act*
- Warrants under Sec. 2B of the *Summary Proceedings Act*
- Warrants under Sec. 87 of the *Cannabis Act*

An important requirement of obtaining a tele-warrant is that the officer must show it is “impracticable for the peace officer to appear personally before a justice”. The Court usually interprets this to be based on distance of travel to the Justice of the Peace Centre in Dartmouth. However, the COVID-19 pandemic and the current provincial State of Emergency should also satisfy the impracticability condition.

As such, until further notice, the Provincial Court will accept all tele-warrant applications through the Justice of the Peace Centre, regardless of where in the province the application originates. This will significantly reduce in-person contact at courthouses.

All other warrants must be applied for in-person. That includes, but is not limited to, applications for Production Orders, Tracking Warrants, and Transmission Data Recorder Warrants.

Tracking Warrants and Transmission Data Recorder Warrants have become a significant part of Major Crime investigations. As those investigations develop, the length of the Informations to Obtain (ITOs) can easily exceed 100 pages.

Normally, those applications are received and reviewed by the Presiding Justice of the Peace in paper form. The paper is prepared off-site and is difficult to disinfect. To help reduce the risk of spreading the virus, officers must now create a PDF document and submit it electronically to a specified secure email address.

The investigative agency will then send a second email with a protected password. The Presiding Justice of the Peace will review the application and produce a printed copy at the Justice of the Peace Centre. The PJP will then call the officer and have them attend to swear the Information and receipt of the warrant. This is done on either side of a glass divider at the door of the Justice of the Peace Centre.

This new process reduces the number of in-person visits officers must make by half, which reduces the risk of spreading the virus and helps free up officers' time for other tasks.

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Media Contact:

Jennifer Stairs
Communications Director
Nova Scotia Judiciary
902-221-5257
stairsjl@courts.ns.ca