



## **Provincial Court of Nova Scotia**

### **Warrant Priority Protocol**

The Judge or Presiding Justice of the Peace will determine the priority of each application considering the details outlined in the body of the e-mail, or contained in the Request for Warrant Services form.

#### **Level 1 – Urgent – Emergency – High Priority**

These are Warrant applications where police are holding a scene; where there are public safety concerns (e.g. Warrants for firearms, Feeney Warrant for individuals accused of violence or accused is on site to be arrested); where there is risk of evidence being lost, where an innocent third party is adversely affected by delay (e.g. a business closed down until the search is completed).

#### **Level 2 – Time Sensitive – Public Safety**

These are Warrant applications where there are one or more factors of public safety or time sensitivity. Officers must provide details of any factors related to time sensitivity and public safety. Medium priority Warrants would be Feeney Warrants; 487.1 Warrants for items that are not in police custody but not at risk of loss either (e.g. a blood sample held by a hospital; a backpack in a school principal's office).

#### **Level 3 – Non-Priority**

These are non-priority Warrant applications with no time sensitivity (i.e. could be processed within the next 7 days) or no factors of public safety. These Warrants will be processed in the order they are received unless triaged as medium to high priority. Officers are to call the JP Centre at (902) 424-8888 (or Base Court) if the factors affecting the priority of their Warrant application changes. Example: All Production Orders; 487.1 Warrants for anything that is already in police custody electronic devices, impounded vehicles, etc.).

After-hours services (9:00 p.m. to 9:00 a.m. daily) are provided to enforcement agencies on an emergency basis only through the Justice of the Peace Centre. Officers should consider the following guidance to determine circumstances which may be accepted for service on an emergency basis.

### Priority Matters After Hours

Officers are to contact the JP Centre at (902) 424-8888 and press for emergency service when the documents are ready to be submitted for consideration for emergency service.

Time-sensitive search Warrants that cannot wait until the Justice of the Peace Centre opens the next day at 9:00 a.m. would include situations such as:

- Police are on scene and have a place contained pending a Warrant reasonably requiring execution before morning.
- Time-sensitive Warrants such as blood Warrants, which have an 8-hour time limit, if that limit would be approaching by morning.
- A request with compelling factors to expedite a search Warrant in situations where the police want to complete a search to allow an accused, victim, family members, or children to return to their home overnight (considering the state of housing insecurity) and the lack of temporary housing options for the family.
- A CDSA Warrant application for early execution, by day, at 6:00 a.m. when there is a potential loss of evidence issue. Otherwise, police should submit their Warrant application before 8:00 p.m. and execute it overnight (if permitted) or by day at 6:00 a.m. the next day.
- Requests for emergency matters are contingent on the reasons provided by the officer, with the burden on the officer to explain why the matter cannot wait until morning. Each matter is decided on its own facts.

### Emergency Matters

- Remand matters up against the 24-hour clock by Court time (9:30 a.m. or 10:00 a.m.) or the opening of the Justice of the Peace Centre the next day at 9:00 a.m.
- Domestic situation involving weapons; significant injury; or significant risk factors and time sensitivity.
- Risk of loss of evidence if search is delayed.
- Search for firearms, significant element of public safety.
- Feeney Warrants if there is a public safety component such that it should be considered before morning, or if the police are holding the scene waiting for the Warrant to go in and arrest a person.
- Requests for emergency matters are contingent on the reasons provided by the officer, with the burden on the officer to explain why the matter cannot wait until morning. Each matter is decided on its own facts.