

## Virtual Bail – Duty Counsel Guidelines

Effective Fall 2023, new procedures will be in effect for video bail hearings in the Vancouver Coastal (Region 2, September 18, 2023) and Fraser Regions (Region 3, October 16, 2023). These build on the changes the Provincial Court implemented in the North, Interior, and Island Regions in 2021-2023, as outlined in Practice Direction [CRIM 05](#) and [CRIM 18](#). This document aims to provide an overview of duty counsel roles and responsibilities in this modified process.

As duty counsel you understand that bail is a time-sensitive process involving multiple justice system actors. To work effectively all parties must work together. We rely on your continuing commitment to make sure that accused persons are well served as we all adapt to change. The overriding objective remains to ensure that all detained accused have effective access to counsel to support timely determination of their release at the earliest reasonable opportunity.

Duty counsel resources will be posted to the **MS Teams site** or **workspace** Virtual Bail (“**channel**” or “**VB Teams Channel**”). You can access the channel before and during your shift to review the lists, coordinate efforts, and exchange information with the JCM, Sheriffs, Crown and your colleagues.

These instructions will be updated from time to time as we gain experience and make adjustments to the process. We welcome your feedback or questions anytime - email [DutyCounsel@legalaid.bc.ca](mailto:DutyCounsel@legalaid.bc.ca).

Thank you for your commitment to this critical service.

## DETAILED INSTRUCTIONS FOR DUTY COUNSEL

### General Steps to Prepare for Virtual Bail – MS Teams

1. Download the MS Teams application, launch the app, and sign in with the same email address you provided to be enrolled in virtual bail. Ensure your computer has the system requirements necessary to support the application. (Note: while we recommend downloading the application, you can also access the channel through your web browser by signing in on the Microsoft web-based Teams platform).
2. Ensure you are enrolled as member of the VB Team so you can access the VB Teams channel (if you are not yet registered, please contact [DutyCounsel@legalaid.bc.ca](mailto:DutyCounsel@legalaid.bc.ca) to be added. Court Services has also prepared MS Teams guides and resources for accessing and using the channel. They are accessible on the VB Teams channel (see **Files/MS Teams Resources**). LABC resources are available through the **Lawyer Portal** under **Resources – General**.
3. If you are registered as a member of the VB Team and still encounter difficulties using the site, contact Softlanding (IT support arranged by Court Services Branch) at [BCVirtualSupport@softlanding.ca](mailto:BCVirtualSupport@softlanding.ca) or call #1-866-996-3222. When you email or call, ensure to specify that you are looking for Court Services Branch support for the Fraser or Vancouver Coastal region.

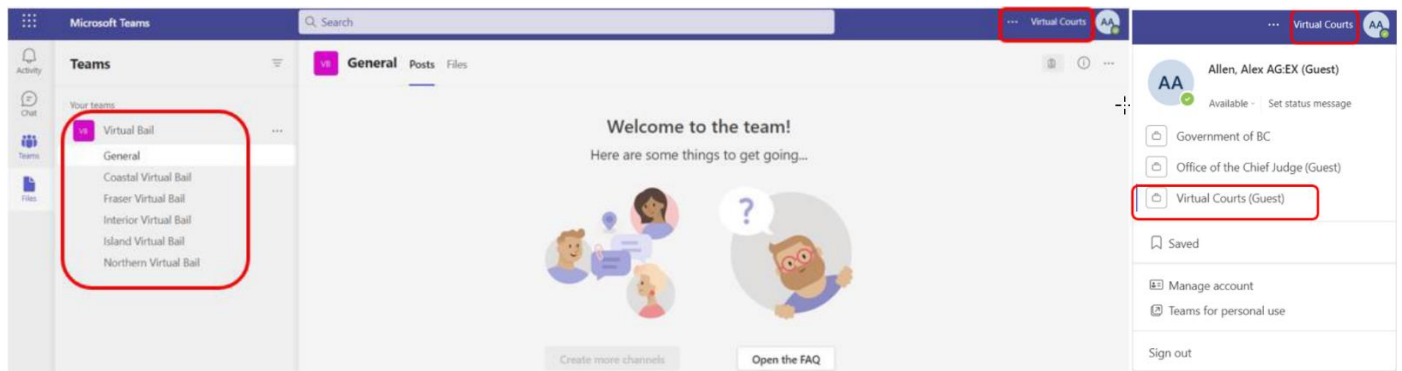
\*Note: if you are unable to log in because you do not have a microsoft account associated with the email address you have used to enroll in virtual bail, please contact Softlanding

4. Confirm your understanding of the locations falling within the catchment you are serving, and the allocation of catchments to the virtual courts.
5. Explore the VB Team channel to familiarize yourself with the layout, functions, and resources.
6. If you have not attended an LABC information session, watch the Virtual bail training video: [June 2023: Lower Mainland and Fraser Virtual Bail Training for Duty and Defence Counsel](#)

## Access the MS Teams Virtual Bail (VB) Channel

**Important:** It is important to understand from the outset that opening the MS Teams hearing link for virtual court does not take you to the VB Teams channel. To access the VB Teams channel, you need to open the MS Teams application (by clicking on the app icon on your computer). If you are not already signed in, you may be prompted to enter your email address and password. You may need to try this more than once. When you are asked to sign in, the access has worked.

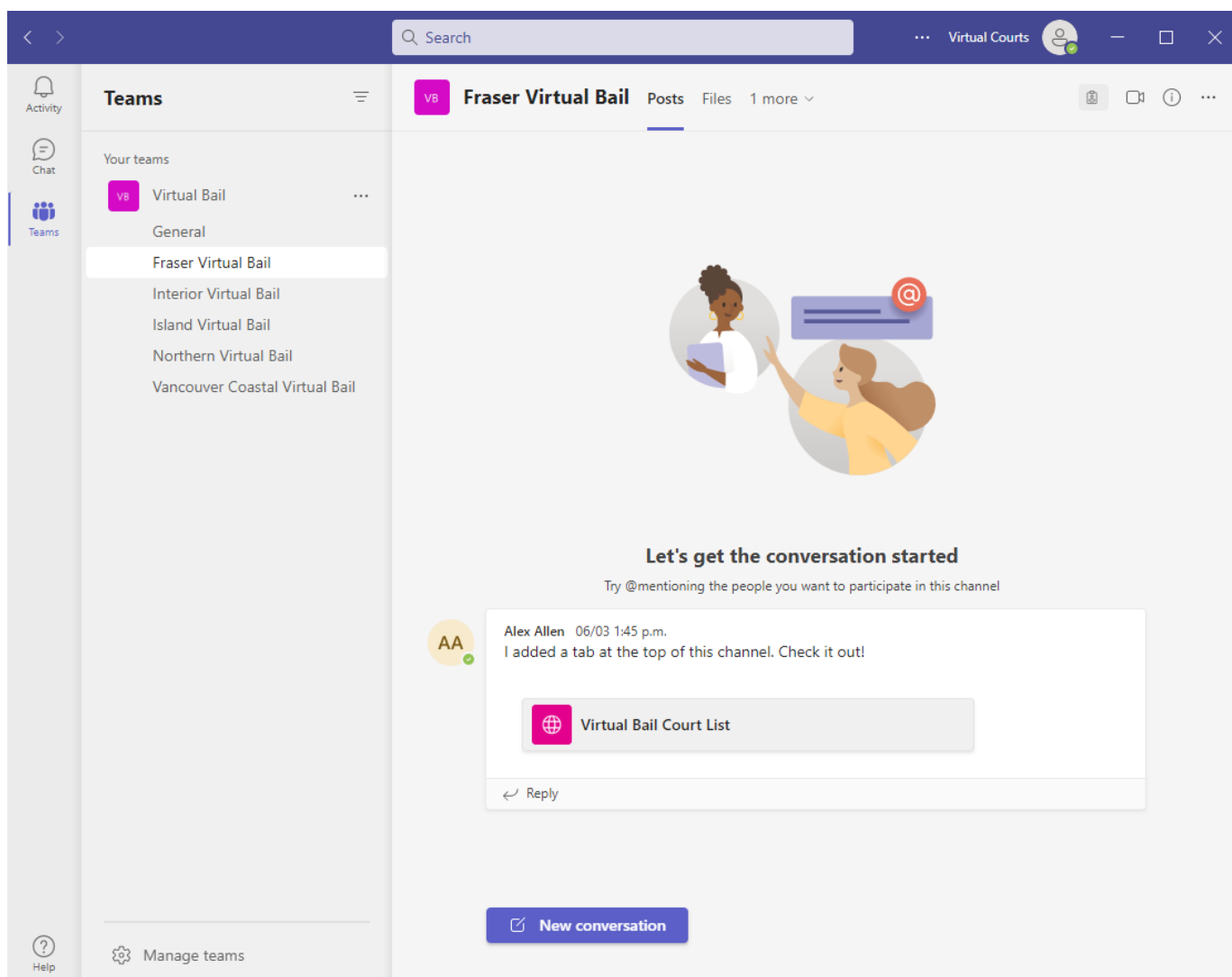
After opening the MS Teams app, the next step is to change accounts (click on your profile at top right of screen to view drop down menu) to Virtual Courts and select which Virtual Bail you want to access.



## MS Teams Posts

To access the group chat for the Virtual Bail team, click on the Posts tab. Messages can be posted and viewed in the chat box at the bottom of the screen. Messages posted here are visible to all members of the Virtual Bail team (duty counsel, Provincial and Federal Crown, defence counsel, JCM, Sheriff). **Duty counsel will not post new messages here unless specifically authorized. You may, however, reply to a message on this group chat. If your message affects only a few members of the Team, use the direct chat instead of broadcasting to the group.**

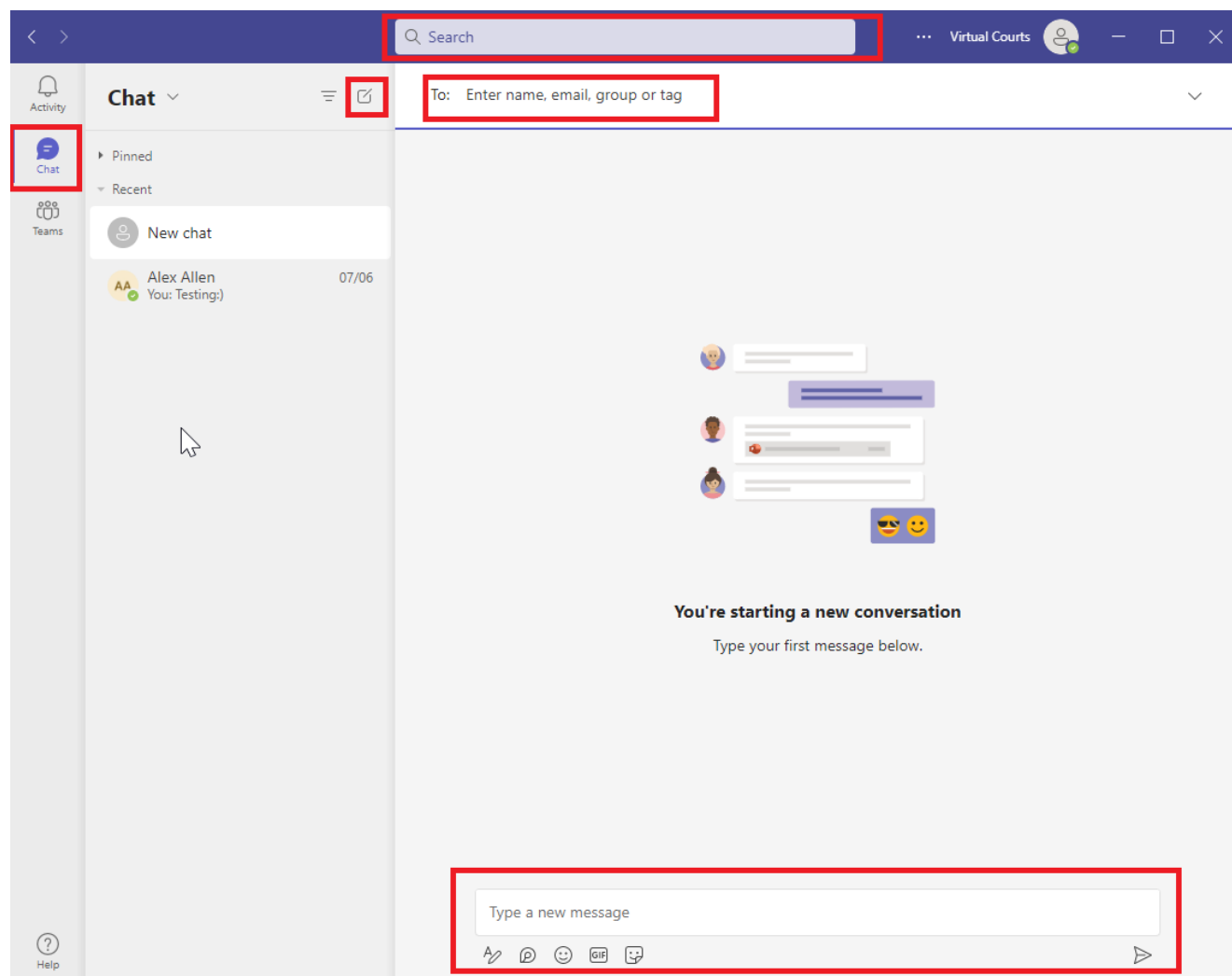
Neither the judiciary nor the court clerks will monitor the group chat. Note, however, that you should not use this chat feature to exchange confidential/private and case-specific details. It is not the forum, for example, to carry out substantive discussions with the Crown about the release plan for an accused. That should be done directly through more private means (direct Teams chat message, phone, email, text message). ***Note: the VB Teams channel should not be used to upload, share or submit documents – email those directly to the intended recipient.***



## MS Teams individual (direct) chat

You can send direct messages to a specific member or members of the Team (for example, the Sheriff Coordinator). You can search for the recipient using the Search bar at the top of the screen, then click on their name to start a new chat message. Enter and select more than one name to start a conversation with multiple team members at once. Alternately, you can select the Chat button at the left of the screen, click the “New chat” button, and enter the name(s) of the recipient(s).

**NOTE:** MS Teams may have a glitch when sending a direct message to another user for the first time. If you are unable to locate the recipient, type the full email address of the person you are trying to contact into the search bar at the top and DO NOT PRESS ENTER. After a second, the person’s profile should pop up for you to click on and chat with them.



## Virtual Court and Triage Meeting – Meeting Chat

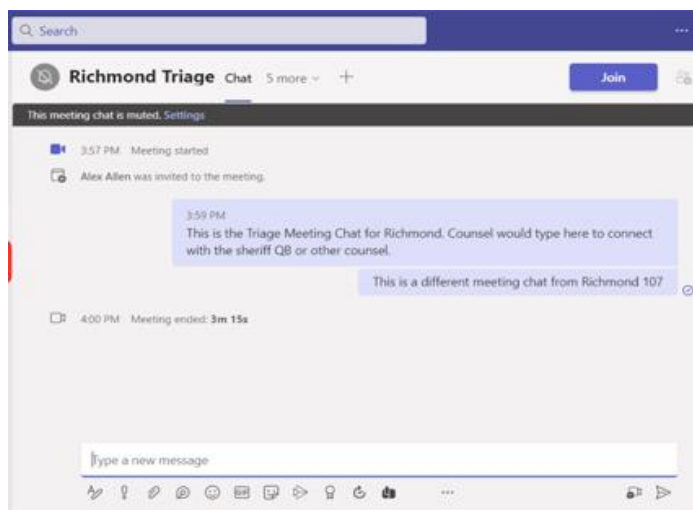
When the virtual bail courts and Triage Meetings are in session using the MS Teams meeting feature, there is also a group chat associated with the meeting. *You as counsel should avoid using the Court chat, and use the Triage chat only when that meeting is in session.* The exceptions for using the Court chat are when prompted to do so by the Judge, court clerk or sheriff, advising if you are called away to another courtroom, or to advise the court in the case of technological issues when actively speaking to a matter on the record. The judiciary discourages use of this chat as it causes distractions for the judge and other participants when court is in session. The court clerk will not monitor this chat. If you have an issue or concern regarding the court proceedings that needs to be addressed, you can raise the matter with the court on the record in accordance with the rules of decorum that govern (virtual) court proceedings.

You may use the Triage chat when the meeting is in session to convey information on your file. It will not be monitored when the meeting is no longer in session.

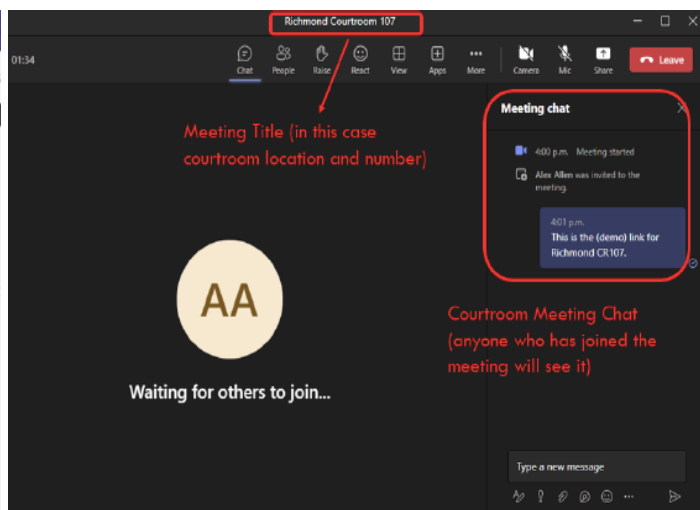
If the matter is not urgent, you can also message the VB JCM by email or through the VB Teams channel to convey a message to the court clerk.

The meeting chat feature may look like either of the two below photos. They are both the same chat, containing the same information.

In the Teams App

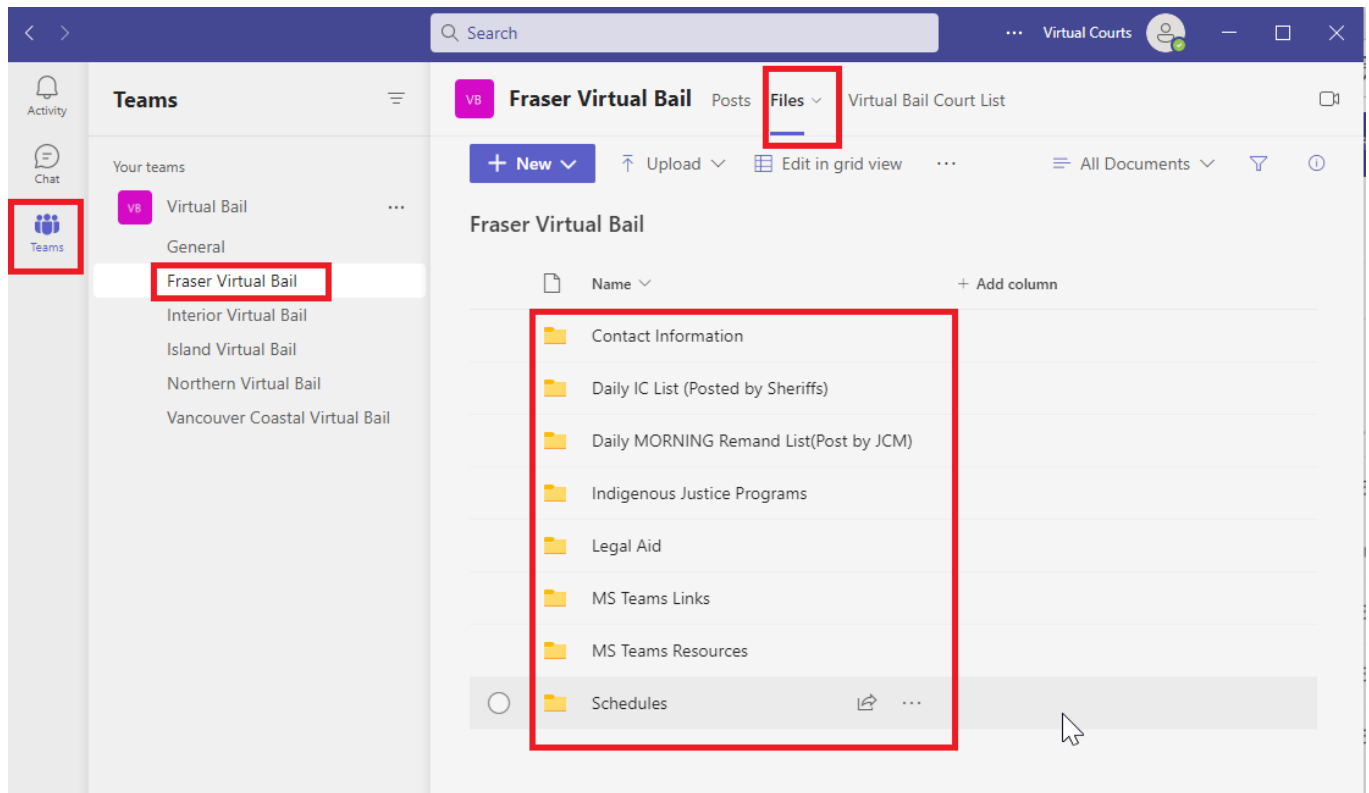


In the Teams Meeting



## Review Resources Posted to Teams Channel

Resource documents are posted under the **Files** tab in the main Teams page. They are organized into folders. You should familiarize yourself with the various folders and their contents.



## Contact Information

In a virtual process it is essential to have accurate and reliable contact information for the participants who are working each day. Please verify that your contact information (email and phone number where you can be reached directly during your duty counsel shift) is accurately recorded in the Duty Counsel contact list posted to the VB MS Teams channel. *An office main line, switchboard, or answering service is not useful – the Court and other participants need mobile or land lines where they can reach you directly.*

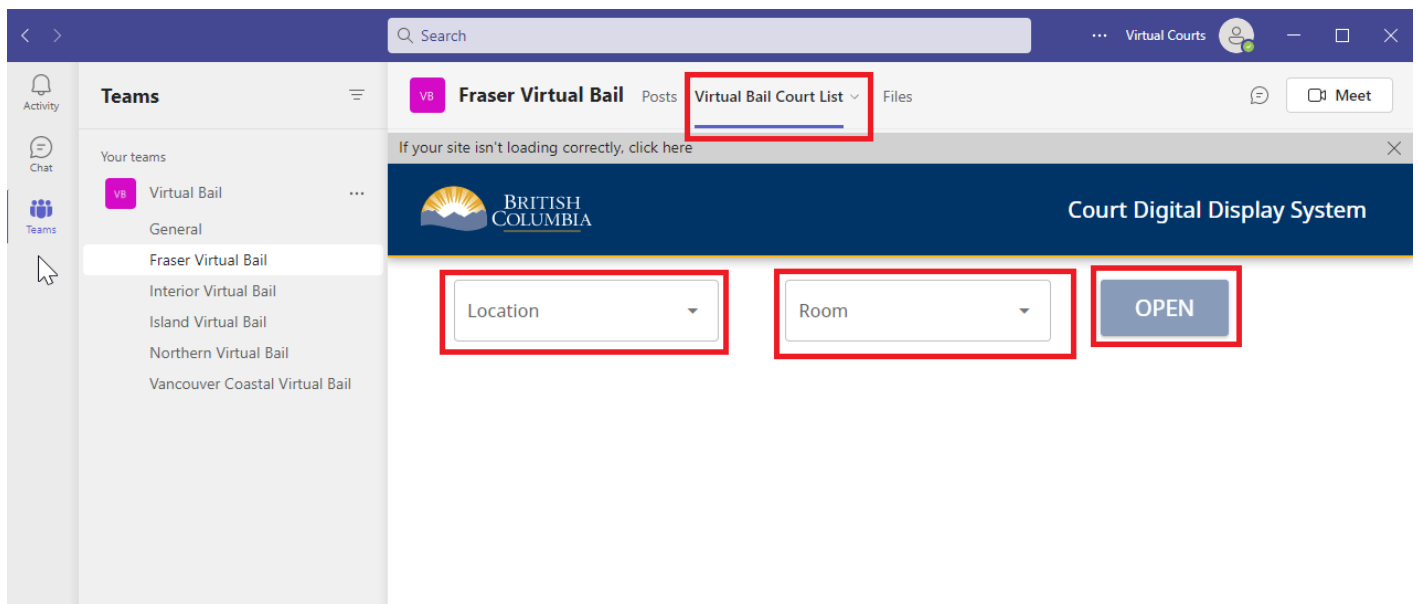
Contact lists for duty counsel and other agencies may be found under the **Files** tab in the **Contact Information** folder.

## Schedules

Schedules for Crown Counsel and Duty Counsel may be found under the **Files** tab of the VB Teams Channel in the **Schedules** folder. Note: If you swap a scheduled shift with another duty counsel, please confirm the swap with LABC duty counsel staff, and notify the Crown of the change, so they know which duty counsel to contact. LABC will regularly update the schedules posted in the VB Teams channel.

## Virtual Court List - Court Digital Display System

The VB Teams channel also includes a link to a virtual court list that functions like the digital display boards installed in some courthouses. You can access the lists for each virtual court by clicking on the Virtual Bail Court List tab at the top right, selecting the region, and picking the virtual court room



Once you've selected the court, the court list will display all matters the registry has added to the list, and it will be updated in real time as new matters are added (you will need to reload the page to refresh the list).

## Audio/Video Issues

If during an interview or a hearing you encounter any audio or video issues that interfere with your or the court's ability to communicate with accused, or the accused's ability to participate effectively in the hearing, please raise them with the court and/or post a message to the VB Team Chat so the technical support staff are aware. Ensure the court clerk is aware of the issue, so it can be logged properly and technicians can investigate to resolve the problem.

## The Day Before Your Duty Counsel shift

### Publication of Daily Morning Remand List

1. The VB JCM will post the next day's **Morning List** for each weekday to the Teams channel by mid-afternoon the business day before (from the **Teams** page, select **Files**, and open the folder labelled "**Daily Morning Remand List**"). The Virtual Bail JCM creates this hearing list. It will be updated with any additions at 8:30 AM the next day.

***Note: weekday after hours matters involving police-laid informations that are remanded after a first bail appearance at the Justice Centre will be treated as new files, go through Crown charge approval and be added to the afternoon list as 'new arrests'.***

2. Legal Aid Navigators may assist in providing this list by email to duty counsel as well as any likely retained counsel for the accused on the list.
3. The VB JCM may also post a separate "**JCM FXD List**" at the same time as the Morning List. Matters on this list have counsel of record assigned and are before the JCM to be scheduled. Duty counsel need not attend to this list.

### Check-in with Next Day's AM Remand Crown and Previous Duty Counsel

4. After reviewing the list, confirm the Crown Counsel who are scheduled to handle remands (AM) and new arrests (PM) for your catchment the next day (respectively, the **AM Remand Crown** and the **PM Bail Crown** – in some regions there may be only one Crown for the whole day). You will find the Crown rota posted to the VB Teams channel: (from the **Teams** page, select **Files**, and open the folder labelled "**Schedules**"). We suggest you contact the assigned AM Remand Crown the afternoon before your shift, as well as the previous day's duty counsel and LABC Navigator, to identify any remanded accused who may need extra attention. This may include vulnerable accused or any files with a 24-hour issue. *If the number of accused needing duty counsel assistance appears larger than one duty counsel can reasonably manage, notify [DutyCounsel@legalaid.bc.ca](mailto:DutyCounsel@legalaid.bc.ca) as early as possible so an additional duty counsel can be added.*
5. You may also wish to notify the assigned PM Bail Crown for the next day that you will be duty counsel and confirm preferred contact information. *This will be particularly helpful if you or Crown counsel have swapped shifts with another counsel since the schedule was set (otherwise everyone will expect the schedule is accurate).*



## Priority Line to Contact LABC Intake to Verify Legal Aid Status

6. If Crown counsel identifies accused who appear to be unrepresented, you can verify their legal aid status and whether they have LABC-referred counsel in one of three ways: you can contact the **LABC Navigator**, contact the **LABC local agent's office**, or contact **the LABC Intake department** in Vancouver via the Lawyer Priority Line: **1-888-601-6076**. For more contact information specific to your region, please consult the "Duty Counsel Cheat Sheet" in the legal aid folder of your region's MS Team Site.

## Notify Counsel of Record/Use of Consent Forms

7. You can contact counsel of record (where known or ascertained through LABC), preferably in advance of the scheduled appearance, to confirm that they are able to assist their client. If retained counsel has their client's instructions to adjourn the bail hearing, then it is recommended that retained counsel file a consent form to avoid an unnecessary appearance and remove the matter from the list.

Here are consent requisition and consent remand forms.

<b>Where to submit</b>	Send to Virtual Bail JCM
<b>Consent Requisition (<a href="#">PDF</a>)</b>	Submit any time up to 12pm the day prior to scheduled appearance
<b>Consent Remand (<a href="#">PDF</a>)</b>	Submit 12pm to 4:30 pm the day before, or on day of, appearance

## Bill Your Preparation Time

8. Preparation in advance of your scheduled assignment can be billed on your contract. Attribute the advance prep time to your assigned date. Keep your time records for time spent in advance but billed on your assigned date.
9. You can use the [Duty Counsel Client-Applicant Worksheet](#) (available in the "Legal Aid" folder in the VB Teams channel as well as the LABC Lawyer Portal under Resources) or your own equivalent tracking method to keep track of the individuals you will see during your shift.

## The Day of Your Shift

### A Note About in-Person Attendance

While in Regions 2 and 3 you have the option of appearing for your shift either remotely or in person at the courthouse, should you choose to attend in person, you must keep the following in mind. Duty counsel will most likely need to use the features of the MS Teams channel during their shift to attend virtual triage meetings, video chat with clients, and review messages. Many counsel are not comfortable doing so on a smart phone. It is strongly recommended that you bring a larger electronic device to the courthouse and ensure you have a space available with sufficient internet access to conduct portions your shift virtually.

## Attending to your own files

1. As duty counsel, your primary obligation remains serving accused in virtual bail court without delaying or disrupting proceedings. You are scheduled and paid for a full day, with a daily minimum of four hours, so you should treat your duty counsel shift as if it were a scheduled trial date and avoid double-booking your own matters (small exception for Sechelt duty counsel). However, for both AM and PM sessions, as there may be more than one duty counsel in each virtual bail court, plus any retained counsel who are attending for hearings, you may have some down time. This may allow you time to attend to your own files provided you do so briefly, and it does not disrupt or delay the progress of hearings in the virtual bail court.

## Police and Crown timelines

2. Each police detachment with overnight arrests will deliver **Prisoner Slates** to local Provincial Crown offices between 6:00 and 7:30 AM so files can be prepared. Local Crown office staff will pull JUSTIN/CPIC extracts (if applicable) for each accused on the various prisoner slates and liaise with the Provincial Crown Counsel who will be assigned each day as PM Bail Crown to deal with new arrests in each of the Virtual Bail courts.

## Crown Morning Email, Prisoner Slates, and Daily In Custody List

3. Between about 8:00 and 8:30 AM, you should receive by email **Prisoner Slates** plus CPIC printouts/JUSTIN extracts (for accused with records) for those detachments that fall within your catchment (if this is not the case please let us know). The **Prisoner Slates** will identify the names of detained clients, their expected charges, and their location. They should also identify whether an accused requires interpreter assistance. This is the key information for you as duty counsel. The LABC Navigator will also receive this information and will email duty counsel and retained counsel indicating which accused have counsel and which may need duty counsel assistance. Navigators can also be available throughout the day to look up any additions to the court list after 8:30.
4. Between about 8:00 and 8:30 AM, the Provincial Crown will distribute to all Duty Counsel a “**morning email**” that summarizes in tabular format the new arrests, detachment locations, and contact information for bail Crown (Morning Remand and PM Bail), the assigned Crown support staff, and duty counsel assigned for the day (in this email, the *accused surname may only be listed – details will be provided in prisoner slates sent directly to each duty counsel for their catchment*). **The morning email should also indicate which files are assigned to which of the PM Bail Crown.**
5. Around 8:45 AM, the Sheriff Coordinator will publish on the Teams channel the “**sheriff’s list**” showing all new in custodies (from the **Teams** page, select **Files**, and open the folder labelled “**Daily IC List**”). You can use the sheriff’s list to double check that in reviewing the **Prisoner Slates** you have not missed anyone from your catchment

6. Crown counsel will generally start their day by around 8:30 (some may choose to start earlier). Duty counsel may wish to start their day by or before 8:30 AM. If you have not received the prisoner slate, or other information, or are uncertain about which Crown counsel you will deal with, please use the following contacts rather than contacting the local Crown office. The Crown's generic email address is monitored all day and these virtual bail staff can find the answers to any questions you may have:

#### Early Check-In with PM Bail Crown

7. After reviewing the **Prisoner Slates** for your catchment, you should communicate with the PM Bail Crown to canvass Crown decisions on charge approval and bail. By starting early, Crown should be in a position to have an informed discussion with you on at least some files. Best practice, where possible, is to have this initial contact with Crown before commencing interviews, as this will help you set priorities, allocate your time, and manage your workload efficiently. You may also wish to confirm the preferred method for follow-up communications between you and PM Bail Crown (MS Teams private chat, text message, email, etc.).

#### Federal Crown

8. Contact lists for Federal Crown prosecutors (or PPSC agents) are posted to the VB Teams channel (from the **Teams** page, select **Files**, and open the folder labelled "**Contact Information**"). The **Prisoner Slates** may not reliably flag federally prosecuted files. You can expect that the assigned Federal Crown counsel will contact you if they have conduct of remanded or new arrest files. If you become aware of a federal file, and federal Crown has not yet contacted you, you can certainly initiate contact as your time permits.

#### Morning Triage session 9:00 AM in Triage Meeting

9. The Virtual Bail JCM will convene a "**triage session**" by MS Teams meeting. In regions 2 and 3, this occurs in a separate "Triage" meeting room each day at 9:00AM. All duty counsel, AM Remand Crown, and defence counsel with matters in that virtual court are expected to attend. ***This meeting will be VIRTUAL ONLY!*** The meeting will be used to review and prioritize remanded matters on the 9:30 list. Meeting links are posted on Teams channel (from the **Teams** page, select **Files**, and open the folder labelled "**MS Teams Links**"). You may also find the MS Teams links in the LABC portal.

*As retained counsel may be required in more than one triage meeting at once, we ask duty counsel to communicate information in the triage meeting as agent for retained counsel if retained counsel requests assistance.*

*There should be few surprises at Morning Triage if you have reviewed the AM Remand list and conferred with the AM Bail Crown the day before your shift.*

10. Duty counsel's first priority is to prepare for afternoon hearings for new arrests; however, it may also be necessary to assist remanded accused appearing in the morning. Ideally, accused who have been remanded after their first bail appearances will either have counsel already, or get counsel assigned through LABC. These connections will not always happen in a timely way.

There will be accused on the remand list whose status is unknown, or who are unrepresented, and need duty counsel assistance. Sometimes these accused will face barriers that render them more vulnerable and require extra effort to ensure they get assistance with bail. You can exercise your best judgement about how to allocate your time between assisting accused on the remand list – up to and including conducting bail hearings - versus preparing for afternoon hearings. At Morning Triage, you can indicate those files you will be speaking to or that warrant further inquiries. Taking into account the size of the remand and new arrest lists, if the number of accused needing duty counsel assistance for the day appears larger than one duty counsel can reasonably manage, notify [DutyCounsel@legalaid.bc.ca](mailto:DutyCounsel@legalaid.bc.ca) as early as possible so a *backup duty counsel can be found*.

*Duty Counsel are encouraged to engage the assistance of LABC Navigators. The Navigator will assist in verifying which accused on the day's court list likely have retained counsel (and who that counsel is), and who may need to apply for legal aid. Navigators can also assist with assembling bail plans for clients in custody seeking to be released on bail. You can find contact information for the Navigators on the Teams channel (from the **Teams** page, select **Files**, and open the folder labelled "**Legal Aid**" or "**Contact Information**")*

11. You can communicate with the VB JCM through the VB Teams general chat or by email (see duty counsel cheat sheet for your region). For remanded matters whose status was unclear at Morning Triage, you are encouraged to provide a progress update to the JCM via Teams chat or email by around 10 AM. Unless you have advised otherwise, from 10:30 AM onwards, the JCM will deal with matters whose status remains uncertain.

#### AM Remand– Court session 9:30 – 12:00 PM

12. The AM remand list will be called before a Provincial Court Judge to deal with remands and scheduled and unscheduled bail hearings. Many of these cases will have counsel assigned, and some matters may be scheduled. For those remanded accused who need your assistance, you will assess, in the context of your workload for the day, the extent of service you are able to provide.

***Note: if there is time available in the morning, and you and the assigned Crown counsel agree, the JCM may be able to set down new arrest files in the morning session.***

#### Contacting Remanded Accused in Correctional Centres

13. We are aware of recurring challenges contacting accused at most B.C. remand centres. There are ongoing discussions with Corrections officials to make technical and process changes that will improve counsel access to accused prior to their court appearances. In the interim, the Sheriff Coordinator should be able to coordinate with the remand centre to make it easier to arrange interviews. The **Sheriff Coordinator** can be reached through direct chat in the VB Teams channel (*In the search bar at the top of the Teams workspace, search for **Sheriff** and double click to open a direct chat message with the appropriate Sheriff for your region*). MS Teams direct chat is the highly preferred method of contact for the Sheriff Coordinator. If you are having difficulty using the chat, please see the instructions in the duty counsel cheat sheet. In the alternative, the Sheriff Coordinator can be reached by email (see duty counsel cheat sheet for your region), but this communication will not be as instantaneous as direct chat.

### “Virtual Courthouse”

14. The Provincial Court has implemented a “virtual courthouse” model for most Court locations. Sheriffs will transport accused to courthouses where MS Teams video units have been installed in courthouse cellblocks. The aim is to better utilize sheriff and police resources, and provide accused with better access to video for interviews/court appearances. MS Teams video units are installed in counsel interview rooms in each courthouse so counsel attending court in person can also utilize the MS Teams platform for the bail process. All accused in the Lower Mainland and Fraser regions will appear from their home courthouse with the exception of the Sea to Sky Corridor, where accused persons will likely appear from police detachments. For example, an accused with a New Westminster file will appear in the Port Coquitlam virtual courtroom from the New Westminster courthouse cellblock.

In regions 2 and 3, counsel can contact an accused housed in a courthouse cellblock by contacting the sheriffs directly. This communication can occur either in person or by telephone. If counsel wants a video interview with a client, this must be facilitated through the Sheriff Coordinator.

### Contacting Detachments

15. For each accused housed at a detachment, the Prisoner Slates will indicate the detachment location and contact information. The police detachment contact lists are also posted to the VB Teams channel. Additionally, the **Sheriff Coordinator** will be available through the VB Team chat to assist with setting up interviews.
16. The Sheriff Coordinator is available to assist in contacting accused in local detachments, whether that contact will rely on telephone or video. Though it is open to duty counsel to phone directly to the detachment using the contact numbers posted on the Teams channel, the Sheriff Coordinator can liaise with the local detachment to streamline the process. Duty counsel can notify the **Sheriff Coordinator** via VB Team chat when they are ready to interview one or more accused in a particular detachment. The **Sheriff** will contact the detachment to request that the accused be moved to the private interview room. The **Sheriff** will then notify you when the detachment is ready to receive your call. For those locations equipped with MS Teams video units, you can make a video call through MS Teams (the video units will be listed in the MS Teams directory and readily identifiable in the search bar). The MS Teams training videos (see “MS Teams Resources” folder in VB Teams channel) include a demonstration of how to make a video call through MS Teams. Telephone interviews will remain the standard for those locations without video units, until video installations are complete.

### Preparing New Arrest Files

17. Contact all clients in your catchment who need your assistance to get instructions. In locations with video units, duty counsel should try to use MS Teams to videoconference with accused; otherwise duty counsel will interview by telephone. You should remain in communication with your PM Bail Crown (via MS Teams private chat or other means) throughout the morning to get information about clients’ cases and the crown bail position. Discussions should identify cases that can be resolved by consent and/or remanded without a formal appearance. Prepare all hearings that you will speak to on the afternoon list. Bail disclosure will continue to be provided by the same means, and not through the MS Teams platform.

## Multi-jurisdiction files

18. Crown practice adopted for remote bail during COVID continues to apply. If an accused is arrested in one location on warrants issued in another location, and there are no new charges in the arresting location, then catchment is determined according to the originating jurisdiction. If there are new charges in the arresting location, plus a warrant from another location, then the arresting location will determine the catchment. This applies where both arresting and originating locations are within one region, but also across regions. Thus, there may be occasions where you as duty counsel will call to a detachment or pre-trial centre outside your region to interview a client for a Virtual Bail appearance.

**Example 1:** A Vancouver arrest on a Surrey warrant, with no new Vancouver charges, will be treated as a Surrey file and assigned to the Surrey catchment for bail. If, however, there are new Vancouver charges, in addition to the Surrey warrant, it will be treated as a Vancouver file for bail purposes, assigned to the Vancouver catchment, and dealt with in Vancouver.

**Example 2:** A Nanaimo arrest on an Abbotsford warrant, with no new Nanaimo charges, will be treated as an Abbotsford file and bail will be dealt with in Abbotsford. Abbotsford duty counsel will receive a prisoner slate with contact information for the Nanaimo detachment. The Sheriff Coordinator should be able to facilitate timely access to the accused in Nanaimo.

**Note:** if you are looking up a specific file on CSO (Court Services Online) to determine its home court location, the file will appear at first glance to originate in the Court location where the bail hearing is currently scheduled (for example: a Chilliwack file will appear in Abbotsford 204). To correctly identify the location of the charge, click on the “Charges” tab to identify the “City of Offence”).

Document Count	Offence Date	Statute	Nature	Accused	City Of Offence
	15-Sep-2017	CCC - 334(b) Theft \$5000 or under	Commit		Vancouver BC

## Retained Counsel

19. If you learn that an accused on the Prisoner Slate already has counsel who will deal with bail, notify the PM Bail Crown at the earliest opportunity and provide them with defence counsel's name and contact information. Disclosure will only be sent to retained counsel through SFTS. From that point, you can expect Crown to communicate directly with defence counsel, so the file is no longer your responsibility. If retained counsel wants the matter remanded to another day, encourage them to submit a [Consent Remand](#) form to avoid the need for an appearance on the record. If retained counsel wants to make a bail appearance in the afternoon, but also has commitments in regular courts from 2pm, please encourage them to contact both the PM Bail Crown and the VB JCM to provide notice that counsel would like to make an appearance in the 1:30 - 2pm time slot. Retained counsel should attend the 1:15 Triage session in to confirm

scheduling. Even with advance notice, there is no guarantee that retained counsel can be accommodated.

#### Interpreter Arrangements

20. As noted previously, the Prisoner Slates should indicate when a newly arrested accused requires an interpreter. This will alert you as well as the PM Bail Crown and Court Registry staff. To request an interpreter, or confirm that arrangements are already in place, you should email the court registry where the charges originate. A directory of court registry email addresses can be found in the **VB Teams channel** (see **Files/Contact Information** folder), or here: <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations>. If you are unsure of the contact information, you can check with the Registry Coordinator (see duty counsel cheat sheet for contact information). Local registry staff will engage an interpreter and provide you with their contact information. Interpreters are not members of the VB Team and so cannot connect with video units. You should advise the Sheriff Coordinator when you require an interpreted interview as a separate three-way MS Teams call can be arranged. ***Please note you will need to advise the Sheriff Coordinator when you have completed your call with the client*** as the Sheriff will need to manually disconnect the call for the client.

The same interpreter should be available for any hearings, or subsequent interviews (you may wish to confirm this at the end of your interview). It is the responsibility of the Court Registry to advise the interpreter of the time of the court appearance.

**\*\*Note about French speaking clients: if you identify any clients who speak French, please advise them of their right to a trial in French\*\***

#### Crown Bail Packages, Disclosure Standards and Secure File Transfer Service (SFTS)

21. Throughout the morning, as the PM Bail Crown completes their charge approval and bail assessment work for each file, they should deliver to you by email the Crown bail package. These “skinny particulars” should include

- Informations for all files appearing on the court list
- Crim record (CPIC, JUSTIN)
- Form\_2-3 – Crown bail sheet
- Copy of breached order (for new breach charges)
- MVB record (if driving offence)
- RTCC synopsis for new charges
- Arrest report for new arrests
- REVOII update

If you require additional disclosure, duty counsel are encouraged to reach out to the Crown assigned to the file.

Crown will deliver the bail package to duty counsel using the Secure File Transfer protocol (SFTS) process. We recognize that this may well be more cumbersome, and create technical problems, so we encourage you to notify LABC if you encounter difficulties. In an effort to simplify as much as possible, Crown has helpfully adopted standardized SFTS passwords for Virtual Bail that can



be used for each bail package. Passwords for your region are located on the duty counsel cheat sheet. If you encounter any issues with SFTS, please contact [DutyCounsel@legalaids.bc.ca](mailto:DutyCounsel@legalaids.bc.ca)

22. We recognize that inadequate disclosure and late delivery of information have been recurring issues. We appreciate the principled positions many defence/duty counsel have expressed in feedback to us. We share your concerns and have raised these issues with Crown and the court. We have made clear our view that duty and defence counsel must be armed with sufficient information to make an informed assessment of the file and properly advise and represent the accused in the bail process. The case to meet principle applies: Crown should disclose any information it will rely on to support its bail position. Going forward, for virtual bail, the Provincial Crown has agreed to include the RTCC synopsis as part of their bail package for each new arrest. Where additional disclosure is required (e.g. full narrative, witness statements) you can work out with the bail Crown how and when you can get it. If insufficient and/or late disclosure remains an issue, please let us know so we can follow up.

As for timing of information, bail packages should be delivered to you during the morning, ideally by mid-morning, but certainly before noon, barring exceptional circumstances. To enable a steady workflow, PM Bail Crown should deliver bail packages to you as they are completed rather than sending a batch of completed files all at once.

#### Resources (MPA, Native Court Workers, Navigators)

23. Resource lists and contacts for the communities falling within each of the duty counsel catchments will be posted to the VB Teams channel as they become available, and will be updated on an ongoing basis.

#### 11:00 AM Police Cutoff and Late Arrests

24. If police have arrested someone late or it is a more complex matter and the investigators need more time to prepare the RTCC/information, some files may not meet the 11 AM cutoff. Crown should notify DC of any such 'late files' by the 11 am cutoff. After that, if duty counsel receives notice of a late addition, they can assess their workload and exercise their discretion whether to assist or not. There is no obligation to assist with a late addition where duty counsel was not given adequate notice, particularly if attending to the late file will disrupt afternoon hearings or unreasonably extend the day. Note: if a late file has been added to the daytime court list, it cannot be adjourned to the evening bail program. If the matter needs to be adjourned, it must be adjourned to a daytime virtual court list.

#### Consent Releases and Consent Remands

25. Generally, any consent releases will need to be called during the afternoon session and spoken to on record. On lighter days, if PM (new arrest) Crown and duty counsel agree, and the VB JCM can accommodate counsel, a consent release on a new arrest may be dealt with in the morning court session. Due to the requirement under s.503 that an accused appear before a justice within 24 hours of arrest, the Consent Remand form cannot be used to remand an accused who is newly arrested. The file must be called before a justice if only for a pro forma appearance to remand the file.



### PM Bail Hearing List

26. Throughout the morning, as Crown counsel completes its assessment of charges and bail position, and bail packages are finalized, Crown staff will submit those packages to the registry. The registry will create a court file and add the files to the PM Court list automatically on a “first in, first up” basis. At this point, all files will be assigned a holding place at the 5:00 PM time slot on the court list. The order of the list will be ascertained during the PM Triage session in each virtual court (discussed below). Crown counsel will not create and circulate a draft court list, nor will the JCM be involved in scheduling the afternoon matters. You can view the PM court list at any time during the day by clicking on the **Virtual Bail Court List link** in the VB Teams channel.

### Submitting Documents for Hearing

27. If you want to file documents for the judge to review, you should submit them in advance via email to the court registry where the charges originate. A directory of court registry email addresses can be found in the **VB Teams channel** (see **Files/Contact Information** folder), or here: <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations>. If you are unsure of the contact information, you can check with the Registry Coordinator for the Region. *Note: you cannot upload or submit any documents through the VB Teams channel.*

When submitting documents, you should use descriptive and identifying information in the subject line of the email and in document naming, and note urgency (see [CRIM 18](#) for general guidance).

### Afternoon Triage Session – 1:15 PM

28. At 1:15, separate triage sessions will be convened in each virtual bail courtroom (or Triage room for regions 2 and 3) before the court clerk to review the court lists in each court and set the order of proceedings. The assigned duty counsel, PM bail Crown, and defence counsel with matters in that court are required to attend the afternoon triage to determine amongst themselves which files are ready to proceed and in what order they are to be called. This requires balancing competing priorities (see the Provincial Court’s Practice Direction [CRIM 05](#) for more detail on various factors to be considered). The court clerk will set the order by adjusting the time in 10-minute increments and the order will be displayed in the **Virtual Bail Court List** on the MS Teams channel. The 10-minute increments are used to set the sequence only, and do not necessarily reflect time estimates for each matter. Any files that are not ready to proceed at the time of triage will keep the 5:00 PM time slot and be stood down and called when counsel indicate they are ready to proceed. The JCM is not involved in the afternoon triage nor bail court in the afternoon except when there is a need to attempt to move files to another court.

### MS Teams Meeting Links

29. To attend the triage or court, you can access the MS Teams meeting link in the virtual bail team. The links are posted in the “Files” tab of the VB Teams channel in the folder labelled “**MS Teams Links**”. You can also access these links from the LABC Lawyer Portal.

### Registry and Warrant Only Arrests

30. For registry and warrant only arrests arising between 11 AM and 3pm, all efforts will be made to deal with the matter during the daytime court session. Arrests after 3pm will presumptively go to the evening list and be dealt with via evening bail hearing in the Justice Centre. Flexibility is encouraged. Files may still be dealt with after the cut off times if Crown, the Court and counsel agree that the case can be accommodated on that day's list. For full information on registry arrest procedure, see [NP 31](#).

**\*Note:** if a file has been added to the daytime court list, it cannot be adjourned to the evening bail program. If the matter needs to be adjourned, it must be adjourned to a daytime virtual court list.

### Hearing Time Limits

31. The afternoon list can generally accommodate hearings that will complete in 30 minutes or less, but this is not a hard and fast limit. It may be possible to conduct longer hearings on the same day if the court and participants can accommodate it given the size of the list. On some days, the court may be able to move the file to another courtroom that is available. Otherwise, longer hearings will either be scheduled into an AM Remand session in the bail court, or scheduled to another courtroom. ***If an accused has been remanded over to schedule a longer bail hearing, and they do not have counsel, please provide the relevant details to LABC at the end of your shift. LABC will assign counsel, and in appropriate cases you may take the file yourself (see the section "After Your Shift" below).***

### Standing Down to Re-Interview Accused

32. If before or during the hearing session something occurs that requires you to consult with an accused to clarify or obtain further instructions, you can advise the court (if the hearing is in progress) and stand down. You can keep the court session open in MS Teams but turn off your video and mute your microphone. You can send a direct chat message to the Sheriff Coordinator to arrange a follow-up phone or video interview with the accused. You will be notified when the accused is ready to receive your call, and where to call. If the accused is in a location with telephone access only, you can keep the Teams meeting open but ensure you disable your Teams video and mute your microphone throughout the phone call. If you are able to speak to your client through MS Teams, you can call the client in that room by video. You will automatically be placed on hold from the courtroom while you meet with the client, and can rejoin the courtroom after concluding the video call with the accused. The MS teams video with the client is confidential and not recorded.

### Scheduling hearings – Virtual courts versus home registry

33. As noted above, for longer matters the VB JCM will review the time estimates and court lists and schedule as much as possible into one of the virtual bail courts. If there is no time available in the virtual court the matter may be scheduled in another courtroom.

### In-person hearings

34. If a file raises specific circumstances that warrant an in-person bail hearing, counsel can make an application before a judge in virtual bail court for a direction that the matter be so scheduled. As duty counsel, you should proceed with caution in requesting an in-person hearing if you are unable to act yourself and unsure whether counsel will be assigned.

## After your shift

### Accused Released

35. If an accused is released, you can assume that they will make their own legal aid application if required. If the accused has counsel already, as a professional courtesy you can notify that counsel of the outcome and the next appearance date in the usual fashion.

### Accused Detained/Remanded

36. One of the challenges in this new model will be to ensure timely assistance to unrepresented accused who are remanded after their first bail appearance, particularly if it is a short remand (e.g., to next morning). It is vital therefore that any accused who have been remanded without bail being determined are connected to counsel promptly, so that bail can be determined. The overriding objective remains to ensure that all remanded or detained accused have timely and effective assistance of counsel.

**Notify Counsel of Record:** If you know with confidence that an accused has a continuing relationship with a lawyer, notify that lawyer of the accused's status and next appearance date. Normally you can expect that lawyer will attend to getting an LABC contract.

**Notify LABC Intake:** For those **remanded accused who want legal and but are unrepresented**, LABC requests that you compile a list of those accused with the contact and case details necessary for LABC Intake to open an application. LABC has created a **Duty Counsel Client-Applicant Worksheet** that you can use to record and submit this information to LABC at the end of your shift (email to [OnlineApplications@legalaid.bc.ca](mailto:OnlineApplications@legalaid.bc.ca)). If you know of a lawyer who is or may be willing to assist that accused, you can include that information also.

**Notify an LABC Navigator** – if the remanded accused is unrepresented, the Navigator can follow up with the accused between court appearances to help facilitate assigning counsel and/or putting together a release plan that can be presented by duty counsel on the next court day.

**Notify next duty day's counsel** – if you deal with any file that is remanded to another date, and the accused is unrepresented, you should also check the **VB Duty Counsel schedule** and notify the duty counsel who is assigned for the remand date that the accused needs assistance. You should forward to that duty counsel the bail package you received from Crown, and notes of any interviews you conducted with the accused. (The **VB Duty Counsel schedule** is posted in the **Schedule** folder of the **VB Teams channel**).

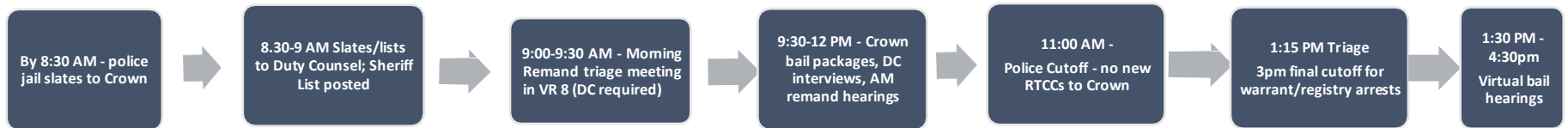
**Self-Referral:** In cases of urgency (e.g., a remand to the next morning), where an accused demonstrates particular vulnerability, or where an accused has been remanded two or more times in virtual bail court without retaining counsel, you may consider taking on the matter yourself (provided of course the client wants your assistance). This is an exception to the usual LABC rules against touting and self-referral. If you believe the client is unlikely to make their own application, you can fill out a legal aid application for that client yourself. You can contact LABC

Intake to request that a contract be issued to you. Complete the [Lawyer-Initiated Application form](#) (fillable PDF) and submit to [OnlineApplications@legalaid.bc.ca](mailto:OnlineApplications@legalaid.bc.ca).

#### Requesting Extra Fees

37. We recognize that duty counsel assignments may take longer than normal, especially as case volumes approach (and sometimes exceed) normal levels. We encourage all counsel who work beyond their daily authorization to seek extra fees. To streamline this process, we will accept duty counsel extra fee requests emailed directly to [DutyCounsel@legalaid.bc.ca](mailto:DutyCounsel@legalaid.bc.ca). All that need be included is a sentence or two outlining the reason additional hours were spent and how many hours you are requesting.

## Daily Timeline - Daytime



## Duty Counsel Activities

