

Protocol – In-Custody Appearances in IAR Court 100 (Surrey)

1. This protocol does not apply to in-custody **self-represented** accused, intimate partner violence (“K”) files or youth (YCJA) files.
2. To reduce the number of administrative appearances before a PCJ in Courtroom 108, counsel are encouraged to adjourn in-custody accused to Courtroom 100 until they are ready to proceed with a meaningful appearance (e.g. bail hearing or sentencing) that require a PCJ.
3. In between appearances in Courtroom 100, counsel should use the Consent Requisition procedure to move a file into Courtroom 108 (or Courtroom 102) as circumstances require (e.g. they are ready to proceed with a bail hearing or sentencing).
4. Accused need not appear via video in Courtroom 100 if counsel can appear on their behalf (summary conviction matter or *via* Counsel Designation). The adjourning justice/judge should state on the record that the accused is not required to appear on the next court date, and the court registry will endorse the resulting Warrant of Remand accordingly after each appearance (the Warrant of Remand should indicate when an accused is not required to appear by video on a subsequent appearance).
5. If counsel does not appear in Courtroom 100 on behalf of an accused (who was not required to appear by video), the matter is to be adjourned forthwith to Courtroom 108 on the **same** day, and Crown will ask the court to direct a Warrant of Remand be generated to have the accused appear by video on the next business day in Courtroom 108.
6. Examples of administrative appearances where counsel can appear on behalf of their in-custody clients in Courtroom 100 include:
 - a) Accused not yet in a position to apply for bail (obtaining and reviewing disclosure, developing a release plan, *etc.*)
 - b) A detention order has been made.
7. An accused **MUST** appear via video in Courtroom 100 to confirm appearances scheduled via the JCM FXD process (*i.e.* “CTD’s” for trials, sentencings, JIR’s, *etc.*) on indictable matters where there is no Counsel Designation Notice on file, following counsel setting a hearing date via a scheduled Virtual JCM FXD appearance.
8. Files for in-custody accused shall not be moved from Courtroom 100 to Courtroom 108 (or another PCJ Court) for a same-day appearance without the consent of the Crown. **The Consent Requisition process should be used to call the file ahead into Courtroom 108 (or another PCJ Court).**