

## OCJ Criminal Proceedings - Interim Mode of Appearances\* as of April 4, 2022

*\*Note: The mode of appearance is subject to direction by the presiding judicial officer and/or RSJ or RSJP*

Proceeding	Mode of Appearance (as of April 4, 2022)
<p><b>Bail</b></p> <p>First appearances (from station; also WASH court)</p> <p>Bail hearings</p> <p>Special bail hearings</p>	<p>Accused will appear by <u>video or audio</u> unless otherwise directed.</p> <p>For <u>contested bail hearings</u>: Accused will appear <u>by video</u> unless otherwise directed.</p> <p style="padding-left: 40px;">Note: If video is not available in the institution to accommodate the hearing, the accused must be brought in person, unless alternative arrangements for a video appearance can be made, e.g. bringing the accused to the courthouse to appear by video from a video suite within the courthouse.</p> <p>For <u>consent releases and remands</u>: Accused may attend by <u>video or audio</u> unless otherwise directed</p> <p><u>Sureties</u> may attend by <u>video or audio</u> unless otherwise directed</p> <p>The mode of appearance will be directed by the judicial officer presiding at the special bail hearing conference following discussion of the issue.</p>
Special bail conference	<p><u>Video</u> unless otherwise directed</p> <p style="padding-left: 40px;">Note: RSJ, RSJP or designate can authorize audio conferences as can the presiding judicial officer</p>
<b>JPTs</b>	<p><u>Video</u>, unless otherwise directed (for both counsel JPTs and self-rep JPTs)</p> <p style="padding-left: 40px;">Note: RSJ or designate can authorize audio or in-person JPTs, as can the presiding judge</p>
<b>Plea Court</b>	<p><u>In person</u> unless judge orders otherwise</p> <p><u>Exceptions for videos pleas on consent</u> : subject to a judge ordering otherwise, video pleas do not require prior approval of a judge in the following circumstances:</p> <ul style="list-style-type: none"> <li>• <u>In-custody</u> accused – if the accused consents to attend by video</li> <li>• <u>Out of custody</u> accused – if (i) both the Crown and accused consent to the accused attending by video <u>and</u> (ii) neither party is seeking a custodial sentence.</li> </ul>

Note: This information will be incorporated into a practice direction that will be published on the Ontario Court of Justice Website before April 4, 2022. This summary chart is being shared with the court's justice partners to facilitate planning and discussions among justice partners.

Proceeding	Mode of Appearance (as of April 4, 2022)
<b>Trials / Prelims</b>	<p><u>In person</u> for all participants (witness, counsel, accused) , unless a judge has ordered otherwise</p> <p>Note: <u>Matters that have already been pre-tried and scheduled</u> (on consent) as virtual (or hybrid) hearings will continue in the mode scheduled, unless otherwise directed</p> <p>For <u>matters scheduled after April 4, 2022</u>, if all parties consent to some or all of a hearing being conducted on video (or as a hybrid hearing), the parties may presume the matter will proceed in the agreed-upon mode, subject to the presiding judge directing otherwise.</p>
<b>Case management</b>	<u>No immediate changes.</u>
Set date (case mgmt.) – in custody	<u>No immediate changes</u>
Set date (case mgmt.) – out of custody	<p><u>No immediate changes</u> – Appearances by accused persons and counsel will remain primarily by video unless otherwise directed.</p> <p>Note: Courthouses will continue local accommodations for in-person appearances by accused persons who are unable to attend by video or audio.</p>
Judge-led Case Mgmt Courts (JICMCs)	<u>No immediate changes,</u>
Trial Readiness	<u>No immediate changes:</u>
Specialized courts (e.g. drug treatment court)	<u>No immediate changes:</u>
<b>Intake Court</b>	<p>Applicants and Informants may attend in person; remote processes introduced during pandemic will remain as an alternative option (for consent bail variations, private prosecutions, private s. 810 applications)</p> <p>For peace officers, Eprojects (i.e. eIntake, eHub, eTelewarrant and eReports to Justice) will continue where applicable.</p>