



## **JOINT OPERATIONAL DIRECTIVE #1**

### **Nunavut Court of Justice & the Nunavut Justice of the Peace Court**

Criminal dockets are finalized by the Court Registry on the Wednesday before the commencement of scheduled court. The final docket is circulated to counsel. This practice ensures that counsel can review their files to confirm that all files needed for court are made available for the following week. Informations arriving in the Iqaluit court registry after the docket is finalized or at the last minute before a court sitting are not reflected on the Court's "final" docket and may result in counsel not having files in court when needed or the Court not being aware of a file and result in unnecessary and unacceptable delay.

The following directive sets out the minimum obligations of RCMP, Justices of the Peace, and Court Clerks in the swearing, receiving and filing of informations and other process documents with the Nunavut Court of Justice and the Nunavut Justice of the Peace Court. The directive seeks to streamline the information filing process to prevent both duplication of informations and the failure of informations to appear on the docket.

Compliance with these obligations will ensure informations and court processes are provided in a timely manner and ensure that the Court Registry, and therefore Counsel, the RCMP, the Courts and the public are aware of matters that are before the Courts.

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#### **Responsibilities of the RCMP:**

First appearance dates for new charges are, absent exceptional circumstances, scheduled for six to eight weeks after the date the information is laid to permit adequate time for the RCMP to prepare the file, for disclosure to be facilitated to Crown, vetted and provided to the Defence. The RCMP shall be responsible for the filing of all informations, endorsements and court processes with the Court Registry in Iqaluit. Such filings shall be done as soon as is practicable but no later than the deadlines indicated below.

1. The RCMP shall ensure that all electronic documents (sworn information, endorsement sheet and sworn process documents) are filed according to the following guidelines:
  - a. All documents shall be scanned into a PDF format;
  - b. The PDF shall be of legal size (8.5" x 14")
  - c. The document shall be clear and legible and signatures shall be clearly visible.
2. All documents should be provided to the JPs by email or filed in the registry via email absent exceptional circumstances that necessitate the use of fax as the quality of a faxed document is insufficient.
3. Upon requesting a charges be laid against an Accused or requesting a process document be sworn, the RCMP shall provide directly to the Justice of the Peace copies of the documents requested to be sworn – either in person or by email for those JPs not resident in the communities. If such a request is being made of a JP in Iqaluit, all documents shall be forwarded to [jp.info@gov.nu.ca](mailto:jp.info@gov.nu.ca)
4. Sworn informations will be returned by the JP to the originating detachment within twenty four (24) hours of receipt of the unsworn documents.
5. For detachments outside of Iqaluit, the RCMP shall email all sworn documents to [ncj.info@gov.nu.ca](mailto:ncj.info@gov.nu.ca). For Iqaluit based charges, originals can be dropped off in person to the Court Registry in Iqaluit.
6. Informations must be filed within the following time frames:
  - a. **Out of Custody: As soon as possible, but no later than five (5) business days** from the time the information/process document is sworn and served.
  - b. **In-Custody: As soon as possible, but no later than forty eight (48) hours** from the time the information/process document is sworn. For remands to Iqaluit from outside detachments, the originating detachment is responsible for forwarding the informations and process to the court registry electronically.
7. If the Officer responsible for the file is going off shift or is unavailable, the Officer shall ensure that a designate is in place within the detachment that will ensure filing deadlines for documents on the file are met and notify the JP of to whom to forward the signed documents.
8. If the Accused is being held for a Show Cause hearing that is adjourned beyond the 48 hour deadline, the information and current endorsement and processes must still be filed in compliance with this directive.
9. If the Accused's show cause hearing is completed beyond the forty eight (48) hour requirement, the RCMP are responsible for ensuring the completed, up-to-date endorsements and sworn process documents are filed with the registry in Iqaluit in accordance with the following guidelines:

- a. **Out of Custody: As soon as possible, but no later than seventy two (72) hours** from the time the show cause hearing is completed
  - b. **In-Custody: As soon as possible, but no later than forty eight (48) hours** from the time the show cause hearing is completed
10. The Officer filing all informations/process documents shall ensure that documents filed electronically indicate the following on the document:  
This document has been filed electronically in accordance with Joint Operational Directive #1 by [Name of the Officer]
11. The Officer filing all the informations/process documents shall ensure that electronic copies are legible and the signatures can clearly be made out before filing them with the Registry.
12. The RCMP shall be responsible for forwarding signed documents provided by JPs to the appropriate community detachment.
13. The original documents do not need to be forwarded to the Court Registry. Local Detachments shall be responsible for maintaining signed documents provided by the JPs for local files in the appropriate police files until it is confirmed that the information properly appears on an NCJ or JP Court docket without issue. The Clerk of the Court will advise within one business day whether there are issues with the documents forwarded.

### **Responsibilities of the Justice of the Peace:**

The Justice of the Peace shall be responsible for completing paperwork in a timely fashion and providing sworn documents to the RCMP as soon as practicable but no later than the deadlines indicated below.

1. The Justice of the Peace is responsible for receiving unsworn informations and processes from the RCMP.
2. The JP shall swear the information/process documents and provide copies of the same to the RCMP in accordance with the following guidelines:
  - a. If the JP is resident in the community where the request is made, the JP shall provide the signed originals to the requesting Officer at the originating detachment **as soon as possible but no later than twenty four (24) hours** of receiving the unsworn documents.
  - b. If the JP is not resident in the community where the request is made, the JP shall scan and email the originals to the requesting Officer at the originating detachment **within twenty four (24) hours of receiving the unsworn documents**. The signed originals should be brought to the JPs local police detachment **within forty eight (48) hours of the documents being sworn** to be forwarded to the originating detachment.

3. The documents provided to the RCMP shall include:
  - a. The sworn information;
  - b. A completed, legible endorsement sheet; and
  - c. Any sworn process documents
4. The JP shall ensure that all documents are legible and that their signatures are clearly visible on all documents.
5. To ensure that there is no duplication or loss of informations/process documents, the JP must provide all documents to the RCMP for filing. No JP is to transmit documents directly to the registry.
6. If a JP conducts a Show Cause Hearing for an accused in a community beyond the filing deadlines for informations, informations/process documents must still be filed in accordance with this directive.
7. The most up-to-date endorsements and process documents must be completed and provided to the Officer conducting the hearing at the originating detachment in accordance with the following guidelines:
  - a. If the JP is resident in the community where the hearing is held, the JP shall provide the completed originals of the endorsements and process documents to the requesting Officer at the originating detachment **within twenty four (24) hours of the completion of the hearing.**
  - b. If the JP is not resident in the community where the hearing is held, the JP shall scan and email the completed originals of the endorsements and process documents to the requesting Officer at the originating detachment **within twenty four (24) hours of the completion of the hearing.** The signed originals should be brought to the JPs local police detachment **within forty eight (48) hours of the documents being sworn to be** forwarded to the originating detachment.

### **Responsibilities of the Clerks**

The Clerk shall be responsible for entering paperwork in a timely fashion and raising issues as soon as possible to ensure NCJ and JP Court dockets are as complete as possible. Filing should be done as soon as practicable but no later than the deadlines indicated below.

1. The Clerk shall receive and enter into the NCJ Court Information System and open court files for all informations/process documents within one (1) business day of receipt of the documents.
2. Received informations should be verified by the Clerk as being:
  - a. Complete with the endorsement sheet and legible;
  - b. Reflecting that it was filed in accordance with Joint Operational Directive #1 and indicating the name of the Officer who filed it.

3. If there any concerns that arise under the above, the Clerk shall immediately take steps with the appropriate Officer to rectify the concerns.
4. The documents should then be printed and sealed with the NCJ Seal.  
**Informations printed and sealed accordingly shall be considered the original for the court file.**

### ***Appearance Dates***

Dockets for the Nunavut Court of Justice and the Nunavut Justice of the Peace Court are finalized on the Wednesday before the scheduled sitting. In order to ensure the Court, Counsel, the Registry and the public are aware of all matters and to avoid delays and duplication, JPs shall set dates according to the following guidelines:

#### In-Custody Matters

The Justice of the Peace shall set all in-custody matters to the next in-custody docket for which the docket has not been finalized (or for in-custody community matters, if the circuit court is sooner in compliance with Practice Directive 34). If the matter arises with insufficient time to allow the documents to be filed appropriately, the Justice of the Peace shall set it to the next available and appropriate date.

#### Out of Custody Matters

Out of custody matters shall be set for First Appearance to the next appropriate sitting for which the docket has not been finalized. If the matter arises with insufficient time to allow the documents to be filed appropriately, the Justice of the Peace shall set it to the next available and appropriate date.

#### Bringing Matters Forward

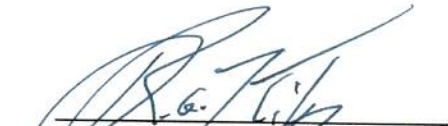
**If Counsel or the RCMP wish to have a matter brought forward to an earlier date or request a matter be brought forward to a finalized docket, they must complete the appropriate request form in compliance with Practice Directive 10.**

### **Filing of Process Documents on Circuit**

If an Accused who has matters appearing on a circuit court sitting of the Nunavut Court of Justice has new matters that arise after the Clerk traveling on circuit has left the Court Registry, the RCMP shall hold the sworn documents at the RCMP Detachment and speak with the Circuit Clerk directly upon his or her arrival in the community about adding the new informations to the Court Circuit. **Any requests to add files must comply with NCJ Practice Directive 10.** In addition, new informations must be provided to the Clerk no later than thirty minutes before court start times (ie, by 0900 if


court begins at 0930, or 1300 if court begins at 1330) to allow the Clerk time to enter the information into the Court Information System and open a file.

**This Joint Operational Directive shall be effective March 4<sup>th</sup>, 2015.**



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Mr Justice R. Kilpatrick  
Senior Judge  
Nunavut Court of Justice



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Mr. Justice of the Peace C. Clark  
Senior Justice of the Peace  
Nunavut Justice of the Peace Court