



NOVASCOTIA
PUBLIC PROSECUTION SERVICE

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TRANSFER (“PICK-UP”) ORDERS

NATURE OF DOCUMENT:

PRACTICE NOTE

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NOTE:

THIS POLICY DOCUMENT IS TO BE READ IN THE CONTEXT PROVIDED BY THE **PREFACE** TO THIS PART OF THE MANUAL.

CERTAIN WORDS AND PHRASES HAVE THE MEANINGS ESTABLISHED IN THE “**WORDS & PHRASES**” SECTION OF THIS PART OF THE MANUAL.

TRANSFER (“PICK-UP”) ORDERS

(Requests for Remands Where Warrants are Outstanding; Inter-office Requests for Transfer Orders under S. 527, *Criminal Code*; Police Requests for Transfer Orders)

This Practice Note is intended to deal with cases where a Crown Attorney dealing with an accused person who is in custody is aware that an Arrest Warrant exists requiring the accused person to appear in a court in a location in Nova Scotia other than where the accused is located. The goal of this Practice Note is to ensure that appropriate steps are taken to have the accused person transferred to the court which issued the Warrant and also to ensure that adequate records of the process are maintained.

Requests for Remands

In situations referred to above, a number of steps are to be followed as circumstances dictate. The Crown Attorney where the accused is located shall initially request the court to remand the accused person to the court which issued the Warrant. If the accused person is not in custody on the matter in relation to which the Warrant was issued and it is anticipated that the court will not order a remand because of that fact, the Crown Attorney should make efforts to have a police officer or a Sheriff's Deputy arrest the accused person on the outstanding Warrant. Following that, the Crown Attorney should request the remand as described above.

If it is not practical to remand an accused person to a court which issued an Arrest Warrant in another area of the province due to the fact that court is not scheduled to sit within a reasonable period of time, the Crown Attorney where the accused is located should seek a remand to another court in the same area served by the Crown office which holds the files in relation to which the Warrant was issued.

Inter-office Requests for Preparation of a Transfer Order (Section 527 of the *Criminal Code*)

This part of the Practice Note is intended to address cases where a Crown Attorney dealing with an accused person who is in custody is aware that an Arrest Warrant exists which requires the accused to appear in a court in a location in Nova Scotia other than where the accused is located, and the court where the accused is located refuses the Crown's request for a remand of the accused to the court which issued the Warrant. In those cases, the Crown Attorney where the accused is located shall contact the office which has possession of the file(s) in relation to which the Warrant was issued, and if possible the Crown Attorney with carriage of the file(s), and advise that Crown Attorney or his/her Administrative

Assistant of the need to prepare a Transfer Order whereby the accused person will be transferred to the court which issued the Warrant. In addition, the Crown Attorney where the accused is located must request that the accused be remanded in custody to allow for the preparation of the Transfer Order.

The Crown Attorney where the accused is located shall also forward by fax to the Crown Attorney office in the area where the Warrant was issued a written request for the preparation of a Transfer Order in addition to any oral communication which occurs in relation to the matter. The written request shall be in the form attached. The Crown Attorney where the accused is located must ensure that he/she receives a written confirmation of receipt of the Transfer Order request, together with a written indication that the Transfer Order either will or will not be prepared.

The Crown Attorney or appropriate Administrative Assistant in the location where the Warrant was issued shall, by return fax, acknowledge in writing receipt of the request for the preparation of a Transfer Order and shall indicate whether the Transfer Order will be prepared. In cases where the Transfer Order will not be prepared, a reason will be provided using the form attached. It is anticipated that cases where the accused person will not be returned to the office where the Warrant was issued will be rare e.g. due to the passage of time, there is no longer a realistic prospect of conviction, or it is no longer in the public interest to pursue the charge.

A copy of the Request for Preparation of a Transfer Order document must be filed in each of the Crown Attorney offices involved.

Police Requests for the Crown to Obtain Transfer Orders to be in Writing

All police services and detachments have been informed that requests from the police for the Crown to obtain Transfer Orders must be in writing. Attached is a form which has been provided to police services for this purpose.

Please ensure that police in your area follow this procedure. Also ensure that in cases where a Transfer Order has been obtained by the Crown in response to a police request, a written confirmation of that fact is sent to the police service. The form provided to the police has a section for Crown office use for this purpose.

Crown Inter-Office Request to Obtain a Transfer Order

Office Originating Request:

Accused: _____

Location of Accused: _____

Crown Attorney Making Request for Transfer Order: _____

Place Where Accused Is Required: _____
(Court from which Warrant Issued)

Office Receiving Request:

Person Acknowledging of Receipt of Request: _____

Date Request Received: _____

PPS File Number: _____

Place Where Accused Is Required: _____
(Court from which Warrant Issued)

Transfer Order will be prepared: Yes _____ No _____

If Transfer Order will not be prepared, please give reason:

Return copy of completed form to originating office

Place copy in prosecution file

(Police Service - Detachment)

Transfer Order (Pick-Up) Request

Accused: _____

Person Required: _____

Date of Request: _____

Facility of Incarceration: _____
(Where accused located)

Police File #: _____

Place(s) Required: _____

Date & Time Required: _____

Courtroom No. _____

Reason Required (plea, trial, etc.): _____

Officer Making Request: _____

Crown Contact: _____

For PPS Office Use:

Confirmation Transfer Order Prepared: _____
(Signature)

Date: _____

PPS File #: _____