



INFORMATION REPORT

TO: The Halifax Board of Police Commissioners

FROM: Halifax Regional Police

DATE: May 16, 2022

SUBJECT: Information on Administration of Justice Offences

Background:

Administration of justice offences are a specific type of violation of the law, mostly committed when pre-trial conditions or sentences from a previous conviction are disobeyed.

The “Administration of justice offences” category includes but is not limited to:

- Failure to appear in court
- Breach of a probation order
- Failure to comply with an order
- Being unlawfully at large

Types of Releases Under the Canadian Criminal Code:

Appearance Notice – filled out by the police and is provided to the arrestee at the time of release, indicating his or her first court appearance (with specified date and place). It also generally shows where and when a person must appear for fingerprints.

Undertaking - is a piece of paper that an accused signs instead of being held for a bail hearing. Usually, it will contain conditions you agree to comply with as part of your release from custody. If you don't follow the conditions of your undertaking you can be charged with failing to comply. (Officer in Charge or Judge)

Recognizance - a written promise or acknowledgement to appear before a judge on said date and time and follow certain conditions in the meantime until your matter gets resolved in the court of law. (Officer in Charge or Judge)

Crown Consultation:

In all instances where the Halifax Regional Police are considering not releasing an accused: Crown prosecutor or on-call Crown prosecutor (after hours) must be contacted and consulted in relation to the accused being held and must agree to the accused being held.

Bail Hearing:

If an accused person is taken into custody and held until he or she appears in court, a bail hearing must be held within twenty-four hours or as soon as possible. The Court decides whether to detain the accused person before the case is dealt with in court.

At the bail hearing:

- The Crown prosecutor summarizes the nature of the offence, the evidence against the accused and the factors that will assist the Court in deciding if the accused should be held in custody or released until the trial. In some places, the police may represent the Crown prosecutor at bail hearings.
- The Court must take into account any evidence about the need to ensure the victim or witness' safety. This can include the seriousness of the charge or whether it involved violence.
- The accused will then either be kept in jail until the case is in court or released.

Types of Warrants issued for Missing Court:

Endorsed Warrant - has been signed by a Judge or Justice of the Peace and a person arrested on such a warrant can be released from custody by the police.

Unendorsed Warrant - has not been signed by a Judge or Justice of the Peace, indicating to the police that the person arrested must be held for court to be brought before a Judge

The following are the key considerations that are applied to release with the Canadian Policing Conduct:

R – Repetition of the offence (prevent)

I – Identity of the accused

C – Court (belief the accused will appear in Court)

E – Evidence (will not interfere with collection of evidence)

Also, if the accused can understand the release (intoxicated or high)

HRP Administration of Justice Charges:

<i>Year</i>	<i>Offense Type</i>	<i>Number of HRP Files</i>
2018	Bail Violations	1504
	Breach of Probation	765
	Failure to Attend Court	436
2019	Bail Violations	1523
	Breach of Probation	669
	Failure to Attend Court	365
2020	Bail Violations	1758
	Breach of Probation	935
	Fail to Attend Court	363
2021	Bail Violations	1275
	Breach of Probation	221
	Failure to Attend Court	282
Grand Total		10096