



THE NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #34

IN CUSTODY TRAVEL TO THE COMMUNITIES FOR COURT

Explanatory Note:

Significant public expense is incurred by remanded prisoners being transported back to their originating community for election and/or plea. Where a citizen in custody first requests a trial or preliminary inquiry, the prisoner must again be transported back to a correctional facility to await the trial or preliminary inquiry. The trial or preliminary inquiry will not proceed in the same sittings that an election and/or plea is entered. This practice directive seeks to eliminate unnecessary in custody travel to the communities.

Citizens who are remanded in custody to the Baffin Correctional Center shall appear in person or by counsel before the Nunavut Court of Justice in Iqaluit for the purpose of making their election and/or entering their pleas. In-custody prisoners are not to be transported back to the originating community for this purpose. In-custody citizens will be transported back to the originating community for trials or preliminary inquiries but not for procedural appearances in court.

Absent special leave of the Court, in-custody citizens from other communities who enter guilty pleas in Iqaluit will be sentenced in Iqaluit.

Citizens remanded out of the jurisdiction to the North Slave Correctional Center or a custodial facility in Ontario shall appear in court by counsel or by videoconferencing or telephone for the purpose of entering elections involving preliminary inquiries and /or not guilty pleas. In the event the anticipated election involves a judge alone (no preliminary inquiry) and guilty pleas the prisoner will be transported back to the originating community for sentence (there being no judge at the prisoner's location) unless counsel for the prisoner consents to proceed by videoconference or telephone

from the correctional center. Prisoners will only be transported to the community of origin from the North Slave Correctional Center or a southern correctional institution if they are required for a substantive purpose.

Where a citizen in custody out of the Territory is not required for court, Defence Counsel must ensure that written confirmation is given to the RCMP in advance of the scheduled circuit appearance advising that transportation is not required.

For the purpose of the remand warrant, Justices of the Peace in the Kitikmeot shall endorse the warrant to provide for a “tentative” return of the community of origin that coincides with the next court circuit to that community.

Issued this 16th day of March, 2010 at the direction of the Judges of the Nunavut Court of Justice.

Mr. Justice R. Kilpatrick

Mr. Justice E. Johnson

Mr. Justice N. Sharkey

Madam Justice S. Cooper