SUPREME COURT
OF BRITISH COLUMBIA

# NOTICE

**Scheduled criminal trials for in-custody accused persons may not be able to proceed in some court locations**

## ISSUE

It may not be possible for criminal trials to proceed as scheduled if the accused person is in custody and the courthouse is distant from the nearest pre-trial correctional centre.

## BACKGROUND

For brevity, this notice refers only to “trials”, but it applies also to *voir dires*, pre-trial applications, and sentencing proceedings.

Until last year, in-custody accused persons were housed in the local police detachments for the duration of their trials, if the drive between the nearest correctional centre and the courthouse was not manageable on a twice-daily basis. For trials of several weeks or more, the accused person was often returned to the correctional centre each weekend.

This changed when the RCMP and other local police forces found themselves unable to continue providing staff and space to keep custody of accused persons, and discontinued the arrangement.

As a result, for some courthouses no facilities are available in the local community to house in-custody accused persons over the course of their trials, and a twice-daily drive between the correctional centre and the courthouse is not manageable. The court locations in issue are these:

Cranbrook
Dawson Creek
Fort St. John
Nelson
Powell River
Prince Rupert
Revelstoke
Rossland
Smithers
Terrace
Williams Lake

For each case affected by this problem, the Court's sheriffs have been seeking out a solution to allow the trial to proceed. Often the solution is for the accused person to be transported by chartered airplane between the pre-trial facility and the courthouse on each day of the trial. However, sometimes chartered flights are not available.

For several months, a working group composed of provincial government officials and police services representatives has been seeking interim solutions province-wide. The Court is advised that the working group hopes to have housing and/or transport arrangements in place soon for in-custody accused persons to attend trials in some of the affected court locations, with arrangements for other court locations to follow in the coming months. It is unclear when a long-term solution will be identified or implemented.

The Court is advised that arrangements for housing and/or transport will be put in place for each of these locations over the coming months. Until those arrangements are in place, it is necessary to hold a case management conference for each potentially affected case to determine whether it will be possible during the trial to house the in-custody accused person in the community of the trial, or to transport the accused person daily from and to the correctional centre.

This Notice directs the procedure to be followed until adequate arrangements are in place for the identified court locations.

**DIRECTION**

1. Crown and defence counsel with a criminal trial for an in-custody accused person scheduled to take place in one of the courthouses listed above should contact Supreme Court Scheduling for the applicable location 3 months before the scheduled start of the trial to arrange a case management conference before the Associate Chief Justice, or her designate to discuss whether the necessary arrangements are or will be in place to house the accused person in the community of the trial, or to transport the accused person daily from and to the correctional centre.

2. The case management conference should be scheduled before the Associate Chief Justice, or her designate, even where a case management or trial judge has been assigned. This is because the Associate Chief Justice will have the most up-to-date information about whether the necessary arrangements are or will be in place to house the accused person in the community of the trial, or to transport the accused person daily from and to a correctional centre.

3. The case management conference should be held within the 2 weeks following, unless the Associate Chief Justice directs differently. This timing will allow for at least 2 months' notice to the parties, counsel, witnesses, the sheriffs, and the public of any changes to the dates or location of the trial that may be necessary.

4. Where it appears likely that no arrangements will be in place for the trial to proceed as scheduled, alternatives will be addressed at the case management conference. Depending on the circumstances, these may include

    (a) adjourning the trial until suitable arrangements will be available

    (b) moving the trial to a courthouse closer to a correctional centre if a courtroom is available at that court location, or

    (c) releasing the accused person from custody.

Dated April 30, 2026 at Vancouver, British Columbia

By Direction of Associate Chief Justice Heather J. Holmes
Supreme Court of British Columbia