



COURT OF KING'S BENCH FOR  
SASKATCHEWAN

## CRIMINAL PRACTICE DIRECTIVE #8

### SECTION 525 DETENTION REVIEWS<sup>1</sup>

**REFERENCE: CRIM-PD #8**

**Effective:** July 1, 2021

**Revised:** November 1, 2023

1. All applications made pursuant to section 525 of the *Criminal Code* and section 30.1 of the *Youth Criminal Justice Act* shall be in Form A.<sup>2</sup>
2. The application shall be completed by the person or institution having custody of the accused [the institution] and filed with the Court at the judicial centre of Prince Albert, Regina or Saskatoon whichever is closest to the location where the accused is in custody.
3. Detention Review Management Chambers [DRM Chambers], is held each month at the judicial centres of Prince Albert, Regina and Saskatoon. The dates of each of these judicial centres' monthly DRM Chambers is published on the Court's website.
4. Upon receipt of the application, the local registrar will complete a Notice of Detention Review in Form B that sets the application for the next scheduled DRM Chambers. The local registrar will seek a production order from a judge that requires the attendance of the accused via closed circuit TV [CCTV] on the date and the time set out at the bottom of Form B unless otherwise ordered.
5. The local registrar will send a copy of the completed Form B that includes the production order by fax or email to:
  - the accused in care of the institution;
  - the accused's lawyer, if known;
  - if the accused's lawyer is unknown or if the accused is not represented by a lawyer, the head office of the Saskatchewan Legal Aid Commission

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<sup>1</sup> Referred to in the *Criminal Code* as "Review of Detention Where Trial Delayed".

<sup>2</sup> Section 525 places an obligation on an institution that is holding an accused in pre-trial custody to, in certain circumstances, apply to the Court for a hearing to determine whether continued detention is justified. See *R v Myers*, 2019 SCC 18.

[Legal Aid];

- Regional Crown closest to the judicial centre; and
  - the institution.
6. Upon receipt of the completed Form B from the local registrar, the institution shall provide the accused with a s. 525 Detention Review Information Sheet prepared by the Public Legal Education Association [PLEA].
  7. The local registrar, in addition to sending Form B, will send to the accused, the accused's lawyer, or Legal Aid, a Do You Want a Detention Review form, in Form C, that is to be completed by the accused or their lawyer and returned to the local registrar within seven days of its receipt.
  8. If the accused or the accused's lawyer confirms in Form C that the accused does not want a detention review, the local registrar will notify the Crown and the institution that the production order and chambers appearance is cancelled. The presiding judge may then determine the result of the application summarily and issue an order based on the documents filed.
  9. If the accused or the accused's lawyer does not return Form C or if the accused or the accused's lawyer confirms in Form C that the accused wants a detention review, the matter will be spoken to in DRM Chambers on the date set out in Form B, or such other date set by the Court.
  10. Unless the Court otherwise orders if an accused is represented on the application by a lawyer or if an accused indicates in Form C that they do not want a detention review then the accused is not required to attend DRM Chambers and the local registrar will notify the institution that any production order made respecting the accused's appearance in the matter is deemed cancelled. In any event, the lawyer representing the accused on the application is required to appear in DRM Chambers and at any subsequent hearing.
  11. The Crown shall complete a Crown Detention Review Information Sheet in Form D which must be served upon the accused or the accused's lawyer and filed with the Court prior to the date the matter is set to be spoken to in Form B.
  12. If at the DRM Chambers appearance the accused or accused's lawyer requests a substantive hearing to review the accused's continued detention, the Court will set a hearing date without delay.
  13. If an application is set down for a substantive hearing:
    - a) the Crown shall prepare a summary of the evidence it expects to call at trial unless a transcript of a preliminary inquiry on the charges related to the

detention of an accused is available. The summary shall be delivered to the accused or accused's lawyer and filed with the Court at least three days before the scheduled substantive hearing date;

- b) the local registrar will obtain a certified copy of the Provincial Court file including certified copies of the relevant Informations;
  - c) the local registrar will obtain a transcript of any prior show/cause and/or bail review hearing, if any has taken place;
  - d) the local registrar will obtain and deliver to the institution a Court order to produce the accused to attend the substantive hearing;
  - e) the Court may order a Bail Verification and Supervision Report or an updated Bail Verification and Supervision Report.
14. At the substantive hearing to review an accused's continued detention, the Court may consider:
- a) the documents and evidence described in paragraph 13;
  - b) any additional credible or trustworthy information which is relevant or material to the Court's analysis.

The proceeding shall be recorded and form part of the Court record.

15. Any production order issued by the Court to produce the accused to attend proceedings in the Court of King's Bench does not terminate any existing warrant authorizing the institution to hold an accused in custody before trial, nor any remand warrant requiring the accused to be remanded to Provincial Court or King's Bench. The original warrant authorizing the institution to keep the accused in custody before trial shall remain in effect either until the expiry of that warrant or the Court orders the release of the accused with or without conditions.

Chief Justice M.D. Popescul  
Court of King's Bench for Saskatchewan

Attachments:

Form A  
Form B  
Form C  
Form D  
Detention Review Information for Adults  
Detention Review Information for Youth