

## Frequently Asked Questions – *Court Security Act*



### **What is the purpose of this law?**

This law keeps people safe when attending court. It will apply to all court facilities, including the facilities used for court in the communities outside of Yellowknife, Hay River, Inuvik and Fort Smith where there are no permanent court facilities.

The Act prohibits the possession of weapons in a court area. It gives security officers (Sheriff's Officers) the authority to screen any person for weapons, refuse entry to anyone who refuses to be screened, or to evict anyone on the premises who refuses to be screened or who possesses a weapon.

It also provides for the designation of specific areas of the courthouse as restricted personnel zones or restricted equipment zones. Only judges and court staff will be permitted in restricted personnel zones. The use of cell phones, cameras and audio recording devices will generally be prohibited in restricted equipment zones.

This legislation reflects many of the current policies and practices, and the general public will not notice a great deal of difference.

### **What has been in place up to now?**

The same rules have been in place under policy issued by the judiciary, as well as the common law principles that apply on court premises. The main change is that the rules have been made part of NWT legislation for the first time and that the Sheriff's Officers will be able to screen for weapons when needed.

### **Why is this law needed?**

Consolidating the rules into one Act makes sense and makes the rules more clear. But most importantly, it will give the Sheriff's Officers the power to screen people and make them leave if they do not co-operate. These restrictions are within s.1 of the Charter, which permits "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

The Act creates penalties to be imposed on those who refuse to comply.

## **Frequently Asked Questions – Court Security Act**

Many people go to court because they are obliged to do so - as witnesses, as the accused, as peace officers, jurors, and of course those who work there every day. When on court premises, people expect to be safe, and it is the responsibility of the Justice system to do what it can to ensure that safety.

### **Have there been violent incidents in the past?**

Not really. The NWT is fortunate: we have not had the kind of security problems here that some other jurisdictions have experienced. However, there are legitimate security concerns and threats have been made to court staff. Eight provinces have legislation that provides protection for those involved in court proceedings and ensures clarity for security measures.

### **As the Sheriff's Officers are peace officers now, what is the need for this Act?**

The Sheriff's Officers are peace officers as defined in the *Criminal Code of Canada*. Peace officers are granted the power in the *Code* to arrest without warrant a person who has, is about to, or is committing, an indictable offence.

However, Sheriff's Officers did not previously have the legal authority to screen for weapons, and that is the fundamental change. The new act will authorize screening and provide for the power to ask people to leave if they refuse to be screened for weapons.

### **Can you give an example of a "restricted zone"?**

The hallways and waiting areas adjacent to courtrooms and including areas used by court participants to move to and from courtrooms, are restricted equipment zones. Those areas reserved for the judiciary and court staff are restricted personnel zones.

### **How will people know where restricted zones are?**

Areas will be clearly marked with signs.

### **Will people be searched for recording devices? Could I be searched because you know I carry a camera?**

No. The Sheriff's Officers will only be able to screen for weapons, and require those who refuse to be screened, or are found in possession of a weapon, to leave.

## **Frequently Asked Questions – Court Security Act**

The use of cameras, cell phones and recording devices will be prohibited in restricted equipment zones, and notices will be posted. Anyone not following the rules regarding the use of restricted equipment may be asked to leave. In most cases, people who don't follow the rules will be warned first.

However, cell phones, cameras and recording devices may be used with the permission of a judge, Sheriff's Officer or other member of the court staff, such as a clerk.

### **What does "screening" mean?**

The Act defines screen as "to search using methods prescribed by regulation". The intent is to use wands or metal detectors similar to airport-type screening equipment. Most of the time, there will be no need to screen anyone. However, this has been done in the past. For example, when Roger Warren was on trial for murder, all those wishing to enter the courtroom were screened. The Sheriff's Officers will require a person to submit to a screening for weapons only if there is some reason to do so, although it is possible random screenings could be done.

### **What is a weapon?**

The Act defines a weapon as:

- (a) a firearm as defined in the *Criminal Code*, and
- (b) anything that could be used to
  - (i) cause death or serious bodily harm to a person, or
  - (ii) threaten or intimidate a person.

### **Can't people be arrested for carrying weapons anyway? Why is a new law necessary?**

Yes they can already be arrested for carrying weapons under certain circumstances, but because searches affect people's privacy, and because s.8 of the *Charter* protects people from unreasonable searches, it is best to have it specifically authorized by legislation. Sheriff's Officers now have clearly outlined authority as to what they may do in certain circumstances and in certain areas.

### **Will this law apply in the communities?**

Yes. The Sheriff's Officers provide security services for all sittings of the Territorial and Supreme Courts.

## **Frequently Asked Questions – *Court Security Act***

### **Why not have the RCMP provide security in all courts at all times?**

In every other jurisdiction in Canada security for the courts is provided by sheriffs. When the accused is in custody the RCMP are always present. Otherwise, they may not be, as having RCMP present for every trial would be extremely costly.

### **If I am a reporter, from where can I call in my story?**

There are a number of options available to you. In the Yellowknife Courthouse, for example, there is a pay phone located on the first floor outside of the Court Areas. You may use your cell phone in a restricted equipment zone if it is done quietly so as not to disturb court proceedings, and you have the permission of a court official.