**D. DETENTION REVIEW HEARINGS (s. 525 of the *Criminal Code of Canada*)**

1. General
   1. Lawyers, self-represented parties and the Provincial Correctional Centre are reminded of s. 525 of the *Criminal Code of Canada* (the “*Code*”). Section 525(1) of the *Code* provides that the person “having the custody of an accused” is obligated to apply to a judge to fix a date for a hearing to determine whether or not the accused should be released from custody, if the trial has not commenced within 90 days of the circumstances listed in s. 525(1) of the Code. Section 525(1) of the *Code* provides the person having custody of an accused is obligated to make this application immediately after the expiry of those 90 days. However, s. 525(1.1) of the *Code* contemplates the accused waiving the accused’s right to a hearing. Further direction regarding detention review hearings is set out in s. 525 of the *Code*.
   2. The court, in conjunction with representation from Community and Correctional Services and the bar, has created a number of forms to facilitate compliance with s. 525 of the *Code*.
   3. The detention review forms are available on the court’s website at [*www.courts.pe.ca*](http://www.courts.pe.ca), and the forms may also be requested from the trial coordinator, or other designated person.
2. Procedure
   1. First, the Provincial Correctional Centre, having the custody of an accused, is required to advise the court of any accused person for which s. 525 applies, namely:

*525 (1) … if the trial has not commenced within 90 days from*

1. *the day in which the accused was taken before a justice under section 503; or*
2. *in the case where an order that the accused be detained in custody has been made under section 521, paragraph 523.1(3)(b)(ii) or section 524, or a decision has been made with respect to a review under section 520, the later of the day on which the accused was taken into custody under that order and the day of the decision.*
   1. The Provincial Correctional Centre completes and provides to the court Form 1 – Application for Detention Review. The application for detention review is to include a copy of the documentation regarding the accused’s initial remand and any subsequent documentation addressing the accused’s remand status.
   2. Upon receipt of the application for detention review, the court communicates with the Crown, defence counsel, and the Provincial Correctional Centre and provides Form 2 – Detention Review Waiver Form. The accused (or defence counsel on behalf of the accused) indicates on the waiver form whether the accused does, or does not, oppose the accused’s continued detention. When the accused is self-represented, the Provincial Correctional Centre facilitates having the accused complete Form 2.
   3. If an accused opposes the accused’s continued detention, the court then requests a transcript of the show cause hearing be prepared by the Provincial Court, if one was held under s. 515 of the *Code*. Upon receipt of the transcript, the court schedules the s. 525 hearing. If there is no transcript (for example if the accused is on remand by consent) the court proceeds with scheduling the s. 525 hearing.
   4. The court then completes and provides Form 3 – Notice of Detention Review Hearing and provides the notice to the Crown, defence counsel (if applicable) and the Provincial Correctional Centre, and the Provincial Correctional Centre provides the completed Form 3 to the accused.
   5. Finally, the Crown is obligated to complete and provide Form 4 – Detention Review Information, which is to be provided to defence counsel (if applicable), or the accused if they are self-represented (via the Provincial Correctional Centre). The completed Form 4 is to be filed with the court at least four days prior to the scheduled s. 525 hearing.