

Did you know?

revised
August 2005

CHARGED WITH A CRIME

If you have been charged with a crime and are not familiar with the criminal justice system, it can be both confusing and frightening. This Fact Sheet will explain some of the terms and documents that you will encounter.

Arrest

The police will usually only arrest (take you into custody and bring you to the police station) if they suspect you have committed a crime and:

- feel you may leave the area and not show up in court,
- they need to establish your true identity,
- they think you might commit further offences,
- to preserve evidence.

Otherwise, the police will usually just serve you with an Appearance Notice or mail you a Summons. These notices tell you when you are to appear in court and what the charges are. You are not taken into custody.

Rights on Arrest

If you are arrested, you have the following rights:

- The police officer must tell you who he or she is and why you are being arrested.
- The police officer must tell you that you have the right to phone a lawyer right away.
- You must be told that you have the right to remain silent. Remember that anything you say can be used against you as evidence in a trial.

Bail

If you are arrested and taken into custody, the police may simply release you after giving you an Appearance Notice. You may also be required to make bail. This is when you have to pay money and/or fulfill other terms before you are released. It usually happens if there is some concern that you won't show up for your trial. Any money paid will be returned after you go to court. A justice of the peace may give you a notice called a Promise to Appear or a Recognizance with some terms. These notices also tell you what you have been charged with and the date you must show up in court. If the police don't want to release you they must take you before a judge within 24 hours.

Particulars

The police will give Crown Counsel (the prosecutor) their report which includes witness statements, and other evidence (the Particulars). If the prosecutor thinks there is enough evidence to proceed, an Information is typed up and that is attached to the Particulars. You must be given a copy. Note that it is usually not ready until your First Appearance at court or shortly before that time. You can get legal advice **Lawyer Referral Services** at **604-687-3221**. You can also get assistance from duty counsel lawyer at the courthouse.

"Your lawyer needs the particulars to properly understand the charge against you and to give you advice."