

Criminal Law

“I’ve been arrested... What should I do?”

Following an arrest...

- Stay calm.
- Don't fight.
- Don't run.
- Don't hide.
- Don't talk.
- Go with the police.
- **Ask for a lawyer**
 - It's a free call to talk to a lawyer any time of the day or night!
- When talking to the police, all you have to say is your name.
- **Always** talk to your lawyer before answering any of the police's questions
- *If you need an interpreter, tell the police and your lawyer right away*

When can the police arrest me?

With an “arrest warrant”:

- If the police have a piece of paper that’s signed by a judge, they can arrest you by showing it to you or by telling you about it

Without a warrant:

- You can be arrested if you have committed a serious crime, or if they think you will commit a serious crime
- You can be arrested if the police see you commit a crime

Younger than 18?

- If you have been arrested and are under the age of 18, you have the right to have your parents or another adult there if you want.
- You have the right to talk a lawyer – they are there to help you understand
- If you want, your lawyer can also talk to your parents to help them understand too
- You have the right to have a lawyer or your parents/adult *there* when the police are trying to talk to you.

Can you be kept in custody?

- Yes, but not always (It depends how serious the crime was).
- If the police want you to stay in jail, they have to ask a judge or JP for permission at a “bail hearing” – you have the right to have a lawyer help you – the judge or JP gets to decide.
- Usually, the police will charge you and then release you. There are usually rules that you’ll have to follow until court.

Court

- The police will give you papers saying when to go to court (a **“promise to appear”**).
- By signing it you’re promising the Court that you will show up.
- If you do not go to court when you are supposed to, you can be charged with **“failing to appear”**, and you can get in more trouble – maybe even **go to jail**.

Court

If the police try and hold you in jail until court....

- If the police want to try and hold you in jail before court, you have the right to have a bail hearing where the JP decides if you should be let out.
- You have the right to have a lawyer help you.

Court

If you get released from jail until court...

- If you are released by a JP you will probably have rules to follow – this is called an **Undertaking**
- If you break the rules you could be arrested and sent back to jail until court.

Criminal Charges

- **You should always contact your lawyer before your first day in court.**
- In order to get the help you need with your court, your lawyer has to meet with you.
- Together, you and your lawyer can decide what is best to do with your court.

Criminal Charges

- **Guilty:**

- Pleading guilty means you admit to what the police are saying you did (or at least some of it.)
- It means you do not want to fight your charges (with a trial) and the judge will give you a sentence (a punishment) after listening to your lawyer and the Crown.

Criminal Charges

- **Not guilty:**
 - Pleading not guilty means that you want to fight your charges and that you're going to have a trial.
 - The Crown will have to prove that you did what the police are saying you did.
 - If you plead not guilty, your rules still apply until your court is done or you have them changed.
 - You'll have to stay in touch with the lawyers and fill out a legal aid application before your trial.