

Provincial Court of Alberta

**Youth
Interim Judicial
Release
(Bail Hearing)**



I have been arrested. What happens now?

The police may give you an official document telling you when to appear in court. This document may be:

- an appearance notice
- a promise to appear
- a recognizance entered into before an officer in charge

OR

The police may take you before a justice of the peace or judge for a bail hearing.

You may also have to go to the police station to be fingerprinted and photographed.

What happens at a bail hearing?

The justice of the peace or judge will tell you that you have the right to have a lawyer or other person help you in the hearing. He or she will read the charge (the offence) to you.

If you choose to have someone present, you will stay in custody until that person shows up.

At the hearing, the prosecutor will tell the justice of the peace or the judge why they feel you should be kept in custody or, if you are to be released, the rules they want you to follow.

There are three reasons you can be held in custody:

1. Primary grounds - the justice of the peace or judge feels that you will not show up for your court appearances.
2. Secondary grounds - the justice of the peace or judge feels that you may commit another crime.
3. Tertiary grounds - the justice of the peace or judge feels that it would be in the best interest of the community that you not be released.

If you are released, you will have to sign an order which may include rules you will have to follow. You may be asked to deposit a certain amount of money (bail) or have someone else (a surety) pledge money to have you released.

If the justice of the peace decides not to release you, you may ask the justice of the peace to place you in the custody of a responsible person instead of staying in jail.

Who is a responsible person?

A responsible person is someone who agrees in writing to take care of you, to make sure that you go to court, and to make sure that you follow the rules on the order. You will only be released to the responsible person if you agree in writing with these arrangements.

What happens if I don't have the money?

You will stay in jail until you get the money, until somebody else comes up with the money, or until your case is finished.

What are some of the rules I may have to follow?

Some rules are:

- Keeping a curfew
- Staying away from certain places or people
- Attending school

Other rules can also be imposed.

How long does the release order last?

This order lasts until the charge is finished and you have either received your penalty or been found not guilty. If you or someone for you has deposited money, this money will not be returned until the charge is finished.

What happens if I don't obey these rules or don't show up for court?

A warrant will be issued for your arrest and you may be charged with another offence (failing to appear or breach of condition).

If money was deposited, you may not get it back.

If somebody else (a surety) pledged money to have you released, this person may have to pay the money.

If you were released to the care of a responsible person, both you and that person may be charged with an offence.

How do I get my money back?

If you have obeyed all the rules and appeared for all court hearings, after your charge is finished, you will get your money back.

If somebody else deposited the money for you and you signed a special form, the money will be given back to that person.

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