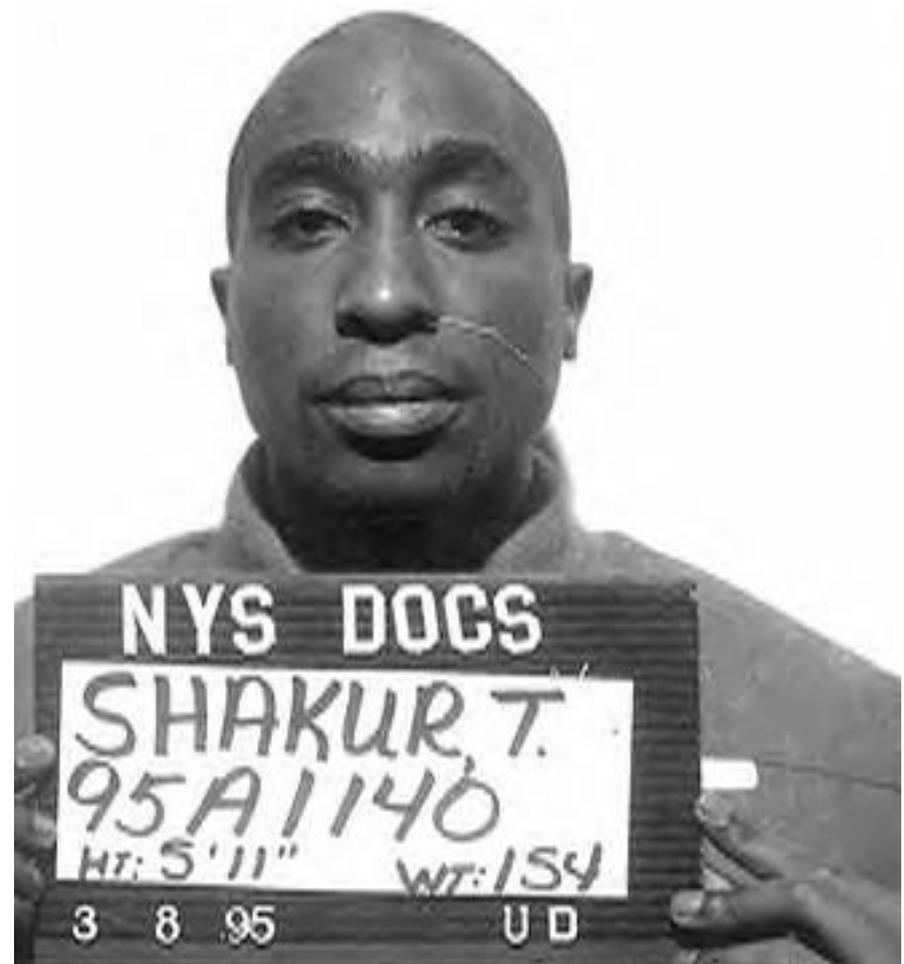


Procedures Of Trial Arrest



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- Once a person is arrested
- The victim can be asked to identify them.
- They are photographed and fingerprinted



Procedures Of Trial Arrest

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The only people authorities can photograph and fingerprint are people arrested for an indictable offence. If the person is not charged or acquitted then the information will be kept for 10 years

A lineup is used to identify suspects

Police cannot force someone to participate in a line-up.



Procedures Of Trial Arrest

Pretrial Release

Once a person has been photographed and finger printed the police may release the accused until the trial

Depending on the accused's record release may be considered for people accused of summary offences or indictable offences that carry a fine of \$5000 or less

If the police believe that the accused will go to court willingly and poses no threat to society they can release them on a **PROMISE TO APPEAR**



Procedures Of Trial Arrest

Bail

- The police can keep people accused of serious offences in custody after an offence, but they can apply for bail
- Bail is the temporary release of a prisoner who posts a sum of money to guarantee their appearance in court
- A bail hearing must be held before a JOP within 24 hours of arrest



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The Crown can request a **SHOW CAUSE** hearing to convince the judge that the prisoner should stay in jail until the trial date

Reasons to do this are: Flight Risk or Risk to Public Safety

Reverse Onus can come into play as well as it may be up to the defence to prove why the accused should be granted bail.



Wally Oppal has been a four-month extension for his report based on evidence heard at the Missing Women Commission of Inquiry.

Photograph by: GlobalTV

Procedures Of Trial Arrest

This is the case when

- The Charge is Murder
- Indictable Offence and accused is not a Canadian resident
- The Accused committed the offence while out on bail
- The Accused is charged with trafficking narcotics
- A Firearm was used in committing the crime
- Where a firearm is used and the accused is under a firearm prohibition order



Procedures Of Trial Arrest

Habeas Corpus

If a person feels that they have been illegally detained and denied bail they can file a writ of Habeas Corpus

This requires the Crown to produce the witness in court and give arguments as to why they must be detained

The Crown must also show that the accused is not being mistreated

