

WHAT TO DO WHEN YOU GET ARRESTED...



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RIGHT AFTER
YOU'RE ARRESTED



THINGS TO THINK
ABOUT RIGHT AWAY

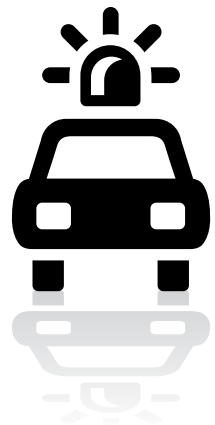
What to do when you get arrested...

The first few days after you get arrested can be a very confusing time. You're dealing with the RCMP, lawyers, judges, and maybe even staff at a jail. You may not understand what's happening, or why you're going to certain places. This book will help you with some of the more common questions.

Call your local Legal Aid courtworker at:

- Beaufort-Delta (except Tuktoyaktuk): 777-7338
- Dehcho: 695-2106
- Fort Smith: 872-6568
- Hay River and South Slave: 874-2475
- Sahtu: 598-2762
- Tlcho: 392-6386
- Tuktoyaktuk: 977-2260
- Yellowknife: 920-6373 or 920-8009
- Main office: 873-7450

You can ask your courtworker or probation officer any question, any time. They can help you find the information you need.



RIGHT AFTER YOU'RE ARRESTED



What should I do if I get arrested?

Go with the police: do not fight them or run away. Tell the RCMP that you want to call a lawyer. They have to help you call a lawyer who can tell you if you should talk to the police and can help you get released from custody. You have a right to talk to a lawyer, and you can talk to the lawyer in private.

You do not have to talk to the police at all, except to tell them your name. You do not have to answer their questions or give any statements. Anything you say can be used in court against you, so it's important to talk to a lawyer before you talk to the police.

Never lie to the police. However, depending on the situation, it might be best for you to not talk to the police about what happened. Your lawyer can tell you what to do.

If you need an interpreter, tell the police right away. Make sure your lawyer knows, too.

When can the police arrest me?

The police can arrest you if they have a legal form called an “arrest warrant”. If a judge has signed this form, the police can arrest you by showing it to you or telling you about it. They need to tell you why they are arresting you and make sure that you understand them. They can touch you, but not hurt you.

The police can arrest you without a warrant if you have committed a serious crime or if they believe you will commit a serious crime.

If it is a less serious crime, they can arrest you without a warrant if they see you commit the crime and they need to:

- find out who you are,
- stop you from committing the crime,
- keep you from destroying evidence or
- make sure you will go to court.

What if I am younger than 18?

The rules are a bit different if you are younger than 18. A law called the Youth Criminal Justice Act applies to people under the age of 18 who commit crimes. It is a good idea to call your parents and have them come to the RCMP detachment. You can call both a lawyer and your parents: you do not have to choose between them. If the lawyer tells you that you should talk to the police, your parents can be there while you talk to them.

If you don't want to call your parents, the RCMP can call them for you.

How do I get an interpreter?

Tell the police right away that you speak another language and need an interpreter. You should also tell your courtworker and your lawyer. The courts will hire someone who speaks your language to interpret for you in court.

Can the police keep me in custody?

Yes, in certain situations.

In many situations the police will charge you and then release you on a “promise to appear” or an “undertaking”, which may have certain conditions for you to follow. If the police do not agree to release you, they have to arrange for a court appearance called a “show cause hearing” before a justice as soon as possible.

The police released me, but they said I still have to go to court. What does that mean?

In many situations the police will charge you and then release you on a “promise to appear” or an “undertaking”, which may have certain conditions for you to follow. If you do not follow those conditions the police can arrest you again.

If the police give you papers that say you have to go to court at a certain time, you have to go. If you don't go to court at that time, you can be charged with a crime called “failing to appear”, and you can be arrested and put in jail until your trial.

The police are not going to release me. What happens next?

If the police are not prepared to release you they must take you before a justice (a JP or a Judge) within a certain time period for a “show cause hearing”. The justice will hear from the police or the Crown prosecutor and your lawyer and decide whether you can be released and whether there will be conditions on your release. At a show cause hearing, the justice may hear evidence about whether releasing you may not be a good idea. For example, if you have hurt someone, and that person may not be safe if you are released in the next few days, the justice will think about that.

There will be a lawyer who will assist you in court for this hearing. Your lawyer or courtworker will give you advice about what to do in court.

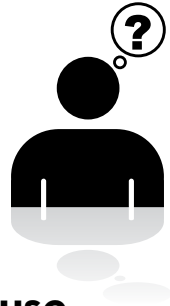
If the justice agrees to release you, there will be “conditions” set. This means that you have to do certain things to be allowed out of jail. For example, you may have to agree to stay away from a certain person, you may have to live in a certain place or you may have to pay money or bail to the court. Listen carefully when the justice discusses these conditions. The conditions will be written on a form called an “undertaking” or “recognizance”. The Clerk of the Court will go over this with you and explain to you what it means. If you don’t understand, ask your lawyer or the Clerk. Once you are sure you understand, the Clerk will ask you to sign the form.

The Justice did not release me.

The justice may say that you have to stay in custody. If that happens, the police will usually bring you to one of the NWT's correctional centres:

- For adult men: Yellowknife
- For adult women: Fort Smith
- For boys aged 12-17: Yellowknife
- For girls aged 12-17: Inuvik

THINGS TO THINK ABOUT RIGHT AWAY



The social worker came to my house when I was arrested, and my kids were put in care. What do I do?

Your kids are in a safe place. Call Legal Aid right away and tell them what happened. They will be able to help you. Remember that your kids' safety is the top priority. They may be able to stay with a family member if your house is not a safe place for them right now.

The social worker may decide to place your children right away with another parent or relative. If they do not, you will soon receive papers letting you know about a court application to confirm the apprehension of your children. You should contact legal aid right away and ask for assistance with the court application and with the ongoing child protection matters.

I have a medical condition. Who needs to know about it?

Tell the RCMP what you need. If you need pills or medical supplies, they can help you to get what you need from your house.

Your courtworker, lawyer and probation officer usually won't need to know about your medical condition, but you can tell them if you think it's important. If your medical condition is relevant to the things you've been charged with, be sure to tell your lawyer.

If you have to go to jail, make sure you tell a staff member about your medical condition as soon as you are admitted. He or she

can arrange for you to get any urgent treatment, and can give you advice about the best way to take care of yourself. If your situation isn't urgent and you will not be in jail long, treatment will usually be scheduled for after your release.

What do I tell my boss?

If you can't get to work because you are in jail, make sure your boss knows you won't be at work. Tell him or her what happened, and ask if you can talk about it in a few days when you know more about what is going on.

I'm under 18. Do I have to tell my school what happened?

No, but it's a good idea to have your parents let the school know that you will be away for a few days. If the justice sends you to one of the NWT's jails for young people, you can keep up with your schoolwork with the teacher there.

How do I apply for Legal Aid?

Legal Aid provides legal advice and representation to people who can't afford to pay for the whole cost of a lawyer. It pays for criminal cases and family law cases for people who meet the financial requirements. It does not pay for most other types of legal services.

To apply for legal aid, contact your local courtworker. The phone numbers are on the first page of this booklet. He or she can take your application and give you information about the justice system.

You do not need to apply for legal aid until you are ready to go to trial. Your lawyer or the courtworker will let you know when you need to apply. Before you are ready for trial, Legal Aid will provide a lawyer to help you as long as you show up in court when you are required to do so.

If you have been arrested, call Legal Aid and find out who your lawyer will be. Contact that lawyer right away.

