

What happens if you are arrested



Statement of care

If you are arrested, you will be treated with:

- Compassion (care)
- Dignity (decency)
- Respect (courtesy)
- Fairness (impartiality)

no matter who you are or how you act.

We make sure you have:

- Physical and emotional safety
- Security
- Dignity
- Privacy

This is for everyone and does not change because of your:

- Age
- Race, culture, or religion
- Gender
- Physical or mental ability
- Economic status (the amount of money you might have or make)

You have rights when you are arrested and detained

Your rights are:

- A police officer must explain why you have been arrested and detained
- **You have a right to say nothing.** Anything you say could be evidence against you at a later court date. Are you unsure if you should speak? Wait until you can talk to a lawyer first.
- **Are you under 18 years of age?** Tell the police officer if you want us to tell an adult where you are, like a family member, parent, or guardian.
- **Are you sick, ill, or hurt?** Tell the police if you have a medical emergency. Medical help is free.
- If you do not understand something, please ask us for help.

- **Do you need an interpreter?** Tell the police. This is free and is provided by the police.
- **Are you Canadian?** If you are not Canadian, tell us. If you want, we can contact your High Commission, Embassy, or Consulate, and tell them where you are and why you are in the police station.
- A person with the title *Justice of the Peace* will review your charges and determine what happens next
- In some cases, you may be charged and released with paperwork. If this happens, you have the right to:
 - Read the papers and see what date you must go to court and give your finger prints
 - Speak to a lawyer for advice before that court date
- In some cases, if charges against you are serious, or if there is a warrant for your arrest:
 - You are put in a police car and driven from here to a place called *Arrest Processing*
 - You see a *Justice of the Peace* (the public worker who reviews your case)
 - You have a bail hearing
 - You are held in custody (this means you must stay in a place where police can watch you) until all of this is complete
 - All of this can take from 18 - 24 hours to complete

What happens when you arrive at Arrest Processing

When you arrive, you are booked in. This means a person from Arrest Processing:

- **Asks you for your personal information** to put on the detention record
- **Takes your photo and your fingerprints.** Your fingerprints and photo are necessary to process criminal charges against you.
- **Physically searches you.** We must remove any items that are not allowed inside.

What happens if you are arrested



Your clothes

After the search, you can keep one layer of clothes. Everything else you are wearing is put in a bag and kept safe for you.

If your clothes need to be taken as evidence or the clothes cannot be worn, the police give you different clothes

Your property and belongings

Anything you carry with you is put in a bag and kept safe for you. This includes body piercings or jewelry.

We make a written record of your clothes and property called a *Prisoner Property Record*. We ask you to sign that record. **Please make sure the record is correct and all your property is listed before you sign.** Your property is returned to you when you are released.

Medical assessment and care

After your book-in, a medic (someone who is like a doctor):

- Speaks to you
- Checks your physical and emotional well-being to make sure you are healthy enough to stay at Arrest Processing

If you must leave Arrest Processing to see a doctor:

- The medic and police set this up
- You may have to pay for this, depending on your insurance coverage

Do you have medications or prescriptions?

Tell the medic about all the medication you are on and if you have them with you. You may only take your medication if it is in the original container and has your name on it.

Be honest with the medic about using any illegal drugs. You will **not** get into trouble, even if you say you have been using illegal drugs. The medic needs to know for your health and safety only.

Are you menstruating? Tell a police officer or the medic and they will give you pads or tampons. These are free.

Do you have a medical concern? Tell the medic. The medic is there to ensure your safety and health. You can ask for a medic at any time while you are at Arrest Processing.

Legal advice/calling a lawyer

After you are booked in, you get a phone so you can call a lawyer. A lawyer can help give you advice about the law and your situation. You can speak to your lawyer in private. You can call any lawyer you choose.

To talk to most lawyers, you have to pay money. If you cannot pay for a lawyer, you can use Alberta Legal Aid. The Legal Aid lawyers do **not** cost you money. They can help you during your bail hearing. Many people in custody use this service.

If you talk with someone from Legal Aid, they:

- Talk to you about your case
- Give you legal advice
- Speak to the Crown prosecutor (the lawyer for the government) for your interests and your requests and plans for your release
- Speak to the Justice of the Peace for your interests and your rights

Holding cell

After you use the phone, you go to a cell to wait for a bail hearing. The cell has a toilet, a sink, and a water fountain. The cell should be clean. You may have to share a cell with other people.

You are normally detained in a cell for 18 - 24 hours. It takes this long to process your file and see a Justice of the Peace.

You are provided a sandwich and a bottle of water every 6 hours.

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Bail hearings

The bail hearing is the **first meeting** of your case. You are here because something you did **might** have been a crime. This meeting decides if the accusation against you is an official criminal charge.

How a bail hearing happens

1. Your case (the accusation against you) is reviewed by the Crown prosecutor and your lawyer (if you have a lawyer).
2. Your case and the information from the review is brought to the Justice of the Peace to review.
3. The Justice of the Peace hears from:
 - The Crown prosecutor about the situation
 - Either you or your lawyer to advocate on your behalf to either stay in custody or be released, with or without conditions
4. The Justice of the Peace decides the date of your next court appearance. The court date is the day and time you must come to court for your case to be reviewed by a Judge.
5. The Justice of the Peace decides whether you are to be released. One of these will happen to you:
 - You are **released with no conditions**. This means you can leave with no extra rules or limits on you before your court date.
 - You are **released with conditions**. This means you can leave, but there are rules and limits you must follow.
 - You are **not released**. You must stay in custody/jail while you wait to go to court.

Release from custody

If the Justice of the Peace decides you can be released from custody, the release paperwork is created. The paperwork can take several hours. Once the paperwork is done:

- You can go back to the book-in area
- Someone explains the paperwork to you

- You need to sign the documents to show you understand them

When you have signed the release paperwork, you get your property back. You are asked to sign the property sheet to agree that all your property has been returned. After your property is returned, you are walked out of the building.

Before you leave the building, you can ask to use the phone to call for a ride. If you are under 18, you are released to an adult.

Remain in custody

If the Justice of the Peace decides you need to stay in custody to attend court, you are moved to the Calgary Remand Centre, or another appropriate correctional facility.

You and your property are transported to the correctional facility. When you arrive, the correctional facility explains to you what happens next.

Medical care and access to a phone is available to you for the whole time.

Remember your right to remain silent

You have the right to say nothing. Anything you say could be evidence against you at a later court date.

If you are asked about the suspected offence, you do not have to say anything.

If you are unsure if you should speak, wait until you can talk to a lawyer first.

How to make a complaint

Do you have a complaint about how you were treated at Arrest Processing?

- Phone the Professional Standards section at 403-428-5904, OR
- Go to www.calgarypolicecommission.ca