

If You're Charged with a Crime

February 2025

Basic information about what to do if you're charged with a crime.

You have the right to be silent. Don't talk to anyone or plead guilty until you get legal advice.

Call Legal Aid BC immediately to find out if you qualify for a free lawyer.

604-408-2172
(Greater Vancouver)

1-866-577-2525
(elsewhere in BC)

Legal Aid BC





Don't plead guilty or make a statement to anyone without getting legal advice. Call Legal Aid BC immediately to find out if you qualify for a free lawyer.

604-408-2172 (Greater Vancouver)

1-866-577-2525 (elsewhere in BC)

If you can't get a legal aid lawyer, most courthouses have lawyers called **duty counsel**. See page 9 for free legal help.

If you're arrested, detained, or in custody but not yet charged, and need emergency legal services, you have the right to talk to a free lawyer through the **Brydges Line**. The police should let you make the call to that line in private as soon as possible. They give you the phone number, or you can ask them for it. Don't make any statements to the police before you talk to a lawyer.



If You're Indigenous

Indigenous peoples include First Nations, Métis, and Inuit. If you're Indigenous and charged with a crime, the judge must apply **Gladue principles** when setting bail or during sentencing. This means the judge must consider your personal and unique circumstances as an Indigenous person and options other than jail. Gladue principles apply to all Indigenous peoples. They also apply whether you live on or off reserve.

See pages 9 – 11 for legal services for Indigenous people in BC. To find out more about Gladue principles and Gladue reports, see BC First Nations Justice Council at **bcfnjc.com**.



What You Need to Do First

1. Talk to a lawyer



Remember, you have the right to remain silent when you're arrested or charged. Talk to a lawyer before you make a statement, admit to anything or plead guilty, and before you talk to the **Crown prosecutor** (government lawyer, also called the **Crown**).

See page 9 for where to get free legal help. Call Legal Aid BC immediately to find out if you qualify for a free lawyer.

A lawyer can tell you:

- about your legal rights
- what your defence may be
- how strong the case is against you
- if the Crown may ask for a lesser charge
- what kind of sentence you may get if the judge finds you guilty
- if you can avoid a criminal record

A lawyer can also:

- **negotiate** (work out a plan for you) with the Crown
- defend you in court
- help you change the **conditions** (rules) of your bail

2. Learn your court date

If you're arrested, the police or court gives you a document. It may be an **appearance notice** or **promise/notice to appear**. If you aren't arrested, you get a **summons**.

- The document says what you're charged with and the type of offence. It also has the date, time, and place of your **first appearance** in court. You must go to court at that time and date.
- If you don't go to court when the document says, or you don't obey the conditions set out in it, the police can arrest you and take you to court. The Crown can charge you with **failure to appear** or a **breach** (disobeying conditions).

3. Get details of the charges

- Ask the Crown for a copy of the **disclosure** (also called the particulars) on your first court date. This is a package of documents that includes the charge and the Crown's evidence against you. Make sure the disclosure also includes the **Information**. It's the official court form with the date, place, and type of your offence.
- Also ask for a copy of the **initial sentencing position**. This is the sentence the Crown asks for you if you plead guilty. The judge decides your sentence. It may be different from the sentence the Crown asks for. Legal Aid BC needs this document if you apply for a legal aid lawyer.

- Read the documents. See if you think they're correct. For example, you may not agree with what the police say happened. Later on, you can tell the court what you don't agree with.

4. Decide how to plead



Always talk to a lawyer before you make a statement, admit to anything, or plead guilty. Call Legal Aid BC immediately to find out if you qualify for a free lawyer.

604-408-2172 (Greater Vancouver)

1-866-577-2525 (elsewhere in BC)

After you talk to a lawyer, you decide how to **plead** (respond to the charge against you).

- If you decide to plead **not guilty**, your case goes to trial at a future date.
- If you decide to plead **guilty**, you may have to pay a fine, be put on probation, or go to jail. You could get a criminal conviction on your record. This may limit the jobs you can get and where you can travel. You may lose your fishing, hunting, or driver's licence for months, years, or the rest of your life. Having a criminal conviction on your record could also affect your rights in a family dispute.



What Happens at Court



The court process may be different depending on the seriousness of your crime.

See page 12 for Legal Aid BC resources about what happens at court.

Your first appearance

The first time you're in court is to find out more about the charge against you. Your first appearance (initial appearance) isn't a trial.

Usually, your first appearance is in front of a **judicial case manager**. The judicial case manager is like a judge. The Crown is also there.

The judicial case manager asks if you have a lawyer or talked to Legal Aid BC, and if you're ready to plead. At this stage, you have three choices.

You can say you intend to plead not guilty

If you decide to plead not guilty, the Crown, you, and your lawyer (if you have one) usually have an **arraignment hearing**. This hearing usually happens on another date. On that date you and your lawyer tell the judicial case manager how many witnesses you plan to call and how long the trial may take. The Crown does the same. The judicial case manager then sets the date and time for your trial.

You can say you intend to plead guilty

If you decide to plead guilty, you go to a courtroom that day if a judge is available. You have to plead guilty in front of a judge for sentencing. If a judge isn't available that day, or you want more time to get ready for sentencing, the judicial case manager sets another date for you to plead guilty in front of a judge. *Be sure you talk to a lawyer before you decide to plead guilty.*

You can ask for more time

If you don't have a lawyer yet, or you don't have all your documents from the Crown, you can ask for more time to decide how to plead. The judicial case manager can give you an **adjournment** (more time). The Crown can also ask for an adjournment. The judicial case manager says when you and the Crown have to return to court. At your next court appearance, you have to decide if you want to plead not guilty or guilty unless you get another adjournment. The court won't give you further adjournments without a good reason.

Your trial

At your trial in front of a judge, the Crown and you (or your lawyer) call witnesses and present evidence. You can choose to testify or not testify. Get advice from a lawyer about whether you should testify or not. The judge decides if you're not guilty or guilty.

Sentencing

If you decide to plead guilty, or you're found guilty after your trial, a judge sentences you. The Crown first tells the judge about the charge and facts of your case. Then the judge asks if you have anything to say. Now you can give the judge information that may help you to get a lighter sentence.



Can You Avoid a Criminal Record?

Alternative measures

The Crown may deal with your case through **alternative measures** (also called **diversion**) if:

- the charge against you is minor and your first offence
- you're willing to tell a probation officer you committed the offence
- you feel sorry about what you've done

You report to a probation office and follow a program set out for you. The program may include community service or counselling.

The Crown has to agree to the program, and the probation office has to accept you. If you're accepted into the program and complete it:

- your charge is **stayed** (the Crown doesn't proceed with the charges)
- you don't get a criminal conviction
- you must continue to appear on your court dates while you're completing the alternative measures program until the court says you no longer have to

Absolute or conditional discharge

The court may give you an **absolute discharge** or **conditional discharge** if:

- the charge against you is minor and your first offence
- you plead guilty
- you feel sorry about what you've done
- it's in your interest and **not contrary to public interest** (not a problem for the public)

A conditional discharge includes a period of probation with conditions that you must obey. If you don't obey the conditions, you won't benefit from the discharge and you're charged with a new offence.

If you complete all conditions, the discharge is **deemed** (considered) not a conviction in Canada. But your discharge will be registered on various documents such as RCMP and other government records.



A diversion or absolute or conditional discharge may limit your travel outside of Canada or affect your employment and volunteering opportunities. Always talk to a lawyer before you admit to anything or plead guilty.



Your Legal Rights

Remember, you have legal rights. If you're arrested, the police must:

- tell you the charge against you
- tell you that you have the right to remain silent and talk to a lawyer as soon as possible
- let you talk to a lawyer on the phone in private as soon as possible — a free lawyer is available through the Brydges Line 24 hours every day, province-wide

You also have the right to:

- remain silent
- have an interpreter if necessary
- be thought of as innocent until proven guilty in court
- have a fair trial

Talk to a lawyer if you think any of your rights are ignored.

Legal Aid and Other Free Help

Legal Aid BC

604-408-2172 (Greater Vancouver)

1-866-577-2525 (elsewhere in BC)

legalaid.bc.ca (for Legal Aid BC locations)

If you might go to jail and your income is low, you may get a free lawyer from Legal Aid BC. Only certain offences are covered by legal aid. Call or go to the Legal Aid BC location near you.

Duty counsel

provinciacourt.bc.ca/court-locations

You can talk to duty counsel at the courthouse where your charges are being dealt with if they're available on your court day. They can give you free brief legal advice and speak on your behalf the first time you appear in court. But they can't act as your permanent lawyer or help you with your trial. Call Legal Aid BC or your local courthouse to ask when duty counsel are available.

BC First Nations Justice Council

bcfnjc.com

Offers legal services for Indigenous people in BC, including justice centres and Gladue services.

Access Pro Bono

604-878-7400 (Greater Vancouver)

1-877-762-6664 (elsewhere in BC)

accessprobono.ca

Gives free legal advice at clinics throughout the province to people with low and modest incomes. Call to make an appointment.

The Law Centre, Victoria

250-385-1221

uvic.ca/law/about/centre/index.php

May be able to help you if you live in Victoria and if you're eligible and qualify financially. The centre provides free legal representation if you're charged with a summary offence and aren't likely to get a jail sentence if convicted.

Native Courtworker and Counselling Association of BC

604-985-5355 (Greater Vancouver)

1-877-811-1190 (elsewhere in BC)

nccabc.ca

Provides culturally appropriate services to Indigenous people involved in the criminal justice system.

TRU Community Legal Clinic, Kamloops

778-471-8490

tru.ca/law/students/outreach/legal-clinic.html

Gives free legal help and advice in a range of areas if you can't afford a lawyer.

UBC Indigenous Community Legal Clinic

604-822-5421 (Greater Vancouver)

[allard.ubc.ca/community-clinics/
indigenous-community-legal-clinic](http://allard.ubc.ca/community-clinics/indigenous-community-legal-clinic)

Provides free legal advice, accompaniment to court, and advocacy to Indigenous people who don't qualify for legal aid.

UBC Law Students' Legal Advice Program

604-822-5791

lslap.bc.ca

Gives free legal help if you live in Greater Vancouver. Law students can help if you're charged with a **summary offence** (a less serious crime) and likely won't get a jail sentence if you're convicted.

To Find a Lawyer

Lawyer Referral Service

604-687-3221 (Greater Vancouver)

1-800-663-1919 (elsewhere in BC)

[accessprobono.ca/our-programs/
lawyer-referral-service](http://accessprobono.ca/our-programs/lawyer-referral-service)

Call the Lawyer Referral Service to get the name of a lawyer. You can speak to the lawyer for 15 minutes for free to briefly describe your issue, find out how much they charge, and decide if you want to hire them. Or ask your friends or family for the name of a good lawyer.

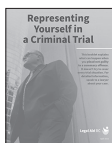
Legal Aid BC Resources

Find these resources at info.legalaid.bc.ca



Defending Yourself (series)

Explains what to say in court to defend yourself from the charge against you if you don't have a lawyer.



Representing Yourself in a Criminal Trial

Helps you get ready for trial if you don't have a lawyer or don't qualify for legal aid.



Speaking to the Judge Before You're Sentenced

Describes what you can say to the judge before sentencing. Explains possible sentences.



What's First Nations/Indigenous Court?

Explains that if you plead guilty to a crime, you may be able to go to a First Nations/Indigenous Court for sentencing. For more information, see aboriginal.legalaid.bc.ca.

Notes

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Legal Aid BC

