



# Important Legal Words

**Absolute Discharge** – A decision by a court to not impose punishment or a criminal record on someone guilty of a criminal offence, but only if it is in the best interests of that person and not contrary to the public interest.

**Appearance Notice** – A sheet of paper given to you by the police or the court that requires you to show up for court on a certain day. Not showing up to court will result in further charges, and you won't be able to participate in *diversion programs*.

**Arrest** – The action of a person holding another person against that person's will. Police, private security and private citizens can all make arrests in certain situations.

**Bail** – Money placed by you or your family or friends with the court to support your promise that you will show up for your trial.

**Breach of the Peace** – The arrestable action of causing a disturbance. Usually involves some threat of violence. There is no charge for Breach of the Peace; the police must release the arrestee shortly after arrest or charge the arrestee with another offence.

**Car 87** – A regular police car, staffed with a police officer and a mental health professional, usually a nurse, that responds to suspected mental health emergencies.

**Civil Suit** – A court case used to recover costs that result from the wrongful actions of another person.

**Conditional Discharge** – A decision by a court to not impose punishment or a criminal record on someone guilty of a criminal offence, but only if it is in the best interests of that person, not contrary to the public interest, and if the conditions imposed by the court have been met.

**Crown Counsel** (also "Crown") – The lawyer who is speaking on behalf of the government against the accused in a criminal trial.

**Counsel** – A lawyer.

**CSIS** – Canadian Security Intelligence Service. Canada's spy service.

**Defence Counsel** – The lawyer for the accused in a criminal trial.

**Detention** (Detained) – The state of being held by police so they can investigate you. Police must have "articulable cause" (they must be able to explain why) to detain a person for investigation purposes.

**Diversion Programs** – Programs, generally for first-time offenders, that may allow them to avoid jail and criminal records in return for community service work, apologies and meeting certain conditions.

- DNA** – The blueprint of life that contains a genetic “fingerprint” unique to you. *DNA* fingerprints can be read from bodily substances including blood, hair and semen.
- DNA Testing** – The police process of reading your genetic fingerprint and comparing it to *DNA* found at a crime scene.
- Dual Offence** – see *Hybrid Offence*.
- Duty Counsel** – The free lawyer at the courtroom who can help people set court dates, plead guilty and sometimes help in applying for *legal aid* or finding a lawyer.
- Hybrid Offence** – An offence *Crown Counsel* can choose to proceed with as either a *summary* or *indictable offence*.
- Indictable Offence** – The most serious kind of offence. Murder, manslaughter and aggravated assault are all *indictable* offences. Pronounced “in-di-ta-bal.”
- Justice of the Peace** – A court official, sometimes a local lawyer, who can take the place of a Judge for more minor legal hearings, including issuing warrants.
- Lawyer** – An expert in the legal system, a professional certified by the provincial law society. Also called *Counsel*.
- Legal Aid** – Money from the government that pays for a lawyer for you.
- Pat-Down Search** – A search performed by pressing hands along a person’s body outside their clothing. Also called “frisking.” Usually used to check for weapons.
- Prosecutor** – see *Crown Counsel*.
- Public Intoxication** – The arrestable offence of being so drunk or high you are a danger to yourself or others, or you are causing a disturbance. Must occur in a place accessible to the public.
- Reasonable Grounds** (Reasonable Cause) – A good reason to believe something. Usually used to say that police need some evidence beyond just a “hunch” or a suspicion before they arrest you or search you.
- Remand Centre** – Where you are held until your trial if the Judge decides not to release you at your *show-cause hearing* or you can’t provide bail money.
- Show-Cause Hearing** – If you are not released by police, the hearing during which the police explain why you were not let go and during which the date for your trial is set. Usually the Judge places conditions (*bail*, no drinking, etc.) on your release.
- Special Provincial Constables** – A designation for people who are not regular police officers, yet still have many of the powers of police. Transit police are an example of *Special Provincial Constables*. The complaint process is different for these constables than for the police.
- Summary Offence** – The least serious kind of offence. Generally carries a maximum penalty of six months in jail and/or a \$2,000 fine.
- Surety** – Someone, usually with a job and residence in the province where the offence was committed, who is willing to go to court and promise that you will appear for your court date.
- Warrant** – A piece of paper issued by the court ordering police to do something. *Warrants* can, among other things, order the search of a residence (search *warrant*) or require the arrest of a person (arrest *warrant*).