

DETENTION REVIEW INFORMATION FOR ADULTS

(pursuant to section 525 of the Criminal Code)

What is a detention review?

If you have been on remand for 90 days before your trial has started, you are able to have your detention reviewed by a Court of Queen's Bench Judge. A detention review is like a bail hearing in that the Judge looks at whether you should stay in custody. What makes it different from a bail hearing is that if the Judge decides you should stay in custody, the Judge can direct that an earlier court date be set if there has been unreasonable delay.

What a detention review is not

A detention review does not replace a bail hearing or take away your right to have a bail hearing if you have not yet had one. A detention review does not replace your right to apply for a review of a bail hearing decision in which your release was denied.

What are your rights?

You decide whether your detention will be reviewed after being on remand for 90 days. The jail must apply to the Court to review your detention unless you do not want that to happen.

If you do not want a detention review, you can waive that right in writing on a form called "Do You Want a Detention Review?" that will be given to you. If you fill out and sign that form saying you do not want your detention reviewed, the Court will not review your detention.

Before filling out and signing this form, you should talk to your lawyer.

What is the Process?

A. If you want your detention reviewed

After the jail applies to the Court to review your detention, you will receive from the Court two forms:

1. Notice of Detention Review; and
2. Do You Want a Detention Review?

If you have a lawyer representing you, these forms will also be sent to your lawyer.

The Notice of Detention Review says what the date of your first appearance is.

In the "Do You Want a Detention Review" form, mark an X on the line in the form that says you want a detention review. Sign and date the form. You will then appear in Court by closed circuit TV [CCTV] on the next detention review Court date.

What happens at your first appearance?

This first appearance is not your hearing date but instead when you will speak to a Judge. The Judge will explain the process and answer any questions you have.

You can then decide:

- whether you want a date set for your detention review
- whether you want to adjourn until the next chambers date to get legal advice and / or think about what you want to do
- whether you do not want to have your detention reviewed.

What happens during the detention review hearing?

During the detention review hearing, to decide whether or not you should remain in custody, the Judge will consider things like:

- What is your proposed release plan
- The risk you will not come to Court when required
- The safety of the public, witnesses and complainants
- The seriousness of the offence(s)
- The strength of the case against you
- The length of the sentence you could receive if you are convicted
- How long have you been in custody
- When is your trial or preliminary hearing set for

B. If you do not want your detention reviewed

You will still receive these two forms:

1. Notice of Detention Review; and
2. Do You Want a Detention Review?

You can waive your right to a detention review in the “Do You Want a Detention Review” form by marking an X on the line that says you do not want a detention review and consent to the dismissal of the s. 525. Also sign and date the form.

The appearance on the date in the Notice of Detention Review form will then be cancelled.