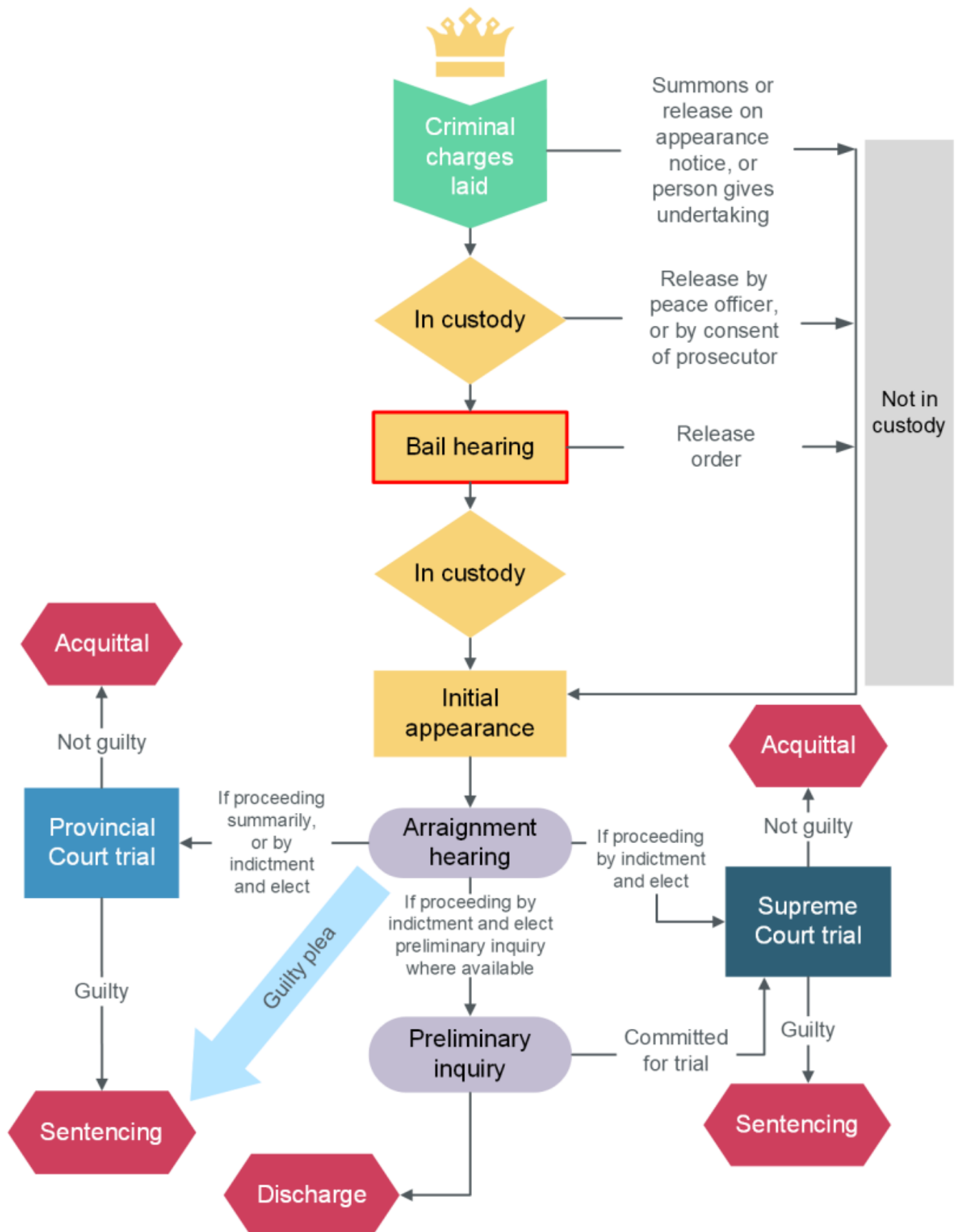




Provincial Court
of British Columbia



When and where bail hearings happen

If you are arrested and detained by police during the night or on a weekend, you may be released on bail by a judicial justice at the Justice Centre after a hearing conducted by telephone or video conference.

If you have been arrested and kept in custody by a police officer or judicial justice, you will appear before a judge in Provincial Court as soon as possible for a bail hearing. A bail hearing can also be called a “show cause” or “judicial interim release” hearing. You may have your own lawyer or a Legal Aid duty counsel to speak for you at a bail hearing that day, or you may agree to put off your bail hearing and remain in jail in order to get your own lawyer privately or through Legal Aid.

Bail hearings are now conducted:

- Remotely in the Northern, Interior and Island Regions
- In hybrid bail courtrooms in the Vancouver and Fraser Regions

The Court’s *CRIM 05* Practice Direction explains how bail applications work in the various regions.

[*CRIM 05 Hearing of Bail Applications*](#)

[Map of administrative regions](#)

What happens at a bail hearing

At a bail hearing, the Crown counsel will tell the court the allegations against you and any criminal record you may have. Your defence lawyer, if you have one, will tell the court about your background, roots in the community (home, family, work or school, etc.), and anything else that might help the court decide whether you should be granted bail.

If you are granted bail and released, your matter will be adjourned to an initial appearance at a later date. If you are not released, you will be held in jail (“remanded in custody”) until your next court date. The Court tries to provide the earliest trial dates possible for people held in custody.

[Initial appearance](#)

The law that applies to bail hearings

At a bail hearing a judicial justice or judge must decide whether it is necessary to keep you in jail, or whether you can be released, either with or without rules for your conduct

("conditions"). The judge or justice must follow the law set out in section 515 of the *Criminal Code*.

In most cases, people charged with criminal offences have the right to be released unless the Crown counsel establishes that they should be kept in jail until their trial. This reflects the presumption that an accused person is innocent until they are proven guilty. Also, section 11(e) of the *Canadian Charter of Rights and Freedoms* guarantees that any person charged with an offence is not to be denied reasonable bail without just cause.

The *Criminal Code* and interpretations of it by the Supreme Court of Canada say that priority must be given to the release of accused persons at the earliest reasonable opportunity and on the least onerous (difficult) conditions appropriate.

When deciding whether detention or conditions are required, judges and judicial justices will:

- Look at the chance that you will not show up for your next court date
- Consider whether you are likely to commit further crimes if you are released or if you are dangerous to the public
- Not give you bail in some cases if they believe that granting it would cause people to lose faith in the administration of justice

Bail conditions

If the Crown counsel does not establish that you should be kept in jail until your trial, you must be released on a bail order called a "release order", until your next court date.

Conditions (rules) may only be added to the release order if the Crown counsel shows they are justified and why any less onerous form of release would be inadequate. A bail order might:

- Require you to promise to pay a certain amount of money
- Require someone to deposit money with the court (post bail)
- Require someone to sign as a surety (a person who guarantees your good behaviour) and pay the amount set as bail if you fail to attend court or disobey the bail order
- Require you to obey rules like a curfew, a restriction on areas you can enter or who you can contact, or where you must live, such as at a substance abuse treatment centre

The *Criminal Code* also requires that a judge or justice must give particular attention to the circumstances of Aboriginal accused persons and accused who belong to a vulnerable population that is overrepresented in the criminal justice system and that is disadvantaged in obtaining release.

Criminal Code

The federal law that applies across Canada and sets out criminal offences, sentences and how a criminal case proceeds.



Bail Information Sheet

PDF information sheet from BC Prosecution Service about bail (conditional release)



Criminal orders picklists

Contains standard wording for common criminal court orders.



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