

# Dealing with the Criminal Justice System

It is quite likely that, at some point, a young person with an addiction will run afoul of the law. The corrections system can be very frightening and confusing for everyone, so the following information is offered as a guide. Try to remember that YOU are not on trial, and that you have the right to consider the professionals in the system a resource for assistance.

## How to find out if your son/daughter is in a pretrial centre

If your son or daughter has been arrested, BC's privacy laws prevent the police or courts from notifying you, and your son/daughter may choose not to call you. You can find out for yourself, however, in one of two ways:

1. Send a letter to the facility; if your son/daughter is not there, the letters will be returned.
2. Phone the facility to book a visit; if your son/daughter is not there, the booking clerk will say so.

## Arranging a visit

Check with the appropriate facility, as visiting hours and booking procedures may vary. Visits are permitted to last 1 hour or less. You must be 19 years of age or over to book a visit, and first you must register to clear a background check. Call 24 hours in advance to book a visit.

Children are permitted only if they are accompanied by a birth parent or legal guardian and if the inmate has advance approval for the visit.

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## BC correctional facilities (pre-trial) and provincial court proceedings

### Information and Numbers

#### **Surrey Pre-trial Services Centre (male and female)**

14323 - 57th Avenue  
Surrey, BC V3X 1B1  
Phone: 604 - 599-4110  
Visits: 604- 572-2103

#### **North Fraser Pre-trial Centre (male)**

1451 Kingsway Avenue  
Port Coquitlam, BC V3C 1S2  
Phone: 604- 468-3500  
Visits: 604-468-3566

**Kamloops Regional Correctional Centre**  
(male and female)  
2250 W. Trans Canada Highway  
Kamloops, BC, V2C 5M9  
Phone: 250-571-2200

Mailing Address:  
PO Box 820  
Kamloops, BC  
V2C 5M9

**Vancouver Island Regional Correctional Centre** (male and female)  
4216 Wilkinson Road  
Victoria, BC, V8Z 5B2  
Phone: 250-953-4400  
Visits: 250-953-4433

Mailing Address:  
PO Box 9224  
Stn Prov Govt  
Victoria, BC  
V8W 9J1

**Prince George Regional Correctional Centre** (male and female)  
795 Highway 16 East  
Prince George, BC, V2L 5J9  
Phone: 250-960-3001  
Visits: 250-960-3001

Mailing Address:  
PO Box 4300  
Prince George, BC  
V2L 5J9

### Visiting process

You will need to bring:

- ◆ two pieces of ID - one piece must be picture ID.
- ◆ a quarter for locking jackets, wallets, keys, etc. in a pay-per-use locker, as you are not permitted to take anything into the visiting area.

You will be scanned with a metal detector before entering the visiting area. An ion test for drugs may be requested.

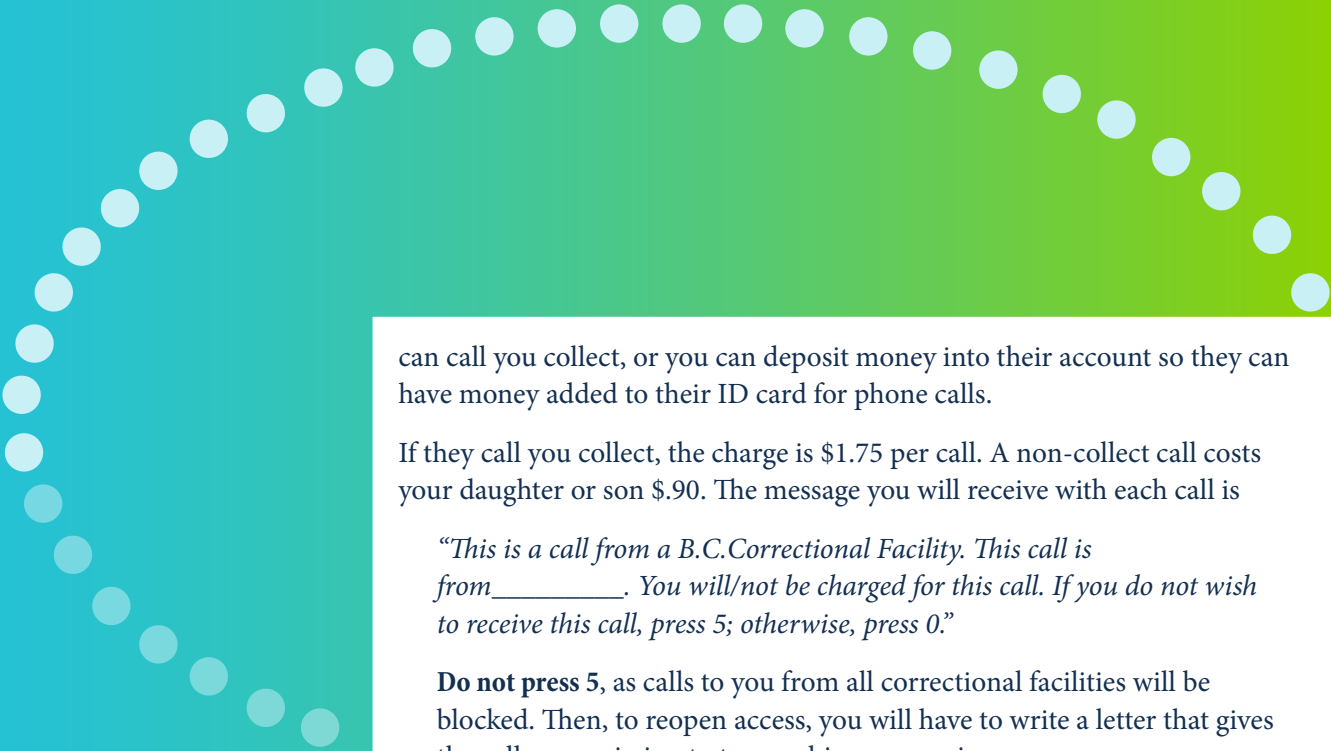
You will be assigned a cubicle, and communication with your son or daughter will be via hand phone or speaker unit. Conversations and actions will be monitored

### Money

Your son or daughter will have an account in which money can be deposited for services such as phone calls, haircuts, or canteen items (snacks, toiletries, writing materials, etc.). If money is sent through the mail, it must be in the form of a money order in your son's or daughter's name; cheques are not accepted. Cash will only be accepted for a direct deposit at the facility.

### Messages

Your son or daughter will not be permitted to receive telephone calls. She or he



can call you collect, or you can deposit money into their account so they can have money added to their ID card for phone calls.

If they call you collect, the charge is \$1.75 per call. A non-collect call costs your daughter or son \$.90. The message you will receive with each call is

*“This is a call from a B.C. Correctional Facility. This call is from \_\_\_\_\_. You will/not be charged for this call. If you do not wish to receive this call, press 5; otherwise, press 0.”*

**Do not press 5**, as calls to you from all correctional facilities will be blocked. Then, to reopen access, you will have to write a letter that gives the caller permission to try reaching you again.

In an emergency, you can try contacting the facility’s chaplain; the chaplain might be able to get a message to your son or daughter.

Mail can be sent via the regular postal service but is subject to drug scanning on arrival at the facility.

Refrain from using stickers or metallic or sparkly pens when addressing an envelope; these letters will be returned to the sender.

If you are dropping off mail during a visit, the letter must be properly addressed (including return address) and it must not be sealed.

Polaroid and computer-generated images will not be accepted, photo prints are allowed.

### **Addictions counsellor**

If treatment or a conditional sentence for your daughter or son is an option, an appointment with the addictions counsellor needs to be requested as soon as your son or daughter has entered a corrections facility. The counsellor will be able to help your daughter or son complete applications to community-based public agencies and services. Parents may need to contact rehabilitation centres on behalf of the inmate, as some centres and recovery houses will not accept calls from a correctional facility.

### **Clothing for the accused**

If your son or daughter requires clothing for court appearances, she or he must request permission and itemize each piece of clothing on a request form. Once their request has been approved, you will be permitted to bring the listed items to the records department of the pre-trial facility. The process can take several



days, so the request must be initiated well before the court appearance.

### **When you arrive at court**

You may be screened as you enter the court house, so take the minimum baggage. There will be a master list posted as you enter the court house; this will specify in which courtroom and at what estimated time your son's or daughter's case will be heard. There may be last-minute changes to the assigned courtrooms - be sure to check with the sheriff on duty. Court appearances seldom run on schedule, so you may have to be at the courthouse for almost a full day of waiting. Keep this in mind if you are booking time off work to attend.

### **Parental support counts**

Your presence in the courtroom reflects well on your son or daughter. Don't be afraid to ask to speak about your child; the judge will usually grant you that permission.

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## **COURT PROCEEDINGS**

Legal proceedings can be very daunting, particularly if you do not understand the vocabulary commonly used. Below are some of the terms that you may encounter.


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### **Who's who?**

**Accused (sometimes referred to as the "Defendant" or the "Prisoner"):** The person charged with having committed a criminal offence. If the person is convicted, he or she is referred to as the "Offender."

**Crown Counsel (sometimes referred to as the "Prosecutor"):** The lawyer who conducts prosecutions of criminal cases on behalf of the state, symbolized by the Crown. Crown counsel's role is to represent the interests of society rather than to act for any individual victim. This may be important for a parent to remember when that parent also happens to be the victim.

**Defence Counsel:** The lawyer who advises and acts for the accused in court. Communications between defence counsel and the accused are strictly confidential, unless the accused chooses to waive that privilege to share information with his or her parents. Parents should remember that defence counsel must take instructions from the accused – even if the parents are



paying the legal bills. “Legal aid” (publicly funded legal representation) is generally available to a young person facing criminal charges and may be available to an adult accused who lacks the financial means to hire a lawyer.

**Duty Counsel:** The defence counsel who is on call at the courthouse to provide free legal assistance to an unrepresented accused. Generally, duty counsel is the first lawyer seen by an accused who has been arrested and is awaiting a bail hearing.

**Provincial Court Judge:** The judge who presides over hearings and trials in provincial court. This judge is addressed in court as “Your Honour.” Trials in provincial court are tried by a judge without a jury.

**Supreme Court Justice:** The judge who presides over hearings and trials in Supreme Court. This judge is addressed in court as “My Lord” or “My Lady.” Trials in Supreme Court may be tried by a judge alone or by a judge and jury.

**Sheriff:** The uniformed officer who is responsible for maintaining security in court and for movement of prisoners to and from court.

**Court Clerk** (sometimes referred to as “Madame Registrar” or “Mr. Registrar”): The official responsible for managing the court files and keeping a record of the proceedings.

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## Where are you?

### In custody

**Pre-trial Centre:** The lock-up facility for accused persons who are detained in custody to await their court appearance.

**Provincial Correction Facility:** Jail for persons sentenced to a period of incarceration of less than two years.

**Federal Penitentiary:** Jail for persons sentenced to a period of incarceration of two years or more.

### In court

**Provincial Court:** The court in which the vast majority of criminal cases are tried. This is the court for “summary conviction” offences such as mischief or theft under \$5,000. An accused may elect to be tried in provincial court for certain “indictable offences” such as robbery or breaking and entering.

**Youth Court:** The court that hears the majority of criminal cases involving



accused youth aged 12 to 18. Particularly serious cases may be raised to adult court.

**Drug Court:** The provincial court in which certain adult persons accused of drug- or drug-related charges are allowed to opt for a court-supervised course of treatment and rehabilitation as an alternative to a jail sentence. The usual candidates for drug court are persons who have engaged in trafficking to support their own addictions.

**Supreme Court:** The trial court for the most serious criminal charges. For certain “indictable offences” such as robbery or breaking and entering, an accused may elect to be tried in Supreme Court. If the trial is set for Supreme Court, the accused may have the choice of trial by judge alone or by a judge and jury. (Which mode of trial to elect is an important decision for which the accused will generally require the advice of experienced counsel.)

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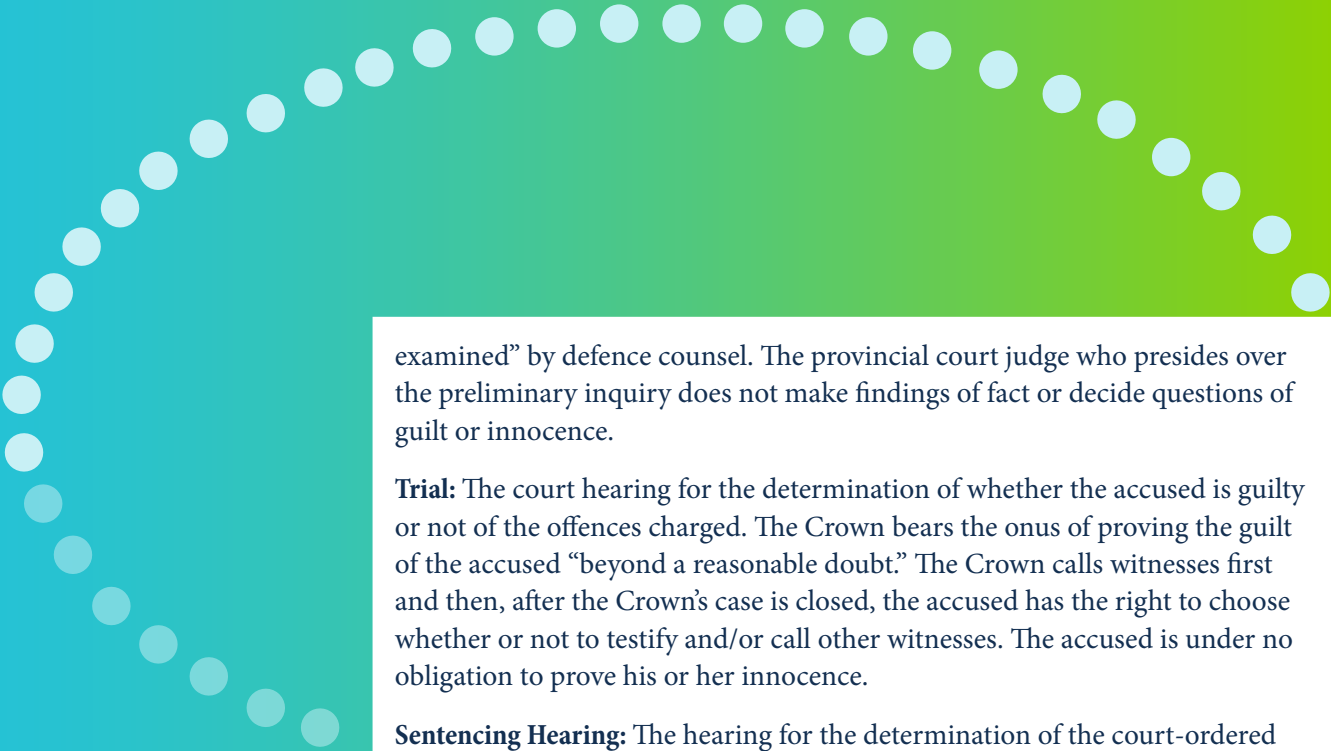
## Other terms

**Bail:** The pre-trial release from custody which may be granted by a judge. The simplest form of bail is a release on an “undertaking” by the accused to appear in court when required. More onerous forms of bail may carry various conditions and may be secured by a cash deposit or by the promise of a “surety” to pay a specified amount if the accused fails to abide by the terms of the bail. In some cases, a parent may act as a surety to secure the release of the accused. However, anyone who acts as a surety for someone with a drug dependency is assuming a heavy responsibility and may be taking a financial risk.

**Bench Warrant:** A court order authorizing the arrest of a person. Judges will generally issue a bench warrant if an accused fails to appear in court when required.

**Arraignment:** The court procedure in which the accused’s name is called, the charge is read, and the accused pleads guilty or not guilty. Be aware that a plea of “not guilty” is not a claim of innocence but rather the exercise of the accused person’s right to a trial and to the presumption of innocence until proven guilty.

**Preliminary Inquiry:** A pre-trial hearing to determine whether there is sufficient evidence to proceed to trial. These hearings take place in provincial court for cases in which the trial is to be in Supreme Court. Crown counsel calls and “examines” (questions) key witnesses who, in turn, are “cross-



examined” by defence counsel. The provincial court judge who presides over the preliminary inquiry does not make findings of fact or decide questions of guilt or innocence.

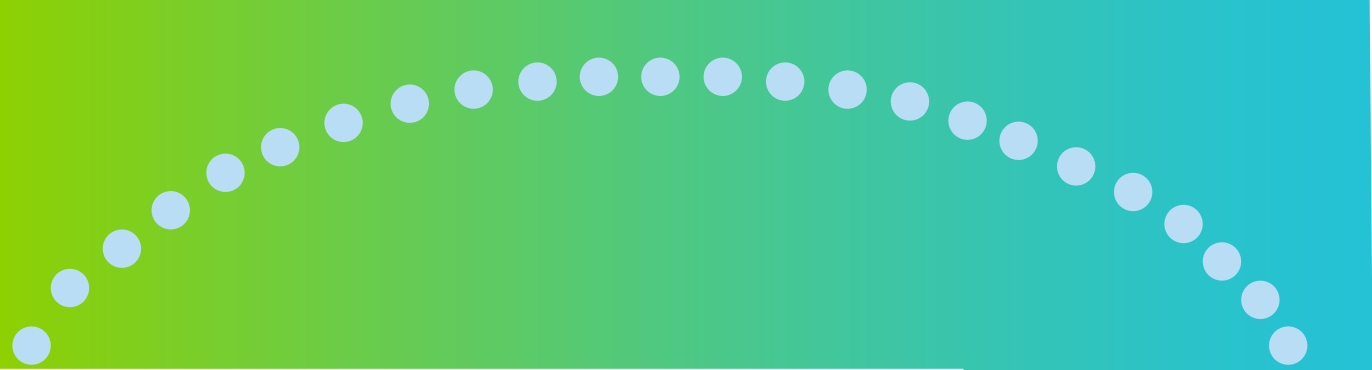
**Trial:** The court hearing for the determination of whether the accused is guilty or not of the offences charged. The Crown bears the onus of proving the guilt of the accused “beyond a reasonable doubt.” The Crown calls witnesses first and then, after the Crown’s case is closed, the accused has the right to choose whether or not to testify and/or call other witnesses. The accused is under no obligation to prove his or her innocence.

**Sentencing Hearing:** The hearing for the determination of the court-ordered consequences of a conviction, after the accused has either entered a plea of guilty or has been found guilty at the conclusion of a trial. The judge must consider a range of factors and principles before deciding what sentence is “fit” for the individual offender in the particular circumstances of the case. The judge’s discretion over sentencing may be limited by a mandatory minimum jail sentence required by law for certain serious offences. The judge hears submissions from both counsel and also reviews other relevant materials that may be filed at the hearing, such as a criminal record, a statement by the victim about the impact of the crime, reference letters about the character of the offender, and a plan for treatment and rehabilitation if the offender does not have to go to jail. In some cases, counsel may request and the judge may order a pre-sentence report by a probation officer outlining background information about the offender, often including some family history.

Family members may attend court to support the accused, and the judge may give parents an opportunity to speak if they wish to be heard. The accused has the right to the last word before sentence is pronounced. Some have nothing to add to what has been said on their behalf; some choose to express remorse and a determination to turn their lives around.

**Fine:** An order to pay an amount of money at the court registry within a time period fixed by the judge. A fine goes into the public purse; it is not to be confused with a compensation order, which goes to a victim. However, judges seldom impose fines or compensation orders on persons suffering from an addiction, for the practical reason that such persons usually lack the means to pay (and have difficulty holding onto money).

**Probation:** A probation order is a court order to “be of good behaviour” for a set period of time, up to a maximum of three years. A probation order generally includes various conditions such as that the offender report to a



probation officer, obey a curfew, avoid certain areas known for drug use, and take part in a program of treatment. A probation order may be added to a jail sentence or may be imposed in the form of a “conditional discharge” or a “suspended sentence.”

**Conditional Discharge:** A sentence of a period of probation which results in no criminal record upon the completion of the probation.

**Suspended Sentence:** A sentence of a period of probation which results in a criminal record and which remains “suspended” in the sense that an offender who breaches probation can be brought back to court to be re-sentenced. (Usually, in lieu of re-sentencing, the Crown lays a new, separate charge of breach of probation. )

**Conditional Sentence** (not to be confused with a conditional discharge or a suspended sentence): A sentence “served in the community” which resembles a probation order but is regarded as a more serious entry on a criminal record than is a suspended sentence, and often carries more stringent terms amounting to those of house arrest. Also, an offender who breaches a term of a conditional sentence risks having to serve the remainder of the sentence in jail. A conditional sentence may be used to compel an offender to reside in a residential treatment centre or in a recovery house.

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## Resources

B.C. Correctional Facilities website : [www.pssg.gov.bc.ca/corrections](http://www.pssg.gov.bc.ca/corrections)

Legal Services Society of B.C. [www.lss.bc.ca](http://www.lss.bc.ca)

Access Justice: [www.accessjustice.ca](http://www.accessjustice.ca). Pro bono information.

UBC Law Students: Small Claims Division, Provincial Court Building, Room 129. First come, first served.

Ombudsperson: An official appointed by the government to investigate complaints against public authorities. To contact an ombudsman, your son/ daughter will find a toll free number is posted on all units.

The Ombudsperson’s mailing address is:

Ministry of Attorney General & Treaty Negotiations  
and Ministry of Public Safety and Solicitor General Investigations  
Inspection Standards Office  
PO Box 9279 Stn Prov Govt  
Victoria, BC V8W 9J