

STREET LAW SMARTS #21

WARRANTS

Warrants for your arrest must include certain information, such as your name or a description of you and a brief description of the offence you've been charged with. It's the duty of the police officer arresting you to have a copy of the warrant and, where it's feasible, to show it to you.

Some warrants are Canada-wide. If there is a Canada-wide warrant for your arrest, you can be arrested by any police officer in the country.

If a warrant has been issued by a judge or a justice of the peace for not attending court (sometimes called a bench warrant), then any police officer in Ontario can arrest you and transfer you to the city where the warrant was issued.

Whether or not the police will transfer you to the city your warrant is from will depend on a number of factors including the nature of the offence. While they are unlikely to transfer you from Toronto to Timmins on a shoplifting charge, they will probably transfer you for a serious charge of attempted murder. If your warrant is from another province for a minor offence, the police from the other province will not usually come to Toronto to get you. However, this is not a guarantee.

Dealing with warrants

Warrants do **NOT** "expire" after a certain period of time. They exist until you deal with them.

It is always better to turn yourself in than to be picked up by the police. The courts will usually look at you more favourably because they consider turning yourself in evidence that you are taking responsibility. If your warrant is in Toronto, then you can turn yourself in to any division of the Toronto Police Service. It is a good idea to turn yourself in at 7:00 a.m. on any day from Monday to Thursday. This increases the likelihood that you will be taken to court that day for a bail hearing and possibly released. If you turn yourself in on a Friday, you may be held throughout the weekend until they can take you to court on Monday morning.

It is a good idea to contact a lawyer before turning yourself into the police so that the lawyer can be at your bail hearing. Sometimes a lawyer can call the police ahead of time and arrange for you to turn yourself in.

Warrants outside Toronto

If your warrant is outside Toronto or in another province, you have two options:

1. If you want to plead **not guilty** to the charge(s), then you must return to the city that issued the warrant and turn yourself in. The courts in Toronto cannot deal with your case.
2. If you want to plead **guilty** to the charge(s), then you can request that your charges be transferred to Toronto. You will be required to sign a form promising (an undertaking) that you will plead guilty to the charges. This form is then sent to the Crown office (prosecutor) in the other city where they will decide whether to transfer your charges to Toronto. If they agree to transfer your charges, a date will be set at a court in Toronto for you to plead guilty and receive your sentence. If they refuse to transfer your charges to Toronto, you will have to return to that city to deal with your outstanding charges.
 - It is very important that you not plead guilty to offences that you did not commit or to which you have a legal defence. If you are unsure, speak with a lawyer.
 - If you want to apply for a transfer of your charges to Toronto, speak with a lawyer at Street Youth Legal Services, who can assist you with the process.

Warrant checks

If you think there may be a warrant for your arrest but you are unsure, you can speak with a lawyer. The lawyer can call the police and ask if there is a warrant for your arrest without letting them know where you are.

Police entering private property to arrest

Generally, the police must have a warrant to arrest you on private property (e.g. a shelter or drop-in centre). They can arrest you on private property without a warrant if they are trying to prevent you from hurting or killing someone, or to prevent you from destroying evidence. Usually, the police officers must identify themselves before entering the premises.

Getting arrested?

Remember that once you are arrested or detained, you have a number of legal rights including the right to remain silent, be told why you have been arrested or detained, be informed of your right to speak to a lawyer and be given an opportunity to speak to a lawyer as soon as possible.

The police may continue to question you even after you speak to a lawyer. In this situation, it is important that you continue to remain silent or risk that what you say can be used against you as evidence. For more information, see **Street Law Smarts #12: Stops and searches by police.**