

Criminal Court System

In Ontario, the Crown Attorney is responsible for prosecuting the majority of criminal offences. They should consider your wishes as the victim/witness, however they are responsible for reviewing all relevant information regarding the case, taking a position on possible resolution including sentencing suggestions, determining whether there is enough evidence to go to trial and whether it is in the public interest to do so, and presenting the evidence at trial should the accused request a trial. Criminal court proceedings can be stressful and take a toll emotionally on the survivor. Connecting with resources can help you cope through the process. You may wish to consider the following:

- ☐ Request that personal information about you, such as your address, is not included in the court orders wherever possible.
- ☐ Keep multiple copies of any court orders should you need to share them. Carry a copy or store an e-copy with you at all times if it is safe to do so.
- ☐ Give a copy of any court orders to your employer, your school and/or your children's school, or child-care provider. In some cases, there may be a publication ban in place or a sharing restriction regarding court information or courts. Check with a court officer or with your lawyer before sharing court documents with others.
- ☐ Advise your neighbours, friends, boss, co-workers, and teachers that you have court orders and request they call police if they see the (ex)partner. Provide a picture and/or description of the (ex)partner and his vehicle.
- ☐ Contact your lawyer, Victim/Witness Assistance Program, the police, probation officer (if there is a probation order), a shelter (Transitional Support Worker or Family Court Support Worker), or other 24-hour service for women if you have any questions about the court orders.
- ☐ Notify police of every breach of a court order and request an occurrence number each time.
- ☐ Keep a detailed journal of every suspected or known contact from the (ex)partner. Include date, time, what happened and who else witnessed it if applicable.
- ☐ Call 911 if you need immediate assistance, such as if your (ex)partner is hurting you, threatens you, or if you feel your (ex)partner is going to hurt you.
- ☐ If the (ex)partner has been arrested, contact the investigating officer or Victim/Witness Assistance Program to find out when their bail hearing will be held, if/when the (ex)partner is released, and what their release conditions are.
- ☐ If your (ex)partner is held in custody consider registering with the Victim Notification System (1-888-579-2888) to be automatically notified if they are released.
- ☐ Ask the Victim/Witness Assistance Program to provide you with a copy of your (ex)partner's release papers. The release conditions outline what the (ex)partner can and cannot do, i.e. no direct or indirect contact with the victim, or not to be within 500 meters of the victim's address.
- ☐ Ask a contact, i.e. shelter, police, or Victim/Witness Assistance Program, for a referral to the Victim Quick Response Program regarding financial support for increasing your safety at home, providing for immediate needs, safety assistance, or counselling.

- ☐ Consider bringing a support person with you if you are meeting with a police officer or an attorney.
- ☐ If you feel your safety needs are not being addressed by police, you have the option to speak to the police supervisor.
- ☐ Seek legal advice for matters involving family law including, divorce, custody/access, child/spousal support, and property division as soon as you are able in order to make informed choices.
- ☐ If you need immediate legal help, you might be able to get free legal advice from a lawyer. This service is offered through Halton Women's Place, Halton Women's Centre, community legal clinics and Family Law Service Centres. Or you can call Legal Aid Ontario toll-free at 1-800-668-8258 to find out more.

At the Courthouse

- ☐ Plan ahead on how you are going to get to court. If possible, have someone else drive you so your (ex)partner will not see your vehicle, and you can be dropped off at the door.
- ☐ Arrange to have a support person with you (friend, family, Halton Women's Place or SAVIS staff for court accompaniment)
- ☐ Arrive to court early to avoid seeing your (ex)partner. Or, if your (ex)partner is usually early, arrive right before the hearing to avoid running into them.
- ☐ Park your car close to the door of the courthouse. Do not park close to your (ex)partner's vehicle.
- ☐ If fearful for your safety, pre-arrange with Police or Security to take you into the courthouse.
- ☐ Know what courtroom your case is being heard, but find space to sit that is not immediately outside of the courtroom. Try to sit near court officers or security if possible, or pre-arrange a space with the Crown Attorney to wait until your hearing.
- ☐ Be prepared to wait. Bring items to keep you busy and to help you manage your stress.
- ☐ Familiarize yourself where the washrooms are, and if possible, ask someone to escort you to the washroom
- ☐ If your (ex)partner violates their court order while in the waiting area or in security line to enter court, notify it to a court office to call police.
- ☐ At the end of the hearing, ask the Crown to see if your (ex)partner will wait until you leave the courthouse. If this does not happen, find a safe place to wait in the courthouse to give time for your (ex)partner to leave the courthouse, so you can leave. If you need to leave right away, ask to have the police escort you to your car. If you have a support person with you, have them pick you up outside the entrance, or at a place where your (ex)partner may not see the vehicle.

Frequently Asked Questions

What does mandatory charges mean?

In Ontario, if police have reasons to believe that violence/abuse has taken place they are obligated to lay criminal charges regardless of the wishes of the people involved.

What does dual charges mean?

As part of the mandatory charge policy in Ontario, after considering factors involved in the incident, the police in some cases may charge both parties. If you have been charged, seek out your own legal advice.

Can the charges against my (ex)partner be dropped?

Only the Crown can make this decision. Contact the Victim/Witness Assistance Program at 905-878-6292 for more information on how your input can be provided to the Crown for their consideration.

Can I change a “no contact” condition in an order?

The conditions are against the accused person so they must seek the variation of conditions through their lawyer first. If this happens you can give your input in advance to Victim/Witness Assistance Program.

What happens if I see my (ex)partner somewhere, and there is a “no contact” order in place?

As always take steps to be safe, however, the conditions are against the accused person so the onus of responsibility is on them to leave the location.

Can the charges be dismissed without my knowledge or consent?

The Crown makes the final decision however your input is important to the Crown and they will seek it through the Victim/Witness Assistance Program in advance.

How do I complete a Victim Impact Statement?

The Victim Witness Assistance Program works cooperatively with the Crown Attorney's Office and is able to assist you with your statement before it is prepared and presented. Program staff will speak to you about your right to provide a victim impact statement and communicate your wishes to the Crown Attorney. It may be completed on your own or with assistance. This is completed once an accused person has pleaded guilty or has been found guilty, and this statement will be disclosed to the defense if you prepare one.

What if I want to get counselling for myself, my children and even my elderly parents that live with us?

Check the resource insert for a list of counselling agencies in your area. You may also want to contact Victim Services at 905-825-4777 ext. 4810 to access the Victim Quick Response Program. This program may include expense reimbursement and/or financial assistance for counselling.

There is a court order prohibiting contact. What happens if my (ex)partner is contacting me by phone, text messaging, leaving notes or passing messages through a friend or family member?

If safety is a concern, dial 911 or call your local police department and ask to speak with an officer. The above communication breaches the “no contact order” and is therefore considered a criminal offense.

What happens if the charges are withdrawn or dismissed against my (ex)partner, does that mean they can come back home?

Yes, unless there is a court order in a separate proceeding which prohibits your (ex) partner from attending your residence. Once charges are withdrawn or dismissed the court has no authority to have your (ex)partner on ongoing conditions. If this is a concern you may want to look into a restraining order through Family Court.

What happens if my home and or property was damaged in the assault?

You can contact Victim Services at 905-825-4777 ext. 4810 to see if you are eligible for reimbursement through the Victim Quick Response Program.

Legal Terminology

Absolute Discharge	The lightest sentence that can be given to a person found guilty of a criminal offence. The accused is found guilty but not required to serve a sentence.
Acquittal	A judgement by the court that the accused is not guilty of the charge(s).
Appeal	A review of the trial decision by a higher court.
Conditional Discharge	A person found guilty of an offence can be discharged under orders from the judge to obey certain conditions for a specified time period, instead of a prison term. If the accused complies with the conditions, they will not gain a criminal record.
Conditional Sentence	A prison term that is served outside of a prison facility, with conditions attached.
Consecutive Sentence	Two or more separate prison terms, served one after the other.
Conviction	A judgement by the court that the accused person is guilty of the charge.
Duty Counsel	Available to people who do not have a lawyer for court- provided by Legal Aid.
Judicial Interim Release	Court order granted by a Judge/Justice of the Peace releasing the accused from custody on their own bond or promise to appear.
Legal Aid	Legal services provided to individuals unable to afford a lawyer.
Parole	A person is released from prison prior to the end of their sentence under supervision where they must obey conditions of parole or they will be sent back to prison.

Peace Bond (Section 810 CCC)	If police haven't charged an individual but the victim fears for safety they can go before a Justice of the Peace (JOP). If warranted, the JOP will order the other party to appear in court and promise in writing they will keep the peace (maximum length is 1 yr).
Perjury	To tell a lie in court after having sworn/affirmed to tell the truth. Punishable up to 14 years in prison.
Preliminary Hearing	A hearing before a provincial court judge to decide whether or not there is enough evidence to formally charge the accused.
Probation	A punishment given to a person convicted of an offence which requires them to obey certain conditions but does not require them to pay a fine or spend time in jail.
Promise to Appear	A document that is signed when the accused is released from custody, saying that they promise to appear for their court date.
Recognizance	An accused is released on their own recognizance when the judge/ JOP gives permission for the accused to be released on bail, subject to the conditions specified.
Show Cause Hearing	A hearing where the Crown Attorney must convince the court that the accused should be kept in jail until trial – also known as a bail hearing.
Stay of Proceedings	When a prosecution is stopped temporarily by the Crown attorney or ended by a judge. If the Crown issues a prosecutorial stay the trial has to resume within a year or the "proceedings shall be deemed never to have been commenced," in accordance with s. 579 (1) of the Criminal Code.
Surety	A person who pays the money set out in the recognizance if the accused doesn't appear for court date and is responsible for getting the accused to the trial date.
Victim Impact	A statement written by a victim to tell the court how a criminal offence has Statement affected the victim and those close to them.
Withdrawal of Charges	A charge is withdrawn when the Crown decides that the case either can't be proven or there are some public interest reasons why the case should not proceed.