

## UNDERSTANDING BAIL AND BAIL HEARINGS

If you have just been arrested, the police may take you to appear before a Judicial Justice of the Peace (JJP) or Judge for a bail hearing. You have the right to have a lawyer assist you through the bail process or you can represent yourself. If you do not already have a lawyer, you can call Legal Aid Manitoba at (204) 985-8511 or toll free at 1-866-800-8056. You can also apply online at [www.legalaid.mb.ca](http://www.legalaid.mb.ca).

## BAIL AND SURETIES

### Bail Hearings

Your hearing will be conducted by telephone or video. During this hearing, the judge or JJP will decide if you should stay in custody. If you are released, there may be conditions that you must follow and/or surety or cash deposit requirements.

A surety is a person approved by the court who is responsible for making sure you follow the conditions of your bail and attend court when required. An information sheet and an application form to be a surety are available from any court office and are on the Manitoba Courts website at [www.manitobacourts.mb.ca/provincial-court/legal-resources-and-links/forms/](http://www.manitobacourts.mb.ca/provincial-court/legal-resources-and-links/forms/).

### Types of Release Orders

- **Release order with no financial requirements**
  - You will be released from custody with no financial requirements.
- **Release order where the accused promises to pay**
  - You will be released from custody and no payment is required at the time of your release. You may be required to pay an amount set by the judge or JJP if you fail to comply with the release order.
- **Release order with one or more sureties and the accused's promise to pay**
  - You will be released from custody and no payment is required at the time of your release. You may be required to pay an amount set by the judge or JJP if you fail to comply with the release order.
  - One or more sureties may be named and must complete a Surety Declaration Form (unless this is waived by the judge or JJP). The form is available at any court office or the Manitoba Courts website at [www.manitobacourts.mb.ca/provincial-court/legal-resources-and-links/forms/](http://www.manitobacourts.mb.ca/provincial-court/legal-resources-and-links/forms/).
  - The surety must be approved by a JJP before you can be released from custody.
- **Release order with a cash deposit and the accused's promise to pay**
  - A cash deposit must be paid before you will be released from custody.
  - You may be responsible for an additional amount set by the judge or JJP if you do not comply with the release order.
- **Release order with a cash deposit without the accused's promise to pay**
  - A cash deposit must be paid before you will be released from custody.
- **Release order with a requirement for the surety make a cash deposit**
  - A cash deposit must be paid by the surety before you will be released from custody.

If you require a surety, the Surety Declaration Form should be completed before your bail hearing. If this is not possible, the judge may waive this requirement in court.

## **How to Pay a Cash Deposit**

A cash deposit can be paid at any court office during business hours, usually 8:30 a.m. to 4:30 p.m. Court offices can only accept guaranteed funds, such as a certified cheque or cash. Debit card payments are available during these hours from Monday to Friday only.

In Winnipeg, cash deposits can be made until 9:00 p.m.

## **Paying a Cash Deposit by Interac e-Transfer**

To pay by e-Transfer, please contact the court office you are dealing with so they can send you the email address and any other necessary instructions.

On weekdays during normal business hours (8:30 a.m. to 4:30 p.m.), these numbers are:

- Winnipeg: **204-945-5695**
- Thompson: **204-677-6767**
- The Pas: **204-627-8420**
- Dauphin: **204-622-2192**
- Brandon: **204-726-7114**
- Portage la Prairie: **204-239-3337**

Outside of these hours, call **204-945-1699** for all court offices. This number is available Monday to Friday from 4:30 to 11:00 p.m. and on Saturday and Sunday from 8:30 a.m. to 11:00 p.m.

Funds must be in Canadian currency and can be received 24 hours a day, 7 days a week.

## **When a Surety Pays the Cash Deposit**

The Application for Acceptance of a Surety form must be completed and approved by the court. The cash deposit must be paid at the same time.

## **Bail Denied**

If your bail is denied, you will be held in custody at a correctional facility until your disposition or trial date.