

# **INFORMATION**

**FOR PERSONS WISHING TO BE  
APPROVED AS A SURETY  
FOR AN ACCUSED PERSON**

PLEASE READ THE FOLLOWING PRIOR TO COMPLETING THE ATTACHED DOCUMENT

## About Being a Surety for an Accused Person

Judicial Interim Release or Bail is the right of an accused person who has been arrested to have a hearing by a judicial officer to determine whether or not release will be granted. The Court may grant bail and impose terms and conditions on an accused person, pending the disposition of their outstanding charges.

In many cases, the Court will order a person be released with a surety or sureties who will guarantee an accused will attend court as required and abide by the conditions of the release order. A surety vouches for the character of an accused person and further agrees to put up money or valuable security with or without deposit to the Court in support of the accused person. If the accused person complies with the release conditions while on bail, the surety will not be subject to any financial penalty. On the other hand, if an accused person does not abide by the release conditions, both the accused person and the surety may suffer the financial consequences.

The effect of granting such a release or bail is not that the accused person is set free, but is to release the accused from the custody of the law and entrust him/her to the custody of a surety. It has been said that the surety stands in the place of the Keeper of a detention facility.

A surety acknowledges and promises to pay to the Crown the sum of money ordered by the Court should the accused person fail to attend court or comply with the conditions of the release agreement, known as a Recognizance. The financial debt incurred by a surety is the fixed amount recorded on the Recognizance, which the surety and accused person must enter into, in writing following which the release of an accused person is granted. That amount may be forfeited in the event the accused person fails to comply with the conditions set out in the Recognizance.

A surety has a responsibility to ensure an accused person's compliance with all release conditions imposed by the Court. A failure by an accused person to comply with the release conditions may result in the accused person being charged with a breach of conditions and the amount fixed for bail being forfeited against the surety.

A surety has the obligation for the production of an accused person in the same manner as the Keeper of a detention facility. It is incumbent upon a surety to know the whereabouts of an accused person and to be able to ascertain if the accused is attending court as required and abiding by the conditions of his/her release. A surety has a further obligation to report forthwith any breach of conditions by an accused person to the police.

Where an accused person is bound by a Recognizance, his/her arrest on another charge does not vacate the Recognizance, but continues to bind the accused person and his/her sureties until the accused person is dealt with according to law.

A surety has the right to turn the accused person over to the authorities if they no longer wish to act in that capacity. A surety can also attend before a Justice of the Peace and file an "Application by Surety for Relief" if they are seeking to be removed of their responsibility. The Justice of the Peace shall, upon receipt of an "Application by Surety for Relief" issue a "Warrant for Committal" for the accused person.

The Warrant for Committal shall authorize the surety and peace officers to apprehend the accused person and command the Keeper of a detention facility to receive the accused person into their custody until the matter is discharged according to law.

The responsibility of a surety remains however until such time as the accused person is rendered into custody.

*NOTE: This information sheet has been prepared to provide a simple introduction to the requirements and responsibilities for a person wishing to be approved as a Surety for an accused person. If you wish advice on how the law applies in your circumstances, you should seek legal counsel.*

# SURETY IDENTIFICATION FORM

(Please Print Clearly)

**NAME OF ACCUSED:**

\_\_\_\_\_

Last Name

\_\_\_\_\_

First Name

**NAME of  
PROPOSED SURETY:**

\_\_\_\_\_

Last Name

\_\_\_\_\_

First Name

**ADDRESS of  
PROPOSED SURETY:**

\_\_\_\_\_

City

\_\_\_\_\_

Province

\_\_\_\_\_

Postal Code

**DATE OF BIRTH of  
PROPOSED SURETY:**

\_\_\_\_\_

Day

\_\_\_\_\_

Month

\_\_\_\_\_

Year

**RELATIONSHIP  
to ACCUSED:**