

# UNDERSTANDING THE COURT SYSTEM AND SENTENCING PROCEDURE

The Commission québécoise des libérations conditionnelles (CQLC) is responsible for making decisions concerning the conditional release of offenders sentenced to a **prison term of less than two years**. Victims and their immediate family may express their position using the form provided for that purpose, adding any relevant comments.

Offenders serving a **prison sentence of two years or more** are under the authority of the National Parole Board (NPB). Victims of crime may

- furnish information that will assist the NPB in its consideration of an offender's conditional release;
- assist at NPB hearings as observers where they are given an opportunity to read a statement prepared in advance and submitted to the NPB. The statement may also be given on tape or by video;
- obtain certain types of information about the offender (for example, the place where the person is incarcerated and the date on which the person is eligible for parole), as well as information on the rights of victims under Canadian law.

## Useful contacts

### Centre d'aide aux victimes d'actes criminels (CAVAC)

Toll-free: 1 866 LECAVAC (532-2822)

Website: [www.cavac.qc.ca](http://www.cavac.qc.ca)

### Commission québécoise des libérations conditionnelles (CQLC)

Phone: 418 646-8300 or 514 873-2230

Website: [www.cqlc.gouv.qc.ca](http://www.cqlc.gouv.qc.ca)

### National Parole Board (NPB)

Phone: 514 283-4584

Toll-free: 1 877 333-4473

Website: [www.npb-cnrc.gc.ca](http://www.npb-cnrc.gc.ca)

## For more information

The information summarized in this document was valid at the time of printing. For more information, consult the website [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca), or contact the Ministère de la Justice by phone, E-mail or mail at:

Centre de communication avec la clientèle

**Ministère de la Justice**

1200, route de l'Église

Québec (Québec) G1V 4M1

Phone: 418 643-5140

Toll-free: 1 866 536-5140

E-mail: [informations@justice.gouv.qc.ca](mailto:informations@justice.gouv.qc.ca)

*Cette publication est également disponible en français.*

Produced by the Ministère de la Justice.

♻️ This paper contains recycled fibre.

[justice.gouv.qc.ca](http://justice.gouv.qc.ca)

**JUSTICE**  
IN QUÉBEC:  
at your  
service

**JUSTICE**  
IN QUÉBEC:  
at your  
service

COM-010A(2014-04)

As the victim of a crime, you have called the police. The police has conducted an investigation, identified a suspect, and submitted a report to the criminal and penal prosecuting attorney, who has found that there is sufficient evidence to take the case to court. The prosecuting attorney will determine the charges, and will handle the case until the end of the proceedings.

If you are called as a witness, you will receive the leaflet *Witness – Your role in court – Criminal Division – Youth Division* along with your subpoena to a witness.

## Principles of criminal law

According to law, a person accused of a crime is innocent until found guilty by a judge. As a result, a suspect can be deprived of his or her liberty during legal proceedings only if certain conditions are met.

At the trial, the prosecuting attorney must prove beyond reasonable doubt that the defendant is guilty. At this stage, any testimony you are asked to provide may be crucial.

Court proceedings usually take place in public. However, in certain circumstances, the judge may decide to proceed in the absence of the public.

## Arraignment

When the accused appears before the judge for the first time, at the arraignment, the presence of the victim is not usually required. If the accused pleads guilty, the judge will either hand down a sentence immediately, or postpone sentencing to a later date. If the accused pleads not guilty, the judge sets the date for the next stage in the court process.

## Release (bail) hearing

An accused who is in custody at the time of the arraignment must be released by the judge unless the prosecuting attorney objects to release and satisfies the court that it is necessary to keep the accused in custody for the duration of the court process.

A judge who agrees to release the accused may impose conditions. If you, the victim, want specific conditions to be placed on the accused, you should tell the prosecuting attorney.

If the accused fails to comply with the conditions imposed by the judge, the court may review the decision to release the accused. It is important for you to notify the police immediately if you become aware of any failure to comply with the conditions.

## Preliminary inquiry and trial

The goal of the preliminary inquiry is to determine whether there is enough evidence to warrant a trial, when the prosecution will attempt to show that the accused is guilty *beyond a reasonable doubt*. In both cases, the attorneys call and question witnesses, including the victim or victims, and present evidence.

After the trial, if the accused is found guilty, the judge will hand down a sentence. In the case of a trial with judge and jury, the judge sentences the offender after the jury delivers a “guilty” verdict.

## Sentencing

At sentencing, the judge may

- impose a probation order containing various conditions that the judge considers appropriate in the circumstances. If you, as the victim, want specific conditions to be imposed on the accused, you can discuss them with the prosecuting attorney responsible for the case;
- impose a fine;
- impose a conditional sentence of imprisonment, in other words a sentence to be served in the community while complying with compulsory conditions;
- impose imprisonment.

## Appeal

In certain circumstances, the accused or the prosecuting attorney may ask the Court of Appeal to review the verdict rendered or the sentence handed down by the trial judge.

## Conditional release measures

While detained, the offender may be eligible for various conditional release programs intended to facilitate social rehabilitation.