



Policy:

Bail Estreatments

Policy Code:

BAI 1

Effective Date:

March 1, 2018

Cross-references:

Sections 770 to 773 of the *Criminal Code* establish a process for the forfeiture of bail, commonly known as “bail estreatment.” The process involves the court endorsing the circumstances of a breach on a recognizance and the clerk of the court or the Crown requesting a hearing for the forfeiture of the recognizance.

In exercising their discretion on whether to pursue estreatment proceedings, Crown Counsel should consider the following factors:

- the need to protect the integrity of the justice system
- the seriousness of the substantive charge
- the seriousness of the breach
- whether estreatment is practical in the circumstances of the particular case
- the degree of fault of any surety in the accused’s failure to comply with the order and any efforts made by that surety to render the accused