



SO YOU'VE BEEN ARRESTED. **WHAT NOW?**

SOLACE

Member of **Legal&Tax**



ACCUSED

If you are arrested you may be detained by the SAPS for 48 hours before being charged.

Once you have been charged with an alleged offence and depending on the seriousness of the offence, you may qualify for police bail.

If you do not qualify for police bail, you will be taken to court on the first court day after being charged, where you may apply for formal bail.

① Your rights as an Accused

- The right to a lawyer or legal representation
- The right to be informed in a language you understand
- The right to remain silent, what you say can be used against you in court
- The right to be informed about your bail options
- The right to be informed of the reason for your arrest
- The right to be brought before a court within 48 hours after your arrest
- The right to a fair trial

② Information to ask for when arrested

1. What you're arrested for?
2. At which police station or prison will you be detained?
3. What is the case number?
4. Who the investigating officer is?

3 What is Bail?

Bail is money paid to court for the temporary release of an accused, at the end of the trial the bail money is given back to the payer. The bail money is used to secure the accused's return for trial as the money is forfeited if the suspect doesn't appear for trial.

The accused or his/her representative applies for bail at the police station or the relevant court. When bail is granted the accused will be released and given a receipt and a note indicating the date and times of court proceedings. The court could also give certain conditions for release, for example the accused might have to report weekly to a police station.

Bail can, however, be denied if the release of the accused poses a risk to the victim, society, witnesses or if the accused might flee or destroy evidence. The accused would then remain in custody for the duration of the trial.

The accused needs to comply with the bail conditions or the bail will be cancelled and the bail money will be forfeited, the accused will then go back into police custody.

If an accused does not show up for the trial, a warrant for his/her arrest will be issued and other charges could be added.



VICTIM

If you are a victim of a crime, you must report the incident to your nearest police station within 24 hours from the incident taking place. Do not tamper with or destroy evidence (this includes not changing or bathing if you have been raped)

The police will take down a statement from you and open a docket to have the matter investigated. Once the investigation leads to the arrest of a suspect (who will then be the accused), the matter will proceed to court.

As the complainant in the matter you do not require legal representation. The Prosecutor represents the state in the matter against the accused.

You might be required to testify against the accused. The Prosecutor will however guide you in this process where needed.



When to contact us?

If you are arrested, even after-hours (T's and C's apply)

If you need your rights explained

Trauma Assist will provide you with counselling after a traumatic event. Contact 0860 587 587 for more info

Tel: 0860 587 587

Fax: 011 728 2046

e-mail: info@legalandtax.co.za

Web: www.legalandtax.co.za

**Legal and Tax Services
(Pty) Ltd**

Reg No.: 2001/011518/07

VAT No.: 4520196058

3rd Floor, Acacia Grove

Houghton Estate Office Park

2 Osborn Road, Houghton

Johannesburg, 2196

PO Box 95275, Grant Park, 2051

Directors:

I Kirsh, W Kirsh, D Kirsh*

P Maw, B Porter*

(*Executive)

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