



01-09 Criminal Summons

Status: Amended

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Replaces: 2020.01.03

Rationale

A criminal summons may be issued for a criminal offence and where an arrest is not justified, possible, or practicable under the circumstances.

Procedure

A criminal summons shall be

- served personally by a peace officer or, if the accused person cannot be conveniently found;
- left for the person at the latest or usual place of abode with a person who appears to be at least sixteen(16) years of age.

Police Officer

1. Upon applying for a criminal summons shall
 - complete a Form 104, except for the court date and time, and indicate whether the person is to be fingerprinted
 - complete and print the applicable eReports, along with the following documentation, as required
 - an eReport in compliance with Procedure 12–01
 - a TPS 493a
 - any other forms in compliance with established practice
 - comply with Procedure 12–03
 - submit all documents to the officer in charge as soon as practicable
 - for a personal service criminal summons, complete and serve a Form 6

Officer in Charge

2. Upon receipt of documents requesting a criminal summons shall
 - review for accuracy and detail
 - attach a copy of the eReport and TPS 493a to the Form 104
 - forward the Form 104 to Document Services – Court Services
 - ensure the crown envelope is processed in compliance with Procedure 12–01
3. Upon receiving notification of the first court date as a result of the summons application shall
 - enter the court date on the crown envelope

- place a copy of the required eReports in the brief

Supplementary Information

Governing Authorities

Federal: Criminal Code

Associated Governance

Toronto Police Service Procedures:

- 12–01 Confidential Crown Envelope
- 12–03 Use of Affidavits

Forms:

- eReports
- Form 6 Summons to a Person Charged With an Offence
- Form 104 Summons to a Defendant
- TPS 493a What You Need to Know
- YCJA Summons Summons to a Person Charged With an Offence (Form 6)

➔ *TPS 493a forms are available in multiple languages.*

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