

Rights and Responsibilities: Police Contact

Rights

Legal rights that apply to all people in Canada are set out in the Canadian Charter of Rights and Freedoms (see <http://laws.justice.gc.ca/en/Charter/index.html#juridiques>). Sections 7-14 deal with legal rights. These rights are the foundation of the youth criminal justice act and other laws in Canada. If a law contradicts the Canadian Charter of Rights and Freedoms, The Charter will always overrule the other law.

When a person is stopped by the police, specific rights that are laid out in The Charter apply. Here are a few of your rights as they apply to your initial contact with police.

(8) Everyone has the right to be secure against unreasonable search or seizure.

The police must have just cause to search you or take something from you. They must have a good reason to conduct a search, such as suspicion that you have committed a crime or are about to commit a crime.

(9) Everyone has the right not to be arbitrarily detained or imprisoned.

The police cannot detain or hold you without cause. They must suspect that you have committed or are about to commit a crime.

(10) Everyone has the right on arrest or detention

(a) to be informed promptly of the reasons therefor;

(b) to retain and instruct counsel without delay and to be informed of that right; and

(c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.

The police must tell you if you are under arrest and why. If you are not sure then ask. You do need to provide the police with your name, address, and birth date if they ask. You also have the right to consult a lawyer before you say anything more to the police. As a youth, you also have the right to talk to your parents, or another responsible adult you may wish to speak to. If you can't afford a lawyer, you can apply for legal aid, and if you do not qualify for legal aid, a judge may appoint you a lawyer. You also have the right to have a judge determine as soon as possible if you are being legally held.

(11) Any person charged with an offence has the right

(c) not to be compelled to be a witness in proceedings against that person in respect of the offence.

You have the right to remain silent. Other than providing your name, address, and birth date, you do not need to provide any information, although you can choose to do so. You may also wish to consult a lawyer before providing any information or entering a statement.

Responsibilities

Remember, you may ask if you are under arrest, and the police must tell you if you are. If you are not under arrest you are free to go, but you also may choose to assist the police by providing the information they are asking for. The police may want to speak to you as a witness or victim of a crime, or ask you for information about a crime committed by someone else. While you are not required to talk to police, it may also be in your best interest or in the interest of public safety for you to speak to them. You also have the right to consult a lawyer and have an adult present.

Remember that the role of the police is to protect individuals and the public. Being polite, courteous and respectful to others can mean they are more likely to treat you in the same manner. If you feel a police officer is not treating you respectfully, you may ask them for their identifying information and report them to the authorities or file a complaint.



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