



The Canadian Criminal Justice

YOU SHOULD KNOW THAT...

In Canada you are under no obligation to assist police authorities build a case against you. You cannot be compelled to answer any questions or provide any explanations for any alleged criminal offence police suspect that you may have committed.

YOU SHOULD KNOW THAT...

Police routinely call persons they consider suspects in a crime and politely ask them to come to the police station for a meeting. If police are asking you to go to such a meeting call a lawyer before accepting to meet with the police. If police consider you a suspect in a crime it is not in your interest to attend such a meeting and in all likelihood any criminal lawyer you consult will advise you to not attend this meeting.

YOU SHOULD KNOW THAT...

You are under no legal obligation to accept a police officer's invitation to a meeting at the police station. You have every right to decline such an invitation. You may call a lawyer and mandate the lawyer to call back the police to find out why they want to meet with you. Once you have mandated a lawyer to speak on your behalf police may not speak to you directly outside the presence of your lawyer. Police are allowed, however, to arrest you regardless of whether you are represented by a lawyer or not.

YOU SHOULD KNOW THAT...

If the purpose of the meeting at the police station is to place you under arrest, you must attend the police station otherwise you risk the embarrassment of being arrested at home, your place of work or in public. Usually if you present yourself to the police station for arrest purposes, the police will confirm your identity and you will be informed of the place, date and time you must appear in Court to answer to criminal charges. You should retain a criminal lawyer as soon as possible to defend yourself against the charges. It is not recommended to attempt to represent yourself in a criminal case.

YOU SHOULD KNOW THAT...

If you are detained or arrested by police you have the right to immediately consult with and retain a lawyer who will certainly inform you of your right to remain silent and not answers any questions police may ask you. If you do not know any lawyers the police must make a duty counsel available to speak with you free of charge.



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YOU SHOULD KNOW THAT...

It is a criminal offence to lie to police officers in response to their questions. It is, however, your absolute right to remain silent and not answer any questions- regardless of the psychological pressure that police may bring to bear on you to answer their questions.

YOU SHOULD KNOW THAT...

Police officers are trained professionals and are legally bound by a code of ethics. They are clearly aware that invoking your right to silence is not a statement of defiance or disrespect but the legitimate exercise of a right guaranteed to everyone in Canada by the Canadian Charter of Human Rights and Freedoms.

YOU SHOULD KNOW THAT...

Invoking your right to silence even after speaking to a lawyer while in police custody does not always end the matter.

Police tend to be persistent.

It is not uncommon, nor illegal, for police officers to continue to pressure persons in their custody to answer their questions even after they have spoken to a lawyer and even after you advise police that you wish to invoke your right to silence and not answer any questions or comment on anything they want to show you.

YOU SHOULD KNOW THAT...

If you answer questions after advising police that you wish to remain silent, whether you have spoken to a lawyer while in police custody or not, anything you say may be used against you at your trial. Answering to police questioning will usually complicate the work of the criminal lawyer you will subsequently retain to defend you in court and increase the cost of your representation as you may make statements or express yourself with a poor choice of words which may be unfavourably interpreted against you or may otherwise appear to be prejudicial to your defence.

YOU SHOULD KNOW THAT...

Police are trained to extract information from persons in their custody using a variety of psychological methods more sophisticated today than the « good cop – bad cop » routine you may be familiar with from watching crime movies and television shows.



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YOU SHOULD KNOW THAT...

YOU ARE NO MATCH FOR THE POLICE.

You should resist the temptation to respond to the police in the hope that your answers will satisfy the police and earn your release from custody. The police are not interested in helping you if they « like you for the crime ». The police are interested in gathering evidence against and prosecuting suspects with the ultimate goal of obtaining a suspect's conviction.

YOU SHOULD KNOW THAT...

When police persist in trying to obtain answers to their questions after you have advised police that you want to remain silent that the police are engaging in benign bullying.

You must persist in remaining silent as long as it takes, and it may take a while, for the police to go away. Remain silent and politely advise the police, repeatedly if required, that you will not change your mind, you have nothing to say and that the police should either let you go or charge you if they have charges to bring against against you.

YOU SHOULD KNOW THAT...

You may be detained for hours, possibly days and will be seriously inconvenienced but you will eventually be released with or without charges against you. You may be charged, released and given a date to appear in Court. Alternatively you may be charged, not released and brought before a judge and will either be released immediately by the judge subject to release conditions or you will proceed to a timely bail hearing to determine whether you will be released from custody on bail.

Your right to bail is guaranteed under the Criminal Code of Canada and the Canadian Charter of Human Rights and Freedoms.

YOU SHOULD KNOW THAT...

The Mastromonaco Law firm is ready to provide you the legal advice and Court representation you will need from the moment you are contacted or detained by the police.