

Who are the police?

- 70,000 Police officers in Canada, costs billions in taxes to operate.
- RCMP (Royal Canadian Mounted Police) are the **Federal** police and operate everywhere in Canada.
- Only Ontario, Quebec, and Newfoundland have their own **provincial** police force.



Different Jurisdictions of the Police

- RCMP are **Federal** and enforce the Criminal Code across Canada.
- Provincial Police (if you've got them) cover rural areas between cities.
- Municipal Police cover cities and towns.
- Some towns (like the Comox Valley) are so small that they just use the RCMP.

Duties of Police Officers

- Crime prevention
- Law enforcement
- Assistance to victims of crime
- Maintenance of public order
- Emergency response
- Investigation of crime

How Police Work (Crime)

Non-Emergencies

Non-emergency situations^{*}

- When a crime that has **already been committed** and no suspects are present (e.g., theft from vehicle or home, vandalism, fraud)
- **Suspicious activity or circumstance** or less serious **nuisance behavior**
- **A hate crime or hate incident**, including those with no safety risks, no physical evidence, and no identifiable suspects
- When you want **follow-up information** on a report you have previously made (Have your police file number available)

9-1-1 Emergencies

Emergency Situations

- When **someone's life is in danger or there is an immediate threat**
- When a **crime is in progress** (e.g., a break and enter, assault, robbery, spousal dispute, etc)
- When a **serious crime has just occurred and the suspect may not be far or may return**
- When there is a **good chance of arresting a suspect or preventing the development of a serious crime**

Arrest

Police need to have **reasonable and probable grounds** that a person was involved in a crime before they can arrest them.

When police have established that they have probable grounds, they can apprehend and charge a suspect.

Police can do one of three things:

1. Issue an **appearance notice** – a legal document stating the criminal charge and the court date.
 1. For summary conviction offences and less serious indictable offences.
2. Arrest the suspect.
3. Obtain a warrant for arrest.

Steps in a Lawful Arrest

Steps in a Lawful Arrest

1. Notice on arrest (identifying herself or himself): "I am Police Constable Lemieux."
2. Advising the accused that he or she is under arrest and the offence charged with: "I am arresting you, (suspect's name), for (brief description of the criminal act(s) the officer believes the suspect has committed)."
3. Caution 1, right to counsel (lawyer): "It is my duty to inform you that you have the right to retain and instruct counsel without delay. Do you understand?" This includes the right to free advice from a legal aid lawyer and a phone number to reach such a person.
4. Caution 2, right to remain silent: "You are charged with (state the criminal offence). Do you wish to say anything in answer to the charge? You are not obligated to say anything unless you wish to do so, but whatever you say may be given in as evidence...."
5. Physically touching the accused to signify custody (this often involves handcuffs).

Arresting a Suspect

If the accused resists arrest, the police have the legal authority to use “as much force as is necessary” to prevent an escape.

Use of **Deadly Force** is **Accepted**

- The behaviour of a **suspect might cause harm or death** to others.
- The **suspect flees** to escape arrest.
- There are **no alternative means** to prevent escape.



Robert Dziekanski

“Robert Dziekanski death at hands of RCMP a homicide, BC coroner rules.” ([CBC, 2013](#))

Arrest

If police can't find the suspect, they can appear before a judge or justice of the peace to get a **summons** - an order to appear in criminal court.

If the accused won't appear in court voluntarily, police will go to a judge for an **arrest warrant** – an order by a judge to arrest the accused for listed alleged offences.



Arrest

Citizen's arrest – arrest by a regular citizen if they witness a criminal act or believes the suspect has just committed one.

- It must be reasonable.
- Cannot use excessive force.
- Must surrender the suspect to the police as soon as possible.

Legal Rights and Search Laws

Section 8 of the Charter states that “everyone has the right to be **secure against unreasonable search and seizure**”.

- Police cannot:
 - Search you or your property,
 - Record you speaking,
 - Seize your property
- Unless, they have **reasonable and probable grounds**.



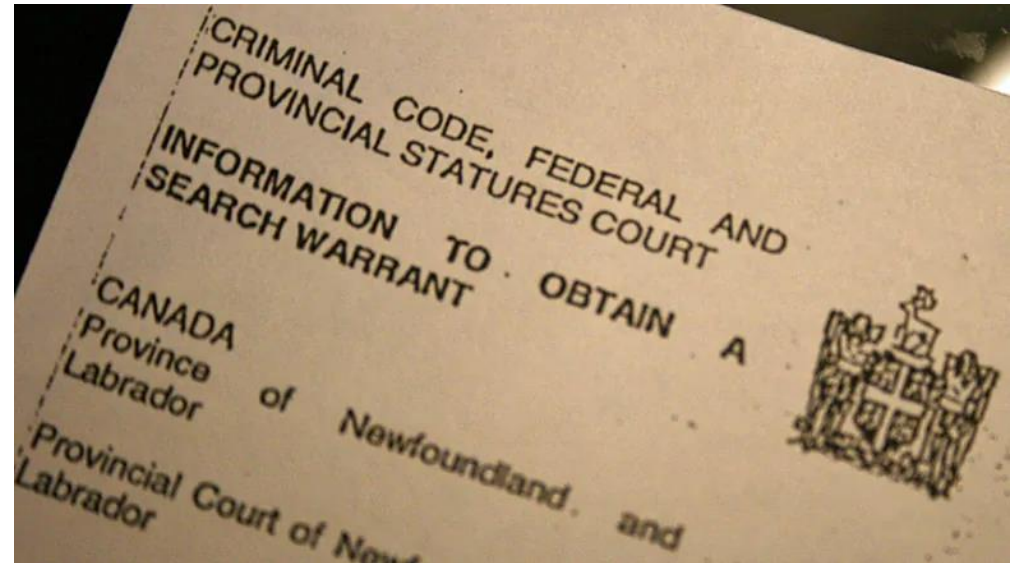
Legal Rights and Search Laws

Search – When police officers look for evidence that may be used in court.

- Police can search without a warrant when:
 - They have arrested the person.
 - They believe the person is carrying a concealed weapon.

Search Warrant – a court order authorizing police to search a specific place at a specified time.

- Police can arrest without a search warrant only if they catch the person in act or have probable grounds to believe the person has committed a crime or is about to do so.



Rights on Being Arrested

Section 10 of the Charter states that on arrest or detention, everyone has the right to the following:

- To be informed of the reasons.
- To retain and instruct counsel (and to be informed of that right)
- To have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful (legal).

Custody – imprisonment or physical detention.

Release and Bail Procedures

Bail Hearing – a hearing to decide whether an accused can be released from jail before trial and with what conditions.

***The accused must be brought before a judge or justice of the peace for a bail hearing within 24 hours.

***Bail is money or property guaranteed to the court to ensure the accused will show up for their court date.

***If an accused is considered dangerous or to be a flight risk, bail is denied, and they must remain in custody until the trial.



All About Bail

Show-Cause Hearing

- A judicial hearing where the Crown has to convince the judge that the prisoner should stay in jail until the trial date.
- “Cause” includes:
 - Flight (escape) risk
 - Risk to public safety

Some circumstances may justify a **reverse onus** – the burden of proof shifts to the defense

All About Bail

Some circumstances may justify a **reverse onus** – the burden of proof shifts to the defense to show why bail should be granted.

This happens when:

- The charge is murder.
- The accused is charged with committing an indictable offence while already out on bail.
- The offence is indictable and the accused is not a Canadian resident.
- The charge involves failure to appear or breach of bail conditions.
- The accused is charged with importing, trafficking, or possession for the purpose of trafficking narcotics.
- *Tackling Violent Crimes Act* – those accused of serious gun crimes.

All About Bail

There is less emphasis on the payment of money as a condition of being released.

→ **Conditions of bail can include:**

→ Curfew

→ Restrictions on where the accused can be

→ Restrictions on who the accused can be with

→ They cannot be in the company of the co-accused or the victim

Why would a judge grant one of these options?

Write a response in your 'Notes Booklet'