

Your Right To Remain Silent · Talking To Your Lawyer · Talking To People Who Aren't Police

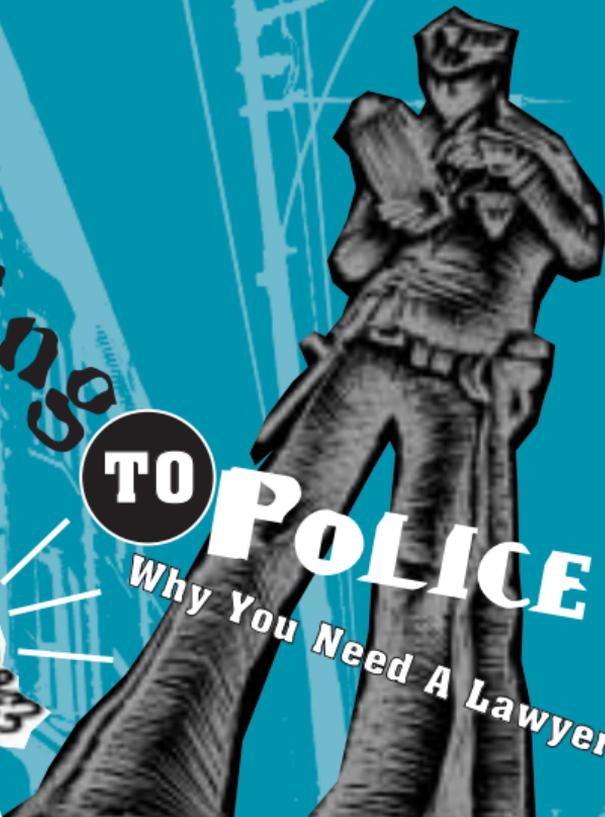


Talking

TO

POLICE

Why You Need A Lawyer





When young people are found guilty by the court, it is very often because of statements they have made to the police before talking to a lawyer.



In most cases, if police stop or question you, you don't have to answer their questions or identify yourself. If they ask, you might want to tell them who you are.

If you say anything else, you are making a statement.

If you say anything about the events the police are looking into, you are making a statement. You are even making a statement if you say you don't know anything about what happened, or say you weren't there or you didn't do it. It is a statement even if you don't sign anything, or even if the police don't write it down at the time.

Your RIGHT to REMAIN SILENT

If you are investigated or charged with a crime, you don't ever have to make a statement. Even if you are arrested and charged, **you don't have to say anything**. You don't even have to say anything at your trial if you and your lawyer decide it would be better not to. That's what people mean when they say you have a right to remain silent.

Sometimes the police might not tell you immediately that you have the right to remain silent. **You have that right whether they have told you or not.**





Your RIGHT
to remain
SILENT

won't be used
against you

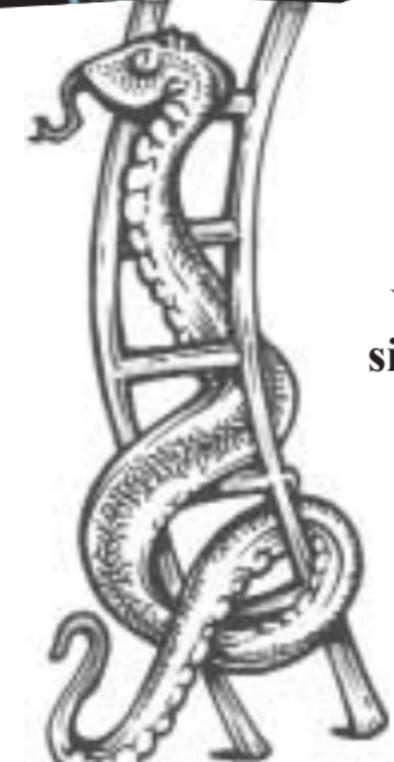
You might worry about what will happen to you if you refuse to talk to the police. You might think that it will make you look guilty, or that it will be held against you. It won't.

You are allowed to remain silent whether you are guilty or innocent.

There are often good reasons for innocent people to refuse to make a statement.

You might think that the police will let you go home sooner or will give you a break if you tell them what they want to know. The police might tell you that the best way to help yourself is by answering their questions. Don't assume that these things are true.

It won't hurt you to wait until you have talked to a lawyer.



WHY YOU shouldn't talk to the POLICE

before talking to a lawyer



It is a bad idea to make a statement before you have spoken to a lawyer. Anything you say to the police might be used against you in court. Even information that you think is harmless, or information that you think might help you, can sometimes make you look guilty when it is repeated in court. Some information limits how your lawyer can defend you. A criminal lawyer understands how this works, and can protect you from saying things that might later hurt your case.

The police don't have to tell you the truth when they are questioning you. They can act as if they know things that they don't. They can make promises they won't keep. They are even allowed to trick you. It is all part of what they have to do to investigate a crime. **Don't try to outsmart them. Don't even try to deal with them by yourself. Ask your lawyer for advice about whether you should talk to them.** Have your lawyer with you if you do talk to them.

Don't try to outsmart them.



DON'T EVEN TRY TO DEAL WITH THEM BY YOURSELF.



Most of all, it is a mistake to plead guilty just to “get it over with” before you have talked to a lawyer. It won't be over. It will be just the beginning. You won't be able to change your mind later and take back your confession. There will be a record of what you said. Even if you did what you are accused of doing, a lawyer might be able to show that what you did wasn't a crime. Or they might get you a less serious charge or a lighter sentence. **By talking to the police too soon, you will probably make it harder for your lawyer to help you.**



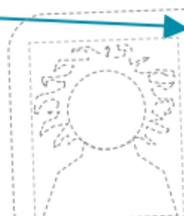
What you have to tell the police



In most cases, if you are stopped by the police, you don't have to talk to them.



If you are stopped while driving, you **must** show them your



driver's licence
the ownership
and
insurance

id



You do not
have to tell
them anything
else or answer
any other
questions.

You can ask them if you are under arrest and what the charges are. Then politely tell them you want to talk to a lawyer before you say anything more. You should do this whether you are guilty or innocent.





Getting **help** when
you are being **held**
by **POLICE**

You have the right to:

-  make as many phone calls as necessary to get a lawyer to come,
-  talk to your lawyer in private before deciding to make a statement,
and
-  have your lawyer with you if you make a statement.

It is important to have a lawyer with you when you make a statement.

Your lawyer can make sure that the police don't ask questions you shouldn't be asked, and that you don't give answers that might hurt your case.



You also have the right to **talk to your parents** or **guardian** and to have them with you when you talk to police, if you want them there. You don't have to choose between calling your parents or guardian and calling your lawyer. You can do both. And, if you want, both can be there during your interview with the police.



...so who do you trust?



Anything you say to other people — like your parents or guardian, teacher, coach, therapist, social worker, friend or cellmate — about the crime you are suspected of committing can also be used in court.



TALKING TO PEOPLE WHO AREN'T POLICE

You might think that your parents or other people you trust will keep what you tell them secret, but very often they can't. They can be called to court as a witness in your case and made to tell the court what you told them.

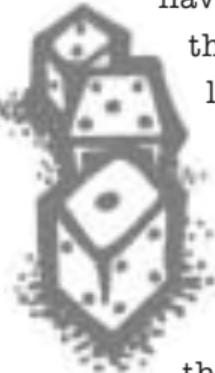


TALKING to YOUR LAWYER

Statements you make to your lawyer are different. Whatever you say to your lawyer must be kept private and cannot be shared with anyone else unless you give permission. Not even the court, the police, or your parents can make your lawyer tell them what you and your lawyer have talked about unless you

have talked about a crime you plan to commit in the future. This rule exists so that your lawyer can have all the facts they need to give you the best defence. The more your lawyer knows about you and about what happened, the better prepared they will be to defend you. **Your lawyer must**

keep what you say private so that you can speak freely without worrying that your lawyer will tell others what you have said.



Your lawyer is the person you should be talking to.

Your lawyer will know what information is important and how to use that information to defend you.

Talk to your lawyer before you talk to police.



This pamphlet gives general information but every situation is different. The law can also change. If you have a legal problem, contact a lawyer.

This pamphlet is part of a series produced by Community Legal Education Ontario (CLEO). CLEO has publications on other areas of law as well. Most are free.

For an order form call
416-408-4420

or visit our Web site at
<www.cleo.on.ca>.

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For help in finding a lawyer, you could call:

Duty counsel hotline

(if you are being held in custody or at the police station): **1-800-265-0451**
toll-free from anywhere in Ontario

Lawyer referral service

(free for anyone under the age of 18)
416-947-3330 in the Greater Toronto Area
1-800-268-8326 from elsewhere in Ontario
9 a.m. to 5 p.m. on weekdays

Legal Aid Ontario

Look in your local white pages under
"Legal Aid Ontario".

Justice for Children and Youth

416-920-1633
in the Greater Toronto Area
1-866-999-5329
from elsewhere in Ontario

