



FREUDMAN LAW

CRIMINAL DEFENCE & CIVIL LITIGATION

KNOW YOUR RIGHTS

WHEN CAN POLICE SEARCH YOU?

- If they *reasonably believe* you have on your person illegal drugs/alcohol or weapons (restricted / prohibited weapons, or weapon [used to commit a crime] that may be removed / destroyed before police can get a warrant)
- If they *reasonably believe* you have *committed*, or *are about to commit* an (indictable) offence
- If they have a *search warrant*, or if you *consent* to the search
- If they are searching you incidental to your arrest
- If they've *temporarily detained* you for investigation (as they *reasonably suspect* you're connected to a crime), they can give you a quick pat-down / frisk to search for weapons *if* they reasonably believe their safety is at risk

WHEN CAN POLICE ARREST YOU?

- If they find you *committing* an (indictable or summary) offence
- if they *reasonably believe* you have *committed*, or *are about to commit* an (indictable) offence
- if they have a *warrant* for your arrest

WHAT HAPPENS UPON YOUR ARREST (OR DETENTION)?

- If police *don't* arrest you, or don't have grounds for detaining you, they must let you go on your way; to find out if you're under arrest/detention, you can ask the officer "am I under arrest?"
- If you're detained or under arrest, police *must* tell you the reasons why, and advise you of your right to counsel (and then provide you with an opportunity to do so, before they continue to question you)
- You have a **RIGHT TO SILENCE**, meaning you don't have to answer *any* questions the police ask you[Ⓜ]; in fact, it is often best to avoid answering questions as any statements you give may be used as evidence against you
- If police request your name/address or identification, you generally needn't produce it[Ⓜ]

[Ⓜ]Exception to the right to silence is that, under the *HTA*, if you've been involved in a car accident and police question you about the accident, you could be charged with an offence if you refuse to answer. Also, false/deceitful answers could lead to further charges.

[Ⓜ]Exceptions to this general rule: (1) if you're pulled over while driving, you *must* present your licence, registration and insurance (pursuant to the *HTA* and *CAIA*); (2) if police want to give you a ticket or appearance notice (e.g. for J-walking, running red light while riding your bike), you *must* provide them with your ID info- refusal (or lying) may result in charges for obstructing police.

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603 ½ Parliament Street, Toronto, Ontario M4X 1P9

Tel: 647-771-2416

Fax: 416-483-4867

www.freudmanlaw.com

daniel@freudmanlaw.com