

ENCOUNTERING THE POLICE:

# KNOW YOUR RIGHTS

What to do if the police approach you or try and search you / your property



**tr.ee/legal-guide**

This guide is for informational purposes only. It is not legal advice or a substitute for the same. Anyone in need of legal advice should consult a lawyer.



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# IF THE POLICE APPROACH YOU:



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ASK "am I free to go?"

**Yes**

THEN walk away

**No or unclear**

ASK "am I under arrest?"

**No**

THEN walk away

\* if they say no but continue to  
state you cannot leave

**Yes**

ASK "why?"

\*you are entitled to know as per  
your s. 10(a) rights

**1. Remain SILENT**

**2. OBTAIN** the officer's **badge number**

**3. Tell the officer you want to SPEAK WITH A LAWYER**

**MORE INFO**

This chart is adapted from Pivot Legal Society's "Street Stop Flowchart"

# IF THE POLICE STOP YOU WHILE DRIVING:



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Police can ask you for:

1. Your **drivers license**
2. **Insurance and proof of ownership**

**Passengers are NOT required to identify themselves.**

Police can →

**Look in your windows**

Police cannot →

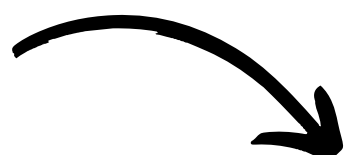
**Search your vehicle**

\* Unless you give consent, or they have reasonable suspicion (e.g., evidence of a crime in plain sight)

**You do not have to answer questions, except providing your ID and vehicle info.**

**If the officer is not giving you a ticket, follow the instructions on the previous slide.**

**MORE INFO**



# IF THE POLICE TRY TO SEARCH YOU OR YOUR PROPERTY:



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For example your person, home, computer..

Police **CAN ONLY** conduct a search if:

1. You **consent** to a search, or
2. They have a **warrant** to search you, or
3. In some cases\*, when you have been **detained**

For these reasons, clearly state:

**I do not consent to a search.**

If they come to your home, you may talk through the door or step outside and tell them your lawyer will contact them.



If they still try and conduct a search:

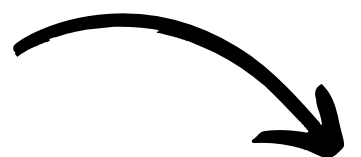
**Ask if they have a warrant.**



**Police must have a copy of the warrant with them.**

You can look at the warrant to see what they are legally allowed to search.

**MORE INFO**



\* check out the next slide for details

# IF YOU ARE ARRESTED:



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You are only required to provide your name and address.

## You have the right to:

1. Remain silent
2. Ask to speak with a lawyer.

\* If you do not have a lawyer, you have the right to speak with a **legal aid lawyer for free** and police must allow you to contact them.

Note, there is a difference between detention + arrest:

Police can **detain you by stopping you from leaving** (physically or psychologically), even if you are not being arrested.

\* Your rights remain the same. **You do not have to answer questions.** Remain silent. Detention must be brief. Police cannot use detentions to investigate crime.

Police are allowed to conduct a protective pat-down search after detention or arrest. The keys to know:

**Do not consent.**  
But do not resist.

**MORE INFO**



# OTHER REMINDERS



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- **Be intentional:** You can be deemed to have consented to a search by your actions (e.g., by opening the door, letting them in, handing them your device, etc.).
- **Be cautious:** Agents may perform illegal activities and lie to you without penalty.
- **Be wise:** Only the court can determine if the arrest is lawful. A charge for resisting arrest is valid even if the arrest was a good faith mistake of fact. Therefore, don't resist arrest even if you think it's arbitrary/unlawful.
- **Be proactive:** If you are not a Citizen of Canada, and you are arrested, you should contact immigration counsel, not just criminal counsel. If you are detained, you can contact the Refugee Law Office at (416) 977-8111 for free and confidential assistance.
- **Be relentless:** You have the right to photograph, record, or videotape police officers who are on duty, and they cannot ask you to delete the content or seize the equipment used to take it. You cannot, however, interfere with or obstruct officers in the course of their duties



FOR MORE INFO, CHECK OUT OUR

# LEGAL + TACTICAL GUIDE

[tr.ee/legal-guide](https://tr.ee/legal-guide)



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