

If you're charged or under investigation, small mistakes made early on can significantly impair your defence.



The best way to ensure a favorable outcome is to avoid those mistakes. Follow these tips, but bear in mind this document does not replace in-person legal counsel!

Do not talk to the police

You don't have to—
and doing so may hurt your case.

- **People often feel that they “must” speak to the police or risk appearing guilty.** It's your constitutional right under the Canadian Charter of Rights and Freedoms to not discuss your matter with the police — and you actually risk damaging your case by doing so. **You are at no time required to provide a statement.**
- **You do not need to identify yourself to the police** unless you are (1) driving a car; (2) under arrest; or (3) receiving a ticket from the police.
- **You are under no obligation to speak with the police while under investigation.** You are, in fact, guaranteed constitutional protection to ensure your right to silence.



Arrested?

Here's what you need to know.



- **The police must identify themselves and tell you why you are being detained or arrested.** If you are uncertain why you are being detained or arrested, ask for clarification.
- **Immediately upon arrest or detention by the police, you have the right to speak to a lawyer. Exercise this right.** This is an important decision that can have a major impact on the outcome of your case.
- **Police are not allowed to question you before you receive legal advice.** Do not allow police to rush you into contacting a lawyer. **You are allowed to contact a lawyer of your choice.**
- **If you are subject to police questioning, you are under no obligation to provide any information.** However, even if you tell the police you do not wish to discuss your matter they may still persist in questioning you. **It is important to your ultimate defence that you remain silent until you are able to review the actual police evidence.**
- **Anything you do or say may be noted by the police and can be used against you later.**

Charged?

Now what?

- Once charges have been laid, **it's time to meet with a lawyer to discuss your options.**
- Your lawyer can help you decide on the best strategy to deal with the charges.



Know your rights

Under the Charter of Rights and Freedoms

- Section 7: The right to life, liberty, and security of the person.
- Section 8: The right to be secure against unreasonable search and seizure.
- Section 9: The right not to be arbitrarily arrested.
- Section 10: The right to know why you're arrested, to get a lawyer immediately and to be told that you have that right.
- Section 11: Rights if you're charged with an offence, including:
 - the right to be presumed innocent until proven guilty;
 - the right not to be a witness against yourself;
 - the right to a trial within a reasonable time;
 - the right to be informed without unreasonable delay of the specific offence you are charged with;
 - the right to reasonable bail unless there is just cause (a good reason) to deny it; and
 - the right to trial by jury if an offence can be punished with imprisonment for five years or more.
- Section 12: The right not to be subject to cruel and unusual treatment or punishment.
- Section 13: Protection against the use of your own testimony to prosecute you (the right against self incrimination).
- Section 14: The right to an interpreter in a court proceeding.

About Rishi Gill

Rishi Gill is an experienced criminal defence lawyer based in Vancouver, BC. Formerly a crown counsel and now a criminal defence attorney, Rishi's in-depth knowledge of both prosecution and defence allows him to anticipate likely tactics and counter accordingly.

If you're interested in a no-charge initial consultation, please contact Rishi right away.

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