



# Questioning and Investigation

You always have the right to remain silent, except for when you must give your name and address to the police (see page 17 for details). Police often use tricks to get you to talk, both before and after you are arrested. Any written or spoken statement to the police or other people may be used against you. There is no such thing as an “off-the-record” discussion with police.

## Before you have been arrested

**FRIENDLY CONVERSATION** – Police can use “friendly” conversation to find reasons to detain you (see page 8 for details). Be polite, but be careful when speaking with police. If you are concerned about the questions the police officer is asking, ask: “Am I free to go?” If they say yes, then go. If they say no, you are being *detained*.

## After you have been arrested

**More Questions** –Police may keep asking you questions even after you have asked to speak to a lawyer. You can keep saying: “I want to remain silent. I want to speak to a lawyer.”

### Written Statements

If you decide to make a written statement to the police before a lawyer is present, insist on writing it yourself or reading the document before you sign it to ensure it is correct.



**Lying** – Police officers are allowed to lie. They may say: “Your friends have already told us everything,” “We have evidence,” or “We already know what really happened.” Even if your friends have talked or the police have the evidence they need, it rarely helps to talk before you speak with a lawyer.

**Threats** – Police are never allowed to threaten you in any way. They are not allowed to tell you that you will face more charges if you do not co-operate or that your current charges will become more serious. Tell your lawyer if you have been threatened or made to feel unsafe.

**Promises** – The police are not allowed to promise you anything to convince you to make a confession. Don’t make any “deals” with the police without speaking to a lawyer first. In B.C., police can only recommend charges. Crown counsel are responsible for approving charges only when there is a substantial likelihood of a conviction and the charges are in the public interest.

**Lie Detector Tests** – You must give permission before police can do a lie detector test. The police will never release you just because

you pass a lie detector test. They only use these unreliable tests as part of their investigations. Anything you say during a lie detector test is admissible in court. The results of the test are never admissible, even if the police say that you have failed.

## Dial-A-Law

If you need help with a legal problem, the Legal Services Society Law Line can help you better understand your issue. Call 604-687-4680 in the Lower Mainland or 1-800-565-5297 elsewhere.



## Lawyers

Lawyers are experts in the legal system. They can help make sure you get a fair trial and are treated properly by police.

Lawyers are treated differently than non-lawyers by Judges. The Judge can force anyone except your lawyer to testify in court about what you have said or done. If you say something to a friend, family member, counselor, cellmate, police officer or anyone other than a lawyer, that information can be used against you in court. If no one else is listening to your discussions with your lawyer, anything you tell your lawyer will be kept secret and can't be used against you in court. If you are under 18, you are allowed to have a trusted adult with you and your lawyer.

Sometimes, if you talk in confidence to a religious leader, like a priest, minister or rabbi and some others, the court may allow your conversation to stay secret, but there are no guarantees. You should use caution when deciding to share sensitive information with these people.

### Talking to Your Lawyer

If you are somewhere where other people are listening, or you are talking on a prison phone or using prison mail, you should not give important information to your lawyer. Wait until you are face to face with the lawyer before you tell the lawyer important information.



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