

# You, your rights, the police

Under our present system, the role of the police force is to protect the property and the power of the ruling class. Therefore, the Gazette feels it very necessary that people be aware of their rights. Therefore, we present this short summary of your rights under the law.

At all times say as little as possible to the police. Whenever you are stopped or questioned, you have the right to know the officer's name and badge number. Ask whether you are under arrest. Unless you are arrested, driving a car, or being questioned for vagrancy, you do not have to say anything, not even your name.

## Dwelling Place

If the police come to your house, demand to see the warrant or writ of assistance. If they don't have one, don't let them in. There are two exceptions to this: 1) if they are in hot pursuit of a criminal they have seen enter your house; or 2) if they have probable grounds for believing there is a crime being committed on the premises; probable grounds means, for example, if they hear sounds of a fight.

Warrants must carry the correct date and must specify who or what is being searched for. If the warrant is for the arrest of a person and you produce the person, you don't have to let them in. You never have to let a social worker into your home either unless he or she has a warrant.

If the police or anyone enters your house illegally you must first demand that he leave your property — if he doesn't comply, you are legally justified in using only as much force as is necessary to remove him. (Sections 40 - 41 of the Criminal Code of Canada). If

your door has a chain lock, use it. The police frequently push open an unlocked door when they have no warrant for arrest. If a writ is used (common in dope raids) they can and will break in, probably through several entrances simultaneously, without knocking.

## On the street

You do not have to answer any questions, even your name, or show any ID unless the officer is questioning you under Section 164 (vagrancy). If he is using this section, you must give him your name and one of a) your address, b) your destination, or c) your source of income. After you have given this information, walk away. You don't have to talk to him. He cannot require you to get into his car and move anywhere unless he clearly states that you are under arrest.

## Assault

If you are attacked without provocation by the police officer, you have the legal right to use as much force as is necessary to defend yourself. (Section 34 of the Criminal Code). Don't let the police provoke you by pushing or bad mouthing you, etc.

If an officer tries to force you to enter his car without first arresting you, he is acting illegally and, in theory, according to Section 29 of the Criminal Code, you can resist. In practice, it is useless to fight unless there are witnesses around, and you think you can win.

## Arrests

Section 29 of the Criminal Code states that a reason must be given for arrest. This means that they must have a warrant in your name, or catch you in the act of committing a crime or have reasonable grounds for believing you have committed or are about to commit a

crime. If the officer does not have a warrant, he must tell you the true grounds for arrest.

Resisting arrest is usually the grounds they get someone on, after a "bullshit" bust. You should be certain that the arrest is illegal (no warrant and no reasonable grounds) before you resist. You can be fairly certain that any doubt as to what is reasonable will be resolved against you.

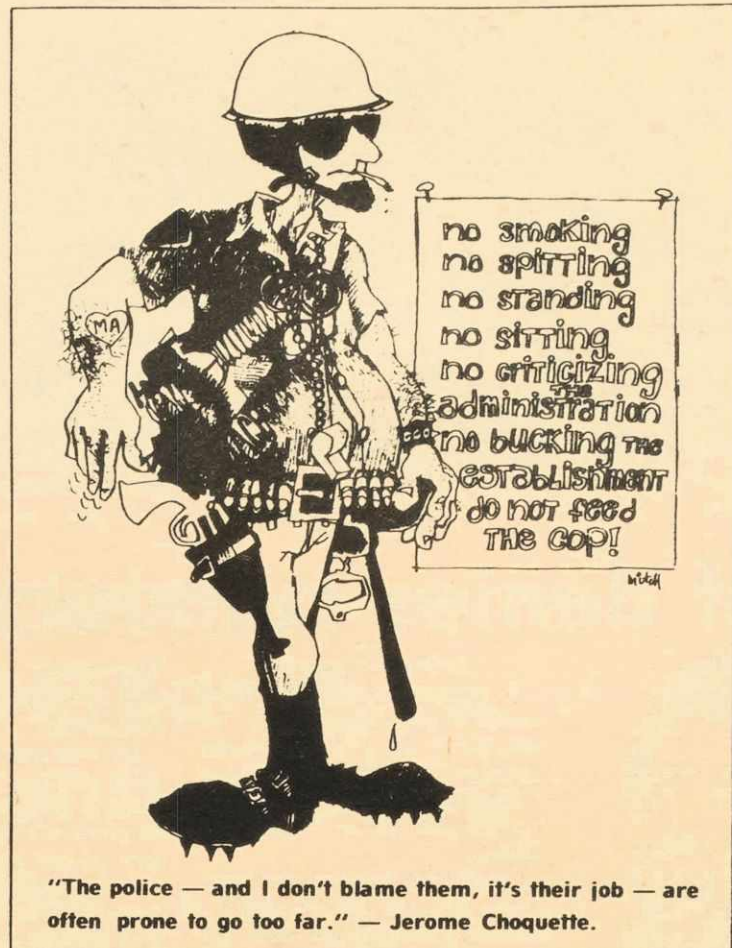
If you are arrested, DON'T SAY ANYTHING! The police will usually try to engage you in "friendly" conversation in the car and/or on the way to the station. This is oldest evidence getting trick in the world. DON'T SIGN ANYTHING! They will ask a lot of questions at the station. Give only your name and address and demand your right to a phone call.

Unless you are charged with an indictable offence, you can and should refuse to be photographed or fingerprinted. (Vagrancy, creating a disturbance, etc., are not indictable.) (Theft under \$50.00 is indictable.) They have the right to seize weapons, including your belt and shoelaces, and evidence related to the charge. They do not have the right merely to take for safekeeping money, your wallet, papers, etc.

## Driving a car

If you are pulled over while driving a car, lock all the doors and roll up all the windows except leave the driver's window open just wide enough to give the officer your driver's licence, registration and insurance.

He cannot require you to get out of the car unless you are under arrest. Nor can he require you to open the car unless he is conducting a legal search as outlined below. No one else in the car should do or say anything.



## Searches

The only time that you have to submit to a search of your person before arrest is if a) the search is conducted under the Narcotics Control Act, b) the search is conducted under the Government Liquor Act, or c) if you are in a house being searched under a Writ of Assistance. The Government Liquor Act and the Narcotics Control Act also give police the right to search your car. If you are arrested, and only after you are arrested, you can be searched for weapons and evidence related to the charge.

## Movable property

Police may not seize your movable property unless it is specified in a writ or warrant, comes under the Government Liquor Act or Narcotics Control Act, or is evidence related to a charge. Such evidence, and any legal weapon, may only be seized if you are arrested. You have the right to defend your property with as much force as is necessary providing you state your claim to be in legal possession of it. (Section 39 of the Criminal Code.)

## Use common sense

All this looks pretty good on paper but remember you have no rights at all if the cops decide you don't, particularly when you're in jail. You have to use common sense and good tactics to apply the law in a useful way.

If there are a lot of people around, your best defence is probably to start shouting your legal rights, loud and clear. If you are alone in an ally with six cops looking for an excuse to beat on you, say, "Yes, sir officer! I'll come quietly". This way you will be back to fight another day. Above all, don't try to impress the cops with how smart or tough you are — their arrogance and egotism will drive them to stomp you as hard as they can.



(Lloyd Macdonald / seed)

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