

WHAT TO DO WHEN PULLED OVER BY POLICE IN ONTARIO OR ANYWHERE IN CANADA

This is not legal advice and is for informational purposes only.

DRIVING A VEHICLE IN CANADA:

When you are detained by police (pulled over at the side of the road, DUI/RIDE checkpoint, etc), section 10(a) of the Canadian Charter of Rights and Freedoms requires them to tell you why. So whenever you are stopped, and they come to your vehicle window, immediately ask them:

- **Why did you stop me?**
- **Am I being detained?**

DO NOT ANSWER ANY QUESTIONS:

Be nice and be polite (they have guns), but remember you do not have to answer any questions. Always answer "**I CHOOSE NOT TO ANSWER ANY QUESTIONS, THANK YOU**" or "**I DO NOT WISH TO MAKE A STATEMENT, THANK YOU**" to everything they ask you. This is your fundamental right to be free from self-incrimination and therefore not provide police with evidence that may be used against you. Everything you say can and will be used against you in a court of law. Also remember that you should never lie to police. It is much better to say "no comment" than to lie.

EXCEPTIONS:

In Ontario, there are some exceptions when you **MUST** give them information:

- (1) When you are doing something that requires a license (like hunting or driving) then you **MUST** produce that license when asked for it. When driving you must also produce your registration and insurance as well, if asked. But you still do **NOT** have to answer any other questions and do **NOT** have to give them any other information.
- (2) When being charged with an offence then you **MUST** identify yourself by giving them your Name, Address and Date of Birth. But you still do **NOT** have to answer any other questions and do **NOT** have to give them any other information.
- (3) If you are involved in an accident you may be required to report it and/or give a statement about it.

NEVER VOLUNTEER ANY INFORMATION:

Any information you are compelled to give them (like the exceptions above), is not admissible in court as long as you can prove that you did not volunteer it. Therefore it is imperative that you never volunteer any information. Always wait for them to ask for it. This includes your name, address, date of birth, drivers license, registration, insurance and/or any statements they ask you to make. The worst possible thing you can do is start giving them information they did not ask for. When they ask you for something, ask them back:

- **Am I required to give that to you?**
- **Can I be charged if I do not provide that to you?**

WHAT TO SAY BEFORE YOU GIVE THEM ANY INFORMATION OR STATEMENTS:

Before you give any information to them, make sure you say:

- **I am only giving this information to you because I am required to do it, and it is NOT voluntary.**

If you can prove in court that you only gave them information that you were compelled to give them, and that you did not volunteer any of it, then this becomes inadmissible evidence and they can not use any of it to convict you.

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OTHER THINGS TO SAY BEFORE GIVING THEM LICENSE, INSURANCE AND REGISTRATION:

- **Drivers License is for proof of competency only, and is not for identification purposes.**
- **Registration is for proof vehicle is registered only, and is not for identification purposes.**
- **Insurance is for proof vehicle is insured only, and is not for identification purposes.**

SEARCH YOUR VEHICLE:

- You do not have to let them search your vehicle or your trunk. They need a warrant to do this.

PASSENGERS IN VEHICLE

- Passengers in your vehicle do not have to identify themselves UNLESS they are being charged with an offence (*see Exception (2) above*).
- Passengers in your vehicle do not need to answer any questions either. Best answer is again "I CHOOSE NOT TO ANSWER ANY QUESTIONS, THANK YOU" or "I DO NOT WISH TO MAKE A STATEMENT, THANK YOU" to everything.

COMMON QUESTIONS AND ANSWERS YOU SHOULD GIVE

Questions:

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| - Have you been drinking or had anything to drink? | - Do you know why I stopped you? |
| - Why were you driving so fast? | - In a hurry? |
| - Where are you going? | - How are you today? |
| - Why is your car so loud? | - Are you trying to hide something? |
| - Do you have a gun/drugs/alcohol in the vehicle? | - What's in your trunk? |
| - Is that yours [<i>pointing to something in the vehicle</i>]? | |

Answer these with: "I CHOOSE NOT TO ANSWER ANY QUESTIONS, THANK YOU" or "I DO NOT WISH TO MAKE A STATEMENT, THANK YOU"

Questions:

- | | |
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| - Can I see what's in your trunk? | - Open your trunk please! |
| - Can I see what's in your glove box? | - Open your glove box please! |
| - I need to search your vehicle! | |

Answer these with: "DO YOU HAVE A WARRANT? IF NOT, THEN NO!"

REFERENCES

<http://www.criminaltriallawyers.ca/?q=know-your-rights>

<http://www.hosseiniilaw.com/talking-to-the-police/>

<http://www.trafficticketparalegal.com/statements-snatching-defeat-jaws-victory/>

<http://canadian-lawyers.ca/Understand-Your-Legal-Issue/Personal-Injury/Motor-Vehicle-Accidents/Reporting-A-Motor-Vehicle-Accident.html>

<http://robichaudlaw.ca/right-to-silence-oickle-mccrimmon-sinclair>

Summary - This is not legal advice and is for informational purposes only.

Pulled over by police or stopped at DUI/RIDE checkpoint:

- **Why did you stop me?**
- **Am I being detained?**

Best answers to give (never lie):

- **I choose not to answer any questions, thank you.**
- **I do not wish to make a statement, thank you.**

Never volunteer any information and Never answer any questions and Never lie:

- **Am I required to give that to you?**
- **Am I required to answer that question?**
- **Can I be charged if I do not provide that to you?**

What to say before you give them any information or statements:

- **I am only giving this information to you because I am required to do it, and it is NOT voluntary.**

Other things to say before giving them license, insurance and registration:

- **Drivers License is for proof of competency only, and is not for identification purposes.**
- **Registration is for proof vehicle is registered only, and is not for identification purposes.**
- **Insurance is for proof vehicle is insured only, and is not for identification purposes.**