

HANDOUT 3: What Happens When a Crime is Committed?

What is Criminal Law?

Criminal laws make it illegal for someone to hurt or kill other people or to steal from them. People who are accused of breaking the law are taken to court by the government. The federal government makes criminal law, which is the same all across Canada.

What If You See a Crime Happening?

Call the police right away. Wait for the police officers to come. The police will talk to the witnesses. Witnesses are the people who saw the crime happening. If a witness cannot speak English, the police will try to get an interpreter.

Police officers ask witnesses:

- Their names
- Their addresses
- Their telephone numbers
- What they saw

Witnesses are very important to Canadian law. If a witness doesn't talk to the police, the police may not be able to arrest the criminal. The criminal might go free, and there would be more crime. If people see crime happening, it is their duty to talk to the police.



What if a Crime Happens to You?

A man robbed Ying Yee's store last night. He came in with a gun and took all her money. After the robber left, Ying Yee phoned the police. Two police officers came to the store. They asked her name, address, and phone number. They asked what had happened. Then they asked her to write down everything that the robber said and did. It was difficult for her to write this in English, so she wrote it in Chinese. The police got it translated later.



Ying Yee was a victim of a crime. A victim is the person that the crime happened to. Ying Yee was the victim because it was her store and she lost her money. Ying Yee was also a witness because she was in the store when the robbery happened and she saw the robber.

Identification

The police arrested a man. The police thought he was the man who robbed Ying Yee's store. But the man said he did not do it. The police did not see him rob the store. Only Ying Yee saw the man who robbed the store. The police asked Ying Yee to come to the police station. At the police station, she looked at pictures of some men. All the men looked similar, but one was the man who robbed her. She was sure. She told the police that he was the robber.



A Witness in Court

The victim and the witnesses to a crime may have to give evidence in court. Giving evidence means telling the court what you saw.

Ying Yee got a letter called a subpoena. It said the police were taking the man they arrested to court. The letter said Ying Yee had to identify him in court and give evidence. The letter said what day she had to go to court.



Before the court day, Ying Yee went to a meeting at the court building. The Crown Counsel and an interpreter were there. On the court day, Ying Yee went to court and waited outside the courtroom. When her name was called, she went into the courtroom. First, she had to promise to tell the truth. The clerk asked her to make a legal promise that everything she said in court would be true.

There are many other ways to make this promise. Many people make an oath (a promise) on the holy book of their religion — for example, the Bible, the Koran, or the Guru Granth Sahib. Other people prefer a special oath used in their culture. Talk to the Crown Counsel about this before the court day.

Yee had to answer a lot of questions. The interpreter interpreted everything for her. The Crown Counsel asked questions first. Then the defence lawyer asked Ying Yee some more questions. The Crown Counsel's job was to try to show that the accused man was really the robber. The defence lawyer's job was to try to show that Ying Yee wasn't sure this man was the robber. The judge listened to Ying Yee's answers. Then the judge made a decision. He said the man was guilty and had to go to jail.

What happens if you commit a crime?

Arrest

A man stole money from a grocery store and ran. The police saw Jim Hawes running down the street away from the store. They thought he was probably the robber. The police stopped Jim and took him to the police station.

This is called arrest. There are rules for the police when they are arresting people. An arrested person also has rights:

- The police officer has to say who he or she is and why he or she is arresting Jim.
- The police officer has to let Jim phone a lawyer right away.
- If Jim wants to talk to the lawyer alone, the police officer has to let him.
- When the police officer asks, Jim should tell the officer his name and address. He doesn't have to say more until he talks to a lawyer.
- Within 24 hours, the police have to take Jim to court or let him go.

Jim Gets Arrested



There are different ways that Jim could be arrested:

- The police may stop Jim, but not arrest him. They may let him go home if the charge against him is not serious. Later, Jim will receive a notice in the mail. This is called a summons. The summons will say the date and time to go to court. Jim must go to court.
- The police may arrest Jim and take him to the police station and then let him go. Jim may have to sign a paper saying he promises to go to court. He may have to pay some money to make sure he will go to his trial. He will get the money back later after he goes to court.
- The police may think Jim is dangerous. Or maybe the police think he will not go to court. Then the police can arrest him and not let him go. If the police don't let him go, they have to take him to court within 24 hours. The judge will decide if Jim can go home or if he will stay in jail until the day of his trial. Canada has special rules for young people who break the law. They don't go to adult court. There is a special court for young people, called Youth Court.

Going to Court

What if Jim is arrested or he receives a notice to go to court? The first time Jim goes to court, he should have a lawyer with him. If he doesn't have one, he can ask the judge for time to get a lawyer. The Legal Services Society may give free help or advice. What if Jim doesn't speak English well? He can ask the court for an interpreter. This is free.

In court, Jim will hear the charges. The charge is what the Crown Counsel says Jim did. For example, the Crown Counsel may say Jim robbed the store. Jim must answer "guilty" (that he did it) or "not guilty." Jim should talk to a lawyer before he decides which to say. The lawyer will help him make the right decision.

The judge may say Jim has to stay in jail until the trial. Or the judge may let Jim go home until the trial, if Jim pays bail. Bail is money he pays, or promises to pay, to make sure he will go to court. Jim will get the money back after the trial.

What if Jim says he is not guilty? Then the Crown Counsel will try to prove that Jim broke the law. Jim may have to go back to court one or more times. The judge, or the jury, will listen to the evidence and decide. If the judge or jury decides that Jim is not guilty, the judge will let him go. If the judge or jury decides Jim is guilty, the judge will decide the sentence (punishment).

Innocent Until Proven Guilty

In Canada, people who are accused of breaking the law are innocent until proven guilty. This means that, by law, they are innocent until a judge or jury decides in court that they are guilty beyond a reasonable doubt.

The Crown Counsel, a government lawyer, has to show that the accused person broke the law. Another lawyer defends the accused person. The judge or jury listens to both lawyers and then makes a decision. Sometimes, the judge or jury cannot be quite sure. Then the judge will let the accused person go.

For example, what if Ying Yee did not see the robbery happen? What if only a shopper in the store saw the robber? Maybe this shopper didn't go to court to identify the man. The judge may think the accused man is the robber, but is not sure. The judge must then let him go.

What if a landed immigrant breaks the law?

This can be a problem for getting Canadian citizenship. The police check all citizenship applications for criminal records. To become a citizen, a landed immigrant must have lived in Canada for three of the past four years. Time in jail doesn't count. You can't become a citizen when you are in jail, or on parole (let out of prison early). Sometimes people with criminal records can't become citizens and they have to leave Canada.

Sometimes people lie about a criminal record to become citizens. Later the government may find out the truth and take away their citizenship.

Living with a Criminal Record

If you have a criminal record it may affect what you can do. For example, if you have a drug conviction you may not be able to travel easily to the United States. It also may affect the type of work you can get. If you need to be a bonded employee or need to handle money in the workplace you may not be hired if you have a criminal record. For example, some cleaning services require their staff to be bonded.