

## Section 2: Criminal Law

### Lesson Plan 3: Legal Rights for Youth

#### SNAPSHOT

<b>Grade Level</b>	8-10
<b>Duration</b>	2-3 periods; the lesson length will depend on which topics you choose to focus on

#### Introduction

The purpose of having a special law for young offenders is to prevent crime by addressing the circumstances underlying a young person's offending behaviour, to rehabilitate young persons who commit offences and reintegrate them into society, and to ensure that a young person is subject to meaningful consequences for his or her offence. Several recent court decisions have underlined the importance of youth understanding their rights and responsibilities. For example, judges have dismissed cases where youth charged with offences were shown not to have been adequately informed of their rights. This lesson will provide a brief introduction to the Youth Criminal Justice Act (YCJA). It will also cover the rights and responsibilities that youth have in different situations.

#### Objectives

At the end of this lesson, students will be able to:

- Describe youth rights and responsibilities when a youth is arrested
- Describe youth rights and responsibilities if stopped by the police when driving
- Describe procedures when a youth is taken to the police station following arrest
- Explain procedures concerning searches on school premises

#### Focus Questions

1. What are youth rights and responsibilities when stopped or arrested?
2. What rights do youth have when they are in a car?
3. What is the law with regard to searching bags and lockers of students?

## Teaching Summary

For this lesson, it is important that the activity for Topic 1 precedes the other activities as it provides a background for Topics 2-9. This lesson is lengthy if you choose to cover all of the topics and complete all activities. For this reason, you may wish to select some topics and/or omit some activities.

Students will view 8 videos on the topic of legal rights and will participate in discussions about the specific videos. The topics include being stopped, detained or arrested by police, rights if you are driving a car or are a passenger in a car, and the rights of search and seizure at school. *Handout 1: What Should You Know About the Youth Criminal Justice Act?* is a brief introduction to the YCJA and *Handout 2: Legal Rights for Youth* is a summary of the rights that are discussed in all the activities. Role-play exercises are also included in the lesson.

## CONTENT

### Topic 1: Introduction to the Youth Criminal Justice Act

#### What Should You Know About the Youth Criminal Justice Act?

##### ***The Main Points of the Youth Criminal Justice Act***

The YCJA is for young people between the ages of 12 and 17 who are in conflict with the law. The main points are:

- Youth are responsible for their actions.
- Youth will be held accountable for crimes in a fair manner.

Young people are not sentenced in the same way as adults, except in some cases where the crime is very serious (for example, if s/he kills someone). It is important to try to help youth who commit crimes to improve their behaviour, and to avoid any further crimes.



##### ***If a Young Person Breaks the Law, What Rights Does he or she Have?***

Young people have the right to:

- Know the reason for being arrested. The police must tell youth this.
- Remain silent.
- Speak with a lawyer, a parent or other responsible adult. The police must give youth the opportunity to telephone any of these people.
- Not to be kept in a custody centre (jail) while waiting for trial, unless safety is a concern or authorities believe the young offender might not show up for his or her trial.
- Be considered innocent until proven guilty and to have a fair trial.
- Be dealt with in a timely manner.



##### ***What will Crown Counsel Decide to do with a Young Offender?***

The Crown counsel is the lawyer for the government who decides if there is enough evidence to proceed with a criminal charge.

For minor or first offences (for example, shoplifting), Crown counsel might:

- Write a letter to the parents or guardians of the young person so that the family can deal with the problem.
- Refer the young person to a community program or agency for an extrajudicial sanction rather than go to court. (This may include community service, service or repayment to the victim of the offence, courses, counselling, job-finding programs or recreation programs. This is to hold the young person accountable for a wrong doing in a way that is meaningful and promotes rehabilitation and reintegration.

For serious or repeat offences (for example, aggravated assault or armed robbery or for those who have been charged before with minor offences), the Crown counsel will charge the youth and conduct a trial in youth court. A possible consequence for the youth might be custody.

For repeat offenders, 14 years of age or older or charged with serious offences, the Crown counsel might apply to the judge to have the offender sentenced as an adult. If this happens, the young person would be sentenced the same way as an adult and might have his or her name published in the newspaper or other media.



### **Serious Offences**

The most serious crimes are murder, attempted murder, manslaughter, aggravated sexual assault and repeat violent offences. If a youth is 14 (or 15, or 16, depending on the province or territory) and commits one of the most serious crimes, the justice system presumes the youth will get an adult sentence. The burden is on the youth to show why a youth sentence is appropriate to hold him or her accountable.

### **Victims**

In all cases that go to court, victim impact statements can be introduced. These are statements by victims about how the crime has affected them and their families. The rights of the victim are considered under an important part of the process when dealing with youth crime.

Students can learn more about the *Youth Criminal Justice Act* in Lesson 4 and 5.

## Topic 2: Street Freedoms

### Scenario from “Street Freedoms” Video

A youth is being stopped by police. Sav is waiting at the bus stop when police approach and ask him questions. View the video at the [LegalRights4U](#) website.

### Youth Rights

You do not have to give the police officer your name and address if you are just walking (it is different if you are driving). However, it is a good idea to be courteous and give your name and address.

You do not have to give the police officer your age, but it is a good idea to do so as it lets the officer know that you are a youth.

After you have been courteous and given your name, address, and age, you do not have to give any other information to police. You can tell the police officer, “I want to remain silent.”

You can be detained (held by police) for a short period of time if a police officer or other person believes you may be involved in a crime. If you are “detained” you are not free to go until the police say so.

If you ask, “Am I free to go?” and the police officer says no, you are being detained. You have the right to be told why you are being detained. Remember the reason the police officer gives you, if he or she gives you one.

Get the badge number or name of the police officer so that you will have it if you want to make a complaint.

## Topic 3: You are Under Arrest

### Scenario from “The Stuff Your Mom Warned You About” Video

A youth, Mimi, is being arrested. The police officer tells Mimi, “You are being arrested under the *Controlled Drugs and Substances Act*. You have the right to retain and instruct counsel without delay. Do you understand?” View the video at the [LegalRights4U](#) website.

### Youth Rights

You will know if you are under arrest because a police officer has said, “you are under arrest”, or has somehow indicated you are not free to go by physically holding you.

If you are under arrest, and the police ask, you must tell them your name and address. You do not have to give the police officer your age, but it is a good idea to do so. The

police must tell you why you are being arrested unless the reason is obvious – remember what they say so you can tell your lawyer. Do not answer any further questions. You can say: “I want to remain silent.”

If you are arrested you have rights that the police should tell you about:

- You have the right to talk to a lawyer before you say anything to police (other than giving your name, address, and age). The right to talk to a lawyer is called the “right to retain and instruct counsel.”
- You have the right to talk to your parents or guardian before you say anything to police.
- You have the right to have a lawyer and your parent(s) or another adult with you if the police question you.

#### **Topic 4: Your Rights in a Car**

##### **Scenario from the “Your Rights in a Car” Video**

Sav is driving along in his car with his girlfriend Mimi when the police pull the car over. In one version of this scenario, the police ask to look in the trunk. They find drugs. View the video at the [LegalRights4U](#) website.

##### **Youth Rights**

If you are the driver, you must give the police officer your name and address. Also, you must show the police officer your driver’s licence, car registration, and insurance.

A passenger in a car does not need to give their name and address if the car is stopped for a driving matter, unless the passenger is involved in a seatbelt violation.

If drugs are involved or there is evidence any other crime has been committed, a passenger in a car must give their name and address as s/he may be a witness to, or suspect in a crime.

#### **Topic 5: When You are taken into Custody**

##### **Scenario from “Mimi in Custody” Video**

Mimi is at the police station. Mimi was arrested at the bus stop because she had drugs in her backpack. She is wondering what will happen and what her rights are. View the video at the [LegalRights4U](#) website.

At the police station you have the right:

- Speak to a lawyer and a parent or other adult in private before you say anything
- Have a lawyer and your parents (or other adult) with you when you make a statement to police

### **What you Need to Know?**

If you say anything about the events the police are looking into, you are “making a statement” – saying something police can use in court. You are even making a statement if you say you don't know anything about what happened, or say you weren't there or you didn't do it.

### **What you Need to do?**

If you are arrested, phone a lawyer. If you don't have a number for a lawyer, ask the police for a “duty counsel” number.

Duty counsel is a lawyer who will give you free legal advice:

- Do not talk to the police before you get advice from a lawyer.
- Do not talk to the police without a lawyer present.

## **Topic 6: Don't Look in My Locker**

### **Scenario from the “Don't Look in My Locker” Video**

On his way to his first afternoon class Yuri hears that students and their lockers are being searched. Nobody seems to know if the principal or the police are doing the searches. Yuri and his friends are talking about it. View the video at the [LegalRights4U](#) website.

Laws about schools are made by the provinces. In BC, for example, the law is known as the *School Act*. The *School Act* sets out the legal powers and responsibilities of teachers, school administrators and school boards. Section 6 of the *School Act* sets out the duties of students. For example, it says that a student must obey the school rules and follow the code of conduct and other rules and policies set by the school.

Many schools have police liaison officers who work with the schools in a range of positive ways. They address safety issues and are involved in anti-bullying and anti-violence programs. This scenario looks at what the law says about police officers when they are involved in school searches

### **Youth Rights**

School officials can search you without your consent. This is because while you are in

school they are responsible for your safety and well-being (the law says that they “stand in the place of the parent.”)

School officials can also search lockers. They must have good reason to do so. Police can search only if they are arresting you, or they have a search warrant, or with your consent. The bottom line is, when you are at school, you and your locker can be searched.

## ACTIVITIES

### Pre- Activity

Have students read *Handout 1: What Should You Know About the Youth Justice Act?* This will provide an introduction to the *Youth Criminal Justice Act*.

You may wish to review the following questions with youth before viewing the Street Freedoms video in Activity 1.

1. What is a youth?  
*Youth are 12 to 17 years of age inclusive. A person is considered an adult at the age of 18.*
2. Why is there a special law for youth?  
*The Canadian justice system recognizes that youth crime and adult crime need to be dealt with differently. Maturity is a factor in making choices and being able to foresee the probable consequences of your actions.*

### Activity 1: Street Freedoms – Video

Before students watch the video, have them answer the following pre-questions. Have participants stand up/sit down to indicate a yes/no response to the following statements. The answers are in italics.

1. A police officer can stop and question you when you're walking along the street.  
*When you are just walking (not driving), police officers need a reason they can explain and justify before they can stop and question you.*
2. You must give your name and address when police ask for it.  
*You are not obliged by law to give your name and address if you are just walking (it's different if you are driving). However, it's a good idea to be courteous and give your name, age and address. Use your common sense. When in doubt, err on the side of caution.*
3. You must give your age when police ask for it.  
*You are not required to give your age but it is in your best interests to do so. It lets police know you must be treated as a youth by law. If you are under age 12, you must be treated as a child.*

4. You will get arrested if you do not answer police questions.  
*Some young people are concerned that police officers may arrest them if they don't answer their questions, or if they don't answer them in a particular way. This is not the case.*

Introduce the scenario as described in the content section and ask students to look for the following when watching the video:

- What advice does K9 have for a youth in Sav's situation? (Note as many pieces of advice as you can.)
- Name at least two things that K9 does in this scenario that are illegal.  
*He jumps off buildings; he steals the policeman's handcuffs; he is not wearing a helmet.*

Watch the Street Freedoms video. After viewing the video, fill in the following chart with your students.

### Reasons Why a Police Officer Might Stop you

Just making conversation	Detaining you
<p>Police officers could be investigating an incident you saw or know about. They might simply be friendly.</p> <p>You can ask: "Am I free to go?" If the answer is yes, you can leave.</p>	<p>You can ask: "Am I free to go?" If the answer is no, you are being detained.</p> <p>If you are being detained, you are not free to go until the police say so.</p> <p>You have the right to be told why you are being detained.</p> <p>Remember the reason the police officer gives you, if he or she gives you one.</p> <p>Get the badge number or name of the police officer so that you will have it if you want to make a complaint.</p>

Discuss the following:

1. If stopped by police what would you advise a youth to do?  
*If questioned by a police officer you should be courteous and give your name, age and address. You do not have to answer any other questions. (You are not legally obliged to give your name/age/address unless you are driving, or are under arrest – but it is a good idea to be courteous.)*

*After you have given your name/age/address, say, "I want to remain silent." The right not to make a statement to police until you have had an opportunity to get legal advice is a right of everyone in Canada.*

2. Why is it in your best interest to be courteous?
3. Why may it not be in your best interests to give the police officers all the information they ask for?

Give students a copy of Handout 2: Legal Rights for Youth. It contains other information from the other activities as well.

### **Activity 2: The Stuff Your Mom Warned You About - Video**

Before students watch the video, have students answer the following pre-questions. Have participants stand up/sit down to indicate a yes/no response to the following statements.

If a police officer arrests you:

1. You can ask if you are under arrest.  
*Yes. Often police will tell you if you are being arrested. If they do not say anything about arrest, you can ask if you are under arrest. It is important to know if you are being arrested because resisting arrest can result in criminal charges. Police officers must give you a reason for the arrest.*
2. You must give your name and address.  
*Yes. If arrested, you must give your name and address.*
3. You must state your age.  
*You are not required to give your age but it is in your best interests to do so. It tells police that you must be treated as a youth. The youth justice legislation does not apply if you are under age 12.*
4. You have to answer all the questions the police ask you.  
*No. You are not required to tell the police anything other than to identify yourself. This gives you a chance to talk to a lawyer and a parent or other adult before you talk to the police. Anything that you say to the police may be used against you in court.*

Introduce the scenario as described in the content section and ask students to look for the following when watching the video:

- Does Mimi have to give police her name and address?
- What do the police have to tell Mimi?
- What should Mimi do as soon as possible?

After students have watched the video, fill in the following chart with them.

<b>Police detain you</b>	<b>Police arrest you</b>
<p>If you ask, “Am I free to go?” and the police officer says “no”, you have the right to be told why you are being detained. Remember the reason the police officer gives you, if he or she gives you one.</p> <p>Get the badge number or name of the police officer so that you will have it if you want to make a complaint.</p> <p>If you are being detained but you are not under arrest, you aren’t driving, and you haven’t broken any laws, you don’t have to give the police officer your name. But it’s a good idea to tell the police your name, address, and age to show you are cooperative. Use your common sense.</p> <p>You do not have to answer any further questions. You can say: “I want to remain silent.”</p>	<p>You will know if you are under arrest because a police officer has said “you are under arrest”, or has somehow indicated you are not free to go by physically holding you.</p> <p>If you are under arrest, and the police ask, you must tell them your name and address.</p> <p>The police must tell you why you are being arrested unless the reason is obvious – remember what they say so you can tell your lawyer.</p> <p>You do not have to answer any further questions. You can say: “I want to remain silent.”</p>

Use *Handout 2: Legal Rights for Youth* and explain that youth who are arrested have the following rights that the police should explain, and make the point that the right to get advice from a lawyer is called the “right to retain and instruct counsel.”

- You have the right to talk to a lawyer before you say anything to police (other than giving your name, address and age)
- You have the right to talk to your parents or guardian before you make any statements to police

- You have the right to have a lawyer and your parent(s) or another adult with you if the police question you

Make the point that anything you say to police is information they can use in court.

“Giving a statement” means answering any questions or saying anything to the police about what happened.

Ask students to play the role of K9 and give Mimi some pointers about what she should do. The following points should be covered:

- Phone a lawyer. If you don’t have a number for a lawyer, ask police for a “duty counsel” number. Duty counsel is a lawyer who will give you free legal advice.
- Do not talk to police before you get advice from a lawyer
- Do not talk to police without a lawyer present with you in person

Have students answer this question: When a youth is arrested, why is it important that the police explain the youth’s rights in a clear, plain way?

*If you do not know you have a right, you are not able to exercise it. Police cannot assume that youth know the meaning of words such as “retain and instruct.” Police must use ordinary language that youth understand.*

*Note: It is important to explain rights to a youth in language that is appropriate to the youth’s age and understanding. (See the case study under “Extension Activities.”)*

### **Activity 3: Your Rights in a Car - Video**

Before students watch the video, have students answer the following pre-questions. Have participants stand up/sit down to indicate a yes/no response to the following statements.

1. When a police officer stops you when you’re driving, you must give the officer your name and address.  
*Yes. When you are driving you must give the police officer your name and address. Also, you must show the police officer your driver’s licence, car registration, and insurance.*
2. If you are a passenger in a car, you must give your name and address when a police officer stops the vehicle.  
*If a passenger is not under arrest and is not the driver, that passenger is not required by law to give his/her name and address.*

*But if the police find drugs in the car, the passenger has to give his/her name and address because he/she may be a witness to or a suspect in a crime.*

3. Police can search your car when they stop you.

*Normally when police stop you, they have the authority to ask questions related to driving and possible driving offences only.*

*They can search your car when they have reason (reasonable and probable grounds) to believe you:*

- *are carrying illegal drugs or a weapon*
- *you have liquor in your possession and you are under the legal drinking age*
- *have committed an offence, like drunk or dangerous driving*

*Police may search your car if they see something in plain view that gives them reason to think you may have committed a criminal offence such as drunk or dangerous driving. However, the police cannot normally search the trunk of a car against the driver's wishes unless they have a valid search warrant, or if the driver agrees to the search.*

Introduce the scenario as described in the content section and ask students to look for the following when watching the video:

- If police stop you, what's the difference between being the driver of a car and a passenger in a car, in terms of rights and responsibilities?
- If police stop you, what may happen if (a) they suspect you may have drugs or have committed some other criminal offence; and (b) they don't suspect you have drugs or have committed some other criminal offence?

After students have watched the video, fill in the following chart with them.

<b>Evidence a crime has been committed</b>	<b>No evidence of crime</b>
<p>A driver of a car must give the police officer his/her name and address. Also, the driver must show the police officer his/her driver's licence, car registration, and insurance.</p> <p>A passenger in a car must give his/her name and address as he/she may be a witness to or suspect in a crime.</p>	<p>A driver of a car must give the police officer his/her name and address. Also, the driver must show the police officer his/her driver's licence, car registration, and insurance.</p> <p>A passenger in a car does not have to give his/her name and address if the car is stopped for a driving matter, unless the passenger is involved in a seatbelt violation.</p>

Conduct a role-play based on the following fact pattern: A youth is stopped by a police officer while driving. Have youth play (a) the police officer; (b) the youth who is driving, and (c) the youth who is a passenger.

Do a role-play in which the police officer sees drugs in plain view on the back seat.

Then do a role-play in which there are no drugs or alcohol in the car, and police do not have any reason to suspect the youth have been involved in a crime or are witnesses to a crime.

Review rights in a car on *Handout 2: Legal Rights for Youth*.

#### **Activity 4: Mimi in Custody**

Before students watch the video, have students answer the following pre-questions.

1. What rights do all people have when they are under arrest?
  - *The right to know why you are under arrest*
  - *The right to get and be represented by a lawyer without delay (“to retain and instruct counsel without delay”)*
  - *The right not to make any statement to police until they have talked to a lawyer (Anything they tell the police may be used in court.)*
2. What special rights do youth have when they are under arrest?
  - *The right to talk to a lawyer and your parents or another adult before they answer questions by police*
  - *The right to have a lawyer and your parents or another adult with them if the police question them*
3. Do police tell your parents when you are arrested?  
*Yes. If you are arrested, the police are required by law to notify your parent(s) or guardian, whether you want them to or not.*
4. Does the lawyer tell your parent what you say?  
*The information that you give your lawyer is private. Your lawyer can’t tell anyone – including your parents, social worker, or the police officer – what you say unless you give your lawyer permission to do so.*

Conduct the exercise again at the end of the session. Introduce the scenario as described in the content section and ask participants to identify what things Mimi should do and should not do.

After they have watched the video, fill in the following chart with them. Have students identify rights upon arrest, and distinguish between those rights of all individuals and those rights that are specific to youth.

### Rights upon arrest

Everyone has these rights	Additional rights for youth
Right to know why you are under arrest Right to get and be represented by a lawyer without delay (“to retain and instruct counsel without delay”) Right not to make any statement to police until you have talked to a lawyer (Anything you tell the police may be used in court.)	Right to talk to a lawyer and your parents or another adult before you answer questions by police Right to have a lawyer and your parents or another adult with you if the police question you

Note that if youth are arrested, the police are required by law to notify your parent(s) whether you want them to or not.

You may wish to do a role-play about being at the police station. Have youth play: (a) Mimi; and (b) the duty counsel lawyer that Mimi talks to on the telephone. Before you do the role-play, make the following points:

- If you say anything about the events the police officers are looking into, you are “making a statement.” You are making a statement even if you say you don't know anything about what happened, or say you weren't there or you didn't do it. It is a statement even if you don't sign anything, or even if the police officers don't write it down at the time. If you want to make a statement, wait until a lawyer can be there.
- Some youth who are arrested have a lawyer they can call (their parents can pay for one, or they can pay). Many youth cannot afford a lawyer or don't know a lawyer. If you don't have a lawyer, duty counsel are provided free of charge. A duty counsel is a lawyer.
- If a youth is arrested:
  - You can call a duty counsel (a lawyer) on the phone at the police station

- A duty counsel will come in person to see you if the police don't let you go (if you are arrested at night it will be next morning). You can also get your own lawyer.
- If the police let you go but you have to go to court, you can see a duty counsel at the courthouse building *before* you go to court. You can also have your own lawyer to represent you.

While role-playing, here are some points the duty counsel lawyer might make:

- Sit tight; keep your mouth shut; don't say anything until you have a lawyer present in person
- Tell police you do not want to answer any questions until you have a lawyer present in person

### **Activity 5: Don't Look in My Locker – Video**

Before students watch the video, have students answer the following pre-questions. Have participants stand up/sit down to indicate a yes/no response to the following statements.

1. At school, a teacher or principal can search you and your locker.  
*Yes. In schools, teachers, principals and other members of the school administration can search you without your consent. This is because while you are in school they are responsible for your safety and wellbeing (the law says that they “stand in the place of the parent”— in loco parentis).  
 School officials who find drugs or other illegal items can seize them and turn them over to the police. In one case the courts said it was okay when a principal did the search in the presence of police, found drugs on the student, handed them over to the police officer, and the student was charged with narcotics possession.  
 Some schools rent lockers to students on an annual basis; other schools rent locks for the lockers only. Either way, the school owns the lockers which means they can be searched.. However, there must be reasonable grounds for a search. It has to be a reason based on some kind of reliable proof of wrongdoing. It can't just be that the teacher doesn't like you.*
2. At school, a police officer can search you and your locker.  
*Police officers on school premises have the same responsibilities that they have in other places.  
 Police can only search you and your belongings in one of three situations:*

- *During a lawful arrest*
- *If they think you have a weapon*
- *If the police have a legally valid search warrant*

3. There are different rules for police and for school officials.

*When it comes to searches, the rules for police and school officials are a bit different. Police can search only if they are arresting you, or they have a search warrant, or with your consent.*

*However, school officials can search you without your consent because they are responsible for your safety and well-being. School officials can search lockers because they are school property. However, they must have good reason to do so.*

Conduct the exercise again at the end of the session.

Introduce the scenario as described in the content section and ask students to look for the following when watching the video: What are Yuri's rights?

After they have watched the video, fill in the following chart with them. Have students speak for and against the statement, "If you've got nothing to hide, why should you care about searches?" The following chart has some points to cover as to why students should care.

Why you should not care	Why you should care
	<p>Being protected from unreasonable search or seizure is one of our <i>Charter</i> rights as Canadians.</p> <p>Section 8 of the <i>Charter of Rights and Freedoms</i> says: Everyone has the right to be secure against unreasonable search or seizure.</p> <p>Being free means having personal privacy. There would have to be a very good reason for taking any of our freedoms away.</p>

### Comparison of Rights and Responsibilities

If you have completed watching all four videos, you may wish to revisit the chart that compares rights and responsibilities. Add an extra column for “Student.”

There are different situations in which youth may be stopped by police:

- Pedestrian
- Driver
- Passenger
- Student

In each situation, youth have different rights and responsibilities. Ask youth to identify what their responsibilities and rights are. Explain that these are rights everyone in Canada has, under the *Canadian Charter of Rights and Freedoms*.

	<b>Responsibilities</b>	<b>Rights</b>
<b>Pedestrian</b>		
<b>Passenger</b>		
<b>Driver</b>		
<b>Student</b>		

Suggested Answers for this activity are outlined below.

	<b>Responsibilities</b>	<b>Rights</b>
<b>Pedestrian</b>	<p><i>Obey municipal, provincial and federal laws.</i></p> <p><i>Examples of law-breaking:</i></p> <ul style="list-style-type: none"> <li>- <i>Jaywalking</i></li> <li>- <i>Public drunkenness</i></li> </ul> <p><i>If you are stopped or detained, you should provide your name and address in order to be polite and cooperative</i></p> <p><i>If you are under arrest, you must provide your name and address.</i></p>	<p><i>To be secure against unreasonable search or seizure.</i></p> <p><i>Not to be arbitrarily detained.</i></p> <p><i>To know the reason for being detained.</i></p> <p><i>To obtain and instruct counsel if detained or arrested.</i></p>
<b>Passenger</b>	<p><i>Obey municipal, provincial and federal laws.</i></p> <p><i>Example: wear a seatbelt</i></p> <p><i>If under arrest, you must provide your name and address.</i></p>	<p><i>To be secure against unreasonable search or seizure.</i></p> <p><i>Not to be arbitrarily detained.</i></p> <p><i>To know the reason for being detained.</i></p> <p><i>To obtain and instruct counsel if detained or arrested.</i></p>
<b>Driver</b>	<p><i>Obey municipal, provincial and federal laws.</i></p> <p><i>You must carry your driver's licence and show it when a police officer asks to see it. It has your name, address, and age.</i></p> <p><i>You must carry insurance and registration in the car and produce it upon request</i></p> <p><i>Drive a vehicle that is safe.</i></p>	<p><i>To be secure against unreasonable search or seizure.</i></p> <p><i>Not to be arbitrarily detained.</i></p> <p><i>To know the reason for being detained.</i></p> <p><i>To obtain and instruct counsel if detained or arrested.</i></p>

	<b>Responsibilities</b>	<b>Rights</b>
<b>Student</b>	<p><i>Obey municipal, provincial and federal laws,</i></p> <p><i>Obey school rules and code of conduct</i></p> <p><i>Understand that school officials are allowed to search you and your belongings if they have reasonable grounds to believe you've done something illegal.</i></p> <p><i>Understand that police can search only if they are arresting you, or they have a search warrant, or your consent.</i></p>	<p><i>To be secure against unreasonable search or seizure.</i></p> <p><i>Not to be arbitrarily detained.</i></p> <p><i>To know the reason for being detained.</i></p> <p><i>To obtain and instruct counsel if detained or arrested.</i></p>

Review rights regarding searches on *Handout 2: Legal Rights for Youth.*

## RESOURCES

### **Pre-Activity**

*Handout 1: What Should You Know About the Youth Justice Act?*

### **Activities 1-6**

*Handout 2: Legal Rights for Youth*

## **ASSESSMENT**

Activities 1-6 are similar in structure. They do not contain content for marking but participation marks can be given for the discussions, debates, and role plays.

## ENRICHMENT

### Street Freedoms

When Sav says, “I want to remain silent,” his right to say this comes from the Canadian *Charter of Rights and Freedoms*. Sections 7 to 14 of the *Charter* set out rights that protect us in our dealings with the justice system. What are those rights?

### You are Under Arrest

What happens in cases where a youth makes an admission of guilt without understanding the consequences of what he or she is doing?

Read the following case outline. Describe how the rights of a youth are protected in this situation.

#### **R. v. G.F.D., B.A.S. and P.J.B. 2006 BCPC 02**

A youth, Barbara, was accused of a crime. She was 13 years of age at the time. She had a legal guardian, Dee, whom she thinks of as a mother.

One night when Barbara was late in arriving home, Dee telephoned the cell phone of Barbara’s friend. Barbara’s friend said that the police were talking to Barbara and her and another girl about a fight in the park.

Dee became concerned and headed to the park to find out what was going on.

As a result of this incident, Dee decided to call the police herself and report the three girls’ involvement in the fight. She gave the names of the girls to the police.

### Your Rights in a Car

When can police search you and your possessions? Prepare a short summary of the facts. Find out more: [Rights Talk BC Civil Liberties Association](#).

### Mimi in Custody

What happens in court if a youth makes a statement to police that was not voluntary? Consider the following case and summarize the reasons for the judge’s conclusions.

#### **R. v. A.A., [2003] O.J. No. 5137**

This case involved a 15-year-old young person charged with criminal negligence causing bodily harm after a steel rod was thrown from a ninth floor balcony. The rod, believed to be part of a shopping cart, struck a five-year-old girl on the ground below,

puncturing her skull and seriously injuring her. After a brief investigation, the police questioned the accused who then admitted throwing the rod from the balcony.

The youth's lawyer asked the court to exclude the youth's statement, as well as evidence that was seized by the police as a result of the statement, claiming that the statement was not made voluntarily.

The young people who were alleged to be involved were questioned in the home where at least one of them lived. No parent or other adult was present, and it does not appear that the youth were advised of a right to counsel. The accused youth in particular was taken into a bedroom and sat down on the edge of the bed. A police officer sat on either side, as the questioning continued. The youth was not told that he was free to leave at any time. No adult was informed of what was going on and the accused was not informed of his rights under the *Youth Criminal Justice Act (YCJA)*. A broken shopping cart was seized and taken into evidence.

The judge held that the Crown failed to prove that the statement was voluntary, noting “profoundly oppressive circumstances.” The judge held that the accused had been detained, noting that all the surrounding circumstances needed to be taken into account.

Referring to the accused, the judge noted that he was a 15-year-old youth who was born in Somalia and had only been in Canada for one month. The judge went on to say, “Police officers have entered the home where he lives and pretty much taken it over. He is being questioned by two of them cut off from his brother and any adult support. He would perceive himself as a prisoner and in my view [was] deliberately made to believe that he was.”

The judge noted that in order to give up a right you must first be aware of the right and understand the consequences of giving it up. Under section 146(2) of the *YCJA*, the statement was excluded from evidence. The judge also ruled that the entry to the apartment was unlawful and excluded the evidence of the seized shopping cart under section 24(2) of the *Canadian Charter of Rights and Freedoms*.

This case study was excerpted from: *The YCJA: One Year Later*. To locate the publication online, go to [www.plea.org](http://www.plea.org).