

Section 4: The Justice System

Lesson Plan 1: Police and the Law

SNAPSHOT

Grade Level	5-7 (Topic 1 and 2) 8-10 (Topic 3)
Duration	1-3 periods

Introduction

Police officers have an important role in our community, which is to protect people and enforce laws. Before anyone can become a police officer, they must undergo specific training. They must adhere to a standard of conduct and face consequences if they do not. In this lesson, students will learn about police and the law through discussion and reading activities.

Objectives

By the end of this lesson, students will understand:

- That police officers obey and enforce laws
- That police officers have a duty to protect people in the community
- That police officers testify in court
- What happens when a crime is committed
- What is involved in reporting a crime and testifying as a witness in court
- What is involved in police oversight and what are some of the present issues

Focus Questions

1. What kind of training do police officers receive?
2. What are the duties of a police officer?
3. When a crime is committed: What does a witness do? What does a police officer do?
4. What could happen if you commit a crime?
5. Who is responsible for ensuring that police officers act professionally?
6. What are some of the issues surrounding police oversight?

Teaching Summary

Topic 1: The Role of the Police

Students will read *Handout 1: Police and the Law* and will then discuss the duties of a police officer. They will apply what they learned by answering eight true or false questions on *Handout 2: What Do Police Officers Do?*

Topic 2: What Happens When a Crime is Committed

Students will read the information on *Handout 3: What Happens When a Crime is Committed?* and discuss issues of identification and testifying as a witness. What happens when you are charged with a crime is also covered including arrest and going to court.

Topic 3: Police Oversight

Students will read *Handout 4: Police Oversight* and debate the issue of whether police should be in charge of their own oversight.

CONTENT

Topic 1: Role of the Police

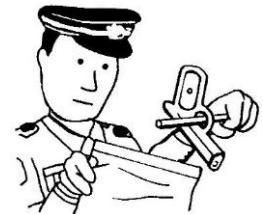
Training

Police officers have to go through both physical and academic training to become members of the police force. The candidates must have integrity and be honest as well as intelligent and patient. First aid training and a good driving record are also required. The candidates must not have criminal records and they have to be physically fit. Police officers have a difficult and dangerous job. They leave for work every day with the real possibility that they might be injured or killed. They have to deal with people respectfully and they have to be confident in difficult situations.



Standard of Conduct

Police officers are held to a very high standard of conduct because they hold positions of honor and authority. They need to act responsibly in order to continue to receive the trust and the regard of the community. Not only do they have to enforce our laws, they also have to obey our laws. Police officers must follow the provisions of the Charter of Rights and Freedoms when dealing with people who are suspected of committing crimes.



Initiation of Criminal Charges

Police officers initiate criminal proceedings either when they give an Appearance Notice to the offender or when they arrest the offender. No conditions are attached to an Appearance Notice but, once arrested, the Promise to Appear that the offender receives will usually have conditions attached. For certain offences the police will send a report to Crown counsel directly and the Crown will decide whether or not to issue a summons to the accused to appear in court. This would happen when the accused has no prior history as an offender and when the offence is a summary conviction offence, such as mischief or shoplifting.



Testifying in Court

An important duty of police officers is to testify in court. Police officers are used to testifying in court and they can present their evidence succinctly. The police collect evidence of the crime including such things as weapons or illegal drugs and at a trial, it is their duty to present those items to the court. Crown counsel will put those items into the court record as exhibits in the trial.



Police officers take notes and write reports of their investigations and they can refer to them while testifying. Police officers usually stand while testifying as a sign of respect to the court. Police officers may also testify as expert witnesses. For example, a police officer could be a fingerprint or dog handler expert.

Police in the Community

Police officers do more than deal with crime and arrest people. They also try to educate the public about what they do and how to prevent crime. For example, in Vancouver there is a program run by police officers called Block Watch. In this program people in the same neighbourhood are educated about community crime prevention and watch out for each other in their neighbourhood. If there is a similar program in your community discuss it with the students. They also work as liaison officers in schools.

Topic 2: 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?

Case Study

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.

Topic 3: Police Oversight**Overview**

Police forces – whether they are municipal, RCMP or tribal – are not above the law; they live by the same laws that they are responsible for upholding. This oversight ensures that police officers, as well as their departments, do not take advantage of their positions of power. It also maintains public confidence in the police.

This handout answers many questions related to police oversight, details recent events that have highlighted the need for this oversight, details what happens when complaint is submitted regarding police conduct, and provides numerous helpful links. The Lesson Plan includes discussion topics and a group activity.

Police Oversight

The police play a very important role in Canadian society. With the powers that have been granted to them by the electorate, they investigate criminal activity and they enforce the laws that are created by the democratically elected members of Parliament and the Legislature. For many people, the image of the police officer is a comforting one; it is an image of the brave fellow-citizen who has put him or herself at potential risk in order to "serve and protect" the members of the community.

At a recent meeting of the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE), participants agreed that, "Canadians in general and British Columbians in particular, are very fortunate to be so well-policed and that we enjoy

police forces that are universally respected for their competence and professionalism.” These words are not to suggest, however, that the system in which we live is above reproach.

Indeed, not all people share this image of law enforcement and, even amongst those who do, it is known that not all police officers always live by the same laws that they are charged with upholding. In recent years, and throughout history, there have been many stories and allegations of abuses committed by police officers in Canada. Given the breadth of the powers that are entrusted to the police, the question of police oversight is a particularly important one.

Specific Examples of Recent Alleged Police Misconduct

The year is 2005. A twenty-two year old man is caught drinking beer outside a hockey arena in Houston, B.C. After giving the RCMP a false name, he is put in the back of a police car and taken to the police station. Twenty minutes later, Ian Bush lies on the floor, dead, having been shot in the back of the head.

It's a cold January night. Three suspected drug dealers with lengthy criminal records are removed from the Granville Street Mall area in Vancouver, BC. The police take them to Stanley Park where, one by one, they are taken out of the police vehicle and beaten.

One night, a young aboriginal man is taken on a "starlight tour", which is to say that he is driven to the outskirts of Saskatoon by two police officers and abandoned in the sub-zero temperatures of the Saskatchewan night. The chief of police admits that this is not an isolated incident. Over the years, several aboriginal men are found frozen to death on the outskirts of town.

A similar incident occurs in Merritt, British Columbia when an aboriginal man is beaten by police and left in the bush. He survives. Two off-duty RCMP officers leave a lower-mainland bar one night, highly intoxicated. The two officers proceeded to assault three men and to falsely identify themselves as Port Coquitlam Police and as undercover police agents.

Who is Affected by Police Misconduct?

While police misconduct can negatively and directly affect any member of society, it is not true that everyone has the same likelihood of being affected. It has been documented that police misconduct of the violent sort disproportionately targets aboriginal people, people from marginalized ethnic communities and/or people living on low-incomes.

Policing and Oversight in British Columbia

The provision of policing services in British Columbia is delivered by: 1) municipal police forces, 2) tribal police forces, and 3) the RCMP. When a complaint is lodged against a member of a police force or the force itself, the process employed to investigate and resolve the complaint is monitored by one of two institutions that provide civilian oversight in the province. Municipal and some tribal police forces are subject to the oversight of the Office of the Police Complaint Commissioner while concerns about the conduct of the RCMP are directed to the Commission for Public Complaints Against the RCMP.

Office of the Police Complaint Commissioner (OPCC)

The Police Complaint Commission is an independent civilian organization that is accountable to the Legislature of British Columbia. It is responsible for overseeing 15 municipal and tribal police forces such as the Nelson City Police Department, the Vancouver Police Department, Stl"atl'imx Tribal Police Services, and the Victoria Police Department.

The Commissioner has a number of duties. Among these are: overseeing the complaints process regarding municipal/tribal police forces, their policies, and their officers; receiving and tracking complaints; compiling data regarding lodged complaints, and; regular reporting to the public regarding complaints and the complaint process.

In order to fulfill these duties, she or he may take such steps as researching and issuing recommendations on any aspect of the police complaints process, recommending a public inquiry, or suggesting to Crown Counsel that criminal charges be laid against a police officer.

Any individual can lodge a complaint in person, by fax, by phone, by email or by mail to the OPCC. Alternatively, they can lodge the complaint at any municipal police department information desk. While this initial report may be made in any of these forms, a complainant ultimately needs to fill out a Form 1 Record of Complaint. If the form is received by the OPCC, the complaint is forwarded to the Chief Constable of the department that is, or whose member is, the object of the complaint. Similarly, if the complaint is made at a police department, the Form 1 is forwarded to the OPCC. Any investigation should be completed within six months of this time.

There are three types of complaints under the *Police Act*: service or policy complaints, internal discipline complaints, and public trust complaints. Complaints about the service of a department or its policies are addressed by the local police board, who must report findings and a summary of any action taken to the OPCC. When there is an allegation

against an officer that does not affect the relationship between the police and the public, it is deemed an internal discipline matter and is addressed accordingly.

A public trust complaint can be resolved in one of three ways: summary dismissal, informal resolution, or an investigation. The Chief Constable of the police department where the complaint originates can summarily dismiss the complaint where it is deemed baseless or where it was filed more than a year after the incident that forms the basis of the complaint. Where a complaint is dismissed, the decision to do so may be reviewed by the OPCC. It is also possible for the complainant and respondent to come to an informal resolution and to settle the complaint by signing a letter of agreement. Finally, a complaint may be investigated through an internal investigation or, in some rare cases, by an external investigator.

Policing is subject to the oversight of the courts and any criminal activity will be addressed in that arena. In the context of the OPCC work, any disciplinary action will be in relation to the employment of the officer(s) whose conduct is being questioned. Such discipline may include a written reprimand, a suspension, a reduction in rank, or a dismissal. If this investigation does not lead to satisfactory resolution for the complainant, they can apply to the OPCC to recommend a public hearing. This decision may also be made by the OPCC without having received an application.

In 2006, the OPCC received nearly 600 complaint forms, 85% of which included public trust complaints. That same year, just over 1000 complaints were concluded. Of those, 59 were withdrawn, 211 were summarily dismissed, 618 were found to be unsubstantiated, and 54 were substantiated. The majority of the rest were concluded through informal resolution.

There are limitations to the work that the OPCC can do. One of the most often-mentioned limitations is in relation to the investigation process. The practice of internally investigating complaints raises concerns in two key regards. First, there is the concern that there will be a perception of bias in having people investigate members of their own police force. Public confidence in the police is important and that confidence will waiver where there does not appear to be any accountability.

Second, it has been suggested that, in fact, internal investigations do not always lead to complete and fair investigations. In a recent review of the police complaints process, former B.C. Court of Appeal justice Josiah Wood QC recommended greater powers for the OPCC to investigate and to monitor internal investigations. In his study, the former justice found that, while 80% of investigations were adequately carried out, the one in five that aren't adequately done were generally in regard to the more serious breaches

of the public trust. The government has not yet adopted the recommendations of this report.

The Commission for Public Complaints Against the RCMP

The Commission for Public Complaints Against the RCMP (CPC) provides a similar service with respect to the RCMP as that provided by the OPCC with respect to municipal police forces. Like the OPCC, the CPC is a product of a statute passed by an elected body and is responsible to that body (the Parliament in this case). The CPC oversees all RCMP policing activity but does not have any power in regard to the RCMP national security powers. The National Security activities of the RCMP are not subject to civilian oversight of any kind. Whether this lack of oversight is appropriate in a free and democratic society is the topic of a great deal of debate.

The complaint process at the CPC is similar to that found at the OPCC. Once a complaint is received, the RCMP conducts an internal investigation and reports to the complainant. There may also be a process of mediation in an effort to reach an informal resolution of the complaint. If the complainant is satisfied with the RCMP report, the process ends and the complaint is closed. If the complainant is unsatisfied, a complainant can request a review by the CPC. Upon review, if the Chair of the CPC finds that the report is satisfactory, the process ends. If, however, the Chair is unsatisfied, they may take a number of steps including: conducting a review of the complaint without any further investigation; requesting that the RCMP investigate further, initiating an investigation on behalf of the CPC, and holding a public hearing.

During a review, an interim report will be prepared by the CPC and sent to the RCMP Commissioner. Ultimately, once the process is at an end, a final report is sent to the RCMP Commissioner, the Minister of Public Safety and the complainant. None of the reports prepared by the CPC are binding on the RCMP.

Conclusion

In order to place into check the vast powers granted to the police, and in order to maintain public confidence in the police, it is important that there is civilian oversight of the individual officers and of the departments. In British Columbia, the OPCC and the CPC provide that service. In both the context of municipal and federal policing, it has recently been noted that the majority of internal investigations are conducted in a fair and just manner. However, there are also those that are not seen to lead to a just result. What balance should be struck to ensure the adequacy of civilian oversight? Should recommendations be binding on the police? Does this undermine the authority of a police chief? Should internal investigations ever be permitted? These and other questions will continue to be debated until that balance is reached.

ACTIVITIES

Activity 1: Introduction to Police and the Law

Begin the lesson with a discussion by asking the students what they think police officers do. They will probably say things like arresting people or catching bad guys. Lead the discussion into other things that police officers do as outlined on *Handout 1: Police and the Law*, highlighting the special training that they must take before becoming a police officer. After the discussion, have students complete *Handout 2: What do Police Officers do?* You could also invite a police liaison officer to speak to your students. See Enrichment Activity 2.

See Answer Key for *Handout 2* in the Assessment section.

Activity 2: What Happens When a Crime is Committed?

Provide students with *Handout 3: What Happens When a Crime is Committed?* Discuss the highlights and have them summarize the handout by making a list of the 10 most important points for them to remember.

Activity 3: Police Oversight Optional Activity for Older Students

Provide students with *Handout 4: Police Oversight*. Discuss the highlights and have a debate in the class on the following resolution: *BE IT RESOLVED that police should be able to do their own oversight*. Give them some time to prepare their positions.

RESOURCES

Activity 1: Role of the Police

Handout 1: Police and the Law

Handout 2: What do Police Officers do?

Activity 2: What Happens When a Crime is Committed?

Handout 3: What Happens When a Crime is Committed?

Activity 3: Police Oversight

Handout 4: Police Oversight

ASSESSMENT

Activity 1: Introduction to Police and the Law

This activity has both a discussion and question-answering component. For the discussion, you may wish take note of those who participate and grant them participation marks. *Handout 2: What Do Police Officers do?* can be turned in for marks once students have completed it. The answer key is located in the content section.

Answer Key: *Handout 2: What do Police Officers do?*

1. Police officers can arrest someone if they believe that the person has committed, or is about to commit, an offence, or that the person will fail to attend court.
TRUE
2. Police officers do not have to give a *Charter* warning while arresting someone.
FALSE
3. A person has the right to remain silent when being arrested.
TRUE
4. A person has the right to contact a lawyer after they have been arrested.
TRUE
5. Police officers will arrest anyone they see committing a criminal act.
*FALSE * Sometimes they will give an Appearance Notice without arresting the person, especially for minor offences.*
6. Police officers don't have to obey the laws because they have to enforce them.
FALSE
7. Rather than appearing in person to testify in court, police officers write lengthy reports and submit them as evidence for the court.
FALSE
8. Police officers do more than arrest people suspected of committing a crime. They do other things such as educate the public about crime prevention.
TRUE

ENRICHMENT

1. Research the qualities, qualifications and requirements that a person needs to have in order to become a member of the local police force. Report your findings in a paragraph or orally to the class.
2. Ask the school liaison officer from your police force to come and speak about:
 - The role of the police in the community
 - Police careers and training
 - Crime prevention
 - Peer pressure and personal decision making, regarding gang recruitment and staying out of trouble in high school
 - The police officer's most interesting experiences
 - Testifying in court
 - Prepare questions to ask the officer such as:
 - How s/he got his/her job?
 - What area or field does s/he work in?
 - When did s/he start this particular job?
 - Do women have the same responsibilities, training and opportunity for advancement as men?
 - What was his/her most difficult assignment?
 - How does s/he use his/her gun and what are the target practice requirements?
 - What was his/her most frightening experience?
 - What is the structure of police force including the hierarchy/divisions?
 - What training is required both physically and academically?
 - Are men or women more suited to police work?
 - Have students make notes to help themselves prepare a short quiz for a partner based on the information given by the police officer during the presentation. Be sure to make an answer key. Exchange the quiz with a partner and complete each other's quizzes. This could also be done in small groups or for the whole class.
3. Visit your local Police Station or the Police Museum at 240 East Cordova Street, Vancouver, BC (604-665-3346).



4. Discuss why police officers are sometimes thought of in negative ways.
- How could this attitude be changed? Look at some newspaper articles or do some research on the Internet looking for stories about police officers in Canada. Write a short paragraph about your article and put it and the article on a bulletin board for the whole class to read.

