

## **W. Arrest Procedures**

1. Officers, when arresting any person for an offence, shall:
  - (a) identify themselves as a peace Officer;
  - (b) tell the accused the reason for the arrest;
  - (c) take custody of the accused (touch the accused);
  - (d) make Notice Upon Arrest by telling the accused, "I am arresting you for..."; and,
  - (e) ensure that when an arrested person has the care, charge or custody of another person who, because of age, physical or medical condition, is unable to care for themselves, the Officer shall make every effort to secure proper care for that person.

Note: State the Reason for Arrest, (Section 29.(2) of the Criminal Code of Canada (C.C.)) provides that a person who is arrested be given "the reason for the arrest").

2. Officers, when making an arrest, shall comply with The Canadian Charter of Rights and Freedoms by instructing persons in their custody as follows:
  - (a) "I am arresting you for ... (state charge(s))";
  - (b) "It is my duty to inform you that you have the right to retain and instruct counsel without delay";
  - (c) "You have the right to telephone any lawyer you wish";
  - (d) "You have the right to free advice from a Legal Aid Lawyer";
  - (e) "If you are charged with an offence, you may apply to the Ontario Legal Aid Plan for legal assistance". 1-800-265-0451 is a toll free number that will put you in contact with a Legal Aid Duty Counsel Lawyer for free legal advise right now;
  - (f) "Do you understand?"; and,
  - (g) "Do you wish to call a lawyer now?".
3. Officers, upon arresting a person for an offence, shall give the accused the primary caution, as follows: "You are charged/will be charged with (state charge(s)). Do you wish to say anything in answer to the charge(s)? You are not obliged to say anything unless you wish to do so, but whatever you say may be given in evidence."
4. Officers who arrest a person, who have or may have come in contact with another person in authority, previous to the arrest, shall give the accused the secondary caution, as follows: "If you have spoken to any police Officer or to anyone in authority, or if any such person has spoken to you in connection with this case, I want it clearly understood that I do not want it to influence you in making any statement."
5. Section 10 of the Canadian Charter of Rights and Freedoms states that everyone has the right on arrest or detention, to:
  - (a) be informed promptly of the reasons thereof;