

The Justice System
Lesson Plan 2: Police and Crime
What are cops for and what is considered as crime

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.

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 records¹ and they have to be physically fit². 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.

Requirements for becoming a police officer in Quebec

Admission to a 3 year full time police technology program at one of the 12 CEGEPs in Quebec offering the program³. Only one Anglophone Police Technology CEGEP, and it is located in Montreal. After graduating from the police technology program, the training session at L'Ecole Nationale de Police at Nicolet is conducted entirely in French. Only John Abbott conducts the Police Technology program in English and French.

- CEGEP diploma in police technology, and.
- Training at the École nationale de police (Quebec police academy located in Nicolet , Quebec)
- Before they can be hired to work as police officers in Québec, graduates must pass a medical examination⁴ and complete a 15-week practical police-training program at l'ENPQ⁵ (given in French only). It is strongly recommended that students consult the

¹ *Règlement sur le régime des études de l'École nationale de police du Québec*, RLRQ c P-131, r 4, art 4(4).

² *Règlement sur le régime des études de l'École nationale de police du Québec*, RLRQ c P-131, r 4, art 4(10).

³ *Règlement sur le régime des études de l'École nationale de police du Québec*, RLRQ c P-131, r 4, art 4 au para 4.

⁴ *Règlement sur le régime des études de l'École nationale de police du Québec*, RLRQ c P-131, r 4, art 4 au para 7.

⁵ *Règlement sur le régime des études de l'École nationale de police du Québec*, RLRQ c P-131, r 4, art 3.

ENPQ web site at www.enpq.qc.ca for detailed entrance requirements, course costs, eligibility, etc.

A candidate must not, from the time of application and until the end of his/her training, have been found guilty, no matter where, of any act or act of omission, that the Criminal Code defines as infraction, nor of any of the infractions stipulated in article 183 of the Criminal Code, and deriving from one of the laws referenced in the Code⁶. This provision is strictly applied, no matter what the type of sentence returned by a judge (incarceration, fine, community work, conditional discharge, etc.). A candidate who has been found guilty of an offense for which he has obtained an administrative rehabilitation (pardon) or a conditional or unconditional discharge can be admitted to the initial training program in police patrol.

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 community⁷. Not only do they have to enforce our laws, they also have to obey our laws⁸. Police officers must follow the provisions of the Charter of Rights and Freedoms when dealing with people who are suspected of committing crimes⁹.

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 attached¹⁰. The Crown authorizes charges in QC. Police can still arrest someone and 'charge' them, but the crown has to authorize charges before any trial can proceed. For some provincial offenses (penal, not criminal) the police have the power to institute proceedings (speeding, parking, now some public health matters, etc.)

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 court¹¹. 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.

⁶ *Loi sur la police*, RLRQ, art 115 au para 3; *Règlement sur le régime des études de l'École nationale de police du Québec*, RLRQ c P-131, r 4, art 4 au para 3.

⁷ *Code de déontologie des policiers du Québec*, RLRQ, c P-131, r 1, art 5.

⁸ *Code de déontologie des policiers du Québec*, RLRQ, c P-131, r 1, art 7.

⁹ *Code de déontologie des policiers du Québec*, RLRQ, c P-131, r 1, art 3.

¹⁰ *Code criminel*, LRC, (1985) ch C-46, art 501.

¹¹ *Code de déontologie des policiers du Québec*, RLRQ, c P-131, r 1, art 7(2) para 2.

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. The duty of the police is to:

- Maintain law and order¹².
- Protect members of the public¹³
- Enforce both criminal and civil laws.
- They reassure victims, arrest criminals and act as peacemakers or mediators¹⁴.
- Reduce fear of crime by their presence thereby improving the quality of life for all citizens.

Police work is a career that demands maturity, courage and strong communication skills.

Topic 2: What Happens When a Crime is Committed?

What is Criminal Law?

Criminal laws make it illegal for someone to hurt¹⁵ or kill¹⁶ other people or to steal¹⁷ from them. People who are accused of breaking the law are taken to court by the government. The federal government makes criminal law¹⁸, 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 happening¹⁹. If a witness cannot speak French or 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 and Quebec laws. If a witness doesn't talk to the police, the police may not be able to arrest the criminal. The criminal might go free so if people see crime happening, it is their duty to talk to the police. Except for rare cases, involving professionals who work with kids who have a duty to report crimes committed against children, there is no general legal duty to report crime or to speak to the police.

¹² *Loi sur la police*, RLRQ, art 48(1).

¹³ *Loi sur la police*, RLRQ, art 48(2).

¹⁴ *Loi sur la police*, RLRQ, art 49(1).

¹⁵ *Code criminel*, LRC, (1985) ch C-46, art 265.

¹⁶ *Code criminel*, LRC, (1985) ch C-46, art 222(1), 222(2), 222(4) et 229 ss.

¹⁷ *Code criminel*, LRC, (1985) ch C-46, art 322.

¹⁸ *Loi constitutionnelle de 1867*, 30 & 31 Vict, c3, art 91(27).

¹⁹ *Code criminel*, LRC, (1985) ch C-46, art 118; Hubert Reid, *Dictionnaire de droit québécois et canadien: avec table des abréviations et lexique anglais-français*, 5e édition, Montréal, Wilson & Lafleur, 2016.

Contact the police as early as possible. Write down any information you can remember to give a complete account to the police or in case you are called to testify at court. If you have any concerns, you should consult a lawyer.

CRIME

How to respond to unlawful behaviour

Crime is an undeniable part of our lives; unfortunately we may find ourselves victims, perpetrators or witnesses of illegal actions varying in severity. To better understand the legality of certain actions (and inactions) is to be able to make ethical decisions to improve the safety in our communities.

Are all crimes the same?

NO. There are two categories of offences in the Criminal Code: indictable²⁰ and summary²¹. The category determines the jurisdiction of trial courts (provincial or superior), the possibility of having a jury trial or a preliminary inquiry, the application of limitation periods and the default maximum penalties²².

Summary offences are commonly known as the lesser offences. They carry a default maximum penalty (i.e. if not specified in the provision) of maximum of 2 years less a day and/or 5 000\$ fine²³. They are subject to a limitation period of 6 months to start the prosecution. Indictable offences are commonly known as the most serious offences. Subject to certain exceptions, there is no statute of limitations.

What if I committed a crime but didn't know that it was illegal at the time?

As stated by s.19 of the Criminal Code, "ignorance of the law by a person who commits an offence is not an excuse for committing that offence."²⁴

While the ignorance of law is not a defense, one of the general principles of Canadian criminal law, the «officially induced error», which means reasonably relying on legal advice in thoughts of them as being lawful, may sometimes be an exception to that rule. The «officially induced error» can be used as a defense to prevent individuals who were given erroneous legal advice to be convicted of a criminal offence. However, a lot of elements have to be proven to use that defense so it's always best to re verify the information given to you by more than one credible source to ensure you're not committing an illegal offence²⁵.

²⁰ *Code criminel*, LRC, (1985) ch C-46, art 235(1) et 745b) par exemple.

²¹ *Code criminel*, LRC, (1985) ch C-46, art 787(1).

²² *Code criminel*, LRC, (1985) ch C-46, art 469, 553, 536(2) et 536(2.1).

²³ *Code criminel*, LRC, (1985) ch C-46, art 787(1).

²⁴ *Code criminel*, LRC, (1985) ch C-46, art 19.

²⁵ *Lévis (Ville) c Tétreault; Lévis (Ville) c 2629-4470 Québec inc*, [2006] 1 RCS 420 (Cour suprême du Canada) aux paras 20-27.

What if I just helped someone commit a crime? (i.e. lookout)

You can be charged with a criminal offence. If you participate in a crime in any way, such as aiding²⁶ and abetting²⁷, common intention²⁸, or counselling²⁹, you have committed an offence. It is important to note that you can be charged and held liable even though the person whom you assist cannot be convicted of the offence.

What if I know someone committed a crime and don't tell anyone?

In Canada, failure to report a crime is not considered a criminal offence. However, you could be charged for being an accessory after the fact if, in any way, you assist someone while knowing they committed a crime. It all depends on the extent of your knowledge and the specific circumstances. As stated by s.23 of the Criminal code, if you knew of the crime and you «(...) received, comforted or assisted (...)» the person who committed the offence instead of informing authorities, you have committed a crime³⁰.

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What can happen if I make a threat to someone, even if I didn't mean it?

Uttering threats is a criminal offence. The extent of liability will depend on the consequences of those threats, for example bodily injury, death or damage to property.

What is a gang and is it illegal to be in one?

The Montréal Police Service describes a youth gang as being “an organized group of adolescents and/or young adults who rely on group intimidation and violence, and commit criminal acts in order to gain power and recognition and/or control certain areas of unlawful activity.”³² Participating in the activities of a criminal organization is illegal³³. If you wear any gang symbols, use gang signals³⁴, frequently hang around gang members³⁵, or receive any benefit from a gang³⁶ the police might have grounds to arrest you for gang-related activities.

What is theft?

Theft is using or taking something (a physical object or a service) that does not belong to

²⁶ *Code criminel*, LRC, (1985) ch C-46, art 21(1)b).

²⁷ *Code criminel*, LRC, (1985) ch C-46, art 21(1)c).

²⁸ *Code criminel*, LRC, (1985) ch C-46, art 21(2).

²⁹ *Code criminel*, LRC, (1985) ch C-46, art 22(1).

³⁰ *Code criminel*, LRC, (1985) ch C-46, art 23(1).

³¹ *Code criminel*, LRC, (1985) ch C-46, art 372(4).

³² Montréal. Montréal Police Service. Provincial Action Plan on Street Gangs. Québec: Department of Public Security, National Coordinating Committee, 2004

(<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/gngs-cnd/index-en.aspx#:~:text=It%20defines%20a%20youth%20gang,areas%20of%20unlawful%20activity%202.%22>)

³³ *Code criminel*, LRC, (1985) ch C-46, art 467.1(1).

³⁴ *Code criminel*, LRC, (1985) ch C-46, art 467.1(3)a).

³⁵ *Code criminel*, LRC, (1985) ch C-46, art 467.1(3)b).

³⁶ *Code criminel*, LRC, (1985) ch C-46, art 467.1(3)c).

you, without the permission of its legal owner³⁷.

Is it legal for me to accept stolen property if it is offered to me?

It is illegal to accept stolen property or to have in your possession any property obtained by crime³⁸. It is your responsibility to inquire as to whether or not the property has been stolen. If you do not, you may still be charged with possession of stolen goods because willful blindness, i.e. deliberate ignorance, is not a defense³⁹.

Can I keep something if I find it in a parking lot, library, mall etc.? What if someone leaves something at my house?

NO, not if the owner of the object has not given you permission to use it or keep it. You should always attempt to find the rightful owner (for example by contacting the person directly, by dropping off the object in lost and found services, or by contacting the police). Remember (especially in the case of larger and “more important” objects like identity cards, wallets and electronics) you may be found guilty of possessing stolen objects⁴⁰ or of possessing items with the intent of committing a crime (e.g. break somewhere)⁴¹. The concept of possession in the criminal law is very complex and can easily lead to criminal liability. When in doubt, contact the authorities.

What is identity theft?

Identity theft is knowingly obtaining or possessing another person’s identity information in order to pass yourself off as that person⁴². People who commit identity theft in order to commit fraud, deceit or a falsehood have committed an offense⁴³. Transmitting, making available, distributing, selling or offering for sale another person’s identity information is an offence⁴⁴.

What is littering?

Littering is leaving or abandoning any material in a place other than a place intended for receiving such a material; for example discarding gum wrappers on the sidewalk. This might be a provincial offense, but it is not a crime.

What if I was just borrowing something without permission? What if I return the stolen item, can I still get in trouble?

YES. Borrowing something without permission is theft⁴⁵. Even though you return the stolen item, you may still be charged with a criminal offence for the possession of the stolen item.

³⁷ *Code criminel*, LRC, (1985) ch C-46, art 322(1).

³⁸ *Code criminel*, LRC, (1985) ch C-46, art 354(1).

³⁹ *Sansregret c La Reine*, [1985] 1 RCS 570 (Cour suprême du Canada) au para 22.

⁴⁰ *Code criminel*, LRC, (1985) ch C-46, art 354(1).

⁴¹ *Code criminel*, LRC, (1985) ch C-46, art 351(1).

⁴² *Code criminel*, LRC, (1985) ch C-46, art 402.2(1).

⁴³ *Code criminel*, LRC, (1985) ch C-46, art 402.2(1).

⁴⁴ *Code criminel*, LRC, (1985) ch C-46, art 402.2(2).

⁴⁵ *Code criminel*, LRC, (1985) ch C-46, art 322(1)a).

However, the fact that you returned the item may help reduce your sentence.

What can a store owner or employee do if he or she catches me?

A store owner may report you to the police or even arrest you and deliver you to a peace officer if he/she catches you shoplifting⁴⁶.

What if I'm not shoplifting but just acting as a lookout?

The store owner can still have you arrested for aiding⁴⁷ and abetting⁴⁸, counselling⁴⁹ or having the common intention⁵⁰ to commit a crime.

What if I'm not stealing but I'm with friends who are?

The store owner can still have you arrested for aiding⁵¹ and abetting⁵², counselling⁵³ or having the common intention⁵⁴ to commit a crime.

What is criminal mischief?

You can be charged with a number of offences relating to mischief: public mischief or spreading false news⁵⁵. A person commits mischief when he or she wilfully damages property⁵⁶; renders property dangerous, or inoperative⁵⁷; interferes with the use of property⁵⁸; or interferes with any person in the use of property⁵⁹.

What is vandalism?

Vandalism is the wilful or malicious destruction or defacement of public or private property and it constitutes mischief⁶⁰.

What happens if I throw a rock or snowball at a car?

You could be charged with mischief if there are passengers in the car⁶¹ or if your action causes

⁴⁶ *Code criminel*, LRC, (1985) ch C-46, art 322(1)a).

⁴⁷ *Code criminel*, LRC, (1985) ch C-46, art 21(1)b).

⁴⁸ *Code criminel*, LRC, (1985) ch C-46, art 21(1)c).

⁴⁹ *Code criminel*, LRC, (1985) ch C-46, art 22(1).

⁵⁰ *Code criminel*, LRC, (1985) ch C-46, art 21(2).

⁵¹ *Code criminel*, LRC, (1985) ch C-46, art 21(1)b).

⁵² *Code criminel*, LRC, (1985) ch C-46, art 21(1)c).

⁵³ *Code criminel*, LRC, (1985) ch C-46, art 22(1).

⁵⁴ *Code criminel*, LRC, (1985) ch C-46, art 21(2).

⁵⁵ *Code criminel*, LRC, (1985) ch C-46, art 140(1).

⁵⁶ *Code criminel*, LRC, (1985) ch C-46, art 430(1)a).

⁵⁷ *Code criminel*, LRC, (1985) ch C-46, art 430(1)b).

⁵⁸ *Code criminel*, LRC, (1985) ch C-46, art 430(1)c).

⁵⁹ *Code criminel*, LRC, (1985) ch C-46, art 430(1)d).

⁶⁰ *Code criminel*, LRC, (1985) ch C-46, art 430(1)a).

⁶¹ *Code criminel*, LRC, (1985) ch C-46, art 430(1)d).

an accident, you could face multiple criminal charges and be liable to imprisonment for life⁶².

What happens if I set fire to something?

What happens if I did it accidentally? You could be charged with arson and depending on the circumstances, you could be liable to imprisonment for life⁶³. If you set fire to something accidentally, you can still be charged if it is shown that you were reckless or negligent⁶⁴.

Being criminally negligent means doing something or failing to do something that any reasonable person would know to do or not do. Your actions or inactions need to show a marked difference from what most reasonable people would do to be considered negligent⁶⁵. If you are reckless, it means that you could foresee the consequences of your actions but continued despite the knowledge of these risks⁶⁶. So if you started a fire by leaving the oven on while you went to the store, you could be charged with negligence, and if you started a fire while playing with lighter fluid and matches just to see how long it takes to put out the fire, then you are likely going to be charged with recklessness.

Even in the case of minor fire, you could face criminal charges. If you intentionally or recklessly cause a fire you could be found guilty of arson under s.433 or the Criminal code, even if you didn't mean to cause significant harm.

Can I buy fireworks? If so, where am I allowed to use them?

The use of fireworks in Canada is regulated by the Explosives Act. You must follow your municipal laws regarding the purchase, possession and use of consumer fireworks. If tampered with or misused, fireworks can result in injury, property damage, or even death.

What is extortion?

Extortion is when someone uses fear, violence or their authority to get someone to hand over their money or property⁶⁷. For an extreme example, if a mafia member were to tell you to give them your 500\$ or you would get hurt, they would be committing extortion. A more common example of extortion would be the lunchtime bully who tells you to give them your snacks by threatening violence.

What are the park rules?

Park rules vary depending on the municipality in which the park is located. You will see signs posted at the entrance to each park indicating the rules applicable to that park.

For more detailed information about certain parks you could also visit <http://ville.montreal.qc.ca>

⁶² *Code criminel*, LRC, (1985) ch C-46, art 430(2).

⁶³ *Code criminel*, LRC, (1985) ch C-46, art 433.

⁶⁴ *Code criminel*, LRC, (1985) ch C-46, art 433, 434, 434.1 et 436(1).

⁶⁵ *Code criminel*, LRC, (1985) ch C-46, art 436(1).

⁶⁶ *Code criminel*, LRC, (1985) ch C-46, art 436(1).

⁶⁷ *Code criminel*, LRC, (1985) ch C-46, art 346(1).

What is loitering?

Loitering is the act of remaining in a particular public place for a long amount of time for no apparent reason. Under certain circumstances, loitering may be illegal⁶⁸.

Can I “crash” someone’s party?

Showing up to a party uninvited is not illegal. However, if you are asked to leave by the hosts, you must respect their request or you are trespassing on private property⁶⁹. If the police are called, you will be removed from the premises, fined or arrested.

What is trespassing?

Trespassing is the unlawful intrusion or entry onto someone’s property⁷⁰. If you are unwelcome on someone’s property, they can ask you to leave whenever they want.

There are however exceptions to trespassing; certain civil servants, such as mailmen and policemen with warrants cannot be charged for trespassing while on the job.

What is animal cruelty?

Animal cruelty, according to the SPCA, could fall into the category of neglect or intentional cruelty. Neglect is the failure to provide adequate food, water, shelter or necessary care. On the other hand, intentional cruelty involved the deliberate physical harm or injury inflicted on an animal⁷¹.

In Canada, it is an offence to intentionally cause unnecessary pain, suffering or injury to an animal⁷². Poisoning animals is also prohibited⁷³. It is an offence to threaten to harm someone’s animal.⁷⁴

What rules should I remember if I plan on having a party?

If you plan on throwing a party there are a couple things you should keep in mind. Do try to keep the noise level to a minimum so as not to disturb your neighbors. You should also inform your guests of any parking restrictions in your neighborhood.

⁶⁸ *Code criminel*, LRC, (1985) ch C-46, art 175(1)c).

⁶⁹ *Code criminel*, LRC, (1985) ch C-46, art 177.

⁷⁰ *Code criminel*, LRC, (1985) ch C-46, art 177.

⁷¹ *Code criminel*, LRC, (1985) ch C-46, art 445.1(1)a).

⁷² *Code criminel*, LRC, (1985) ch C-46, art 445.1(1)a).

⁷³ *Code criminel*, LRC, (1985) ch C-46, art 445.1(1)c).

⁷⁴ *Code criminel*, LRC, (1985) ch C-46, art 264.1(1)c).

Make sure to check the fire department safety regulations for your building to know the number of people you can legally accommodate in your home. Try not to have any garbage blocking the emergency exits and/or pathways. After the party, ensure that there is no garbage left on public property such as the public roads. If garbage ends up on public property, you could be fined.

If you will be serving alcohol at your party, do not serve alcohol to minors.

Topic 3: Police Oversight Overview

Police forces – whether they are SPVM (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 section will answer questions related to police oversight, details recent events that have highlighted the need for this oversight, details what happens when a complaint is submitted regarding police conduct, and provides numerous helpful links. It also includes discussion topics and a group activity.

Police Oversight

The police play a very important role in Quebecois 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.

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 Quebec and Canada. Given the breadth of the powers that are entrusted to the police, the question of police oversight is a particularly important one.

Police officers are members of a professional organization that holds them accountable to a certain standard of professionalism and expected conduct especially when interacting with the public. Once found guilty following a hearing, the officer can face punishment from his professional organization. Punishment can range from sanction, suspensions, to even dismissal