

# Criminal Law



# Criminal Law

In Canada, a law called the Criminal Code says what behaviour is acceptable and what is actually a crime. The law applies to everyone. It says that if you are over 18 and you break the law, you will be treated like an adult. This can be confusing in Nova Scotia, where the law says that you have to be 19 for other things, like moving out or signing a contract.

At the end of this section is a list of places you can go for help, called Resources.

## CRIME AND YOUTH

If you are 12 to 17 years old and police charge you with a crime, another law also applies to you. It is called the Youth Criminal Justice Act. This law says youth are different from adults in the courts in some ways.

- ▶ The justice system should help young people learn how to stay out of trouble and contribute to their community in a positive way.
- ▶ Young people have the same rights as adults. The police have to tell young people about their rights and explain what is happening to them.
- ▶ Young people don't go to the same court as adults. There is a special Youth Court. The judge in Youth Court will make sure young people get a lawyer.

## GETTING STOPPED OR QUESTIONED BY POLICE

If police stop you and question you, you do not have to answer their questions. You do not have to tell them your name, but if they think you are guilty of a crime, they can arrest you until they find out who you are. If you lie about your name, you can be charged with “obstructing justice”.

The police are allowed to search you if they have a good reason to believe you have illegal drugs, weapons, or alcohol. If they arrest you, they have the right to search you.

If you believe you are being searched without a good reason, tell the police you don't agree to the search and talk to a lawyer as soon as possible.

If you are driving and you see a police car with flashing lights, pull over. The police might stop you for many reasons. Maybe you were driving too fast or didn't stop at a stop sign or a tail light isn't working. Sometimes police check all vehicles on a section of road to make sure inspection stickers are up to date.



If the police stop you:

- ▶ Tell them your name and address.
- ▶ Say whose car it is.
- ▶ Show your driver's licence, the car ownership paper, and the insurance papers. It is illegal to drive without a licence and insurance.

## DISCRIMINATION

In Nova Scotia and many other places, there is a history of police stopping Black people and other people of colour more often than white people. This is illegal. The police are not allowed to discriminate against you because of your race, religion, or gender identity.

If you think the police have stopped you, searched you, or arrested you because of discrimination, talk to a lawyer. You can also file a complaint against the police. You have one year after the incident happens to file a complaint.

You can learn more about how to file a complaint against the police at the end of this chapter.

## GETTING A TICKET

Police give tickets less serious offences that are not covered by the Criminal Code, but are still against the law. This can include things like speeding or causing too much noise at night. If you get a ticket, you have two choices.

- ▶ You can pay the amount on the ticket. This is the same as admitting you are guilty, but you will not have a criminal record. Speeding tickets might affect your licence or car insurance.
- ▶ You can go to the provincial court and fill out a form to tell the court you don't agree with the ticket. The court will give you a hearing date and you will have a trial.

Sometimes people want to admit they are guilty but also want to explain to the judge what happened. They hope this might convince the judge to give them a lower fine. But the judge does not have the power to reduce your fine. This is because the amount of a ticket is set by the laws the government has made. If you need more time to pay a fine, you can ask the judge to give you more time to pay.



## GETTING ARRESTED

There are rules for the police when they arrest people. You have rights.

- ▶ The police officer has to say who they are and why they are arresting you.
- ▶ You don't have to answer any questions that a police officer asks you. Ask to talk to a lawyer or have your parents or guardian there.
- ▶ The police officer has to let you phone a lawyer right away.
- ▶ If you want to talk to the lawyer alone, the police officer has to let you.
- ▶ The police have to take you to court or let you go within 24 hours.



The police are allowed to lie to you. They might say that your friend has confessed to a crime or that they have evidence when they don't. Anything you say to the police might be used against you in court. If you are arrested, it is important to talk to a lawyer before you talk to the police.

## BEING CHARGED WITH A CRIME

There are different types of crimes in Canada. They are called “summary offences” and “indictable offences” (pronounced in-die-ta-ble).

A summary offence is a less-serious crime with a less-serious sentence. Examples are

- ▶ breaking probation
- ▶ trespassing
- ▶ causing a disturbance in public

An indictable offence is a more serious crime. The sentence for these offences might include jail time. Examples are

- ▶ assault
- ▶ breaking and entering
- ▶ murder

If you are under 18 and you are charged with a crime, you can get a free lawyer from Nova Scotia Legal Aid.

## GOING TO COURT

It is important to talk to a lawyer before you plead guilty or innocent. Having a criminal record can stop you from traveling to other countries and getting certain jobs. If you have to go to court and you don't have a lawyer yet, you can get basic, free advice from a lawyer who works at the courthouse. They are called duty counsel lawyers.

When you go to court, you will probably have to wait for your case to be heard. Other cases might go first, but you must arrive on time and wait in the courtroom.

When you go to court, try to look and act your best. It will help if you wear clean clothes, speak clearly, and take going to court seriously. Do not eat or drink or use your phone in court.



## RESTORATIVE JUSTICE

If you have been charged with a less-serious crime or it is your first offence, you can ask the court for “diversion” or “restorative justice.”

Restorative justice is a program to help you make up for a crime you committed. You might have to apologize to someone you harmed, pay for any damages, or go to counseling. If you complete the program, you will not have a criminal record.

# Resources

If you have been charged with a crime, contact Legal Aid to apply for a lawyer. Contact information for Nova Scotia Legal Aid and Dalhousie Legal Aid is at the beginning of this book.

[Read more about criminal law and Nova Scotia Legal Aid here.](#)

## To file a complaint about the police

- ▶ [You can file a complaint about the RCMP here.](#)
- ▶ [To file a complaint about other police departments, contact the NS Office of the Police Complaints Commissioner.](#)

## Coverdale Courtwork Society

Support for women and gender-diverse people involved in the justice system.

- ▶ [www.coverdale.ca](http://www.coverdale.ca)
- ▶ Halifax: (902) 422-6417

## Elizabeth Fry Society

Help for women who have been charged with crimes.

- ▶ [www.efrymns.ca](http://www.efrymns.ca)
- ▶ Halifax: (902) 454-5041
- ▶ Sydney: (902) 539-6165
- ▶ Toll-free: 1-877-619-1354

## John Howard Society

Help for people who have been charged with crimes.

- ▶ [www.jhsns.ca](http://www.jhsns.ca)
- ▶ Toll-free: 1-877-409-6429

## LOVE Nova Scotia

Support for youth.

- ▶ [www.lovenovascotia.ca/programs](http://www.lovenovascotia.ca/programs)
- ▶ (902) 580-0320

## **Mi-kmaq Young Offender Project, Eskasoni**

- ▶ (902) 379-2042

## **For legal information services in French**

Centre d'Information Juridique

Services gratuits offert aux résidents de la Nouvelle-Écosse sur rendez-vous seulement.

Heures d'ouverture: du lundi au vendredi, de 8 h à 15 h

- ▶ 1-902-433-2085 / 1-844-250-8471.  
Veuillez laisser un message.