



YOUNG PERSONS: ARREST AND THE RIGHT TO A LAWYER

Like all citizens, young persons between the ages of 12 and 17 who are arrested or held in custody by the police in connection with an offence have the right to be informed of the reasons for their arrest, their right to remain silent and their right to obtain immediate assistance from a lawyer, and they must be given the opportunity to retain the services of a lawyer. These are fundamental rights under the *Canadian Charter of Rights and Freedoms*. Additional special rights are also granted to young persons under the *Youth Criminal Justice Act* (YCJA).

The obligation to inform young persons, from the moment they are arrested or placed in custody, about their right to obtain immediate assistance from a lawyer requires that police officers use language tailored to the young person's age and ability to understand. Even if the officers have already explained those rights to the young person, they must repeat those rights before interrogating him and ensure he has properly understood them.

Young persons must also be informed about access to legal aid and the way in which they can contact a lawyer. They must therefore be given access to a phone and must be provided with phone numbers for the various duty counsel services, including legal aid.

As soon as a young person who is under arrest or is being held in custody indicates an intention to consult a lawyer, the police officers must refrain from interrogating him about the facts in question or stop the interrogation, until the young person has reasonably been able to exercise his right to consult a lawyer.

Moreover, any communication between the young person and his lawyer must be confidential. The young person can also require that his lawyer be present during the interrogation.

In addition to being informed of his right to a lawyer, a young person must be informed, before his interrogation, about his right to also consult his father or mother or any other person he chooses. He can require the presence of that parent or other person during his interrogation.

It is important to remember that there is never an obligation to give the police a statement about the facts in question, whether or not one is under arrest. Police must respect a person's choice to remain silent.

In case of doubt during an arrest, or if the police want to meet for any reason whatsoever, do not hesitate to contact a legal aid lawyer for sound advice.

Text prepared by
M^e Michel Loranger,
Lawyer at
the Roberval
legal aid office

Contact Us

Commission des
services juridiques
Communications
Department
2 Complexe Desjardins
East Tower
Suite 1404
P.O. Box 123
Succursale Desjardins
Montreal, Quebec
H5B 1B3

Telephone: 514 873-3562
Fax: 514 873-7046

www.csj.qc.ca

* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simply the text.