

Protect Your Rights



If you are pulled over by the police, your rights are indicated below. My narrative would be the following. I will be keeping copies of this on my person and in my car:

“Why have you pulled me over officer (on foot or in a car)” If the answer is not related to a moving offence or crime and they are just asking for identification and questions related to where you are going...

“I understand how difficult this must be for you officer. You are in conflict between your oath of office, which clearly states in Section 1 of the Police Services Act that you are sworn to uphold the Constitution of Canada AND these unlawful emergency mandates being put on you and your colleagues. I don’t envy your position.

My rights on the other hand, are clearly spelled out by the Ministry of the Solicitor general on their own website and in the Police Services Act. You cannot pull me over in an arbitrary fashion and ask me personal questions and I am not required to answer them if you do. In fact, you are **REQUIRED to tell me directly that I can refuse to provide my personal information when you ask. The Act also REQUIRES you to provide me with a receipt of the incident that includes your name, badge number and the complaint process.**

In order to ensure complete clarity, **Regulation 58/16 of the Police Services Act** clearly states that you are not permitted to ask for anybody’s personal information unless you suspect that there is a crime being committed or the person is being questioned regarding a crime. The term “crime” is interpreted narrowly in the Act. It goes further to state explicitly that unless there is a crime being committed, you CANNOT ask for my personal information and you CANNOT charge me in any way for non compliance.

If you do not follow the law, I will be forced to file a complaint with the [Office of the Independent Police Review Director](#). The process for filing a complaint are stated in the Police Services Act. This will lead to a code of conduct violation and will be a blemish on your service record.

I know my rights. I will not be answering any more personal questions. I am providing this in writing to ensure that I am being clear and to indicate that I am not being belligerent or confrontational. Just a citizen who knows and understands my rights.

Supporting Excerpts:

<https://www.ontario.ca/page/street-checks>



The Ministry of the Solicitor General is committed to ensuring that Ontario’s communities are supported and protected by law enforcement and public safety systems that are safe, secure, effective, efficient and accountable.

The rules and what they mean for you

If a police officer asks you for ID in a situation when the rules apply, they must:

- ▶ **have a reason**, which cannot be:
 - based on race
 - arbitrary (not meaningful)
 - only because you are in a high-crime area
 - because you refused to answer a question or walked away
- ▶ **tell you why** they want your identifying information
- ▶ **tell you that you can refuse** to give identifying information
- ▶ **offer you a receipt** – even if you refuse to share information – that includes:
 - the officer's name
 - the officer's badge number
 - how to contact the [Office of the Independent Police Review Director](#), which handles complaints about police in Ontario
 - who to contact to access personal information about you that the police service has on file
- ▶ **keep detailed records** of their interaction with you – even if you refuse to share information

If a police officer does not follow these rules, it is a [Code of Conduct](#) violation under the Police Services Act and they may be disciplined.

Police Services Act

[ONTARIO REGULATION 268/10](#)

General

Consolidation Period: From December 1, 2020 to the [e-Laws currency date](#).

Part I

Oaths and affirmations

Member of the board

1. The oath or affirmation of office to be taken by a member of the board shall be in one of the following forms set out in the English or French version of this section:

I solemnly swear (affirm) that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the (insert name of municipality) Police Services Board faithfully, impartially and according to the Police Services Act, any other Act, and any regulation, rule or by-law.

Schedule

CODE OF CONDUCT

2. (1) Any chief of police or other police officer commits misconduct if he or she engages in,
- (a) Discreditable Conduct, in that he or she,
 - (i) fails to treat or protect persons equally without discrimination with respect to police services because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability,
 - (ii) uses profane, abusive or insulting language that relates to a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability,
 - (iii) is guilty of oppressive or tyrannical conduct towards an inferior in rank,
 - (iv) uses profane, abusive or insulting language to any other member of a police force,
 - (v) uses profane, abusive or insulting language or is otherwise uncivil to a member of the public,**
 - (vi) willfully or negligently makes any false complaint or statement against any member of a police force,
 - (vii) assaults any other member of a police force,
 - (viii) withholds or suppresses a complaint or report against a member of a police force or about the policies of or services provided by the police force of which the officer is a member,
 - (ix) is guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction,
 - (x) contravenes any provision of the Act or the regulations, or
 - (xi) acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member;

Unlawful or Unnecessary Exercise of Authority, in that he or she,

- (i) without good and sufficient cause makes an unlawful or unnecessary arrest,
 - (i.1) without good and sufficient cause makes an unlawful or unnecessary physical or psychological detention,**
 - (ii) uses any unnecessary force against a prisoner or other person contacted in the execution of duty, or
 - (iii) collects or attempts to collect identifying information about an individual from the individual in the circumstances to which Ontario Regulation 58/16 (Collection of Identifying Information in Certain Circumstances – Prohibition and Duties) made under the Act applies, other than as permitted by that regulation;**

Police Services Act

ONTARIO REGULATION 58/16

COLLECTION OF IDENTIFYING INFORMATION IN CERTAIN CIRCUMSTANCES – PROHIBITION AND DUTIES

For the purpose of clause (1) (b), an attempted collection by a police officer from an individual is done in an arbitrary way unless the officer has a reason that the officer can articulate that complies with **all** of the following:

1. The reason includes details about the individual that cause the officer to reasonably suspect that identifying the individual may contribute to or assist in an inquiry described in [clause 1 \(1\) \(a\)](#) or (b) or the gathering of information described in [clause 1 \(1\) \(c\)](#).

2. The reason does not include either of the following:

i. that the individual has declined to answer a question from the officer which the individual is not legally required to answer, or

ii. that the individual has attempted or is attempting to discontinue interaction with the officer in circumstances in which the individual has the legal right to do so.

3. The reason is not only that the individual is present in a high crime location.