

Arrest Call Working Sheet:

Date _____, Time _____, Counsel_____

Police Discussions (prior to speaking to client)

Get as much information as possible from the police officer and take details notes per below. If possible, email PDF document to self afterwards so that there is a time stamp on when it was sent if it becomes a dispute later on.

Officer’s Name	Badge Number	Police Dept (eg. Toronto)	Division
Time of arrest	Mental Health?	Spoken to duty counsel?	Medical attention req.?
Client’s name and date of birth:			
Are they are youth? If so, do they wish counsel or parents to be present? ¹			
Charges			
General Nature of Allegations per officer:			
Will he/she be re-leased from station?	If so, what will be conditions?	If not, what time/date/place of bail hearing?	
Other (notes):			

Client Discussions (prior to speaking to client)

Do they have privacy?	Interpreter needed?	Did he make any state-ments already?	Mental health con-cerns?
Marital status?	Date of birth?	Immigration/Residency status?	Mental health con-cerns?

¹ Youth Criminal Justice Act, paras 25(1), (2), & (9)

Have they been told the nature of their charges?	Have they received any medical treatment?
Did they already speak to duty counsel?	Explanation of the right to silence provided?
Has it been explained what a “statement” can mean (denials, nods, etc.)	
Criminal Record? (DETAILS):	
Presently on any forms of release or probation?	
<div><p>Explain the following:</p><ol style="list-style-type: none">1) Likely will <u>not</u> be able to speak to them again, or to another lawyer.²2) If, during the course of the police interview, you do not understand something, are uncomfortable, feeling anxious, pressured, etc. it must be clearly stated on video. There will be a presumption that if an accused did not say it on the video, it did not happen.3) If there is a desire to speak to a lawyer again, explain why you need to (i.e., you don’t understand something or you feel something has changed).4) Not required to participate in any police line-ups.5) May be required to submit to penile swab for DNA³ if relevant.6) That police can continue questioning for many hours, even if an accused insists upon a right to silence.7) Sophisticated police techniques may apply, such as:<ol style="list-style-type: none">a. Reid techniqueb. Lie detector / polygraph testingc. Fabrication of evidenced. Photo line ups<ul style="list-style-type: none">• Have they been advised on the risks, and advised against, in participating in these forms of techniques?• Explain what police are permitted to do as a matter of law (fingerprints, photos, seize property) etc.</div>	

Impaired Driving (if applicable)

Were they drinking tonight?	How much did they have to drink?	Where were they pulled over?	Time?

² R. v. McCrimmon [2010] S.C.J. No. 36, 259 C.C.C. (3d) 515; R. v. Sinclair[2010] S.C.J. No. 35, 259 C.C.C. (3d) 443; R. v. Willier [2010] S.C.J. No. 37, 259 C.C.C. (3d) 536
³ R. v. Saeed, 2016 SCC 24

When was their last drink?	Witnesses?	Do they have previous convictions for impaired?	R.I.D.E. stop?
Was last drinking excessive (bolus)?		Did they throw up just prior to giving sample or earlier that evening?	
When was the first time they were offered RTC?		Did they have an opportunity to speak to counsel that was denied prior to now?	
Is there a reason they cannot provide a suitable sample (potential refusal)?		Do they understand the consequences of refusing to blow?	
Specific details of what happened when pulled over (Reasonable suspicion and indicia of imp) and what happened prior to arrest?			

Contact Information of sureties/family/friends.

Do they understand the process of bail?	Do they have sureties.	Do they give consent to call them?	
Surety / Contact 1:		Surety / Contact 2:	
Surety / Contact 3:		Surety / Contact 4:	

Final Caution to client (read the following):

- Do you understand you will likely speak to me again before the interview is over?

- Do you understand your right to silence?
- Do you understand the jeopardy of providing a statement, even if are claiming innocence?
- Do you understand how difficult it may be to ultimately exercise that right if that is your choice?
- Do you understand the police methods that they may employ to obtain a confession from you?
- Do you understand that the police are not required to be honest or genuine with you?
- Do you understand that they are permitted to create false evidence against you or lie that someone else has already told them you did it?
- Do you understand that if you are not satisfied with my advice, or did not understand it, you should express that to the police?
- Do you understand that police may not permit you to speak to me again until you are taken to Court?
- Is there anything further you wish to discuss before we end our conversation?
- (IF IMPAIRED): Understand that if they refuse to provide a sample, or participate in required testing, then they will be charged with an offence with identical consequences if convicted (i.e., refusal)?

Final Notes:

Signed