

Canadian Legal Rights:

Here in Canada, you have the "RIGHT" upon arrest or investigation to speak with legal counsel. I would hope that all of us here on the forum are "good guys and gals" and it is because of this fact, that unlike the bad guys who know to keep their mouth shut, we feel that we have to justify our reasons for defending ourselves because we were "lawfully" defending ourselves, and did nothing wrong. This "want" to justify our actions is a slippery slope that "could" mean the difference between freedom or incarceration!!!!

Remember that during a physical confrontation, Survival Stress Reaction (SSR) may likely take effect. One of the effects of SSR is something known as Critical Stress Amnesia (CSA). After a critical incident, it is not uncommon for a person to only recall approx 30% of what happened in the first 24 hours; 50% in the following 48 hours; and 75-95 % in 72-100 hours. As one can appreciate, this recall challenge could cause problems in a court of law down the road.

It is because of these above noted issues that I recommend that if being investigated as a possible suspect, you only provide a statement through a lawyer as there are a couple of advantages in doing so:

- In Canada you can not be cross examined on a statement that has been prepared by your lawyer
- Most lawyers, not all, are familiar with CSA and as a result will wait the appropriate amount of time before conducting a thorough interview which will be provided to the police later on.

If I were asked by the police to provide a statement (either verbal or written) I would give the following reply:

" Officer, due to the fact that I was faced with a physical attack that I could not reasonably walk and talk my way out of, I responded with that amount of force needed to reasonably defend myself given the totality of the circumstances that will come to light in your investigation. I know that you would like me to provide a statement as to my perception of threat and the actions that I took to defend myself, and I will be more than happy to do so. However, given the fact that I am being investigated as a possible suspect, I want to ensure that I protect myself from any legal consequences (both criminal and civil) that may flow from my self defence actions, and as such, I will provide a voluntary statement to you through my lawyer as soon as possible."

I believe that the above noted preamble is respectful and also sends a message that you will co-operate with police. I can only speak for LEO's in my jurisdiction, and as such, I believe most would be very respectful and understanding of your legal concerns.

Remember, you may live by the sword, but you are judged by the pen. Although Shakespeare stated, "kill all the lawyers first", a lawyer may be your best friend if being investigated by police for a self-defence action.

Darren