

## Criminal or Jerk Behaviour?

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### Statement Answer Key

1) You and a classmate are arguing with each other. As they are about to leave they shove you really hard and it makes you fall back into your locker.

Is your classmate engaging in jerk behaviour or is this a criminal offence?

Answer: criminal offence (assault)

Discussion: The reason this is a criminal offence is because your friend intended to harm the classmate physically. If you get into physical altercations and you are age of 12 or over the consequences to your actions could mean criminal charges. It is important to remember to stop and think things through, be aware of our actions and how they will impact others. How do you feel when you hurt someone? How might the other person feel? What can you do to make healthier choices?

To make things more complicated, if the classmate threw something at you, that object could be considered a weapon and thus the charge may change to assault with a weapon. We are all aware of weapons like knives and guns but other objects like shoes, pens, cutlery etc. can be used as weapons to harm someone.

2) A friend that you like is texting you all the time and asking you to go out with them. You tell them to stop sending messages but they continue to text you. You are noticing that they are starting to send angry threatening messages and you are feeling a bit scared.

Is your friend engaging in jerk behaviour or is this a criminal offence?

Answer: criminal offence (criminal harassment)

Discussion: The reason this is a criminal offence is because the friend repeated the behavior even though they were told to stop. Additionally, if your friend's behavior is making you feel afraid for yourself or someone else it can also be considered criminal harassment. It is important to remember that you need to listen to others and make sure that you have their consent. That means if consent has not been given, and the behaviour continues, it may be a criminal offence. Remember to think about what healthy relationships look like; they are based on respect, trust, acceptance of differences, etc. If a friend is not treating you respectfully and in a way that feels safe, this may be a sign that you need to make a choice about the relationship and you may also need to get help.

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3) At a party, a friend takes a picture of a classmate who is drunk and passed out and posts it online. The classmate tells your friend who posted the picture to take the picture down, but your friend refuses.

Is your friend engaging in jerk behaviour? Or is this a criminal offence?

Answer: jerk behaviour (not a criminal offense)

Discussion: The reason this is a not criminal offence is because it is not against the law to post pictures of people online. However just because something is not against the law does not mean it is a good idea. Ask yourself; why is your friend being mean and embarrassing others? Think about the qualities you want in a friend, does this person fit? What can you do as a friend to help in this situation? What choices do you have?

There is also something else to consider that could make this situation criminal. If the image of the drunken classmate is inappropriate and of a sexual nature, the person who took the pictures could be charged with distribution of an intimate image. Again, what seemed like a joke could actually be a lot more serious. Remember to think about all the possible consequences to your actions before you hit the send button!

4) Someone is talking trash online about a friend. You notice that other people are now posting mean comments about your friend.

Is this person engaging in jerk behaviour or is this a criminal offence?

Answer: jerk behaviour (not criminal)

Discussion: This scenario could be a criminal offence depending on what kind of “trash talk” is happening. On the one hand, the person is being a jerk because they are publicly embarrassing your friend and spreading mean things about them. It is not criminal to do this however; it does speak to the integrity of the person. Would you want anyone to spread rumours about you? How would you feel about it? Is this a person you could trust?

On the other hand, if the “trash talk” was abusive, hurtful, and malicious and or impacted how other people think of you, there are laws (common law) known as defamation. Essentially if someone defames or lowers the reputation of another in writing (libel) or verbally (slander) the person can be charged with defamation. No matter what, spreading rumours about someone is disrespectful. Remember the golden rule: Treat others the way you want to be treated.

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5) Someone sends an intimate/revealing picture of their body to a friend. That friend then forwards the picture to more people.

Is this person engaging in jerk behaviour or is this a criminal offence?

Answer: criminal offence (distributing child pornography or intimate image)

Discussion: This is a complicated answer because it all depends on the age differences between the people and the images being sent. Youth can send and receive revealing pictures of themselves with CONSENT. However, once a person forwards the image on to other people, the person who forwarded the picture could be charged with distributing child pornography, if the image is of people under the age of 18. Those receiving the images also need to immediately delete the pictures or they could also be charged as well. Additionally, some images on the Internet are illegal to even look at, particularly images of children under 18 years of age. Ask yourself - would I want this to happen to me? Consider the impact of these images on yourself, friends, and community. Can these types of actions negatively affect our self-esteem and our relationships with others?

6) While hanging out with friends, one of your friends touches you on the shoulder and rubs your back in a way that makes you feel uncomfortable. They tell you not to tell anyone.

Is this person engaging in jerk behaviour or is this a criminal offence?

Answer: jerk behaviour (not a criminal offence)

Discussion: This scenario is purposely vague and complicated. You need to be thinking about your relationship with this person.

Some touch can make you feel good, but if your gut feeling or intuition tells you that something is not okay you need to listen to this. In this scenario, the person just touched you in a way that made you feel uncomfortable. They then told you to keep it a secret. Why would you keep it a secret? There are no secrets about touch; you can always talk to others about it. Ask yourself, do I need to talk to a trusted adult about what's going on? Only you can decide how a touch makes you feel. Get help when you feel confused, hurt, or uncertain.

Additionally, unwanted touch can also be a criminal offence. There are laws that protect children from harm (re. physical/sexual assault), from family members or other trusted adults. Bottom line, if someone has touched you in a way that makes you feel uncomfortable, talk about it to a trusted adult in your life. Don't keep it a secret.

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7) It's 1 a.m., you and a bunch of friends are hanging out at a park, nearby your house, you are all having fun, but being really loud.

Are you and your friends engaging in jerk behaviour or is this a criminal offence? Answer: criminal offence (loitering)

Discussion: In addition to the Criminal Code that outlines criminal offences for everyone in Canada, there are also provincial and municipal laws that citizens have to abide by. This example is an offence because under the Provincial Act it is illegal for anyone under the age of 16 years of age to be out in public spaces between midnight and 6 a.m. without a parent or guardian. Again think of the golden rule, is it a good idea to be out at night being loud and possibly disruptive? How will your behavior affect your community? What can you do to keep your environment a safe place for everyone?

8) A classmate who you do not get along with gestures a slitting throat with their hand at you during lunch and then tells you to watch your back.

Is this person engaging in jerk behaviour or is this a criminal offence?

Answer: criminal offence (uttering threats or assault)

Discussion: Making threatening gestures and verbally threatening to harm others is taken very seriously in Canada and if you are caught doing this you can be charged with a criminal offence. If you are feeling threatened or unsafe because someone is doing this to you, speak up and get help from a trusted adult. Who might have the power in the relationship? How might the victim be feeling? In this situation, the victim may need to get support from others to keep safe and prevent the situation from getting worse.