



Holding Court

*Harlots, strippers, hustlers & whores
tour the halls of justice.*



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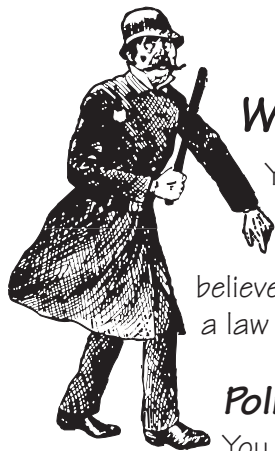
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When you're busted

You will be arrested, without a **warrant**, if you are caught breaking a law or if a cop believes that you have just broken a law or are about to do so.

Police searches

You can be searched only after being arrested, unless cops think you have drugs or weapons. Strip or cavity searches (vagina, ass, mouth) should be done in private by someone of your sex, but you can be searched anywhere, by any cop who thinks you might destroy **evidence**.

Types of charges

Summary conviction offences

Many prostitution charges – like communicating, being a found-in or an inmate of a

bawdy-house, or committing an indecent act – are **summary** offences. They are less serious. When you are arrested for a summary offence you should get an **appearance notice** and be released unless you:

- have no ID,
- have **outstanding charges**,
- have **breached** bail or other court orders.

The police do not have the right to photograph or fingerprint you for a summary offence. Summary offences are tried by a judge. If you are found guilty you could get fined up to \$2,000 or spend up to six months in jail, or both. Courts rarely come down that hard on prostitution charges alone.



Show cause hearings

If you're busted and the police believe that you won't show up for court (if you are not a Canadian citizen, or if you have '**failure to appear**' on your record) or that you're likely to break the law again (you have a long criminal record), they can hold you for a '**show cause**' hearing.

At the show cause hearing, the cops try to convince a **Justice of the Peace (JP)** that you should not be released without **bail** and **conditions**. The JP will set your first court appearance. If you are released, you will have to sign a **promise to appear** form. It's also possible for you to plead guilty at a show cause hearing. If you decide to plead guilty, you can be sentenced right there, by the JP, and avoid having

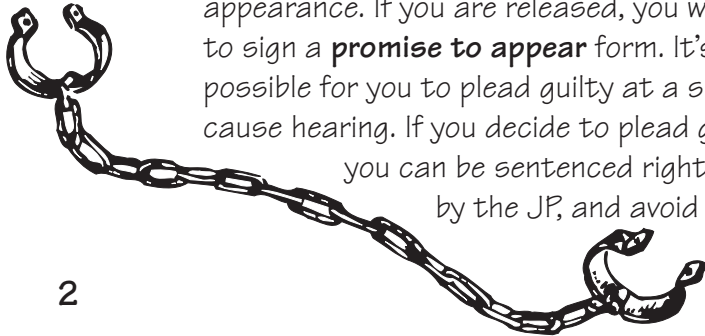
to go to court again. This is the quickest way to get it over with. But it's also a fast way to get a **registered**

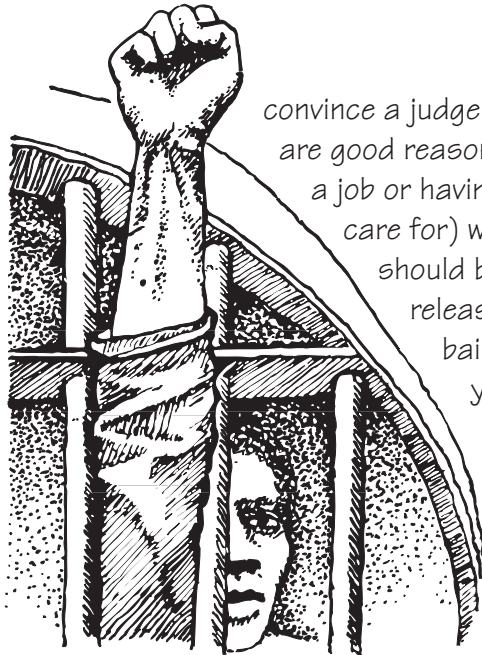
conviction on your **criminal record**. **YOU SHOULD TALK TO A LAWYER FIRST!**



Indictable offences

Other prostitution charges, like 'procuring' and 'keeping a common bawdy-house,' are more serious **indictable** offences. If you are arrested on an indictable offence, the police will take your fingerprints and a mug shot. If the offence is serious enough, or if you have a record of serious offences, the cops will hold you and you will have to apply for bail. At the bail hearing your lawyer will try to





convince a judge that there are good reasons (like having a job or having children to care for) why you should be

released on bail until your

trial. (See page 5.)

When you are charged with an

indictable offence you and your lawyer have more choices about how to have your trial. You can have a preliminary hearing, you could have a trial by judge or by jury, you could have the trial in a higher or lower court. Because you have more choices, you

have a better chance at fighting the law. Being found guilty of an indictable offence can get you a higher fine and/or a longer jail term.

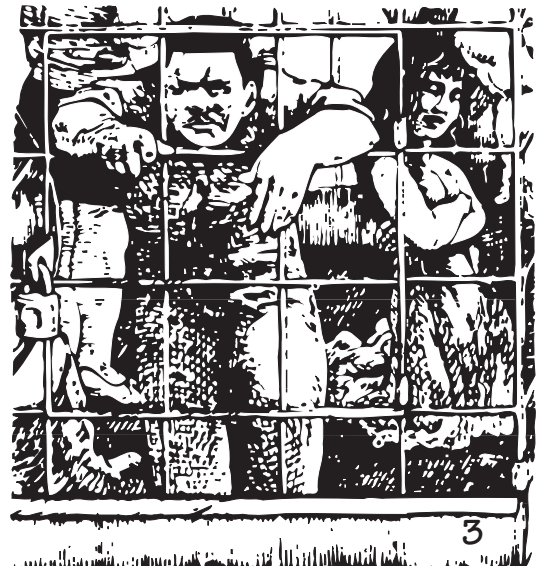


Hybrid offences

More and more laws are becoming hybrid

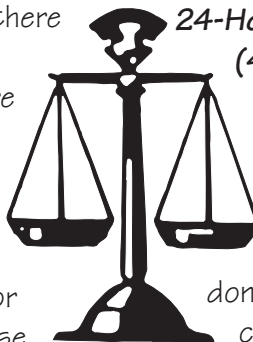
offences, where

the **crown attorney** (the lawyer who works with the police) decides whether the charge will be for an indictable or a summary offence. In many cases the crown will choose to go





with a summary charge because it is quicker and easier. The crown is more likely to choose to go with indictable charges when the case is more complicated, if there are several people charged, or if there is a lot of evidence. In big cases, the longer it takes to get to trial, the more time the police and the crown have to look for evidence to build their case against you.



If you don't have a lawyer

Duty Counsel
24-Hour Phone:
(416) 868-0720

Duty counsel are lawyers paid by the Legal Aid Program to help people who don't have a lawyer. You can talk to them in court or over the phone from the police station. But you have to ask.

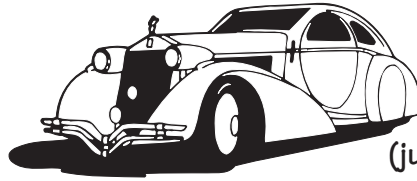
If you get to court without a lawyer, you should ask to speak with duty counsel immediately. Then she or he can



advise you of your rights and about court procedures and can help you apply for legal aid.

The duty counsel will ask if you want to get your own lawyer. If you do, the judge will often put off your case to give you time to find one. **IT'S A GOOD IDEA TO GET YOUR OWN LAWYER.** You need a lawyer to represent you if you want to try to win your case or try to get a lighter sentence.

Sometimes, if you want to plead guilty the duty counsel can talk to the judge for you to explain your situation and to try to get you a fair sentence. **Duty counsel can help you get through court procedures but they cannot represent you or give you legal advice.**



Bail

(judicial interim release)

To decide how much to set your bail at, the judge looks at the seriousness of the charge and your criminal record. The judge can decide that you be released on your own **recognizance** (OR—your own signature with a promise to pay money if you don't appear), or to the **bail program**; or to someone who will stand as your **surety**.

In order to stand as your surety someone who knows you well must sign a form saying she or he will pay a certain amount of money if you don't show up for court. The more serious the charge, the higher the amount will be. Your surety will have to



prove that they have the money to pay or own property. Sometimes they will be asked for a cash deposit.

Conditions

When a judge sets bail, he or she can also set bail conditions. These conditions can include things like: having to report regularly to a bail officer; not talking to certain people (because they are involved in your case); boundaries (areas you must stay out of); and curfews (certain hours you must be at home).

**IF YOU ARE CAUGHT
BREAKING BAIL CONDITIONS
YOU COULD BE ARRESTED
AND HELD IN JAIL UNTIL YOUR
TRIAL.**



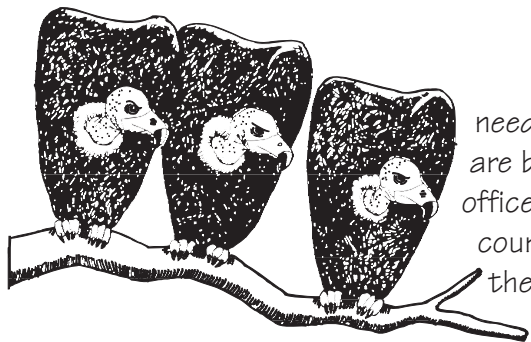
The Toronto Bail Program

Phone: (416) 314-3765

The bail program can post bail for you if you don't have surety and can't get out on your own recognizance. Within 24 hours of being arrested you should be contacted by a bail worker to see if you need the help of the program. You may not get accepted if you have more than one 'failure to appear' on your record or you may be accepted by the program but still be denied bail by the judge. They can give you conditions (like looking for a job, reporting to a probation officer [PO], living at a certain place) on top of the ones the judge gave you. They can help you hook up with services that you might need (like welfare).

They can give you a place to live if you





need one. There are bail program offices in six courthouses in the Toronto area and

bail programs in other cities in Ontario.

Getting a lawyer

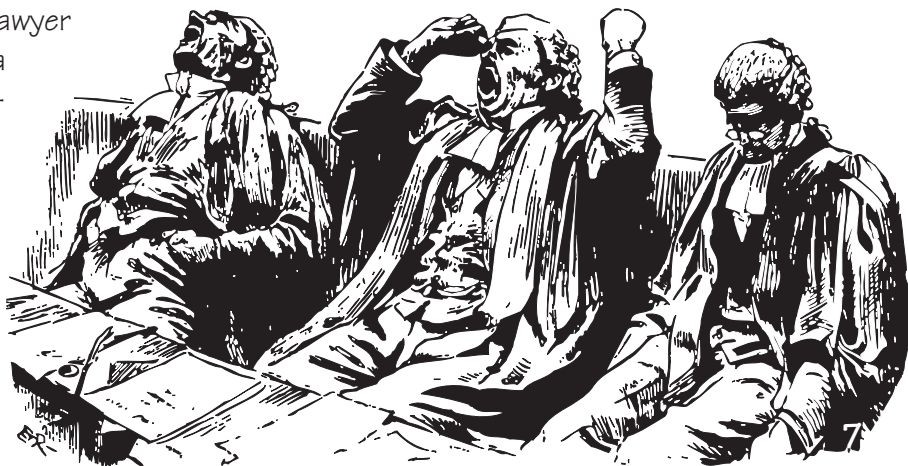
Most prostitution charges are hard to beat, but you should always talk to a lawyer to see what your chances are. Even if a lawyer cannot keep you from being convicted, she or he might be able to get you a lighter sentence.

If you have trouble with a lawyer

Some lawyers do family law, others do business or civil law. People facing sex-work-related charges need

lawyers who specialize in criminal law.

If you have problems with a lawyer's ethics (things like **conflict of interest**, revealing private information, swindling you out of money), you can report her or him to your local law association, which will talk with the lawyer. If that doesn't help, you can call the **Law Society of Upper Canada**, (416) 947-3310 with a formal complaint.





***If you can't
afford a lawyer***

Legal Aid

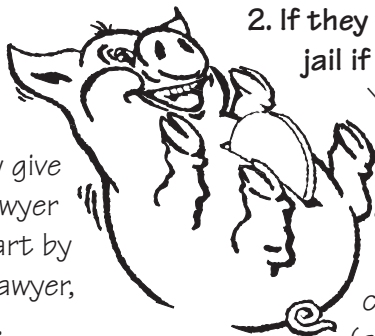
Phone (416) 598-0200

If you need a lawyer but cannot pay for one, you can call the Ontario Legal Aid Program (Legal Aid). They may give you a certificate which your lawyer uses to get paid in full or in part by Legal Aid. If you don't have a lawyer, Legal Aid can refer you to one.

You always get legal aid if you're under 18. If you're over 18, you are most likely to get legal aid:

1. If Legal Aid thinks that you can't afford a lawyer.

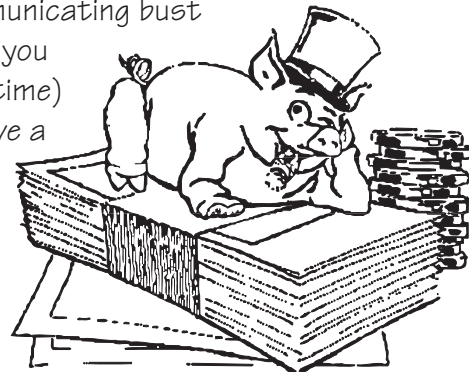
They look at things like how much you have



in the bank and how much rent you pay. If you've been charged with prostitution-related offences, you can say that you've lost your way of making money. Losing your job is a good reason for getting legal aid.

2. If they think that you're likely to go to jail if you're found guilty.

You could get jail time for indictable offences, like 'keeping a common bawdy-house' or 'procuring.' You probably won't get legal aid for your first communicating bust (since you won't get jail time) unless you have a long record or a lot of charges.



How to get Legal Aid assistance

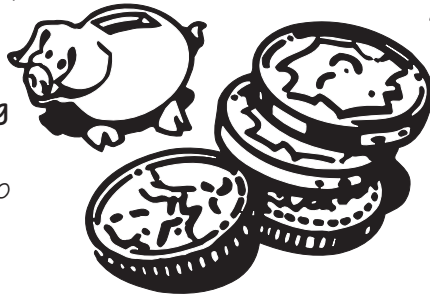
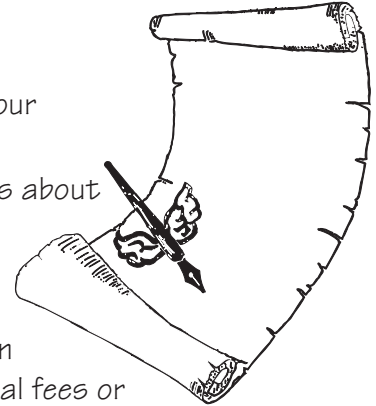
Call and they will tell you where to go to apply. When you see them you should take:

- **Identification.** Social insurance card, driver's license, birth certificate or passport.
- **Financial information.** Bring everything you have that shows your money situation. Things like bank books or statements; pay stubs; a copy of a welfare cheque or letter from a worker; income tax returns from past years; and a copy of your lease (if you rent) or a copy of the deed to your property (if you own).
- **Legal papers.** You must bring your **charge screening sheet**. Bring any other papers or letters related to

your legal problem, such as your 'promise to appear' notice.

You will be asked questions about your legal problem and your financial situation. If you don't tell the truth you could get into more trouble. Legal Aid can decide to pay for all of your legal fees or just part of them. They can also decide not to help you at all. If you get legal aid, the certificate will be mailed to you or your lawyer. If neither of you have it in two weeks, you should phone Legal Aid to find out why.

If you are refused legal aid you can appeal within ten days. Take the letter you get from Legal Aid to a Community Legal Clinic right away! The staff at the clinic may be able to help you, and the advice is free.





How to find a lawyer

Community legal clinics

You can find a lawyer at a legal clinic. They're open to the public and you can get free help without legal aid. Most cities in Ontario have at least one legal clinic, but many can't help with prostitution charges because they don't deal with criminal law. (They help people with landlord problems, small claims, divorce, and child custody.) Universities with law schools usually run community legal clinics. They hire law students and a staff lawyer but can usually only help with summary (minor) offences like

'communicating.' There are student legal aid



services in Toronto, Kingston, Ottawa, London, and Windsor. (See back cover.)



***Parkdale Community
Legal Services***

Phone: (416) 531-2411

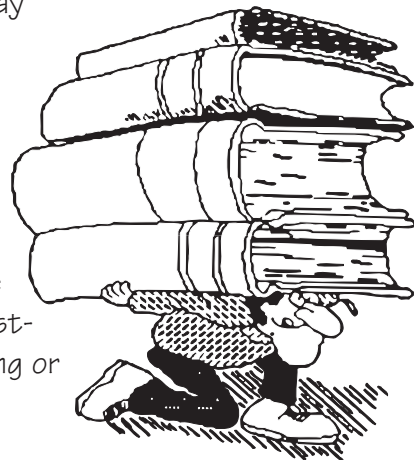
Hours:

Monday & Friday
9:30 am - 6:00 pm

Tuesday & Thursday
2:00 pm - 7:30 pm

Wednesday
2:00 pm - 6:00 pm

Parkdale
Community Legal
Services gives free
legal help to all first-
time offenders living or



working in the Parkdale area. If you do not work or live in the Parkdale area they will still give you free advice and refer you to someone who can help.

Community and Legal Aid Services Program (CLASP)

Osgoode Hall Law School, York University
Phone: (416) 736-5029

CLASP gives free help for summary offences if you cannot pay for a lawyer; they will ask questions about how much money you make. You will be helped by a student who works under a lawyer. They hold clinics at

Osgoode Hall as well as a regular one at the AIDS Committee (399 Church St.); phone (416) 340-2437 for details.



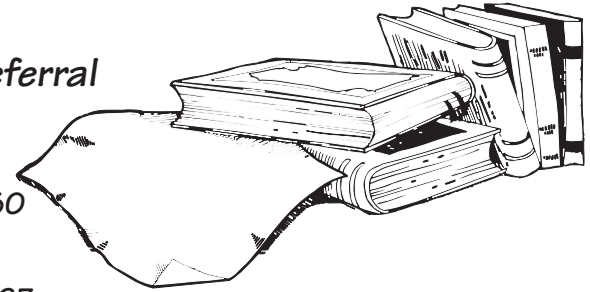
Lawyers' Referral Service

Phone:
(416) 947-3330

TDD:
(416) 603-0663

outside Metro: 1-800-268-8326

This service will give you the name of a lawyer who will give you a half hour of free legal advice. You can use this service no matter how much money you have or where you live. Call and tell them what you have been charged with and what part of town you live in. If you have legal aid, tell them this too. You will be given the name and phone





number of a lawyer who takes legal aid and works near you.

The first half hour that you spend with this lawyer is free. After that, the lawyer will charge you for any time spent doing work for you, unless you have legal aid and don't have to pay. During your free half hour you should find out if the lawyer knows much about prostitution charges. Not all criminal lawyers do.

You can use the Lawyers' Referral Service for other legal problems too, like divorce, child custody and problems with your landlord.

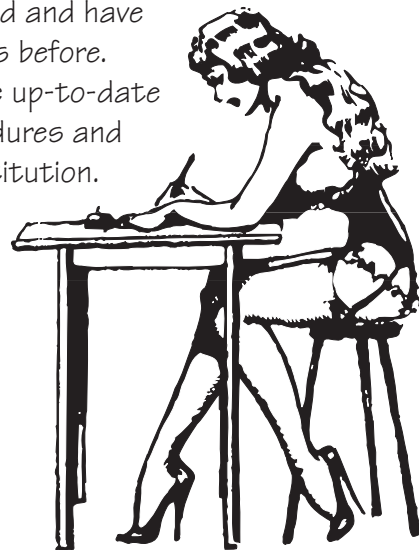


Maggie's

Phone: (416) 964-0150

298 Gerrard Street East (second floor)
at Parliament Street, Toronto.

Maggie's knows some lawyers who will accept legal aid and have helped prostitutes before. Maggie's staff are up-to-date about legal procedures and laws around prostitution. For more information contact Maggie's.





Going to court

Where will your court appearance be?

Which court you go to depends on which police division you were arrested in. In the City of Toronto, if you are a woman and are being held for bail they can only take you to College Park (444 Yonge St. at College subway station). Other courthouses in Metro Toronto are Old City Hall (Queen & Bay), Metro West (80 East Mall) and Metro North (1000 Finch West).

What happens at court?

Your appearance notice (the form that you get from the cops) will tell you which courthouse you need to go to and when. Your first time in court is usually to set a date for trial.

The time on the notice doesn't mean



that the judge will look at your case then. A number of cases are set for the same time (9 or 10 a.m. in most courts). A court clerk will do a roll call to make sure everyone is there.

If you have not shown up by then, YOU WILL BE CHARGED WITH 'FAILURE TO APPEAR' AND THE JUDGE WILL ISSUE A BENCH WARRANT FOR YOUR ARREST.



If you show up later in the day, the judge might dismiss the charge of 'failure to appear'; often she or he will not.

When your case comes up you will be asked how you wish to plead. If you plead **not guilty**, a date will be set for your trial. It is usually set within two or three months.

If you decide to plead **not guilty**, it is a good idea to have a lawyer. You will have a better chance of winning, since lawyers know the system.

If you plead **guilty**, the judge will decide your sentence. The crown attorney (the lawyer who works with the police) may then say what she or he feels your sentence





should be. This **submission** is often based on your record (past convictions and/or if you obeyed bail or parole orders). At this point, your lawyer gives the judge reasons why you should get the lightest possible sentence. For example, having no prior arrests, having children to care for, going to school or having a legal job, all help.

Whether or not to plead

You can plead guilty at any stage of your court proceedings, such as at a court appearance to set a trial date or show cause hearing. But the judge or JP can refuse to accept your plea. Since it's difficult to

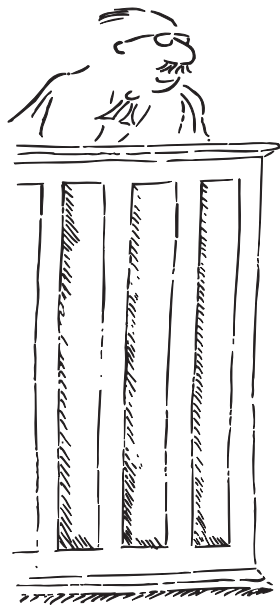


beat a prostitution charge, pleading guilty is the fastest way to get it over with. You often get a lighter sentence for saving the court's time. The judge usually sentences you right away. But it will be registered on your record that you admitted guilt. This **will** be used against you if you are ever charged again.



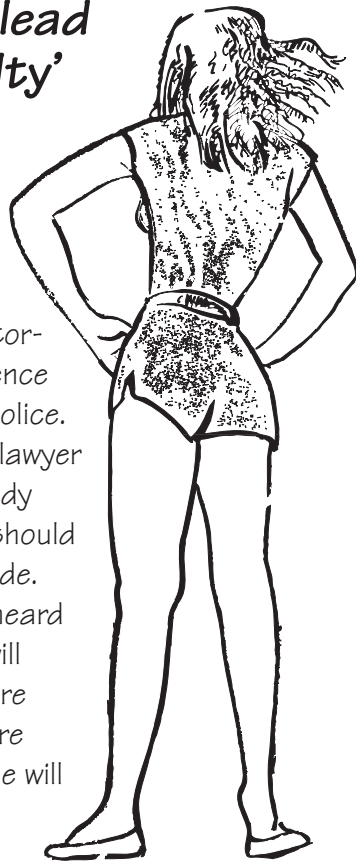
The crown attorney and the police often offer **plea bargains**. They offer to drop some charges, or ask for a lighter sentence, if you'll plead guilty. Sometimes they get you to plead guilty because they know they don't have enough evidence to convict you at trial.

**BE SURE TO TALK TO A
LAWYER BEFORE AGREEING
TO A PLEA!**



If you plead 'not guilty'

Your case will go to trial. The story of your arrest will be told by the crown attorney with evidence given by the police. You and your lawyer will have already decided if you should testify to tell your side. When the judge has heard the case, she or he will decide whether you are guilty or not. If you are found guilty, the judge will



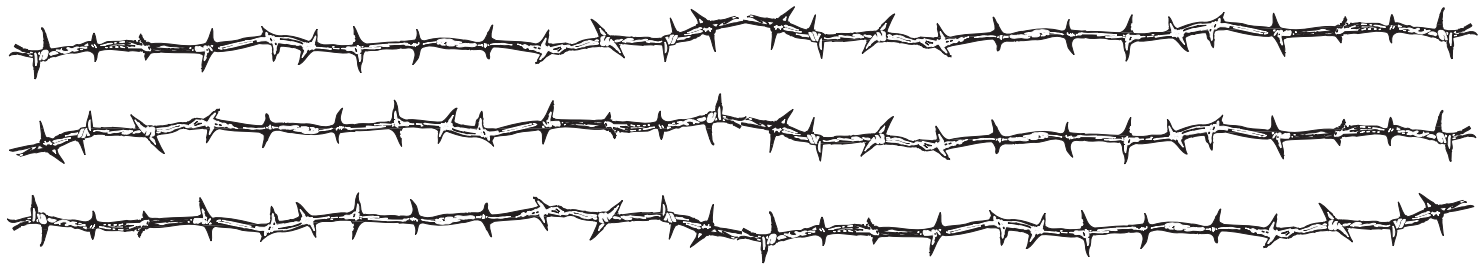
usually sentence you right then. Sometimes you will be told to come back another day for sentencing.

How to behave in court

- Be on time.
- Dress neatly, wear good clothes – no jeans, shorts or hats.
- Be polite to the judge, crown and other people in court. Do not swear, talk loudly or yell.
- Do not eat, drink or chew gum.
- Pay attention; look at the judge or other people who talk to you.



Anyone, even spectators, can be charged with '**contempt of court**' if they disrupt the court in **any** way.



Sentencing

Charges like ‘communicating,’ being ‘a found-in or an inmate of a bawdy-house,’ or ‘committing an indecent act,’ are summary convictions. Because they are less serious, if you are found guilty the most you can get is a fine (up to \$2,000), or up to six months in jail, or both. Courts rarely come down that hard on prostitution charges alone.

Other prostitution charges, like procuring and ‘keeping a common bawdy-



house,’ are indictable offences. Because they are more serious, you can get higher fines and longer jail terms.

Lying about who you are, not showing up for court, or being uncooperative with police or the courts increases your chance of a heavier sentence and of the police and the courts being harder on you the next time you are arrested. The fewer convictions registered on your criminal record, the lighter your sentence is likely to be.

Absolute discharge

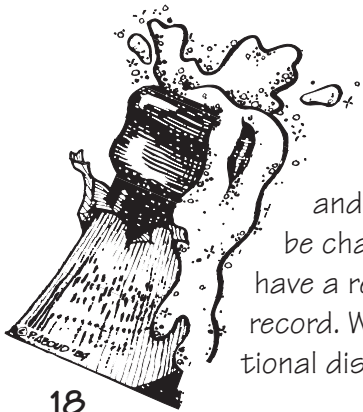
You go free! – with no **registered conviction** on your record.



Conditional discharge

You go free, with no criminal record, but you have conditions that you must follow. A 10 p.m. curfew and staying out of your old work area are the most common. You may also have to report to a probation officer regularly, or get drug treatment or other counselling. The conditions last for as long as the judge orders, usually six to 18 months.

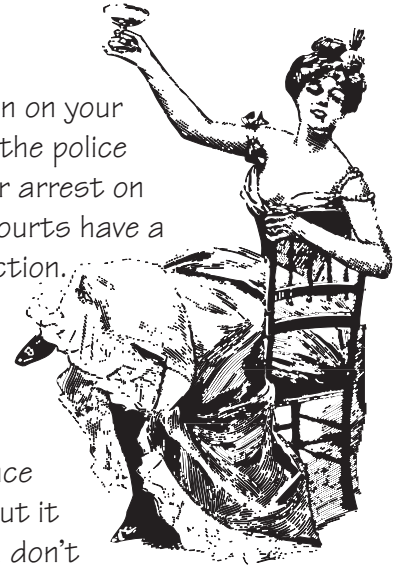
If you violate any of these and are caught, your discharge can be changed to a conviction—you will have a **registered** conviction on your record. With both absolute and conditional discharges, you don't have a



registered conviction on your criminal record, but the police keep a record of your arrest on computer and the courts have a record of your conviction.

Suspended sentence with probation

You receive a sentence (fine, jail, or both), but it is suspended so you don't actually serve time or pay a fine. You **do** have a conviction on your record. You are also on probation and must obey the judge's orders. If you are caught disobeying a probation order—breaking curfew, working in your old area, not seeing your probation officer—you **could end up serving your sentence!**





Payment of a fine

If you're sentenced to pay a fine, you will have a conviction registered on your criminal record and the judge may set an amount of jail time that

you will have to serve if you don't pay.

If you can't pay the fine because you have no money, you can go back to court and ask to have the fine reduced.

If you only pay part of the fine and can't pay the rest, you could end up in jail for a part of the jail sentence they

think is equal to the amount you haven't paid.

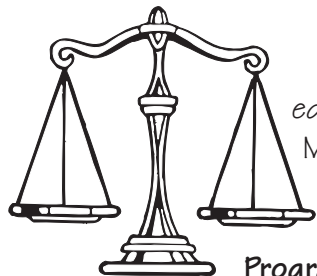
Jail

A jail sentence means you will have a conviction on your criminal record. Jail time for prostitution offences like 'communicating' is usually given only to people with previous

convictions or outstanding warrants, or to those who fail to pay fines.

If you're convicted of a less serious charge, you may be ordered to do community service instead of jail time. The **Community Service Order Program**, (416) 947-1080, can let you do AIDS



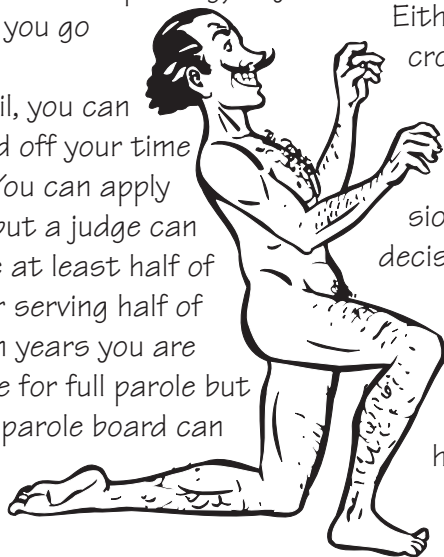


education for other sex workers with Maggie's.

You could get out of jail very soon on the **Temporary Absence Program** (TAP) if you are eligible.

Temporary absence is a kind of **parole** where you live in a **half-way house** and obey certain rules (like curfews and reporting). If you get into **any** trouble you go back to jail.

If you stay in jail, you can still get up to a third off your time for good behaviour. You can apply for parole any time but a judge can order that you serve at least half of your sentence. After serving half of your sentence or ten years you are automatically eligible for full parole but you must apply. The parole board can deny your request.



Appeals

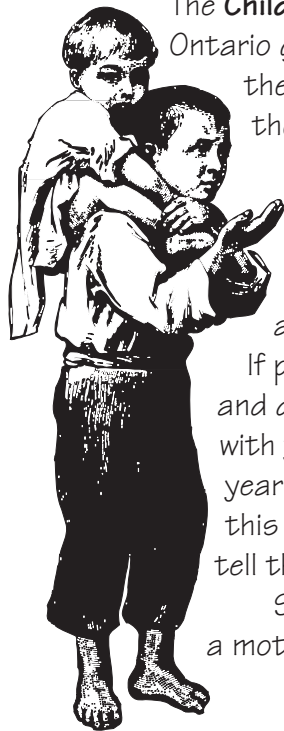
A court decision can be appealed when a mistake has been made in a trial or sentencing hearing, either because the rules were not followed properly or because new information has come up.

Either the convicted person's lawyer or the crown attorney can apply to appeal a decision to a higher-level court. The higher court can decide to stick with the first decision, change the decision, or order a new trial. Sentencing decisions (your penalty), as well as 'guilty' or 'not guilty' decisions can be appealed. You cannot appeal a judge's decision just because you don't like it; a lawyer can tell you if you have grounds for an appeal.



What about your kids?

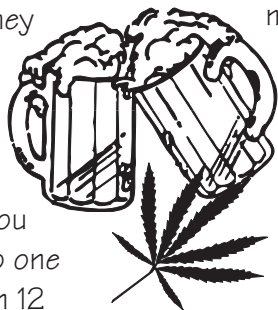
Children's Aid Phone: (416) 924-4646



The **Child and Family Services Act** of Ontario gives children's aid workers the power to take children from their parents if the kids are in need of protection. They look into reports (including **any** accusation) of neglect or abuse.

If police arrest and hold you and discover that there's no one with your kids (younger than 12 years) they will likely think that this is neglect and will probably tell the Children's Aid.

Someone who wants to hurt a mother who works in the sex



trade can go to the Children's Aid with a false report of neglect or abuse. (Many working mothers don't collect child support for fear that an ex-partner will do this for revenge.) Sex-work-related charges often make these situations more likely to happen or harder to deal with.

If Children's Aid gets a report

A case worker (and sometimes a cop) will visit your house. The worker will talk to

the family and look at your home to see if there is evidence of drugs, alcohol, or a lot of fighting. They will check to see if the child (children) is dirty, hungry or hurt. Then the worker will submit a report.





It will say:

- that the case is closed because the kids are fine;
- or that they should be taken from you because they aren't safe;
- or that they can stay with you, but only if you (or your family) get counselling.

Many 'squares' think that sex work means drugs and violence. If a case worker comes to see you who already knows that you strip or turn dates, she or he may think that you have a habit and that you or your friends are violent.

Be polite and co-operate. Case workers can take your child away, so getting them mad is not going to help your case.

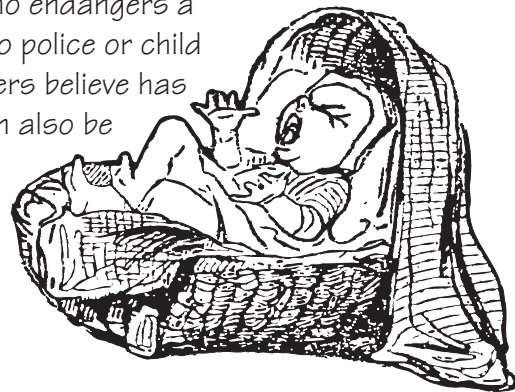
Make sure that no one who is living

with you is drunk or high and that there's no yelling or fighting while the case worker is there. Be able to show that someone watches the kids when you are at work.

If your child is removed from the home, you can go to court to get her or him back. If you qualify, you can get legal aid for this kind of problem; a woman who can get mother's allowance will likely get legal aid.

Child abuse crimes

Any adult who endangers a child – or who police or child welfare workers believe has done so – can also be charged under the Criminal Code. The



following three laws are hybrid offences that could get you up to two years in jail if you are found guilty. You will most likely also lose the kid(s) to Children's Aid.

Corrupting children

Section 172

It is illegal to take part in 'adultery, sexual immorality and habitual drunkenness or any other form of vice' in

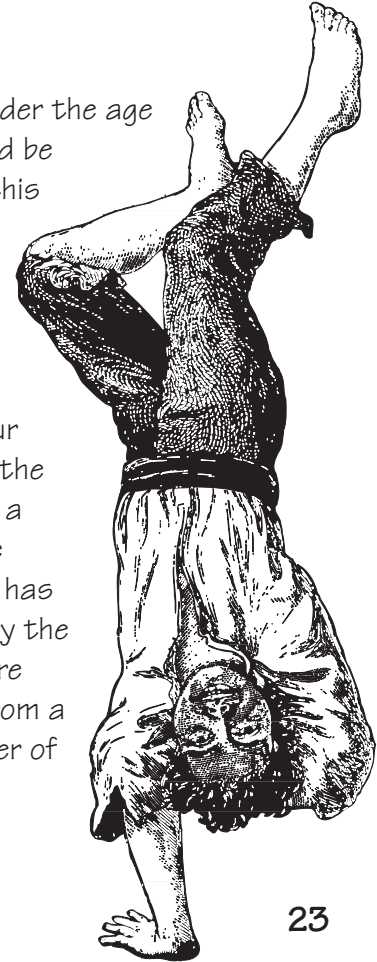
your home if you live with
your own or
someone
else's



child who is under the age of 18. You could be charged with this if you have dates in your home.

The crown must prove in court that your actions made the home unfit for a child. A charge under this law has to be okayed by the

attorney general, unless you are charged because of a report from a child welfare worker or an officer of a **juvenile court**.





Duties of persons to provide necessities

Section 215

It is against the law for a parent to not provide the **'necessaries of life'** for a child under the age of 16. 'Parent' includes official guardians and step-parents.

Child abandonment

Section 218

It's illegal to put or leave children under the age of ten in a situation that might harm their health or life. If the cops find, when arresting you, that you have left a child under ten without a sitter they could charge you under this law.



Making the law work for you

Because most ways of working in the sex trade are against the law, people who work in it often don't get the protection from the law that they need. Customers and other people attack and rip off prostitutes because they believe that pros will not get support from the police and courts. In some situations you **CAN** get the courts to work for you.

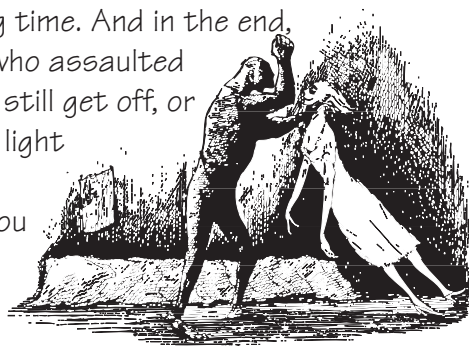
If you've been assaulted or sexually assaulted

In the past many pros have had problems reporting assaults to the police. The Metro Toronto police's sexual assault squad has



tried to change this but they only deal with very serious sexual assaults or suspected serial rapists.

It is important to get men who pose as customers in order to rob, beat or rape prostitutes off the street, for everyone's protection. But you also have to know that going to court for this can be a long, hard and risky thing to do. You can't press charges without also dealing with any outstanding charges against you. You'll have to go to court many times, sometimes over a long time. And in the end, someone who assaulted you might still get off, or get a very light sentence, because you work as a



stripper or a prostitute.

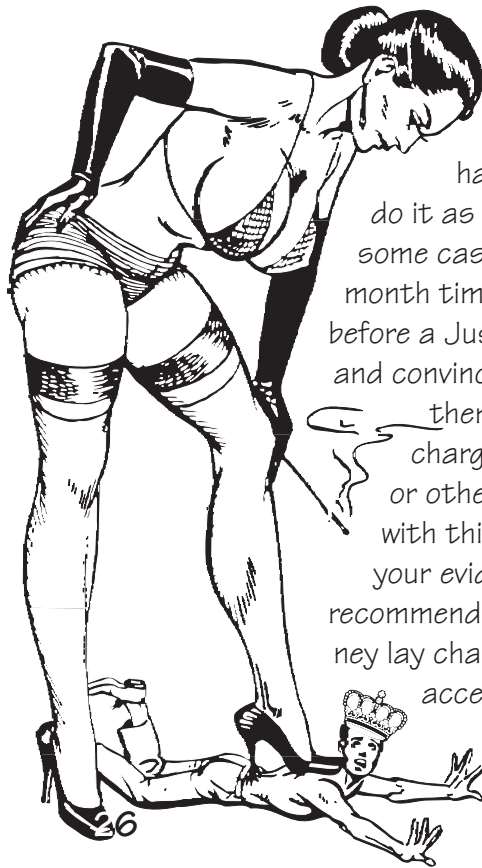
If the cops are willing to press charges, and you decide to co-operate with them, contact Maggie's for support (information, referrals, someone to go to court with you).

Pressing charges privately

When the police won't lay charges, if you know the name and address of the person who assaulted you (or you can get it because you have their licence number, phone number, etc.) you may be able to get charges laid anyway. (If you don't have a name or identifying information, you can't do much without the police because they would have to investigate.)

You should also see a doctor as soon as you can after an assault so he or she





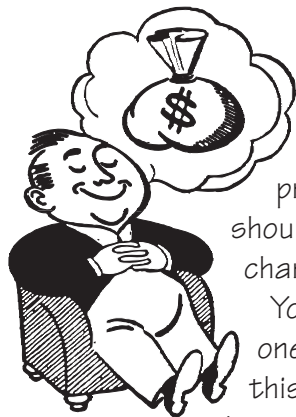
can prove how you were harmed if you decide to press charges. Once you have decided, you should do it as soon as you can – in some cases there is a six-month time limit. You have to go before a Justice of the Peace (JP) and convince him or her that there are grounds for charges to be laid. A lawyer or other advocate can help with this. If the JP believes your evidence, he or she will recommend that a crown attorney lay charges. If the crown accepts the recommendation and charges are laid, the police have

to act on them. **Office of the Justice of the Peace: Old City Hall (416) 965-7541, College Park (416) 965-7504.**

If you believe the crown should prosecute a charge laid by you and they refuse you should contact the **Director of Criminal Prosecutions (416) 326-2618.**

If you are assaulted by a lover or partner and need to press charges, the police may try to get you to charge him or her with 'living off the avails,' rather than assault. Sex workers should get the same protection





from the court as anyone. This law interferes with pros' personal lives; you should not go along with charges unless you want to.

You may be able to sue someone who assaulted you, but this is expensive because you have to have a lawyer and you can't get legal aid.

You can also get a **peace bond** or **restraining order** to make someone who has hurt or threatened you stay away.

You can apply for **Criminal Injuries Compensation** (phone (416) 326-2900) without a conviction, or even charges being laid. The CIC Board looks at things like whether you "contributed" to your injuries.



This can be stressful for sex workers because of the belief that people who get hurt doing sex work deserve it.

Services that can **HELP!**

**Toronto Rape
Crisis Centre**
Crisis line: (416) 597-8808
Phone: (416) 597-1171

Staff or volunteers will go with female sexual assault victims to the hospital, to the police and to court. They offer information, support, counselling and advice on alternatives to the legal system.

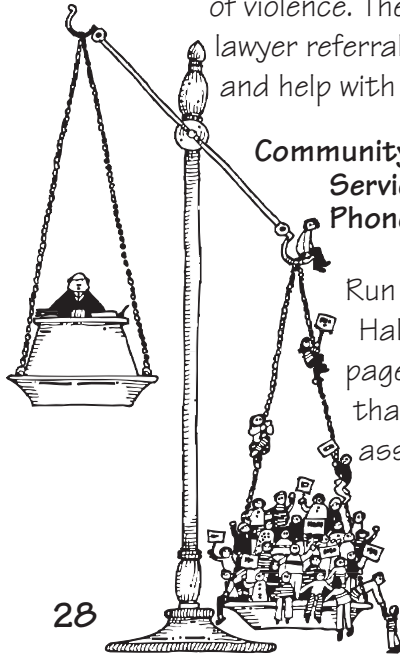


The Barbara Schlifer
Commemorative Clinic
Phone: (416) 323-9149

A free service that offers counselling and support to women who are victims of violence. Their legal services include lawyer referrals, court preparation and help with all levels of the system.

Community and Legal Aid
Services Program (CLASP)
Phone: (416) 736-5029

Run by York University's Osgoode Hall Law School, CLASP (see page 11) has a **Women's Division** that offers free help in sexual assault and other cases.

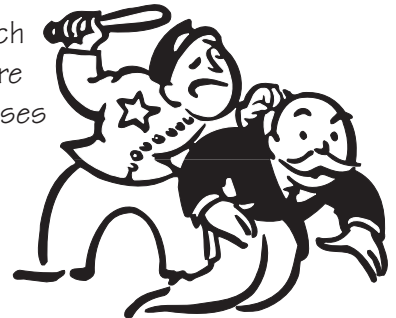


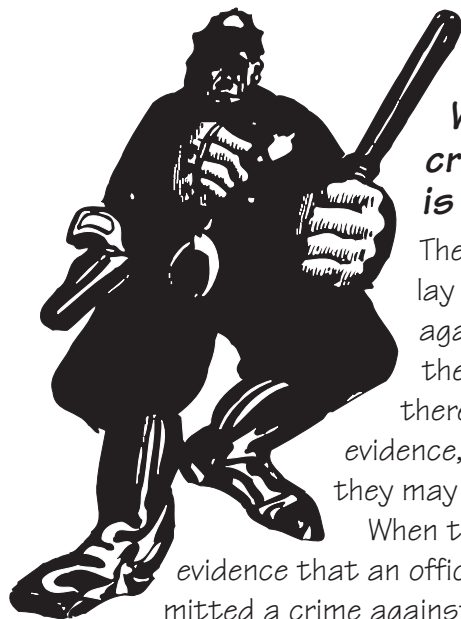
Victim/Witness
Assistance Program
Phone: (416) 326-2400

This service offers help in English and other languages for people involved in trials as victims or as witnesses. Staff and volunteers can show you around the court, find information you need, give you support or find some other service to help you if they can't.

Gay Bashing Hotline
Phone: (416) 392-6877

Run by the 519 Church St. Community Centre for victims or witnesses of homophobic assaults.





When the criminal is a cop

The police won't lay charges against one of their own unless there is very good evidence, and even then they may not.

When there is strong evidence that an officer has committed a crime against a sex worker, the **Internal Affairs** branch of the force often tries to lay **Police Act** charges, rather than criminal charges. In the past, cops have pleaded guilty under the Police Act and their only punishment was being demoted. (This came out in the **Junger Inquiry**.) If a

cop leaves the force before being fired for being found guilty under the Police Act, rather than getting a criminal conviction, he or she could still work as a cop in other towns. (His or her police employment record wouldn't show a dismissal.)

The force claims it uses the Police Act because sex workers aren't believable witnesses or because prostitutes won't show up



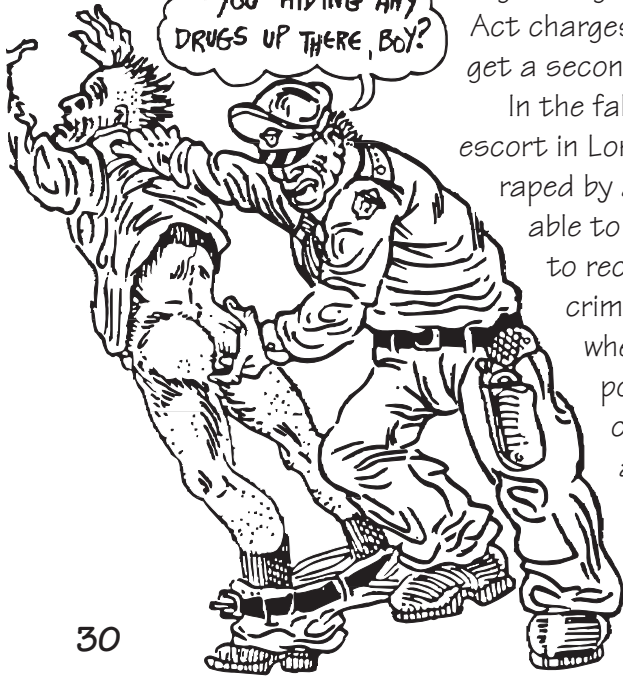
HELP THE POLICE . . . BEAT YOURSELF UP!

for court dates. And, because the penalties are lighter, it's easier to convict someone under the Police

Act. If a lawyer advises you to go along with Police Act charges, you should get a second opinion.

In the fall of 1994 an escort in London who was raped by a cop was able to convince a JP to recommend criminal charges when London police only charged her attacker under the Police Act.

YOU HIDING ANY
DRUGS UP THERE, BOY?



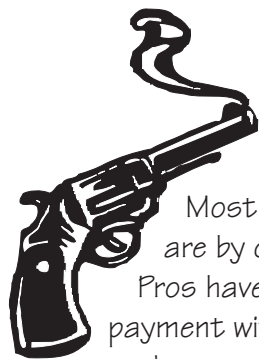
Office of the Police
Complaints Commissioner,
at (416) 325-4700 or

1-800-267-5648 looks into com-

plaints against the police. It is independent of the police and has offices all over Ontario. You could take your complaint to any police station or phone one of their offices. But they usually only look into complaints after they have already been looked into by the **Public Complaints Investigation Bureau** of the police.

In Toronto, if you don't want to take the risk of trying to charge a cop or you can't identify him or her, you could file a report with the **Anonymous Police Complaints Project** at (416) 531-2411.



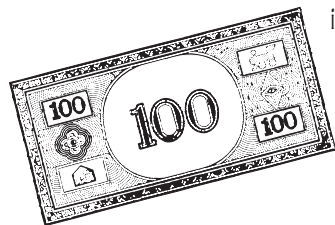


If you've been ripped off

Most thefts in the business are by clients who don't pay.

Pros have accepted bad cheques, payment with stolen or bad credit cards or even photocopied or other counterfeit cash.

Men have posed as clients or as cops to rob sex workers. Brothels and agencies have been robbed at gun-point by gangs who were sure that they wouldn't be reported because the business is illegal. Cases of fraud have involved men who made friends with escorts (one guy even helped girls get into the business and introduced them to each other!) and then conned them out of their sav-



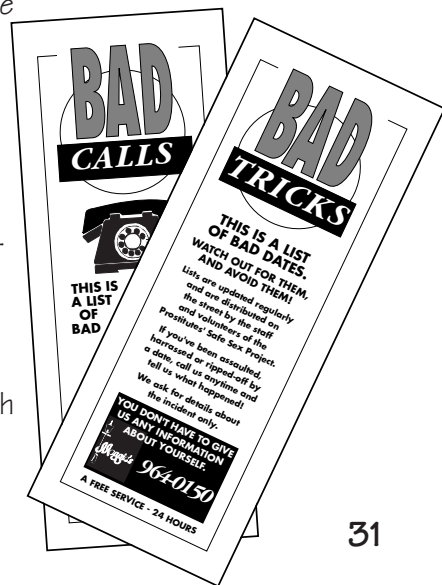
ings with fake investments.

Girls on the street occasionally report police extorting cash, as well as sex, from them.

Most of the time, the best you can do is to warn others about the thief and how the

robbery took place to try to prevent it from happen-

ing again. Warnings about robberies appear on both the Bad Trick Sheet and the Bad Call List, which are produced by Maggie's.





Small Claims Courts

phone: (416) 325-8910

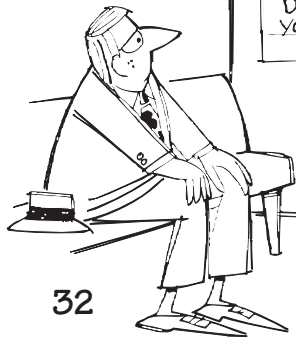
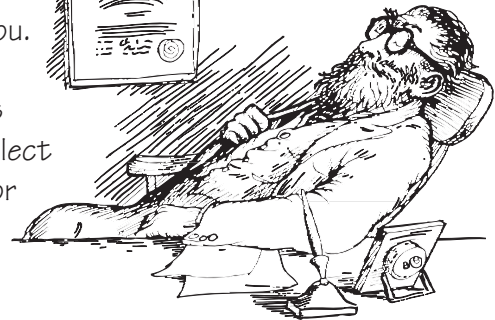
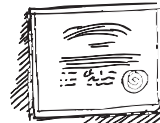
Small Claims Courts are used to settle people's minor disputes (usually without lawyers) over money owed for things like not fulfilling contracts and damage to property. In Toronto forms are available at College Park where you file your **claim**. In your claim you briefly write up the reasons you feel money is owed.

Attach any documents (letters from witnesses, N.S.F. cheques, invoices) that prove your argument. There is a



time limit on some claims and a fee (based on the amount you are suing for). You will be given a number to use for referring to your claim. **Defendants** are sent a registered letter about the claim. The letter will give a date by which they must respond if they disagree. A date will be set where you both meet with a **referee**. The referee listens to both sides and decides what's fair. **Don't be late or you will lose your case!** If you both can't agree with the referee you will then go before a judge and can have witnesses

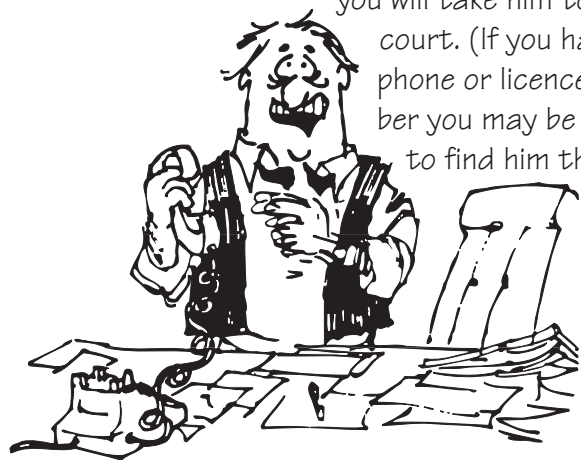
testify for you. If you win, Small Claims Court will collect the money for you, some-



times over monthly installments. If you win a case for over \$500 you could also be awarded up to \$300 court costs. Small claims courts can demand and collect part of someone's wages or money in the bank (**garnishment**). You pick up your cheque(s) from the court.

Sometimes, a client who refuses to pay – whose address, or business address you have – may change his mind if he realizes you will take him to

court. (If you have a phone or licence number you may be able to find him through

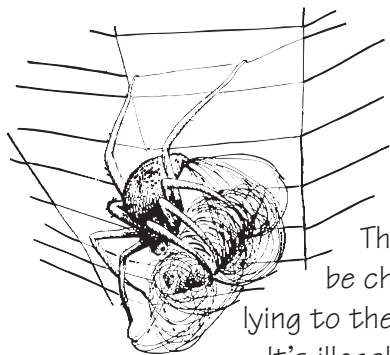


the **Bower's Directory** or the **Motor Vehicle Branch**.)

You need proof that he owes you money to actually win in court. Verbal agreements without witnesses are very hard to prove. Bounced cheques are good proof and a letter from a lawyer or legal clinic sent to a trick at work has worked in the past without anyone having to go to court. The letter was sent with a photocopy of the cheque and a note that the next letter would be sent to his home.

Cases of serious **fraud**, theft or **extortion** – those that are ongoing or involve threatened or actual violence – should be discussed with a lawyer before you go to the police or to court.





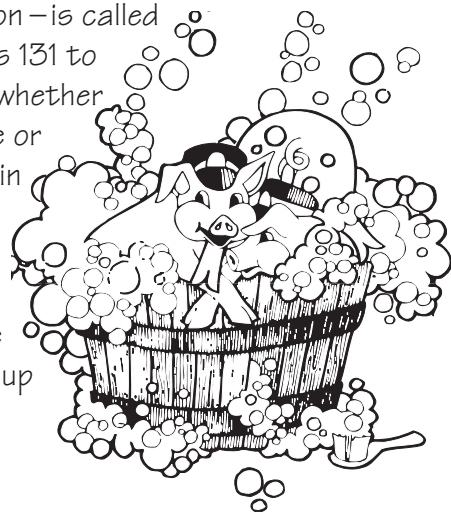
Lying to the cops or in court

There are several laws you can be charged with if you're caught lying to the cops or in court.

It's illegal to use anything but your legal name in an arrest or a trial. Otherwise you can go by any name you want, as long as it's not for fraud, like pretending to be someone so you can get money or a job, or get into a school or welfare. (You can also be busted for fraud if you're caught making money and not reporting it to welfare.)

Using a false name to avoid being arrested or convicted can get you charged with **'willfully obstructing a peace officer'** (section 129), or with **'obstructing justice.'** (section 139). Both hybrid offences can get you up to two years in jail. You can be

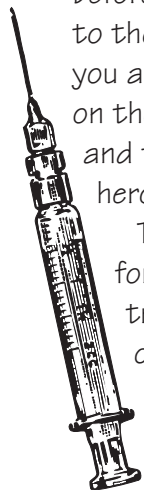
charged with **'public mischief'** (section 140) for lying to cops in an emergency or about a crime (up to five years in jail). Pros who've used false names while being busted have also been charged with **'Personation with intent'** (section 403) even though that law is meant to deal with fraud for money. Giving any false information to the court – lying in writing or in person – is called **'perjury'** (sections 131 to 136). It's perjury whether it's your own case or some other case in which you are a witness. In most cases it is an indictable offence that can get you up to 14 years in jail.



About drugs

Police are supposed to charge anyone they find with illegal drugs but some have been known to take the drugs away and give a warning. (If a cop gives you a break it will be before she or he takes you to the station.) Whether you are charged depends on the cop, what kind of drug it is and the amount on you. Pot is less serious; heroin or crack are more serious.

There is no minimum amount needed for a possession charge—a needle with traces of a drug on it can get you charged. **To SAFELY get rid of dirty needles, put works in bottles with lids.**

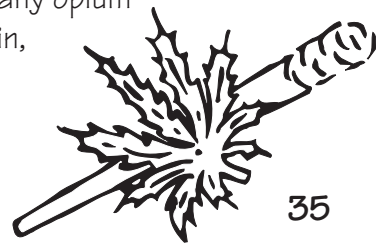


You are in more trouble if the cops think that you are selling drugs. They look at the amount of drugs on you and if there are other things that show you are selling: if the drugs are in several packages, if you have scales or empty bags on you, or if you have past convictions for dealing.



The Narcotics Control Act (NCA)

The NCA makes it a crime to have or sell ('possession' or 'trafficking') any opium products (opium poppies, heroin, morphine), cocaine products (coke, crack, coca leaves), or cannabis products (pot, hash,



oil). Under the NCA, 'possession' and 'trafficking' are hybrid offences and can get you up to seven years and life imprisonment respectively.



The Food and Drug Act

The FDA limits the sale of **controlled** drugs (amphetamines, barbiturates, steroids) and the possession of **restricted** drugs (LSD, speed, mescaline, mushrooms, MDA, ecstasy). Simply having **controlled** drugs isn't illegal unless the crown proves you intended to sell them. The possession of drugs **restricted** under the FDA can get you a fine of up to \$5,000, and/or three years in jail. Trafficking in either controlled or restricted drugs is a hybrid offence and can get you up to ten years.



About weapons

You can be charged with 'Carrying a concealed weapon' (section

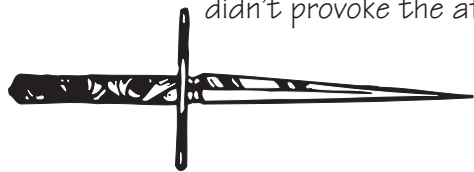
89) for carrying things like mace, pepper spray, stun guns or kitchen knives for protection. If you carry a weapon in public which isn't hidden – even wearing a studded wrist band – you can be charged with '**possession of a prohibited weapon**' (section 90). Prohibited weapons include things like switchblades, stilettos,





sawed-off shotguns, silencers, and automatics. If you don't have a permit to carry a gun and you carry one (registered, unregistered or even fake!) you can be charged with '**possession of a weapon dangerous to the public peace**' (section 87). You can be charged with possession for having weapons in your home or car. All are hybrid offences so the crown can decide that the charge is indictable (up to five, ten and ten years respectively).

You can only use a **self defence** argument in court if you use no more force than is needed to stop the attacker from harming you and you didn't provoke the attack.



For more information about Canadian laws related to prostitution and sex work, look for the other sections of **Trials of the Sex Trade: A survival guide to Canada's legal jungle**. Information about age of consent and the law against anal sex can be found in **Who's Jail Bait?** Legal information about stripping is in **The Bare Facts**. Other sections include: **No Bawdy's Business**, and **Trick or Trap?** Legal terms in **bold** are defined in **Legal Ease**. **Freedom Through Information** encourages people to reproduce and distribute this information; we would like to be credited.

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Some legal services (416 area code)

Legal Aid

- Old City Hall598-0200
- College Park.....598-1260
- Duty Counsel (24 hours).....868-0720

Parkdale Community Legal Services531-2411

Community & Legal Aid Services (CLASP)736-5029

Aboriginal Legal Services408-3967

Justice for Children and Youth (under 18)920-1633

Dial-a-law947-3333

Lawyer Referral Service
(includes free half-hour consultation)947-3330

Outside Metro Toronto

Lawyer Referral Service.....1-800-268-8326

Student legal aid services

Kingston.....1-613-545-2102

London.....1-519-661-3352

Ottawa.....1-613-564-5855

Windsor1-519-253-7150

