

LOCATIONS: POLICE POWERS DEPEND ON CONTEXT

SEPTEMBER, 2023



This content is taken from *Read Between the Lines* and is based on sex workers' knowledge and wisdom, notably of workers facing multiple forms of criminalization and state violence. For the complete document, and for info on sex work offences, go to [Stella's website](#) or contact us.

This document does not provide any legal advice. It is offered to sex workers, to people who use drugs, and to members of our communities who wish to improve their living and working conditions. This information is not intended to influence anyone to commit illegal acts.

THIS DOCUMENT PROVIDES SOME INFORMATION ABOUT WHAT YOUR LEGAL RIGHTS AND OBLIGATIONS ARE WHEN INTERACTING WITH POLICE IN DIFFERENT CONTEXTS.

The law is not neutral and your legal rights and obligations depend on certain factors, such as your context and location, whether the activities you are involved in are criminalized, and other aspects of your legal and social status

Racism, colonialism, and anti-immigration ideologies are factors that created laws and law enforcement powers in Canada. Historically and today, some people and communities have more rights than others, and some laws target and harm certain people while they benefit others.

Even in contexts where you have rights in law, they may be violated in practice. Law enforcement officers treat people differently, and people face different levels of risks when interacting with law enforcement (e.g. risks to their health, safety and life, legal and financial risks).

Police powers made by criminal law are the same across Canada. But police guidelines and policies may depend on municipal or regional authorities and enforcement of laws can vary from one city or region to the next. This document was produced in Montreal, Quebec.

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DIFFERENT LAW ENFORCEMENT POWERS IN DIFFERENT CONTEXTS

Different contexts and factors impact where, when and what a law enforcement officer can legally do, or legally ask you to do. Factors include:

- **THE TYPE OF OFFICER** (e.g. police, immigration, city inspector, public transit inspector, private security, youth protection). **Different officers have different powers.** This can be confusing to navigate and they may take advantage of this confusion.
 - ~ E.g. police officers generally have no legal power to stop someone to ask about their immigration status, but they still might try to do this.
 - ~ E.g. city inspectors have no legal power to engage in criminal or immigration investigations, but they still might ask questions about criminal activities or immigration status during a health and safety or licensing inspection.
- **YOUR LEGAL CIRCUMSTANCES** (e.g. if you are incarcerated, if you do not have Canadian citizenship, if your activities are criminalized, if you are a minor) determines which laws apply to you or your situation. Contact Stella, a community organisation you trust, or talk to people in your community to get informed about laws that may apply and impact your specific situation.
- **THE LOCATION AND CONTEXT OF THE INTERACTION** (e.g. where you are), and **THE REASON THE OFFICERS ARE THERE** (e.g. if they are “investigating,” “inspecting,” “doing outreach/checking in,” or have a warrant).

These factors impact what legal rights you do and do not have when dealing with law enforcement in different contexts. For example, whether you can legally refuse to: identify yourself, let police enter a place, let them search, etc.

For info on immigration officers (CBSA), see *Immigration Status and Sex Work*.

For people whose communities and activities are criminalized, there is often no simple answer to questions like whether something an officer did is legal, or what someone's rights are in various situations.

The answers often depend on the specific facts and context. For example, whether police have evidence that you are involved in a criminal offence, or if they have a legitimate reason to suspect that you are involved in a criminal offence.

Officers also have a lot of “discretionary power.” This means the law gives them a lot of decision-making power about what they can do, depending on how they “evaluate” a situation. For example, if they decide you pose a threat to their safety.

People are not all treated equally by law enforcement officers or other legal actors, and laws may be manipulated and interpreted differently by police, prosecutors and judges depending on the contexts and communities involved.

SPEAKING TO POLICE = MAKING A STATEMENT

ANYTHING YOU SAY TO POLICE
CAN BECOME EVIDENCE

No matter the context—where you are, your personal situation, what legal exceptions apply, etc.—**any time you speak to police you are making a statement.**

REMEMBER: ANYTHING YOU SAY TO POLICE CAN BE DOCUMENTED AS A STATEMENT.

A statement is evidence that can be used to charge and prosecute you or other people (e.g., people you live with, dealer/seller, client, partner, members of community or family).

Statements that you or others make can be used in your trial, in someone else's trial, or to influence someone to plead guilty or to provide information.



RIGHT TO SILENCE / IDENTIFYING YOURSELF

REMEMBER: There are instances where you have a legal obligation to identify yourself (legal name, address and birth date). See Identifying Yourself to Police.

BUT other than identifying yourself in those contexts, you NEVER have an obligation to say anything else!

Ideally, the best thing to do when dealing with police is to stay silent. Your silence cannot incriminate you, but your statement might.

Keep in mind that lying about your identity to a police officer is a criminal offence ("obstructing" police work).

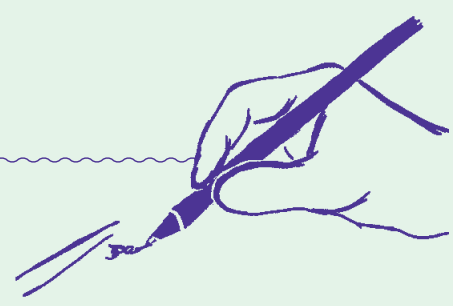


SEE READ BETWEEN THE LINES FOR INFO ON:

- Identifying yourself to the police
- Recording police interactions
- Frisking, patting down, or searching you
- When police can search you place, your car, etc.
- When police can take (seize) your things
- Possessing and distributing "drug use equipment"
- Knowing if you are being arrested, being detained, or being stopped with NO legal basis
- Some things to think about (in advance) when dealing with police

For more on thinking through decisions when interacting with police in different situations, see Questions to Ask Yourself: Dealing With Police.

DOCUMENT WHAT HAPPENED



Abusive interactions with law enforcement officers can be traumatic and you may try to block out or forget what happened. But remembering carefully what happened may be very important for your defense (e.g. determine whether you were legally detained, if the evidence is admissible).

Note:

- Where and when did the event take place?
- Were you taken or held anywhere? If so, where? What were the conditions?
- Who were the officers (names, badge numbers, numbers on the car)? What did they say or do?
- What was searched? When/where/how did it occur?
- What did they take? Was anything damaged? If so, take photographs.

- Was any person searched? How were they searched and where? By who (e.g. type of officer, gender, badge number, name)?
- Was anyone injured? If so, take photographs.
- Was anyone detained? If so, and they don't speak the language of the officer(s), were they offered an interpreter?

Contact a community organisation or outreach worker if you want support or help documenting this information.

Give this important information to your lawyer as soon as possible.

DEALING WITH LAW ENFORCEMENT

People face different levels of risks when interacting with law enforcement (e.g., risks to their health, safety and life, legal and financial risks).

Law enforcement officers racially and socially profile people and treat people differently in many ways, and certain people and communities are targeted by punitive laws more than others.

No matter how prepared we may be, interacting with police may be stressful, violent and traumatizing.

- Depending on your legal and personal situation, where you are, what you are doing, and who you are with, you may adapt how you deal with police in various situations.
- Different strategies often lead to different outcomes depending on many factors. For example, your social, racial or gender identity, your economic, health or immigration status, language barriers, being considered intoxicated or not, if you are known to police or if you have a criminal record.



POLICE PATROLLERS

Police can approach you when you are in public, but just because they ask you a question does not mean you have a legal obligation to answer.

In certain situations, you have a legal obligation to identify yourself (legal name, address and birthdate) to police, including when:

- ➔ You are **ARRESTED** for a **CRIMINAL OFFENCE** (e.g. drug possession, breach of a condition).
- ➔ You are **DETAINED** in order to **TICKET** you for a **REGULATORY OFFENCE** such as a municipal or metro by-law, highway code or public health regulation (e.g. drinking in public, jaywalking, COVID regulation).
- ➔ You are **DETAINED** for “**INVESTIGATIVE PURPOSES**” (i.e. police have a legitimate reason to suspect that you are implicated in a *recent or ongoing* criminal offence).

If you do not identify yourself to police in these situations, they can **DETAIN** you until they can verify your identity.

REMEMBER

If you are not being detained or arrested you have the right to walk away. See *Identifying Yourself to Police* for info about:

- Knowing if you are being arrested, being detained, or being stopped with **NO** legal basis.
- Knowing when you may have a legal obligation to identify yourself.

Keep in mind that even when **you do not have the legal obligation to respond to their questions or identify yourself, police may abuse their power** (e.g. temporarily detain you in their car, charge you with some random ticket, report you to immigration).

SECURITY GUARDS

Publicly accessible locations (e.g. parking lot, a school yard, public bathroom) may be monitored by private security guards who are hired through private companies.

They are not government law enforcement officers, and legally they do not have as much legal power.

- **YOU DO NOT HAVE A LEGAL OBLIGATION TO SPEAK WITH THEM.**
- **YOU DO NOT HAVE TO GIVE THEM YOUR IDENTITY.**
- **IF YOU ARE TRYING TO ENTER A BUILDING OR CONTROLLED AREA (E.G., STORE, COURTHOUSE, OUTDOOR FESTIVAL)** and there is a sign that states that being searched is a condition to enter, you can refuse to be searched, but they can also refuse to let you in.
- **IF YOU'RE IN A BUILDING AND THEY ASK YOU TO LEAVE:** if you don't they may accuse you of loitering and legally can "use reasonable force" to remove you from the building.
- **IF THEY ACCUSE YOU OF STEALING SOMETHING:** unless you consent to the search, they cannot search you and must wait until the police arrive. BUT they may attempt to physically restrain and detain you until the police arrive.
- **IF THEY ASK YOU TO GO WITH THEM:** you can refuse. But if they are accusing you of a crime that they say they witnessed and they are attempting to make a "citizen's arrest," they may legally attempt to forcefully physically detain you until the police come.



PUBLIC TRANSIT INSPECTORS (E.G. STM, SOCIÉTÉ DE TRANSPORT DE MONTRÉAL)

In Montreal, all public transit inspectors can give you a ticket for breaking a transit bylaw (e.g. sleeping on the bench, taking the transportation without having paid).

- ➔ If they decide to give you a ticket, you have a legal obligation to identify yourself (legal name, address and birthdate).
- ➔ Other than identifying yourself, you have the right to not answer any other questions or say anything else!

“SPECIAL CONSTABLES” (“constables spéciaux”)

Before 2021, STM inspectors (public transit inspectors in Montreal) could only ask you for ID and issue tickets/fines related to STM regulations. **Now, some STM inspectors are “special constables” who have the legal power:**

- ➔ to detain and arrest people suspected of committing a criminal offence on STM property (instead of having to wait for police to show up).
- ➔ to access police databases.

Generally public transit inspectors can give you a ticket for breaking a transit bylaw, but **OTHER CITIES MAY HAVE DIFFERENT TYPES OF OFFICERS** who patrol public transit and they may have different types of powers.

IN A VEHICLE

WHEN DRIVING A VEHICLE

Police target and pull people over all the time, often with fabricated reasons, notably in the context of racial profiling. The following info may help you figure out whether they have a legal basis to pull you over. Remember to document what happened (see p.4).

Legally, police CAN STOP you in a vehicle if:

They do it for an investigative purpose (e.g. grounds to believe that you, your vehicle or licence plate are connected to a crime).

They are performing an organised traffic stop (e.g. police blockade checking people for intoxication).

They accuse you of a traffic or driving violation (e.g., speeding, running a red light, expired licence plate, lights off at night).

The driver has a legal obligation to IDENTIFY themselves to police in these situations (for passengers, see p.9).

Whether police pull you over legally or illegally, they may:

- notice something in the car “in plain view” (See p. 10), (e.g. drug residue, a knife)
- decide there is something “suspicious” about your behaviour or appearance (e.g. “shaky hands,” “eyes having pink colour,” smell of alcohol or cannabis)
- know other people in the car (e.g. known to police as drug dealer, “gang member,” “pimp/proxénète”).

Legally, the police cannot SEARCH your VEHICLE without a warrant, EXCEPT IF:

- ➔ the search is right after the arrest AND the reason for the search is related to the arrest (e.g. they see drugs in plain view, they arrest you for possession, and they search the car for drugs); OR
- ➔ the search is during your detention AND it is for SAFETY reasons (e.g. you’re wearing a bullet proof vest; after providing your name the police see in their system that it is associated with a safety alert related to weapons); OR
- ➔ they have reason to fear EVIDENCE is immediately or about to be lost or destroyed; OR
- ➔ they have reason to fear someone’s SAFETY is immediately or about to be at risk.

The legal limits to when police can SEARCH YOU (e.g. your pockets) are somewhat more limited than when they can search the vehicle itself. See [Frisking, Patting Down or Searching You](#).

For more info on police powers related to stopping you in a vehicle, search and seizures, drug-related charges and evidence that can be used against you, see [Read Between the Lines](#).

CAR PASSENGERS

- ➔ Generally, only the driver is legally required to identify themselves when police pull over a car for a traffic stop.
- ➔ However, if police say that a passenger is **DETAINED** for “investigative purposes” or to be given a ticket, or is **ARRESTED** for a criminal offence, they also have a legal obligation to identify themselves (see p.5). See *Identifying Yourself to Police*.
- ~ Other than identifying yourself, you have the right to not say anything else!
- ~ If you do not identify yourself, they can **DETAIN** you until they can verify your identity.

QUESTIONS TO ASK YOURSELF

If you or the people you are with are criminalized, do you ever talk about what you would say—and not say—if the police pulled you over? For example:

- If you are with a driver, other sex workers on the way to work, a client, dealer, friend, migrant person without status, and together you are stopped by police, what do you plan to do?
- Do you plan to give police the same info?
- Do you plan to refuse to speak to them?
- Does your/their identity or legal status impact who decides to drive?
- Does it impact how and what you drive, with how many people in the car, where and at what time?



AT A RESIDENCE (E.G. APARTMENT, HOME)

The police cannot legally ENTER WITHOUT A WARRANT, EXCEPT IF:

- the person who answers the door authorizes/consents to let them enter; OR
- the police have reason/grounds to believe that:
 - ~ Someone inside is committing, or about to commit, a criminal offence
 - ~ Someone they are attempting to arrest has fled inside
 - ~ The life or safety of the public or a person inside is threatened. E.g. an anonymous neighbour called 911 and said they heard someone screaming for help.

If you do NOT consent to them entering, make sure you say this clearly. (« *Je ne consens pas à ce que vous rentrez* » JEH NEH KON-SEN PAH AH SEH KEH VOO REHN-TRAY)

- If you are arrested or detained (including for “investigative purposes”) you are required to identify yourself. See *Identifying Yourself to Police*.
 - ~ Other than identifying yourself, you have the right to not say anything else!
 - ~ If you do not identify yourself, they can DETAIN you until they can verify your identity.
- Even when you are not required to identify yourself, police may try to manipulate you and threaten to arrest you for something if you do not (e.g. “obstructing” police work).
- Police or bailiffs may also show up with a legal order to search and seize based on debts (e.g. to Revenu Quebec, for unpaid tickets).

If they have a WARRANT—ASK TO SEE and READ IT.

- A search warrant must specify the address and the specific things that they plan to search for.
- An arrest warrant must specify the name of the person they intend to arrest. An arrest warrant on its own is not a warrant to search the location, but in some rare cases, a search of the place following the arrest may be legal.

Generally, police cannot SEARCH without a warrant, but there are EXCEPTIONS if police:

- have reason to believe evidence is about to be lost or destroyed.
- arrest someone in the residence, and they have reason to believe someone else is in danger because of something on the person they arrest or in the place.
- are looking for something related to a medical emergency (e.g. search for life-saving medication).

If they see something “IN PLAIN VIEW”:

- they can legally seize it if they have reason to believe it relates to a criminal offence (e.g. drugs, scales, packaging equipment, large sums of cash, weapons).
- This may also permit them to search further.

“IN PLAIN VIEW”

- This means they can see the object in front of them (e.g. from the front door of the house, from inside if they have legal grounds to enter or if you agreed to let them in).
- It does NOT include going into drawers or cupboards, rifling through things or moving things around, travelling to other parts of the house.



AT A MOTEL OR HOTEL

No matter where you are in the building, unless the police tell you that you are arrested or detained, you have no obligation to identify yourself or speak with them (see p.5). Being polite may be strategic, but remember that anything you say to police is a statement.

For more info, see [Identifying Yourself to Police](#) and [Questions to Ask Yourself: Dealing With Police](#).

IF YOU ARE IN THE HOTEL BAR OR LOBBY

- You are in a public place and legally the police can enter.

IF YOU ARE IN A MOTEL/HOTEL ROOM

- You are not in a public space and legally you have the right to a certain expectation of privacy.
- Generally, the same laws apply regarding police power to enter and search, as those in a residential location (see p. 10).
- But the law takes the privacy associated with a motel/ hotel room somewhat less seriously, and police prioritize authorisation from motel/hotel staff (not guests) for permission to enter individual rooms.

If the police come to the door of your motel/ hotel room

- Ask them why they are there. It may be strategic to act polite and calm.
- You have the right to an expectation of privacy in your room, and you have the right not to be disturbed.
- You have no obligation to let them in unless they have a warrant or unless one of the exceptions apply (see p. 10).



DANS UNE CHAMBRE DE MOTEL/HÔTEL (Suite)

If the police have a warrant or force their way into the room

- Unless the police tell you that you are arrested or detained, you have no obligation to identify yourself or speak with them.
- If they arrest someone else in the room (e.g. client, dealer), they may temporarily detain you as a “witness” to or “victim” of the crime.
- If you decide to identify yourself (legal name, address and birth date), you can say nothing else.
- “Helping you” or “Making sure you’re alright” is never a valid reason to detain you.
- It may be strategic to stay calm, because if you get into a confrontation with the police, they may arrest you for “obstructing” police work.

HOUSEKEEPING

- Remember they have authority to enter your room when you are not there.
- If they see things (e.g. drugs or drug material, lots of condoms, sex work or drug use publications) **they may contact police.**
- There is an increasing trend for hotel staff to be **“trained” to spot sex work/ers and report them to police.** These trainings are framed as “human trafficking” or “sexual exploitation” initiatives, but staff is trained to “spot signs” related to sex work. For example:
 - ~ individuals who request multiple rooms or additional towels/linens, but deny staff entry into the rooms
 - ~ individuals who rent rooms hourly or less than a day, or for a long duration of time
 - ~ individuals who wait at a table or bar and are picked up by a man



AT A COMMERCIAL LOCATION (E.G. BAR, MASSAGE PARLOUR)

Unlike a residential location (e.g. apartment), the police have the right to enter a commercial location without a warrant. This does not mean that they can enter and do whatever they want.

The powers the police have, how easily you can walk out, your legal rights and obligations, etc., may depend on many factors, including:

- **The reason the police come to a commercial location** (e.g. to inspect health and safety regulations, as part of an investigation, to raid for drugs and weapons, to “check for minors”, to “do outreach”).
- **The reason police think you are there** (e.g. you work there, you’re a customer, you’re waiting for a friend to finish their shift).

REMEMBER

- **Don’t say more than you need to.**
- Police are trained to make people talk. Stay calm and try not to be intimidated.
- **Plan in advance what you will, and will not say, if the police enter your workplace.**
- **If possible, share your strategy with your colleagues.**

For more on thinking through interacting with police, see [*Questions to Ask Yourself: Dealing With Police.*](#)

It is important to be familiar with by-laws that apply to the indoor location where you work.

- Regulations (e.g. municipal by-laws) give police and inspectors the power to enter for “inspection”, but they also limit what the police can do and ask you during an inspection.
- **If you are required to have a permit**, police can ask to see it. They might ask you additional questions about your work. In the context of an inspection, if their **questions go beyond what the by-laws regulate, you do not need to engage.** For example, questions about your immigration status, your relationships, what you have in your personal belongings.
- **If you are not required to have a permit**, police may still pressure you to identify yourself. Depending on the context, you may or may not have a legal obligation to do so. See [*Identifying Yourself to Police.*](#)
- By-laws do not permit a search of everything on the premises, but they allow the police to enter for certain reasons such as to ensure the building and the equipment satisfy health and safety standards (e.g. to look around the building or in cupboards of work supplies).
- **By-laws do NOT give the police the power to search you, your bag, your coat, your cell, etc.** The general rule is the police cannot search you without a warrant. But there are exceptions (see p. 10).

AT THE HOSPITAL

Medical professionals and their staff have an obligation to prioritise every patient's health, safety and medical privacy. Typically, they should not provide medical information to police without a warrant to do so, BUT:

→ Medical professionals and other staff members have a lot of "discretionary power" to make decisions.

~ For example, if someone comes to the hospital for care, and they think they have been involved in a crime (as a suspect or as a victim), they may or may not decide to immediately contact law enforcement.

→ They have a legal obligation to contact law enforcement if someone's safety is or is about to be in danger in a way that they are unable to control.

~ This does not mean that they have to contact law enforcement in other circumstances.

~ They might contact police for other reasons (e.g. based on an individual's personal beliefs, institutional policy, private security guard who witnessed the situation).

→ Police are often contacted when 911 is contacted for medical emergencies, and they may decide on their own to show up to investigate. There are many reasons why police may end up at the hospital or follow up after you've been to the hospital.



IF YOU ARE THE PERSON RECEIVING MEDICAL CARE

★ The health care provider has an obligation to protect your medical privacy, health and safety. This may include refusing to let people (including police) into your hospital room, talk to you or question you, or otherwise bother you if it is detrimental to your health.

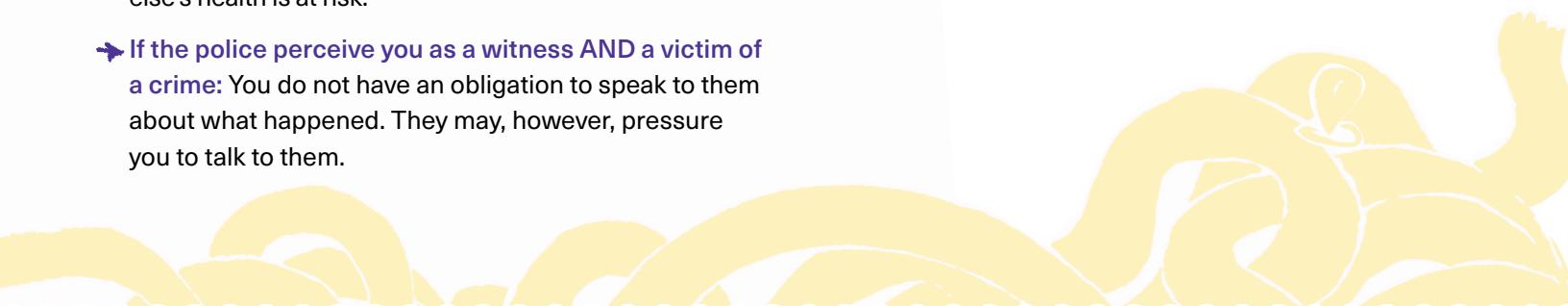
★ When you are admitted into hospital, you may be undressed. In this process, belongings that are on you (e.g. inside your pockets, boots) may be discovered.

★ Some hospitals may have security measures that involve additional scanning of items entering the hospital.


REMEMBER

- Other than providing your identity in some contexts, you **NEVER** have an obligation to say anything else.
- No matter who you are or why you are at the hospital, anything you say to police is a statement that can be used as evidence to arrest and prosecute you or someone else.

IF YOU ARE THE PERSON RECEIVING MEDICAL CARE (CONTINUED)

- ➔ **If the police intend to arrest you:** They may convince medical staff to let them speak with you, handcuff you, and monitor your room until you are released from the hospital. You still have the right to adequate and complete medical care; usually, legally the police cannot take you until this care is provided. **Other than identifying yourself (legal name, address and birth date), you have NO obligation to say anything else**, even if you or someone else's health is at risk.
 - ➔ **If the police perceive you as a witness AND a victim of a crime:** You do not have an obligation to speak to them about what happened. They may, however, pressure you to talk to them.
 - ➔ **If the police perceive you as a witness but NOT a victim of a crime:** They may pressure you more to talk to them. They may even threaten you if you don't (e.g. to charge you for "obstructing" police work). If you are not feeling well, they may agree to speak with you at a later time.
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IF YOU ARE ACCOMPANYING SOMEONE WHO IS RECEIVING MEDICAL CARE

- You have no obligation to provide any information to medical or other staff simply because you accompany someone to the hospital.
 - But in some contexts, you may need to explain why your presence is necessary for the person you are accompanying or visiting in order to enter (e.g. to translate, help them access adequate medical attention or some other essential service or item).
 - Unless it's information medical staff absolutely need in order to provide the person with immediate appropriate medical care, never provide information about the person you are accompanying/visiting without first obtaining their informed consent to do so.
 - The medical staff may ask you about your relationship to the patient, for their emergency contact, or to better understand the situation.
 - ➔ **If the police arrive and arrest you:** Other than identifying yourself (legal name, address, birthdate), you have NO obligation to say anything else, even if you or someone else's health is at risk.
 - ➔ **If the police arrive, but you are not under arrest:**
 - ~ They may be there to investigate, and they may pressure you to talk to them.
 - ~ If they tell you that you are detained for "investigative purposes," legally you have to identify yourself (legal name, address and birthdate). But you have NO obligation to say anything else.
 - ~ If you are not detained you have no obligation to identify yourself.
 - ~ See [Identifying Yourself to Police](#).
- 

Depending on the seriousness of the situation, if they are investigating, they could attempt to: monitor who picks you up, if you have a car outside, if you're making phone calls; get your contact information from staff, etc. Think about what contact information you want to provide to the hospital.

INSIDE A SUPERVISED INJECTION SITE

Certain organizations operate Supervised Injection/Consumption Sites (SIS).

- There are certain legal “exemptions” that apply to people INSIDE an authorized SIS.
- These “exemptions” define certain contexts and activities for which a person cannot be charged with certain drug-related criminal offences.
- For example, people INSIDE an SIS who brought drugs to use there, **CANNOT be charged with:**
 - ~ “simple” possession inside the site if the possession is for personal consumption.
 - ~ possessing for trafficking, producing or transferring substances if it’s for the purpose of drug-checking.

These exemptions do NOT include protection from arrest for criminal charges for people around the SIS and do not protect people around the site from police harassment.

The law does not provide any protection from arrest as soon as you leave the building (exit the door).

- If ever you were arrested for “simple” possession on your way to or from an SIS, let your lawyer know as this may help your case.
- There are very few SIS locations, and people have no choice but to travel with their drugs on them in order to access an SIS.

Different SISs and different provinces will have different rules about what is and isn’t allowed within the SIS. Rules and exemptions can change rapidly. Ask someone working at the SIS for the latest regulations related to that service.

REMEMBER

These “exemptions” only provide a legal defense for some drug offences in some contexts, and they never provide a defence for:

- any non-drug-related criminal offences
- arrest warrants.

ON THE SITE OF AN OVERDOSE (GOOD SAMARITAN LAW)

Since 2017, the *Good Samaritan law* prohibits police who show up on the site of an overdose from arresting you for:

- “SIMPLE” POSSESSION, OR
- BREACH OF COURT ORDERED CONDITIONS IF THE CONDITIONS ARE RELATED TO A “SIMPLE” POSSESSION CHARGE

BUT this law **DOES NOT** offer any protection from:

- an arrest/charge for ANY OTHER criminal offence, such as possession for the purpose of trafficking, trafficking (e.g. selling or sharing drugs), obstruction, procuring, weapon possession
- an arrest/charge for breach of a condition related to ANY criminal offence other than “simple” possession (e.g. conditions related to possession for the purpose of trafficking, theft, sex work, assault, fraud)
- an arrest related to a warrant issued in Canada (e.g. for having missed your court date)

This law applies to:

- anyone who requests emergency help related to an overdose (including the person who is overdosing), regardless of whether they stay or leave the premises before help arrives
- anyone who remains on the scene when help arrives.

BUT, laws criminalizing the possession, sharing and administration of drugs allow **police to frame the site of an overdose as a crime scene.**

- **This gives police the power to legally enter a place, ask people present to identify themselves, seize items, etc.**
- Police do not need to have arrested someone to consider an area or place a crime scene.
- Once there, police might abuse their power (e.g. illegal searches, force people to make statements).

In these ways, this law can give people a false sense of protection.

THINGS TO CONSIDER IF YOU CALL FOR ASSISTANCE

- Should I stash or dispose of my drugs and related evidence?
- Should I tell anyone else at the scene that I have called 911 so they can leave if they need to?
- Should I tell emergency dispatch that the environment is safe/secure and specify that only medical assistance is required? Remember that this does not guarantee that police won't also arrive.
- If I'm in a public space, do I want to stand at a distance to keep an eye on the situation?
- If I can't stay (e.g. if there is a warrant in my name), can I leave a note for paramedics with key information (e.g. what they took, how much, medical conditions)? Can I ask someone else to stay to provide this information to the paramedics?

