

SEIZURE: WHEN POLICE CAN TAKE YOUR THINGS

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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.

Police can seize (take) items that are included in a warrant.

- If they have a search warrant: **ASK TO SEE IT and READ IT.**
- If the warrant is to enter and search a location, it must include:
 - ~ The specific address (it may also include the specific area) **AND**
 - ~ The specific things they're searching for (e.g. computers, cell phones, drug related equipment).
- **If your property is seized with a warrant, ask the officer for a copy of a report identifying the items seized and where they will be held.**

Police can seize (take) items without a warrant if they have reason to believe they are connected with a criminal offence.

This includes **ITEMS** that:

- **may have been used in a criminal offence** (e.g. drugs, weapons).
- **may provide evidence of an offence** (e.g. note books, cell phones, scales).
- **you obtained through a criminal offence/activity** (e.g. money obtained through sex work or selling drugs).

- Police can seize things in the context of a criminal investigation, **even if they have not yet arrested someone.**
- If the item seized is considered evidence in an ongoing case, you may not get it back until the end of the case.
- If the item is considered "proceeds of a crime" (e.g. money obtained through a criminal activity) you will likely never get it back.
- If drugs or medication are seized (and you do not have a legal prescription for them) you will not get them back.
- Do not try to get your stuff back without speaking to your lawyer first.

Unless they have a warrant, police cannot legally seize your property unless they have a legitimate reason to believe it is connected with a criminal offence. Still, they may illegally seize and search property such as a cell phone.

Be careful not to verbally admit anything is yours, even if it is obvious.

It is always important to delete from your phone any images or communications that could provide evidence of a criminal offence (e.g. communications or details related to clients, other sex workers, dealers).

Remembering what happened may help you try to get your stuff back.

Note:

- ➔ Where and when did the police take your stuff?
- ➔ What did they take?
- ➔ What was searched? When/where/how did it occur?
- ➔ Was anything damaged? If so, take pictures.
- ➔ Who were the officers (names, badge numbers, numbers on the car, etc.)?
- ➔ What did they say or do?



If you are detained in custody: your possessions will be temporarily seized, including your phone.



- Usually, you CANNOT access your phone. Memorize the numbers of potential sureties (individuals who can assist with bail) and other key contacts you may need to call if you are detained.
- If you need to access your phone for a number to call, you can try to ask a guard or your lawyer.
- If you do access your phone, remember if a guard/officer is present, they might see the content on your phone.

ANY TIME YOU SPEAK TO POLICE YOU ARE MAKING A STATEMENT.



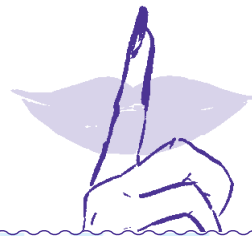
- This statement is EVIDENCE that can be used to charge and prosecute you or other people (e.g., partner/friend, dealer/seller, client).
- It could be used in someone's trial, or to influence someone to plead guilty or provide information.
- If you do not want to make a statement, try to not react to their words/behaviors. Try to maintain control over yourself, avoid conflict and remain silent.

Your silence cannot incriminate you, but your statement might.



THE RIGHT TO SILENCE

- ➔ Other than identifying yourself (legal name, address, birthdate) in certain contexts, you have the right to not answer any other questions or say anything else to police. See *Identifying Yourself to Police*.
- ➔ People face different risks when interacting with police (e.g., to health, safety and life, legal and financial). See *Questions to Ask Yourself: Dealing With Police*.



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