



Poverty and Drug Law Issues

There are many laws that have a greater impact on poor people and drug users. These laws can be used to target them unfairly. This section discusses some of these laws.

Panhandling

Under Canadian law, asking for change (panhandling) is not illegal. Cities may make rules about panhandling that only let you ask for change in certain places and in certain ways. For example, in Vancouver you can panhandle, but the law says you can't:

- ask for change when you are in a group of three or more;
- lie or sit on the sidewalk and ask for change;
- ask the same person more than once for change;
- ask people in cars for change;
- ask for change within 10 meters (33 feet) of a bank or bank machine; or
- follow people or walk ahead of them after asking for change.

If you are blocking people walking on the sidewalk or you are leaning on a building, you can legally be asked to move by police. Police may use traffic violations or the panhandling bylaws in Vancouver to discourage people who are poor from asking for change.

Loitering

Loitering is usually considered “hanging out” in a place without having a specific reason for being in that place. All citizens have the same right to be on park benches, park grass or on public streets. If you are asked by police to “move along,” you can ask why. Use your common sense in asserting your right to be in a public space. If you are in a municipal (city) park and refuse to move, police officers may charge you with loitering, a bylaw offence that would result in a fine. On the street, loitering is also a bylaw offence if you block or slow down pedestrians or cars.

Sleeping in Public

Most beaches and parks in Vancouver are municipal (city) parks. Some, like Iona Beach and Pacific Spirit, are regional parks. Sleeping overnight is banned in all parks in Vancouver, whether municipal or regional. You can sleep in some regional parks if you have a camping permit.

There is no rule against sleeping in parks during the day. There is a rule in city parks in Vancouver against “loitering” that could be used by police to prevent you from sleeping in the park during the day. There is no rule against loitering in regional parks.

Vancouver traffic bylaws and most other B.C. city bylaws prevent sleeping in the street by not allowing you to block traffic. Traffic includes people walking, as well as cars.

If you are sleeping on private property, you can be

Police Wake-up Calls

If the police use too much force when waking you up, you can file a police complaint. Remember the police officer’s badge number and the date, time and place where you were sleeping.



See Vancouver Street and Traffic Bylaw

escorted off of the property with as much force as is necessary by the property owner or by a security guard.

The law says the police, security guards and private citizens can only use as much force as is “reasonably necessary” to enforce the law. For example, if the police find you sleeping, they can’t kick you or hit you to wake you up.

Sex Trade Workers

Prostitution is technically not illegal in Canada, but there are many laws that make it difficult to sell or buy sex for money legally and safely. Just because you are a sex-trade worker does not mean you have fewer rights than any other person.

You still have the right to remain silent if you are questioned by police. You also have the right not to identify yourself unless you are under arrest. You do not have to allow police to take your picture, and you do not have to give samples for *DNA testing* to the police (see page 32 for details). The police do not have the right to take condoms or any legal item from you unless you are under arrest.

Loitering in an area known for prostitution may give the police legal grounds to detain you and ask you questions. You do not have to answer their questions. See page 17 for a list of situations where you must give your name and address to police officers.



Needle Mark Searches

The police may ask you to roll up your sleeves to figure out if you are using IV drugs like heroin. You do not have to show your arms to police unless you have been arrested. At most, when you are **detai**ned, police are allowed to do a **pat-down search** for weapons and look in your bags for weapons.