



POWERottawa@gmail.com · www.PowerOttawa.ca

Know your rights when police come to your door!

In recent months, the Ottawa Police have visited the homes and work locations of sex workers. POWER has consulted with lawyers who are sex worker allies, and worked with them to draw up this list of your rights as a sex worker in this kind of situation.

This information sheet does not cover all possible situations where you may come into contact with the police. Since every situation is unique, this information is a general guide and not legal advice – if you need legal advice on a specific incident or situation, you should consult a lawyer.

Finally, this information sheet describes your formal rights – however, the police may not always respect them. In any situation involving the police, your safety should be your top priority.

If the police show up at your home or workplace:

- You don't have to tell them your name or show ID unless you are being arrested, BUT if you lie about your identity you could be charged with obstructing justice or obstructing the police.
- They should not harass, target, intimidate, or threaten you for doing sex work
- They should not mistreat you because of your sex, gender, gender identity, sexual orientation, race, ethnicity, or because of any disability.

If they want you to let them in:

- In most situations the police cannot legally enter your home or workplace without a warrant, unless you give permission.

If they don't have a warrant, but want you to let them in anyway:

- You are within your rights to refuse. The only situation in which the police can legally enter your home or workplace without a warrant is if there are urgent circumstances requiring them to, e.g. if they think someone is in immediate danger, or if they are chasing a suspect of a crime.

If they say they have a warrant to search your home or workplace:

- You can ask to see it before letting them in. To be valid it should have the correct address and be signed by a judge or justice of the peace. It may also specify dates and hours when it can be used.

- A warrant is usually considered valid even with minor errors, such as a spelling error.
- With a warrant, the police have the legal right to enter the specified location, even if you don't want them to. If you try to stop them, you can be charged with obstructing the police.

If they do enter your home or workplace without a warrant, with or without permission:

- You can ask them to leave. If they refuse, they could be charged with trespassing.
- You can ask them if you are being detained or arrested. If not, you have the right to leave.
- You don't have to answer any of their questions.
- You don't have to consent to the police searching the premises without a warrant.
- In most cases, you can refuse consent to being searched yourself. Police can only legally search you if you're under arrest, if they're in a place where they are searching for illegal drugs and they believe you have illegal drugs, or they believe you have an illegal weapon or one that was used to commit a crime.
- They cannot in most cases take items you legally own from you. If they take anything you own during an authorized search, they have to return it to you.
- They should not touch you without reasonable cause, unless you are being detained or arrested. If they do, they could be charged with assault.

If you are being detained or arrested:

- You have the right to refuse to answer questions until you have spoken to a lawyer.
- If you do not have or cannot afford a lawyer, you may be able to get free legal advice from legal aid duty counsel.
- After you speak to a lawyer, the police may continue to ask questions, but you do not have to answer them.