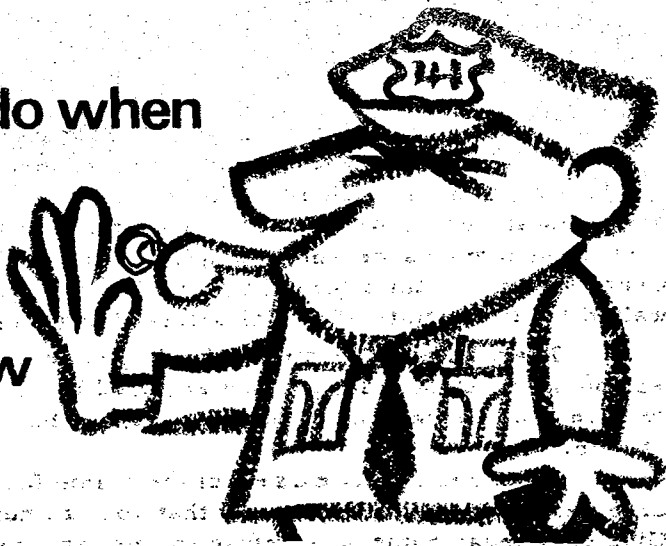


What to do when arrested

or

What now my love?



As in most democratic countries, the Canadian system of justice presumes you to be innocent until proven guilty. However, there are many aspects and technicalities regarding the law which are fraught with danger for those ignorant of the facts and of their rights.

Presuming that you have been placed under arrest on a charge of a sex-oriented nature, you can expect the following procedure . . . Questioning, Booking, Bail Procedure, and Appearance in Court.

When you are advised by a police officer that you are under arrest, do not resist in any way. If you do, you will leave yourself open to further charges.

Depending on the integrity and the moral stature of the arresting officer, you will be subjected to either correct questioning or a downright harangue of smutty insinuations. In either case, there is a limit to what you must answer. You could be questioned right on the spot, in a police car, or at the station. You will be obliged to give your name, and it is advisable to give your correct name since other procedures make it virtually impossible for friends or lawyers to bail you out.

You are not required by law to give your correct address, and in many cases, it is advisable to give an address where you can be contacted but not the one where you reside. This eliminates the possibility of police questioning neighbours or an embarrassing leakage to a sensation-seeking newspaper.

While the majority of police departments are run in a most responsible manner, there are also on record a number of unfortunate instances of flagrant disregard of peoples' rights. For example, on a recent "gross indecency" case in Hull, Quebec, the judge found it necessary to criticize the Chief of Police for having called a press conference to announce the issuing of a summons before the summons had been served. Judge Labelle said that the chief had no business calling press conferences, but nevertheless, he had.

You are not required to give your place of employment although, undoubtedly, you will be asked. There is no reason in the world for giving the police this information, and refusal to do so cannot be construed as obstruction or refusing to co-operate. There have been many cases where employers have become miraculously aware that one of their employees has been arrested, and haven't waited for the results of a trial before firing them.

There is one exception: should you be arrested while in possession of an automobile, you are required by the Highway Traffic Act to give your correct name and address, or be liable to an additional charge.

When you are accused of the crime for which you have been arrested you should always reply that you are not guilty of any crime. Give your legal name and refuse to answer further questions. Request permission to contact your lawyer, and remember that anything that you tell the police can be used later in evidence against you which could complicate your lawyer's defence of the case. If you have no lawyer with whom you have previously dealt, request permission to call a member of the family or a close friend. It is against the law for the police to hold you without allowing this contact to be made, however, many delaying tactics can be used, again depending on the integrity of the police officer.

It is always advisable to make sure that you have either the name or number of the officers with whom you may come in contact during questioning.

You will hear many stories of police brutality with the object of forcing suspects to sign confessions. In a recent investigation by the Royal Commission into police brutality, not one of the cases put forward was proven. Also, in a recent case of arrest for gross indecency in Toronto, the two men concerned were not subjected to any such brutality, although they both protested deliberate attempts at humiliation by the arresting officers during the time that they were being officially questioned.

Subsequent to being booked, you will be finger-printed and possibly photographed. Should the charge eventually be dropped, or should you be acquitted, then these items should be removed by the police from their files.

Bail is set by a magistrate and there is one on duty even in the early hours of the morning although you may have to wait several hours for him to make his rounds. Once the bail has been set, you can be released as soon as yourself or a friend can arrange deposit of the set amount at the police station. Cheques are not acceptable, only cash or real estate. Once the bail has been paid, you are free to go until the time set for your appearance in court. Failure to

appear at that time will mean the loss of the bail money, and the issuing of a warrant for your arrest.

Your first appearance in court will be within 24 hours of your arrest in most cases. At this time, the charge will be read and if you do not understand the charge, ask the magistrate to explain it to you specifically. Plead "not guilty" and ask for a remand.

If you have been able to contact your lawyer and he is in court he will do these things for you. If you are unable to afford a lawyer, ask for help from the local Legal Aid Counsellors.

A recent issue of the Citizens' News in California advised its readers if ever arrested, to "Keep your mouth shut!", and it further cautions that "regardless of how innocent you may be, it will cost you \$500.00 to prove it."

Just recently, in Toronto, the Grand Jury returned a verdict of "no bill" in a case where two men were charged with gross indecency. In the next issue of TWO, we will cover the arrest and subsequent court appearances of these two men, as we feel that this case has an important lesson for everyone.

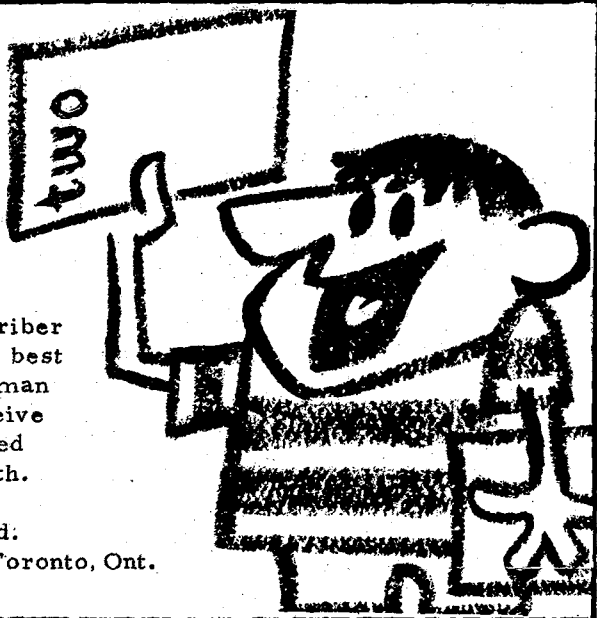
Our last comment applies, perhaps, to the community as a whole, rather than to the homosexual segment.

**FAILURE TO STAND UP FOR YOUR RIGHTS IS THE GREATEST
CRIME OF ALL.**

If your local news
boy still doesn't
have TWO....
don't yell at him...
especially if he's
cute.

Just drop us a line
and become a subscriber
... which is the next best
thing to being subhuman
... and you will receive
TWO in a plain sealed
envelope every month.

Kamp Publishing Ltd.
457 Church Street, Toronto, Ont.



"What to Do When Arrested or What Now My Love?" Two, no. 3, 1964, pp. 17+. Archives of Sexuality and Gender, link.gale.com/apps/doc/TSAJWH266853130/AHSI?u=clga&sid=bookmark-AHSI&xid=6583648d. Accessed 22 July 2022.