

Finding the second recommendation too radical, the government enacted only the first, on December 20, 1985, as Section 195.1 of the Criminal Code.

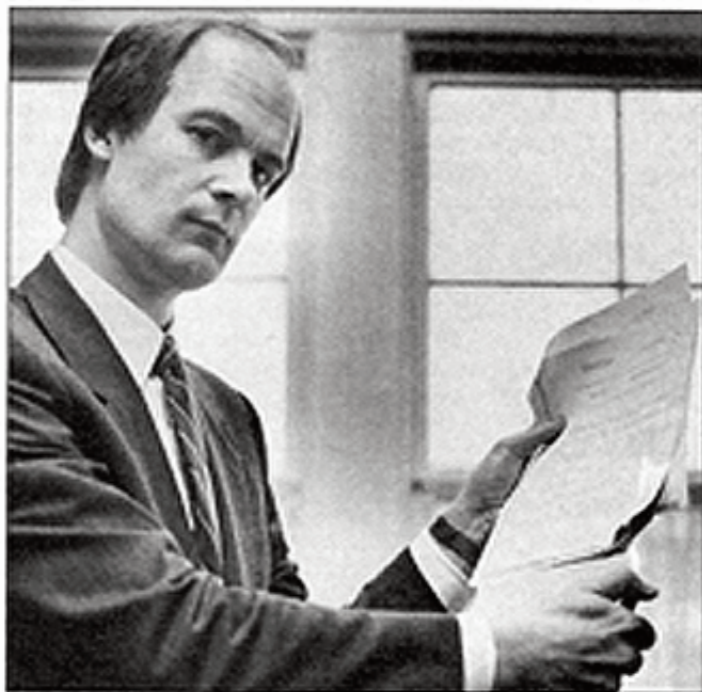
Across Canada, police gave prostitutes until just after the new year to find a new line of work or ply their trade indoors. Now that cars were once again public places, by far the most common police tactic was—and still is, despite the Libby decision—the deployment of a male undercover officer in an auto to lure a hooker into a proposition. Staff Sergeant Marvin Malnyk, head of the six-man Regina city police vice squad, says all 39 charges laid there against prostitutes since January involved the same technique: an undercover officer rents a car, drives in the downtown Broad Street area frequented by hookers, lets her make the proposition then makes an excuse and drives off. A few days later another officer lays the charge. If she pleads not guilty, the first testifies against her.

All 125 charges laid against prostitutes in Vancouver during the past two months have involved undercover officers in automobiles. So have the four laid in Victoria, 22 in Calgary, 44 in Edmonton, 35 in Saskatoon and 26 in Winnipeg, where those charged include three male transvestites. "All the johns are in cars, so that's the way the police have to work," says Inspector Harold Brittain, head of the Vancouver police vice squad. He is angry about crown prosecutor Sean Madigan's comment, in the wake of the Libby decision, that he was surprised police had been "so stupid" as to use cars to gather evidence against prostitutes. "We worked out with crown counsel the best way to do the job," says Insp. Brittain. His men will continue to use cars until the decision is upheld by the B.C. Court of Appeal. Meanwhile, some prostitutes are getting wise to police tricks. "In Vancouver, the women ask the men to expose themselves," says ASP's Miss Arrington, 45, a meat factory worker who says she has never hustled, but was raised by prostitutes after she ran away from sexual abuse in her Winnipeg home. "The cops won't do it."

Staff Sergeant David Morrison, head of Calgary's nine-man morality division, says the Libby decision simply means keeping the prostitute out of the car during the deal, so she is definitely in a public place, and putting more undercover

customers on the street and in lounges. Sergeant Glen Thompson of the Saskatoon city force says his four-member squad will try watching a streetwalker for a lengthy period. "After she's approached 10 guys in one night it becomes obvious that she is soliciting," he says. "We won't go back to the 1978 decision," adds Staff Sergeant Alexander Sandy of the Winnipeg city police. "The public won't accept it."

Opponents of Bill C-49 complained that more female prostitutes than male customers would be charged under the new law. That has been true to date, with 70 clients charged in Vancouver, three in Victoria, seven in Calgary, five in Edmonton, one in Regina and 12 in Saskatoon. Only in Winnipeg, where 27 cus-



Lawyer Serka and Bill C-49, in flames

"I am not for prostitution, but I am against bad laws."

tomers and 26 prostitutes have been charged, is there equality. According to Saskatoon's Sgt. Thompson, it's easier to get the women. "To catch them, all we need is one officer in a car. To catch customers we need two female undercover officers walking the street with a back-up team of three or four in case she gets into trouble."

It seems C-49 has also tended to steer prostitutes toward pimps. Kurt Pyrch, assistant manager of the 140-room Sheraton Plaza in the heart of Edmonton's upscale hooker district, says he witnessed a knife fight between two pimps whose women were invading each other's territory. "The girls move around more now. I guess to avoid the police," says Mr. Pyrch.

With fewer prostitutes on city streets,

police also expect an increase in break-and-enters. "The pimps' money source is disappearing and they still need drug money," says Sgt. Thompson. He adds that "our pimps here are too lazy to get out and hustle customers for the girls." Police must also be on the lookout for new prostitutes. "Because of the increased pressure, we have to get them out of town before the others do with violence."

A broad social criticism of the new law is that it doesn't present hookers with economic alternatives. "Women in B.C. are being pushed into the streets in greater numbers than ever because there are no jobs here," says Patricia Gibson, a community organizer with the Vancouver Status of Women. "We may have removed them from public view in the past few months, but where are they?" The fines paid by women who plead guilty to a charge under Section 195 (between \$100 and \$350 across the West) simply push them deeper into prostitution, says Miss Gibson. She wants to see government training programs, more jobs and more affordable child care to help women stop. Wonders Miss Arrington: "Why would a woman want to earn \$3.65 an hour when there is far more money on the street?"

While the Sheraton's Mr. Pyrch is glad there are fewer streetwalkers in front of his soon-to-be revamped hotel, he questions the wisdom of throwing hookers who can't pay fines into jail at the taxpayers' expense. Harold Macdonald, a Winnipeg city councillor, Anglican priest and chairman of the Federation of Canadian Municipalities' Task Force on Pornography and Prostitution, thinks the public's goals may change. "Right now the nuisance is the big problem. But if the AIDS epidemic continues to spread, we just may want prostitutes accessible and under proper health care."

Next week, Mr. Serka will defend 24-year-old Gladys Montgomery in Vancouver. She faces the same charge as Miss McLean and was caught under almost identical circumstances. If she's also acquitted, he'll be glad, but not because he admires her career choice. "I'm not an advocate for prostitution," he insists. "But I am an advocate against bad laws and I don't know how this one could have been so poorly worded. I'm just doing my duty as a lawyer."

Lori Cohen