Canadian border guards tried to "cover their asses" after strip search of U.S, students, report

*Hamilton Spectator (Hamilton, ON)*
Legal clinic helps homeless beat tickets; Outstanding fines for harmless offences are a costly legacy of late-1990s 'squeegee kids' law

During 10 "lost years" on the street, Mike Viera racked up more than $7,000 in provincial offences tickets for trespassing, loitering, sleeping in a park and even riding a bicycle without a helmet.

"I was using every day - crack and alcohol," says the 37-year-old Toronto man. "I was well known to police. They knew I couldn't pay. One officer gave me a ticket and told me to use it as toilet paper."

But Viera says he wasn't happy using drugs. And when he landed in jail for smoking crack in a parking garage almost five years ago, he welcomed the chance to participate in a court-ordered drug treatment program.

Today he is clean, living in his own apartment and looking into a course to upgrade his English skills in the hope of getting a job in the trades.

But Viera's outstanding tickets - and the harassing phone calls from collection agencies - continue to haunt him. And unless he pays the debt, he can't get a driver's licence, which is key to becoming employed and self-sufficient.

"If I don't get rid of those tickets, I won't be able to get rid of my past," he says. Viera is one of several hundred homeless and so-called "street-involved" people with thousands of dollars in outstanding fines who have turned to a free legal clinic operating out of downtown community drop-ins for the last six years.

The clinic, believed to be the only one of its kind in Greater Toronto, is open every Friday afternoon at the Fred Victor Centre, at the corner of Queen and Jarvis Sts.

Fair Change Community Legal Services - a word-play on the "spare change" from strangers many clients rely on - was created by former Osgood Hall law student Joanna Nefs, who saw a need from her previous work at drop-in centres.

"I could always find people to deal with landlord and tenant, immigration and criminal issues, but nobody was handling tickets," says Nefs, now a practising lawyer, who supervises the students operating the clinic on a volunteer basis. The clinic's biggest win was to cut one man's fines from $45,000 to $1,000, she said.

In addition to going to court with people such as Viera to appeal their fines, the students are also on the front lines of a provincial campaign to end the "criminalization of homelessness" by abolishing the Safe Streets Act. The act, introduced in 1999 by the Mike Harris government, purportedly to deal with squeegee kids, prohibits panhandling "in an aggressive manner."

According to the Canadian Observatory on Homelessness at York University, the law has cost more than $1 million in police time to hand out at least $4 million in tickets, 99 per cent of which remain unpaid.

Tickets range from $60 to $500 and escalate once they go into default and are referred to a collection agency.
Opponents argue the act had no impact on the "squeegee kid problem," which they say was a passing phenomenon that no longer exists.

Former provincial attorney general Michael Bryant says the Safe Streets Act is "a rotten law."

"But it's also a symbol of how we are approaching homelessness," says York University professor Stephen Gaetz, director of the homelessness observatory. "We have people who are in extreme poverty, who are often suffering from addictions and mental health problems, and issuing tickets they have no hope of paying. How does that make any financial or moral sense?"

A recent poll conducted by the observatory showed a majority of Ontarians reject the act and identified other measures, such as supportive housing and homelessness prevention, as better solutions, Gaetz notes.

"The act is an ineffective, expensive, inhumane response to homelessness," says third-year Osgood Hall student Jaime Mor, 24, who has run the Fair Change clinic with fellow student Cassandra Stefanucci, 26, for the past two years.

"It was enacted to get at aggressive panhandling. But these guys aren't aggressive. The only people being aggressive are the police in issuing these tickets," Mor says.

Outstanding fines count against a driver's licence and can make it difficult to obtain credit, he notes.

"It makes it harder for people like Mike to find a job and it keeps them in poverty and potentially on the streets for longer periods of time."

The clinic will be filing Viera's appeal application this month and Mor hopes to get his fines reduced to less than $1,000 when he argues the case this summer.

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Illustration:
• Jamie Mor and Cassandra Stefanucci, who run the Fair Change Community Services legal clinic, fight to get fines reduced for homeless people. Carlos Osorio/Toronto Star

Edition: ONT
Length: 728 words