



VANCOUVER POLICE DEPARTMENT

ADMINISTRATIVE REPORT

REPORT DATE: 2012-03-02
BOARD MEETING: 2012-03-21
BOARD REPORT # 1230

Regular

TO: Police Board
FROM: Deputy Chief Constable Warren LEMCKE
SUBJECT: Draft - Sex Work Enforcement Guidelines

RECOMMENDATION(S):

These draft guidelines have been prepared for discussion by the board.

OBJECTIVE:

This document reflects the Vancouver Police Department's philosophy regarding violence against sex workers and the enforcement of sex work-related laws. It is also intended to provide police officers and the public with the rationale for VPD's guidelines for sex work enforcement. The response strategies outlined here are consistent with the VPD's overall strategic goals, and ensure a consistent, respectful message when VPD officers are dealing with anyone involved in the sex industry. At all times, the VPD officers will uphold the values of "IPAR": Integrity, Professionalism, Accountability, and Respect. As articulated in the VPD Strategic Plan, all actions taken by the VPD will be justifiable, proportional and minimally intrusive.

The VPD has engaged in a variety of strategies to reduce crime and improve the safety of all Vancouver residents. However, these strategies can sometimes come into conflict with each other. For example, enforcement action is sometimes at odds with relationship building, though both are necessary as part of a comprehensive approach to policing. These conflicts are particularly frequent when dealing with individuals involved in the sex industry as a result of inconsistent public attitudes, community complaints, and messaging from the courts on sex industry related cases. For example, indiscriminate enforcement of the prostitution laws can undermine sex workers' relationships with police and decrease their ability to reach out to police for help.

As a police agency, the VPD is obligated to enforce the laws of Canada, although police also have considerable discretion in deciding when and how to enforce laws¹. Given that some sections of the Criminal Code related to the sex industry are the subject of several constitutional challenges, the VPD recognizes that these guidelines may need to be amended when the courts issue their rulings.

¹ See, for example, the Supreme Court of Canada's discussion of police discretion in the 2007 case of *R v. Beaudry*.
<http://scc.lexum.org/en/2007/2007scc5.html>.

The VPD seeks to assertively promote the safety, dignity and well-being of those involved in the sex industry. In addition, in line with our goal to support partnerships and relationships with all members of our community, the VPD will continue to build trust, respect and promote evidence-based decision making in order to reduce exploitation and abuse within the sex industry.

We will focus on balancing the needs of the community and the safety of the sex workers. We will achieve this through investigating business and residence complaints regarding sex work using an appropriate, graduated and coordinated response while paying particular attention to the safety of the sex worker and ensuring proper resources are used to achieve that goal.

High-risk safety concerns will be a key priority for our enforcement efforts and will be the driving force of any level of enforcement by the Vancouver Police. We will continue to strategically focus, re-focus and prioritize identified enforcement efforts in keeping with the VPD's goals, objectives and policies.

GENERAL PHILOSOPHY:

The VPD values building relationships with those involved in the sex industry in order to increase the safety of the workers, reduce victimization and violence, and where appropriate (such as with children and teens) to assist with exit strategies. In all situations, VPD officers will treat those in the sex industry with respect and dignity. It is important to recognize that while some sex workers are involved as a matter of choice; many others are involved in sex work as a survival mechanism, as result of drug addiction or mental health issues, or are otherwise vulnerable and marginalized.

The VPD will respond to community complaints and will examine the need for enforcement action. Enforcement action will be consistent and proportional to the risk presented to the community or the sex worker(s) and will be the least intrusive strategy to both keep the sex worker(s) safe and mitigate the issue. The VPD will use the ICEEE (Investigate, Communicate, Educate, Enforcement and Exit) approach in dealing with complaints related to the sex industry, and will continue to apply this where appropriate. Enforcement action will be taken in situations deemed "high risk" due to the involvement of sexually exploited children/youth, gangs/organized crime, exploitation, sexual abuse, violence, and human trafficking. Police action may result in formal enforcement under any of the relevant legislation from the Safe Streets Act to the Criminal Code when necessary to address situations where the safety or security of any individual is threatened.

The VPD does not seek to increase the inherent dangers faced by sex workers, especially survival sex workers. Therefore, where there are nuisance related complaints against survival sex workers, alternative measures and assistance must be considered with enforcement a last resort.

REASONING:

Relationships

Historically, there has been little trust between sex workers and the police. Sex workers have often been hesitant to call police if they were in trouble because of a fear that they would be arrested or experience discrimination by police. As a result, the VPD has worked hard to build more positive relationships with the sex industry community, particularly those working on the street. Programs such as SisterWatch and the Sex Industry Liaison Officer within the VPD have been developed to increase communication between the VPD and the community to improve

the safety of vulnerable members of the community. Promoting open and honest communication on both sides can only serve to benefit the safety of the workers and the community at large. However, while it is important that the VPD continues working with those on the streets, those working indoors (e.g., escort agencies/brothels) cannot be ignored; the safety of indoor sex workers is equally important to the VPD.

There are several advantages to building positive working relationships with those in the sex industry. First, increased trust will result in sex workers being more likely to call the police when they are in trouble, leading to increased safety. Second, positive relationships make it more likely that when those in the sex industry are aware of serious criminal issues such as human trafficking and involvement of gangs or youth, they are more likely to alert the police because they will not fear personal repercussions for doing so as a result of the trust and understanding built with the police.

Higher Risk Situations

Often, the sex industry involves consenting adults who may never come to the attention of the community or the police. Sex work involving consenting adults is not an enforcement priority for the VPD. However, in many situations, sex workers are put into circumstances where there are increased risks to their safety or to those in the community. The VPD is cognizant of the dangers faced by those working in the sex industry and endeavours to reduce these threats. In particular, the VPD views situations involving violence, exploitation, youth, other criminal associations (e.g., street crimes or gang affiliations) or human trafficking as being high risk and therefore a priority for intervention for the safety of the workers and the community.

Prostitution is not illegal in Canada, but many activities associated with it are. Because of these laws, the nature of the work itself, and the prevalence of violence against women and LGBT communities, sex workers often find themselves in personally risky situations. Though generally under-reported, violent crimes against sex workers are common. It is well known that those working on the streets, particularly those who are gay, female or transgendered, are at high risk of physical and sexual violence up to and including abduction and homicide. Some research suggests that indoor work is generally safer than street work and some sex workers have experienced little to no violence as a result of their work, however, police remain attentive to the fact that indoor sex workers are also victims of crime up to and including homicide.

Desperation for money to survive can result in sex workers being forced to accept behaviour from a customer or pimp that otherwise would not be tolerated. For example, brothel owners or pimps may require their workers to do things that are dangerous or degrading, or charge them “fees” for any number of things, such as the use of supplies or a particular location, leaving the worker with little money or in fact owing money despite working.

Of particular concern is the safety and protection of exploited children and youth. They are vulnerable to being recruited into the sex industry or they may be forced into prostitution in order to survive if they have run away from home or have no support system in place. In other cases, children and youth have been trafficked or forced into prostitution by predatory adults. It is a priority for the VPD to remove children and youth who are involved in these situations to ensure their safety and prevent further victimization by whatever means necessary within the law. Children and youth in these situations require police and other government services to work in an effective and coordinated fashion to provide every available protection.

The VPD will treat human trafficking as an investigative priority. Human trafficking cases typically involve children or women who have no money and/or have limited English language skills. They are often unable to escape their situation and are forced to remain in the sex industry in order to survive.

THE VPD'S SEX WORK ENFORCEMENT GUIDELINES:

When responding to sex work-related calls or situations, the Vancouver Police Department's priority is to ensure the safety and security of sex workers. Police calls regarding violence against sex workers are a priority for assessment and response.

- 1) All cases of violence or abuse of sex workers are treated as serious criminal matters. When a sex worker speaks to a VPD officer or attends a police station in-person alleging violence, an officer should be assigned to investigate. The victim should not be directed to return at another time, or to complete a written statement and return it later. The timeliness of the victim's report (e.g., several days or weeks after the event) does not lessen the severity of the incident and must not affect the police response. If the incident occurred in another police jurisdiction, the member receiving the complaint must ensure a timely referral to the correct police agency. The member should inquire as to whether the sex worker is connected to any support services.
- 2) When responding to complaints about indoor and outdoor sex work, including complaints about "Micro Brothels" and "Independent Operators," the safety and rights of the sex worker(s) will be respected ensuring that police intervention is as nonintrusive and informal as possible in order to protect the safety, and privacy of those they are investigating. Officers shall consider the overall benefits of using discretion to resolve complaints.
- 3) When a sex-work related call or situation arises regarding indoor or street-based sex worker(s), it is expected that:
 - a. Both Patrol and Vice Unit will build rapport with sex workers by offering assistance, providing safety information and will discuss options regarding locations of work so as to avoid residential areas, parks and schools;
 - b. Officers will, where appropriate, involve the appropriate community policing centre and the neighbourhood policing officers to determine the extent of any community complaints and identify possible courses of action to resolve the complaint;
 - c. Where sex workers are the subject of complaints, officers will engage the Sex Industry Liaison Officer and/or an appropriate community outreach service to assist with resolving the situation;
 - d. In consultation with the Vice Unit, officers will consider implementing compliance checks for an indoor agency;
 - e. In consultation with the Vice Unit, officers will determine if more formal enforcement action is appropriate in cases that cannot be resolved informally or involve a high risk situation;
 - f. Where enforcement action is deemed necessary, all reasonable steps will be taken to show respect and dignity for those parties involved. (for example, at the

execution of a search warrant, officers should be prepared to supply sex industry workers with blankets or robes to wrap themselves in while in police presence or provide adequate time for the worker to dress); and,

- g. Officers will consistently use their professional judgement and discretion in determining the proportional and least intrusive response necessary to affect the desired outcome.
- 4) The VPD will investigate and enforce all relevant federal, provincial and municipal laws against those who abuse, exploit or sexually exploit children/youth. The VPD will identify, investigate and remove exploited children/teens (under the age of 18) involved in sex work. The VPD will use all enforcement options available to ensure the removal of youth from unsafe circumstances with the objective of introducing under-aged victims found working in the sex industry to supporting social agencies that can assist in placing them in a safe environment and who can assist with exit strategies.
- 5) The VPD will actively enforce the laws to target exploitive practices against those who engage in human trafficking, organized crime and financial exploitation/avoidance.
- 6) The Vice Unit will provide guidance, training and assistance to the Operations Division, in particular, an operational partnership with identified and targeted district priorities to assist in reducing public disorder issues specific to community complaints.
- 7) The VPD will monitor and maintain intelligence reports to identify and track potentially violent sex industry consumers/exploitive abusers, identify trends and assist in day to day operational planning, and
- 8) The VPD will utilize wherever appropriate the VPD Sex Industry Liaison Officer and participate in open dialog with local government committees, local community organizations and sex industry support groups to assist in the continuing development of providing support strategies for sex industry workers.

Citizens of Vancouver involved in sex work are entitled to the same level of safety and protection under the law as are all residents of the City. Many sex workers will never have occasion to interact with the VPD due to the discreet nature of their work, where others, particularly those who are involved in street-based sex work will likely have more interaction with police.

The VPD believes it is important to act in a manner that is proportional to the risk presented and use the least intrusive method possible to manage a problem. As such, officers should use discretion in dealing with a complaint, as formal enforcement action may not be required. However, the VPD expects that officers will escalate their response in higher risk situations (as outlined above), or where previous attempts with less intrusive tactics have failed.

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(Insp AIRTH) Date: 2012-03-12
With the assistance of:
WISH, PIVOT, BC Coalition of Experiential Communities, PEERS and PACE

Submitting Executive Member (signature): _____

Date: _____

This report has been prepared in consultation with the sections/divisions listed below, and they concur with its contents.

Concurring:

_____	Date: _____
_____	Date: _____
_____	Date: _____