



POLICY REPORT
SOCIAL DEVELOPMENT

Report Date: December 3, 2013
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Meeting Date: December 18, 2013

TO: Standing Committee on City Finance and Services
FROM: General Manager of Community Services
SUBJECT: Report back on Missing Women Commission of Inquiry and City Task Force on Sex Work and Sexual Exploitation

RECOMMENDATION

- A. THAT Council approve 3 grants to support the Missing Women Commission of Inquiry recommendations and City Task Force Priorities, totalling \$100,600; source of funds the Edgewater Social Responsibility Reserve.
- B. THAT Council approve amendments to the License By-law and Club Regulation By-law that introduce new requirements to enhance safety and reduce community impacts.
- C. THAT Council instruct the Director of Legal Services to bring forward the by-laws necessary to amend the License By-law and Club Regulation By-law, generally in accordance with Appendix A.

REPORT SUMMARY

This report responds to three recommendations directed to the City of Vancouver in *Forsaken: The Report of the Missing Women Commission of Inquiry (MWCI)*, released in December 2012. This report contains recommendations for Council's consideration, along with actions underway, which were developed with the City's Task Force on Sex Work and Sexual Exploitation and other stakeholders. These respond to the MWCI and to previous Council direction provided in the 2011 report "Preventing Sexual Exploitation and Protecting Vulnerable Adults and Neighbourhoods Affected by Sex Work: A Comprehensive Approach and Action Plan". Recommendations and actions in this report align with Council priorities to create safe and inclusive communities and a healthy city for all Vancouver residents. Council's

declaration of June 21, 2013 to June 20, 2014 as a Year of Reconciliation provides important context for this report, given the overrepresentation of Aboriginal women within the survival street based sex trade and among those who were murdered or missing.

Council is asked to consider the following:

- i) Recommendation A: \$100,600 for grants to three organizations that will support the MWCI recommendations and City Task Force priorities; source of funds to be the Edgewater Social Responsibility Reserve.
- ii) Recommendations B and C: Amendments to the License By-law and Club Regulation By-law will introduce new requirements to enhance safety and reduce community impacts (in accordance with Appendix A).

In addition, a number of initiatives are underway that form part of the City's response to the MWCI, including

- City of Vancouver staff guidelines and staff training on effective responses to sex work and related issues, sexual exploitation, and vulnerable populations;
- A protocol for integrated by-law enforcement that addresses the health and safety of sex workers, including exploitation and abuse, and ensures safe neighbourhoods in coordination with the Vancouver Police Department (VPD);
- Opening new supportive housing options for women and sharing best practice for housing and shelters for vulnerable women;
- The hiring of two staff that will liaise with the community, City and VPD and coordinate effective responses to safety, violence and sexual exploitation prevention, and;
- Measures underway by the VPD and City of Vancouver to reduce the number of tickets for minor offences. (See Appendix B)

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On July 10, 2013, Council received an update on the creation of a Healthy City Strategy for the City of Vancouver.

On June 20, 2013, Council proclaimed June 21, 2013 to June 20, 2014 as the Year of Reconciliation in Vancouver, and on February 27, 2013 Council directed staff to work with Reconciliation Canada and the Urban Aboriginal Peoples Advisory Committee to increase dialogue and understanding between Aboriginals and non-Aboriginals, and rights of indigenous people in Canada.

On January 29, 2013, Council received a staff presentation on *the Missing Women Commission of Inquiry* and committed to addressing Inquiry recommendations.

On September 22, 2011, Council adopted the report "Preventing Sexual Exploitation and Protecting Vulnerable Adults and Neighbourhoods Affected by Sex Work: A Comprehensive Approach and Action Plan" and directed staff to report back on its implementation.

On July 19, 2011, Council approved the "Housing and Homelessness Strategy 2012-2021" and the "Housing and Homeless Strategy - 3 year Action Plan 2012-2014", as a framework to

respond to Council's priorities for addressing street homelessness and increasing the variety of affordable housing options within the City.

On July 29, 2009, Council passed a motion directing staff to report back on a strategy for the City to address negative impacts of the survival street sex trade in Vancouver neighbourhoods.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

Background/Context

Missing Women Commission of Inquiry and Recommendations to City of Vancouver

The Missing Women Commission of Inquiry (MWCI) was established in September 2010 to examine investigations by the police between 1997 and 2002 and failures within the justice system in regard to the missing and murdered women. The MWCI was also tasked with recommending changes regarding the conduct of investigations of missing women and suspected multiple homicides in BC. The inquiry report, released in December 2012, includes 63 recommendations to ensure that this kind of tragedy never happens again.

The MWCI report acknowledges the significant tragedy and the impact on friends, family, and loved ones. It also emphasizes that the missing and murdered women experienced shared conditions of marginalization and vulnerability to violence which continue to affect women engaged in street-based sex work, particularly in the Downtown Eastside.¹ These include inadequate, unsafe, and unstable housing, food insecurity, health inequities, drug dependency and withdrawal, and extreme poverty. Among the missing and murdered women, Aboriginal women were overrepresented, comprising approximately 33%, compared to 2.5% of the population of Vancouver as a whole.² Many have drawn the link between overrepresentation of Aboriginal individuals among street-based survival sex workers to experiences of racism and colonization,³ including the long term negative effects of residential schools.⁴

Additional information, research, and background information on issues related to sex work and sexual exploitation in Vancouver and other jurisdictions, as well as on government roles and legal contexts, is attached in Appendix C.

Of the 63 MWCI recommendations, 3 are directed to the City:

- I. That all entities with proposed responsibilities under the Living in Community (LIC) Action Plan commit to these priority actions which together form a strong basis for

¹ Oppal, WT. Forsaken: The Report of the Missing Women Commission of Inquiry, Volume I, November 19 2012, p 78-97. http://www.ag.gov.bc.ca/public_inquiries/docs/Forsaken-Vol_1.pdf

² Statistics Canada. National Household Survey. 2011

³ Shannon K, et al. (2008) Social and structural violence and power relations in mitigating HIV risk of drug-using women in survival sex work. *Social Science and Medicine*, Vol 66 (911-921)

⁴ Gray, Linda (2011). *First Nations 101: Tons of Stuff You Need to Know About First Nations People*, p. 109-110.

- enhancing the safety of women engaged in the survival sex trade (*MWCI Recommendation 5.2*)⁵ (See Appendix D)
- II. That the City of Vancouver create and fund two community-based liaison positions to be filled by individuals who have experience in the survival sex trade (*MWCI Recommendation 5.5*).
 - III. That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the numbers of court warrants issued for minor offences by:
 - Reducing the number of tickets issued and charges laid for minor offences;
 - Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and
 - Increasing the ways in which failures to appear can be quashed early in the judicial process. (*MWCI Recommendation 5.9*)

A glossary of terms is attached as Appendix E.

City Task Force on Sex Work and Sexual Exploitation

On September 23, 2011, prior to the release of the MWCI report, City Council unanimously supported recommendations to form a task force to address 34 actions contained in the report titled: “Preventing Sexual Exploitation and Protecting Vulnerable Adults and Neighbourhoods Affected by Sex Work: A Comprehensive Approach and Action Plan”. The City’s Task Force on Sex Work and Sexual Exploitation, which has been meeting since the summer of 2012, involves several City departments as well as the VPD and a diverse range of stakeholders from all levels of government, community and business sectors. These include Ministries of Justice and Child & Family Development, the Representative for Children and Youth of B.C., Vancouver Coastal Health, organizations providing direct services and supports to people engaged in sex work, experiential sex workers, urban Aboriginal, women-serving, and youth organizations, and Business Improvement Associations. Additional outreach was made to City advisory committees (Women, Urban Aboriginal Peoples, LGBTQ), women’s groups, the DTES Local Area Planning committee, and researchers.

The City Task Force identified five priorities that are reflected in the proposed recommendations to Council and other initiatives. These priorities are:

- Addressing gaps in services, supports and exiting
- Preventing sexual exploitation of children and youth
- Increasing safety through a range of housing and shelter supports
- Providing training opportunities to raise awareness for City staff, and
- Alignment of City regulation and by-laws to support health and safety of individuals engaged in sex work, and Vancouver neighbourhoods.

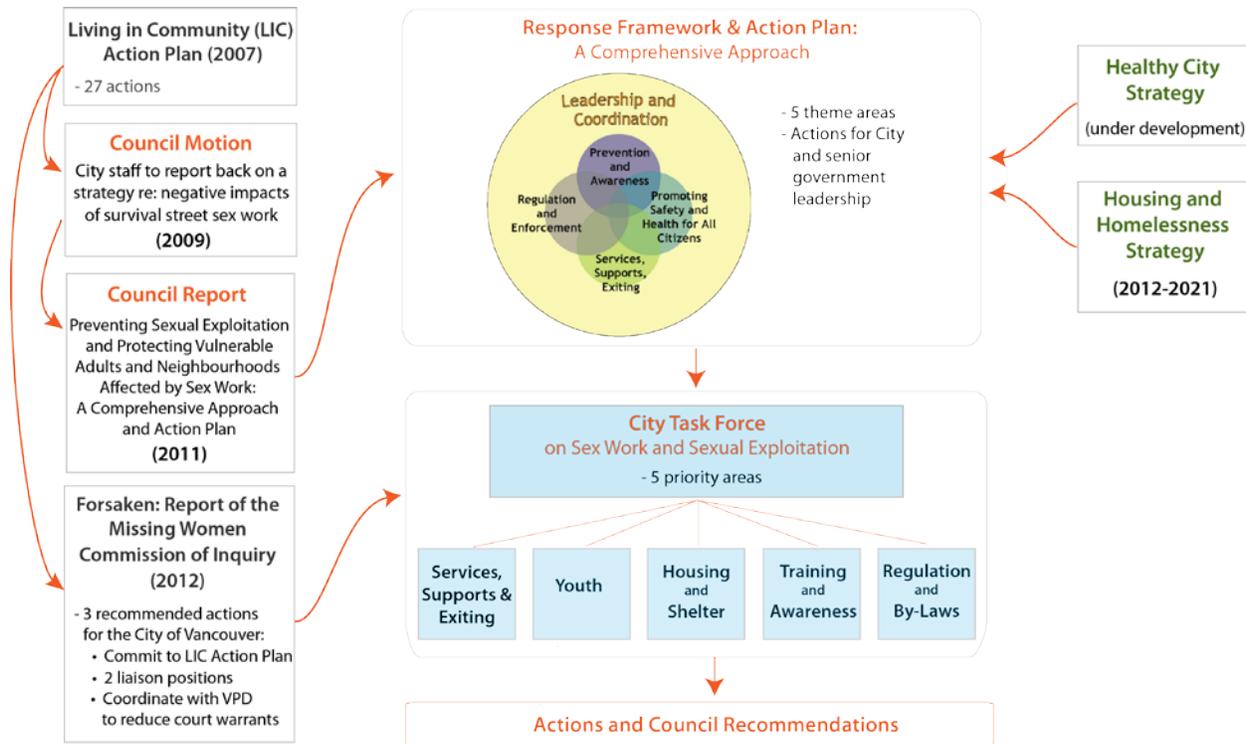
⁵ Living in Community is a collaboration of stakeholders impacted by issues of sex work and sexual exploitation that has been working since 2003 to make communities healthier and safer for all. www.livingincommunity.ca

Strategic Analysis

Alignment of Council Recommendations with MWCI, City Task Force, and City Strategies

The relationships between the MWCI recommendations, the City's Task Force, the September 2011 staff report to City Council, as well as the City's Housing and Homelessness and Healthy City Strategy (under development) are outlined in Figure 1 below.

Figure 1 - Background and Context of the City Task Force on Sex Work and Sexual Exploitation



Council recommendations that align with MWCI and City Task Force priorities are described below.

- I. That all entities with proposed responsibilities under the Living in Community Action Plan (LIC) commit to these priority actions. *(MCWI Recommendation 5.2)*

Living In Community is a collaboration of community, business, and government organizations focused on developing a coordinated approach to issues associated with adult sex work and child and youth sexual exploitation in Vancouver. The 2007 Living in Community Action Plan put forward recommendations to governments, business and community groups, non-profit foundations, and other partners, providing strategies in five key areas:

- Community development
- Prevention/education
- Intervention/harm reduction
- Exiting
- Legal responses

The LIC Action Plan identified 27 actions directed to a range of stakeholders, including the City, VPD, provincial and federal governments, and community groups. While having some role to play in each of the actions identified, the City is identified within the Action Plan as playing a lead or significant partnership role in 12 of the 27 actions. With Council’s approval of this report, the City will have responded to 11 of these 12 actions. In addition, the City has also responded to an additional 4 actions, for which it was not initially identified as playing a lead role, bringing the City’s total response to 15 actions. (See Appendix D for details.)

The following City Task Force priorities, recommendations to Council, and actions underway respond to the Living in Community Action Plan:

1. City Task Force Priorities: *Services, Supports and Exiting, and Preventing the Sexual Exploitation of Children and Youth*

i) Grants to support community projects

(Recommendation A)

Agency	Project Description	Amount of Grant
Battered Women’s Support Services	To create a service delivery model to support individuals engaged in sex work to transition to alternative employment and life options.	\$35,000
Board of Education of School District No. 39 (Vancouver)	To create child and youth sexual exploitation prevention resources for non profit service providers and teachers throughout Vancouver	\$30,000
PLEA Community Services of BC	To build capacity of non-profit service providers working with children and youth at risk of sexual exploitation to provide outreach services online	\$35,600
	TOTAL	\$100,600

- **Battered Women’s Support Services: Empowerment Options for Transitioning and Exiting - \$35,000**

There are significant gaps in opportunities for individuals wanting to exit the sex trade and transition to healthier lifestyles. Battered Women’s Support Services has formed a consortium with five service providers including Aboriginal Front Door, the WISH Drop in Centre Society, PACE Society, SWAN Society, and HIM (Health Initiative for Men) - HUSTLE Program to create a service delivery model to provide comprehensive supports to aid individuals exiting the sex trade including access to employment, health services (including detox and recovery), housing, and life skills. The City’s contribution will leverage over \$15,000 in in-kind supports. There may be future requests to Council for funding to support the implementation of the supportive exiting model.

- **Vancouver Board of Education (VBE): Sexual Exploitation Prevention Curriculum & Resources - \$30,000**

This one time grant will provide teachers and youth service providers across Vancouver with tools and curricula to increase awareness of sexual exploitation among 45,000 children and youth in Vancouver (ages 11-15), along with parents and caregivers, over the next five years. If approved, the grant will build on a partnership between the Vancouver Board of Education, Ministries of Education in BC and Ontario, the RCMP and the Ontario Provincial Police, and will

situate Vancouver as a leader among other jurisdictions. The City's contribution will leverage over \$120,000 in funding from the BC and Ontario Ministry of Education, the VBE, and local non-profits.

Partnerships to enhance the capacity of this project are being explored with Telus and the recently launched TELUS WISE and TELUS WISE Footprint programs. TELUS WISE is a free educational program focused on Internet and smartphone safety to help families protect themselves from online criminal activity including sexual predation and cyberbullying.

- PLEA Community Services: Supporting Online Outreach to At-Risk Youth - \$35,600

This one time grant to PLEA Community Services of BC will address critical gaps in providing services to at-risk youth in an online environment and place Vancouver as a forerunner in Canada. PLEA will work with over 20 organizations involved in the Vancouver Community Action Team (VCAT) that work to address child and youth sexual exploitation. Deliverables will include a mobile-responsive website, educational resources for youth workers and at-risk youth, and workshops for youth organizations to develop on-line outreach practices. The City's contribution will leverage over \$19,000 in cash and in kind contributions.

Potential additional support for this project is currently being explored through partnership opportunities with Telus and the TELUS WISE and TELUS WISE Footprint programs.

2. City Task Force Priority: *Increasing Safety through Housing and Shelter*

i) For information: SRO Task Force, Communications Strategy on Safety in SROs, and Engaging Housing and Shelter Providers on Best Practice

A number of SRO tenant workshops have been held since June 2012, including workshops specifically around issues of women's safety. The workshops have focused on the themes of Standards of Maintenance and landlord/tenant rights and responsibilities under the *Residential Tenancy Act*.

Staff are developing recommendations that will be brought to the SRO Task Force and then reported to Council. Draft recommendations include:

- Developing a "who to call" flyer with key contact information for Standards of Maintenance violations, the Residential Tenancy Branch for landlord/tenancy issues as well as other resources and services that would be helpful.
- Developing a communications strategy to educate landlords and tenants on their rights and responsibilities, in particular around women's safety in hotels.

Actions are being planned to engage housing and shelter providers on best practices for housing vulnerable women engaged in sex work to support outcomes of the MWCI. Conversations with community partners will take place during the winter of 2013 and spring of 2014, as part of engagement following up on the Downtown Eastside Local Area Plan.

ii) Additional Supportive Housing Options for Vulnerable Women

Important recent additions to the housing and shelter choices for women include over 100 new supportive housing units for women at Sorella run by Atira (part of the partnership between the City of Vancouver and BC Housing) and the container housing units Atira have

developed, plus there is also development under way for a permanent 52 bed shelter for women by The Bloom Group.

Additional supportive housing options for women have been created with the re-opening of 36 rooms at the Empress, in the Downtown Eastside. This is being funded as part of the City and BC Housing Winter Response shelter strategy. The SRO rooms are under a lease by Atira Women's Resource Society from a private owner and they are also being funded to provide supports to the women in the building. The target group is vulnerable street and sheltered women, several of who are also self-identified women sex workers in the DTES. This SRO housing will increase safety for this population and provides an excellent opportunity to ensure that women placed into these rooms then have the option of being transitioned into self-contained (with kitchens and bathrooms) supportive housing. Two additional permanent supportive housing buildings are scheduled to open in the summer/fall of 2014 (111 Princess St, 139 units, to be operated by Portland Hotel Society and 220 Princess St., 147 units with women-led tenancies, to be operated by RainCity). Staff are also having ongoing discussions with BC Housing about the need for additional permanent shelter space for vulnerable women in the DTES. The need was identified in the Brewin Report (2011) commissioned by BC Housing.⁶

3. City Task Force Priority: *Training and Awareness*

i) For information: City Staff Training

Four pilot training sessions were offered to help staff deal more effectively with issues related to sex work, to address discrimination and bias, and to respond to exploitation, including the sexual exploitation of children and youth, and human trafficking. Training was completed with 80 staff from four City departments including Vancouver Public Library, Community Services, and Park Board

The City will develop a long-term plan in 2014 to expand and sustain staff training on this and other topics that involve vulnerable populations

ii) For information: Staff Response Guidelines

Prior to the release of the MWCI report in December 2012, the Vancouver Police Department developed and implemented *Sex Work Enforcement Guidelines* that reflect the Department's priorities and philosophy towards enforcement of sex work-related laws under Canada's Criminal Code. The intent of the guidelines is to ensure a consistent, respectful approach when VPD officers are interacting with anyone involved in the sex industry. Further, the guidelines identify high priorities for criminal investigations.

Similar to the VPD approach, guidelines for City of Vancouver staff are being created to guide staff in responding appropriately to individuals involved in the sex industry and to address safety concerns including sexual exploitation and abuse while ensuring neighbourhood safety. The guidelines will support a respectful approach, emphasise non-discrimination, and emphasize the need to build constructive and respectful relationships in alignment with the City's Code of Conduct, with the aim of promoting safety for all residents by responding to safety issues in a manner that is proportional to risk. The guidelines will reflect the City's comprehensive approach to sex work and sexual exploitation issues. Recognizing that women represent the majority of individuals who are engaged in and affected by sex work, the range

⁶ CitySpaces Consulting Ltd & Alison Brewin Consulting. Housing & Services for Women in Vancouver's Downtown Eastside. Prepared for BC Housing. August 17, 2011

of other populations impacted are: Aboriginal communities, children and youth, LGBTQ individuals, and males who will also be included as part of the City's overarching response. Staff response guidelines will be completed in early 2014 and will be incorporated into staff training going forward.

4. City Task Force Priority: *Aligning Regulation and By-laws*

i) By-law changes to Support Safety and Reduce Neighbourhood Impacts

(Recommendations B and C)

The Supreme Court of Canada is currently considering a constitutional challenge to several sections of the Criminal Code related to prostitution. The case, *Bedford v. Canada*, has created considerable uncertainty in the law. Vancouver, like all Canadian cities, has no authority in relation to criminal law. Vancouver does have jurisdiction over safety and land use issues, and in prescribing requirements for how businesses operate in the City. The *Bedford* decision may provide better guidance in this area, and clarify the need for future by-law changes. Apart from by-law changes, the most significant impact on sex worker safety from a municipal perspective can be made through improved communication, outreach and enforcement among City staff, police and support agencies as discussed in the next section.

Staff researched similar business regulations in other cities such as Calgary, Edmonton, Richmond, Surrey and Toronto. Various approaches have been taken by other cities, some with the objective of constraining or eliminating businesses where sex work may take place and others more supportive. Staff's approach has been to create a framework which is more supportive of ensuring a safer environment and reducing the chance of isolation of sex trade workers.

There are five by-law changes proposed that will help improve safety, mitigate community impacts and reduce the stigma associated with sex work. These by-law changes will contribute to safety in any business where there are potential risks. All existing by-law requirements impacting sex workers that provide for ensuring their safety while mitigating neighbourhood impacts will be retained, including minimum age requirements for certain businesses to guard against child and youth sexual exploitation and business hour restrictions. The proposed by-law changes include providing the ability for the Chief Licence Inspector to set conditions on any business licence for two staff to be present in a business and no locked interior doors where employees may be at risk. Also, staff will expand the use of the Good Neighbour Agreement to businesses where required to encourage cooperation with the City and community in regard to litter and loitering in and about the premises. The proposed By-law changes are summarized in Appendix A.

ii) Integrated By-law Enforcement/Outreach Protocol

Staff are creating a protocol for integrated by-law enforcement in coordination with the Vancouver Police Department. When the City or the VPD receives complaints from residents, from neighbouring business, or if sex workers themselves have complaints and concerns regarding their safety, including exploitation and abuse, the protocol will support appropriate and integrated responses.

From a regulatory perspective, an integrated, proactive and coordinated approach to dealing with concerns will be the most effective way to support the safety of sex workers and address community concerns. The proposed approach is consistent with how the City deals with other

problem buildings and would involve City and VPD staff and support organizations in responding to concerns. Actions will be aligned with the City's staff response guidelines that are under development and by the VPD's Sex Work Enforcement Guidelines which emphasize relationship building and education, referral to services and supports, and a graduated approach to enforcement.

II. That the City of Vancouver create and fund two community based liaison positions to be filled by individuals who have experience in the survival sex trade (*MWCI Recommendation 5.5*)

Hiring is underway for two staff for start dates in early 2014. The MWCI recommendation identifies that these positions have direct experience in the survival sex trade, however, staff received feedback from community that making this a requirement may hinder people from applying; further, it was felt that work experience directly involving populations affected could also satisfy the requirements of the work. While direct experience is not a requirement, it is considered to be an important asset.

These staff will function as cross-jurisdictional liaisons to improve relationships and cooperation across City departments, the VPD, senior governments, community based organizations, residents and sex trade workers to identify key barriers affecting individual safety, gaps and best practices, make recommendations for changes in services and policy, and undertake planning and coordination of initiatives to improve safety and well-being. Staff will take a comprehensive approach to the issues, including community and sex worker safety - both street based and indoor - as well as addressing and preventing sexual exploitation, including the sexual exploitation of children and youth, and will be assigned to other related priorities. Effort has been made to recruit from the Aboriginal community as part of the hiring process given the over-representation of Aboriginal women in street based survival sex work.

III. That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the numbers of court warrants issued for minor offences by:

- Reducing the number of tickets issued and charges laid for minor offences;
- Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and
- Increasing the ways in which failures to appear can be quashed early in the judicial process. (*MCWI Recommendation 5.9*)

The City and VPD researched this issue and issued a memo in response (attached as Appendix B).

Implications/Related Issues/Risk (if applicable)

Financial

Approval of Recommendations A, B, and C totals \$100,600 in grants funded from the Edgewater Social Responsibility Reserve, leaving a balance of \$346,365 in the Edgewater Social Responsibility Reserve as of October 31, 2013.

The approximate ongoing total cost of salary plus benefits for the two community based liaison staff positions is \$198,800 per year. Funding for these two positions is included in the Community Services 2014 operating budget.

Human Resources/Labour Relations

Building on the pilot training sessions conducted in 2013, the City will expand training for staff to support increased awareness and more effective response to issues related to sex work and sexual exploitation.

CONCLUSION

The recommendations of this report call for a coordinated approach across City departments and with the VPD to enhance the health and safety of individuals involved in the sex industry and of all Vancouver residents, to reduce negative community impacts, and to support prevention and awareness of sexual exploitation. This approach responds to recommendations directed at the City of Vancouver in *Forsaken: Report of the Missing Women Commission of Inquiry*, under the advice of the City of Vancouver Task Force on Sex Work and Sexual Exploitation and other stakeholders.

The recommended actions in this report are designed to improve the City of Vancouver's responses to sex work and community impacts, and to facilitate and empower local organizations and consortia to enhance health, safety and awareness of sex workers and at-risk children and youth.

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Proposed By-law Amendments

License By-law No. 4450		
Current requirements	Proposed By-law amendments	Rationale
<ul style="list-style-type: none"> • <i>None</i> 	<ul style="list-style-type: none"> • <i>New requirement for any business:</i> The Chief Licence Inspector may set the following conditions on any business licence where the Inspector deems necessary to protect employee safety: <ol style="list-style-type: none"> a) A minimum of two staff must be present at all times while the business is open to the public b) No locking devices may be installed on any interior rooms of the business premises 	<p>Protects employees across all business categories that may be at risk as a result of the operating hours, location, nature of the business, and previous history of safety issues</p>
<ul style="list-style-type: none"> • Provide names, ages, addresses and sex of employees to the Chief Constable and or Chief Licence Inspector (applies to several business types) 	<ul style="list-style-type: none"> • Repeal the requirement in the various sections of the Licence by-law • Add a general requirement that any business with a minimum employee age requirement must maintain a current list of employee names, dates of birth and BC Driver Licence or BCID number to be made available to the Chief Constable or Inspector upon request 	<ul style="list-style-type: none"> • Continues to provide for checking of age requirement (min 19yrs) to guard against child and youth exploitation • Standardizes the requirements for what is to be provided by all businesses
<p><i>Health Enhancement Centre</i></p> <ul style="list-style-type: none"> • Provisions related to the Criminal Code and prostitution 	<ul style="list-style-type: none"> • Repeal these provisions, and broaden the requirement for all businesses to comply with all municipal, provincial and federal legislation including the criminal code by adding a disclaimer in all business licences 	<ul style="list-style-type: none"> • Clarifies that all businesses must comply with all federal laws, not just certain laws. Improves public safety.
Club Regulation By-law No. 2647		
<p><i>Club</i></p> <ul style="list-style-type: none"> • Manager must not allow a “prostitute or person of evil repute” to enter the club. 	<ul style="list-style-type: none"> • Repeal. 	<ul style="list-style-type: none"> • Requirement is unnecessarily restrictive, and imposes an undue duty on a Manager



City Manager
City Manager's Office

MEMORANDUM

December 10, 2013

TO: Mayor and Council

CC: Sadhu Johnston, Deputy City Manager
Jim Chu, Chief Constable, Vancouver Police Department
Francie Connell, Director of Legal Services, Legal Services
Janice MacKenzie, City Clerk
Mike Magee, Chief of Staff, Mayor's Office
Christie Smith, Associate Director, Communications
Kevin Quinlan, Director, Policy and Communication, Mayor's Office
Lynda Graves, Administrative Manager, City Manager's Office
Brenda Prosen, General Manager, Community Services
Ellen Gerber, City Prosecutor, Legal Services
Douglas LePard, Deputy Chief Constable, Vancouver Police Department
Mary Clare Zak, Director, Social Policy, Community Services

FROM: Penny Ballem, City Manager

SUBJECT: Report back on Missing Women Commission of Inquiry (MWCI) Recommendation Regarding Ticketing for Minor Offences

I. Introduction

The report of the Missing Women Commission of Inquiry (MWCI), "Forsaken," was released on December 17, 2012. This memo provides a response to one of three recommendations from the MWCI directed to the City of Vancouver. The remaining two recommendations are addressed in the staff report back on the Missing Women Commission of Inquiry and City Task Force on Sex Work and Sexual Exploitation (RTS 010109).

The MWCI had two parts: a "Hearing Commission," during which sworn evidence was heard and subject to cross examination, and "policy forums," which were informal; attendees could speak freely without being questioned on any assertions they might make or anecdotal information they might provide.

Police enforcement of bylaw offences in the Downtown Eastside (DTES) was one subject raised at a policy forum, as follows:

The Commission was told that for people being ticketed in the DTES for minor offences such as littering, jaywalking and public urination, unpaid tickets can

ultimately lead to warrants for arrest. During the Policy Forums, many community representatives told me that “over-policing” of women in the DTES through ticketing initiated a domino effect of breaches for such procedural offences as failures to appear, ultimately causing women to be put in remand and prisons while suffering from withdrawal without proper medical treatment. General support for minimizing charging for minor offences was expressed to the Commission because over-criminalization results in a more adversarial relationship between police and the community. Many people echoed Ann Livingston and Lori-Ann Ellis’ comments that the police should stop enforcing “petty” laws in the DTES and focus on serious violent offences.⁷

This information resulted in an Inquiry recommendation that the VPD and COV seek to reduce the number of tickets for minor offences leading to arrest warrants. Specifically the Inquiry recommendation (5.9) reads:

That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the number of court warrants issued for minor offences by:

- Reducing the number of tickets issued and charges laid for minor offences;
- Developing guidelines to facilitate the greater and more consistent use of police discretion not to lay charges; and
- Increasing the ways in which failures to attend can be quashed early in the judicial process

II. Discussion

The City and VPD researched the issue, including quantifying VPD by-law tickets issued in the DTES (and elsewhere in Vancouver) in the last five years to provide a factual basis for responding. Such tickets were issued by police officers in Vancouver for offences including smoking within a specified distance of a doorway or other building opening, street vending, fighting and jaywalking, as well as Health by-law offences and a variety of parking offences.

In 2012, in the entire northeast area of the City (roughly from Cambie to Boundary north of Broadway - referred to as District 2 by the VPD), VPD members issued 587 bylaw tickets for the offences of “J-walking”, street vending and panhandling (combined). In the DTES, excluding parking offences, the most common bylaw ticket was for illegal street vending, followed by J-walking. Less than one street vending ticket per day was issued in the DTES in 2012. Further, the totals have been generally decreasing year over year. Using J-walking as an example, there were 615 in 2008, 242 in 2009, 281 in 2010, 416 in 2011, and 262 in 2012. There have been 198 J-walking tickets issued in the first 11 months of 2013 which indicates a further reduction by the end of this year. It should be noted that VPD enforces the street vending bylaw because vending often involves stolen property, cover for drug dealing, health issues (e.g., sale of unsafe food products), is a detriment to legitimate local businesses, and

⁷ British Columbia. Missing Women Commission of Inquiry. Forsaken: the Report of the Missing Women Commission of Inquiry, Volume III, p. 104. Wally T. Oppal, Commissioner, 2012.

it generates obstructive street disorder. Between 2008 and 2012 there were 127.9 pedestrians struck per square kilometres in the Downtown Eastside compared to 17.8 citywide.⁸ With regard to J-walking, reckless pedestrian activity is responsible for a highly disproportionate number of pedestrians stuck by vehicles in the area of Main and Hastings and enforcement of the bylaw is used in an attempt to change behaviour and reduce injuries and deaths. Nevertheless, since 2008, J-walking tickets issued in the DTES have been reduced by 57%.

The vast majority of vending tickets issued in the DTES are to males. Further, the City Prosecutor has discretion regarding which charges are proceeded with and estimates that less than 2% of persons charged with bylaw offences of any kind in the DTES are female. This is consistent with anecdotal evidence from beat officers that they rarely deal with or issue vending by-law tickets to females, who are not typically involved in street vending. In other words, the marginalized women who were the subject of the MWCI and the allegations made at the policy forum are in fact rarely subject to such charges. Further, police and prosecutors have substantial discretion in dealing with offences in seeking a balance between appropriate discretion and the need to enforce laws in particular related to public order.⁹

III. The Judicial Process

The following information is provided to summarize the process, but it must be emphasized that very few of the offenders are female and so are not directly relevant to the MWCI recommendation; it is, however, appreciated that the spirit of the recommendation speaks to the challenges facing marginalized people in general, and both the City and the VPD have responded to the recommendation keeping that factor in mind. It should also be noted that the City Prosecutor has jurisdiction to deal only with by-law prosecutions, not criminal or provincial offences.

Responses to the policy forum assertions cited on p. 1 are outlined below:

1. *Unpaid tickets for minor offences can lead to warrants for arrest.*

A warrant cannot be issued for failure to pay a ticket. A ticket is only an allegation of an offence. It does not become a charge unless the initiating officer forwards it to the City Prosecutor requesting a charge, and the City Prosecutor approves a charge.

If a charge is laid, courts may issue a warrant for a bylaw offence only if a person does not attend court after personal service of a summons or if the court is satisfied that there is no other way to contact the accused. For example, during the period this report was being prepared, the VPD was aware of four outstanding warrants for “vending.” Three were issued because the accused ignored summons that had been personally served. These warrants are not for vending; they are for disobeying a court order (the summons) by failing to appear in court. The fourth warrant was issued by

⁸ Vancouver Police Department. Board Report 1309C01. September 17, 2013.

⁹ A much more detailed analysis of bylaw enforcement in the DTES is available in a report to the Vancouver Police Board available at <http://vancouver.ca/police/policeboard/agenda/2013/0917/1309C01.pdf>

the Court because the accused could not be located. Warrants are usually “endorsed,” meaning the accused will be released on a Promise to Appear in court which directs the accused to attend court on a particular day. The person is not held in custody.

There is no ability for the Court to issue a warrant for non-payment of fines.

2. Ticketing for Minor Offences such as Littering and Public Urination initiate procedural offences such as failure to appear.

The City Prosecutor does not prosecute these types of offences and any prosecution would be conducted by the issuing VPD officer; however, this rarely occurs.

The MWCI was told that “over policing” of women in the DTES through ticketing initiated a domino effect of breaches for procedural offences such as failure to appear, ultimately causing women to be put in remand and prison while suffering from withdrawal without proper medical treatment. However, Jail is not a possible sentence for by-law offences, and police do not request and the City Prosecutor does not approve charges for failure to appear.

3. Payment of Fines

A fine can only be imposed by the court, following a finding of guilt. If an offender is unable to pay a fine, no fine is imposed (s. 88 Offence Act). In 2009 the City, through the Director of Legal Services and the City Prosecutor, entered into an arrangement with the Provincial Director, Community Corrections, whereby Community Corrections agreed to supervise court imposed Community Work Service (CWS) hours for persons unable to pay a fine. CWS provides appropriate alternative consequences for offenders who cannot pay a fine. Fines are not imposed on persons with no means of paying.

4. Breaching Conditions

As above, upon conviction the fine may be suspended and the offender given a sentence with conditions not to commit certain acts and to perform community work service.

IV. Concluding Remarks

The VPD and the City have implemented several initiatives to address safety concerns of women engaged in survival sex trade and reduce the number of tickets issued for minor offences as described below:

1. The City Prosecutor has established an informal diversion program for first-time and minor offences. Over the past few years this has significantly reduced the number of charges laid for these offences. In addition, the City Prosecutor requests Community Work Service rather than fines for persons who cannot pay a fine. CWS allows offenders to take responsibility for and repay the community for their actions, and referral to community agencies improves relationships and assists those living in the DTES. This initiative should continue.

2. If an arrest warrant is issued, police officers are required by law to execute it should they encounter the wanted person. The decision to issue an arrest warrant is made by the Court. While a policy fettering police discretion to issue bylaw tickets to a certain group is problematic, the VPD is committed to being fully responsive to the MWCI's recommendation. Therefore, the VPD is in discussions with the City of Vancouver to develop a mechanism to provide an alternative to arrest warrants where there is a failure to appear on a bylaw offence, meaning no arrest warrants would be issued where certain criteria exist relevant to the MWCI recommendation.
3. The Downtown Community Court could be used for bylaw prosecutions for DTES residents. The DTCC is experienced in dealing with and supportive of DTES residents. This change of practice has been requested by the City Prosecutor since the planning stages but was not supported by the Province.
4. The DTES "Street Market" has been in progress for some time. Operating on Sundays at Pigeon Park, the Street Market provides space for residents to sell recycled and binned goods and will reduce the number of vending charges.
5. Other measures have been taken to improve pedestrian behaviour and safety, including a 30 km zone along East Hastings, a mid-block pedestrian crossing, pedestrian countdown signals, and road improvements/curb bulges, all of which are intended to increase pedestrian safety and reduce J-walking. The City has also increased access to public washrooms in the DTES that include extended evening hours at Carnegie Centre and additional days at Pigeon Park - over 100 hours/week of added washroom access.
6. The VPD has developed, in consultation with stakeholders, "VPD Sex Work Enforcement Guidelines."¹⁰ These guidelines have been very well accepted by the community and signal the VPD's overall intent of increasing safety, reducing victimization, and ensuring the safety and security of sex workers as a priority. The MWCI Report noted, "The guidelines approach is a model of community policing at its best. The adoption of these guidelines will contribute to standardization and consistency in response and will enhance accountability of individual officers, since the guidelines set the parameters for their interactions with women engaged in the sex trade."¹¹ The guidelines have also been the catalyst for familiarization sessions with all Patrol officers by the VPD's Counter Exploitation Unit (formerly known as the Vice Unit) to ensure all front-line officers understand the objectives and underlying rationale.

A number of initiatives have been implemented to address safety and at the time the MWCI report was released, the City and VPD publicly stated support for all relevant recommendations, including the recommendation that is the subject of this report. We will continue to work with residents, community organizations,

¹⁰ These guidelines can be found at <https://vancouver.ca/police/assets/pdf/reports-policies/sex-enforcement-guidelines.pdf>

¹¹ British Columbia. Missing Women Commission of Inquiry. *Forsaken: the Report of the Missing Women Commission of Inquiry*, Volume III, p. 103. Wally T. Oppal, Commissioner, 2012.

and sex trade workers themselves to build positive working relationships that will address sex worker safety and the safety needs of the broader community. Further actions already underway or recommended include the provision of additional services and supports through social grants, and opportunities to transition out of sex work in partnership with other stakeholders.

VPD along with other City departments is committed to working together with residents and community stakeholders to provide safety in the DTES, and to doing this in a proportional manner and using the least intrusive methods available.

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Sex Work and Sexual Exploitation in Vancouver: Supplemental Research and Legal Contexts

1. Sex Work and Sexual Exploitation: Vancouver Context and Trends

Across Canadian cities, adult sex work takes place outdoors, indoors in private residences and hotels, in businesses such as massage parlours, and online. The sexual exploitation of children and youth is often less visible, but may take place in venues such as shopping malls, schools, public transit areas, and on the street corner, as well as through online communication. Almost all sex buyers are male, and come from all educational, ethnic, occupational backgrounds, ages and all sexual orientations.¹²

a) Street-Based:

Although venues for sex work have always been diverse, it was only in the 1970s that street-based sex work became prevalent in Vancouver. Today, an estimated 10-20 percent of sex work takes place on the street¹³. However, because of its visibility, street-based sex work is seen as predominant and as a source of health and safety concerns in neighbourhoods.

Although the population of street-based sex workers in Vancouver is difficult to determine because of the hidden nature of the work, it is estimated that 80% are women, and 20% are men, self-identified women and men¹⁴, and other genders¹⁵. Many street-based sex workers are involved in the sex trade due to the need for food, shelter, drugs, money, or other necessities of survival, which may leave them more vulnerable to health and safety risks. Other factors that street-based sex workers face include ongoing poverty, housing instability and homelessness, and history of sexual abuse.¹⁶ Street-based sex workers also face multiple barriers, including chronic illness, addictions and mental health issues, with a lack of access to treatment and healthcare.¹⁷

Levels of violence faced by sex workers, particularly those who work on the street, are extremely high¹⁸. Moreover, because of both the illegal nature of sex work and the discrimination and stigma that sex workers face, sex workers often come up with strategies to hide their involvement in sex work.¹⁹ The hidden nature of the work places sex workers at a greater risk for depression, stress, and more immediately, risk

¹² Atchison, C. (2010). *Johns' Voice: A study of adult Canadian sex buyers*. www.johnsvoice.ca.

¹³ It is important to note that all estimates of numbers and population characteristics are very difficult to verify because sex workers often operate in hidden environments because of the stigma associated with sex work and because of the illegal nature of aspects of the work.

¹⁴ The City of Vancouver Task Force on Sex Work and Sexual Exploitation Prevention has adopted the term "self-identified" rather than "transgendered", in an effort to be more inclusive and less stigmatizing.

¹⁵ Living in Community. *Balancing Perspectives on Vancouver's Sex Industry: Action Plan*. June 2007.

¹⁶ Shannon K, et al. Social and structural violence and power relations in mitigating HIV risk of drug-using women in survival sex work. *Social Science and Medicine*. 2007. Vol 66 (911-921)

¹⁷ Shannon, K, et al. Prevalence and structural correlates of gender based violence among a prospective cohort of female sex workers. *BMJ* 2009;339:b2939

¹⁸ Shannon, K, et al. 2007; Shannon, K, et al. 2009

¹⁹ Benoit, C. Impact of occupational-based stigma on health and access to health care. Presented at the CIHR INMHA Board Meeting, University of Victoria, Victoria, BC, 2005.

of abuse from those in positions of power or authority, including police and government authorities²⁰. Although problems associated with the sex industry have historically been addressed through law enforcement, research has consistently shown that enforcement has not led to increased safety.^{21 22}

The increase in street-based sex work in Vancouver from the 1970s onwards also saw an increase in the levels of violence experienced by sex workers, with an increasing number of women going missing in the early 1990s. From 1978 to 2001, 67 women went missing from the Downtown Eastside and other Lower Mainland municipalities. Most of these women were sex workers who faced extreme marginalization and vulnerability.²³ An unrelated weapons search led to the arrest of Robert “Willie” Pickton. The Missing Women Commission of Inquiry (MWCI) was established in September 2010 to examine investigations by the police between 1997-2002 and failures within the justice system in regards to the missing and murdered women. The MWCI was also tasked with recommending changes regarding the conduct of investigations of missing women and suspected multiple homicides in BC. The inquiry report, released in 2012, includes 63 recommendations to ensure that this kind of tragedy never happens again.

Forsaken: The Report of the Missing Women Commission of Inquiry acknowledges the significant tragedy and the impact of the missing and murdered women on not only the women but friends, family, and loved ones. It also emphasized that the missing and murdered women, while unique individuals, experienced shared conditions of marginalization and vulnerability to violence which continue to affect women engaged in street-based sex work in the Downtown Eastside.²⁴ These include inadequate, unsafe and unstable housing, food insecurity, health inequities, drug dependency and withdrawal, and extreme poverty. Among the missing and murdered women, Aboriginal women were overrepresented, comprising approximately 33%, compared to 2.5% of the population of Vancouver as a whole.²⁵ Many writers and experiential people have drawn the link between over-representation of Aboriginal individuals

²⁰ Ibid.

²¹ Oppal, WT. *Forsaken: The Report of the Missing Women Commission of Inquiry*, Volume I, November 19 2012, p 78-97. http://www.ag.gov.bc.ca/public_inquiries/docs/Forsaken-Vol_1.pdf

²² Lowman, J. "Deadly Inertia: A History of Constitutional Challenges to Canada's Criminal Code Sections on Prostitution." 2011. *Beijing Law Review* 2:33-54. <http://www.scirp.org/journal/PaperInformation.aspx?paperID=5204>

²³ In the mid-1990s, marginalized, addicted women began to go missing from the Downtown Eastside of Vancouver (and, to a lesser extent, other Metro Vancouver communities) at a much higher rate than the historically low pattern. A list of women who had gone missing since 1978 (the majority having gone missing since 1995), was created and eventually grew to over 60. The VPD conducted an investigation into the missing women overall, and the Coquitlam RCMP conducted an investigation into specific information about Pickton killing women on his property in Port Coquitlam. In 2001, an RCMP-led Joint Forces Operation into the missing women commenced, called Project Evenhanded. When an unrelated firearms investigation in February 2002 revealed evidence of several of the missing women on Pickton's property, Evenhanded took over the investigation of Pickton and eventually charged him with 27 counts of murder (one of which was judicially stayed). Pickton was eventually convicted of six murders and the remaining 20 cases were stayed on the basis that Pickton had already been sentenced to six life terms and no additional punishment could be imposed. The Pickton trials and appeals were concluded in July 2010, and in August 2010 the Vancouver Police Department released a comprehensive internal review. In 2012, the MCWI concluded that the initiation and conduct of the missing and murdered women investigations were a "blatant failure", and that the missing and murdered women were forsaken by society at large as well as the systems that were supposed to protect them.

²⁴ Oppal, WT. *Forsaken: The Report of the Missing Women Commission of Inquiry*, Volume I, November 19 2012. http://www.ag.gov.bc.ca/public_inquiries/docs/Forsaken-Vol_1.pdf

²⁵ Statistics Canada. National Household Survey. 2011

among survival sex workers to experiences of racism and colonization,²⁶ including the long term negative effects of residential schools.²⁷

b) Indoors:

While less research has been conducted on indoor sex work, studies suggest that at least 80% of sex work in most urban centres takes place indoors and online, including in massage parlours and private residences, and that indoor sex work is less visible than street sex work.²⁸ In Vancouver, immigrant and women of colour are over-represented, with estimates that 40% of indoor sex workers are immigrant or visible minority women.

Sex workers who are migrants and new immigrants to Canada face particular barriers to accessing health care and information, including language and cultural barriers, unstable immigration status, exploitation, links to organized crime and poverty.²⁹ Moreover, the occupational stigma of sex work leads many sex workers to hide their involvement in sex work for fear of judgment, embarrassment, or because they don't believe it impacts their health needs.³⁰ Violence, threats of violence, and lack of ability to access protection due to fear of reprisals or of being charged under the Criminal Code or immigration legislation can be other significant barriers to the safety of those exchanging sex for money indoors.

Recent research has found that working in licensed businesses enhances sex workers' overall safety by decreasing their vulnerability to violence, and increases the instances of being treated more respectfully and professionally by clients.³¹ Although research suggests that indoor workers may face less violence than those who are working outdoors³², indoor sex workers also continue to face considerable health and safety risks.

c) Sexual Exploitation of Children and Youth:

The numbers of sexually exploited children and youth in Canada and BC are unknown, and available research is focused on high-risk youth rather than the on overall youth population. Of at-risk youth studied, young women/girls comprise about 80% of those involved in the exchange of sex for food, money, or other goods, and young men/boys

²⁶ Shannon K, et al. (2008) Social and structural violence and power relations in mitigating HIV risk of drug-using women in survival sex work. *Social Science and Medicine*, Vol 66 (911-921)

²⁷ Gray, Linda (2011). *First Nations 101: Tons of Stuff You Need to Know About First Nations People*, p. 109-110.

²⁸ Pivot Legal Society (2006). *Beyond Decriminalization: Sex work, human rights and a new framework for law reform*. Pivot Legal Society: Vancouver, BC.

²⁹ Shannon K, Anderson S, Xi Jia J, Chettiar J, Krusi A, Kerr T, Montaner J. Condoms as evidence of arrest: Criminalization of sex work managers and business owners and impact on HIV/STI prevention and safety among migrant and new immigrant sex workers in Canada, 2013

³⁰ Lazarus, L, Deering, KN, Nabess R, Gibson K, Tyndall M, Shannon K. Occupational stigma as a primary barrier to healthcare for sex workers in Canada. *Cult Health Sex*. 2012; 14(2): 139-150.

³¹ Anderson S, Xi Jia J, Homer J, Chettiar J, Krusi A, Maher L, Shannon K. *Safety, Violence Prevention and Municipal Licensing and Policing of Indoor Sex Work Establishments in the Greater Vancouver Area: Narratives of Sex Workers, Managers and Business Owners*, 2013.

³² O'Doherty, T. (2007) *Off-street commercial sex: an exploratory study*. MA Thesis. Vancouver: Simon Fraser University. <http://mypage.uniserve.ca/~lowman/>

about 20%.³³ Aboriginal youth and LGBTQ youth are over-represented among marginalized and street-involved youth.³⁴ Sexual exploitation of children and youth is often associated with youth gang violence.

Risk factors for all at-risk youth include histories of abuse, family poverty, homelessness, inadequate housing, placement in government care, hidden disabilities, lack of community and cultural connection, and more generally, social isolation. Negative effects include poor physical and mental health, addictions, exposure to violence, and homelessness. Children and youth are inherently exploited by being involved in sex work. All children and youth may be at risk of unsafe encounters online, meaning that the potential risk for the overall youth population is increasing with changing technology.³⁵

2. Government Roles and Legal Contexts

Canada's Criminal Code criminalizes activities surrounding prostitution - such as running a bawdy house, living off the avails of prostitution, and communicating for the purposes of prostitution - but does not criminalize the act of exchanging sex for money. Obtaining or attempting to obtain sexual services from children, defined under the Criminal Code as individuals under the age of 18, is strictly prohibited and criminalized.

The City has no authority in relation to criminal law. Vancouver and other municipalities may play other discretionary roles, such as social planning, research, and through social service and infrastructure grants. Policing in Vancouver is delegated by the Province through the BC Police Act and overseen by the Vancouver Police Board. The City of Vancouver is authorized - and has primary responsibility - to enforce its bylaws pursuant to the Vancouver Charter.

The *Bedford v. Canada* case, which is currently before the Supreme Court of Canada, challenges the constitutionality of Canada's existing prostitution laws, including public communication for the purposes of prostitution, operating a bawdy house, and living off the avails of prostitution, on the basis that these laws create significant harm for sex workers. The Ontario Court of Appeal ruled in 2010 that some of these laws violated the Charter of Rights and Freedoms, and applicants are awaiting a decision by the Supreme Court. If the laws are struck down in part or in whole, it could have a significant impact on how sex work is allowed to take place in Canada. Regulation of sex work businesses would fall in part to municipalities through their role in regulating land use.

For a more detailed discussion of current legal frameworks and governmental roles and responsibilities with Canada as pertaining to sex work, please refer to the September 22, 2011 [report](#) titled "Preventing Sexual Exploitation and Protecting Vulnerable Adults and Neighbourhoods Affected by Sex Work: A Comprehensive Approach and Action Plan".

³³ Ministry for Public Safety & Solicitor General: Sexual Exploitation of Youth in BC. 2001

³⁴ McCreary Centre Society (2006). Against the Odds: A profile of marginalized and street-involved youth in BC. McCreary Centre Society: Vancouver, BC.

³⁵ Ibid.

ACTIONS FROM THE LIVING IN COMMUNITY PLAN (2007) with City of Vancouver Identified as Lead Agency and Additional Responses			
LIC Action Plan	Lead Agencies Identified	Related Living in Community Actions	City of Vancouver Response
Action 1:	Living in Community Steering Committee, Vancouver Agreement, private foundations and community partners	Fund a community-based position to facilitate the implementation of the Living in Community Action Plan in collaboration with community members and groups, including sex workers, business, and governmental organizations.	CoV is has provided grants towards a Living in Community developer and curriculum development amounting to \$20,300 in 2013.
Action 2:	City of Vancouver, in collaboration with community serving organizations and teams	The City of Vancouver should commit resources equivalent to one full-time position to work with City departments and community members to develop a coordinated approach to issues associated with sex work.	The City is hiring two staff to working in collaboration with the community and VPD to enhance the safety and well-being of individuals and neighbourhoods affected by sex work and sexual exploitation.
Action 3:	City of Vancouver, Vancouver Agreement, in collaboration with Living in Community development position, sex workers, and community groups	Strike a working group including representatives of City departments, provincial and federal governments, community members, and sex workers, to consider ways and means to ensure increased health and safety of sex workers and to prevent sexual exploitation.	The City of Vancouver Task Force on Sex Work and Sexual Exploitation Prevention was formed in June 2012 to implement recommendations of September 2011 City Council report.

ACTIONS FROM THE LIVING IN COMMUNITY PLAN (2007) with City of Vancouver Identified as Lead Agency and Additional Responses

<p>Action 4:</p>	<p>Vancouver School Board, Vancouver Coastal Health and Living in Community development position in collaboration with sex worker and community organizations</p>	<p>Review, improve, and support existing programs that prevent sexual exploitation and recruitment, and develop a standardized curriculum for children, youth, and parents focusing on healthy sexuality, self-esteem, recruitment prevention, and healthy parenting.</p>	<p>\$30,000 grant recommended to the Vancouver Board of Education to develop educational resources, teacher training, and student/parent workshops to deliver prevention education to youth in schools.</p> <p>\$35,600 grant recommended to PLEA Community Services of BC to build the capacity of social service organizations working with youth at risk of sexual exploitation and to deliver online outreach.</p> <p>Since 2010, CoV has increased its funding by 53% to non profit organizations providing direct support for at-risk children and youth</p>
<p>Action 5:</p>	<p>Sex worker organizations, in collaboration with media partners and the City of Vancouver Living in Community position</p>	<p>Sex worker organizations develop public education campaigns to educate the community about sexual exploitation of children and youth and the realities of the sex industry, and work to improve media understanding and representation of sex work by the media.</p>	<p>CoV has partnered with the Vancouver Community Action Team to present Stop the Sexual Exploitation of Children and Youth Awareness Week events in 2011, 2012, and 2013.</p>
<p>Action 6:</p>	<p>Sex worker organizations, community policing centres, City of Vancouver, community resident groups, VPD, and schools in collaboration with other community and business partners</p>	<p>Promote public awareness of the educational and resource information contained in Living in Community's Online Toolkit.</p>	<p>City staff participating in pilot training sessions were introduced to Living in Community's online toolkit resource. Planned updates to the City website following the circulation of this report will include a public link to the toolkit.</p>

ACTIONS FROM THE LIVING IN COMMUNITY PLAN (2007) with City of Vancouver Identified as Lead Agency and Additional Responses			
Action 9:	Vancouver Agreement, the City of Vancouver, and the working group called for in Action 3 above	Immediately develop and implement a strategy to ensure safety for street-based sex workers.	The City staff being hired will create a strategy in collaboration with community organizations, residents, and the VPD. City grants to organizations providing services and supports for sex workers as well as women's safety also support this goal.
Action 10:	Vancouver Agreement, City of Vancouver, and Provincial and Federal Governments	Solidify sustainable funding for the Mobile Access Project Van, which provides overnight outreach and support services to women working on the street.	CoV provides annual funding for MAP Van in partnership with Ministry of Justice. (CoV contribution in 2013 was \$50,000)
Action 11:	Vancouver Agreement, City of Vancouver, Federal and Provincial Governments, PACE, and WISH, in collaboration with community and business organizations.	Fund the expansion of service by the MAP Van (Mobile Access Project Van) to daytime hours to fulfill a Quick Response liaison and support role for sex workers and other community members impacted by the sex industry, to reduce reliance on enforcement and promote health and safety in the community.	This recommended action has not yet been addressed
Action 12:	City of Vancouver, and Vancouver Coastal Health, in collaboration with Business Improvement Associations and Community Policing Centres	Make communities visibly cleaner through various actions such as increasing street cleaning crews and providing garbage cans, street lighting, and needle disposal services throughout the city.	The City provides litter containers, street sweepers and flushers and other street cleaning services to maintain clean streets. Services are distributed across the City with a significant focus on downtown eastside. Grants to social enterprises provide micro-cleaning for collection of litter, including needles and other hard to handle materials.

ACTIONS FROM THE LIVING IN COMMUNITY PLAN (2007) with City of Vancouver Identified as Lead Agency and Additional Responses

<p>Action 13:</p>	<p>Living in Community development position, in collaboration with residents, businesses, sex workers, police, and other community organizations, and the Vancouver Agreement.</p>	<p>In collaboration with all stakeholders, develop and promote the implementation of health and safety guidelines and a code of conduct for all community members in neighbourhoods to reduce the negative impacts of sex work in a respectful, safe way.</p>	<p>Through funding from the Vancouver Agreement and Great Beginnings, the SAFE project engages a range of residents, police, the local BIA, experiential sex workers, community organizations, and local schools in the Collingwood-Renfrew neighbourhood, to plan and coordinate services that address sex work related issues and sexual exploitation.</p>
<p>Action 14:</p>	<p>Lead organizations: Vancouver Agreement, and private foundations</p>	<p>Strengthen the ability of sex worker organizations to provide crucial frontline support and outreach to marginalized sex worker populations.</p>	<p>Since 2010, CoV has increased its funding by approximately 97% (from \$135,700 to \$267,100) to community organizations to provide front line services and outreach through social grants.</p>
<p>Action 15:</p>	<p>Lead organizations: The Provincial Government and Vancouver Coastal Health (Supportive Housing Initiative), in collaboration with sex worker and community organizations</p>	<p>Redevelop SRO Hotels to provide safe, affordable and supportive housing to sex workers with a continuum of support services as required, starting with one hotel in 2007.</p>	<p>Staff will recommend that the SRO Task Force create a communications strategy to educate landlords and tenants on their rights and responsibilities, with a focus on women's safety in hotels, as well as best practices for housing sex workers.</p>
<p>Action 16:</p>	<p>Vancouver Coastal Health and the Ministry of Children and Family Development.</p>	<p>Provide safehouses with adequate space for sexually exploited children and youth, and female, male, and transgendered sex workers.</p>	<p>Staff are exploring opportunities to meet the continuum of housing needs with BC Housing, including opening a temporary winter shelter space to serve vulnerable women and female-identified sex workers in the Downtown Eastside.</p>

ACTIONS FROM THE LIVING IN COMMUNITY PLAN (2007) with City of Vancouver Identified as Lead Agency and Additional Responses

<p>Action 19:</p>	<p>Sex worker organizations and experiential people, with support from Federal and Provincial governments and Vancouver Coastal Health</p>	<p>Develop and fund a continuum of safe spaces providing appropriate treatment and supports to individuals who wish to exit the sex industry, at all stages of recovery.</p>	<p>Proposed \$35,000 grant to Battered Women's Support Services' to develop a service delivery model that will support sex workers in exiting and transitioning to alternative employment and life options.</p>
<p>Action 22:</p>	<p>City of Vancouver, in collaboration with sex worker and community organizations</p>	<p>Review City of Vancouver by-laws to ensure that they support the health and safety of sex workers in indoor venues; ensure access to these venues for community health and safety support workers.</p>	<p>Proposed amendments will enhance safety and reduce community impacts.</p>

Definition of Terms

Exiting: Transition undertaken by individuals distancing themselves from sex work

John/Date/Client: Someone who buys sexual services

Self-identified woman/man: An individual whose gender identity is female/male, and which differs from the sex (and assumed gender) which they were assigned at birth. The City of Vancouver Task Force on Sex Work and Sexual Exploitation Prevention has adopted the term “self-identified” rather than “transgendered”, in an effort to be more inclusive and less stigmatizing.

Sex Work/ Prostitution: Provision of sexual services by adults in exchange for money, protection, drugs

Sexual Exploitation: A person who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person and who,

- a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or
- b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person

UN Definition of Trafficking: Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons

(<http://www.unodc.org/unodc/en/treaties/CTOC/index.html>)

defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs

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