

Attachment 3

NWDP Sex Work Enforcement Policy

Sex Work Enforcement

OB185

Effective: January, 2018
Reviewed: March, 2019

OB185

Risk Assessment: Medium

POLICY

1. New Westminster Police Department (NWPD) policy on Sex Work Enforcement was developed to promote consistent sex work enforcement practices by members of the New Westminster Police Department and enhance the safety of those individuals involved in sex work.

REASONS FOR POLICY

2. To ensure the New Westminster Police Department policy on Sex Work Enforcement is consistent with the Missing Women Commission of Inquiry (MWCI) recommendation 5.8 “that all police forces in British Columbia consider developing and implementing guidelines on the model of the Vancouver Police Department’s **Sex Work Enforcement Guidelines**.” This (MWCI) recommendation has been adopted by the British Columbia Association of Chiefs of Police. The objectives of the guidelines are to encourage consistent sex work enforcement practices and enhance the safety of persons involved in sex work. The following principles are key elements to be considered in the development of policies and procedures with regard to the enforcement of sex work-related legislations.
 - a) The safety of persons involved in sex work is a key consideration;
 - b) Persons involved in sex work are to be treated with dignity and respect: every interaction counts;
 - c) Enforcement priorities are to be determined based on risk;
 - d) Sex work related issues are complex and differ depending on the social; economic, demographic and geographic contexts in which sex work occurs;
 - e) Building relationships is key to improve reporting and safety;
 - f) Promote evidence-based decision-making to reduce exploitation and abuse within the sex industry, and

- g) Develop policies and procedures that promote measured and proportional police response when investigating issues surrounding sex work in their community.

Context for the Development of the BCACP Sex Work Enforcement Guidelines

From 1997 to 2002, 67 women went missing from the Downtown Eastside of Vancouver and several other Metro Vancouver municipalities. Many of these women were found murdered, while others remain missing. The women who went missing were some of the most marginalized and vulnerable women in British Columbia.

The Missing Women Commission of Inquiry (MWCI) was established in 2010 to examine the police investigations conducted between January 1997 and February 2002 into women reported missing from Vancouver's Downtown Eastside and the circumstances surrounding the decision of the Criminal Justice Branch in January 1998 to stay criminal charges against Robert Pickton for a 1997 alleged attack on a sex worker in Coquitlam. In December 2012, ***FORSAKEN: The Report of the Missing Women Commission of Inquiry*** (MWCI Report) was released.

The MWCI Report outlined 63 recommendations for action- 33 of which were police related-including recommendation 5.8, "that all police forces in British Columbia (BC) Consider developing and implementing guidelines on the model of the Vancouver Police Department's *Sex Work Enforcement Guidelines* in consultation with women engaged in the sex trade in their jurisdiction."

PROCEDURES

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

3. Police action should be taken as soon as operationally feasible in the following circumstances:
 - a) If a child or youth is sexually exploited or trafficked;
 - b) If an adult woman or man is a potential victim of human trafficking for sexual services;
 - c) If there is abuse or violence;
 - d) If organized crime or gangs are involved, and

- e) If any other criminal activity or offence is perpetrated against them. Human trafficking is an extreme form of exploitation, is a serious crime, and a gross violation of human rights.
4. All cases of violence or abuse of sex workers are treated as serious criminal matters. When a sex worker speaks to a NWPD member or attends the police station in person reporting 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 diminish the police response. If the incident occurred in another police jurisdiction, the member receiving the complaint must ensure the correct police agency is contacted immediately, and that the victim has transportation to that agency. The member should inquire as to whether the sex worker is connected to any support services.
 5. 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 as possible to protect their safety and privacy. NWPD members shall consider whether a complaint involves a civil matter and use discretion to resolve complaints at the lowest level of enforcement appropriate.
 6. When a sex work-related call or situation arises regarding indoor or street-based sex worker(s), it is expected that:
 - a) The assigned unit will build rapport with sex workers by offering assistance, providing safety information, and discuss safe and lawful options regarding locations of work.
 - b) Where sex workers are the subject of complaints, NWPD members will engage internal subject matter experts and/or an appropriate community outreach service to assist with resolving the situation; In consultation with their supervisor or the Watch Commander, NWPD members will determine if more formal enforcement action is appropriate in cases that cannot be resolved informally or involve a high risk situation;
 - c) 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 workers with blankets or robes to wrap themselves in while in police presence, or provide adequate time for the worker to dress), and
 - d) NWPD members will consistently use their professional judgment and discretion in determining the most proportional and least intrusive response necessary to reach the desired outcome.

7. NWPD members will investigate and enforce all relevant federal, provincial, and municipal laws against those who abuse, exploit or sexually exploit children/youth. NWPD members will identify, investigate, and remove exploited children/teens (under the age of 18) involved in sex work. NWPD members will endeavor to resolve the situation using all reasonable means to ensure the removal of youth from unsafe circumstances. The objective will be to introduce under aged victims found working in sex work to supporting social agencies that can assist in placing them in a safe environment and support them in identifying exit strategies. NWPD members will also ensure the Ministry of Children and Family Development (MCFD) is notified of all situations where children are found at risk under the Child, Family and Community Safety Act, and will work with MCFD to address the circumstances that exist, where possible.
8. NWPD members will actively enforce the laws to target exploitive practices against those who engage in human trafficking, organized crime, and financial exploitation/avoidance.
9. The NCO Prevention Services/ Administration Section will, where appropriate and available engage with local government and community groups such as those supporting or advocating for persons involved in sex work, groups who are assisting persons who wish to cease their involvement in sex work {i.e. exiting programs) or community-based anti-violence programs.

(See also: OB220 – Sexual Offence Investigations)

(See also: OD160-Vulnerable Groups)