



Brian Bigras
Deputy Chief
of Investigations

Paulo Da Silva
Deputy Chief
of Administration

Jim MacSween
Chief of Police

Cecile Hammond
Deputy Chief
of Support

Robertson Rouse
Deputy Chief
of Operations

Jason D. Fraser
General Counsel
Legal Services
Tel: 905 830 0303 x6601
Fax: 905 895 8006
Email: 5609@yrp.ca

April 19, 2021

Via Email to rvallee@pactmarkham.com

Robert Vallee
Founder and Board Chair
People Against Child Trafficking - Markham &
Council of Women Against Sex Trafficking in York Region

Dear Mr. Vallee:

Re: Your Email to the Regional Municipality of York Police Services Board

Please be advised that a copy of your email to the Regional Municipality of York Police Services Board, dated March 31, 2021, has been forwarded to my office for review and reply on behalf of Chief Jim MacSween and York Regional Police.

You have provided two deputations to our Board regarding human trafficking and sexual exploitation in body rub parlours. After your first deputation, in December of 2019, the Board directed Chief MacSween to provide a response in the form of a report to the Board. The Chief provided his report to the Board at its November 25, 2020 meeting. The Board received your second deputation on February 24, 2021 but did not require any further response from the Chief.

I understand that, in August of 2019, you also met with Deputy Chief Brian Bigras and then Inspector Thai Troung to discuss issues related to human trafficking and the shutting down of massage parlours in Markham and elsewhere in York Region.

In your email to the Board, you have made a number of requests of Chief MacSween or York Regional Police, including:

- Completing a nine-page questionnaire that seeks a detailed breakdown of the human trafficking statistics you received from our Freedom of Information Unit;
- Petitioning the Premier of Ontario and other members of his Cabinet to amend the *Municipal Act, 2001* to criminalize activities related to body rub parlours and other adult entertainment establishments; and



The Bill Fisch Centre for Police Excellence · York Regional Police
47 Don Hillock Drive, Aurora, Ontario L4G 0S7

Deeds Speak



- Engage in a half-day workshop that would “forge a region-wide policy of prostitution/trafficking management and police force deployment that will be a new standard for municipalities in Ontario.”

Additionally, you seek a third deputation before our Board.

We share your desire to combat human trafficking in our community. However, for the reasons that follow, we are not in a position to accede to your requests.

As a preliminary matter, I would advise that Canadian police services collect and report crime statistics in a manner prescribed by Statistics Canada under the National Justice Statistics Initiative. This enables the Canadian Centre for Justice Statistics, a division of Statistics Canada, to conduct statistical analyses on national and jurisdictional levels. The statistics we collect do not lend themselves to your nine-page questionnaire.

On a more substantive note, the Province of Ontario has already embarked on a five-year anti-human trafficking strategy in an effort to raise awareness of the issue of human trafficking, protect victims and intervene early, support survivors and hold offenders accountable. York Regional Police supports the province’s efforts and works closely with our partners in the Provincial Human Trafficking Prosecution Team and various community agencies to implement this strategy within our region.

We question the efficacy of your focus on massage parlours as locations for human trafficking when the majority of human trafficking victims in York Region are being trafficked within hotels, condominiums and short-term rentals. Moreover, we believe that your emphasis on closing body rub parlours is both legally problematic and inconsistent with our victim-centred approach to human trafficking investigations.

This is not to suggest that we ignore the problems associated with body rub parlours. York Regional Police works with our partners in municipal law enforcement in the regulation of these establishments. As noted in the Chief’s Board Report, we provide training to municipal law enforcement officers to help them recognize the signs of human trafficking. As criminal investigators, the *Canadian Charter of Rights and Freedoms* constrains our officers’ authority to search these premises absent reasonable grounds and prior judicial authorization. Bylaw officers have a broader ability to conduct inspections and to carry out regulatory enforcement in accordance with municipal bylaws.

We must respectfully disagree with your assertion that body rub parlours and other adult entertainment establishments, as defined in the *Municipal Act, 2001*, are *per se* illegal businesses. While criminal offences may be committed within these establishments, the businesses themselves are lawful. Refusing to grant business licences will not eliminate massage parlors, nor will removing “adult entertainment establishments” from the *Municipal Act, 2001* or repealing bylaws that licence massage parlours. Such a move would only tie the hands of municipal law enforcement as they rely upon these laws for their authority to inspect these establishments to protect the health and safety of workers and customers alike.

We take exception to you referring to municipal officials who licence body rub parlours as “pimps”. In addition to being patently offensive, it suggests that you fundamentally misunderstand the importance of using bylaws, licencing and inspections to promote public safety.

Similarly, I would note that the Province of Ontario does not have the authority to enact legislation that would criminalize body rub parlours or any other adult entertainment establishments. In accordance with section 91(27) of the *Constitution Act, 1867*, the power to enact criminal laws

rests with the federal government. Bearing in mind the Supreme Court of Canada's decision to strike down the criminal prohibitions on common bawdy-houses [*Canada (Attorney General) v. Bedford*, 2013 SCC 72], the federal government's ability to outlaw body rub parlours may be tenuous.

We thank you for bringing your concerns to our attention. However, we do not believe that your approach to combating human trafficking through focused enforcement against body rub parlours is consistent with Ontario's anti-human trafficking strategy or our own enforcement measures. On behalf of Chief MacSween and York Regional Police, I must respectfully decline your requests as they relate to the Chief or this police service. Any further deputations will be at the discretion of the Board.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. Fraser', written over a vertical line.

(Electronic Signature)
Jason D. Fraser
General Counsel

c: Chief Jim MacSween

Mafalda Avellino, Executive Director
Regional Municipality of York Police Services Board