

PUBLIC

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

NOVEMBER 25, 2020

Response to Human Trafficking

RECOMMENDATION

1. That the Board receive this report for its information in response to the Deputation provided by Robert Vallee of Parents Against Child Trafficking-Markham and The Council of Women Against Sex Trafficking in York Region on December 4, 2019.

SYNOPSIS

York Regional Police Human Trafficking Section investigates incidents involving adult and juvenile sex trade workers. When exploitation is alleged or suspected, it is prioritized and immediately investigated.

Since 2015, the Human Trafficking Section has investigated 2,361 incidents involving sex trade workers and forced labour. In total, 1,790 or 75.8% were determined to be non-criminal. Based on our qualitative studies, the majority of trafficking victims are aware that jobs offered to them are in the sex industry but are not aware of the conditions in which they will be working.

FINANCIAL IMPLICATIONS

There are no financial implications.

BACKGROUND

In 2008, York Regional Police adopted a victim-centered approach to sex trade investigations. In 2014, this approach was legislated by the introduction of Bill C-36 to the *Criminal Code*. Prior to Bill C-36, the *Criminal Code* focused on the eradication of the sex trade.

Bill C-36 – Protection of Communities and Exploited Persons Act

One objective of Bill C-36 is to protect those individuals who sell their own sexual services, allowing them to conduct their business indoors for their own safety. The Supreme Court of Canada had struck down the bawdyhouse provision from the *Criminal Code*.

Unlike previous legislation, Bill C-36 targets those who buy sex and seeks to reduce the demand for prostitution or, namely, “sexual services for consideration.”

Bill C-36 made it illegal to “obtain sexual services for consideration”, receive “material benefits” from sexual services performed by another person and to “knowingly advertise an offer to provide sexual services for consideration” by another person.

Individual sex workers have a form of immunity for advertising or receiving consideration from “their own” sexual services. The previous prohibition on communicating in public places for the purpose of such services is not as strict. It now applies only to communications conducted at or near day care facilities, schools and playgrounds and when one interrupts pedestrian or vehicular traffic to perform such communication.

York Regional Police investigations are victim-centered. We employ the four Ps of the Ontario Provincial Human Trafficking Strategy:

- 1) Prevention;
- 2) Protection;
- 3) Prosecution; and
- 4) Partnerships.

Rather than eradication, which often further marginalizes those working in the sex trade, we approach the four Ps with a clear vision and mission. We work within the framework and authority of Federal and Provincial legislation. The Ministry of the Attorney General and the Newmarket Crown Attorney’s office have established a Provincial Human Trafficking Prosecution Team. York Regional Police investigators work closely with this team during investigations and throughout prosecution.

York Regional Police have developed numerous partnerships with outside agencies and non-profit organizations. A key component of victim protection is exercising the three Rs:

- 1) Rescue;
- 2) Rehabilitation; and
- 3) Reintegration.

These agencies include Victim Services of York Region, 360 Kids, Blue Door Shelters, Sandgate, Yellow Brick House and Deborah's Gate located in British Columbia who provide compound trauma services addressing drugs and human trafficking in a secure facility. York Regional Police have provided this facility to multiple victims.

Further, York Regional Police and the Children's Aid Society of York Region have collaborated in a joint Human Trafficking protocol.

York Regional Police applies for additional funding through Federal and Provincial grants. This funding is used for education, providing training to community partners, providing immediate needs of victims, identifying resource gaps and filling those gaps when necessary, conducting investigative probes, intelligence gathering and enforcement.

A key component of intelligence gathering and enforcement is working closely with the Municipal By-law officers, developing and enacting joint initiatives and providing training enabling the ability to recognize the signs of human trafficking.

Not all body rub/massage parlours and wellness spas offer sexual services. There have been very limited cases of victims recovered in these types of establishments, and if the exploitation is present, it is through their pimp not the owners/operators.

Since 2008, there have been no recoveries of children inside these establishments within York Region. Any allegations of children being trafficked, despite the lack of recoveries, are prioritized and investigated thoroughly. In fact, the majority of human trafficking victims are being trafficked within hotels, condominiums or short-term rentals.

The crime category as listed in our Statistical Report: The Commodification of Sexual Activity includes:

- Obtaining Sexual Services for Consideration
- Obtaining Sexual Services for Consideration from Person Under the Age of 18 Years
- Receiving Material Benefit from Sexual Services
- Receiving Material Benefit from Sexual Services provided by Person Under the Age of 18 Years
- Procuring
- Procuring a Person Under the Age of 18 years
- Advertising Sexual Services

These crime categories are the result of new legislation created from Bill C-36. While the laws came into effect in 2014, they were in print in the 2016 *Criminal Code* onwards.

The Prostitution/Public Morals offences were included in the *Criminal Code* prior to 2016. These offences encapsulated sections 210 to 212 respectively. They included offences of living on the avails of prostitution, keeping a common bawdyhouse, communicating for the purposes of prostitution and other pimping related offences between sections 212(a) to 212(j) and 212(2) and 212(2.1).

Prostitution/Public Morals violations (formally section 212) is no longer in the *Criminal Code*. Commodification of Sexual Activity Sections begin at section 286 of the *Criminal Code*. Commodification of Sexual Activity crime category replaced Prostitution/Public Morals crime category; however, the Prostitution/Public Morals crime category will continue to appear in the annual statistical reports due to historical reporting and five year crime comparisons.

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Chief of Police

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