



Policy Name:	VULNERABLE PERSONS – SEX WORKERS		
Policy #:	OP 4.52.3	Last Updated:	2022-09-29
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

OP 4.34.10 *Sex Offences*

OP 4.35 *Missing Persons*

OP 4.38.1 *Human Trafficking*

OP 4.52.1 *Vulnerable Persons – Trauma Informed Practices*

OP 4.52.4 *Vulnerable Persons – Victims of Crime*

1. PURPOSE

- 1.1. To guide Surrey Police Service (SPS) processes regarding sex work and sex workers, with the safety and compassionate treatment of persons involved in sex work being key considerations.
- 1.2. To ensure that SPS policy regarding sex workers considers the views of community members and community groups who are impacted by sex work in Surrey.
- 1.3. To ensure consistent application of the British Columbia (BC) Association of Chiefs of Police (BCACP) “*Sex Work Enforcement Guidelines*”.
- 1.4. To promote a measured, proportional, appropriately prioritized and risk-based police response when investigating matters regarding sex work in the community.

2. SCOPE

- 2.1. This policy applies to all Members.

3. POLICY

- 3.1. Members will treat sex workers with dignity and respect and will provide sex workers the same rights and protections as all persons.

- 3.2. Members recognize that survival sex work is inherently dangerous. Calls for service regarding reports of violence, exploitation, or abuse of sex workers are a priority for assessment, response, and investigation.
- 3.3. Calls for service involving sexual exploitation or trafficking must be investigated immediately. The Special Victims Unit (SVU) will be notified when the reported incident involves human trafficking for the purpose of exploiting persons or facilitating their exploitation for a sexual purpose.
- 3.4. Investigations involving sex work should focus on the offender. That is, the person purchasing the sexual services or the person who is receiving a benefit from the sex worker, or a third party who is advertising sexual services, rather than on the sex worker.
- 3.5. Indigenous women are overrepresented among persons involved in survival sex work in the Province of British Columbia. Consideration must be given to the ongoing impacts of colonization, racism, and intergenerational trauma. Culturally safe and appropriate practices should be used when interacting with Indigenous sex workers.
- 3.6. Sex workers may have an increased level of vulnerability resulting from an intersection of socio-economic, health, or mental health-related issues, and/or due to experiences of racism, sexism, poverty, substance use, or other types of discrimination. Sex workers may require accommodation to reduce barriers, in accordance with their situation.
- 3.7. Sex workers may have additional vulnerabilities because of trauma, and trauma responses and behaviours can be triggered by the presence or sight of a police officer. Members are educated and informed to recognize the signs and symptoms of trauma and understand how their words, gestures, or actions can unintentionally cause trauma. Members will apply their knowledge of Trauma-Informed Practices while interacting with sex workers.

4. PROCEDURE

General

- 4.1. Members will have respectful and compassionate interactions with marginalized and vulnerable persons involved in sex work.

When Sex Workers are Survivors (Victims) of Violent Crime

- 4.2. Vulnerable and marginalized people, especially women, engaged in sex work are exposed to a higher risk of violence including sexual assault, serial predation, and murder. Accordingly, all cases of violence or abuse of sex workers are to be investigated as serious criminal matters.
- 4.3. When a sex worker speaks to a Member or attends a police station to report an incident of violence, a PRIME-BC General Occurrence (GO) report will be created and a Member will be assigned to investigate as soon as practicable. The Survivor should not be directed to return at another time

or told to complete a written statement and return it later (see OP 4.34.10 *Sex Offences*; OP 4.52.1 *Vulnerable Persons – Trauma Informed Practices*; OP 4.52.4 *Vulnerable Persons – Victims of Crime*).

- 4.4. The timing of the Survivor's report (e.g., whether the report is immediate or delayed) does not lessen the severity of the incident and must not diminish the police response.
- 4.5. If the incident occurred in another police jurisdiction, the Member receiving the complaint will ensure a timely referral to the other police agency and will provide guidance to the Survivor on how to report the matter to the other police agency, assisting as necessary. If there are barriers for the Survivor to reporting to the other police agency, the Member will facilitate the reporting of the incident as appropriate (e.g., by taking the Survivor's statement in Surrey and forwarding it to the other police agency for follow-up investigation).
- 4.6. When taking a statement from a Survivor, whenever practicable, the interviewer should be of the gender requested by the Survivor. A Survivor may request a support person's participation in the victim interview process, consideration will be given to accommodating those needs.
- 4.7. The Member will ask if the Survivor is connected to any support services, and if not, with the Survivor's written consent the Member must refer the Survivor to Victim Services and/or to other appropriate support services. If the Survivor is unable or unwilling to sign a document for this consent but still wishes to be referred to Victim Services and/or other appropriate support services, it is sufficient for the Member to note the consent in their police notebook.
- 4.8. The Member will keep the Survivor updated on the status of the investigation on an ongoing and regular basis. If the Survivor does not have ready access to a cellphone or email for communication purposes, the Member will ask the Survivor if they would like to designate a trusted person to facilitate communication, pass on messages, etc.

Note: if a third party facilitates contact, this does not diminish the Survivor's right to privacy. Confidential information must not be shared with the third party without the informed and ongoing consent of the Survivor.
- 4.9. If the investigation is to be concluded, the Member will apprise the Survivor and will explain why. This must be done in a compassionate manner, endeavoring to ensure that the Survivor understands the reason(s) for an investigation being concluded. If the Survivor does not have support, the Member will offer to connect the Survivor with appropriate support services.
- 4.10. If a Member encounters a sex worker who wishes to report a sexual assault but wants the report to be anonymous or is not comfortable speaking with the police about it, the sex worker should be directed to the Surrey Women's Centre where they can make an anonymous Third-Party Report.

When a Person Under the Age of 18 is Sexually Exploited

- 4.11. Members will prioritize investigations involving the exploitation of children and youth. The SVU should be consulted in all investigations involving sexually exploited youth.
- 4.12. Members will identify, investigate, and endeavor to remove sexually exploited children and youth from harmful situations. Members will consider using their authority under section 27 of the *Child, Family, and Community Service Act*, if appropriate:
- i. a police officer may, without a court order, take charge of a child or youth (under the age of 19) if the police officer has reasonable grounds to believe that the child's/youth's health or safety is in immediate danger, and may enter any premises, vehicle, or vessel without a court order and by force if necessary, to do so; and
 - ii. the police must then immediately report the circumstances to the Ministry of Children and Family Development (MCFD), then take the child or youth to a person or place as directed by MCFD.
- 4.13. Members will endeavor to introduce child and youth victims of sexual exploitation to supporting social agencies that can assist in placing them in a safe environment and support them to identify exit strategies.
- 4.14. In all reports of sexual exploitation of children or youth under the age of 19, the Member will contact MCFD and make a report to an MCFD Social Worker pursuant to the *Child, Family, and Community Service Act*. The Social Worker will decide if the matter requires MCFD's further involvement.
- 4.15. If a child or youth who is under the age of 15 is to be interviewed, the Member will liaise with the coordinator at Sophie's Place Child and Youth Advocacy Centre and/or their Supervisor for further guidance.

Complaints from the Public Regarding Sex Work

- 4.16. When a Member responds to complaints about sex work, whether occurring in a public setting or in a private location, the safety and rights of the sex worker(s) will be respected. Police intervention will be as non-intrusive as practicable to protect the safety and privacy of the sex workers. Members will use discretion to resolve complaints and the lowest level of enforcement that is appropriate.
- 4.17. When investigating these complaints, it is expected that the assigned Member will build rapport with the sex worker by offering assistance, providing safety information, and discussing safe and lawful options regarding locations of work. Members will determine if more formal enforcement action is appropriate in cases that cannot be resolved informally or which involve a high-risk situation.

4.18. Where enforcement action is deemed necessary, all reasonable steps will be taken to show respect and dignity for those parties involved.

4.19. Members will use their professional judgment and discretion in determining the most proportional and least intrusive response necessary to reach the desired outcome.

When Human Trafficking is Suspected

4.20. When SPS receives a report about sex work or sex workers, the assigned Member will investigate whether the sex worker(s) is a victim of Human Trafficking. Indicators might include the sex worker:

- i. is always accompanied by someone else, and that person often speaks for them;
- ii. appears to be under someone else's control;
- iii. seems unfamiliar with or unaware of their surroundings or the neighbourhood, or doesn't know where they are;
- iv. indicates they move frequently from city to city or place to place;
- v. has no or limited contact with family or friends;
- vi. has no access to a cellphone or money;
- vii. has no access to medical care;
- viii. is fearful or anxious in general and doesn't engage with support workers or police;
- ix. speaks as if reading from a script;
- x. visible injuries, such as bruises around their wrists or ankles or cigarette burns;
- xi. is hungry or appears malnourished; or
- xii. has no identity documents or is reluctant to provide their name or other personal information about themselves.

4.21. A person being trafficked may not know or believe they are being trafficked. Members who encounter a person who may be a victim of human trafficking should consult SVU. See OP 4.38.1 *Human Trafficking*.

4.22. Members must recognize that overt investigation of Human Trafficking could result in significant risk to the sex workers' safety and must proceed with caution.

Missing Sex Worker Investigations

4.23. Persons engaged in sex work are exposed to a higher risk of violence including sexual assault, serial predation, and murder. When a person who is known or believed to be a sex worker is reported missing, the missing person investigation must be investigated immediately and categorized and investigated as a high-risk missing person. See OP 4.35 *Missing Persons*.

APPENDIX A: DEFINITIONS

"Child" means a person under 19 years of age and includes a youth.

"Human Trafficking" is defined as the act of recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, 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 includes, at a minimum: sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.

"Indigenous Peoples" means a collective name for the original peoples of North America and their descendants. The Canadian Constitution recognizes three distinct groups of Indigenous peoples: First Nations, Métis and Inuit.

"MCFD" means the Ministry of Children and Family Development.

"Member" means a sworn Police Officer appointed by the Surrey Police Board.

"Sexual Exploitation" is when a person exchanges sexual acts for money or things they may need or want, such as food, shelter, drugs, alcohol, or clothing.

"Survivor" means a person who has been the victim of violence, abuse, or neglect.

"Trauma-Informed Practice" means understanding the prevalence and effects of trauma in all aspects of service delivery and prioritizing the individual's sense of safety, choice, empowerment, and connection. It is grounded in an understanding of and responsiveness to the impact of trauma and emphasises physical, psychological, and emotional safety. Trauma-Informed Practice means making sure that people feel safe around police and are not re-traumatized by their contact with police.

"Vulnerable Person" means a person who, because of their age, a disability or other circumstances, whether temporary or permanent, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them. Examples of vulnerable persons include but are not limited to persons:

- with substance use disorders;
- with physical or mental health challenges;
- with disabilities or who may have communication barriers (e.g., language, hearing or speech);
- with diverse gender identity or expression;
- who are unhoused or precariously housed;
- who are victims of sexual and/or intimate partner violence;
- who are being exploited and/or are involved in subsistence sex work;
- who may be less inclined to report or speak to police because of precarious legal status (e.g., victims or witnesses who have outstanding warrants or with precarious immigration status);
- who are elderly; and
- who are children.

APPENDIX B: REFERENCES

BC Association of Chiefs of Police – *Sex Work Enforcement Guidelines & Principles*, November 2017.

Child, Family, and Community Service Act, R.S.B.C. 1996, c. 46

Legislative Summary: Bill C-36 – An Act to Amend the *Criminal Code* in response to the Supreme Court of Canada decision in *Attorney General of Canada v. Bedford* and to make consequential amendments to other Acts. Publication No. 41-2-C36-E. 18 July 2014.

Native Women’s Association of Canada – *Our Spirits are Not for Sale- A Handbook for Helping Sexually Exploited Aboriginal Women and Girls*, 2015.

Surrey Vulnerable Women and Girls Working Group - *Public Safety for Vulnerable Women and Girls 2020 Forum* (Briefing document, January 2021).