

CITY OF CALGARY PROSTITUTION RESPONSE FRAMEWORK UPDATE

EXECUTIVE SUMMARY

In 2014 February, Administration was directed to form a multi-departmental City working group to develop a framework to address the impact of prostitution in Calgary communities. This initiative arose in response to the potential absence of Federal legislation following a Supreme Court of Canada decision which held that several prostitution offences in the Criminal Code violated the Charter of Rights and Freedoms. Since Council's review of this framework in 2014 June, the Federal government has subsequently enacted new prostitution legislation, Bill C-36: Protection of Communities and Exploited Persons Act. This report provides an analysis of Bill C-36 and associated municipal impacts; an overview of the current state of prostitution since the enactment of the Bill; along with an update on the implementation of The City of Calgary Prostitution Response Framework. Key legacy accomplishments from the implementation of the framework include: support for two new community-based programs focused on promoting exit strategies and healthy choices for workers in the sex industry; and the development of a new Calgary Police Service (CPS) and Animal & Bylaw Services (ABS) initiative focused on leveraging Federal funding to provide more resources for officers when addressing prostitution-related activities in Calgary neighbourhoods. Further, with the mandate of the prostitution steering and working committees realized, Administration is recommending the committees be dissolved, with the implementation of the framework continuing through Administration and the community agencies involved.

ADMINISTRATION RECOMMENDATION (S)

That the SPC on Community and Protective Services recommends that Council:

- 1) Receive this report for information;
- 2) Direct Administration to dissolve the City of Calgary prostitution steering and working committees and continue implementation of the Prostitution Response Framework through Administration and the community agencies involved.

RECOMMENDATION OF THE SPC ON COMMUNITY AND PROTECTIVE SERVICES, DATED 2015 APRIL 01:

That the Administration Recommendations contained in Report CPS2015-0111 be approved.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2014 February 10, Council approved Councillor Diane Colley-Urquhart's Item of Urgent Business directed Administration to convene a multi-departmental City working group, chaired by the Director of Animal & Bylaw Services, and including: the Calgary Police Service, Community & Neighbourhood Services, Planning Development & Assessment and Law. This group was directed to report back through the SPC on Community and Protective Services no later than 2014 June, with:

- i) A review of relevant enforcement approaches in other jurisdictions and any planned responses from other levels of government
- ii) Engagement of external stakeholders through a public submission process
- iii) A comprehensive framework to address potential legislative, regulatory, social, environmental and economic issues involved with a targeted implementation date of 2014 December.

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On 2014 June 23, Council approved CPS2014-0458 with amendments as follows, City of Calgary Prostitution Response Framework, directed Administration to report back to Council through the SPC on Community and Protective Services within four months of the enactment of new federal legislation with an analysis of the impact of the legislation and any necessary revisions to the prostitution framework.

BACKGROUND

Introduction

On 2013 December 20, in *Bedford v. Canada*, the Supreme Court of Canada ruled that the following three prostitution-related offences in the *Criminal Code* were unconstitutional:

- Keeping or being in a common bawdy-house (s. 210);
- Living on the avails of prostitution (s. 212(1)(j)); and
- Communicating in public for the purpose of prostitution (s. 213(1)(c)).

The Court held that the criminalization of these activities violated Section 7 of the Charter of Rights and Freedoms and placed the safety of sex trade workers in jeopardy. Specifically the Court stated that criminalizing these activities prevented sex trade workers from taking steps to protect themselves against violence (e.g. hiring security staff). The Parliament of Canada was subsequently given one year to introduce new legislation, with the alternative being the decriminalization of most prostitution-related activities, except those related to underage prostitution and human trafficking.

In response to this ruling, on 2014 February 10 Council approved Councillor Diane Colley-Urquhart's Item of Urgent Business (Attachment 1) directing Administration to convene a multi-departmental City working group. The group was subsequently divided into steering and working committees, involving Animal & Bylaw Services (ABS), the Calgary Police Service (CPS), Community & Neighbourhood Services (CNS), Planning Development & Assessment (PDA) and Law. Complete steering and working committee membership along with primary community partners are outlined in Attachment 2.

Administration returned to Council on 2014 June 23, with CPS2014-0458 City of Calgary Prostitution Response Framework. Upon review of the framework and the announcement of draft federal legislation, Council directed Administration to report back within four months of the enactment of new federal legislation with an analysis of the impact of the legislation and any necessary revisions to the prostitution framework.

Subsequently, on 2014 December 6, the Federal government enacted new prostitution legislation, Bill C-36, aimed at addressing the federal legislative vacuum that had existed since the *Bedford* decision by the Supreme Court of Canada.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Overview of Bill C-36

The new Federal prostitution legislation, Bill C-36, Protection of Communities and Exploited Persons Act, came into force on 2014 December 6. At its core the legislation views sex workers as victims who require support and assistance rather than punishment, and considers the

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purchase and sale of sexual services as essentially exploitative. The objective of the Act is to reduce, and eventually eliminate the demand for and sale of sexual services, along with mitigating the interpersonal and community harms associated with prostitution in the process.

Specifically, Bill C-36 seeks to achieve these objectives through the institution of four primary offences: purchasing sexual services; receiving a material benefit from the sale of the sexual services of others; procuring sexual services for others; and the advertising of sexual services for others.

Core components of these offences include:

- The criminalization of the purchase but not the sale of sexual services. The intent of this approach is to target enforcement efforts on those generating the demand for the service, the buyers.
- Imposing higher penalties on those who purchase near areas where children could be expected to be present, including schools and religious institutions. This is aimed at mitigating a variety of community harms associated with prostitution, including minimizing the exposure of children to the practice.
- Redefining the concepts of benefiting from prostitution and procuring. Adjusting these definitions allows those selling sexual services to secure bodyguards and drivers without having these supports become subject to criminal charges, while it also allows for greater penalties for those recruiting others into exploitative circumstances.

Additional background and a description of offence changes are outlined in further detail in Attachment 3.

Municipal Analysis of Bill C-36

The City of Calgary Prostitution Working Group reviewed Bill C-36 and conducted an analysis for potential municipal implications. The process included a review of police enforcement implications and potential impacts for City bylaws.

In terms of police enforcement implications, Bill C-36 does not represent a new course, but rather aligns with existing CPS enforcement efforts over the past five years to focus on “consumer demand”. It has been common practice for CPS to focus on charging buyers rather than sellers during this period of time, with interventions instead aimed at steering sex trade workers toward programs that may assist them in exiting prostitution. The focus in the legislation on addressing community impacts and protecting children also aligns with current CPS practice to target cases involving minors or exploitation. With this alignment in place, CPS has now focused on clarifying certain elements of Bill C-36 from an operational perspective, such as what activities fall under the category of “sexual services” and securing additional clarity around “areas in which children can be expected to be present”. This process includes working with Alberta Justice officials to ensure a common enforcement understanding across Alberta. Moving forward into 2015, CPS has highlighted a commitment to further address indoor prostitution, and to continue its monitoring efforts of the industry as a whole to address exploitation.

As part of the municipal analysis process, a number of City bylaws with the potential to be impacted by Bill C-36 were reviewed in depth with the support of the Law Department. These

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included: the Dating and Escort Bylaw 48M2006; Exotic Entertainers Bylaw 47M86; and the Body Rub License Bylaw 53M2012. While these bylaws do not directly deal with the issue of prostitution, they can at times be tied to ancillary activities related to the issue. The review concluded Bill C-36 did not directly impact these bylaws and no amendments were required.

Calgary Current State

By the end of 2014, CPS prostitution related calls for service decreased by approximately 24 per cent as compared to 2013. This trend is attributed to three factors, a shift towards indoor prostitution, which is less visible and more challenging to track, along with the effectiveness of enforcement and community-based interventions.

Since the enactment of Bill C-36 in 2014 December, CPS statistics indicate that there has been a slight decrease in prostitution related calls, as compared to the same period in previous years, with only 18 calls for service in January and February of 2015 as compared to 22 in the same period in 2014. A further description of this data, along with additional CPS statistics is outlined in Attachment 4.

Prostitution Response Framework Progress

The City of Calgary Prostitution Response Framework (Attachment 5), approved by Council in 2014 June, reflects citizen feedback received through a public submission process along with key best practice research into approaches utilized in other jurisdictions. The framework involves the implementation of two primary response streams to address identified community impacts: 1) enforcement and 2) community outreach. Recent efforts in terms of the enforcement stream include a partnership with ABS and CPS in the development of a Prostitution Exit Initiative, with funding currently being requested through a federal government grant. The project is focused on increasing awareness among both CPS and ABS officers regarding prostitution along with providing them with tangible resources that can be used to support those involved in the sex trade. Specifically, the project would include engagement tools, skill development and referral information for officers, along with instrumental supports that officers can use in communities to support exit strategies such as transportation assistance, etc. In addition to the development of this project, the work undertaken on the response framework has also led to greater information sharing and operational connections between CPS and ABS which are serving to enhance public safety; this includes enhanced partnerships in key outdoor prostitution areas, greater coordination of patrols, and the ongoing sharing of operational intelligence gathered.

In terms of the community outreach stream, work is underway on addressing several areas for improvement that were identified through the 2014 public submission process, which highlighted the need for expanded prostitution exit strategy support and additional support for underserved groups. These efforts include, the Vitality Employment Program, launching in Q2 of 2015 through the Servants Anonymous Society (SAS) and being funded via The City's Crime Prevention Investment Plan (CPIP), to address the need for longer term supports for those exiting the sex trade. Specifically, this program will provide employment training and support to sex workers seeking to exit the trade, including options for more robust training and educational opportunities than are currently available. This will increase the likelihood that sex workers will

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not return to prostitution. Also launching in Q2 of this year and funded through CPIP, is an enhancement to the existing HIV Community Link Shift Prostitution Outreach Program. This initiative will provide enhanced mobile outreach to a variety of vulnerable populations including street sex workers, young adults, men and transgendered individuals. The program fills an existing gap in outreach services and focuses on reducing many of the community impacts associated with prostitution. Further, both the SAS and Community Link programs also connect back to CNS youth justice initiatives, providing referral options for those involved in the sex trade.

With respect to potential amendments to the framework as a result of Bill C-36, Administration's analysis of the legislation and framework confirmed no amendments were required. This is due largely to the fact that the framework was built with the expectation that the new legislation would focus on addressing demand and exploitation.

With the mandate of the prostitution steering and working committees now realized, Administration is recommending the committees be dissolved, with the implementation of the framework continuing through existing partnerships and operational connections. Through the continued collaborative efforts of ABS, CPS, CNS and numerous community partners, the programs and operational connections established through the Prostitution Response Framework represents a legacy that will continue to address the community impacts of prostitution in Calgary communities.

Stakeholder Engagement, Research and Communication

Public input on the impacts of prostitution and key support strategies was secured through a public submission process in 2014. This feedback was subsequently utilized in the development of The City of Calgary Prostitution Response Framework and its associated intervention approaches. Further, this report was the product of a multi-departmental City working group which included participation from ABS, CPS, the Law Department, PDA, and CNS along with consultation with a variety of community agencies.

Strategic Alignment

The information in this report aligns with the following Council strategic priority:

That "Every Calgarian lives in a safe, mixed and just neighbourhood, and has the opportunity to participate in civic life."

Social, Environmental, Economic (External)

Social

Prostitution impacts Calgarians on a personal, community, and city-wide level. The City of Calgary Prostitution Response Framework is focused on promoting public health and safety by addressing prostitution-related issues.

Environmental

The City of Calgary Prostitution Response Framework serves to protect the quality of open space for all Calgarians.

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Economic (External)

Addressing prostitution issues contributes to the creation of healthy, safe and caring communities, critical to continued economic growth and a liveable city.

Financial Capacity

Current and Future Operating Budget:

The City of Calgary Prostitution Response Framework represents an innovative and collaborative response to address community-identified impacts by leveraging funding from other levels of government and ongoing crime prevention funding sources.

Current and Future Capital Budget:

Not applicable

Risk Assessment

The City of Calgary Prostitution Response Framework mitigates potential risks and addresses prostitution-related issues by fostering a coordinated and collaborative response on the part of City and community stakeholders.

REASON(S) FOR RECOMMENDATION(S):

In 2014 February, Administration was directed to form a multi-departmental City working group to develop a framework to address the impact of prostitution in Calgary communities. This initiative arose in response to an absence of Federal legislation following a Supreme Court of Canada decision which struck down several prostitution-related Criminal Code provisions. Since Council's approval of this framework in 2014 June, the Federal government has subsequently enacted new prostitution legislation, Bill C-36. This report provides an analysis of Bill C-36 and associated municipal impacts; an overview of the current state of prostitution since the enactment of the Bill; along with an update on the implementation of The City of Calgary Prostitution Response Framework.

ATTACHMENT (S)

1. Green Sheet – City of Calgary Response to Recent Prostitution Court Decision
2. Prostitution Committee Composition and Primary Community Partners
3. Overview of Bill C-36: Protection of Communities and Exploited Persons Act
4. Calgary Police Service Prostitution Statistics
5. City of Calgary Prostitution Response Framework