



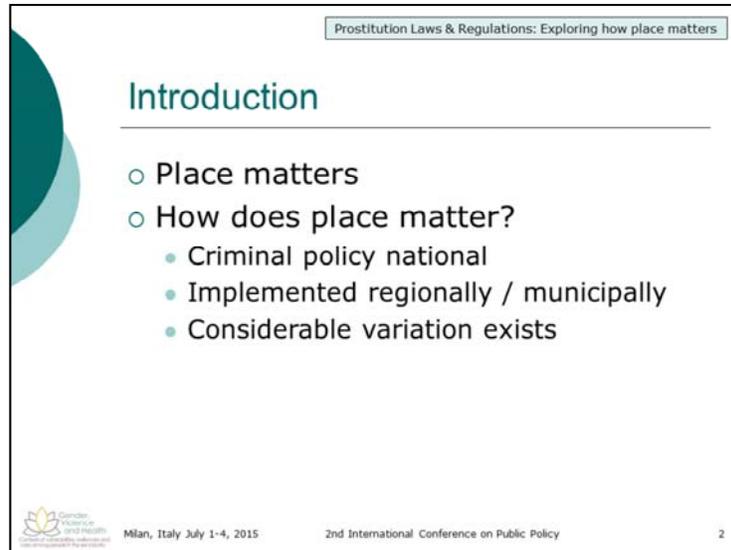
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ICPP Abstract (abridged):

Since Canadian prostitution laws are built into the *Criminal Code* they apply across all provinces and territories. Yet, official data show selective variation in the enforcement of the law among different municipalities across Canada. In part, this is due to alternative provincial and municipal legislation that is available to police and to variation in the social environments surrounding the sex industry in these municipalities. This paper explores some of the differences and the legal, social, and institutional conditions and processes that are most likely to affect the health, safety, and vulnerability of people involved in the sex industry (including sex workers, their intimate partners, managers, and clients). To investigate these differences we focused on the description of the contexts in which they live and work. To this end, we interviewed service agency, municipal, regulatory, and policing representatives about their professional experiences and views of the activities and programs related to the governance of sex work.

The data collected include interviews with police officers, justice and licensing officials (N=36), as well as service providers and city officials (N=72) in six municipalities. The qualitative interviews lasted 1-2.5 hours. The interviews were augmented with information from available legislative, regulatory, and historical documents as well as official reports, law enforcement reviews, and media from each site. Material for inclusion included federal criminal codes, provincial statutes, municipal by-laws, law enforcement protocols, arrest statistics, and media articles that may have an impact on the policing and regulation of the sex industry.

The data are drawn from a national study in six Canadian municipalities. In addition to the respondents interviewed for this project, the study included four other interrelated projects involving sex workers, intimate partners of sex workers, managers, and clients. The research was conducted during 2013-2014, a policy window when Canada's old prostitution laws were overturned by the Supreme Court of Canada (December 2013) but before the new laws were enacted in December 2014.



Prostitution Laws & Regulations: Exploring how place matters

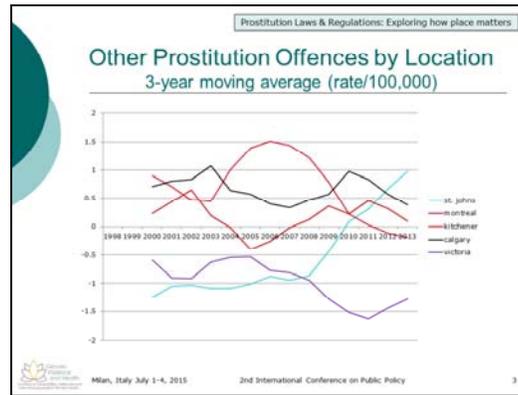
Introduction

- Place matters
- How does place matter?
 - Criminal policy national
 - Implemented regionally / municipally
 - Considerable variation exists

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Introduction:

- We start with the assumption that place matters.
- The basic question for this presentation is: How does it matter (in what ways does it matter)?
- Canadian criminal policy is formulated at the national level and implemented on a regional or municipal level.
- We know that considerable regional and local variation exists when it comes to the actual implementation of the laws (Shaver 2007; Wagener & Altink 2012:289).
- Some of this variation is reflected in the next slide....



This graph provides the 3-year moving average in five of our research sites over a 15-year period from 1998 to 2013 for “other prostitution-related offences” – which include arrests for communication (s.213). (Data adapted from Statistics Canada *Table 252-0051 Incident-based Crime Statistics*. Data are available for Wood Buffalo (a census division) but not for Fort McMurray).

It shows that there is considerable variation among the locations and over time, regardless of common federal sex work legislation.

- In **St John’s**, for example, we see a steep rise beginning around 2008 and continuing through to 2013.

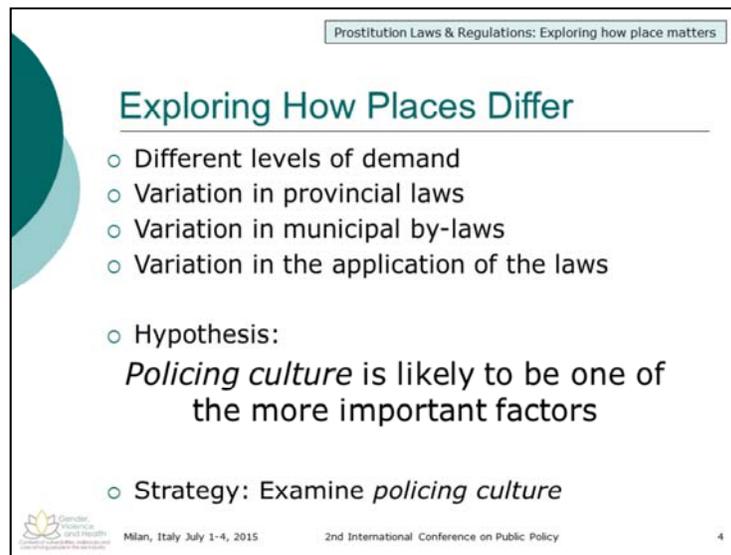
[This coincides with a *CBC* (2013) news story about St. John’s economic boom. The boom—ongoing for at least 18 months at the time of the story—resulted in more people working offshore and increased business opportunities, leading to higher demands for sex workers. According to the story, the economic boom led to the emergence of a new work force termed “*travelling prostitutes*” (travelling from Toronto, Vancouver, and other cities). The *Telegraph Journal* (2013) reported that the increase in sex workers also led to a higher presence of visible street-based workers (especially around Church Hill, Holloway and Duckworth streets). The article goes on to mention how some residents in the area wanted more police presence patrolling the area at nights. Were these events related to the steep rise? We don’t know enough as yet to say one way or the other.]

- The pattern in **Montréal** is one of increase then decrease between 2003 and 2010. The decreasing trend continues through to 2013.

[On the rising side: the 2001 SPVM Annual report identified a desire to address increasing public concerns over the presence of syringes, drug trafficking, violence, noise, and the solicitation of female residents. A report from Stella during the same period (Stella is an organization by and for sex workers) refers to rising police repression tactics during this same period. The downward trend overlaps with a collaborative action plan between the City and Health & Social Services 2004-2007 (SSSS & Montreal 2004) to ensure the health, safety, and well-being of all citizens concerned by adult street prostitution and to reduce related irritants. In 2006, however, the focus of the police turned to street gangs.]

- **Kitchener-Cambridge-Waterloo**: We see some fluctuations here but they tend to hover close to the mean.
- **Calgary** is always above the average over the years considered.
- **Victoria** is always below the average.

What is going on? Why does place seem to matter?



Prostitution Laws & Regulations: Exploring how place matters

Exploring How Places Differ

- Different levels of demand
- Variation in provincial laws
- Variation in municipal by-laws
- Variation in the application of the laws
- Hypothesis:
Policing culture is likely to be one of the more important factors
- Strategy: Examine *policing culture*

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Today I want to explore how these places differ.

There are a number of possible answers to why differences occur by place:

- Different levels of demand (clients and/or suppliers)
- Variations in provincial laws and regulations
- Variations in municipal by-laws and regulations
- Variations in the applications of the laws
 - Police, for example, are obliged to enforce the laws of the country but, they have “considerable discretion” (VPD 2013:2 cited in Johnson 2014:13; Shaver 2012). So do administrators and court officials.
- Our Hypothesis : *Policing culture* is likely to be one of the more important factors – since they represent the most direct agents in controlling the nature and activities of sex work.
- Our Strategy for evaluating the validity of this hypothesis is to examine the nature and extent of variation in *policing culture* across the field sites.

Prostitution Laws & Regulations: Exploring how place matters

Policing Culture

- The shared ways laws used
 - Formal institutional legacies
 - Informal & often unconscious social norms
- Explore the variations
 - Identify major dimensions
 - Specify some indicators
 - Verify the validity of the framework

Homogeneity within each field site

Differences among the cities

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Policing Culture: What do we mean?

- Refers to the shared and legitimated ways in which laws and regulations are used by policing services to fulfil their objectives (cf. the literature on norms). This includes a consideration of:
 - Formal institutional legacies and contexts as well as the more
 - Informal and often unconscious social norms that are established and maintained by training, daily practices, and social control mechanisms.
- In order to explore the variations in policing culture we will:
 - Identify the major elements or dimensions on which variation in policing culture occur,
 - Specify some indicators for each of these dimensions, and
 - Verify the validity of this framework by using the data from our document analysis and interviews. This may provide some insights regarding the ways in which policing culture affects the health and safety of people involved in the sex industry (sex workers, business owners and managers, clients, and intimate partners).
- Expectations:
 - ZOOM: Homogeneity (congruence) within each of the field sites (assuming that policing culture is more strongly reinforced within each city (than between cities) – (cf. norm and social coherence literature) and
 - ZOOM: Differences among the cities (assuming that the reinforcers of policing culture (e.g., laws, patterns in practice) are less influential between cities).

Prostitution Laws & Regulations: Exploring how place matters

Data Sources

- Interviews with police, justice & licensing officials, service providers & city officials
- Documents: provincial statutes, police reports, local by-laws, enforcement protocols, media articles etc.

Perceptions & representations of policing culture

Police interviews & documents

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Data Sources

- Interviews:

We interviewed police, justice & licensing officials, service providers, and city officials in each research site to collect information about their views of the sex industry, the challenges created by related activities, and their assessment of the strategies used by the organizations in which they are involved to overcome those challenges.

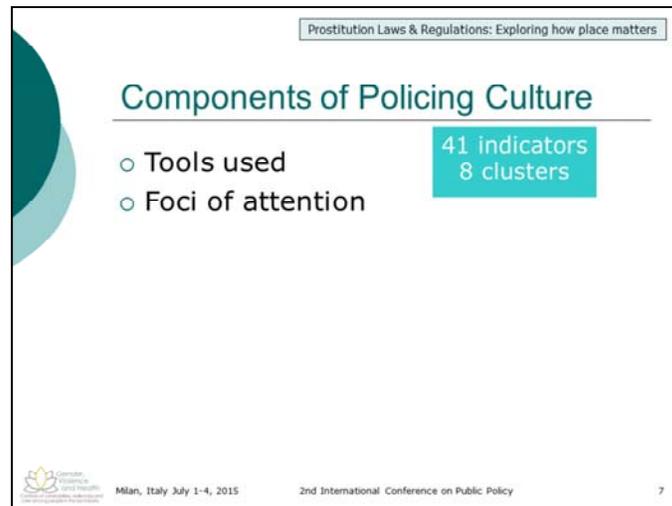
- Documents:

Information was gleaned from available legislative, regulatory, and historical documents as well as annual reports, law enforcement reviews, and media from each site.

Material for inclusion included federal criminal codes, provincial statutes, municipal by-laws, law enforcement protocols, and media articles that may have had an impact—explicitly or implicitly—on the policing and regulation of the sex industry in Canada.

- ZOOM: We avoid using arrest statistics etc. since these are the variables to be explained. Instead, we focus on the perceptions and representations of policing culture as they are expressed by those involved and represented in the documents.

- ZOOM: For this analysis we highlight the interviews with police and the collected documents.



Components of Policing Culture 1 (as reflected in the police interviews and documents collected.) In all, we identified 41 indicators and grouped them into 8 clusters or components.

(1) Tools (formal and informal)

We expect variation in the application of existing laws and regulations – in terms of the

- types of laws and regulations available (e.g. federal, provincial, municipal, criminal laws vs. bylaws),
- the laws and regulations that are actually used, and
- the extent to which they are used.

We also expect variation in the Informal tools that are used.

- These may vary from collaboration to harassment.

(2) Targets or foci of attention

We also expect variation in the locations, types of people, or activities targeted with such laws. This produces a number of combinations for potential focus:

- Street-based SW / Off street SW
- Street-based clients / Off Street clients / Violent clients
- 3rd parties
- Gangs
- Trafficking

Prostitution Laws & Regulations: Exploring how place matters

Components of Policing Culture

- Tools used
- Foci of attention
- Perceptions of sex workers
- Perceptions of clients
- Perceptions of sex work
- Policing policy objectives

41 indicators
8 clusters

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Components / Indicators of Policing Culture 2

Other important components/indicators include:

(3) Perception of sex workers:

This refers to the dominant perception of PWSI as reflected in the statements and terms used in the descriptions. Some of the variation might occur with respect to the following indicators.

- SWs seen as victims
- SWs seen as choosing adults
- SWs seen as allies ... threat (to public order)

(4) Perception of Clients:

- Clients seen as legitimate buyers ... predators
- Clients seen as having legitimate needs ... mental problems (perverts)

(5) Perceptions of Sex Work:

- Varies from legitimate business to social problem
- May be seen as a Moral issue
- Risky / dangerous

(6) Policing Policy Objectives for Sex Work:

- Varies from harm reduction to eradication of prostitution
- Violence prevention
- Prostitution prevention
- Reduce visibility / Protect the public
- Balance the needs of SWs and the community

Prostitution Laws & Regulations: Exploring how place matters

Components of Policing Culture

- Tools used
- Foci of attention
- Perceptions of sex workers
- Perceptions of clients
- Perceptions of sex work
- Policing policy objectives
- Response to Himel & SC decisions
- Response to Bill C-36

41 indicators
8 clusters

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Components / Indicators of Policing Culture 3

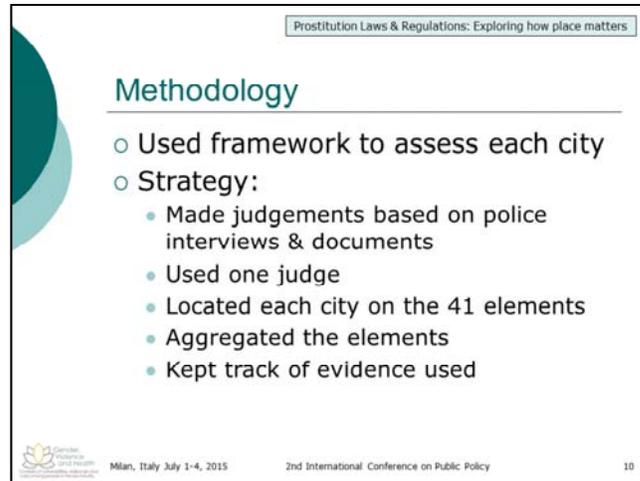
Specific historical events also provide us with opportunities to assess policing culture through the responses to these events.

(7) Response to Justice Himel’s decision in the Ontario Court of Appeal (*Bedford v. Canada* 2010) and the ‘limbo’ following the Supreme Court decision that struck down 3 prostitution laws (*Canada v. Bedford* 2013).

- Varies from no action to “business as usual” with respect to the targeting of to sex workers, clients, and 3rd parties
- Varies with respect to the targeting of street-based prostitution and off-street prostitution.
- Varies with respect to opportunities taken:
 - Promote exit strategies
 - Identify violent clients
 - Solicit public opinion

(8) Response to Bill C-36 (2014) while it was pending

- Varies from full support of the ‘new laws’ to no support for them



Prostitution Laws & Regulations: Exploring how place matters

Methodology

- Used framework to assess each city
- Strategy:
 - Made judgements based on police interviews & documents
 - Used one judge
 - Located each city on the 41 elements
 - Aggregated the elements
 - Kept track of evidence used

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Methodology

- Using the framework, definitions, and elaborations just described, we assessed where each city stood with respect to policing culture.
- Our strategy was four-fold:
 - We used information from the police interviews and related documents to make a judgement about the dominant position of each city with respect to the 41 indicators. This would provide a test of the framework and operationalization's reasonableness, its operational possibilities, and sensitivity to variations among cities.
 - Since it is at the development stage – and because of the time – we used one judge: me.
 - My task was to decide – as independently as possible – where each city could be located with respect to the 41 elements on the grid.
 - We aggregated the indicators in terms of the 8 clusters or components in order to see whether meaningful patterns emerged.
 - We were careful to keep track of the evidence used for each judgement in the process.

[For greater detail regarding the 41 indicators and their aggregation into 8 clusters (or components) see [Appendix 1: Coding Template for the 41 Indicators of Policing Culture](#)].

Prostitution Laws & Regulations: Exploring how place matters

Tools Used

Tool	Not used	Used a little	Used a lot	No mention
Federal laws	✓	✓		
Provincial laws				✓
Municipal by-laws		✓		
Collaboration with sex workers			✓	
Collaboration with others			✓	
Harassment				✓

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Tools used for policing (an example)

In order to locate the cities with respect to the particular elements, we developed a coding template with a 3-category scale for each indicator.

For example, “Tools used” cluster/component included 6 items, each with three categories from “not used” to “used extensively. The six indicators in the “Tools used” cluster are:

- Federal laws
- Provincial laws
- Municipal by-laws (e.g. licensing)
- Collaboration with sex workers
- Collaboration with others (e.g. advocacy groups)
- Harassment

On the basis of the interviews and documents related to each city we identified where they most likely lay for each characteristic.

- For example: Information in the data indicating that “enforcement was on hold” was coded as **Federal Laws Not Used**. I found such information across all sites.
- However, Calgary and Montreal were moved to **Federal Laws Used a Little** because of other information available in the interviews or documents indicating that there was some enforcement of the CC.

[For more details see [Appendix 2: Examples of Decision-making for Tools Used](#)]

Once all sites were coded, we analyzed the patterns of responses to compare similarities and differences among the cities with respect to the indicators measured.

The next slide provides an illustration of the type of results we found....

Prostitution Laws & Regulations: Exploring how place matters

T1: Binary Combinations – City Pairs

City 1	City 2	N
Victoria	Calgary	5
Victoria	Kitchener-Waterloo	19
Victoria	Montréal	10
Victoria	St John's	11
Calgary	Kitchener-Waterloo	7
Calgary	Montréal	12
Calgary	St John's	6
Kitchener-Waterloo	Montréal	17
Kitchener-Waterloo	St John's	19
Montréal	St John's	16

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Table 1: Binary Combinations – City Pairs

The table above provides binary comparisons between each pair of cities in the project. Fort McMurray has been excluded since the corpus of documents and the number of interviews with respondents on this site was very limited. This leaves just 5 sites for the paired comparisons.

The numbers in the third column indicate the number of judgements where the two cities had the same value on the 3-category scale (i.e., the indicator).

- For example, Victoria and Calgary were similar on only 5 of the 41 indicators of policing culture, whereas Victoria and Kitchener-Waterloo were the same on 19 of them.
- The next slide provides a closer look at the similarities and differences between these two pairs of cities.

Indicators by Cluster	Vic - K-W	Vic - Cal
Tools used	✓✓	0
Foci of attention	✓	✓
Perception SWs	✓	0
Perception of Clients	✓✓	0
Perception of SW	✓✓	✓
Policy Objectives	✓✓	0
Response to Himel/SC	✓✓	✓
Response to Bill C-36	✓✓✓	0

Table 2: Convergence on Components/Clusters

Table 2 groups the 41 Indicators within their assigned clusters/components. It focuses on the city pairs highlighted in the previous table: Victoria & Kitchener-Waterloo and Victoria & Calgary. It provides a closer look at the similarities (and differences) between the pairs with respect to the 8 clusters. The more checks (✓) the greater the convergence. The ‘0’ indicates no shared indicators.

The closer look allows us to see that the relatively high number of similarities between Victoria and K-W (19) were the result of congruence (at least two checks) on six of the dimensions:

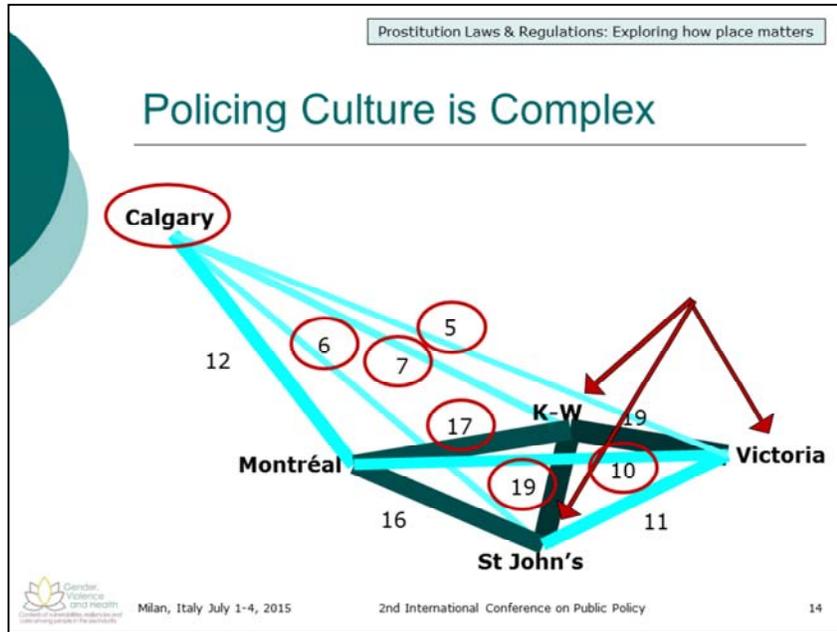
- the tools used (✓✓): [For e.g. Prostitution-related federal offences are on hold in both cities (it puts sex workers at risk (Victoria) and it simply re-victimizes them (K-W)). Similar use is made of the sex business bylaws. Both environments include ‘relationship building’ with sex workers.]
- the perceptions of clients (✓✓) and sex work (✓✓), regulatory objectives (✓✓), response to the Himel and Supreme Court decisions (✓✓), and the
- response to C-36 before it was ratified into law (✓✓✓): [The police and city officials in both cities have spoken out against Bill C-36. City officials in Victoria declared the act to be “fundamentally flawed” (Alto & Thornton-Joe 2014; Times Colonist 2014), and Kitchener-Waterloo officials declared their support of decriminalization (Cowie & Sadeler 2014).]

On the other hand, there were no similarities between Victoria and Calgary with respect to:

- the tools used (0), the perceptions of sex workers (0) and clients (0), the policy objectives (0), and the response to Bill C-36 (0).

[For e.g., in Calgary sex workers are seen as victims in need of exit strategies; the eradication of prostitution is an important goal. In Victoria, sex workers are seen to be folks in need of safe working spaces and harm reduction is part of the policing policy objective.]

[For more details see [Appendix 3: Examples of Similarities/Differences Between Pairs](#)]



Policing Culture is Complex:

This Figure illustrates the overall results and the utility of the framework we've developed. It is an alternative way of presenting the data in Table 1: Binary Combinations – City Pairs (slide 12).

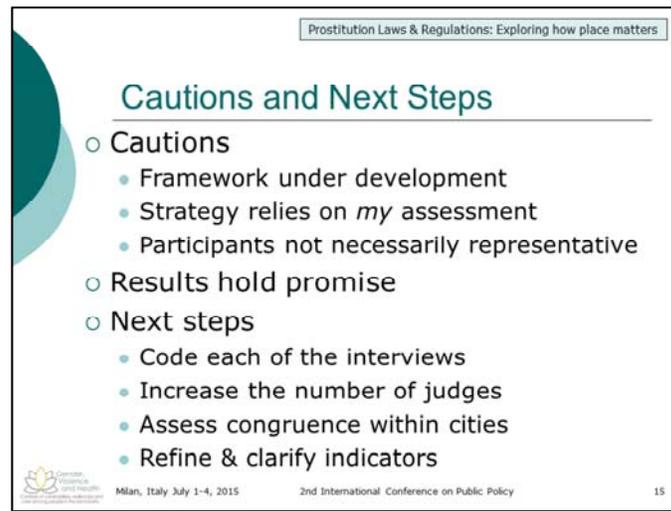
[Note: The thickness of the lines reflects the number of items where the cities are the same. The length of the line does roughly the same thing – except that working in two dimensions for the multidimensional relations means that we have had to compromise on a number of them.]

- The greatest differences are between Calgary & Victoria (they share only 5 of the 41 indicators) and they are therefore located far apart on the Figure and with a relatively thin line.
- Calgary's policing culture also appears to be very different from both St John's (only 6 are shared) and Kitchener-Waterloo (where only 7 are shared). In this respect, Calgary is somewhat of an outlier.
- Kitchener-Waterloo & Victoria, as well as Kitchener-Waterloo & St John's show the most similarities (each pair is congruent on 19 of the 41 indicators).

However, similarities and differences are complex since there are many dimensions involved.

- For example, although Kitchener-Waterloo & Victoria show many similarities (19) and Kitchener-Waterloo and Montréal also show many similarities (17), there are a limited number of similarities between Victoria and Montréal (10).

Policing culture involves many aspects that make it both difficult to identify and a promising aspect for understanding the organization of sex work by place.



Prostitution Laws & Regulations: Exploring how place matters

Cautions and Next Steps

- Cautions
 - Framework under development
 - Strategy relies on *my* assessment
 - Participants not necessarily representative
- Results hold promise
- Next steps
 - Code each of the interviews
 - Increase the number of judges
 - Assess congruence within cities
 - Refine & clarify indicators

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Cautions and Next Steps

- Important cautions must be kept in mind.
 - The framework proposed here is still under development.
 - The strategy adopted relies on one judge (i.e., on my assessment of the data and its relevance to the factors considered).
 - The persons selected for the interviews were strategically chosen for their experience and knowledge but are not necessarily representative of the cities in which they work.
- The results hold promise for measuring the importance of *policing culture* on the health and well-being of sex workers, but much more needs to be done to validate the framework and measures.
- Some options for the next steps:
 - Use the framework & indicators to code each of the interviews independently.
 - Determine if there is more homogeneity (congruence) within cities as opposed to across cities (the approach we took for this presentation) but working with the full set of interviews.
 - Increase the number of judges making assessments for each city and/or interview.
 - Refine and clarify the indicators and clusters where necessary.

Prostitution Laws & Regulations: Exploring how place matters

Conclusion / Summary

- Place seems to matter
- Policing culture differs among places
- Identifying its relative impacts worth the effort
- Our approach/instrument promising

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Context of inequalities, violence and risk among people in the sex industry

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Conclusion / Summary:

- Place seems to matter
- Policing culture seems to differ among places
- Identifying its relative impacts for the health and safety of sex workers is probably worth the effort.
- This approach & instrument appears promising as a way to do so.
- Thank you ...



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