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## **A Submission to the British Columbia Parliamentary Committee: Special Committee on Reforming the Police Act**

By Laurel McBride, collective member  
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Vancouver Rape Relief and Women's Shelter welcomes the Province's decision to reform the Police Act and hear from the community regarding policing in British Columbia.

As a Vancouver-based feminist anti-violence organization that formed 48 years ago and operates an anti-rape centre and transition house for women and their children, we understand that men's violence against women is one force that greatly interferes with women's ability to participate and thrive in our communities.

### **Police response to crimes of men's violence against women**

Each year 1,200 women call us for the first time. What we know from those women, who've been attacked by their husbands, lovers, fathers, uncles, male bosses, acquaintances, a pimp or a john (sex buyer), is that there is no guarantee that she will receive an adequate response from the police when reporting the attack, particularly if she is Indigenous, racialized, poor, has a mental illness, uses substances, or is living with a disability. All too often, she is mistreated by the system meant to promote public safety, which presumably includes her safety, while the man who perpetrated this harm against her is not held to account. We hear from women on our crisis line time and time again, that she knows he has attacked other women or that she fears that he will attack other women and girls and that she wants to report his violence in order to protect other women.

When men are not held accountable for the violence they commit against women, it is more likely they will continue their behaviour of raping and assaulting women. We commit to providing support and advocacy to each woman who calls us and has decided to engage the criminal justice system. From our experience police officers are more likely to treat women respectfully and investigate the case if we accompany her while she is giving the initial statement. In order to ensure that these crimes are fully investigated, it is our practice to follow up with constables and supervisors as we cannot rely on the officer alone to fully investigate each case in a timely and thorough manner. Even with a feminist advocate on her side, the vast majority of women will be failed by the criminal justice system. In 2019, although sexual assaults reported to police rose from 4,419 in 2018 to 5,553 in 2019 (a 25.7% increase), charges laid actually decreased in that same period from 1,786 to 1,768<sup>1</sup>.

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<sup>1</sup> <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/statistics/crime-statistics-in-bc.pdf>

## **Why the criminal justice system alone will not end men's violence against women**

As a group, we have long pressed all levels of government to uphold women's guaranteed equality rights through campaigning for legislation, and later the demand for enforcement of laws, that criminalize rape, incest, battery, pimping and sexual exploitation. However, the realization of a responsive criminal justice system alone will not spur on the necessary transformation of the social attitudes that contribute to, collude with, and prop up men's sexist violence. To this, we lead campaigns, create education materials and initiate events to share knowledge derived from our frontline anti-violence services with the public (including schools) and with all levels of government. We join and support campaigns led by other feminist groups and progressive organizations that are building a more just society for women and all others who suffer under the status quo.

Given the terms of reference include complex social issues and systemic racism, the committee must take seriously the prevalence of poverty, which disproportionately impacts Indigenous, Black and racialized communities, and this troubled relationship to policing.

Many women in Canada are living in poverty conditions. Poverty and violence against women are two powerful oppressive forces that feed off each other. Poverty, and the threat of it, forces women to tolerate men's violence. Women return to, or cannot leave abusive relationships, because they are unable to adequately provide for themselves and their children while on welfare. Our current welfare system functions to provide those in need as little as possible, and to as few people as possible. The initial and ongoing requirements to prove one's need of Income Assistance and Persons with Disabilities are overbearing and punitive. The unlivable and controlling welfare system that operates on false scarcity must end immediately. Women and their children must be protected from economic insecurity and violence through a guaranteed livable income.

As articulated by a woman who participated in a recent consultation that we hosted regarding Canada's National Action Plan to End Gender-Based Violence, *"It gives men so much control power. I know so many women who have had to go back to their abuser because of that. If they can't work, or they have a disability it just becomes like a really big problem for you, because you can't afford it."*<sup>2</sup>

## **Prostitution is a result of, and reinforces, women's inequality**

For many women, economic insecurity forms her route into entering prostitution. As one woman who has exited recently told us, *"I didn't have any money at that time and I saw girls doing it."* Men exploit women's financial desperation for their own benefit whether it's as boyfriends who act as pimps or what has euphemistically been labelled a third-party manager (brothel or massage parlour owners). Prostitution exists because of men's belief that they are entitled to sex and use money/drugs/etc. to buy the coerced consent of women. Prostitution exacerbates existing inequalities in our society. Not only does poverty drive women into prostitution but the women who are selling sex are disproportionately Indigenous and racialized. In a review that Vancouver Rape Relief conducted of calls from women who were or had been in prostitution, Black women were represented at 12 times their rate in the general population and Indigenous women 9 times<sup>3</sup>. The majority of women (65%) also told us that they were dependent on drugs and/or alcohol; for some they entered prostitution in order to afford drugs/alcohol and for others, they began to use in order to cope with seeing johns.

As with deterring men from raping and beating women, police have a role in curbing men's demand for, and profit from, paid sexual access to women. Canadian criminal legislation is asymmetrically applied in its recognition of the sex industry

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<sup>2</sup> <https://rapereliefshelter.bc.ca/45-feminist-demands-to-end-male-violence-against-women/>

<sup>3</sup> <https://rapereliefshelter.bc.ca/vancouver-rape-reliefs-data-on-prostitution/>

as negatively impacting women's equality. The Protection of Communities and Exploited Persons Act criminalizes pimping and purchasing offences (majority men) while decriminalizing those who are in prostitution (majority women).<sup>4</sup> In Vancouver<sup>5</sup> and British Columbia, these laws have been deemed not to be enforcement priorities, effectively condoning the behaviour of men who exploit women in prostitution.

### **An end to racist and classist policing**

There are many in this province who are over-policed and underprotected by police. When women who are experiencing homelessness, who are in prostitution, who are Indigenous, Black or otherwise racialized, women who have a mental illness or who struggle with addiction, seek assistance after an attack (or for other reasons), they often report to us that they were dismissed at the initial report or later on when the investigating officer fails to mount a serious investigation. At the same time, the proportion of Indigenous women in prisons for women is rapidly expanding, currently sitting at 42 percent<sup>6</sup>. Many criminalized women have histories of being abused at the hands of men and struggle with addiction and/or their mental health<sup>7</sup>.

We take issue with the uneven application of Canadian law that purports to promote public safety. What we know from our crisis line, and from looking around at who is filling the prisons in this country; it is Indigenous<sup>8</sup>, racialized, and poor men that are more likely to be penalized, and more severely, than their white, middle-class counterparts for the same sexist violence.

### **Police inaction and police complicity in committing violence against women**

The police's complicity in men's violence against women extends beyond their refusal to arrest. We continue to follow public cases of male<sup>9</sup> officers who themselves commit acts of violence<sup>10</sup> against women<sup>11</sup>. We attended the criminal proceedings of former Vancouver Police Department detective James Fisher as we recognized his predatory, violent behaviour against young women exploited in prostitution as the pinnacle of police abuse. Though little has been made public, we remain outraged by his actions and the policing culture that enabled and protected him.

This refusal on the part of the police to take substantial action on violence against women is one of political will, set by those in leadership of the police departments and boards. This is a problem that cannot be remedied through the distribution of more funds, rather, it requires a complete reorganization of priorities. A recent operation cracking down on shoplifting in Vancouver saw that in a four week period police responded to "250 alleged shoplifting incidents leading to 130 arrests and 268 recommended criminal charges."<sup>12</sup> Comparatively in 2018, only 128 charges of sexual assault were recommended by the Vancouver Police Department from the 636 cases that were reported and classed founded for that year and 0 charges were recommended for men who buy vulnerable women in prostitution<sup>13</sup>. We call on the Province and its police departments to prioritize cases of male violence against women.

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<sup>4</sup> [https://laws-lois.justice.gc.ca/eng/annualstatutes/2014\\_25/page-1.html](https://laws-lois.justice.gc.ca/eng/annualstatutes/2014_25/page-1.html)

<sup>5</sup> <https://vpd.ca/police/assets/pdf/reports-policies/sex-enforcement-guidelines.pdf>

<sup>6</sup> <https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>

<sup>7</sup> [https://sencanada.ca/content/sen/committee/421/RIDR/Reports/RIDR\\_Report\\_Prisoners\\_e.pdf](https://sencanada.ca/content/sen/committee/421/RIDR/Reports/RIDR_Report_Prisoners_e.pdf)

<sup>8</sup> <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00010/tbl/tbl05-eng.htm>

<sup>9</sup> <https://www.kelownacapnews.com/news/trial-dates-set-for-central-okanagan-ramp-officer-charged-with-sexual-assault-3/>

<sup>10</sup> <https://vancouver.sun.com/news/local-news/vancouver-police-officer-charged-with-sexual-assault>

<sup>11</sup> <https://bc.ctvnews.ca/vpd-officer-faces-domestic-violence-charges-prompting-concern-from-critics-1.5258453>

<sup>12</sup> <https://www.cbc.ca/news/canada/british-columbia/vancouver-police-arrest-130-shoplifting-1.5917701>

<sup>13</sup> <https://vpd.ca/police/Planning/2018/2018YED.pdf>

## Recommendations

1. The Criminal Justice System must enforce the Protection of Communities and Exploited Persons Act. Police, Crown and Judges must uphold the law and criminalize men who buy, sell, and profit from the sexual exploitation of women in prostitution.
2. Police must investigate all violence against women reports (rape, sexual assault, battery, child sexual assault, pimping and buying women) diligently and collect all possible evidence in a timely manner, including: statements, footage, and forensics. Translation and interpretation must be available for women victims of male violence in all of their interactions with police. Police must update women victims about the stages of investigation in a timely and respectful manner.
3. Women victims of male violence must be allowed (even encouraged) to have a support person of their choice (including workers from rape crisis centres or transition houses) while they provide their statement to the police. The policy on this must be clear, explicit and easily available to women victims of male violence, advocates, and the general public.
4. Police officers (preferably female) interviewing women victims of sexual assault should be trained on trauma-informed policing that is consistent with the Department of Justice's recommendations<sup>14</sup>. They must also inform women of what to expect at each stage of the process.
5. Establish a civilian oversight body for police investigations of sexual assault cases. The oversight mechanism should include front line feminist advocates, who will conduct a transparent and on-going review to ensure police carry out thorough investigations that result in appropriate charges.
6. Redirect Provincial resources from policing into genuine community safety. All levels of government must work in concert to ensure that detox and recovery beds that are available on demand (including facilities dedicated to women-only); access for all to safe, long-term, affordable housing that is available at the welfare rate; establishing a guaranteed and livable income; and free public transportation.
7. Women's unequal position in society, exacerbated by factors of colonization, racism, and capitalism are responsible for the imprisonment of women and the steady increase in overall numbers. In general, women prisoners do not pose a threat to public safety and can live in community. Abolish prisons for women and release all women from prison.
8. We join the call for an immediate end to the harassment of the poor carried out through street checks and neighbourhood response teams, disproportionately affecting Indigenous and Black members of our community.

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<sup>14</sup> <https://www.justice.gc.ca/eng/rp-pr/jr/trauma/p5.html>