



## Article

# Sex Workers' Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement under an "End Demand" Criminalization Model: A Five City Study in Canada

Anna-Louise Crago <sup>1,\*</sup>, Chris Bruckert <sup>1</sup>, Melissa Braschel <sup>2</sup> and Kate Shannon <sup>2</sup>

<sup>1</sup> Criminology Department, Faculty of Social Sciences, University of Ottawa, Ottawa, ON K1N 6N5, Canada; bruckert@uottawa.ca

<sup>2</sup> Centre for Gender and Sexual Health Equity, Faculty of Medicine, University of British Columbia, Vancouver, BC V6Z 1Y6, Canada; melissa.braschel@cgshe.ubc.ca (M.B.); kate.shannon@cgshe.ubc.ca (K.S.)

\* Correspondence: acrago@uottawa.ca

**Abstract:** There is limited available evidence on sex workers (SW) ability to access police protection or means of escaping situations of violence and confinement under an "end demand" criminalization model. Of 200 SW in five cities in Canada, 62 (31.0%) reported being unable to call 911 if they or another SW were in a safety emergency due to fear of police detection (of themselves, their colleagues or their management). In multivariate logistic regression, police harassment-linked to social and racial profiling in the past 12 months (being carded or asked for ID documents, followed by police or detained without arrest) (Adjusted Odd Ratio (AOR): 5.225, 95% Confidence Interval (CI): 2.199–12.417), being Indigenous (AOR: 2.078, 95% CI: 0.849–5.084) or being in Ottawa (AOR: 2.317, 95% CI: 0.865–6.209) were associated with higher odds of being unable to call 911, while older age was associated with lower odds (AOR: 0.941 per year older, 95% CI: 0.901–0.982). In descriptive statistics, of 115 SW who had experienced violence or confinement at work in the past 12 months, 19 (16.52%) reported the incident to police. Other sex workers with shared expenses were the most commonly reported group to have assisted sex workers to escape situations of violence or confinement in the past 12 months ( $n = 13$ , 35.14%). One of the least commonly reported groups to have assisted sex workers to escape situations of violence or confinement in the past 12 months were police ( $n = 2$ , 5.41%). The findings of this study illustrate how the current "end demand" criminalization framework compromises sex workers' access to assistance in safety emergencies.

**Keywords:** sex work; end demand; violence; police; criminalization



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## 1. Introduction

Empirical research has consistently demonstrated that sex workers are denied access to police protection and criminal justice redress in countries and regions where the sex trade is fully or partially criminalized (Platt et al. 2018). Sex workers report being dismissed, discredited or blamed in the course of reporting violence to authorities (Benoit et al. 2016; Crago 2015; Dewey and Germain 2014; Miller 2002; Nichols 2010; Okal et al. 2011; Scorgie et al. 2013; Sherman et al. 2015). In some contexts, sex workers themselves (or their partners or managers) are charged, arrested or detained when they turn to authorities to report the violence they experience (Roots 2018; Benoit et al. 2016; Miller 2002; Okal et al. 2011; Sherman et al. 2015; Scorgie et al. 2013). Moreover, there are recurring reports of sex workers being subject to police violence in the course of attempting to report violence (Nichols 2010); sex workers endeavoring to report violence committed by police officers or by individuals conspiring with police officers are particularly vulnerable to retaliatory violence from law enforcement (Crago 2015).

Unsurprisingly, many sex workers, including male and transgender workers, do not report violence out of fear of being targeted for arrest on prostitution-related or other charges (Benoit et al. 2016; Lyons et al. 2017; Okal et al. 2011; Ratinthorn et al. 2009; Rhodes et al. 2008; Rocha-Jiménez et al. 2017; Scott et al. 2005; Sherman et al. 2015; Wong et al. 2011) or are deterred by persistent discrimination on the part of law enforcement (Benoit et al. 2016; Okal et al. 2011; Scott et al. 2005). Additionally, sex workers may be hesitant to report violence to police out of fear that their employer could be arrested under laws against third parties in sex work (Bruckert and Law 2018) or that their workplace establishment could be shut down by police (Stella 2011). The fear of arrest, violence or discrimination by police also impacts sex workers' ability to report violence they experience outside of sex work (Crago 2015).

Sex workers' widespread exclusion from police protection can contribute to a climate of impunity and a social acceptability of violence against sex workers both at work and in their personal lives (Crago 2015; Dewey and Germain 2014; Lowman 2000; Ratinthorn et al. 2009; Scorgie et al. 2013), giving rise to sex workers being disproportionately targeted by violent serial perpetrators, including most notoriously, serial killers (Kinnell 2008; Rotenberg 2016; Quinet 2011). The dynamic of police failure to protect sex workers, particularly poor and racialized sex workers, and to thoroughly investigate their reports of violence was identified as an enabling factor in the murder of what is estimated to be upwards of 60 women sex workers, many of them Indigenous, over two decades in Canada (Oppal 2012).

The policing dynamics facing sex workers intersect in multiple contexts with racialized police repression and law enforcement's failure to protect members of racialized communities. Notably, in Canada, where Indigenous people face disproportionately high rates of criminalization and incarceration (Owusu-Bempah and Wortley 2014), the pattern of systemic police failure to address the murders and disappearances of Indigenous women and Two-Spirit individuals has been deemed a form of genocide (National Inquiry into Missing and Murdered Indigenous Women and Girls 2019). In Canada, Black women are over criminalized (Owusu-Bempah and Wortley 2014) at the same time as they confront distinct vulnerabilities to violence linked to racism (James 2007), resulting in a similar dynamic of being "overpoliced and under-protected" (Maynard 2017, p. 153).

There is very limited evidence related to sex workers' access to police protection in safety emergencies in countries or localities operating under an "end demand" criminalization framework. "End demand" laws place emphasis on criminalizing clients and third parties (such as managers, receptionists, security personnel, or in some cases, sex workers working together with shared expenses). Such approaches have the aim of eradicating the sex trade by "ending demand" for commercial sexual services. They are predicated on the belief that sex work is inherently harmful to those who provide sexual services and to society at large. What evidence exists suggests that the intersection of racialized police repression and profiling of sex workers under "end demand" legal frameworks gives rise to compromised access to, or outright refusal of, police protection. In Vancouver, Canada, under a municipal "end-demand" policing policy (prior to the change in federal law), sex workers reported that police continued to blame them for the violence they experienced and to treat Indigenous sex workers as disposable (Krüsi et al. 2016). Under Canada's federal "end demand" legislation, racialized im/migrant sex workers were least likely among indoor sex workers to report violence to authorities (McBride et al. 2020b). In Norway, Amnesty International (2016) found that police "used sex workers' reports of violence to facilitate their eviction and/or their deportation," particularly targeting Black migrant sex workers (p. 44). In both Sweden and Canada, sex workers report a fear of reporting violence due to police finding out about their work locations under "end-demand" criminalization laws or policies (Levy and Jakobsson 2014; Krüsi et al. 2016). In France, sex workers report being reticent to report violence to the police who treat sex work as something to be combatted and use non-sex work laws and bylaws to

push sex workers out of public spaces and specifically target migrant sex workers for arrest (Le Bail et al. 2018).

In contrast, in New Zealand, following the decriminalization of the sex industry, sex workers reported more positive relationships with police and an increased ability to report violence and exploitation to authorities (Abel 2014; Armstrong 2014, 2016) and violence against sex workers was afforded more serious attention by police (Healy et al. 2020). Notably, New Zealand police have proactively worked collaboratively with the New Zealand Prostitutes' Committee (NZPC) to facilitate sex workers' ability to report sexual assault (Healy et al. 2020). Furthermore, police were often a main source of information for street-based sex workers on perpetrators (Abel et al. 2007; Armstrong 2016).

Most research on sex workers' access to police protection examine sex workers' ability to report violence to police at any point in time after a violent occurrence and through any channel (e.g., going to a police station, having an NGO help file a report). However, to the best of our knowledge, no research has specifically examined sex workers' access to emergency police protection such as calling 911. The ability or inability to call 911 in the event of a safety emergency is an important indicator of sex workers' relative safety at work and access to police protection.

Beyond the scant evidence on access to police protection and criminal justice redress, there is also a lack of data on how sex workers in "end demand" criminalization frameworks escape situations of violence and confinement. Such a knowledge gap is striking given three factors: the fact that "end demand" laws are often advanced specifically based on the claim that they will protect or "rescue" victims of violence and exploitation in sex work (Bruckert and Hannem 2013), the adoption of such criminalization frameworks in a number of countries in the past two decades (NSWP 2011), and lastly, the high levels of violence reported under "end demand" frameworks (Bjorndahl 2012; Crago et al., forthcoming; Le Bail et al. 2018).

In 2014, under the Conservative party, the Canadian government introduced a version of "end-demand" legislation. The new laws criminalize individuals purchasing sex, third parties operating in a commercial role and individuals offering sexual services in a narrow set of public contexts (e.g., near a school). The Ministry of Justice at the time of introduction noted the large proportion of Indigenous women in the sex trade in Canada in relation to its objective of the "protection of exploited persons and communities" and specified that the new end demand criminalization framework "is also intended to encourage those who sell their own sexual services to report incidents of violence and exploitation committed against them, rather than seeking to avoid detection by law enforcement" (Ministry of Justice Canada 2014). Indeed, the preamble to the Bill introducing the law states that "the parliament of Canada wishes to encourage those who engage in prostitution to report incidents of violence and leave prostitution" (Bill C-36 2014). However, to date no government body has undertaken an evaluation of sex workers' ability to report violence or access police protection under the new legal framework. This is striking given that sex workers' access to emergency assistance and police protection is highly consequential. In Canada, sex workers represented 2% of all homicides between 1991 and 2014; 34% of these homicide victims were Indigenous despite Indigenous people accounting for only 4% of the Canadian population (Rotenberg 2016). Furthermore, 32% of sex workers murdered in Canada between 1997 and 2014 were killed by a perpetrator accused of killing two or more sex workers—triple the rate of perpetrators with multiple murder accusations for homicide victims generally (Rotenberg 2016). Sex workers, and in particular Indigenous sex workers, continue to report very high levels of physical and sexual violence under the current "end demand" criminalization framework (Crago et al., forthcoming). Accordingly, this study aimed to explore sex workers ability to access police protection and report violence and confinement at work to police, as well as their means of escaping situations of violence and confinement both at work and in their personal lives under "end demand" criminalization in Canada. It also provides insights that should inform debates on sex work, violence and the role of law and policy frameworks.

## 2. Results

### 2.1. Sample Profile

In our sample of 200 sex workers, 63 (31.5%) sex workers were Indigenous, 20 (10.0%) were Black, 3 (1.5%) were Indigenous and Black, 98 (49.0%) were White, and 16 (8.0%) were otherwise racialized. As for gender identity, 38 (19.0%) respondents were transgender, non-binary and/or Two-Spirit whereas 162 (81.0%) were cisgender of which 145 (89.5%) were cis women and 17 (10.5%) were cis men. The median age of the sample was 34 (IQR = 28–43).

Our sample had very high levels of drug use; 72 (36.0%) respondents had injected drugs in the past 12 months and 108 (54.0%) had inhaled meth or crack in the past 12 months. In terms of working context, 95 (47.5%) worked solely or primarily outdoors or somewhat equally both outdoors and indoors, whereas 105 (52.5%) worked solely or primarily indoors; 36 (18.0%) reported working for a third party.

### 2.2. Inability to Access Emergency Assistance (Call 911) at Work

Of 200 sex workers, 62 (31.0%) reported being unable to call 911 if they or another sex worker were in a safety emergency due to fear of police detection of themselves, their colleagues or management. Fifty-nine (29.5%) sex workers reported being unable to call 911 if they were themselves in a safety emergency due to fear of police detection, while 54 (27.0%) sex workers reported being unable to call 911 if a fellow sex worker was in a safety emergency due to fear of police detection. Amongst Indigenous sex workers, 24 (36.36%) reported being unable to call 911 while amongst sex workers who had experienced police harassment, 37 (47.44%) reported being unable to call 911.

In bivariate analysis (Table 1), older age was negatively associated with being unable to call 911, while being Indigenous and injection drug use were positively associated. Working primarily outdoors or both outdoors and indoors and working for a third party were also positively associated with being unable to call 911. Among structural factors linked to the law, police arrest, being ticketed or fined, experiencing anti-sex work housing policy and police harassment (defined as being carded or asked for ID documents, followed, or detained without arrest by police), were all associated with higher odds of being unable to call 911 in a safety emergency. Carding, also known as “community contacts”, refers to the police practice of stopping individuals, requiring them to show identification and recording their personal information in the absence of any specific offense being investigated (Toronto Police Services Board 1990).

**Table 1.** Characteristics and unadjusted odds ratios associated with sex workers being unable to call 911 in a safety emergency due to fear of police detection.

Characteristic	Unable to Call 911		Odds Ratio (95% CI)	p-Value
	Yes (n = 62) n (%)	No (n = 88) n (%)		
Age (median, IQR)	31.0 (26.0–39.0)	35.5 (28.0–43.0)	0.96 (0.93–1.00)	0.049
Gender Identity				
Transgender/Two-Spirit/NB	11 (17.74)	21 (23.86)	0.688 (0.304–1.555)	0.3690
Cisgender	51 (82.26)	67 (76.14)		
Indigeneity				
Indigenous	24 (38.71)	20 (22.73)	2.147 (1.052–4.385)	0.0359
Non-Indigenous	38 (61.29)	68 (77.27)		
Primary Sex Work Setting *				
Only				
Outdoor or Outdoor/Indoor	30 (48.39)	28 (31.82)	2.009 (1.028–3.927)	0.0414
Indoor Only	32 (51.61)	60 (68.18)		

Table 1. Cont.

Characteristic	Unable to Call 911		Odds Ratio (95% CI)	p-Value
	Yes (n = 62) n (%)	No (n = 88) n (%)		
Works For a Third Party *				
yes	17 (27.42)	14 (15.91)	1.948 (0.873–4.351)	0.1036
no	43 (69.35)	69 (78.41)		
Injection drug use *				
yes	21 (33.87)	19 (21.59)	1.842 (0.882–3.848)	0.1041
no	39 (62.90)	65 (73.86)		
Inhalation drug use * (meth or crack)				
yes	32 (51.61)	40 (45.45)	1.376 (0.699–2.709)	0.3559
no	25 (40.32)	43 (48.86)		
Police Harassment *				
yes	37 (59.68)	19 (21.59)	4.822 (2.277–10.210)	<0.0001
no	21 (33.87)	52 (59.09)		
Police Arrest *				
yes	12 (19.35)	5 (5.68)	3.442 (1.136–10.435)	0.0289
no	46 (74.19)	66 (75.00)		
Ticketed/Fined *				
yes	18 (29.03)	6 (6.82)	5.556 (1.972–15.651)	0.0012
no	27 (43.55)	50 (56.82)		
Anti-Sex Work Housing Policy *				
yes	29 (46.77)	20 (22.73)	2.792 (1.339–5.826)	0.0062
no	27 (43.55)	52 (59.09)		
City				
Montreal	23 (26.14)	12 (19.35)	0.824 (0.334–2.035)	0.6743
Ottawa	16 (18.18)	28 (45.16)		
Sudbury	9 (10.23)	2 (3.23)	0.351 (0.068–1.802)	0.2097
Surrey	10 (11.36)	1 (1.61)	0.158 (0.019–1.335)	0.0901
Toronto	30 (34.09)	19 (30.65)	reference	

All data refer to n (%) of participants, unless otherwise specified. Column percentages may not add up to 100% due to missing data. \* In the last 12 months.

In multivariate analysis (Table 2), having experienced police harassment linked to social and racial profiling in the past 12 months (Adjusted Odd Ratio (AOR): 5.225, 95% Confidence Interval (CI): 2.199–12.417), being Indigenous (AOR: 2.078, 95% CI: 0.849–5.084) or being in Ottawa (AOR: 2.317, 95% CI: 0.865–6.209) were all independently associated with greater odds of being unable to call 911 in a safety emergency; being older (AOR: 0.941 per year older, 95% CI: 0.901–0.982) and being in Sudbury (AOR: 0.213, 95% CI: 0.036–1.261) were independently associated with lower odds of being unable to call 911.

**Table 2.** Adjusted odds ratios for variables associated with sex workers being unable to call 911 in a safety emergency due to fear of police detection of them, their managers or their co-workers ( $n = 200$ ).

Variable	Adjusted Odds Ratio (AOR)	95% Confidence Interval (CI)	<i>p</i> -Value
Age (per year older)	0.941	(0.901–0.982)	0.0054
Police harassment * (yes vs. no)	5.225	(2.199–12.417)	0.0002
Indigenous (yes vs. no)	2.078	(0.849–5.084)	0.1084
Ottawa (Ottawa vs. Toronto)	2.317	(0.865–6.209)	0.0941
Sudbury (Sudbury vs. Toronto)	0.213	(0.036–1.261)	0.0879
Montreal (Montreal vs. Toronto)	1.145	(0.410–3.200)	0.7947
Surrey (Surrey vs. Toronto)	0.153	(0.008–3.106)	0.2117

Results are from a multivariate logistic regression explanatory model using multiple imputation for missing data

\* In the past 12 months.

### 2.3. Experiences Reporting Violence or Confinement in the Context of Sex Work to Police

Of the 115 sex workers who had experienced violence or confinement at work in the past 12 months (see definition of this variable in methods), only 19 (16.52%) reported the incident to police. Of those sex workers, eight (42.11%) described their experience as negative, three (15.79%) as neither negative nor positive, and six (31.58%) as positive. As such, only 5.22% of all sex workers who had experienced violence or confinement at work in the previous 12 months reported the incident to police and had a positive experience doing so.

Among the full sample of 200 sex workers, a very small proportion reported helpful interactions with police in the past 12 months: 13 (6.50%) received helpful advice from police, 16 (8.00%) were informed by police that they had the same rights to report violence as others and 15 (7.50%) were advised that police would assist them should the need arise.

### 2.4. Means of Escape from Violence or Confinement at Work or in Personal Life

Amongst the 37 sex workers who escaped a situation of violence or confinement at work or in their personal life with assistance in the past 12 months, the most commonly reported source of help was other sex workers ( $n = 15$ , 40.54%), and in particular, other sex workers with whom they shared expenses ( $n = 13$ , 35.14%) (Table 3). This was followed by “friends/family/lovers/partners” ( $n = 11$ , 29.73%), clients ( $n = 9$ , 24.32%), security/spotters ( $n = 5$ , 13.51%), a person in drug venue ( $n = 4$ , 10.81%) and a boss/manager ( $n = 4$ , 10.81%). Only two sex workers (5.41%) reported being assisted by police to escape violence or confinement in the past 12 months.

Individuals involved in the sex industry, including those who risk criminalization under current “end demand” laws if they call 911 (e.g., sex workers with shared expenses, clients, security/spotters and sex work managers), were far more frequently the source of assistance for sex workers in situations of violence and confinement than were the police. Results are similar in this regard both for the past 12 months and for anytime excluding the past 12 months.

**Table 3.** Descriptive proportions of persons sex workers reported assisted them to escape situations of violence and confinement among those who were assisted to escape these situations.

Variable	In the Past 12 Months	Ever Excluding Past 12 Months
	Yes (n = 37) n (%)	Yes (n = 69) n (%)
Sex Workers	15 (40.54)	26 (37.68)
Without shared expenses	2 (5.41)	4 (5.80)
With shared expenses *	13 (35.14)	22 (31.88)
Friends/Family/Lovers/Partners	11 (29.73)	22 (31.88)
Client *	9 (24.32)	16 (23.19)
Security/Spotter *	5 (13.51)	9 (13.04)
Person in Drug Venue	4 (10.81)	11 (15.94)
Boss/Manager *	4 (10.81)	9 (13.04)
Drug Venue Manager	3 (8.11)	11 (15.94)
Police	2 (5.41)	2 (2.90)
Social Workers	2 (5.41)	2 (2.90)
Bouncer	1 (2.70)	2 (2.90)
Stranger	1 (2.70)	4 (5.80)
Roommates	0 (0.00)	3 (4.35)
Drivers *	0 (0.00)	2 (2.90)
Neighbours	0 (0.00)	2 (2.90)

\* Indicates groups for whom assisting a sex worker to call 911 risk self-incriminating under new current “end demand” legislation. Percentages do not add up to 100% because some respondents identified multiple individuals who assisted them.

### 3. Discussion

One might have expected that sex workers would report high levels of being able to call 911 for help given that the activities directly linked to selling sex are no longer criminalized except in very narrow circumstances. Furthermore, the new legislation’s specifically articulated goal is to protect “vulnerable” and “exploited” persons. However, this is not borne out by our data which suggest that the current “end demand” criminalization framework fosters an antagonistic dynamic between police and sex workers. Under the current legal framework, a high proportion of sex workers report experiencing police harassment linked to overlapping social and racial profiling (Crago et al., forthcoming). Rather than incidental to the “end demand” criminalization framework, many police harassment measures against sex workers occur as part of police efforts to crack down on the sex trade more broadly. For instance, in 2018, it was publicly reported that 20% of women carded by police in Vancouver were Indigenous despite comprising just 2% of the city’s female population (Lazatin and Little 2018). The Vancouver Police Department defended their carding practices as responses to “potential criminal activity or a threat to public safety”. Later, they asserted that their strategy of carding was actually a form of “engaging and interacting with vulnerable people, especially at-risk, Indigenous women in the downtown east side [a poor neighbourhood known for sex work and drug use]” that allowed officers to check on the well-being of a population experiencing high rates of “violent victimization” (Lazatin and Little 2018). Many proponents of “end demand” criminalization frameworks similarly support police activities such as carding, following or even detaining sex workers without arrest in order to “rescue victims” or to displace sex workers from public spaces in order to “protect” communities from “criminal activity.” It is notable then, that, experiencing these *ostensibly* benign or protective/helpful police measures in the previous year is associated with five times the odds that sex workers are *unable* to access emergency police protection through 911 for themselves or for other sex workers in a safety emergency.

The finding that sex workers in Ottawa report less ability than those working in Toronto (a city some 450 km away) to call 911 for fear of police detection is most likely related to local policing dynamics, and in particular to a longstanding and ongoing local pattern of soliciting public complaints against street based sex workers and aggressively

repressing sex work in response to neighbourhood complaints about sex workers' presence in public (POWER 2010; Bruckert and Hannem 2013). Even post law reform Ottawa police continued to conduct "street sweeps" targeting clients citing "community concerns" (McCooley 2018) and in some cases arresting sex workers on unrelated outstanding warrants in the course of such proactive policing initiatives (Radio-Canada 2018; Spears 2017).

The criminalization of managers or sex workers operating as third parties in a commercial role under current "end-demand" laws also appear to introduce specific workplace dynamics that interfere with sex workers' ability to access emergency assistance. One respondent explained that "others try to stop sex workers calling 911" while another reported that "the boss won't call 911." These findings suggest that sex workers' ability to access assistance is conditioned not only by their own fears of police detection but also those of their co-workers and managers. This is further supported by the significant proportion of sex workers who report an inability to call 911 for another sex worker in danger due to fears of police detection. The latter finding is also notable, given that, as previously noted, other sex workers, and in particular those with shared expenses, were by far the most frequent group of people to have helped sex workers escape from situations of violence or confinement in the past 12 months.

Clients' fears of arrest may also contribute to some of the workplace policies and conditions that impede calling 911 when a sex worker is in a safety emergency. For instance, one respondent described her inability to call 911 as due to a policy of "no phones being allowed in the room" at her workplace, a policy that some workplaces implemented to accommodate clients' fear of criminalization under the new laws. Another respondent reported that under the new laws, clients provided far less personal and screening information. Such circumstances can make it difficult or even futile to report a perpetrator who might leave the premises before the authorities arrive.

Younger sex workers' inability to call 911 for fear of police detection may derive from a perception of greater possible losses resulting from a negative police encounter. While older sex workers are more likely to already be known to police or to have criminal records from the prior sex work legislation, younger workers may be more concerned that in the course of becoming known to police, they will experience police harassment or that being "outed" in the process of seeking assistance could compromise future employment opportunities, travel or custody of their children.

The fact that being Indigenous was independently associated with over twice the odds of being unable to call 911 for fear of police detection suggests that, in line with Krüsi et al.'s (2016) findings in Vancouver, persistent systemic racism within police services intersecting with discrimination against sex workers continues to block Indigenous sex workers' access to protection under "end demand" frameworks. Sarah Hunt writes of the longstanding racialized and sexualized stigmatizing of Indigenous women as "prostitutes" and their ongoing representation as lascivious, blameworthy, dehumanized and unworthy of protection within the Canadian justice system (Hunt 2013). She posits that for Indigenous women sex workers, it is not only sex work legislation, but the Canadian legal system's gendered colonialism that "continues to frame their relationship to justice" (Hunt 2013, p. 97).

Our study did not have a large enough sample of Black sex workers to statistically analyse Black sex workers' ability to access police protection and criminal justice redress. However, given enduring systemic racism against Black people from police forces and the justice system (Maynard 2017) and the disproportionately high levels of criminalization and particularly of police harassment targeted at Black people in Canada (Owusu-Bempah and Wortley 2014), future research is urgently needed to examine the specific experiences and dynamics Black sex workers face in seeking police protection and access to justice.

The research found that a plurality of those sex workers who felt able to report their experiences of violence or confinement at work to police had a negative experience. Such negative experiences reduce the chances that sex workers will avail themselves of police protection in the future out of a sense of futility or fear for their safety, well-being or income.

The above-noted context allows us to situate and make sense of our finding that police assisted so few sex workers escaping situations of violence or confinement. Sex workers were far more likely to report being assisted by other sex workers (and most particularly those with whom they share expenses), clients, security/spotters or managers than by police. However, it is these very people who, under the current legislation, risk being criminalized for their involvement in the sex industry should they call 911. Qualitative data under “end-demand” laws with third parties of indoor sex workers in Vancouver found that despite third parties’ attempts to provide protection and support to sex workers, the laws undermined their ability to call police in venues for fear of persecution (McBride et al. 2020a). Moreover, sex workers who share expenses are vulnerable to being criminally charged for advertising someone else’s sex work or receiving payment for shared expenses (and thereby considered to be materially benefiting from another’s sex work) under current “end demand” laws. They nonetheless played the largest role in assisting sex workers to escape danger. Sex worker colleagues with shared expenses and third parties (e.g., security personal, managers) in the workplace thus often play an important safety role at the same time as they are vulnerable to criminalization. It would appear that sex workers’ concern for the wellbeing of their sex worker colleagues, or for other third parties, such as managers or receptionists (see also Bruckert and Law 2018), may significantly inform many sex workers’ concerns about accessing police protection in an emergency.

Our findings also point to the need for further research into sex workers’ experiences of “end demand” legislation in relation to their personal and familial relationships. Friends, family members, lovers and partners were the second most commonly identified group to assist sex workers in situations of violence and confinement. As was the case in the past (Roots 2018), under current legislation, some of these individuals risk criminalization if deemed to be (or even just perceived to be) clients or third parties by authorities. Such profiling intersects with the overpolicing of Black, Indigenous and/or trans communities in Canada. For example the Ontario Human Rights Commission (OHRC 2003) found police presume heterosexual couples of Black women and white men in cars are sex workers and clients; friends, family and intimate partners of trans women risk being particularly targeted given the police profiling of trans women in public space as sex workers (Namaste 2005), and the hyper surveillance of trans sex workers (Lyons et al. 2017).

Lastly, “end demand” laws that criminalize third parties impede collective work arrangements that can afford important protections. This echoes Campbell and Sanders’ findings in the UK (Sanders and Campbell 2007), that sex worker colleagues or maid/receptionists played a key role in helping in cases of danger but that such arrangements were illegal, incentivizing the more dangerous situation of working alone. In short, this finding highlights the greater ability of sex workers, as well as supportive clients, security personnel/spotters or managers, in assisting individuals escape situations of violence, confinement or coercion to access emergency police protection if they were able to do so without fear of criminalization, harassment or discrimination (i.e., under a different legal and policy framework).

#### **4. Materials and Methods**

##### *4.1. Sampling, Recruitment, Data Collection and Ethics*

Data were collected through a mixed-methods survey administered in English, French and Cantonese. Data collection took place in three large cities Toronto (Ontario), Montreal (Quebec) and Ottawa (Ontario), one suburb Surrey (British-Columbia), and one smaller city Sudbury (Ontario) between July 2017 to January 2018. The research was conducted in partnership with six sex worker organizations: SWUAV and Pace Society in British-Columbia, Maggie’s, POWER and SWANS in Ontario, and Stella in Quebec and four Transversal Advisory Councils (TAC) of Black sex workers, Transgender sex workers, migrant sex workers and Indigenous sex workers to ensure that the experiences, knowledge and expertise of the most marginalized sex workers was centered in the research. This feedback shaped the questionnaire.

Our sample draws heavily from the most vulnerable sex workers: those meeting clients on the street; using drugs by injection or inhalation (crack and meth specifically); and Indigenous sex workers. Injection and inhalation drug use are associated with experiences of violence by sex workers (Deering et al. 2014), as is working on the street (Odinokova et al. 2014; Shannon et al. 2009) and being Indigenous (Rotenberg 2016). This allows for an empirical assessment of the ability of sex workers who, according to available evidence, are the most likely to have experienced violence to access police assistance in a safety emergency and to report violence against them to authorities under the current legal framework. It further allows us to examine how sex workers escape situations of violence and confinement under an “end demand” criminalization framework. One limitation of our sample is that though we sought to specifically target migrant and/or Black sex workers in our recruitment, we do not have large enough samples of these constituencies to statistically examine their experiences.

All but three interviewers/research assistants were sex workers; of these, five were Indigenous. Participants were recruited through flyers distributed by community-based sex worker organizations and through the personal and social contacts of interviewers and TAC members. Participants were given the option of selecting the setting for the interview and were given a \$50CAD honorarium. All subjects gave their informed consent for inclusion before they participated in the study. The study was conducted in accordance with the Declaration of Helsinki, and the protocol was approved by the Ethics Committee of the University of British Columbia (F15-05715) and the University of Ottawa (09-17-22).

## 4.2. Data Analysis

### 4.2.1. Primary Dependent Variable

Our primary dependent variable was “inability to call 911 in a safety emergency due to fear of police detection”. Sex workers were asked “In the past 12 months, have you had any of the following experiences due to you, your co-workers or your manager’s fear of police detection?” and the outcome was defined as answering “yes” to “unable to call 911 if I were attacked, robbed or in danger” or “unable to call 911 if another sex worker were attacked, robbed or in danger” versus “no”, “not applicable” or “don’t know” to both.

### 4.2.2. Covariates of Interest

We examined socio-demographic characteristics such as age, Indigeneity and gender identity (transgender, Two-Spirit and/or gender non-binary (NB) versus cisgender), city of interview, as well as injection drug use and inhalation drug use (defined specifically as crack or meth inhalation) in the past 12 months. We measured for labor context factors such as the primary sex work setting in the past 12 months for encountering clients (indoors only versus outdoors or outdoors and indoors) and whether sex workers worked for a third party (defined as having answered “yes” to having someone “coordinate, organize or supervise your sex work for money or other things in the past 12 months”). Self-reported police harassment was defined as having answered “yes” to having been “carded/ asked for ID documents”, “followed” or “detained/delayed/held against will without arrest” by police while doing sex work in the past 12 months. This police harassment is often linked to intersecting social profiling of outdoor sex workers and racial profiling of Indigenous sex workers (Crago et al., forthcoming). Other policing variables included police arrest and being ticketed or fined for any reason while doing sex work in the past 12 months. Anti-SW Housing Policy refers to sex workers who responded “yes” to having “lived anywhere that had a rule or policy that affected your sex work (i.e., guest policies, “no crime” policies or sex work policies) in the past 12 months” or to having been “evicted or pushed out from any form of shelter, housing, hotel or rental space due to your sex work in the past 12 months”. The current legal framework gives rise to anti-sex work policies and evictions of sex workers due to the fact that facets of commercial sex remain a crime, including specifically profiting from sex work in a commercial capacity. Responses of “not applicable” and “don’t know” were grouped with “no” for all categorical variables.

#### 4.2.3. Other Variables of Interest

We examined reporting violence to police among sex workers who experienced “violence or confinement” at work in the past 12 months. This sample was restricted to those who answered “yes” to any of the following experiences: “Abducted/ kidnapped/ brought to a location against your will,” “Client broke condom on purpose/ removed without consent,” “Sexual assault (sexual contact or service that was not consented to),” “Strangled/stabbed/shot with a gun,” “Physically assaulted/beaten,” “Locked/ trapped in car,” “Confined/locked in space,” “Drugged,” “Forced to do sex work under threat of your safety or the safety of someone you know,” or “Forced not to work under threat to my safety or the safety of someone I know”. Participants were asked “In the past 12 months, how often did you report these incidents to the police?”, and responses were dichotomized as ever (“always”, “usually”, “sometimes” or “occasionally”) versus “never”.

Sex workers who reported getting assistance from someone to escape situations of violence and confinement in the workplace or in their personal lives answered “yes” to “In the time you have done sex work, have you ever been in a situation of violence or confinement at work or in your personal life?” and then “yes” to “If yes, did any of the following people ever help you escape these situations) of violence or confinement at work or in your personal life?” Participants selected “in the past 12 months” and/or “ever excluding the past 12 months” to one or more of the following: “Another sex worker that you shared expenses with”, “boss/manager”, “Someone you paid to watch out for your safety” (coded as security/spotter), “Manager of the drug venue-dealer”, “Person in the drug venue-dealer” and “Other: who?”

Additional auxiliary variables were included in the multiple imputation model for missing data, described below. These were: recent police violence (“yes” to “physical assault” or “sexual assault” by police while doing sex work in the past 12 months); recent intimate partner violence (“yes” to “Have you had an intimate partner be physically or sexually violent towards you in the past 12 months?”); being unable to keep aggressors’ descriptions easily accessible on person in the past 12 months due to self, co-worker’s or manager’s fear of police detection; feeling that the new “end demand” laws made financial security harder versus easier or the same versus not applicable (did not do sex work prior to the “end demand” laws). Lastly, qualitative data were drawn upon to help interpret the findings.

#### 4.2.4. Statistical Analysis

We first calculated descriptive statistics for all variables of interest, which included frequencies and proportions for categorical variables, and measures of central tendencies (i.e., median and interquartile range (IQR)) for continuous variables. Descriptive statistics for covariates of interest were stratified by the primary dependent variable, inability to call 911 in a safety emergency due to fear of police detection. We then used bivariate and multivariate logistic regression to identify structural, social and individual correlates of reported inability to call 911. Variables with a theoretical basis for association and a  $P$  value  $< 0.10$  were evaluated for inclusion in the full multivariate model. A manual backward selection process was used to determine the best fitting model, as indicated by the lowest value of the Akaike information criterion (AIC). A complete case approach was used initially, and we then fit the multivariate models using multiple imputation for missing data. Multiple imputation was conducted using fully conditional specification and 50 imputed datasets were created. The imputation model included all variables from the full multivariate model and several auxiliary variables hypothesized to be associated with the imputed variables. Results were similar for both methods of handling missing data. We present results from the multiple imputation analysis in order to utilize information from the full sample and increase statistical power. All analyses were performed in SAS version 9.4 (SAS Institute Inc., Cary, NC, USA), and all  $p$ -values are two-sided.

#### 4.2.5. Strengths and Limitations

To our knowledge, this is the first study to examine sex workers' access to emergency police protection (i.e., defined here as the ability to call 911) under "end demand" laws. There are some limitations to this study. All data were self-reported, which may be subject to recall and social desirability bias, though the community based nature of this research is likely to minimize the latter. Purposefully sampling from five cities across Canada allowed us to capture experiences of marginalized sex workers across the country. However, this sample is not representative of all sex workers, and results may not be generalizable to other populations of sex workers or those in other settings. The high rates of violence reported in this study are likely reflective of the over-representation of marginalized sex workers in our sample and of our targeting cities where police actively enforced anti-sex work legislation; as such the levels of violence experienced by our sample may differ from those found in other research with sex workers in Canada (Benoit et al. 2016). Lastly, the relatively small sample size may have limited our ability to detect all associations with the outcome, inability to call 911. The use of multiple imputation ensured that we utilized all available information and retained statistical power in multivariate analysis.

#### 5. Conclusions

This study examines an issue at the core of much academic and political debate: the relationship between sex work and violence. Its findings add to the large body of scholarly work that finds that violence is not inherent to sex work but associated with experiences of specific socially and racially-targeted policing practices, working conditions and law and policy frameworks (including "end demand" frameworks) (Decker et al. 2015; Deering et al. 2014).

Our findings illustrate the harms of police targeting sex workers with following, carding/ asking for ID documents, detention without arrest, either by design or as a by-product of enforcing "end demand" legislation against sex work spaces and/or clients. Rather than reduce violence or exploitation, police harassment linked to social and racial profiling increases the risk of harm to sex workers in vulnerable conditions. This police behavior is a direct artifact of defining commercial sex as an illegal activity and is legitimated on the basis of the legal framework's objective of eradicating the sex industry.

The findings on the harms of police harassment in terms of compromising access to police protection and justice in the event of violent victimization, are also of relevance to Black and Indigenous communities more broadly who are disproportionately targeted with police carding, following and detention without arrest, as well as experiencing disproportionate rates of violent victimization, including by police themselves (Owusu-Bempah and Wortley 2014). As such, our findings add to the evidence-base for how criminal laws implemented within a justice system predicated on a colonial relationship can reproduce and create systemic harms to Indigenous people.

Over all, this study illustrates how the current "end demand" criminalization framework fails its stated aim of: "protecting" the most "vulnerable" and "encourage[ing] those who sell their own sexual services to report incidents of violence and exploitation committed against them" (Ministry of Justice Canada 2014). One way to prevent or address violence, including trafficking or murder—particularly in the case of serial perpetrators—is to ensure sex workers have access to emergency police protection, are able to report incidents that threaten their safety, and that the police take meaningful action when sex workers report violence. The law further undermines sex workers' safety in that those who most often assist sex workers to escape violence or confinement, sex workers with shared expenses, as well as clients, security/spotters and managers risk criminalization if they seek police assistance. These findings, suggest that "end demand" frameworks reproduce many of the same harms to sex workers, and particularly Indigenous sex workers, as documented under prohibitionist criminalization approaches. They point to the necessity of law-reform to decriminalize sex work undertaken through an explicitly decolonizing approach. This re-

quires centering Indigenous sex workers' experiences and perspectives on what law and policy changes are necessary to reverse and repair the harms of the current framework.

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**Informed Consent Statement:** Informed consent was obtained from all subjects involved in the study.

**Data Availability Statement:** Due to the nature of this research, participants of this study did not agree for their data to be shared publicly, so supporting data is not available.

**Conflicts of Interest:** The authors declare no conflict of interest.

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