



City of Richmond

Report to Committee

To: Community Safety Committee
From: Cecilia Achiam
General Manager, Community Safety
Date: January 16, 2024
File: 12-8275-11/2024-Vol 01
Re: Options for Enforcement of Escort Services and Body Rub Studios

Staff Recommendation

1. That Option 2 as described in the staff report titled "Options for Enforcement of Escort Services and Body Rub Studios" dated January 16, 2024 from the General Manager, Community Safety be endorsed;
2. That staff amend the Business Licence Bylaw 7360, the Business Regulation Bylaw No. 7538, the Municipal Ticket Information Authorization Bylaw No. 7321, and the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

Cecilia Achiam
General Manager, Community Safety
(604-204-8673)

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
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SENIOR STAFF REPORT REVIEW	INITIALS: CA
APPROVED BY CAO 	

Staff Report

Origin

At the November 15, 2023 Community Safety Committee meeting, staff received the following referral:

That staff come back with a plan using City Bylaws regarding property use and business licences to deal with escort services, and above and below ground body rubs.

This report responds to the above resolution and recommends amending the Richmond Business Licences Bylaw No. 7360, Business Regulation Bylaw No. 7538, the Richmond Municipal Ticket Information Authorization Bylaw No. 7321 and the Richmond Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122. The purpose of these amendments is to increase the efficiency and effectiveness of the ticketing process for bylaw violations related to body rub studios.

This report supports Council's Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnership and proactive programs.

Findings of Fact

The Richmond Business Licence Department investigates bylaw violations in relation to licenced or "above ground" escort services and body rub studios. The City enforces bylaws, such as the Richmond Business Licence Bylaw 7360, the Richmond Business Regulation Bylaw 7539 and the Richmond Zoning Bylaw 8500, by issuing bylaw violation tickets and fines. However, the City does not have jurisdiction to enforce matters under the *Criminal Code*'s purview.

The RCMP has jurisdiction to enforce *Criminal Code* offences. Unlicensed or "below ground" sex work falls within the scope of the *Criminal Code* and is hence subject to investigation by the RCMP. Under section 286.1(1) of the *Criminal Code*, it is an offence for individuals to obtain sexual services for consideration, or to communicate with anyone to obtain sexual services for communication. Under section 286.2(5)(e) of the *Criminal Code*, it is an offence to own or manage commercial enterprises where sexual services can be purchased.

Analysis

Bylaw Enforcement

In June 2000, the City introduced a comprehensive bylaw enforcement regime for licenced body rub studios. This was achieved by amending the Richmond Business Regulation Bylaw to include the following provisions: prohibit licenced body rub studios from operating beyond permitted hours; prohibit the use of locking devices on room doors; require all room doors to have windows and for the windows to be unobstructed; and prohibit staff from wearing outer garments that do not cover the body between the neck and the knee.

Currently, the City of Richmond continues to have one of the most comprehensive regulatory regimes in the Province for licenced escort services and body-rub studios. Richmond's Business Licence Bylaw No. 7360 defines "*Escort Services*" as "any person providing escorts for social occasions" and defines "Body-Rub Studios" as "any premises or part of such premises where a body-rub is performed, offered or solicited." The Richmond Zoning Bylaw 8500 states that Body Rub Studios do not include premises where persons who are licenced and registered under provincial statutes governing medical, therapeutic or massage activities, offer services that manipulate, touch or stimulate a person's body, such as physiotherapy and therapeutic touch therapy.

Currently, there are six licenced Body Rub Studios in Richmond. The last application for a new Body Rub Studio licence occurred in 2008. There are no current licenced Escort Services and the last licenced Escort Services expired in 2015.

The Business Licence department has issued 13 tickets under the City's Municipal Ticket Information (MTI) Authorization Bylaw 7321 for bylaw violations related to Body Rub Studios in the past six months. Fines for MTI infractions are limited to \$1,000 and are comparatively less efficient than issuing Bylaw Violation Notices (BVN) under the Bylaw Violation Dispute Adjudication Bylaw No. 8122.

The most recent operation involving Body Rub Studios was conducted on January 12, 2024. The City conducted a joint Business Licence/RCMP investigation on the six licenced Body Rub Studios to verify that they were operating according to the conditions outlined in the Business Regulation Bylaw No. 7538. As a result of this joint Business Licence/RCMP operation, the City issued eight MTIs for non-compliance under the Business Regulation Bylaw. Since there was no evidence of *Criminal Code* violations during the operation, the Richmond RCMP did not intervene.

Richmond RCMP

The Richmond RCMP has aligned and committed their investigative approaches that regulate sex work with evidence-based and effective standards.

The investigation of major illegal sex work enterprises remains a policing concern due to the possible nexus to sexual assault, human trafficking, organized crime and child or youth sexual exploitation. Considerable research and police experience have shown that these serious investigations should not begin with the premise of targeting the sex workers themselves but rather those that have been alleged to victimize them. This harm reduction approach is endorsed in the "Sex Work Enforcement Guidelines & Principles" developed by the British Columbia Association of Chiefs of Police (BCACP).

The RCMP's harm reduction approach also involves officers from the Plainclothes Unit regularly conducting outreach with sex worker advocacy groups. The objectives of the outreach efforts are two fold: to ensure there is adequate trust between sex workers and police; and to gather information regarding threats and risks experienced by sex workers.

Investigations into serious crimes against sex workers are often complex and involve multiple agencies. For example, sex workers may be human trafficking victims who are immigrants or visitors to Canada involved in the sex trade either voluntarily or under coercion. These victims often

return to their home countries and avoid court participation when the police intervene. In addition, due to the stigma associated with being sex workers, witnesses' and victims' fears often result in sex workers being hesitant to ask for help or cooperate with police investigations. To address these investigative challenges, the RCMP's Provincial Integrated Child Exploitation Unit is engaged in providing education awareness and assistance to law enforcement and partner agencies on sexual exploitation. Occasionally, the Combined Forces Special Enforcement Unit must also be engaged when there is credible evidence of a nexus to organized crime.

Investigations into major criminal sex work enterprises are often led by the Richmond Serious Crimes Unit (SCU), which has the mandate to investigate human trafficking and sexual exploitation activities. Below are major cases involving human trafficking and sexual exploitation that were investigated by the SCU:

- In 2019, source information led to an investigation involving a sex worker in a consensual business relationship who was later assaulted, their movements were controlled and they were forced to have sex with multiple clients a day. An individual was identified and convicted of uttering threats and assault with a weapon;
- In 2021, a witness advised that they were being human trafficked by an organized crime group in Richmond and were forced to consume drugs, threatened and exploited to do sex work. An investigation was launched and charges were forwarded to Crown counsel in 2023, recommending charges against three persons for human trafficking; and
- In 2023, source information led to an investigation of an individual held against their will and forced to do sex work. Police attended the location, forced the door open and found an individual who stated they were not under duress and were there voluntarily. No charges were laid.

Options for Consideration

Option 1 - Maintain the Current Enforcement Model

The existing City bylaws are adequate in their scope to enforce regulations around licenced Escort Services and Body Rub Studios and the police enforcement model strictly adheres to the recommended practices delineated in academic research as well as the BCACP guidelines. Staff will continue to conduct joint Business Licence/RCMP operations on the six licenced Body Rub Studios. The Richmond RCMP will continue to investigate serious crimes against sex workers as per the harm reduction model.

Option 2 - Strengthen the Current Bylaw Enforcement Model (Recommended)

In addition to maintaining the existing bylaw regulatory framework and enforcement model outlined in Option 1, it is recommended that the fines for the Municipal Ticketing Information (MTI) offences related to Body Rub Studios be increased. Currently, staff can only issue MTI tickets for bylaw violations involving licenced Escort Services and Body Rub Studios.

Amending the bylaws to grant staff the option to issue BVNs presents a more efficient approach given that BVNs are not part of Provincial Court proceedings. Amendments will be required for four bylaws to enhance the effectiveness of the ticketing process for violations related to Body

Rub Studios regulated by City bylaws including the Business Licence Bylaw No. 7360; the Business Regulation Bylaw No. 7538; the Municipal Ticket Information Authorization Bylaw No. 7321; and the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

As noted earlier in this report, there have been no licenced Escort Services since 2015. The Richmond's Business Licence Bylaw No. 7360 defines "*Escort Services*" as "any person providing escorts for social occasions." To avoid unintended confusion, staff recommend amending City bylaws to remove the anachronistic business licence sub-category "*Escort Services*" from the Business Licence Bylaw No. 7360, the Business Regulation Bylaw 7538, and the Municipal Ticket Information Authorization Bylaw No. 7321.

Under this enhanced regime, staff will continue to monitor and perform regular enforcement, collect data, and report the findings back to the Community Safety Committee in one year.

Option 3 - Prohibit Body Rub Studios under the Zoning Bylaw and Not Issue New Business Licences for Body Rub Studios in New Locations Going Forward

Option 3 includes the proposed amendments under Option 2 as well as an amendment to the Richmond Zoning Bylaw 8500 with the objective of prohibiting new business licences for Body Rub Studios at new locations. However, the operation of the existing six licenced Body Rub Studios, at their current location, would continue as legal non-conforming or until such time that the Body Rub Studios cease operations for a minimum period of six months.

Staff do not recommend Option 3 at this time to provide adequate time for the enhanced regime (Option 2) to take effect. Additionally, there has not been any Business Licence request to open new Body Rub Studio premise since 2008. The immediate adoption of this option may have the unintended effect of driving new body rub businesses to apply under another business licence category without a similarly enhanced regulatory regime as prescribed under the "body rub" category in our current bylaws.

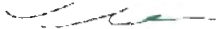
These six legal non-conforming Body Rub Studios would continue to be subject to inspections, monitoring and enforcement by staff to ensure compliance with the comprehensive regulatory regime. Additionally, the RCMP will continue to monitor for and investigate criminal activities related to sex work enterprises where there is a nexus to serious crime.

Financial Impact

None.

Conclusion

The City of Richmond currently has one of the most extensive bylaw enforcement regimes in the Province for licenced Escort Services and Body Rub Studios. However, it is recommended that this regime be further optimized through the proposed bylaw amendments in Option 2. The Richmond RCMP's investigative approach also closely follows the recommended best practices outlined in academic research, as well as the guidelines set forth by BCACP. Staff will continue to conduct and update Council on the outcomes of future proactive joint Business Licence/RCMP operations of the six licenced Body Rub Studios in Richmond. The Richmond RCMP will continue to investigate any serious crimes against sex workers as well as the potential nexus to organized crime.



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