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## Chapter 39

# Treatment

This chapter reviews the development of treatment services provided in correctional institutions, draws upon the findings of the National Corrections Survey concerning the mental health state of convicted child sexual offenders and the provision of mental health treatment services for them, and presents case studies which illustrate the types of circumstances in which courts on sentencing may make recommendations concerning the need for the assessment and treatment of these offenders.

### Development of Services

While it has long been recognized as a complex and contentious issue, a full historical account remains to be written that documents the development and provision of treatment services for convicted offenders by federal and provincial correctional services. This debate, which has received much public attention and has also been a divisive issue within correctional services, has turned upon a number of critical issues, including whether:

1. The treatment services being provided at a particular period were adequate, or should be considerably strengthened.
2. The provision of medical and mental health services should be directly provided by correctional services, or should be given under the aegis of external provincial health institutions, either on an inpatient or outpatient basis.
3. Some prisoners, such as convicted sexual offenders, need treatment, or whether they should be considered to be criminally deviant.
4. If treatment is provided for sexual offenders, whether special programs should be tailored to meet their needs, or they should receive services available to all inmates.
5. Individuals deemed to be in need of medical care, particularly mental health therapy, should be required to obtain such services, or whether this decision should remain a matter of personal choice.

6. The provision of treatment services can be shown to be therapeutically beneficial, or whether no measurable gains are to be realized by the provision of these services, particularly in relation to reducing the level of recidivism.

These issues are not new concerns. They were initially considered in the early reports of the *Directors of Penitentiaries*; since that time, they have subsequently been expanded upon, but not resolved. Dating back at least to 1849 when George Brown led a *Commission of Inquiry* into the operation of the Kingston Penitentiary, a series of public investigations have been conducted into the conditions of the mentally ill who have been under the supervision of correctional services. As a result of the 1849 Inquiry, a new criminal lunatic asylum was established at Rockwood. These new facilities, however, soon proved to be insufficient to house all of the prisoners deemed to need segregated attention.

Writing with a perspicacity which identified issues that have not yet been fully dealt with, the Medical Superintendent of the Rockwood Asylum in 1865 called for a clear medical classification of inmates, their segregation into distinctive groupings for the purposes of management and treatment, and the provision of special services to facilitate their potential cure and rehabilitation.<sup>1</sup> Following Confederation, arrangements were made between the federal and provincial governments concerning the management of criminally insane prisoners. In this regard, the *First Annual Report* of the federal *Directors of Penitentiaries* for 1868 noted that "this arrangement, made by the Provincial with the Dominion Government for the reception into the Rockwood Asylum of the unfortunate lunatics confined in the gaols of Ontario was a most humane one."<sup>2</sup>

However, it is evident at that time that not all prisoners who may have required medical attention were transferred to provincial asylums. The situation of those who were in the Kingston Penitentiary in 1884 was described by the attending surgeon. Of "the inmates of the insane ward . . . most . . . are broken down physically as well as mentally, and so far as restoration to soundness of mind is concerned, [are] utterly hopeless."<sup>3</sup>

These arrangements involving the joint provision of services continued for a number of years. The *1913 Commission* appointed to review the condition of the insane ward in the Kingston Penitentiary proposed two alternatives, the first being to contract all such services to the provinces while the second option would have involved the erection of a separate institution by the federal service for the care of criminally insane inmates. Following World War I, the federal Minister of Justice appointed a *Commission of Inquiry* into the conditions of mentally disordered offenders. The 1921 Commission concluded that:

" . . . the existing provisions on the subject of insane prisoners are not satisfactory and indicate an obsolete and unscientific view of mental diseases." The Commission recommended that amendments be made to the Penitentiary Act to "authorize the employment, for the examination, treatment or care of

any convict who is seriously ill, either physically or mentally, of such specialists and nurses as are necessary in the circumstances, and the medical supervision of any penitentiary may be entrusted to the faculty of medicine of any recognized university."<sup>4</sup>

The 1938 *Royal Commission to Investigate the Penal System of Canada* (Archambault Report) noted about the decision that was reached concerning the two options put forward in 1913 that "we think the penitentiary administration was wise in adopting the former suggestion and discarding the latter."<sup>5</sup> Among the reasons given by the 1938 *Archambault Report* for supporting this earlier decision were that the establishment of a federal facility would have been too expensive and that "the period of treatment would be broken, because the responsibility of the Government of Canada to maintain the prisoners would terminate with their sentences."<sup>6</sup> Accordingly, some three decades later, the 1938 *Archambault Report* recommended "that the most efficient method of caring for insane prisoners in the penitentiaries is by continuing and expanding the present friendly arrangements that are in effect between the federal and provincial authorities."<sup>7</sup>

During the interval between these two inquiries, treatment services were expanded both within custodial institutions and by provincial mental health services. By 1938, the *Archambault Report* noted that a physician and a dentist were in attendance at all federal custodial institutions. In addition to these services, the Commissioners recommended "that the services of a psychiatrist are also essential if a thorough examination is to be made and proper treatment is to be given to each individual prisoner."<sup>8</sup> The Commission further recommended that "a complete revision of the methods of classification of prisoners should be made, with provision for a thorough medical and psychiatric examination of prisoners."<sup>9</sup>

Provincial forensic services were also developed and expanded during this period. In 1926, for instance, a forensic inpatient service was established at the Toronto Psychiatric Hospital to provide for the psychiatric investigation of suspected criminals.<sup>10</sup> Several decades later, as a result of public concern about several incidents involving sexual assaults against children, and stemming from a meeting convened by the Toronto Daily Star, an outpatient forensic clinic was established at this hospital in 1956.<sup>11</sup> Its objectives were to provide pre-sentencing assessments and treatment, to conduct research and to serve as a teaching facility.

The recommendations of the 1956 *Fauteux Report (Committee Appointed to Inquire into the Principles and Services followed in the Remission Service of the Department of Justice)* constituted a significant turning point with respect to the issue of whether special treatment services should be provided for certain classes of convicted offenders. This Committee recommended that "special types of institutions, with specialized treatment, should be provided for alcoholics, drug addicts, sex offenders and psychopaths."<sup>12</sup>

The 1956 *Fauteux Report* also reiterated the recommendations of the 1921 *Commission of Inquiry* and the 1938 *Archambault Report* concerning the need for an adequate assessment of the physical and mental health state of convicted offenders.

"At the present time psychiatric treatment, in some degree, is available at most federal and some provincial institutions. We recognize that a serious shortage of practising psychiatrists exists, but we must nevertheless record our view that no modern prison system can operate effectively without psychiatric service on a much more extensive basis than now exists."<sup>13</sup>

These recommendations of the 1956 *Fauteux Report* were strongly supported by the 1958 *Royal Commission on the Criminal Law relating to Sexual Psychopaths* (McRuer Report). The latter inquiry recommended that "special provision be made in the penitentiary system for the custody, control and treatment of every sexual offender undergoing preventive detention, and section 666 C.C. be amended accordingly."<sup>14</sup> In reaching this conclusion, the 1958 Royal Commission noted that while:

"... in the present state of medical knowledge it is not possible to speak with assurance about "curing" the class of offenders we are considering,"<sup>15</sup> that nevertheless, "once a person has been sentenced to preventive detention by reason of the manifestation of sexual abnormalities he should be exposed to the best clinical treatment known rather than included in the ordinary prison population."<sup>16</sup>

In 1963, the Commissioner of Penitentiaries introduced a "Ten Year Plan" for the construction of new correctional facilities across Canada, including the establishment of several Regional Medical Centres. Six years later, the *Canadian Committee on Corrections* (1969 Ouimet Report) appointed by the federal Department of the Solicitor General noted that:

"The ten year plan of the Federal Penitentiary Service contemplates a medical-psychiatric centre within each regional complex. The Commissioner of Penitentiaries has informed the Committee that three major centres will be located at Ste. Anne des Plaines, Quebec, Millhaven, Ontario and in Saskatoon, Saskatchewan. Present plans call for the completion of the centres at Ste. Anne des Plaines and Millhaven by 1972 and completion of the centre in Saskatoon by 1973. Smaller centres are to be established at Mission, British Columbia, and Dorchester, New Brunswick by 1974.

Such medical-psychiatric centres might be used not only for custody and treatment, but for diagnosis and assessment. Mental hospitals, and psychiatric institutes with secure wings such as the Ontario Hospital at Penetanguishene, the Clarke Institute of Psychiatry, and l'Institut Phillippe Pinel might also be used as diagnostic facilities."<sup>17</sup>

The 1969 *Ouimet Report* further recommended that "such facilities are, of course, required and should be available for the treatment of offenders other than those classified as dangerous . . ."<sup>18</sup>

The Committee on Sexual Offences against Children and Youths found on the basis of its general review of the Canadian professional and scholarly

research literature (see Chapter 1) that prior to the issuing of the 1956 *Fauteux Report*, little attention had been paid by researchers to the issue of the treatment of convicted offenders. However, during the decade and a half following the release of the 1956 Report, and in part stimulated by the work of earlier federal inquiries, a small but steady flow of professional and scholarly commentary emerged, most of which dealt with conceptual concerns or described the operation of particular forensic services.<sup>19</sup> Much of this work drew heavily upon research conducted abroad and transposed these findings as though they were applicable to the Canadian scene.<sup>20-37</sup> At this time, only a handful of these reports provided empirical documentation concerning the treatment of convicted offenders in Canadian correctional institutions.

Between 1971 and 1973, the federal Department of the Solicitor General appointed two medical advisory committees whose members included distinguished leaders of the medical profession. *The Advisory Board of Psychiatric Consultants* (Chalke Committee) was established in 1971 in order to develop "a master plan for the further development of psychiatric services" for the Canadian Penitentiary Service. The 1972 *Chalke Report* called for the establishment of five regional psychiatric centres. It also proposed a framework for the administration, provision and evaluation of correctional psychiatric services. Included among its several recommendations were:

"The greatest problems arise in the area of evaluation of the effectiveness of special psychiatric programs aimed at correction of specific offenders or the modification of behaviour in such a way as to reduce recidivism, criminality, dangerousness, or socially unacceptable conduct."<sup>38</sup>

The Psychiatric Advisory Board must urge the development of an adequate competent research establishment including appropriate relationships between the penitentiary service, parole service and provincial correction service.<sup>39</sup>

Moreover, we urge that it be clearly accepted that Canada is prepared to subject all our correctional undertakings to the most rigid evaluation and set an example to other jurisdictions, in openly making known all our findings to those most concerned."<sup>40</sup>

On the basis of information obtained from the directors of correctional facilities, the 1972 *Chalke Report* concluded that 10.2 per cent of inmates required psychiatric care and treatment. Beyond tabling this estimate, the conclusions and recommendations of this inquiry were not grounded upon an empirical documentation of the physical and mental health assessment of convicted offenders.

In the Foreword to the 1972 *Chalke Report*, the federal Solicitor General stated that he was "profoundly impressed by the recommendations made by this authoritative body" and that he was requesting the Canadian Penitentiary Service "to develop its psychiatric services to assure that facilities are provided for the diagnosis, care, and treatment of acutely and severely ill inmates", and the development of "clinical investigation and evaluation."<sup>41</sup>

In 1973, the Department of the Solicitor General established the *National Health Services Advisory Committee to the Commissioner of Penitentiaries*. The First Report of the *Advisory Committee* submitted 48 recommendations<sup>42</sup> while the Second Report issued in 1976 contained 76 recommendations. The primary emphasis of the two reports focussed on the re-organization of federal correctional health services. The *Advisory Committee* reiterated the concern that "high priority should be given to the prompt development of regional medical and health care services reception centres,"<sup>43</sup> that these units "should produce a comprehensive multidisciplinary medical report"<sup>44</sup> of inmates, and that "chart audits should take place regularly, either by a peer review committee or by a national consultant, as a method of evaluating and improving the quality of care."<sup>45</sup>

In 1974, the Commissioner of the Canadian Penitentiary Service appointed a special Work Group chaired by a Regional Director of the federal correctional services. Its mandate was "to investigate and report upon the feasibility of establishing in Canada a pilot project for the treatment and reintegration of sexual offenders into society."<sup>46</sup> The 1975 Report of the *Trono Committee* summarized what had occurred in relation to the recommendations of previous inquiries concerning the provision of treatment services for convicted sexual offenders.

"As long ago as 1958, a Royal Commission advocated that 'an organized scientific study' be undertaken to develop 'improved methods of treatment for (sexual offenders) committed to prisons . . .'. Nothing of any significance in this area was accomplished until 1973 when the Regional Psychiatric Center in Abbotsford, British Columbia, instituted a treatment program for sexual offenders. It is well understood and documented, however, that that program though expensive and well intentioned is hampered by the limiting prison environment. A second program has been operating at the Regional Psychiatric Center (Ontario) since January 1974 utilizing psychotherapy and behaviour modification techniques, but it, too, is subject to the same environmental limitations as the program in Abbotsford.

What is urgently required is a separate and unique non-prison environment where new treatment concepts, already proven, may be applied in the context of a demonstration project to be subsequently evaluated, possibly modified, developed and replicated. A survey of ten institutions — two maximum, three medium, three minimum and two correctional camps — carried out by Dr. G. Scott in the Ontario Region in August, 1974 revealed that the Directors and senior staff of the medium and maximum institutions were in total agreement that a separate accommodation be established.

The need for the program was considered urgent in 1958. Today, that need is alarming. The number of sexual offenders incarcerated in federal institutions in Canada grew from 495 in January 1974 to 656 by May 30th, 1975 — an increase of 32.3% over 17 months."<sup>47</sup>

In 1974, the Executive Secretary of the *Trono Committee* had undertaken what appears to have been the first complete listing and description of convicted sexual offenders in federal custody.<sup>48</sup> The *Trono Committee* drew upon and up-dated the findings of the research report and recommended that:

1. There be a separate Center established for the treatment and rehabilitation of sexual offenders.
2. The treatment administered in this Center be based on the theory and practice followed in the Fort Steilacoom program.<sup>49</sup>

If the 1975 *Trono Committee's* second recommendation had been acted upon concerning the modelling of the treatment program along the lines of the Fort Steilacoom program established in the State of Washington, it could have entailed the release of convicted offenders prior to their parole who were deemed to have been successfully cured or rehabilitated. Since in Canada there is no legislative authority permitting the discharge of prisoners having determinate sentences and who may have been successfully treated prior to their being paroled or released, the *Trono Committee's* second recommendation was set aside. The Committee's Report, however, with the second recommendation having been deleted, was up-dated in 1977.<sup>50</sup> In 1980, two new initiatives were undertaken at the federal level. The first involved a brief listing of treatment services provided for sexual offenders who were in federal custody<sup>51</sup> and the second was a survey in which attending correctional professional workers were asked to assess whether they believed that sexual offenders needed treatment.<sup>52</sup> The 1980 *Needs Assessment Survey* also obtained information from 557 sexual offenders about whether they had received treatment.

Although the 1980 survey of existing treatment services provided few details about the nature of the services provided, it concluded that:

It can be generally observed that all regions provide sex offenders with access to treatment facilities. In the province of Quebec where no federal institution provides specific treatment facilities, sex offenders who request treatment are referred to the provincially operated Institute Phillippe Pinel. In recent years, two new psychiatric hospitals in Abbotsford and Saskatoon have been opened to provide specific services to sexual offenders requiring and requesting treatment.<sup>53</sup>

The 1980 *Needs Assessment Survey* found that attending professional staff reported that seven in 10 convicted sexual offenders (69.7 per cent) needed some form of treatment. The basis for making this assessment was not specified. In the complementary survey of 557 sexual offenders, about one in four (27.6 per cent) had received some form of treatment.<sup>54</sup>

Assessment of Whether Treatment Needed	Provision of Treatment					
	Provided		Not Provided		Total	
	No.	%	No.	%	No.	%
Treatment needed	124	32.0	264	68.0	388	100.0
No treatment required	30	17.8	139	82.2	169	100.0
<b>TOTAL</b>	<b>154</b>	<b>17.6</b>	<b>403</b>	<b>72.4</b>	<b>557</b>	<b>100.0</b>



Over two-thirds (68.0 per cent) of the sexual offenders who had been assessed by attending staff as requiring treatment had not received such services. For this group, the principal reason cited was that two in five of these offenders (43.4 per cent) had refused to participate in the treatment programs provided. Other reasons accounting for their refusals were that some offenders did not believe that they needed treatment, while others were afraid of the risks involved.

In reviewing the development of treatment services for convicted offenders, what stands out sharply from the historical record is that, although the recommendations of several federal inquiries have been clear and consistent, at the present time, there is only fragmentary and incomplete information available about virtually all aspects of treatment services provided for sexual offenders by federal and provincial correctional services. There is now no publicly available, adequate documentation concerning the following issues.

1. The total number of sexual offenders who are in custody of federal and provincial correctional services.
2. A complete listing of: the types of treatment facilities available; the personnel resources deployed; and their experience and qualifications.
3. The utilization of general medical and hospital services by convicted sexual offenders.
4. A complete description of the nature of the counselling, behaviour modification, psychotherapy and other forms of treatment provided for sexual offenders.
5. A complete documentation of how many sexual offenders have participated in these programs, details concerning the services provided, by whom these services were given, and how offenders were selected to participate in the treatment programs.
6. The timing, relative to the length of an offender's sentence, when treatment services were given — upon admission, during the course of imprisonment, near the completion of imprisonment, or when a discharged offender was on parole.
7. The specification of the treatment programs provided with respect to different types of sexual offenders (e.g., offenders having had male child victims, rapists, incest offenders).
8. Assessments of efficacy involving a comparison of the outcomes of treated and untreated offenders, including an evaluation of the utility of different types of treatment and a monitoring of the short and long-term consequences of having been provided with these services relative to changes in values, behaviour and altered levels of recidivism.

For the reasons listed, the Committee knows of no Canadian study that has assembled reasonably sufficient documentation for convicted child sexual offenders concerning these issues.

## Prior Hospitalization for Mental Illness

In the National Corrections Survey, about one in six (17.7 per cent) convicted male child sexual offenders was reported to have been hospitalized for mental illness at least once prior to his current conviction. While there appear to be no comparable Canadian findings in relation to the reported occurrence of hospitalization for mental illness of child sexual offenders, these findings are strikingly similar to those of two other reports in which the extent of mental illness among sexual offenders was reported. In a 1954 survey of 3112 juvenile sexual offenders who had appeared in juvenile courts over a 10 year period in Toronto, the reported prevalence of serious personality disorders was 20 per cent among young male delinquents in comparison to 11 per cent among young female delinquents.<sup>55</sup> In a second study reported in the mid-1970s, one in five (19 per cent) of 47 offenders who were being treated at the Regional Psychiatric Centre at Abbotsford, British Columbia was considered to have been mentally ill by attending psychiatrists.<sup>56</sup> The report concluded that there is a "necessity for careful assessment of all sex offenders so that the appropriate treatment can be instituted for the individual offender at the earliest possible time."<sup>57</sup>

Table 39.1

### Reported History of Hospitalization for Mental Illness Prior to Current Conviction

Sex of Victim of Current Conviction	Proportion of Convicted Male Child Sexual Offenders Previously Hospitalized for Mental Illness					
	Dangerous Offenders (n=62)		Other Offenders (n=633)		Total (n=695)	
	No.	Non-Accum. %	No.	Non-Accum. %	No.	Non-Accum. %
Male victims	7	35.0	25	22.9	32	24.8
Female victims	12	30.8	75	14.8	87	16.0
Multiple victims	1	33.3	3	16.7	4	19.0
<b>TOTAL</b>	<b>20</b>	<b>32.3</b>	<b>103</b>	<b>16.3</b>	<b>123</b>	<b>17.7</b>

*National Corrections Survey.* The denominators used in calculating the proportions listed are given in Chapter 41, *Dangerous Sexual Offenders*, under the Sex and Age of Victims.

In the National Corrections Survey, the proportions of offenders known to have been previously hospitalized for mental illness in relation to the types of sexual offences committed against children and youths were: 24.8 per cent, homosexual offenders; 16.0 per cent, heterosexual offenders; and 19.0 per cent, offenders having multiple victims. When offenders who were found to be dangerous on sentencing are considered separately from other convicted male child

sexual offenders, one in three of the former (32.3 per cent) and one in six (16.3 per cent) of the latter were known to have had a history of prior hospitalization for mental illness. The reasons listed for these prior hospitalizations included: alcoholism and/or drug addiction (12.2 per cent); deviant sexual behaviour (17.0 per cent); various psychoneurotic and personality disorders (56.1 per cent); and not reported (14.7 per cent). Overall, about half (49.5 per cent) of the 123 convicted offenders having been previously hospitalized had had a single admission, one in five (21.3 per cent) had been hospitalized twice, about one in nine (10.7 per cent) three times, and slightly less than one in five (18.5 per cent) four or more times.

**The Committee considers that the findings on the reported previous hospitalization for mental illness of persons subsequently convicted of sexual offences against children and youths have significant implications for penal policies concerning the assessment, provision of treatment and the types of facilities provided for these convicted offenders. Despite the absence of comprehensive documentation concerning the known prevalence of mental illness in the Canadian population, in the Committee's judgment, findings of this order are unlikely to occur by chance.**

## Mental Health Assessment

**One in three (33.4 per cent) convicted male child sexual offenders was reported to have been given a mental health assessment.** Since the provisions in the *Criminal Code* require that such assessments be made in relation to applications concerning convicted offenders who may be found dangerous by the court, it is not surprising that mental health assessments were reported to have been made for virtually all of these offenders (96.8 per cent). In the case of two offenders for whom this information was not reported, it is evident that the files concerning their assessments had been stored separately from the main correctional dossiers.

Of the remaining 633 convicted male child sexual offenders who were in custody or under supervision of federal and provincial correctional services, about one in four (27.2 per cent) was reported to have received a mental health assessment. The proportions receiving such assessments in relation to the types of offences committed were: 21.1 per cent, homosexual offenders; 28.7 per cent, heterosexual offenders; and 22.2 per cent, offenders having multiple victims. Information was either incomplete or unclear concerning the specialties of the health workers who had provided these assessments. The findings suggest, however, that such assessments had not been made exclusively by psychiatrists; in many instances, it appears that they had been provided by physicians trained in other branches of medicine, mental health specialists who were social workers or nurses, clinical psychologists, and in some instances, by classification officers.

## Provision of Mental Health Treatment

It is recalled that in the 1980 *Needs Assessment Survey* of 557 sexual offenders who were in custody of federal correctional institutions, about one in four (27.6 per cent) had received some form of counselling or treatment.<sup>58</sup> The proportion in this category is higher but of the same general order as that documented in the National Corrections Survey. In each of these surveys, the main finding is that most of these offenders were reported not to have received any mental health treatment while they were in custody.

**Table 39.2**  
**Provision of Mental Health Treatment**  
**for Convicted Male Child Sexual Offenders**

Sex of Victim of Current Conviction	Proportion of Offenders Reported to have Received Mental Health Treatment by their Previous Criminal Record							
	Prior Criminal Record of Offenders							
	None (n=262)		Sexual Offences (n=179)		Other Offences (n=254)		Total (n=695)	
	No.	Non-Accum. %	No.	Non-Accum. %	No.	Non-Accum. %	No.	Non-Accum. %
Male victims	5	10.2	19	37.3	3	10.3	27	20.9
Female victims	31	15.0	43	36.8	36	16.2	110	20.2
Multiple victims	2	28.6	2	18.2	1	33.3	5	23.8
<b>TOTAL</b>	<b>38</b>	<b>14.5</b>	<b>64</b>	<b>35.8</b>	<b>40</b>	<b>15.7</b>	<b>142</b>	<b>20.4</b>

*National Corrections Survey.* See Table 38.1 in Chapter 38, *Convicted Offenders*, for denominators used in calculating the proportions of offenders having received mental health treatment.

In the National Corrections Survey, one in five of the convicted male child sexual offenders (20.4 per cent) was reported to have received some type of mental health treatment. There was no variation in this regard in relation to the types of offences committed. However, there were sharp differences in relation to the offenders' prior criminal records. Among sexual recidivists, over one in three (35.8 per cent) had received some type of mental health treatment, while among non-sexual recidivists and first-time convicted offenders, the proportions respectively were one in six (15.7 per cent) and one in seven (14.5 per cent).

The type of care provided was listed for nine in 10 (90.1 per cent) of the offenders who were known to have received mental health treatment. About

three in five (57.8 per cent) had received some type of counselling and/or psychotherapy (individual or group). The other treatments provided included: training in life skills (11.7 per cent); services provided by Alcoholics Anonymous (11.2 per cent); behaviour modification, aversion therapy and drug therapy (11.7 per cent); and other procedures (7.6 per cent, sterilization, lobotomy, etc.).

Of the 142 offenders reported to have received mental health treatment:

1. Four in five (81.7 per cent) had received these services on only one occasion, while one in five (18.3 per cent) had been treated on two or more occasions.
2. Non-medically trained health workers had provided about a third of these services (32.3 per cent).
3. Two-thirds of the mental health treatment services (66.7 per cent) had been provided to the convicted child sexual offenders while they were in custody.

## Alcohol and Drugs

In the national surveys of police forces, hospitals and child protection services, alcohol and/or drugs were reported to have been used by suspected or known offenders in connection with about one in six offences (15.7 per cent) committed against boys and one in 10 offences (9.7 per cent) committed against girls. In contrast, **two in five male child sexual offenders (40.0 per cent) were reported to have been using one or other of these substances either before or when the sexual offences for which they were convicted had been committed.**

The reported use of these substances varied both in relation to the types of offences committed and the prior criminal records of the offenders. Approximately one in four offenders (27.9 per cent) who had committed a homosexual offence or who had had multiple victims (28.6 per cent) was reported to have been using alcohol or drugs. The proportion in this category was over two in five (43.3 per cent) in the case of convicted heterosexual offenders. The reported use of these substances also varied in relation to the offenders' previous criminal records, respectively: 29.5 per cent, no previous criminal record; 38.4 per cent, sexual recidivists; and 55.3 per cent, non-sexual recidivists.

These findings are about of the same order as those reported in other Canadian studies of convicted sexual offenders. In the 1974 Canadian Penitentiary Service Survey,<sup>59</sup> 32.9 per cent of the offenders were reported to have used these substances. In the 1977 survey of 150 sexual offenders incarcerated in Ontario, "65% of the pedophiles and 58% of the rapists either identified themselves, or were described by probation officers as problem drinkers or alcoholics."<sup>60</sup>

The sharp differences in the Committee's several national surveys in the reported use of alcohol and drugs by suspected or known offenders suggest that this type of information surfaces differently in different types of situations. It is unlikely, for instance, had the police, physicians or social workers known that these substances had been used by sexual offenders that they would have consistently under-reported this significant information. However, in the case of the higher proportion of convicted offenders that was reported to have used these substances, it is likely that some offenders either had chosen to volunteer this information as a face-saving rationalization to account for their actions, or they may have done so with the intent that statements about their impaired mental state would be considered as a mitigating factor on sentencing. This interpretation is partially supported by the finding that three in five offenders (58.6 per cent) claiming to use alcohol or drugs alleged that their judgment had been impaired by these substances when they had committed sexual offences against young persons.

## Case Studies

Drawn from the Committee's review of the case law, the following case studies illustrate the breadth of judicial discretion on sentencing in relation to considering an accused's prospects of benefitting from treatment while either on probation or while serving a custodial sentence. The case studies suggest that judicial attitudes differ considerably with respect to the perceived need of treatment for convicted child sexual offenders and in regard to the potential efficacy of these services.

### *Case Study 1: R. v. Henein (1980)*<sup>61</sup>

The accused, aged 36, pleaded guilty to five counts of gross indecency in which it was alleged that he had felled five boys, aged 11 to 13. The incidents occurred over an 11 month period. The accused met the boys at a local restaurant, and returned to his apartment with them. Here, he had one of the boys photograph him in bed being felled by another of the boys. The accused also took photographs of the boys felling each other. Threats and violence were not used. Investigating police officers found 60 photographs of nude young boys on the accused's premises, as well as notebooks dating back to 1968 which contained the names of young boys, and newspaper clippings concerning sex offence charges involving men and boys. The police also seized large numbers of pornographic books and magazines including examples of child pornography. The accused admitted having been involved in homosexual pedophilic activities for over 10 years.

After his arrest, the accused received psychiatric help in the form of behaviour modification treatment. A psychiatrist testifying at trial indicated that the accused had a fair chance of being rehabilitated because he now felt a sense of remorse and was highly motivated by the court process. The psychiatrist proposed a treatment program to last three years. The trial judge imposed a suspended sentence with three years' probation, contingent upon the accused undergoing the treatment program. The Crown appealed against sentence.

The court allowed the appeal and varied the sentence to six months' imprisonment with three years' probation on the terms imposed by the trial

judge. After canvassing a number of decisions involving pedophilic offenders, the court expressed its disagreement with the idea that a suspended sentence and long probationary period:

... is inevitably right for these cases and that the abhorrence of the public itself must always be disregarded in the interests of the accused, because ultimately, the interests of the accused in his rehabilitation and that of the public coincide... Parliament has shown by the sentence it has established for these offences the seriousness with which it views them. Society has, through Parliament, repudiated these acts by criminal sanction and whether society can repudiate immoral acts by means other than criminal sanctions is irrelevant to these offences.

The court also noted that the accused's sense of remorse and his motivation to undergo treatment only manifested themselves after he had been charged. Thus, the court further held that it:

... should not become accepted wisdom that it is only upon being arrested and charged that remorse needs to be shown and the necessary motivation given to seek treatment. In my view, there is an element of deterrence if those who are aware of their problem and know that their conduct is unlawful are made aware that, if they are detected and convicted, they do not automatically escape incarceration for their criminal acts by, upon detection, expressing remorse and seeking treatment.

In imposing sentence, the court emphasized the need of the criminal justice system to protect children. It was also pointed out that the long period of time during which the accused had been involved with homosexual pedophilia and his refusal to accept certain types of treatment (psychoanalysis and drug treatments) were aggravating factors in his case.

*Case Study 2: R. v. B. (1981)*<sup>62</sup>

The accused, aged 35, indecently assaulted his five year-old daughter on several occasions, engaging her in acts of cunnilingus and fellatio, and maintaining her silence by means of threats. The accused was dull-witted and "had certain personality defects". At trial, the accused was fined \$300.00 and placed on probation for three years. On appeal, the court varied the sentence to nine months' imprisonment plus three years' probation. The court stated that it would have been more severe in sentencing but for the accused's low intelligence, personality defects and progress toward rehabilitation since being sentenced.

*Case Study 3: R. v. Robertson (1979)*<sup>63</sup>

The accused, a 28 year-old male, was a scoutmaster. Robertson took five members of his troupe on a camp-out, and on the first night of the expedition, fellated two of the boys in his tent; these acts gave rise to two charges of gross indecency. On the second night, the accused committed sexual acts upon a third scout for which he was charged with indecent assault on a male. The victims ranged from 11 to 13 years of age.

At trial the accused pleaded guilty and was sentenced to eight months' imprisonment and two years' probation. The accused appealed against sentence.

In allowing the appeal, the majority of the court noted that the Crown counsel at trial had not requested a term of imprisonment but rather had recommended a suspended sentence and a period of probation. The accused was aware of his pedophilic tendencies and had undergone psychiatric treatment for one and one half years. The majority held that the accused's public disgrace was a sufficient specific deterrent and adequately expressed society's

revulsion by the crimes committed; a prison term could not increase the effectiveness of the deterrent. The majority were also influenced by the accused's positive pre-sentence and medical reports, which presented the accused's rehabilitation as a distinct possibility, if proper treatment were received. The majority stated that public protection could best be served by the accused's receiving psychiatric help and, accordingly, varied the sentence to time served (10 days) plus two years' probation conditional upon the accused's seeking treatment.

Howland C.J.O., in dissent, stated that a custodial sentence was appropriate in this case as reflection of public abhorrence of the accused's conduct and of the gravity of the offence. Howland C.J.O. also emphasized the accused's breach of a position of trust as an aggravating factor in the case. In the result, the Chief Justice would not have disturbed the sentence imposed by the trial judge.

*Case Study 4: R. v. Campbell (1978)*<sup>64</sup>

The accused, aged 30, abducted the 13 year-old complainant and her younger brother, after entering their home where the girl and boy had been left together. Shortly after midnight, the complainant and her brother were driven to a secluded place, and the boy was instructed to lie down on the back seat of the car. Thereupon, the accused removed the girl's clothing by force, raped her and forced her to fellate him.

The accused had no prior criminal record. Evidence indicated that he may have been severely alcoholic and mentally disturbed. The trial judge expressed reservations that a sexual offender imprisoned in a federal penitentiary might suffer physical harm there and be even more dangerous upon being released. Accordingly, the trial judge imposed a 23 month sentence to be served in a provincial correctional centre.

On appeal by the Crown, the Court of Appeal increased the sentence to five years, holding that it was not for the judge in sentencing to consider the harm that the offender might suffer in a federal prison; such matters were the concern of the penitentiary services and of Parliament. In varying sentence, the Court sought to:

... express society's detestation of the offence, protect society from such a man, punish him, and deter him and others from committing such offences.

*Case Study 5: R. v. Doran*<sup>65</sup>

The 28 year-old accused was described as a competent and dedicated school teacher. He was convicted of indecently assaulting two young girls. Prior to committing the offences, the accused had voluntarily begun receiving psychiatric treatment for his pedophilic tendencies. The trial judge imposed a sentence of 12 months' definite and six months' indeterminate on each charge, to be served concurrently. On appeal, the court was presented with evidence not previously available for perusal by the trial judge concerning the accused's good prospects for rehabilitation. The sentence was varied to time served and two years' probation, with the condition that the accused continue his treatment. In varying sentence, the court considered both the punishment already received by the accused in losing his successful teaching position and the need to deter pedophilic behaviour. As Gale C.J.O. stated:

Deterrence in this case is of small moment because the Court is of the view that the appellant suffers from an illness, as do all



pedophiles; they are not deterred by punishment to others. If the appellant is allowed out of custody, undertakes the treatment and repeats this sort of offence, then he should expect to be dealt with in a quite different way because it will then be demonstrated that the public welfare would best be served by isolating him from society.

*Case Study 6: R. v. Priest (1974)*<sup>66</sup>

The accused was convicted of the attempted rape of a two year-old girl. The accused, who apparently was epileptic, alcoholic and illiterate, was baby-sitting the victim when he committed the offence. The accused claimed that, prior to performing the acts for which he was indicted, he had been drinking, had struck his head twice and could remember little of the incident. The accused had very limited intelligence, and was described as a "village idiot" type and as a "quiet drunk".

At trial, a three year sentence was imposed. The Crown appealed against sentence. The Court of Appeal ruled that in spite of the gravity of the offence, which necessitated a substantial prison term as a general deterrent, the accused was considered to be harmless and dull-witted, and had no prior history indicating a predisposition toward violent or sexually assaultive behaviour. It was also felt that the accused was unlikely to derive much benefit from imprisonment. Furthermore, although the victim was young, she had suffered no serious physical or psychological harm as a result of the offence. The court dismissed the Crown's appeal and upheld the sentence.

*Case Study 7: R. v. A.B.*<sup>67</sup>

The accused was charged with two counts of having sexual intercourse with a female under the age of 14 years and with five counts of indecent assault on a female. The complainants included A.B.'s daughter, E.B., whose custody he had retained after his divorce, and who testified that, at the age of six, her father had made her fellate him, and that he had attempted to have anal intercourse with her about a year later. The child was subjected to acts of anal intercourse from the time she was eight years-old until she was 13. A.B. began having vaginal intercourse with his daughter two months after her first menstrual period. Throughout the course of her childhood, the girl was induced by her father to participate in a variety of other sexual acts. The incidents of sexual abuse became regular occurrences when the child reached nine years of age. E.B. estimated that she had been involved in between 250 and 500 sexual acts with her father over a seven year period.

At A.B.'s trial, E.B. explained her feelings about her father:

I didn't know really what it was until a couple of years ago and then I didn't like it and didn't want to do it as often and that caused conflict between us.

I loved him and I cared for him.

I was frightened of him because he got mad easy . . . he'd yell and he'd hit me sometimes.

When I was hit, I'd go and run away.

The child also testified that, "My dad told me that I shouldn't be having sex with boys."

The accused also was sexually involved with at least five other teenaged girls, all of whom were friends of his daughter. Evidence adduced at trial

showed that A.B. had used his daughter to "recruit" these girls to be her father's sexual partners. With A.B.'s encouragement, E.B. invited her friends to visit or sleep over, and on these occasions, A.B. would make sexual advances toward them (usually with E.B.'s assistance). These advances led to fondling, kissing, fellatio, attempted vaginal penetration, and in the case of one complainant, full vaginal intercourse on two occasions. During the second of these two incidents, "E. held the hand of a frightened prostrate little girl while B. succeeded in defiling her and achieving an orgasm." The complainants ranged in age from 10 to 13 years at the times of the events alleged in the indictment.

A.B. pleaded not guilty at trial, but was convicted on all counts. In pronouncing sentence, the trial judge first considered psychiatric evidence introduced during the trial, which indicated that A.B. was a heterosexual pedophile who represented:

... a poor candidate for treatment and should be viewed as being at risk of getting in further trouble if returned to the community.

The judge added that:

... if this Accused Person, now deprived of his daughter bait to ensnare his virginal victims, is returned to the community still driven by his pedophile illness, a terrible tragedy might occur.

After canvassing a number of relevant recent sentencing decisions, the judge noted that the function of the criminal sanction is not only rehabilitative and deterrent, but also denunciatory. The judge went on to cite *R. v. Pruner* (1979)<sup>68</sup> as authority for the principle that "the maximum penalty should be reserved for the worst offence and the worst offenders." He concluded that A.B.'s crimes against his daughter were almost the worst examples of the offence of indecent assault that could be imagined.

The judge sentenced A.B. to life imprisonment on the count of having sexual intercourse with a female under the age of 14 (his daughter), to concurrent sentences of one, one, one, two and four years' imprisonment with respect to the charges of indecent assault on a female, and to a concurrent term of two years' imprisonment in connection with the other charge of having sexual intercourse with a female under age 14. The judge stated:

... I am not prepared to countenance [A.B.'s] release into society until there is some reasonable degree of assurance that his illness is, if not cured, at least curbed.

Thus, the judge added to his decision a recommendation that the Parole Board be satisfied by medical evidence that A.B. had become capable of controlling his pedophilia before allowing him to be released on parole.

*Case Study 8: Young v. R.*<sup>69</sup>

The accused was charged with three counts of buggery and one count of indecent assault on a male. The incidents occurred on three separate days, and involved four boys aged 6, 8, 8 1/2 and 10; the indecent assault charge was laid with respect to the youngest boy. The accused also forced each of the victims to fellate him and to perform various other sexual acts. The boys suffered minor injuries, such as rectal bruising. At trial, the accused pleaded guilty to all counts, and received a four year sentence on one count of buggery, two years and one year, consecutive, for the other buggery counts, and two years, concurrent, on the indecent assault charge.

The prisoner appealed against sentence, arguing that a total of seven years' imprisonment was excessive, and that given his need for treatment, a total prison term of four years with three years' probation would be more appropriate. The Court of Appeal dismissed the appeal, holding that the requirements of specific and general deterrence, and the necessity of promoting the accused's rehabilitation, made the sentence a fitting one. The accused's "cruel homosexual rapes" were crimes that called for a deterrent sentence. The accused's rehabilitation might be advanced if he were transferred to a regional psychiatric facility for a program of treatment which would be completed just before he became eligible for parole.

*Case Study 9: R. v. Adamson (1981)*<sup>70</sup>

The accused, a 22 year-old male, exposed his genitals to two young girls, as they walked to school. Next, the accused forced a nine year-old boy into his car. He was charged with forcible confinement (which carries a maximum sentence of five years' imprisonment), pleaded guilty, and was sentenced to 15 months' imprisonment. The trial judge stated that the seriousness of the offence was such as to necessitate a custodial sentence, even though the accused had no prior criminal record and presented an excellent prospect for rehabilitation. The accused appealed against sentence.

The court allowed the appeal, taking note of the fact that the accused had sought psychiatric help, that he was likely to benefit from treatment, that he had abstained from alcohol and drugs after being arrested, and that psychiatric reports indicated that he posed no danger to the public. Notice was also taken of the accused's record of steady employment. In the result, the sentence was reduced to nine months' imprisonment to be followed by a two year probationary period.

*Case Study 10: R. v. Beaudoin*<sup>71</sup>

The accused, aged 37, was a married man and a school teacher. He pleaded guilty to one count of sexual intercourse with a female under age 14 and to two counts of sexual intercourse with a female between the ages of 14 and 16. The offences were carefully planned and involved taking polaroid photographs of the complainants. The court held that in view of his profession, the accused was guilty of a breach of trust. Mitigating factors cited by the judge included the fact that the accused had recognized that he had a problem, had sought marriage therapy, and was a good prospect for rehabilitation. The accused received a sentence of two years less a day for the offence with the youngest girl, and sentences of one year concurrent with respect to the offences against each of the two older girls. The prison terms were to be followed by two years' probation conditional upon the accused's receiving medical treatment, avoiding communication with the victims, and refraining from contact with educational and youth organizations.

## Evaluation of Efficacy

Special treatment programs for convicted sexual offenders have been mounted at a number of correctional facilities across Canada.<sup>72-75</sup> On the basis of published accounts, it appears that the main elements of these special treatment programs consist of:

1. Individual and group counselling, and/or psychotherapy.

2. Behaviour modification and therapy.
3. Various procedures involving training in life skills.

Prior to being treated, convicted sexual offenders may be assessed by means of various psychometric tests, including:

- Social Expression Scale.
- Social Sexual Anxiety Inventory.
- Sex Knowledge Questionnaire.
- Buss-Durkee (anger inventory).
- TAIS (Test of Attentional and Interpersonal Styles).
- Social Self-Esteem and Sexual Attitude questionnaires.

In addition, physiological testing may include showing an inmate a series of photographic slides of deviant sexual behaviour while simultaneously measuring the circumference of his penis by means of a plethysmograph. This procedure is used to determine whether the diameter of an inmate's penis varies with different types of sexual depictions.

While counselling and/or psychotherapy may be provided for individual patients, the more common practice is to schedule group sessions in which a number of transactional and role-playing procedures are used. These techniques may include: Hot-Seat; Empty-Chair; Going-Around; Saying Good-bye; Dealing with Authority; Control of Temper; the Viewpoint of the Victim; Meeting Appropriate Sexual Companions; and Normal Approach Skills.<sup>76</sup>

Where behaviour modification approaches are used, the techniques employed may include:

*Orgastic re-conditioning* (a convicted offender is instructed to think of a fantasy while he is masturbating himself prior to ejaculation).

*Aversive therapy* (an electric shock applied by the inmate while viewing photographic slides of inappropriate sexual themes).

*Covert sensitization* (associating a disgusting fantasy with a deviant sexual fantasy).

*Satiation* (repeating or boring fantasies to death).

*Thought stopping* (an inmate snaps an elastic band on his wrist whenever he realizes he is drifting into a fantasy concerning inappropriate sexual behaviour).

The special treatment programs for sexual offenders may also provide sessions focussing upon: assertiveness training; relaxation training; and sex education. These programs are intended to improve the skills, knowledge and attitudes of convicted sexual offenders.

Partly on the basis of his previously undertaken extensive research on sexual offences and also in relation to the findings of a study of intensive group

psychotherapy provided for a dozen sexual offenders in custody at the British Columbia Regional Psychiatric Centre at Abbotsford, D.J. West of the University of Cambridge's Department of Criminal Science has noted that:

"No system has succeeded fully in reconciling the needs of treatment with those of justice and security. Justice demands fixed terms of detention as a punishment for past crimes. Penal authorities are charged with a responsibility to protect the public from criminals for the duration of their sentence. They cannot risk relaxation of security, or permit trial periods of freedom, for offenders whose criminal history suggests that they are potentially dangerous. The medical treatment model, on the other hand, calls for some flexibility in the time spent in custody according to the offender's progress towards emotional reorientation. Even more important, a realistic treatment programme concentrates on readjustment to the community rather than adjustment to artificial institutional life. The most critical phase of treatment starts when the offender begins to face life outside once again. That moment is the testing time for treatment gains made during incarceration. It is also the moment when emotional conflicts are liable to be reawakened and help is most needed and most likely to be effective. In concrete, practical terms, the psychiatric approach calls for release by easy stages while the offender is still under supervision and still an active participant in a treatment programme. Without this essential provision, treatment schemes are not being given a fair chance and should not be blamed if they fail to prevent recidivism."<sup>77</sup>

With respect to conclusions about the efficacy of special treatment programs, several Canadian studies<sup>78-80</sup> have variously claimed that the provision of these services has had "a demonstrable beneficial effect on the re-offence rate of incarcerated sex offenders,"<sup>81</sup> or alternately, they may have been referred to as having been "an established, demonstrably effective treatment program."<sup>82</sup>

The consensus of numerous reviews of the operation of correctional treatment programs for convicted sexual offenders suggests that there is insufficient evidence available either to warrant the conclusion "that nothing works" or the optimism that certain programs have been "demonstrably successful." On the basis of his extensive review of treatment programs provided for child sexual molesters, V.L. Quinsey concluded that:

"A more serious difficulty with the treatment programs [described above] is that they do not appear to be based upon a detailed analysis of the individual client's problems. There have been few attempts at designing different treatment interventions for different types of child molesters, particularly as the problems extend to actual sexual behaviours with adult partners in the community. The typical strategy employed in the literature is to obtain a group of more or less similar sex offenders, make a treatment intervention designed to suppress child molesting, evaluate what happens (with measures that vary widely in reliability and relevance over studies) and compare the results obtained with a subjective estimate of what would have occurred without therapy. This strategy poses some rather difficult problems in evaluation. In addition, it does not appear to be the most effective strategy on theoretical grounds."<sup>83</sup>

On the basis of their more general review of the efficacy of correctional treatment programs in Canada and abroad, P. Gendreau and R.R. Ross reached a similar conclusion.

"The criminological literature is replete with reports attesting to the view that correctional treatment is a failure . . . Conflicting views have been expressed . . . and while the debate still rages, there appears to be a widespread endorsement of the view that in correctional rehabilitation "nothing works."<sup>84</sup>

The task of testing one's views by seeking and critically evaluating new evidence — what we have naively assumed to be the forte of research — seems to have been studiously avoided by both sides in their struggle to upstage their opponents . . .<sup>85</sup>

The arguments are persuasive, the rhetoric often brilliant, the metaphors appealing, and the objectivity sadly lacking. The antagonists seem to be more intent on winning arguments than on seeking truths."<sup>86</sup>

Stemming from their intensive review of the special treatment program for convicted sexual offenders at the Regional Psychiatric Centre at Abbotsford, British Columbia, D.J. West and his colleagues concluded that:

"There are three main reasons to justify scepticism about the value of the group treatment programme in British Columbia: absence of firm evidence that the attainment of insight into motives for sexual aggression will prevent recurrence, lack of any means for testing behaviour beyond the confines of the institution, and the barriers to frank communication and assessment within a penal setting. These grounds for scepticism would not amount to much if it could be proved by a follow-up study that the programme really achieved the prevention of further crimes after release."<sup>87</sup>

Treating only those with good prospects guarantees impressive results. To prove the effectiveness of treatment, like must be compared with like, treated cases must be compared with others, assessed as equally eligible for inclusion, who did not receive treatment.<sup>88</sup>

In the present state of the art, a treatment effort such as the one described is largely an act of faith. The therapists believe in it, superficial indications suggest that it helps and, though it can be painful at times, the patients want it, but the security of scientific proof of effectiveness is missing. However, in human affairs, especially in matters of social policy, many decisions have to be taken without benefit of rigorous scientific testing. Having observed the work at close quarters, weighed the pros and cons as critically as possible, using common sense and intuition where scientific assessment is not available, we reached a personal conviction that important and relevant changes in attitude were being made by these patients. There were some men in the group whose improvement was so plainly evident to all observers that we should have gladly recommended their release under continued psychiatric supervision had that course been open, despite a lively appreciation — and some practical experience — of the difficulties and responsibilities of making recommendations for parole. But clearly, no effort should be spared, in spite of all the methodological problems, to secure more objective evidence of effectiveness."<sup>89</sup>

**These assessments indicate that in the present state of knowledge, no definitive conclusions can be reached concerning the known or potential efficacy of correctional treatment programs for convicted sexual offenders. While, as noted, a number of special treatment programs are now being provided at several correctional institutions across Canada, it is apparent that despite these efforts relatively little attention has been paid to seeking to**

**ascertain the needs of a majority of these offenders or to provide reasonably full information about the types of services provided for them.**

During its meetings with senior federal and provincial correctional administrators across Canada, the Committee was informed of several reasons why these officials believed that limited information was available about these issues. Their reasons included:

1. Reflecting the deeply rooted repugnance for and rejection of sexual offenders by Canadians, it was suggested that these views were reflected in the administration of correctional services, and accordingly, assistance for these offenders was assigned a low priority.
2. It was also held that most of these offenders did not need treatment. They were considered to be criminally deviant and hence deserved to be severely sentenced by the courts and to be the recipients of harsh punishment meted out by other imprisoned inmates.
3. The Committee was informed that statistics were an academic artifact, one that made no practical contribution in relation to assessing the widely different needs of individual offenders, or in providing assistance in the process of reaching critical decisions concerning the types of custody in which these offenders should be incarcerated or the timing and conditions of their parole. Since these decisions had to be made on a case-by-case basis, it was suggested to the Committee that statistics could not replace the need for drawing upon experienced and sound judgment.

The Committee rejects this latter premise. As documented elsewhere in the Report, where it was found that clearly set standards had not been established and the actions taken with respect to them monitored, then the decisions based upon informal assessments were found in a number of instances to have resulted in gross errors of judgment having been made. In this regard, one senior correctional administrator informed the Committee that maintaining a deliberate but informal policy of benign silence was preferable to unleashing a Pandora's box of public concern. Such assessments, it was feared by this informed observer, would reveal the glaring inadequacies of the treatment and rehabilitative services provided for offenders as well as indicating the absence of firm documentation concerning the follow-up of discharged prisoners who either had received no services or different types of assistance while in custody or under supervision.

To the extent that these observations are valid, the absence of complete and externally reviewed documentation concerning the operation of correctional services provides a convenient protective shield serving to deflect independent scrutiny and potential criticism concerning decisions reached about the assessment of the needs, the provision of treatment services, and the release and parole conditions set for convicted child sexual offenders. By choosing not to assemble this type of information or to make it openly available, it can be validly claimed that answers to these questions are unknown.

4. The Committee was told by another senior correctional administrator that once convicted sexual offenders were "out of sight", they were "largely forgotten by the public." It was only when these prisoners were placed on parole or released that the public's concerns were aroused by fears that these offenders might commit further sexual offences.

This senior official also noted that since the legislative leadership provided was typically weak and poorly informed, correctional services operated with a relatively high level of self-autonomy. This fact, coupled with the lack of sufficient documentation about the operation of these services, effectively precluded these rapidly rotating legislators from delving too deeply into the details of the administration of specific correctional programs, or of being in their positions long enough to have the opportunity of identifying and re-aligning program priorities.

It was further noted that there was often a high turnover of legislators who were assigned responsibility for correctional services. In this regard, there was a lack of continuity in establishing penal policies. Accordingly, in practice, most important penal policies were developed and implemented by senior career correctional officials.

**Whether the views expressed by senior correctional officials are valid or invalid, none of these reasons in the Committee's judgment constitutes acceptable justification for the fact that there is now wholly inadequate information available about the important issues being considered.**

It is the stated policy of some correctional services to separate medical records from those maintained for administrative purposes. Where this policy is adhered to, the main correctional dossier for each offender would either contain no record of medical care, or it would only be noted in these files that such services had been provided but with no details being listed. On the basis of the survey's findings, it is unclear even where policies concerning the confidentiality of medical information were reported to have been adopted whether they were being fully adhered to in practice. In all jurisdictions participating in the National Corrections Survey (federal or provincial correctional services), it was found that relatively extensive information on clinical assessments and treatments was available for some offenders, but not for others. As a result, it is unknown where such information was not reported whether the offenders involved had not received these services, or whether they had, but the information had been separately recorded in medical charts.

**In light of the findings of several other surveys of convicted sexual offenders in Canada, the likelihood is greater where no information was reported in the present survey concerning the provision of mental health assessments and treatments that in fact no such services had been given or received.** This conclusion is supported by the findings of the 1980 *Needs Assessment Survey* conducted by Correctional Services Canada in which it was found that only 27.6 per cent of 557 sexual offenders in federal custody had received any form of treatment.<sup>90</sup> Two smaller studies reached somewhat similar conclusions.



In a survey of 150 convicted sexual offenders in federal custody in Ontario undertaken in the late 1970s, it was reported that:

"More than half of both groups (51% of the pedophiles and 58% of the rapists) are viewed by institutional staff as poorly motivated toward rehabilitation, with only 17% of the pedophiles, and 10% of the rapists, being described as well-motivated. These figures are reflected in the number of sexual offenders who accept treatment for their deviant behaviour. An established, demonstrably effective treatment program . . . has been operating in the Region for three years, and yet in that time less than 80 of the over 300 sexual offenders that have been in the system, have volunteered for treatment. Furthermore, many of these did so in order to enhance their parole chances, rather than because they recognized they had a problem that could benefit from treatment."<sup>91</sup>

Comparable observations were made in the study of 205 sexual offenders who were incarcerated in federal institutions in western Canada.

"According to case management officers, 67% of the sample decidedly required treatment for sexual deviations . . . [however] . . . less than 65% of the sample would even admit to their offence or claim the capacity to recall it . . . 39% outrightly refused to do so . . . In addition, most subjects (70%) were not interested in participating in treatment programs in their current penitentiary setting. As expected, fewer would be disinclined to participate in a hospital (57%) or pre-release setting (54%), or if participation would aid in release (51%). Although this variation in treatment resistance may be indicative of questionable motivation, it could also reflect the reality of prison environment and the pressures experienced by identified sexual offenders."<sup>92</sup>

The Committee's findings on convicted child sexual offenders were obtained in relation to persons who were in custody and under supervision of both federal and provincial correctional services. As a result, these offenders were incarcerated in a sizeable number of institutions, many of which did not provide special treatment programs for sexual offenders. In light of these considerations, the Committee's findings that about one in five convicted male child sexual offenders (20.4 per cent) had received some form of mental health treatment are of the same general order, if somewhat lower, than the findings of the three other Canadian studies reporting the provision of these services. The proportions in these surveys were: 27.6 per cent, 1980 *Needs Assessment Survey*; 26.7 per cent, 1977 Ontario Survey; and 30.0 per cent of offenders willing to receive treatment, 1982 Prairie Region Survey.

## Summary

Despite the limitations of the Committee's findings, they clearly indicate the need, as recommended by earlier national inquiries, for the careful and comprehensive documentation of the social, physical and mental health needs of these offenders, the nature of the services provided for them, under what conditions these services are provided, and the assessment of the outcomes of treatment. The Committee's conclusions and recommendations with respect to these issues are identical to those of earlier inquiries undertaken during a period spanning well over half a century.

The 1938 *Royal Commission to Investigate the Penal System of Canada* (Archambault Report) concluded "that a prison system that on the whole, returns prisoners to society worse than when received into its custody fails in its function to protect society."<sup>93</sup> The 1938 *Archambault Report* recommended that:

"Nothing should be omitted which might improve the character of the prisoner. Thorough mental and medical examinations, complemented by a knowledge of his personal history, background, and family history, should be made of every prisoner by an expert psychiatrist and physician. Proper treatment should follow in an effort to remove the causes of his criminal tendencies."<sup>94</sup>

About two decades later, the 1956 *Committee Appointed to Inquire into the Principles and Procedures followed in the Remission Service of the Department of Justice of Canada* (Fauteux Report) noted that "the problem of the sex offender . . . is primarily a medical problem."<sup>95</sup> While the 1956 *Fauteux Report* observed that "medical science is still uncertain as to the kind of treatment that may be effective," it concluded that "it is obvious that effective treatment can only be discovered if such persons are made the subjects of special study."<sup>96</sup>

This theme was strongly reiterated in the Report of the 1958 *Royal Commission on the Criminal Law relating to Criminal Sexual Psychopaths* (McRuer Report). The 1958 Royal Commission stated that:

"We believe there is great necessity for concentration on ways and means of clinical study and experiment to arrest the development of sexual deviation. The responsibility for this extends far beyond the jurisdiction of the courts, and even of the legislative bodies . . ."<sup>97</sup>

In addition to this, an organized scientific study of the cases of all those committed to serve indeterminate sentences should be undertaken, and if possible, extended to all sexual offenders serving sentences in penitentiaries, with a view to developing improved methods of treatment of those committed to prison, whether for an indeterminate or determinate period."<sup>98</sup>

**The Committee strongly endorses the recommendations of the 1938 Archambault Committee, the 1956 Fauteux Report and the 1958 McRuer Report. We believe that another half century should not be allowed to elapse before strong and constructive action is taken in order to assemble obtainable information about the needs and treatment of convicted sexual offenders, including those whose victims were children and youths.**

It is evident that, for whatever reasons, correctional services have shown little enthusiasm or disposition to act upon the recommendations of a series of government appointed inquiries in relation to the need to obtain comprehensive and adequate documentation concerning the needs of convicted sexual offenders and the treatment services provided for them. It is evident that if this job is to be done, it must be given a strong legislative mandate and authority must be clearly assigned to assure that the requisite full documentation is undertaken and independently reviewed. There can be no doubt that in relation

to child sexual abuse, the lack of adequate, yet obtainable documentation, has meant that there is virtually no reliable information available concerning how children and youths may be better protected from convicted sexual offenders, particularly those who are recidivists.

Accordingly, the Committee recommends that:

The Office of the Commissioner in conjunction with the Department of Justice, the Department of National Health and Welfare, the Department of the Solicitor General and with the co-operation and participation of Provincial and Territorial Correctional Services, undertake a national research study focussing on the needs and treatment of convicted child sexual offenders. This study should include an assessment of the social, physical and mental health needs of these offenders and of all aspects of the treatment provided for them and the various outcomes.

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### Chapter 39: Treatment

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## Chapter 40

# Recidivism

Over a period of several decades, a number of federal inquiries have called attention to the need for comprehensive research on recidivism and for consideration of more effective means of treating and managing recidivists. In this chapter, the reports of these inquiries and the findings of the main Canadian research studies on recidivism are cited. As well, findings from the National Corrections Survey are presented in conjunction with a number of case studies taken from accounts given by persons contacted in the National Population Survey and cases obtained in the review of sentencing decisions.

The findings concerning recidivism are considered in relation to the prior criminal records of offenders and the types of victims of sexual offences for which the offenders were currently sentenced. In the first category, information was obtained concerning convicted male child sexual offenders having no previous convictions and two types of recidivists, respectively, those previously convicted for sexual and non-sexual offences. The findings on recidivism are also considered in relation to whether the young victims of offences for which offenders were currently sentenced were males, females or multiple victims.

### Advisory Reports and Previous Research

The concept of recidivism, or the re-occurrence of crime, has been expanded in recent decades from a listing of rates of reconviction to encompass an assessment of the experience of victims and offenders, documentation of crimes previously committed and consideration of whether there has been a progression from minor to more serious offences. As in the instance of the present review, comprehensive documentation of sexual recidivism has been curtailed by the absence of appropriate control groups and a paucity of information concerning the long-term consequences of different sentencing decisions and penal policies concerning the management and treatment of convicted offenders. The information that is usually available focusses upon persons who are known to be failures with relatively little being known about offenders who do not later regress into criminal activities.

In its review of Canadian reports dealing with sexual recidivism, the Committee found that while there was an abundance of conjecture, few studies contained comprehensive and reliable documentation, particularly in relation to those criminals having children and youths as victims. In most of the reports of advisory commissions and research studies, the ages and sexes of victims are not reported. In some studies, only a few of the sexual offences were considered, while others dealt exclusively with offenders who were in custody or under supervision of either federal or provincial correctional services. The situation of the offenders studied in these reports has been variously derived from: charges laid by the police; pre-sentencing reports; sentences imposed by courts; offenders on probation; offenders who are incarcerated; and offenders, either before or after sentencing, who have been referred for clinical assessment. As a result of the different research methods used involving different groups of offenders, there is no consensus in the main Canadian studies concerning the levels and types of sexual recidivism regardless of the ages of the victims of these offences.

- *1938 Royal Commission to Investigate the Penal System of Canada (Archambault Report)*. On the basis of its review of the rates of recidivism between 1891 and 1936, the 1938 Royal Commission concluded that "the present system is neither effecting reformation nor affording protection to society against further offences by prisoners when liberated".<sup>1</sup> In a special analysis of 188 recidivists, it was found that over three in four had been convicted for the first time before age 23, one in six was a drug addict and almost nine in 10 had only a primary school education.

The Report of the Commission recommended that "accurate statistical information" be assembled to permit assessment of "recidivism, the success or failure of probation, ticket-of-leave or parole and other kindred matters".<sup>2</sup>

- *1956 Committee to Inquire into the Principles and Procedures Followed in the Remission Service (Fauteux Report)*. On the issue of convicted sexual offenders, the 1956 Committee concluded that "it is obvious that effective treatment can only be discovered if such persons are made the subjects of special study. We feel that sex offenders should be removed from the normal prison population and that intensified research on the problem should be carried out".<sup>3</sup>
- *1956-59 Toronto Forensic Clinic Study*. In this study of 132 offenders (54 exhibitionists, 55 pedophiles and 23 homosexuals) referred for psychiatric assessment and treatment, it was noted that "the low recidivism rate of sexual offenders is generally recognized. However, if a study population is selected from prison, previous convictions may go up as high as 50 and 60 per cent<sup>4</sup> . . . exhibitionism has consistently had the highest recidivism rate, followed by homosexual pedophilia with a recidivism rate of from 13 per cent to 28 per cent. Heterosexual offences against children show about half this recidivism rate, varying from 7 per cent to 13 per cent<sup>5</sup> . . . exhibitionists exposing to children are more likely to become repeaters than those who expose to adults".<sup>6</sup>

In reports subsequently issued relating to this study, the researchers reiterated their conclusions concerning the low level of sexual recidivism. In an article published in 1968, it was noted: "A number of studies report a general recidivist rate for all sex offenders at between 12 and 17 per cent.



This low recidivist rate of sexual offenders, compared with other types of offenders, is now generally recognized. Heterosexual pedophiles who are first offenders show a recidivist rate in a number of studies of between 7 and 13 per cent, which is consistently about one-half the rate one finds for homosexual pedophiles or exhibitionists. Our own studies indicate a rate of between 6 and 8 per cent<sup>7</sup> . . . The recidivist rate for first offenders of this type is low, which indicates a good probation risk<sup>8</sup>.

- *1957 British Study of Sexual Offences*. Of 1985 convicted sexual offenders having children, youths and adults as victims, 17.3 per cent had previous convictions for sexual offences. The report notes that “there is a marked difference between the proportion of sexual recidivists in the heterosexual class (12%) and in the indictable homosexual class (23%). Most of the offences in both these classes were committed against children, but it appears that offenders against boys were relatively more persistent than those against girls”.<sup>9</sup> No detailed breakdown of the ages of victims of recidivists was given.
- *1958 Royal Commission on the Criminal Law Relating to Criminal Sexual Psychopaths (McRuer Report)*. In this inquiry appointed to review the criminal law relating to criminal sexual psychopaths, statistical information assembled by the R.C.M.P. concerning 3110 convicted sexual offenders was reviewed and an analysis was made of 23 incarcerated “sexual psychopaths”. As noted in Chapter 36, *The Research Record*, the findings presented in the Royal Commission’s Report do not accord with its conclusion that “recidivism is not prevalent among sexual offenders generally”.<sup>10</sup> The Report’s statistics indicate that about one in seven offenders (14.1 per cent) had had previous convictions for sexual offences and a comparable proportion had subsequently committed sexual offences. In a footnote, the Report notes that “50 per cent were convicted of other crimes before or after their first conviction for a sexual crime. This tends to show that an unusually high percentage of sexual offenders are recidivists in crime”.<sup>11</sup>
- *1961-62 Study of Persons Charged with Sexual Offences Whose Cases Came Before Metropolitan Toronto Courts*. Information was assembled for a year concerning 597 persons charged with sexual offences whose cases came to court.<sup>12</sup> The study proceeded on the assumption that persons charged with having committed sexual offences were ‘offenders’; it was on the basis of this unusual assumption that rates of recidivism were calculated. In the instance of indecent assault against a female involving victims age 12 and younger, of 86 persons so charged, 55 were sentenced (64.0 per cent). Based on the inclusion of findings for both convicted and non-convicted males, the sexual recidivism rates calculated for various types of ‘offenders’ were: rape (5.3 per cent); indecent assault female, under age 13 (20.1 per cent); indecent assault female, 13 — 19 years-old (5.1 per cent); indecent act (24.1 per cent); indecent assault male (35.4 per cent); and gross indecency (9.9 per cent).
- *1965 U.S. Study of Sex Offenders*. In this study by the Institute of Sex Research founded by A.C. Kinsey, the main categories used in the analysis of findings concerning 2244 convicted white male sexual offenders were: heterosexual and homosexual offences; consensus or aggression; age of victims (under 11, 12-15, 16 and older); and incest.

About a third of the victims (34.7 per cent) of offenders were under 16 years-old (70.2 per cent, girls; 29.8 per cent, boys). Two in five offenders (39.2 per cent) having children and minors as victims were sexual recidivists.<sup>13</sup> Excluding victims of incest and homosexual offences for whom findings concerning the use of physical force were not given, the study reported that one in eight recidivists (12.2 per cent) had aggressively assaulted young female victims. On the basis of accounts of the offences reported by offenders, it was concluded that a majority (87.8 per cent) of these sexual acts had involved the consent of young victims.

The rate of recidivism varied in relation to whether heterosexual (33.1 per cent) or homosexual (53.4 per cent) offences had been committed against children and minors. The study's main conclusion with respect to the age of the victim was that "there is a definite correlation between recidivism and the age of the sexual object . . . men whose offences were against children have more per capita convictions than those . . . whose objects were older."<sup>14</sup>

- *1967 Study of Rapists in the Kingston Penitentiary*. Of 30 rapists incarcerated in a federal penitentiary, 41 per cent of their victims had been age 15 or younger and 32 per cent had been between 16 and 20 years-old.<sup>15</sup> About one in five (19 per cent) of this small group of incarcerated offenders had previously been convicted for a sexual offence. No separate analysis was given concerning recidivists having children and youths as victims. Despite the absence of information on the level of recidivism of other types of convicted Canadian offenders, the study concluded that "rapists do not have a high incidence of previous sexual offences, and this is supported by other studies" . . . very few of these offenders are considered as good prospects for psychiatric treatment. Because rape is a serious and harmful offence, and because the offenders' psychopathology cannot be easily modified, long periods of removal from normal society are perhaps justifiable."<sup>17</sup>
- *1969 Canadian Committee on Corrections (Ouimet Report)*. While the 1969 Committee recommended the repeal of legislation relating to habitual and dangerous sexual offenders, its findings concerning the latter group were limited to a brief commentary about the existing statute and the presentation of statistics on the geographical distribution of provinces where dangerous sexual offenders had been sentenced.<sup>18</sup> The Report strongly recommended that extensive empirical research be undertaken concerning sexual recidivism.
- *1974 National Study of Sexual Offenders Incarcerated in Federal Penitentiaries*. Drawing upon the records of the Canadian Penitentiary Service, this study undertook a detailed analysis of 495 sex offenders having sentences of two years or longer who were incarcerated in federal penitentiaries. Six in seven offenders (85.5 per cent) had previous convictions for sexual and non-sexual offences. In comparing its findings on sexual recidivism with those of earlier studies, the report notes "that although the recidivism rate may not have been high in 1948, or in 1969, 43% of all sexual offenders currently incarcerated have been previously convicted of sexual offences."<sup>19</sup> No findings were given concerning the ages of victims of sexual recidivists.
- *1977 Study of Sexual Offenders Imprisoned in Ontario Penitentiaries*. In this study of 150 male sexual offenders incarcerated in federal penitentiaries in Ontario, the rate of sexual recidivism was 48 per cent for 109

rapists and 61 per cent for 49 pedophiles. The study noted that "clearly both groups were recidivistic, with pedophiles being somewhat more incorrigible than the rapists<sup>20</sup> . . . offences against children (so specified on the F.P.S.) accounted for 29% of the pedophiles' previous offences, and *none* of the rapists' previous convictions."<sup>21</sup> Of the group of 82 recidivists, one in nine (11.0 per cent) had children as victims of offences for which they were currently incarcerated.

- *1979 Study of Incarcerated Sexual Offenders in the Prairie Region.* Of 205 incarcerated sexual offenders, 44.4 per cent had previously been convicted for sexual offences.<sup>22</sup> About a third of the victims (36 per cent) involved in current convictions had been children. The level of recidivism varied with the types of offences committed: rape (36.7 per cent); attempted rape (46.7 per cent); indecent assault female (47.1 per cent); indecent assault male (66.7 per cent); sex with a minor (60.0 per cent); gross indecency (66.7 per cent); incest (50.0 per cent); and buggery (20.0 per cent).

None of the main Canadian reports chose to identify the risks to children and youths represented by sexual recidivists or dealt with the issue of penal policies specifically focussing on the treatment and management of these offenders. As previously noted, although several federal inquiries have recommended that extensive research be undertaken in regard to sexual recidivism, it is evident that in the past these concerns have not been acted upon by justice and correctional services.

## Case Studies

The accounts concerning sexual recidivism given by persons contacted in the National Population Survey confirm the general finding that only a small proportion of sexual offences which are committed is actually reported to the police. In addition to these accounts, the sentencing case studies taken from the review of court decisions illustrate the elements of the offences committed, the circumstances in cases of this kind which are considered by courts on sentencing and the variation in the lengths of the sentences imposed.

- *33 year-old cosmetics specialist.* When she was six years-old, she was initially exposed to by a "boy about 13 (who then) told me to put his penis in my mouth, or he would tell my parents that I did something else wrong. I was afraid of boys for a short period, like maybe a month." Ten years later, she told her mother.

"I wished that sex would have been more open at that time, then I would probably have told my parents and maybe this boy could have been helped. A few years later, he was charged with rape in another case."

- *22 year-old mother.* When she was 12 "an old man made sexual passes at me" and attempted to rape her. He was in his mid-fifties "a retired, former murderer who served 20 years for beating his wife to death with a hammer". Because he was a family friend, "I didn't tell. I feel it could have been prevented, if my mother had been more observant."

- *51 year-old housewife.* At the age 16 when she was a patient in hospital, a medical interne fondled her breasts and stimulated her genitals. "It was never completed because of a struggle and shouting and running. I didn't want to see men for a long time." She told her parents and their family doctor. "No action was taken because they couldn't find him. It was a bitter experience, especially the outcome a few months hence. This person had been on drugs from the hospital. He became a murderer and killed a little child in \_\_\_."
- *34 year-old mother.* When she was 17, she was raped by a 26 year-old labourer. "I got no support from my parents and to this day I have felt let down. I am afraid of most men and threatening situations. I have had help through therapy several times because I don't like sex now and it has affected my marriage. The man who did it continued to harass me for sometime and the police told me to move out of my building, as he kept following and threatening to 'get even' for charging him. He was jailed, later, not on my rape charge, but for manslaughter. My charges ended up being dropped as I was told by my doctors I couldn't handle the stress involved."
- *30 year-old author.* When she was 15, she was sexually assaulted by her 19 year-old first cousin. The incident was not reported. "He was a relative. We were afraid of a scandal in the family. My father talked to him. I wish he had taken firmer steps 'cause it probably would have stopped him from raping a girl a few months later. Because my father didn't think he had done anything serious to me, he didn't press the point too much. Dad never knew I fought him like a devil and got away. Things might have been different had I panicked."
- *23 year-old secretary.* When she was 16, she was raped by an acquaintance from school and as a result of the assault, she had an abortion. "He was let out of jail in two years. He then almost killed a four year-old boy with unwanted sex."
- *30 year-old domestic worker.* When she was 13, her parents' best friend fondled her crotch and anus. When she was 15, this man, an electrical engineer, attempted to rape her. Thirteen years later, she told her parents. "I found out that he has been doing a lot worse things since I grew up and he tried again while he was married. He exposes himself to little girls. The police know about him. I moved away. It didn't scar me because I could cope, but others might not. Help-lines made available and programs for each province would help."
- *31 year-old bus driver.* When she was eight, she was exposed to several times by her 19 year-old uncle. The police were contacted after he had raped her. Subsequently, he was sentenced and imprisoned. "I always felt I did something wrong. The way the police questioned me and the doctors examined me, I was very afraid for a long time. I had no one to talk to until I met my husband. My parents were ashamed and no help. After he got out of prison, he tried something with a girl friend and she told her mother.

I should have told when he first started touching and petting me. I didn't know anything then. Parents in the fifties and sixties did not explain anything, even the basics. To this day, my Mother has never talked to me about sex."

- *30 year-old wife*. When she was six, her 15 year-old foster brother attempted to rape her. She told her foster mother who contacted a child welfare agency. "My foster mother hit him a couple of times. The social worker didn't believe that a six year-old knew those kinds of things. She thought I was making it up."

The assaults were repeated by her foster brother. "People should start checking homes with foster children better and start listening to children from now on."

- *27 year-old mother*. When she was nine "my 'uncle', shortly after my brother's death, took my sister and me on a vacation to a cabin. He said he would sleep in the same bed as us (only one available) and he tried to sexually molest me and my sister. He was a good friend of our parents and had known our family for years. I never realized what he was trying to do." The incident was not reported.

"I wish that during my childhood I had sex education, that my Mother had dealt with my development as a female and that I was secure enough in that family to believe that they would believe what I said did happen. Though I appreciate the fact that I was not raped, I was scarred psychologically in that I am emotionally inhibited to this date with men. I believe sexual transgressors should be given a stiff penalty. The man who molested me was later charged with incest with his own daughter and apparently has molested many other children.

I really feel now that my parents could have helped me better. It was never talked about, even to this day. They got very upset with me years later when I wouldn't go to his house and meet his wife."

- *R. v. Head (1970)*.<sup>23</sup> In connection with the rape of a six year-old girl, the accused, aged 44, was charged with having sexual intercourse with a female under age 14. The physical injuries suffered by the child were:

"a tearing of the vaginal opening to within one quarter inch of the anus. The mucous lining of the vagina was ripped and the muscles and tendons were divided down to the rectal mucosa."

The accused had a prior record for indecent assault on a young girl; psychiatric testimony indicated that he was likely to recidivate, especially when under the influence of alcohol.

At trial, the accused was sentenced to life imprisonment. For reasons of public protection, the Court of Appeal dismissed the accused's appeal against sentence.

- *R. v. Walsh (1979)*.<sup>24</sup> The accused, a 21 year-old with over 16 previous convictions for non-sexual offences, offered a ride home to a 16 year-old girl. Instead, he drove her to a secluded place. "Notwithstanding her tears and protests, the accused forced her to submit to a variety of sexual acts, some of a humiliating nature, culminating in sexual intercourse." When arrested, the accused was found to be unlawfully at large from a penal institution, after failing to return upon the expiry of a temporary pass; further, he had been using a false automobile registration and driver's licence. At trial, the judge observed that the light sentences previously received by the accused had done little to reform him. Since the court's primary concern with regard to violent crime was public protection, it was deemed necessary to impose a sentence sufficient to deter the

accused and others from committing similar offences. However, since little actual violence had been used and the victim had not suffered physical injuries, a four year sentence was imposed.

- *R. v. Fuller* (1981).<sup>25</sup> The 13 year-old complainant was invited to stay overnight at the accused's home by his common-law wife. The 34 year-old accused attempted to rape the girl, who escaped by locking herself in the bathroom and leaving when the accused fell asleep. The accused had a criminal record dating back to 1964, which included crimes of rape and assault causing bodily harm. The accused was on parole from his rape conviction when the offence occurred. A psychiatrist testifying at the trial stated that the accused suffered from a personality disorder marked by suspiciousness, restlessness and emotional lability, and tended to resort to alcohol as a means of escape. At trial, the judge imposed an eight year sentence.

On appeal by the accused, the Court of Appeal upheld the sentence. The court held that while the accused had unusual artistic talent which afforded some hope for his rehabilitation, he was a dangerous and violent person who should be incarcerated.

- *R. v. Dawson and Williams* (1980).<sup>26</sup> Of four individuals convicted, two appealed against sentence. The complainant, a 15 year-old girl, met in the early morning with a group of friends and acquaintances including the four accused, the appellant Dawson's common-law wife and the girlfriend of one of the non-appellant accused. After stopping at several places to eat and drink, the group went to Dawson's apartment in the early afternoon. When the other women left to buy food for the Dawsons' baby, the complainant remained behind with the four men.

When the girl attempted to leave, Williams grabbed her by the arm, forced her into the bathroom and punched her in the mouth when she struggled to escape. In spite of her crying, the girl was forced onto the floor and raped. She was then raped, buggery and forced to fellate the other males in the bathroom. Threats of further physical violence were used to obtain her submission. Subsequently, she was forced to remove the rest of her clothes, and was again raped in the bedroom; in addition, she was forced to masturbate two of the men who proceeded to shake an open beer bottle and then forced it into her rectum and vagina and to punch her in the genital area. When the other two women returned, the victim managed to escape, running naked from the apartment.

In sentencing Dawson to seven years' imprisonment on a charge of rape, and two years' concurrent on a charge of buggery, the trial judge noted the accused's lengthy criminal record, consisting of 11 prior convictions for non-sexual offences, and the fact that the offences against the 15 year-old victim had been committed in his home. In view of his relatively minor criminal record, Williams received a five year sentence for rape and a two year concurrent sentence for indecent assault on a female. Both accused appealed against sentence.

Both appeals were dismissed. Dawson's sentence was deemed to be appropriate since:

"as a man ten years older than any of the other accused, he should have been able to exercise some control over them or over their actions in his residence [and taking into account] the nature of the offences, the cruel and demeaning manner with which the victim was treated, the lengthy and serious criminal record of Dawson, that he exhibited no remorse, that the

offences took place in his residence and that he was fourteen years older than the complainant . . .”

In dismissing Williams’ appeal, the court noted that even though he was young and his criminal record minor, he was the first of the accused to confine the complainant, that he struck her twice and that it was he who indecently assaulted her with a beer bottle. The court further observed that Williams was involved continuously throughout the whole series of attacks.

### Previous Criminal Record

A sizeable proportion of convicted male child sexual offenders about whom information was obtained in the National Corrections Survey had previously been in conflict with the law. Regardless of whether these offenders were currently sentenced for homosexual or heterosexual offences, about two in three (62.3 per cent) had prior convictions for sexual and non-sexual offences. In relation to the victims of offences of their current convictions, the rates of recidivism were: 62.2 per cent, female victims; 62.0 per cent, male victims; and 66.7 per cent, multiple victims.

In a number of cases, information was missing or only partially reported concerning previous offences committed by offenders when they were juveniles or adults. In the former instance, the frequent omission of this type of information is attributable to the policies adopted by child welfare and law enforcement services whose purpose is to protect juvenile offenders by means of not recording offences, by reclassifying the acts committed, or by not transferring relevant information to the criminal records of adult offenders. In the instance of recording previous convictions involving adult offenders, it was found that while this type of information may be available in the general occurrence records of the police or in records of sentences imposed by courts, it either had not been transposed in a proportion of cases to correctional files, or in other

**Table 40.1**  
**Previous Criminal Record of Convicted**  
**Male Child Sexual Offenders**

Previous Criminal Record	Male Victims (n=129)	Female Victims (n=545)	Multiple Victims (n=21)
	Per Cent	Per Cent	Per Cent
None (as an adult)	38.0	37.8	33.3
<i>Convictions:</i>			
(i) Juvenile	13.2	13.9	19.0
(ii) Adult	62.0	62.2	66.7

*National Population Survey.* The sub-categories of juvenile and adult convictions are non-accumulative.

instances, such information had only partially been listed. For these reasons, the information obtained in the National Corrections Survey on recidivism involving previous convictions for sexual and non-sexual offences constitutes an under-estimate of the actual number of cases known to enforcement and correctional services.

Since a proportion of convicted child sexual offenders had prior records involving offences committed both when they were juveniles and adults, the findings reported are non-accumulative. For the two main groups of offenders, those having committed homosexual and heterosexual offences, about one in seven was known to have committed an offence as a juvenile. Among the smaller group of offenders currently convicted of sexual offences having multiple victims, this proportion rose to about one in five.

Of offenders having juvenile records, proportionately more of those who were subsequently convicted of heterosexual offences were younger when they

**Table 40.2**  
**Convicted Male Child Sexual Offenders:**  
**Age at First Previous Conviction**

Age at First Previous Conviction	Male Victims	Female Victims	Multiple Victims
	Per Cent	Per Cent	Per Cent
<i>Juvenile Offences</i>	(n=17)	(n=76)	(n=4)
14 years-old and under	17.6	26.3	25.0
14-15 years	29.4	35.5	25.0
16-17 years	35.3	11.8	50.0
Not reported	17.6	26.3	—
<b>TOTAL</b>	<b>99.9*</b>	<b>99.9*</b>	<b>100.0</b>
<i>Adult Convictions</i>	(n=80)	(n= 339)	(n=14)
21 years-old and under	11.0	14.8	—
21-30 years	23.2	33.8	35.7
31-40 years	22.0	23.1	21.4
41-50 years	15.8	9.7	—
51 years-old and older	7.3	4.8	21.4
Not reported	20.7	13.8	21.4
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>99.9*</b>

*National Corrections Survey.*

\* Rounding error



had first come in conflict with the law than those who were later convicted of homosexual offences. A similar distribution characterized the age when offenders were first convicted as adults. On average, when they were first sentenced as an adult, offenders later convicted of heterosexual offences were younger than those later sentenced for homosexual offences.

While about a third (37.7 per cent) of the offenders had no prior criminal record, a large proportion of recidivists had been sentenced several times. About one in five convicted male child sexual offenders (22.9 per cent) had one previous conviction with the proportion in this category varying slightly in relation to the nature of their current convictions (24.1 per cent, heterosexual offences; 21.4 per cent, multiple victims; and 18.4 per cent, homosexual offences).

On average, the recidivists currently convicted of sexual offences against children and youths had 6.7 previous convictions for sexual and non-sexual offences committed when they were adults. While the recidivists having previous convictions for only non-sexual offences had proportionately fewer prior convictions (6.1 per offender) than those who were sexual recidivists (7.5 per offender), the findings indicate that a substantial proportion of both groups had been in conflict with the law on several occasions and that the rates of recidivism tended to be higher for those currently sentenced for homosexual offences than those who had committed heterosexual offences.

Type of Previous Conviction	Convicted Offenders Having Previously Served Custodial Sentences by Type of Victim of Current Conviction							
	Males Victims		Female Victims		Multiple Victims		Total	
	Non-Accumulative Percentages							
	No.	%	No.	%	No.	%	No.	%
Non-sexual offences	5	17.2	50	22.5	1	33.3	56	22.0
Sexual offences	28	54.9	52	44.4	4	36.4	84	46.9
<b>TOTAL</b>	<b>33</b>	<b>41.3</b>	<b>102</b>	<b>30.1</b>	<b>5</b>	<b>35.7</b>	<b>140</b>	<b>32.3</b>

A third (32.3 per cent) of the recidivists having prior convictions for sexual and non-sexual offences had previously been imprisoned on at least one occasion. The proportion of sexual recidivists in this category was double (46.9 per cent) that of the proportion of non-sexual recidivists (22.0 per cent). In the latter category, offenders currently sentenced for offences against females were somewhat more likely to have been previously incarcerated than offenders currently sentenced for homosexual offences. This distribution was reversed in the case of sexual recidivists, of whom 54.9 per cent serving sentences for homosexual offences and 44.4 per cent serving sentences for heterosexual offences had

previously been imprisoned. About a third of the offenders having multiple victims (35.7 per cent), regardless of the nature of their previous offences had served time in prison prior to their present convictions.

One in eight recidivists (12.2 per cent) had previously been placed in protective custody with this having involved more offenders subsequently convicted of homosexual offences (17.2 per cent) or having multiple victims (18.2 per cent) than in the case of offenders who were later sentenced for sexual offences against young female victims (10.5 per cent). One in 25 recidivists (4.0 per cent) had participated or been involved on an earlier occasion in an 'incident' while in prison (sit-downs, riots, hostage-taking, assaults); one in eight (11.9 per cent) had attempted to escape. A fifth of the recidivists (21.1 per cent) were reported to have a history of violent behaviour, (11.5 per cent, offenders later convicted of homosexual offences; 20.0 per cent, multiple victims; and 23.6 per cent, heterosexual offenders).

## Lengths and Types of Current Sentences

Information given in Table 40.3 on the lengths and types of sentences imposed lists the most serious offence for which an offender was currently convicted, the accumulative length of the sentences served consecutively, and whether the offender had been imprisoned, placed on probation or given other sentences. Because the 62 dangerous sexual offenders in the survey were given indeterminate sentences, findings for this group are not included in this listing. Offenders convicted of a small assortment of other sexual offences or receiving other types of sentences (e.g., suspended sentences, fines) are listed in the 'other' categories in Table 40.3.

In relation to the sentences imposed, the offenders who were the most severely dealt with by the courts were those convicted of: rape, attempted rape; sexual intercourse with a female under age 14; and buggery. Offences in the middle range, those resulting in proportionately fewer offenders being incarcerated and invoking shorter sentences than in the case of the first group of offenders, included: sexual intercourse with a female age 14 but under age 16; incest; gross indecency; sexual intercourse by a guardian [section 153 (1)(a) — there were no convictions under section 153 (1)(b)]; and indecent assault against a male.

Half of the convicted offenders (49.9 per cent) had committed three types of offences which were the least severely punished on sentencing. In comparison with other sentences, a higher proportion of convictions for indecent assault against a female, section 33 of the *Juvenile Delinquents Act* and indecent act resulted in offenders being placed on probation and given shorter custodial sentences. The findings in Table 40.3 clearly indicate the effects of sentencing in relation to different sexual offences in apportioning convicted offenders having custodial convictions between provincial and territorial prisons (sentences under two years) and federal penitentiaries (sentences over two years).

**Table 40.3**  
**Type and Length of Sentences of Convicted Male Child Sexual Offenders**

Sexual Offence for which Offender was Currently Convicted	Type and Length of Sentence					Total
	Custodial Sentence		Probation		Other <sup>1</sup>	
	Number of Offenders	Average Length of Sentence (months)	Number of Offenders	Average Length of Sentence (months)	Number of Offenders	
Rape	72	97.7	—	—	—	72
Attempted rape	17	42.6	—	—	—	17
Sexual intercourse, female under 14	35	50.3	9	22.0	3	47
Sexual intercourse, female 14 under 16	10	28.6	3	14.8	—	13
Indecent assault female	138	13.0	101	24.5	4	243
Incest	23	25.7	6	32.0	3	32
Sexual intercourse/guardianship (s. 153(1)(a))	6	9.5	2	24.0	—	8
Buggery	7	39.9	1	24.0	—	8
Indecent assault male	34	20.7	31	28.1	1	66
Gross indecency	26	16.3	15	28.0	—	41
Indecent act	5	3.3	48	20.8	2	55
J.D.A. s. 33	8	6.0	12	20.3	—	20
Other <sup>1</sup>	—	—	—	—	15	15
<b>TOTAL</b>	<b>381</b>	<b>36.0</b>	<b>228</b>	<b>24.2</b>	<b>28</b>	<b>637</b>

*National Corrections Survey.* The offences committed by 62 dangerous sexual offenders given indeterminate sentences are excluded from this table.

<sup>1</sup> 'Other' dispositions include: Suspended sentence; fine; and a combination of these and other dispositions. For these reasons, the 'average' length of sentences is not given for this category.

Three in five convicted male child sexual offenders (59.8 per cent) were given custodial sentences, over a third (35.8 per cent) were given probation, and one in 23 (4.4 per cent) received other sentences. Usually in conjunction with other sentences, a small number of offenders were fined in relation to convictions for four types of sexual offences.

The findings indicate that fines are relatively seldom used as a form of punishment against convicted male child sexual offenders. This sanction is typically imposed in conjunction with probation or a suspended sentence; its use appears to be limited to convictions for minor offences committed by first-time offenders. Two in three convicted offenders (66.7 per cent) who were fined had no prior criminal record.

Sexual Offence	Number	Average Fine
Indecent assault female	6	\$ 633.33
Gross indecency	2	\$ 500.00
Indecent act	8	\$ 381.25
J.D.A. s. 33	3	\$ 283.33

The six categories of available maximum sentences for the majority of sexual offences for which the offenders were convicted (at the time of sentencing and when the survey was conducted) were: summary conviction having a maximum of six months' imprisonment; imprisonment for 2, 5, 10 and 14 years; and life imprisonment. Table 40.4 lists the maximum penalty for each of the main sexual offences, the average lengths of the sentences imposed against offenders in the survey, and gives the latter as a proportion of the former.

**Table 40.4**  
**Maximum Sentences Available and**  
**Average Length of Custodial Sentences Imposed Against**  
**Convicted Male Child Sexual Offenders**

Maximum Sentence Available by Type of Sexual Offence	Average Length of Custodial Sentence Imposed Against Convicted Male Child Sexual Offenders (months)	Proportion of Length of Average Sentences Imposed to Maximum Penalty Available (%)
<i>Life Imprisonment</i>		
• Rape	97.7	—
• Sexual intercourse with female under 14	50.3	—
<i>14 Years</i>		
• Incest	25.7	15.3
• Buggery	39.9	23.8
<i>10 Years</i>		
• Attempted rape	42.6	35.5
• Indecent assault male	20.7	17.3
<i>5 Years</i>		
• Sexual intercourse with female 14 under 16	28.6	47.7
• Indecent assault female	13.0	21.7
• Gross indecency	16.3	27.2
<i>2 Years</i>		
• Sexual intercourse, guardianship	9.5	39.6
• Juvenile Delinquents Act, s. 33	6.0	25.0
<i>6 months (summary conviction)</i>		
• Indecent act	3.3	55.0

*National Corrections Survey. Findings for 381 convicted offenders given custodial sentences, excluding: 62 dangerous sexual offenders.*

Sharp variation occurs in relation to different sexual offences between the average lengths of the sentences imposed as a proportion of the various maximum sentences available. The use of the proportional measure comparing the average lengths of the sentences imposed to the maximum available terms of imprisonment provides a means of assessing current sentencing practices in relation to different offences. In the case of incest and buggery, both having maximum available sentences of 14 years, the average sentences imposed were respectively 25.7 and 39.9 months. In comparison to the maximum available sentence of 14 years for these indictable crimes, the sentences imposed were proportionately 15.3 per cent for incest (an average sentence of 25.7 months in comparison to a maximum of 168 months, or 14 years) and 23.8 per cent for buggery. The proportional measure combined for the two offences having a maximum of 14 years' imprisonment is 19.5 per cent, namely, the sentences imposed for incest and buggery represented about a fifth of maximum terms available of 14 years' imprisonment.

Setting aside the offences not listing specific years of imprisonment (life imprisonment for rape and sexual intercourse against a female under age 14) when the proportional measure is aggregated for the other sexual offences having specified maximum terms of imprisonment, **there is an inverse correlation between the ranking of the maximum available sentences and the average lengths of the sentences actually imposed against convicted male child sexual offenders.**

Maximum Length of Custodial Sentence Available	Proportion of Average Length of Custodial Sentences Imposed to Maximum Penalty Available
	%
14 years	19.5
10 years	26.4
5 years	32.2
2 years	32.3
6 months	55.0

For sexual offences having higher maximum penalties (e.g., 14 years), on average, the sentences imposed were a fifth (19.5 per cent) of the maximum terms of imprisonment. In contrast, for offences specifying two years' imprisonment, the average lengths of the custodial sentences imposed were a third (32.3 per cent) of the maximum available penalty. This proportion rose to 55.0 per cent in the case of the offence of indecent act carrying a maximum sentence of six months. In relation to the different levels of the maximum available sentences, the findings indicate that offenders convicted of minor offences were dealt with, on average, more severely than those who had been convicted of more serious offences relative to the maximum penalties available. These trends suggest that **where maximum sentences are high, the courts appear to be reluctant to impose long terms of imprisonment. Conversely, where shorter maximum sentences are available, proportionately more offenders were given longer sentences.**

Maximum Length of Custodial Sentence Available	Average Length of Custodial Sentences Imposed		
	Shorter	Intermediate	Longer
Life imprisonment	Sexual intercourse, female under age 14 (50.3 months)	—	Rape (97.7 months)
14 years	Incest (25.7 months)	—	Buggery (39.9 months)
10 years	Indecent assault male (20.7 months)	—	Attempted rape (42.6 months)
5 years	Indecent assault female (13.0 months)	Gross indecency (16.3 months)	Sexual intercourse, female age 14, but under 16 (28.6 months)
2 years	J.D.A., s. 33 (6.0 months)	—	Sexual intercourse, guardian (9.5 months)

Within each of the categories of offences having different sentencing limits, there was sharp variation in the average lengths of the sentences imposed for different types of sexual offences.

**In each of the sentencing categories, acts involving completed and attempted vaginal and anal penetration with a penis resulted in longer average sentences imposed than for other types of proscribed sexual behaviour. This relationship is sharp and consistent. However, even for offences proscribing intercourse, having the same maximum available sentences, sharp differences occurred in relation to the average lengths of the sentences imposed.** On sentencing, these variations may be accounted for: by differences in the elements of the offences committed (e.g., those which were factually non-consensual, whether violence was involved); by a greater repugnance for some offences than others (e.g., buggery); or by the assumption that some types of offenders may be more amenable than others to treatment (e.g., incest).

Both in relation to maximum sentences available and the lengths of the average sentences imposed, the findings reflect substantially different attitudes towards homosexual and heterosexual offenders having children as victims. In this regard, of the two offences having a maximum penalty of 14 years, the offence of buggery was more severely punished than the offence of incest. Of 32 incest offenders, 71.9 per cent were imprisoned having sentences averaging

25.7 months. In contrast, of the small number of offenders convicted of buggery, 87.5 per cent had been imprisoned and, on average, they had received sentences of 39.9 months.

As indicated in the findings of the National Police Force Survey, (Chapter 25, *Elements of the Offences*), the offences of indecent assault against males and females encompass a broad range of proscribed sexual acts with indecent assault against a male having a longer available sentence (10 years) than that available for indecent assault against a female (five years). Together, these two offences accounted for about half (48.5 per cent) of all convictions. While about the same proportion of both types of offenders had been imprisoned (indecent assault against a female, 56.8 per cent; indecent assault against a male, 51.5 per cent), the average length of sentences of offenders assaulting females was 7.7 months shorter than that of offenders assaulting males. **These findings, like those comparing sentences imposed for incest and buggery, leave no doubt that within the limits of the maximum sentences available, homosexual offenders having children as victims were dealt with more severely on sentencing than were heterosexual offenders.** The average lengths of the custodial sentences imposed against these two categories of sexual offenders contrast sharply with the findings given in Chapter 38, *Convicted Offenders*, which show that proportionately more heterosexual than homosexual offenders had committed more serious sexual acts, had more frequently threatened and physically forced victims, and had physically injured more children whom they had sexually assaulted. On the basis of these findings, there can be no doubt that sentencing practices are profoundly influenced by prevailing public and judicial attitudes, in some instances, apparently more so than by the actual elements of the sexual offences committed. On average, convicted homosexual offenders were generally less dangerous to victims than were convicted heterosexual offenders, yet the former received proportionately longer sentences than the latter in relation to the maximum penalties available.

The findings in Table 40.4 clearly indicate that **there is no self-evident rationale underlying the assignment of penalties to sexual offences proscribing similar types of sexual acts.** In the case of sexual intercourse with a female, the maximum sentences which could be imposed (when the study was conducted) ranged from two years (sexual intercourse by a guardian) to life imprisonment (rape). The maximum penalties for other acts involving vaginal penetration with a penis are: life imprisonment (sexual intercourse with a female under age 14); 14 years (incest); and 5 years (sexual intercourse with a female age 14 but under age 16). Contingent upon the charges laid, sexual intercourse committed by a family member, relative or a person in a position of trust to the child may invoke penalties of 2 years, 5 years, 14 years and life imprisonment.

The actual sentences imposed against offenders who had sexual intercourse with young female victims ranged from 9.5 months (sexual intercourse by a guardian) to life imprisonment (rape and sexual intercourse with a female

under age 14). Between these two categories, the average lengths of the sentences imposed for having sexual intercourse with a young female victim were: 28.6 months, sexual intercourse with a female age 14 but under age 16; and incest, 25.7 months. In the latter instance, as documented in Part V of the Report, *Child Protection Services*, the presumption often made is that incest offenders will benefit from treatment and other forms of ameliorative intervention. Comparable professional discretion does not appear to be as frequently invoked in the case of other offenders having committed similar sexual acts against children and youths.

In the Committee's judgment, these findings in conjunction with other evidence given in the Report leave no doubt that the existing provisions in the *Criminal Code* must be restructured to afford protection for sexually abused children based on a rationale which accounts for the sexual acts committed, the degree of danger involved (coercion, injuries), the child's age, and the type of association between the victim and the offender. The existing system of penalties is both irrational in its structure and in its application.

## Sexual Recidivism

The 179 convicted male child sexual recidivists for whom findings are given in Table 40.5 may have had more than one current and previous conviction for sexual offences. In some instances, offenders had lengthy records. In each instance, for example, an offender may have had concurrent or consecutive convictions for rape and indecent assault against a female. Where offenders had more than one current or previous conviction, the most serious offence committed (previous or current) was listed. On the basis of this classification, less than half (46.4 per cent) of the previous convictions for sexual offences of sexual recidivists were identical to their current convictions. Four types of offences — rape and attempted rape, indecent assault against a female, indecent assault against a male and indecent act — accounted for three in four (75.4 per cent) previous convictions. With one exception, that involving three cases of incest, where the level of congruence was relatively high between previous and current convictions, the offences in this category were vaguely phrased in relation to specifying the exact nature of the sexual acts proscribed. The offences for which over half of the previous and current convictions were comparable were: indecent assault against a female (59.3 per cent); indecent assault against a male (51.2 per cent); and indecent act (77.8 per cent).

The findings listed in Table 40.5 can be interpreted from two perspectives in relation to whether a progression occurs from minor to more serious sexual offences having been committed. Minor offences committed in the past, such as convictions under section 33 of the *Juvenile Delinquents Act* or for the offence of indecent act, may be considered relative to the nature of the offenders' subsequent convictions. A second approach entails a review of the previous convictions of offenders who were currently sentenced for serious offences (e.g., rape and attempted rape).



**Table 40.5**  
**Previous and Current Convictions for**  
**Sexual Offences of Male Child Sexual Recidivists**

Current Conviction	Previous Conviction										Total (Current Convictions)
	Rape/Attempted Rape	Indecent Assault Female	Incest	Buggery/Gross Indecency	Indecent Assault Male	Indecent Act	J.D.A. sec. 33	Other Offences			
Rape/Attempted Rape	8	11	—	2	2	1	1	2			27
Indecent Assault Female	6	35	1	3	2	7	3	2			59
Incest	—	1	2	—	—	—	1	—			4
Buggery/Gross Indecency	3	2	—	4	1	1	—	1			12
Indecent Assault Male	1	4	—	5	20	1	6	2			39
Indecent Act	—	2	—	—	1	14	—	1			18
J.D.A. sec. 33	1	—	—	1	2	—	—	—			4
Other Offences	2	5	—	—	1	1	1	6			16
<b>TOTAL</b>	<b>21</b>	<b>60</b>	<b>3</b>	<b>15</b>	<b>29</b>	<b>25</b>	<b>12</b>	<b>14</b>			<b>179</b>

*National Corrections Survey.*

Twelve of the 179 sexual recidivists had previous convictions under section 33 of the *Juvenile Delinquents Act*. None was subsequently convicted exclusively under this statute. The 12 offenders' current convictions were for: rape (1); indecent assault against a female (3); incest (1); indecent assault against a male (6); and making obscene telephone calls (1).

A total of 25 sexual recidivists had previously been convicted for the offence of indecent act. Confirming the findings of the National Police Force Survey where it was found that for some offenders there was an association between committing acts of exposure and committing sexual assaults against children, over two in five (44.0 per cent) recidivists previously convicted of the offence of indecent act were later sentenced for sexually assaulting children and youths. The offences committed by this group included: rape (1); indecent assault against a female (7); gross indecency (1); indecent assault against a male (1); and living on the avails of prostitution (1).

About three in 10 sexual recidivists (29.6 per cent) currently sentenced for rape or attempted rape had previously been convicted for these offences. Two in five (40.7 per cent) had previously been convicted of indecent assault against a female. The previous offences committed by the remainder were: buggery (1); indecent assault against a male (2); gross indecency (1); indecent act (1); section 33 of the *Juvenile Delinquents Act* (1); and other (2) which included: sexual intercourse with a female under age 14; and living on the avails of prostitution.

As noted in the review of the research on sexual recidivism, a number of studies have concluded that few sexual offenders are recidivists and that among those having previous convictions there is no progression from minor to serious offences having been committed. In this regard, for instance, the 1965 U.S. Study of *Sex Offenders* concluded that the hypothesis that a sequence occurred was unsound.

"In our society there is a belief, so common as to constitute folklore, in the evolutionary sequence of behaviour<sup>27</sup> . . . Our data may be interpreted to prove that sex offenders do not as a rule commit offenses of increasing severity. The hypothesis of evolution from the trivial to the serious is not a sound one. On the other hand, by some strange irony, the men who are the most apt to resort to physical violence are those whose initial offenses would be judged as the least harmful to society — sexual activity with consenting minor and adult females and peeping.<sup>28</sup>

In summary, it appears that the offenders vs. children with multiple offenses generally repeat their original type of offense, relatively few begin using force, and a substantial minority commit what can be termed as nuisance offenses (including exhibition).<sup>29</sup>

"There is a pronounced tendency among most sex-offender groups for the second offense to be of the same type as the first. In cases where more than two offenses have been committed there is a tendency for the use of force or threat to become less common in the third or subsequent offenses."<sup>30</sup>

**The Committee's findings do not support the conclusions of those research studies which found that sexual recidivism involving children as vic-**

**tims was low and that no progression occurs from minor to serious offences having been committed.** In the Committee's research, the highest level of congruence between previous and current convictions occurred in relation to vaguely phrased offences amenable to encompassing a wide range of proscribed sexual acts. Although in this instance previous and current offences may have been identical in terms of their classification, there is no surety that similar sexual acts were in fact committed. The apparently high level of correlation in these instances may well be spurious by virtue of subsuming dissimilar sexual acts under a single offence.

The findings of the National Police Force Survey indicate that there was extensive variation in the types of sexual acts committed in relation to the charges laid by the police (Chapter 25, *Elements of the Offences*). Comparable findings were obtained in the National Corrections Survey in relation to the types of sexual acts for which offenders were sentenced and the offences for which they were convicted. An instance of this variation is exemplified by the findings concerning 30 of the 695 convicted male offenders sentenced on the basis of sexual acts involving anal penetration with a penis. In the listing of convictions of all offenders in the survey, only eight, or 26.7 per cent, were convicted of buggery.

The Committee's findings concerning the level of congruence between previous and current convictions and whether there is a progression from minor to serious offences must be interpreted in light of the information obtained concerning this issue. Findings obtained exclusively from charges and convictions may be little better than quick-sand as a basis upon which to ground valid conclusions concerning the nature of the sequence of the offences committed. The information required to undertake a sufficient analysis of this issue includes: documentation for both current and previous offences of the sexual acts actually committed; the ages and circumstances of victims; the types of association between victims and offenders; whether threats and physical force were used; and the nature of the injuries sustained by victims. Despite undertaking a detailed review of the correctional records of convicted male child sexual offenders, the Committee found that information was not available for most offenders concerning the circumstances of many aspects of their previous sexual convictions.

The findings given in Chapter 38, *Convicted Offenders*, concerning sexual recidivists indicate that in relation to their current convictions: two in five (42.5 per cent) had committed acts of completed or attempted vaginal penetration with a penis and three in 10 (30.4 per cent) had committed acts of completed or attempted anal penetration with a penis; slightly less than half (45.9 per cent) had threatened or physically forced victims; and one in nine (10.7 per cent) had physically injured a victim. As noted, incomplete information was available concerning the circumstances of the previous sexual offences committed by these sexual recidivists. The findings clearly disprove, however, the conclusion that sexual recidivists constitute little or no danger to victims. In a substantial proportion of these offences, serious sexual acts were committed involving the use of threats and physical force.

When these findings are considered relative to those concerning the sequence of previous and current convictions (and allowing for the limitations noted in regard to information available about the former), then the findings of the National Corrections Survey suggest that a sequence occurs in the progression from minor to serious sexual offences being committed in which children and youths are victims. A high proportion of offenders previously convicted of minor offences (under section 33, *Juvenile Delinquents Act* and indecent act) was subsequently sentenced for more serious offences, and of those currently convicted of serious offences (rape, attempted rape), most had previously been sentenced for minor sexual offences.

In addition to the offenders having previous convictions for sexual offences, the findings indicate that over a third of the offenders in the National Corrections Survey (36.5 per cent) had previously been sentenced for *non-sexual offences*. Where similar information has previously been obtained, these findings are consistent with those of other research studies on sexual offenders. In these studies, however, non-sexual offences are typically excluded from the review of sexual recidivism on the grounds that they constitute qualitatively different types of sexual activity.

The 1957 British study of *Sexual Offences* reported that non-sexual recidivism "varied in the different classes. It was highest in the heterosexual group and lowest in the non-indictable homosexual group... the vast majority... [of sexual recidivists]... had previous convictions for offences against property and particularly for larceny and breaking and entering... It is, however, surprising to find that of sexual recidivists in the indecent exposure class who had previous convictions for non-sexual offences more than half had at least one conviction for breaking and entering..."<sup>31</sup>

The 1965 U.S. study of *Sex Offenders* also found that property offences had been frequently committed by offenders.

"Crimes against property represent the bulk of the offenses of the prison group; nearly half of their offenses were of this type; this finding is similar to that of other studies of criminals<sup>32</sup>... The only generalization to be drawn from the figures is that the aggressors are more inclined toward crimes against property than other groups, an inclination in keeping with the philosophy of taking what one wants be it property or sex."<sup>33</sup>

In the National Corrections Survey, the types of previous convictions for non-sexual offences committed by offenders were identified for over nine in 10 recidivists (92.6 per cent). These previous non-sexual offences included: assaults against the person (16.2 per cent); crimes against property (55.9 per cent) and other offences, e.g., breach of parole (27.9 per cent). Of the one in six offenders (16.2 per cent) previously convicted for assault, three in five in this group (57.9 per cent) were currently convicted for having committed heterosexual offences. Offenders currently sentenced for heterosexual offences accounted for 87.4 per cent of those having previous convictions for non-sexual offences.

Break-and-enter offences constituted three in four of the previous convictions (74.2 per cent) for offences involving property. Offences of this kind were committed equally by all types of persons subsequently sentenced for sexual offences against children and youths. While in this regard comparative Canadian information is not available for sexual offenders having adult victims or for those having committed non-sexual assaults against the person, it is unlikely that findings of this order occur by chance. It is evident that the frequency with which break-and-enter offences are committed by convicted male child sexual offenders is characteristic of persons engaging in this type of criminal activity.

The limited evidence available suggests that a proportion of the property offences committed by sexual offenders may have been sexually motivated crimes. D.J. West's indepth analysis of the previous break-and-enter convictions of 12 sexual offenders who were incarcerated in British Columbia found that in almost half of these cases, the motivation had been sexual assault, peeping or the theft of women's clothing.<sup>34</sup>

The Committee's findings presented in Chapter 38, *Convicted Offenders*, clearly show that **non-sexual recidivists sentenced for sexual offences against children and youths were consistently more dangerous than sexual recidivists. In comparison to the latter group, non-sexual recidivists committed more serious sexual acts, they more frequently threatened and coerced victims, and proportionately more of their victims were physically injured. In light of the available evidence, it appears that being criminally experienced, whether previous convictions were for sexual or non-sexual offences, is closely associated with a high level of risk to young victims of sexual offences.**

## Summary

1. One third of the offenders (37.7 per cent) had no prior criminal record. Two in three offenders (62.3 per cent) had previous convictions for sexual and non-sexual offences. One in four (25.8 per cent) was a sexual recidivist.
2. Three in five offenders (59.8 per cent) were given custodial sentences, a third (35.8 per cent) were given probation, and one in 23 (4.4 per cent) received other sentences.
3. For offences having higher penalties, the custodial sentences imposed were proportionately shorter relative to the maximum terms available than those imposed relative to offences having shorter maximum terms.
4. Where the maximum terms were similar, offenders committing acts of completed and attempted vaginal and anal penetration were given longer custodial sentences than offenders who had committed other types of sexual acts.
5. The average length of the custodial sentences imposed in relation to similar sexual acts having been committed (e.g., sexual intercourse) varied sharply.

6. Where the maximum terms were similar, homosexual offenders typically received longer custodial sentences than heterosexual offenders.
7. Less than half of the previous convictions for sexual offences of sexual recidivists were identical to their current convictions. A substantial proportion of recidivists had committed serious sexual acts and had threatened and physically coerced victims. The findings suggest that a sequence may occur in a progression from minor to serious offences committed by sexual recidivists.
8. One third of the offenders (36.5 per cent) had previous convictions for non-sexual offences. One in six of these offences had been an assault against the person and over half were crimes involving property.
9. Offenders currently sentenced for heterosexual offences accounted for seven in eight of those having previous convictions for non-sexual offences. Break-and-enter offences constituted three in four of the offences against property.

The Committee's findings on sexual recidivism differ from those of a number of other studies in regard to the extent of the problem, the gravity of the offences committed and the indication that there may be a progression from minor to serious offences having been committed. In the case of the present study, these differences may be accounted for by: the use of different research methods; the inclusion of offenders on probation and under custody of federal and provincial correctional services; and findings having been obtained about a substantial number of offenders having children and youths as victims.

Two in three of the convicted male child sexual offenders had previous convictions for sexual and non-sexual offences. No inferences can be drawn from the findings of the survey concerning the efficacy of the assistance and treatment which may have previously been provided to recidivists. **The findings leave no doubt that a substantial number of the offenders had previously been in conflict with the law, and for this group, it is apparent that the prior imposition of criminal sanctions was ineffective in deterring or preventing them from subsequently committing sexual offences against children.**

In their long-term follow-up study of 184 convicted British sexual offenders convicted of rape, incest and unlawful sexual intercourse against girls under 13 years-old, Soothill and Gibbens found that:<sup>35</sup>

"The most important feature to emerge from this study is the value of a long-term follow-up and of a carefully calculated measure of periods at risk, for by this procedure there is a clear demonstration that a sizeable proportion of these offenders are reconvicted a long time after the usual follow-up of three to five years. Furthermore, the reconvictions which occur after this considerable lapse of time are often serious sexual and/or violence offences."<sup>36</sup>

"We could estimate that about half of this sample of sexual offenders against young girls would be reconvicted by the end of a follow-up period of 23 years (many of these will be ordinary property offenders whose sexual offence was quite atypical. About one-quarter of the sample will be reconvicted of a sexual or violence offence (usually a rather serious one)."<sup>37</sup>

These researchers concluded that "few are likely to deny the relevance of the recidivism rates of sexual offenders in considering appropriate penal policy in relation to sexual offences"<sup>38</sup> . . . The present study endorses the point that 'a past career of crime is a decisive factor of recidivism'<sup>39</sup>. The Committee strongly concurs with these conclusions. **The findings of the National Corrections Survey, although limited in documenting the full dimensions of sexual recidivism, confirm the need for long-term assessment and follow-up of convicted child sexual offenders and the development of penal policies appropriate for their treatment and management.**

Both the findings of the National Corrections Survey and the National Police Force Survey show that considerable professional discretion was exercised respectively in the imposition of sentences and the laying of charges. In the application of the criminal law, it may be argued that having considerable discretionary latitude is essential in order to afford the requisite flexibility in dealing with the special circumstances inherent in the broad range of criminal activities coming to the attention of enforcement authorities. To the extent that such professional discretion is exercised, however, it may function operationally to establish penal policies and to void the intentions of legislators.

In relation to the sentencing of offenders, the findings of the National Corrections Survey document the dimensions of the discretionary decisions taken which, at face value, vary substantially from the available sentencing provisions of the criminal law. Within available maximum sentences, there was consistent and sharp variation in relation to the sentences imposed for different sexual offences. This variation occurred even where similar sexual acts had been committed. In this regard, for instance, the average lengths of the custodial sentences imposed for offenders convicted of sexual intercourse with a female age 14 but under age 16 was 28.6 months. This offence has a maximum penalty of five years' imprisonment. In contrast, offenders convicted of incest, an offence having a maximum term of 14 years, were sentenced, on average, to 25.7 months' imprisonment.

The Committee's findings are comparable to those reached in the 1983 Report on *Sentencing Practices and Trends in Canada* commissioned by the federal Department of Justice. On the basis of its review, this study concluded that:

"Nonetheless, the differences in sentences that were found can be taken as sufficient evidence that one of two problems exist for policy makers. *First*, if it is assumed that no unwarranted disparity exists in sentencing practices, then the undisputed evidence of sentencing differences for cases convicted of offences under the same section [66] of the *Code* must imply that a considerable range of behaviour is encompassed within each section of the *Code*. Given the magnitude of the differences in sentences—and therefore (under this assumption) offences—for convictions within different sections of the *Code*, it becomes doubtful that the *Code* sections sufficiently discriminate among different criminal acts. This problem is especially problematic given the present structure of the *Code* regarding provisions for sentences [67], a structure that assigns specific sentences to offences as defined in specific sections. If the different sections did not differentiate among different criminal

behaviours in an adequate manner, it would be extremely unlikely that the sentences attached to those same sections would adequately differentiate among those behaviours either.

The implications for Criminal Code Review are obvious. Serious attention must be given either to altering the offence descriptions in the different sections of the *Code* to define more narrow ranges of criminal behaviour, or to altering the structure of those parts of the *Code* that speak to sentencing. An example of the latter approach would be to develop a separate section of the *Code* that deals with the general issues and facts that should be considered in sentencing, issues and facts that would include, but would not necessarily be limited to, the description of the offence as contained in other sections."<sup>40</sup>

**The 1983 Report on *Sentencing Practices and Trends in Canada* makes the assumption that the sentences imposed are logically related to the behaviours subsumed in the offences. The Committee's findings leave no doubt that, in relation to sexual offences against children resulting in charges being laid or convictions imposed, this assumption is invalid.**

**In considering this issue, the Committee believes that the answer is not to develop a separate sentencing section of the *Criminal Code*. In relation to sexual offences committed against children, the Committee believes that, where possible, the provisions in the criminal law should be act-specific in the formulation of the offences, and connect the offences and the sentences in a rational manner. The Committee's recommendations to achieve these purposes are specified in Chapter 3 of the Report.**



## References

### Chapter 40: Recidivism

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- <sup>2</sup> *Ibid.*, p. 174.
- <sup>3</sup> Canada. Department of Justice. *Report of a Committee Appointed to Inquire into the Principles and Procedures followed in the Remission Service of the Department of Justice of Canada*. Ottawa: Queen's Printer, 1956, p. 48.
- <sup>4</sup> Mohr, J.W., R.E. Turner and M.B. Jerry, *Pedophilia and Exhibitionism*. Toronto: University of Toronto Press, 1964, p. 82.
- <sup>5</sup> *Ibid.*, p. 85.
- <sup>6</sup> *Ibid.*, p. 156.
- <sup>7</sup> Gigeroff, A.K., J.W. Mohr and R.E. Turner, Sexual Offenders on Probation: II. Heterosexual Pedophiles. *Federal Probation*, 32 (4): 19, 1968.
- <sup>8</sup> *Ibid.*, p. 21.
- <sup>9</sup> Radzinowicz, L., *Sexual Offences. A Report of the Cambridge Department of Criminal Science*. Volume IX. London: MacMillan and Co., 1957, pp. 156-57.
- <sup>10</sup> Canada. *Report of the Royal Commission on the Criminal Law Relating to Criminal Sexual Psychopaths*. Ottawa: Queen's Printer, 1958, p. 70.
- <sup>11</sup> *Ibid.*, p. 66.
- <sup>12</sup> Mohr, J.W. and M. Wildridge, *Sexual Behaviour and the Criminal Law*. Part III. Rape and Attempted Rape; Part IV. Indecent Assault on a Female; Children Age 12 and Under; 13-19; Adult Females; Part VI. Indecent Act; Part VIII. Indecent Assault on a Male; Part IX. Gross Indecency. Toronto: Forensic Clinic, Toronto Psychiatric Hospital, 1965-69 (mimeo).
- <sup>13</sup> Gebhard, P.H., J.H. Gagnon, W.B. Pomeroy and C.V. Christenson, *Sex Offenders: An Analysis of Types*. New York: Harper and Row, 1965, p. 811.
- <sup>14</sup> *Ibid.*, p. 711.
- <sup>15</sup> McCaldon, R.J. Rape, *Canadian Journal of Corrections*, 9: 37-59, 1967.
- <sup>16</sup> *Ibid.*, p. 46.
- <sup>17</sup> *Ibid.*, p. 56.
- <sup>18</sup> Canada. Department of the Solicitor General. *Report of the Canadian Committee on Corrections*. Ottawa: Queen's Printer, 1969.
- <sup>19</sup> Searle, C.A., *A Study of Sexual Offenders in Canada and a Proposal for Treatment*. Canada: Canadian Penitentiary Service, 1974 (mimeo), p. 19.
- <sup>20</sup> Christie, M.M., W.L. Marshall and R.D. Lanthier, *A Descriptive Study of Incarcerated Rapists and Pedophiles*, Kingston: Canadian Penitentiary Services, 1977 (mimeo), p. 10.
- <sup>21</sup> *Ibid.*, p. 12.
- <sup>22</sup> Wormith, J.S., *A Survey of Incarcerated Sexual Offenders*, University of Saskatchewan (mimeo), 1982.
- <sup>23</sup> *R. v. Head* (1970) 1 C.C.C. (2d) 436 (Sask. C.A.).
- <sup>24</sup> *R. v. Walsh* (1979) 10 C.R. (3d) 5-30 (Que. S.C.).
- <sup>25</sup> *R. v. Fuller* (1981) 21 C.R. (3d) 301 (B.C.C.A.).
- <sup>26</sup> *R. v. Dawson and Williams*, reported November 3, 1981 (Ont. C.A.).

- <sup>27</sup> Gebhard, P.H. et al., *op. cit.*, p. 712.
- <sup>28</sup> *Ibid.*, p. 718.
- <sup>29</sup> *Ibid.*, p. 714.
- <sup>30</sup> *Ibid.*, p. 719.
- <sup>31</sup> Radzinowicz, L., *op. cit.*, pp. 166-67.
- <sup>32</sup> Gebhard, P.H., et. al., *op. cit.*, 703.
- <sup>33</sup> *Ibid.*, p. 703.
- <sup>34</sup> West, D.J., C. Roy and F.L. Nichols, *Understanding Sexual Attacks*, London: Heinemann, 1978.
- <sup>35</sup> Soothill, K.L. and T.C.N. Gibbens, Recidivism of Sexual Offenders: A Re-appraisal, *British Journal of Criminology*, 18: 267-276, 1978.
- <sup>36</sup> *Ibid.*, p. 274.
- <sup>37</sup> *Ibid.*, p. 275.
- <sup>38</sup> *Ibid.*, p. 267.
- <sup>39</sup> *Ibid.*, p. 274.
- <sup>40</sup> Canada. Department of Justice. *Sentencing Practices and Trends in Canada*. Ottawa, 1983. Volume 1, pp. 57-58.

## Chapter 41

# Dangerous Sexual Offenders

On the basis used to identify other convicted child sexual offenders, Correctional Service Canada made available to the Committee the records of all convicted persons designated as dangerous offenders who had committed sexual offences. A legal review of the statutory provisions concerning persons who on sentencing are found to be dangerous is given in Chapter 37, *Sentencing*. In this chapter, research information is given concerning the full listing of all persons who on February, 1982 were designated as 'dangerous' child sexual offenders; their situation is compared to that of other convicted male child sexual offenders documented in the National Corrections Survey.

As noted in Chapter 36, the computerized federal correctional records information system was developed in relation to the administration of inmates in custody or persons who are under supervision. This system does not contain information concerning the victims of crime. This information, however, is contained in the detailed dossiers maintained for each convicted offender. When these records were reviewed, it was found that there were 114 offenders serving indefinite sentences, of whom 84 had been convicted of having committed sexual offences. Of the latter group, 62 offenders found to be dangerous had been convicted for sexual offences in which children and youths had been victims.

**In light of these findings, it is evident that the statutory provisions pertaining to persons found to be dangerous are used extensively in relation to convicted male child sexual offenders who constituted over half (54.3 per cent) of all offenders in the country serving indefinite sentences. Dangerous sexual offenders constituted three in four (73.7 per cent) of all males serving these sentences, and within this group, three in four (73.8 per cent) had been convicted of sexual crimes against young persons.**

In its review of previous legislative and advisory reports<sup>1-3</sup> and research studies, the Committee found that these sources provided a partial basis for purposes of historical comparison. However, despite the high proportion of offenders in these categories having children and youths as victims, none of these studies had specifically considered dangerous offenders who had been convicted of child sexual abuse. Typically, the available reports and studies had dealt with the rationale and justification of the special legal provisions or with

the management, treatment and parole of these offenders. Although in comparison to all convicted offenders the group designated as 'dangerous' is small, the research focussing upon their experience and situation has dealt with only a handful of these cases. The Committee knows of no Canadian study that has documented completely or in detail who dangerous child sexual offenders are, or that has compared them in relation to the elements of the offences committed with other convicted child sexual offenders.

While there is grave public concern about the need for protection for children from dangerous child sexual offenders, there is an information vacuum about the actual utility of these special legal provisions in relation to achieving their intended purpose. While the protection of the public is assured in relation to convicted persons sentenced to indeterminate periods in custody, it is unknown how many other convicted offenders not having this designation may have committed similar offences, may be equally or more dangerous, or may be handled just as effectively by means other than invoking the special provisions pertaining to dangerous offenders.

Sharply contrasting opinions have been voiced concerning the need and utility of the legal provisions pertaining to dangerous sexual offenders. On the one hand, there is a deeply rooted public concern that these offenders must be severely punished and that the protection of children must be assured by keeping these convicted offenders in custody until it can be shown that they are of no further danger to the community. On the basis of this perspective, it is held that these offenders are brutal and sadistic and that they should be even more harshly dealt with than they are at the present time.

In contrast with the advocacy of stern punishment for these offenders, persons espousing a treatment perspective have concluded that while few child sexual offenders suffer from mental illness, a majority have character disorders and would benefit from counselling and training in relation to adapting to life in the community. In relation to those offenders who are deemed to be dangerous, an unresolved dilemma in this regard is the absence of sufficiently firm information permitting the accurate assessment and provision of appropriate treatment for these persons. The observations made by Marcus and Conway resulting from their assessment of dangerous sexual offenders in custody in British Columbia in 1963-64 still appear to be valid.

"The present state of scientific knowledge regarding the causes and alleviation of sexual psychopathy is so very limited, and the hazard to the community of a wrong or precipitate decision to release such an offender is so great, that it is rarely indeed that treatment personnel or parole authorities can decisively recommend release. They are not insensitive to the position of the dangerous sexual offender, but responsibility to the public, plus sheer lack of knowledge, makes their caution inevitable."<sup>4</sup>

In addition to the retributive and treatment perspectives, another viewpoint maintains that the legal provisions pertaining to dangerous sexual offenders fail to achieve their intended purpose, that they impose unduly harsh punishment, and that they are generally misapplied to persons who are weak and

inadequate and who are likely to pose little danger to the community. From this perspective, it is maintained that the protection of the public would be equally well served by the provision of management and treatment procedures afforded other convicted sexual offenders.

These concerns have been raised by Greenland who concluded on the basis of reviewing 17 dangerous sexual offenders in custody in Ontario penitentiaries in the early 1970s that:

“Only about three of the 17 had been dangerous in the sense of seriously threatening the life or safety of others. The other men were apparently guilty of grossly offensive and indecent behaviour but were not physically violent. In view of this, the practice of sentencing pedophiles and exhibitionists to years of incarceration can hardly be justified. The injustice is compounded when these inmates are also likely to experience harsh and degrading treatment and — in one case — a brutal death . . . the public are being cruelly deceived into believing that the law protects them and their children from assault by vicious sexual criminals. Dangerous sexual offender legislation does nothing of the kind. What it does — often in a mockery of justice — is to give the public a false sense of security by incarcerating virtually for life in conditions of appalling degradation, a pathetic group of socially and sexually inadequate individuals.”<sup>5</sup>

**The Committee is appraised of the complexity of the difficulties involved in reaching an assessment of what types of behaviour may constitute ‘dangerousness’ and of the even greater uncertainty that is entailed in predicting the likelihood that offenders will or will not be dangerous upon their release to the community. In considering these crucial and profound matters, however, it appears that little attention and effort have been devoted to the documentation either of who these offenders are, the nature of the injuries inflicted on victims, and the assessment of their social circumstances and mental state, or to the elements of what it is that constitutes dangerous behaviour. In the absence of even rudimentary information of this kind, it is not apparent how any adequate assessment can be made of the operation and efficacy of these special statutory provisions, not just in relation to dangerous child sexual offenders but with respect to all types of convicted offenders having this designation.**

## Case Studies

Preceding the presentation of research findings about all convicted dangerous child sexual offenders who were in custody or under supervision effective February, 1982, four case studies are given which describe the circumstances of the offences committed and which demonstrate the principles of sentencing involved as they were applied by the courts in finding these offenders to be dangerous.

### *Case Study 1: R. v. Milne<sup>6</sup>*

The accused was charged with five counts of gross indecency and pleaded guilty to each. The complainants were two males aged 16, one aged 14 and one 13 year-old. Milne met the boys on the street or through acquaintances,

and invited them to his home or to a houseboat where he gave them alcohol and showed them pornographic pictures. The accused proceeded on these occasions to fondle the boys' genitals, masturbate them and then engage them in acts of fellatio; the accused also had nude photographs taken of himself and the boys. At no time were the boys forced to participate in these acts. Evidence indicated that the accused held out the promise to the boys that they could earn money through his sale of the nude photographs.

On the application of the Crown, the trial judge declared the accused to be a dangerous sexual offender pursuant to section 688 of the *Code*. The judge took note of the fact that Milne, a homosexual for his entire adult life, had been convicted on three prior occasions of having indecently assaulted male persons; he also had been convicted of seven non-sexual offences. The trial judge further observed that none of the complainants had suffered physical injury as a result of the offences and that Milne "was not a vicious, aggressive or hostile person, but was rather a mild and insecure man."

The trial judge imposed a sentence of indeterminate length. Milne appealed on the grounds that he did not meet the necessary requirements set forth in section 688 for being declared a dangerous sexual offender and that the judge erred in passing an indefinite sentence.

The Court of Appeal, in summarizing medical testimony given at trial, held that, without treatment, Milne was likely to continue committing offences such as those of which he was convicted, but that he might be rehabilitated if he received proper medical care. It was conceded by Milne's counsel that the offender had committed a serious personal injury offence, and that, in his conduct in sexual matters, he had demonstrated a failure to control his sexual impulses. The court held that notwithstanding his prospects for rehabilitation, the offender, by his conduct in sexual matters, had shown a likelihood of causing future injury, pain or other evil to other persons through failure to control his sexual impulses. The court, in reaching this conclusion, relied on a statement made by the Alberta Court of Appeal in *R. v. Dwyer* (1977), 34 C.C.C. (2d) 293 at 300, to the effect that protection of the public must be the primary consideration in dealing with an application under section 688. The court upheld the declaration that Milne was a dangerous sexual offender. In reference to the indeterminate sentence, the court held that the trial judge had properly exercised his discretion in imposing such a sentence. Accordingly, the offender's appeal was dismissed.

#### *Case Study 2: R. v. Langevin*

Langevin pleaded guilty to a charge of rape. The complainant was a 12 year-old girl. Langevin had been granted a weekend pass from the Guelph Correctional Centre where he had been serving a sentence of two years less a day. The 25 year-old offender grabbed the complainant as she was walking home, punched her on the forehead, forced her into a car that he had rented and drove her into a field where he made her fellate him and then proceeded to have vaginal and anal intercourse with her. Aside from minor physical injuries, the girl suffered psychological harms which were enumerated as follows by her mother at trial:

... the child who had always been a good sleeper, now found difficulty in sleeping, and when she did she woke up screaming ... her appetite was not as good and ... she had lost from 16-20 lbs. over a month ... she seemed to shower and wash twice a day ... her marks at school dropped considerably ... she would not go anywhere after dark unless someone was with

her . . . she doesn't trust people anymore, especially men, and . . . she draws back even from her own father.

Following Langevin's conviction, the Crown applied to have him declared a dangerous sexual offender under sections 688 (a)(i), 688(a)(iii), and 688(b) of the *Code*.

The Crown called a young woman who testified that the offender had raped her in 1977 when she was 15 years-old. The circumstances of the earlier attack were similar to those of the rape for which Langevin was currently convicted. In both incidents, the victims had been subjected to forced acts of anal and vaginal intercourse. The offender was convicted on a charge of indecent assault on a female in connection with the earlier offence. In addition, the offender's criminal record included several convictions for theft and breaking-and-entering.

In considering the Crown's application, the court held that the offender had committed a serious personal injury offence as defined by section 687(a), and that the similarities between the two attacks established a pattern of repetitive behaviour on his part. The court also found that, in processing from acts of rape to buggery, Langevin had shown a failure to restrain his behaviour. The court then considered psychiatric evidence which indicated that Langevin had an abnormally high interest in pubescent females, and that unless he made "some very dramatic attempt to change, the likelihood of similar occurrences is probably high". On the basis of this testimony and Langevin's past conduct, the court concluded that there existed a likelihood of his "causing death or injury to other persons or inflicting severe psychological damage upon other persons, through failure in the future to restrain his behaviour". Concerning the Crown's submission that the prisoner's conduct fell within the ambit of section 688(a)(iii), the court ruled that the rape was so brutal as to compel it to conclude that Langevin was not likely in the future "to be inhibited by normal standards of behavioural restraint". Finally, with respect to the submissions relating to section 688(b), the court held that Langevin had shown a failure to control his sexual impulses, and that there was a likelihood of the offender causing injury, pain or other evil to other persons through failure in the future to control his sexual impulses.

In considering whether to exercise his discretion to declare Langevin a dangerous offender, the judge noted that Langevin was a threat to others, and that "weighing the interests of the general public against that [sic] of the offender, it would be flying in the face of all common sense" not to declare Langevin a dangerous offender.

Having made the declaration, the court finally turned to the question of duration of sentence. A number of factors inclined the judge to impose a sentence of life imprisonment, namely:

. . . the prior sexual offence of the offender, his aggressiveness and low controls, his penchant for alcohol, my findings that he is likely to fail in restraining his behaviour in the future, that he is in the future unlikely to be inhibited by normal standards of behavioural restraint, and that he is unlikely in the future to control his sexual impulses to the harm of others, that he constitutes a threat to the life, safety or physical or mental well-being of others, and . . . testimony that the offender's sexual problem might not be alleviated until he was past 30 or 40 or maybe beyond that . . .

In the result, however, the court imposed an indeterminate sentence, reasoning that Langevin's:

... motivation to accept [psychiatric] treatment would be greater once he considers the advantages afforded him by the periodic reviews of his condition provided for in Section 695.1 of the *Code*.

*Case Study 3: R. v. Robertson<sup>8</sup>*

The accused carried a three year-old girl from her parent's yard to an abandoned house and there sexually molested her. For this act, he was convicted of kidnapping. The accused also was convicted of indecently assaulting an infant male and upon the Crown's application, was declared to be a dangerous sexual offender under section 688 of the *Code*. For the kidnapping, the accused received a 12 year sentence; as a dangerous sexual offender, he was sentenced to an indeterminate period of imprisonment. The accused appealed from the declaration that he was a dangerous sexual offender.

Citing psychiatric evidence adduced at trial, the court dismissed the appeal. The evidence indicated that the accused was a psychopath who would represent a danger to the public if released. The accused had a record of convictions for related offences. As justification for the indeterminate sentence, the court noted that the accused had never responded positively to penal discipline in the past (i.e., that, upon the termination of a fixed sentence, the accused would remain a danger to the public).

*Case Study 4: Hall v. The Queen<sup>9</sup>*

The accused was charged with the indecent assault of a 17 year-old female. Upon pleading guilty, the accused was convicted and, upon the Crown's application, declared to be a dangerous sexual offender. He received an indeterminate sentence. Evidence at trial indicated that the accused was a severely retarded man, with an intelligence quotient of 53 and the mental age of a nine or 10 year-old. In addition, it was shown that the accused's testosterone level was several times that of a normal male; the combined influence of these factors made the accused unable to control his sexual urges and to prevent himself from attacking women (he had a lengthy history of such attacks).

At trial, psychiatric testimony was given to the effect that treatments with depo provera would render the accused more docile and controllable. The trial judge, however, declined to speculate upon the possible effectiveness of a treatment "which is as yet unauthorized and unavailable in this jurisdiction".

The accused's appeal against sentence was dismissed. McDermid J.A. held that while the trial judge was entitled to consider the possible effects of treatment on a dangerous offender, such consideration was not binding upon his decision. In the present case, the trial judge had given thought to depo provera treatments and, properly, had decided against making the prospect of such treatments a factor in sentencing. McDermid J.A. noted that the accused's case was an unfortunate one and hoped:

That the authorities will deal with him in some manner other than confining him in a normal penitentiary with normal prisoners who may mistreat him. However, this is a matter over which the Courts have no control. Confined he must be while he is a threat and has such a history of violent attacks on women.



In a separate judgment, Lieberman J.A. agreed that the prisoner must be confined indefinitely but lamented the fact that there appeared to be no correctional facility capable of providing a humane environment for him. Lieberman J.A. called for the establishment of special facilities for mentally retarded offenders.

## Geographic Distribution

The 1969 *Canadian Committee on Corrections* (Ouimet Report) listed the locations where both habitual and dangerous sexual offenders had been sentenced.<sup>10</sup> In each instance, there was a sharp regional imbalance between where these offenders had been sentenced and the relative distribution of the Canadian population. The findings from the 1969 *Ouimet Report* for dangerous sexual offenders are listed in Table 41.1. When these are considered in conjunction with the findings of the 1974 Canadian Penitentiary Service Survey of Sexual Offenders and the 1982 National Corrections Survey conducted by the Committee, it is evident that there are sharp and persistent regional disparities in relation to the application of the statutory provisions pertaining to convicted offenders who have been found to be dangerous by Canadian courts.

**Table 41.1**  
**Regions Where Accused Were Found to be Dangerous Sexual Offenders**

Region of Canada	1968		1973		1982	
	Dangerous Sexual Offenders <sup>1</sup> (n=57)	Distribution of Population <sup>2</sup>	Dangerous Sexual Offenders <sup>3</sup> (n=66)	Distribution of Population <sup>2</sup>	Dangerous Child Sexual Offenders <sup>4</sup> (n=62)	Distribution of Population <sup>2</sup>
	Per Cent	Per Cent	Per Cent	Per Cent	Per Cent	Per Cent
Maritimes	3.5	9.7	6.1	9.5	4.8	9.1
Quebec	7.0	28.6	10.6	27.6	8.0	26.3
Ontario	35.1	35.1	30.3	35.9	32.3	35.4
Prairies	14.0	16.7	7.6	16.3	22.6	17.6
British Columbia, Yukon, N.W.T.	40.4	9.9	45.4	10.7	32.3	11.6
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0

<sup>1</sup> Canada. Department of the Solicitor General. *Report of the Canadian Committee on Corrections*, Ottawa: Queen's Printer, 1969. Full listing of dangerous sexual offenders.

<sup>2</sup> Canada. Statistics Canada. *Estimates of Population for Canada and the Provinces*, June 1, 1983. Ottawa: Supply and Services Canada, 1983.

<sup>3</sup> Searle, C.A., *A Study of Sexual Offenders in Canada and a Proposal for Treatment*, Ottawa: Canadian Penitentiary Service, 1974 (mimeo). Full listing of all dangerous sexual offenders. The listing of cases for the Prairies does not accord with the census listing for Manitoba, Saskatchewan and Alberta.

<sup>4</sup> *National Corrections Survey*. Full listing of all dangerous child sexual offenders.

In the 1969 Report of the *Canadian Committee on Corrections*, it was found that while the Maritimes and Quebec comprised approximately two-fifths of the population (38.3 per cent), only about one in 10 persons (10.5 per cent) then designated dangerous sexual offenders had been sentenced by courts located in these provinces. In this regard, the proportional distribution of sentenced offenders and the relative size of the population for Ontario and the Prairies were generally comparable. However, while the population of British Columbia, the Yukon and the Northwest Territories constituted a tenth of the Canadian population (9.9 per cent), two-fifths of the accused (40.4 per cent) found to be dangerous sexual offenders had been sentenced by courts in this region.

With respect to the geographical distribution of the sentencing of habitual offenders, the 1969 *Ouimet Report* noted that "the present habitual offender legislation has been applied very unevenly across Canada . . .".<sup>11</sup> In relation to the 57 persons then in custody who were dangerous sexual offenders, the 1969 *Ouimet Report* noted that the pertinent legislation "appears to have been more uniformly enforced across Canada than the present habitual offender legislation, although it is obvious that substantial disparity exists with respect to its enforcement in different parts of Canada".<sup>12</sup> On the basis of these findings and drawing upon two previously completed reports that had reviewed respectively the situation of less than a third and a half of offenders who had been found to be dangerous, the 1969 *Ouimet Report* recommended that the "dangerous sexual offender legislation be repealed and replaced by dangerous offender legislation".<sup>13</sup>

In the 1974 Survey undertaken by C.A. Searle, 66 of 495 convicted sexual offenders who were then in custody or under supervision of federal correctional services had been designated by the courts as dangerous offenders.<sup>14</sup> In reviewing where the accused had been sentenced, the regional divisions adopted in the administration of the Canadian Penitentiary Service were used. Since these do not match exactly the classification of the geographical distribution of the population for the four western provinces, the Yukon and the Northwest Territories given in Table 41.1, the comparison between the sentences given and the proportional distribution of the population for these parts of the country is partially inaccurate. Allowing for this discrepancy, however, the findings of the 1974 Survey are generally of the same order as those documented in the 1969 *Ouimet Report*.

The Committee's findings concerning where persons were found to be dangerous offenders differ from those of the two earlier studies since information in the more recent study was only obtained in regard to those accused having children and youths as victims. Despite this difference, and in light of the fact that a sizeable majority of all dangerous sexual offenders (73.8 per cent) were convicted of sexual offences against children, it is not surprising that the trends previously documented were still found to be occurring. One in eight (12.8 per cent) dangerous child sexual offenders had been sentenced by courts in the Maritimes and Quebec. In contrast, these five eastern provinces in 1982 constituted over a third of the Canadian population (35.4 per cent).

In the case of both Ontario and the three Prairie provinces, there was a closer matching between the proportional distribution of dangerous child sexual offenders and the relative distribution of the population living in these regions. In contrast, while the population of British Columbia, the Yukon and the Northwest Territories constituted 11.6 per cent of the country's population in 1982, about a third (32.3 per cent) of all dangerous child sexual offenders had been sentenced by courts in this region.

Within these regional groupings, it is evident that there are three jurisdictions which account for the majority of the applications to court in which offenders are found to be dangerous. Four in five dangerous child sexual offenders (79.0 per cent) had been sentenced in Ontario, Alberta and British Columbia. None had been sentenced in Newfoundland, New Brunswick, the Yukon and the Northwest Territories. A total of five offenders had been sentenced in Quebec in contrast to 20 persons who were found to be dangerous in Ontario.

Although two in three of the surveys dealt with all dangerous sexual offenders, and in the case of the 1974 Survey there was not an exact matching in relation to the designation of geographical regions, **the findings of the three surveys completed between 1968 and 1982 clearly document the occurrence of sharp and persistent regional disparities in the application of dangerous offender provisions to persons convicted of sexual offences.** It is evident that these provisions are less often applied in the Maritimes and Quebec, and that consistently, a disproportionate number of persons receive these sentences in British Columbia.

In the National Corrections Survey, information concerning the location of where the offences had been committed was also obtained in relation to whether the offences had involved offenders and victims living in the same households. In almost a quarter (23.7 per cent) of the offences committed by 633 convicted males, the offender and the victim had lived in the same household. In contrast, only three of the offences committed by dangerous offenders (4.8 per cent) had occurred under similar circumstances. When findings concerning both the location where the offence was committed and the type of association between victims and offenders are considered together, it is evident that few dangerous offenders had had a close association with their victims before committing their offences. Unlike the victims of other male offenders, most of whom had known their assailants, the majority of dangerous offenders were strangers.

## Sex and Age of Victims

The sex and age distribution of the victims of the 62 dangerous child sexual offenders differs markedly from that of the other 633 convicted male child sexual offenders documented in the National Corrections Survey. About a third of the victims (32.3 per cent) of the former group were males, slightly less

than two-thirds (62.9 per cent) were females and the remainder consisted of three offenders having multiple victims (4.8 per cent). In comparison with the 633 other convicted male child sexual offenders, among the victims of dangerous offenders, there was proportionately almost a doubling of male victims and about a fifth fewer female victims.

Classification of Convicted Child Sexual Offenders	Male Victims		Female Victims		Multiple Victims		Total	
	No.	%	No.	%	No.	%	No.	%
Dangerous sexual offenders	20	32.3	39	62.9	3	4.8	62	100.0
Other convicted child sexual offenders	109	17.2	506	79.9	18	2.8	633	99.9*
<b>TOTAL</b>	<b>129</b>	<b>18.6</b>	<b>545</b>	<b>78.4</b>	<b>21</b>	<b>3.0</b>	<b>695</b>	<b>100.0</b>

\*rounding error

In relation to the age distribution of the victims of the two groups of offenders, dangerous offenders in comparison to others had proportionately almost twice as many young female victims and about a third fewer young male victims. The sex and age distribution of the victims of dangerous offenders indicates, as subsequent findings document further, that there were two separate and distinctive sub-groupings of dangerous child sexual offenders. In relation to other male child sexual offenders, there were proportionately more dangerous offenders having committed homosexual offences and, on average, their victims were older. In contrast, there were proportionately fewer dangerous offenders who had committed heterosexual offences but considerably more of their female victims were young girls who were 11 years-old or younger.

**Table 41.2**  
**Ages of Victims of Dangerous Child Sexual Offenders**  
**and Other Convicted Male Child Sexual Offenders**

Ages of Victims	Male Victims		Female Victims		Multiple Victims	
	Dangerous Offenders (n=20)	Other Offenders (n=109)	Dangerous Offenders (n=39)	Other Offenders (n=506)	Dangerous Offenders (n=3)	Other Offenders (n=18)
	%	%	%	%	%	%
Under age 7	5.0	11.9	25.6	12.0	66.7	22.2
7 - 11 years	25.0	35.8	35.9	21.8	33.3	61.1
12 - 13 years	25.0	18.3	15.4	16.7	—	—
14 - 15 years	30.0	13.8	7.7	12.3	—	5.6
16 years and older	—	11.0	10.3	19.2	—	—
Not reported	15.0	9.2	5.1	18.0	—	11.1
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*National Corrections Survey.*

## Types of Sexual Acts

On average, dangerous child sexual offenders had committed 1.4 sexual acts against victims. Offenders in this category having male victims had committed the fewest (1.3) followed by those having female victims (1.5) and those having multiple victims (2.0).

Of dangerous offenders having female victims, two in five (38.5 per cent) had committed rape and about one in eight (12.8 per cent) had attempted to commit rape. A quarter of the female victims (25.6 per cent) had had their genital parts touched, about one in six (15.4 per cent) had experienced oral-genital contacts and about one in five (20.5 per cent) had been exposed to by the offender.

Among the 20 male victims of dangerous offenders, one in four (25.0 per cent) had sustained anal penetration by a penis and there was one instance where an act of this kind had been attempted. About a third of the male vic-

**Table 41.3**  
**Types of Sexual Acts Committed Against Victims**  
**by Dangerous Child Sexual Offenders**

Type of Sexual Act	Male Victims (n=20)	Female Victims (n=39)	Multiple Victims (n=3)
	Non-Accum. %	Non-Accum. %	Non-Accum. %
Fondling, touching breasts, buttocks	10.0	7.7	33.3
Fondling, touching genital area	35.0	25.6	33.3
Kissing mouth, other parts of body	5.0	7.7	33.3
Oral — genital	15.0	15.4	33.3
Oral — anal	5.0	—	—
Attempted vaginal penetration with penis	—	12.8	33.3
Vaginal penetration with penis	—	38.5	—
Vaginal penetration with finger and/or object	—	2.6	—
Attempted anal penetration with penis	5.0	—	—
Anal penetration with penis	25.0	5.1	—
Anal penetration with finger and/or object	5.0	—	33.3
Bestiality	—	2.6	—
Exposed genitals	10.0	12.8	—
Exposed nude body	10.0	7.7	—

*National Corrections Survey.*

tims (35.0 per cent) had had their genitals touched, one in five (20.0 per cent) had been exposed to and about one in six (15.0 per cent) had had an oral-genital contact. Of the offenders having multiple victims, there was one instance of attempted rape and one young victim had experienced anal penetration by a finger.

In Table 41.4, a comparison is given of the more serious types of sexual acts committed against children and youths by dangerous offenders and other convicted male offenders. On average, dangerous offenders had proportionately committed somewhat more serious offences than other offenders but there were both exceptions to this trend, and in some instances, the differences were modest.

**Table 41.4**  
**Comparison of Types of Sexual Acts Committed**  
**by Dangerous Child Sexual Offenders**  
**and Other Convicted Male Child Sexual Offenders**

Type of Sexual Act Committed Against the Child	Male Victims		Female Victims	
	Dangerous Offenders (n=20)	Other Offenders (n=109)	Dangerous Offenders (n=39)	Other Offenders (n=506)
	Per Cent	Per Cent	Per Cent	Per Cent
Oral — genital	15.0	22.9	15.4	8.9
Attempted vaginal penetration with penis	—	—	12.8	9.7
Vaginal penetration with penis	—	—	38.5	35.0
Attempted anal penetration with penis	5.0	4.6	—	1.4
Anal penetration with penis	25.0	14.6	5.1	1.4
Bestiality	—	0.9	2.6	0.6

*National Corrections Survey.*

Two in five dangerous offenders (38.5 per cent) had raped female victims, a proportion that was a tenth higher than that of other male convicted offenders (35.0 per cent) who had committed rape. About one in eight dangerous offenders (12.8 per cent) had attempted to commit rape, whereas this type of act had been committed against about one in 10 victims (9.7 per cent) of other male offenders.

None of the dangerous offenders had attempted anal penetration with a penis against female victims. In contrast, this act had been attempted against seven victims of other offenders. Anal penetration with a penis against female

victims had been committed by two dangerous offenders and seven other male offenders. There was one instance of bestiality (2.6 per cent) involving a female victim of a dangerous offender and three such incidents (0.6 per cent) had been committed against the female victims of other offenders.

Anal penetration with a penis had been committed against five male victims (25.0 per cent) of dangerous offenders and 16 male victims (14.6 per cent) of other convicted offenders. Attempted acts of this kind had involved about one in 20 victims of both types of offenders.

In relation to the gravity of the types of sexual acts committed by dangerous sexual offenders, a substantially higher proportion of female victims than that of male victims had serious sexual acts committed against them. Overall, about six in 10 female victims had sustained a serious offence while acts of comparable gravity had been committed against about three in 10 male victims of dangerous offenders. These findings further support the earlier observation that there are two distinctive sub-groupings of dangerous child sexual offenders, contingent upon whether homosexual or heterosexual offences had been committed. The findings suggest that significantly different considerations were involved in the assessments made concerning the nature of the dangerous behaviour of these two types of offenders. It is evident that an explication of these criteria is warranted and that these different types of offenders may require substantially different types of management and treatment while they are in custody or under supervision.

## Use of Threats and Force

On the basis of the criteria used in the other national surveys in relation to the classification of the use of threats and force in sexual offences committed against children, there was virtually no difference in the occurrence of this element of the offences which were committed by dangerous child sexual offenders (40.3 per cent) and those committed by other male convicted sexual offenders (43.2 per cent). There were differences, however, in relation to whether homosexual or heterosexual offences had been committed by the two groups of convicted offenders.

Use of Threats or Force Against Victims	Male Victims		Female Victims	
	Number	Per Cent	Number	Per Cent
Dangerous child sexual offenders	5	25.0	20	51.3
Other convicted male child sexual offenders	39	35.8	227	44.9
TOTAL	44	34.1	247	45.3

The findings indicate that, on average, proportionately fewer dangerous offenders committing homosexual offences had used threats or force than other convicted sexual offenders in this category while the reverse was true in the case of offenders in these two categories who had committed heterosexual offences.

Overall, however, on the basis of findings obtained uniformly for both groups of sexual offenders in relation to the use of threats and force, it is evident that the differences between the two groups along these lines were minimal. While these findings do not concur fully with those of the 1974 Survey of Sexual Offenders in this regard, the results of both surveys indicate that relative to other convicted sexual offenders, dangerous offenders appeared not to have resorted to more violence than was the case in the former group. On this point, the 1974 Survey noted that "offenders designated as D.S.O.'s used less physical force on their victims than other offenders not so labelled and charged and convicted of rape, attempted rape, indecent assault on females and those convicted of incest."<sup>15</sup>

In the case of both surveys, approximately three in five dangerous sexual offenders were reported not to have used threats or physical force against victims.

## Physical Injuries

About one in eight (12.4 per cent) of the victims of the 695 convicted male child sexual offenders was reported to have been physically injured by his or her assailant. The proportion in this category is slightly lower (11.7 per cent) in the case of the 633 offenders who were not found to be dangerous. In contrast, about one in five victims (19.4 per cent) of dangerous child sexual offenders was reported to have been physically injured, and as is the case for all convicted offenders, proportionately more female than male victims had been physically injured.

Physical Injuries Sustained by Victims	Male Victims		Female Victims		Multiple Victims		Total	
	No.	%	No.	%	No.	%	No.	%
Dangerous child sexual offenders	2	10.0	9	23.1	1	33.3	12	19.4
Other convicted male child sexual offenders	8	7.3	62	12.3	4	22.2	74	11.7
<b>TOTAL</b>	<b>10</b>	<b>7.8</b>	<b>71</b>	<b>13.0</b>	<b>5</b>	<b>23.8</b>	<b>86</b>	<b>12.4</b>



On average, about one in 25 victims (3.9 per cent) of all convicted offenders had been hospitalized. About one in 29 of the victims (3.5 per cent) of 633 convicted offenders had been hospitalized, a proportion less than half of that (8.1 per cent) involving victims of dangerous offenders. Only one victim of a homosexual offence had required hospitalization while this had happened to about one in eight victims of heterosexual offences (12.8 per cent).

### Age of Offenders

In comparison with other convicted offenders, both dangerous offenders and their male victims were, on average, older and this was also the case in relation to dangerous offenders who had committed heterosexual offences. The findings involving a comparison of the two groups of offenders having committed heterosexual offences are rendered somewhat ambiguous by the number of cases for which this information was not obtained. The information available suggests that, as in the case of offenders convicted of homosexual offences, dangerous offenders having female victims, tended to be older than other convicted male offenders. These trends are consistent with those concerning the age when the first juvenile offence and/or adult conviction had occurred, suggesting that proportionately more dangerous offenders had been convicted at an earlier age than was the case for other offenders and that the imposition of the legal provisions pertaining to dangerous offenders had generally been applied in cases involving somewhat older offenders. These findings are compa-

**Table 41.5**  
**Age Distribution of Dangerous Child Sexual Offenders**  
**and Other Convicted Male Child Sexual Offenders**

Age of Convicted Offender	Male Victims		Female Victims	
	Dangerous Offenders (n=20)	Other Offenders (n=109)	Dangerous Offenders (n=39)	Other Offenders (n=506)
	%	%	%	%
Under age 21	—	11.9	5.1	17.2
21 – 30 years	20.0	18.4	35.9	26.7
31 – 40 years	30.0	22.0	30.7	20.4
41 – 50 years	20.0	11.0	15.4	9.8
51 – 60 years	—	7.3	2.6	3.7
61 and older	5.0	4.6	2.6	1.6
Not reported	25.0	24.8	7.7	20.6
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*National Corrections Survey.*

able to those documented in the 1974 Survey of Sexual Offenders in which a comparison was made between the age distribution of 66 dangerous sexual offenders and 429 other convicted sexual offenders.<sup>16</sup>

## Social Background

In almost every aspect of their social background for which sufficient comparable information was available, dangerous child sexual offenders differed from other convicted male child sexual offenders. The composition and stability of the families in which they had grown up in as children indicate that unlike other offenders, proportionately more had had no siblings and a larger number had experienced broken homes.

In about equal proportions, both groups of offenders — dangerous and others — had lived in families having both natural parents present (for dangerous sexual offenders, 87.1 per cent, natural mother; 88.7 per cent, natural father). However, there was a sharp difference between the two groups in relation to their having had brothers and sisters. About a third of the dangerous offenders did not have sisters (30.6 per cent) and a quarter did not have brothers (25.8 per cent).

In relation to the types of offences for which they were later found to be dangerous, two-thirds of offenders committing heterosexual offences had sisters (66.7 per cent) and brothers (71.8 per cent) and six in 10 offenders who later committed homosexual offences had sisters (60.0 per cent) and brothers (60.0 per cent).

As noted in the findings given concerning the families of all convicted child sexual offenders, little information was consistently available concerning the values, attitudes and affection that these offenders may have known as children. However, in sharp contrast with the 633 convicted child sexual offenders (11.0 per cent), almost a third of dangerous child sexual offenders had experienced broken homes, been removed by child protection agencies from their homes, or had otherwise been separated at some point from one or both parents.

When the offences were committed, about an equal proportion in both groups having female victims had been married. There was a sharp contrast, however, between the two groups with respect to the marital status of offenders having male victims. Four in five dangerous offenders (80.0 per cent) in this category had been single, whereas only slightly over half of other offenders had never married.

With one exception, the employment status of dangerous offenders was comparable to that of other offenders. Overall, less than half (46.8 per cent) had held full-time employment and about an equal number (48.4 per cent) had had part-time or seasonal jobs, or had been unemployed. The exception was

dangerous offenders who had committed homosexual offences. Half of this group (50.0 per cent) had held full-time positions.

Dangerous offenders having male victims, on average, had received more schooling than dangerous offenders who had committed heterosexual offences. Of the former group, six in 10 (60.0 per cent) had had high school training or had enrolled in post-secondary courses, in contrast to the latter group of whom about a half (51.3 per cent) had had only a primary grade school education. This difference in the relative schooling of the two groups broadens sharply in relation to the proportion of the two groups that had attended post-secondary vocational training programs, colleges or universities. A quarter of the offenders (25.0 per cent) who had been found dangerous as a result of committing homosexual offences had attended post-secondary educational institutions in contrast to one in 20 dangerous offenders (5.1 per cent) having comparable training who had committed heterosexual offences.

Despite the limitations of these findings, it is evident that the situation of dangerous offenders prior to sentencing differed in certain important respects from that of other convicted child sexual offenders. Proportionately, more of the former than the latter had grown up in families with fewer siblings and more had come from broken homes. Also, substantially fewer dangerous sexual offenders than other offenders who had committed homosexual offences had married; more of them had held full-time employment and were better educated; proportionately, both they and their victims were, on average, older; and as a group, fewer had committed serious sexual acts against victims.

Dangerous sexual offenders who had committed heterosexual offences, except for the composition and stability of their families in which they had grown up as children, were similar in most other ways in terms of the information available to other convicted offenders having female victims.

## Type of Association

Persons designated as dangerous child sexual offenders provide a striking exception to the trend documented in the national surveys concerning the type of association between victims and offenders. A consistent finding in the other research conducted by the Committee was that most victims not only had known who their assailants were, but that many of these persons were family members, relatives or persons responsible for the child's well-being. This general trend was supported in the review of 695 convicted male child sexual offenders. When this group is considered in relation to whether offenders had been found by courts to be dangerous (62) in comparison to those who were not so designated (633), sharply distinctive trends are apparent with respect to the type of association between victims and offenders in the two groups of convicted child sexual offenders.

In the group of 62 dangerous child sexual offenders, four were family members or relatives to victims (6.5 per cent). These persons were: a step-

Table 41.6

Type of Association Between Victims and Dangerous Child Sexual Offenders and Other Convicted Male Child Sexual Offenders

Type of Association	Male Victims		Female Victims		Multiple Victims	
	Dangerous Offenders (n=20)	Other Offenders (n=109)	Dangerous Offenders (n=39)	Other Offenders (n=506)	Dangerous Offenders (n=3)	Other Offenders (n=18)
	%	%	%	%	%	%
Relationship of incest	—	2.7	—	13.0	—	16.7
Other blood relative	—	3.7	5.1	3.8	33.3	11.1
Guardianship position	—	—	2.6	8.9	—	5.5
Other family member	—	3.7	—	5.5	—	5.5
Position of trust	15.0	3.7	—	2.4	—	—
Friends, acquaintances	35.0	18.3	15.4	19.8	66.7	11.1
Other persons	10.0	12.8	—	7.3	—	11.1
Strangers	40.0	30.3	76.9	22.3	—	16.7
Not reported	—	24.8	—	17.0	—	22.2
TOTAL	100.0	100.0	100.0	100.0	100.0	99.9*

National Corrections Survey.

\*rounding error

father, two uncles and a cousin. One offender was a guardian to the child and three who had held a position of trust were teachers.

Overall, three in four dangerous child sexual offenders (61.3 per cent) were strangers, a type of association that varied in relation to whether homosexual or heterosexual offences had been committed. Two in five offenders (40.0 per cent) having male victims were strangers. In contrast, over three in four dangerous offenders (76.9 per cent) having female victims were strangers. Of the three dangerous offenders having multiple victims, one was a relative and two were acquaintances.

In comparison to the 633 other convicted male child sexual offenders, of whom one in nine (11.4 per cent) was in a legal relationship of incest to the child, none of the dangerous offenders had this type of association with a victim. Over one in four of the former group (27.8 per cent) was either a family member, relative or guardian to the child, a proportion over four times larger than that for dangerous offenders (6.5 per cent). About one in four other con-

victed offenders (23.5 per cent) was a stranger whereas over three in five dangerous offenders (61.3 per cent) were reported not to have known their victims prior to having committed sexual offences against them.

This disparity between the two groups of offenders was particularly notable in incidents involving heterosexual offences. Only about one in five other convicted male offenders (22.3 per cent) was a stranger to the female victim. In comparison, over three in four dangerous offenders (76.9 per cent) having female victims were strangers. The difference between the two groups of offenders that had committed homosexual offences was less marked; in a majority of these offences in both categories, victims and offenders had previously been acquainted.

## Assaults by Groups

Two dangerous sexual offenders, both having committed heterosexual offences, had had one or more accomplices. None of the homosexual offenders was known to have had an accomplice. This proportion (3.2 per cent) is considerably less than in the group of other convicted male child sexual offenders (7.4 per cent) in which accomplices were involved.

## Charges Laid

A single charge had been laid against one in 10 dangerous sexual offenders (9.7 per cent). For both dangerous and other convicted child sexual offenders, those who had committed heterosexual offences averaged the fewest charges laid and those having multiple victims had the highest average. There was a sharp proportional increase, however, in the average number of charges laid involving sexual offences against dangerous offenders who had committed homosexual offences in comparison to other convicted offenders having male victims. The specific charges involving sexual offences laid against dangerous child sexual offenders are listed in Table 41.7.

## Previous Criminal Record

With one exception, that of a male who had committed a heterosexual offence, all other dangerous child sexual offenders had a previous criminal record, on average, 11.3 convictions. Only eight of those with a prior record (13.1 per cent) had had a single previous conviction. These convictions were for both sexual and other types of offences. The statistically average experience in this regard (which is misleading) differs sharply from that of the 633 other convicted male child sexual offenders. Approximately a third of the latter

**Table 41.7**  
**Charges Laid for Sexual Offences**  
**against Convicted Dangerous Child Sexual Offenders**

Charges Laid Involving Sexual Offences	Male Victims (n=20)		Female Victims (n=39)		Multiple Victims (n=3)	
	Number	Non-Accum. %	Number	Non-Accum. %	Number	Non-Accum. %
Rape	—	—	15	38.5	—	—
Attempt to commit rape	—	—	3	7.7	—	—
Sexual intercourse, female under 14	—	—	5	12.8	—	—
Indecent assault female	—	—	30	76.9	7	233.3
Buggery	13	65.0	—	—	—	—
Indecent assault male	25	125.0	—	—	2	66.7
Gross indecency	13	65.0	4	10.3	—	—
Indecent act	—	—	3	7.7	—	—
Contributing to/J.D.A.	6	30.0	1	2.6	—	—
Kidnapping	—	—	—	—	1	33.3
Possession of fire-arm	1	5.0	—	—	—	—
Break-and-Enter	—	—	2	5.1	—	—
Escape from custody	—	—	1	2.6	—	—
Wounding causing bodily harm	1	5.0	—	—	—	—
Failure to appear on recognizance, revocation of parole	2	10.0	2	5.1	—	—

*National Corrections Survey.*

group had no previous criminal record and about one in seven had committed an offence as a juvenile. On average, about one in four dangerous offenders (27.4 per cent) was known to have committed a juvenile offence (homosexual offenders, 20.0 per cent; heterosexual offenders 33.3 per cent).

Of the 13 dangerous offenders having a juvenile record who later had committed heterosexual offences, all had been 15 years-old or younger when they had had their first encounter with the law. In contrast to this group, three in five convicted male offenders who had a juvenile record had been age 15 or younger when they had first committed offences as juveniles. None of the three

dangerous offenders having multiple offenders had a juvenile record; the four dangerous offenders having juvenile records who had later committed homosexual offences were somewhat older than their counterpart group of other convicted male offenders.

Previous Criminal Record	Male Victims (n=20)	Female Victims (n=39)	Multiple Victims (n=3)
	Non-Accumulative Percentage		
<i>None</i>	—	2.6	—
<i>One or more convictions:</i>	100.0	97.4	100.0
(i) Juvenile	20.0	33.3	—
(ii) Adult	100.0	97.4	100.0
<b>AVERAGE NUMBER OF PREVIOUS CONVICTIONS</b>	15.5	8.3	20.7

The trend concerning the age when dangerous offenders had initially been convicted is clear and consistent with respect to when their first convictions as adults had occurred. Of offenders found dangerous for having committed heterosexual offences, three in five (60.5 per cent) had been first convicted when they were 20 years-old or younger. In contrast, of other convicted male offenders having previous convictions, about one in 12 (8.4 per cent) had been a similar age when this had happened. The findings reflecting this trend are comparable for offenders who had subsequently committed offences having multiple victims and those who later had committed homosexual offences.

While a significant proportion of both groups of convicted offenders — dangerous and others — had been previously convicted, it would appear at face value that dangerous child sexual offenders were set apart by the sheer volume of the crimes they had previously committed. For instance, the three dangerous offenders having multiple victims had, on average, 20.7 previous convictions. Similarly, dangerous offenders having committed homosexual offences had also had a considerable number of previous convictions averaging 15.5 per offender, and while the rate for those having committed heterosexual offences (8.3 previous convictions per offender) was considerably lower than for the two other groups of dangerous offenders, the volume of the crimes that they had committed was still substantial.

These findings concerning the apparently high level of recidivism among dangerous child sexual offenders are misleading if only the average rates are considered. These average rates are sharply inflated by the inordinately large number of offences committed by about one in five dangerous offenders (21.0 per cent). In a group as small as that constituting dangerous child sexual offenders (a total of 62), the high level of persistent recidivism of a small subgroup of 13 dangerous offenders serves to distort sharply the average rate of

recidivism for the majority of the other offenders. Between them, the sub-group of 13 recidivists had a total of 338 previous convictions, averaging 26 per offender. Eight of this group had been found dangerous as a result of homosexual offences, four for heterosexual offences and one who had had multiple victims. When the experience of these 13 offenders is set apart from that of the other 49 dangerous child sexual offenders, and the recidivism of the latter is compared to that of the 633 'non-dangerous' convicted offenders, then the findings provide the following distribution with respect to previous convictions. (One dangerous offender had no previous criminal record).

Type of Victim	Dangerous Offenders		Other Male Offenders	
	Number	Average of Previous Convictions	Number	Average of Previous Convictions
Male victims	12	4.7	60	4.8
Female victims	34	4.9	300	5.1
Multiple victims	2	5.5	11	10.1
TOTAL	48	4.9	371	5.2

Excluding 14 dangerous offenders: one, no previous conviction; eight, homosexual offences; four, heterosexual offences; and one, multiple victims.

**The findings on the recidivism of dangerous child sexual offenders indicate that, with the exception of a small group of highly persistent recidivists, the experience of the majority (48 offenders having previous convictions) was indistinguishable from that of the record of recidivism of other convicted male child sexual offenders who were not designated as dangerous offenders.**

In contrast with other convicted child sexual offenders, of whom over half had previously been in custody (56.4 per cent), only three dangerous offenders (4.8 per cent) had not previously served time in prison. Of those who had previously been in custody, about an equal proportion in each group had at least on one occasion been placed in protective custody but in contrast with other convicted male offenders, fewer dangerous offenders had taken part in prison incidents (6.6 per cent).

## Summary

1. Of 114 'dangerous' offenders serving indefinite sentences, 84 were dangerous sexual offenders; of this latter group, 62 had been found dangerous (73.8 per cent) on sentencing for sexual offences committed against children and youths.
2. About a third of the victims of the 62 dangerous offenders were males, less than two-thirds were females, and the remainder had had multiple victims. In comparison to the victims of other convicted child sexual



offenders, the female victims of dangerous offenders were, on average, younger while the male victims of these offenders were somewhat older.

3. Of the 62 dangerous offenders, about one in 20 (4.8 per cent) had lived in the same household as the victim.
4. While dangerous child sexual offenders had committed proportionately somewhat more serious sexual offences against victims than had other convicted child sexual offenders, the differences were more a matter of degree than of kind. Proportionately more serious acts were committed *against female victims than male victims*.
5. On average, dangerous sexual offenders had not threatened or physically coerced victims more than had other convicted child sexual offenders.
6. Whereas about one in eight (11.7 per cent) other convicted offenders had physically injured a victim, this proportion was about one in five (19.4 per cent) in the case of victims of dangerous child sexual offenders.
7. Dangerous child sexual offenders were somewhat older on average than other convicted male child sexual offenders and a substantially larger proportion of the former group was younger when they had first been convicted.
8. In comparison with other convicted male child sexual offenders, proportionately more dangerous offenders had grown up in broken homes, fewer having male victims had ever been married, and in general, their employment status was comparable.
9. One in 15 dangerous offenders was a family member or relative of the victim; three in five were strangers. In contrast, of other convicted male offenders, over one in four was a family member or relative and about an equal proportion was strangers.
10. Two dangerous offenders had had accomplices in comparison to 7.4 per cent of other convicted child sexual offenders.
11. The average number of charges laid against dangerous offenders, with the exception of those having male victims, was comparable to that of other offenders.
12. In sharp contrast to other convicted child sexual offenders of whom about a third had no previous criminal record, 61 of 62 dangerous child sexual offenders had previous convictions. About one in four of the latter group had a juvenile record.
13. Thirteen dangerous child sexual offenders had, on average, 26 previous convictions. One had no previous record. The recidivism rate of 48 dangerous child sexual offenders was identical to that of other convicted male child sexual offenders who had previously been convicted.

**When the circumstances of the sexual offences committed by dangerous child sexual offenders are compared to those committed by other convicted male child sexual offenders, it is evident that the main dimensions of the elements of the offences committed by both groups were remarkably similar. The two groups did not differ with respect to the use of threats or physical force**

against victims. While there was a trend towards more serious acts having been perpetrated, these differences were relatively small. A sizeable proportion of convicted offenders who were not designated dangerous had committed similar sexual acts against victims. While double the proportion of the victims of dangerous sexual offenders as that of other offenders had been physically injured, four in five victims in the former group were not reported to have been physically harmed. With the exception of one in five dangerous offenders who had long criminal records, the rate of recidivism for four in five dangerous offenders was similar to the record of other convicted child sexual offenders having previous convictions.

The findings of the National Corrections Survey in which information was obtained for all dangerous child sexual offenders (effective February, 1982) suggest that the type of association between convicted offenders and victims may have been a significant factor on sentencing in influencing whether offenders were likely found to be dangerous. Although one in 11 convicted male offenders in the National Corrections Survey was a natural father to the victim, none had been classified a dangerous offender. As a group, fathers — natural, step, foster, adoptive and common-law — constituted 130 of 695 convicted male child sexual offenders (18.7 per cent). Only one, a step-father, had been classified a dangerous offender.

**The findings signify that although a father may have intimidated, threatened and coerced his child over a period of time, and may have repeatedly committed acts such as vaginal or anal penetration with a penis, there was virtually no likelihood on sentencing that he would be found dangerous. In contrast, the findings indicate that the commission of similar or less serious sexual offences by strangers was more likely to result in the imposition of the legal provisions pertaining to dangerous offenders.**

The statutory provisions authorizing the preventive detention of persons found to be dangerous were noted in Chapter 37, *Sentencing*. Among other considerations, these provisions provide that the Crown must prove beyond reasonable doubt that the behaviour of a convicted offender was repetitive, persistently aggressive, and acts resulting in serious personal injury had been committed. In light of the findings of the National Corrections Survey, **there can be no doubt that the application of these legal provisions pertaining to dangerous offenders, in instances where sexual offences against children and youths had been committed, is not made on a consistent and uniform basis.**

On the basis of its review, the 1969 *Ouimet Report* concluded "that legislation which is susceptible of such uneven application has no place in a rational system of corrections."<sup>17</sup> Despite subsequent amendments to this legislation, during the intervening decade and a half little has changed to alter the operation in practice of these provisions. Sharp regional disparities still persist. The Committee's findings clearly show that many offenders convicted of having committed serious acts are not designated as dangerous offenders; and of those so classified, many appear to have committed offences which are no graver than those perpetrated by other convicted child sexual offenders.

In the Committee's judgment, the options with respect to the continued application of these provisions are clear in relation to persons convicted of being sexual offenders against children and youths. Either these provisions, which are now inequitably applied, should be amended, or new separate legislation should be introduced to provide added protection for children against sexual offences.

**Accordingly, the Committee recommends that:**

- 1. The provisions in Part XXI of the *Criminal Code* relating to dangerous offenders convicted of sexual offences against children and youths be amended to:**
  - (i) specify the major sexual offences in the definition of "serious personal injury offence";**
  - (ii) specify the conduct by which a sexual offender shows his disregard for others, and in particular, for children; and**
  - (iii) indicate clearly that physical or mental harm is not a requirement in the case of child victims of sexual offences.**
- 2. In keeping with the above amendments, which focus on specific conduct and offences, any mention of the prediction of future behaviour be deleted from dangerous offender legislation.**
- 3. If the above amendments are not enacted, new legislation, separate from the dangerous offender provisions and meeting the proposed requirements, should be enacted to provide added protection for children against sexual offences.**

## References

### Chapter 41: Dangerous Sexual Offenders

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- <sup>2</sup> Canada. Department of the Solicitor General. *Report of the Canadian Committee on Corrections*, Ottawa: Queen's Printer, 1969.
- <sup>3</sup> See review in Chapter 37, *Sentencing*.
- <sup>4</sup> Marcus, A.M. and C. Conway, Dangerous Sexual Offender Project, *Canadian Journal of Corrections*, 11: 199, 1969.
- <sup>5</sup> Greenland, C., Dangerous Sexual Offenders in Canada, *Canadian Journal of Criminology and Corrections*, 14: 50-51, 52-53, 1972.
- <sup>6</sup> *R. v. Milne* (Vancouver, C.A. 800591, March 10, 1982).
- <sup>7</sup> *R. v. Langevin* (Ont. Co. Ct., October 14, 1980).
- <sup>8</sup> *R. v. Robertson* (1982), 39 A.R. 273 (C.A.).
- <sup>9</sup> *Hall v. The Queen* (1981), 63 C.C.C. (2nd) 535, 16 Alta. L.R. 289, 32 A.R. 320 (C.A.).
- <sup>10</sup> Report of the Canadian Committee on Corrections, *op. cit.*
- <sup>11</sup> *Ibid.*, p. 252.
- <sup>12</sup> *Ibid.*, p. 256.
- <sup>13</sup> *Ibid.*, p. 257.
- <sup>14</sup> Searle, C.A., *A Study of Sexual Offenders in Canada and a Proposal for Treatment*, Ottawa: Canadian Penitentiary Service, 1974 (mimeo).
- <sup>15</sup> *Ibid.*, p. 5.
- <sup>16</sup> *Ibid.*, Annex A., p. 2.
- <sup>17</sup> Report of the Canadian Committee on Corrections, *op. cit.*, p. 253.

Part VIII

Juvenile Prostitution

## Chapter 42

### The Law Relating to Juvenile Prostitution

The issue of prostitution in Canada, in particular, juvenile prostitution, is clothed with ambiguity, myths and hypocrisy. Publicly, there is widespread indignation and condemnation concerning the plight of these youths. Their visible presence on the downtown street corners of many large Canadian cities is seen in some quarters as a failure of existing public services — social, enforcement and legal — to deal adequately with the problem. A sharp disparity exists between what is publicly said should be done and what is actually done to reduce the occurrence of juvenile prostitution. While in the rhetoric of public debate the needs of these youths are allegedly recognized, the services available to them either are limited in scope, or in some instances, have been curtailed.

Speaking off the record, many experienced professionals working with young prostitutes have adopted a defeatist attitude that little can constructively be done to help these youths. From the perspective of these workers, Canadian society is socially and ethically divided with respect to mounting substantial and relevant programs which might ameliorate the situation. Some of the “quick-fix” proposals made to control the problem, they conclude, constitute little more than an expedient wall-papering of a deeply-rooted and complex problem. If introduced, these proposals would only serve to reduce the visibility of a public nuisance, but would not alter the basic dimensions of the problem.

Most of the mainline public services either deal minimally with these youths, or because of difficulties involved in working with persons engaged in immoral and, on occasion, criminal activities, the credibility of these programs may be challenged. There are few success stories involving the rehabilitation of juvenile prostitutes. Much anger is also voiced publicly concerning the allocation of scarce public resources to assist deviant youths who are difficult to reach, who even if helped may revert to prostitution, or who may be seen to be exploiting public services for their own ends.

Prostitution is big business in Canada. Its full dimensions are unknown. It is evident, however, that a sizeable number of Canadians are customers of adult and juvenile prostitutes. For many young hustlers, prostitution is the entry point for starting a criminal career. Until recently, the brunt of public condemnation focussed largely upon prostitutes themselves. The other side of

the problem, that involving tricks or customers, was ignored or shielded from public attention. A measure of the sense of public ambiguity surrounding this issue is indicated by the absence of accurate official statistics for Canada about the numbers of persons charged with soliciting, and by the fact that there is no official documentation at the national level about the customers and prostitutes.

In undertaking its research, the Committee found that little was known about: the backgrounds and careers of these youths; the types of public and community services available to help them; the efficacy of existing enforcement practices and legal sanctions; and whether and under what conditions these youths may be willing to seek and accept assistance. Because the unsavoury aspects of juvenile prostitution challenge the roots of Canadian society's moral values, in response to widespread public concern, various instant remedies have been proposed in order to contain or eliminate this problem. Contrasting perspectives alternately portray juvenile prostitutes as exploited deviant victims who need special treatment and services, or they are depicted as potential or actual criminals who should be disciplined and punished. Depending upon which perspective is adopted, or whether elements of both viewpoints are drawn upon, the solutions proposed call for either a sharp extension of outreach services, or the amendment of legislation with respect to: broadening the definition of soliciting; the laying of charges against the customers of prostitutes; and the introduction of stiffer penalties for pimps living on the avails of prostitution. In considering these options, in the Committee's judgment there is insufficient information available to assess their validity and potential efficacy in relation to dealing effectively with the problem.

Little is known about youths who become prostitutes. It has been variously suggested that: these youths have come from poor or disadvantaged backgrounds; they were physically and sexually abused as children; their parents or guardians were irresponsible and cast them out on the streets; and they were exploited having no other alternatives to which to turn. In some quarters, it is also believed that persons of particular social, economic or ethnic backgrounds are more likely to become prostitutes than those having grown up in different circumstances. Little is also known about how these youths actually become prostitutes, the numbers working on a part-time or full-time basis, or whether they work alone, in groups or under the control of pimps.

The Committee's Terms of Reference ask it to determine the incidence and prevalence in Canada of prostitution involving young persons, and to examine the relationship between the enforcement of the law and the other mechanisms used by the community to protect young persons from this form of sexual exploitation. In reviewing its mandate, the Committee identified a number of social and legal issues requiring documentation. In this regard, it drew upon the counsel of a number of persons from across the country having considerable experience in working with juvenile prostitutes and reviewed the few available reports dealing with the issue. It was on this basis that a survey was mounted in several large Canadian cities in seven provinces which obtained

information directly from 229 juvenile prostitutes. The findings of this survey are given in Chapters 43-46. In this chapter, the prostitution-related offences in the *Criminal Code* are reviewed. Before considering these provisions, some preliminary points should be noted:

1. *The practice of prostitution per se is not an offence under Canadian law.* A prostitute commits no offence by earning his or her living from sexual commerce. Rather, the offences in Part V of the *Criminal Code* are intended either to abate the nuisance caused by flagrant solicitations in public places, or to suppress derivative practices which are unacceptable socially, for example, pimping, living on a prostitute's avails, or keeping a common bawdy-house.
2. *A municipality cannot constitutionally prohibit, nor can a province validly empower it to prohibit, persons from soliciting on public streets for the purpose of prostitution.* This is a matter within Parliament's exclusive constitutional power to pass laws in relation to the criminal law.<sup>1</sup> Accordingly, municipal by-laws that directly purport to prohibit this activity are, to that extent, of no force or effect.<sup>2</sup>

Although the Canadian criminal law relating to prostitution has many aspects, it can conveniently be grouped into four categories:

1. Soliciting for the purpose of prostitution;
2. Procuring a person to become a prostitute or to have illicit sexual intercourse with another person;
3. Living on the avails of prostitution of another person; and
4. Keeping a common bawdy-house.

## Soliciting for the Purpose of Prostitution

Section 195.1 of the *Criminal Code* provides that "every person who solicits any person in a public place for the purpose of prostitution is guilty of an offence punishable on summary conviction."<sup>3</sup> This section was enacted in 1972,<sup>4</sup> and replaced an earlier provision which stated that "every one commits vagrancy who, being a common prostitute or night walker is found in a public place and does not, when required, give a good account of herself."<sup>5</sup> While the repealed section was in the nature of a pre-emptive strike at female prostitutes who merely attended at public places for the apparent purpose of plying their trade, the provision enacted in 1972 (namely, section 195.1) was, in different respects, both wider and narrower in scope. On the one hand, it applied to "every one", and thus comprised both female and male prostitutes. On the other hand, however, it proscribed only the specific act of soliciting a person in a public place for the purpose of prostitution. In this legislative amendment can be seen the law's evident policy of attacking the nuisances or derivative social evils engendered by prostitution, rather than proscribing prostitution itself.

Section 195.1 proscribes soliciting any person in a public place for the purpose of prostitution; the most contentious part of this formula has proven to be



the phrase "solicits . . . for the purpose of prostitution". Even so, the legal meaning of the word "prostitution" is clear. It is not limited to acts of sexual intercourse engaged in for monetary gain.<sup>6</sup> Rather, the word "prostitution" connotes either the offering of a person's body for the purpose of sexual intercourse or other sexual gratification, in return for payment, or the performance of physical acts for the sexual gratification of others, in return for payment.<sup>7</sup> Further, the word "prostitution" as used in Section 195.1 does not necessarily imply a course of conduct. A single sexual act will suffice, if the act is of the required character.<sup>8</sup>

In order for an accused prostitute to be convicted of "soliciting" under section 195.1 the accused must both demonstrate an intention to make herself or himself available for prostitution, and exhibit pressing or persistent conduct towards the person sought to be solicited.<sup>9</sup> Where a prostitute merely intimates his or her sexual availability by means of body gestures or other non-intrusive means, such conduct falls outside the prohibition.<sup>10</sup> Further, where a prostitute approaches several persons in succession, but is neither pressing nor persistent in approaching any of them, the cumulative effect of such encounters does not amount to "pressure or persistence."<sup>11</sup> In order for a section 195.1 charge to succeed, at least one encounter between a prostitute and the person sought to be solicited must involve pressure or persistence on the prostitute's part.<sup>12</sup> Where the solicitation is of the required character, however, the section 195.1 offence is committed. Whether an act of prostitution actually results from the solicitation is irrelevant to the charge.<sup>13</sup>

Section 195.1 applies to acts of soliciting by both female and male prostitutes.<sup>14</sup> Accordingly, it matters not whether the prostitute in question adopts the clothing and mannerisms of a person of the opposite sex.<sup>15</sup>

Canadian courts have differed on the question of whether a person who is not himself a prostitute, but who actively attempts to engage a prostitute's services, may be convicted of the section 195.1 offence. The British Columbia Court of Appeal has held that the phrase "for the purpose of prostitution" implies a purpose that is personal to the one who solicits and that, accordingly, a customer does not "solicit for the purpose of prostitution".<sup>16</sup> Conversely, the Court of Appeal for Ontario has held that a person who actively seeks out a prostitute's services can be convicted of this offence, provided the solicitation is of the required pressing or persistent character.<sup>17</sup> On this aspect of section 195.1, Canadian law is in a somewhat unsettled state.

The soliciting offence in section 195.1 is only committed where the solicitation is made in a "public place", which is defined as including any place to which the public has access as of right or by invitation, express or implied.<sup>18</sup> Although this broad definition usually presents little difficulty, some refinements of judicial interpretation have been introduced in the context of solicitations made within or from a motor vehicle. The Supreme Court of Canada has held that, where the solicitation is made while both parties are inside an automobile (notwithstanding that the automobile is parked on a public street),

the automobile is not a "public place" and the section 195.1 offence is therefore not made out.<sup>19</sup> Where, however, the solicitation is made from a person inside an automobile to a person who is in a "public place" (for example, on a sidewalk), the "public place" aspect of the offence is satisfied.<sup>20</sup>

That the section 195.1 offence, due partly to its vague wording and partly to its judicial interpretation, fails to provide an effective legal means for controlling street prostitution has been recognized. Several Canadian municipalities have passed by-laws intended to supply this deficiency, but these have been held unconstitutional as invading Parliament's exclusive power to legislate in the area of criminal law.<sup>21</sup> Police forces, largely without success, have resorted to laying other sorts of charges, for example, counselling to commit an act of gross indecency, obstructing traffic, and loitering.<sup>22</sup> Nor has the seeming inadequacy of the section 195.1 offence escaped the attention of the judiciary, who are bound to interpret the law as it is written. In the leading case of *R. v. Whitter*,<sup>23</sup> *Mr. Justice McIntyre for the Supreme Court of Canada stated:*<sup>24</sup>

It may well be that the parliamentary intention in this regard in enacting s. 195.1 of the *Code* was that described by the learned dissenting Judge [namely, to abate the social nuisance and inconvenience caused by the practice of soliciting for prostitution in public]. For the reasons which I have endeavoured to express above, however, it is my opinion that the enactment does not give effect to that intention, and renders compliance with the terms of the enactment and achievement of any such parliamentary intention impossible. If change is desirable in this respect, it is my view that legislative action would be necessary.

## Procuring

Section 195 of the *Criminal Code* provides that:

1. Every one who
  - (a) procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada,
  - (b) inveigles or entices a person who is not a prostitute or a person of known immoral character to a common bawdy-house or house of assignation for the purpose of illicit sexual intercourse or prostitution,
  - (c) knowingly conceals a person in a common bawdy-house or house of assignation,
  - (d) procures or attempts to procure a person to become, whether in or out of Canada, a prostitute,
  - (e) procures or attempts to procure a person to leave the usual place of abode of that person in Canada, if that place is not a common bawdy-house, with intent that the person may become an inmate or frequenter of a common bawdy-house, whether in or out of Canada,

- (f) on the arrival of a person in Canada, directs or causes that person to be directed or takes or causes that person to be taken, to a common bawdy-house or house of assignation,
  - (g) procures a person to enter or leave Canada, for the purpose of prostitution,
  - (h) for the purposes of gain, exercises control, direction or influence over the movements of a person in such manner as to show that he is aiding, abetting or compelling that person to engage in or carry on prostitution with any person or generally,
  - (i) applies or administers to a person or causes that person to take any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower that person in order thereby to enable any person to have illicit sexual intercourse with that person is guilty of an indictable offence and is liable to imprisonment for ten years.
3. No person shall be convicted of an offence under subsection (1), other than an offence under paragraph (j) of that subsection, upon the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.
  4. No proceedings for an offence under this section shall be commenced more than one year after the time when the offence is alleged to have been committed.

The various procuring offences outlined in section 195(1) make illegal the practice known colloquially as "pimping". The law relating to procuring is relatively straightforward and the major legal principles can be stated briefly:

- In order to secure a conviction for "procuring", the Crown must show that some active part was played by the accused whereby he or she was able to cause, induce, or persuade the person procured to engage in illicit sexual intercourse or prostitution.<sup>25</sup>
- "Prostitute" in the context of section 195 means a person of *either* sex who engages in prostitution.<sup>26</sup>
- The phrase "illicit sexual intercourse" in section 195(1) does not necessarily mean contrary to law, but has broader connotation. Accordingly, it includes sexual intercourse that is contrary to moral standards or that offends religious prescriptions.<sup>27</sup>
- It is irrelevant to this offence whether the person who is procured consents to engaging in prostitution or illicit sexual intercourse.<sup>28</sup>
- On a charge under section 195(1)(a), the Crown is not required to show that an act of sexual intercourse involving the person procured actually took place. The offence is directed at the conduct of the procurer in facilitating the illicit sexual intercourse, regardless of whether a sexual act is consummated.<sup>29</sup> Accordingly, where no sexual intercourse is proven, an accused may nevertheless be convicted of an attempt to procure pursuant to section 195(1)(a).<sup>30</sup>
- However, on a charge of procuring or attempting to procure a person to become a prostitute, contrary to section 195(1)(d), it is no offence if the person procured is already a prostitute, or if the accused believes that the

person is a prostitute. Parliament intended in this section to attack the social evil of recruiting a person, not already a prostitute, to enter into that life.<sup>31</sup>

- No person may be convicted under sections 195(1)(a) to 195(1)(i) upon the evidence of only one witness, unless the evidence of that witness is corroborated in a material particular by evidence implicating the accused.<sup>32</sup> Further, no proceedings under section 195 may be commenced more than one year after the time when the offence is alleged to have been committed.<sup>33</sup>

## Living on the Avails of Prostitution

Section 195 of the *Criminal Code* provides that:

1. Every one who
  - (j) lives wholly or in part on the avails of prostitution of another person, is guilty of an indictable offence and is liable to imprisonment for ten years.
2. Evidence that a person lives with or is habitually in the company of prostitutes, or lives in a common bawdy-house or house of assignation is, in the absence of evidence to the contrary, proof that the person lives on the avails of prostitution.
4. No proceedings for an offence under this section shall be commenced more than one year after the time when the offence is alleged to have been committed.

In a prosecution for living on the avails of prostitution, it is not sufficient for the Crown merely to establish payment by the prostitute to the accused. Parliament, by using the phrase “lives on the avails of prostitution” intended that the simple receipt of money from a prostitute be outside the prohibition.<sup>34</sup> The offence under section 195(1)(j) requires proof that the accused at least either received directly or in kind all or part of the prostitute’s proceeds from prostitution, or that the accused in some way had those proceeds applied to support his living.<sup>35</sup> The words “living on” connote living parasitically. Accordingly, persons who merely offer prostitutes’ services which are offered to the public generally, for example, doctors, lawyers, or retailers, do not thereby live on the avails of prostitution.<sup>36</sup>

Where, however, the accused performs a service which is, of its nature, referable to prostitution and to nothing else, the offence is clearly made out. An accused who advertises a prostitute’s readiness to prostitute herself, in return for payment from same, manifestly lives on the avails of prostitution.<sup>37</sup> Moreover, the court in whose judicial district the acts of prostitution take place has jurisdiction to try this offence, notwithstanding that the “avails” thereof (namely, the monetary proceeds) are sent by telegraph money order to the accused in another province.<sup>38</sup>

In *Nobulsi v. The Queen*,<sup>39</sup> the accused was a waiter in a club frequented by prostitutes. He was instrumental in introducing club patrons to the prostitutes therein, and exacted payment from the prostitutes for each patron so introduced. The accused was convicted of living on the avails of prostitution, and his appeal against conviction was dismissed. The Court held that the accused's garnering of customers for the prostitutes, his communication of their availability to prospective customers, and his receipt of payment from the prostitutes for services rendered, provided ample evidence of his guilt.

A prostitute on whose avails another person lives may not be convicted of the offence of conspiring to commit the section 195.1 offence,<sup>40</sup> nor should the prostitute be considered an accomplice of the person who lives on his or her avails.<sup>41</sup> Further, the presumption in section 195(2) applies only where it is established that the accused lives with, or is habitually in the company of, prostitutes. It has no application where the accused is shown to have closely associated with one prostitute only.<sup>42</sup>

The following two legal decisions are particularly relevant to the Committee's mandate, given the youthful ages of the prostitutes involved. Both decisions deal with the legal principles applicable to the offence of living on the avails of prostitution.

*Fisette v. The Queen*<sup>43</sup>

The accused, a 48 year-old male who was a housepainter by profession, was convicted at trial of living on the avails of prostitution and sentenced to imprisonment for two years.

The evidence disclosed that the accused drove from his home in Hull, Quebec, to Toronto, for a holiday. He took about \$550 with him, of which his wife contributed \$250. After he arrived in Toronto, he was introduced to a 14 year-old girl by a mutual male friend. The three of them drove to Windsor, Ontario, where they spent the night. From there they went to Hamilton, then back to Toronto, then to Sudbury, and finally to Val d'Or, Quebec. The accused paid all of the expenses of the trip for both himself and the girl. Throughout the trip, the accused and the girl occupied the same room and slept together.

During the five days that the accused and the girl spent in Val d'Or, the accused required the girl to hand over to him some \$60, which she had earned by prostituting herself with several different men. There was no evidence that the accused procured the girl's customers. The accused was arrested on the basis of the girl's complaint to the police, which was made five days after she and the accused had arrived in Val d'Or.

The accused successfully appealed his conviction for the offence of living on the avails of prostitution. The Court noted the accused's reprehensible behaviour,<sup>44</sup> but held that the elements of this offence had not been made out. The offence requires more than mere payment by a prostitute to the accused, and an accused who accepts such payment in these limited circumstances does not live on the avails of prostitution. Further, the presumption in section 195(2) applies only where it is established that the accused lives with, or is habitually in the company of, prostitutes. It has no application where the accused is shown to have closely associated with one prostitute only. Accordingly, the accused's appeal was allowed and his conviction quashed.

*R. v. Braithwaite*<sup>45</sup>

The accused was convicted on charges of living on the avails of prostitution, being in a dwelling-house with intent to commit an indictable offence, attempting to procure a female to have illicit sexual intercourse, and forceable confinement. He received a sentence totalling nine years' imprisonment, and appealed therefrom. The Nova Scotia Court of Appeal considered the sentence imposed to be fit in the circumstances and dismissed the accused's appeal. The facts on which the accused's convictions and sentence were based are cited below.

The offence of being in a dwelling-house with intent to commit an indictable offence occurred when one of the young female complainants was alone in her parent's home. The accused and his brother entered the residence, uninvited, through an unlocked door. They had previously seen the female complainant at a service station where she was employed. After illegally gaining entrance, they invited her out for a drink. She reluctantly agreed, and asked them to wait outside in the car, which they did. She then telephoned her father, who came home and spoke to the two men. They left without further incident.

The accused was convicted of two counts of living on the avails of prostitution. The first count involved a girl, B., who was only 14 when she first met the accused, who was then 28. A personal relationship developed between the two, which included sexual relations. In 1979, B. travelled to California, where she met the accused and worked for him as a prostitute. Later that year, she was returned to Nova Scotia by the California authorities. In January, 1980, she resumed her relationship with the accused in Nova Scotia, and reverted to working for him as a prostitute in that province. Later that year, the accused assaulted B., which prompted her to leave the area and return to California.

The second count of living on the avails of prostitution, and the separate charge of procuring, arose out of a relationship between the accused and two sisters, L. and M., aged 16 and 18. These girls came from a broken home and there was evidence that L. had worked previously as a prostitute. In January, 1980, the accused met the sisters in a tavern in Halifax. As a result of their conversation, L. and M. agreed to prostitute for the accused. He drove them to a nearby residence and arranged for them to reside with his girlfriend. He provided L. with clothing and false identification, and she started to work for him as a prostitute, turning over all of her earnings to him. The other sister, M., was reluctant to prostitute herself, although she had sexual relations with the accused on several occasions. She persisted in her refusal to engage in prostitution, and as a result both she and her sister L. were assaulted by the accused. The sisters eventually left the accused's residence and returned to their mother's home.

The charge of forceable confinement arose out of an incident involving a fifth young woman, D., which occurred in late 1978. She was in a lounge in Halifax with a previous male acquaintance, P. An altercation took place between the accused and P., during which D. was placed in the accused's vehicle by a third male. She was subsequently driven to the accused's residence and forced to take cocaine. During the succeeding days, the accused physically assaulted D., and forced her to engage in sexual intercourse and acts of gross indecency. He also made it clear to her that she was henceforth to work for him as a prostitute. At the first available opportunity, D., fled to Montreal.

The Nova Scotia Court of Appeal held that a sentence totalling nine years' imprisonment was appropriate, having regard to the serious nature of the offences and to the ages of the young women involved. The Court stated:<sup>46</sup>

The appellant's activities and background unfortunately show little respect for the law and the rights of other persons. The learned Chief Justice was satisfied that the appellant was the mastermind in the operation and there was ample evidence to support that conclusion. Viewed as a whole, there was evidence here of a system which involved the procurement of very young girls and the use of force and intimidation in the retention of their services. The girls involved were between the ages of fourteen and eighteen. The primary consideration on sentencing had to be not only deterrence but also the protection of teenagers from what the learned trial judge quite properly regarded as an initiation into a life of prostitution.

## Keeping a Common Bawdy-House

Section 193 of the *Criminal Code* provides that:

1. Every one who keeps a common bawdy-house is guilty of an indictable offence and is liable to imprisonment for two years.
2. Every one who
  - (a) is an inmate of a common bawdy-house
  - (b) is found, without lawful excuse, in a common bawdy-house, or
  - (c) as owner, landlord, lessor, tenant, occupier, agent or otherwise having charge or control of any place, knowingly permits the place or any part thereof to be let or used for the purposes of a common bawdy-house, is guilty of an offence punishable on summary conviction.
3. Where a person is convicted of an offence under subsection (1), the court shall cause a notice of the conviction to be served upon the owner, landlord or lessor of the place in respect of which the person is convicted or his agent, and the notice shall contain a statement to the effect that it is being served pursuant to this section.
4. Where a person upon whom a notice is served under subsection (3) fails forthwith to exercise any right he may have to determine the tenancy or right of occupation of the person so convicted, and thereafter any person is convicted of an offence under subsection (1) in respect of the same premises, the person upon whom the notice was served shall be deemed to have committed an offence under subsection (1) unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

It is also an offence, punishable on summary conviction, for any one who "knowingly takes, transports, directs, or offers to take, transport, or direct any other person to a common bawdy-house".<sup>47</sup>

Section 195 creates a number of offences, the most important of which is the offence outlined in section 195(1), namely, "keeping a common bawdy-

house". The legal significance of the terms "common bawdy-house" and "keeping a common bawdy-house" is elaborated below:

### Common Bawdy-House

The *Criminal Code* contains the following definitions:<sup>48</sup>

"Common bawdy-house" means a place that is

- (a) kept or occupied, or
- (b) resorted to by one or more persons for the purpose of prostitution or the practice of acts of indecency;

"Place" includes any place, whether or not

- (a) it is covered or enclosed
- (b) it is used permanently or temporarily, or
- (c) any person has an exclusive right of user with respect to it.

In *Patterson v. The Queen*,<sup>49</sup> the Supreme Court of Canada held that the phrases "kept or occupied" and "resorted to" in the definition of "common bawdy-house" connote a frequent or habitual use of the premises for the purposes of prostitution or the practice of acts of indecency. The Court held that a place may be considered a common bawdy-house where any one or more of the following scenarios is established:<sup>50</sup>

1. Where there is actual evidence of the continued and habitual use of the premises for the impugned purposes;<sup>51</sup>
2. Where there is evidence of the reputation in the neighbourhood that the premises constitute a common bawdy-house;<sup>52</sup> or
3. Where there is evidence of such circumstances as to make the inference that the premises were resorted to habitually for the impugned purposes, a proper inference for the Court to draw.<sup>53</sup>

Any defined space is capable of being a common bawdy-house, if there is localization of a sufficient number of acts of prostitution or indecency within its specified boundaries.<sup>54</sup> Where a building has several rooms, for example, not every room must be used for the impugned purposes in order for the building to qualify as a common bawdy-house, nor must a particular room be used exclusively for such purposes.<sup>55</sup>

In determining whether certain acts are "indecent" within the definition of common bawdy-house cited above, the courts employ, as a test, the Canadian contemporary standard of tolerance.<sup>56</sup> If, employing this standard, the act or acts are patently offensive and would not be tolerated, then the element of indecency has been met. Acts of heterosexual group sex, be they normal or deviate, and which take place within the confines of a private dwelling-house, are not "acts of indecency". Accordingly, a house in which such acts are



engaged in is not, without more, a common bawdy-house. The average reasonable person in Canada would, having regard to prevailing community standards, be prepared to tolerate such activity, at least where no attempt is made to proselytize and where the owner is conscientious about the ages and sensibilities of the revellers whom he invites.<sup>57</sup>

On the other hand, the physical act of masturbation, performed for a fee on complete strangers, constitutes an act of indecency, and premises in which such activity takes place (although ostensibly a "massage parlour") are properly considered a common-bawdy house.<sup>58</sup> Further, the word "prostitution" in the definition of common bawdy-house is not limited to cases of sexual intercourse or to cases where a person offers his or her body in a passive way. Rather, it also includes physical acts in which a person, in return for payment, actively assists another in achieving sexual gratification.<sup>59</sup>

### *Keeping a Common Bawdy-House*

The *Criminal Code* defines a "keeper" as follows:<sup>60</sup>

"Keeper" includes a person who

- (a) is an owner or occupier of a place,
- (b) assists or acts on behalf of an owner or occupier of a place,
- (c) appears to be, or to assist or act on behalf of an owner or occupier of a place,
- (d) has the care or management of a place, or
- (e) uses a place permanently or temporarily, with or without the consent of the owner or occupier.

Where a place is a common bawdy-house, however, it is not every "keeper" of that place who is liable to be convicted of the offence of keeping a common bawdy-house. In order to constitute this offence, there must be something more than the keeping of a place whose use, by someone other than the accused, makes it a common bawdy-house.<sup>61</sup> The Crown must show that the accused knew that the place which he "kept" was being used for the purpose of prostitution or acts of indecency.<sup>62</sup> The essence of this offence is that the accused knowingly and actively provided a place where the impugned acts could be engaged in.<sup>63</sup>

For example, the owner of a house leased to a tenant who, without the owner's knowledge, operates it as a common bawdy-house, cannot be convicted of the offence of keeping a common bawdy-house.<sup>64</sup> Where a "keeper" merely permits a place to be used as a common bawdy-house, without taking any part in its actual operation, the section 193(2)(c) offence is available.<sup>65</sup> The latter provision is a lesser, included offence where the offence of keeping a common bawdy-house is charged.<sup>66</sup>

- Where a sole prostitute resorts to a hotel on several occasions for the purpose of prostitution, the entire hotel does not thereby become a common bawdy-house.
- Further, in the absence of evidence that the prostitute resided in a particular room or that on each occasion the same room was used, there is no evidence that even a part of the hotel is a common bawdy-house. Accordingly, a charge of keeping a common bawdy-house against the prostitute must, in these circumstances, be dismissed.<sup>67</sup>
- A woman who uses her residence on a regular basis for the purpose of prostitution keeps a common bawdy-house, notwithstanding that her residence is not used by other prostitutes for this purpose.<sup>68</sup>
- Where the only Crown evidence on a charge of keeping a common bawdy-house is that, on two occasions on the same night, employees of a massage parlour offered to perform indecent sexual acts with male patrons, such evidence is insufficient to establish habitual use and the accused employees must be acquitted.<sup>69</sup>
- Similarly, premises at which a stag party was held one evening, during which several acts of sexual intercourse took place, do not qualify as a common bawdy-house, in the absence of evidence that such premises were used for like purposes on prior occasions.<sup>70</sup>
- A club whose principal business purpose is to provide an outlet for various sexual activities such as group sex or spouse-swapping, where sexual acts occur on the premises, and where sexually oriented literature and paraphernalia are provided to club patrons, is a common bawdy-house within the definition of that term in the *Criminal Code*.<sup>71</sup>

## 1983 Changes and 1984 Amendments

The 1983 Amendments introduced two changes to the scheme of prostitution-related offences in Part V of the *Criminal Code*:

- The former sections 182 and 183, which provided special police powers to enter and search a common bawdy-house for a female present therein, and to question both her and the keeper of the place under oath, were repealed.<sup>72</sup>
- The procuring offences in section 195 were made applicable to persons of *either sex* who are procured for prostitution. Under the former section, only a person who procured *females* for prostitution or illicit sexual intercourse could be convicted of this offence.<sup>73</sup>

In February, 1984, the Minister of Justice tabled Criminal Law Reform Bill (Bill C-19) which included the following proposed amendments to section 195.1 of the *Criminal Code* defining:<sup>74</sup>

“ ‘prostitution’ includes obtaining the services of a ‘prostitute’; and  
 ‘public place’ includes a motor vehicle located in or on a public place.”

While the former provisions were not in force when the Committee’s research was conducted and the latter had not yet been enacted, the findings of

the National Survey on Juvenile Prostitution provide documentation concerning the nature of the activities which may be affected by the enforcement of these proposed changes to the *Code*.

## Limitations of Existing Provisions

"Juvenile prostitution" has no specific status in Canadian law. Rather, it is dealt with under more general legislation pertaining, at the provincial level, to child welfare, and at the federal level, to the regulation of prostitution generally. A young prostitute who, by reason of his or her age, is technically a "child" under the relevant child welfare legislation may be considered "in need of protection" and thus be eligible for services provided by child welfare authorities in that locality. With the repeal of the *Juvenile Delinquents Act*, he or she can no longer be deemed a "juvenile delinquent". For the young prostitute who neither seeks nor is amenable to institutional help, as documented by the findings of the National Juvenile Prostitution Survey conducted by the Committee, the protection the law affords is tenuous.

The phenomenon of juvenile prostitution fits very uncomfortably into the existing framework of sexual and prostitution-related offences in the *Criminal Code*, with respect both to the prostitute and to his or her "patron". That young prostitutes are typically 14 or older, and hence capable of giving a valid legal consent to most forms of sexual conduct, renders the sexual offences in the *Criminal Code* difficult to apply. On the other hand, the prostitution-related offences in the *Criminal Code* are directed not at prostitution *per se*, but rather at its undesirable manifestations, for example, the public nuisance caused by flagrant solicitations on city streets, and the unacceptable economic coercion endemic in the practices of procuring (pimping) and "living on the avails of prostitution". Moreover, once a person who engages in prostitution becomes subject to the adult criminal justice system (this age is currently 18),<sup>75</sup> he or she is viewed more as an offender than as a victim. In Ontario, for example, the legal principles and maximum sentences which apply to the offence of "procuring" (namely, acting as a pimp<sup>76</sup>) are the same whether the person alleged to have been procured is 16 or 66. In the Committee's judgment, Canadian criminal law has, in this context perhaps more than in others, failed to make the necessary legal distinctions between the sexually autonomous adult and the sexually vulnerable young person.

That the sexual offences in the *Criminal Code* are for the most part inappropriate in the context of juvenile prostitution was adverted to earlier; there are several reasons why this is so. First, the great majority of juvenile prostitutes are 14 or older, and hence are capable under the law of giving a valid consent to most forms of sexual conduct. Second, where a female prostitute is, say, 15 years-old, and is paid by a "trick" to have sexual intercourse with him, she would likely be considered of "unchaste character", thus rendering a section 146(2) conviction against the trick difficult to secure.<sup>77</sup> Third, the section 167 offence of "householder permitting defilement" provides a sanction only

against the *owner, occupier, or controller of premises* who permits a *female* to have *illicit sexual intercourse*. Consequently, it has no relevance to male prostitution, to female prostitution involving acts other than sexual intercourse, or to the very prevalent practice of juveniles prostituting themselves within the confines of the trick's automobile.<sup>78</sup> As noted, Bill C-19 tabled in February, 1984 defines a "public place" to include "a motor vehicle located in or on a public place." Finally, although the offence of "gross indecency" could be charged, this offence effectively requires first-hand evidence of the nature of the sexual act(s) engaged in. Needless to say, neither the trick nor the young prostitute is apt to oblige the Crown in this regard.

That the substantive sexual offences in the *Criminal Code* are not intended, and do not effectively serve, to regulate juvenile prostitution is clear. Likewise, on the basis of its review of the prostitution-related offences in the *Criminal Code*, the Committee concludes that these provisions are inadequate by themselves to alter the fundamental dimensions of the problem of juvenile prostitution. As the Committee's research findings given in this section of the Report clearly show, not only are additional amendments to the *Criminal Code* warranted, but it is evident that community and social services must be considerably strengthened in order to respond to the needs and situation of these youths.

Juvenile prostitutes follow a way of life unknown to most Canadians. They are living for the moment selling their bodies for sexual purposes. They have broken with their families, have little education and few job skills, and have a dangerous, financially rewarding and fast-paced lifestyle. Most of these young prostitutes are involved in a way of life which they cannot readily relinquish, and which, the longer they engage in it, will likely preclude their turning to non-deviant careers.

These youths grow up in families coming from all walks of life; their experience in this respect precludes their being stereotyped. The families of some of these youths are poor, others have average incomes, and in a few instances, their parents are affluent. Some of these youths come from broken homes or have been placed with foster parents; others have grown up in happy and stable families.

What these youths have in common is that, for different reasons, many of them as children had run away from home. The majority of these youths are early drop-outs from school. Before they leave home, few have had part-time jobs and when they separated from their families, most had not tried to obtain conventional types of work. A career in prostitution becomes a means of easily earning an income well above that which they feel that they can otherwise obtain. In their new way of life, they enjoy the excitement and vibrancy of the street, and while most quickly became "streetwise", they are typically immature and unrealistic with respect to the harms they are incurring to themselves and in relation to their aspirations for the future. With few exceptions, their hopes for the future are fantasies unlikely to be realized.

At different times in their lives, most of these youths have been in contact with different branches of public services. These services have included: child protection agencies; family and criminal courts; the police; medical services; probation and correctional services; and community associations and agencies. Despite, or perhaps even because of having had these contacts, few of these youths have turned directly to these services in order to help them to make a fresh start in another career.

Many of these juvenile prostitutes have also been at one time or another in conflict with the law. These encounters have not served to deter them from continuing their work as prostitutes. The prospects of their being charged or convicted of soliciting or other offences are seen as risks associated with the job.

There are no instant solutions. As indicated in its recommendations given in Chapter 3, the Committee believes that if the problem of juvenile prostitution in Canada is to be contained, and reduced, then this outcome is only likely to be realized by the provision of relevant career alternatives for these youths and by a more open public acknowledgment of the broader social issues creating this problem.

## References

### Chater 42: The Law Relating to Juvenile Prostitution

- <sup>1</sup> *Westendorp v. The Queen* (1983), 2 C.C.C. (3d) 330 (S.C.C.).
- <sup>2</sup> In addition to rendering the Calgary prostitution by-law of no force or effect, the Supreme Court of Canada judgment in *Westendorp* effectively nullified comparable by-laws in Halifax, Niagara Falls, Edmonton, and Vancouver. With respect to the Montreal prostitution by-law, see *Goldwax v. City of Montreal* (1981), 68 C.C.C. (2d) 548 (Que. S.C.). The *Goldwax* case has been granted leave to appeal to the Supreme Court of Canada, but will not be argued until the fall of 1984. But see *R. v. Kalamani* (1982), 9 W.C.B. 235 (Sask. Prov. Ct.), which was decided shortly before the Supreme Court handed down its decisions in *Westendorp*.
- <sup>3</sup> A person convicted of an offence punishable on summary conviction is liable to a fine of not more than \$500, or to imprisonment for six months, or to both: see *Cr. Code*, s. 722(1).
- <sup>4</sup> S.C. 1972, c. 13, s. 15.
- <sup>5</sup> Formerly s. 175(1)(c) of *Cr. Code*. The former s. 175(1)(c) offence was repealed in 1972 by S.C. 1972, c. 13, s. 15.
- <sup>6</sup> *R. v. DiPaola* (1978), 43 C.C.C. (2d) 199 (Ont. C.A.). See also *R. v. Lantay*, [1966] 3 C.C.C. 270 (Ont. C.A.); *R. v. DeMunck*, [1918] 1 K.B. 635 (C.C.A.); and *R. v. Webb*, [1963] 3 W.L.R. 638 (C.C.A.).
- <sup>7</sup> *R. v. DiPaola*, *ibid.*
- <sup>8</sup> *Ibid.*
- <sup>9</sup> *Hutt v. The Queen* (1978), 38 C.C.C. (2d) 418 (S.C.C.).
- <sup>10</sup> *Ibid.*, See also *R. v. Rolland* (1975), 27 C.C.C. (2d) 485 (Ont. C.A.).
- <sup>11</sup> *R. v. Whitter* (1981), 64 C.C.C. (2d) 1 (S.C.C.).
- <sup>12</sup> *Ibid.*
- <sup>13</sup> *R. v. DiPaola*, *supra*, note 6.
- <sup>14</sup> *R. v. Obey* (1973), 11 C.C.C. (2d) 28 (B.C.S.C.). But see *R. v. Patterson* (1972), 9 C.C.C. (2d) 364 (Ont. Co. Ct.).
- <sup>15</sup> *R. v. Obey*, *ibid.*
- <sup>16</sup> *R. v. Dudak* (1978), 41 C.C.C. (2d) 31 (B.C.C.A.).
- <sup>17</sup> *R. v. DiPaola*, *supra*, note 6.
- <sup>18</sup> *Cr. Code*, s. 179(1).
- <sup>19</sup> *Hutt v. The Queen*, *supra*, note 9.
- <sup>20</sup> *R. v. DiPaola*, *supra*, note 6.
- <sup>21</sup> *Westendorp v. The Queen* (1983), 2 C.C.C. (3d) 330 (S.C.C.).
- <sup>22</sup> See *R. v. Munroe* (1983), 9 W.C.B. 454 (Ont. C.A.), in which the Crown's loitering prosecution was unsuccessful.
- <sup>23</sup> *Supra*, note 11.
- <sup>24</sup> *Ibid.*, at 6.
- <sup>25</sup> *R. v. Barrie* (1975), 25 C.C.C. (2d) 216 (Ont. Co. Ct.). See also *R. v. Babcock* (1974), 18 C.C.C. (2d) 175 (B.C.C.A.); and *R. v. Braithwaite* (1981), 49 N.S.R. (2d) 10 (C.A.).
- <sup>26</sup> *Cr. Code*, s. 179(1).
- <sup>27</sup> *R. v. Robinson* (1948), 92 C.C.C. 223 (Ont. C.A.).

- <sup>28</sup> *Ibid.*
- <sup>29</sup> *R. v. Simpson* (1959), 124 C.C.C. 317 (B. C. Co. Ct.).
- <sup>30</sup> *Ibid.*
- <sup>31</sup> *R. v. Cline* (1982), 65 C.C.C. (2d) 214 (Alta. C.A.).
- <sup>32</sup> *Cr. Code*, s. 195(3). See *R. v. Turner* (1972), 8 C.C.C. (2d) 76 (B.C.C.A.).
- <sup>33</sup> *Cr. Code*, s. 195(4).
- <sup>34</sup> *Fisette v. The Queen* (1959), 32 C.R. 281 (Que. Q.B.).
- <sup>35</sup> *R. v. Celebrity Enterprises Ltd.* (1977), 41 C.C.C. (2d) 540 (B.C.C.A.).
- <sup>36</sup> *Ibid.*, See also *Shaw v. D.P.P.*, [1962] A.C. 220 (H.L.).
- <sup>37</sup> *Shaw v. D.P.P.*, *ibid.*
- <sup>38</sup> *Re Gayle and The Queen* (1981), 59 C.C.C. (2d) 127 (Alta Q.B.).
- <sup>39</sup> (1965), 48 C.R. 344 (Que. Q.B.).
- <sup>40</sup> *R. v. Murphy* (1981), 60 C.C.C. (2d) 1 (Alta. C.A.).
- <sup>41</sup> *R. v. Clemens* (1980), 52 C.C.C. (2d) 259 (B.C.C.A.). See also *R. v. Perron*, [1969] 1 C.C.C. 266 (Que. Q.B.). But see *R. v. Fleming* (1960), 129 C.C.C. 423 (Ont. C.A.).
- <sup>42</sup> *Fisette v. The Queen*, *supra*, note 34.
- <sup>43</sup> *Ibid.*
- <sup>44</sup> *Ibid.*, at 284.
- <sup>45</sup> *Supra*, note 25.
- <sup>46</sup> *Ibid.*, at 15. See also *R. v. Odgers* (1978), 37 C.C.C. (2d) 554 (Alta. C.A.).
- <sup>47</sup> *Cr. Code*, s. 194. See also ss. 180, 181 and 184 of the *Cr. Code*.
- <sup>48</sup> *Cr. Code*, s. 179(1).
- <sup>49</sup> [1968] 2 C.C.C. 247 (S.C.C.).
- <sup>50</sup> *Ibid.*, at 250.
- <sup>51</sup> See, e.g., *R. v. Cohen*, [1939] 1 D.L.R. 396 (S.C.C.); and *R. v. Miket* (1938), 70 C.C.C. 202 (B.C.C.A.).
- <sup>52</sup> See, e.g., *R. v. Sorko*, [1969] 4 C.C.C. 241 (B.C.C.A.); *Theirlynck v. The King* (1931), 56 C.C.C. 156 (S.C.C.); and *R. v. Roberts* (1921), 36 C.C.C. 381 (Alta. C.A.).
- <sup>53</sup> See, e.g., *R. v. Davidson* (1917), 28 C.C.C. 44 (Alta. C.A.); *R. v. James*, (1915), 25 C.C.C. 23 (Alta. C.A.); and *R. v. Clay* (1946), 88 C.C.C. 36 (Que. K.B.).
- <sup>54</sup> *R. v. Pierce and Golloher* (1982), 66 C.C.C. (2d) 388 (Ont. C.A.).
- <sup>55</sup> *R. v. McLellan* (1980), 55 C.C.C. (2d) 543 (B.C.C.A.).
- <sup>56</sup> *R. v. Mason* (1981), 59 C.C.C. (2d) 461 (Ont. Prov. Ct.).
- <sup>57</sup> *R. v. Mason*, *ibid.*, But cf. *Pitchford and Cook v. The Queen* (1982), 25 C.R. (3d) 149 (Ont. C.A.).
- <sup>58</sup> *R. v. Laliberte* (1973), 12 C.C.C. (2d) 109 (Que. C.A.).
- <sup>59</sup> *R. v. Lantay*, *supra*, note 6; *R. v. DeMunck*, *supra*, note 6; *R. v. Webb*, *supra*, note 6; and *R. v. Turkiewich* (1962), 133 C.C.C. 301 (Man. C.A.).
- <sup>60</sup> *Cr. Code*, s. 179(1).
- <sup>61</sup> *R. v. Kerim*, [1963] 1 C.C.C. 233 (S.C.C.).
- <sup>62</sup> *R. v. Baskind* (1975), 23 C.C.C. (2d) 368 (Que. C.A.); *R. v. Catalano* (1977), 37 C.C.C. (2d) 255 (Ont. C.A.).
- <sup>63</sup> *R. v. McLellan*, *supra*, note 53. Cf. *R. v. Maclaren* (1982), 1 C.C.C. (3d) 573 (Ont. Co. Ct.).
- <sup>64</sup> *R. v. Kerim*, *supra*, note 61.
- <sup>65</sup> But cf. *R. v. Wong* (1977), 33 C.C.C. (2d) 6 (Alta. C.A.).
- <sup>66</sup> *R. v. Lafreniere*, [1965] 1 C.C.C. 31 (Ont. H.C.).
- <sup>67</sup> *R. v. Broccolo* (1976), 30 C.C.C. (2d) 540 (Ont. Prov. Ct.).
- <sup>68</sup> *R. v. Worthington* (1972), 10 C.C.C. (2d) 311 (Ont. C.A.).
- <sup>69</sup> *R. v. Ikeda* (1978), 42 C.C.C. (2d) 195 (Ont. C.A.).

<sup>70</sup> *R. v. Evans* (1973), 11 C.C.C. (2d) 130 (Ont. C.A.).

<sup>71</sup> *Pitchford and Cook v. The Queen*, *supra*, note 55.

<sup>72</sup> *An Act to amend the Criminal Code in relation to Sexual Offences and other Offences against the Person*, S.C. 1980-81-82, c. 125, s. 12.

<sup>73</sup> *Ibid.*, S.C. 1980-81-82, c. 125, ss. 11, 13.

<sup>74</sup> Bill C-19 (1984), section 48.

<sup>75</sup> *The Young Offenders Act*, S.C. 1980-81-82 c. 110.

<sup>76</sup> *Cr. Code*, s. 195.

<sup>77</sup> One of the elements of the s. 146(2) offence is that the female in question be "of previously chaste character".

<sup>78</sup> Comparable difficulties beset the section 166 offence of "parent or guardian procuring defilement".



## Chapter 43

# Social Background

The design of the survey in which information was obtained from 229 juvenile prostitutes working on the streets in eight cities across Canada is described in this chapter and findings are given from this source concerning the social and family backgrounds of these youths.

### Design of Survey

In its review of existing Canadian research and literature,<sup>1-14</sup> the Committee found that these sources were of limited use in affording guidance concerning the situation of juvenile prostitutes. While there is an extensive foreign literature concerning many aspects of these issues, there is no surety that the findings of these studies accurately reflect the conditions which prevail on Canadian streets with respect to prostitution.

Prior to the development of the survey, the Committee considered contacting various social service agencies that came in contact with young prostitutes, and eliciting responses from workers concerning their perceptions of, and experiences with, these youths. This approach would have had the advantage of relying upon professionals who could have provided a certain amount of information; however, such professionals seldom deal with juvenile prostitutes in a setting that gives them a genuine experience of the prostitutes' working environment or lifestyle; it was also unknown whether the persons whom these workers knew were typical of juvenile prostitutes. Accordingly, this option was discarded in favour of obtaining information directly from young persons who were involved in prostitution.

In adopting this approach, it was unknown whether youths on the street would be prepared to give up a substantial amount of their time (that they might otherwise have used to earn money) without remuneration to answer a series of very personal questions. These initial misgivings were allayed during the interviews undertaken in the development of the survey's protocol when it was found that almost all of the young prostitutes contacted were willing to be interviewed. The protocol drafted for this study consisted of 244 questions

which sought to find out as much as possible about these youths and the persons with whom they associated. Detailed questions were included in order to provide documentation concerning a number of salient legal issues, such as the methods by which these youths approached and negotiated with clients. The purpose of this section of the survey was to find out whether juvenile prostitutes generally behave in a manner that is "pressing and persistent", and hence, whether the offence of soliciting (section 195.1 of the *Criminal Code*) is adequate to deal with the problem of street prostitution.

The survey was also designed to enable juvenile prostitutes to relate their experiences, air their views and tell their own stories. Throughout the survey, the youths were asked to express their feelings and opinions and to make recommendations concerning the provision of helping services that would be most useful to young persons working on the street. Since these youths usually have little opportunity to make their problems known, the Committee believes it is important that their voices should be heard. They are often perceived as a nuisance, as persons who are too lazy to seek other forms of employment, as individuals who have freely chosen an immoral, if not a criminal lifestyle, as an "undesirable element", or as some amorphous "social problem". By asking these boys and girls to speak for themselves, the Committee hoped to learn the truth about them.

In developing the survey, the Committee drew upon the valuable experience of a police officer seconded from the Metropolitan Toronto Police Force. This colleague, who served as a Research Associate to the Committee, had had extensive experience in working with young prostitutes; resulting from this guidance, the survey included questions relating to the youths' introduction and entry into prostitution, their history of running away, the distinctive experiences of male and female prostitutes, their control by pimps, the conduct of tricks and the nature of the violence and risks inherent in street life.

Interviews were conducted between February, 1982 and July, 1983 in eight cities located in seven provinces. Questionnaires were completed for 229 youths of both sexes. In order to be eligible for participation, it was necessary for the boy or girl to be no older than 20, and to have performed at least one sexual act in exchange for money, food, shelter, drugs, alcohol or some other valuable consideration (i.e., to have turned at least one trick). Most of the interviews were initiated by approaching youths on the street in areas frequented by prostitutes. In some instances, youths were contacted at street shelters and drop-in centres. *The primary focus for the investigation was on children and youths involved in prostitution at the street level* (the lowest echelon in the hierarchy of prostitution). *A few youths were interviewed who had been involved both in street and massage parlour prostitution; however, these cases constituted the exception rather than the rule.* As a result, findings were not obtained from juvenile prostitutes who may have worked primarily in other locations.

The sampling technique employed was a combination of quota and snow-ball methods. Because it was recognized that there were different categories of

prostitution and in order to obtain sufficient information to document the experiences of these sub-groupings, the quota set for this study was a total of 200 completed interviews. Snowball sampling denotes the contacting of new subjects on the basis of referrals made by persons who had already been interviewed. Accordingly, each respondent was asked to refer a friend who was also involved in "the life" to the researchers for an interview. Each youth was told the purpose of the survey, informed that the researchers were under contract with respect to the confidentiality of the information obtained, and asked to sign a consent form permitting the use of the information by the Committee.

The interviews were held wherever the youths felt most comfortable. Some youths were concerned that if their peers, customers or pimps saw them being interviewed, it might be assumed that they were acting as police informants and that they might suffer violence or ostracism as a result. At times, then, it was necessary to conduct the interviews away from the downtown areas in which most of the young prostitutes worked, often in such diverse locations as coffee shops, strip clubs, bars, public lavatories, street corners, cars, motel rooms and social service agencies.

The Committee acknowledges the contribution of the youths who participated in the survey. Their participation required patience to submit to lengthy and intensely personal interviews, and in many instances, considerable courage, since they may have risked violence at the hands of their pimps for failing to meet their daily quotas.

## Age and Sex

Of the 229 juvenile prostitutes interviewed, 145 were females (63.3 per cent) and 84 were males (36.7 per cent); the latter group included three transsexuals (biological males who considered themselves to be females and who dressed in the attire of females). Of the girls, 106 (73.1 per cent) stated that they were heterosexuals, while eight (5.5 per cent) said that they were lesbians, and 28 (19.3 per cent) considered themselves to be bisexual. Two of the girls indicated that they were undecided about their sexuality. In contrast, only 19 males (22.6 per cent) claimed to be heterosexual, while 26 (31.0 per cent) said that they were homosexual and another 26 professed to be bisexual. Three males (3.6 per cent) were transsexuals, while another three stated that they were transvestites. Seven boys stated that they were undecided about their sexuality.

That there is a discrepancy between the proportions of male and female youths who reported being heterosexual is not surprising since male prostitutes typically cater to a clientele which is almost exclusively homosexual. Many of these males said that they had first been drawn to street life because, as homosexuals, they had been unable to find acceptance in any other milieu; they reported having been rejected or made to feel alienated at home and school when, in their early adolescence, they had become aware of their tendency to

feel attracted to other males. Too young to frequent "gay bars", many of these male youths had turned to the street as the only place where they believed that they could meet persons of like sexual preference, and where they could escape the hostility and derision of their families and peers. Other males adamantly denied being homosexual, insisting that they were "straight hustlers." These youths maintained that they engaged in prostitution only because it was an easy way to make quick money; they professed feelings of contempt for their tricks, whose homosexuality they regarded with disgust.

While the average ages of male (18.0 years) and female (17.6 per cent) juvenile prostitutes were comparable, proportionately more of the girls (27.6 per cent) than the boys (13.1 per cent) were 16 years-old or younger when they were interviewed.

Age	Males		Females		Total	
	Number	Per Cent	Number	Per Cent	Number	Per Cent
14 years	1	1.2	5	3.4	6	2.6
15 years	3	3.6	11	7.6	14	6.1
16 years	7	8.3	24	16.6	31	13.5
17 years	19	22.6	27	18.6	46	20.1
18 years	22	26.2	28	19.3	50	21.8
19 years	17	20.2	30	20.7	47	20.5
20 years	15	17.9	18	12.4	33	14.4
Not reported	—	—	2	1.4	2	0.9
<b>TOTAL</b>	<b>84</b>	<b>100.0</b>	<b>145</b>	<b>100.0</b>	<b>229</b>	<b>99.9*</b>

\*Rounding error

The Committee believes that a number of these youths were in fact younger than their reported ages. While youthfulness is a desirable and marketable characteristic on the street, and prostitutes often tend to understate their ages when negotiating with tricks, the Committee's researchers suspected that some of the youths overstated their ages when they were interviewed. The explanation may be that the youths may have perceived the interviewers as figures of authority who might report them to child welfare agencies if their true ages were given. Also, the youths may have feared that if they gave their true ages, this information might become known on the street, thus making them subject to harassment by other prostitutes, many of whom resent having to compete with younger boys or girls.

## Family Background

About four in five males (79.8 per cent) and females (85.5 per cent) stated that they were born in Canada. Fourteen boys (16.7 per cent) and 20 girls (13.8 per cent) were born outside of Canada. (The responses of three males and one female were missing). Almost half of the males (46.4 per cent) and a third of the females (34.5 per cent) said that the major part of their childhood

had been spent in a place other than their place of birth. Two in three of the youths (63.3 per cent) came from households in which their parents were married. About seven in 10 (68.5 per cent) had grown up in homes with both parents having been present (i.e., parents married or living together). During their childhood and adolescence, slightly more than a quarter (26.2 per cent) had parents who were divorced or separated.

Marital Status of Parents	Males (n=84)	Females (n=145)
	Per Cent	Per Cent
Married	66.7	61.4
Living together	2.4	6.9
Separated	9.5	13.1
Divorced	20.2	11.0
Widowed, other	1.2	5.5
Not reported	—	2.1
TOTAL	100.0	100.0

Between when they had grown up while living with their parents and when they were interviewed, 18 of the marriages of the males' parents and 28 of the marriages of the females' parents had broken up. **When they were interviewed, the total number of youths in whose families there had been a marital breakup (divorce, separation or death) was 112 (48.9 per cent), consisting of 44 boys (52.4 per cent), and 68 females (46.9 per cent).**

The juvenile prostitutes were asked if, while they were growing up, either of their parents had been away from home for extended or regular periods of time. The phrase "for extended or regular periods" was left for them to interpret on the basis of their own recollections and judgment.

Parent Absent From Home For Regular or Extended Periods	Males (n=84)	Females (n=145)
	Per Cent	Per Cent
Mother	21.4	21.4
Father	44.0	44.8

The experiences of both males and females were almost identical with respect to parental absence. In each instance, over twice as many fathers as mothers had been absent from home for regular or extended periods of time. Of the youths who said that their mothers had been absent from the home, half (49.0 per cent) attributed the absence to employment-related reasons, such as seasonal work, or working shifts, days, evenings or nights. Half (51.0 per cent) of the youths whose fathers had been away from home cited their fathers' employment as a cause of the absence. Seasonal employment accounted for slightly less than a third (30.4 per cent) of the paternal absences. One in five (19.2 per cent) of the youths' parents (38 fathers and six mothers) was away

from home because of a marital separation. Other reasons for parents being away from home included: drinking binges; hospitalization; service in the armed forces; imprisonment; and sending the boy or girl to stay with their grandparents.

Most of these youths had grown up in families in which one or other of their parents had been employed. About three in four of their fathers (73.9 per cent) had some form of employment, and among those for whom information was available, most were reported to have had jobs (92.3 per cent). Over half of the youths (54.5 per cent) reported when they were growing up that their mothers had also had jobs.

Employment Status of Parents	Mothers (n=229)	Fathers (n=229)
	Per Cent	Per Cent
Self-employed	0.4	6.6
Employed full-time	33.6	59.4
Employed part-time	20.5	7.9
Other (homemaker, student, retired)	31.9	2.1
Unemployed	3.1	3.9
Not reported, unknown	10.5	20.1
<b>TOTAL</b>	100.0	100.0

There was a somewhat higher rate of unemployment among both the mothers and fathers of the girls than among those of the boys; however, in each case, the number of parents in question was relatively small. In half of the families (51.2 per cent) of the boys and in over a third (37.2 per cent) of the families of the girls, both parents had been employed during their childhood. None of the boys and nine of the girls indicated that when they had been growing up, neither of their parents had been unemployed, but of these nine girls, only two had come from families in which both of their parents were employed. Overall, the great majority of these juvenile prostitutes were raised in homes in which at least one parent had had some form of employment.

Another measure of the economic situation of the youths' families is indicated by the proportion of their parents who had received some form of government financial support. These sources included: municipal and provincial welfare; unemployment insurance; worker's compensation benefits; disability payments; and other (e.g., Children's Aid Society payments).

A substantial proportion of female juvenile prostitutes, about a third, had grown up in homes in which one or both of their parents had at one time been recipients of government financial support. In situations where welfare pay-

Received Government Financial Support	Males (n=84)	Females (n=145)
	Per Cent	Per Cent
Mother	23.9	33.1
Father	10.9	31.2

ments had been provided, the circumstances of these families would also presumably have been known to the staff of these agencies. In contrast to the circumstances of young female juvenile prostitutes, only about one in nine of the boys (10.9 per cent) had grown up in a home in which his father had been the recipient of government financial assistance.

The findings concerning the educational attainments of the youths' parents indicate that proportionately more of the mothers (42.8 per cent) and fathers (47.6 per cent) of male juvenile prostitutes had completed high school and/or had taken some form of post-secondary education (technical college, college, university) than had the parents of female juvenile prostitutes (mothers, 35.9 per cent; fathers, 25.5 per cent). The findings suggest that more of the young males than young females had grown up in socially and economically advantaged backgrounds.

**What stands out from these findings is that a large proportion of these youths had grown up in families having a middle class, and in a few instances, an affluent standard of living.** This conclusion is further supported by their replies when they were asked whether the basic necessities, such as food, clothing and shelter, had been provided for by their parents. Three in four (76.4 per cent) said that these needs had been completely met, about one in seven (13.5 per cent) reported that these necessities had not always been fully provided for, and information on this point was unknown for the remainder.

## Alcohol and Drugs

It has sometimes been suggested that juveniles who turn to prostitution tend to come from socially disadvantaged backgrounds or from families in which deviant parental behaviour exerted an unwholesome or even traumatic influence on the children's early development. One of the forms of aberrant behaviour most frequently cited as a possible source of early psychological scarring in children who later became prostitutes is parental alcohol or drug abuse. **The Committee's findings indicate that alcoholism and drug abuse are not factors that are invariably present in the families of young prostitutes, although a heavy use of alcohol was reported with respect to a relatively large proportion of the youths' fathers.**

About three in five juvenile prostitutes (58.5 per cent) reported that neither of their parents made heavy (i.e., excessive) use of alcohol or drugs. On the other hand, six boys (7.1 per cent) and 12 girls (8.3 per cent) stated that

both their mother and father were heavy users of these substances. Five boys (6.0 per cent) and 10 girls (6.9 per cent) said that only their mothers were abusers of drugs or alcohol, while 21 boys (25.0 per cent) and 41 girls (28.3 per cent) stated that only their fathers were heavy users.

Of the 11 males who stated that their mothers were heavy alcohol users, two said that this usage characteristically involved binges, six stated that their mothers were addicted and one indicated that his mother both was addicted and engaged in alcoholic binges; two boys did not specify the nature of their mothers' heavy alcohol use. Five of the 27 males whose fathers abused alcohol said that their fathers typically went on binges, while 12 of these fathers were alcohol addicts and four both went on binges and were addicted; six males did not offer any characterization of their fathers' heavy use of alcohol.

Of the 20 girls who stated that their mothers were heavy alcohol users, six said that their mothers went on alcoholic binges, eight described their mothers as addicts and four claimed that their mothers combined addiction with binging; two girls did not indicate how their mothers misused liquor. Fifty-three girls stated that their fathers were heavy alcohol users, and of these, 15 said that their fathers' use involved going on binges, 24 reported that their fathers were addicted, and 10 indicated that their fathers both went on binges and were addicted; four of these 53 girls did not specify the nature of their fathers' heavy alcohol use.

## Dropping out of School

**The formal educational achievements of the young prostitutes stand in stark contrast to those of their parents.** Over two in five (42.3 per cent) had not progressed beyond junior high school, and two in three (66.8 per cent) had not completed more than one year of high school. In contrast, approximately a quarter (27.9 per cent) of their mothers and about a third (31.8 per cent) of their fathers had not completed junior high school. Whereas about two in five (38.4 per cent) of their mothers and a third (33.6 per cent) of their fathers had completed high school or some form of post-secondary education, only about one in seven (13.5 per cent) of the juvenile prostitutes had attained a comparable level of education (i.e., had completed either grades 12 or 13, or received some college education). None of the youths had been to university.

Clearly, it is inappropriate to characterize the educational attainments of a group of youths without taking their ages into account. It would be misleading, for instance, to conclude that these youths had typically only progressed to Grade 10 if most of them were no older than the average Grade 10 students. In this regard, an estimate was made in relation to how many of them had or had not advanced as far in their studies as youths of the same age normally might be expected to have achieved.



**Table 43.1**  
**Ages of Juvenile Prostitutes and Highest Completed School Grade**  
**Male Juvenile Prostitutes**

Highest Grade Completed	Ages of Young Males							Total
	14	15	16	17	18	19	20	
6	—	—	1	—	—	1	—	2
7	1	—	—	1	1	1	—	4
8	—	1	4	4	4	1	1	15
9	—	—	2	2	5	3	—	12
10	—	1	—	7	6	4	3	21
11	—	1	—	2	4	1	5	13
12	—	—	—	—	1	4	4	9
13	—	—	—	2	1	—	—	3
Some (community) college	—	—	—	—	—	2	1	3
Response missing	—	—	—	1	—	—	1	2
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>19</b>	<b>22</b>	<b>17</b>	<b>15</b>	<b>84</b>

**Female Juvenile Prostitutes**

Highest Grade Completed	Ages of Young Females							Total
	14	15	16	17	18	19	20	
3	—	—	—	—	—	1	—	1
6	—	—	1	—	—	—	—	1
7	—	—	2	1	1	1	—	5
8	4	4	5	4	6	3	2	28
9	1	2	4	5	5	6	4	27
10	—	3	8	10	8	4	2	35
11	—	2	4	6	4	8	6	30
12	—	—	—	1	4	6	4	15
13	—	—	—	—	—	1	—	1
<b>TOTAL</b>	<b>5</b>	<b>11</b>	<b>24</b>	<b>27</b>	<b>28</b>	<b>30</b>	<b>18</b>	<b>143</b>

*National Juvenile Prostitution Survey.* Level of education was not reported for two young females.

Table 43.1 presents information concerning the highest school grade completed by each youth listed according to his or her age. Provincial statutes require that children be enrolled in school either by age six or seven.<sup>15</sup> Hence, it may be assumed that most or all of the youths began their formal education when they were six or seven years-old, and completed their first year of schooling when they were between ages six and eight. Drawing upon this information, it is then possible to estimate the proportion of these youths who had received as much education as other children of comparable ages would usually have been expected to have received (the estimate does not take into account the possibility that some of the youths either failed or "skipped" one or more years of schooling). On this basis, it is conservatively estimated that 51 males (60.7

per cent) and 79 females (54.5 per cent) had received less education than would be usual for youths their age, while only 32 boys (38.1 per cent) and 64 girls (44.1 per cent) had completed the number of grades usually attained by persons their age.

When they were interviewed, most of the youths were no longer attending school: 181 (79.0 per cent) said that they had discontinued their studies, while 47 (20.5 per cent) were still receiving some form of education; one response (0.4 per cent) was missing. Of those who stated that they were still at school, most were not full-time students, but rather, were involved in part-time studies such as night school classes or up-grading courses.

It is not possible to determine what proportion of these youths may ever return to school. However, their lifestyle on the streets is not conducive to this possibility. Even if many were motivated to resume their schooling, they would be likely impeded by such factors as their loss of study skills, alcoholism, drug use, late hours, physical and psychological debilitation, their psychological dependency on their pimps and the efforts of their pimps to dissuade them from taking any action which might enable them to break away from "the life". Many of these youths would also be hampered from returning to school by their poor self-image and their deep-seated conviction that they are incapable of achieving anything for themselves, at school or elsewhere. On the basis of the Committee's findings about their way of life working "on the street" (see Chapter 45), it appears that **most of these youths now have as much formal education as they will ever have. As a result, those who may succeed in breaking away from "the life" are likely to find only poorly paid or menial jobs (a fact of which most are aware, and which undoubtedly encourages them to continue prostituting themselves). Their bleak future prospects constitute one of the most serious social harms associated with juvenile prostitution.**

## Early Sexual Experiences

The juvenile prostitutes were asked about their early sexual experiences, including how old they were when these incidents had occurred, who their partners had been and whether they had been sexually abused when they were growing up. The findings clearly show that in comparison with the accounts given by persons contacted in the National Population Survey, a substantially higher proportion of juvenile prostitutes had had their first sexual experience at a very early age. By the time they reached age seven, about one in nine boys (10.7 per cent) and one in 36 girls had been involved in some type of sexual activity; by age 11, over half of the male juvenile prostitutes (55.2 per cent) and about a third of the female juvenile prostitutes (32.5 per cent) had had a sexual experience. More than three-quarters (76.6 per cent) of the males and almost two-thirds of the females (61.8 per cent) had had a sexual experience by age 13. By age 17, virtually all of the juvenile prostitutes of both sexes had become sexually experienced.

As the findings in Table 43.2 indicate; in comparison with a nationally representative sample of Canadians, juvenile prostitutes had had their initial sexual experiences at a considerably earlier age, and by the time they were adolescents, most reported that they had become sexually experienced. In contrast, and the comparison may not be fully valid since persons of all ages were included in the National Population Survey, only two in five males (40.7 per cent) and over a quarter of females (27.6 per cent) reported having had their first sexual experiences by age 17:

**Table 43.2**  
**Age at which Juvenile Prostitutes had had their First Sexual Experiences**

Age of First Sexual Experience	Males		Females	
	Juvenile Prostitution Survey (n=84)	National Population Survey (n=1002)	Juvenile Prostitution Survey (n=145)	National Population Survey (n=1006)
	Per Cent	Per Cent	Per Cent	Per Cent
Under age 7	10.7	—	2.8	0.4
7-11 years	44.5	1.5	29.7	0.4
12-13 years	21.4	3.9	30.3	0.9
14-15 years	17.9	11.3	22.6	5.7
16-17 years	2.4	24.0	12.4	20.2
<b>ACCUMULATIVE TOTAL</b>	<b>96.9</b>	<b>40.7</b>	<b>97.8</b>	<b>27.6</b>

*National Juvenile Prostitution Survey and National Population Survey.*

When the juvenile prostitutes were asked to describe their first sexual experiences, 61 boys (72.6 per cent) and 60 girls (41.4 per cent) said that they had been involved in activities that might be described as non-abusive adolescent or pre-adolescent sexual experimentation. These activities varied from "playing house" or "doctor", to mutual oral sex and vaginal penetration. Three males and three females had miscellaneous first experiences, including: "being taken advantage of" at a party while they had been intoxicated; being watched by a voyeur; turning a trick; being fondled by an employer in exchange for money; and being fondled by a homosexual adult whom the youth had met in a downtown area.

In the National Population Survey, it was found that about one in two females and slightly less than one in three males had been victims of unwanted sexual acts (Chapter 6, *Occurrence in the Population*). Fewer than one in five persons of both sexes was an adult when he or she was a victim for the first time of an unwanted sexual act. The findings from the National Juvenile Prostitution Survey closely approximate those of the National Population Survey.

Less than one in four male juvenile prostitutes (22.6 per cent) and two in five female juvenile prostitutes (40.0 per cent) reported that their first unwanted sexual experience had involved the use of threats or force to which they had unwillingly submitted.

**The findings in relation to child sexual abuse indicate that youths who later became juvenile prostitutes were at no more risk when they were growing up than other Canadian children and youths of having been victims of sexual offences. In this regard, it cannot be concluded on the basis of the information available that having been sexually abused as a child was, by itself, a significant factor that accounted for their subsequent entry into juvenile prostitution.**

Before they turned to prostitution, 12 boys (14.3 per cent) and 34 girls (23.4 per cent) reported that their parents had nagged them about their sexual relationships. Six boys (7.1 per cent) and 19 girls (13.1 per cent) claimed to have been involved in an incestuous relationship. Six boys (7.1 per cent) and 34 girls (23.4 per cent) said that they had been raped, while three boys (3.6 per cent) and four girls (2.8 per cent) reported that they had been gang raped. One male stated that he had been "anally raped" (i.e., buggered) by his step-father, one female was admitted to a psychiatric facility for the treatment of a mental disorder stemming from rape trauma, and another female became pregnant after having been the victim of a gang rape. With respect to having become pregnant, 17 girls (11.7 per cent) said that they had given birth to a child, 19 girls (13.1 per cent) had had an abortion and three girls (2.1 per cent) had had miscarriages (one of which had resulted from beatings). Thirteen males (15.5 per cent) reported having suffered in some way as a result of the social stigma attached to homosexuality (e.g. being taunted at school or rejected by parents). Finally, five males (6.0 per cent) and 11 females (7.6 per cent) said that they had been considered promiscuous.

The largest single group (60.3 per cent) with whom these young males and females had had their first sexual experience with consisted of friends and acquaintances. Proportionately, more girls (13.1 per cent) than boys (7.1 per cent) had had their first sexual experience with a person who was in a legal relationship of incest to them. The definition used in this respect is comparable to that specified throughout the Report (see Chapter 7, *Dimensions of Sexual Assault* and Chapter 25, *Elements of the Offences*).

Three in 10 (29.3 per cent) of the juvenile prostitutes' first sexual experiences had been either with a family member, relative or a person who held a position of trust in relation to them (males, 27.4 per cent; females, 30.3 per cent). This proportion is slightly above that documented in the National Population Survey in which one in four (24.8 per cent) of the persons had been victims of unwanted sexual acts by persons who were close to them or were responsible for their welfare.

Forty-six males (54.8 per cent) and 112 females (77.2 per cent) said that they were younger than the person with whom they had their first sexual

**Table 43.3**  
**Type of Association between Juvenile Prostitutes and their  
Sexual Partners in their First Sexual Experience**

Type of Association Between Youth and Partner	Juvenile Prostitutes			
	Males		Females	
	Number	Per Cent	Number	Per Cent
Incest relationship	6	7.1	19	13.1
Other blood relative	9	10.7	11	7.6
Guardianship position	3	3.6	6	4.1
Other family member	2	2.4	7	4.8
Position of trust	3	3.6	1	0.7
Friend/Acquaintance	54	64.3	84	57.9
Other person (known)	2	2.4	4	2.8
Stranger	5	5.9	13	9.0
<b>TOTAL</b>	<b>84</b>	<b>100.0</b>	<b>145</b>	<b>100.0</b>

*National Juvenile Prostitution Survey.* There were four cases which were not listed (one male and three females); these are grouped in the stranger category.

experience. Thirty-two boys (38.1 per cent) and 26 girls (17.9 per cent) said that they were the same age as their first sexual partner, while five males (6.0 per cent) and four females (2.8 per cent) were older than their partners.

The first sexual experience of 36 males (42.9 per cent) and one female (0.7 per cent) was with a person or persons of the same sex as themselves. Forty-six males (54.8 per cent) and 139 females (95.9 per cent) had heterosexual first sexual experiences, while two boys (2.4 per cent) and four girls (2.8 per cent) had their first sexual experience with persons of both sexes. The response of one female was missing.

In the National Population Survey, it was found that the first sexual experience of most persons had been with a member of the opposite sex (males, 95.9 per cent; females, 95.7 per cent). The experience of youths who later became juvenile prostitutes contrasts sharply with that of other Canadians. Proportionately fewer of these young females' initial sexual experiences had involved homosexual behaviour (0.7 per cent versus 4.3 per cent) while the proportion of male youths who later became juvenile prostitutes was over 10 times that reported in the National Population Survey (42.9 per cent versus 4.1 per cent).

Most of these youths were single when they were interviewed: 79 males (94.0 per cent) and 119 females (82.1 per cent). Four boys and 11 girls said that they were living with someone, while an additional four girls stated that

they were living in a common law arrangement. One boy and five girls said that they were separated, three girls had been divorced and one was a widow. Only two youths, both girls, were married.

The extent of these youths' sexual activities as they were growing up contrasts sharply with the reported lack of discussion about sexual matters with their parents. Sixty-three boys (75.0 per cent) and 87 girls (60.0 per cent) stated that their mothers had not discussed the subject of sex with them; only 19 males (22.6 per cent) and 55 females (37.9 per cent) had talked with their mothers about sex. The fathers of 66 males (78.6 per cent) and 111 females (76.6 per cent) had not discussed sexual matters with them, while nine males (10.7 per cent) and 13 females (9.0 per cent) said that their fathers had spoken to them about this subject.

The failure of many of the youths' parents to discuss the subject of sex with them had not shielded them from becoming involved in undesirable sexual experiences. Most of these youths had felt uncomfortable about discussing sexual questions or problems with their parents: 58 males (69.0 per cent) and 85 females (58.6 per cent) said that they had not felt free to approach their mothers with such problems, while 66 males (78.6 per cent) and 104 females (71.7 per cent) had been similarly constrained with respect to their fathers. While it is unknown whether the failure of their parents to communicate openly with them about sex contributed to their sexual naivety and vulnerability, it is clear that the inability of many of the youths to be able to discuss sexual problems with their parents made it difficult for them to resolve sex-related problems, confusions and conflicts which may have contributed in some measure to their entry into "the life".

## Running away from Home

The period of transition between home life and street life was generally characterized by the youths as an attempt to sever themselves from parental authority and influence. For most of the youths, this breach was achieved by the simple expedient of running away from home. **A large majority had run away from home on at least one occasion. Sixty-six males (78.6 per cent) and 108 females (74.5 per cent) stated that they had run away at least once.** On average, females had run away from home more often than males. Among males, two in five (41.7 per cent) had run away once or twice, as compared to one in five (20.7 per cent) of the females; in contrast, about a third (36.9 per cent) of the males said they had run away several times or continually, while over half (53.8 per cent) of the females had done so.

The reasons why these youths had run away from home are listed in Table 43.4 and the means whereby they subsequently supported themselves are given in Table 43.5. The reason most frequently cited by juvenile prostitutes why they had run away from home was their need or desire to escape from family problems; almost three-fifths claimed that this had been at least a principal motivating factor in their decisions to run away. A substantial proportion had

Number of Times Juvenile Prostitutes Had Run Away From Home	Males		Females	
	Number	Per Cent	Number	Per Cent
Once	22	26.2	17	11.7
Twice	13	15.5	13	9.0
Several times	17	20.2	40	27.6
Continually	14	16.7	38	26.2
Had not run away from home	2	2.4	8	5.5
Not reported	16	19.0	29	20.0
<b>TOTAL</b>	<b>84</b>	<b>100.0</b>	<b>145</b>	<b>100.0</b>

run away by the time they were in their early adolescence. Of the 66 males and 108 females who said they had run away, 17 boys (25.8 per cent) and 23 girls (21.3 per cent) had done so by age 10. By age 14, 81.5 per cent of the boys and 75.5 per cent of the girls had run away from home.

Few of these youths had run away from home with the express intention of becoming prostitutes. At that time, about two in five had not known about

**Table 43.4**

**Juvenile Prostitutes' Reasons for Running Away from Home**

Reasons Given For Running Away From Home	Males (n=84)		Females (n=145)	
	Number	Non-Accum. %	Number	Non-Accum. %
Desire for adventure	11	13.1	16	11.0
To explore something new	8	9.5	16	11.0
To meet new persons	5	6.0	9	6.2
To escape family problems	50	59.5	82	56.6
Problems at school	12	14.3	24	16.6
Problems with friends	5	6.0	8	5.5
Attention seeking/rebelling	4	4.8	9	6.2
To escape physical abuse from father	2	2.4	8	5.5
To escape sexual advances from father	—	—	2	1.4
Other	10	11.9	16	11.0

prostitutes and prostitution. Thirty-four males (40.5 per cent) and 56 females (38.6 per cent) said that they had not become aware of prostitution until after they had first run away. Only 19 males (22.6 per cent) and 16 females (11.0 per cent) said that they had been aware of prostitution before they had run away from home for the first time. Eight boys (9.5 per cent) and 21 girls (14.5 per cent) said that they had learned about prostitution at about the time (i.e., in the same year) when they first ran away from home.

**Table 43.5**  
**Juvenile Prostitutes' Initial Sources of Income**  
**When They Ran Away from Home**

Initial Sources of Income when Ran Away from Home	Males (n=84)		Females (n=145)	
	Number	Non- Accum. %	Number	Non- Accum. %
Money brought from home	19	22.6	29	20.0
Money borrowed from friends	6	7.1	40	27.6
Living with friends	8	9.5	15	10.3
Panhandling	9	10.7	15	10.3
Prostitution	24	28.6	43	29.7
Stealing	24	28.6	24	16.6
Welfare	2	2.4	5	3.4
Social service agencies	1	1.2	2	1.4
Part-time job	3	3.6	5	3.4
Other	5	6.0	12	8.3

*National Juvenile Prostitution Survey.*

When the youths were asked how they had initially supported themselves after they had left home, about a fifth (21.0 per cent) said they had relied on money that they had brought with them from home. A larger proportion of the girls than the boys said that they had depended on friends: among the girls, 27.6 per cent had borrowed money from friends and 10.3 per cent actually relied on friends, as compared with 7.1 per cent and 9.5 per cent of the the boys, respectively. About one in 10 said that they had panhandled or begged for money, while 28.6 per cent of the males and 16.6 per cent of the females had resorted to stealing. Almost a third (29.3 per cent) said that they had relied on prostitution for money when they ran away. Few had received money from welfare or social service agencies. None had obtained a full-time job and only a few had initially held part-time jobs.



The average lengths of time the youths had stayed away from home varied widely. About a quarter (males, 26.2 per cent; females, 24.1 per cent) had generally stayed away from home for between one and seven days. Six boys (7.1 per cent) and 20 girls (13.8 per cent) said that the average duration of their absence from home was between one and four weeks. A further 23 males (27.4 per cent) and 46 females (31.7 per cent) said that they had left home for between one and six months, while one girl had been absent for seven months. Finally, 11 boys (13.1 per cent) and six girls (4.1 per cent) said that they had run away for periods of a year or more, with one boy stating that he had been away from home for five years.

**The National Juvenile Prostitution Survey's findings clearly show that running away from home was an experience shared by most of the youths who later became juvenile prostitutes. For many of them, running away represented an immediate means of escaping from some aspect of their home environment with which they found it impossible to cope, rather than serving as an avenue through which to pursue some positive, long-term goals. This conclusion is consistent with the findings concerning the youths' immediate sources of finance, which indicate a clear lack of planning or preparation on their part, prior to their departure. While their experiences varied considerably after they had run away from home (as did the duration of their absences), this step for most of them represented a complete repudiation of their families. They entered a way of life for which they had none of the experience, skills, preparation, education or training needed to achieve a secure or conventionally self-sufficient existence. This combination of severing themselves from their families combined with their inexperience in other aspects of life created a condition of extreme vulnerability which fostered their transition to street life and to prostitution.**

## Memories of Home Life

In addition to obtaining information about the social situation of their families as they were growing up, the youths were also asked for their views about their formative years. They were asked about their strongest memories of their childhood; their *strongest* recollections were requested in order to obtain information which might reveal those aspects of their early lives which they believed may have subsequently influenced them. Because they were not limited to a single recollection, their replies are non-accumulative.

The young prostitutes' strongest recollection was one of continuous fighting or arguments at home: (males, 45.2 per cent; females, 52.4 per cent). About one in three (males, 27.4 per cent; females, 33.1 per cent) mentioned physical abuse. Alcohol abuse was recalled by 21.4 per cent of the males and 33.8 per cent of the females; drug abuse was highlighted by only 3.6 per cent of the boys and 8.3 per cent of the girls. Vivid recollections of sexual abuse were reported by 7.1 per cent of the boys and 21.4 per cent of the girls. A further

Strongest Recollections of Home Life	Juvenile Prostitutes	
	Males (n=84)	Females (n=145)
	Non-Accum. %	Non-Accum. %
Continuous fighting/arguments	45.2	52.4
Alcohol abuse	21.4	33.8
Drug abuse	3.6	8.3
Physical abuse	27.4	33.1
Sexual abuse	7.1	21.4
Sickness in family	11.9	20.0
Strict religious upbringing	13.1	11.0
Happy family/parents together	33.3	23.5
No strong memories	10.7	11.7
Other	17.9	14.5

11.9 per cent of the males and 20.0 per cent of the females listed a family illness as being among their most powerful memories. Recollections of a happy home life were reported by 33.3 per cent of the males and 23.5 per cent of the females. Responses categorized as "other" included memories of: poverty; "coldness, silences and neglect"; moving from place to place; living in various foster homes; having "spent childhood in hospital with polio"; and having "had many fathers". Overall, a larger proportion of the young female prostitutes than that of the young male prostitutes had retained negative recollections about their childhood.

## Summary

1. Of the 229 juvenile prostitutes who were interviewed, 145 were females (63.3 per cent) and 84 were males (36.7 per cent). Three in four females (73.1 per cent) and less than one in four males (22.6 per cent) considered themselves to be heterosexual.
2. Over one in four female juvenile prostitutes (27.6 per cent) and about one in eight male juvenile prostitutes (13.1 per cent) were 16 years-old or younger.
3. About half of the parents of juvenile prostitutes (48.9 per cent) had had a marital breakup either while these youths were growing up or after they had left home.
4. During their childhood, over two in five of their fathers had been away from home for extended or regular periods of time; these absences had involved one in five of their mothers.
5. Three-quarters of their fathers and over a half of their mothers had been employed during the childhood and adolescence of the juvenile prostitutes.

6. A third of the families of female juvenile prostitutes had been recipients of government financial assistance; one in nine of the fathers of male juvenile prostitutes had received some form of public assistance.
7. On average, the parents of male juvenile prostitutes were better educated than those of female juvenile prostitutes. Well over two in five parents (45.2 per cent) of the former and less than a third (30.7 per cent) of the latter had completed high school and/or had some form of post-secondary education.
8. About two in five of the parents of juvenile prostitutes were reported to have been heavy users of alcohol or drugs.
9. Over two in five juvenile prostitutes (42.3 per cent) had not gone beyond junior high school; only a third (33.2 per cent) had completed more than one year of high school.
10. By age 11, over half of the male juvenile prostitutes (55.2 per cent) and a third of female juvenile prostitutes (32.5 per cent) had had an initial sexual experience. More than three-quarters (76.6 per cent) of the males and almost two-thirds (61.8 per cent) of the females were sexually experienced by age 13.
11. In relation to having been sexually abused when they were children, the experience of juvenile prostitutes was similar to that of other Canadian children and youths, (as documented in the National Population Survey). One in five males (22.6 per cent) and two in five females (40.0 per cent) reported that their first sexual experience had involved the use of threats or force.
12. Three in five (60.3 per cent) of these youths' first sexual experiences had been with friends and acquaintances, and less than a third (29.3 per cent) had involved a family member, a relative or a person holding a position of trust to them. The proportion in the latter category was slightly above that (24.8 per cent) documented in the National Population Survey.
13. For less than one in 142 of the girls (0.7 per cent) but for over two in five of the boys (42.9 per cent), their initial sexual experience had been with a member of the same sex.
14. A majority of juvenile prostitutes (76.8 per cent, males; 68.3 per cent, females) stated that they had not discussed sexual matters with their parents.
15. During their childhood and adolescence, three-quarters (75.9 per cent) of the juvenile prostitutes had run away from home at least once. A high proportion of these youths had run away twice or more often.
16. Immediately following running away from home, none had obtained full-time jobs and only one in 29 had obtained a part-time job.
17. Only a minority of juvenile prostitutes recalled that their childhood and adolescence had been happy and untroubled.

In looking back at their childhood, most of these youths recalled a variety of negative experiences that had made a lasting impression on them. More than a quarter of their parents had been separated or divorced during their child-

hood, and subsequently about an equal proportion of their families had experienced a marital breakup. About two in five of these youths had known some form of parental abuse of alcohol or drugs. These danger signals of family conflict indicate that many young prostitutes had come from family backgrounds that were troubled and unhappy, notwithstanding the fact that many had grown up in homes that might otherwise have appeared to have been comfortable, successful, and in some instances, socially advantaged.

The majority of these youths had grown up in homes that had left them scarred with negative and painful memories, conditions that had prompted many of them to run away from home, to drop out of school early, and ultimately, to turn to prostitution as a means of earning their livelihood.

**In light of the findings concerning the high proportion of these youths who had dropped out of school early and who had run away from home, it is clearly evident that existing social services had been ineffective and had provided inadequate protection and assistance. In this respect, there can be no doubt in the Committee's judgment that special programs must be initiated and sufficiently funded to meet their needs. Accordingly, the Committee recommends that:**

**Provincial Child Protection Services develop special programs geared to serve the needs of young prostitutes and to identify the early warning signs of troubled home conditions warranting the provision of special services.**

## References

### Chapter 43: Social Background

- <sup>1</sup> The Committee's general review of bibliographical sources was given in Chapter 1. As indicated by the listing of references in notes 2 — 14, these sources did not serve to identify many references concerning research on the issue of prostitution in Canada. That there is a paucity of such research information available for this country was further confirmed by the Committee's meetings across Canada with persons experienced in working with juvenile prostitutes. The references typically cited related to studies that had been undertaken abroad.
- <sup>2</sup> Axmith, G.M., *Sexually Promiscuous Juvenile Girls in Galt Training School*. Toronto: University of Toronto M.S.W. Thesis, 1963.
- <sup>3</sup> Barnhorst, S.S., *Female Delinquents and the Juvenile Justice System*. Kingston: Queen's University, 1980 (L.L.M. thesis).
- <sup>4</sup> Canada. Department of Justice. *Juvenile Delinquency in Canada. Report of the Committee on Juvenile Delinquency*. Ottawa: Queen's Printer, 1965.
- <sup>5</sup> Clarkson, F.A., History of Prostitution, *Canadian Medical Association Journal*, 41:296-301, 1939.
- <sup>6</sup> Gray, J.H., *Red Lights on the Prairies*. Toronto: MacMillan of Canada, 1971.
- <sup>7</sup> Griffen, B. and J. Martin, *A Preliminary Report on the Problem of Sexual Abuse and Delinquency*. Edmonton: Edmonton Rape Crisis Centre, 1980 (mimeo).
- <sup>8</sup> Laudau, B., The Adolescent Female Offender, *Canadian Journal of Criminology and Corrections*, 17:146-53, 1975.
- <sup>9</sup> Limoges, T., *La prostitution à Montréal*. Montréal: Les Éditions de l'Homme, 1967.
- <sup>10</sup> Pector, J., *Rapport de travail sur la prostitution des mineur-e-s*, Montréal: Bureau de Consultation — Jeunesse, Inc., 1982 (mimeo).
- <sup>11</sup> Nelson, N.A., Prostitution and Genito-infectious Disease Control, *Canadian Journal of Public Health*, 34:251-60, 1943.
- <sup>12</sup> Szabo, D., M. LeBlanc, L. Deslauriers et D. Gagné, Interpretations psycho-culturelles de l'inaadaptation juvénile dans la société de masse contemporaine, *Acta Criminologica*, 1:9-133, 1968.
- <sup>13</sup> Williams, D.H., Commercialized Prostitution and Venereal Disease Control: Results of Suppression of Commercialized Prostitution on Venereal Disease in the City of Vancouver, *Canadian Journal of Public Health*, 31:416-22, 1940.
- <sup>14</sup> Williams, D.H., Suppression of Commercialized Prostitution in the City of Vancouver, *Journal of Social Hygiene*, 27:364-72, 1941.
- <sup>15</sup> The relevant statutes are as follows:
  - Newfoundland*  
*The School Attendance Act*, 1978, S. Nfld. 1978, c. 78, s. 3. (School begins at age six).
  - Prince Edward Island*  
*The School Act*, R.S.P.E.I. 1974, c. S-2, s. 1(b), as am. by S.P.E.I. 1980, c. 48, s. 1(1) (Schooling begins at age seven).
  - New Brunswick*  
*Schools Act*, R.S.N.B. 1973, c. S-5, s. 59(1). (Schooling begins at age seven).
  - Quebec*  
*Education Act*, R.S.Q. 1979, c. I-14, s. 256. (Schooling begins at age six).
  - Ontario*  
*The Education Act*, R.S.O. 1980, c. 129, s. 20. (Schooling begins at age six).

## Chapter 44

# Becoming a Prostitute

In this chapter, findings from the National Juvenile Prostitution Survey are given concerning how these youths made the transition from their home lives to becoming prostitutes. These findings are illustrated by a number of case studies.

### Initial Awareness and Contacts

The youths in the National Juvenile Prostitution Survey were asked "At what age did you become aware of prostitutes and what they did?" Although all of these youths were then engaged in prostitution, it is apparent that they had not exhibited a striking precocity as children in discovering prostitutes or in learning about what they did. By age 10, 16.7 per cent of the males, and 6.9 per cent of the females had known about prostitution, while by age 13, fewer than half (47.6 per cent of the boys and 40.0 per cent of the girls) had had any knowledge of this occupation. By age 16, however, four in five youths (males, 78.6 per cent; females, 82.8 per cent) knew about prostitutes and prostitution.

The two most frequently cited means by which these youths had learned about prostitution were through the media and some friend or acquaintance who was living downtown. The former source was responsible for providing 28.6 per cent of the males and 23.4 per cent of the females with their first awareness of prostitution (invariably the youths referred to "glamourized" media depictions of prostitutes), while 22.6 per cent of the boys and 30.3 per cent of the girls said that they had first acquired this knowledge through a friend who had been living downtown. Fourteen males (16.7 per cent) and 17 females (11.7 per cent) arrived at their own conclusions deductively after watching prostitutes on downtown streets. Six males (7.1 per cent) and 17 females (11.7 per cent) learned about this vocation from an acquaintance who was a prostitute (these persons included sisters, friends, neighbours, and the mothers of three of the girls). Other sources of learning about prostitution included:

- Living in or visiting areas frequented by prostitutes;
- Being propositioned while in an area frequented by prostitutes;

- A family friend;
- Older siblings who explained prostitution as part of youth's sex education;
- A man whom the girl dated and who later turned out to be a pimp;
- Boy's father, who took him to an area frequented by prostitutes;
- A massage parlour where the girl had been hired;
- Reading a book (girl's father made her read the book in an attempt to frighten her from running away);
- Mother, whom the girl overheard discussing the logging camp where her father worked which was serviced by prostitutes;
- Friends at school;
- Youth workers;
- School sex education.

Prior to working on the streets, about two in three of the youths (males, 61.9 per cent; females, 68.3 per cent) had known at least one prostitute personally. Thirty-five males (41.7 per cent) and 73 females (50.3 per cent) said that the prostitute whom they had known was a friend, six males (7.1 per cent) and 11 females (7.6 per cent) responded that this person was an immediate family member, while one male and three females stated that the prostitute was a relative. Eleven boys (13.1 per cent) and 31 girls (21.4 per cent) said that they had been encouraged by these acquaintances to become prostitutes; 12 boys (14.3 per cent) and 20 girls (13.8 per cent) were discouraged from becoming prostitutes by the prostitutes whom they had known.

About half of the youths (52.4 per cent) said that they did not feel that there had been any single person who had been responsible for their introduction into prostitution. Among the males, a third (32.1 per cent) identified one person whom they felt was largely responsible for their becoming prostitutes. These persons included: a male friend (8.3 per cent); a pimp (1.2 per cent); the father of a friend (1.2 per cent); a girlfriend (1.2 per cent); the youth's first trick (2.4 per cent); and a brother who forced a boy to engage in oral sex while he was still a child (2.4 per cent). A further eight boys (9.5 per cent) said that they had been responsible for their own introduction to prostitution.

In contrast, about half of the girls (46.9 per cent) were able to identify a specific individual whom they felt was in large measure responsible for their becoming prostitutes. Among the persons specified were: a pimp (9.7 per cent); a male friend (7.6 per cent); the girl's father [who forced her to become a prostitute to bring in money to support the family, (0.7 per cent)]; the girl's mother (2.8 per cent); a sister (3.4 per cent); a girlfriend (9.0 per cent); a motorcycle gang (0.7 per cent); the girl's first trick (0.7 per cent); a male hustler (0.7 per cent); a girl's aunt (0.7 per cent); and a prostitute who was a friend of the girl's mother (0.7 per cent). Only one in 15 (6.9 per cent) of the girls felt that she was directly responsible for having become a prostitute. Many of the girls who stated that a "male friend" had been primarily responsible for their becoming prostitutes may have been referring to their pimps in euphemistic terms.

## Turning the First Trick

The youths were asked how old they were when they had "turned their first trick", or had initially engaged in prostitution. Their replies, listed in Table 44.1, clearly indicate that a sizeable proportion of them, **almost half (47.6 per cent), had engaged in prostitution for the first time when they were 15 years-old or younger.** Some of these youths had been young children when they had become prostitutes. Twelve males (14.3 per cent) and 28 females (19.3 per cent) had been age 13 or younger when they had turned their first trick.

Table 44.1

Age at which Juvenile Prostitutes Turned their First Trick

Age when First Trick was Turned	Males		Females		Total	
	Number	Per Cent	Number	Per Cent	Number	Per Cent
8	1	1.2	—	—	1	0.4
10	1	1.2	1	0.7	2	0.9
11	—	—	2	1.4	2	0.9
12	2	2.4	5	3.4	7	3.1
13	8	9.5	20	13.8	28	12.2
14	8	9.5	12	8.3	20	8.7
15	17	20.2	32	22.1	49	21.4
16	21	25.0	38	26.2	59	25.8
17	13	15.5	8	5.5	21	9.2
18	7	8.3	12	8.3	19	8.3
19	4	4.8	5	3.4	9	3.9
20	—	—	1	0.7	1	0.4
Cannot recall	2	2.4	2	1.4	4	1.7
Not reported	—	—	7	4.8	7	3.1
<b>TOTAL</b>	<b>84</b>	<b>100.0</b>	<b>145</b>	<b>100.0</b>	<b>229</b>	<b>100.0</b>

*National Juvenile Prostitution Survey.*

These findings leave no doubt about the need to afford these children more effective social assistance and legal protection.

The reason given by most of the youths for turning to prostitution was that it afforded them the opportunity for rapid financial gain: 66 boys (78.6 per cent) and 95 girls (65.5 per cent) said that this was among their primary reasons for becoming prostitutes. This finding accounts for the fact that none, when they had initially left home, had had a full-time job and why only a handful had obtained some form of part-time employment. Eight males (9.5 per



cent) and 12 females (8.3 per cent) said that they began prostituting themselves out of economic necessity when they had no other source of income, while 25 boys (29.8 per cent) and 25 girls (17.2 per cent) claimed that they turned to prostitution because of their inability to find employment. One male and five females said they were forced to become prostitutes by a pimp while 25 females (17.2 per cent) said that they turned to prostitution in order to please another person who, as noted, was likely a pimp.

**Table 44.2**  
**Juvenile Prostitutes' Reasons for Turning to Prostitution**

Stated Reason for Turning to Prostitution	Males (n=84)		Females (n=145)	
	Number	Non-Accum. %	Number	Non-Accum. %
Personal trauma in youth's life	7	8.3	19	13.1
Inability to cope with parents	6	7.1	22	15.2
Pregnancy out of wedlock	1*	1.2	4	2.8
Problems with drugs	13	15.5	17	11.7
Discontent with school	10	11.9	20	13.8
Discontent with job	5	6.0	1	0.7
Inability to find employment	25	29.8	25	17.2
Opportunity for rapid financial gain	66	78.6	95	65.5
Economic necessity/no other source of income	8	9.5	12	8.3
Forced by pimp	1	1.2	5	3.4
To please another person	—	—	25	17.2
To gain sexual knowledge	6	7.1	1	0.7
Other	12	14.3	12	8.3

*National Juvenile Prostitution Survey.*

\* Presumably, the youth turned to prostitution in order to provide money for a female person whom he had made pregnant.

The vast majority of these youths said that they had not been forced into prostitution; only three males (3.6 per cent) and 23 females (15.9 per cent) said that they were induced to engage in prostitution against their will. These findings clearly indicate that, by and large, these juveniles had not been threatened and coerced into prostitution; for example, among the youths inter-

viewed, there was no evidence to suggest the existence of a proverbial "white slave trade". This finding, however, does not deny that the youths may have been subject to a wide range of subtle and less dramatic forms of inducement to engage in prostitution; their reasons for becoming prostitutes stand as firm evidence of the existence of such pressures and inducements.

Of the females who said that they were forced into prostitution, about three-fifths (60.9 per cent) said that the person who coerced them was a pimp. Two of these 23 girls (8.7 per cent) said that their sisters had forced them to become prostitutes and one girl (4.3 per cent) said she had been forced to do so by her father. Another two of these girls had been forced into prostitution by other prostitutes and one girl said that she had been subjected to pressure by a trick.

## Case Studies

As a subculture, the persons involved in different aspects of prostitution have developed a special vocabulary describing persons, types of sexual acts, places and events. A glossary of some of their commonly used words and phrases, many having substantially different meanings for most Canadians, is given in Table 44.3. The case studies are grouped into the categories of: young female prostitutes; young male prostitutes; and young transvestite prostitutes. Although the transvestites whose experience is described here are legally males, in order to retain their own perception of their identities, the female gender is used in referring to them in the case studies.

## Young Female Prostitutes

### *Case Study 1*

Still living at home with her mother who knows about her street activities, Pat is a 13 year-old girl who has completed Grade 9. She grew up in a middle-class suburb. Her parents were recently divorced; her father now works in the United States. When she was nine, she began to run away from home in order to escape her parents' arguments. On these occasions, often lasting several days, she stayed with a girlfriend. Later, she turned to the downtown streets of the city. When she ran away, her mother always reported that she was missing to the police. Her mother also sought help from neighbours, school counsellors, psychiatrists and social workers.

When she was 11, she attempted to have intercourse with a boyfriend. She found school boring and often skipped classes. Pat turned her first trick when she was 12. This happened after she had been to a downtown theatre with a friend whose father had forgotten to pick them up. As the two girls were walking along a busy street, they were picked up by a 17 year-old boy who invited them to a party in a hotel. They accepted and later took drugs for the first time.

Table 44:3

Glossary of Street Words and Phrases

<p><b>Around the World:</b> To lick and kiss a person's body and all of the orifices.</p> <p><b>B &amp; D: (Bondage and Discipline)</b> - Sado-masochistic acts including being tied up, whipped, beaten or otherwise punished.</p> <p><b>Bi: (Bisexual)</b> One who, on different occasions, engages in sexual acts with members of both sexes.</p> <p><b>Blow Job:</b> Fellatio.</p> <p><b>Candy/Safe:</b> Condom, prophylactic.</p> <p><b>Come or Cum: (noun)</b> Semen, male ejaculation.</p> <p><b>Come or Cum: (verb)</b> To have an orgasm, in reference to male or female.</p> <p><b>The Dose:</b> General term for any venereal disease.</p> <p><b>Drag/Being in Drag:</b> A male wearing female clothing.</p> <p><b>Dyke:</b> A lesbian.</p> <p><b>Fingering:</b> Vaginal or anal penetration by a finger or fingers.</p> <p><b>Fist-fucking:</b> Anal penetration of one male by another, using a clenched fist.</p> <p><b>Gay/Queen/Faggot:</b> A male homosexual.</p> <p><b>The Game/The Life:</b> The lifestyle of the young prostitutes, street life generally, with all of its in-limit rules, its players, etc.</p> <p><b>Going Down On:</b> It usually refers to cunnilingus but can refer to fellatio.</p>	<p><b>Golden Showers/Watersports:</b> Urinating on a person and thereby producing sexual arousal in the recipient. It is often performed in conjunction with manual manipulation of the customer's penis.</p> <p><b>Half and Half:</b> A combination of vaginal intercourse and oral sex.</p> <p><b>Hand Job:</b> Manual manipulation of a male's penis to the point of orgasm.</p> <p><b>Hooker:</b> A female prostitute.</p> <p><b>Hustler:</b> A male prostitute.</p> <p><b>In the Closet:</b> Not openly admitting one's homosexuality; hiding it from the public; passing as a heterosexual male in one's public life, while actually being secretly homosexual.</p> <p><b>Jerking Off:</b> Male masturbation.</p> <p><b>Out of the Closet:</b> Openly admitting to being a homosexual; generally applies to males.</p> <p><b>Pimp:</b> A person, almost always male, for whom a prostitute works and who regularly receives the prostitute's earnings or some portion thereof.</p> <p><b>Playing with Oneself:</b> Female masturbation.</p> <p><b>Queer-bashers/Head-bangers/Breeders:</b> Homophobic males who physically assault homosexual males.</p> <p><b>S &amp; M: (Sado-Masochism)</b> Sexual acts involving behaviours such as beating, bondage, whipping and other violence.</p> <p><b>Score:</b> A term referring either to obtaining money or to having sex.</p>
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Table 44.3—continued

Glossary of Street Words and Phrases

<p><b>Screw/Fuck/Stab:</b> Penetration by a penis, usually refers to vaginal penetration but occasionally is used in reference to anal penetration.</p> <p><b>Sixty-Nine (69):</b> Mutual oral sex performed by two persons in a head-to-genital position.</p> <p><b>Slut/Ho/Whore:</b> Derogatory terms for female prostitutes.</p> <p><b>Spatting/Pooping:</b> Coprophilia, defecation in a person's mouth or on the face causing sexual arousal in the recipient. It is often performed in conjunction with manual manipulation of a customer's penis. It may involve the use of an enema.</p>	<p><b>Straight Lay:</b> Vaginal penetration with penis to the point of male orgasm.</p> <p><b>The Street:</b> The environment in general in which young prostitutes work.</p> <p><b>Transy:</b> Slang for transsexual. A biological male who believes himself to be a female (i.e., has a female gender identity) and dresses in feminine attire. Such persons may contemplate or may be in the process of undergoing sex-change procedures.</p> <p><b>Trick:</b> The customer of a male or female prostitute.</p> <p><b>Working/Working the Street:</b> Working as a prostitute; applies to males and females.</p>
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When Pat woke up the next morning, she was given \$20. She had no recollection of having had sex. The boy told her that she could earn a lot more money the same way. Later, she was shown the streets frequented by prostitutes, and subsequently, she began to turn tricks each time she came downtown. She used the money to have "good times".

Pat works by herself, usually on weekends and the occasional week night to earn pocket money. She shares her earnings with her boyfriend; her income is supplemented by an allowance provided by her mother.

Because she feels that other sexual acts are too intimate and take too long to perform, Pat only engages in oral sex. She is popular with tricks because they think she is younger than she actually is and because she "has no boobs". Once, a man asked her to pose nude for a "children's book". She refused. The sex-for-money exchange usually lasts less than 15 minutes and takes place in the trick's car. When she is having oral sex with a trick, she tries to get it over with as quickly as possible so that she can get paid.

Pat has appeared in court several times for truancy and having run away from home. Because of her age, she has no criminal record. She sees her street hustling as being just "part of growing up". Because "the street is dirty and you have no friends you can trust", she says she is going to try to avoid that part of the city. She believes there should be special services available to parents in order to help them understand their children better. Although she now only occasionally attends school, she plans to return on a regular basis during the next term. She wants to become a veterinarian.

### *Case Study 2*

Marie, age 15, is the seventh of eight children. As she was growing up, neither of her parents regularly worked and the family was supported by welfare. Marie says that her parents were alcoholics and that her mother had been a prostitute.

When she was 10, Marie's father forced her to suck his penis and had vaginal and anal intercourse with her. Claiming he was "making her into a woman", he forced her to engage in these acts with him until she was 13 years-old. During this period, two of her mother's customers and several older males also sexually assaulted her.

Her mother took Marie when she was 11 years-old to visit the ships docked in the harbour of a nearby port. On these visits, Marie was assigned to a cabin where as many as nine or 10 men had sex with her. As payment, she was given alcohol which she turned over to her father. Once, a sailor gave her a "Raggedy Ann" doll after having had intercourse with her.

Marie ran away from home several times. When she was 13, she was made a ward of the local child protection agency, and subsequently, she was placed in several foster homes. When she was interviewed, she was living in a youth hostel serving "end-of-the-line kids".

After leaving foster care, Marie lived with a man who gave her drugs. She went to Los Angeles with him where she learned that he worked for a network of pimps. She was forced to work the streets. When she refused or turned too few tricks, the pimp beat her up with heated wire clothes' hangers which left permanent scars on her breasts and thighs. He also locked her in a closet several times, only letting her out to urinate or have sex with one of his "friends". Once, she was forced to have intercourse with a dog. This incident was recorded as a "kiddy porn" film.

Marie escaped from her pimp when she was picked up by the Los Angeles police and was returned to Canada. Since her return, she has worked the streets on her own. Since she keeps her earnings and performs only conventional sexual acts such as "straight lays" and "blow jobs", she feels her situation has improved. She has been found delinquent by a juvenile court for repeatedly running away.

Her memories of how she was abused in Los Angeles still haunt her. She intensely resents her parents. Although she regularly visits them, she does not want to grow up to be like them. As for her hopes for the future, she says that she has "None. I'll probably be dead soon".

### *Case Study 3*

One of two sisters, Barbara completed high school before she abruptly left home to live with a pimp. Now 18, she grew up in a happy family atmosphere. Her mother is a nurse and her father a lawyer.

When she was 16, Barbara's first sexual experience was having intercourse with a boyfriend. While she was at a downtown club with some school friends, she met the pimp with whom she is now living. It was "love-at-first-sight". Within three weeks, the pimp had persuaded her to live with him so that, together, they could share the excitement of a downtown lifestyle.

Her pimp is 27 years-old and married to a woman "back home". Pimping is his only job, a fact that Barbara had not known until they had been living together for several weeks. By then, she depended upon him completely for

emotional and financial support. Because she had left home suddenly, she feels she can't return home.

After she learned that her boyfriend worked full-time as a pimp, he began to abuse her verbally and physically. He demanded that she "work the streets" to repay him for his favours. She says that now "he hits her less often and only when I deserve it". Her quota is to earn \$200 each weeknight and \$300 on both Fridays and Saturdays. Out of these earnings, her pimp pays her \$20 a day for coffee, cigarettes and condoms.

Barbara spoke of her pimp as being her husband. When she was interviewed, she was seven months' pregnant. She believes the child to be her pimp's. She plans to continue working on the street until the delivery. When her child is born, she intends to get a babysitter to permit her to return to work on the street.

Her pimp is "very dominant. Everything has to be his way". Once, he beat her so severely that she was hospitalized with a broken jaw and collarbone. Despite this beating, she intends to continue living with her pimp and raise her child.

Because the police know that she is working with a pimp, Barbara believes that they pay special attention to her in order to obtain information about him and other pimps with whom he associates. She has been convicted twice for soliciting. She disputes the police officers' testimony that she had grabbed the arms of tricks or had run into the street to shout offers to potential customers driving by in cars. Barbara has also been convicted of: loitering (six times); twice for counselling to commit gross indecency; and once for gross indecency after being caught having oral sex in a car.

Barbara says that she wants to have a "straight" job and raise her child. She hopes that someday her pimp will go "straight". She is addicted to street life, saying that "you always come back for more".

#### *Case Study 4*

Evette's father died when she was a child. She and her two older brothers were brought up by her mother who worked to support the family. Now 17, Evette was severely beaten as a child by her mother. This "disciplining" started each time she wet her bed when she was about age seven; it included being whipped and locked naked in a closet. She grew up living in absolute fear of her mother.

When she was eight, Evette ran away from home. She was subsequently placed in the custody of a child protection agency. Because she was regarded as a "problem child", she was rotated through several foster homes.

Once when she was 11 and had run away from a foster home, she was picked up by a stranger who took her to a vacant lot and raped her. She told no one about her first sexual experience; it was only years later that she confided to a friend what had happened.

Evette says that after the child protection agency had "given up on her", she took the advice of a foster sister, a prostitute, and started to work on the street. With her foster sister coaching her from the back seat of a car, she turned her first trick when she was 14.

Because she regards certain sexual acts as humiliating to perform, Evette refuses to let tricks have anal sex or to engage in "S & M" acts. When she is working, she likes to be high on cocaine; she usually has liquor in her purse. She also carries a supply of condoms and a switchblade for protection, since

she has been roughed up several times by tricks. On several occasions, she has engaged in group sex and "orgy parties".

Evette once worked briefly for a pimp. Because she was already street-wise, she says that she was not lured by his "sweet talk". After she left him, he continued to harass her. Finally, she reported him to a friendly police officer and her testimony and that of several other girls led to his conviction for living on the avails of prostitution.

Although she is friendly with a few policemen to whom she provides information about criminal activities occurring on the street, Evette generally has little respect for the police whom she says have verbally abused her. She has been charged several times. When she was interviewed, she was waiting for the date of a court hearing to be set in relation to charges for soliciting and drinking under age. Her record includes charges of: fraud, two break-and-enter offences, willful damage to public property and shoplifting.

Evette dropped out of school in Grade 7. She hopes to attend university. If she leaves the street, she feels that it will be her own decision, although this change would involve her learning to stop "taking the easy way out".

#### *Case Study 5*

The oldest of four girls, Pat now age 16, grew up in a government subsidized housing unit. Her father, who was in the army, was absent from home for long stretches of times. When he returned on brief visits, he spent his earnings to buy items for himself — alcohol, stereo equipment and a pornography collection. Pat is now fond of her mother, but she wasn't when she lived at home.

She was nine when her father first told her she was "sexy". She remembers the first night he assaulted her as the worst episode in her life. That evening, her father had been drinking heavily. When Pat resisted him, he tied her to a bed and raped her. Later, during his drinking binges, he regularly had intercourse with her. On these occasions, her mother was usually absent from home playing bingo. Pat told no one about these acts because her father beat her and because he also threatened to assault her younger sisters.

Pat's father also beat up her mother. Pat believes that her mother knew she was a victim of incest, but that she was too afraid of her husband to intervene. After Pat had run away from home several times and a neighbour had reported that she had been abused, the local child protection agency intervened. Her father was charged with incest and convicted, was imprisoned for a year, and following his release, returned to live with the family. Pat is unsure, but believes that her father has also sexually assaulted her younger sisters.

When she was 12, Pat began running away from home. On these occasions, she usually hitch-hiked with truckers who gave her a lift or a drink in exchange for having intercourse. Once when she had left home, she saw a television documentary on prostitution. She immediately decided that if she ever were to have enough money when she grew up, her only choice was to become a prostitute.

Pat became a transient when she was 14. Initially, she was harassed on the street by pimps who wanted her to work for them. A 22 year-old pimp began dating her; he soon convinced her to work for him, so that they could "get ahead together in life". He offered her protection from other pimps, a promise which never materialized, although her association with him made other pimps more cautious when they tried to procure her. Since then, Pat

has worked for two other pimps. Two of them have physically and sexually abused her. She loves her present pimp who has never hit her and who says he is going to marry her.

Working 10 hours a day, six days each week, Pat usually earns about \$150 a day. She gives all of her earnings to her pimp. Calling herself "a player in his game", she helps to recruit other girls on the street to work for him. Except for the girls working for her pimp, she distrusts all other prostitutes on the street. At the request of her pimp, she has beaten up other girls whom he regards as "trouble makers". As a sideline to prostitution, she has also worked as a "scout" for deals involving drugs.

Pat usually performs only conventional sexual acts such as straight lays and hand jobs with tricks, usually in their cars. However, she has also done anal sex, around-the-world, spanking, and once sold her panties for money. Although she has worked full-time on the street for about two years, she feels that she is not a prostitute. To her, a prostitute is a "whore or a slut". She sees herself as being "a working girl trying to make a living".

This young hooker is well informed about the legal evidentiary requirements concerning prostitution. When she is working on the street, her demeanor is quiet and unobtrusive. She knows that she should not be seen to be a "nuisance". She has a friendly, informal relationship with the plain clothes police who patrol her area. Her only conviction is for theft under \$200.

Pat says that her work as a prostitute has numbed her senses and left her feeling passive towards life. When she has sex with tricks, she frequently uses drugs to suppress her feelings and to cope with her pimp's demands. Some day, she wants to get a job as a cashier in a department store, but she is doing nothing to realize this ambition. She believes that Canadians should know what the real life of the prostitute working on the street entails.

## Young Male Prostitutes

### *Case Study 6*

Both of Marc's parents worked full-time when he was a child. His parents were divorced when he was 12 and he and his brother and sister were taken care of by his mother. Following her divorce, his mother became a heavy drinker. There were constant arguments at home. Two years ago when he was 13 years-old, he began running away from home.

Marc was age five when a family acquaintance had anal intercourse with him. When his father learned what had happened, he attacked the 16 year-old assailant, and as a result, he was charged by the police. Marc was eight when a neighbour who was a prostitute told him about life on the street. She predicted that someday, he too could become a hustler.

Bored with school, frustrated by arguments at home and seeking excitement, Marc started to visit the downtown streets when he was 13. He soon acquired a group of friends who introduced him to drugs. To pay for them, he began to turn tricks regularly the following year. By the time he was 15, his present age, he had left home and school and had become completely involved in the life of the street.

In his work as a hustler, Marc prefers sexual acts requiring the minimum of intimacy, but balances this concern by also engaging in those for which he



is best paid. Since he sees himself as being a straight hustler and a con artist, he receives but does not give oral sex. He says that only "gay hustlers" give oral or anal sex to tricks. By only receiving oral sex, he feels that he is retaining his autonomy by not becoming an active participant. Since he enjoys degrading tricks, he willingly performs acts of S & M and watersports. When he has the chance, he also steals his tricks' wallets.

Most of his tricks are middle-class males, married and living "in the closet". These clients want a quick and impersonal sexual exchange in which no extra touching or kissing occurs. Marc prefers these tricks to openly gay men whom he feels try to become too emotionally involved, who ask him to dinner, or who may want him to spend the night with them.

Marc has not been charged with soliciting. He has, however, appeared in juvenile court on charges of: assault, break-and-enter, theft and carrying a weapon. When he was interviewed, he said he would soon be appearing in adult court to face two counts of having indecently assaulted a female.

In addition to the money he earns as a hustler, Marc works part-time as an ice cream vendor. He also deals in drugs from which he makes a substantial profit. He sees the life on the street as one that is "disillusioning and causes you to lose the ability to be a caring human being". He feels that there should be more social workers reaching out to help street youths. "I'd like to be the Prime Minister. Then I'd create jobs so people like me wouldn't have to be degraded like this".

#### *Case Study 7*

After his mother's remarriage when he was an infant, Clarke and his sister grew up in a stern, religious atmosphere. His mother regularly attended church and he was physically punished if he did not pay attention to the services. Now 16, Clarke recalls that his stepfather regularly beat him. Each summer, Clarke and his sister were sent to camp or visited their natural father who was living with a prostitute. Because of tense relations between their natural parents, the children were even more severely punished on these visits than when they were at home.

By the time he was 12, Clarke had run away from home several times. He was taken into custody by a child protection agency, and subsequently, was in and out of several foster homes, group homes and detention centres. Now 16, his record includes: robbery; dealing in drugs; panhandling; stealing welfare cheques; and forging cheques.

This boy learned from other youths on the street that he could make "easy money" by turning tricks. Although at first he was disgusted by doing this, he learned that he could quickly augment his income by letting tricks suck his penis or having anal sex with them. When a trick is having oral sex with him, Clarke closes his eyes; he pretends that he is with a woman. He says that he only turns enough tricks to pay for his rent and his daily needs.

Clarke is under constant police surveillance, works with a group of hustlers, and believes that he can't leave the street. He wants to be a pimp so that he can "take it easy for a while".

#### *Case Study 8*

As infants, Stephen and his older sister were adopted by a well-to-do farming family. Now 17, Stephen recalls a happy childhood. Although he feels that his parents were too protective, he believes that they deeply loved

their children. He remembers having been called a "sissy" at school, an epithet he still resents. He grew up feeling isolated and rejected by his classmates.

When he was nine, Stephen's first sexual relationship was with an 11 year-old boy. They regularly engaged in oral sex, anal sex and mutual masturbation. Although he has never had intercourse with a girl, he says that he would "like to try it".

In order to be free to express his sexual feelings, Stephen ran away from home when he was 15. He believes that his parents never understood him. When he told his mother that he was "gay", the break with his family became permanent. He feels that there should be more understanding and tolerance by Canadians towards gays. After leaving home, he turned to the street; on several occasions, he has also lived briefly in youth hostels.

Stephen turned his first trick when he was 15. He had only been hustling for a few months when he was interviewed. He was then living in a youth centre which provided most of his basic needs. He uses the money he earns from prostitution to pay for drugs and having "a good time". Since there is no curfew at the youth centre, he usually works late each night. He meets his tricks in gay bars, bath houses and on the street.

Rarely spending more than 15 minutes with straight tricks, he averages three a night. He says that most of his straight tricks are older married men who have a "reputation to protect". Because they pay him well, he occasionally spends several days at a time with "gay tricks". Typically, he lets them suck his penis. If he can convince "gay tricks" that he is genuinely sexually aroused, they usually become regular customers. He prides himself on his ability to hold an erection and pretending to be sexually aroused.

Stephen has easy access to drugs and alcohol, which he uses daily. Because the police frequently patrol the street where he works, he is cautious about actively soliciting customers. He was once caught having oral sex with a customer who was later charged with gross indecency. Stemming from this incident, Stephen was sent briefly to a detention centre. His record includes convictions for the theft of a car and two break-and-enter offences.

Although he is content with his life on the street, Stephen hopes that someday he may "go straight", get married, raise a family and get a steady job. He is taking classes to upgrade his education.

#### *Case Study 9*

Following his birth to a single mother, Tom was placed in a foster home which he remembers as being loving and supportive. When he was nine, his natural mother and his new step-father regained custody for his care. They were then strangers to him. Tom says he felt that he had done "something wrong" and that he had been rejected by his foster parents whom he loved. It was at this point that "things began to go downhill". He remembers his childhood with his new parents as involving physical abuse and bouts of alcoholism.

One night when Tom was 10, his step-father who had been drinking, masturbated him. Tom felt guilty because he had been sexually aroused; he did not tell his mother about the incident. At first, he thought that only his step-father could stimulate "the feeling" in him. Later, when he was at school, he had "the feeling" aroused at different times by a male gym teacher, a librarian and a social worker. At school, he was constantly teased and humiliated about being gay.

When he was 12, Tom ran away from home, started taking drugs and was involved in a theft. He was placed in a number of treatment facilities and detention centres. Two years later, he met an adult gay male on the street. They became lovers and lived together for two years until Tom was ejected because he looked "too old". He had met several gay hustlers when he had lived with his lover and following the separation, he too began hustling.

Now 18 and experienced as a hustler, Tom's customers have included straight and gay tricks. Most of his tricks only pay to have oral sex performed in the back seat of a car. Others want violent and intense sexual acts. Once after he had been "fist-fucked" by a trick, he was hospitalized with a torn rectum and other injuries. Tom regularly performs a variety of S & M acts with tricks. He says it is common for tricks to show him pornography, either video tapes or magazines. He has been filmed several times at parties in private homes or hotel rooms while he performed various sexual acts.

Tom has been convicted several times on charges of shoplifting, but he has only once been cautioned for loitering. He has also been a suspect in a murder case; in this connection, he was detained in jail for several months where he was regularly sexually and physically assaulted by older inmates.

Because of his experience with "queer bashers", Tom wants to become politically active in the gay rights movement. He would like to be a counsellor in order to help boys to cope and accept their homosexuality and to avoid the type of life he has led working on the street.

## Young Transvestite Prostitutes

### *Case Study 10*

The youngest of 10 children, Paula grew up in a well-to-do family with both of her parents being professionals. Now 16, she feels that when she was a boy, she received little attention from them. The children were taken care of by a nanny and attended private schools.

When she was 10, her 20 year-old brother used to take her for rides in his car in order that they could sexually fondle each other. She does not feel that she was sexually abused by him. To escape the restrictive curfews imposed by her parents, Paula ran away when she was 14. She initially got a part-time job in a downtown restaurant where she met a transvestite who worked as a prostitute. To supplement her wages, Paula decided to start hustling on a part-time basis.

Now 16, Paula alternates between being a male and a female hustler. When she works as a female, she uses fewer drugs because she wishes to be in control of herself and because she feels there is more danger for females than for males working on the streets. Posing as a female, she usually has brief encounters with tricks performing oral sexual acts in the back seat of a car. Once, she was forced to have anal intercourse with a trick who hated "queers".

When Paula works as a male hustler, her tricks often take her to dinner or to parties. On several occasions, she has lived with tricks for short periods of time. Paula says that she makes better money working as a male than as a female hustler. She will do "just about anything" for a trick, except to let herself be physically beaten. She has been paid to urinate on a trick, defecate in a trick's mouth, stick pins in a trick's nipples, have group sex, and once, she "fist-fucked" a customer.

Paula has been charged once for loitering, but the case was dismissed in court. On another occasion, she was charged for gross indecency after she had been caught having oral sex with a trick. She feels that the police are out to get her and that they constantly harass her. She visits her parents regularly to collect an allowance which they still give her. Sometimes, she has gone home dressed as a woman. Her parents, she says, feel "it is a stage she has to go through". With their help, she hopes someday to become a designer.

#### *Case Study 11*

The youngest of several boys, Theresa remembers that when she was growing up, relatives and strangers used to tell her that if she had been a girl, she would have been "cute". Her parents, both professionals, gave her everything she needed, although her relationship with them was never warm or affectionate.

One night when she was eight, her 15 year-old brother sucked her penis. She feels that what they did was just two kids experimenting with each other. Two or three years later, she began using soft drugs obtained at school. Wanting hard drugs and to explore her sexual feelings, she ran away from home several times between the ages of 13 and 15. Street life, she found, satisfied these needs.

After leaving home, Theresa felt happier when she was dressed as a woman. She joined a group of transvestites working on the street. She turned her first trick when she was 15. When she was interviewed, prostitution was the sole source of her income. She relies heavily on hard drugs. Since she is usually "coming down from drugs" taken at night, she seldom leaves her apartment during the day.

Theresa prefers to work as a female hustler. She usually takes tricks to her apartment to perform routine sexual acts. Although she does more time-consuming acts like giving a strip show and beating or kicking a trick, she performs these acts elsewhere. She has only once been assaulted when dressed as a woman. That incident involved a trick who pulled a knife on her and stole her purse.

Although she feels she is more vulnerable when she is dressed as a female than when she is dressed as a male, she says that she only works on the street as a male when she is too lazy to put on makeup. She has had few contacts with the police, and with one exception, most have been casual. She tries to stay out of their way. Once, after nodding to a driver, she got by mistake into an unmarked patrol car. She was charged with soliciting, but the case was later dismissed.

Theresa believes that the police should not have the right to investigate her street activities. Since she feels that she is providing a necessary service, she says that she should be allowed to do her work without being harassed. Now 17, Theresa rarely visits her family. She believes that although her parents do not know she is a transvestite working as a prostitute, they suspect that she is gay. In the future, she wants to have complete change of sex so she can become a transsexual and to be trained as a legal secretary.

#### *Case Study 12*

One of three children, Caron grew up in a middle class suburb on the outskirts of a large city. She says her parents have always been happily married; she recalls no major disputes during her childhood. Once in a while, after her father had drunk too much, he physically abused her, but Caron remembers these episodes as being "nothing out of the ordinary".

When she was five, a 14 year-old male neighbour sucked her penis and asked her to do the same to him. The children regularly did this until Caron accidentally told her mother what they were doing. The acts were stopped after her mother confronted the boy's parents. Caron says that at the time, she enjoyed the experience, but now she feels that she had been sexually abused.

By age seven, Caron began to dress secretly in female clothing. Several years later, her mother thought she was gay because of her effeminate manners. As a result, Caron received psychiatric counselling. Both the physicians and her parents then realized that Caron saw herself as a female trapped in a male body.

Caron dropped out of school at the end of Grade 10. She began to hang around downtown streets where she found excitement and was accepted. She went to "drag clubs" featuring female impersonators, and soon met a number of transvestites, several of whom were prostitutes. Her new friends introduced her to hard drugs, and to pay for them, she began to turn tricks when she was 16. About two years later when she was interviewed, she saw herself as a woman earning her livelihood as a prostitute.

Caron works on the street near the area frequented by female prostitutes. For protection, she usually works with another transvestite or with a female prostitute. She alerts potential customers that she is available by wearing flamboyant clothing, by walking aimlessly, and by a nod of her head. She says that she never harasses tricks. If they reject her offer, she walks away.

Most of her customers think that she is a woman. She usually only performs oral sex, "hand jobs", and the less violent types of S & M acts. After she has been paid, in order to have the fun of seeing a trick's reactions, she sometimes lets him know that she is a male. A few of her regular customers know her gender. They pay her well to urinate on them, perform hard core S & M acts, or let them take pictures of her.

Being a prostitute, Caron says, is like playing a game of "hide-and-seek". She avoids the police as much as she can. She has only once been charged with loitering, but the charge was dismissed. She has spent time in jail for having robbed a trick of an expensive watch.

Because she feels that too many youths are becoming prostitutes, Caron feels that something should be done to keep children at home. She is receiving hormones to help her develop secondary female sex characteristics and would like to have a sex change operation. In the future, she would like to be a model or dancer. If she could live her life over again, she says she would still decide to work on the street, since nowhere else has she been so completely accepted by other persons.

## Length of Time Active as Prostitutes

The findings concerning the lengths of time that the youths had been active as prostitutes correspond to those concerning how old they were when they had turned their first trick. About a third (35.4 per cent) had been active for a year or less.

Information was not reported for 11 youths concerning how long they had been prostitutes. For the remainder, the average was 2.8 years (2.5 years,

males; and 3.0 years, females). One in eight males (11.9 per cent) and one in seven females (13.8 per cent) had been actively working on the street for five or more years.

Number of Years Active as a Prostitute	Males		Females	
	Number	Per Cent	Number	Per Cent
1 year or less	26	31.0	55	37.9
2 years	19	22.6	24	16.6
3 years	16	19.0	21	14.5
4 years	11	13.1	16	11.0
5 years	4	4.8	8	5.5
6 years	1	1.2	5	3.4
7 years	2	2.4	3	2.1
8 years	2	2.4	3	2.1
9 years	1	1.2	1	0.7
Not reported	2	2.4	9	6.2
<b>TOTAL</b>	<b>84</b>	<b>100.1*</b>	<b>145</b>	<b>100.0</b>

\* Rounding error

## Summary

1. By age 13, fewer than half of the youths had had any knowledge of prostitution. By age 16, four in five (81.2 per cent) had known about prostitution.
2. The most commonly cited sources of learning about prostitution were the media (25.3 per cent) and friends or acquaintances (27.5 per cent).
3. Prior to working on the street, about two in three youths (65.9 per cent) had known at least one prostitute. About one in six girls (17.6 per cent) had likely been induced to become a prostitute by a pimp.
4. About half of the juvenile prostitutes (47.6 per cent) had turned their first trick when they were 15 years-old or younger.
5. The principal reason (70.3 per cent) why these youths said that they had become prostitutes was because it afforded them the opportunity for rapid financial gain.
6. Most of these youths had not been threatened or forced to become prostitutes. Only one in nine (11.4 per cent) had been forced to engage in prostitution against his or her will.
7. About a third (35.4 per cent) had been active as prostitutes for a year or less. The average length of time spent in working the street was 2.8 years.

While the early experiences of these youths were diverse, several trends clearly emerge concerning their transition from an unhappy family background to working as prostitutes on the street. While most had sought to escape from their families, few had been able to provide for themselves adequately in a practical or socially acceptable way, or to shoulder the burden that they had suddenly assumed of caring for themselves. At the same time that they had found themselves in this vulnerable position, many had learned about prostitution for the first time, were coming into personal contact with prostitutes, and were entering into the milieu in which it thrives and is accepted as an ordinary fact of life.

These contacts made prostitution appear to represent not only a viable, but an exciting and desirable means of earning a livelihood, especially since the financial rewards associated with such a lifestyle were immediate, attractive and appeared to involve minimal risks. When these experiences are considered in conjunction with accompanying factors such as drugs and alcohol, the influence of pimps, an ordinary adolescent desire to explore one's sexuality and their inability to find other forms of employment, it is evident that many of these youths found it easy to drift into prostitution.

## Chapter 45

### Working on the Street

In this chapter, the ingrained pattern of exploitation, disease and violence in the daily lives of juvenile prostitutes is clearly documented. Drawing upon the findings of the National Juvenile Prostitution Survey, the work of these youths is described in relation to the amount of time spent as prostitutes, their soliciting practices, the sex acts performed and their payment for these, the risks that they face with respect to disease and to being threatened and attacked, and their encounters with the police and the courts.

The findings leave no doubt about the tragic consequences of a life of prostitution for these young persons and of the urgent need to afford them better assistance, to deter them from pursuing this career and to punish those persons who exploit them as customers and as pimps.

#### Other Types of Work

After they left home, none of the juvenile prostitutes had held full-time jobs; only a few had obtained some form of part-time work. Their work status had remained essentially at this level during the interim. When they were interviewed, only one in 20 (4.8 per cent) held a full-time job and about one in 11 (8.7 per cent) was working on a part-time basis. Most of these youths either had no other type of work than prostitution or regarded prostitution as their full-time job.

Six males (7.1 per cent) and five females (3.4 per cent) claimed to be working full-time at an occupation other than prostitution, while 16 males (19.0 per cent) and four females (2.8 per cent) stated that they had part-time jobs. In contrast, 46 boys (54.8 per cent) and 91 girls (62.8 per cent) said that they were unemployed, while six boys (7.1 per cent) and 23 girls (15.9 per cent) stated that they had never sought employment other than prostitution and one male and three females indicated that they had been laid off from their regular jobs. Seven males (8.3 per cent) and 16 females (11.0 per cent) reported that they were students (it is unknown how many of the youths who stated that they were students were involved in part-time study or correspondence school programs, and also might safely be considered unemployed).



At least 53 males (63.1 per cent) and 117 females (80.7 per cent) had no form of employment other than prostitution. Of the youths who said that they had some type of employment, most of them held low-paying positions, working as waiters, cashiers, ice cream vendors, restaurant kitchen helpers, handymen, landscapers and housekeepers.

## Working Hours

About two in five youths (males, 40.5 per cent; females, 38.6 per cent) said that they regarded working the street as a full-time job, while 17 males (20.2 per cent) and 35 females (24.1 per cent) said that they thought of prostitution as a part-time job. Fewer than one in three (males, 31.0 per cent; females, 31.0 per cent) claimed that they worked on the street on an occasional basis when they required money; one boy and two girls alleged that their only experience with prostitution was a single occurrence.

Most of these youths worked as prostitutes on a year-round basis: 59 boys (70.2 per cent) and 107 girls (73.8 per cent) stated that they worked on the streets during all seasons of the year. A dozen males (14.3 per cent) and 10 females (6.9 per cent) said that they worked during every season except winter, while five males (6.0 per cent) and 15 females (10.3 per cent) said that they worked only during one season.

About two in three youths (males, 63.1 per cent; females, 64.8 per cent) reported working as prostitutes at least four days each week; 24 boys (28.6 per cent) and 27 girls (18.6 per cent) said that they worked seven days a week as prostitutes. Forty-six males (54.8 per cent) and 79 females (54.5 per cent) stated that they worked an average of five hours or more each day, while 17 males (20.2 per cent) and 25 females (17.2 per cent) reported working eight hours each day. A few youths stated that, when working, they spent 12 or more hours on the street. Most of the youths (males, 77.4 per cent; females, 71.0 per cent) stated that they worked four weeks each month. These findings indicate that many of these youths devoted a substantial part of their time to working as prostitutes.

## Soliciting Tricks

When asked where they worked, most of the youths identified specific areas in the downtown cores of their cities (often a particular intersection was mentioned). In certain cities having ports, waterfront and dock areas were also mentioned by some young prostitutes. In some cities, areas were identified that are frequented only by male prostitutes, or only by females. This separation of sites reflects the fact that the sexual preferences of tricks who patronize female prostitutes differ from those of customers to whom male prostitutes sell their sexual services. In the cities where this occurs, the fact that only young male

prostitutes are found in certain areas makes it easier for the hustlers' predominantly male homosexual clientele to find and "shop" for youths whom they find attractive and who are prepared to offer them sexual gratification.

The respondents were asked where they contacted tricks. Numerous locations were reported, since, at different times, some of them used a variety of locales for meeting and negotiating with tricks. However, since the National Juvenile Prostitution Survey obtained information primarily from youths who were working on the streets, it is not surprising that the bulk of their business was carried on at the street level: 80 males (95.2 per cent) and 133 females (91.7 per cent) stated that they contacted their customers on the street. The second most favoured site was to contact tricks in bars: 38 males (45.2 per cent) and 67 females (46.2 per cent). Other places used by juvenile prostitutes to meet and negotiate business with tricks included: hotel lobbies, restaurants, theatres, docks, ship yards, bus stops and downtown malls. A few youths said that, on occasion, they telephoned tricks for whom they had previously worked.

The means used by the youths to let prospective customers know that their services were available are listed in Table 45.1 (since most of the youths had

**Table 45.1**  
**Methods Used by Juvenile Prostitutes**  
**to Notify Tricks that Their Services were Available**

Methods Used to Attract Tricks	Males (n=84)		Females (n=145)	
	Number	Non-Accum. %	Number	Non-Accum. %
Being on the street in an area well known for prostitution	73	86.9	110	75.9
Standing on a corner	37	44.0	60	41.4
Slowly walking around the block	39	46.4	58	40.0
Assuming a seductive pose	27	32.1	18	12.4
Eye contact	60	71.4	86	59.3
A verbal come-on	27	32.1	32	22.1
<i>Smiling</i>	55	65.5	83	57.2
Sitting in bar/restaurant/hotel lobby	16	19.0	29	20.0
Verbally informing trick of availability	16	19.0	24	16.6
Nods	—	—	6	4.1
Other	10	11.9	11	7.6

*National Juvenile Prostitution Survey.*

several ways of informing clients of their availability, multiple responses were recorded). The most popular methods of conveying this information were relatively unobtrusive means requiring little or no verbal contact and no initial communication of an overtly sexual nature.

Many of the youths (males, 69.0 per cent; females, 55.2 per cent) said that they dressed casually when they were working. A few said that they usually dressed up (males, 11.9 per cent; females, 15.9 per cent), while nine males (10.7 per cent) and 35 females (24.1 per cent) stated that, at different times, they dressed either formally or casually while they were soliciting. Two males wore clothes coded to indicate that they were willing to perform sado-masochistic acts. Another two males wore clothes designed to make them look as young as possible in order to enhance their marketability; three other males dressed in drag (i.e., feminine attire). The working outfits used by two girls consisted of anything that would make them stand out sharply from the crowd.

Of relevance from a legal perspective were the means that they used to negotiate their transactions with prospective tricks. The survey's questions focussed on whether their usual conduct when they were working on the street could be described as "pressing and persistent", and hence, whether they routinely behaved in a manner that would render them liable for the offence of soliciting for the purposes of prostitution.

Of the 229 youths, only eight males (9.5 per cent) and eight females (5.5 per cent) said that they typically initiated contact with tricks by approaching them; for 37 males (44.0 per cent) and 72 females (49.7 per cent), their business encounters generally began with tricks approaching them. A further 39 males (46.4 per cent) and 61 females (42.1 per cent) said that both they and the tricks approached each other. One girl said that the usual procedure of her tricks was to approach her pimp, while another stated that her tricks generally contacted her by telephone. Thirty-five males (41.7 per cent) and 43 females (29.7 per cent) stated that they usually spoke first to the trick, while 26 boys (31.0 per cent) and 49 girls (33.8 per cent) stated that their tricks generally started the conversation. Another 23 males (27.4 per cent) and 50 females (34.5 per cent) said that, on different occasions, either party to the transaction began speaking first.

These conversations typically began with an innocuous comment, such as: "Are you working"; "Do you want to go out"; "Do you want to go for a drive"; "Do you want to go for a drink"; or "Do you want some company?" Most of the youths, both male and female, claimed that they did not persistently attempt to force themselves on prospective tricks; 59 males (70.2 per cent) and 130 females (89.7 per cent) said that they have never approached a trick more than once or harassed him to accept their services. Substantially more of the juvenile male prostitutes (28.6 per cent) than the female juvenile prostitutes (9.0 per cent) said that they had ever made repeated approaches to a trick. Their reasons for not pressing tricks or persisting with them are listed in Table 45.2.

**Table 45.2**  
**Juvenile Prostitutes' Reasons For Not Making Repeated or**  
**Harassing Advances to Prospective Tricks**

Reasons Given for Not Harassing Tricks	Males		Females	
	Number	Per Cent	Number	Per Cent
There are many more tricks to choose from	19	22.6	57	39.3
Trick may become verbally abusive	1	1.2	3	2.1
To approach a trick more than once constitutes soliciting	3	3.6	10	6.9
To approach a trick more than once is contrary to the street code	3	3.6	1	0.7
Youth too proud to make repeated advances	12	14.3	14	9.7
Youth not interested in making repeated advances	7	8.3	17	11.7
Not the youth's style to make repeated advances	3	3.6	5	3.4
The tricks approach the youth	1	1.2	—	—
Making repeated advances is a waste of time	5	5.9	3	2.1
Youth never had a trick say "no"	2	2.4	2	1.4
Most tricks who are regulars do not like to be bothered	—	—	1	0.7
Other reasons	3	3.6	7	4.8
Response missing	25	29.8	25	17.2
<b>TOTAL</b>	<b>84</b>	<b>100.1*</b>	<b>145</b>	<b>100.0</b>

*National Juvenile Prostitution Survey.*

The juvenile prostitutes were asked what they did if a trick refused the offer of their sexual services. Multiple replies were given. The majority said that under such circumstances their conduct would be neither pressing nor persistent. Three in four stated that they would simply walk away (males, 76.2 per cent; females, 73.1 per cent); 34 boys (40.5 per cent) and 62 girls (42.8 per cent) said that they would go on to the next trick. Thirteen boys (15.5 per cent) and eight girls (5.5 per cent) said they would laugh, nine males (10.7 per cent) and 13 females (9.0 per cent) indicated that they would try to change the trick's mind, and nine males and eight females reported that they would repeat their offer. Nine males and nine females said that in such a situation, they would lower their asking price. Only a few said that they would then become more aggressive: one boy and one girl each said that they would be insistent with the trick; one male said he would follow the trick; two said they would grab the trick by the arm; and one said he would grab some other part of the trick's body. Three males and one female said that they would verbally abuse a trick who refused their offer.

Less than half of the juvenile prostitutes (males, 44.0 per cent; females, 49.7 per cent) said that, at some time, they had approached and propositioned a "straight john", that is, a person who was not seeking the services of a prostitute. Of the youths who had propositioned a non-trick, 13 boys (35.1 per cent) and 41 girls (56.9 per cent) said that, upon realizing their mistake, they had simply backed off; another 16 males (43.2 per cent) and 22 females (30.6 per cent) had apologized. One male and two females had continued to bother the straight john, hoping that he might change his mind. Two males had told the non-trick that he had come into an area frequented by prostitutes. One male had followed a straight john; another had left the area in case the person whom he had propositioned might have decided to report him; and a third boy had been beaten by the straight john. One girl said that she simply laughed when she discovered her error, one asked the person for the time, and another girl pretended that she had been hitchhiking. One girl said that the straight john had given her five dollars and had told her to go home.

The juvenile prostitutes were asked if they had ever seen tricks approach women who were not prostitutes. Almost two-thirds (63.8 per cent) said that they had seen women propositioned in this fashion; 27 males (32.1 per cent) and 46 females (31.7 per cent) said that they had never observed an incident of this kind. Those who had seen a trick proposition a non-prostitute were asked to recount the reactions of both the women and the tricks. The reported reactions of these women who had been importuned ranged from insult and disgust, shock and upset, to fear, anger, and in a few instances, minor acts of violence. The youths most often reported seeing the tricks react with embarrassment and apologies; in other instances, the tricks were in cars and drove off quickly. In a few cases, the tricks verbally abused the women, persisted in their solicitations, or even followed and grabbed at the women who were not hookers.

**The Committee's findings from the National Juvenile Prostitution Survey clearly indicate that most of these youths did not typically engage in conduct**

that meets the legal requirements of the offence of soliciting for the purposes of prostitution. Most of these youths were able to advertise their availability without having to resort to obtrusive or importuning advances. They communicated the fact that they were working on the street by their dress and by means of gestures, mannerisms or poses. Often, it was unnecessary for them to approach clients, since the tricks frequently sought them out and propositioned them.

As a rule, the juvenile prostitutes did not attempt to persuade unwilling or undecided passers-by to make use of their services. Instead, their aim was to make themselves available to persons who were already "in the market" for a paid sexual encounter. Similarly, the youths' initial conversations with prospective tricks were usually innocuous, and not pressing, insistent or overtly and offensively sexual. When they mistakenly approached a person who was not interested in paying money for sex, or one who rejected the offer of their services, most were content to back off, rather than persisting in an effort to "sell" the non-trick. As noted later in this chapter, only a few of these juvenile prostitutes had ever been charged with soliciting. In this regard, the survey's findings clearly indicate that the existing offence of soliciting (section 195.1 of the *Code*) is of negligible utility in controlling juvenile street prostitution.

### Where Tricks Were Turned

When a trick approached them in a vehicle, more of the boys (57.1 per cent) than the girls (41.4 per cent) said that it was their usual practice to get into the car before negotiating with him. This technique has the advantage of making it more difficult for the trick to reject the youth's terms. Fourteen males (16.7 per cent) and 52 females (35.9 per cent) stated that they entered the trick's car after negotiating with him, and 15 boys (17.9 per cent) and 22 girls (15.2 per cent) indicated that they usually got into the vehicle during the negotiations. Another six males and two females stated that the moment at which they entered the car depended upon their assessment of the trick.

The places most often identified by the youths where they generally performed sex acts with their tricks were the tricks' vehicles, hotel or motel rooms, and apartments.

Principal Locations Where Sexual Acts were Performed	Males (n=84)	Females (n=145)
	Non-Accum. %	Non-Accum. %
Trick's car	65.5	73.8
Hotel, motel rooms	57.1	69.0
Prostitute's own room, apartment	17.9	14.5
Someone else's room, apartment	72.6	11.0

The 'other' places mentioned included: rented rooms, public parks, a schoolyard, a cemetery, steam baths and the trick's place of employment. The youths were asked what parking location was usually selected when they turned a trick in a car. Multiple replies were given. About a third (males, 32.1 per cent; females, 32.4 per cent) stated that their tricks usually parked in an underground parking lot or a garage; 29 males (34.5 per cent) and 42 females (29.0 per cent) stated that a public parking lot was used. Twenty-three boys (27.4 per cent) and 36 girls (24.8 per cent) said that the place chosen was generally a street (usually on the dark side). Ten males (11.9 per cent) and 24 females (16.6 per cent) stated that the usual parking location was on the waterfront, while 12 boys (14.3 per cent) and 24 girls (16.6 per cent) said that a beach area was used. Other parking places mentioned by the youths included: lane-ways; cemeteries; the back of a school yard or factory; public parks; construction sights; a company parking lot; and a "high class" residential area.

The numerous locations where the young hustlers and their tricks performed sexual acts clearly indicates that a mere tinkering with legal provisions intended only to control the occurrence of these activities in public places would do little to resolve the basic dimensions of the problem of juvenile prostitution. Juvenile prostitutes are already accustomed to using a wide assortment of locations other than vehicles. The effects of legislative amendments focussing primarily upon the control of the public manifestations of these activities might serve the narrow purpose of "clearing the streets", but their enactment would likely achieve little more than having the effect of displacing or diverting most or all of these activities to being performed in out-of-sight private locations. In the instance of juvenile prostitutes, such a shift in locale would not likely dissuade them from continuing in this line of work, would make their detection by enforcement authorities more difficult, and would increase the opportunities for their control and exploitation by pimps.

These findings and others obtained in the National Juvenile Prostitution Survey leave no doubt in the Committee's judgment that the resolution of the problem of juvenile prostitution can only be achieved effectively by means of co-ordinated and rational social and legal policies that fully account for its multi-faceted aspects. Partial measures, acted upon separately, could well have the effect of inadvertently entrenching the problem and of heightening the risks of violence and exploitation already experienced by these youths. The Committee's recommendations concerning juvenile prostitution given in Chapter 3 of the Report seek to establish a framework upon which such co-ordinated social and penal policies could be developed and implemented by government and non-government agencies.

## Sexual Acts Performed

The youths were asked how they knew what sex acts their tricks wanted them to perform. Half of the males (50.0 per cent) and almost two-thirds of the females (64.8 per cent) stated that the trick simply told them. Another 20

males (23.8 per cent) and 26 females (17.9 per cent) stated that they asked the trick, while two males and six females said that either the trick told them or they asked him what he wanted. Fourteen males (16.7 per cent) and 13 females (9.0 per cent) said that they recited a list of acts that they were willing to perform and then the trick selected the sexual act that he wanted. Four boys and one girl indicated that the usual procedure was for the trick to ask what acts they did best. In addition, one male and one female each stated that no one act was specified beforehand, but that they simply agreed to have sex with the trick. Another female said that her pimp arranged the details with the trick beforehand and then notified her.

In establishing the price for the various sexual acts which they were prepared to perform, it appears that, while the majority of the youths claimed to have established a fee schedule for the various acts that they performed, like some other workers operating on this form of remuneration, many did not stick inflexibly to these predetermined prices. Rather, many were willing to vary or negotiate their prices depending on a number of factors, including the trick himself and the nature of the supply and demand for their sexual services relative to local market conditions.

**Table 45.3**  
**Setting the Price Charged by**  
**Juvenile Prostitutes for Sexual Acts**

Factor Affecting the Price Charged	Males (n=84)		Females (n=145)	
	Number	Non-Accum. %	Number	Non-Accum. %
Prostitute has set price for various acts	52	61.9	98	67.6
Price is open for negotiation	35	41.7	37	25.5
Price varies for each trick	26	31.0	26	17.9
Prostitute offers discount to regular clients	11	13.1	9	6.2
Price depends on the going rate in the area	31	36.9	49	33.8
Price depends on prostitute's financial needs for that day (meeting the quota set by a pimp, drugs, food, bills)	15	17.9	16	11.0
Prostitute doesn't charge a fee, but is supported in return for performing sexual acts	—	—	3	2.1

*National Juvenile Prostitution Survey.*



The most frequently requested sexual act was a "blowjob" (i.e., the trick being fellated by the youth); 54 males (64.3 per cent) and 74 females (51.0 per cent) said that more tricks asked them for this than for any other sexual act. Ten males (11.9 per cent) said that they were most often asked to receive fellatio from their tricks, while seven boys said that their customers most frequently wanted them to give and receive a "blowjob". Four males stated that anal sex was most often requested. One male said that his tricks most often wanted a "hand job", while another boy specified "69" as the most popularly requested sexual act. Four males and 31 females (21.4 per cent) said that a "straight lay" was the act which was most frequently asked for by their customers. Four girls said that the most popular request was for a "straight lay" and a "blowjob", while another six girls said that they were most often asked to give "half-and-half". Two boys and two girls stated that they most frequently were requested to perform acts of "S & M" or "B & D" on their tricks. Another girl stated that she was most often asked to give a "straight lay" and also to be the recipient of anal sex, while two others said that "around the world" was most frequently requested. One boy and 22 girls (15.7 per cent) stated that no one act was asked for more than others.

Few of these youths had emotionally intimate or caring exchanges with their tricks. Of the 179 youths (59 males and 120 females) who reported the typical duration of these encounters, 33 males (55.9 per cent) and 104 females (86.7 per cent) stated that each trick received 30 minutes or less of their time. Over one in six males (15.3 per cent) and almost two in five females (37.5 per cent) said that they usually spent 15 minutes or less with each trick. Only 20 of the 59 boys (33.9 per cent) and 10 of the 120 girls (8.3 per cent) said that they spent more than an hour with each trick.

As an alternate response, 10 males (11.9 per cent) and 14 females (9.7 per cent) said that the length of time taken depended upon the nature of the act that the trick wished them to perform, while 15 boys (17.9 per cent) and nine girls (6.2 per cent) stated that the duration of the sexual encounter varied with each trick. Two males and two females said that how much they were paid determined the amount of time that they spent with a trick. Another three females said that they spent as little time as possible with each trick.

When the juvenile prostitutes were asked what they thought about when they had sex with a trick, about a third (males, 32.1 per cent; females, 38.6 per cent) said that their primary interest was in "getting it over with as soon as possible". Another 18 boys (21.4 per cent) and 38 girls (26.2 per cent) said that they thought about anything else except what they were doing, while 19 males (22.6 per cent) but only 10 females (6.9 per cent) said that they liked to think that they were having sex with another partner. Fourteen males (16.7 per cent) and 21 females (14.5 per cent) said that they only thought about the money that they were earning, and four boys and 17 girls (11.7 per cent) stated that they repressed thoughts about "how disgusting the whole scene is" or felt afraid, guilty or hated their tricks for what they were doing to them.

In light of the survey's findings, it is evident that the sexual acts which the juvenile prostitutes performed with their tricks afforded them neither much physical nor emotional gratification. The encounters were generally of brief duration and consisted of little more than the performance of the sexual act itself and the payment for the services rendered. The youths' responses suggest that, to the extent that it was feasible, most of them detached themselves emotionally from the acts in which they engaged and that they sought, particularly in the case of the girls, to avoid any personal involvement with their customers. Most of these youths deliberately attempted to separate their feelings and thoughts from their bodies: while the trick was being "turned", their thoughts were disengaged and they merely sought to "go through the motions" with their bodies. The majority of the boys and girls who participated in the survey found their work as prostitutes so unpleasant that they sought to detach themselves from it as a means of escape. The stereotyped images of the glamorous prostitute who thoroughly enjoys this line of work are not supported by these findings.

Over four in five young prostitutes indicated that there were certain sexual acts that they were unwilling to perform: 71 males (84.5 per cent) and 126 females (86.9 per cent) identified at least one act in which they would not engage, while 60 males (71.4 per cent) and 111 females (76.6 per cent) named a second such act. Among the youths who listed at least one act, 36 males (42.9 per cent) and 95 females (65.5 per cent) said that they would not receive anal intercourse. Three boys and five girls would not give a trick a "straight lay", while another 20 males (23.8 per cent) and eight females were unwilling to have acts of "S & M" or "B & D" performed on them. A further four boys and 11 girls said that they would not perform oral sex on a trick. Of the boys, two were not prepared to "fist-fuck" their tricks, one would not engage in "half-and-half" and one was unwilling to lick or suck a trick's anal area. Two males and four females said that they would not show a trick affection or kiss him and one male and one female would not be the recipient of any act performed by a trick (i.e., would not take a passive role). One boy and two girls said that they would neither perform, nor be the recipient of, an act of "spatting".

Of the youths who named a second act that they were unwilling to perform, 26 males (31.0 per cent) and 54 females (37.2 per cent) stated that they would also not urinate on a trick or allow a trick to urinate on them (i.e., to perform or receive "watersports"). Two males and one female said they were unwilling to receive oral sex from a trick, while 11 boys (13.1 per cent) and 35 girls (24.1 per cent) would not perform "around the world" on a trick. Five males and six females would not permit a trick to "fist-fuck" them. A further eight boys and seven girls said that they would be unwilling to have acts of "S & M" or "B & D" performed on them, while one male would not perform any such act on a trick. Six males and two females stated that they would not allow anal intercourse to be performed upon them; another girl specified "half-and-half" as the second sexual act that she was unwilling to perform. One male and four females indicated their unwillingness to involve themselves in any form of bestiality.

The reasons most frequently cited by the youths for their unwillingness to perform certain sexual acts were that: the acts were unappealing or disgusting; the acts were painful; the youths were not interested in performing acts that they regarded as being "kinky"; they considered the acts to be too intimate and were unwilling to perform them with anyone except their lovers; and the acts were degrading and made them feel inferior.

Their refusal to engage in certain types of sexual acts reflects their capacity to rationalize about their activities as prostitutes. Many of these youths had developed a personal code which clearly delineated between those activities which they were and were not prepared to do. As long as they adhered to this personal code, they felt they were able to persuade themselves either that they had not sunk to the lowest possible level of self-degradation or that they had not become "sluts" or "whores". By adhering to such a code, a youth was able to persuade himself or herself that someone who performed "kinky", "disgusting" or "degrading" acts was contemptible, while a prostitute who only engaged in the more conventional sexual acts for money could retain some vestiges of self-respect. Similarly, several youths had rationalized that, if they were to perform "intimate" acts with their tricks, or became personally involved in such acts, then they would be truly selling themselves, and hence, would be "sluts" and "whores".

These youths sought to convince themselves that, by performing only those acts with their tricks that permitted them to remain emotionally detached, they managed to retain a wholesome part of themselves that was unsullied by their work. This "unaffected" part of their lives was reserved for the truly intimate relations that they had with their lovers (in the case of females, these "lovers" were often their pimps). By thinking of their pimps as boyfriends or lovers, many female juvenile prostitutes sought to rationalize that they were different from girls who worked for pimps. Likewise, many young prostitutes had developed their personal codes as a means of self-protection in order to persuade themselves that they were different, and in some way less debased, than juvenile hustlers who would "do anything for money".

## Payment for Services Rendered

The youths were asked the prices that they usually charged for each of the following sexual acts: "straight lay", "blowjob", "half-and-half", "around the world", anal sex and miscellaneous sexual acts (these included receiving oral sex from a trick, giving the trick a "handjob", providing the trick with company, conversation and cuddling for the evening, performing anal sex on the trick, engaging in a threesome, stripping while the trick masturbated and performing acts of "S & M" and "B & D" on the trick). The prices quoted ranged from as little as \$20 for what they regarded as conventional acts, such as "straight lays" and "blowjobs", to as much as \$300 for more exotic acts. Typically, however, the youths reported charging between \$40 and \$100 for engag-

ing in most of the sexual acts listed. Other acts that some stated that they had performed included:

- Youth fistfucked the trick;
- Youth performed watersports on the trick;
- Trick purchased underwear from the girl;
- Fetishes acted out: feet, breasts caressed and kissed;
- Youth gave the trick an enema;
- Trick took nude photographs of the youth and thereby became aroused;
- Transvestite trick put on the female prostitute's clothes while she watched;
- Trick had the prostitute shave her pubic area and put on children's clothes before engaging in a straight lay;
- Youth masturbated, while trick watched;
- Male prostitute received anal intercourse while dressed in drag;
- Youth performed spitting on the trick.

One boy said that he would fistfuck a regular customer without asking for more money after having received payment for engaging in anal intercourse. Four males and one female charged their tricks an extra fee for spending the night with them. Another boy had been paid for acting as an escort, sometimes for days at a time. Two girls sometimes performed in "stag shows" (i.e., live sex performances) and charged according to the number of persons who were in the audience. One girl had performed sexual acts in exchange for having her living expenses paid. Two boys and one girl were sometimes paid on an hourly basis for posing in the nude. Three girls were occasionally willing to perform sexual acts if they received payment in alcohol or drugs. One male was willing to allow tricks to perform watersports on him, provided that in addition to his regular fee, he received a new set of clothes.

Almost three in five males (59.5 per cent) and more than nine in 10 females (91.7 per cent) said that it was their standard procedure to be paid before they engaged in sexual acts with tricks. Twenty-two males (26.2 per cent) but only five females were customarily paid after performing the sexual act. Eight males and one female stated that the time of payment depended on whether the trick was a regular customer whom they trusted would pay them later. A further three males usually received half of their fee before and the balance after the sexual act, while one male and three females were paid by means of an ongoing support arrangement. One girl said that, in lieu of money, she received drugs and alcohol during her sexual encounter with the trick, and another two girls typically never received money because their tricks had always made arrangements directly with their pimps.

The average daily earnings from working on the street indicate that juvenile prostitution can be a lucrative career for these youths who typically have dropped out of school early and who have had little in the way of conventional work experience. Nine male prostitutes but only one female prostitute reported

that their daily gross earnings were less than \$50. Information concerning the daily gross earnings was not reported for 16 juvenile prostitutes. The average daily gross earnings of about nine in 10 juvenile prostitutes (203 youths or 88.6 per cent in the survey) were:

Juvenile male prostitutes	\$ 140.85
Juvenile female prostitutes	\$ 215.49
Average, both sexes	\$ 189.38

The earnings of boys were generally lower than those of girls. This difference is accounted for because the number of tricks that a male juvenile prostitute can turn in a day, and hence his earnings, are limited by the number of successive times that he is able to achieve an erection. Despite their potential earning capacity, most of the youths were not financially secure, but tended to live from day to day. This fact attests to their lack of conventional occupational skills, their tendency to spend impulsively, their inability to manage money, and in the case of the females, to the destructive influence of and exploitation by pimps (Chapter 46).

**Table 45.4**  
**Juvenile Prostitutes' Average Daily Earnings**  
**from Working as Prostitutes**

Daily Earnings (\$)	Males		Females	
	Number	Per Cent	Number	Per Cent
Under 50	9	10.7	1	0.7
50	6	7.1	3	2.1
55	1	1.2	1	0.7
60	7	8.3	1	0.7
70	1	1.2	1	0.7
75	2	2.4	1	0.7
80	3	3.6	2	1.4
85	1	1.2	—	—
100	15	17.8	20	13.8
120	1	1.2	—	—
125	2	2.4	—	—
130	1	1.2	2	1.4
150	10	11.9	20	13.8
160	—	—	1	0.7
175	—	—	2	1.4
180	1	1.2	1	0.7
200	11	13.1	22	15.2
225	1	1.2	3	2.1
250	2	2.4	12	8.3
300	2	2.4	25	17.2
Over 300	4	4.8	15	10.3
Not Reported	4	4.8	12	8.3
<b>TOTAL</b>	<b>84</b>	<b>100.1*</b>	<b>145</b>	<b>100.2*</b>

*National Juvenile Prostitution Survey.*

\*Rounding error

## Alcohol and Drugs

About a third of the youths were frequent or heavy users of alcohol and/or drugs with proportionately more young males than females reporting that they were using one or both of these substances. On average, drugs were more frequently resorted to than alcohol.

Almost three in four of these youths (73.4 per cent) either abstained altogether from consuming alcohol or only made moderate use of it, while half of the males (48.9 per cent) and two-thirds of the females (64.8 per cent) said that they were abstainers or moderate users of drugs. It is recognized that these young prostitutes who lived in an environment in which drugs and alcohol were readily accepted may have had a different idea of what constituted a "moderate" use of these substances from that held by most Canadians. Even so, the findings suggest that heavy drug and alcohol use may be less prevalent among these youths than might otherwise have been anticipated. However, it is also clear that a larger proportion of these youths of both sexes frequently made use of, or were addicted to, drugs and alcohol and that their use of these substances was considerably higher than that reported for other Canadian youths.<sup>1</sup>

Use of Alcohol and Drugs	Males (n=84)		Females (n=145)	
	Alcohol	Drugs	Alcohol	Drugs
	Per Cent	Per Cent	Per Cent	Per Cent
None/abstinence	19.0	6.0	34.5	31.0
Some to moderate	51.2	42.9	40.7	33.8
Frequent	27.4	40.5	15.9	24.1
Addicted	2.4	10.7	4.1	5.5
Not reported	—	—	4.8	5.5
TOTAL	100.0	100.1*	100.0	99.9*

\*Rounding error

During the interval between when they began working on the streets and when they were interviewed, a third of the males (32.1 per cent) and a fifth of the females (22.8 per cent) had increased their consumption of alcohol, while the use of alcohol by one in seven males (14.3 per cent) and one in three females (33.1 per cent) had decreased during this period. The alcohol consumption of half of the males (53.6 per cent) and two in five of the females (39.3 per cent) had remained at a fairly stable level. The change in consumption of seven females was not ascertained.

Half of the males (51.2 per cent) and less than a third (29.6 per cent) of the females were frequent or heavy users of various types of drugs. Forty boys (47.6 per cent) and 36 girls (24.8 per cent) said that their use of drugs had

increased since they had become prostitutes, whereas 14 males (16.7 per cent) and 47 females (32.4 per cent) reported that they had reduced their use of drugs; 30 boys (35.7 per cent) and 53 girls (36.6 per cent) reported no change in their use of drugs since they had begun to work on the streets. The change in the use of drugs by nine girls was not known.

Although working on the street as a prostitute is a contributing factor in relation to the use of alcohol and drugs by young prostitutes, the survey's findings indicate that many of these youths had been drinking alcohol or using drugs before they had turned to this way of living. One in eight females (12.4 per cent) said that she had been addicted to alcohol and one in seven (14.5 per cent) had been a heavy user of drugs before turning to prostitution. Their experience contrasts with that of young male prostitutes, of whom only one in 12 (8.3 per cent) had previously been addicted to drugs and one boy said that he had been an alcoholic before turning to the street.

Although many of these youths had previously been accustomed to using alcohol and drugs before they became prostitutes, **the survey's findings clearly indicate that many of these youths had increased their use of these substances as they had become more deeply involved in "the life" on the street. The findings also underscore the nature of the potentially serious health risks incurred by these youths by their early frequent or heavy use of these addictive substances, risks that involved a larger proportion of males than females.**

## Sexually Transmitted Diseases

As noted in Chapter 33, *Live Births, Therapeutic Abortions and Sexually Transmitted Diseases*, little is known about the actual or reported prevalence of sexually transmitted diseases among Canadians, their recognition of the signs of these conditions and the types of medical attention that are sought by those who have contracted these infections. Prior to conducting the National Juvenile Prostitution Survey, the Committee consulted the Bureau of Epidemiology of the Department of National Health and Welfare and was provided with a listing of medical clinics, centres and practices which it was believed had either developed special programs for the treatment of sexually transmitted diseases or to which persons having contracted these conditions were known to have turned to for treatment.

Recognizing the sensitive and confidential aspects of obtaining such information, the Committee augmented the listing that had been obtained and contacted the directors of these types of programs across Canada seeking statistics on the proportion of patients who were children or youths, the types of conditions known to have been contracted by them and counsel concerning how more effective assistance might be afforded these young patients.

Of the several dozen requests sent by the Committee, only two directors replied but declined to provide information, even of a statistical nature, about

the operation of these special medical programs. This cloak of professional silence about the existence and operation of these programs stems from the deeply entrenched fear of disclosure and the stigma associated with having contracted these diseases or of providing medical care for these patients. The direct consequence of this pervasive silence maintained by patients and attending professionals is that there is no reliable information for Canada concerning the extent to which certain highly vulnerable groups, such as young prostitutes, may incur serious long-term risks to their health or about how better medical attention might be provided for them.

Although prostitution is a pervasive and growing enterprise in Canada, the Committee knows of no research that has been undertaken in recent years<sup>2-3</sup> that has documented the extent of these diseases among young prostitutes. Accordingly, in the National Juvenile Prostitution Survey, the Committee sought to obtain information along these lines directly from youths who were working on the street. **The survey's findings show that a majority of these youths had at one time contracted sexually transmitted diseases, many took precautionary but ineffective measures in performing their sexual activities to avert these risks and most routinely sought medical attention either for a check-up or for treatment. The findings also clearly indicate that most of these youths were unaware, indifferent or fatalistic about the serious nature of the health risks that they were incurring as a result of their work as prostitutes.**

When they were engaged in sexual activities with tricks, about one in eight boys (11.9 per cent) and nine in 10 girls (90.3 per cent) said that they usually used some form of contraception. The remainder said that they routinely took no such precautions. It is relevant in this context to recall that these findings were obtained during 1982-83 when there was a growing public awareness of the sharp increase in the reported incidence of Acquired Immune Deficiency Syndrome (A.I.D.S.). Despite this shift in the recognition of the hazards of this condition, it is evident that the juvenile male prostitutes had not as yet sought to afford themselves better protection by contraceptive means. Twelve males (14.3 per cent) and 105 females (72.4 per cent) said that they used condoms, 54 girls (37.2 per cent) stated that they took oral contraceptives, eight girls (5.5 per cent) relied upon I.U.D.'s, and one girl said that she used a diaphragm.

Fifteen males (17.9 per cent) and 99 females (68.3 per cent) said that when they fellated tricks, they required their tricks to wear condoms, while 59 males (70.2 per cent) and 29 females (20.0 per cent) indicated that they did not take this precaution. One boy said that he sometimes imposed this condition on his tricks and three males and five females said that this decision was based on the trick's personal appearance. One girl required all of her tricks, except her regular customers, to wear a condom during fellatio, while another never made her regular customers wear condoms but made some of her other clients wear them. One male stated that, depending on whether he could afford condoms on a given day, he sometimes required that they be worn by his customers. Two boys and five girls said that they never fellated tricks.



Sixteen males (19.0 per cent) and 119 females (82.1 per cent) insisted upon their tricks wearing a condom during intercourse (the males were referring to anal intercourse). Thirty-nine boys (46.4 per cent) and 20 girls (13.8 per cent) did not require their tricks to use condoms during intercourse. The youths informed the Committee that their use of condoms and other forms of contraception was sometimes inconsistent. On occasion, some prostitutes were careless, while others dispensed with the use of condoms in exchange for extra payment.

Over two in three of the youths (males, 66.7 per cent; females, 71.0 per cent) sought medical care on a regular basis. However, in light of the risks of contracting venereal disease, a substantial minority of the juvenile prostitutes, slightly less than a third (males, 32.1 per cent; females, 28.3 per cent) did not regularly seek medical attention. Of those who did so, about three in 10 (males, 28.6 per cent; females, 29.0 per cent) were usually treated at a community health clinic. Eighteen males (21.4 per cent) and 37 females (25.5 per cent) consulted family doctors, while 14 boys (16.7 per cent) and 26 girls (17.9 per cent) usually visited a hospital clinic. Three males and one female had returned to their family physicians for treatment, one boy and three girls had gone to a hospital emergency unit, one boy had attended a psychiatric unit and five girls had contacted a public health nurse.

Half of the males (52.4 per cent) and two-thirds of the females (62.1 per cent) said that they had contracted a sexually transmitted disease, a sex-related disease or another condition since they had actively started working on the street. The disease most frequently reported was gonorrhoea; 27 males (32.1 per cent) and 55 females (37.9 per cent) said that they had had gonorrhoea at one time or another while working on the street. Syphilis was the second most common disease, with nine males (10.7 per cent) and 20 females (13.8 per cent) indicating that they had been infected at least once. Almost one in four males (22.6 per cent) but only about one in 50 females (2.1 per cent) had had crabs. The findings in Table 45.5 list only those conditions that the youths believed or had known that they had had. The likelihood is that the actual prevalence of these conditions was higher than that reported by them.

About nine in 10 youths (males, 84.1 per cent; females, 94.4 per cent) had sought treatment for their diseases and ailments (listed in Table 45.5). Two boys and four girls said that they had not attempted to obtain medical assistance. Five boys and one girl who had suffered from one or more of these medical conditions did not indicate whether they had attempted to obtain treatment. Four males (4.8 per cent) and 27 females (18.6 per cent) stated that at some time they had been infected but had continued to work on the street. One male and 14 females who had continued to work said that they had done so because they had been unaware that they were infected. Two males felt no compunction about turning tricks while they were infected because they did not care what happened to their customers.

**Table 45.5**  
**Sexually Transmitted Diseases Contracted by**  
**Juvenile Prostitutes While Working on the Streets**

Disease	Males (n=84)		Females (n=145)	
	Number	Non- Accum. %	Number	Non- Accum. %
Gonorrhea	27	32.1	55	37.9
Pelvic Inflammatory Disease	—	—	5	2.1
Syphilis	9	10.7	20	13.8
Herpes	1	1.2	6	4.1
Venereal Warts	3	3.6	3	0.7

*National Juvenile Prostitution Survey.* In addition, one girl admitted to having a precancerous condition of the uterine cervix four girls had diagnoses of cancer of the cervix and 10 girls reported having had hepatitis (jaundice).

While the findings concerning sexually transmitted diseases, found in the National Juvenile Prostitution Survey have not been medically confirmed, there can be little doubt that the self-reported numbers of sexually transmitted diseases are alarmingly high. Even if a small proportion of these conditions had actually occurred, then a sizeable number of these youths could be considered at risk of developing serious and long-term complications due to their infections.

On reviewing the list of reported conditions, it is clearly evident that the number of cases of syphilis in young females is greater than expected whereas the males are in the expected range. The prevalence of gonorrhea in these groups is disturbingly high. The number of cases of complications due to gonorrhea in the females, e.g., pelvic inflammatory diseases, are at the expected level of occurrence.

Although not considered medically as a sexually transmitted disease, the presence of cervical cancer in four girls and cervical dysplasia in an additional young prostitute, place these females in a precarious situation with a guarded prognosis. The multiplicity of partners may be a factor in the evolution of this condition, although the actual cause still remains obscure. While most of the group said they routinely sought medical attention, a substantial minority admitted they had not bothered to seek medical assistance.

These findings lend additional support to the Committee's recommendation in Chapter 3 regarding the need for research in these matters and for the undertaking of a strong national program of public education and health promotion.

## Street Violence

All of the prostitutes interviewed in the National Juvenile Prostitution Survey were adolescents; many had come from homes which would not have prepared them to survive well the conditions which they initially encountered when they began working on the street. In this regard, the Committee's findings show that street violence constitutes a different, yet equally as great a threat to young prostitutes as do sexually transmitted diseases.

In relation to providing protection for themselves, the Committee learned of a few instances in which an informal "buddy system" had been developed by female prostitutes in certain cities. Under this system, every time a prostitute entered a trick's car, one of her friends noted the vehicle's licence number. If the prostitute had not returned to her usual spot on the street after a reasonable length of time, the friend would report the licence number to a police officer. These informal protective practices, however, were not employed by most of the youths. When they were asked whether they worked alone or with another person, four in five males (79.8 per cent) and over two in three females (68.3 per cent) said that they usually worked by themselves. Of the few who worked with another person, only two males and seven females said that they

**Table 45.6**  
**Types of Assailants Reported by Juvenile Prostitutes**

Types of Reported Assailants	Males (n=84)		Females (n=145)	
	Number	Non-Accum. %	Number	Non-Accum. %
Trick	18	21.4	88	60.7
Pimp	4	4.8	35	24.1
Prostitutes	10	11.9	20	13.8
Drug dealer	5	6.0	3	2.1
Friend	2	2.4	5	3.4
Police (plainclothes)	9	10.7	16	11.0
Police (uniformed)	9	10.7	11	7.6
Family member	1	1.2	2	1.4
Boyfriend	1	1.2	1	0.7
Breeder/Queer-basher	11	13.1	—	—
Transient street people	1	1.2	—	—
Taxi driver	—	—	1	0.7
Stranger/passersby	2	2.4	5	3.4
Friend of family	—	—	1	0.7

*National Juvenile Prostitution Survey.*

had developed an informal buddy system as a means of self-protection. It is evident that, for the most part, juvenile prostitutes typically do not rely upon one another to assure their safety when they are working on the street.

**In relation to the risks that they encounter, about two-thirds of the youths (63.3 per cent) had at least once been physically assaulted while working on the street. Girls were at greater risk of having been assaulted than boys (females, 70.3 per cent; males, 51.2 per cent). Three major groups of assailants were responsible for these actual or alleged assaults against juvenile prostitutes. These were: tricks; other persons involved in street life (pimps, other prostitutes, drug dealers); and police officers. Nineteen boys (44.1 per cent) and 45 girls (44.1 per cent) who had been assaulted reported that they had required medical attention.**

Life on the downtown streets of a number of major Canadian cities involves much violence. The youths who survive by prostituting themselves in this environment are subject to considerable risks of contracting disease and of being physically injured. These harms constitute serious occupational hazards that are inherent in street prostitution. The young prostitutes responded to these hazards by familiarizing themselves with, and making use of, a variety of facilities providing medical services. However, these were the only helping services to which these youths turned to with any regularity. **Typically, they used only those services which they deemed were vital to their short-term professional survival, namely, those that enabled them to continue functioning on the street. Those agencies having services which might assist these youths' long-term welfare (e.g., child protection agencies, group homes, religious organizations) were mistrusted, regarded as useless or were ignored. These helping agencies were only turned to by those young prostitutes who were unsuccessful, who were seeking a temporary haven, or in a small number of cases, by those who were trying to leave the street altogether.**

## Relations with the Police

The youths' day-to-day encounters with police officers patrolling the streets constituted their closest and most regular contact with the law and with persons responsible for its administration. Accordingly, the young prostitutes were asked to describe their relations on the street both with uniformed and plainclothes police officers. Their replies suggest that proportionately more of the males than the females had a poor relationship with uniformed police officers. Of the males, two in five (42.9 per cent) characterized their relationship with uniformed police as informal and friendly, as compared to over half of the females (54.5 per cent). Relatively few of these youths said that they had actively co-operated with the police. Only four boys had given information to uniformed officers, whereas nine girls had co-operated in this way, and a far smaller proportion of the boys (2.4 per cent) than of the girls (9.0 per cent) had discussed their personal problems with the police. On the other hand, the proportion of the males who stated that police officers had physically abused them (21.4 per cent) was slightly higher than that of the females (18.6 per cent).

When asked whether they felt that the police had a right to investigate them while they were working, about two in five of the youths (42.8 per cent) said that the police had this right while 53 males (63.1 per cent) and 76 females (52.4 per cent) believed that the police should not interfere with what they were doing. Among those who felt that the police should not investigate them, one in five youths (20.5 per cent) explained that his or her professional activities involved private transactions with tricks which were none of the police's business. Seventeen males (20.2 per cent) and 23 females (15.9 per cent) said that the police had the right to investigate them only if some type of harm was involved. Another 10 males (11.9 per cent) and 10 females (6.9 per cent) said that what they did for a living was like any other job, and therefore, that they should not be hassled or harassed.

## Child Welfare Court

**Over a third of the juvenile prostitutes (37.1 per cent) had at one time appeared before a family or social welfare court (28 males and 57 females).** The circumstances leading to these hearings had included:

- The youth's parents had lost custody with the result that the youth had been placed in a foster home (one male and four females);
- The youth was found to be truant (two males and two females);
- Incest with the youth's father had been reported; the youth had been placed in a foster home (one male and five females);
- The girl's mother had found out about the youth's involvement in prostitution and did not want her to return home (one female);
- The boy had been found drinking when under-age; his parents were held to have been negligent (one male);
- The youth had been placed in foster homes after repeatedly running away (two males and two females);
- Custody hearing in connection with divorce proceeding by youth's parents (one male and two females);
- Parents had been unable to control the youth's behaviour (two males and five females);
- The girl's mother died and her father had lost custody (one female);
- The youth had been involved in adoption proceedings as a baby (one male and four females);
- Both parents had died (two females);
- The girl, at age 14, had given up a child for adoption (one female);
- The youth had been "in-and-out" of foster homes throughout his or her childhood (one male and two females);
- Custody dispute, won by the youth's mother (one male and one female);
- Custody dispute, won by the youth's father and step-mother (one male and one female);

- The boy had been placed in a foster home for one year while his mother had received treatment for alcoholism (one male);
- The girl had been apprehended by a child protection service while she had been working on the street (one female);
- The youth had been made a ward of the court (two males and one female);
- The girls had continually run away from home and were ordered to undergo psychiatric assessment (three females);
- The girls' mothers had drinking problems (two females);
- The boy had been removed from his home as a result of physical and sexual abuse by his father (one male);
- The girl had been removed from her home as a result of physical abuse by her mother and sexual abuse by her father (one female);
- The girl, at age 16, had been charged with breaking-and-entering (one female);
- The boy had been removed from his home as a result of physical abuse by his parents (one male);
- The girl's mother committed suicide when the child had been six years-old (one female).

As a result of their appearances in Family or Social Welfare Court, 11 boys (13.1 per cent) and 24 girls (16.6 per cent) had been placed in foster homes, while 11 boys (13.1 per cent) and 19 girls (13.1 per cent) had been sent to group homes, and four males (4.8 per cent) and 13 females (9.0 per cent) had been placed in treatment facilities. In addition, three males (3.6 per cent) and 10 females (6.9 per cent) had had a variety of other living arrangements made for them by the courts.

The findings of the National Juvenile Prostitution Survey indicate that many of these youths who were later found delinquent and had become involved in the criminal justice system had had their first encounters with legal proceedings as a result of hearings before family or social welfare courts. These early encounters with the law had typically been precipitated by events involving the break-up of their families. These findings are consistent with those concerning the high proportion of the families of these youths in which their parents had separated during their childhood or adolescence (Chapter 43, *Social Background*). It is evident that many of these youths had come from troubled homes in which a nurturing family environment had been so severely ruptured as to require the intervention of child protection services and the legal system. For many of these youths, these disruptive experiences were integral to their decisions to run away from home, to drop out of school early and contributed to many being later found delinquent by the courts.

## Juvenile Court

**Of the 229 juvenile prostitutes, 34 males (40.5 per cent) and 64 females (44.1 per cent) had been found delinquent before a juvenile court.** As a result

of these hearings, 20 boys (23.8 per cent) and 20 girls (13.8 per cent) had been sent to a detention centre, four males (4.8 per cent) and 22 females (15.2 per cent) had been placed in a training school, two males and three females had been placed on probation, two males and three females had been fined, and two males had been assigned to a community work project. Eight boys (9.5 per cent) and 19 girls (13.1 per cent) had been sent to foster homes, while 12 males (14.3 per cent) and 20 females (13.8 per cent) had been placed in group homes, six males (7.1 per cent) and 15 females (10.3 per cent) had been placed in treatment facilities, one male was returned to an orphanage from which he had run away, two females stated that they had been sent home to their parents, one female was placed in an extended family and one other girl had had a private boarding arrangement made for her. One girl was placed in a Catholic reformatory, while another said that she had been reprimanded. Two boys and two girls stated that nothing happened to them as a result of being found delinquent.

### Charges Laid for Soliciting

The juvenile prostitutes were asked about their knowledge of the elements of the offence of soliciting, whether they had ever been charged with this offence, and if this had occurred, what had been the disposition of these charges.

On the basis of preliminary interviews with a number of these youths prior to the development of the research protocol that was used in the survey, it was found, and later confirmed by the survey's findings, that relatively few of these youths behaved in a manner when they were working on the street that accorded with the requirements of the soliciting offence. Since it was unknown whether they conducted themselves in this way in order to avoid being charged for "pressing and persistent" behaviour or for other reasons, questions were included in the survey concerning their knowledge of the elements of this offence. Forty-seven males (56.0 per cent) and 98 females (67.6 per cent) did not know what had to be proved against them in order for them to be convicted of soliciting (that is, they did not know the elements of the offence of soliciting). Only 37 males (44.0 per cent) and 47 females (32.4 per cent) were able to state with approximate accuracy the elements of the offence of soliciting. In addition, when they were asked whether they were aware of recent Supreme Court of Canada decisions with respect to soliciting (e.g., the decision in *R. v. Hutt*<sup>4</sup>), 62 boys (73.8 per cent) and 120 girls (82.8 per cent) said that they had no knowledge of these decisions. Only about one in four males (26.2 per cent) and fewer than one in six girls (15.9 per cent) were aware of these decisions.

**These findings indicate that many of these youths were not only naive and poorly informed concerning legal matters that directly affected them, but also suggest that for the most of them their relatively circumspect conduct on the street did not result from a deliberate effort to avoid violating section 195.1 of**

**the Criminal Code. This conclusion is reinforced by the finding that only a few of these youths had ever been charged with soliciting. Only six males (7.1 per cent) and 25 females (17.2 per cent) had been so charged. Of the 229 youths in the survey, four males (4.8 per cent) and 21 females (14.5 per cent) had been charged as adults, while two boys and four girls had been charged as juveniles. Almost three-quarters of these 31 youths (74.2 per cent) had only been charged once or twice with soliciting.**

Offence of Soliciting	Juvenile Prostitutes			
	Males (n=84)		Females (n=145)	
	Number	Per Cent	Number	Per Cent
Charged with soliciting	6	7.1	25	17.2
Convicted of soliciting	4	4.8	18	12.4

Of the youths who had been charged with soliciting, only two males and seven females stated that they had never been convicted of the offence, while three males and 14 females said that they had been convicted on only one occasion. Thus, **of the 229 young prostitutes interviewed in the survey, one in 10 (9.6 per cent) had ever been convicted of soliciting, and of these, only one in 46 (2.2 per cent) had been convicted more than once.** Furthermore, of the 31 youths who had been charged with soliciting, four claimed that they had not been working as prostitutes at the time and two stated that they were working only occasionally when they had been charged. Of this latter group, two males and one female said that they were "hanging around", one girl stated that she was going for a walk and another two girls said that they were meeting friends.

Although the number of juvenile prostitutes who had been charged and convicted of soliciting is small, in each case, girls had been involved proportionately two and a half times more often in these encounters with the law than had boys. Almost three-quarters (74.2 per cent) of the 31 youths who had been charged with soliciting stated that they had been arrested when they were charged. Eight females said that the charges laid against them had been withdrawn. Of those who were convicted of soliciting (some of the youths were convicted more than once), one male and nine females indicated that they had been fined. Three boys and five girls had been sent to jail. Eight females had been placed on probation. One female had received a conditional discharge, while one male and two females had been ordered to stay away from their usual work area. One girl was sent to a detention centre, another to a training school and one had been referred to a social service agency.

In light of the findings of the National Juvenile Prostitution Survey, it is evident that the offence of soliciting for the purpose of prostitution had seldom impinged upon the street activities of the juvenile prostitutes. For most of them, these provisions barely constituted an inconvenience since in conducting



their business they had found that it was unnecessary to solicit in the manner specified by the elements of this offence. Few of these youths had deliberately changed their manner of approaching their potential customers in order to circumvent the elements of the soliciting offence. Most of them, in complete ignorance of the law, had simply never found it necessary to engage in soliciting conduct that contravened the terms of section 195.1 of the *Criminal Code*. They typically adopted more discreet means of indicating their availability, signals which were well recognized by their potential customers. It is also evident that in seeking to control juvenile prostitution, enforcement authorities more often resorted to other legal measures to achieve this purpose.

## Publication of Names

Twelve youths or two in five (38.7 per cent; three males and nine females) of those who had been arrested at some time while they had been working on the street, said that their names had been reported in local newspapers. Proportionately, this had happened more often when males (50.0 per cent) than females (36.0 per cent) had been arrested. Of those whose names had been reported in newspapers, two males and seven females said they had been identified by their real names, while one male and two females said that their street names had been published. Three boys and five girls also claimed that the publication of their identities had caused them problems. Three girls said that their families were upset and one girl stated that her parents, who were living in another province, had found out from the newspaper account that she was a prostitute. One boy and one girl stated that they had been hassled by the police after their names had appeared in a newspaper. One boy said that he began receiving obscene telephone calls after his name was published, while another boy had been bothered by persons who asked him about his arrest.

In comparison with the findings reported in Chapter 22, *Publication of Victims' Names*, the fact that the names of about two in five of the juvenile prostitutes who had been arrested had been published suggests that newspapers were somewhat less careful in protecting young prostitutes from publicity than the young victims of sexual offences. This situation will be dealt with in the future by the *Young Offenders Act* since its provisions prohibit the publication of the names of youths who are involved in legal proceedings.

## Charges Laid for Other Offences

In addition to being asked whether they had been charged and convicted of soliciting, the juvenile prostitutes were also asked if they had been convicted of other offences. Their replies leave no doubt that, for many of these youths, a career in prostitution introduced them to a criminal way of life. On average, these youths of both sexes had been charged other than for soliciting with 1.3 offences. Half of them (50.2 per cent) had been charged with property

offences, one in four (24.9 per cent) with loitering, about one in five (18.3 per cent) with various sexual offences, about one in eight (11.8 per cent) with having assaulted another person, one in 12 (8.7 per cent) with offences involving the use or possession of alcohol and drugs, and about one in five (19.2 per cent) for an assortment of other offences.

Charges Other than for Soliciting Laid Against Juvenile Prostitutes	Juvenile Prostitutes			
	Males (n=84)		Females (n=145)	
	Number	Non-Accum. %	Number	Non-Accum. %
Loitering	16	19.1	41	28.3
Property offences	49	58.3	66	45.5
Sexual offences	12	14.3	30	20.7
Assaults against the person	11	13.1	16	11.0
Alcohol and drugs	9	10.7	11	7.6
Other offences	13	15.5	31	21.4

Despite their earnings as prostitutes which putatively provided most of them with a level of income that they could not have readily obtained from conventional types of employment (due to their low level of education and general lack of work experience), it is evident that a substantial proportion of these youths had attempted to augment their incomes by means of theft. Almost half of the boys (47.6 per cent) and over a third of the girls (37.9 per cent) had been charged at least once with theft under or over \$200, robbery, possession of stolen goods and shoplifting.

While many of these youths had been victims of violence themselves, the charges laid against them indicate that about one in eight (11.8 per cent) had been charged with assault against another person. In a few of these incidents, serious crimes of violence may have been committed. These crimes with which the youths had been charged included: assault causing bodily harm (six males and four females); attempted murder (one male); and accessory after the fact to murder (one male and one female).

**The Committee's findings leave no doubt that one of the principal social harms associated with becoming a juvenile prostitute is that many of these youths had also become criminally experienced as a result of having committed a variety of offences which are integrally associated with their work on the street. In this regard, the charges that had been brought against them for soliciting were almost incidental in comparison to the far larger number of charges that had been laid against them for other types of offences.**

While earlier in their lives and during the period when they were becoming prostitutes many of these youths had come in contact with Child Welfare

Courts and had been assigned to the protection of various helping services, it is evident that these contacts and the assistance so afforded had been ineffectual in averting them from subsequently embarking or continuing in a career of prostitution. In addition to their contacts with medical services initiated for the expedient purpose of enabling them to continue their work as prostitutes, the second grouping of public services with which most of them regularly had contact were the police and the courts. Few of these youths had sought assistance from other types of public and voluntary helping agencies. Most did not believe that they needed to help and many rejected the types of assistance being offered as inappropriate or irrelevant to their situation.

## Advice to Other Youths

In response to being asked what advice they would give to a boy or girl who was starting out on the street, the majority of the youths regarded prostitution as an occupation which other young persons should be strongly discouraged from entering. Thirty-six males (42.9 per cent) and 57 females (39.3 per cent) said they would advise a boy or girl against working on the street, while another 21 boys (25.0 per cent) and 23 girls (15.9 per cent) said that they would tell a prospective juvenile prostitute to "go home". A few (9.6 per cent) felt so strongly about this question that they said they would take steps to prevent a youth who was thinking of entering into "the life" from doing so. On the other hand, 13 males (15.5 per cent) and 31 females (21.4 per cent) said that they would help or give practical advice to such a youth. One girl stated that she would try to recruit the young person to work for her pimp. Three males and four females said that they would offer no advice and would avoid getting involved in any way.

In their own words, the following statements are examples of the advice that the youths said they would offer to a young person who was just beginning to work as a prostitute:

## Advice Given By Female Juvenile Prostitutes

- Don't do it; a criminal record blackens your reputation. You can get hurt if you're not street-wise.
- If you are going to do it, stay away from pimps and drugs.
- It's your body, and the lowest thing you can do is to sell it. At least keep the money for yourself. Don't sell [your body] to a pimp.
- The street screws you up. If you work, work for yourself.
- GO HOME! You are going to be ruining your life. You'll look in the mirror every day and see a slut.
- I'd kick her butt home. They [young girls] shouldn't be here.
- If you need the money that bad, I'll help you out. [Working the street is] not worth it.

- Once you know you can make money, you keep on doing it and rely on it.
- Go home. Pimps are terrible and drugs are the pits. Kids shouldn't be here. You'll be old before you know it.
- I'll punch you in the face if you do — (I'd force her off the street).
- Think twice — it's a hard life.
- Beat it. You won't be happy. You'll get old before your time.
- Go back to school. [On the street] you never know if you are going to die.
- Go home. You don't want to be a slut your whole life.
- It's a disgusting way to live.
- Don't do it. It will make you feel bad about yourself when you get older.
- Don't. There are other places to go and get taken care of. For someone so young, [street life is] awful.
- Go home. Look at me.
- You're going to get hurt. You can't get away from ["the life"]. (I called the cops on one young girl.)
- I'll wring your neck if I see you on the streets. (I'd tell her what I've been through, and try to find her a place to stay).
- You'll never get off the street. It's like an addictive drug.

### Advice Given by Male Juvenile Prostitutes

- I'd tell her to stay off my corner, and would point out the bad tricks.
- If the kid were young and naive, I'd try to scare him off.
- If you're a runaway and your family will take you back, go!
- There's no future.
- You are crazy. It's a terrible way to get money.
- It's emotionally disturbing.
- Get the hell off the street!
- I wouldn't advise anyone to do it!
- You'll get really messed up if you do.
- I would physically take him off the street [and would tell him that] he's too young, and it's easy to start, but hard to stop.
- I'll punch you out if you don't get off the street.

The juvenile prostitutes were asked "If you had your life to live over, would you work the streets again?" About three in four of the youths (73.8 per cent; 54 males and 115 females) gave a negative reply responding that they

would choose to follow a different course from that which they had taken. Proportionately, over twice as many males (34.5 per cent) as females (14.5 per cent) said that they would again choose a life of prostitution. Most of the youths, especially the girls, regretted having become prostitutes and felt that they had made a mistake in choosing this career.

## Perceptions of Street Life

The youths were asked to express in one sentence how they would best describe their way of life on the street. About two in three (67.7 per cent) portrayed their lives in negative terms. Only 16 boys (19.0 per cent) and 20 girls (13.8 per cent) had anything positive to say about street life. A further seven males (8.3 per cent) and 16 females (11.0 per cent) expressed mixed or equivocal feelings about "the life".

### Female Juvenile Prostitutes

- It is hard and frustrating.
- I'm never cold and hungry, always have money. I am respected by my friends.
- Horrible and disgusting, but the money is good. You risk your life.
- It is disgusting. I wish things would change.
- It is dog eat dog — everyone stealing from everyone else.
- Freedom. It gives me a place to get away from my family.
- It's scary and risky. You never know what's next.
- It screws you up mentally. It's crummy. The life leads you nowhere.
- It's demeaning.
- A real fucked up life.
- It's very exciting, but it can control you like a drug.
- It's a hell hole.
- It's boring, depressing and full of losers.
- It hurts and it is so lonely.
- There's money, but it eats you up. You can't get away from it. It's like a big steel trap.
- It's addictive. You always come back.
- You have to be very low to abuse your own body like this.
- It is exciting and you meet lots of friends. I feel like a somebody.
- It's scary.
- It is a depressing life, but the money keeps me coming back.

- It's a difficult life. You don't know who you're getting [into a car] with, or what the guy is going to do to you.
- It is a waste of human life.
- You feel really terrible about yourself. It's really depressing.
- Life on the streets could destroy you.
- Sadness and darkness all the time.
- Very hard to do because of the violence involved.
- It's an experiment. You learn new things and how to take care of yourself.
- Lonely, cold and degrading.
- It's having a good time and having friends around.
- It's just one long, bumpy road. It's hard to find a turnoff to get away from it.
- It's all the worst society has to offer.
- It is dark, over-powering and it hurts so much.
- It is a dark hallway going nowhere.

### Male Juvenile Prostitutes

- Depression, loneliness, being fucked up, with no hope.
- I love my job.
- A day-to-day, temporary existence that is insecure. Anything can happen.
- Fun, exciting and adventurous. You meet new people and find out what life's really about.
- It's disillusioning. It makes it easy for you to lose the ability to be a caring human being. When you can't care, you're no good to anyone.
- It can be dangerous if you don't know how to take care of yourself.
- It's fascinating. You grow up faster than anywhere else and see the world from a whole new point of view.
- A vicious circle, leading to self-destruction and depression.
- Emotionally and physically wrecking.
- Fast times, lots of drugs and no early mornings.
- An open world for anyone to learn from and explore themselves.
- It's a black hole.
- On the street, when things are good, they're really good, and when things are bad, they're really bad.
- It's a painful, slow death of your emotional and personal feelings and self-pride.

There is a striking discordance between what juvenile prostitutes were doing and how they perceived these activities. While most described prostitu-

tion in negative terms, many were unwilling to acknowledge to themselves that they were prostitutes. A clear example of the process of rationalization relied upon by these youths is provided by their replies when they were asked whether they regarded themselves as prostitutes. Half of the males (50.0 per cent) and about a third of the females (34.5 per cent) were prepared to acknowledge that they were prostitutes. However, three in five youths (59.8 per cent) were unwilling to admit either to the Committee's researchers or to themselves that they were prostitutes.

The explanations offered by the youths who were unwilling to acknowledge that they were prostitutes indicates the nature of their deeply held ambivalence about their way of life on the street. Some of these youths attempted to distinguish themselves from prostitutes by stating that they were involved in some other profession. Two girls, for example, stated that they were "in public relations", another insisted that she was just a "working girl", and one insisted that she was "a lady of the night". Two boys referred to themselves as "commercial artists". Other youths had found different ways of distinguishing their activities from those of prostitutes. One male argued that he was not a prostitute because his customers approached him. Four girls stated that they were not prostitutes because they worked only for themselves (that is, they did not have pimps), while one male and two females felt that they were not prostitutes because they did not enjoy turning tricks and were revolted by their customers. One girl stated that she was not a prostitute because what she was doing did not harm anyone, while one boy said that he was "just selling a service", and therefore, was not a prostitute. Another male said that he was not a prostitute because he had an alternative to turning tricks and could always "go to something else". Five girls said that they did not consider themselves prostitutes because what they did was "like any other job" and because "other girls give it for free".

Even though many of the youths denied that they were prostitutes, their demeanour while being interviewed and their replies denote low self-esteem and a deep-seated image of themselves as "sluts" and "whores". Most of the girls had persuaded themselves that their pimps were not pimps, but rather, were their boyfriends, lovers or fiancées. Furthermore, as previously noted, many had developed personal codes which delineated between the sexual acts that they were and were not willing to perform. In this manner, they were able to rationalize that they were not like other youth on the street who were prepared to do "anything for money".

Most of the youths were also convinced that they were destined to get off the streets, and that they would be able to find conventional, well-paying jobs, even though relatively few of them had taken or even considered decisive or concrete steps to facilitate their rehabilitation. Most described street life in negative terms, stated that they would not work on the street if they had their lives to live over and indicated that they would advise a young person starting out on the street as a prostitute not to get involved in "the life". At the same time, most were still actively working as prostitutes.

These irreconcilable contradictions indicate that most of these youths held two sharply contrasting images about themselves. On the one hand, they formed an image of themselves from their troubled backgrounds, their way of life on the streets, the acts they performed with tricks, their relationships with pimps, their lack of work skills and education and their limited prospects for the future. On the other hand, many had constructed a more palatable and flattering self-image of themselves. This alternate self-image was of a person who was not a "whore", who had no personal involvement with tricks, and in the case of the girls, who had a boyfriend or lover of whom she was proud, who was good to her and who eventually would marry her. This fictitious and more ideal person whom they believed they were had excellent future prospects of attaining a normal, happy and prosperous life.

This self-deceptive image constitutes a defence which makes it possible for juvenile prostitutes to deny the depressing realities of their day-to-day existence. This pretense makes their lives more tolerable and gives them some hope in a seemingly hopeless situation. But the imagined "better self" may be one of the factors which serves to keep them on the street, since the manufactured sense of hope may effectively function as a conceptual opiate that dulls the reality and lets them resign themselves to the conditions in which they live and work. As long as there is some vague prospect of changing their lives tomorrow, the juvenile prostitutes retain an incentive to "stick it out" and to continue working on the street until they have saved enough money to break away, until they have the chance to return to school, until, in the case of girls, their boyfriends (pimps) marry them, or until they get off drugs. In practice, these anticipated events are seldom actually realized with the result that the hope of quitting the street remains a perpetually unfulfilled longing for the future. Thus, while it may seem contradictory, it appears that as long as these youths maintain the pretense that some part of them is determined to break away from "the life", there remains sufficient justification for them to continue prostituting themselves. Males are in a more advantageous position than the females; by the time a male juvenile prostitute reaches his early twenties and begins to lose the youthful appearance that makes him a marketable commodity on the street, he is forced to find some other means of supporting himself. No similar age restrictions limit the careers of female prostitutes who, although losing the freshness of their youth, may continue to work on the streets almost indefinitely for progressively less money and in progressively more shabby and dangerous locations.

## Prospects for the Future

The youths were asked, if all obstacles were removed, in what position they saw themselves five years in the future. About three in five (57.2 per cent; 52 males and 79 females) envisaged themselves as having a "straight" (conventional) job, earning a high income, being settled and having left the street. Another 13 boys (15.5 per cent) and 30 girls (20.7 per cent) said that they saw



themselves married, having children and being settled down at the end of five years. One male and five females indicated that their ambition was to become involved with professional helping services offering assistance to future generations of children and youths on the street, while three males and four females saw themselves living out fantasies, such as residing on a tropical island. Four boys and one girl anticipated having an operation involving a change of sex. Finally, eight males (9.5 per cent) and 19 females (13.1 per cent) said they felt that they had no future, no hope, and did not expect that their lifestyle would change. Overall, about four in five of the youths (78.6 per cent) had expectations of giving up prostitution and finding a more positive and conventional way of living within the space of a few years.

**Table 45.7**  
**Steps Reported Being Taken by Juvenile Prostitutes**  
**in Order to Get Off the Street**

Actions Reported Being Taken To Get Off the Street	Males		Females	
	Number	Per Cent	Number	Per Cent
Saving Money	13	15.5	18	12.4
School	19	22.6	34	23.4
Intending to get off the street	—	—	4	2.8
Counselling	3	3.6	9	6.2
Chemical treatments and psychiatric assessments for sex change	2	2.4	—	—
Engaged to be married	—	—	1	0.7
Looking for a wealthy person (a "sugar daddy")	1	1.2	—	—
Looking for a job	7	8.3	8	5.5
Getting off drugs	2	2.4	3	2.1
Working at a straight job	2	2.4	1	0.7
Applied for entrance to a trade school	2	2.4	1	0.7
Attending Alcoholics Anonymous meetings	—	—	1	0.7
Other	3	3.6	3	2.1
None/nothing	25	29.8	38	26.2
Not reported	5	6.0	24	16.6
<b>TOTAL</b>	<b>84</b>	<b>100.2*</b>	<b>145</b>	<b>100.1*</b>

*National Juvenile Prostitution Survey.*

\*Rounding error

When asked whether they were taking definite steps to achieve their ambitions, few were able to specify tangible actions that they were taking in order to make a decisive break from prostitution. (e.g., saving money, getting off drugs, going to school on a part-time basis). None of the males and only four females said that they were actually intending to get off the street. The fact that about one in four (23.1 per cent) was obtaining some form of schooling must be interpreted cautiously since when they were asked directly if they were students, only one in 10 (10.0 per cent) said that he or she was still a full-time student. Most who said that they were studying were involved in correspondence courses and a few were attending night school. However, most who said that they were trying to improve their education were doing so in a manner that afforded them ample time to continue working as prostitutes. Twenty-five males (29.8 per cent) and 38 females (26.2 per cent) frankly acknowledged that they had taken no tangible steps to get off the street.

Only one juvenile prostitute (0.4 per cent) in the survey, a girl, said that she had sought assistance from Alcoholics Anonymous. **A number of these youths, more often young girls than boys, had stayed briefly at street havens or hostels. However, it is significant that virtually all of the youths (99.6 per cent) in the National Juvenile Prostitution Survey did not refer to these services as a source of assistance nor had they turned to other social and community agencies in order to help them to withdraw from working on the street and to embark on a new career.**

**While the Committee did not compile a national inventory of all social services which may have been established to provide out-reach programs for these youths, many agencies were contacted in the cities where the survey was conducted. There is a stark paradox between the growing public concern about the problem of juvenile prostitution and the actual number of special ameliorative programs mounted to serve the needs of these youths. In the cities where the survey was undertaken, few special programs had been established for these youths, and during the interval of the Committee's three year review, the activities of several were curtailed, and in one instance, terminated.**

The juvenile prostitutes were asked to identify the main obstacles that might prevent them from leaving the street. While some of their replies constitute convenient rationalizations serving to justify their failure to take action in order to rehabilitate themselves, several of the reasons cited show their clear awareness of the nature of the difficulties that they would likely encounter if they attempted to break away from prostitution. There can be little doubt that their lack of education will make it difficult for most of them to embark upon careers leading to well-paying, conventional jobs. The jobs that these boys and girls are likely to find may make the fast money and lack of personal restrictions associated with prostitution appear attractive by comparison. For these reasons, it is apparent that many attempting to change their lifestyle may be sorely tempted to return to prostitution. Others may conclude that the obstacles to their rehabilitation are insurmountable and may be discouraged from making any attempt to change their lives.

**Table 45.8**  
**Obstacles to Getting Off the Street**  
**Reported by Juvenile Prostitutes**

Obstacles Reported To Getting Off The Street	Males (n=84)		Females (n=145)	
	Number	Non-Accum. %	Number	Non-Accum. %
Lack of support from family	23	27.4	32	22.1
Economic need	33	39.3	51	35.2
Addiction	10	11.9	17	11.7
Low self-esteem, depression	15	17.9	35	24.1
Lack of alternatives	14	16.7	17	11.7
Social environment, friends	17	20.2	22	15.2
Influence of pimp/boyfriend	1	1.2	5	3.4
Legal system	13	15.5	23	15.9
Lack of education	28	33.3	39	26.9
Unemployment/the economy	5	6.0	1	0.7
Lack of employment experience	4	4.8	—	—
Society's treatment of homosexuals	4	4.8	—	—
Other	7	4.8	12	8.3

*National Juvenile Prostitution Survey.*

When they were asked how existing or new services might be tailored to help them, more than half (54.1 per cent) favoured the setting up of hostels, residences or drop-in centres designed specifically for prostitutes. The youths identified a number of special features that they felt such facilities should offer, including:

- Counselling services;
- No curfews;
- Legal aid services;
- No government affiliation;
- Protection from pimps;
- Medical facilities such as sexually transmitted disease and birth control clinics;
- Some structure and discipline;

- Life skill training;
- Locations possibly away from downtown cores;
- Respect for confidentiality.

Fourteen males (16.7 per cent) and 12 females (8.3 per cent) said that job creation programs could help to rehabilitate young prostitutes. Another two boys and eight girls favoured the legalization of prostitution, while five males and eight females recommended the establishment of a variety of different services, including: gay counselling centres; funding for back-to-school programs; and more community activities for youths in the suburbs. Finally, five males and eight females gave miscellaneous responses (e.g., that young prostitutes would be unwilling to avail themselves of any helping services, that good services already existed, but were inaccessible to young prostitutes).

Those youths who advocated the creation of hostels or residences were asked how they should be set up and who should run them. A quarter (24.5 per cent) said that these services should be run by former prostitutes who knew and understood street life, while one in seven (14.0 per cent) felt that these programs should be operated by multidisciplinary teams consisting of professionals and former prostitutes. One male and eight females stated that the residences or hostels should be run by persons who were understanding and non-judgmental. A variety of other suggestions included that these facilities should be run by: female police officers; gay persons who understood the problems of homosexuals; former drug addicts; counsellors hired with government funding; "persons who believe in the kids on the street", and psychologists.

## Summary

1. While working on the street, about one in 20 (4.8 per cent) of the juvenile prostitutes had a conventional full-time job and about one in 11 (8.7 per cent) had worked on a part-time basis. Most of the youths regarded prostitution as their main source of income.
2. About three in four youths (72.5 per cent) worked as prostitutes on a year-round basis and two in three (64.2 per cent) spent at least four days each week working on the street. Over seven in 10 (72.9 per cent) averaged over five hours each day working as prostitutes.
3. Because the survey focussed primarily upon youths working on the street, not unexpectedly, most of the juvenile prostitutes (93.0 per cent) contacted their customers while working on the street, with bars being the second most favoured site for these encounters.
4. The juvenile prostitutes typically relied upon unobtrusive means to indicate their availability to potential customers. These techniques included: frequenting areas known for prostitution; standing at street corners; walking slowly; and eye contacts and smiling.
5. Only one in 14 juvenile prostitutes (7.0 per cent) said that he or she usually initiated the contact with a trick. In a majority of these encounters,

the tricks either sought out the juvenile prostitute, or both the young prostitute and the trick simultaneously approached each other.

6. When tricks refused their offers, three in four juvenile prostitutes (74.2 per cent) said that under such circumstances their conduct was neither pressing nor persistent. The main reasons cited were that it was typically unnecessary to pursue tricks since there were many more customers from whom to choose.
7. About half of these youths (47.6 per cent) said that, at some time, they had propositioned a person who was not seeking the services of a prostitute. When this had occurred, most had backed off or had apologized.
8. Two-thirds of the juvenile prostitutes (63.8 per cent) said that they had seen persons who were not prostitutes propositioned by tricks. The reactions of these persons had ranged from being insulted and disgusted to fear and anger.
9. The sexual acts performed by juvenile prostitutes with tricks were performed in a wide variety of public and private locations. The principal sites were the tricks' vehicles, hotel or motel rooms, and apartments.
10. The juvenile prostitutes were requested to perform a wide range of sexual acts, the most common being "blow jobs" and a "straight lay". Four in five said that there were certain sexual acts that they were unwilling to perform.
11. Seven in 10 juvenile prostitutes (71.2 per cent) spent less than half an hour, on average, with each trick.
12. Three in five males (59.5 per cent) and nine in 10 females (91.7 per cent) reported their standard procedure was to be paid prior to engaging in sexual acts with tricks. Their average daily earnings were \$189.38 (males, \$140.25; females, \$215.49).
13. About a quarter of the juvenile prostitutes (23.6 per cent) were frequent or heavy users of alcohol; over a third (37.6 per cent) either frequently used drugs or were addicted to these substances. Proportionately, more of the young males than the young females used one or both of these substances.
14. When they performed sexual activities with tricks, one in eight male juvenile prostitutes (11.9 per cent) and nine in 10 female juvenile prostitutes (90.3 per cent) usually used some form of contraception. A fifth of the males (19.0 per cent) and four in five females (82.1 per cent) required tricks to use condoms during intercourse.
15. Over two in three juvenile prostitutes said that they routinely obtained medical care. However, a substantial minority, slightly less than a third, did not do so.
16. Since they had started working as prostitutes on the street, about a third of the youths (35.8 per cent) had contracted gonorrhoea and about one in eight syphilis (12.7 per cent). The prevalence of these conditions, particularly among young female prostitutes, is alarmingly high in light of the risks of their having serious long-term complications affecting their health.

17. About two-thirds of the juvenile prostitutes (63.3 per cent) said that they had been physically assaulted at least once since they had been working on the street. Their reported assailants included: tricks; other persons involved in street life; and police officers. Over two in five of the youths said that they had needed medical attention resulting from these assaults.
18. When they were children or adolescents, over a third of the juvenile prostitutes (37.1 per cent) had been involved in legal proceedings before family or social welfare courts.
19. Over two in five of the juvenile prostitutes (42.8 per cent) had been found delinquent before a juvenile court.
20. About one in seven (13.5 per cent) of the juvenile prostitutes had been charged with soliciting for the purpose of prostitution and about one in 10 (9.6 per cent) had been convicted for this offence.
21. Two in five youths (38.7 per cent) who had been arrested at some time while they had been working on the street reported that their names had been published in local newspapers.
22. On average, these youths had been charged with 1.3 offences other than for soliciting. Half (50.2 per cent) had been charged with property offences, one in four (24.9 per cent) with loitering, about one in five (18.3 per cent) with various sexual offences, about one in eight (11.8 per cent) with having assaulted another person, one in 12 (8.7 per cent) with offences involving the use or possession of alcohol and drugs, and about one in five (19.2 per cent) for an assortment of other offences.
23. A majority of the youths said that they would strongly discourage other young persons from becoming prostitutes.
24. Three in five youths (59.8 per cent) who were working on the street were unwilling to acknowledge that they were prostitutes and stated that they were working in some other occupation.
25. About three in five youths (57.2 per cent) said that within five years they envisaged themselves having a conventional job, making good money, being settled and living off the street. Few of the youths were taking definite steps to achieve their ambitions.
26. More than half of the youths (54.1 per cent) said that they believed young prostitutes could best be helped by the setting up of hostels or drop-in centres having a range of services tailored to meet their needs.

**The ingrained pattern of exploitation, disease and violence in the daily lives of juvenile prostitutes is unmistakable from the Committee's research findings. These youths are the cast-offs of Canadian society. Many are early drop-outs from school and have run away from home at an early age. About two in five of these youths had been found delinquent before a juvenile court, and while few of them had been charged or convicted of soliciting, a substantial proportion had been charged with other offences. The findings leave no doubt that for many of these youths their work as prostitutes introduces them to a criminal way of life in which they become progressively more entangled.**

**They also face considerable risks of contracting serious diseases, of being severely physically injured and of being harshly exploited by pimps.**

While most of these youths have at one time been in contact with social services or enforcement agencies, except for seeking assistance such as medical care which they deem essential to their continuing to work as prostitutes, few seek out other helping services. The programs which might assist them are largely mistrusted, regarded as useless, or are ignored.

**The amelioration of the tragic plight of juvenile prostitutes lies, in the Committee's opinion, chiefly in the implementation of social rather than legal initiatives. We believe that young prostitutes can be helped by more effective social intervention and by the development of programs aimed at reintegrating them into the mainstream of society. However, such social initiatives are most frequently rendered useless because they are not sought out by these youths and because viable means of intervention are currently lacking.**

**There are no effective means either in federal or provincial legislation of holding these children and youths. There are no effective means of bringing these children and youths into situations where they can receive guidance. There are no effective means of stopping the demonstrated harms that these children and youths are bringing upon themselves. For these reasons, the Committee believes that the implementation of criminal sanctions against these children and youths must be made a legal possibility by creating an offence in order that social intervention can take place.**

In reaching this conclusion, and reflecting divided opinions in the field, there was strong disagreement by some Members of the Committee that a criminal sanction against juvenile prostitutes was either desirable or likely to be effective, and indeed, a concern that such a prohibition would detract from the primary emphasis upon prevention, early identification and early intervention.

In recognizing these important concerns, there is no desire on the part of the Committee to affix a criminal label to any juvenile prostitute. The Committee concluded, however, that in order to bring these children and youths into situations where they can receive guidance and assistance, it is first necessary to hold them and the only effective means of doing this is through the criminal process. Accordingly, the Committee reluctantly concludes that it is necessary to have a specific criminal sanction prohibiting children and youths engaging in prostitution. This sanction is a complementary prohibition to that recommended by the Committee against the customers of juvenile prostitutes. Together, these sanctions would constitute a clear legislative commitment that juvenile prostitution has no place in Canadian society.

**The Committee recommends that the *Criminal Code* be amended to provide that:**

- 1. Every young person who offers, provides, attempts or agrees to offer or provide for money or other consideration to engage in a sexual act with another person is guilty of a summary conviction offence.**

**2. For the purpose of this section, "young person" means a person who is under 18 years of age.**

Education is potentially the most effective tool for stemming the spread of juvenile prostitution. The Committee's findings leave no doubt about the emotional and physical harms, the risks and the privations associated with street life. The findings constitute a clear warning to any youth who is considering either running away or turning to prostitution. Elsewhere in the Report, the Committee has called for a national program of public education and health promotion as an essential means of affording better protection for sexually abused children. We also believe that there is an urgent need for this national program to focus upon the risks — physical, health, emotional and social — involved for youths who become prostitutes. It is essential that both parents or guardians and youths be fully informed about the actual conditions and risks associated with the street life of young prostitutes.

In conjunction with the national program of public education and health promotion (specified in Recommendation 2), the Committee further recommends that special educational programs be developed drawing upon the findings of this Report documenting the conditions and risks associated with juvenile prostitution, and that these special educational programs be made available to parent-teacher associations, and to schools and by means of educational television.

It is clear that no attempt to rehabilitate young prostitutes is likely to succeed unless it focusses attention on the need of these youths to alter their attitudes toward themselves and their way of living. Especially tailored helping programs are required having services designed to enhance the self-esteem and self-confidence of young prostitutes by imparting to them job or trade-related skills as well as conventional "life skills". Such programs, if successful, would also make it more financially feasible for these youths to get off the street. Programs having these objectives are vital prerequisites for the kind of action that is required to assist juvenile prostitutes to start a new life, one in which they have a perception of themselves as persons capable of living and working in a manner that is personally fulfilling, socially accepted and free of unacceptable risks to their health and safety.

Despite the difficulties involved, the Committee believes that government at all levels has the unmistakable obligation to take positive steps in order to accomplish these objectives.

The Committee recommends that: The Office of the Commissioner in conjunction with other branches of the Government of Canada establish support for special multi-disciplinary demonstration programs (child protection, police, education, medical and youth job training services) for five years (renewable) designed to reach and serve the needs of these youths, focussing upon: affording immediate protection; counselling; and education and job training.



## References

### Chapter 45: Working the Street

- <sup>1</sup> Canada. Department of National Health and Welfare. *Summary of Results: Gallup Youth Omnibus Survey*. Ottawa, 1982.
- <sup>2</sup> Williams, D.H., Commercialized Prostitution and Venereal Disease Control: Results of Suppression of Commercialized Prostitution on Venereal Disease in the City of Vancouver, *Canadian Journal of Public Health*, 31: 416-22, 1940.
- <sup>3</sup> Williams, D. H. Suppression of Commercialized Prostitution in the City of Vancouver, *Journal of Social Hygiene*, 27: 364-72, 1941.
- <sup>4</sup> *Hutt v. The Queen* (1978), 38 C.C.C. (2d) 418 (S.C.C.).

## Chapter 46

### Tricks and Pimps

Prior to undertaking the National Juvenile Prostitution Survey, the Committee found no Canadian research concerning the customers of juvenile prostitutes or about pimps who exploit these youths. Since customers, or tricks, tend to be highly secretive about their use of prostitutes, the Committee concluded that it would have been futile to approach such persons on the street to elicit information from them. For the same reason and as well in order to avoid offending persons who had never purchased the services of a prostitute, the Committee did not seek to obtain this information by means of the National Population Survey.

The Committee was also concerned about the role played by pimps in the prostitution of children and youths. A pimp is defined in this Report as any person for whom a prostitute works and who regularly receives part or all of the prostitute's earnings. Beyond a number of accounts in the case law, the Committee was unaware of any study for this country that had documented who these persons were who exploited children and youths. The Committee was aware from the outset that reliable information would be extremely difficult to obtain in this area and that a direct approach seeking to contact pimps by means of the youths whom they controlled was precluded because of the risks entailed for these young prostitutes.

The National Juvenile Prostitution Survey included a detailed series of questions concerning both tricks and pimps. The information is limited to the experience of the youths who participated in the survey. The information given in this chapter about tricks is based on the knowledge and subjective impressions of these youths about their customers. Prior to undertaking the survey, the Committee was advised that most female juvenile prostitutes would be reluctant to discuss openly their relationships with their pimps. While this prediction proved to be generally valid, nevertheless, some of these youths were frank and forthcoming in describing their working arrangements with pimps. In a number of instances, interviews were held with both young prostitutes and their pimps.

Despite the limitations concerning the scope and details of the information obtained about tricks and pimps in the National Juvenile Prostitution Survey,

the findings obtained afford a sufficient basis in the Committee's judgment to identify measures that are requisite in order to deter persons who use the sexual services of children and youths who are prostitutes and who exploit these young persons socially and economically.

## Gender of Tricks

The vast majority (96.9 per cent) of the tricks regularly purchasing the services of juvenile prostitutes are males. Only one in 32 of the juvenile prostitutes (3.1 per cent; three males and four females) reported having a predominantly female clientele. However, half of the youths (50.2 per cent) said that they had been approached for their services on at least one occasion by a woman. This had occurred more frequently to male juvenile prostitutes (61.9 per cent) than to female juvenile prostitutes (43.4 per cent).

**Table 46.1**  
**Juvenile Prostitutes Who had been Approached for**  
**Their Services by Women**

Number of Times Approached for Services by a Woman	Males		Females	
	Number	Per Cent	Number	Per Cent
1	21	25.0	20	13.8
2	6	7.1	9	6.2
3	7	8.3	8	5.5
4	4	4.8	7	4.8
5	2	2.4	3	2.1
6 and over	5	6.0	11	7.6
Several times	7	8.3	5	3.4
Never, not reported	32	38.1	82	56.6
<b>TOTAL</b>	<b>84</b>	<b>100.0</b>	<b>145</b>	<b>100.0</b>

*National Juvenile Prostitution Survey.*

Of the youths who had been approached by a woman, three in four (76.5 per cent) stated that the woman in question had propositioned them for herself. There was only a slight difference in this respect between male juvenile prostitutes (37 of 52 males, 71.2 per cent) and female juvenile prostitutes (51 of 63 females, 81.0 per cent). Five males and one female said that women had approached them for someone else, while eight boys and six girls said that the woman had wanted them to engage in group sex. One boy was asked by a female customer to put on a stag show at a women's shower, and another seven boys and eight girls said the female customers had wanted them both for themselves and to engage in group sex.

## The Most Recent Trick

In order to obtain information on a uniform basis concerning the tricks of juvenile prostitutes, each youth was asked about his or her most recent trick. Eighteen boys (21.4 per cent) had approached the trick, while 63 boys (75.0 per cent) and 112 girls (77.2 per cent) said that the trick had approached them. One boy had contacted his trick by telephone. Almost two-fifths of the males (38.1 per cent), and slightly less than one-third of the females (30.3 per cent) stated that the trick had approached them on foot, whereas more than half of the boys (54.8 per cent) and about two-thirds of the girls (66.9 per cent) said that the customer had been in a vehicle. Two males and three females said that the contact between the trick and themselves had been made by telephone, and one boy said that he had gone to the trick's home, while one girl stated that her client had visited her home.

The youths were asked to estimate the approximate age of their last trick. To the extent that their estimates are accurate, then it would appear that the majority of the tricks (54.8 per cent of the boys' and 58.6 per cent of the girls' customers) were between 35 and 49. About a third of the tricks were between 20 and 34 and about one in 10 was age 50 or older.

**Table 46.2**  
**Estimated Age of the Most Recent Trick**  
**of Juvenile Prostitutes**

Estimated Age of Most Recent Trick	Males		Females	
	Number	Per Cent	Number	Per Cent
20 - 24 years	4	4.8	9	6.2
25 - 29 years	8	9.5	19	13.1
30 - 34 years	15	17.9	16	11.0
35 - 39 years	23	27.4	36	24.8
40 - 44 years	13	15.5	28	19.3
45 - 49 years	10	11.9	21	14.5
50 - 54 years	9	10.7	14	9.7
Not Reported	2	2.4	2	1.4
<b>TOTAL</b>	<b>84</b>	<b>100.1*</b>	<b>145</b>	<b>100.0</b>

*National Juvenile Prostitution Survey.*

\*Rounding error

More than three-fifths of the youths knew their last trick's marital status, two in five his occupation and almost half whether he had any children. These findings indicate that many tricks tend to discuss their personal lives with the prostitutes whose services they use, and as such, support the youths' claims that many of their clients are lonely or socially inadequate individuals who are seeking companionship.

Of the youths who knew the marital status of their last trick, 19 males (36.5 per cent) and 61 females (67.8 per cent) said that the trick was married. Presumably, most of the married clients of the male juvenile prostitutes were "in the closet", that is, they kept secret their sexual preference. Twenty-three males (44.2 per cent) and 18 females (20.0 per cent) who knew the trick's marital status stated that the trick was single; two males and six females said that the trick was separated, while six boys and three girls stated that the trick was divorced, and two girls stated that the customer was widowed. Among the youths who knew their last trick's marital status, it appears that the majority of the females' tricks were married, while almost as large a proportion of the males' customers were married as were single.

The majority of the youths who knew the occupation of their previous trick either stated that the trick held a service-type job or that he was a professional, a white collar worker or held a management position. A quarter of the males (25.0 per cent) and about half of the females (47.5 per cent) who knew the trick's occupation said that he held a service job, while half of the males (52.5 per cent) and a third of the females (32.8 per cent) stated that the trick was in management, a professional or a white collar worker. The findings suggest that the individuals who had most recently used the sexual services of juvenile prostitutes differed in terms of their social background in relation to whether they had sought the services of boys or girls. Proportionately more of the girls' tricks were blue collar or service workers while a higher proportion of the males' tricks were professionals, white collar workers or in management positions. **Overall, the findings indicate that the services of juvenile prostitutes had been sought out by persons from all walks of life.**

Two-thirds of the juvenile prostitutes (males, 65.5 per cent; females, 69.7 per cent) said that their most recent trick had been in a friendly or talkative mood. Another 10 males (11.9 per cent) and 22 females (15.2 per cent) said the trick had been shy or secretive. Six males and two females reported that the trick appeared to be mentally ill. Two boys and one girl said that their encounters with the trick had been a purely businesslike transaction. Two males and six females said their last trick had been verbally abusive, while one girl had been physically abused and robbed. One girl said that two tricks who could not speak English had had sex with her and another prostitute in a car. Another girl said that she was upset and crying, but that her trick had consoled her and made her feel better. One boy said that his most recent trick had spoken about other prostitutes, while another reported that the trick was scared since it was probably the first time that he had been with a prostitute. Another boy stated that he and his trick had liked each other and that the trick would probably become a regular customer. One boy said that his trick was "horny" and had talked only about sex, while still another stated that his customer was straightforward and blunt about what he had wanted.

Three in five of the youths (59.4 per cent) said that their last trick had not been using drugs or alcohol during their transaction. However, proportionately more of the tricks of young males than those of young females were reported to

have been using one or both of these substances. Nineteen males (22.6 per cent) and 30 females (20.7 per cent) said the trick had been drinking, while nine boys (10.7 per cent) and four girls (2.8 per cent) stated that their trick was drunk. A further seven boys (8.3 per cent) and three girls (2.1 per cent) said that their trick had been using drugs, and five girls (3.4 per cent) said that the trick had been “stoned” (i.e., heavily under the influence of drugs). Three males (3.6 per cent) and seven females (4.8 per cent) indicated that the trick had been using both alcohol and drugs.

## Descriptions of Tricks

The juvenile prostitutes were asked to describe in their own words the tricks who typically sought their services.

### Tricks of Male Juvenile Prostitutes

- Early 40s, businessmen.
- Wimpy men in the closet. Putting on a heterosexual front, married, with money, looking for an emotional relationship.
- Men over 30, generally married and in the closet. They have to pay for sex because they are unattractive.
- Men neglected by their wives or men who are in the closet and don't feel comfortable going into gay bars.
- Middle-aged, in the closet, married, lonely, and looking for sex with no relationships.
- Emotionally insecure, lonely, older, married, pressured to keep up their straight image on the job. In the closet gays.
- Fat old men.
- Older (middle-aged) men who have money, but have too little confidence to meet partners in bars. Lonely homosexuals in the closet.
- Men looking for little boys' penises to suck on.
- Middle-aged, married men making good money. Very insecure, in the closet. They feel more secure about getting sex by paying for it.
- Balding, fat, 50, with money. Usually in a car. Married with kids. In the closet.
- Rich faggots.
- Nice guys with weird sexual hang-ups.
- A gay who has not come out of the closet and wants a boy's penis.
- Men who pay money for sex, who get off on paying for it, or are in the closet and can't come out to the [gay] clubs to pick up men. Married, professional men.
- Desperate older men with no looks, but lots of money.

- Middle-aged, well-off, lonely. They are socially unattractive or think they are.
- Ugly, old, overweight. The kind of people you wouldn't want to have sex with. They pose as intellectuals and act as if they had an advantage over the hustlers.

### Tricks of Female Juvenile Prostitutes

- Men who don't get enough sex at home from their wives. Older men, with money, wives and kids. The younger tricks try to rip me off and are more violent.
- Men who can't get blowjobs at home and want little girls to do it.
- Lonely men who cannot have successful sex lives without paying for it.
- Businessmen, 40 and older, usually in cars.
- Usually nice. Older, married. Their wives don't give them enough sex.
- They're nothing to me---I use them for what I want. They're looking for a bit of companionship, love. They want to be told they're special. Some rip you off. They're very horny.
- They want something different from home and want to know what a hooker is like. They're lonely, married and have kids and money.
- They're sexually desperate.
- Short, fat, balding and ugly. They're losers. They're older, married men. Some have brought their sons along.
- Older, married men with money, some lonely. They can't find a girl any other way.
- They're married and have kids and talk about them. They sometimes tell me, "you remind me of my daughter".
- Married, middle-class men. They don't like to go to hookers, but have to because their wives have hang-ups.
- Short, chubby middle-aged men who are lonely. They talk over their troubles with me.
- There are two kinds of tricks: the family man with a wife, kids, a business and money; and the dirty old man who is kinky and wants young girls.
- Overweight, middle-aged, gray-haired, smelly, paranoid.
- Middle-aged men in business suits who are lonely and need love.
- Scum, hard-up, mentally disturbed, liars. Old and fat, with money.
- Perverts who like to abuse women.
- Men who want blowjobs and cannot get them at home.
- Men looking for something they can't get at home, living out fantasies. They're insecure and believe that paying for sex makes them a man. They like to have a powertrip with women.
- Middle-aged men with problems at home who want to get laid and talk to you about their problems.

- Men who want to control women and tell them what to do.
- Jerks. Perverts who like to sleep with little girls.
- Nice, understanding people who have sexual problems in their marriages. They're middle-aged and have money.

Several trends emerge from these descriptions about the types of persons who patronize young prostitutes. A sizeable proportion of the customers of the boys and girls were middle-aged, married men who came from middle-class backgrounds. Many of these tricks had sexually unfulfilling home lives or went to prostitutes in order to engage in a wider variety of sex acts. The males typically characterized their tricks as gay men who were "in the closet" (i.e., publicly posing as heterosexuals) and who used young hustlers as a means to obtain sexual satisfaction without risking exposure of their homosexual tendencies. The male juvenile prostitutes described many of their tricks as lonely, insecure or socially inadequate men for whom a transaction with a prostitute represented one way of having a sexual encounter without fear of rejection.

Several girls said that their tricks used prostitutes as an outlet for their feelings of hostility and aggression towards women. Some suggested that their customers wanted to dominate women or to have sexual encounters in which their partner was completely submissive and prepared to submit to their whims. About one in eight of the tricks was reported to have a special sexual interest in children. The juvenile prostitutes' descriptions of their tricks indicate that most of them regard their clients either with hostility or as being pathetic, contemptible or disgusting individuals. The tricks were often portrayed as being physically unattractive persons with whom the young prostitutes found it distasteful and unpleasant to engage in sexual acts.

## Criminal and Social Sanctions Against Customers

In the Committee's judgment, a separate criminal offence is needed to deter persons who seek out and use young prostitutes. Section 195.1 of the *Criminal Code* requires that an accused be "pressing or persistent" in his or her solicitations and that the solicitation occur in a "public place". While these requirements are relevant to the public nuisance aspect of prostitution, they are clearly irrelevant to society's more compelling interest in deterring and punishing the exploitation of young persons by way of prostitution. Furthermore, the substantial harms incurred by young persons who engage in prostitution are independent of whether a prospective customer actively solicits their services in a public or a private place. The Committee does not consider that adults who exploit the sexual vulnerability of young persons should be considered any less culpable because they agree to pay for the sexual act with a young person than if they were to sexually threaten or coerce a child without payment.

**The tragic consequences of a life of prostitution for young persons are extensively documented in this Report. These serious harms justify the imposition of a specific criminal sanction against the customers of young prosti-**



tutes. Depending on the age of the young person and the nature of the sexual act engaged in, the customer of a young prostitute could also be charged with one of the sexual offences against children in the *Criminal Code*.

The Committee recommends that the *Criminal Code* be amended to provide for a separate offence in the following terms:

1. Every one who offers, provides, attempts or agrees to offer or provide, money or other consideration to a young person for the purpose of engaging in a sexual act with, against, or upon such young person, is guilty of an indictable offence and is liable to imprisonment for two years.
2. For the purpose of this section, "young person" means a person who is under 18 years of age.
3. It is no defence to a charge under this section that the accused believed the person to be 18 years of age or older.

The Committee's research findings indicate that the clients of prostitutes pose at least an equal if not a greater public nuisance than do the prostitutes themselves. While many tricks attempt to solicit the services of young prostitutes from within the confines of a motor vehicle, the law, as presently constituted, does not take this fact into account. In light of its research findings, the Committee endorses the legislative proposals of the *Criminal Law Reform Act, 1984* (Bill C-19) which would make the "soliciting" offence in section 195.1 applicable to tricks as well as to prostitutes and would widen the definition of "public place" to include a motor vehicle located in or on a public place.

In addition to the imposition of criminal sanctions against the customers of juvenile prostitutes, the Committee believes that social sanctions must be invoked as a powerful means of deterring persons who sexually exploit young persons by means of prostitution. The information given to the Committee by these youths leaves no doubt that most of their customers would not wish to have their identities known publicly as persons who had used the services of juvenile prostitutes.

Legal provisions are available which permit the public identification of persons who are convicted of soliciting the services of young prostitutes. However, on the basis of its extensive research, (Chapter 22, *Publication of Victims' Names*), the Committee found that in practice while the names of persons convicted of other crimes, such as robbery or theft, were given prominence in the media, this was seldom done in relation to persons convicted of soliciting prostitutes. These accounts in the press, for instance, typically only report that a number of persons who remain unidentified were found on the premises of a bawdy-house.

The Committee believes that the publishing of the names of persons convicted of soliciting young prostitutes would serve as a contributory deterrent to persons inclined to seek the sexual services of juvenile prostitutes. The pros-

pect of public exposure and humiliation and the resultant loss of reputation, family, friends and even, in some instances, of business, would suffice in many instances to dissuade these persons from availing themselves of the sexual services of young prostitutes.

The Committee recommends that the Office of the Commissioner in conjunction with the national and provincial associations for the public media mount a program of giving prominent publicity to the names of persons convicted of soliciting juvenile prostitutes who are under age 18.

### Fear of Disclosing Information about Pimps

The Committee's research indicates that the pimps who are involved with juveniles are exclusively males and that they only control female prostitutes. While a few male juvenile prostitutes stated that they had worked for pimps, the working arrangements which they described did not accord with the definition of pimping adopted in this study. The young males who said that they had worked with pimps had either provided escort services for some of their customers, or in some instances, they had loaned or given money to tricks who were their homosexual lovers. There is no evidence in their accounts that the youths in question had been exploited which is the essential attribute of the vicious control exercised by pimps over female juvenile prostitutes.

The clear reluctance of many young girls to talk about, or even to admit the existence of, their pimps is largely attributable to their fear of these violent and often sadistic persons who wield commanding power over their lives. Most of these young prostitutes believe, with justification, that they will be physically abused and harshly punished if they displease their pimps. The Committee recognized that receiving potentially incriminating information from young female prostitutes would have been a certain way for the girls who provided it to have aroused the ire of their pimps, particularly if the information divulged had later been used as evidence against the pimps. For these reasons, while most of the female juvenile prostitutes were initially defensive or evasive when they were asked about their pimps, many of them, however, trusted the assurance of confidentiality given by the Committee and provided valuable information about who their pimps were and the nature of their working arrangements with them.

Many girls who work on the streets believe that a prostitute who gives evidence against a pimp is almost certain to be murdered, if not by her own pimp, then by his fellow pimps. These murders are purported to be extraordinarily brutal and the prostitutes claim that they are accomplished by severe beatings of head and face. Another palpable fear of female prostitutes which suffices to dissuade many of them from giving information about their pimps is that of being ostracized by the other prostitutes in whose company they work. Furthermore, the Committee's survey indicates that many of the young prostitutes

either were "in love" with their pimps, or were psychologically dependent upon them to such an extent that they could not conceive of functioning without them. As a result, many girls adopted a highly protective attitude toward their pimps and were unwilling to divulge information which might have proved damaging to them, or which portrayed them in a negative light.

### The Pimps' Regimen

On the basis of the findings of the National Juvenile Prostitution Survey, it appears that female juvenile prostitutes who are working on the streets of Canadian cities are seldom controlled by large-scale, highly organized prostitution rings. Although few such rings were encountered in the study, it is recalled that the findings were obtained from the most readily visible group of juvenile prostitutes, namely, those who were working on the streets. The Committee's findings indicate that generally a pimp either worked with one girl (38.2 per cent) or had a small number of girls in his employ (52.7 per cent). Information was not available for 9.1 per cent of the girls in the survey who said that they had worked with pimps.

In several large Canadian cities, it is difficult for a girl to work on the street without a pimp, not because pimps perform any vital function for prostitutes, but rather because they actively recruit or harass any girl who attempts to work independently. Among the prostitutes, themselves, it was rumoured to be necessary to have a pimp to provide some ill-defined form of protection, but this "protection" appeared to amount to little more than the warding off of the recruitment efforts by other pimps. Pimps generally did not solicit clients for their girls and did not help them to negotiate with tricks. As a rule, these functions were performed by the prostitutes themselves. Once a pimp had formed an association with a girl, he was likely to supply her with drugs in order to maintain her dependence upon him. (One girl who was interviewed announced that she intended to work without a pimp; a short time later, a pimp who had recently been harassing her broke into her room and forcibly injected her with heroin. Soon afterwards, she was addicted and working for him). Some areas of the cities in which the Committee conducted the survey were almost entirely dominated by pimps; in these areas, it was a virtual impossibility for a prostitute to work independently.

The regimen of the pimps is characterized alternately by extremes of affection and brutality. Although beatings and other forms of physical abuse and emotional degradation and humiliation were common, many girls stated that they loved their pimps and that their pimps loved them.

Few of the prostitutes thought of their pimps as pimps or referred to them in this manner. Rather, they described their pimps as boyfriends, lovers or fiancés, and by so doing, they refused to admit to themselves that they were in fact working for pimps. The girls thought of pimps as men who forced prosti-

tutes to work for them when they were sick, who took all of their money from them and who beat them regularly. Girls who voluntarily gave their earnings to their pimps, who were allowed to recuperate when they were ill, and who were only beaten occasionally were thereby able to rationalize that they were not working for real pimps, but that they were different from other prostitutes because their "boyfriends" loved them, and were not merely interested in their earnings. By refusing to admit to themselves that they worked for pimps, the girls were able to rationalize that they were not like other girls who worked on the streets who were "sluts" or "whores".

In contrast, the attitude evinced by the pimps towards the girls working for them frequently appeared to be one of unbridled contempt. The prostitute was regarded and treated as stupid, weak and a natural slave to her pimp. One girl stated that her pimp often told her that "Man is the ruler, woman the ruled". This attitude of contempt was openly communicated to the prostitutes and was inculcated by them, reinforcing their poor estimation of themselves. A few prostitutes who were interviewed in the presence of their pimps made no objection to insulting interjections made by the pimps. By cultivating the young prostitute's feelings of worthlessness, stupidity and inability to accomplish anything for herself, the pimp enhanced the girl's vulnerability. The girl was made to feel that she needed "her man" because she was incapable of taking care of herself. She also came to see herself as lucky to have her pimp, even though he may have abused her, because no one else would bother with someone as worthless as herself.

Generally, a prostitute turned over all or most of her earnings to her pimp. Failure to render an accurate account of the evening's income was usually a transgression of sufficient gravity to warrant a severe beating. Often pimps set quotas for their girls. A prostitute who was unable to do sufficient business to meet the quota risked violence at the hands of her pimp. The Committee's researchers found that most street prostitutes seldom actively propositioned prospective clients except at the end of a working night on which they had yet to fulfill their quotas; only then were they desperate enough in order to find tricks that they risked creating a nuisance and drawing police attention to themselves.

After the prostitute had turned her earnings over to her pimp, it was usual for the pimp to return a small sum of money to her to be spent on food, cigarettes, prophylactics or clothes. Considering the earning potential of a young prostitute who worked the street on a regular basis, it is evident that a pimp was able to reap a substantial income by living on the avails of his girl's professional activities. However, few pimps appeared to be wealthy. Instead, many ran through their girls' incomes by gambling, buying drugs and spending impulsively on luxury items. The money obtained was seldom used or invested for the benefit of the young prostitutes who took the risks to earn it.

The Committee's research indicates that females became far more locked into the life of street prostitution than males who worked on the street, and

that this difference was largely due to the role played by pimps. While a male prostitute's career typically ended by the time he reached his early twenties (i.e., by the time he lost his youthful appearance and ceased to appeal to his clientele), a number of female street prostitutes were encountered in the course of the survey who were in their twenties, thirties and even their forties. As these women became older and less capable of competing for tricks with juvenile prostitutes, they were forced by economic necessity to move into seedier, more dangerous streets, away from the areas where the younger girls prostituted themselves, and to charge lower prices for their services. The inability of these women to break away from a lifestyle which, as time passed, had become less exciting and progressively more destructive, is attributable in part to their continued dependency upon their pimps.

The Committee found that male and female juvenile prostitutes tended to have somewhat different working schedules. It was observed, for instance, that a different group of males would be working on the street from one week to the next, while many of the same girls could be found working in their usual locations over fairly extended periods of time. The explanation for this difference appears to be that male prostitutes were independent, and tended to get off the street or to get temporary jobs whenever they became disenchanted with selling their sexual services. The females, in contrast, were bound to the street by their pimps, their need to meet quotas and the feelings of love, fear, dependency and helplessness that their pimps had systematically instilled in them. The Committee's research indicates that while most young females who engaged in prostitution had initially found their way onto the street by themselves, it was the pimps who kept them there.

These relationships, however, between particular prostitutes and pimps were not always durable. Many of the girls had been involved with more than one pimp. The process of going from one pimp to another may be likened to that of finding a new boyfriend for ordinary adolescent girls. In some instances, a girl may have arranged to leave her pimp by paying him a sum of money. A girl who wished to leave her pimp was likely to have little difficulty in slipping away during her work hours, since most female prostitutes were not closely scrutinized by their pimps while they worked on the street. For most female prostitutes, the act of leaving a pimp posed less of a problem than becoming psychologically prepared to leave. Many pimps regularly threatened their girls with terrible punishments if they attempted to run away. A girl may have feared that if she left her pimp, he would follow her, find her, and subject her to brutal punishment before bringing her back to work for him. For most girls, returning home was not a viable option either because of the prospect of parental rejection or because they had originally started to work on the street due to conditions that they had felt were intolerable at home. In the absence of a safe place to run to, many girls who might otherwise have left their pimps felt constrained to continue working for them.

A number of the young female prostitutes had become pregnant. At the urgings of their pimps, most of them had continued to work on the streets

almost until they came to term (or, to use street terminology, until they "drop the kid"). Prostitutes who were pregnant insisted that their pimps were the fathers, even though they often had no way of knowing this to be the case, since many of them, when working, did not use any form of contraception with any consistency. A number of pregnant girls stated that they intended to retire from prostitution as soon as their babies were born. These girls anticipated that they and their babies would then be cared for by their pimps.

Some of the young female prostitutes had been drawn into criminal activities through their association with pimps. Usually, the involvement of the girl in the given offence was subsidiary to that of the pimp, as for example, where a prostitute had acted as a lookout while her pimp had conducted a drug deal. Typically, the pimp was the sole beneficiary of these unlawful transactions. The girl either was given no share in the proceeds of the offence or merely received some token remuneration, even though she had placed herself at risk of criminal sanction. Refusal to assist the pimp would undoubtedly result in beatings or some more severe form of punishment.

**In the Committee's judgment, the relationship between young prostitutes and pimps encompasses one of the most severe forms of the abuse of children and youths, sexual or otherwise, that currently occurs in Canadian society. The relationship is based on two forms of ruthless exploitation: psychological and economic. The pimp exploits and cultivates the prostitute's vulnerabilities—her low self-esteem, her feelings of helplessness, her loneliness on the street and her need for love and protection. These weaknesses are the fetters with which the pimp binds the girl to him and keeps her on the street. Economically, pimps exploit prostitutes by drawing them into a form of virtual slave labour, or at least into a relationship in which one party, the pimp, provides a service whose value is vastly outweighed by the amount which the other party, the prostitute, is required to pay for it. The cost to the prostitute of working for a pimp goes far beyond the earnings that she gives him; it amounts to the girl's forfeiture of her future. Opportunities to obtain a better education, to become free of drug and alcohol addiction, to sort out emotional problems, to return to a normal lifestyle and to enter into healthy, caring relationships, are seriously jeopardized or permanently destroyed. The relationship between juvenile prostitutes and pimps is parasitic and life-destroying. In the Committee's judgment, it must be viewed as a problem of the utmost gravity. It must be stopped.**

## Profile of Pimps

Of the 145 female juvenile prostitutes from whom information was obtained, a small number was willing to admit that they were currently working for pimps, more were prepared to describe pimps for whom they had previously worked, and over three in four were well informed about pimps and the nature of the working arrangements between them and the prostitutes whom they controlled.

Female Juvenile Prostitutes' Relations with Pimps	Females	
	Number (n = 145)	Non-Accum. %
Currently working for a pimp	15	10.3
Previously worked for pimp	55	37.9
Knowledge of working arrangements between pimps and prostitutes	113	77.9

Only about one in 10 girls was prepared to admit that she was working for a pimp when the survey was conducted. When asked if they had ever worked for a pimp, over a third (37.9 per cent) were willing to report that they had, and of this group of 55 girls, 52 immediately answered this question while an additional three girls subsequently provided descriptions of pimps for whom they had previously worked.

On the basis of its contacts with juvenile prostitutes, the Committee considers that the reported prevalence of pimping sharply under-represents the true extent to which the lives of these girls are controlled by pimps. Many of these girls were afraid of their pimps; some had been brutally beaten by them. Except for young girls who are just starting to engage in "the life" on the street by themselves, the Committee believes that, of those who have engaged in prostitution for even a short period, a more accurate estimate of the prevalence of pimping is that between half and three-quarters of female juvenile prostitutes were being exploited by this means.

Of the girls who were willing to admit that they had worked for a pimp, two-thirds (63.5 per cent) had worked for one pimp, about one in six (15.4 per cent) had worked for two pimps, and about one in seven (13.5 per cent) had worked for three pimps. Three girls said that they had been employed by four pimps, while one claimed that at different times she had worked for eight pimps.

The average age of the pimps was 24.7 years. About one in seven (14.8 per cent) was 20 years-old or younger and about an equal proportion was age 30 or older.

The majority of the pimps (70.9 per cent) were single, while two were married, one was separated, four were divorced, one was living in a common-law arrangement and two were living with someone. The marital status of six was unknown. In describing the occupations of the pimps, four girls said that their pimps were unemployed, seven reported that the pimp had some sort of service job, five said that he was a blue collar worker or manual labourer, one noted that the pimp was a hustler himself, and 33 (60.0 per cent) stated that the man with whom they worked was a full-time pimp. Information was not given concerning the employment status of five pimps.

Age of Pimp	Number	Per Cent
16	1	1.8
17	1	1.8
19	1	1.8
20	5	9.1
21	4	7.3
22	3	5.5
23	7	12.7
24	3	5.5
25	10	18.2
26	3	5.5
27	5	9.1
28	4	7.3
30	4	7.3
32	1	1.8
35	1	1.8
37	1	1.8
Not reported	1	1.8
<b>TOTAL</b>	<b>55</b>	<b>100.1*</b>

\*Rounding error

Information was only reported about the level of education of three in five pimps (61.8 per cent). Of those for whom this information was available, about two in five (38.2 per cent) either had had some primary grade schooling or had reached the junior high school level, less than a third (29.4 per cent) had attended but not completed high school, about a quarter (26.5 per cent) had finished high school, and two had had some post-secondary education (5.9 per cent). These incomplete findings generally accord those concerning the pimps' employment status. Most of the pimps were men in their mid-twenties, were poorly educated, and few had held full-time conventional types of employment. Only one in nine (10.9 per cent) was reported to have been working at a full-time job (other than pimping) and about one in five (21.8 per cent) had some form of part-time work.

Over two in three of the pimps (67.3 per cent) were living mainly or completely on the avails of prostitution. The girls' descriptions of these men who were then or had previously controlled their lives reveal a wide range of emotional reactions with which they viewed them. Despite some of their positive comments about their pimps, as the findings presented later in this chapter clearly show, many of these men were violent and vicious individuals who physically coerced the girls whose lives they dominated.



- "Streetwise, charming, a good lover."
- "Good-looking, good in bed, sensitive, a sweet talker."
- "He was kind, yet cold and egotistical."
- "He is strong, tough and cute."
- "He is tall, dark and handsome and he loves me."
- "Nice guy."
- "Mentally lazy, but decent, not abusive."
- "He expects me to be true to him."
- "Handsome, strong, vicious."
- "Affectionate, fun to be with, sweet, good-looking."
- "Fair, a hard worker. He bosses me somewhat."
- "A good-looking, gentle, handsome man who is generous with others and is always laughing."
- "An average guy."
- "A good-looking biker; low-key, but I wouldn't want to anger him."
- "Attractive, strong-looking and strong-willed."
- "Fast-talking, funny; he talks very softly."
- "Good-looking, basically kind to me. He had kind eyes but a cold face. I never knew his feelings. I saw him throw other girls around, but never me."
- "An asshole."
- "Ugly and sick. He should be shot."
- "Had a bad temper, drank too much and did too many drugs."
- "A bastard. He enjoyed hurting people."
- "A prick, a dope addict. He thought only of money and drugs."
- "Forceful; he beat me like an animal."
- "Very dominant. He has to have his own way, which I usually give in to."
- "Schizophrenic, violent. He has an extensive criminal record."

## Initial Contacts

Twenty-four girls (43.6 per cent) stated that they had first met their current or previous pimp by being approached by him. Another five girls (9.1 per cent) said that they had approached the pimp. As noted previously, some young prostitutes may seek to work for pimps because it is widely believed by girls working on the street that they need a man to protect and look after them. About half of the girls (47.3 per cent) were first introduced to their pimps by

other persons, including a relative of the pimp, a neighbour, a friend, other prostitutes, another pimp, a sister and an acquaintance. One girl said that she had first met her pimp when both had been staying in the same group home. Another girl stated that she had applied for a job in a bar advertised in a newspaper, only to discover that the advertisement had been placed by a ring of pimps.

Of the 55 female juvenile prostitutes who were willing to discuss their current or previous pimps, 43 (78.2 per cent) said that they had been strongly attracted to the pimp when they had first met him. Their reasons included:

- He befriended the girl.
- He offered the girl a place to stay.
- He offered the girl clothes or meals.
- The girl was physically or sexually attracted to him.
- He was a nice guy.
- He was a very strong person upon whom the girl felt she could depend and with whom she believed she could feel secure.
- There was no one else to turn to.
- He was "a big name" on the street and the girl felt she could use him.
- "He was taboo, black, and I heard they love well".
- He promised the girl drugs.
- "He said he needed me".

Fourteen girls (25.5 per cent) stated that their pimps had abused, threatened or beaten them soon after their first meeting. The details of these incidents are:

- The pimp threatened to break girl's arm.
- The pimp grabbed the girl and frightened her.
- The girl was drugged, gang raped and was told afterwards that she had been sold.
- The pimp told the girl that she was pretty and if she didn't want her face smashed in, she had better work for him.
- The pimp told the girl that if she didn't work for him, he would make sure that she never worked again.
- The pimp struck girl.
- The pimp transacted a drug deal with the girl and then threatened her with a gun.
- The pimp threatened to send other prostitutes out against her.

Twenty-nine girls (52.7 per cent) stated that after their initial contacts with these men, the pimps had promptly put them to work on the street. At this time, 19 girls (34.5 per cent) had moved in with the pimp, while in three

instances the pimp had moved in with the girl. When they were interviewed, 11 girls said that they were living with their pimps.

When they were asked why they worked for pimps, the girls' replies reveal a complex mixture of emotions involving love and fear. The reasons most frequently cited (multiple replies were given) were that: the girl loved the pimp (43.6 per cent); the pimp loved her (25.5 per cent); he beat or threatened to beat her (47.3 per cent); and he had threatened or attempted to kill her (20.0 per cent). The other reasons given by these girls included:

- The pimp needed the money.
- The pimp was unable to get a job.
- The pimp was in the process of getting a job.
- The pimp was coming into money eventually and the girl believed he would share it with her.
- The girl and her pimp were engaged.
- The girl and her pimp were married.
- The girl was pregnant with the pimp's baby.
- To pay back money that the pimp had lent the girl.
- "He treated me well; he promised to travel with me."
- To avoid being harassed by other pimps.
- "He protected me."
- "He gets me drugs."
- "I needed someone to understand me."
- "He provided protection from other prostitutes."
- The girl was being chased by a motorcycle gang and felt that the pimp could offer her protection.
- The pimp occasionally arranged tricks for the girl.
- "I was doing it for 'us'."
- The pimp threatened to tell the girl's parents that she was a prostitute.

## Living on the Avails of Prostitution

Despite their firm control of the girls' lives, few pimps were actively involved in directly procuring clients for the young prostitutes who worked for them. Only 10 girls said that their pimps had ever solicited clients for them. Sixteen girls stated that their pimps acted as bodyguards for them and 11 said that their pimps met them for coffee breaks. Ten girls reported that their pimps only met them to pick up money and 19 girls said that their pimps stayed away from the areas where they worked. One girl noted that her pimp hired "recruiters" to observe his girls on the street and report back to him; four girls stated that, while working, they identified themselves to their customers by mentioning their pimps' names, in order to indicate for whom they were working.

The daily quotas set by the pimps for their girls' earnings are listed in Table 46.3. As noted in Chapter 45, *Working on the Street*, the amount of time spent by girls working as prostitutes on the street varied considerably. The information obtained concerning the quotas set by pimps given by 32 girls indicates that on weekdays they were expected to earn an average of about \$225 and on weekends about \$256. When the number of girls who had quotas established by pimps is subtracted from all female juvenile prostitutes who reported their average daily gross earnings, the former potentially would have averaged \$225 on weekdays while the latter (a significant proportion of whom may also have worked for pimps) averaged about \$212. An almost equal proportion in each group (female juvenile prostitutes having quotas set by pimps, 59.4 per cent; other female juvenile prostitutes, 58.4 per cent) would have earned less than the daily average for all female juvenile prostitutes of \$215.49.

**Table 46.3**  
**Earnings' Quotas Set for Female Juvenile Prostitutes**  
**by Their Pimps**

Earnings' Quotas Set by Pimps for Female Juvenile Prostitutes	Weekdays		Weekends	
	Number	Per Cent	Number	Per Cent
100.00	8	25.0	6	18.8
150.00	3	9.4	3	9.4
200.00	8	25.0	6	18.8
250.00	4	12.5	4	12.5
300.00	5	15.6	5	15.6
350.00	—	—	1	3.1
400.00	2	6.3	4	12.5
500.00	1	3.1	2	6.3
550.00	1	3.1	1	3.1
<b>TOTAL</b>	<b>32</b>	<b>100.0</b>	<b>32</b>	<b>100.1*</b>

*National Juvenile Prostitution Survey.* Of the 55 female juvenile prostitutes who were working or had worked for pimps, 32 provided information concerning earnings' quotas that had been established for them.

\*Rounding error

An indication of the potential amount of money that a pimp may reap from a young prostitute can be estimated by considering a hypothetical case in which a girl worked five days a week (three weekdays, Saturday and Sunday) for 45 weeks each year. On the basis of the average quotas set by the pimps, the girl's annual earnings would be about \$53,578.

Of the 55 girls who were working for a pimp or had worked for one in the past, 40 (72.7 per cent) stated that they turned over all of their earnings to

these men. Two girls said that they turned over three-quarters of their earnings, two said they gave up 70 per cent, and eight said that they gave their pimps half of the money that they earned. One girl stated that her pimp took none of her earnings.

**Table 46.4**  
**Amount of Money Given to Female Juvenile Prostitutes**  
**on a Daily Basis by Their Pimps**

Amount of Money Given by Pimps to Female Juvenile Prostitutes (\$)	Female Juvenile Prostitutes	
	Number	Per Cent
0	9	16.4
1	1	1.8
2	1	1.8
5	7	12.7
10	4	7.3
20	10	18.2
25	5	9.1
30	2	3.6
35	1	1.8
40	1	1.8
45	1	1.8
50	2	3.6
75	1	1.8
80	1	1.8
100 and over	4	7.3
Not reported	5	9.1
<b>TOTAL</b>	<b>55</b>	<b>99.9*</b>

*National Juvenile Prostitution Survey.*

\*Rounding error

There is no doubt that pimping may be a highly lucrative line of work for these men who were typically poorly educated and who had had little conventional work experience. On average, the pimps paid back to the young prostitutes \$33.76 each day. If the case of the hypothetical female juvenile prostitute who worked five days a week for 45 weeks is again taken as an example, then on an annual basis, she would have received about \$7596, or 14.2 per cent, of what she had earned by selling her sexual services. The pimp would have retained \$45,982, and this total can be multiplied by the number of young females whom he controlled in his "stable".

The uses to which these females put the money given them by their pimps were generally quite modest. The items that they most frequently claimed they used this money to purchase were coffee, tea or soft drinks, food, condoms, cigarettes and clothes. By contrast, the young girls reported that their pimps spent the money that they turned over to them on drugs, liquor, gambling, jewellery, cars, household goods, and clothes, either for themselves or for their girls.

About two-thirds of the 55 girls (65.5 per cent) said that they met their pimps once each working evening in order to hand over their earnings, although a few met their pimps twice or several times each evening for this purpose. These meetings occurred in a variety of locations including downtown streets, the pimp's home, bars, coffee or donut shops, and at subway stops. Two girls said that their pimps collected their earnings after they had turned every second trick, while one said her pimp met her every half hour, and another stated that she telephoned her pimp to pick up the money. One girl said that she simply supported her pimp and paid his bills, rather than meeting him on a regular basis to give him her earnings.

## Pimping and Violence

When they were asked if they had ever been beaten by their pimps, 44 girls said that they had, 10 had not been beaten and one said that her pimp had threatened to beat her. Thirteen girls said that their pimps had beaten them regularly, 21 stated that they were beaten by their pimps on an occasional basis, four said they were beaten only once and two stated that their pimps only beat them when they deserved it.

Despite the fact that four in five (80.0 per cent) of the 55 girls who had worked with pimps had been beaten by them, about half of these young prostitutes (47.3 per cent) said that they were proud to be working with these individuals. About an equal proportion (45.5 per cent) held strong negative views about their pimps and four girls did not reply to this question.

The girls who were proud of their pimps explained that their feelings stemmed from the "kindness", understanding and "psychological support" that their pimps had given them. Speaking of the time when she had first become involved with her pimp, one girl said, "At that time, he made me feel what I was doing was important". Another stated, "He treated me special, like a princess, until I threatened to leave him". One girl said she was proud of her pimp because he was physically attractive. Others took pride in the fact that their pimps were well known and respected on the street. Two girls stated that they were afraid of their pimps, while another simply stated that "pimps are all lowlife". One girl's comments captured the essence of the fear and the sense of dependency felt by many of these young prostitutes. "It's not a matter of being proud; you have to work for a man to be able to work on the street."

**Table 46.5**  
**Reasons Why Female Juvenile Prostitutes**  
**had been Beaten by Their Pimps**

Reasons Why Female Juvenile Prostitutes had been Beaten by Pimps	Female Juvenile Prostitutes	
	Number (n=55)	Non- Accum. %
Holding back money	11	20.0
Attempting to leave pimp	12	21.8
Refusing to work	7	12.7
Talking to police	3	5.4
Pimp felt like beating the girl	14	25.5
Failure to meet quota	5	9.1
Girl had been disrespectful	1	1.8
Jealousy	4	7.3
Pimp was drunk	2	
Argument over drugs	1	1.8
Girl had said something pimp did not like	3	3.6
Girl had listened to gossip about pimp	1	1.8
General disobedience	1	1.8
Because group of pimps were fighting over the girl as property	1	1.8
Girl had lied to pimp	1	1.8
Girl had talked about pimp in public	1	1.8

*National Juvenile Prostitution Survey.*

The young girls were asked two questions concerning the worst situation that they knew of involving a prostitute and her pimp. In the first question, the girls were asked to describe the worst situation in which they had ever been involved with their pimps. The second question asked the girls to describe the worst incident of which they had ever heard involving a prostitute and her pimp.

#### **Worst Personal Experiences with Pimps**

- The girl was "slapped around" for minor disobedience.
- The girl's face was severely beaten, resulting in bruising and broken bones.
- The girl's head was "split open" with a belt buckle; the girl was then beaten with a coat hanger heated on a stove for not coming when her pimp called her.

- The girl was beaten in a public place.
- The pimp jumped on the girl's face, breaking her nose.
- The pimp attempted to run the girl down in his car.
- The pimp attempted to strangle the girl; she lost consciousness.
- The pimp beat the girl with a baseball bat and forced her out of house in the middle of the night while she was only wearing pajamas.
- The girl was beaten by four male friends of the pimp who burned her breasts, choked her and placed a gun at her head.
- The pimp heated a wire clothes hanger on a stove, beat the girl with it and burned the soles of her feet.
- The pimp raped the girl.
- The girl stabbed pimp in the back in self-defence.
- The pimp got the girl's friend pregnant.
- The pimp threw the girl and her belongings out in the rain.
- The pimp threw the girl against a wall.
- The pimp threw knives at the girl, forced her to swallow his urine and defecated in her mouth.
- The pimp punched the girl in the mouth.
- The pimp pulled a knife and threatened to cut the girl's throat.
- When the girl lost \$400, her pimp beat her for two hours with his fists and boots while she sat in a chair. The pimp then slashed the girl's wrists. The girl was hospitalized for between three and four months.

### Worst Known Incidents Involving Pimps

A total of 113 of the 145 female juvenile prostitutes provided descriptions concerning the worst incident about which they had heard involving a prostitute and her pimp. Their replies included:

- The prostitute was murdered.
- The prostitute was beaten to death.
- The prostitute was shot to death.
- The prostitute was stabbed to death.
- The prostitute was killed by overdose of a drug forcibly injected.
- The prostitute was beaten with a heated clothes hanger.
- The prostitute was severely beaten by her pimp, resulting in broken bones; the girl was hospitalized.
- The prostitute received a beating from her pimp which resulted in a bruised face and black eyes.
- The prostitute was badly slashed with a knife by her pimp.
- The prostitute was beaten with a baseball bat by her pimp.
- The prostitute was beaten by her pimp in a public place.



- The pimp made the prostitute stand naked on a bridge during the winter.
- The prostitute had foreign objects forced into her vagina.
- The pimp maintained prostitute's drug addiction in order to keep her working.
- The pimp "hit up" (i.e., injected) the prostitute with battery acid.
- The prostitute was blinded after pimp threw gasoline on her and set her on fire.
- The pimp cut the prostitute's baby "out of her stomach".
- The pimp raped and stabbed the prostitute.
- The pimp forced a hot curling iron into the prostitute's vagina.
- The pimp, sitting in car, held the prostitute's arm as he drove around a parking lot, dragging her over the concrete pavement.
- The prostitute was beaten with a belt by her pimp.
- The pimp beat the prostitute with a gun and "split open" her head.
- The pimp pushed the prostitute in front of an oncoming subway train.
- The pimp beat the prostitute "black and blue" and chopped off her hair with a machete.
- The pimp gave the prostitute a beating and dragged her around by the hair; this resulted in a broken nose and collar bone.
- The pimp inflicted cigarette burns on the prostitute's face.
- The pimp locked the prostitute in a rat-infested cellar.
- The pimp held the prostitute's head under water until she lost consciousness.
- The pimp gave the prostitute a beating that blinded her in one eye.

The multiple reasons cited by the female juvenile prostitutes concerning why they had been assaulted, and in some instances, severely injured by their pimps indicate the nature of the vicious coercion that is inherent in the pimp — prostitute relationship. The brutality of pimps, often calculated, sometimes irrational and sadistic, emerges from the finding that some pimps had threatened to beat their girls for holding back money, attempting to leave them, or failing to meet quotas, while others had become violent simply because they felt like beating the girls. The pimps' domination of the girls who worked for them is revealed by the fact that in some instances general disobedience, disrespect or saying something that the pimp did not like constituted sufficient provocation to warrant threats or actual beatings.

## Strengthening Criminal Sanctions against Pimps

**The role played by pimps in introducing and coercing young females into a life of prostitution, and of locking them into this life by means of drugs, violence, and threats of violence, is apparent from the Committee's research. In the Committee's opinion, the parasitic relationship between pimps and the**

**young prostitutes in their employ is an intolerable form of child abuse. The pimp cultivates and exploits the prostitute's vulnerabilities — her low self-esteem, her loneliness on the street and her need for love and protection. The oppressive social environment in which young prostitutes are compelled to work, and which the pimp actively engenders, robs these young persons of their human dignity, and of opportunities for pursuing a more healthful and constructive way of life. In the Committee's view, the response of the criminal law to this egregious exploitation of the young must be certain and severe.**

The Committee's research has unearthed a number of social facts about juvenile prostitution which can serve as a basis for strengthening the protection afforded to young persons by the offences of "procuring" and "living on the avails of prostitution" in section 195 of the *Criminal Code*. Although some of the procuring offences in section 195 apply only to the procuring of a person to have illicit sexual intercourse with another person, the Committee's research reveals that the act of sexual intercourse is only one of many sexual acts which young prostitutes are procured to perform. The Committee recommends that section 195 of the *Criminal Code* be amended accordingly.

Further, in light of the Committee's finding that some pimps have only one prostitute working for them (and, in many cases, living with them), the Committee recommends that the presumption in section 195(2) be widened to provide that evidence that a person lives with or is habitually in the company of a prostitute or prostitutes is, in the absence of evidence to the contrary, proof that the person lives on the avails of prostitution. These reforms would materially strengthen the impact of the *Criminal Code* in this context and would better correspond to the modern realities of juvenile prostitution in Canada.

In the Committee's judgment, the limitation period for prosecution in section 195(4) of the *Criminal Code*, and the corroboration requirement relating to the offences of "procuring" in section 195(3) of the *Criminal Code*, are neither necessary nor appropriate in the modern context of juvenile prostitution. The Committee sees no reason for requiring a prosecution under section 195 to be commenced within one year after the time the offence is alleged to have been committed. Limitation periods for the prosecution of indictable offences are highly exceptional in Canadian criminal law: the importance of society's interest in deterring and punishing this blatant exploitation of young persons argues strongly against any procedural limitation of this kind. In reference to section 195(3), the Committee adheres to its general principle that the credibility of a young victim of sexual abuse should be a matter of weight to be decided by the trier of fact, not a matter of presumed unreliability.

With respect to the sentences that should be available against individuals who procure young persons to engage in sexual acts with another person, or who live on the avails of the prostitution of young persons, the Committee considers that deterrence and denunciation must be the paramount sentencing considerations. The cold-blooded nature of the pimp's conduct, and its often life destroying implications for the young prostitutes who do his bidding, should have a mandatory sentence of imprisonment. The Committee can conceive of

no factors which could possibly mitigate the severity of this form of exploitation of the young.

The conduct of the pimp towards young prostitutes is premeditated, persistent and often brutal; the consequences of this relationship for young prostitutes are invariably oppressive and dehumanizing. Parliament has seen fit to prescribe a sentence of life imprisonment, with a minimum sentence of seven years' imprisonment, for persons convicted of grave sexual offences. In the judgment of the Committee, it can scarcely be argued that the procurers of young prostitutes pose any less of a threat to the well-being of Canadian society, or that the importance of deterring and denouncing the sexual procurement of young persons is any less compelling. The Committee therefore recommends that a sentence of 14 years' imprisonment, with a minimum mandatory sentence of two years' imprisonment, be prescribed for persons convicted of procuring, or of living on the avails of the prostitution of, a person who is under 18 years of age.

**The Committee recommends:**

- 1. That the phrase "illicit sexual intercourse" in section 195(1)(a), section 195(1)(b), and section 195(1)(i) of the *Criminal Code* be amended to read, "illicit sexual intercourse or any other sexual act".**
- 2. That the phrase "habitually in the company of prostitutes" in section 195(2) of the *Criminal Code* be amended to read, "habitually in the company of a prostitute or prostitutes".**
- 3. That section 195(3) of the *Criminal Code* be repealed.**
- 4. That section 195(4) of the *Criminal Code* be repealed.**
- 5. That section 195(1) of the *Criminal Code* be amended to provide for a sentence of 14 years' imprisonment, with a minimum mandatory sentence of two years' imprisonment, for an accused who is convicted of procuring, or of living on the avails of the prostitution of, a person who is under 18 years of age.**

In its meetings with senior police officers and on the basis of its research findings, the Committee learned of the difficulties entailed in laying charges against the customers of young prostitutes and the investigation and charging of pimps with whom these young prostitutes may associate. In light of their other enforcement responsibilities, most Canadian police forces have insufficient manpower to assign officers to the lengthy task of assembling the evidence requisite for the laying of charges against pimps. While such investigations are demonstrably feasible, each may entail several months of police investigation.

For these undertakings to be successful, it is essential to have police officers who are both especially trained and experienced in regard to these investigations and who are given sufficient time to be able to undertake these assignments. In addition to the reform of the prostitution-related offences, the

Committee believes that enforcement services must be considerably strengthened in order to permit them to succeed in laying charges against pimps who exploit juvenile prostitutes.

**The Committee recommends that the Office of the Commissioner in conjunction with the Department of Justice and the Department of the Solicitor General establish with the provinces a special federal-provincial cost-sharing program to provide specific support to municipalities enabling them to establish special police force units, having primary responsibilities for:**

- 1. Investigation and laying of charges against the clients of young prostitutes.**
- 2. Investigation and charging of pimps working with young prostitutes.**

## Summary

1. The vast majority of tricks regularly using the services of juvenile prostitutes are males; only 3.1 per cent had a predominantly female clientele. Half of the 229 juvenile prostitutes (50.2 per cent) had been approached for their services on at least one occasion by a woman.
2. Two-fifths of the males and less than a third of the females reported that their most recent trick had approached them on foot, while half of the boys and two-thirds of the girls said that their most recent customer had been in a vehicle.
3. The majority of the most recent tricks were estimated to be between the ages of 35 and 49.
4. About two-thirds of the most recent tricks of girls and about a third of the most recent tricks of boys were reported to have been married.
5. Proportionately more of the girls' most recent tricks were blue collar or service workers while a higher proportion of the males' most recent tricks were professionals, white collar workers or in management positions.
6. Most of the recent tricks of juvenile prostitutes were reported to have been friendly and talkative. In about one in 26 of these encounters, the juvenile prostitute had been either verbally or physically abused.
7. Over two in five of the most recent tricks of male juvenile prostitutes and a third of those of female juvenile prostitutes were reported to have been using alcohol, drugs or both types of substances prior to or during the transaction.
8. The juvenile prostitutes' descriptions of their customers suggest that those of girls typically had sexually unfulfilling home lives while those of boys were gay men who were "in the closet". Most of the youths regarded their customers either with hostility or as pathetic, contemptible and disgusting persons.

9. Over a third of the female juvenile prostitutes admitted that they were working or had previously worked with a pimp. Two-thirds of this group had worked for one pimp while the remainder had worked for two or more pimps.
10. The average age of the pimps was 24.7 years, about three in four were single, most were poorly educated and few had held full-time or part-time conventional jobs.
11. About two in five girls had initially been approached by the pimp while about half were first introduced to their pimps by other persons.
12. Following these initial contacts, a quarter of the girls had been abused, threatened or beaten by the pimps. Over half of the girls had immediately been sent to work on the street.
13. Only about one in five pimps was reported to have ever directly solicited clients for the prostitutes whom they controlled.
14. On average, based on reports given by 32 prostitutes, the daily quotas established by pimps for their girls' earnings were \$225 for weekdays and \$256 for weekends.
15. On the basis of the average quotas established, and if a girl worked five days each week for 45 weeks during the year, her earnings would be about \$53,578. Of this amount, she was repaid by the pimp, on average, about a seventh of what she had earned.
16. Four in five female juvenile prostitutes who had worked for pimps said that they had been beaten, in some instances severely, by these men.