

2014-2016

# Action Plan on Prostitution and Human Trafficking for Sexual Exploitation



## **Message from the Director**



#### Greetings,

It is my great pleasure to present the SPVM's first Action Plan on Prostitution and Human Trafficking for Sexual Exploitation, the result of extensive work undertaken jointly by our partners and staff.

This Action Plan attests to our desire to take strategic action upstream, with our partners, by sharing information, knowledge and expertise, in order to tackle the major issues of prostitution and human trafficking for sexual exploitation in Montréal.

As you will see as you read these pages, the SPVM has set out a vision regarding prostitution that reflects the organizational transformation we began two years ago.

The SPVM is committed to a process of improving our service offer to Montrealers in order to respond to current and future changes in the city. This process is rooted in the commitment of each member of the SPVM staff to be open to new ways of working and serving the community.

It is based on the premise that the work of all the units – from training to the oversight of policing practices and including investigations and community relations – must be solidly geared toward a citizen approach.

It is in part because of these considerations that the SPVM has developed this first Action Plan on Prostitution and Human Trafficking for Sexual Exploitation.

Read on!

Mars Barant



Introduction	5 7
1. Sexual exploitation of minors	8
2. Human trafficking for sexual exploitation and coercive procuring	9
2.1. Human trafficking for sexual exploitation	9
2.2. Procuring	10
2.2.1. Difference between human trafficking and procuring	10
2.2.2. Violent procurers	11
2.2.3. Erotic massage parlours and other places that offer sexual services	11
3. Coexistence in sensitive neighbourhoods	11
3.1. Offence of solicitation	11
Challenges, objectives and actions	12
Challenge 1: Improve organizational expertise	14
Challenge 2: Enhance policing skills	16
Challenge 3: Increase prevention and awareness	17
Challenge 4: Establish, maintain and improve the interface and information exchange among partners .	18
Challenge 5: Broaden our knowledge	19
Conclusion	20
Bibliography	

## Introduction

Prostitution and human trafficking for sexual exploitation are far from being new problems. In the last thirty years, however, we have observed an explosion of this phenomenon worldwide, which can be attributed to factors such as globalization, political upheaval, wars, the opening of borders, the increasing wealth gap, the trivialization of sexuality and the lightning-speed development of new technologies. Like illegal drug trafficking and the illegal arms trade, human trafficking for sexual exploitation is a serious concern for the international community: all countries are grappling with this reality and many are looking for solutions to the multiple challenges it provokes.

The same is true in Canada where, for some years now, support groups and law enforcement organizations seem determined to place human trafficking for sexual exploitation front and centre and step up their actions against it. As new measures are gradually put into place, the Government of Canada has published a *National Action Plan to Combat Human Trafficking*, which focuses efforts on four priority areas: prevention of human traffickers, and partnerships, both national and international.

For its part, Québec has developed a government action plan on gender equality, first launched in 2006 and then extended for the period from 2011 to 2015. The plan, called *Pour que l'égalité de droit devienne une égalité de fait*, brings together 26 government departments and bodies responsible for structuring initiatives related to gender equality in Québec, as well as 9 supporting departments and bodies.

One of the guidelines in the action plan – the one that interests us most in this document – deals with respect for women's integrity and safety in all living environments, including through the prevention of sexual exploitation, the trafficking of women and

other emerging violence problems. To achieve this objective, the interdepartmental committee proposes to undertake public awareness actions and to offer help to women who want to exit prostitution.

As part of our reflection, the Service de police de la Ville de Montréal (SPVM) examined the situation in our territory. Montréal is known as a hub in the sex industry: due to its proximity to the United States and the many sports and cultural events held here, Montréal is a choice destination in eastern Canada.

Currently, it appears that the industry is in constant expansion here, although, in light of the nature of sex services, it is not possible to accurately calculate the number of places where these services are offered. We know, however, that the settings are varied (escort agencies, strip clubs, erotic massage parlours, the street, etc.) and that there are many forms of prostitution (independent prostitution, student prostitution, controlled by organized crime or pimps, and others). Furthermore, all the evidence suggests that the people who work as prostitutes – generally recruited locally – are largely women and teenage girls who are forced to work in the sex trade and gravely exploited by criminals acting as

procurers. Some belong to organized networks long-established in the prostitution market that are major suppliers of women for the sex industry (CISC, 2010). Their activities are often province-wide and sometimes extend to other parts of Canada, as the victims are moved from one city or province to another; this mobility allows the exploiters to occupy a larger territory, increase their notoriety and, often, escape the pressures exerted by law enforcement agencies.

In the last few years, we have witnessed a collective awakening to the severity of the consequences of sexual exploitation for the victims. It was in light of this that the SPVM, through the intermediary of the steering committee on violent crime and street gangs, decided to review its guidelines for prostitution and human trafficking for sexual exploitation. Several consultation activities were undertaken in close collaboration with a variety of partners, allowing us to identify the issues that constitute the basis of this Action Plan and that will be used to reorient frontline operations. The SPVM's Action Plan is built around five strategic objectives:

# **Objective**

- MAKE THE ORGANIZATIONAL STRUCTURE MORE EFFICIENT.
- 2 INCREASE THE PERSONNEL'S PRIMARY KNOWEDGE AND SKILLS FOR DETECTING SEXUAL EXPLOITATION SITUATIONS.
- 3. DEVELOP THE MEANS TO PROMOTE PREVENTION AND RAISE AWARENESS AMONG YOUTH IN SCHOOLS, FRONTLINE WORKERS AND THE GENERAL PUBLIC.
- 4 STRENGTHEN PARTNERSHIPS AND COOPERATION.
- 5. DEVELOP RESEARCH MECHANISMS TO BETTER DOCUMENT THE PHENOMENON OF PROSTITUTION AND HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION.

### The SPVM vision

If the SPVM wants to rise to the challenges of prostitution and human trafficking for sexual exploitation in Montréal, we must clearly further our efforts and expand our input. The vision, guidelines and strategic objectives in this plan reflect the SPVM's intervention philosophy: "Take action together, consistently, skillfully and strategically."

For this reason, this Action Plan encourages the sharing of information, knowledge and expertise, in a spirit of collaboration, and upholds the primary mission of the SPVM, which is to maintain public safety (SPVM, 2012). With this in mind, it seemed appropriate to define a vision specifically linked to the problem.

# SPVM's vision of prostitution and human trafficking for sexual exploitation

The SPVM is committed to preventing people from becoming victims of sexual exploitation and punishing the people who exploit them. We come to the assistance of victims and face the challenges raised by this phenomenon, by working in synergy with residents and our public, institutional and community partners.

There is clear consensus in the literature: everyone condemns the sexual exploitation of minors, the forced prostitution of adults and the violence done to them (Geadah, 2003). Moreover, not only is street prostitution the most disruptive form of prostitution in terms of coexistence in sensitive neighbourhoods, but it is also the most dangerous and the most stigmatized for the people who practise it (Dufour, 2005). For these reasons, the SPVM has defined three major action priorities as the focus for its interventions:

- 1 Sexual exploitation of minors
- 2 Human trafficking for sexual exploitation and coercive procuring
- 3 Coexistence in sensitive neighbourhoods

#### 1. SEXUAL EXPLOITATION OF MINORS<sup>1</sup>

The sexual exploitation of minors is any act of a sexual nature that involves minors, carried out by an adult, accompanied by a payment in money or in kind to the victim or to one or more third parties. The sexual exploitation of minors is a form of coercion and violence against children that is equivalent to forced labour and a form of modern slavery (ILO, 2013).

It is generally referred to as "child prostitution" and often takes place in the street or in establishments such as brothels, massage parlours, bars, hotels and restaurants. The sexual exploitation of minors refers to different types of activities (ILO, 2013) such as:

- > the trafficking of children and teens (girls and boys) for commercial sexual exploitation
- > child sex tourism
- > the production, promotion and distribution of child pornography
- > luring children online
- > the use of children in sex shows (public or private)

Finally, let us add that section 153.(1) of the *Criminal Code* defines the sexual exploitation of children and adolescents as follows:

Every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person, and who:

- (a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or
- (b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person.

In light of all this, it is clear that the sexual exploitation of minors is a priority for the governments of Canada and Québec. The same is true for the SPVM, which has always made this issue a priority.

#### 2. HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION AND COERCIVE PROCURING

Many different terms are used to describe the activities related to human trafficking for sexual exploitation, such as human trafficking, pimping, procuring, living off the avails of prostitution and so on. The differences between these terms is sometimes minor, which can easily lead to confusion, so it is important to explain them.

# 2.1. Prostitution and Human Trafficking for Sexual Exploitation

The concept of human trafficking was added to the Criminal Code in November 2005; section 279.01 (1) defines it as follows: "Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person under the age of eighteen years, or exercises control, direction or influence over the movements of a person under the age of eighteen years, for the purpose of exploiting them or facilitating their exploitation."

Human trafficking is often described as a form of modern slavery. Although there are several types of trafficking, sexual exploitation accounts for 79% of all recorded cases of trafficking in the world (UNODC, 2012); this includes everything related to the recruitment, transportation and transfer – within or outside of a country, by legal or illegal means – as well as the harbouring or reception of people,

mainly women and children, for the purpose of exploiting them sexually. Human trafficking for sexual exploitation does not necessarily entail displacement of the victims, however.

For a clear understanding of this offence, we can draw on the definition given by the *Criminal Code*, in section 279.04, which states that a person is exploiting another person if they cause them to work or offer their services by making them believe that refusing would threaten their safety or the safety of a person they know. Furthermore, the victim's consent to enter into a situation of sexual exploitation is not a determining factor for evaluating the notion of human trafficking under the *Criminal Code*. Even though consent may have initially been given, if the nature or the conditions of an agreement change and a person becomes exploited or controlled, the consent is no longer valid.

#### 2.2. Procuring

According to the classic definition, a procurer earns money from the prostitution of others. Procurers may be people (pimp, bar owner, spouse, brother, mother, friend, etc.), institutions (travel agencies, newspapers, hotels, marriage agencies) or criminal organizations that profit directly or indirectly from the earnings of prostitution (Poulin, 2004).

The concept of *third party* (Clamen, Bruckert & Nengeh Mensah, 2013) is also used to describe procuring:

"The term [third party] refers to an individual who supervises, controls or coordinates some of a sex worker's labour process (what they do, when and where) or labour practices (how they work) for direct or indirect financial compensation." This remuneration may be given to the third party by the sex worker or by another third party. A third party may be an owner, manager, receptionist, security guard, chauffeur, webmaster or photographer."

Procuring is an offence related to the sections of the law on prostitution. Section 212 of the *Criminal Code* defines different actions that may be considered procuring, for example:

- procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person
- inveigles or entices a person who is not a prostitute to a common bawdy-house for the purpose of illicit sexual intercourse or prostitution
- procures or attempts to procure a person to become a prostitute
- procures or attempts to procure a person to leave the usual place of abode of that person with intent that the person may become a frequenter of a common bawdy-house

- exercises control over the movements of a person in such manner as to show that he is aiding or compelling that person to engage in prostitution with any person or generally
- lives wholly or in part on the avails of prostitution of another person in a context of exploitation

# 2.2.1. Difference between human trafficking and procuring

Distinguishing between human trafficking for sexual exploitation and procuring is sometimes difficult. It is important to understand that victims of human trafficking for sexual exploitation are not only led to prostitute themselves – as happens with a procurer - but also forced to do so, by violence, threats or other means of coercion (RCMP, 2010a) to themselves or their families. At the same time, charges of procuring are often accompanied by other charges against the procurer, such as assault, threats, unlawful confinement and kidnapping. It is important to recall, however, that every case of sexual exploitation is unique, and that finding violence and threats in a procuring case is not always enough to prove there was human trafficking; in this case it is called coercive procuring.

#### 2.2.2. Violent procurers

An SPVM study (Charest, 2013) has shown that a small percentage of procurers is responsible for a large proportion of the assaults committed against prostitutes. This is why identifying and analyzing networks of especially violent procurers is an effective way for the SPVM to focus its law enforcement efforts.

# 2.2.3. Erotic massage parlours and other places that offer sexual services

We mentioned earlier that the victims of human trafficking for sexual exploitation can be found in erotic massage parlours and other places that offer sexual services. The concentration of these places in the island of Montréal is an increasing concern to all institutional and community players, as well as for the residents. To have a meaningful impact on this critical situation, our interventions – supported by the SPVM's vision – must take the following circumstances into account:

- > when minors may be involved
- > when there is reason to believe human trafficking for sexual exploitation is involved
- > when organized crime is involved
- > when the location is in a residential or school neighbourhood

The law enforcement measures are the same as those for the other related offences: the interventions target the owners and operators, not the people who are working as prostitutes.

#### 3. COHABITATION IN SENSI-TIVE NEIGHBOURHOODS

Cohabitation in sensitive neighbourhoods refers mainly to street prostitution. As this is the most visible form of prostitution, it is the one that most Canadian police services focus on. It is widely recognized that street prostitution leads to a variety of other problems, generally closely related to drug addiction and homelessness: disturbances in the community that can compromise the safety and tranquillity of some neighbourhoods, as well as various forms of unsociable behaviour (urban decay, syringes and condoms on the ground, etc.).

#### 3.1. Offence of solicitation

The offence of solicitation for the purpose of prostitution is described in section 213 of the *Criminal Code* as follows:

Everyone is guilty of an offence punishable on summary conviction who, in a public place or in any place open to public view, for the purpose of offering, providing or obtaining sexual services for consideration:

- a) stops or attempts to stop any motor vehicle;
- b) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person.
- c) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person.

# Challenges, objectives and actions

Based on the SPVM's three intervention priorities, we have identified five challenges to address in the next the take more effective and more efficient action in the face of the complexity of situations encountered during in defined in connection with each of these challenges.

# **Challenge 1**

**Improve organizational** 

## **Objective**

MAKE THE ORGANIZATIONAL STRUCTURE MORE EFFICIENT

#### **Actions**

- Rethink work organization and investigation priorities
- 2 Create a mixed metropolitan task force (MMTF)
- 3 Set up a phone line

# Challenge 2

**Enhance policing skills** 

### **Objective**

INCREASE THE PERSONNEL'S PRIMARY KNOWLEDGE AND SKILLS FOR DETECTING SEXUAL EXPLOITATION SITUATIONS

#### **Actions**

- Communicate the SPVM vision and intervention priorities
- Provide specific training to the SPVM personnel

# Challenge 4

Establish, maintain and improve the interface and information exchange among partners

## **Objective**

STRENGTHEN PARTNERSHIPS AND COOPERATION

#### **Actions**

- Create a mixed squad on prostitution and sexual exploitation
- 2 Develop an information sharing protocol
- Compile a directory of resources

- Expand and improve the mandate of the psychosocial emergency support team (ÉSUP)
- **6** Hire four joint action advisors
- 6 Create an integrated centre for victims of sexual exploitation in metropolitan Montréal (CIVES-MM)
- In every neighbourhood police station, appoint an officer to be responsible for sexual exploitation cases in that sector

Increase prevention and awareness

## **Objective**

DEVELOP THE MEANS TO PROMOTE
PREVENTION AND RAISE AWARENESS
AMONG YOUTH IN SCHOOLS, FRONTLINE
WORKERS AND THE GENERAL PUBLIC

#### **Actions**

- Take an inventory of all existing prevention tools
- 2 Approach the government authorities

# Challenge 5

Broaden our knowledge

## **Objective**

DEVELOP RESEARCH MECHANISMS
TO BETTER DOCUMENT THE PHENOMENON
OF PROSTITUTION AND HUMAN TRAFFICKING
FOR SEXUAL EXPLOITATION

#### **Actions**

- Assess the portrait and development of prostitution and sexual exploitation in Montréal
- Maintain a participatory presence on partner committees

Improve organizational expertise

### **Objective 1**

MAKE THE ORGANIZATIONAL STRUCTURE MORE EFFICIENT

Because the phenomenon of prostitution and human trafficking for sexual exploitation has changed, there is now a lack of efficiency and coordination within the very structure of the SPVM. In part, there are insufficient specialized resources to respond to the complex situations that arise from this type of crime. Furthermore, investigating the process is complicated and requires highly specialized investigators. Identifying actual or potential situations is also affected. Given the lack of resources and the gaps in the organizational structure, there is a high risk of a gradual reduction in the effectiveness of the SPVM's response, which is naturally a great cause for concern.

Moreover, the complexity and difficulty of the investigation process discourage many victims from cooperating and filing charges against their aggressors. The legal process itself is also known to be gruelling and exhausting for the victims and demanding for the investigators (because extensive proof is required). Overly long legal delays and the lack of support during the process are yet more factors that may lead victims to throw up their hands and withdraw their complaints.

To make the organizational structure more efficient, seven actions are proposed:

#### **Action 1.1**

Rethink work organization and investigation priorities by grouping shared expertise by type of crime: procuring, trafficking of adults and minors for sexual exploitation and online pornography.

#### **Action 1.2**

Create a mixed metropolitan task force (MMTF) of specialized investigators from the police services in the metropolitan region. The MMTF would be responsible for investigations involving human trafficking and procuring, whether or not they are related to organized crime. The MMTF would promote the exchange of information with its partners and the regional units of the SPVM.

#### **Action 1.3**

Set up a 24/7 phone line for victims of sexual exploitation or anyone else with information on the topic.

#### **Action 1.4**

Expand and improve the mandate of the psychosocial emergency support team (ÉSUP) so it can offer support to street prostitutes in crisis or distress.



#### **Action 1.5**

Create an integrated centre for victims of sexual exploitation in metropolitan Montréal (CIVES-MM) that can offer a service corridor to help people get out of sexual exploitation situations.

#### **Action 1.6**

Hire **four joint action advisors** – one per region – to create a safety net for victims where they can be accompanied in the process of leaving the milieu.

#### **Action 1.7**

In every neighbourhood police station, appoint an officer to be responsible for sexual exploitation cases in that sector who will be in communication with the other players – such as the regional joint action officer, the EMM team and the CIVES-MM. This officer will also have the responsibility to investigate runaways, in partnership with the youth centres.

**Enhance policing skills** 

### **Objective 2**

INCREASE THE PERSONNEL'S PRIMARY KNOWLEDGE AND SKILLS FOR DETECTING SEXUAL EXPLOITATION SITUATIONS

The consultations undertaken prior to this report carried out with members of the SPVM and partners - demonstrated that the police personnel lack primary knowledge and awareness about prostitution and human trafficking. In the field, the level of knowledge often varies from one officer to another. To enhance policing skills in this regard, a preliminary step would be to offer specialized training on the topic, using a variety of dissemination strategies: online training portal, presentations by experts, multiplying agents in the police stations. Furthermore, the SPVM's vision and priorities for this issue must be communicated to all SPVM personnel. Clear guidelines on how to intervene will be shared to make police interventions more efficient and to establish consistency in the intervention methods used with prostitutes. The intervention strategies for people involved in prostitution will also have to be reviewed, in order to detect, protect and support the victims. To meet this objective, two actions are proposed:

#### Action 2.1

Communicate to the personnel, at all levels, the SPVM's vision and intervention priorities.

#### **Action 2.2**

Provide specific training to the SPVM personnel, at all levels, in order to detect cases of sexual exploitation, to intervene effectively and to explain the services available to help people who need support or want to transition out of prostitution.

**Increase prevention and awareness** 

### **Objective 3**

DEVELOP THE MEANS TO PROMOTE PREVENTION AND RAISE AWARENESS AMONG YOUTH IN SCHOOLS, FRONTLINE WORKERS AND THE GENERAL PUBLIC

The trend toward the trivialization and normalization of prostitution in society in general has led to an upsurge in sexual exploitation, especially among young women (Ricci, Kurtzman & Roy, 2012). For one thing, the public is impervious to the phenomenon, because it is unaware of its many damaging effects and their consequences, not only for the people involved but also for Montréal society at large. Furthermore, the consultation committee revealed not only the trivialization of prostitution, but its glorification in certain groups of teenagers, boys as well as girls. Nevertheless, despite this situation, few actions are being taken to prevent the recruitment of youth to prostitution.

This objective is therefore to raise awareness and inform the general public, as well as youth in schools and workers, about the problems stemming from prostitution and human trafficking for sexual exploitation. Two actions are proposed:

#### **Action 3.1**

Take an inventory of all existing prevention tools related to sexual exploitation and review their relevance in order to promote them and support initiatives that reflect the current issues and challenges.

#### **Action 3.2**

Approach the government authorities to call for the creation of regional and national awareness campaigns.

#### 18

# Challenge 4

Establish, maintain and improve the interface and information exchange among partners

### **Objective 4**

# STRENGTHEN PARTNERSHIPS AND COOPERATION

Prostitution and human trafficking for sexual exploitation are a major challenge that demands a multidisciplinary approach in which the victim must be the prime focus of concern. Past experience has shown that only a shared, coordinated multidisciplinary approach can effectively take action against the problems stemming from these problems.

The consultations held for this report revealed a lack of coordination and information exchange among the various players in the police organizations, government departments and organizations involved. There are few connections among the organizations, which still tend to work in silos. Our goal, therefore, is to establish relationships with our partners that are grounded in coordination, information exchange and direct cooperation on the ground. With a view to developing effective internal and external communications mechanisms, three actions are proposed:

#### **Action 4.1**

Create a joint committee about prostitution and sexual exploitation with the objective of fostering the exchange of information among the various police services, information services and institutional partners.

#### **Action 4.2**

Develop an information sharing protocol with youth centres for runaway minors.

#### Action 4.3

Compile a directory of resources related to prostitution and human trafficking for sexual exploitation, to support frontline intervention.

Broaden our knowledge

### **Objective 5**

DEVELOP RESEARCH MECHANISMS
TO BETTER DOCUMENT THE
PHENOMENON OF PROSTITUTION
AND HUMAN TRAFFICKING
FOR SEXUAL EXPLOITATION

Prostitution and human trafficking for sexual exploitation are problems in a state of ever-changing flux. The many studies we consulted denounce the lack of reliable data on the topic: the highly clandestine nature of the sexual exploitation market, the victims' reluctance to contact the authorities and the misunderstandings and general disagreement about the expression "human trafficking" are factors that contribute to the lack of accurate statistical data (RCMP, 2010a), which poses another difficulty for police organizations. It is therefore crucial to pursue the search for new knowledge, in order to gain a better understanding of the scope and characteristics of the problem. Two actions are proposed for that purpose:

#### Action 5.1

Using research and qualitative and quantitative studies, assess the portrait and development of prostitution and sexual exploitation in Montréal.

#### Action 5.2

Maintain a participatory presence on partner committees on the topic to promote information exchange and networking.

## Conclusion

This initial 2014-2016 Action Plan on Prostitution and Human Trafficking for Sexual Exploitation provides a response to a variety of issues that were raised in the consultations with SPVM personnel and partners. In light of the findings, the SPVM believes that it is critical to closely track the trends that are shaping the milieu of prostitution and human trafficking for sexual exploitation and to monitor the emergence of new problems stemming from these crimes. Only under these conditions will we be able to be proactive and respond appropriately to this constantly changing reality. It is important to remember, however, that cooperation among all the stakeholders involved is essential to achieve convincing results.

It is through prevention and awareness, as much as through knowledge development and research mechanisms, that significant progress will be made.

In light of this, it seems crucial for an effective intervention strategy to be implemented, rooted in several integrated and targeted actions that are flexible enough to be fine-tuned to differences in the milieu and to make a lasting impact.

The actions envisioned for the next three years will enrich police practices both within the organization and in collaboration with other stakeholders.

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Stella

Sûreté du Québec

Université Concordia – Département de sociologie

UQAM-Travail social

Ville de Montréal

#### **Production Team**

#### Coordinator

Johanne Paquin, Chief Inspector

#### Production

Julie Rosa, Research Officer
Johanne Paquin, Chief Inspector
Sylvie Lebeuf, Communications Consultant

#### Advisory Team

Charles Mailloux, Chief Inspector Michelle Côté, Section Chief Dominic Monchamp, Sergeant-Detective

#### Strategic Coordination

Steering committee on violent crime and street gangs

#### Graphic design coordination

Geneviève Houde, Account Manager

#### Printing

Boo! Design

