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**Vancouver, BC**  
**October 13, 2011**

**(PROCEEDINGS RECONVENED AT 10:01 A.M.)**

THE REGISTRAR: Order. This hearing is now resumed.

MR. VERTLIEB: Thank you, Mr. Commissioner. The first witness is Dr. John Lowman who is in the witness stand. Mr. Giles, please.

**JOHN LOWMAN: Affirmed**

THE REGISTRAR: Would you state your full name, please.

THE WITNESS: John Lowman.

THE COMMISSIONER: Have a seat.

MR. VERTLIEB: Mr. Commissioner, Dr. Lowman is a criminologist and I would like to have his report marked as an exhibit. This has been exchanged with the participants. We have three copies in the binders Mr. Giles has and if we could have the report marked at this time and then we can start to go through it.

THE REGISTRAR: It will be marked as Exhibit 3.

THE COMMISSIONER: Are there any objections to the report being filed?

MR. DICKSON: None from this side but I want to clarify that all the appendices are being marked along with the report.

MR. VERTLIEB: Yes, that's our understanding. Thank you.

1           There is an addendum on statistics that the  
2           professor prepared which can simply be included  
3           in the report if that's convenient. It covers  
4           the statistic changes.

5 THE COMMISSIONER: All right.

6           **(EXHIBIT 3: Document entitled: Expert Report**  
7           **and Appendices by Dr. John Lowman; including**  
8           **numbered tabs 1,2 and alphabetical tabs A to N**  
9           **inclusive)**

10 **EXAMINATION IN CHIEF BY MR. VERTLIEB ON QUALIFICATIONS:**

11           Q    Dr. Lowman, I'd like to take you through your  
12           background in a brief way. It's extensively set  
13           out in your report and we're grateful for the  
14           time and energy you put into your report which is  
15           thorough. You have a bachelor of arts from  
16           Sheffield 1971?

17           A    Yes.

18           Q    Please tell Mr. Commissioner your educational  
19           background after that first degree.

20           A    In 1972 I travelled to Toronto where I took a  
21           master's degree in geography and then in 1977 I  
22           moved to Vancouver where I did a PhD in  
23           geography, the subject was the geography of  
24           crime.

25           Q    What year was it that you were granted your

1           doctorate?

2           A    1983.

3           Q    From the University of British Columbia?

4           A    Yes.

5           Q    In your report you state you joined the School of  
6           Criminology at Simon Fraser University in 1982  
7           and were granted tenure in 1987, promoted to the  
8           rank of professor in 1991?

9           A    Yes.

10          Q    Tell us how it is as a geographer initially you  
11          came to develop the expertise in the field of  
12          criminology?

13          A    My PhD thesis was about the geography of social  
14          control. Knowing that I was studying crime in  
15          general, I did a bunch of courses in law,  
16          psychology, sociology, as well as geography. The  
17          subject of the thesis was examining the influence  
18          of law enforcement and law on crime patterns.  
19          Most people up to that point who had examined  
20          crime patterns had looked at the characteristics  
21          of offenders and offences but not at the  
22          characteristics of law and law enforcement. One  
23          of my particular emphasis was displacement  
24          phenomena and one of the anecdotes or vignettes I  
25          was using to describe displacement phenomena was

1 the displacement of indoor to outdoor  
2 prostitution when the Penthouse and Zanzibar  
3 clubs were closed in Vancouver in 1975, thereby  
4 putting prostitution on the street.

5 Q Let's have you explain to the commissioner and  
6 others here how it was you then started to work  
7 in the field of criminology with an emphasis on  
8 the studies of prostitution. You say in your  
9 report beginning in '77 you conducted numerous  
10 studies of prostitution, prostitution law and law  
11 enforcement. How was it that you came to have  
12 this area of academic interest?

13 A In the early 1980s what you were starting to see  
14 was a considerable amount of public and political  
15 pressure following as a result of the expansion  
16 of street prostitution following the closure of  
17 the Zanzibar and Penthouse in Vancouver and in  
18 Toronto a similar thing happened when the body  
19 rub parlors on Yonge Street were closed after the  
20 Emmanuel Jacques murder in 1977, a 14-year-old  
21 shoeshine boy.

22 As a result of that the Fraser Committee,  
23 the special committee on pornography and  
24 prostitution was created in 1983, at which point  
25 the Department of Justice decided to do a series

1 of studies of prostitution across Canada. I was  
2 giving a paper at a conference one time and it  
3 mentioned my work on displacement of  
4 prostitution. There were very few people doing  
5 any research on prostitution at that time. The  
6 Department of Justice asked me if I would be  
7 interested in doing that research and it was at  
8 that point that I did a broad study of  
9 prostitution in Vancouver, and then subsequently  
10 when the communicating law was introduced in  
11 December 1985 part of the legislation introducing  
12 it was to do a review of that law within four  
13 years of its enactment. The Department of  
14 Justice asked again if I would be interested in  
15 doing that research because the 1984 research we  
16 did formed baseline data. Gradually serendipity  
17 introduced me to -- I became a prostitution  
18 researcher that way. It sort of evolved as  
19 opposed to me saying I think I'll study this  
20 particular subject.

21 Q Just to jump ahead for the benefit of the  
22 commissioner and everyone else here, you are  
23 teaching in this area of criminology at Simon  
24 Fraser even as you're here today?

25 A Yes. I had a class on prostitution in Canada

1           yesterday.

2           Q    Tell us about the course that you're teaching at  
3           Simon Fraser.

4           A    Once I started to realize that I was now embarked  
5           on a program of research in prostitution I drew  
6           out a plan for the study which involved looking  
7           at both prostitution law, social control and the  
8           nature of prostitution itself, so you're looking  
9           at the control of commercial sex and the  
10          characteristics of commercial sex. The course I  
11          do is organized around that program so it looks  
12          at all the survey research on the causes of  
13          prostitution, however conceptualized; it looks at  
14          the development and history of law, law  
15          enforcement, so it covers the entire range.

16          Q    I know you don't want to appear to be immodest  
17          but I do want to ask you this question: To your  
18          knowledge is there anyone in Canada who has spent  
19          more time studying in this area than yourself?

20          A    Probably not. Debbie Brock and Fran Shaver in  
21          Ontario both have been doing research on  
22          prostitution as long as I have but I don't think  
23          their research includes all the different facets  
24          that mine has.

25          Q    Just before leaving your background, you've

1 written extensively and we've seen references to  
2 writings by Lowman, yourself, and Fraser. Who is  
3 Fraser?

4 A Fraser is Laura Fraser who is my partner.

5 MR. VERTLIEB: I think I've covered the area of your  
6 background sufficient for the purposes of  
7 allowing you to set out your expertise and I  
8 trust, Mr. Commissioner, that we could accept Mr.  
9 Lowman as an expert in the field of criminology  
10 and able to discuss the issues raised in his  
11 report.

12 THE COMMISSIONER: Is there any concern about his expertise so  
13 that he may give opinion evidence based on the  
14 issues and the underlying premise Mr. Vertlieb  
15 has put to Dr. Lowman?

16 Thank you. I'll find that he is an expert  
17 witness and may give opinion evidence on the area  
18 of prostitution and all of those matters that are  
19 related in his report.

20 **EXAMINATION BY MR. VERTLIEB:**

21 Q Let me ask you about the use of the word  
22 "prostitute" or "prostitution". It seems that  
23 some people would have a view that this should be  
24 referred to as "sex trade work" and we don't wish  
25 to offend anyone's sensitivities throughout the

1 course of the hearings. Can you help us  
2 understand the words you use and why you do use  
3 the words that you do use please?

4 A In the report I use the term "prostitute" and  
5 "prostitution" in order to distinguish direct  
6 sexual contact services from other kinds of sex  
7 work, pornography, various kinds of exotic  
8 dancing, phone sex, so I do it as a matter of  
9 accuracy, not as a matter of disrespect. One of  
10 the things that is most important to realize when  
11 one is talking about prostitutes is that that  
12 word becomes a sort of master status that covers  
13 up all of the other things a human being is, so I  
14 use this for accuracy in the context -- I use  
15 those terms for accuracy in the context of this  
16 room, not as a term of disrespect to women who  
17 are involved in prostitution, or men.

18 Q I think you've just explained footnote number 1  
19 to your report at the bottom of page 1?

20 A Yes.

21 Q Let's then move to a discussion about the  
22 Downtown Eastside and the definition, keeping in  
23 mind, Dr. Lowman, that the terms of reference  
24 given to the commissioner request that he focus  
25 on the Downtown Eastside and Missing Women



1           Investigations. You cover it in your report at  
2           page 2 the definition of Downtown Eastside as you  
3           use it and I won't take you through all the  
4           words, your report is before us, but behind you  
5           is a blow-up area of a portion of Vancouver and  
6           we believe that would reflect the Downtown  
7           Eastside.

8           A    Yes.

9           Q    I am going to ask that you use this laser and  
10          just outline for the commissioner where you  
11          define the Downtown Eastside.

12          A    I will reference the map if that's okay. This is  
13          on page 2 of the report, you will see a map and  
14          I've taken this from the City of Vancouver, 2005/  
15          2006 document, Downtown Eastside Community  
16          Monitoring Report. Alexander and the railway  
17          track is the north side, we're coming across to  
18          Clark Avenue on the right-hand side, we're  
19          tracing up Malkin and coming across to this area  
20          just by the station here, we're coming up around  
21          Victory Square, and then up Cambie and along to  
22          Alexander again.

23 MR. VERTLIEB: Mr. Commissioner, if you don't mind having that  
24          board which I think might be referred to from  
25          time to time marked as an exhibit that would be

1 helpful.

2 THE COMMISSIONER: Yes.

3 THE REGISTRAR: That will be marked as Exhibit 4.

4 **(EXHIBIT 4: Large display board: Map of Central**  
5 **Vancouver, BC and the lower East Side)**

6 MR. VERTLIEB:

7 Q Thank you, Dr. Lowman. Now, as it relates to the  
8 work that we've been asked to do here, is there a  
9 particular area of reference to the geography of  
10 the Downtown Eastside? Is there a particular  
11 area for the sex trade work in the Downtown  
12 Eastside?

13 A Prior to the period of the greater interest, if  
14 we're talking about the location of prostitution  
15 strolls -- I use the term "stroll," it's taken  
16 from the language, the subculture of the street  
17 to refer to areas that are known for women to  
18 stand or men waiting for clients. Historically  
19 after the Second World War that stroll area was  
20 located immediately south-east of Main and  
21 Hastings.

22 Q Show us please.

23 A Basically the area from Hastings, Main, down to  
24 Prior Street and Gore Avenue, so it's the  
25 immediate several blocks to the south-east.

1 Q That was post-Second World War II?

2 A That was Post-Second World War II up to roughly  
3 in the middle of the 1980s that stroll began to  
4 be displaced to the streets to the east, and it's  
5 not exactly clear why that displacement occurred.  
6 Several social service workers at the time told  
7 me that it may be related to gang activity.  
8 Nonetheless, regardless of what the reasons were,  
9 it moved into an area that was primarily  
10 residential and a couple of schools in that area  
11 and in the context of other displacements of  
12 prostitution in Vancouver around those years and  
13 in response to residents' complaints, various  
14 devices and strategies were devised to move the  
15 stroll to the north side of Hastings Street into  
16 the industrial and commercial area, rather than  
17 in the residential area. I trace that in the  
18 report, the various strategies that were used,  
19 and also identify and include in one of the  
20 appendices a media release that the Vancouver  
21 Police Department published which basically  
22 admitted that they had set up an area to contain  
23 prostitution. I referred to it at the time as an  
24 "orange light district" and the reason for not  
25 calling it a "red light district" is that's

1           really what it was but nobody was admitting  
2           that's what it was.

3           Q    You've mentioned displacement phenomenon and  
4           you've mentioned it a couple of times now. Tell  
5           us what you mean by that and how does it relate  
6           to the work we're doing here?

7           A    Displacement can take two forms -- basically  
8           we're mostly talking here about geological  
9           displacement. There can be typological  
10          displacement, temporal displacement, a change of  
11          crime type, a change of time at which crime might  
12          occur. We're mostly talking about geographical  
13          displacement. There are many, many examples of  
14          deliberate and unanticipated displacement.

15                The nuisance injunctions in 1984 displaced  
16          prostitution out of the West End. I've often  
17          made the comment that it effectively turned the  
18          rest of Vancouver into a red light district. You  
19          had a series of task forces in the summers of the  
20          late 1980s and on into the 1990s on prostitution  
21          in Mount Pleasant, trying to get out of that  
22          area. One of the reasons it moved into that area  
23          was the closure of the West End as a prostitution  
24          stroll. Then it went to the area around Semlin  
25          and Lakewood, another area of residential

1 housing. It was pushed east from there -- sorry,  
2 west from there into the areas around Pandora and  
3 Franklin. You saw similar things happening in  
4 Mount Pleasant. You got prostitution along  
5 Broadway, police set up different kinds of  
6 roadblock systems, the prostitution was moved to  
7 Ontario and Quebec and then subsequently it was  
8 moved to 1st Avenue.

9 So what you see is a series of  
10 displacements, some deliberate, some intended and  
11 some which left me wondering whether trying to  
12 control prostitution was like to trap a ball of  
13 mercury on a glass tabletop with the underside of  
14 a spoon.

15 Q You've mentioned track and in your report --  
16 let's go to pages 12 to 14. What I'd like to do  
17 is just have you tell us how these definitions of  
18 yours are used. High track, mid track, low  
19 track.

20 A High track is the area that is controlled mostly  
21 by African American pimps practicing a form of  
22 subculture that can be tracked back to the  
23 southern US and ghetto urban USA. It has a long  
24 history, it has a history that's involved with  
25 different aspects of racism and it is a culture

1 that developed in the US but also flourishes in  
2 certain strolls in Canada. In that area that  
3 stroll is referred to as high track.

4 There is a mid track, which is generally a  
5 stroll where the prices of services are less, and  
6 then the pejorative term to describe areas like  
7 the Downtown Eastside is low track but from the  
8 subcultural perspective of the street it is a  
9 pejorative term. Basically what you've had is  
10 those different strolls moving around. The low  
11 track, so-called, the Downtown Eastside  
12 prostitution has been displaced in the way I  
13 already described. High track developed along  
14 Georgia Street, actually not far from this  
15 building, but was also affected by the nuisance  
16 injunctions when the boundary was moved from  
17 Burrard to Granville Street. That actually  
18 affected the prostitution along Georgia Street  
19 which is when you got the Richards/Seymour Street  
20 start to develop as the high track area. I don't  
21 know whether I've fully answered your question.

22 Q That is fine. That leads us to the question  
23 then, you've just been discussing the way  
24 prostitution is practiced --

25 A Street prostitution.

1 Q High track, mid track, low track. Let's discuss  
2 then how the factor of choice comes into all of  
3 this discussion, and what I have in mind is just  
4 having you look to your report at the bottom of  
5 page 13 where you state as a heading  
6 *Conceptualizing the degree of choice exercised in*  
7 *prostitution*. In terms of the concept of choice,  
8 tell us how it is that you relate to that in your  
9 studies?

10 A So when I'm using the term "prostitution" I'm  
11 referring to the entire range of prostitution, so  
12 we're including escort services, various kinds of  
13 massage parlors, body rub parlors, women who work  
14 independently, as well as street prostitution.  
15 It is estimated that in Canada between five and  
16 20 percent of prostitution occurs on the street,  
17 the rest is off-street. So when you're looking  
18 across the entire range of prostitution you  
19 realize that there is a class and race system  
20 within prostitution as well as in society more  
21 generally. I distinguish what I would call  
22 sexual slavery, the term trafficking is used in  
23 modern parlance, but sexual slavery is one human  
24 being or human beings forcing others to  
25 prostitute. It is itself a form of violence I

1 would say and should be a criminal offence in any  
2 decent society.

3 Then you have prostitution where a choice is  
4 exercised. I put that on a continuum. On one  
5 end a choice is made where a human being has very  
6 few other choices, addiction-driven prostitution  
7 by women who started when they were 12, 14 or 15  
8 years old, especially aboriginal women with the  
9 background of the effects of 200 years of  
10 colonization on aboriginal peoples in general.  
11 The term that's been used is "survival sex". In  
12 other words, a person would tell you they make a  
13 choice but it's most certainly not in conditions  
14 that they choose. There is a continuum to the  
15 opposite end which I would call "bourgeois  
16 prostitution" where a person makes the choice  
17 because of large amounts of money they can make  
18 prostituting but they have many other options or  
19 some other options. It is a continuum. In the  
20 middle there are women who are not driven to  
21 prostitution by desperation but what they're  
22 looking at is a variety of different low paid  
23 forms of service work and that for them  
24 prostitution is a preferable choice. It's better  
25 paid, it doesn't take them as long to do it, so



1           it's a choice in that sense.

2           I give an example of work done on the east  
3           coast by Jeffrey and MacDonald, a book called  
4           *It's the Money Honey*, for discussing that kind of  
5           prostitution. There's many examples of different  
6           analyses of different prostitution across Canada.

7           Q    To discuss this continuum a bit more, at one end  
8           of the continuum is what you call the bourgeois  
9           prostitution. Give an example what that would  
10          mean.

11          A    You have people who are educated. We have one  
12          sample, a student of mine, Tamara O'Doherty,  
13          purposely sampled the sort of mid to high-end  
14          range of off-street prostitution. She got 39  
15          subjects. You have several women who have PhDs  
16          in that particular sample; you have women who are  
17          earning quite a bit of money; women who are not  
18          addicted to intravenous drug use or crack or any  
19          of those other circumstances. One of the things  
20          that we haven't studied nearly enough is student  
21          involvement in prostitution. Instead of student  
22          loans, some students go to escort services and  
23          work for short periods of time or on and off. I  
24          know several professors around the world who are  
25          former prostitutes, former sex workers of one

1 kind or another. So there's a lot of different  
2 styles of prostitution and degrees of choice  
3 being exercised.

4 Q At that range of the spectrum, the bourgeois  
5 range, you mentioned there could be a lot of  
6 money meaning what? Give us an example.

7 A The more exclusive prostitution becomes, the  
8 fewer clients a person is likely to have and the  
9 longer they're likely to spend with them. If a  
10 person spends a night with a client they may be  
11 earning thousands of dollars. Some women will  
12 charge 500 or a thousand dollars an hour  
13 depending on the style of prostitution. Often  
14 those liaisons are made through contacts on the  
15 Internet or through madams who specialize in  
16 high-end prostitution.

17 Q Let's then provide a bit more detail for the mid  
18 point of the spectrum, and obviously we'll then  
19 come to the other end, the survival end, but  
20 let's deal with the mid point. You mentioned  
21 this would be lower paying jobs. Give us an  
22 example of the choice that might be made of a job  
23 in prostitution versus what other types of jobs.

24 A Again, I'd refer to this work done in the  
25 Maritimes by Geoffrey and McDonald. You're

1 looking at various kinds of service work for  
2 women who don't have a great deal of education,  
3 don't have various kinds of work skills or  
4 haven't developed them so they're going to be  
5 relatively young. Some of them may have started  
6 prostitution before the age of 18, some may have  
7 started it after the age of 18. They could work  
8 for largely minimum wage jobs. Restaurants,  
9 various kinds of service work, whatever it may  
10 be, shop assistant, sales clerk. One way or the  
11 other they overcome the psychological hurdles  
12 that are created by the stigmatization of  
13 prostitution. They may go to an escort service  
14 or a massage parlour, they may decide it's not  
15 for them or they may decide they prefer this kind  
16 of work because of the relative freedom it gives  
17 them, depending upon the circumstances of the  
18 location in which they work. Off-street  
19 locations can be quite exploitive. There are  
20 various ways that they are able to exploit people  
21 who work for them.

22 Q That then leaves the far end of the spectrum, the  
23 survival end. What is that characterized by?

24 A If you look at studies of samples of mostly  
25 street-involved women, about 60 to 70 percent of

1           them begin prostitution prior to the age of 18,  
2           so regardless of what kind of background they  
3           come from, they find themselves in what I would  
4           call situational poverty. They're not eligible  
5           for welfare. If you're 16 or 17 you may be  
6           eligible for something called independent living.  
7           If you're younger than that you find yourself out  
8           on the street. When you look at the profiles of  
9           the people involved there's a lot of state-raised  
10          youth, 30 to 50 percent depending on the survey.  
11          You'll find people raised in foster homes for at  
12          least part of their lives or group homes. Then  
13          you have the very particular plight of aboriginal  
14          peoples and the effect of 200 years of  
15          colonization. When you compare some of their  
16          circumstances you often find that there's inter-  
17          generational involvement and that can be with  
18          people non-aboriginal as well, but you often find  
19          they start earlier, often reasons that they've  
20          run away from their own home or group or foster  
21          home. Many of these people, aboriginal and  
22          non-aboriginal, have backgrounds of sexual  
23          exploitation and sexual abuse. Then we find  
24          those people living on the street. One of the  
25          things that you often hear people say is it's the

1 first time it felt like home because what they  
2 encounter is other people with similar kinds of  
3 problems. Survival sex work enters at that  
4 point, it's one of the ways of surviving. If  
5 those elicit sort of subcultures also include  
6 various kinds of drug use, drug use develops into  
7 patterns of addiction, addiction can then drive  
8 the need for prostitution. There's various forms  
9 of exploitation that can occur, boyfriends  
10 needing drugs, all sorts of other things. So  
11 there you have a situation where you have got a  
12 set of vicious cycles, especially as people  
13 become entrenched, don't get the education they  
14 need, they can't write resumes so they find  
15 themselves entrenched in a kind of vicious cycle.

16 Q I think that then leads to a discussion that  
17 starts at page 9 of your report about *A Two-Tier*  
18 *System of Law Enforcement*. Why do you use that  
19 as a title in your report, *A Two-Tier System of*  
20 *Law Enforcement*?

21 A Since 1985, December 20, 1985, was when the  
22 soliciting law was repealed and the communicating  
23 law enacted in its place. The soliciting law,  
24 there were hardly any charges after the *Hutt*  
25 decision in 1978 for a variety of reasons related

1 at the time to jurisprudence more than anything  
2 else. The communicating law was designed to fix  
3 those problems. It's estimated that only five to  
4 20 percent of prostitution is on the street, and  
5 yet since 1985 95 percent -- I should be more  
6 accurate -- between 93 and 95 percent of all  
7 charges have been for communicating, not for the  
8 kinds of offences that would be involved in off-  
9 street prostitution, i.e. bawdy houses,  
10 procuring, living on the avails. So I call this  
11 a two-tier of prostitution law enforcement in  
12 Canada.

13 Essentially off-street prostitution, apart  
14 from a handful of investigations here and there,  
15 off-street prostitution is effectively legal.  
16 Street prostitution is very different. Police  
17 have always told me over the years that law  
18 enforcement is largely complaint-driven. Most of  
19 the complaints they receive about prostitution  
20 come from residential areas when there's street  
21 prostitution. What we learn from that is  
22 prostitution occurs in our midst on a massive  
23 scale on a daily basis, often in corner malls  
24 without us even knowing it's there. No attention  
25 is paid to that. I once asked a regional crown

1           counsel when I saw in the VPD vice squad pictures  
2           of various escort owners, why they weren't  
3           prosecuted and there was effectively what I would  
4           call a policy at the time: We don't prosecute  
5           those because we know what will happen if we stop  
6           what's happening off-street, it will put it on  
7           the street. The memory of what happened when the  
8           Penthouse and Zanzibar was closed was fresh in  
9           their minds at the time, so it's almost like you  
10          had a deliberate policy.

11                    When you look at the statistics the  
12                    situation is clear, there's de facto legal  
13                    prostitution off-street as compared to illegal  
14                    prostitution on the street which is where the law  
15                    enforcement is focused.

16          Q        What happened with the Penthouse? Many of us  
17                    were too young to follow that case, but tell us  
18                    the result of the Penthouse issue.

19          A        I wish I was too young to follow that. In 1975,  
20                    for reasons unknown -- the soliciting law was  
21                    enacted in 1972 and the report goes through these  
22                    laws as well. The original law before that was a  
23                    vagrancy law. For reasons unknown in 1975 -- let  
24                    me backtrack. In 1974 a woman by the name of  
25                    Monique Layton published a report for the BC

1 Police Commission in which she analyzed  
2 prostitution. That report mentioned indoor  
3 prostitution. It was quite prophetic. She said  
4 in that report the people involved in Penthouse  
5 prostitution -- essentially it was a place where  
6 customers and sex workers met, they would leave  
7 for the conduct of the sexual activity and then  
8 return later. It's not known why a decision was  
9 made to mount an investigation against the club.  
10 There was an undercover operation in the fall of  
11 1975 which ended up with the police laying  
12 charges against the owners and several employees  
13 for living on the avails, there may have been  
14 procuring charges, I don't know. Layton's report  
15 said that they dance around the law and any  
16 effort to try and prosecute them would likely be  
17 doomed to failure, it was prescient. The lower  
18 courts found the parties guilty but on appeal all  
19 of the convictions were overturned. The  
20 Penthouse was closed in 1975, it did not reopen  
21 until I think it was 1982, so you had that  
22 meeting venue closed. There was a police  
23 investigation of the Zanzibar as well. Charges  
24 were never laid and mysteriously the club burnt  
25 to the ground. My recollection is the owner was



1 charged with arson but not convicted.

2 Q You've described the two-tier system of law  
3 enforcement as you view it. You then set out a  
4 table of charges at the middle of page 9. What I  
5 want to ask you about is to look at this and keep  
6 in mind our time period for terms of reference  
7 which is 1997 to 2002. This is the timeframe  
8 when it appears that Pickton was most active. By  
9 looking at the chart it seems that there is a  
10 drop in charges during that timeframe. Can you  
11 help us understand from your expertise if that  
12 drop in charges had any impact on the serial  
13 killer such as Pickton?

14 A What those charge rates say to me is that once  
15 you had an equilibrium established where  
16 prostitution was confined to certain industrial  
17 and commercial areas and largely out of  
18 residential areas, then there was much less  
19 concern on behalf of the police department for  
20 prosecuting communicating offences. I don't  
21 think that that is an offence that in the  
22 subculture of policing is high on a police  
23 officer's list of things to be doing. I think  
24 police often -- they often express to me the idea  
25 that this was a revolving door, sentences tend to

1 be relatively light. What you're seeing there is  
2 once you've got prostitution contained there's  
3 much less of an interest in enforcing the  
4 communicating law, and when you look at that  
5 press release and the information sheet that was  
6 put out at the same time, police are reflecting  
7 on the difficulties of this particular population  
8 and the sort of -- sort of the almost waste of  
9 resources sometimes in these kinds of charges.  
10 So once it's out of sight it's out of mind.  
11 That's what I'm seeing in those statistics. Once  
12 it's out of mind police don't need to enforce the  
13 communicating law to create that equilibrium.  
14 Once it's there the charges fall off.

15 Q So once there's less enforcement did that mean  
16 less police presence?

17 A It may well have meant less police presence.  
18 There were other things that were happening in  
19 the area north of Hastings Street. One of them  
20 was the use of bail and probation order area  
21 restrictions which had the effect of -- basically  
22 what that is if a woman is convicted of a  
23 communicating offence part of her conditions may  
24 include not being in the prostitution stroll  
25 areas. So what a woman would do is move to the

1 streets immediately adjacent to those areas and  
2 hang out there hoping to catch a date as a man  
3 was driving into the stroll area. The effect of  
4 that was that particular stroll tended to get  
5 larger and larger. The women got more and more  
6 spread out. There's no eyes on the street as  
7 there would be in a residential area. When women  
8 are spread out in an area like that in back  
9 alleys and pushed off the main streets, they're  
10 much easier targets for a misogynistic predator  
11 pretending to be a client.

12 Q You've said something that's important, a  
13 predator pretending to be a client. I will come  
14 back to that because I think that's an important  
15 discussion. Just to clear up your comments about  
16 the press release and what was being told to the  
17 public, I think you've referenced words at page  
18 10 of your report, you reference a notice and  
19 it's indented and single-spaced; do you see that?

20 A Yes.

21 Q Tell us about that notice. Who put that out?

22 A We came across this when we were doing our  
23 evaluation of the communicating law for the  
24 Department of Justice Canada. The notice reads:

25 The many families with kids in Strathcona

1           are very worried by the presence of street  
2           prostitutes in our neighbourhood. We are  
3           asking you, as fellow parents and members of  
4           the community, to avoid certain areas where  
5           families live, and children play and go to  
6           school. The police have agreed to enforce  
7           all laws most stringently in residential  
8           areas and in particular around the schools  
9           and playgrounds. Please keep your business  
10          to non-residential areas.

11           As an observer at the time I thought this is  
12          a rather interesting strategy to the extent that  
13          instead of treating these women as outsiders it  
14          treated them also as members of the community, as  
15          part of us, not part of them, and it was a very  
16          successful strategy because women moved. You  
17          don't have to use an iron fist in order to  
18          displace women. But if what you say is, "We will  
19          not arrest you here but we will arrest you here,"  
20          then you've basically given them a choice.  
21          You've told them that there's somewhere they can  
22          operate, and when you do that they try to be as  
23          helpful as they can. Unfortunately in this case,  
24          the area that they were moved to and the way that  
25          things developed meant that those same women in

1           their spirit of co-operation had unwittingly put  
2           themselves at greater risk in my opinion.

3           Q    I want to reference the press release you spoke  
4           about, it's tab H to your report, Exhibit H.  
5           It's a media release, February 25, 1997, under  
6           the signature of Rich Rawlins, Deputy Chief  
7           Constable, and Terry Blythe, Deputy Chief  
8           Constable, and of course Constable Blythe became  
9           Chief of Police later on. That's the media  
10          release you were speaking of?

11          A    Yes.

12          Q    To move to the discussion flowing from your  
13          comment that there were no eyes on the street and  
14          the women became much easier targets, less safe,  
15          I'd like to discuss the issue of vulnerability of  
16          violence as it relates to these people. You've  
17          covered this starting at page 22 of your report.  
18          I think this is an important discussion for us to  
19          hear about from your knowledge base. Tell us  
20          about the violence as it relates to the Downtown  
21          Eastside women who are involved in prostitution  
22          or sex trade.

23          A    When we look at different kinds of sex work and  
24          the susceptibility of the men and women involved,  
25          mostly women, and look at the rates of

1           victimization in different venues, whether we  
2           look at homicides that have occurred or whether  
3           we look at self-report studies in social survey  
4           research, the people who seem most susceptible to  
5           violence are those who work on the street. Even  
6           when you look at street prostitution, there  
7           appears to be considerable differentiation of the  
8           risk of violence. Part of that is a reflection  
9           of the income of both clients and sex workers.  
10          For example, if we look at the people who are  
11          prosecuted under the communicating law in the  
12          1990s, the large majority, 80 to 90 percent  
13          depending upon which period we look at, come from  
14          East Vancouver, they are low socio-economic men.  
15          When we look at the women involved on the  
16          Downtown Eastside, when we look at the level of  
17          prices of different forms of sex work those are  
18          the lowest. When a trick is maybe \$40 -- and I  
19          will give you an example of the desperate  
20          situation of some women -- I was going to a  
21          meeting of social service agencies on the  
22          Downtown Eastside. Back in the '90s I sat on a  
23          variety of committees. A woman approached me and  
24          offered me a date for \$5. I was amazed.  
25          Basically that was going to be the price of the

1 next hit of crack or whatever it was going to be.  
2 People operating at that level of commercial sex  
3 don't have room -- don't have the money to pay  
4 \$20 for a hotel room. Whereas if you were to go  
5 to high track where it might be between \$100 and  
6 \$200, paying \$20 for a hotel room is not a  
7 stretch. Right there you're much more likely to  
8 see those women having to turn tricks in remote  
9 locations, a parking lot near by Trout Lake, down  
10 by the docks, wherever it may be. She is alone  
11 with somebody who might be a predator, she's at  
12 much, much greater risk. You have another factor  
13 that if a woman is feeling dope sick, the need  
14 for -- I'll let that siren pass by -- the  
15 symbolism of the siren and what I'm talking  
16 about, I can't help but notice it. So you add in  
17 the issues of substance use and addiction and the  
18 desperation that those produce and then you've  
19 got a person who is going to take greater risks,  
20 is exercising a much less degree of choice about  
21 who she's going to go with and so on, and so you  
22 see this continuum of violence. The women who  
23 are the most disadvantaged are the most abused.

24 Q Is there a relationship between the price for a  
25 sex service and the price of a drug?

1 A Yes.

2 Q How so?

3 A Well, often the price of the sex service will be  
4 the price that's required for the next amount of  
5 whatever drug it is, crack cocaine, heroin, Ts  
6 and Rs, whatever the case may be.

7 Q You mentioned dope sickness. What is it and what  
8 are the symptoms?

9 A Basically a person who is on a heavily addictive  
10 substance, if they're not getting that substance  
11 are going to go through various kinds of  
12 withdrawal symptoms. The easiest way to deal  
13 with those withdrawal symptoms is to take the  
14 drug again. So if you're in that situation,  
15 you're more likely to take a greater risk in  
16 order to alleviate the pain you're feeling.

17 Q You mention the word "trick" and you mentioned  
18 the word "date". They're actually different  
19 words used in different segments. I think it's  
20 interesting for you to give us your knowledge on  
21 that.

22 A The term "trick" is really -- in my understanding  
23 emanates from the African American pimp  
24 subculture. That particular subculture has an  
25 attitude whereby a man who buys sex is not really



1 a man, in the sense that he has to buy sex. If  
2 you think about the way the psychological game of  
3 the classic pimp operates is that he withholds  
4 love, he withholds sex from a woman he's managed  
5 to make psychologically dependent on him, so he  
6 is being paid for sex in a sense so he is the  
7 highest form of man. That kind of thinking does  
8 not necessarily translate to other kinds of  
9 prostitution, indoor or out. I would say on the  
10 Downtown Eastside the much more likely word to be  
11 used for a client would be a "date". When you're  
12 seeing women passing around information -- once  
13 we started to realize the enormous amount of  
14 violence these women were being subjected to,  
15 different organizations start collecting  
16 information that were called bad date sheets.  
17 They were called bad date sheets and not bad  
18 trick sheets when it came to the Downtown  
19 Eastside in order to respect the language of the  
20 local women -- or at least that was my  
21 interpretation of it.

22 Q That's interesting. I wanted to ask you about  
23 that for that reason. We'll hear more about bad  
24 date sheets later. On this important discussion  
25 about the violence these women are exposed to, in

1           your report you talk about two forms, you talk  
2           about situational and predatory. Before we  
3           discuss the predatory, which is an important  
4           concept for the commissioner to hear about, let's  
5           discuss situational violence. What does that  
6           mean?

7           A    These concepts were developed in research that we  
8           did in the early 1990s for the Department of  
9           Justice. I'll give you a little bit of  
10          background about that research. In 1985 the  
11          Fraser Committee, special committee on  
12          pornography and prostitution had argued that  
13          there needed to be a wholesale revision of  
14          Canadian prostitution law. Is prostitution legal  
15          or isn't it? If it's legal we need to decide  
16          where and under what circumstances it can occur,  
17          so they recommended wholesale law reform.  
18          Instead what the government of the day did was  
19          simply reform the street prostitution law. What  
20          some of the commentators said at the time was  
21          that was going to increase the marginalization of  
22          street involved women. One of the things as we  
23          started to evaluate that law that we wanted to  
24          look at was the hypothesis: Will this new law  
25          make women more susceptible to violence? So we

1 started to track violence.

2 In 1991 for the first time the homicide  
3 statistics put out by Statistics Canada including  
4 a category that recorded the occupation of the  
5 murder victim and what became immediately obvious  
6 was there was a very large number of women  
7 involved in sex work, street sex work in those  
8 statistics. A woman in the Department of Justice  
9 by the name of Lori Biesenthal was looking at the  
10 statistics and going, "My god, we have to do  
11 something about this." On the outside I was  
12 looking at similar statistics but I was putting  
13 them together from newspaper reports and VPD  
14 files and so on. I approached the Department of  
15 Justice in 1991, probably 1991 or '92, '92 I  
16 think, and asked them to do some exploratory  
17 research on violence and they did fund that  
18 research and it was during that that we started  
19 to look at different incidents of violence. We  
20 came to the conclusion that you could classify  
21 two very broad types of violence, we called one  
22 situational and one predatory. Situational  
23 violence occurs when there is some kind of  
24 conflict during the date. It could be all sorts  
25 of things, a conflict about the nature of the

1 service, the price, a man might be high on  
2 cocaine or drunk so he might not be functioning  
3 properly -- it doesn't matter what the reason is  
4 but there is a conflict. The man resorts to  
5 violence to resolve that conflict. For him to do  
6 that in the first place suggests to me that he  
7 has a particular attitude to women, just that he  
8 will use violence to resolve a conflict like  
9 that. That's situational. If you had for  
10 example a massage parlour where third parties are  
11 present or if you're in a hotel where there was a  
12 bellhop downstairs that's much less likely to  
13 occur because there's third party involvement.  
14 Predatory violence is quite different --

15 Q Before we discuss that let me ask you, the  
16 situation you've just now been helping us  
17 understand, would there be any element of  
18 premeditation involved in situational violence?

19 A No, not premeditated. That's the distinctive  
20 difference, that's the distinctive difference.

21 Q That leads us to this important discussion about  
22 predatory violence. Please help us understand  
23 from your expertise about this.

24 A Predatory violence is that kind of violence  
25 perpetrated usually by a misogynistic man. It

1           might involve a person who decides that a woman  
2           is likely to have money on her working on the  
3           street so he pretends to be a client in order to  
4           get a secluded location in order to rip her off,  
5           or it might be something like Gary Ridgway, the  
6           Green River Killer, who posed as a client in  
7           order to get women under this control in order to  
8           be able to murder them. So what you have is the  
9           man posing as a client in order to carry out some  
10          other intention.

11          Q    You discuss this in your report at page 27. I'm  
12               going to read from your report starting at the  
13               top:

14                        Predatory violence is premeditated.  
15                        Sometimes it is financially motivated,  
16                        such as a planned robbery. On other  
17                        occasions it is designed to hurt -- or  
18                        kill -- a prostitute. The offender poses  
19                        as a client in order to get the intended  
20                        victim to a secluded location where he can  
21                        carry out an attack.

22                        Predators target the unregulated and  
23                        mostly unmonitored prostitution strolls  
24                        where they can pick up a street worker  
25                        without being seen. They know that they

1 will be able to find women who enter their  
2 cars -- and thus come under their control --  
3 relatively easily. They apparently believe  
4 that if these women go missing there is  
5 little likelihood of anyone noticing, and  
6 even if they do notice, police will be  
7 reluctant to mount an investigation. Serial  
8 killer Gary Ridgway exemplified this  
9 attitude.

10 The area I wanted you to reflect on is how does  
11 this discussion about predatory violence as you  
12 define it and discuss it relate to Willie  
13 Pickton?

14 A I think that from what I've been able to put  
15 together about Mr. Pickton's modus operandi and  
16 his behaviour is that he is a classic example of  
17 this predatory behaviour. Some of the evidence I  
18 would use is a reading of the description of the  
19 history of the missing women and the  
20 circumstances surrounding those women reported by  
21 Jamie Cameron (sic) in the book *On the Farm*.  
22 What it shows, she discusses a variety of  
23 situations as she traces back and finds  
24 information about the various women who went  
25 missing. It's clear that Willie Pickton's

1 primary area for picking up women was in the  
2 Downtown Eastside. There was certain hotels he  
3 hung out at, testimony from witnesses that talked  
4 about travelling with him on one occasion first  
5 to New Westminster to pick up drugs and then  
6 later to the Downtown Eastside where he picked up  
7 a woman. It may be that on occasions people like  
8 Ridgway and Pickton were clients -- a client  
9 being a person who makes a contract, lives up to  
10 the contract and then leaves afterwards without  
11 harming the woman in any way. He does what they  
12 agreed. But if his intention is to do something  
13 other than that, in my opinion he's no longer a  
14 client. He's a person now who is posing as a  
15 client in order to carry out a different agenda.

16 Q That agenda being?

17 A To murder the woman.

18 THE COMMISSIONER: If I have this right, Dr. Lowman, you're  
19 saying that based on what you know and the  
20 information you've been given about Pickton that  
21 he was a predatory person who premeditated his  
22 acts, planned his acts ahead of time?

23 A Yes, and the further evidence I'd use in that  
24 particular respect is the reports about the entry  
25 of gun shots to three of the victims. It appears

1           that -- and also his description to one of the  
2           other persons who testified in the trial about  
3           how he would have a woman in front of him and  
4           mount her from the rear, bring her hands behind  
5           her back, use a device to tie her up. It seems  
6           that his intention, if he did indeed shoot those  
7           women in the back of the head, he had to have  
8           that all prepared in a way that would not be  
9           obvious to her in order to be able to carry out  
10          that murder.

11 THE COMMISSIONER: So your opinion, what you're telling us is  
12           that Pickton would have planned ahead of time in  
13           a premeditated manner and formed that intent at  
14           the time he was picking up the women or even  
15           before that?

16           A    Yes, and if you think about the likelihood that  
17           he may have done that five times or 10 times or  
18           49 times, the idea that he didn't premeditate it  
19           sounds rather unlikely to me.

20 THE COMMISSIONER: And you say that because situational  
21           violence takes place when a particular  
22           transaction or situation goes awry?

23           A    Yes. When he is deliberately setting up a person  
24           to be able to execute them from behind, I don't  
25           see it as something happening in the situation



1                   that would provoke that attack.

2 THE COMMISSIONER: You say that he had the intent to kill.

3                   Your opinion is that he had the intent to kill at  
4                   the time he apprehended and picked up the women?

5                   A    Correct.

6 MR. VERTLIEB: This might be a good time for the morning  
7                   break.

8 THE COMMISSIONER: All right.

9 THE REGISTRAR: This hearing will now adjourn for 15 minutes.

10                   **(PROCEEDINGS ADJOURNED AT 11:07 A.M.)**

11                   **(PROCEEDINGS RESUMED AT 11:23 A.M.)**

12 THE REGISTRAR: Order. This hearing is now resumed.

13 MS. TOBIAS: Mr. Commissioner, I would just like to do  
14                   something I was remiss in not doing earlier and  
15                   that is to introduce to you my colleague, Andrew  
16                   Majawa, Mr. Brongers is back in the office today.

17 THE COMMISSIONER: Thank you.

18 MR. VERTLIEB:

19                   Q    Dr. Lowman, let's discuss the relationship with  
20                   the police and the women working in the sex  
21                   trade. You cover this in your report starting at  
22                   page 28. I would like you to focus on the low  
23                   track sex work and the police relationship. Tell  
24                   us about that from your professional knowledge.

25                   A    I think that one thing one doesn't want to do is

1 make a sweeping generalization about police  
2 attitudes. They're varied. When we would talk  
3 to women on the Downtown Eastside in the  
4 mid-1990s one particular VPD officer's name would  
5 come up constantly as being somebody who cared  
6 and somebody who helped. However, you also found  
7 women expressing great concern about the  
8 mentality of other officers who they perceived as  
9 not really caring about them. One reads in  
10 accounts by these women of having police officers  
11 take condoms from their purses; starlight tours,  
12 being picked up in one place, dropped off in  
13 another.

14 So it's like most things in life, they're  
15 gray, they're not black and white, but one of the  
16 things that the research indicates is that there  
17 is a very high level of distrust by the women,  
18 street-involved women, of most police officers  
19 and especially uniformed officers who often don't  
20 have a specific sort of mandate. They're  
21 involved in general patrol work, et cetera, et  
22 cetera. It's a little bit different when it  
23 comes to certain specialized teams. I often  
24 heard women in the early 1990s saying positive  
25 things about a sexual assault squad. But, in

1           general, a great degree of mistrust.

2           Q    Is there an inherent tension, as it were, between  
3           the conflicting functions the police have in law  
4           enforcement and protection?

5           A    It's something of an oversimplified description  
6           to say that through the police eye there are  
7           really two kinds of people: citizens and  
8           criminals. I mean, that's an oversimplification  
9           case. But nonetheless, these women are involved  
10          in a variety of different kinds of criminal  
11          behaviour, one of them is possession of drugs,  
12          the other one is communicating in a public place  
13          for the purpose of selling sex. The law itself  
14          encourages an adversarial relationship between  
15          street-involved women and the police. Simply  
16          because often in order to be able to report a bad  
17          date they have to admit committing a crime. It's  
18          a structure that tends to discourage the  
19          reporting of serious incidences of assault and  
20          other problems.

21          Q    So with the best of police intentions, an officer  
22          in uniform faces a difficult environment with  
23          conflict on the law and the application?

24          A    Regardless of his own attitudes.

25          Q    I want to then in the context of the

1 relationship, and you've spoken about how the  
2 authorities would move these people to industrial  
3 areas that were less well-lit and you've spoken  
4 about the woman being more at risk and you've  
5 covered that earlier, in effect, what's your view  
6 of what happened with the approach that was being  
7 taken?

8 A The police solved one problem, it was the problem  
9 confronted by residents, and it's not just  
10 something that's characterized as police  
11 attitudes. If you look back at political  
12 attitudes more generally it's the same thing.  
13 Public priorities, public propriety and property  
14 values are prioritized over the problems these  
15 women face. I once watched a member of a  
16 residents group tell a parliamentary committee  
17 these women are scum, that's the word he used.  
18 What happened with the movement of the women to  
19 the north side of Hastings Street is one problem  
20 got solved -- nuisance. But there was no attempt  
21 as far as I could see to do the things you would  
22 need to do to that area to protect those women.  
23 Various kinds of monitoring, development of  
24 systematic relationships with the police, making  
25 sure there was eyes on the street, making sure

1           there was proper lighting, entertaining the idea  
2           that if we couldn't get these women out of  
3           prostitution we might try and do something to  
4           make them safe, by giving them a safe place that  
5           they might be able to continue these activities  
6           until we could find some way of helping them out.  
7           So I don't think it was the intention of anybody  
8           to make this a more dangerous area or the  
9           situation worse, but I think that's exactly what  
10          it did.

11          Q    You mentioned monitoring.  What do you mean by  
12               that?

13          A    You would have systematic patrolling of the area,  
14               you would make sure that you were having a  
15               situation where you had a location where dates  
16               were being consummated.  You might even go to  
17               various tactics that have been used in places  
18               like The Netherlands where you set up parking  
19               stalls.  I'm talking about being pragmatic here,  
20               trying to fix the immediate problems of violence  
21               and murder occurring.  Those were the kinds of  
22               things one might have tried to do.  Just in  
23               general, trying to break down that adversarial  
24               relationship between the women and the officers  
25               who were charged with their safe-keeping.

1 Q From your study of criminology and you mentioned  
2 the relationship between the police and the women  
3 at risk, do you have thoughts about what could  
4 have been done in that regard?

5 A At one point in the report I talk about, again,  
6 this problem of the adversarial relationship  
7 between street-involved women and the police.  
8 What one has to do is break down that adversarial  
9 relationship, promote the development of  
10 community ties, promote relationships. I was  
11 involved in the organization PACE for the period  
12 1994 to 2004, I was on the board of directors,  
13 and one of the things we were systematically  
14 trying to do was encourage the use of former sex  
15 trade workers to help educate police, a variety  
16 of different tactics could be used. But, again,  
17 the police themselves find themselves -- it's a  
18 difficult situation to the extent that they have  
19 a set of hypocritical and unprofessional  
20 prostitution laws. As long as those laws are the  
21 way they are, in a sense police are left in the  
22 position of having to make those laws by making  
23 decisions about what laws they enforce, what laws  
24 they don't enforce. There are so many layers of  
25 problems.

1 MR. VERTLIEB: Dr. Lowman, I have covered the areas that I  
2 wanted to cover with your oral evidence. We have  
3 your report.

4 Mr. Commissioner, I'm told by my colleagues  
5 that amongst them they've discussed Mr. Ward  
6 going next which won't be the normal approach and  
7 then Mr. Baynham and then I think Mr. Gratl, just  
8 so you know, so I believe it's Mr. Ward up next.

9 Thank you, doctor.

10 THE COMMISSIONER: Yes.

11 **CROSS-EXAMINATION BY MR. WARD:**

12 Q Cameron Ward, counsel for the families.

13 Sir, what I propose to do is I'm going to  
14 cover at least the following four general areas  
15 with you. First I want to ask you some questions  
16 following on the exchange that you had with my  
17 friend Mr. Vertlieb and Mr. Commissioner  
18 concerning the circumstances of Pickton's  
19 formulation of his intent to take street workers  
20 from Vancouver and later murder them. The second  
21 area I want to address with you will be something  
22 you just spoke to which is the attitude of police  
23 towards sex trade workers, especially those who  
24 work on the street. The third area will be the  
25 concept of displacement that came up early on in

1 your testimony. And finally, I have some  
2 questions for you about the issue of the set of  
3 sex trade workers and, again, especially those  
4 that carry on their activities on the street as  
5 opposed to off the street. Being a lawyer I may  
6 come up with some other things as I go along and  
7 I reserve the right to question you about other  
8 things as well.

9 As I understand it, during the exchange back  
10 and forth that I mentioned between the  
11 commissioner and yourself and in response to some  
12 of Mr. Vertlieb's questions, I understood you to  
13 express your professional opinion that Pickton  
14 probably planned to kill sex trade workers from  
15 the Downtown Eastside of Vancouver, that pursuant  
16 to that plan he posed as a client or potential  
17 client in order to pick them up in Vancouver with  
18 the intent to later kill them and dispose of  
19 their bodies elsewhere. We know now that the  
20 elsewhere was in Port Coquitlam on his pig farm.  
21 Did I get that right?

22 A Yes.

23 Q So it would follow, I take it, in your opinion as  
24 an experienced criminologist, that the police in  
25 the City of Vancouver would have had a



1 responsibility to investigate the disappearances  
2 of the women when those disappearances were  
3 reported to them?

4 A That would make sense, yes.

5 MR. DICKSON: I'm sorry, commissioner, just before we pursue  
6 this line of inquiry -- sorry, it's Tim Dickson  
7 for the VPD -- I've not seen in Dr. Lowman's  
8 expertise a basis for that line of questioning,  
9 leaving aside the legal conclusion --

10 THE COMMISSIONER: You're going to tell me that's an ultimate  
11 decision for the commission to make?

12 MR. DICKSON: Certainly that's part of it.

13 THE COMMISSIONER: Mr. Ward?

14 MR. WARD: I accept that and I was going to move to my next  
15 subject area.

16 MR. GRATL: I just rise -- Jason Gratl -- I just rise to note  
17 that although Mr. Ward accepts that proposition I  
18 certainly do not accept the proposition that  
19 Professor Lowman is unqualified to give and it's  
20 not of the ultimate legal issue in terms of  
21 jurisdiction of the police department but  
22 certainly of the practices of the Vancouver  
23 Police Department and other police departments in  
24 taking jurisdiction over investigations.

25 MR. DICKSON: Mr. Commissioner, I don't see any basis at the

1 moment in Dr. Lowman's qualifications going to  
2 jurisdiction. There's been no foundation of that  
3 so far. Perhaps we'll leave this for Mr. Gratl's  
4 examination and we can discuss it at that point,  
5 but I don't see any qualifications --

6 THE COMMISSIONER: Why don't we deal with it when you're  
7 cross-examining him.

8 MR. GRATL: I'm quite content to lay the foundation for that  
9 expertise.

10 THE COMMISSIONER: Mr. Ward.

11 MR. WARD:

12 Q Thank you. I actually have perhaps a question or  
13 two more on this point and I anticipate that,  
14 again, being a lawyer and thinking of things as  
15 they come up, I anticipate that my friend Mr.  
16 Dickson or Mr. Hern representing the Vancouver  
17 Police Department may wish to rise and offer  
18 their objections.

19 The first question, sir, have you read the  
20 Missing Women Investigation and Review authored  
21 by Deputy Chief LePard?

22 A Yes.

23 Q In that document he wrote this -- this is Exhibit  
24 1, Mr. Commissioner, at page 18 -- as one of the  
25 four key findings of his review, he said at page

1 4:

2 The VPD passed on ALL INFORMATION about  
3 Pickton to the RCMP when it received it  
4 because the RCMP had jurisdiction over the  
5 investigation of information pertaining to  
6 crimes occurring in Coquitlam.

7 Do you see that?

8 A Yes.

9 Q If the opinion you just expressed is correct,  
10 then that statement would from your perspective  
11 as an experienced criminologist with all of the  
12 qualifications that are set out in your CV as  
13 referred to by my friend Mr. Vertlieb when you  
14 were tendered as an expert, that statement would  
15 simply be wrong. It's not the jurisdiction of  
16 Coquitlam but the jurisdiction of the Vancouver  
17 Police over these issues, the issue being  
18 disappearance of the missing women?

19 THE COMMISSIONER: Don't answer that.

20 MR. DICKSON: Tim Dickson for VPD, and I rise again. Mr. Ward  
21 referred to the answer that Dr. Lowman previously  
22 gave and that answer was the subject of an  
23 objection that I imagine hasn't yet been  
24 resolved, but we do object -- as I heard you, Mr.  
25 Commissioner, Dr. Lowman was accepted as an

1 expert in prostitution and the matters covered in  
2 his report. This is not a matter covered in his  
3 report. There's been no foundation set out about  
4 any expertise in jurisdictional elements of  
5 policing. Dr. Lowman is not a police officer,  
6 he's a criminologist who started off in geography  
7 and moved into looking at prostitution, and I  
8 respectfully submit there's no foundation for him  
9 to offer that opinion on this matter.

10 MS. TOBIAS: Commissioner, Cheryl Tobias, I would simply add  
11 to what Mr. Dickson has said that I don't think  
12 that my learned friend Mr. Ward made the concern  
13 -- of course there are going to be witnesses from  
14 both RCMP and Vancouver Police Department talking  
15 about structural issues including this one, so I  
16 think that you can look forward to being fully  
17 informed and my friend Mr. Ward can get the  
18 information from the people who are best able to  
19 give that.

20 THE COMMISSIONER: Mr. Ward, anything more?

21 MR. WARD: Thank you. In response to both of my friends,  
22 firstly, my friend Mr. Dickson is quite correct,  
23 the subject of this question is not contained in  
24 Professor Lowman's report but arose from the  
25 exchange that I referred to between commission

1 counsel, himself and yourself, Mr. Commissioner,  
2 and I was just embarking with a few more  
3 questions further to that.

4 THE COMMISSIONER: Can we not solve this by -- isn't that  
5 really a matter ultimately for argument? What  
6 Dr. Lowman said that it was his expert opinion  
7 based on his knowledge of predators and  
8 situational offenders that probably Pickton had  
9 the intent to kill, formulated it sometime ago,  
10 came to Vancouver with that intent still intact  
11 and then committed the murders somewhere else. I  
12 think that's what he's saying but that's  
13 ultimately for argument as to whether or not  
14 which jurisdiction it took place in. I'm going  
15 to have to decide that at the end of the day.

16 Ms. Tobias.

17 MS. TOBIAS: Thank you, commissioner. Cheryl Tobias. I was  
18 going to remark as well what my friend is  
19 straying into as well is something that is a  
20 question of fact that is something that was a  
21 matter of very detailed evidence at the trial and  
22 it's not really evidence as a question of fact  
23 that with respect Mr. Lowman is in a position to  
24 give. I fully accept that Mr. Lowman has  
25 demonstrated a basis on which to talk about

1 predatory so-called clients and what their  
2 behaviour is. But as to whether Mr. Pickton  
3 actually did less or so, to be fair I don't think  
4 he can be asked those questions.

5 MR. VERTLIEB: If I may, not to take a position on it, but it  
6 is covered in his report at page 27 and I believe  
7 I read that out, just so my colleagues are aware  
8 of that coverage in the report.

9 THE COMMISSIONER: All right. Surely at the end of the day  
10 that's a matter for argument. He is entitled to  
11 give that opinion based on his expertise as to  
12 where he thought Pickton would have formed the  
13 specific intent, and whether that argument is  
14 sustainable is something that counsel will have  
15 liberty to argue.

16 MR. GRATL: I wonder, Mr. Commissioner, whether it could  
17 simply be asked of Professor Lowman if he has any  
18 expertise in the area of where police  
19 departments, jurisdictions --

20 THE COMMISSIONER: We're not talking about police officers or  
21 jurisdictions. What we are talking about here  
22 and the expert evidence he gave was that there  
23 are two types of situations: a situational crime  
24 and a predatory crime. His view, his opinion is  
25 that based on what he knows about the Pickton

1 case -- and I assume he means by that the  
2 numbers -- that the intent to kill probably was  
3 formulated much sooner than later. That's my  
4 summary of what he's saying.

5 MR. DICKSON: One last follow-up point on this -- Tim Dickson  
6 -- the basis of what Dr. Lowman knows about  
7 Pickton's practices as I heard it was Stevie  
8 Cameron's book called *The Farm* and some  
9 unidentified other sources, and I think that  
10 ought to be kept in mind as well in combination  
11 with Ms. Tobias' point that there's going to be a  
12 number of witnesses here who are in a much better  
13 position to explain that.

14 THE COMMISSIONER: What you're telling me, Mr. Dickson, is  
15 that the evidentiary basis of his opinion may be  
16 suspect and surely that's something you can ask  
17 in cross-examination.

18 MR. DICKSON: That's exactly right.

19 THE COMMISSIONER: All right. Mr. Ward.

20 MR. WARD: Thank you. Having heard all of this I am indeed  
21 prepared to move on but I want to make, if I may  
22 have the liberty, to make two observations in  
23 respect of this. The first is with respect to  
24 Dr. Lowman's expertise, he has studied and  
25 written a series of papers on subjects related to

1 the geography of crimes and that's evident from  
2 his CV which is in the record. The second  
3 observation is simply I note that -- I think that  
4 was my first or second substantive question and  
5 the result of it leads me to the observation that  
6 this is an indication why anyone trying to  
7 participate in this proceeding should have  
8 lawyers and, secondly, why it's very clear in my  
9 view that we will need to extend the time period  
10 for this inquiry past the 31st of December.

11 Q The next area I propose to review with you, sir,  
12 is the issue of police officers' attitudes.  
13 Could I take you firstly to page 32 of your  
14 report which I think you have in front of you.  
15 In my copy it's tab 1. You were asked by the  
16 commission as part of the parameters for your  
17 report to provide -- to tell us whether you had  
18 information that would have helped the police in  
19 conducting the Missing Womens Investigation  
20 during the time period between '97 and 2002, the  
21 time period set out in these terms of reference,  
22 and if so, whether you had contact with them  
23 about those matters; right?

24 A Yes.

25 Q If I can summarize your response, it was that



1           during the course of your research on violence  
2           against sex trade workers you had analyzed some  
3           bad date sheets that had been compiled about two  
4           community organizations with respect to violence  
5           against street workers in the Downtown Eastside  
6           for the period between '85 and '92?

7           A    Correct.

8           Q    The gist of that was that those two non-  
9           governmental organizations were compiling lists  
10          of bad dates on a weekly basis which included in  
11          some instances the licence plate numbers of the  
12          alleged offenders' vehicles; right?

13          A    Correct.

14          Q    Two members of the North Vancouver Police  
15          approached you once it was clear that you had  
16          access to that information and asked if indeed  
17          you did have the car licence plate numbers?

18          A    Correct.

19          Q    You learned that they themselves didn't have the  
20          licence plate numbers of the cars that were  
21          reported to have contained people who were  
22          abusing downtown Vancouver prostitutes because  
23          although those weekly sheets had been offered to  
24          them, the RCMP declined to accept them because  
25          they would not pay for the postage stamps; is

1           that right?

2           A    That's what they told me.

3           Q    If they were being truthful when they told you  
4           that they didn't gather the licence plate numbers  
5           of the bad dates that the Downtown Eastside  
6           community workers had compiled because of the  
7           cost of postage, would you agree with me that  
8           that suggests that the North Vancouver RCMP  
9           members who said that had an attitude of  
10          indifference to the fact that sex trade workers  
11          on the Downtown Eastside were being abused?

12          A    In some ways yes and in some ways no.

13          Q    Would you characterize it then as partly an  
14          attitude of indifference and partly an attitude  
15          about concern with respect to the resources to be  
16          spent?

17          A    It indicates both of those problems.  Also it  
18          indicates that they had at least come to my door  
19          to try and find out.  Clearly I was surprised  
20          that they would need to come to my door to find  
21          out.

22          Q    If I understand you correctly, they had enough  
23          concern to come to your door and ask you about  
24          the information compiled in the bad date sheets  
25          but not enough concern or money to ensure that

1           they received them when they were compiled and  
2           sent out; is that fair?

3           A    That would be a reasonable inference.

4           Q    You actually went through your records, listed  
5           the licence plate numbers that kept recurring  
6           with respect to reports of bad dates and you gave  
7           those to the police?

8           A    Correct.

9           Q    Do you still have those today?

10          A    The chances are if I were to dive deep into my  
11          many, many filing cabinets that I probably do  
12          have those records today.

13          Q    I may confer with you later about that.

14          A    I can't be sure, by the way, but I keep  
15          information.

16          Q    Would it be fair to say that as a result of your  
17          work in your area of professional expertise that  
18          you have acquired a great deal of experience and  
19          personal knowledge of the relationship between  
20          the police generally and sex trade workers?

21          A    Yes.

22          Q    And by "police" I'm referring to both members of  
23          the Vancouver Police Department and the RCMP;  
24          would that still be true?

25          A    I have a much better understanding of the

1 Vancouver Police Department than the RCMP. I've  
2 had much more contact with the police department.  
3 Over the years they've co-operated on projects  
4 I've done. They've always had what I call an  
5 open drawer policy when it came to the various  
6 projects that I worked, they were very helpful

7 Q Sorry, that's the --

8 A I call it open drawer policy.

9 Q I missed it. Which department?

10 A VPD.

11 Q You testified in your testimony in chief when  
12 canvassing the women themselves the name of one  
13 particularly considerate or helpful police  
14 officer in the department kept recurring?

15 A Yes.

16 Q Who was that?

17 A Dave Dickson.

18 Q Have you found -- I'll focus on the Vancouver  
19 Police Department attitudes for the moment --  
20 have you found in your own considerable  
21 experience whether there's a difference in the  
22 attitude manifested by male members of the  
23 department towards sex trade workers compared to  
24 the attitudes manifested by female members?

25 A I don't think I have a basis on which to properly

1 answer that question.

2 Q Are you able to express an opinion in general  
3 terms concerning the attitude of members of the  
4 Vancouver Police Department, male or female,  
5 towards street level, low track sex trade workers  
6 in Vancouver in the 1990s, or if you can't  
7 express a general view, could you provide your  
8 perspective on what that attitude might have been  
9 using examples if appropriate?

10 A I can express both general and specific opinions  
11 and observations, both through my own experience  
12 and through the experience of my research teams.  
13 Again, it's not a story that's just one-sided or  
14 black and white. I've met some police officers  
15 who clearly care a great deal about women  
16 involved in the sex trade, that was obvious to  
17 me. I've also met officers who I gained the  
18 impression thought that the women brought upon  
19 themselves the circumstances that they find  
20 themselves in. We've had -- just after the  
21 period of the nuisance injunctions we had  
22 researchers on the street, we had them before and  
23 after the injunctions and were monitoring that  
24 whole situation. One of my researchers overheard  
25 a police officer, a VPD officer, tell a woman on

1 the stroll that if anything happened to her she  
2 deserved what she got. I've heard police  
3 officers who were involved in the various Mount  
4 Pleasant task forces which ran from the late  
5 1980s into the mid 1990s, and let me just  
6 describe some of the tactics that the task force  
7 used to successfully displace prostitution out of  
8 Mount Pleasant. Police would take a team, they  
9 would take a police cruiser and if a woman was on  
10 a corner they'd park the police cruiser by the  
11 corner and if she moved to another corner they  
12 would park another cruiser there. There would be  
13 starlight tours where a woman might be picked up  
14 in that area and left at UBC. Those kind of  
15 tactics. Taking condoms from women, dumping  
16 their purses out on the street. I heard one  
17 officer say: "If we treated any other people  
18 like this we wouldn't get away with it." I also  
19 heard residents asking police officers to take  
20 the women out into back alleys and beat them up,  
21 wouldn't that be a good way of clearing Mount  
22 Pleasant of the scourge? So you see those kinds  
23 of attitudes reinforcing some of the things that  
24 police officers think. So it's not all of a  
25 piece; it's like most things.

1 Q I want to make sure I understood a portion of  
2 that correctly. You personally heard a member of  
3 the Vancouver Police Department say in your  
4 presence, "If we treated any other person the way  
5 we are treating the street workers we would not  
6 get away with it"?

7 A Correct.

8 Q Did you get the identity of that person?

9 A I would not be able to disclose it. It was in  
10 the context of research and we have a guarantee  
11 of confidentiality.

12 Q But you know who it was?

13 A Yes.

14 Q Male or female?

15 A Male.

16 Q A male member of the Vancouver Police Department?

17 A Yes.

18 Q What time period?

19 A This would have been early 1990s.

20 Q The starlight tour activity you mentioned, just  
21 so I have that right, that involves police  
22 officers picking up these sex trade workers in  
23 their chosen location of activity on the street  
24 and driving them across town to some other place  
25 far from their home territory and leaving them

1           there to fend for themselves, does it?

2           A    Correct.  It's women that are reporting that to  
3           us.

4           Q    What sort of frequency would that activity recur  
5           on?

6           A    That I don't know.  I can't give you a number for  
7           that.  I can tell you certainly more than one  
8           woman informed us that was the case.  If you look  
9           at the compendium of research carried out in  
10          Vancouver by different people -- I know Kate  
11          Shannon will be a witness in this hearing and if  
12          you look at some of her research, I believe I saw  
13          in one of her tables mention of similar kinds of  
14          practices.

15          Q    Just to be clear, you mentioned twice receiving  
16          reports that police officers had taken condoms  
17          from sex trade workers' purses.  I inferred that  
18          these were unused packaged condoms?

19          A    Yes.

20          Q    So by doing that it would follow that the police  
21          officers taking those condoms away from these sex  
22          trade workers would be jeopardizing the womens'  
23          safety if in fact they did that?

24          A    If they did not have condoms with them when they  
25          went on a date, then the risk of unprotected sex



1 would be enhanced.

2 Q Quite bluntly, the women could contract a life-  
3 threatening illness if they didn't have those  
4 condoms anymore?

5 A Correct.

6 Q Your research goes right up to present day I take  
7 it?

8 A Different aspects of the research continue, yes.

9 Q Have you seen or experienced any improvements in  
10 any negative attitudes that members of the police  
11 department and the City of Vancouver have  
12 displayed towards the sex trade workers from time  
13 to time?

14 A I don't have a research basis to make a comment  
15 in that regard.

16 Q I want to ask you a few questions about one of  
17 the appendices to your report, if I may. It's  
18 the paper by your former student Tamara  
19 O'Doherty?

20 A Yes.

21 Q It's called *Violence Against Women*. I'm not sure  
22 where it is in the exhibit, but it's appendix E  
23 to your report.

24 A Yes.

25 Q If I could take you to page 16 of that document.

1 She's compiled some evidence in table form -- and  
2 you're familiar with this I take it?

3 A Yes. I was her supervisor.

4 Q It would appear that based on her study which you  
5 supervised -- and this is a study just to be  
6 clear, looking at the first page, she focused on  
7 the question whether female off-street sex  
8 workers faced the same degree of victimization as  
9 female street-based workers in the City of  
10 Vancouver?

11 A Correct.

12 Q So she's looking at samples in the City of  
13 Vancouver and, in effect, comparing the  
14 victimization of two categories -- three  
15 categories actually, those who work in massage  
16 parlors, those who work as escorts -- and I'll  
17 stop there. Those two categories of sex trade  
18 workers are those that anybody can easily  
19 identify if, for example, they pick up today's  
20 *Georgia Straight* newspaper and flip to the back  
21 number of pages; is that fair?

22 A That's true, but more likely the Internet would  
23 be the source these days.

24 Q Internet is displacing print media it seems?

25 A Yes.

1 Q After masseuses and escorts there are the  
2 independents?

3 A Yes.

4 Q The independents would be sex trade workers who  
5 ply their trades on the streets of Vancouver?

6 A No.

7 Q Who are they?

8 A They are women who advertise primarily on the  
9 Internet, who would provide both in-call or out-  
10 call services but would not meet customers on the  
11 street. Her purpose example was designed  
12 deliberately to catch people who were not meeting  
13 their clients on the street. That was its  
14 primary purpose. Only five of her 39 respondents  
15 had street experience.

16 Q Let me ask you about the survey of the  
17 independents as a foundation for my next series  
18 of questions. In this study you supervised,  
19 Ms. O'Doherty found, if I'm reading this  
20 information correctly, that with respect to acts  
21 of violence experienced by sex trade workers in  
22 the City of Vancouver, the survey reveals that  
23 police officers are almost as likely and in some  
24 cases more likely to victimize sex trade workers  
25 with threats, threats with weapons, physical

1 assault, sexual assault, kidnapping and theft as  
2 the women's clients would be; correct? I'm  
3 looking on --

4 A Yes, yes.

5 Q That's right, isn't it?

6 A That is correct.

7 Q Would you consider from your study and experience  
8 street level, low track sex trade workers to be  
9 more or less safe than the independents referred  
10 to in Ms. O'Doherty's report?

11 A Yes, the evidence to that effect is overwhelming.

12 Q And it is?

13 A It is overwhelming. It comes from Lowman and  
14 Fraser, 1995, Currie -- sorry, '96, Currie's work  
15 1996, Cler-Cunningham and Christiansen's work in  
16 2001, the Farley study. I didn't go as far  
17 forward in my report as some of Kate Shannon's  
18 work but that shows similar kinds of finding.  
19 One of the things about O'Doherty's samples is it  
20 was 63 -- either 63 or 67 percent of indoor  
21 workers had never experienced any kind of  
22 victimization. When it did come to  
23 victimization, the large majority of those who  
24 had been victimized had been victimized just once  
25 and the most likely form of victimization was

1 theft from a co-worker. If you compare those  
2 findings to any group of women involved in street  
3 prostitution and you focus on the subgroup of  
4 women involved in the Downtown Eastside, the  
5 surveys show repeated victimization of a large  
6 proportion of the women involved over the last  
7 six-month period. It's overwhelmingly different.

8 Q And it's overwhelmingly worse and overwhelmingly  
9 more serious?

10 A Yes.

11 Q The evidence is overwhelming that sex trade  
12 workers on the streets of Vancouver are  
13 infinitely more likely -- pardon me -- are much  
14 more likely to be abused, threatened, assaulted  
15 and killed than those who ply their trade indoors  
16 in massage parlors, as escorts or as on-call  
17 people?

18 A It is overwhelming to the extent that it comes up  
19 time and time again in different surveys and the  
20 results are always the same.

21 Q I want to ask you about one of the surveys you  
22 mentioned. That's the work of Cler-Cunningham  
23 and Christiansen. It's one of the exhibits to  
24 your report, Exhibit J. They have canvassed in  
25 this report a number of subjects including

1 surveys of how the sex trade workers feel about  
2 the Vancouver Police Department?

3 A Yes.

4 Q Surveys about the level of violence including  
5 attempted murder that is directed towards them?

6 A Yes.

7 Q And is it fair to say that -- well, let me take  
8 you to the question about the attitude, page 73.  
9 177 sex trade workers were asked whether they  
10 thought Vancouver Vice officers cared about their  
11 safety and fully a quarter of the respondents --  
12 more than a quarter of the respondents replied  
13 that none of them, none of the Vancouver Police  
14 Department Vice members cared about their safety;  
15 right?

16 A Correct.

17 Q There's plenty of evidence in this report that  
18 one of the prevailing attitudes women encountered  
19 when they reported threats of violence and actual  
20 violence to the Vancouver Police was an attitude  
21 of indifference?

22 A Correct.

23 Q Appended to this report is a document that in my  
24 respectful submission is significant. I want to  
25 take you to it and I'm sure you're familiar with

1           it. You know, sir, that one of the women that  
2           Robert William Pickton was accused of murdering  
3           was Sarah de Vries?

4           A    Correct.

5           Q    She was the victim in count 18 of the indictment  
6           first degree murder that Pickton faced initially?

7           A    Yes.

8           Q    Pickton was never prosecuted for her murder  
9           because the charge against him respecting the  
10          murder of Sara de Vries was stayed after  
11          Pickton's appeals were exhausted?

12          A    Yes.

13          Q    Sara de Vries was an author?

14          A    Yes.

15          Q    And she's written a poem that appears in the  
16          appendix to the Cler-Cunningham report?

17          A    Yes.

18          Q    You've seen that?

19          A    Yes.

20          Q    It's at page 103 in typewritten form and in her  
21          handwriting at page 104?

22          A    Correct.

23          Q    She's also written a short story about her  
24          experience of being taken from the Downtown  
25          Eastside, almost losing her life at the hands of

1 a john out in Port Moody or somewhere around  
2 there and then reporting it to the police; right?

3 A That is my understanding.

4 Q I've read this. Her account where she describes  
5 being picked up at the corner of Hawkes and  
6 Hastings in downtown East Vancouver by someone  
7 who appeared nice at first, being driven to a  
8 road in the middle of nowhere in Port Moody, and  
9 then being assaulted, being struck repeatedly,  
10 kicked repeatedly in the head with the man's  
11 black Dayton boots, somehow getting out of his  
12 grasp, managing to take a few dollars from his  
13 wallet which was on the console of the car  
14 between them, fleeing into the bushes with this  
15 man chasing her, scared out of her wits, and it  
16 concludes with her escaping and then describing  
17 what happened when she reported the attempted  
18 murder to the Vancouver Police Department?

19 A Correct.

20 Q I want to read that bit to you and then ask you a  
21 question about it. She describes walking up and  
22 down this road in the vicinity of Port Moody for  
23 two hours with the man in the car trying to find  
24 her until finally a civilian, a good samaritan,  
25 comes along and picks her up and drives her to



1 the Vancouver Police Department. Do you recall  
2 reading that?

3 A Yes.

4 Q I'm going to read you what Sara de Vries has  
5 written from beyond the grave about her  
6 experience in reporting the attempted murder by  
7 this John to the Vancouver Police Department.  
8 It's at page 109. After this two hours, the John  
9 in the car has apparently given up, she writes  
10 this:

11 I almost died -- I think it's died and I  
12 cried. Feeling sorry for myself. Then I  
13 saw the main road. I got that extra lift  
14 from hope. The first car to see me stopped.  
15 He gave me a blanket. He was in shock. I  
16 think maybe more than I was. He drove me to  
17 the police station against my will but I had  
18 no fight left.

19 I'm sorry, I might have misspoke, it's hard to  
20 tell from this, but it's not clear which police  
21 station it is. I'll read it more fully later but  
22 the question remains the same and the point  
23 remains the same.

24 He drove me to the police station against my  
25 will but I had no fight left. I had one

1                    thing on my mind. A fix. The pain and  
2                    sickness were killing me. My eyes were  
3                    almost swollen shut. I didn't want to go  
4                    see any pigs. Their response was what I  
5                    expected. I felt like a total cheap junkie  
6                    whore standing there, sick, naked, beaten to  
7                    a pulp and that's what they told me. They  
8                    said I got what I deserved and they gave me  
9                    nothing, no clothes, no bus fare, no help,  
10                   no sympathy. Not that I expected it but  
11                   still it hurt me and deeply. The truth  
12                   hurts and part of what they said was true.  
13                   I could feel my face redden and tears  
14                   started to burn my tear ducts. My throat  
15                   grew a lump and it burned and I still  
16                   remember that tone of voice and that look he  
17                   had on his face as clear as if it were right  
18                   now.

19                   Is what Ms. De Vries described in her handwritten  
20                   story, a portion of which I've just read to you,  
21                   consistent with your experience in studying the  
22                   Vancouver sex trade with respect to how women  
23                   involved in that activity reported responses from  
24                   the police when they complained that they had  
25                   been assaulted?

1           A    It is characteristic of how some police officers  
2                    react.

3           Q    In your professional opinion what, if anything,  
4                    can be done to correct or improve the way some  
5                    police officers react when sex trade workers  
6                    report to them that they have been abused or  
7                    assaulted or nearly killed?

8           A    It's difficult to know where to begin to answer a  
9                    question like that.  Clearly you need very  
10                  concerted efforts in training, sensitivity  
11                  training, training about the nature of sex work,  
12                  training about the nature of the experiences of  
13                  women on the Downtown Eastside.  All of those  
14                  kinds of things need to happen, but we're still  
15                  dealing with a context of a country in which not  
16                  even the judges on the Supreme Court of Canada  
17                  could agree in 1990 about what Canadian  
18                  prostitution laws are trying to achieve.  When  
19                  they can't agree about what the laws as a whole  
20                  are trying to achieve, we're in trouble, and that  
21                  includes the police.  Fundamental changes need to  
22                  be made at every level.  Take the *Criminal*  
23                  *Compensation Injury Act* case where a woman has  
24                  been seriously injured because of her involvement  
25                  in prostitution is told that participation in

1 prostitution is inherently dangerous in which  
2 case you get no compensation. Imagine telling  
3 that to a firefighter. It's written through so  
4 many layers of our reaction to these women that  
5 we need to change it all in order to be able to  
6 change the parts.

7 MR. WARD: Thank you, sir. Mr. Commissioner, I note the time.  
8 I think it's the usual lunch break.

9 THE COMMISSIONER: Do counsel agree or have advice as to the  
10 caution against cross-examination is applicable  
11 in an inquiry as it is in trial?

12 MR. VERTLIEB: I think that we have some Law Society rules as  
13 well that impact on that. I'm comfortable if we  
14 follow the rules that once people are in cross  
15 they're not to be consulting with lawyers.

16 THE COMMISSIONER: Does anybody have different thoughts?

17 MR. GRATL: I have one caveat, Mr. Commissioner. What I'd  
18 like to do is present a package of documents to  
19 Professor Lowman by way of e-mail for him to  
20 review over the weekend so that I might ask him  
21 about some of those documents. Professor Lowman  
22 may or may not have seen some of those documents  
23 before. They are derived in part from  
24 concordance electronic database and he may not  
25 have seen those documents. That's a form of

1 contact.

2 THE COMMISSIONER: You would be entitled in the normal course  
3 of events to put those to him in  
4 cross-examination. Does anyone have objection to  
5 Mr. Gratl e-mailing those documents?

6 MR. VERTLIEB: I've spoken to Mr. Gratl and I think that's  
7 fair.

8 THE COMMISSIONER: Does everyone agree on that? Ms. Tobias?

9 MS. TOBIAS: I don't have any objections to my friend sending  
10 the documents to Professor Lowman. I think that  
11 that would facilitate matters, but also to  
12 facilitate matters because I know once my friend  
13 finishes his cross-examination myself and Mr.  
14 Dickson will be expected to get up in the  
15 interest of efficiency, I would appreciate those  
16 documents as well.

17 MR. DICKSON: Tim Dickson. That was the comment I was going  
18 to make. Speaking with Mr. Gratl it sounded like  
19 he wanted to put a number of documents to  
20 Dr. Lowman and that then forces us to review them  
21 and respond, so if he could circulate them to us  
22 as well I think that would be the most efficient  
23 course.

24 THE COMMISSIONER: Dr. Lowman, you've heard the comments I  
25 made with respect to cross-examination. You've

1 done this before.

2 THE WITNESS: Yes.

3 THE COMMISSIONER: You can't talk to anyone when you're under  
4 cross-examination, save and except receiving the  
5 documents from Mr. Gratl.

6 THE WITNESS: Understood.

7 THE REGISTRAR: This hearing is now adjourned until 2:00 p.m.

8 **(PROCEEDINGS ADJOURNED AT 12:28 P.M.)**

9 **(PROCEEDINGS RESUMED AT 2:00 P.M.)**

10 THE REGISTRAR: Order. This hearing is now resumed.

11 MR. CHANTLER: Commissioner, Mr. Ward will be here any minute.

12 MR. WARD: Mr. Commissioner, I'm sorry I'm late. I'm coming  
13 straight from a meeting with counsel concerning  
14 document disclosure and some of the others who  
15 were in that meeting I don't think are here yet.  
16 I'm here, I'm ready I suppose to go but I might  
17 faint from lack of food.

18 Q Sir, the next subject, the third one I wanted to  
19 ask you about is what you have referred to is the  
20 concept of displacement and particularly  
21 geographical displacement.

22 A Okay.

23 Q You referred from time to time during your  
24 testimony to the nuisance injunctions. I have  
25 with me and I'd like to show you a copy of what I

1 understand to be the 1984 injunction that played  
2 a role in the commencement of displacement. For  
3 the benefit of counsel what I've made available  
4 is a copy of the *BC Supreme Court, Attorney*  
5 *General v. Couillard* a decision of Chief Justice  
6 McEachern pronounced July 4th of 1984 and  
7 reported at (1984) 59 BC Law Reports 102, CanLII  
8 version, which this copy is, 1984 CanLII 374.

9 Sir, I want to ask you, first of all,  
10 whether this document to your recollection is one  
11 of the nuisance injunctions of which you spoke?

12 A It is.

13 Q I want to seek your opinion on some of the  
14 statements -- your professional opinion -- on  
15 some of the statements made in the Reasons for  
16 Judgment, if I may. In the first paragraph the  
17 court said this:

18 What has happened in the West End is an  
19 urban tragedy that should never have  
20 occurred.

21 Speaking of the fact that sex trade workers were  
22 in the early '80s walking the streets of that  
23 residential Vancouver neighbourhood. Do you  
24 agree that that was something in the nature of an  
25 urban tragedy?

1           A    Given the explanation that I would have had of  
2                    the circumstances that led to the development of  
3                    a prostitution stroll in the West End in the  
4                    first place, I would say it's unfortunate that  
5                    you have street prostitution in residential  
6                    areas. I would say it's unfortunate that you  
7                    have street prostitution at all. One needs to  
8                    unpack the history that led to the development of  
9                    the prostitution in the West End in the first  
10                  place to sort of comment on that.

11          Q    To the extent that you haven't spoken to that,  
12                  would you remind us please of a bit of that  
13                  history? How was it -- perhaps you might point  
14                  your laser -- how was it that the street sex  
15                  trade workers ended up in the West End of  
16                  Vancouver, and if you would please point the  
17                  laser to show the area we're speaking of here.

18          A    The explanation that has often been given of the  
19                  development of prostitution in the West End, and  
20                  I would point as evidence for this a presentation  
21                  by the group called Concerned Residents of the  
22                  West End, CROWE, to the Fraser Committee when it  
23                  had its hearing in Vancouver in 1984. The  
24                  impression is that prostitution in that area  
25                  occurred after 1978 after the Supreme Court



1 decision in *R v. Hutt*, i.e. soliciting is not  
2 the mere offering of a service and a price to an  
3 undercover police officer posing as a client, but  
4 is pressing and persistent conduct. The  
5 explanation is that prostitution spread out of  
6 control after that point. I do not believe the  
7 historical records supports that view.

8 The first time we found a reference to  
9 prostitution in the West End of Vancouver is in a  
10 *Vancouver Sun* article which if my memory serves  
11 me correctly was October 10 of 1972, and it talks  
12 about -- the article was titled *Worried Davie*  
13 *Street Looks For Cure. Slezzy Elements Rooted in*  
14 *Quality Area*. What it described is how a  
15 prostitution stroll had developed along parts of  
16 Davie Street and it was the local rate payers  
17 association talking about that prostitution. The  
18 explanation at the time was that certain  
19 nighttime activities had been displaced from  
20 Gastown and one of the reasons was change in  
21 bylaws that allowed certain places to stay open  
22 overnight. So what you had was a movement of  
23 street culture. But prostitution at that point  
24 was relatively confined.

25 However, you fast forward to 1977 and you

1 have a report from Corporal Forbes of the  
2 Vancouver Police Department who identifies 200  
3 prostitutes working in the West End at that time.  
4 The explanation for the large expansion of  
5 prostitution in the West End is the closure of  
6 the Penthouse and the Zanzibar. Indeed, when we  
7 were doing ground research and field research in  
8 1994 some of the people who had worked in the  
9 Penthouse were still around at that time and  
10 talked about how that stroll developed and why it  
11 expanded. One of the reasons it spread off Davie  
12 Street itself was because police tried to make it  
13 less obvious by moving it into the back alleys  
14 and the back streets. Of course what it became  
15 to the residents of the West End at that point  
16 was more obvious.

17 So is the development of prostitution in  
18 that area an urban tragedy or is it a powerful  
19 commentary about the self-defeating and  
20 contradictory nature of Canadian prostitution  
21 law, which on the one hand seems to be trying to  
22 keep it off the street and yet on the other hand  
23 given the nature of bawdy house laws and so on  
24 and so forth puts it back on the street. So you  
25 have a situation where prostitution was put on

1 the street by a certain kind of law enforcement  
2 effort and what we've been trying to do ever  
3 since is get it off the street or at least get it  
4 out of residential areas. I've got that  
5 documented in a paper in the *Canadian Journal of*  
6 *Criminology 1986* if you want a source for that.

7 Q Thank you. Sir, is it the case that by the early  
8 1980s, particularly 1983 and the period leading  
9 up to the pronouncement of this nuisance  
10 injunction, that these prostitution activities  
11 were occurring in the West End in the vicinity of  
12 Davie and Jervis streets, in that location?

13 A Through that period from January 1984, in fact we  
14 carried this exercise on until 1995, we did  
15 systematic head counts and censuses of the  
16 prostitution strolls all of them in Vancouver  
17 which included the West End. So on any given  
18 night -- we would do them systematically, do them  
19 every day of the week, we would do them 24 hours  
20 around the clock. We chose Thursday night to do  
21 a consistent census. All of those maps still  
22 exist and it shows the extent of that  
23 prostitution stroll. It also shows how  
24 prostitution literally relocated overnight with  
25 the nuisance injunctions.

1           As I mentioned before, the first injunction  
2 boundary was Burrard, you got the stroll  
3 developed now to the east of Burrard and then in  
4 the July injunction I believe it was the one that  
5 changed that boundary to Granville and that had  
6 an unanticipated consequence which was the effect  
7 it had on the Georgia stroll which was high track  
8 at that time and that developed after the closure  
9 of the Penthouse. The reason it had an impact on  
10 that stroll was because the women who were  
11 working on Georgia Street now needed to relocate.  
12 They went to the Richards and Seymour area  
13 because that is a pimped stroll, high track, and  
14 many of the women there went to Mount Pleasant  
15 and it's there you first see residents concerns  
16 and residents groups developing around  
17 prostitution in Mount Pleasant. The first  
18 indication historically we see of prostitution in  
19 Mount Pleasant was in 1982. You saw articles in  
20 the *Vancouver Sun* talking about hitch-hooking on  
21 Broadway.

22       Q    Could you please with your laser pointer indicate  
23 on the map for the benefit of those who may not  
24 be familiar with the West End the part of the  
25 West End that came before the court in

1                   consideration of whether this injunction should  
2                   issue?

3 THE COMMISSIONER: Can I ask what the relevance of all of this  
4                   is?

5 MR. WARD: Yes, certainly. Where this is heading is picking  
6                   up on the evidence in chief about the efforts  
7                   made to displace sex trade workers.

8 THE COMMISSIONER: From residential areas.

9 MR. WARD: Yes, from residential areas. The outcome was that  
10                  they ended up, as I understand it, in commercial  
11                  or industrial areas which by their nature were  
12                  less safe and these were the areas from which the  
13                  missing women were taken and --

14 THE COMMISSIONER: I recognize that, but we're talking here in  
15                  the '70s and '80s and shouldn't we be confined  
16                  more to what happened in the '90s? As you know,  
17                  the terms of reference are confined to 1997 to  
18                  2002. I appreciate that in order to get the full  
19                  narrative in order to have the full background  
20                  that some flexibility ought to be given, but  
21                  we're starting to go back to the '70s and '80s  
22                  and the Penthouse and Zanzibar and all those  
23                  things and that took place in 1975, the Penthouse  
24                  case was 1975. I'm just suggesting that maybe  
25                  we're getting a bit far. We need to have concern

1 about the parameters of the terms of reference.

2 MR. WARD: I am alive to that and I only note that your  
3 counsel, Mr. Vertlieb, elicited in the  
4 examination in chief of this witness the history  
5 of the closure of the Penthouse and the resulting  
6 displacements that occurred after that and I am  
7 seeking to ask some questions to provide some  
8 greater clarification to how that occurred. If  
9 it was relevant to the terms of reference such  
10 that it required him to question the witness --

11 THE COMMISSIONER: Go ahead.

12 MR. WARD: Anyway, the nuisance injunction I've shown you --  
13 by the way, I would like this marked as the next  
14 exhibit.

15 THE COMMISSIONER: Yes.

16 THE REGISTRAR: Exhibit number 5.

17 (EXHIBIT 5: Nuisance Injunction)

18 MR. WARD:

19 Q You can be seated, sir. If you turn to page 31  
20 of the document, the judge who issued this  
21 injunction said the following, the last several  
22 lines:

23 Because of the exaggerated and totally  
24 indiscreet conduct of the respondents --  
25 Meaning the named sex trade workers.

1                   -- and others in the past, I am going to go  
2                   further than otherwise might be the case,  
3                   but the respondents have brought this on  
4                   themselves.

5                   Would you in your professional opinion concur  
6                   with that statement that the sex trade workers  
7                   who were in the West End had brought the action  
8                   of the court on themselves?

9                   A    I would say it's more complicated than that.  
10                  Yes, people make choices but not in conditions  
11                  which they choose.  You have a situation where  
12                  prostitution is legal and yet you have a  
13                  situation where the Government of Canada refuses  
14                  to tell persons engaged in sex work where they  
15                  should conduct their work.  You have a situation  
16                  here where indoor locations were closed.  You  
17                  have a situation where people started to occupy  
18                  this area because of changes in bylaws.  You have  
19                  people who would probably prefer to work in  
20                  residential areas where there's more eyes on the  
21                  street to see what is happening to them.  So I  
22                  would say it is much more complicated than saying  
23                  people simply bring circumstances upon  
24                  themselves.

25                 Q    I'm going to ask you next about a portion of

1 paragraph 34, the judge said this, about three  
2 lines down:

3 To paraphrase Winston Churchill, what kind  
4 of people do these prostitutes and their  
5 associates think British Columbians are that  
6 they would tolerate such indecency on a  
7 continuing basis?

8 Do you see that?

9 A I do.

10 Q Do you have any comment on that statement?

11 A I suppose I would make the statement about the  
12 status of Canadian prostitution law in general  
13 and our approach to it rather than targeting it  
14 specifically at one group.

15 Q As we see in paragraph 35, what the court did --  
16 and this is the Supreme Court of British Columbia  
17 in '84 -- was issue an order restraining certain  
18 activities from occurring within a specified  
19 geographic area; right?

20 A Yes.

21 Q And of course the effect of that order was to  
22 displace sex trade workers from that geographic  
23 area and push them further east in the City of  
24 Vancouver?

25 A Correct.



1 Q Specifically, to push them further east to places  
2 where because of the absence of eyes on the  
3 street in commercial and industrial and warehouse  
4 zones, they were much less safe?

5 A I believe the evidence points very strongly to  
6 that conclusion about different kinds of areas  
7 and safety of street prostitutes, yes.

8 Q Sir, that leads me to the next and I think final  
9 area of my questions and that is this important,  
10 at least to my clients, perhaps others, the  
11 important issue, safety of those engaged in the  
12 sex trade. This is a subject that you have  
13 studied extensively; correct?

14 A Yes.

15 Q I noticed as I was reviewing your material that  
16 Cler-Cunningham and Anderson --

17 A Christiansen.

18 Q Christiansen, pardon me. In their survey they  
19 reported that fully a third of the sex trade  
20 workers, street sex trade workers they consulted,  
21 had reported attempts on their lives. Let me  
22 just turn that up.

23 A I don't remember all of the tables in great  
24 detail.

25 Q It's page 67 of the appendix, appendix J.

1 A I have it, under the heading Attempted Murder.

2 Q Attempted Murder, yes. Table 99. "33.1 percent  
3 report that someone has tried to kill them since  
4 they've worked on the street." Given that and  
5 given all of the other data that you have  
6 reviewed, working on the street as a sex trade  
7 worker particularly in the Downtown Eastside has  
8 been and continues to be an inherently risky  
9 activity?

10 A It's very dangerous, yes.

11 Q As you've already said, it's much more dangerous  
12 than engaging in sex trade services elsewhere,  
13 indoors?

14 A Yes, and also there's variation in different  
15 street prostitution strolls as well which  
16 reflects upon some of the criteria that create  
17 and shape risk that you've already mentioned.

18 Q What in your opinion were in 1997 through 2002  
19 the most dangerous Vancouver strolls in relation  
20 to the risks associated to sex trade workers  
21 there?

22 A Downtown Eastside.

23 Q Overwhelmingly?

24 A Yes.

25 Q With respect to the police response to the safety

1 issue, what steps to your knowledge did the  
2 Vancouver Police take in that time period, 1997  
3 to 2002, to address those safety issues for those  
4 workers on the Downtown Eastside?

5 A I did not do a study of police practices that  
6 would enable me to give a thorough answer to that  
7 question. One of the things that had happened in  
8 1995 is that we had published a report for the  
9 Department of Justice that tried to raise a red  
10 flag over all of the murders that were occurring  
11 in British Columbia of street-based sex workers.  
12 We released that report roughly at the time that  
13 it seems Mr. Pickton's serial killing of women  
14 was beginning or gaining momentum, I'm not sure  
15 when the first victim would have been. I would  
16 have to go back through my notes to look at the  
17 various statements that were made about when a  
18 task -- I recall there being a task set up to  
19 look at a number of missing women. In 1995 there  
20 were three women whose bodies were found in the  
21 Fraser Valley, the murders of those three woman,  
22 Tracey Olajide, Victoria Younker and Tammy Lee  
23 Pipe, those murders were linked by the police.  
24 Were there any -- of course I was also a board  
25 member of PACE at this point -- were there any

1 comprehensive efforts to try and change the  
2 nature of policing of these strolls, more  
3 monitoring, more systematic observation? Not to  
4 my knowledge. Individual officers were clearly  
5 taking some of these issues very seriously. I've  
6 met many police officers that do not believe a  
7 woman deserves to die because she's involved in  
8 sex. But was there a general attempt to do  
9 something about what the research was suggesting  
10 was a very, very serious problem? It didn't look  
11 like it.

12 Q Let me ask you a follow-up specific question on  
13 that point. Could you please turn to tab -- I'm  
14 sorry, this may be in a different place -- it's  
15 appendix H of your report, my tab 9, maybe not  
16 anybody else. These are several pages, the first  
17 of which is a copy of a media release from the  
18 Vancouver Police Department dated February 25,  
19 1997 headed *Behind Street Prostitution*  
20 *Enforcement*. Do you have it?

21 A I do.

22 Q It appears to have been signed by two deputy  
23 chief constables from the Vancouver Police  
24 Department, Deputy Chief Rawlins and Deputy Chief  
25 Blythe. Do you see that?

1 A Yes.

2 Q If I could read you a passage at the beginning of  
3 this media release it states this:

4 Since August of 1996 our focus on the street  
5 sex trade has been on, first, sexual  
6 exploitation of youth through prostitution  
7 and pornography; second, violence in  
8 prostitution; third, community safety and  
9 nuisance issues resulting from prostitution  
10 related activities; fourthly, targeting  
11 pimps and johns.

12 A Correct.

13 Q With respect to the safety issue that I'm focused  
14 on now, the phrase that I just mentioned to you  
15 "violence in prostitution" may be ambiguous.

16 A Yes.

17 Q It may refer to violence against prostitutes or  
18 violence involving prostitutes?

19 A But one of the most common scripts around the  
20 world today is the prohibition script which says  
21 prostitution itself is violent, and you see parts  
22 of that script picked up in this report when it's  
23 suggesting in other parts that it's the client  
24 who is the "cause" of prostitution. So there's a  
25 lot of things going on in this script.

1 Q You subscribe to that script?

2 A Which one?

3 Q That prostitution itself is violent.

4 A No, I do not.

5 Q I'm sorry, I misunderstood. On the safety issue,  
6 further down in the memo, third paragraph, the  
7 authors say this:

8 Street prostitution is a controversial issue  
9 with legal, social, health and economic  
10 implications.

11 You would agree with that?

12 A Yes.

13 Q The life of a street sex trade worker is  
14 frequently characterized by exploitation,  
15 violence, substance abuse and disease.

16 Agreed?

17 A Yes.

18 Q I want to draw your attention to the last  
19 sentence:

20 The Vancouver Police are developing and  
21 implementing innovative strategies at  
22 prevention as well as enforcement tactics to  
23 deal with the problems associated with  
24 street prostitution.

25 Do you see that?

1 A I do.

2 Q That phrase "innovative strategies" also appears  
3 at the end of the memorandum from Inspector Ken  
4 Dorn apparently prepared the following day which  
5 was directed to the chair and members of the  
6 Vancouver Police Board. If you flip over that  
7 page he has repeated that same sentiment at the  
8 bottom of the page?

9 A Yes.

10 Q Just focusing on that for a moment, are you aware  
11 from your extensive work in this area what the  
12 nature of the "innovative strategies" of the  
13 Vancouver Police Department said they were  
14 developing were?

15 A One of them I think is a commentary on the  
16 development of a sort of containment area, so  
17 we've managed at this point to displace  
18 prostitution out of the residential areas in  
19 Strathcona to the industrial areas. I don't know  
20 when the Oscar Ramos DISC program began which was  
21 an attempt to start to creating a database that  
22 related to some of these issues in terms of  
23 clients. I'm trying to remember what the acronym  
24 DISC stood for but my memory fails me on that  
25 one. I also worked quite extensively with

1 Inspector Dorn through this period and also  
2 Sergeant Bob Taylor prior to this period and it  
3 struck me -- both of them were heads of the vice  
4 squad when I was doing research -- and it struck  
5 me that both of them were very much concerned  
6 about violence against prostitute women. But how  
7 much that carried through into actual policy at  
8 the line level is not clear to me. Was there any  
9 kind of program for sort of effective monitoring  
10 of the orange light district? Not that I was  
11 aware of. There clearly was an agreement that  
12 simply repeatedly prosecuting these women under  
13 the communicating charge was revictimizing them.  
14 When you read this text it's clear there is an  
15 understanding of the situation these women were  
16 finding themselves in. So there was a  
17 recognition that we were revictimizing them.  
18 There was a recognition that when a woman gets a  
19 fine what is the first thing she does? She goes  
20 back down on the street. So the solution is to  
21 create this containment area. In the early 1990s  
22 as Yaletown was being developed I was called to a  
23 meeting of city planners. Where can we move this  
24 to? And by the way, this is confidential because  
25 we don't want a headline in the *Province* tomorrow



1 saying "Vancouver Sets Up Red Light District".  
2 So all this was going on in the background to  
3 understand this media release. So it was in a  
4 sense the best of a bunch of bad alternatives  
5 with the current law the way it is. There's a  
6 decision to stop this kind of enforcement, it's  
7 not been successful. The irony of it is that in  
8 many ways, although it wasn't the intention of  
9 Inspector Dorn, it created a situation that in  
10 some ways created even more problems. Yes, it  
11 solved the nuisance problems. But did it solve  
12 any problems for these women? Their real  
13 problems are addiction, poverty. We can talk  
14 about the law all we like but we need to deal  
15 with those fundamental issues and all of that  
16 stuff is going on. These are difficult issues.

17 Q Just so that I understand your testimony about  
18 the containment issue or policy, is it fair to  
19 characterize it this way, that the Vancouver  
20 Police facilitated the displacement of street  
21 trade workers from one or another area to another  
22 contained area because of expressions of concern  
23 from the public that they were causing a nuisance  
24 where they first were?

25 A Yes.

1 Q The response to the community, members of the  
2 public's concerns that these people were creating  
3 a nuisance manifested itself -- well, in the  
4 nuisance injunctions as well as police policy and  
5 action?

6 A Yes, it did and I've placed as an appendix to my  
7 report an article talking about newspaper  
8 articles on prostitution and what I call a  
9 discourse of disposal. In 1983 Staff Sergeant  
10 Bob Taylor wrote a report when somebody went  
11 around the Downtown Eastside pinning notices on  
12 lamp-posts basically saying if you don't move out  
13 of this area some serious stuff is going to  
14 happen, and you'll see it mentioned in that  
15 appendix. I can't remember the exact wording but  
16 it was fairly sinister. Bob Taylor went and saw  
17 the individual, found out who had done that and  
18 intervened. There had been another situation in  
19 Mount Pleasant. You got different residents  
20 groups setting up there and, by the way, there  
21 was another containment area set up in Mount  
22 Pleasant to get prostitution out of residential  
23 areas which was 1st Avenue. A woman from one of  
24 the resident groups wrote a sort of mock letter  
25 which was published in the *Sun* to Clint Eastwood

1           who was the mayor of Carmel, "We have problems  
2           here in Vancouver, looks like we need you. p.s.  
3           bring your gun."

4           Q    Sir, what you've referred to sounds like nimbyism  
5           in the extreme: Prostitution is going to exist  
6           but not in my backyard.

7           A    That term "nimbyism" describes the attitude of  
8           many people to prostitution when it gets in their  
9           neighbourhood. In many ways, people's concerns  
10          who live in neighbourhoods where street  
11          prostitution occurs, their concerns are easy to  
12          understand. Difficulties with this, difficulties  
13          with that. They don't see it as their problem.  
14          Nimbyism takes over, just get it out of my area.  
15          There was demonstrations when Mike Harcourt was  
16          mayor, people occupied his office. We can't  
17          sleep in our neighbourhood so we're sleeping in  
18          your office. It's failure to deal with  
19          fundamental problems that leaves it to people in  
20          residential neighbourhoods and police departments  
21          to figure out these problems which are much  
22          bigger than they are. They still play a part in  
23          the problem, don't get me wrong. When you write  
24          a mock letter saying, "Bring your gun" I get very  
25          concerned about vigilantism which is what this

1 encourages. I mentioned before we would go to a  
2 meeting where residents would ask police officers  
3 to take a woman on a street corner, "Why can't  
4 you take her into a back alley and beat her up?  
5 That will work." Those things happened all the  
6 time. I witnessed them all the time.

7 Q Given the unfortunate circumstances that low  
8 track sex trade workers found themselves in,  
9 namely they had no real source of income, they  
10 were poorly educated, they had no skills,  
11 employment skills, they were drug addicted, may  
12 have been of First Nations heritage and they  
13 perceived that the only way they could survive  
14 was by selling sexual services and given the  
15 containment policy of the Vancouver Police  
16 Department, what choices or options did these  
17 women have in your view?

18 A You've stumped me. Presumably if they could find  
19 whatever the power is inside a human being to  
20 manage to change addiction and all of those  
21 things, but as we know, those things are  
22 incredibly difficult so I don't know what options  
23 they would have.

24 Q To touch for a moment on something you raised  
25 earlier about another demographic group of sex

1 trade workers, what you characterized as  
2 "bourgeois". Could I ask you to turn to please  
3 appendix E which is Tamara O'Doherty's report,  
4 and in particular to page 12 of that document.  
5 She sampled or studied women who appear to have  
6 had options; is that fair?

7 A Yes.

8 Q If you look under Demographics, second to last  
9 paragraph under that heading, her sample of sex  
10 workers had high levels of educational  
11 attainment. 90 percent had some post-secondary  
12 training, 36 percent had completed either a  
13 bachelor's or a master's degree or a PhD?

14 A Yes.

15 Q She described them as comprising mainly  
16 well-educated, financially comfortable, local  
17 white women near the age of 30?

18 A Correct.

19 Q So they could work inside in safety?

20 A In places licenced by Vancouver municipality.

21 Q The City of Vancouver would actually knowingly  
22 licence places where sex trade workers could ply  
23 their trade?

24 A If you look at the difference between the massage  
25 parlour licence and the body rub licence, one of

1           these cost -- there's an appendix in my report  
2           that deals with these -- one of which costs \$200  
3           which is the massage parlour where only health  
4           techniques of touch can be used, as compared to a  
5           body rub parlour, a body rub you can't have touch  
6           that involves health enhancement. What other  
7           kind of -- well, I suppose it depends upon what  
8           kind of touch you would count as health  
9           enhancing, but if you look at the licence and the  
10          nature of the regulations and the fact that a  
11          person holding one of those licences has to  
12          actually declare who is working there to the  
13          police constable and you realize it's the third  
14          most expensive licence next to the Pacific  
15          National Exhibition and racetrack, at \$6,500, you  
16          realize that the City of Vancouver when it writes  
17          that bylaw is well aware it is licencing  
18          prostitution, or least it's very difficult to see  
19          how you could not come to that conclusion.  
20          Escort services also are licenced. Escorts used  
21          to have to go to see somebody in the vice squad  
22          before they got the licence. Women who have  
23          talked to me about the nature of those interviews  
24          left with no uncertainty or misapprehension about  
25          what it is that they might be getting into,

1 prostitution.

2 Q Let me ask you this, sir. In your professional  
3 expert opinion, is this a fair summary of the  
4 City of Vancouver, the City of Vancouver and in  
5 particular Vancouver Police Department's position  
6 on the issue of prostitution, if you're well  
7 educated, local, white and you've got some money  
8 we'll give you a licence so you can safely  
9 provide sex services to the public, but if you're  
10 poor, native, from out of town and poorly  
11 educated, we want you to go down and contain  
12 yourself on the Downtown Eastside and stand on a  
13 street corner in an industrial area in the rain  
14 and fend for yourself?

15 A I don't believe that that was the intention of  
16 the person involved in creating those various  
17 structures but I do believe that your description  
18 is precisely the effect.

19 Q Sir, you've obviously devoted most of your  
20 professional life to carefully studying this  
21 important social issue; is that fair?

22 A Yes.

23 Q At the end of this commission of inquiry I expect  
24 that Mr. Commissioner may well wish to make  
25 recommendations to those who make policy

1 concerning a number of issues. One of them might  
2 be, and I don't mean to speculate, but one of  
3 them might be recommendations directed to  
4 political decision makers on how the lives of low  
5 track -- pardon me, how the lives of those poor,  
6 poorly educated, disadvantaged, marginalized  
7 women who are forced to turn to the sex trade  
8 might be improved, how they could be safer. With  
9 the benefit of your professional experience in  
10 this area, do you have any opinions with respect  
11 to the nature of recommendations that might be of  
12 assistance to any people out there who find  
13 themselves in the position that their daughters  
14 and sisters and mothers of my clients found  
15 themselves in before they were taken by Mr.  
16 Pickton and murdered?

17 A We have to find solutions to poverty, the  
18 feminization of poverty, we have to find  
19 solutions to addiction, we have to find solutions  
20 to the effects of 200 years of colonization on  
21 west coast aboriginal peoples, we need to  
22 rationalize our law so that we understand what it  
23 is that it's trying to do, our prostitution law,  
24 because if people are going to be involved in  
25 prostitution, until we solve those other issues



1 we could see very similar things happening in the  
2 future. When we wrote a report in 1996 for the  
3 Federal Department of Justice we were already  
4 describing 50 homicides. Our purpose in doing  
5 that was to raise a red flag over what we saw as  
6 serious issues. In 1997 I wrote to every  
7 Minister of Justice and Attorney General in  
8 Canada suggesting that there was a serious  
9 problem and that political action needed to be  
10 taken. I got responses from about half of them  
11 and most of them said they would be thinking  
12 about it. In 1985 the Special Committee on  
13 Pornography and Prostitution said we had to  
14 rationalize our prostititional law. Is  
15 prostitution legal or is it not? If it is legal  
16 we have to decide where and under what  
17 circumstances it can occur. You have two sets of  
18 problems. One is nuisance and the other is the  
19 problem faced by women in sex work, particularly  
20 women. What we did was prioritize public  
21 propriety and property values over human life.  
22 That's what we've done. My main advice is that  
23 that's what we stop doing, plain and simple, but  
24 it's multi-layered efforts that we need.

25 Q One last thing, sir, before I sit down . You

1 lost your composure a moment ago in response to  
2 one of my questions and I'm sorry if I triggered  
3 that. Can I ask you why?

4 A I'm frustrated, having watched for so long. We  
5 read Sarah's work and I worked with Maggie de  
6 Vries on a board. Many of the families I've not  
7 met, I've met some today. We're talking about  
8 extreme human suffering and it got to me.

9 MR. WARD: Thank you, sir, and speaking for myself at least,  
10 thank you very much for your work and for coming  
11 to testify today.

12 THE WITNESS: Thank you.

13 THE COMMISSIONER: Mr. Baynham.

14 MR. BAYNHAM: Mr. Commissioner, I see it's a little bit  
15 early --

16 THE COMMISSIONER: You want the break now? Sure.

17 THE REGISTRAR: We'll recess for 15 minutes.

18 (PROCEEDINGS ADJOURNED AT 2:50 P.M.)

19 (PROCEEDINGS RESUMED AT 3:11 P.M.)

20 THE REGISTRAR: Order. This hearing is now resumed.

21 THE COMMISSIONER: Yes.

22 MR. BAYNHAM: Mr. Commissioner, it's Brian Baynham. I'm  
23 assisting independent counsel representing the  
24 aboriginal interest and the aboriginal community.

25 THE COMMISSIONER: Thank you.

1 **CROSS-EXAMINATION BY MR. BAYNHAM:**

2           Q   Mr. Lowman, I'm going to have some general  
3                    questions but the focus of my questioning is  
4                    going to be on the aboriginal community and how  
5                    the aboriginal community was impacted by the  
6                    things that happened in the Downtown Eastside and  
7                    how they were overrepresented in the number of  
8                    missing women.

9                    I'd like to start with a little better  
10                   understanding of how you came to -- the basis for  
11                   your reports and your various articles and your  
12                   expert opinion. As I understand it you did some  
13                   empirical analysis and collected data such as  
14                   head counts. Can you just tell me what empirical  
15                   data you worked with and how you came to have the  
16                   empirical data.

17           A   In the report, I think it's item 4, a description  
18                   of the various studies, so the first one was  
19                   looking at the whole issue of displacement around  
20                   the Penthouse and Zanzibar. In 1984 I did the  
21                   Vancouver Field Study for the Department of  
22                   Justice. That was background research for a  
23                   special committee on pornography and  
24                   prostitution. During that research, which was to  
25                   basically describe prostitution in Vancouver,

1 prostitution law enforcement, what is the nature  
2 of it, who is involved, how does it work, one of  
3 the things we started doing almost immediately  
4 was head counts of women working on the street,  
5 any police presence that we would see, men  
6 approaching them, to try and get an idea of where  
7 the strolls were, how active they were and it  
8 just happened that during the process of doing  
9 that you had the nuisance injunctions, the  
10 displacement which we were able to measure. We  
11 kept doing the counts because --

12 Q If I can stop you there. Who is the "we"?

13 A I have a research team. Basically I've got a  
14 variety of students or research subcontractors  
15 who are helping me do interviews, do some of  
16 these head counts. I always like to be involved  
17 directly in interviewing myself, otherwise I  
18 don't feel I can understand the question. Each  
19 time you see one of these major Department of  
20 Justice studies there will be usually two, three,  
21 four, five research assistants depending on the  
22 particular study. I will often use the term "we"  
23 to have to the extent they have a very important  
24 role to play in the production of that research.

25 Q To be clear you're hands on, you did some of the

1 counts yourself?

2 A Yes.

3 Q You were out on the street, you actually saw what  
4 happened?

5 A I don't think you can do research if you're not  
6 part of it.

7 Q Aside from head counts, what other empirical data  
8 did you develop and use?

9 A For the 1984 study we were interviewing police  
10 officers; we were interviewing social service  
11 workers; we were analyzing whatever charges were  
12 laid; we were looking at newspaper accounts.

13 Q That's a little bit different in my view. That's  
14 research, is it not, where you were going out and  
15 looking at other publications and newspapers and  
16 other things?

17 A There's two different kinds of -- if you're  
18 creating any kind of primary data I'm calling it  
19 research. In other words, if you're going into  
20 newspaper archives and doing a content analysis  
21 you're producing data, but at the same time  
22 you're relating that to secondary research  
23 sources which may be other databases, other  
24 studies, whatever the case may be. So we're  
25 creating a variety of different databases in

1           those various ways that I talked about. Some  
2           involves interviewing, some involves examination  
3           of various police sources and records, newspaper  
4           articles, whatever the case may be.

5           Q   If I could take you to page 15 of your report,  
6           this is question 8, and you were asked the  
7           question: "How many women were involved in  
8           street level sex trade in the Downtown Eastside  
9           during the time period?" And you produce a  
10          chart. How did you generate those figures, if  
11          you could tell us?

12          A   Those particular figures were reproduced from the  
13          report by Staff Sergeant Bob Taylor.

14          Q   So they actually come from --

15          A   Those particular data come from his police  
16          report.

17          Q   Did you do any independent data?

18          A   Yes.

19          Q   Was your data consistent with the police data?

20          A   One of the things that -- yes. What we did was  
21          -- unbeknownst to us, the police were doing these  
22          same counts at the same time we were -- not  
23          necessarily exactly the same times of day.  
24          Actually, there is a comparison of the two sets  
25          of counts in the 1989 report that I did. They

1 are within one or two of each other in terms of  
2 the three main strolls that we were looking at at  
3 the time. They're remarkably similar. Basically  
4 all you're doing is traversing each one of the  
5 streets and back alleys just once and counting  
6 who is visible at that time. So you get these  
7 figures here will show you how many people were  
8 visible at any one time. But in terms of the  
9 number of people who are actually involved, it's  
10 huge compared to the numbers that are visible at  
11 any one time.

12 Q And then the other thing you did was surveys and  
13 you regularly did surveys throughout this period  
14 of time, the '80s and into the '90s?

15 A Meaning interviews and questionnaires?

16 Q Yes.

17 A Yes, we did these in a phase of different  
18 studies.

19 Q Can you just assist us with your methodology  
20 there? We're going to hear evidence in the  
21 course of this inquiry about how reticent people  
22 are to sometimes testify, reticent to provide  
23 information, very distrustful of anybody in  
24 authority and anybody who doesn't belong to their  
25 community, as I understand it. I don't want to

1 talk pejoratively but how does an old, white male  
2 university professor get data from young largely  
3 aboriginal women who are distrustful of  
4 authority?

5 A Old white guy was young once.

6 Q I forgot about that.

7 A Sorry. Basically I was involved in what has come  
8 to be called community research. In order to be  
9 -- I'm an outsider, no two ways about that.

10 Q That was my point.

11 A Yes. I'm trying to respond seriously now. The  
12 first thing I realized I needed to do was contact  
13 women who were directly involved in prostitution.  
14 Luckily one woman came up to me after a class and  
15 said, "You want to know about prostitution, I'll  
16 tell you about prostitution," and she became an  
17 important source for me. In 1983 an organization  
18 called the Alliance For the Safety of  
19 Prostitutes, it was grassroots organization  
20 working on the Downtown Eastside and in other  
21 areas, and I went to see them to ask for  
22 assistance putting together a questionnaire and  
23 interview schedule. If I go in there and I use  
24 language that is completely alien to the people  
25 that I want to try to understand it's not going



1 to work. Basically I needed to educate myself  
2 about the subject before I went near anybody who  
3 might be giving me information. If you gain the  
4 trust of an organization like that and they feel  
5 that you're doing something that is going to be  
6 worthwhile and the word goes out you are  
7 trustworthy, then you can make some inroads.  
8 Also I would use as well as doing interviews  
9 myself, I had two female interviews. I also had  
10 a person who interviewed persons underage who was  
11 a social worker. We have one other promise that  
12 we make and that is strict confidentiality.

13 Q Confidentiality with respect to what aspects of  
14 the interview process?

15 A We have an ethical code that is the same as  
16 journalists and lawyers, i.e. when people give us  
17 information we are not allowed to divulge who  
18 they are and we take that commitment very, very  
19 seriously. I would always ask people to use a  
20 pseudonym, not their real name. I would bend  
21 over backwards not to find out somebody's name.  
22 You do things like ask people not their exact  
23 date of birth, what is the month and year --  
24 because you don't ask people their age, you ask  
25 date of birth, it's generally more accurate --

1 but you don't want to be asking somebody's full  
2 date of birth because they may become suspicious.  
3 I had to learn all of that, all of those  
4 techniques, and you have to become immersed in  
5 the community to some extent and the research  
6 that is successful is not where you parachute in,  
7 collect your data and then leave and one of the  
8 reasons -- there was several reasons I was  
9 involved in PACE Society which was another street  
10 level organization --

11 Q Can I stop you there for a moment. You mentioned  
12 another organization, the name I hadn't heard  
13 before --

14 A Alliance For the Safety of Prostitutes.

15 Q How long did that organization function?

16 A That organization functioned for about three  
17 years. A woman by the name of Sally de Quatros  
18 who was a former sex worker herself, and it was  
19 all about protection of women involved in  
20 prostitution and providing non-judgmental  
21 services for them. That organization lasted for  
22 about three years. One after that called POWER,  
23 Prostitutes and Other Women For Equal Rights.  
24 Then there was an organization that began in 1994  
25 PACE, Prostitutes Alternatives Counselling and

1 Education. Their offices were usually in the  
2 Downtown Eastside in various places and I would  
3 spend quite a bit of time in those offices. Most  
4 of the people who worked for PACE were former or  
5 current working women. So over a lengthy period  
6 people got a pretty good idea of who I was,  
7 whether I was trustworthy and what I was about.

8 Q You felt you established your credibility with  
9 the community of --

10 A It looked like it to the extent that we usually  
11 didn't have much problem gathering the kinds of  
12 data you see in these reports.

13 Q Your involvement with PACE was volunteer?

14 A Yes. It's a charitable organization that  
15 provided non-judgmental services for women in  
16 prostitution.

17 Q How did you make use of the data that you  
18 developed?

19 A Nearly all of the research that I did -- the  
20 first eight or nine studies were funded by the  
21 Department of Justice Canada so those became  
22 government reports. They're not the position of  
23 the Department of Justice; they're the position  
24 of the researcher. We got further funding from  
25 the Province of British Columbia to do research

1 on clients which is an area that we hadn't  
2 researched until the late 1990s. So the research  
3 is used in government reports, used by policy  
4 makers. I use that research to talk to -- I've  
5 talked to the Canadian government, various  
6 subcommittees of government involved in various  
7 task forces, trying to figure out prostitution  
8 policy, law reform issues and generally providing  
9 information to the general public about what  
10 we're dealing with and for the purpose of  
11 reporting all of that research it goes into peer  
12 reviewed journals and other outlets.

13 Q One of the questions you asked and looked into in  
14 your research was what race the person was; is  
15 that correct?

16 A We would -- depending upon the kind of source.  
17 If we were going through police reports you would  
18 often see on particular forms, you would see  
19 certain characteristics recorded such as race,  
20 employment, person's address, so on and so forth.  
21 We also asked people to sort of self-classify  
22 when we would do interviews because we do believe  
23 -- there's a lot of argument in academics about  
24 whether race should even be an issue, critical  
25 race studies, many, many issues. We believe that

1           they are important issues and we do record data  
2           on the race of many people we are studying.

3           Q    If I could take you to page 15 of your report,  
4           question 9 -- actually start at page 3, the first  
5           reference, I believe.  If I can take you to the  
6           second paragraph, second -- fourth line from the  
7           bottom of the second it reads:

8                        VPD reported that, in 1992, the Downtown  
9                        Eastside population included over 500  
10                      mentally ill persons, 480 sex workers, over  
11                      350 Latino refugees, and many alcoholic and  
12                      dysfunctional residents living in poverty  
13                      the large majority of street level sex  
14                      workers in the community were young, female  
15                      aboriginal.

16           A    Yes.

17           Q    That is the Vancouver Police records you're  
18           quoting from there?

19           A    In that particular case, yes.

20           Q    I believe you said in your testimony that they  
21           had an open drawer policy in that they would  
22           provide written data to you as part of your  
23           research?

24           A    When I was doing these various reports, so the  
25           one in 1984 -- these were all for Department of

1 Justice. One in 1984 for the Fraser Committee;  
2 the one published in 1989 was part of the  
3 evaluation of the communicating law; one  
4 published in 1996 was a specific study of  
5 violence against people involved in prostitution.

6 Q The reference here is to 1992?

7 A That is a reference to a report by Bob Taylor but  
8 there's quite a few other different sources that  
9 give you the percentage of aboriginal street  
10 involved persons on the Downtown Eastside. So  
11 you'll find those in different reports of mine  
12 and other research, Kate Shannon will have those  
13 figures. They vary between 30 and 70 percent in  
14 the various sources.

15 Q I'm going to come to those in a moment. Do you  
16 agree with what you quote here from the Vancouver  
17 Police Department that the large majority of  
18 street level sex workers in the community were  
19 young female aboriginals as of 1992; do you share  
20 that opinion?

21 A Yes.

22 Q You mentioned Kate Shannon and we're going to  
23 hear from her. It doesn't appear that you have  
24 worked with her on any projects; is that right,  
25 or have you?

1 A No, I haven't.

2 Q And what's her approach to the issue of -- how  
3 does she approach the issue of prostitution as  
4 you understand it?

5 A She's done a variety of different research  
6 projects. She is an HIV/AIDS researcher looking  
7 at risk factors for street-involved women. Her  
8 main contact has been WISH. WISH is an  
9 organization that during its opening hours does  
10 not have any men in that particular location for  
11 safety reasons and for solidarity and a variety  
12 of other different reasons. Dr. Shannon's main  
13 vehicle -- I described how I was associated with  
14 various organizations and I think Dr. Shannon  
15 will tell you that her association with WISH is  
16 her equivalent of my association with  
17 organizations much earlier. I didn't include her  
18 research in this review because I knew she would  
19 be providing that evidence and also I was  
20 concentrating on the studies that were done as  
21 close to or in the particular period that the  
22 commission is interested in.

23 Q Referring to the issue of the percentage of  
24 aboriginal women involved in the sex trade in the  
25 Downtown Eastside, I'll take you to page 15. You

1           were asked: "What percentage of women identified  
2           in question 8 were aboriginal?" And you quote  
3           various reports and studies here. At the bottom  
4           of page 15, the top of page 16, these -- am I  
5           right in thinking that only one of the reports is  
6           your report?

7           A    Yes.

8           Q    What can you say about the validity of the other  
9           reports you cite here? Part of the question is  
10          directed towards there seems to be a large  
11          variation in the percentages of aboriginal women  
12          that are identified as being involved in the sex  
13          work?

14          A    Yes. Just to speak to our study, the 65  
15          respondents were not only from the Downtown  
16          Eastside. We were also interviewing high track,  
17          so-called high track women, Richards and Seymour.  
18          One of the things we were interested in looking  
19          at was the risk of victimization in the two  
20          different strolls. We don't have -- that isn't a  
21          figure that applies simply to the Downtown  
22          Eastside segment --

23          Q    It understates it then?

24          A    Exactly, it understates it. That's why you've  
25          got that variation there. Currie's report -- it



1 was estimated in 1999 by Staff Sergeant Bob  
2 Taylor, I think they identified 480 women who at  
3 one time or another through that year were  
4 street-involved, involved in prostitution, and  
5 whether it was on a regular basis or piecemeal  
6 that's not known. The thing about Currie's  
7 sample is that some of her other researchers were  
8 street-involved women themselves and she was able  
9 to get -- they had a mixture of questionnaires, I  
10 think there was about 80 or 58 of those, we can  
11 go back to the research to get the exact number,  
12 plus a number of focus groups. In the end there  
13 were about 150 persons involved in that study.  
14 When you look at that as a proportion of the  
15 overall population that's a large sample. One of  
16 the issues here is that sampling is difficult. A  
17 probabilistic sample is one where you can  
18 generalize to the population because you sample  
19 from it randomly. These are not probabilistic  
20 samples. You cannot generalize because you don't  
21 know what population they come from, they are  
22 self-chosen. So always sampling is an issue, how  
23 representative is this. That's why you see some  
24 of the variation. If your contact people in  
25 snowball sampling, i.e. it's word of mouth,

1 people are telling each other on the street that  
2 there's this study going on. If you have a  
3 number of aboriginal women working they're more  
4 likely to have other aboriginal women as  
5 contacts, so you're more likely to get more of  
6 them in the sample. It's those kind of factors  
7 that determine the different proportions that you  
8 see here. When I talk about those proportions,  
9 when I'm saying anywhere between 30 and 70  
10 percent, what we do know by putting them all  
11 together is that there is a large percentage of  
12 aboriginal women in that street-involved  
13 population. That's how we come to the  
14 conclusion.

15 Q Far above their percentage of the population as a  
16 whole in British Columbia?

17 A Way higher than that. I think the estimate that  
18 is in this report of the aboriginal population in  
19 the Downtown Eastside is nine percent, I believe  
20 it was, and that's a Vancouver municipality  
21 figure and in British Columbia as a whole it's  
22 three percent.

23 Q That's what is contained in the report?

24 A Yes.

25 Q You also had your -- you were down there, you saw

1 people. Was what you saw consistent with what  
2 these surveys were showing?

3 A Yes.

4 Q So it rang true to you what the surveys were  
5 showing?

6 A Yes.

7 Q If I could take you to page 16, just above the  
8 10th question, I just want you to enlarge upon  
9 that paragraph and I'll read that paragraph into  
10 the record:

11 The social and economic marginalization of  
12 aboriginal women reflects the  
13 multi-generational legacy of colonial  
14 oppression in the form of concerted attempts  
15 to destroy West Coast aboriginal Culture in  
16 the late 19th and much of the 20th Century  
17 through a variety of coercive mechanisms,  
18 including the residential school system.

19 How did you come to form that opinion?

20 A Primarily by reading a fair amount of secondary  
21 literature about aboriginal populations which was  
22 primarily -- my interest was primarily stimulated  
23 by doing this research and seeing these kinds of  
24 issues being raised. So as I've travelled around  
25 British Columbia I've gone to places like the

1 Campbell River Museum where you see a display  
2 where there's 100 people shown and the lights go  
3 out which represent the fact 90 percent of the  
4 population on that coast died of smallpox. I've  
5 read about the issues related to residential  
6 school systems in the process of interviewing a  
7 variety of people, I've talked to them about what  
8 happened to them in residential schools. I've  
9 read early accounts of the criminalization of the  
10 potlatch. I've read accounts of the attempted,  
11 and I quote the word, "de-Indianization" of  
12 aboriginal peoples. I've in the process of doing  
13 this research talked to people about their family  
14 histories and how they unfold, and so it is that  
15 tapestry that leads to that compressed paragraph  
16 that summarizes the effects of 200 years of  
17 colonization on aboriginal peoples. My belief is  
18 that one can only understand the situation that  
19 faces contemporary individuals by understanding  
20 the history because the history is still now.

21 Q If I could take you back to page 14 under the  
22 heading Survival Sex you also deal with poverty  
23 and addiction and then go on to say that in the  
24 Downtown Eastside poverty and addiction are  
25 reflected and are amplified by the effects of

1           colonization of the aboriginal people and the  
2           destruction of their culture, and that's really  
3           what you've amplified on in your answer as I  
4           understand it?

5           A    Yes.

6           Q    We heard an opening from Ann Livingston.  Are you  
7           familiar with her?

8           A    Yes.

9           Q    From VANDU?

10          A    Yes.

11          Q    She said words to the effect that women were  
12          degraded and words that really rang -- I  
13          remembered and wrote down and emphasized, she had  
14          a sense that the women, missing and murdered  
15          women, had gave up on life or words to that  
16          effect.  Is that what you're describing?

17          A    In some cases that is an apt description.  The  
18          other thing that has struck me about coming to  
19          know women involved in sex work is what  
20          incredible survivors many of them are and how  
21          strong they are.  I think people when they reach  
22          certain kinds of bottoms and when we talk about  
23          addiction and bottoming out and that kind of  
24          thing people may reach that feeling, but what  
25          I've witnessed is an incredible amount of

1 resilience and strength amidst all these  
2 problems.

3 Q I take it from what you've said today and the way  
4 you've responded to questions you still hold out  
5 hope that things can get better, there can be a  
6 change?

7 A If I lose hope, I'm out of here.

8 Q Just dealing with the survival sex worker per se,  
9 am I right in thinking that it's your opinion  
10 that they really don't have any choice in how to  
11 survive?

12 A Very, very little. If you think about the  
13 circumstances of a human being who has had her  
14 stepfather coming into her bedroom each night so  
15 that she's run away from home and she's now on  
16 the street and the only kind of help she can get  
17 is what I would call bargain help. In other  
18 words, if you will do this for us, we will do  
19 this for you. But the problem that particular  
20 person is having with that approach is that  
21 they're going through something that we all go  
22 through and it's the point at which we start  
23 making decisions for ourselves in life rather  
24 than having our parents making them for us.  
25 They're going through that at a much earlier age

1 than other Canadians. So a lot of ways we try to  
2 help them don't help at all. We don't understand  
3 that from their point of view prostitution is not  
4 a problem, it's a solution, it's a solution to  
5 the problems that they have. We want to turn it  
6 into a problem and have them see it that way and  
7 that may be a relevant thing to do in certain  
8 circumstances, but unless we stand in their shoes  
9 it's awfully difficult to help them. If you're  
10 that old and you have all of these kinds of  
11 problems we've been talking about, what do you  
12 do? I don't see that you have many choices in  
13 that situation.

14 Q I'd like to just move on to the number of missing  
15 women because there are various figures that show  
16 up in your report and in the police report and  
17 what Mr. Pickton allegedly said to police in  
18 jail. I could take you to page 28 in your  
19 report, the second paragraph you say:

20 Since 1980 in British Columbia, approaching  
21 150 street prostitutes have gone missing or  
22 are confirmed homicide victims.

23 Then you go on to discuss, and I'm not going to  
24 go into that, about what percentage were involved  
25 in street prostitution and so on. Where do you

1           come up with that figure of 150?

2           A    This is the reconstruction.  What we did in 1993  
3           was try and reconstruct the history of homicides  
4           of sex workers going back as far as we could.  We  
5           did it through a variety of sources, some of  
6           which we were provided by VPD, we looked through  
7           various newspaper accounts, went through the RCMP  
8           macros database and we also looked at the  
9           homicide reports from Statistics Canada that  
10          begin in 1991, those are the first ones that tell  
11          us the occupation of the victim.

12          Q    If I could stop you there, so we put this in  
13          context, as I understand it this was in the  
14          course of preparing one of your reports for the  
15          Department of Justice?

16          A    It was built up over a variety of those reports  
17          and then filling in other research that I would  
18          do in between, trying to figure out these various  
19          figures to create as complete a record as  
20          possible.  You've got the ones that we discovered  
21          and recorded and then you have the ones that  
22          appeared in the homicide survey from 1991 onwards  
23          and then you have the number, and there's various  
24          numbers that were given for the number of missing  
25          women, and when you put all of those together it



1 comes to at least 150 people.

2 Q So that's essentially in the last -- that's over  
3 a 30-year period?

4 A Yes. But the thing is, as you go through that  
5 period it's getting to be more and more and more  
6 and I document that in one of the articles that  
7 is in the appendices to the report.

8 Q We're going to hear from Detective Inspector  
9 Rossmo in the course of this inquiry and you make  
10 reference to his figures at page 24, if I could  
11 just take you to that. You deal with it in the  
12 third paragraph -- the second paragraph, about  
13 half-way through he says:

14 We now know that 10 women disappeared from  
15 this area in 1997, nine disappeared in 1998,  
16 and six in 1999.

17 And you quote that from Detective Inspector  
18 Rossmo's records I gather?

19 A Yes.

20 Q How did you come to gain possession of those  
21 records?

22 A I first met Kim Rossmo in 1982. He was a  
23 graduate student of ours; I was the supervisor of  
24 his MA thesis. I was a member of his PhD  
25 committee. He spoke to many of my classes and I

1           went on many ride-alongs at different points with  
2           Kim. I've known him for many, many years and  
3           we've talked on a variety of different occasions  
4           about some of the issues related to these  
5           reports. When he gave a presentation a few years  
6           ago, he received a prize, he had these figures  
7           and he used them in a demonstration. I e-mailed  
8           him afterwards and asked him for a copy of the  
9           figures and he sent those to me. One of the  
10          things that I did as I was going through the book  
11          *On the Farm* was to look at what that book said  
12          about the disappearances and I realized that they  
13          don't mesh with the ones that Dr. Rossmo gave me  
14          and so I decided that I should report that as  
15          well -- I mean, information is everything.

16          Q    Were you in touch with him in 1997, 1998?

17          A    I would have been at various points in contact  
18          with Kim, yes.

19          Q    I understand we're going to hear evidence from  
20          him that he was of the view in or about August,  
21          September of 1998 that there was likely a serial  
22          killer responsible for the disappearance of so  
23          many women in a short period of time. What view  
24          did you hold at that point?

25          A    I held a similar view. In 1999 there's an

1 article in *Elm Street* by Daniel Wood where I  
2 suggest that there could be one or more serial  
3 killers and you'll note there's a point in the  
4 report that asks me what the basis for that  
5 opinion was. In the year 2000 I published  
6 another article which is in the appendices here  
7 where I also talk about the possibility of one or  
8 more serial killers. I strongly believe that  
9 there is -- there has been more than one serial  
10 killer of women involved in sex work in Vancouver  
11 over the last 25 years. Some of those men may  
12 have been convicted of only a single crime.  
13 There's still women missing beyond the number  
14 that is -- or at least my understanding is it is  
15 now 33 DNA traces that have been found on the  
16 farm. If we believe the comments about 49  
17 victims to the police officer in the undercover  
18 -- undercover police officer in the cell --  
19 there's other women missing, so there's a  
20 possibility that Ridgway killed women in  
21 Vancouver -- who knows? But yes, in 1999 and  
22 2000 I was on published written record as  
23 expressing the opinion that a serial killer was  
24 preying on women in Vancouver's Downtown  
25 Eastside.

1 Q I'm going to move on in a minute to a couple  
2 questions about the attitude of the Vancouver  
3 Police Department and I'd like your views on  
4 that. I did neglect to ask you one question  
5 about earlier in your report and that was a  
6 comparative between the Downtown Eastside and the  
7 other strolls. If you could just bear with me a  
8 moment. If I could take you to page 17 of your  
9 report. This is when you were dealing with the  
10 question of: "What were the common  
11 characteristics of the women involved in the  
12 street level sex trade in the Downtown Eastside  
13 during the time period?" You referred to  
14 O'Doherty's report which is at appendix 1e) and  
15 she dealt with the high-end stroll?

16 A No. She was dealing with indoor prostitution  
17 exclusively, not street prostitution.

18 Q Quite right. I just want to take you down to the  
19 fourth paragraph there is a reference that there  
20 were no aboriginal women found in her report?

21 A Correct.

22 Q None at all?

23 A None.

24 Q What can you say about the percentage of  
25 aboriginal women involved in the high track

1 prostitution?

2 A On the street?

3 Q Yes.

4 A There are some aboriginal women but the percent  
5 is much, much lower than in the Downtown  
6 Eastside. In other words, you see a class and  
7 race dimension within prostitution as well as  
8 outside it.

9 Q If I could take you to appendix H of your report,  
10 this is the media release. Is it your  
11 understanding that this media release was put out  
12 to the public?

13 A Yes.

14 Q The first thing I notice about it is it says  
15 Street Prostitution Enforcement. What does that  
16 say to you about the Vancouver Police  
17 Department's state of mind at the time?

18 A That enforcement when it came to prostitution law  
19 was mostly about street prostitution, but in this  
20 particular case it's a specific reference to the  
21 Downtown Eastside and what is happening, or at  
22 least that's the way I read it.

23 Q I'm going to go back between the report that I  
24 gather went to the police board and the press  
25 release. The first line of the report to the

1 police board says:

2 Over the past week there has been a great  
3 deal of discussion regarding this topic in  
4 the Lower Mainland.

5 Do you recall what discussion was happening at  
6 that point?

7 A I think the discussion at that point was about  
8 prostitution spreading into residential areas in  
9 and around Strathcona. You had a number of  
10 different organizations who were going to emulate  
11 some of the tactics of groups in other areas  
12 which involved street presence, organizations  
13 called Shame the Johns, other tactics like that.  
14 I think part of this was a response to some of  
15 those concerns. Basically it's saying: Look,  
16 we've got the situation under control, we've got  
17 prostitution pretty much contained in certain  
18 areas so that stimulates a certain amount of  
19 interest, especially amongst those groups who are  
20 concerned about street prostitution spreading  
21 back into residential areas. That's my  
22 recollection of the context.

23 Q The police were reacting to public pressure and  
24 pressure from residents in the Strathcona area?

25 A Yes. Mostly when police explain their decisions

1 about which prostitution laws to enforce it is  
2 always that it is complaint driven. We only  
3 react when there are complaints. Those  
4 complaints almost invariably are from persons  
5 living on residential streets where prostitutes  
6 appear. Sometimes you get them from businesses,  
7 perhaps along Hastings Street, somebody is  
8 standing in a doorway. That incident we referred  
9 to earlier on where somebody started posting  
10 signs saying if you don't get out of here  
11 something serious will happen, I think that was a  
12 business, not a resident, but it's primarily  
13 people in residential areas who are making  
14 complaints.

15 Q If we go back to the press release, the first  
16 sentence after the four bullets reads:

17 The root cause of Vancouver's street  
18 prostitution is the men who purchase or  
19 recruit and control pimp, juvenile or adult  
20 sex workers.

21 I take it from what you've said earlier today you  
22 don't agree with that as being the root cause?

23 A I think that's a highly simplified account of a  
24 very complex human issue.

25 Q The last paragraph reads:

1           The Vancouver Police are developing and  
2           implementing innovative strategies of  
3           prevention as well as enforcement tactics.

4           I suggest to you that the only evidence we have  
5           of what the police did was enforcement in or  
6           about that time?

7           A    Yes.  I also mentioned the creation of the DISC  
8           program but I can't remember exactly when that  
9           originated.  Other things were going on.  The  
10          primary tactic was enforcement.

11          Q    If we look at the next couple of pages at  
12          appendix H, this is a report to the police board  
13          and it talks about a number of highlights.  This  
14          is in reference to a report of Doreen Duchesne.  
15          What was that in reference to?

16          A    Doreen Duchesne published a juristat which is  
17          Statistics Canada publication looking at street  
18          prostitution offences, giving basic information  
19          about the number of offences in different cities,  
20          ratio of clients to prostitutes and so on.

21          Q    There's mention of 63 known prostitutes were  
22          murdered between 1991 and 1995?

23          A    Yes.

24          Q    That's across Canada then?

25          A    Yes.



1 Q It's not a Vancouver figure?

2 A No. Let me backtrack one minute. You asked  
3 about what other strategies VPD --

4 Q Yes.

5 A I think one of the other ones -- I can't remember  
6 the history of this -- is the creation of the  
7 community policing office on the Downtown  
8 Eastside. We heard the name Dave Dickson, he was  
9 the officer that worked in there. That was  
10 another initiative -- community policing, that  
11 was another initiative going on at that time. I  
12 think it dates back to that period but that's  
13 something in my memory -- I don't want to create  
14 a one-sided impression.

15 Q But that would be consistent with what you think  
16 has to happen, they have to have people on the  
17 site, interacting with people so you can develop  
18 a level of trust?

19 A Yes. I do believe that was happening down there  
20 at that particular time.

21 Q What I don't see in all of the -- there's reports  
22 about women being murdered, there's reports about  
23 so many charges being laid for communicating and  
24 how many were laid against the woman, the sex  
25 woman, and how many against the john. What I

1 don't see in any of these reports was how many of  
2 the johns or bad dates were charged. Did anybody  
3 keep track of the violence against women and how  
4 they -- short of being murdered?

5 A There was a period -- we have this in our report,  
6 this is one of the appendices to my report --  
7 there was a period VPD tracked assaults and  
8 assault cases. That was a two-year period. So  
9 VPD was most certainly looking at that issue. We  
10 also -- we tracked reports of court cases through  
11 newspapers to see if we could pick up on any  
12 other things that were happening and we indeed  
13 did find that there were some prosecutions. It's  
14 like most other things, they were gray. There  
15 was one judge who very conspicuously said when he  
16 was sentencing a particular offender because a  
17 person is a sex worker they do not deserve to be  
18 treated this way. So there's people that are  
19 realizing what is happening and trying to do  
20 something, flailing away in the wilderness.

21 Q One last question. Earlier this morning you  
22 referred to state-raised youth comprising a high  
23 percentage of the women involved in the sex  
24 trade. In your experience were the state-raised  
25 youth disproportionately aboriginal?

1           A    Yes, yes.  Those -- it's a comment about street-  
2                   involved women, that there's a high proportion of  
3                   state-raised youth in street populations.  So if  
4                   you were to look at the Downtown Eastside in  
5                   particular you would find a high proportion and  
6                   because there's a high proportion of aboriginal  
7                   women that would carry over.

8 MR. BAYNHAM:  Mr. Commissioner, those are all the questions I  
9                   have.

10 THE COMMISSIONER:  Thank you, Mr. Baynham.

11 MR. VERTLIEB:  We're on track to start Monday at 10:00 a.m.  
12                   and we'll continue with the questions of  
13                   Dr. Lowman.

14 THE COMMISSIONER:  How are we doing for timing?

15 MR. VERTLIEB:  I think we've had a very good week.  We planned  
16                   two days for opening, we thought Dr. Lowman might  
17                   be a day but we thought he might be a bit longer  
18                   depending, so I think we have a very good start  
19                   to the inquiry and the week has gone more or less  
20                   the way we had hoped it would.

21 MS. TOBIAS:  If I may, Mr. Commissioner, I believe Mr.  
22                   Vertlieb has some introductions to make.

23 MR. VERTLIEB:  I am sorry?

24 MS. TOBIAS:  The support workers.

25 MR. VERTLIEB:  I think we should leave that until we have some

1 more clarity on how that is all unfolding. There  
2 is some issues arising so I think we need to just  
3 let that sit for a day and we'll deal with it  
4 next week.

5 THE WITNESS: I also have a question, commissioner. I take it  
6 I'm still under cross-examination obviously?

7 THE COMMISSIONER: Yes, you are.

8 THE WITNESS: So the same rule applies to contact with  
9 lawyers. The one question I did want to ask is  
10 what if journalists ask me questions about  
11 something I've testified?

12 THE COMMISSIONER: No.

13 THE WITNESS: I'm not allowed to talk about it?

14 THE COMMISSIONER: No.

15 THE WITNESS: Thank you. I just wanted to make that clear.

16 THE REGISTRAR: This hearing is adjourned until Monday,  
17 October 17 at 10:00 a.m.

18 (PROCEEDINGS ADJOURNED AT 3:55 P.M.)

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I hereby certify the foregoing to  
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the best of my skill and ability.

Margaret M. Wills  
UNITED REPORTING SERVICE LTD.

EXHIBITS

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