

Vancouver, BC

October 17, 2011

(PROCEEDINGS RECONVENED AT 10:02 A.M.)

THE REGISTRAR: Order. This hearing is now resumed.

THE COMMISSIONER: Mr. Gratl.

MR. GRATL: Mr. Commissioner, good morning.

THE COMMISSIONER: Good morning.

MR. GRATL: Professor Lowman. I would like to begin,

Professor, by --

THE REGISTRAR: Excuse me, Mr. Gratl, would you, for the record, if you would announce your name and who you represent please for the witness.

MR. GRATL: Thank you. Oh, certainly. Jason Gratl, independent counsel for Downtown Eastside communities.

JOHN LOWMAN, previously affirmed:

CROSS-EXAMINATION BY MR. GRATL:

Q And Professor Lowman, I would like to begin by discussing a number of the enforcement strategies that were deployed against what was considered to be the public nuisance presented by street-level sex workers.

Over the weekend, I have provided you with a package of documents to review consisting of documents excerpted from the concordance database,

1 a total of 220 pages. Did you have a chance to
2 review those over the weekend?

3 A Yes.

4 Q And I'm sorry for burdening you with the extra
5 work, but I thought it might be helpful to refresh
6 your recollection. Do those documents assist you
7 in refreshing your recollection?

8 A Yes.

9 Q One of the aspects of the street-level enforcement
10 that was discussed last week by you was the
11 displacement and containment policies. Those are
12 effectively geographically selected use of the
13 Criminal Code powers; is that correct?

14 A Yes, I think that would be a reasonable way to
15 describe it.

16 Q So, if, if a street-level sex worker is operating
17 in one geographically-bound area, they might be
18 charged or threatened with charges, and if they
19 were operating in another area, they wouldn't be;
20 is that correct?

21 A That was my understanding from the press release,
22 and according to the documents that you provided,
23 there is plentiful evidence of that strategy
24 existing.

25 Q Okay. And what it amounts to, that strategy, is a

1 tacit toleration of street-level sex work as long
2 as it occurs in a determined area?

3 A Correct.

4 Q It, effectively, establishes a red light district
5 although red light district isn't properly policed
6 in your opinion; is that correct?

7 A I refer to it as an orange light district to the
8 extent that a red light district is a formal
9 arrangement, as I understand it. But the point
10 that you make, it was an area of tolerance for
11 street activity, seems to be borne out by the
12 various documents.

13 Q All right. One of the documents in your report at
14 Exhibit G, or appendix, appendix G, is entitled
15 "Prostitution in the Vancouver Metropolitan Area
16 in 1989 - 1995".

17 A Yes.

18 Q It's dated October 10th, 1995?

19 A Yes.

20 Q And at page 7 of that report, at the bottom
21 paragraph, beginning, "according to our accounts"?

22 A Yes.

23 Q It sets out that:

24 Without a fundamental change to the law and
25 other prostitution policy, from the police

1 perspective, the containment strategy is
2 perhaps the best practical enforcement
3 solution they can offer to deal with the
4 nuisances attributed to street prostitution.

5 That was your opinion as of 1995; is that correct?

6 A Yes.

7 Q Has that changed at all, since 1995? I mean, is
8 that the best that the police can do without a
9 change to the law, in your opinion?

10 A That is a comment that's restricted to enforcement
11 strategies. Uhm, what the police might best do
12 could be conceptualized far more widely than that.
13 So, it's a qualified statement and it's trying to
14 understand the situation through the eyes of the
15 police at the time.

16 Q All right. So, that's, that's -- what you are
17 setting out there is what you considered to be, as
18 of 1995, the police perspective on the containment
19 and displacement policies that was, from their
20 point of view, the best practical solution?

21 A The best practical solution to a series of laws
22 that seem to have contradictory effects if they're
23 all enforced.

24 Q All right. Now, in terms of displacement, the
25 police, in addition to having police members have

1 specific interactions with sex workers, they also
2 assisted in organizing and facilitating
3 neighborhood associations, residents'
4 associations; is that correct?

5 A Yes.

6 Q That includes the Hastings North Residents'
7 Association, the Burrard Residents' Association,
8 Strathcona Residents' Association; is that
9 correct?

10 A Yes.

11 Q So, they didn't confine themselves to acting
12 themselves. They also put, essentially they put
13 citizens up to the same tack, to assist in that
14 displacement and containment policy?

15 A Yes, as part of a, what you might call a community
16 policing strategy, members of the community were
17 involved.

18 Q All right. So, of course, you are familiar,
19 Professor, with the commissioner's 1994 report on
20 community policing?

21 A Yes.

22 Q And following 1994, following the release of that
23 report, there were efforts made, in effect, by the
24 Vancouver Police Department to, to create and
25 establish community policing offices and

1 neighbourhood safety offices?

2 A I believe it was, at that point, shortly
3 afterwards, that the various community safety
4 offices were opened.

5 Q All right. So, specific officers were assigned to
6 those community safety offices and policing
7 offices?

8 A Yes.

9 Q That, that occurred under the designation POPSU,
10 P-O-P-S-U, referring to Problem-Oriented
11 Policing --

12 A Yes.

13 Q -- Special Unit?

14 A That's, yes, that's my recollection of it.

15 Q And the, that acronym, Problem-Oriented Policing,
16 referred to problems identified by those residents
17 or neighbourhood groups, correct?

18 A Yes.

19 Q And the problems identified by the neighborhood
20 and residents' groups included sex work and open
21 drug use --

22 A Yes.

23 Q -- in those neighbourhoods?

24 A Yes.

25 Q And the neighborhood groups, to your, to your

1 knowledge, were vociferous in their denunciation
2 of sex work, having sex work within their
3 neighbourhoods?

4 A Usually.

5 Q They provided very strong direction and guidance
6 and demanded of the police action on sex work
7 within those neighborhoods?

8 A Yes.

9 Q And of course, the problem-oriented policing units
10 or community safety officers did respond to those
11 demands?

12 A Yes.

13 Q POPSU, or POPSU, eventually, because of the
14 ungainliness of that acronym, was renamed Team 11;
15 is that correct?

16 A That I don't recall.

17 Q All right.

18 A And if that's in any of these records, then that's
19 something I would have missed or not registered.

20 Q Okay. So, in addition to these community safety
21 officers, police officers within VPD, the Vice
22 Squad was also deployed for this containment and
23 displacement policy?

24 A It would have been involved in it to the extent
25 that the Vice Squad would have been responsible

1 for communicating investigations, --

2 Q And --

3 A -- section 213.

4 Q And Vice Squad, to your knowledge, was a
5 specialized enforcement team that focused, among
6 other things, on sex workers?

7 A Yes.

8 Q In addition to Vice Squad and community policing
9 officers, patrol officers, general patrol
10 officers, were involved in this containment and
11 displacement policy?

12 A In two ways I would say. One would be putting
13 them on various special task forces, and the other
14 would be in terms of just the general duties while
15 patrolling, that might include intelligence
16 gathering, et cetera.

17 Q It's fair to say the VPD protocol for dealing with
18 complaints about street-level sex work evolved
19 over time?

20 A Uh, that would often be the case, especially with
21 the Vice Unit.

22 Q Now, I just want to take you to a snapshot in
23 time, the policy, as of October 27th, 1997. If
24 you could turn to page 67 at the package of
25 materials distributed to you.

1 Mr. Commissioner, I would ask at this time
2 that this package of materials, a copy of which is
3 put forward for Mr. Lowman, a copy of which has
4 been provided to the clerk, a copy --

5 THE COMMISSIONER: Be marked as an exhibit?

6 MR. GRATL: Be marked for identification.

7 THE COMMISSIONER: Oh, I see. All right.

8 MR. GRATL: A number of the documents will assist Professor
9 Lowman in refreshing his recollection, but he may
10 not be in a position to identify all of the
11 documents or group all of the documents into
12 evidence, and I anticipate that officers who will
13 be able to prove the documents will be called to
14 testify at a later time.

15 THE COMMISSIONER: Thank you.

16 THE REGISTRAR: That will be marked as Exhibit A for
17 Identification.

18 **(EXHIBIT NO. A FOR IDENTIFICATION: Package of**
19 **documents consisting of 220 pages excerpted from**
20 **the concordance database)**

21 MR. GRATL:

22 Q At page, at page 67 is page 1 of 2 of a City of
23 Vancouver strategies for neighborhood safety
24 offices document entitled "Street Prostitution
25 Complaints in Vancouver".

1 At the, at the second full paragraph from the
2 bottom, there is an indication that complaints to
3 the police non-emergency line will be forwarded to
4 the neighborhood safety office; is that correct?

5 A Yes.

6 Q And then a neighborhood patrol officer assigned to
7 the safety office will be responsible for
8 contacting the complainant and following up?

9 A Yes.

10 Q Is that correct?

11 A Yes.

12 Q And for complaints about sex workers, here
13 entitled "Prostitutes", the neighbourhood patrol
14 officer will interview the prostitute and request
15 that he or she move?

16 A Yes.

17 Q If unsuccessful, the neighborhood policing officer
18 will -- neighborhood patrol officer will contact
19 one of the community agencies that work with sex
20 workers --

21 A Yes.

22 Q -- and will ask the prostitute to move. And then
23 if the prostitute persists, that is to say,
24 doesn't move, the Vice Section of the Vancouver
25 Police Department will be contacted for

1 enforcement action?

2 A Yes.

3 Q Further detail is provided on the strategy at page
4 74, if you could turn to that page.

5 A Okay.

6 Q You'll see this, this is page 7 of 8 of the City
7 of Vancouver backgrounder on street prostitution
8 in Vancouver?

9 A Yes.

10 Q Under the heading, "What Can You Do" there is a
11 list of local neighborhood safety offices that it
12 is suggested that citizens contact if they have a
13 complaint about a street prostitute?

14 A Yes.

15 Q Included on that list are a Downtown Eastside
16 neighborhood safety office at 12 East Hastings
17 Street, --

18 A Yes.

19 Q -- and a Native Liaison Society at 324 Main
20 Street?

21 A Yes.

22 Q And telephone numbers are provided for those
23 organizations?

24 A Yes.

25 Q And those organizations, in effect, are delegated

1 the task of contacting complainants, sex workers
2 and community organizations, and ultimately, Vice,
3 to effect the displacement and containment policy?

4 A Yes.

5 Q Now, the community agencies specifically involved
6 include, to your knowledge, the Downtown Eastside
7 Youth Activities Society; is that correct?

8 A That would have presumably been one of the
9 agencies.

10 Q And another, another of the agencies would have
11 been PACE; is that correct?

12 A That's a possibility, yes.

13 Q All right. That's an organization of which you
14 were --

15 A A board member at that time, yes.

16 Q -- a board member. Were you aware of that, of
17 your organization's involvement in implementing
18 this policy?

19 A I was aware of PACE's involvement in trying to
20 coordinate a variety of different strategies to
21 assist sex workers.

22 Q All right. I take it, I take it that PACE, to
23 your knowledge, was involved, in effect, in the
24 community policing strategy in the sense that PACE
25 was liaising with neighborhood and community

1 policing organizations --

2 A Yes.

3 Q -- in trying to minimize, in effect, the
4 likelihood of charges and so forth that sex
5 workers would face?

6 A Yes. I believe, at one point, PACE asked for a
7 complete moratorium on enforcement of 213.

8 Q This policy containment and, and displacement was
9 perceived to be a, a gentler way of addressing
10 public nuisance issues than the previous tactics,
11 which included periods of very intense prosecution
12 and enforcement of communication laws?

13 A Yes.

14 Q That is, there would be hundreds or thousands of
15 charges per annum against street-level sex
16 workers?

17 A Yes.

18 Q In addition to geographic displacement and
19 containment, there was also a type of temporal
20 containment; is that correct?

21 A Yes.

22 Q And that temporal containment policy was
23 implemented, in effect, after the geographic
24 containment policy had proven successful, after
25 the sex workers, street-level sex workers had been

1 cordoned within these dimly lit industrial areas?

2 A That I don't recall, but I do remember, when I
3 read these documents yesterday, seeing a reference
4 to "temporal displacement".

5 Q I will just, to refresh your recollection, if I
6 could refer you to page 91 of this document. At
7 page 91, we see the first page of a memorandum
8 from Russ Mitchell, a constable assigned to the
9 Hastings North neighborhood patrol, --

10 A Yes.

11 Q -- to Ken Frail, Sergeant Ken Frail, who is in
12 charge of the Neighbourhood Policing Team for
13 District 2?

14 A Yes.

15 Q Under the first heading, "Prostitution", Constable
16 Mitchell summarizes that:

17 More of the prostitutes are getting the
18 message that working during business hours is
19 not acceptable. I have noticed far fewer
20 during the day (though there are still a
21 number out from time to time).

22 A Yes.

23 Q And he goes on to say:

24 It is time soon to do an undercover sting
25 against some of those prostitutes who are

1 continuing to work during the day.

2 A Yes.

3 Q The community impact statement that I have
4 been working on should be helpful to obtain
5 meaningful bail conditions such as no-go's.

6 In effect, what Constable Mitchell is setting
7 out there is that temporal restrictions have been
8 placed on street-level sex workers working within
9 these industrial areas?

10 A Yes.

11 Q So that they're not allowed to work during the
12 day?

13 A Yes.

14 Q That was in response to complaints by business
15 owners within those industrial areas?

16 A Correct.

17 Q Who felt that their business was adversely
18 affected by the --

19 A Yes.

20 Q -- presence of sex workers, correct?

21 A Yes.

22 Q And again, the same pattern appears, that
23 enforcement, Criminal Code enforcement is only
24 brought to bear if street-level sex workers refuse
25 to be contained in the way that the VPD wants them

1 to be contained?

2 A Correct.

3 Q If they don't take what amounts to informal
4 direction from the officers?

5 A Correct.

6 Q And none of, none of that containment and
7 displacement policy is set out in the Criminal
8 Code, is it?

9 A Not to my knowledge.

10 Q It's effectively use of discretionary enforcement
11 powers --

12 A Correct.

13 Q -- of the Vancouver Police Department?

14 A Correct.

15 Q But according to these documents, it appears that
16 the discretionary enforcement is done with the
17 concurrence of the City of Vancouver?

18 A Yes.

19 Q And it's done with the concurrence of neighborhood
20 safety offices --

21 A Yes.

22 Q -- within the community policing model?

23 A Yes.

24 Q And it's also done, to some extent, with the
25 concurrence of some community groups?

1 A Yes.

2 Q Now, I don't want to spend too much time on this,
3 but I just want to go through a number of
4 additional enforcement tools or techniques or
5 strategies used by the Vancouver Police Department
6 in respect of sex workers from the period 1994 to
7 2002.

8 A Okay.

9 Q One is decoy projects. What is a decoy project?

10 A Could you give me a reference to the document that
11 that comes from?

12 Q This is page 17 of the materials. It's not
13 elaborated on in the materials, but I was hoping
14 that you would be in a position to provide some
15 details. Sorry, page 24.

16 A Okay.

17 Q Page 24 is a memo from Constable Jeannie Yee,
18 District 2, Team 11, --

19 A Yes.

20 Q Team 11 is this community policing liaison-type
21 role.

22 A Yes.

23 Q -- to Inspector Gary Greer. And in this memo,
24 Constable Yee is asking for permission to conduct
25 a prostitution project where sex workers are

1 working out of the tolerance zones?

2 A Yes.

3 Q And johns are targeted, and she asks to initiate
4 another one of these projects.

5 A Yes.

6 Q In the third paragraph, she indicates that:

7 The Bike Patrol Unit and several of the
8 community officers have indicated their
9 willingness to participate in this project.

10 A Yes.

11 Q But then she makes the comment:

12 However, we will still require additional
13 officers to act as decoys.

14 And I am wondering what that might be, acting as
15 decoys?

16 A Okay. The enforcement of the communicating law,
17 Criminal Code section 213, usually involves a
18 police decoy. Uhm, on the one side, it will
19 involve a female officer posing as a sex worker
20 standing on the street waiting for clients to
21 approach.

22 In the case of enforcement against sex
23 workers, it will involve a police officer, in an
24 undercover capacity, approaching sex workers
25 standing on the street posing as clients and then

1 engaging them in a conversation to the point that
2 they get sufficient evidence, i.e., the naming of
3 a service and a price is usually sufficient to be
4 able to lay a charge.

5 Q So, it's a fairly labour-intensive strategy then?

6 A Yes, it is, because you have one person acting as
7 the decoy in ride-alongs where I was watching this
8 enforcement. In the case of a female posing as a
9 sex worker, you would have to have a backup car
10 with two officers in it. So, that's a team of
11 three. And in the case of enforcement against sex
12 workers, you would have the undercover officer in
13 one car and you would also have two other officers
14 in a backup car.

15 Q Do you know, Professor Lowman, how many of these
16 decoy projects, sting operations occurred?

17 A Uhm, no, I don't know -- well, there's two
18 different kinds of enforcement. One is that you
19 have continual enforcement. For example, you have
20 members of the Vice Squad and perhaps uniformed
21 officers seconded to the squad, and there is
22 continual enforcement. And I think that was the,
23 that was the pattern that I observed when I was
24 doing the evaluation of the communicating law in
25 the late 1980s. So, basically you are making

1 decisions on a daily basis about which areas you
2 are going to concentrate on.

3 The other kind of operation is what you might
4 call a task force. Problem areas develop, so you
5 decide to put together a task force for a six-week
6 period, that might involve many more officers.

7 When you look at different police
8 jurisdictions across Canada in terms of the way
9 they enforce the communicating law, you saw both
10 those models used in different jurisdictions. And
11 in a case like Vancouver, you might see both of
12 those models used over a period of years.

13 Q All right. Another tactic that was used by the
14 Vancouver Police Department included -- was, was
15 roadblocks.

16 A Yes.

17 Q And that, roadblocks consisted, I take it, of
18 members of the Vancouver Police Department, police
19 members, who blockaded a road in order to prevent
20 traffic flow, that is, vehicular traffic that
21 would facilitate communication between sex workers
22 and their customers?

23 A I would take that as meaning two different kinds
24 of strategies. That would be one of them you
25 would -- and one example of this was when

1 prostitution started to appear on 8th Avenue north
2 of Broadway for a period. Police put up -- it was
3 mainly a residential street. Police wanted to
4 move it out of that area. They moved it onto
5 Ontario and Quebec, and one of the ways that that
6 was achieved was by literally putting police cars
7 across roads. That area was later moved down to
8 1st Avenue, which was another one of these
9 tolerance zones.

10 The other kind of strategy that was used was
11 blocking off streets on a permanent basis. You
12 will see in the various documents you provided me
13 yesterday, references to the area around Semlin
14 and Lakewood. Basically what, what happened was a
15 series of decisions about where to put roadblocks
16 and on which streets to put one-way directions
17 essentially meant that you created a pattern for
18 trolling cars that would direct them back into the
19 containment area in order to keep them out of the
20 residential area. So, a variety of different
21 strategies were being used to create these
22 containment areas.

23 Q Now, this is skipping around a little bit to the
24 municipal non-policing strategies. But I take it
25 those permanent alterations of traffic flow

1 included putting up curbs, speed bumps; is that
2 correct?

3 A Correct.

4 Q Signage?

5 A Yes.

6 Q Permanent diversions of roads to one-way streets
7 rather than two-way?

8 A Correct.

9 Q Limiting options for traffic flow so that a
10 vehicle could only turn left, for example?

11 A Correct. All of those were done in the Semlin/
12 Lakewood area to keep the traffic to the west
13 along what had become the, some of the main
14 strolls, Franklin and Pandora.

15 Q So, if people wanted to take a shortcut, say, off
16 1st Avenue on the way to downtown, if the traffic
17 gets bogged down and they find themselves lost in
18 a maze of streets, the reason for that is
19 effectively enforcement against street-level sex
20 workers?

21 A That could happen, yes.

22 Q You also, again, just on a tangent, you indicated
23 that roadblocks were used to move sex workers from
24 the Broadway area to the north, down the hill, on
25 Ontario and Quebec Streets?

1 A Yes.

2 Q Through about the 5th to 8th Avenue area?

3 A It was a little further down than 5th, if I recall

4 correctly. But yes, roughly in that neighborhood,

5 yeah. No, that's about right. They kept it on

6 Ontario/Quebec rather than coming west across 8th.

7 Q All right. And that, again, that's an industrial

8 area?

9 A Yes.

10 Q All right.

11 A Mainly. It's the, the -- in the end, I think the

12 decision was made to displace that to 1st Avenue,

13 which was clearly an industrial area. There are

14 some houses on Ontario and Quebec.

15 Q And so that was, again, displaced down to 1st

16 Avenue --

17 A Yes.

18 Q -- near Quebec and Ontario?

19 A Yes. Immediately to the north.

20 Q And then finally, in a third move, that area, sex

21 workers in that, working in that area at street

22 level, were displaced again after the police

23 headquarters was opened at 2120 Cambie Street; is

24 that correct?

25 A It would have been around about that time,

1 although I wouldn't -- I'm not sure that that was
2 the only reason for the gradual disappearance of
3 the 1st Avenue stroll.

4 Q Sometimes the containment policies were, in
5 effect, undermined by special projects --

6 A Yes.

7 Q -- that seemingly grated against the containment
8 and displacement policy?

9 A Yes.

10 Q One example of that is the street safety
11 initiative expansion project, which started as a
12 four-week period in February of 1997?

13 A Uh, I don't remember the dates. I do remember
14 seeing the reference to that in the documents that
15 you sent.

16 Q I will just take you to page 25, if that assists
17 in refreshing your recollection.

18 A Yes.

19 Q That's -- sorry?

20 A Sergeant McKellar was the author, yes.

21 Q Sergeant McKellar was the, in effect, he was the
22 architect of this strategy?

23 A Yes.

24 Q And it was his notion that it would be a good idea
25 to take a zero-tolerance approach --

1 A Yes.

2 Q -- to enforcement for a period of time?

3 A Yes.

4 Q In particular, a four-week period of time. So
5 that four days a week, for a period of four weeks
6 between the hours of 6 p.m. and 4 a.m., there
7 would be a two-officer team who would carry out
8 enforcement activities within the entire Hastings
9 North period -- or Hastings North area?

10 A Yes.

11 Q Including the industrial zones?

12 A Yes.

13 Q And in addition to those two full-time dedicated
14 officers, who did nothing but this type of zero-
15 tolerance enforcement, the entire Patrol Division
16 was acting on those initiatives throughout the
17 city?

18 A Yes.

19 Q What began as a four-week project expanded to a
20 nine-week project. I will just refer you to page
21 44. At page 44, we have a March 13 memo from
22 Sergeant McKellar --

23 A Yes.

24 Q -- setting out how many sex workers were checked?

25 A Yes.

1 Q The number there is 35.

2 A Yes.

3 Q There is an indication of where they're from. So,
4 plainly, the officers were speaking with the
5 women --

6 A Yes.

7 Q -- and asking them questions?

8 A Yes.

9 Q In addition to 35 sex workers, there were also
10 four johns checked?

11 A Yes.

12 Q The proportion, at least on that day, appears to
13 be predominantly sex workers who are checked?

14 A Yes.

15 Q The focus there is on sex workers, not the johns?

16 A Yes.

17 Q Over the page, on March 15th, again, Sergeant
18 McKellar is setting out an overnight report on the
19 special -- or on the Street Safety Unit project?

20 A Yes.

21 Q There the total number of sex workers checked is
22 36?

23 A Yes.

24 Q And the origins of those sex workers set out, were
25 some of those set out?

1 A Yes.

2 Q But in addition to that, there is a, there's a
3 notation for the number of intravenous drug users,
4 among those, 36 sex workers.

5 A Sorry, where is that?

6 Q It's at page 45 just under the heading "Sex Trade
7 Workers," it sets out --

8 A Oh, I beg your pardon. I was looking -- yes.

9 Q It says, intravenous -- "number of intravenous
10 drug" --

11 A Yes.

12 Q -- "users are 21"?

13 A Yes.

14 Q But that's an indication that these officers here
15 were, were asking sex workers, not only about
16 their, their place of origin, but also about
17 whether or not they were intravenous drug users,
18 either that or they were conducting physical
19 checks of some kind?

20 A Correct.

21 Q Over the page, again, dated March 15, is an
22 overnight report on the SFU project. On that
23 evening, the total number of sex workers checked
24 was 15.

25 A Yes.

1 Q And the number of intravenous drug users is listed
2 as four.

3 A Yes.

4 Q And the number of HIV-positive sex workers is
5 listed as one?

6 A Yes.

7 Q Now, obviously, the HIV status is not something
8 that an officer can detect from mere observation?

9 A Correct.

10 Q The indication here, or the obvious inference to
11 be drawn from this document is that the officers
12 were asking sex workers about their HIV status?

13 A That would be the inference I would draw.

14 Q So, is an aspect of this enforcement strategy, the
15 street safety strategy, to question women about
16 their location, where they were from, to question
17 them about their HIV status, and to question them
18 about other matters, such as injection drug use?

19 A Yes. I guess the one other possibility with the
20 HIV status is an officer's previous knowledge.
21 It's a possibility. But all of the other
22 conclusions that you draw, and perhaps that one
23 too, it was information volunteered as a result of
24 a question, that yes, officers were asking about
25 all of those different characteristics of the

1 persons they were interviewing.

2 Q At page 48, there is a memo from Sergeant McKellar
3 to "All Districts".

4 A Yes.

5 Q And it appears from this memo that Sergeant
6 McKellar is a little bit frustrated, because he is
7 writing in all caps.

8 A Yes.

9 Q He indicates that it has come to his attention
10 that some of the members of the Vancouver Police
11 Department are probably unsure of the Department's
12 initiative regarding street solicitation in the
13 City of Vancouver and directs members to not tell
14 sex workers to simply stay five to six blocks from
15 schools to ply their trade.

16 A Yes, there are indications here that the right
17 hand and left hand did not know what each other
18 were doing.

19 Q So that the patrol officers in some places in the
20 city were telling sex workers that they could
21 carry on their business as long as they stayed
22 contained, --

23 A Yes.

24 Q -- while Sergeant McKellar's Street Safety Unit
25 was taking a zero-tolerance approach?

1 A Yes.

2 Q At page 49 -- and I'm sorry, Mr. Commissioner, to
3 go into such detail, but these matters are, are of
4 some importance.

5 THE COMMISSIONER: All right.

6 MR. GRATL:

7 Q At page 49, there's a further memo dated March
8 27th, 1997, again from Sergeant McKellar.

9 A Yes.

10 Q And there is an indication that the number of
11 members assigned to the Street Safety Unit
12 expanded project team is seven officers.

13 A Yes.

14 Q One non-commissioned officer and six constables?

15 A Yes.

16 Q Again, working from 6:00 in the evening until 4:00
17 in the morning, --

18 A Yes.

19 Q -- four days a week, and that the duration of the
20 project is indicated as "ongoing, possibly three
21 to four months"?

22 A Correct.

23 Q And so it appears from the February memo on to the
24 March memo, that this is, this zero-tolerance
25 policy seemed to take place for at least three or

1 four months --

2 A Yes.

3 Q -- in early 1997?

4 A Yes.

5 Q Now, aside from special task forces like the
6 Street Safety Unit, there were also other
7 strategies deployed, including parking in front of
8 sex workers?

9 A Yes.

10 Q This is just officers who take their marked
11 vehicles while they're in uniform and park in
12 front of sex workers?

13 A Correct.

14 Q Effectively destroying any chance they have of
15 making contact with a customer?

16 A Yes.

17 Q And so they're forced to move along?

18 A Yes.

19 Q You mentioned last week that there were, in your
20 observation, oppressive searches done, dumping of
21 purses, taking condoms from sex workers?

22 A Yes.

23 Q Another strategy deployed by the Vancouver Police
24 Department is the DISC program, which you
25 mentioned last week?

1 A Yes.

2 Q At page 95 of the materials, a description of
3 Project DISC is set out. Have you had an
4 opportunity to review this --

5 A Yes.

6 Q -- material?

7 A Yes.

8 Q Could, could you summarize the intent and method
9 of the DISC project, Professor?

10 A Uhm, the acronym stands for "deter, identify sex
11 trade consumers." And the purpose of the program
12 was to collect information from men who were
13 witnessed making contact with sex workers on the
14 stroll. That information would be collected
15 together in a database.

16 There were various protocols in place if a
17 person was to appear for a second time. Uhm, one
18 of the other strategies, I don't know that this
19 applied to the DISC program throughout its
20 existence, I believe it continues to this day, but
21 another strategy was to send a thing called a
22 "Dear John letter" to the home of the man who had
23 been entered into the database. So, there were a
24 variety of different aspects of that program.

25 It was the brainchild of Officers Ramos and

1 Payette, and I believe over the years, it almost
2 became a full-time assignment. I don't -- I get
3 that impression from some of the documents that
4 you supplied here, and there is certainly a
5 variety of references throughout these documents
6 to perceived success of that program. There may
7 be other aspects of it that I haven't mentioned
8 here, but that's roughly the. . .

9 Q In respect of the Dear John letters, it wasn't
10 necessary for an individual sex trade -- or sex
11 consumer to, to purchase sex services? All that
12 had to be done is the, by that individual, is to
13 be sort of lurking in and around the area,
14 persistently attempting to make contact with sex
15 workers?

16 A That's the indication from the documents
17 describing the program, yes.

18 Q The person would be detained and asked what
19 business they had in the neighborhood or in the
20 area, and if they couldn't provide an account of
21 their reason for being in the area, a Dear John
22 letter was issued?

23 A Yes. So, researchers didn't get them.

24 Q Now, individuals weren't told at the time that
25 they were detained that a Dear John letter would

1 be sent in order to maximize the effect?

2 A No, I believe they were not told.

3 Q Yes, that's what -- that was my question, --

4 A Oh, sorry.

5 Q -- that they were not told in order to maximize
6 the --

7 A No, I believe there was a specific instruction
8 that they not be told that they would be receiving
9 one of these letters, and the reason that they
10 were not told is that it would be a surprise, with
11 the inference being that others would see the
12 letter.

13 Q And others being spouses and loved ones?

14 A That was the implication.

15 Q I mean, it could be a spouse? It could be a wife
16 of a male sex consumer?

17 A It could be a daughter or a son.

18 Q Or a daughter or son, just whoever opened the
19 mail?

20 A Well, it may not be -- I mean, if it's addressed
21 to the name of that person. But what's on the
22 envelope indicating what the contents might be, I
23 don't know.

24 Q All right. Project DISC involved the creation of
25 a database, a special database?

1 A Yes.

2 Q And it involved the expenditure of funds on
3 specific software?

4 A Yes.

5 Q And then eventually the expansion of that software
6 to allow other policing organizations throughout
7 North America to use that software?

8 A Yes.

9 Q And so it became interoperable across North
10 America? Any police agency that wanted access to
11 that information would have access to the
12 information in the database?

13 A That was -- yes, that was the intention. I don't
14 know how far that got. Certainly the documents
15 indicate that it became available to other police
16 jurisdictions in British Columbia. But I -- my
17 understanding is that the database is generally
18 accessible by police agencies.

19 Q In addition to tracking the names of sex
20 consumers, the DISC database also tracked the
21 names of sex workers; is that correct?

22 A That I don't know.

23 Q I can refer you to, to page 133 of the materials.

24 A Okay.

25 MR. HERN: Mr. Commissioner, if I could just interrupt my

1 friend for a moment. It's Sean Hern on behalf of
2 the VPD.

3 THE COMMISSIONER: Yes.

4 MR. HERN: I understand what my friend is trying to do with
5 this witness, and I am not trying to interfere
6 with that, but there is a, there is a slippage
7 going on between looking at the documents that my
8 friend has prepared --

9 THE COMMISSIONER: Yes.

10 MR. HERN: -- and asking this witness to, who has reviewed them
11 yesterday, to refresh his memory. But what is
12 actually going on in many instances, it seems, is
13 he's refreshing his memory about the documents
14 that he read yesterday. And all I want to put is
15 a caveat on the record that what is not being
16 clarified is whether this witness actually recalls
17 certain programs being done by the VPD and, and so
18 on. And, and I am not -- these documents show
19 many things and my friend is reading with the
20 witness inferences that can be drawn out of them,
21 and that's fine, and I don't want to interfere
22 with that. But I don't want it to be taken by my
23 silence that the VPD accepts that this set of
24 documents is exhaustive of, of what's out there,
25 or that this witness's reading of those documents

1 is necessarily a complete and accurate portrait of
2 these programs.

3 THE COMMISSIONER: Well, thank you, Mr. Hern. I think that's a
4 given. I mean, he is reading the document and
5 there may well be qualifications and they might
6 well be expanded upon by your clients, and I fully
7 realize that. And I realize that, that when the
8 Vancouver Police officers testify, they might well
9 have a different take on what they were trying to
10 do at that time. So, I expect -- I accept that,
11 that there are limitations to what's happening.

12 MR. HERN: Yes. And it's just the use of the term "refresh"
13 has to be -- we have to be careful as to what we
14 are refreshing.

15 THE COMMISSIONER: All right, thank you. Mr. Gratl?

16 MR. GRATL: Thank you, Mr. Commissioner. It was my, my
17 impression that Professor Lowman is being quite
18 clear about matters that -- where these documents
19 refresh his recollection, and other cases where
20 he's being informed by the documents.

21 THE COMMISSIONER: Well, I get that from his evidence as well
22 except that Mr. Hern's point is, is well-taken,
23 that is, that he doesn't want this inquiry to come
24 to the conclusion that, that what is being said is
25 exhaustive, and that there may well be

1 qualifications and the VPD might well have done
2 other things as well.

3 MR. GRATL: I understand.

4 Q At page 133, Professor Lowman, the fourth
5 paragraph reads:

6 The software program developed for D.I.S.C.
7 will also be able to accommodate the
8 F.A.C.E.S. Program (Fight Against Child
9 Exploitation), and the Vancouver Police
10 Department's tracking and registry of Sex
11 Trade Workers.

12 Were you aware, prior to reading this
13 document, that the DISC program was being used to
14 facilitate the Vancouver Police Department's
15 tracking and registry of sex trade workers?

16 A No.

17 Q Were you aware of, quite apart and independently
18 of the DISC database, whether the Vancouver Police
19 Department was tracking and registering sex
20 workers?

21 A Yes, they were.

22 Q And how long have they been doing that?

23 A Since at least the beginning of enforcement of
24 section 213. When it was enacted, it was 195.1,
25 but the Code was renumbered in 1988 I think it

1 was.

2 Basically most enforcement of the soliciting
3 law ended after 1978. It was not until December
4 the 20th, 1985, that that changed, at which point,
5 when police began charging both clients and sex
6 workers under the communicating law, they were
7 keeping very careful records of who they were
8 prosecuting. One of the reasons that I know that
9 is because they provided a database that allowed,
10 that allowed the ascertaining of the rate at which
11 people were re-offending, which was a very
12 important consideration when we were looking at
13 the effects of the law.

14 There was also a unit set up, I believe it
15 was in 1996, called the Provincial Prostitution
16 Unit, which was also an intelligence -- I mean, it
17 had many functions, but one of them was
18 intelligence information gathering. And there was
19 always a member of the Vancouver Police Department
20 on the Provincial Prostitution Unit. Indeed, one
21 of the officers who is repeatedly mentioned, or
22 the author of these various memoranda of other
23 documents, Russ Mitchell, was on the Provincial
24 Prostitution Unit for a while. I believe that
25 Detective Little may have been on it for a while

1 as well. But the membership varied. There were
2 other players on the Provincial Prostitution Unit
3 as well.

4 Q Aside from keeping a list of names of street-level
5 sex workers, what other information was gathered
6 by the Vancouver Police Department about the
7 people who were listed?

8 A In, well, in terms -- at the point that they were
9 charging people under 213?

10 Q Sure. I take it, I take it that some of the
11 information they had on their registry of street-
12 level sex workers included their last-known
13 address?

14 A Okay. What -- because of the evaluation and
15 because of the concern leading up to the reform of
16 the law, the prostitution law, the street
17 prostitution law, what the VPD did was create what
18 they called a Form 1, which was placed on the
19 front of the information on any given charge,
20 which recorded various kinds of information:
21 where the charge occurred, person's age, their
22 perceived race, their address, occupation in the
23 case of, of clients; a variety of other kinds of
24 information. And it was through those Form 1s
25 that it was possible to track all of those cases,

1 the reason for tracking them being the interest in
2 how much of a deterrent is this new provision.

3 Q When was that Form 1 created?

4 A I believe it was created immediately at the point
5 that the first charges were laid. And the reason
6 I say that is because, when we were working in
7 1987 and 1988 on the British Columbia component of
8 the evaluation of the communicating law, those
9 Form 1s were an invaluable source of information
10 for us, and that they went back to the first
11 series of charges. I mean, the police department
12 was being very systematic about the information
13 that it was collecting.

14 Q How long were those Form 1s in use?

15 A That I don't know. They, they, they were
16 certainly in use all of the time that I was doing
17 direct observation. And when we were doing the
18 violence study, which was 1992, '93, and into '94,
19 the Vancouver Police Department was still able to
20 generate statistics showing the number, the
21 overall number of charges against both sex workers
22 and clients, the number of recidi -- the number of
23 re-offending and so on. And so you were able to
24 tell the recidivism rate of sex workers versus
25 clients, for example.

1 Q So, in addition to this database of sex workers,
2 the Vancouver Police Department also maintained
3 photo books of known sex workers, --

4 A Yes.

5 Q -- people who were believed to be sex workers?

6 A Uhm, well, I can tell how the photographs were
7 taken, if that helps.

8 Q It does.

9 A Uhm, and again, this comes from my experience
10 doing ride-alongs in backup vehicles observing the
11 way that the law was enforced. The woman, once
12 she had been charged with a communicating offence,
13 after a police decoy had got the necessary
14 evidence, she would be sat in the back of the
15 police cruiser and a Polaroid camera would be used
16 and she was simply asked, was it okay to take her
17 photograph, and the photograph would be taken.
18 Most of the women did not resist or ask whether
19 they were obliged to have their photograph taken.

20 Q So, these Polaroids were taken, they were
21 assembled in, I take it, three-ring binders?

22 A That I don't know.

23 Q Okay. Did you ever hear of those photo books
24 being referred to as "hooker books"?

25 A No, I don't recall that.

1 Q In addition to Dear John letters and the registry
2 of sex workers, the DISC program, oppressive
3 searches and so forth, there was also something
4 called "the John School"?

5 A Yeah. Well, it was actually call "the
6 Prostitution Offender Program." John School was
7 the, the vernacular.

8 Q And that was a, that was a program that was used
9 in conjunction with the alternative measures
10 program, that customers charged with communicating
11 offences were diverted into John Schools where
12 they had to spend a day being lectured about the
13 social, psychological cost to sex workers of
14 engaging -- of purchasing sex?

15 A Uhm, that was some of what the offender program
16 included. But my understanding is that, after a
17 while, clients were not ever charged even. And I
18 discovered that, and you may recollect that I had
19 to change the title on one of the tables in my
20 report. Uhm, what I realized was that what were
21 being recorded -- I mean, the same thing was being
22 recorded, there had been an interaction between a
23 decoy and a client, but I realized that a charge
24 was not even being laid. I think that the offer
25 to be able to go into the diversion program

1 occurred before the charge had even been laid,
2 which is why I didn't understand why there were so
3 few charges in particular situations, when these
4 men were actually going into the Prostitution
5 Offender Program.

6 Q So, as opposed to the diversion program, which
7 actually brings accused persons into the criminal
8 justice system, only to later stay the charges
9 after they satisfy various conditions, what you're
10 saying is these potential offenders, or potential
11 accused, were never even brought into the criminal
12 justice system at all?

13 A That's my understanding. I don't think that was
14 the case during the period that I was observing,
15 but that was prior to the introduction of the
16 Prostitution Offender Program, and my memory would
17 have that as being in the latter part of the
18 1990s, but I don't recall the exact date.

19 Q The Traffic Section of the Vancouver Police
20 Department was also deployed to target areas by
21 giving out violation tickets, suspensions, licence
22 suspensions and driving law-related charges; is
23 that correct?

24 A That's my understanding, yes.

25 Q And that was in service of the containment and

1 displacement policy?

2 A Not only that. Remember, that clients were not
3 treated any differently in or out of the
4 containment areas. Really, the containment
5 strategy applied primarily to sex workers during a
6 period where -- and many of these memos speak to
7 it, and certainly my recollection speaks to it --
8 where the opinion was shifting from the idea that
9 sex workers were the problem to the idea that
10 johns or clients were the problem, which is part
11 of a much wider set of discourses which are
12 playing out in -- all over the world today about
13 the nature of responsibility in prostitution, how
14 that figures into what the law should be, should
15 there be prohibition and all sorts of other
16 issues. But one could say, to cut to the core,
17 that the moral boot was shifting from the sex
18 worker to the client.

19 Q Right. And that moral shift had to do principally
20 with a shift in general responsibility, that the
21 sex consumers who were largely men, were being
22 confronted with a higher level of responsibility
23 than the women they were purchasing sex from?

24 A Correct. Or at least -- on the street that was
25 the case. They could buy sex with impunity from a

1 municipally licenced establishment.

2 Q And so, so the enforcement emphasis went on the
3 consumer rather than the sex worker or --

4 A To be more precise, the street consumer.

5 Q So then to return to the Traffic Section, the
6 Traffic Section would be deployed on a targeted
7 basis in certain geographic areas, to discourage,
8 again, to discourage vehicular traffic?

9 A Yes, that is my understanding. So, my impression
10 at the time was, you know, if there was a
11 taillight out, that would be, you know, a
12 ticketable offence. So, that you would make sure
13 you were picking up all of those small -- you
14 know, depending on how you look at it, but yes,
15 those were the kinds of strategy.

16 Q All right. I don't know, Mr. Commissioner,
17 whether this is a good time or do you want me to
18 continue?

19 THE COMMISSIONER: How long are you going to be?

20 MR. GRATL: I am going to be a while. I'm going to be at least
21 the morning.

22 THE COMMISSIONER: At least the morning?

23 MR. GRATL: At least the morning.

24 THE COMMISSIONER: All right.

25 THE REGISTRAR: This hearing will now recess for 15 minutes.

1 **(PROCEEDINGS ADJOURNED AT 11:02 A.M.)**

2 **(PROCEEDINGS RESUMED AT 11:19 A.M.)**

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

4 MR. VERTLIEB: Mr. Commissioner, just to give everyone a sense
5 of our timing, it seems that Dr. Lowman is
6 obviously going to be some further time in giving
7 evidence. He cannot be here this afternoon, and
8 that's because he has commitments at the
9 university that we've known about for a long time.

10 THE COMMISSIONER: Yes.

11 MR. VERTLIEB: And so just to give -- the result of that, it
12 seems to be that Dr. Lowman, the best time is for
13 him to come back on Thursday, to finish.

14 THE COMMISSIONER: All right.

15 MR. VERTLIEB: And that should allow for my learned friends or
16 the remaining participants to deal with him. He
17 will leave at the lunch break. And then we would
18 like to have Dr. Kate Shannon, deal with her
19 evidence this morning, or this afternoon, and then
20 into tomorrow morning, and she may be the whole
21 day. It's hard to estimate at this early stage.

22 And we have Catherine Astin for Wednesday,
23 who is a public health nurse, a community nurse.

24 THE COMMISSIONER: Yes.

25 MR. VERTLIEB: And then Dr. Lowman on Thursday.

1 THE COMMISSIONER: All right.

2 MR. VERTLIEB: I just wanted to give you a sense, and everyone
3 else here, of how I think this is shaping up for
4 the next few days.

5 THE COMMISSIONER: All right, thank you.

6 MR. VERTLIEB: You are welcome. Thank you.

7 MR. GRATL:

8 Q All right, Professor, another strategy employed by
9 the Vancouver Police Department involved actively
10 seeking from Crown counsel no-go conditions for
11 sex workers who had been arrested for prostitution
12 offences?

13 A Yes.

14 Q So, that was another aspect of, or at least an
15 attempt to displace sex workers?

16 A Yes.

17 Q Another aspect of sex work enforcement policy
18 involved a Downtown Eastside Extraordinary
19 Policing Program?

20 A Yes.

21 Q Referred to often by the acronym "DEEP"?

22 A Yes.

23 Q This was a three-year program that started in
24 November of 1998 involving 36 constables and three
25 sergeants?

1 A Yes.

2 Q The total cost of which was 7.2 million of which
3 \$3.6 million was provided by the City?

4 A Those were the figures that I would have seen
5 yesterday.

6 MR. DICKSON: And Mr. Commissioner, Tim Dickson for the VPD.
7 And I'm sorry to interrupt my friend, but I'd just
8 here echo Mr. Hern's caveat that he placed
9 earlier, in that I think we just heard that Dr.
10 Lowman read those figures yesterday. And, and so,
11 if my friend could, could try to make clear what
12 Dr. Lowman knew from before, from his research,
13 and, and what he's just viewing yesterday.

14 THE COMMISSIONER: All right.

15 MR. GRATL: Thank you, Mr. Dickson. I think, I think Professor
16 Lowman is doing a very fine job of that himself.

17 Q Of the 40 positions, 20 positions were funded by
18 city hall and 20 were funded from reassignments
19 within Vancouver Police Department?

20 A Again, according to the, the information supplied
21 yesterday.

22 Q All right.

23 A I may have seen those at the time. It's a long
24 time ago. I don't remember, but --

25 Q Those, those officers were deployed out of the

1 community policing offices; is that correct?

2 A According to this information in the binder, yes.

3 Q All right. Do you remember this program?

4 A I remember of its existence, yes.

5 Q All right. And an aspect of its focus was to deal
6 with the open-ended drug market?

7 A Yes.

8 Q And another aspect was to deal with forms of
9 street disorder, which would have included street-
10 level sex work?

11 A Yes, although I noticed in much of the
12 documentation, it's not mentioned explicitly.

13 Q But to your knowledge? To your knowledge --

14 A Street, street disorder would most certainly
15 include, uhm, street prostitution activity, in my
16 understanding.

17 Q Now, I would like to ask you a few questions about
18 a strategy that was not during the relevant period
19 used by Vancouver Police Department, and that is
20 the use of a sex trade liaison officer. You have
21 referred in your, in your report to -- attached as
22 appendix J, the report entitled "Violence Against
23 Women in Vancouver's Street-Level Sex Trade and
24 the Police Response"?

25 A Yes.

1 Q This was a report developed and written for PACE
2 Society --

3 A Yes.

4 Q -- by Leonard Cler-Cunningham and Christine
5 Christensen.

6 A Yes.

7 Q The date of the publication is 2001.

8 A Yes.

9 Q Is that correct?

10 A Yes.

11 Q And again, you were on the board of directors of
12 PACE Society at the time?

13 A Yes.

14 Q Mr. Cler-Cunningham led this delegation to the
15 Vancouver Police Board in December of 2000.

16 A I attended.

17 Q At that Vancouver Police Board meeting, this
18 portion of which occurred in camera, Mr.
19 Cler-Cunningham presented a draft copy of this
20 report --

21 A Correct.

22 Q -- to the, to the Vancouver Police Board?

23 A Yes.

24 Q And in addition, distributed a copy of your paper,
25 "Violence and the Outlaw Status" --

1 A Yes.

2 Q -- which is also attached as an appendix to your
3 report?

4 A Yes.

5 Q The purpose of providing an advance copy of the
6 2001 "Violence Against Women" research paper to
7 the Vancouver Police Board was to provide the
8 Vancouver Police Board with an advanced
9 opportunity to get ahead of the media by creating
10 a position of sex trade liaison officer in advance
11 of the release of that report?

12 A That is my recollection of it. The liaison
13 position was, was one that PACE believed might be
14 able to play a very important role in a program
15 trying to prevent violence against sex workers.

16 Q All right. So, this 2001, what the report that
17 was ultimately published in 2001, spoke to the
18 extreme levels of violence faced by sex workers in
19 Vancouver?

20 A Street-level sex workers.

21 Q But extreme levels of violence --

22 A Yes.

23 Q -- against street-level sex workers?

24 A Yes.

25 Q And PACE held out this proposal for sex trade

1 liaison officer as one way that street-level sex
2 workers could engage in a constructive manner and
3 have a portal or a window to police -- to the
4 services offered by the police?

5 A Correct. There was the feeling that community-
6 level policing should involve all levels of the
7 community, and that includes sex workers, and
8 without that inclusion, one runs into problems,
9 because one needs that input.

10 Q The reports, the 2001 report and the draft report,
11 included findings that sex workers were reporting
12 extreme amounts of violence, and additionally
13 reported distrust of the police and willingness to
14 report that extreme violence to the police?

15 A Those were some of the principal findings.

16 Q The proposal for a sex trade liaison officer was
17 intended to provide a mechanism for street-level
18 sex workers to contact the police to report the
19 violence and to gain the protection of the police?

20 A That would be one of its primary objectives.

21 Q And in the face of that report, the draft of the
22 2001 PACE report, "Violence Against Women," what
23 did the Vancouver Police Board do?

24 A Uhm, well, in short, it rejected the proposal.

25 Q What reasons did it give for rejecting the

1 proposal?

2 A The various -- well, it was obvious that certain
3 members of VPD, the report and what it said did
4 not sit well with them. Uhm, they thought that,
5 and I believe the term that was used was that
6 certain individuals involved with PACE needed an
7 attitude adjustment. And they basically made the
8 statement that, while there were some problems, in
9 general, VPD was doing a very, very good job of
10 managing these various problems and that the sex-
11 trade liaison position was not needed. There were
12 a variety of different vehicles that would achieve
13 the same kinds of results.

14 Q And these are, within the Vancouver Police
15 Department, these are serious -- or senior
16 management officers who, firstly, reject the
17 empirical findings of the 2001 study; and
18 secondly, advocate against the adoption of a sex-
19 trade liaison officer policy or program by the
20 Vancouver Police Board?

21 A The specific individual, Russ Mitchell, made those
22 kinds of comments. I don't know how far they went
23 in terms of what other senior members of the VPD
24 who would have been present, I don't think we were
25 -- I can't remember if we were privy to that, to

1 some of that discussion. I do know the outcome of
2 it, which was the proposal was rejected.

3 Q All right. And you appreciate that the officers
4 within the Vancouver Police Department who
5 advocated against the creation of sex trade
6 liaison officer position did so, in part, because
7 they rejected the empirical findings and
8 conclusions of that report?

9 MR. DICKSON: Tim Dickson for the VPD. Mr. Commissioner, I
10 just, just note that Dr. Lowman mentioned one
11 officer. Mr. Gratl has mentioned officers.

12 THE COMMISSIONER: That's what he said.

13 MR. GRATL:

14 Q Was it confined to Constable Russ Mitchell, this
15 opposition?

16 A I don't think so. The impression that one got was
17 that discussions had occurred about -- in various
18 parts of the police department about the nature of
19 problems that existed, whether problems existed,
20 whether there were problems in the way police were
21 dealing with sex workers; and that, after
22 discussions in the police department, the general
23 impression was the VPD was doing a very, very good
24 job.

25 Q All right. I will just refer you to page 200 of

1 the documents. This is an excerpt of the minutes
2 of the regular meeting of the Vancouver Police
3 Board held on December 6th, 2000.

4 A Okay.

5 Q And referenced at a PACE delegation, and its
6 submissions is found -- begins at page 199. But
7 turning to page 200, the third full paragraph
8 beginning "the Chief Constable"?

9 A Yes.

10 Q I will just read this to you and ask you if it --
11 if your recollection accords with this document.
12 There it said that:

13 The Chief Constable said the VPD shared the
14 concern of PACE about preventing violence
15 against women and he requested Inspector
16 Wayne Melymick to speak to the proposal.

17 Do you recall that?

18 A Yes.

19 Q I take it that the, obviously, the chief constable
20 was in attendance. Did the chief constable
21 support the proposal for a sex trade liaison
22 officer, to your knowledge?

23 A Not to my knowledge.

24 Q All right. Now, Inspector Melymick also spoke to
25 the proposal. Did Inspector Melymick support the

1 proposal --

2 A No.

3 Q -- for a sex trade liaison officer?

4 A Not to my knowledge.

5 Q All right. And in effect, what he told the
6 Vancouver Police Board is, there are enough
7 services in place to ensure the, the proper safety
8 and protection of sex workers?

9 A Yes.

10 Q So, he's, in effect, arguing against the sex trade
11 liaison officer position?

12 A Yes.

13 Q And he's plainly doing so with the concurrence of
14 the chief constable?

15 A Yes.

16 Q Now, what the, what the Vancouver Police Board
17 ultimately does is, is asks for a written report
18 from the Vancouver Police Department in response
19 to the sex trade liaison officer proposal?

20 A Yes.

21 Q And it asks Inspector Melymick and PACE to liaise
22 in, in the interim?

23 A Yes.

24 Q Have you ever seen a copy of Inspector Melymick's
25 response?

1 A Not to my recollection.

2 Q All right. But Inspector Melymick and PACE did
3 liaise in the interim, correct?

4 A There was some liaison, yes, I do believe so.

5 Q And specifically what happened is the, is that a
6 representative of PACE was recruited by the
7 inspector to provide sensitivity training about
8 sex workers to new recruits?

9 A Yes. That was happening at the Justice Institute,
10 if my memory serves me correctly. So, that was
11 the, from PACE's point of view, the only positive
12 outcome of the interaction.

13 Q Okay. So, that Russ Mitchell was involved in that
14 sensitivity training as well, or was involved in
15 that recruit training?

16 A I think he was, yes.

17 Q All right. And in effect, to balance out Russ
18 Mitchell's opinion or Constable Mitchell's
19 opinion, was Raven Bowen from PACE --

20 A Yes.

21 Q -- gave the perspective of sex workers?

22 A Uh, Raven was involved in that. Also, a woman by
23 the name of Marika Sandrelli.

24 Q All right. But that involvement of PACE in
25 sensitivity training for new recruits was

1 short-lived, because once PACE publicly released
2 its research paper, "Violence Against Women in the
3 Vancouver Street Level Sex Trade," the Vancouver
4 Police Department took umbrage, correct?

5 A Yes, very much so.

6 Q Very public umbrage. It criticized PACE and
7 Leonard Cler-Cunningham vociferously in the media;
8 isn't that correct?

9 A That is my recollection.

10 Q And moreover, in addition to vocal criticism of
11 PACE and Leonard Cler-Cunningham for releasing
12 this report, PACE was cut out of the sensitivity
13 training of recruits?

14 A Raven certainly was.

15 Q All right. Was anybody left within PACE providing
16 sensitivity training to, to new recruits, to your
17 knowledge?

18 A I'm not sure whether Marika would have still been
19 involved in that after that point.

20 Q All right. Turning then to a different topic
21 altogether, community enforcement strategies.
22 These are at -- these are strategies undertaken by
23 members of the community or community associations
24 or merchants' associations.

25 A Okay.

1 Q One -- there is a reference in your paper to a, a
2 picketing program known as "Shame the Johns"?

3 A Yes.

4 Q This was a -- would be a group of community
5 members who would, in effect, engage in protest,
6 lawful protest?

7 A Yes.

8 Q They would have signs. And although the program
9 was entitled "Shame the Johns," in fact, the
10 pickets seemed to be directed at sex workers
11 themselves?

12 A Yes. My -- the first time I observed a Shame the
13 Johns campaign was in 1984 in the West End, and in
14 that particular case, most of the activity was
15 focused on the sex workers. That's been true of
16 all the other similar kinds of programs, simply
17 because if somebody is driving around the streets
18 and they see people with placards saying "Shame
19 the Johns," they're hardly going to stop. So,
20 most of that activity was about picketing sex
21 workers.

22 Q In addition to this Shame the Johns or, in effect,
23 the "Shame the Sex Worker" campaigns, there were
24 also community patrols?

25 A Yes.

1 Q And these community patrols sprung up from time to
2 time in different residents' associations?

3 A Yes.

4 Q So, in 1991, Strathcona Neighborhood Action
5 Committee was formed?

6 A Yes.

7 Q And they engaged in some patrolling?

8 A Yes.

9 Q Then there was the Hastings East Neighbourhood
10 Action Group, --

11 A Yes.

12 Q -- with the assistance of Constable Mitchell,
13 engaged in some community patrols?

14 A Yes.

15 Q And aside from those two examples, there were
16 other neighborhood groups that were organized and
17 facilitated by the Vancouver Police Department?

18 A There have been similar groups in Mount Pleasant,
19 like, the Mount Pleasant Action Group and Court
20 Watch.

21 Q All right, I will return to Court Watch in a
22 moment, but just for the moment, this citizen
23 patrol strategy, which worked, worked in
24 conjunction with the community policing offices?

25 A Uh, to varying degrees, yes. Some of the earlier

1 ones didn't because the community policing offices
2 didn't exist at that time, but once they did, some
3 of that activity was coordinated.

4 Q All right. What, what they, what they would do is
5 they would march around the neighborhood and they
6 would take -- they would march around the
7 neighborhood and make themselves conspicuous?

8 A Yes.

9 Q All right. Interfering essentially with the
10 trade?

11 A Essentially trying to disrupt the trade.

12 Q They would also take licence plates?

13 A Of men cruising the area, yes.

14 Q All right. In addition to neighborhood -- and
15 these neighborhood patrols would also have
16 personal confrontations with sex workers from time
17 to time?

18 A Yes.

19 Q They would approach them and talk to them and
20 discourage them from engaging in sex work in their
21 own neighbourhoods?

22 A They would certainly do that, and often you would
23 get the women on the street voicing their opinions
24 about what was going on as well. Uhm, in, in
25 situations that I'm aware of, it was a potentially

1 explosive situation.

2 Q So, aside from organized community patrols
3 involving more than one person, sometimes there
4 would be individual confrontations?

5 A Yes.

6 Q So, it would be just an individual resident would
7 confront an individual sex worker?

8 A Yes. And I'm not saying that, that that was the
9 intention of community policing. It's just that
10 that would be sometimes the outcome.

11 Q All right. In, in one of the studies, well, you
12 refer to at page 19 of your report, that 69
13 percent of sex worker respondents through a survey
14 reported general harassment?

15 A That was page 19?

16 Q This is page 19.

17 A Oh, yes. Which could consist of a variety of
18 different kinds of problems.

19 Q All right. And included within that category
20 would be this type of individual confrontation or
21 confrontation by a group?

22 A Yes.

23 Q So, 69 percent of respondents reported that type
24 of harassment?

25 A Well, harassment of one kind or another, not

1 necessarily these groups. I mean, you have
2 another phenomenon that women talk about, the
3 looky-loo, people driving around the stroll who
4 have got no real interest in what's taking part,
5 other than sightseeing. But also women would
6 report being harassed, young men on the street,
7 would, would report being harassed; people would
8 have things thrown at them out of buildings.
9 There's a variety of things that would be captured
10 under that rubric of general harassment.

11 Q All right.

12 A But some of it would be some of this kind of
13 activity as well.

14 Q Aside from individuals in their own capacity, some
15 of the merchants' associations and some of the
16 individual merchants hired security guards to
17 patrol?

18 A Yes.

19 Q This tendency of hiring, or the pattern of hiring
20 security guards was eventually formalized through
21 business improvement associations by way of the
22 Ambassador Program?

23 A Okay.

24 Q Is that -- do you know that?

25 A I do recollect that.

1 Q That is the downtown ambassador, sort of quasi-
2 uniform, standardized uniform security guards?

3 A Yes.

4 Q Who were neighborhood specific or connected to
5 neighborhoods, and they would confront any manner
6 of street disorder that they encountered?

7 A That's my recollection of the, of the program.

8 Q There were also petitions that were circulated?

9 A Yes.

10 Q At one point, 3,000 people in Vancouver signed a
11 petition to get the law enforced?

12 A Uhm, that was an Eastside petition, not a general
13 one I believe. I can't -- I --

14 Q I don't have a copy of that petition. I just have
15 seen reference to it. Do you know what was on
16 that particular petition?

17 A Uhm, I can't remember the details of it. I think,
18 uhm, one of the local residents, Cindy Chan Piper,
19 may have had something to do with that one.

20 Q All right. And she was in charge of the
21 Strathcona Residents' Association; is that
22 correct?

23 A She was a member of it.

24 Q Okay. But one of the leaders, if I could put it
25 that way?

1 A Oh, certainly a, a very vocal figure. She was on
2 the board of PACE for, for a period.

3 Q All right. And in addition to those tactics,
4 there was also postering, various types of
5 postering, some postering without threats that you
6 have already referred to, that, that you said used
7 inclusive language that considered sex work as
8 part of the community?

9 A Yes, those were the ones documented in our 1989
10 reports before this particular period. Then you
11 have the other one that I mentioned in the report,
12 I believe it was 1992, which resulted in Staff
13 Sergeant Bob Taylor's report. That was one where
14 notices were put up by a local business owner
15 which were, to say the least, threatening. I
16 mean, the, the innuendo of those was that there
17 would be physical violence if people didn't vacate
18 the area.

19 Q And Staff Sergeant Taylor went to speak to that
20 individual?

21 A Yes, he did.

22 Q And he went to speak to other business owners in
23 the area?

24 A Yes.

25 Q And he, he had effectively told them to cool it?

1 A Yes.

2 Q But no charges were laid, --

3 A No.

4 Q -- despite the presence of threats?

5 A Correct.

6 Q The Vancouver Police Department also involved
7 itself in what was described as a Court Watch
8 Program.

9 A The original program by that name was one devised
10 by a group in Mount Pleasant back in the mid-1980s
11 by one Stephanie Haag (phonetics) who was a
12 resident of that area. That name subsequently
13 became used for the program that you're referring
14 to. I don't think this -- I mean, there's a
15 connection with the idea but --

16 Q As I understand the Court Watch Program, and
17 please correct me if I'm wrong, that involved
18 citizens attending court --

19 A Yes.

20 Q -- to assert their presence in the courtroom; --

21 A Yes.

22 Q -- to encourage the proper application of what
23 they consider to be the proper application of the
24 Criminal Code; --

25 A Yes.

1 Q -- to collect statistics on individual judges'
2 sentencing patterns; --

3 A Yes.

4 Q -- and to report all of that to the community
5 policing officers?

6 A Uh, yes I think so. That was the intention, yes.

7 Q And Court Watch was supported by -- the Court
8 Watch Program was supported by the chief
9 constable?

10 A That I -- I suspect there is documentation that
11 may show that, but I can't say that I can recall
12 that.

13 Q And there is certainly a frustration within the
14 Vancouver Police Department about the lenient
15 sentences meted out to sex workers?

16 A I'm not sure about that.

17 Q All right.

18 A I think -- it's very, very difficult -- I mean,
19 one of the things that, that I've tried to do in
20 responding to questions is, is not cast Vancouver
21 Police Department as all of a piece. Yes, it has
22 an administration, which is all of a piece that
23 makes decisions, but we've seen a variety of
24 situations where the left hand and the right hand
25 don't know what they're doing. And while I have

1 made the comment that certain officers seem to
2 have a problematic attitude, that's not across the
3 board. It's a nuanced situation. I just want to
4 say that for clarification.

5 Q All right. And, and you were certainly clear
6 about that in your testimony before. You said
7 Constable Dave Dickson was, was definitely one of
8 the good apples?

9 A If that's the term that you want to use, yes.

10 Q And aside from Constable Dickson, there were other
11 members of Vice who were known to be -- to, to
12 give favourable treatment to sex workers?

13 A Yes. And I think I also mentioned at one point,
14 and this would have been in the 1980s, through my
15 association with Alliance for the Safety of
16 Prostitutes, there was, the Sexual Offence Squad
17 at that time was regarded as being somebody that
18 you could take a complaint to and get listened to.

19 But these things change very quickly. One
20 individual can have an enormous effect on policy,
21 and I think there are many cases where one can see
22 that happening. And, and that's not necessarily
23 prescribed by the administration and sometimes not
24 known by the administration. A lot of things are
25 happening in a police force with, you know, well

1 over a thousand members at that time and, you
2 know.

3 Q No, and it's definitely -- of course, it's a human
4 institution and so --

5 A Yes.

6 Q And even within this proceeding, it's obvious that
7 not all members of the Vancouver Police Department
8 are on the same page. But that was true from 1994
9 to 2002, in your experience?

10 A Yes.

11 Q The Court Watch Program, in addition to reporting
12 to the community policing offices, also, from time
13 to time, reported to the Vancouver Police Board?

14 A Yes, I believe that was the case.

15 Q And in addition, members of the community were
16 asked by community policing officers to provide
17 victim impact statements for the Crown --

18 A Yes.

19 Q -- to attempt to get the Crown to ask for and
20 obtain stiffer sentences for sex workers?

21 A Yes.

22 Q At the provincial level, there were, there were a
23 number of initiatives, the chief of which was the
24 Provincial Prostitution Unit.

25 A Yes.

1 Q That was a unit consisting of two police officers
2 from VPD Vice?

3 A I think it shifted over the years that it existed.
4 My recollection is that there was always at least
5 one and often two VPD officers on it, Crown
6 counsel, various other members.

7 Q An RCMP officer?

8 A Yes.

9 Q And a community coordinator?

10 A Yes.

11 Q So, the Provincial Prostitution Unit was formed in
12 1996?

13 A Yes.

14 Q And it had community ties. The community
15 coordinator would speak at community meetings on
16 strategies to deal with street sex work?

17 A Yes. I mean, originally, the PPU's mandate was
18 quite broad. It involved intelligence gathering.
19 It involved education, enforcement issues, a
20 variety of, or a variety of kinds of enforcement
21 issues. I think it gradually morphed over the
22 years so that it lost the sort of education
23 component and became more enforcement oriented,
24 and one of the primary mandates was trying to
25 figure out what to do about sexual exploitation of

1 children.

2 Q Right. But in addition to the sexual exploitation
3 of children aspect of their work, the Provincial
4 Prostitution Unit also advised neighborhood
5 associations on setting up citizen patrol teams --

6 A Yes.

7 Q -- and court watch programs?

8 A Yes.

9 Q So, in effect, what we have is a picture of where
10 the Vancouver Police Department, neighborhood
11 associations, city hall and provincial teams, are
12 all working very closely together to surround sex
13 workers in a very tight, constricting net of
14 enforcement and civilian action?

15 A Yes, with the safety valve being that the
16 enforcement would be relaxed when the women worked
17 in certain areas.

18 Q All right. I want to turn the topic of my
19 questions to negative interactions between police
20 and sex workers.

21 A Okay.

22 Q Of course, when police interact with sex workers,
23 they're at risk of being arrested for engaging in
24 sex work?

25 A Yes.

1 Q They're at risk of being arrested for drug
2 offences?

3 A Potentially, yes.

4 Q And they're at risk of being arrested for -- on
5 warrants for administering of offences?

6 A That may be well -- well be one of the, the more
7 immediate risks from their point of view, I would
8 think.

9 Q All right. And many sex workers, because of their
10 involvement with the criminal justice system,
11 might be subject to terms of probation, bail or
12 parole?

13 A Yes.

14 Q And they might be at risk of being arrested, in
15 the absence of a warrant, for breaches of
16 probation, bail and parole conditions?

17 A Yes. And it's important to point out that that
18 would be their perception. Whether those, you
19 know, whether police officers would arrest a woman
20 and charge her with communicating because she
21 committed that offence, who knows? But it's, when
22 things are perceived to be real, they're real in
23 their consequences.

24 Q All right. Well, let's, let's turn then to the,
25 to the empirical, to the real.

1 A Okay.

2 Q And I would like to refer specifically to this
3 PACE report that was received with such
4 consternation at the Vancouver Police Department,
5 and that is found at appendix J to your report.

6 A Yes.

7 Q And at that, turning to page 43 of that report, we
8 can see that what the report sets out is a number
9 of charts dealing with various categories of
10 violence inflicted on sex workers according to
11 their own report?

12 A Yes.

13 Q And that reporting was done in a safe context to
14 outreach workers from PACE?

15 A Yes. These would be situations where anonymity
16 would, would be the case in most situations. The
17 researchers would not know the name of a person.
18 If they did, they would be giving a guarantee of
19 strict confidentiality in terms of the identities
20 of respondents.

21 Q So, and I am not saying that this information is
22 collected under ideal circumstances, which would
23 lead us to have a hundred percent confidence in
24 all the numbers, --

25 A Hm-hmm.

- 1 Q -- but I do suggest, Professor Lowman, that the
2 circumstances of these reports and statements made
3 to the researchers were made in a context
4 sufficient to give reasonable practical certainty
5 as to the validity of the results.
- 6 A Yes. And you also have cross-study validity to
7 the extent that these, or similar findings, appear
8 in other studies, and that is when one can
9 replicate findings, I mean -- or I shouldn't say
10 -- one is not necessarily trying to, to do
11 anything. But if findings are replicated, then
12 you have a greater degree of confidence in the
13 findings, and we do, with these results, see very
14 similar findings across studies.
- 15 Q At table 33 of this report, at page 43, --
- 16 A Yes.
- 17 Q -- we see a reference to the responses given by
18 sex workers to the question of when they were
19 robbed, who robbed them.
- 20 A Yes.
- 21 Q Eight point two percent of robberies reported by
22 sex workers were attributed to Vice and to uniform
23 police; is that correct?
- 24 A Yes.
- 25 Q Over the page to page 49, at table 49 --

1 A Sorry, table 49?

2 Q Table 49, --

3 A Yes.

4 Q -- 6.4 percent of threats with a weapon reported
5 by sex workers were attributed to Vancouver Police
6 Department Vice Squad and Vancouver Police
7 Department uniformed officers.

8 A Yes.

9 Q Over the page to 55, at table 66.

10 A Yes.

11 Q Nine percent of assaults with a weapon reported by
12 sex workers were attributed to Vice and to uniform
13 police?

14 A Yes.

15 Q On to page 63, 7.9 percent of attempted sexual
16 assaults reported by sex workers were attributed
17 to the Vice Squad and to uniform police?

18 A Seven point nine?

19 Q Yes.

20 A Yes, yes.

21 Q And then at page 66, at table 94, 5.7 percent of
22 kidnappings reported by sex workers, street-level
23 sex workers, were attributed to the Vice Squad and
24 to uniformed police?

25 A Yes.

1 Q Now, these were the findings from the PACE that
2 were given to the Vancouver Police Board in
3 December of 2000; --

4 A Yes.

5 Q -- is that correct?

6 A Yes.

7 Q And the Vancouver Police Department refused, in
8 the face of these numbers, to create the position
9 of a sex worker liaison officer, correct?

10 A Correct.

11 Q What you were asking for, at that time, was not a
12 new, newly funded position, but rather, a shift of
13 personnel into a new position, into a new role?

14 A That's my recollection.

15 Q No new money was requested, and still it was
16 turned down?

17 A That is my recollection.

18 Q So, in addition to being at risk of prosecution
19 for sex work, for the use of or possession of
20 drugs, for failure to appear, breach of probation,
21 breach of bail, breach of parole, sex workers
22 also, according to their own words, have very good
23 reason to be fearful of the Vice Squad and of
24 police members in uniform?

25 A That would appear to be the case.

1 Q And as a consequence, there was a deep level of
2 distrust between the sex workers and the Vancouver
3 Police Department members?

4 A There is certainly a deep level of mistrust and
5 one can imagine that these kinds of experiences,
6 as captured by this research, is -- contributes to
7 that problem.

8 Q Did sex workers who were subject to robbery,
9 threats or assault, or even more serious offences
10 by the Vice Squad or uniform members, have any
11 recourse?

12 A They could have gone to some trusted officer to
13 try and make a report. They could do that.

14 Q Did you, in your time, ever hear -- in your, in
15 all your time, in all your experiences with the
16 Vancouver Police Department with your open-door
17 policy that gave you access to VPD materials, did
18 you ever hear of a police officer being charged
19 with any offence committed against a street-level
20 sex worker?

21 A My recollection is that there were two charges
22 against VPD officers, and I'm just trying to
23 remember when that would have been. Do I know of
24 any women who had reported any of the incidents
25 that presumably would have been in the background

1 that led to these research results? I don't
2 recall anybody having reported one of those
3 incidents.

4 Q And just to be clear, when this report, alleging
5 serious offences committed by police officers
6 against sex workers, was released to the public,
7 the official Vancouver Police Department response
8 was to condemn the report as inaccurate; is that
9 correct?

10 A That's correct.

11 Q And to publicly state that there was no violence
12 by police officers against sex workers?

13 A That I can't remember. There was -- clearly, the
14 report caused great umbrage and it was criticized.

15 Q It was criticized by the Vancouver Police
16 Department, and what amounts to a personal attack
17 was mounted against the author of the report?

18 A That's my recollection.

19 Q I would like to turn then to the public opinion as
20 manifested by the *Vancouver Sun* articles.

21 A Okay.

22 Q In your discourse of disposal article, you
23 conducted analysis of many years of *Vancouver Sun*
24 articles dealing with violence against sex
25 workers?

1 A Yes.

2 Q You identified a discourse within the *Vancouver*
3 *Sun* of efforts by politicians, police and
4 residents' groups to "get rid" of street
5 prostitution?

6 A Yes.

7 Q Is it your, in your opinion, this discourse of
8 disposal encouraged violence against sex workers?

9 A Yes.

10 Q I take it, by minimizing the moral barriers to
11 commission the violence against sex workers?

12 A Yes. For many years, beginning in the mid-1970s
13 in Vancouver, you had people talking about the
14 street prostitution problem and how to get rid of
15 it, and it came in a variety of forms at a variety
16 of different levels. And I coined the term
17 "discourse of disposal" to capture the main
18 flavour of news reports, what politicians were
19 saying, what police were saying, what frustrated
20 residents were saying.

21 And there is a term in criminology used to
22 describe some of the strategies that offenders use
23 to justify what they do. They're called
24 "techniques of neutralization". And in this
25 particular case, in the context of that discourse,

1 get rid of these women, with letters being
2 published in *The Sun* saying to Clint Eastwood,
3 "yes, bring your gun," that it made it easier for
4 predatory, misogynistic men to target street
5 prostitutes.

6 Q Was it, in effect, lending approval to, to sex
7 predators?

8 A Tacit approval.

9 Q And sex predators, of course, were known, serial
10 sex predators, including serial murderers, were
11 known to target street-level sex workers?

12 A Yes. One of their primary targets is street-level
13 sex workers.

14 Q You refer in your report to Gary Leon Ridgway, the
15 Green River killer?

16 A Yes.

17 Q To Peter Sutcliffe, the Yorkshire Ripper?

18 A Yes.

19 Q Robert Lee Yates, the Spokane killer?

20 A Yes.

21 Q Arthur Shawcross, the Genessee River killer?

22 A Yes.

23 Q Joel Rifkin, a New York State killer?

24 A Yes.

25 Q In addition, there was, locally, Gilbert Paul

1 Jordan?

2 A Yes.

3 Q There was also Keith Jesperson, who was born in
4 Chilliwack, British Columbia. Are you familiar
5 with that name?

6 A Uhm, I don't recall that name.

7 Q George Waterfield Russell?

8 A Don't remember that name.

9 Q In Oregon. Kendall Francois?

10 A That name rings a bell. I, by the way, the --
11 when I drew up that particular list as exemplars
12 of serial killers of street-level prostitutes,
13 uhm, it was offenders with 10 or more victims,
14 known victims. So, it's not an exhaustive list of
15 men who have been convicted of murdering more than
16 a single street-level sex worker.

17 Q I appreciate that. But their activities, these
18 serial killers, their activities are notorious in
19 criminology circles and in policing circles?

20 A Yes.

21 Q They're --

22 A Ever since the revelations of Jack the Ripper,
23 uhm, which is the first sort of celebrated case at
24 the point that the press is becoming a major force
25 in western cultures, those murderers and those

1 victims are iconic, tragedy iconic.

2 Q And that was Jack the Ripper who operated during
3 late Victorian times?

4 A Yes.

5 Q Okay. So, all of these sex workers -- these
6 killers of sex workers were operating in a time of
7 moral panic about sex work and street-level sex
8 work?

9 A I wouldn't necessarily say that. I think periods
10 of moral panic may produce, sorry, not produce,
11 but may enhance the ability of a person to
12 neutralize some of the actions they would like to
13 carry out, for whatever reason.

14 Q In addition to those other names, Clifford Olson
15 was known to have targeted at least one sex
16 worker?

17 A Yes.

18 Q So, it would have been inconceivable for any
19 investigation of a serial killer not to consider
20 this pattern of predation?

21 A Yes.

22 Q And it would be inconceivable, when considering
23 violence against sex workers, not to consider this
24 pattern of serial killing?

25 A Inconceivable to me, yes.

1 Q And even within Vancouver, 56 workers were
2 murdered between January 1982 and December 1994 in
3 Vancouver?

4 A I believe that figure was British Columbia.

5 Q All right. Thirty-one of the women were killed in
6 what could be described as an intimate way, where
7 there was physical contact between the killer and,
8 and his victim?

9 A Yes.

10 Q That is, strangulation, beating or stabbing?

11 A Yes.

12 Q In seven of the 14 stabbing cases, police used the
13 term "overkill" to describe the killing?

14 A Correct.

15 Q Suggesting that more force than necessary was used
16 to kill?

17 A Correct.

18 Q Which indicates, to your mind, a hatred that
19 extends outside of that specific relationship?

20 A Yes.

21 Q That's part of your evidence for what amounts to a
22 pattern of misogynistic violence against women?

23 A Yes.

24 Q Using sex workers as the opportunity, --

25 A Yes.

1 Q -- where the hatred is more generalized towards
2 women and sexuality?

3 A Often.

4 Q Now, from 1985 to 1993, nearly all the murders of
5 sex workers were murders of women who came from
6 the low-track strolls of Mount Pleasant and the
7 Downtown Eastside?

8 A Yes, though I refer not to use the term "low
9 track".

10 Q It's just found in the report. That's why I used
11 the term.

12 A Yes. No, it wasn't a criticism of you. It just
13 disturbs me.

14 Q I would like to turn briefly to the phenomenon of
15 bad date sheets.

16 A Okay.

17 Q These sheets were first used by the Alliance For
18 Safety of Prostitutes and then Prostitutes and
19 Other Women for Equal Rights?

20 A Yes.

21 Q And then they came out of -- they went out of
22 existence and then they were brought back into
23 being by John Turvey of DEYAS?

24 A Yes.

25 Q And the bad date sheets were effectively an

1 alternative to sex workers reporting to police?

2 A Yes.

3 Q Instead of reporting violence committed against
4 them to police, sex workers would report the
5 violence to a non-profit group that would collect
6 the data and publish it to sex workers and others?

7 A Yes. I think WISH also collected bad date sheets
8 over the years, but that was -- would have been
9 after this period or perhaps coterminous with it,
10 but several organizations did do that.

11 Q Is it fair to say that the volume of violence
12 reported on bad -- DEYAS bad date sheets was
13 massive?

14 A There are a lot of bad dates.

15 Q I take it there was no Vancouver Police Department
16 program, to your knowledge, to investigate the
17 serious violence and identify the predators
18 reported on the bad date sheets?

19 A I think that VPD, at various points, looked at the
20 bad date sheets.

21 Q Was there a program to review the bad date sheets
22 and initiate investigations as a result of the
23 information set out on the bad date sheets?

24 A Not to my knowledge.

25 Q The bad date sheets contained, on your analysis, a

1 very significant number of repeat offenders?

2 A Yes.

3 Q They would be identified, the repeat offenders
4 would be identified by the description of the
5 individual and the repetition of licence plate
6 numbers recorded?

7 A Yes.

8 Q And consistently, 20 percent of those bad date
9 sheets would involve repeat offenders?

10 A Uh, where do we get that figure from? I can't, I
11 can't keep them all in my head.

12 Q Appendix D of your report, page 57.

13 A Okay. No, as I said, I can't remember all the
14 details of these hundreds and hundreds of tables
15 but, but I certainly know that there are repeat
16 offenders and there are clear patterns.

17 Q So, appendix D, page 57. Now, just for the
18 record, appendix D is your study entitled
19 "Violence Against Persons Who Prostitute: The
20 Experience in British Columbia"?

21 A Yes.

22 Q This was the 1985 report --

23 A '95.

24 Q 1995 report?

25 A Yes. Hang on.

1 Q Oh, sorry, 1995 report?

2 A Yes.

3 Q Prepared at the behest of the Department of
4 Justice?

5 A Yes.

6 Q Well-funded study?

7 A No.

8 Q Looked at sex work from a wide variety of
9 perspectives?

10 A Yes.

11 Q And provided, in any event, enough funding to
12 review the bad date sheets?

13 A No. We did a lot of the work on our own time off
14 the side of the table because the funding for this
15 was nothing like the funding that was given to
16 looking at the effect of the communicating law.

17 Q So, you're saying federal funding for research
18 from the --

19 A The violence against prostitutes paled in
20 comparison to the research that they were funding
21 that might give us a better understanding of how
22 to protect neighbourhoods, an understandable goal,
23 but nothing like the funding that was given to
24 those kinds of projects.

25 Q So, the --

1 A The total funding for three years of our research
2 was \$20,000.

3 Q And what was the level of funding for research
4 into the public nuisance aspect and how best to
5 suppress the public nuisance aspect of street-
6 level sex workers?

7 A These would 60, 70 -- 50, 60, \$70,000.

8 Q All right. Returning then to page 57, you will
9 see about halfway down the page, there is a
10 reference to table 72?

11 A Yes.

12 Q And the number of known repeat offenders --

13 A Yes.

14 Q -- identified either by the persons reporting the
15 bad date or through our check for licence plate
16 numbers reported on more than one occasion?

17 A Yes.

18 Q The two data sets, it's been suggested, reveal a
19 similar proportion -- proportions of known
20 offenders. And then in table 72, the percentages,
21 17.6 percent of known repeat offenders?

22 A Yes.

23 Q This report was, of course, provided to the
24 Vancouver Police Department?

25 A Yes.

1 Q And the Vancouver Police Department had access to
2 the DEYAS bad date sheets?

3 A I think so, yes.

4 Q The data was available to the Vancouver Police
5 Department?

6 A Yes.

7 Q Did the Vancouver Police Department, to your
8 knowledge, ever have a program to take that data
9 and act on it by identifying the known repeat
10 offenders and initiating investigations to stop
11 them?

12 A Not to my knowledge.

13 Q Your report sets out, in a number of places,
14 demographic information about street-level sex
15 workers?

16 A Yes.

17 Q Your information concludes that they may be at
18 some places 70 percent aboriginal in origin?

19 A Some -- different studies come up with different
20 proportions for the Downtown Eastside. They vary
21 between 30 and 70 percent. It depends on some of
22 the sampling issues that we discussed previously.

23 Q Approximately half the women are in relationships
24 in the sense that they share accommodation with
25 boyfriends or spouses?

1 A Yes.

2 Q Seventy-three percent of women reported working in
3 the sex trade before their 18th birthday?

4 A Yes.

5 Q They cited, of those, 74 percent of them cited
6 economic reasons for their involvement?

7 A Yes.

8 Q And 17 percent reported that their involvement in
9 the sex trade before their 18th birthday was
10 influenced by abandonment and their status as
11 runaways?

12 A Yes, or throwaways. Runaway is a loaded term.

13 Q Pivotal factors for entering into the sex trade
14 before the age of 18 include a lack of economic
15 alternatives, quite simply, poverty?

16 A Yes.

17 Q No other source of income?

18 A Yes.

19 Q And they also include child sexual abuse?

20 A Yes.

21 Q Seventy-three percent of women who report that
22 they started in the sex trade before their 18th
23 birthday reported childhood sexual abuse?

24 A Yes. And we're talking street-level sex workers
25 here.

1 Q Now, perhaps as a consequence of these matters,
2 sex workers have an extremely high incidence of
3 depression and post-traumatic stress disorder?

4 A Uhm, there is a great deal of controversy about
5 research on PTSD in terms of various populations.
6 So, that while you have claims being made, it's
7 not clear about the, the prevalence of PTSD.

8 Q I, I only say that because at appendix K of your
9 report you have included an article in the --
10 published in the *Journal of Transcultural*
11 *Psychiatry* --

12 A Yes.

13 Q -- in June of 2005 entitled "Prostitution in
14 Vancouver:" --

15 A Yes.

16 Q -- "Violence and the Colonization of First Nations
17 Women"?

18 A Yes.

19 Q And Melissa Farley is the lead author of that?

20 A Yes. It's the generalization of those results to
21 the entire sex worker population that is highly
22 controversial, and what is also controversial is
23 in the measurement of post-traumatic stress. What
24 exactly produces it, that's a whole different
25 issue. When we're looking at these populations,

1 we're dealing with people who experience extreme
2 hardship. There is no doubt about that. And
3 that, yes, depression and various feelings of
4 frustration and hopelessness are part and parcel
5 of the experiences of many of the women involved
6 in Downtown Eastside prostitution.

7 Q All right. So, leaving aside the psychologically
8 laden tags or the formal tags of --

9 A Yes.

10 Q -- PTSD and depression, these women suffer from
11 extreme hardship?

12 A Yes.

13 Q And they turn to alcohol and illicit substances to
14 self-medicate?

15 A Yes. There's, I mean, there is debate whether
16 sometimes addiction leads to prostitution or
17 prostitution to addiction. In these
18 circumstances, it's clear that prostitution more
19 generally doesn't lead to addiction, because there
20 are so many women involved in prostitution who are
21 not drug addicted. But this is a very specific
22 kind of population that we're talking about here,
23 and there is a vicious cycle which involves
24 prostitution and drug use reinforcing each other.

25 Q And the cycle also involves sexual abuse,

1 including childhood sexual abuse, reinforcing
2 participation in the sex trade, and the sex trade
3 leading to further victimization, further physical
4 and sexual abuse?

5 A Correct.

6 Q In terms of the ability to liberate oneself from
7 the cycle, you are familiar with the availability
8 of social services in the Downtown Eastside?

9 A Yes.

10 Q Are there, in your view, sufficient -- is there
11 sufficient access to trauma counselling to meet
12 the demand?

13 A There does not appear to be. I mean, if we take
14 the issue of female substance use, abuse,
15 addiction, my understanding, through most of this
16 period, was that there were something like six
17 beds available for women trying to deal with those
18 issues.

19 Q Six beds and how many women?

20 A If you recall the police report, Staff Sergeant
21 Taylor's report, in one year, 1992, 480 women and
22 youths, but mostly women, adults, had been
23 identified as street involved, i.e., at one point
24 or another, involved in the street-level drug
25 trade and sex trade.

1 So that gives you an -- and then if we look
2 at, say, Sue Currie's report, and if we look at
3 the percentages, this was a 1995 report, the
4 percentages of the women reporting problems with
5 alcohol, heroin, cocaine, uhm, crack by that time,
6 we were dealing with 70 to 80 percent of the women
7 that she interviewed. And so we're looking at
8 perhaps in excess of 300 females who would benefit
9 from those kinds of assistance.

10 Q So, in addition to struggling with childhood
11 sexual abuse, the lack of economic alternatives,
12 serious drug addiction, women also had to cope
13 with the numerous police and community enforcement
14 strategies inflicted on them by the Vancouver
15 Police Department and the neighborhood community
16 associations, Vice Squad, the patrol officers,
17 community policing officers, the Provincial
18 Prostitution Unit; all of those forces the women
19 were left to contend with?

20 A All of those forces constituted a very important
21 component of the urban environment.

22 Q And if that weren't enough, they had to deal with
23 the discourse of disposal coming from the
24 *Vancouver Sun* and other forms of media?

25 A Yes.

J. Lowman (for the Commission)
Cross-exam by Mr. Gratl
K. Shannon (for the Commission)

1 MR. GRATL: Mr. Commissioner, this is perhaps a good place to
2 stop.

3 THE COMMISSIONER: All right, we'll adjourn. So, Dr. Lowman
4 can now be excused, and is Dr. Shannon coming in
5 this afternoon?

6 MR. VERTLIEB: Yes, that's the plan; and then Dr. Lowman to
7 return Thursday morning.

8 THE COMMISSIONER: All right.

9 THE REGISTRAR: Is he still under caution?

10 THE COMMISSIONER: You are still under cross-examination. I
11 have to give you the same caution that I gave you
12 before.

13 THE WITNESS: Yes, Commissioner.

14 **(WITNESS STOOD DOWN)**

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

16 **(PROCEEDINGS ADJOURNED AT 12:30 P.M.)**

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

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

19 MS. BROOKS: Good afternoon, Mr. Commissioner.

20 THE COMMISSIONER: Yes.

21 MS. BROOKS: Our next witness is Dr. Kate Shannon and she is in
22 the witness box. Mr. Giles, could you affirm the
23 witness please?

24 **KATE SHANNON, affirmed:**

25 THE REGISTRAR: Would you state your name please?

1 THE WITNESS: Kate Shannon.

2 THE REGISTRAR: Thank you. Counsel?

3 MS. BROOKS: Thanks, Mr. Giles.

4 Mr. Commissioner, you should have before you
5 a brief of materials relating to Dr. Shannon.

6 THE COMMISSIONER: Yes.

7 **EXAMINATION IN CHIEF ON QUALIFICATIONS BY MS. BROOKS:**

8 Q Dr. Shannon, do you also have a copy of a brief of
9 materials?

10 A Yes, I do.

11 Q Dr. Shannon, you were retained by the Commission
12 to write a report on several issues that relate to
13 the health and safety of women involved in street-
14 based sex work in the Downtown Eastside; is that
15 correct?

16 A Yes, that's correct.

17 Q Is a copy of the instruction letter found behind
18 tab 1?

19 A Yes.

20 Q And a copy of your curriculum vitae, and behind
21 that, a list of publications and grants you have
22 received is found at tab 2?

23 A Yes, that's correct.

24 Q There is a copy of your report at tab 3?

25 A Yes.

1 Q And then also included is an addendum A and B to
2 your report and those are at tabs 4 and 5?

3 A Yes.

4 Q Are the sources that you relied on to form your
5 opinions found at tabs A to L?

6 A Yes, that's correct.

7 Q Dr. Shannon, you are currently an assistant
8 professor in the Department of Medicine at UBC?

9 A Yes.

10 Q You also hold a cross-appointment in the School of
11 Population and Public Health?

12 A Yes, as an associate faculty.

13 Q You were appointed to the faculty in 2009?

14 A Yes.

15 Q And in addition to your faculty appointment, I
16 understand that you are also a research scientist
17 with the BC Centre for Excellence in HIV/AIDS, as
18 well as the director of the Gender and Sexual
19 Health Initiative at the Centre?

20 A Yes, that's correct.

21 Q What's the mandate of the Centre?

22 A The Centre was founded in 1992 and it has the
23 largest provincial organization focused on
24 research, education and treatment of HIV-positive
25 individuals across the province, and also works

1 with vulnerable individuals who are vulnerable to
2 HIV infection.

3 Q And would street-level sex workers in the Downtown
4 Eastside fall within that vulnerable population
5 group?

6 A Yes, for sure, and as a -- it's a core aspect of
7 the program that I direct at the Centre, the
8 Gender and Sexual Health Initiative.

9 Q I'm going to take you now through your education
10 and your research achievements. You completed
11 your undergraduate studies in health sciences,
12 sciences and history at Queen's University in
13 Kingston, Ontario?

14 A Yes.

15 Q You then worked for a couple of years in an
16 outreach and community development capacity?

17 A Yes.

18 Q Did you then pursue your master's degree in global
19 health at Curtin University in Perth, Australia?

20 A Yes, with the Centre of International Health, yes.

21 Q And why, why did you choose Curtin University for
22 your master's work?

23 A For several reasons. I had just been in Australia
24 and there were not, at that time, not a large
25 number of public health schools in Canada. That's

1 sort of been fairly new in the last five or so
2 years.

3 Q The program that you were taking at Curtin
4 University was in global health, was it?

5 A Yes.

6 Q And what's the study of global health?

7 A Global health is essentially a branch-off of
8 public health which focusses on community and
9 population level health.

10 Q What was the focus of your research in your
11 master's program?

12 A My research was focussed on reproductive health
13 and maternal nutrition among women in rural
14 Bangladesh.

15 Q And your master's was completed in 2003?

16 A Yes, that's correct.

17 Q After you completed your master's degree, did you
18 then return to BC and start working at the Centre
19 for Excellence in HIV/AIDS?

20 A Yes.

21 Q And you were a researcher there?

22 A Yes.

23 Q What was the focus of your research at the Centre
24 at that time?

25 A Uhm, I continued to work in women's health but I

1 was particularly focused for the two years, from
2 2003 to 2005, in the evaluation of health services
3 for Downtown Eastside residents.

4 Q Okay. And this research that you are referring
5 to was -- it became, it became known as the Maka
6 Project, which I understand is quite a substantial
7 project?

8 A Yes. So, that that initial, or that evolved sort
9 of in 2004 out of contacts I guess I'd made in
10 community organizations I was working with as part
11 of the research.

12 Q Okay. I will ask you some specific questions
13 about the Maka Project in a moment, but could we
14 just define a couple of terms? You have used the
15 expression "street-based sex work". What do you
16 mean by that?

17 A It generally refers to women who solicit or are
18 street involved and essentially solicit or contact
19 their clients on the street. They may service
20 clients or see clients indoors or outdoors, but
21 primarily, the initial contact is on the street.

22 Q Now, Dr. Shannon, I have a tendency sometimes to
23 speak quickly. I see that you may also have that
24 tendency. So, from time to time, I may remind us
25 both to just slow down.

1 A Sure.

2 Q And this is one of those times.

3 So, what does "survival sex work," that's
4 something we've heard here, --

5 A Hm-hmm.

6 Q -- what does that refer to?

7 A "Survival sex work" is a term that is often used
8 to refer to individuals who may exchange sex for
9 money as a means of basic subsistent needs, so
10 essentially for survival, and sex work is largely
11 on a continuum, used on a continuum, with survival
12 sex work being one end of that continuum.

13 Q Is street-based sex work in the Downtown Eastside
14 also known as "survival sex work"?

15 A Uhm, it is often referred to as. So, many of the
16 women who are street involved and engaged in sex
17 -- street-based sex work, yes, are often referred
18 to as also working in survival sex work.

19 Q I would like to ask you some questions about the
20 Maka Project. I understand that the project was
21 the result of a research partnership with the
22 Centre for Excellence in HIV/AIDS and the Women's
23 Information Safe Haven also known as "WISH"; is
24 that correct?

25 A Yes.

1 Q You were the co-principal investigator for the
2 Maka Project partnership?

3 A Yes, that's correct.

4 Q I will be taking you through some detailed
5 questions later about the development and the
6 methodology of the project, but could you just
7 explain now for the commissioner, in a general
8 way, what the project sought to investigate?

9 A Sure. I mean, the project evolved as a large --
10 looking broadly at the HIV prevention needs,
11 including the health and safety of women in
12 street-based health sex work, and that included
13 looking at barriers to HIV prevention, health and
14 safety and access to care within, largely within
15 the Downtown Eastside, although as well as areas
16 surrounding the Downtown Eastside.

17 Q Okay. So, so just to repeat then, as I understand
18 it, the project was developed to investigate
19 health-related harms, service barriers and the
20 impact of current harm reduction and prevention
21 strategies among women working in the survival sex
22 trade in Vancouver?

23 A Yes, that's correct.

24 Q Did the research methods include both quantitative
25 and qualitative methods?

1 A Yes.

2 Q What's the difference between those two methods?

3 A So, for our quantitative methods, it involved data
4 collected through our questionnaires, so
5 structured questions that we could then analyze
6 using statistical methods. Qualitative methods
7 were open-ended questions. So, we were looking at
8 -- the data is largely the narratives deriving
9 from those interviews.

10 Q So, you used both questionnaires and then you had
11 open-ended interviews?

12 A Yes, that's correct.

13 Q And I understand that the majority of the
14 participants for the project were women involved
15 in street-level sex work in the Downtown Eastside;
16 is that right?

17 A Yes. So, just over 80 percent, 83 percent lived
18 in the Downtown Eastside at the time of the
19 interview.

20 Q How many women participated in the study?

21 A In the larger cohort, so in the large
22 questionnaire, 255 women.

23 Q And I gather you are distinguishing between a
24 cohort that participated in the questionnaire and
25 then a subset of that cohort participated in the

1 qualitative --

2 A Yes.

3 Q -- portion?

4 A Yes, that's correct.

5 Q Now, is a summary of the Maka Project behind tab 4
6 in the brief of materials before you?

7 A Yes.

8 Q So, just looking at the list of core topic areas
9 at the bottom of that page, could you review for
10 the commissioner and explain the kinds of
11 information that you sought to obtain for each
12 topic from this group of, of women?

13 A Sure. So, the questionnaire focused on several
14 key sections. So, demographics asking about age,
15 ethnicity, education, housing, both current and
16 past housing situations; sex work environment, so,
17 both current, types of places people were working,
18 where they're connecting with clients; uhm, as
19 well as past history of the sex work. We also
20 asked about violence, about bad dates. So,
21 violence by either abusive predators, clients, as
22 well as other types of violence, so, whether that
23 be partners, pimps, police. We then also asked
24 about current and past drug use; health services,
25 so what services people were accessing, where

1 those services were. We had several health
2 questions that were actually asked by the nurse
3 that included questions around HIV and Hepatitis
4 C; and then finally stigmatic experiences.

5 Q And you started this data collection process in
6 2005; is that right?

7 A Yes.

8 Q And while the data collection began in 2005, you
9 were asking participants questions about their
10 past experiences?

11 A Yes, that's correct.

12 Q Which would have included experiences since or
13 before 1997?

14 A Yes. So, the average duration of length of time
15 that women had worked in sex work was 20 years.
16 So, at the time of interview, many women would
17 have been, or the majority would have been working
18 in and around 1996.

19 Q I would like to turn now to your Ph.D.

20 A Okay.

21 Q You obtained your Ph.D. in epidemiology and public
22 health from the University of British Columbia?

23 A Yes, from the School of Population and Public
24 Health.

25 Q And what is epidemiology?

1 A Epidemiology is essentially a subdiscipline of
2 public health or a methodology within public
3 health that focuses on the determinants and
4 distribution of health events, including disease.

5 Q And I understand that within epidemiology, you
6 focused on social epidemiology?

7 A Yes. So, most of my work is focused on looking at
8 -- so, when we're looking at the determinants of
9 health events, looking at the social determinants,
10 in addition to the individual determinants.

11 Q So, as I understand it, that means that you were
12 looking at the social and structural factors
13 external to the individual that could impact on
14 their health and safety risks?

15 A Yes, that's correct.

16 Q So, in the context of survival sex workers, what
17 would be meant by "social factors"?

18 A So, social factors could be interpersonal factors.
19 It could be experiences of violence. Many of the
20 sort of interpersonal factors would have been part
21 of that social aspect. Stigma would be another
22 example of social factors.

23 Q What is meant by "structural factors"?

24 A Structural factors are more sort of larger
25 systemic factors. So, those could be laws,

1 policies, larger factors such as poverty.

2 Q What was the focus of your Ph.D. dissertation?

3 A So, my Ph.D., which was embedded within the Maka
4 Project, drew on data from the Maka Project. It
5 was focussed on social and structural factors that
6 were shaping HIV prevention, as well as barriers
7 to health and safety for women in street-based sex
8 work. So, again, drawing from the Maka Project.

9 Q A summary of your Ph.D. is, is -- can be found at
10 tab 5; is that right?

11 A Yes, that's correct.

12 Q You obtained your, your doctor in 2008?

13 A Yes.

14 Q And I understand that, in 2009, that the Centre
15 for Excellence in HIV, it was awarded a grant from
16 CIHR, which is the Canadian Institute of Health
17 Research, and the U.S. National Institutes of
18 Health, to expand on the research that was
19 conducted in the Maka Project?

20 A Yes, that's correct. The one grant was awarded,
21 from CIHR, was in 2009. It would have been 2010
22 by the time the U.S. National Institutes of Health
23 grant was awarded.

24 Q And this project was called "AESHA"?

25 A Yes.

1 Q And that stands for "An Evaluation of Sex Workers'
2 Health Access?"

3 A Yes, that's correct.

4 Q What was the purpose of the AESHA study?

5 A So, the AESHA study essentially builds on our work
6 over several years through the Maka Project, but
7 extends to both sex workers working in the street
8 and off-street sex work across metro Vancouver.
9 So, continuing to evaluate the health and safety
10 needs of sex workers.

11 Q So, it's expanded essentially to look at
12 off-street --

13 A Hm-hmm.

14 Q -- sex workers --

15 A Yes, and across metro Vancouver.

16 Q So, I would like to take you back to your report
17 now at tab 3. If you could turn to page 1 in the
18 first paragraph.

19 A Yes.

20 Q The middle of the paragraph, you state that you
21 have published over 45 peer-reviewed papers
22 relating to health outcomes among vulnerable
23 populations, particularly sex workers, including
24 studies in the *Journal of the American Medical*
25 *Association, Canadian Medical Association Journal*

1 and the *American Journal of Public Health*. Is
2 that what it says?

3 A Yes.

4 Q And are these journals that you have listed, are
5 they top-ranked scientific journals in the field
6 of public health?

7 A Yes. They're all sort of top-level medical
8 journals and public health journals.

9 Q You have referenced a number of papers in your
10 report to support your opinions, which we have
11 established are at tabs 8L. Are they among the 45
12 peer-reviewed papers that is referred to at this
13 page in your report?

14 A Yes, that's correct.

15 Q I would like to just take you to a few of these
16 papers, so that you can describe them for the
17 Commissioner, starting with the, with the paper at
18 tab A. And we won't go through them all. I just
19 want to highlight a few of them.

20 At tab A, you've written a paper -- you're
21 one of, out of a number of co-authors -- entitled
22 "Sexual and Drug-Related Vulnerabilities for HIV
23 Infection Among Women Engaged in Survival Sex Work
24 in Vancouver, Canada"; is that correct?

25 A Yes, that's correct.

1 Q You are the -- are you the lead author?

2 A Yes.

3 Q Does this research draw on the Maka Project data?

4 A Yes, it does.

5 Q So, many of the women referred to in the study
6 would be from the Downtown Eastside?

7 A Correct.

8 Q And it's published in the *Canadian Journal of*
9 *Public Health* and, as you mentioned, that's a
10 leading journal and it would have significance
11 across Canada, would it?

12 A Yes, that's correct.

13 Q Can you give the commissioner a short description
14 of the aim and findings made by this study?

15 A Sure. So, this was a baseline assessment looking
16 at what factors were associated with HIV
17 infection. So, comparing women who are HIV
18 positive with women who are HIV negative, to look
19 at what potential factors were associated with HIV
20 infection.

21 The core findings were that sex workers are
22 women who had initiated sex work prior to 18 years
23 of age, so during adolescence, were at increased
24 vulnerability for being HIV positive. We also
25 found, consistent with other research about

1 Vancouver and elsewhere, that aboriginal women
2 were much more likely to be HIV positive. As
3 well, in terms of drug use patterns, we found that
4 intensive daily crack cocaine use, as well as
5 cocaine injection, were both significant factors
6 associated.

7 THE COMMISSIONER: Are you qualifying her as an expert witness?

8 MS. BROOKS: Yes.

9 THE COMMISSIONER: So, these are still a part of your
10 qualifications?

11 MS. BROOKS: Yes, qualifications. Yes, Mr. Commissioner.

12 THE COMMISSIONER: It just appeared to me that she was going
13 into a substantive part of her evidence, but maybe
14 you know better.

15 MS. BROOKS: No, she is just going to describe for you a couple
16 of the leading publications that relate to her
17 qualifications around health and safety risk for
18 street-based sex workers.

19 THE COMMISSIONER: What, what are you qualifying her as, and
20 what are you saying that she should be able to
21 give opinion evidence on?

22 MS. BROOKS: So, I am seeking to tender Dr. Shannon as an
23 expert in public health and social
24 epidemiology able to give opinion -- expert
25 opinion evidence with respect to health and safety

1 risks for street-level sex workers in the Downtown
2 Eastside.

3 THE COMMISSIONER: All right. Is there any doubt about her
4 qualifications? Are there any concerns? Is
5 anybody going to cross-examine her about her
6 qualifications? I have asked about three
7 questions there in one.

8 MR. DICKSON: Sorry, Ms. -- Tim Dickson for the VPD. Sorry,
9 Ms. Brooks, it was able to give expert evidence
10 with respect to health and safety risks in the
11 Downtown Eastside?

12 MS. BROOKS: For street-level sex workers.

13 MR. DICKSON: We won't be cross-examining on that.

14 THE COMMISSIONER: Does anybody have any concerns? Okay, why
15 don't you lead her through quickly? It appears
16 all your learned friends are satisfied with
17 respect to her qualifications and her competence
18 to give opinion evidence.

19 MS. BROOKS: Thanks, Mr. Commissioner.

20 THE COMMISSIONER: All right.

21 MS. BROOKS: So, the -- so, Mr. Commissioner, if there are no
22 objections to her qualifications, maybe now is the
23 appropriate time to mark the brief as the next
24 exhibit?

25 THE COMMISSIONER: All right.

1 THE REGISTRAR: It will be marked as Exhibit Number 6.

2 THE COMMISSIONER: Yes.

3 **(EXHIBIT NO. 6: Document entitled "Expert Report**
4 **and Appendices of Dr. Kate Shannon")**

5 MS. BROOKS:

6 Q Dr. Shannon, rather than go through each one of
7 these publications then and summarize them, maybe
8 I will just highlight a couple more things about
9 your qualifications and then we will move on to
10 your opinion.

11 A Sure.

12 Q At the first page of your report, you have
13 highlighted that you're an international expert on
14 sexual health and HIV prevention among sex workers
15 and people who use drugs. In what ways are you
16 involved in this research at an international
17 level?

18 A Sure. So, I am an associate editor of the
19 *International Journal of Drug Policy*. I also
20 serve on a number of review committees for both
21 U.S. National Institutes of Health, as well as
22 Canadian Institutes of Health Research.

23 I have also chaired a number, and spoken at a
24 number of sessions of international conferences,
25 including the International AIDS Society, World

1 HIV Conferences and the International Harm
2 Reduction Conferences.

3 And in addition, as part of, together with
4 colleagues from the Gender and Sexual Health
5 Initiative, I'm also acting as a consultant with
6 the World Health Organization evaluating current
7 evidence on violence against sex workers globally,
8 as well as links to HIV infection.

9 Q Okay. Thanks, Doctor. I don't have any more
10 questions on your qualifications now. So, let's
11 turn to your opinion.

12 MS. TOBIAS: Mr. Commissioner, I hesitate to interrupt my
13 friend, and I am not standing -- it's Cheryl
14 Tobias for Government of Canada. I'm not standing
15 to interrupt anything. I am just standing to
16 please slow down a little bit. My fingers don't
17 move that fast.

18 THE COMMISSIONER: Yeah, I think we're probably -- you are
19 probably both driving the court reporter crazy, in
20 short. All right.

21 **EXAMINATION IN CHIEF BY MS. BROOKS:**

22 Q Dr. Shannon, your report, if you could turn to,
23 turn to your report. I just want to clarify a
24 couple of matters. Your report addresses
25 questions 1 through 5 and 9 as set out in the

1 instruction letter; is that correct?

2 A Yes, that's correct.

3 Q And with respect to questions 6 through 8, which
4 relate to a bad date sheet analysis, I understand
5 that, that you had hoped that you would have some
6 ongoing research published by now and that it's
7 still going through the peer-review process, and
8 so you didn't feel comfortable answering those
9 questions?

10 A Yes, that's correct. The paper has not yet been
11 peer reviewed.

12 Q Okay. So, as a result, you didn't give your
13 opinion with respect to the bad date sheet
14 analysis at question 6 through 8?

15 A That's correct.

16 Q Now, the questions that you did answer relate to
17 two broad subject areas: violence experienced by
18 women in the street sex trade and the
19 relationships between women involved in the street
20 sex trade and the police; is that correct?

21 A Yes, that's correct.

22 Q And as I understand it, the specific sources that
23 you have referred to, to answer each question,
24 relied, for the most part, on the Maka Project
25 data?

1 A Yes, they're all peer-reviewed publications from
2 the Maka Project, that's correct.

3 Q And because they relate so heavily on the Maka
4 Project data, I would like to ask you some
5 questions about the development and the
6 methodology of that project. So, first, the data
7 relates to information that's been obtained from
8 street-based sex workers mainly from the Downtown
9 Eastside?

10 A Correct.

11 Q And are street-level sex workers considered to be
12 a highly marginalized and vulnerable population?

13 A Uh, yes, certainly the majority of the women in
14 the cohort live in poverty, experience high rates
15 of homelessness, as well as, as you will see from
16 the results, high rates of violence as well. So,
17 certainly a very vulnerable population.

18 Q And as I understand it, that the information that
19 you were obtaining from the women was also of a
20 highly sensitive nature?

21 A Certainly. I mean, any questions that you are
22 asking, both of an illegal context, such as drug
23 use, as well as questions that may be sensitive to
24 anyone, in terms of violence, they're certainly a
25 sensitive nature.

1 Q So, you were asking questions about very personal
2 experiences with respect to violence and trauma?

3 A Yes, that's correct.

4 Q As well as their drug use and involvement in the
5 sex trade?

6 A Yes.

7 Q And, and in eliciting this kind of information
8 from a marginalized population, I am interested
9 to, to know what kind of concerns that raises for
10 you as a researcher.

11 A Uhm, certainly. I mean, I think there is a lot of
12 ethical concerns in making sure that you're doing
13 research that's both of a sensitive nature, and
14 that you're getting accurate information by being
15 cognizant of those issues and sensitivities.

16 Q Do you also though need to give consideration to
17 creating interview conditions that will generate
18 reliable responses?

19 A Certainly. I mean, and part of the process of
20 giving -- or getting informed consent is making
21 sure that individuals are interviewed in a safe
22 and confidential space and feel that they are
23 giving information in a confidential context.

24 Q So, given those considerations, I just want to
25 review how you went about collecting the

1 information from this particularly marginalized
2 population. So, so how did the Centre for
3 Excellence become involved in the project?

4 A Well, it was actually a colleague of mine, Vicki
5 Bright, who was working together with the WISH
6 Drop-In Centre and was asked, we were asked, as
7 part of that, to help with an initial needs
8 assessment of the health needs of sex workers
9 attending the WISH Drop-In Centre.

10 Q So, the project started as a collaborative one?

11 A Hm-hmm.

12 Q And it was to conduct a needs assessment of the
13 women attending the WISH Drop-In Centre?

14 A Correct.

15 Q The centre then, in collaboration with WISH,
16 developed a research project and sought funding?

17 A Yes, that's correct.

18 Q Funding was provided by the Canadian Institutes of
19 Health Research?

20 A Yes.

21 Q And after the grant was awarded, what was the next
22 step in carrying out the research?

23 A Uhm, well, before we even started with the
24 research, the next step was to bring together a
25 community advisory board that included many

1 members within the community. So, both women from
2 the community who represented different
3 organizations, whether that's sex work
4 organizations, VANDU, other groups, women's groups
5 in the community; as well as service providers
6 from those organizations.

7 Q So, the community advisory board is struck. And
8 what's the function of the board?

9 A So, the community advisory board was essentially
10 brought together to help us advise of the best
11 approach going forward in terms of the research,
12 to look at our overall research questions, and
13 sort of the best way to ask those questions as
14 well.

15 Q Who, who was involved in making decisions about
16 how to go about obtaining information from this
17 particular population?

18 A Well, this -- the first sort of recommendation or
19 discussion from the community advisory board was
20 to hire peer researchers as part of the process,
21 that would be women represented from the
22 community. So, all the peers would be,
23 researchers would be women from the community who
24 had either currently or in the past worked in
25 street-based sex work.

1 Q Why was it important to use peer researchers?

2 A It was felt by all the community members that it
3 was really important that we reduce the power
4 imbalances by actually having women from the
5 community ask the questions, so that women could
6 feel confident in their sense of confidentiality
7 in responding to the questions.

8 Q And in reducing power imbalances, was it important
9 that the peer researchers be women?

10 A Yes. I mean, certainly, again, that was a
11 recommendation that, given the extreme rates of
12 violence that women had experienced in the
13 community, and ongoing stigma that women
14 experience, as well as concerns around power
15 imbalances that women face in the community, that
16 it was really important that all the interviewers,
17 the peer research team, the coordinator, the
18 nurse, all the research staff were women, and that
19 it was a women's-only space during the interview
20 hours.

21 Q How were the peer researchers hired?

22 A They were hired through a panel that was put
23 together. So, drawing on women who were in the
24 community advisory board. So, again, women from
25 the community, together with myself and other

1 researchers.

2 Q Did you get much interest in the position?

3 A Yes, we definitely, I mean, we had to select from,
4 I don't remember the exact number, but certainly
5 we had a number of women interested and we had to
6 narrow it down to the 10 positions that we had
7 funding available for.

8 Q What were you looking for in a candidate?

9 A Well, it was important that I knew sort of the
10 main tasks the women that were going to be
11 involved in, in forming their research, so, as
12 well as being involved in doing the direct
13 outreach and interviewing. So, women had to be
14 comfortable asking questions of their peers and
15 had to be comfortable in that process. So, we
16 wanted women who either had experience in the
17 community in previous peer roles or were
18 comfortable in that context.

19 Q Did the women -- did the peer researchers need to
20 have a lived experience as a survival sex worker?

21 A Yes. So, that was, that's definitely a criteria,
22 is that all the women had worked or were currently
23 working in sex work.

24 Q How many peer researchers were hired?

25 A Ten women.

1 Q Were they paid?

2 A Yes, they were paid a stipend.

3 Q So, what methods did you use to gather information
4 from, from this particular population? How did
5 you go about getting information from them?

6 A So, we go through questionnaires, so, interview-
7 administered questionnaires. So, that's
8 structured questions that were part of the
9 questionnaire that's asked by an interviewer. So,
10 one of the peer researchers. And the second
11 method was through qualitative research. So, that
12 was co-facilitated by a researcher, an academic
13 researcher and a peer researcher, to ask more
14 narrative questions. So, to get more discussion
15 and context.

16 Q And how, how were the questions formulated for
17 each of these methods?

18 A So, again, that's a collaborative process. So, I
19 mean, we had a team of research or academic
20 investigators that informed the questions and, in
21 turn, based on the topic areas that we discussed
22 with the community advisory board. But we then
23 brought those back as part of a process of peer
24 training with women from the community, to make
25 sure we got input from them on the sensitivity of

1 the questions, whether we were capturing the right
2 issues, or whether we were maybe missing issues
3 that were important to include in those questions.

4 Q So, you have hired these peer researchers and they
5 all have lived experiences as survival sex
6 workers. Do you give them any training before
7 they start asking questions of their peers?

8 A Yes, definitely. So, uhm, we, I mean, we give
9 sort of any, sort of standard training around
10 confidentiality and ethics within the research.
11 Uhm, we did some training. So, one of my
12 colleagues, Dr. Thomas Kerr, who is a counselling
13 psychologist and a co-investigator on the Maka
14 Project, also came in and did some training around
15 asking questions about violence and trauma.

16 Then we also had PACE Society, which is a sex
17 work group in the Downtown Eastside, came in and
18 did a fair bit of training on the role of peers,
19 working with peers, as well as, again, asking
20 questions around violence and trauma, given the
21 amount of exposure women have basically had to
22 violence in the community.

23 Q So, you have talked about the fact that these
24 women in the cohort were going to be asked
25 questions relating to violence and trauma. I

1 would like to just get a little more information
2 from you about the specific instructions that the
3 peer researchers were given about how to ask
4 questions of that kind of sensitive nature.

5 A Well, I think -- I mean, there was two parts. One
6 was making sure that women themselves having
7 potentially experienced violence and trauma were
8 comfortable asking those questions. But in terms
9 of how to ask those questions, I guess the other
10 important place was providing a safe space for
11 women to do that, a confidential space. So, as I
12 mentioned, we had a research office on Hastings
13 Street, which was where women would come in and do
14 their interviews. So, we made sure that women
15 felt they were interviewing in a confidential and
16 safe space, and that we also gave women enough
17 time to do those interviews. So, sometimes the
18 interviews would only take 45 minutes, but other
19 times women hadn't had a chance to, or anyone, to
20 discuss any of the past experiences with them, and
21 the interviews may take two or three hours.

22 I guess the other means was also just making
23 sure there were referral mechanisms in place, so
24 that women were able to give referral, whether
25 that's counselling, seeing another doctor or nurse

1 in the community.

2 MS. BROOKS: Mr. Commissioner, how is the speed?

3 THE COMMISSIONER: Sorry?

4 MS. BROOKS: It's a bit fast.

5 THE COMMISSIONER: Maybe you'd better ask madam reporter.

6 MADAM REPORTER: Try to slow down please.

7 MS. BROOKS:

8 Q Were things like teaching peer researchers about
9 voice inflection and tone, would those things
10 matter in an interview that -- where you were
11 asking people to retell experiences of violence?

12 A Well, I mean, as I think I mentioned, that it be a
13 standard questionnaire. So, I mean, it was
14 important we all understood the questions and how
15 they were responding, but they were all closed
16 responses. But certainly as part of that training
17 process and what we do in any sort of training
18 with researchers, was we sat down and did
19 modelling of asking the questions. So, made sure
20 everyone, a) was interpreting the questions
21 properly; if there were any discrepancies, we
22 could discuss those. There was a fair bit of
23 training and modelling around that.

24 Q Now, you mentioned that the first part of actually
25 getting the participants was to do outreach. How

1 was the outreach carried out?

2 A So, the outreach involved I guess several stages.
3 Initially, we mapped together with the team, the
4 peer research team, key strolls around in the
5 Downtown Eastside and surrounding areas. Uhm, and
6 as part of sort of mapping those core areas, we
7 then did targeted outreach to each of those areas.
8 So, we'd ask -- we'd have the peer research teams
9 head out and essentially go to each of these
10 strolls during either evening or late night hours,
11 let people know on the strolls about the project,
12 and then refer them back to the project office for
13 more information.

14 Q So, what I have heard then is that you mapped out
15 the strolls?

16 A Hm-hmm.

17 Q And you actually went into the community and then
18 you walked around those areas?

19 A Yes.

20 Q Is there a reason why you just didn't go into a
21 centre, like WISH, where these women are known to
22 visit and get participants that way?

23 A For sure. I mean, WISH is an important service
24 and certainly many of the women we were
25 interviewing accessed WISH. But we also wanted to

1 make sure we reached out and connected with women
2 who may be working in more isolated areas, who may
3 not have access to the drop-in centre.

4 Q And in doing the outreach, I understand that you
5 would then give the women, a potential
6 participant, a summary of what the project was
7 about?

8 A Yes.

9 Q And then you didn't book an appointment on the
10 spot?

11 A Well, we would give people an appointment card,
12 so -- but we wouldn't -- we would then refer them
13 to the project office for more information.

14 Q And certainly you didn't administer the
15 questionnaire on the spot?

16 A No. So, a part of the process was letting people
17 know the study and then referring people to the
18 project office for more information and to follow
19 up for the interview.

20 Q Okay. And why, why was it important that you give
21 women that time to consider whether they wanted to
22 participate?

23 A Well, I mean, that was part of the recommendation
24 from the community. It was also part of our
25 ethics through UBC, was that we ensure that people

1 have enough time to make informed consent. So, we
2 would tell people about the project. We'd give
3 them appointment cards. If they were interested,
4 we could book an appointment then. But we wanted
5 to be as flexible as possible, to give people as
6 much time as possible, to know -- to make that
7 decision.

8 Q Now, tell us about where the interviews were, were
9 conducted. What was that space like?

10 A So, the majority of interviews were conducted at
11 our project office on Hastings Street, and that
12 was a storefront location right around the corner
13 from WISH and many other services in that area.
14 And it essentially involved separate interview
15 spaces where people could go in and do -- would
16 have the one-on-one interview questionnaire
17 administered, as well as an office space for the
18 nurse.

19 Q Was it somewhat of an inviting space? Was there
20 things done to make the space comfortable?

21 A For sure. I mean, in the front area, there was
22 couches, resources available. So, kind of a
23 waiting area where people could access resources,
24 could get a coffee before their appointment. And
25 then we also made sure that, in addition, and the

1 reason I said that, the majority were conducted
2 there is, should people feel that it was an unsafe
3 area or had reasons that they didn't want to be on
4 that particular section of Hastings, we would also
5 have the technical approval to do the interviews
6 somewhere else the person could identify as a safe
7 place.

8 Q Why was it -- you mentioned that you were flexible
9 about appointment times. Why was this particular
10 population, was it important to be flexible in,
11 in, in their appointments?

12 A Well, for, I mean, a number of reasons. Mostly,
13 women work, you know, a range of hours, and we
14 wanted to make sure that if people were working
15 late-night hours, that we didn't book them in a 9
16 a.m. appointment. So, we wanted to make sure that
17 our office was open. Sometimes it was open from
18 9:00 to 5:00. Other days we didn't open until
19 1:00 and we'd go till 9:00 or 10:00 at night. And
20 that was directly from the community in terms of
21 what was -- making sure we were as flexible as
22 possible in reaching women.

23 Also, many of the women are drug users, may
24 be on methadone, maybe need to pick up their
25 methadone in the morning. So, there were a lot of

1 considerations to make sure it was as flexible as
2 possible with women's schedules.

3 Q So, you wanted to accommodate their work
4 schedules, which can be all sorts of different
5 hours, as well as, to the extent that they were
6 using drugs, you wanted to be sensitive to that as
7 well?

8 A Correct.

9 Q Of the women that you invited to participate, what
10 percentage actually participated?

11 A Just over 90 percent. So, 93 percent.

12 Q Do you know what happened to the, to the remaining
13 percentage, why those women didn't participate?

14 A I mean, I think there's a, a number of reasons.
15 We, certainly, we gave that information card.
16 Women may have chosen not to participate. Uhm,
17 women may also have just moved or just been unable
18 to make appointments the next day. So, even of
19 those 93 percent, some of those people didn't show
20 up the very next day for their appointment. They
21 may come in a week later and say, "I missed my
22 appointment," and we would rebook it then. So, I
23 think there were probably a number of reasons, but
24 certainly I think not being able to get to that
25 appointment and/or just deciding not to

1 participate.

2 Q Now, in analyzing the results after you obtained
3 the information from the women, did you seek any
4 community input?

5 A Well, certainly once we had -- I mean, from the
6 questionnaire data, once we would have done
7 initial analysis, we would certainly go back for
8 questions to our community advisory board to make
9 sure, uhm, we were interpreting properly the
10 results. And a number of our studies are actually
11 co-authored with people from the community, to
12 make sure that we got their input in terms of
13 context of what was going on.

14 Q After the research was complete, what did you do
15 with it?

16 A Uh, the research, well, certainly all our research
17 we make sure is peer reviewed. So, it's all
18 published in peer-reviewed journals. Once it's
19 been published in peer-reviewed journals, we do a
20 number of things, both to distribute it within the
21 academic community, so, through conferences and
22 sort of standard venues that way; as well as
23 through community. So, we had a number of
24 presentations where we would go back to either
25 WISH or other organizations and present the work.

1 The work has also been presented to a bunch of
2 others. So, there were more policy discussions as
3 well.

4 Q So, it was presented in traditional academic
5 venues and then it also was translated directly
6 into programming for service providers in the
7 Downtown Eastside?

8 A For sure. So, in some cases, I mean, we presented
9 to the community and then the community could use
10 it to inform their programs, to write funding
11 proposals. And then I guess we also wanted to
12 make sure it was accessible to the public. So, on
13 many occasions, we would do press releases to make
14 sure that that, that the wider audience had that
15 access to the information.

16 Q So, in terms of the community initiatives that had
17 been struck as a result of the research, I
18 understand that one of them was developing a bad
19 date database to increase the monitoring and
20 response to violence against sex workers; is that
21 correct?

22 A Well, we received some funding in partnership with
23 WISH, who currently houses and distributes the bad
24 dates, collects and distributes the bad dates.
25 And until that point, the bad dates had just been

1 collected as hard copies and were essentially
2 collected in binders. So, what that meant is, if
3 someone was trying to look up and see if there was
4 a trend in the bad date, it essentially meant,
5 involved going through, flipping through old
6 binders to look for them.

7 So, given the resources we have available
8 through research, we helped them set up a database
9 that it still has at WISH, and it's a WISH
10 database, but essentially enters all the
11 information that's collected through the bad date
12 sheets.

13 Q What, what is a bad date sheet?

14 A A bad date sheet, it's been collecting information
15 on violence by violent predators and clients, and
16 women report these bad dates to any number of sex
17 work agencies, or women's organizations, or other
18 organizations in the Downtown Eastside. WISH
19 collects these and then distributes them out to
20 the community. It was initially started by DEYAS,
21 another organization that collected these from, I
22 think it was 1993 through to 2004, and then WISH
23 has since taken them over.

24 Q What information is recorded on the bad date
25 sheet?

1 A The bad date sheet asks a number of questions.
2 It's, again, it came -- adopted from the community
3 as a safety strategy for women to be able to
4 inform each other of potentially violent
5 predators, uhm, and any bad dates. So, the women
6 would mark what type of violence they had
7 experienced, locations, either where they're
8 picked up and/or where the incident happened, if
9 they know that. They would also record type of
10 car, licence plate numbers, if they were able to
11 get that; any descriptors of the perpetrator.

12 Q In the Maka study, did the women report relying on
13 the bad date sheets to govern their behaviour?

14 A Yes. There is a number of safety strategies, when
15 we asked, that women used to keep themselves safe,
16 and certainly a large number, I believe it was 85
17 percent to -- would collect -- would use the bad
18 date sheets. Before they would go out, they would
19 check them and pick them up from an agency and
20 make sure to use those where and if possible.

21 Q Dr. Shannon, I would like now to turn to the
22 specific questions and answers in your report.
23 So, if we could turn to Page 3, I would like to
24 deal with this, this question.

25 So, the first question asks you to describe

1 the common characteristics of the women involved
2 in sex street work. So, I would like to just
3 review your findings. So, you found that many
4 women involved in street-level sex trade in the
5 Downtown Eastside had been living on the street
6 for the first time since the age of 17?

7 A Yes, that was the average age. That's correct.

8 Q Forty percent of the sample were aboriginal?

9 A Yes.

10 Q The vast majority of them reported unstable or no
11 housing?

12 A So, were living in unstable living situations,
13 yes.

14 Q What does that mean?

15 A So, that would be based on the last six months,
16 they had moved several times between housing. So,
17 it could be anything from transient, you know,
18 moving several times, living in shelters, as well
19 as no fixed address or living on the street.

20 Q The majority also reported high rates of drug use?

21 A Yes, that's correct.

22 Q One-fifth had difficulty accessing drug treatment
23 facilities?

24 A Yes, that was one-fifth who would have tried but
25 been unable to access drug treatment.

1 Q With long wait lists being cited as the primary
2 barrier?

3 A Yes, that's correct.

4 Q And one-fifth had one or more dependant children?

5 A Yes.

6 Q Now, at the bottom of page 4, you state in the
7 last sentence:

8 Of the total of 255 women, 9 percent reported
9 having ever been to Pickton's farm, and 73
10 percent reported knowing women who had been
11 to Pickton's farm.

12 Since these women were reporting on visits to
13 his farm, would they have been referring to
14 occasions before the arrest of Robert Pickton?

15 A Yes, that's correct.

16 Q Why would the researchers want to know whether any
17 of the women had been to Robert Pickton's farm or
18 knew any of the women who had been to his farm?

19 A Given what we know from previous researchers, as
20 well as our qualitative research, past trauma,
21 past violence and exposure to violence can
22 certainly increase fear of ongoing violence. And
23 in this case, we wanted to know how many people
24 had been, directly knew someone who had been to
25 the Pickton farm.

1 Q Turning now to question 2. Question 2 asks you to
2 describe the violence faced by women involved in
3 the street sex trade, and your answer is set out
4 at pages 4, 5 and 6 of your report. And to answer
5 this question, you cited a quantitative study on
6 page 4, and that's at 2(a), and is that study
7 found at tab G of the brief of materials?

8 A Yes, that's correct.

9 Q And just dealing with that study then, you say, at
10 the bottom of page 4, you refer to a review in the
11 *Lancet* on the global magnitude of gender-based
12 violence. That's at the bottom of page 4. Is the
13 *Lancet* a leading medical journal?

14 A Yes, it's one of the top medical journals.

15 Q And what's meant there by gender-based violence?

16 A Gender-based violence is defined by United Nations
17 Elimination of Violence Against Women, as well as
18 the World Health Organization, as violence
19 perpetrated, whether that's physical,
20 psychological or sexual, on the basis of gender,
21 the majority of which is violence perpetrated by
22 men against women.

23 Q You state there that:

24 The *Lancet* review found that rights
25 violations and abuses against female sex

1 workers were seldom considered in discussions
2 about violence against women.

3 And so was the purpose of the study cited on
4 page 4 to build on that research gap and show the
5 prevalence of violence against street-based sex
6 workers?

7 A Yes, that's correct.

8 Q For the purpose of this study, you relied on the
9 Maka cohort?

10 A Yes.

11 Q And it was a cohort that completed both the
12 baseline and then follow-up, follow-up visit?

13 A Yes, that's correct.

14 Q The sample size was 237?

15 A Yes.

16 Q And what was the prevalence of violence reported
17 by the participants?

18 A Well, over the 18 months followup, 57 percent of
19 women reported either or both a physical and
20 sexual violence, with a quarter of women reporting
21 having been raped over the 18-month followup, and
22 30 percent reporting client-perpetrated violence.

23 Q Now, the 30 percent that reported client-
24 perpetrated violence is broken down in a chart on
25 page 5. It's a bit blurry, and I am just going to

1 read what the percentages are, and you can tell me
2 if I've accurately read it.

3 So, a hundred percent of the, of the group
4 reported verbal harassment, and this is from their
5 clients, 67 percent reported physical assault or
6 beating, 49 percent reported assault with a
7 weapon, 27 percent reported strangling, 26 percent
8 reported abduction or kidnapping, 21 percent
9 reported attempted sexual assault, 20 percent
10 reported being thrown out of a moving car and 16
11 percent other; is that correct?

12 A Yes, that's correct.

13 Q So, turning now to the qualitative study, which is
14 at page 6, and is this study found at tab H of, of
15 Exhibit 6?

16 A Yes, that's correct.

17 Q At the top of page 6, you state that the
18 narratives -- and these narratives are open-ended
19 interviews with 46 sex workers?

20 A Hm-hmm. Yes.

21 Q You state that:

22 The narratives reveal the pervasiveness and
23 commonplace sense of violence and
24 victimization by clients or bad dates.
25 What do you mean by "commonplace sense of

1 violence"?

2 A Uhm, women described a pervasive and really
3 everyday sense of violence that they were
4 experiencing by violent perpetrators, by clients,
5 uhm, as part of bad dates; and really a feeling of
6 lack of response by both police and the legal
7 system, and generally in society in terms of
8 response to the ongoing violence.

9 Q And did they report that attempts to keep
10 themselves safe were more important than other
11 concerns?

12 A Yes. So, because this -- I mean, this study was
13 set out in the context of looking at how violence
14 may be associated with HIV prevention, in
15 particular, negotiating condom use. Women talked
16 about how the immediate threats of violence and
17 ongoing violence limited their ability to
18 negotiate safety.

19 Q So, as I understand that, they are often stuck in
20 a position of having to negotiate a condom or, or
21 avoid being assaulted?

22 A Yes, that's correct.

23 Q And so this is, this is sort of largely summarized
24 at the last sentence before the first quote, where
25 you state:

1 Bad dates are frequent [and then you also
2 note] and go largely unreported.

3 Did the women discuss why they don't report
4 the violence?

5 A Yes. So, I mean, many women, in many of the
6 narratives women discussed the barriers to
7 reporting were both due to the fact that little
8 had happened, and that in terms of the delayed
9 action around the missing women and the fact that
10 women continue to experience violence. And so a
11 sense of apathy that no one was going to do
12 anything. Women also talked about a fear of
13 arrest if they're disclosing sex work, should they
14 report it for violence.

15 Q And you reproduce a quote in your report from that
16 study. What was significant to you about this
17 quote that you say illustrates this sense of
18 commonplace violence?

19 A Can you just clarify which quote? Sorry.

20 Q The quote on -- Mr. Vertlieb had the same question
21 -- the quote on page 6, that's in italics in the
22 middle of the page.

23 A Uhm, so, I think the, I mean, the significance --
24 if you are referring to the third quote down was
25 -- I mean, several of the quotes all talk about

1 the everyday experience of violence. All three
2 quotes talk about how women are forced to
3 prioritize the immediacy of violence over other
4 safety, such as condom use.

5 Women also -- the last quote talks about a
6 women's experience in the legal system in which
7 she did go for -- in the legal system, it felt
8 like she wasn't respected, that she was being
9 stigmatized for being a sex worker and a drug user
10 and wasn't being taken seriously.

11 Q So, these -- it's all, it's three different quotes
12 here?

13 A Correct.

14 Q So now over -- sorry, pardon me. At page 6, after
15 those quotes, you state that the women spoke of
16 the inaction and delayed response taken in
17 reference to over 60 women from Vancouver's
18 Downtown Eastside who have gone missing in the
19 last decade. How did their perceptions of police
20 inaction translate into a belief of how they were
21 perceived by the police or the public?

22 A Uh, well, as you can see by the quotes that
23 follow, many women spoke about a feeling of
24 complete dispassion or apathy, the fact that women
25 continued to go missing and that such a delayed

1 response had happened, and again, that women
2 continue to go missing right as we speak. And
3 several of the questions -- the quotes really talk
4 about a feeling of being completely disposable.

5 Q And that's what you're referring to then at the
6 bottom of page 6, when you say that there is a
7 discourse of disposal surrounding the missing
8 women?

9 A Yes, that's correct.

10 Q I would like to turn now to the next question at
11 page 7, but maybe we'll save that for after the
12 break. Is now a good time, Mr. Commissioner?

13 THE COMMISSIONER: All right, we'll adjourn.

14 THE REGISTRAR: We will recess for 15 minutes.

15 **(PROCEEDINGS ADJOURNED AT 2:57 P.M.)**

16 **(PROCEEDINGS RESUMED AT 3:22 P.M.)**

17 THE COMMISSIONER: Yes.

18 MS. BROOKS: Dr. Shannon, we left off at question 3, and that's
19 on page 7 of your report. And this question deals
20 with the factors that are associated with an
21 increase in violence against sex trade workers.
22 So, you have cited a number of different
23 predictors of an increased risk of violence.

24 A Yes, that's correct.

25 Q So, I would like to review those predictors,

1 starting with the strongest. What was the
2 strongest indicator of an increased risk of
3 violence for street sex trade workers?

4 A The strongest predictor was police harassment.

5 Q And so, I would like to understand that a bit
6 more. First of all, can you tell me what level of
7 an increased police harassment caused in terms of
8 violence?

9 A Sure. Police harassment was associated with a
10 threefold increased risk of client violence, and a
11 twofold increased risk of rape among sex workers.

12 Q So, how could prior police harassment increase the
13 risk of violence that women face? What does
14 police harassment mean in this context?

15 A In this analysis, police harassment was actually
16 direct violence or assault. Police harassment, as
17 we know from that qualitative research, can also
18 include a number of other aspects, which can
19 include detainment without arrest; it may include
20 taking sex workers, and women talked about being
21 taken out to isolated areas and being left there;
22 it also talked about, women talked about being --
23 having equipment confiscated, so, either clean
24 syringes or condoms being confiscated without
25 arrest; as well as being followed. So, they might

1 be followed while they're with a client or when
2 they're on a stroll, but not actually arrested.

3 Q Okay. So, I'm just trying to get down what you're
4 saying.

5 A Hm-hmm.

6 Q So, in this context, police harassment means
7 direct violence, which means assault?

8 A Yes, that's correct.

9 Q Assault by police to the sex trade worker?

10 A Yes, that's correct.

11 Q It also means -- did you say "detainment without
12 arrest"?

13 A So, those are other means of police harassment
14 that were described in our qualitative research.
15 But for the purposes of this analysis, we just
16 looked at the most extreme case of direct violence
17 or assault.

18 Q And you also said it could include equipment being
19 confiscated?

20 A Yes. So, in the qualitative research, discussions
21 of police harassment included examples that women
22 spoke of several times. It included detainment
23 without arrest, being driven out and dropped off
24 to other areas, as well as confiscation of either
25 clean syringes and/or condoms without arrest.

1 Q And the other factor that you mentioned included
2 in police harassment is being followed?

3 A Yes, that's correct.

4 Q So, that covers off what you are talking about
5 when you say "police harassment"?

6 A Yes.

7 Q And now why would police harassment cause these
8 women to be exposed to more violence?

9 A From our qualitative work, women talked about how
10 direct police violence include -- it created a
11 fear of violence as well as a fear of arrest, and
12 that may mean that women have to rush
13 transactions. So, if they're in an area and
14 they're concerned about police, based on past
15 adverse relationships with police, in this case,
16 direct violence, they may rush the transaction
17 with a client. So, that means jumping into a car
18 quickly without --

19 Q So, let's just stop for a second.

20 A Yes.

21 Q Okay. So, we're talking about why prior police
22 harassment would cause an increased risk of
23 violence?

24 A Yes.

25 Q And you have said that, if women have been

1 harassed by the police in the past, that they
2 might then rush a transaction.

3 A So, yes. One way that that may play out is they
4 may rush a transaction with a client. Another way
5 would be --

6 Q Okay.

7 A Yes.

8 Q So, what does that look like?

9 A So, rushing a transaction with a client, uhm, may
10 mean that they jump in the car. So, without --
11 for example, if they have looked at the bad date
12 sheets, they may not have time to look --

13 Q So, Dr. Shannon, I am going to ask you to slow
14 down --

15 A Sure.

16 Q -- because I'm trying to now write everything down
17 that you say.

18 A Okay. So, in terms of rushing a transaction --

19 THE COMMISSIONER: There is no way you could write it down at
20 the speed you're going.

21 THE WITNESS: So, in terms of rushing a transaction, what that
22 could mean is that women may be standing at -- a
23 sex trade worker may be standing at a car, and
24 without having the ability to negotiate the terms
25 of that transaction. So, that's a fee for the

1 service. They may just jump in the car quickly.
2 They may not be able to look for indications of
3 potential violence. So, if they have looked at
4 the bad date sheet previously, they may not be
5 able to look for whether there is any
6 characteristics of that person that make them
7 concerned, make sure there is no one else in the
8 car. So, those are a number of strategies, safety
9 strategies that women discussed using. And this
10 -- those may be, if they rush a transaction, they
11 are not able to take those into account.

12 MS. BROOKS:

13 Q Okay. So, what I understand from you are, from
14 what you are saying then, --

15 A Hm-hmm?

16 Q -- is that before engaging in a particular
17 transaction, the woman will approach the car and
18 she will be looking for certain things that you
19 call sort of "safety techniques" that she has to
20 assess the client?

21 A Correct.

22 Q And that if she's had prior police harassment,
23 she's unable to use those to the fullest?

24 A Yes.

25 Q So, I am still not clear on why being harassed by

1 the police before would cause her to rush the
2 transaction.

3 A So, immediate prior police harassment, in our
4 qualitative research, women talked about how that
5 created a fear of both violence as well as arrest
6 by police. So, that may play out in either
7 rushing a transaction or moving to isolated spaces
8 to avoid police.

9 Q So, does it, does it create a level of impatience
10 then? Is that what's happening?

11 A Well, if you are standing on a corner and you are
12 concerned about being arrested, you are likely to
13 jump in the car quickly and not be able to
14 negotiate that transaction and look for safety
15 precautions before you get in the car.

16 Q And you would be, you would be concerned about
17 being arrested because you had a past experience
18 with that; is that the case?

19 A So, you may be concerned about further police
20 harassment or about being arrested.

21 Q So, let's move now to the next strongest predictor
22 of an increased risk of violence. What did your
23 study show?

24 A So, the next strongest predictor was displacement
25 away from main streets. So, that was either

1 police telling people to move on or actually
2 moving sex workers to more isolated spaces away
3 from the main core of Downtown Eastside.

4 Q And is this what you mean when you talk about
5 "enforced displacement"?

6 A Yes. Well, as you can see from our qualitative
7 work, there are several quotes where women talk
8 about police pushing them to darker and darker
9 areas, so those more industrial areas below
10 Hastings where many sex work strolls were moved.
11 So, that's the displacement that women are
12 referring to.

13 Q And what study would those quotes be found in?

14 A Uh, the study, "Social Science and Medicine" paper
15 would be --

16 Q Can you direct the commissioner to what tab that
17 is at?

18 A At H. This is in tab H.

19 Q So, this study will have quotes in it where women
20 talk about the effect of being displaced from the
21 main streets; is that correct?

22 A Correct.

23 Q So, why does displacement from main streets cause
24 an increased risk of violence?

25 A Well, women talk, again in that study, women talk

1 about being in industrial areas where there is no
2 one they can call for help, there's no protections
3 available to them. So, they're at increased risk
4 of violence. So, there is no witnesses around.
5 There is no protections.

6 Q And the next predictor of an increased risk of
7 violence is servicing clients in cars or public
8 spaces. What do you mean by that?

9 A Yes. Well, when we compared women who had
10 serviced clients primarily in outdoor spaces, so
11 in cars or other public spaces -- so that might be
12 alleys, streets -- compared to servicing clients
13 in indoor spaces, there is an increased risk of
14 violence associated with working in outdoor public
15 spaces.

16 Q And what would cause that increase? What would
17 explain that?

18 A Uhm, again, drawing on sort of the qualitative
19 work that echoes many of these results, women talk
20 about, once they're in a car, their power or
21 control are gone with a client. So, their ability
22 to negotiate safety is really limited. In an
23 indoor space, where there is other people around,
24 they can call for help. They know there is other
25 protections available.

1 Q And what do you mean by "negotiate safety"? What
2 does that refer to?

3 A Well, women take many precautions to try and keep
4 themselves safe. So, uhm, that may mean anything
5 from trying to make sure they have negotiated the
6 terms of the transaction upfront, so that they
7 don't have to have that discussion once they're in
8 the car. They may make sure -- making sure for
9 them, safety may also include negotiating condom
10 use. So, asking the client to wear a condom.
11 Uhm, there's many protections that women would
12 take, uhm, but some of their ability to insist on
13 those protections are often very limited when
14 they're in a car, in an isolated alley. But when
15 they're in their own -- in an indoor space, where
16 they know there's other people around, they may be
17 more likely to have some sense of security or
18 protections available.

19 Q And you have listed a couple of other predictors
20 of increased risk of violence, homelessness being
21 one; is that correct?

22 A Yes, that's correct.

23 Q And in what way is homeless -- in what way does
24 homelessness increase the risk of violence?

25 A Well, I mean, homelessness can both be a predictor

1 of extreme poverty. So, women who were in
2 complete poverty and may need to, to earn a
3 certain amount of income that night. Uhm, it can
4 also be from a qualitative work. What we've seen
5 is homeless -- the lack of place to take a date.
6 So, if someone is -- extreme homelessness, is on
7 the street, they have even less safety mechanisms
8 available to them than if they had a room in a
9 hotel where they could at least take a date.

10 Q So, Dr. Shannon, I know it's hard to sort of
11 unlearn a way, of manner of speaking, but if you
12 are able to slow it down a bit, that would be
13 great.

14 A Sure.

15 Q So, the other predictor that, that you cited is
16 the poor availability to drug treatment. Now, why
17 would the poor availability to drug treatment mean
18 that women are more exposed to violence?

19 A Well, in this case, poor availability of drug
20 treatment referred to a failed attempt to access
21 drug treatment in the last six months. So, women
22 had tried and been unsuccessful in accessing drug
23 treatment. Uhm, so that can be, uhm, for women
24 who have hit rock bottom and have tried to access
25 drug treatment, but are unable to, they may be in

1 less ability to negotiate safety. So, for
2 example, if you are in drug withdrawal and you're
3 dope sick, you may not be able to then negotiate
4 safety.

5 Q And what does drug -- what does dope sickness
6 refer to?

7 A So, if someone is using heroin, for example, an
8 opiate, and they are in extreme withdrawal, they
9 will be actually sick and need that drug.

10 Q What kind of symptoms do they have?

11 A It can be a huge range, but dope sickness
12 generally is extreme physical as well as
13 psychological withdrawal from the drug.

14 Q And your evidence then is that if women are in
15 that state, that they're less able to negotiate
16 for their safety?

17 A Yes.

18 Q You have stated in your report at page 7, in doing
19 this statistical analysis, that you controlled for
20 individual and interpersonal risks. What does
21 that mean?

22 A Well, given that we know some of the other factors
23 that may be associated or drive violence, such as
24 drug use, use of drugs by the client or use of
25 drugs by the sex worker, we wanted to make sure

1 that we controlled for those factors. And so our
2 analysis allowed us to look at factors that were
3 independently associated with violence when we
4 controlled for those factors.

5 Q What are some of those factors?

6 A Uhm, so in particular, drug use factors is by the
7 sex worker, as well as using drugs with a client.
8 Both have been shown to increase risk. So,
9 irrespective of those factors, these are, analysis
10 shows these specific factors associated with
11 violence.

12 Q And at page 8, you give an opinion on how these
13 risks to violence against sex workers can be
14 reduced, and what is your opinion on that?

15 A Well, I think there is -- it's, and in terms of --
16 there is a broad range of things that need to
17 happen in terms of reducing violence, but
18 certainly removing some of the legal restrictions
19 that are currently limiting sex workers' ability
20 to work in safer indoor spaces is an important
21 one, and that includes the communicating code
22 which, as we, as I have spoken of, results in
23 displacement of sex workers to isolated spaces.

24 In addition to those factors, moving sex
25 workers or allowing sex workers to work indoors

1 would also increase access to other programs, such
2 as drug treatment. And I think the final thing
3 that I do talk about is violence prevention, other
4 violence prevention mechanisms.

5 Q And what -- and you talk about -- exactly. You
6 said that the need to scale up violence prevention
7 efforts including police/sex worker partnerships.
8 What you are talking about there?

9 A Well, certainly I mean there have been examples,
10 and there are examples of where there have --
11 police and sex workers have worked in partnership.
12 So, for example, there is a sex work liaison.
13 Uhm, there is a -- was a, a committee that was
14 struck that was for dialogue between police and
15 sex workers. Uhm, but there needs to be more of
16 that and there needs to be increased sensitivity
17 training, again, of police.

18 Q So, sorry, so, sensitivity training, and what were
19 the other examples you gave?

20 A So, sensitivity training, which has been done in
21 the past. So, Sue Davis and Raven Bowen have both
22 done sensitivity training with the police. But
23 increasing scaling that up, so making sure that
24 reaches as many police as possible.

25 But other examples of partnerships include --

1 one example that's come forward as a potential
2 would be a police control car. So, a community
3 patrol car that includes a peer sex worker on the
4 car. So, that was put forward as one example by
5 the sex work community of increased police/sex
6 worker partnership.

7 Q So, in the patrol car, to have another woman
8 that's involved in the sex trade patrolling with
9 the police?

10 A Correct.

11 Q So, turning now, Dr. Shannon, to question 4, and
12 this is at page 8 and 9 of your report. This
13 question deals with the locations where women
14 engage in the sex trade that triggered safety
15 concerns; is that correct?

16 A Correct.

17 Q And I understand that this research draws on a
18 social mapping exercise that the participants
19 completed as part of the Maka Project?

20 A Yes, in addition to the qualitative and
21 quantitative research.

22 Q And also, I understand that the social mapping
23 exercise is a particularly novel component of the
24 project. So, could you tell the commissioner what
25 that involved?

1 A Sure. So, the mapping involved everyone. So, all
2 the sex workers who would have come in to complete
3 the questionnaire. So, the 255 sex workers would
4 also have been asked to map, so given a map and
5 asked to draw on the map where they work, where
6 they live, areas they have avoided due to recent
7 policing, areas avoided due to fear of violence or
8 recent violence, uhm, areas they access services.
9 So, health services that were available. And that
10 was -- we were then able to use that data,
11 together with their questionnaire data.

12 Q So, as I understand it, the women were shown a map
13 of the Downtown Eastside; is that correct?

14 A Correct.

15 Q And then they were asked to mark specific sites on
16 the map?

17 A Yes.

18 Q And those sites included the strolls where they
19 work?

20 A Correct.

21 Q It included working conditions, such as lighting
22 and phones?

23 A That's correct.

24 Q It included marking the high and low-risk areas
25 for violence and bad dates?

1 A Correct.

2 Q It included the areas that were impacted by police
3 presence and harassment?

4 A Correct.

5 Q And it included areas of health and syringe
6 availability and disposal?

7 A That's correct.

8 Q And I understand that some of these results are
9 depicted in maps that are published in two of your
10 papers, and the first one is found at tab I at
11 page 144; is that correct?

12 A Yes, that's correct.

13 Q Are you there?

14 A Yes.

15 Q Now, behind you, that map has been reproduced on a
16 poster board.

17 A Correct.

18 Q So, Mr. Commissioner, do you have that in the
19 brief of materials? It's Exhibit I at page 144.

20 THE COMMISSIONER: Yes.

21 MS. BROOKS:

22 Q So, I would like you to explain for the
23 commissioner what this map reveals, but let me ask
24 you a couple of questions about it first.

25 A Sure.

1 Q Is it a map of the Downtown Eastside?

2 A It's a map of both Downtown Eastside and
3 surrounding communities. So, not just the
4 Downtown Eastside.

5 Q Uhm, can you point to some major street, streets
6 that we might recognize or know?

7 A Sure. So, that would be Main Street there and
8 crossing would be Hastings here. So, where the
9 circles are, which I will explain in more detail,
10 that's sort of the core Downtown Eastside area.

11 Q Now, there's a legend at the bottom. What do the,
12 what do the circles show?

13 A So, the circles represent where either health
14 services are available, and/or syringe exchange
15 programs are available.

16 Q And what does the size of the circle mean?

17 A So, that's increased concentration of services.
18 So, the larger circles represent more services
19 available in that core area.

20 Q And what about the colours on the streets? What
21 do they represent?

22 A So, the colours represent areas women reported
23 avoiding due to recent policing and violence. In
24 this context, green. So, the larger areas that
25 you see outside. Green represents low levels of

1 avoidance, the orange represents moderate levels
2 of avoidance and red represents high levels of
3 avoidance.

4 Q So, in, in looking at the, the circles and the
5 coloured streets, what does this show us?

6 A So, essentially what this just shows us is that
7 there is a strong geographic correlation, so
8 between high areas that women avoid due to
9 policing and violence, and where the services are
10 available.

11 Q What does this tell you about how to service these
12 women's health needs?

13 A Well, as we can see by the green, women are
14 working in much more dispersed areas than just
15 that core area. But where the most services are
16 available, is right where women most report
17 avoiding due to policing and violence. So, really
18 showing us the unintended consequences of
19 displacement in pushing women or sex workers away
20 from health and support services.

21 Q And so what does that tell you about how they
22 should be -- how their needs can be serviced?

23 A Well, ultimately, there is certainly evidence from
24 elsewhere in terms of removing some of the
25 restrictions or some of the barriers to

1 displacement. So, from legal barriers, to, uhm,
2 ensuring more safe spaces for sex workers in the
3 core areas. But certainly, given this
4 displacement, there have been examples of
5 services, particularly the MAP band, so, the
6 Mobile Access Project that drives around reaching
7 sex workers in more isolated areas, and that's
8 operated by WISH and PACE.

9 Q Now, the second map is located at tab J, at page
10 662, and an enlarged reproduction of that map is
11 being revealed right now. Dr. Shannon, can you
12 confirm that the map behind you is a reproduction
13 of the map at tab J, page 662?

14 A Yes, that's correct.

15 Q So, is this a map of the Downtown Eastside?

16 A It's, it's similar to the last map. It's a map of
17 both Downtown Eastside and surrounding
18 communities.

19 Q And to orient us, can you show us a main cross
20 road?

21 A Sure. Again, so that would be the Main and
22 Hastings section here.

23 Q And, and what do the circles mean on this map?

24 A So, in this context, we are mapping where there is
25 geographic clustering or hot spots of cores of

1 unprotected sex. So, sex workers reporting being
2 pressured into not using a condom by clients. And
3 so the circles represent hot spots with the larger
4 circles. So, of significance is the pink and
5 purple circles, and what we see is the larger
6 coloured circles are, in fact, much of the more
7 isolated areas, aside from this section here,
8 which is the downtown south area.

9 Q Okay. So, just so I have it. So, the larger the
10 circle, the more pressure?

11 A So, the more hot spots, so the more clustering of
12 where sex workers were being pressured into
13 unprotected sex. So, correct. And just, that
14 confirms our, sort of the analysis that we did as
15 part of that in which displacement was associated.
16 So, sex workers who reported being displaced by
17 police, either being asked to move on or forced to
18 move on, were three times more likely to report
19 being pressured into unprotected sex by clients.

20 Q So, the mapping results confirm that conclusion?

21 A Yes, yes.

22 Q And turning now then, Dr. Shannon, to the last
23 question, and, and this -- your answer starts at
24 page 10 of your report, and this deals with the,
25 broadly, with the relationship between the police

1 and survival sex workers. And to answer this
2 question, you have relied on the qualitative
3 interviews from the 46 sex workers from the Maka
4 Project, and you have also cited two papers
5 written by you that deal with links between
6 criminalization of sex work and violence; is that
7 correct?

8 A That's correct, as well as the first reference,
9 which was a paper discussed earlier, the
10 quantitative paper.

11 Q Right. Now, at page 11, you identify three
12 distinct experiences that women reported having
13 with the police, and I would like to take you
14 through those. So, first, you said that some
15 women spoke about direct harms and power
16 imbalances in their relations with the police.
17 What did you mean by "direct harms and power
18 imbalances"?

19 A So, the direct harms that women spoke of -- and I
20 think it's important to say these are, these show
21 the range of experiences that women did report by
22 police and don't -- by no means, were all of them
23 reporting the direct harms, but we saw a range
24 from direct to indirect harms, to more positive
25 experiences.

1 In terms of the direct harms, women talk
2 about a range of experiences from detainment
3 without arrest, being followed, being taken by
4 police and dropped off in other areas, so, being
5 driven out basically from where they're working;
6 as well as more direct violence and assault.

7 Q And Dr. Shannon, you have reproduced a couple of
8 quotes in your report. Can you read something to
9 us from one of those quotes that speak to these
10 direct harms and power imbalances?

11 A Sure. Well, there's this one quote that women
12 talk about, which is more -- which is the
13 confiscation of both clean syringes --

14 Q And where are you reading from?

15 A So, this is the bottom of page 11.

16 Q Okay.

17 A And it says:

18 The police never do anything. They don't
19 really give a shit. They're not out to get
20 us but they're not -- they don't really have
21 any compassion or concern about us. A lot of
22 us girls started carrying pepper spray or
23 bear spray, but you have to be careful,
24 because as soon as the cops search you, jack
25 you up, they take away what you have to

1 protect yourself, even rigs.

2 Q And what does "jack you up" mean?

3 A That's essentially stopping you without
4 necessarily arresting you, but in this case,
5 taking drug use paraphernalia from you.

6 Q Are there any other quotes that you would like to,
7 to read that speak to the direct harm and power
8 imbalances that you have told us about?

9 A Sure. The quote above is women say, or the quote
10 says:

11 And down here, believe me the cops are
12 assholes too, man. They will pick you up and
13 then they will make you do something for them
14 just so you can stay there to work. And
15 that's more or less their turf. If girls
16 complain to the cops, they will pick you up
17 and take you somewhere else and fucking leave
18 you there. And certain women will have a
19 line with the police that they worked on over
20 the years. Yeah. It's never mentioned in
21 the paper, never mentioned in the bad date
22 sheets or nothing, you know, it's just all
23 through mouth. And a lot of these girls are
24 just scared to speak up. So, it's, like.
25 The cops got a lot of power. Early mornings,

1 that's when they really get out there.

2 Q And in terms of the other experiences, you spoke
3 of indirect harms through displacement, of working
4 areas and a dispassion or apathy for sex trade
5 workers' experiences. Can you tell us what was
6 meant by those remarks?

7 A Sure. Well, as can be seen from the first quote I
8 read as an example, but women spoke about, about
9 the dispassion and apathy that they felt among the
10 police in terms of the violence that was
11 experienced by sex workers, both through the
12 missing women and the delayed action around that,
13 as well as the fact of ongoing violence and their
14 interactions with police. So as, "The police
15 never do anything. They don't really give a shit.
16 They're not out to get us but they're not really
17 -- don't have any compassion or concern," was one
18 quote from someone.

19 Q And thirdly, you spoke of attempts by the police
20 to help through a safety initiative as another
21 distinct experience women reported. Can you tell
22 us about the safety initiative that was being
23 referred to here?

24 A Sure. Well, this is the safety initiative that
25 followed in 1999, following the Missing Women's

1 Task Force, and they were talking about the phones
2 that were being handed out to sex workers in the
3 community with a, a speed dial to 911. And I
4 think, importantly, the quote illustrated, as I
5 mentioned, that there were certainly a range of
6 experiences that women reported. And women did
7 talk about how certain police, they had good
8 relations with the sex worker liaison, for
9 example, but that there were also these other
10 negative experiences that women continued to
11 experience.

12 Q And is there a quote in your report that, that you
13 can read that reflects this?

14 A Sure. On the top of page 12, it says:

15 Like, the cops were handing out those phones,
16 but they only had one number, and it was 911.
17 Just one button. And it had a homing device
18 or something like that, but it didn't really
19 work that good. Once buddy's got you in his
20 car, you're fucked.

21 MS. BROOKS: Mr. Commissioner, that concludes my questions for
22 Dr. Shannon.

23 THE COMMISSIONER: All right.

24 MS. BROOKS: I note that it's almost the end of the day
25 although Mr. Ward has indicated that he, he thinks

1 he'll only be a couple minutes. I'm not sure if
2 it's his preference to go now or tomorrow.

3 THE COMMISSIONER: All right. Are you going to be a couple of
4 minutes or are you going to be a couple of
5 minutes?

6 MR. WARD: A couple of minutes. So, I think I prefer to go
7 tomorrow.

8 THE COMMISSIONER: That's what I thought.

9 THE REGISTRAR: Ms. Brooks, before you sit down, did you want
10 those boards marked?

11 MS. BROOKS: No, because they're already contained in --

12 THE COMMISSIONER: Thank you. We will adjourn until the
13 morning.

14 THE REGISTRAR: This hearing is now adjourned until 10 o'clock
15 tomorrow morning.

16 **(PROCEEDINGS ADJOURNED AT 3:55 P.M.)**

17 I hereby certify the foregoing
18 to be a true and accurate
19 transcription of the proceedings
20 herein to the best of my skill
21 and ability.

22
23 Gabriele Heise, RPR
24 Official Reporter, BCSRA No. 399
25 Realtime Certified Reporter

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