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**Vancouver, BC**  
**October 18, 2011**

**(PROCEEDINGS RECONVENED AT 10:00 A.M.)**

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Mr. Ward.

MR. WARD: Thank you, Mr. Commissioner. Cameron Ward, counsel for families of 18 of the missing and murdered women. Mr. Commissioner, I should warn you and my friends that with the benefit of the overnight recess my two minutes increased to perhaps three or four.

THE COMMISSIONER: I'm absolutely shocked. I'm just not used to having lawyers increase their time after telling me what they're going to -- you know, that they're giving a time estimate, and I always rely on it completely because lawyers are so accurate.

MR. WARD: And I only mentioned it because I figured it probably was the first time you encountered this in your career.

**DR. KATE SHANNON: Resumed**

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

Q Dr. Shannon, I'm going to ask you some questions about your report first, and I would invite you, please, to turn to Appendum A. Not Appendix, but Appendum or Addendum A, the summary of the Maka

1 Project.

2 A Sure.

3 Q First of all, I'm intrigued by the name Maka.  
4 It's not an acronym, is it?

5 A No.

6 Q Where does that name come from?

7 A It actually came from our community advisory  
8 board, but it's a name in several First Nation's  
9 languages for either mother, mother earth, sister  
10 or aunt.

11 Q And as we see in your description of the Maka  
12 Project it involved questioning the cohort of 255  
13 women that you discuss and the questions were all  
14 administered through an interview process;  
15 correct?

16 A Correct.

17 Q I see that there were interviews with everyone and  
18 then more in-depth interviews and focus group  
19 discussions with a smaller subset of over 40  
20 women?

21 A Correct.

22 Q And then if we turn back to your report itself.  
23 If I understand what you've written at page 3  
24 correctly, in your capacity as one of the  
25 principal investigators in the Maka Project you

1 co-authored the six studies or articles referenced  
2 there at page 3?

3 A Correct. Several of them are my students' papers,  
4 but I'm either the first or last author on all of  
5 them.

6 Q And so as principal investigator I take it that  
7 you yourself must have conducted many of the  
8 interviews?

9 A I oversaw the training and just conduct some of  
10 the interviews in the process of training, but all  
11 the interviews themselves are conducted by  
12 researchers, so women from the community.

13 Q And I noticed that sprinkled throughout the report  
14 that follows there are some italicized quotes, and  
15 what were the sources of those quotes?

16 A All the quotes are direct narratives verbatim  
17 drawn from women from the community, so from our  
18 focus group discussions. So we audio taped them  
19 and then transcribed the data.

20 Q Thank you. Now, turning over to page 4 you  
21 describe the characteristics of the 255  
22 street-based sex workers, and I noticed that 88  
23 percent of them reported having been homeless,  
24 that is sleeping on the street at some point in  
25 their lives?

1 A Correct.

2 Q As you mentioned earlier more than 40 percent of  
3 this group were women of aboriginal ancestry?

4 A Yes.

5 Q And most of them were drug users?

6 A The entire cohort is drug users, yes.

7 Q The entire cohort, all 255 of them?

8 A The majority used crack cocaine, but about just  
9 over half injected drugs as well.

10 Q And some, it looks like about 20 percent, look to  
11 be the single parents of one or more children?

12 A Correct.

13 Q So these women, 40 percent aboriginal in heritage,  
14 all dependent drug users, all poverty stricken,  
15 must be considered, I suggest, some of the most  
16 marginalized disadvantaged women in this country?

17 A Yes.

18 Q And most vulnerable?

19 A For sure.

20 Q Now, through the interview process you learned  
21 that 9 percent of these 255 women when interviewed  
22 in the period of 2006 to 2008 reported having been  
23 to the Pickton farm?

24 A Correct.

25 Q And it was, of course, in 2007 that Robert William

1 Pickton's criminal trial was in progress and was  
2 garnering news coverage and headlines; correct?

3 A That's correct.

4 Q If my arithmetic is right 9 percent of 255 is 23  
5 women. Does that sound right?

6 A It sounds about right, yes.

7 Q So these women when you and your team interviewed  
8 them must have told you all about their  
9 experiences in going to the Pickton farm as street  
10 sex trade workers; correct?

11 A Well, to clarify that, 9 percent was drawn from  
12 the questionnaire, so we wouldn't have asked more  
13 detailed questions as part of that. Having said  
14 that, within the sample of qualitative interviews,  
15 so over 40 women we did several discussions came  
16 up around the Pickton farm.

17 Q All right. But all of the questionnaires were  
18 administered through a face-to-face interview  
19 process?

20 A Yes.

21 Q So you learned through the face-to-face interview  
22 process of these 255 women that 23 of them had  
23 been to the Pickton farm during their history as  
24 street sex trade workers?

25 A Correct.

1 Q So you learned from them, or some of them I  
2 suggest, the circumstances in which they were  
3 picked up from the street, the circumstances in  
4 which they were transported to the Pickton farm,  
5 what they did there, and presumably how they got  
6 home because all of them lived to tell about it;  
7 right?

8 A Yes, insofar as we did learn about how they were  
9 picked up and how they were dropped off, but not  
10 explicitly about the Pickton farm.

11 Q And you've got the interview descriptions in your  
12 working papers or transcripts or recordings;  
13 correct?

14 A Sorry, can you clarify?

15 Q For the women who described their experiences with  
16 Mr. Pickton and described going to the farm with  
17 him after being picked up on the street.

18 A M'hm.

19 Q You have records of what they said?

20 A So the context of when the Pickton farm came up  
21 was in the qualitative interviews and it was  
22 really within the context of, as you saw, some of  
23 the narrative, women talking about either knowing  
24 women or having been and how it impacted them.  
25 Women didn't discuss or disclose details of

1 attending the Pickton farm, so we don't have  
2 details of that in our records.

3 Q But you have records of what they told you about  
4 their interaction with Mr. Pickton?

5 A No.

6 Q You don't?

7 A No. So we didn't -- the questionnaire itself just  
8 asked have you been to the Pickton farm and then  
9 the other questions were about their general work,  
10 so we don't have detailed questions on that. We  
11 only heard about this Pickton farm in more detail  
12 within the context of qualitative interviews, and  
13 that would have been -- that was not a process of  
14 specifically asking about the Pickton farm, that  
15 just came up in the process of asking about  
16 violence and experiences over the course of their  
17 sex trade.

18 Q Yes, and let me focus on those qualitative  
19 interviews.

20 A Sure.

21 Q The women told you in those qualitative interviews  
22 what their encounter with Mr. Pickton was and you  
23 recorded their description of that; right?

24 A So, no, to clarify we do not have any specific  
25 information in any of our data of actually

1 attending the Pickton farm beyond that data there.  
2 So when women spoke of Pickton it was in the  
3 context of the quotes you see in the narratives  
4 included here, so when we're talking about women  
5 going missing, how the Pickton farm impacted their  
6 experiences of violence.

7 Q Do you have your working papers with you today?

8 A The papers included in here, yes.

9 Q No, I mean the transcripts of what the women told  
10 you when you interviewed them?

11 A We would have record of them, yes.

12 Q Yes, you keep those records?

13 A For five years.

14 Q Yes, and did you bring them with you today?

15 A No.

16 Q All right. Do you have any objection to producing  
17 them to me?

18 A We can certainly disclose. As I said there's not  
19 more details than there is the papers themselves  
20 of the Pickton narrative.

21 Q I'm a lawyer, I'd like to check.

22 A Okay. I'd have to check with my UBC Ethics, and  
23 that would be my only concern, but --

24 Q How quickly can you get that material?

25 A Well, I can certainly look into that after today.

1           It's one the things I have to look into UBC Ethics  
2           to confirm what the process is for releasing those  
3           papers, because it was all part of an informed  
4           consent and as part of that we promised  
5           confidentiality, so in the context of research  
6           when it's collected.

7   MR. WARD:   Mr. Commissioner, at this time I would like to make  
8           an application for the production of this  
9           witness's source material, including the  
10          transcripts of all interviews of members of the  
11          cohort of 255 street sex trade workers. I note  
12          that this witness was produced as an expert  
13          witness by counsel for the commission, and that  
14          any privilege that might attach to the working  
15          papers or source materials or raw data that she  
16          used to prepare her report is waived once the  
17          witness takes the stand.

18   THE COMMISSIONER: I'll hear from commission counsel.

19   MS. BROOKS:  Mr. Commissioner, we actually haven't seen the  
20          files ourselves that Mr. Ward is requesting, so,  
21          you know, we didn't see them as being germane to  
22          the questions that we were asking of the witness  
23          in our instruction letter to her. She's produced  
24          the quotes in her paper that she feels are germane  
25          to those, answering those questions, so, you know,

1 I don't know at this point if Mr. Ward has laid  
2 the foundation for producing these transcripts. I  
3 know that they are of a very sensitive and  
4 confidential nature, and the witness did tell us  
5 that in terms of the raw data themselves and that  
6 she does has a protocol that she needs to follow  
7 in terms of being able to produce that kind of  
8 information.

9 THE COMMISSIONER: So you're telling me you're objecting to  
10 producing them?

11 MS. BROOKS: Well, yeah, I don't see the relevance right now  
12 for producing those documents.

13 THE COMMISSIONER: Let me find out. How is any of this  
14 relevant?

15 MR. WARD: Mr. Commissioner, I'm certainly content to lay a bit  
16 more of the foundation during my  
17 cross-examination, but my response at the moment  
18 to the issue of relevance is this. You will  
19 recall, I suspect, that I asserted in my opening  
20 that one of the key questions that the family  
21 members' relatives of the missing and murdered  
22 women have is what happened to their loved ones  
23 and why the investigation took so long and whether  
24 Mr. Pickton acted alone. That's several  
25 questions. This witness has indicated that in the

1 course of preparing her expert report she and her  
2 team conducted interviews of all 255 women, and  
3 over 40 of those were in depth. Twenty-three of  
4 the women said in response to the interview  
5 questions posed that they had been to the Pickton  
6 farm in the years in which he was apparently  
7 murdering my clients' relatives, and they would  
8 have engaged in some activities there which would  
9 shed light on these very key questions that the  
10 inquiry is asking.

11 THE COMMISSIONER: She said the only question that was asked is  
12 have you been to the Pickton farm, there was no  
13 follow-up.

14 MR. WARD: I will lay some more foundation, because I don't  
15 accept that answer and I wish to cross-examine the  
16 witness further on that point. She did say that  
17 there were both questions posed -- all of it was a  
18 face-to-face interview process, questions posed  
19 and these 23 women answered they had been there.  
20 Seventy-three percent, 183 of the women responded  
21 that they knew of their colleagues who had been  
22 there. So there's a big portion of the sample  
23 that has knowledge of Pickton's activities during  
24 the key period that this inquiry is investigating.

25 THE COMMISSIONER: But we don't know that they have got

1 knowledge of his activities. According to  
2 Dr. Shannon the only question that was asked have  
3 you ever been to the Pickton farm and then they  
4 went on to other things that are more relevant to  
5 the research that she was conducting. Is that so?

6 THE WITNESS: Correct. There's absolutely no data where we ask  
7 any questions whatsoever about the Pickton farm  
8 other than that one question. So it was purely an  
9 understanding of attack, exposure to violence and  
10 trauma, as I mentioned. There's absolutely no  
11 questions where we asked about any of that.

12 MR. WARD: May I ask a question of the witness, please, with  
13 respect to that?

14 THE COMMISSIONER: Yes.

15 MR. WARD:

16 Q Didn't you just say that some of the women who had  
17 been to Pickton's farm were involved in the  
18 in-depth interviews and focus group discussions?

19 A To clarify what I said was that some women, so not  
20 necessarily those women, women who were involved  
21 in the qualitative interviews did mention Pickton  
22 but only in the context of the narratives that are  
23 already disclosed in these papers, the only time  
24 they're mentioned, and it was in the context of  
25 how the delayed inaction around the missing women

1                   has created increased fear for violence. That's  
2                   the only context where it was ever mentioned, so  
3                   there's absolutely no qualitative or quantitative  
4                   data that mentions anything beyond that.

5                   Q    Now, witness -- excuse me.

6                   THE COMMISSIONER: Wait till Mr. Ward finishes.

7                   MR. WARD: May I?

8                   THE COMMISSIONER: Yes.

9                   MR. WARD:

10                  Q    Let me get this straight. You and your team of  
11                   researchers are interviewing 255 street sex trade  
12                   workers during the time period that Mr. Pickton is  
13                   on trial and his trial is receiving intense media  
14                   scrutiny; correct?

15                  A    Correct.

16                  Q    During the interviews, both the face-to-face  
17                   initial short interviews and the subsequent  
18                   in-depth focus group discussions, 23 women tell  
19                   you and your team that they were at Mr. Pickton's  
20                   farm and 183 women tell you that they know of sex  
21                   trade workers who were there; correct?

22                  A    Correct.

23                  Q    And your evidence is that beyond saying those  
24                   things none of them while the trial is going on  
25                   and receiving intense media scrutiny say anything

1 further about their interaction with Mr. Pickton  
2 on the occasion when they were picked off the  
3 streets and taken to Port Coquitlam. Is that your  
4 evidence under oath?

5 A Under oath it absolutely -- as a questionnaire you  
6 don't have the opportunity to probe, you're stuck  
7 to the structured questions where you say have you  
8 been to the Pickton farm? Yes, no. Have you  
9 experienced physical violence? Yes, no. You  
10 don't have the opportunity to probe or ask  
11 questions. Outside of the research people may  
12 have disclosed too, but that would have not been  
13 in the context of our research.

14 Q But, witness, in the follow-up in-depth interview  
15 and focus group discussions you do get to probe,  
16 do you not?

17 A Yes, but that wasn't our interest. We were not  
18 trying to learn about the experiences about  
19 Pickton. We asked -- our questions were focused  
20 on, as you'll see in the qualitative paper here,  
21 were focused on the context of how violence  
22 impacted negotiation of health and safety, and as  
23 a result we asked of past experiences of violence.  
24 And missing women and Pickton came up repeatedly  
25 in the context of delayed inaction around missing

1 women, there was no discussion whatsoever of the  
2 Pickton farm.

3 Q Thank you. And the subject of Mr. Pickton coming  
4 up repeatedly in connection with the discussion of  
5 delayed police inaction, which I note  
6 parenthetically is the very heart of the subject  
7 matter of this inquiry, whatever the women said on  
8 that subject will be captured in the transcripts?

9 A You've already correctly -- it's every single --  
10 there's mention of that in the paper itself.

11 Q Your evidence is every single mention of what the  
12 women said about Pickton is in this 12 page  
13 document?

14 A All the narratives related to the missing women  
15 showed up in the narratives that we've published  
16 in the peer review. If there was further  
17 discussion I'm happy to go back and re-look at the  
18 narratives, but there was absolutely no mention of  
19 it. The only time missing women and Pickton came  
20 up, and to clarify the reality is whether or not  
21 women have been to the Pickton farm, that's  
22 something for anyone hard to talk about and never  
23 disclosed in my presence. There may be -- women  
24 may talk about it within themselves, they may  
25 share it with other people, but certainly given

1           the huge amount of the trauma people experienced  
2           it was not something that came up in our research,  
3           but it was also not the focus of our research.

4   MR. WARD:  Mr. Commissioner, the evidence just received is that  
5           the women who were interviewed either in the  
6           short -- what I'll call the short initial  
7           interviews or in the in-depth interviews and focus  
8           group discussions that ensued spoke about delayed  
9           police investigation of their missing and murdered  
10          colleagues in the context of the Pickton  
11          investigation during which 23 said they had gone  
12          to the Pickton farm and 183 said they knew sex  
13          trade workers who had.  Mr. Commissioner, my  
14          position is I'm entitled to test this witness's  
15          evidence by having the opportunity to review the  
16          source data from which she took the quotes.  I,  
17          simply put, do not have to accept in my role as  
18          counsel for the families, for the loved ones of  
19          the missing this evidence.

20   THE COMMISSIONER:  You know, Mr. Ward, you don't have to go  
21           into a lecture, I know what your role is.

22   MR. WARD:  Thank you.  I didn't mean to, but I --

23   THE COMMISSIONER:  No, you are.  You have a habit of going on  
24           and on and on.  You know, you can do it a lot  
25           quicker.  What you're really telling me is that

1           you don't accept her evidence and you want to  
2           challenge her on it. We can solve that by having  
3           her go back and look at the documents and she can  
4           come back. Is that --

5   MR. GRATL: Mr. Commissioner, on behalf of the affected  
6           communities I have very grave misgivings about the  
7           potential violation of privacy associated with  
8           Mr. Ward's application, and it seems to me that it  
9           would be prudent under these circumstances to  
10          allow Dr. Shannon to return to her source notes  
11          and find out in the first place, just confirm for  
12          herself and for yourself and for this inquiry,  
13          whether there are -- whether there is any  
14          information in those source notes that might be of  
15          assistance in any way in the fact finding exercise  
16          here.

17   THE COMMISSIONER: That's what I've suggested. Any other  
18          comments? All right.

19   MR. WARD: Yes, there is. I disagree with that approach. My  
20          position is just so it's clear, and I don't want  
21          to make a speech, but my position is any privilege  
22          of whatever kind that may attach to the source  
23          documents, the raw data of this expert is waived  
24          once a witness takes the stand, and my request is  
25          for an order that those documents be produced to

1           me. I'm counsel, member of the bar, and I'm not  
2           going to use these documents inappropriately.

3   THE COMMISSIONER: Mr. Roberts?

4   MR. ROBERTS: Mr. Chairman, to the extent that I have a word on  
5           this matter I support entirely the position that  
6           Mr. Gratl just addressed to you. I don't think it  
7           needs to go beyond that.

8   THE COMMISSIONER: Okay. Thank you.

9   THE REGISTRAR: That was Mr. Roberts.

10   THE COMMISSIONER: Any comments?

11   MS. BROOKS: Mr. Commissioner, we agree with the approach that  
12           you laid out. We think it's appropriate for  
13           Dr. Shannon to review her files and records.  
14           There's also another interested party here which  
15           would be UBC Ethics, and they may have a say in  
16           this --

17   THE COMMISSIONER: I'm sorry, I can't hear.

18   MS. BROOKS: Which is UBC Ethics and they may have a say in  
19           this as well, they may have an interest in this  
20           issue, but we think the process you laid out is  
21           the appropriate one where Dr. Shannon should first  
22           go back and look at her records and see if there  
23           is anything in there.

24   THE COMMISSIONER: All right. I think that's the course of  
25           action we'll take. I'll have the witness go back

1 and review her documents and from that tell us  
2 whether or not there is anything of the nature  
3 that you speak, Mr. Ward. I want to make  
4 absolutely clear that you get all the material  
5 that you need in order to properly represent your  
6 clients, however, we can't turn this into an  
7 unruly and undisciplined fishing expedition.  
8 There has to be some kind of discipline imposed on  
9 the type of process that we're involved in, and so  
10 I think that's what we'll do, and the witness can  
11 come back at a future date and tell us what the  
12 subject matter of her determination is. All  
13 right. Thank you.

14 MR. WARD: Thank you.

15 Q Now, Dr. Shannon, with respect to this sentence at  
16 page 4, and I'll read it again:

17 Of the total of 255 women, 9 percent reported  
18 having ever been to Pickton's farm and 73  
19 percent reported knowing women who had been  
20 to Pickton's farm.

21 Are you certain that the reports were respecting  
22 Robert William Pickton's farm only and not perhaps  
23 the property he and his brother and sister owned  
24 nearby that was known as Piggy's Palace?

25 A I'm certain that the question was have you been to

1 Robert Picton's farm, but beyond that obviously if  
2 someone responds as they choose, so I can't a  
3 hundred percent guarantee that if someone didn't  
4 that they may not have understood that as broader.

5 Q Did you or your colleagues, to your knowledge,  
6 inquire as to how they were transported there?

7 A No.

8 Q Did you inquire, by you I mean you or your  
9 colleagues, as to who the women provided sexual  
10 services to at that location?

11 A No.

12 Q Did you find out in the course of your study how  
13 the women returned to the Downtown Eastside from  
14 Mr. Pickton's farm?

15 A No.

16 Q Did you or your team bring to the attention of the  
17 police or prosecutors the fact that you had  
18 interviewed 23 women who had told you they had  
19 been to Mr. Pickton's farm?

20 A No.

21 Q I want to ask you next, please, about the table  
22 that appears -- that is referenced I think at page  
23 7 of your report, and you mentioned this in your  
24 evidence in chief, under the heading Key Findings  
25 on page 7.

1 A Yes.

2 Q I'll just read what you've written. Oh, and by  
3 the way, did you yourself write this document or  
4 was it prepared for you by someone else?

5 A No, I prepared this document.

6 Q All right. You've written:

7 In statistical analyses, controlling for  
8 individual and interpersonal risks, prior  
9 police harassment was associated with a  
10 three-fold increased risk of client violence  
11 and a two-fold increased risk of rape in the  
12 previous six months.

13 Do you see that?

14 A Yes.

15 Q And I think the reference for this, and you can  
16 confirm this perhaps, is at Appendix G to your  
17 report on page 4?

18 A Yes, that's correct.

19 Q And following; is that right?

20 A Yes, that's correct.

21 Q And police harassment seems to be described in the  
22 passage of your paper Appendix G on page 5, I'll  
23 just read it to you and perhaps you can confirm  
24 whether this is true. The column on the  
25 right-hand side, two-thirds of the way down the

1 page:

2 Police violence against female sex workers  
3 has been reported to include excessive use of  
4 physical force, forced removal and subsequent  
5 abandonment in outlying areas, and coerced  
6 sex provided to police in exchange for  
7 freedom from detainment, fine, or arrest.

8 A Correct.

9 Q All of that falls under the rubric of police  
10 harassment, does it?

11 A According to previous studies, yes.

12 Q And, in fact, the cohort of 255 Vancouver street  
13 sex trade workers reported this type of harassment  
14 from the Vancouver Police?

15 A This specific study specifically focuses on direct  
16 violence, but yes, you're correct.

17 Q And you've quoted, for instance I think in your  
18 report itself at page 11, I think you read part of  
19 this in your evidence in chief, but I want to  
20 address the quote in the middle of the page:

21 And down here...

22 You see that?

23 A Yes.

24 Q That's referring to the Downtown Eastside of  
25 Vancouver?

1 A Correct.

2 Q And down here, believe me the cops are  
3 assholes too, man. They'll pick you up and  
4 then they'll make you do something for them  
5 just so you can stay there to work.

6 Let me stop there. That's something a street sex  
7 trade worker told you?

8 A Correct.

9 Q And you received other reports from members of the  
10 cohort of 255 women that are similar to that, I  
11 take it?

12 A Yes. There are certainly other quotes in this  
13 paper right here, yes.

14 Q But whether they're in the paper or not you  
15 received other quotes or comments from the workers  
16 to the same effect?

17 A Correct.

18 Q And another way of putting that is that the  
19 Vancouver Police would coerce sex from the street  
20 sex trade workers in exchange for freedom of  
21 detainment, fine or arrest. Is that fair?

22 A I would say that's fair to say that's what the  
23 quote insinuates, but obviously it's not  
24 explicitly spelled out.

25 Q All right. So one of the problems faced by the

1 street sex trade workers that you interviewed was  
2 that Vancouver Police Department members would  
3 force them to engage in sexual services in  
4 exchange, for instance, for not arresting or  
5 fining them; correct?

6 A As I said that's certainly what it insinuates, but  
7 again it's not explicitly spelled out.

8 Q At the end of the quote it says:

9 Early mornings, that's when they really get  
10 out there.

11 Just to be clear, what you mentioned there is in  
12 the early hours of the morning is the Vancouver  
13 Police who are most active in their interactions  
14 with street sex trade workers; is that right?

15 A It says, I mean, that the police are out there and  
16 most often in the early mornings, yes.

17 Q And by early morning one, two, three o'clock in  
18 the morning, is that your recollection?

19 A Again, you know, it could be anything from that  
20 till, you know, five or six a.m.

21 Q And the quotes in this paper that you've  
22 italicized are just examples that you feel are  
23 representative of the general expressions received  
24 from the people you interviewed. Is that fair?

25 A In terms -- I mean, yes. In terms of the policing

1 as we highlight there's several different range of  
2 experiences, so those are some more extreme  
3 examples. There are obviously -- there's the  
4 example of the quote as well that was more  
5 positive interaction. So to be clear women spoke  
6 about positive as well as negative interactions  
7 with police.

8 Q But I suggest the negative far outweighed the  
9 positive. Is that fair?

10 A With qualitative, I mean, again you can't make  
11 percentage guesses based on that. So it was 43  
12 women and there is certainly several quotes of  
13 negative, but there were equally some quotes of  
14 positive as well.

15 Q All right.

16 A And I would say, yes, it would be fair to say that  
17 more of the interactions were at least dispassion  
18 or apathy described, if not more direct  
19 harassment.

20 Q Apathy, indifference or outright harassment was  
21 the predominant reaction of the Vancouver Police  
22 to these street sex trade workers according to  
23 them. Is that fair?

24 A There certainly were, but whether it was distrust  
25 and apathy or whether it was more direct, yes.

1 Q All right. I'm back to Appendix G, please. I  
2 want to ask you about three tables, just so I  
3 understand them, that reflect, if I understand it  
4 correctly, the relationship between prior police  
5 harassment and subsequent harm, a subject you  
6 spoke about in your evidence in chief.

7 A Yes.

8 Q All right. And referring here now to page 4 of 8,  
9 the column on the right-hand side, the first full  
10 paragraph you've written:

11 Tables 2, 3 and 4 show the unadjusted and  
12 adjusted associations in the multivariate  
13 models for each violence outcome (physical  
14 violence, rape, and client perpetrated  
15 violence).

16 Do you see that?

17 A Yes.

18 Q So Table 2 indicates the likelihood of a woman  
19 subsequently encountering physical violence in the  
20 18 months post interview?

21 A Yes.

22 Q Depending on these factors; correct?

23 A Yeah.

24 Q Whereas Table 3 shows the likelihood of her being  
25 raped during the 18 months post interview, again

1           depending on the same factors?

2           A    Yes.  But just to clarify it's prior to the  
3           interview, so based on the last six months prior  
4           to the interview, not post.  Sorry.

5           Q    Right.

6           A    Yeah.

7           Q    It's a relationship between what happened to them  
8           in the prior six months --

9           A    M'hm.

10          Q    -- in relation to what happens to them in the 18  
11          months following the interview?

12          A    Correct.

13          Q    So what they report in the six months prior the  
14          odds of them encountering what they report in the  
15          18 months subsequent; right?

16          A    But to clarify some variables, so for example  
17          prior assault by police was lifetime, so as  
18          defined in the paper as not just the last six  
19          months, but you're correct in terms of the  
20          temporal association.

21          Q    And just so I understand it, in each table you've  
22          referred to unadjusted odds ratio 95 percent CI  
23          and adjusted odds ratio.  What's the difference in  
24          those?

25          A    So unadjusted means that there's statistical

1 association, but we haven't controlled for other  
2 factors. So, for example, whether there was drug  
3 use between the client and the sex workers. When  
4 we control for other factors in adjusted analysis,  
5 that means that even when you control for those  
6 factors there remains association between the two  
7 factors you're showing. So even if you control  
8 for drug use, for example, there would remain  
9 association between a prior variable and current  
10 violence.

11 Q And just to quickly sum up this particular point,  
12 these three tables, Tables 2, 3 and 4, form the  
13 basis for the opinion you expressed at page 7, and  
14 I'll quote it, under Key Findings:

15 ... prior police harassment was associated  
16 with a three-fold increased risk of client  
17 violence and a two-fold increased risk of  
18 rape in the previous six months.

19 A Correct.

20 Q And do you have an opinion as to why there is that  
21 correlation?

22 A Well, based both on previous data from others, so  
23 based on their research that exists, it says  
24 there's certainly substantial qualitative  
25 evidence, as well as previous studies elsewhere

1 globally that have shown that prior police  
2 harassment, so increase in both fear of violence  
3 as well as fear of arrest which can then lead to  
4 several things such as rushing a transaction,  
5 jumping in a car quickly, moving to darker areas  
6 or more isolated areas to avoid police which then,  
7 as we've seen from the other day, that increases  
8 vulnerability to violence.

9 Q So if I can just rephrase that.

10 A Sure.

11 Q Prior police harassment results in fear of the  
12 police which results in change of the women's  
13 behaviour which puts them in more jeopardy?

14 A Correct, that's one very possible scenario based  
15 on current evidence.

16 Q Did the women that you interviewed in this cohort,  
17 255 women, have any comments or disclose any  
18 information to you about their experiences with  
19 the Vancouver Police Department's Victim Services  
20 Unit?

21 A No.

22 Q The next area I'd like to ask you about relates to  
23 the chart to your right, and for reference that's  
24 at Appendix J.

25 A Correct.

1 Q Page 662 is the report version. Do you have that?

2 A Yes, that's correct.

3 Q Now, I note that there appear to be four so-called  
4 hot spots that are particularly notorious as being  
5 geographical areas where street sex trade workers  
6 are pressured into having unprotected sex with  
7 their clients?

8 A Correct.

9 Q And starting in the top right, I tried to get my  
10 own map of the city to figure this out, but the  
11 very top right of your chart shows that one of  
12 those, I take it, is up towards the vicinity of  
13 the Second Narrows Bridge?

14 A That's actually -- so just to clarify in terms of  
15 the lack of street names, that was specifically  
16 because the point was to look at geographic  
17 correlations, but the community advisory board  
18 didn't want us listing every single street, but I  
19 think you can tell from the core as you can see  
20 from the map that that would actually be Clark.

21 Q Clark?

22 A Yes.

23 Q The north end of Clark?

24 A Right.

25 Q All right. Moving clockwise the next one appears

1 to be then, if my geography is right, Broadway and  
2 Clark, that area?

3 A So I would say just west I guess of, yeah, Clark  
4 and Broadway area.

5 Q Moving to the third of the four hot spots, that  
6 would be somewhere on Kingsway and what, Knight or  
7 Victoria?

8 A Kingsway, around that area. Yes, I would say  
9 around Victoria. I would have to clarify it.

10 Q And then the fourth and final one over to the far  
11 left of the map would be what you characterized as  
12 downtown south?

13 A M'hm.

14 Q It looks like it's around English Bay?

15 A No, I would think it would be sort of Beach Park  
16 area around English Bay. Yes, that would seem  
17 correct.

18 Q And forcing women into unprotected sex is a form  
19 of assault; right? It's dangerous --

20 A M'hm, for sure.

21 Q -- risky and puts the lives and health of women in  
22 jeopardy?

23 A Correct. For sure.

24 Q Your study in which this chart appears was  
25 published in early 2009, right, about two and a

1 half years ago?

2 A M'hm. Yes, that sounds correct.

3 Q April 2009. And the chart itself contains data  
4 from the Maka Project of 2006?

5 A M'hm.

6 Q Are you aware whether any public authorities,  
7 including the Vancouver Police, have taken any  
8 steps in the last five years to address the issue  
9 of these hot spots where women from the street are  
10 being forced into unprotected sex?

11 A Not explicitly related to that that I'm aware of,  
12 no.

13 Q In your opinion, your professional opinion, are  
14 there measures that the public authorities,  
15 including the police, could take to improve the  
16 safety and health of street sex trade workers, and  
17 if so what would you suggest would be the most  
18 important ones?

19 A Well, certainly based on our evidence that we see  
20 here, as well as evidence elsewhere in terms of  
21 what has worked, I think within one of the core  
22 issues is the current legal system. So given the  
23 current criminalization it results in this  
24 enforced displacement which as we see both pushes  
25 people away from health and support services and

1 increased risks such as coercive sex and violence.  
2 So certainly removing legal sanctions, criminal  
3 sanctions on sex workers such as a communicating  
4 code, within that I think being able to allow sex  
5 workers to work indoors and safer indoor spaces  
6 which are currently restricted within that legal  
7 context would be really important both for  
8 allowing sex workers to have some measure of  
9 safety, access to services and reduced exposure to  
10 violence, and certainly there's evidence elsewhere  
11 to support those measures.

12 Q And what you found in practice, I'm harkening back  
13 now to another one of your maps, is that the  
14 street sex trade workers have actually been pushed  
15 away from those facilities that can enhance their  
16 health and well-being?

17 A Correct. So, I mean, the intended consequence of  
18 this displacement has been the sex workers are  
19 working in much more isolated spaces and away from  
20 health and support services.

21 Q And just for clarity, that map was in -- the map  
22 I'm just referring to, can you help me with which  
23 appendix that was in?

24 MS. BROOKS: That's Appendix I at page 144, Mr. Commissioner.

25 MR. WARD: Thank you, very much.

1 Q That's the map that visually depicts that  
2 phenomenon; correct?

3 A Correct.

4 MR. WARD: Thank you very much, Mr. Commissioner. Those are my  
5 questions for now, but I'd like to reserve the  
6 right to ask any questions in the event that this  
7 witness returns.

8 THE COMMISSIONER: All right. Thank you. Yes, Mr. Roberts.

9 MR. ROBERTS: Thank you.

10 THE REGISTRAR: Microphone, please, and name of organization.

11 MR. ROBERTS: Thank you, Mr. Commissioner and Dr. Shannon. I  
12 was concerned, Mr. Commissioner, that the  
13 expansion of the number of questions Mr. Ward was  
14 going to ask might steal my thunder this morning,  
15 but I can assure everyone in confidence that that  
16 hasn't happened.

17 THE REGISTRAR: Sorry, Mr. Roberts, we'll need name and  
18 organization, please.

19 MR. ROBERTS: Pardon me?

20 THE REGISTRAR: We'll need your name and organization, please.

21 MR. ROBERTS: Yes, aboriginal women.

22 THE REGISTRAR: Thank you. And your name?

23 MR. ROBERTS: Mr. Roberts.

24 **CROSS-EXAMINATION BY MR. ROBERTS:**

25 Q I'm interested, Dr. Shannon, in the process of the

1 inquiry, the study which you did which is commonly  
2 referred to as the Maka Project, and just for a  
3 moment would you be good enough to turn back in  
4 Exhibit 6, I think that's the exhibit number given  
5 to your report binder, to tab 4. This was  
6 obviously, as already been noted, was a very major  
7 study using a questionnaire which we've heard much  
8 about the process and lengthy interviews and have  
9 had 255 women. Can you tell us whether that was,  
10 in fact, all of the sex trade workers then working  
11 in the Downtown Eastside?

12 A No, it was not.

13 Q But it's still a healthy percentage of them?

14 A It was a good sample for us to be able to do  
15 analysis, correct.

16 Q And you had 237 participate in the questionnaires,  
17 which we've identified as about 92 percent. And I  
18 think you said something about the few women who  
19 did not participate in your group of 255 that it  
20 was scheduling difficulties or something of that  
21 sort that prevented them?

22 A Well, since we essentially handed out appointment  
23 cards to women and then invited them back to the  
24 project we can assume that either they decided not  
25 to participate or they weren't able to make the

1           appointment, so one of those reasons, yes.

2           Q    So what you felt you had then was a fairly full  
3           participation and, for want of a better word, a  
4           very willing participation?

5           A    Correct.

6           Q    Now, this study has formed the basis of some major  
7           papers you've written as you've pointed out?

8           A    M'hm.

9           Q    And either major part or the very basis of some of  
10          your published work?

11          A    M'hm.

12          Q    And if I'm correct it also underlies a paper which  
13          I don't think Ms. Brooks took you to it, but the  
14          last item in your report binder, Exhibit 6, is a  
15          paper called "The hypocrisy of Canada's  
16          prostitution legislation." You are the sole  
17          author of this paper?

18          A    Correct, yes.

19          Q    And it's published in the *Canadian Medical*  
20          *Association Journal*?

21          A    Yes, that's correct.

22          Q    Which tells me it has a Canadian-wide distribution  
23          or publication?

24          A    M'hm. Correct.

25          Q    And the study, the Maka Project, is a major

1 underpinning to this paper?

2 A Certainly, yes.

3 Q Now, I want to go to the process, the setting up  
4 of your project using a questionnaire. I take it  
5 it's necessary to establish trust and confidence  
6 in working in a project of this kind with  
7 disadvantaged women working in the sex trade in  
8 Downtown Eastside?

9 A For sure. I mean, it's a very highly stigmatized  
10 population as well as criminalized population, so  
11 certainly trust and confidentiality are very  
12 important.

13 Q And you strove hard to see that not only  
14 confidentiality, but there would be confidence in  
15 you and the people working with you?

16 A For sure. And we took many measures in terms of  
17 the community collaborators we worked with  
18 bringing together a community advisory board  
19 hiring women from the community, so yes, for sure.

20 Q You had to think about the privacy of these  
21 people?

22 A Yes.

23 Q Of the women --

24 A M'hm.

25 Q -- who were going to be interviewed and asked to

1 answer questions on this questionnaire?

2 A Correct.

3 Q You had to think about their safety?

4 A Yes.

5 Q Now, when I talk about safety, if I look back at  
6 your summary of that project you have a footnote  
7 on the addendum summary that says:

8 Other violence while working (police, pimps,  
9 dealers, partners, strangers)

10 It seems to me that some of those might be a  
11 source of fear of violence for persons coming to  
12 be interviewed by you or your people. Is that a  
13 fair question?

14 A For sure. I mean, we made sure that it was a  
15 women's only space to make sure women felt safe  
16 and confidential in giving of information. We  
17 also -- I use a storefront on Hastings that  
18 actually had a back alley exit so if women were  
19 uncomfortable, someone was waiting outside,  
20 boyfriend, pimp, that they didn't want to go out  
21 that way they were able to access the other way.

22 Q The boyfriends might be a source of that fear of  
23 violence?

24 A Certainly, yes.

25 Q Or drug dealers knowing that this sort of

1 interview process is going on?

2 A Correct.

3 Q Hence, as you put it, an exit out the back door so  
4 that they could avoid being seen coming out the  
5 front door?

6 A Correct.

7 Q Can I take it, of course, just in terms of sheer  
8 comfort you sat down during this process?

9 A For sure we sat down. There are separate  
10 confidential rooms for the one-to-one interviews.

11 Q Now, you also had to be concerned or were you  
12 concerned, I'm sure you were, to see that the  
13 questions themselves were not intimidating or  
14 threatening in some way?

15 A For sure. I mean we had both, you know, the  
16 community advisory board who sort of vetted the  
17 major topic areas for the questions, but then we  
18 also went through extensive training with the  
19 community researchers, and as part of that was  
20 making sure the questions were sensitive, they  
21 were asked correctly, they were asked  
22 appropriately, so that was definitely an important  
23 part of the process.

24 Q And it didn't seem like somebody in an  
25 authoritarian position was seeking to interrogate

1           them?

2           A    No, I mean, that's the very reason we made sure we  
3           hired a team of women from the community as  
4           researchers so that we could reduce some of those  
5           power imbalances and make sure women felt  
6           comfortable and safe in answering those questions.

7           Q    Now, I think you answered a question to Mr. Ward  
8           that all of the 237 women were users of drugs of  
9           some kind?

10          A    Yes, that's correct.

11          Q    Okay. And I think you mentioned during your  
12          evidence in chief when Ms. Brooks was asking you  
13          some questions that you were sensitive in setting  
14          up this interview process to be aware that some  
15          were taking methadone in the morning?

16          A    Correct. We wanted to make sure the hours were  
17          flexible, so some days the interviews ran from  
18          nine to five, other days we'd have interviews from  
19          one till nine so that there was lots of  
20          flexibility in when women could come that suited  
21          their schedule both working-wise, if they were  
22          using, if they were on methadone, all those  
23          considerations.

24          Q    I may not have the exact use of methadone correct,  
25          but I understand or believe it to be a substitute

1           for heroin?

2           A    Correct.

3           Q    And the normal time to take that is in the  
4           morning?

5           A    M'hm.

6           Q    But that raises a question in my mind.  Whenever  
7           you're interviewing someone who is a drug user do  
8           you have to be flexible to see that you're getting  
9           them at their best time?  In other words, you're  
10          not getting them soon after, perhaps, the use of  
11          drugs which might make them drowsy or sleepy or  
12          perhaps not as attentive as possible?

13          A    Certainly.  I mean, it was important both in terms  
14          of our confidential ethics with UBC and our  
15          practice that we made sure that if women came in  
16          and they were not in a good position, they were  
17          drug sick, whatever we could re-book them.  So  
18          sometimes that meant women would do part of the  
19          interview and they would be nodding off and so we  
20          would re-book them to follow up and come back in  
21          the next day or whatever worked for them.  So  
22          there was a fair bit of flexibility on that given  
23          those circumstances.

24          Q    And then on the other hand, on the other scale of  
25          drug use it might be perhaps women who are at the

1 early stage of withdrawal might not be as willing  
2 or attentive to the questions that are being  
3 asked?

4 A For sure.

5 Q And is that something -- I take it this is not the  
6 only the time you've done an interview process  
7 like this with sex trade workers?

8 A Well, I mean, since 2004 I've been working  
9 explicitly with women sex workers. Prior to that  
10 I had been working as part of a research  
11 evaluation in the Downtown Eastside since 2003,  
12 so.

13 Q Right. Right. And in your opinion is this the  
14 way one should operate or conduct oneself in  
15 interviewing people who are known to be using  
16 drugs? In other words, be flexible about it to  
17 make sure that you get them at their best time.

18 A Certainly. I mean, my colleagues who have been  
19 running the Vancouver Injection Drug User Study  
20 since 1996 have developed many of those similar  
21 practices with Downtown Eastside residents for  
22 that very reason, working very closely with the  
23 community and making sure there's lots of  
24 flexibility and allowances for women's  
25 circumstances or individual circumstances.

1 Q Thank you. Now, I wonder if I could turn to the  
2 LePard Report. Mr. Commissioner, that's Exhibit  
3 1. Mr. Registrar, could you put the LePard Report  
4 before the witness. Could you turn, please, to  
5 page 103. You should find on the left-hand  
6 column, if I'm using the correct binder, and I  
7 think I am, a subject heading called  
8 "Questionnaire Distributed to Sex Trade Workers At  
9 WISH."

10 A Yes.

11 Q Okay. Let me just take a moment with this.  
12 You've seen this before, I understand?

13 A I have read this report, yes.

14 Q Read it before.

15 On June 8, 1999 Detective Constable Shenher  
16 and Chernoff, Constable Dickson, Detective  
17 Inspector Rossmo, and Detective Sergeant Neil  
18 Traynor (an English police officer  
19 understudying with Detective Inspector  
20 Rossmo), attended a meeting at the First  
21 United Church in the Downtown Eastside where  
22 a sex trade worker advocacy group - "WISH"  
23 (Women's Information Safe House) - held  
24 meetings. The investigators distributed a  
25 questionnaire to about 60 sex trade workers

1                   for the purpose of gathering information  
2                   "about what may have happened to the missing  
3                   sex trade workers from your community."

4                   Forty questionnaires were completed.

5                   I pause there to note that the questionnaire is  
6                   identified as footnote 113 in binder 4 at tab 10.  
7                   I want to distribute that questionnaire and ask  
8                   you some questions about it just before I go on.  
9                   I believe one has been handed up, Mr. Registrar,  
10                  to the chairman? And does Dr. Shannon have one?  
11                  And have you seen the questionnaire before,  
12                  Dr. Shannon?

13                  A    Very briefly.

14                  Q    Let me just take a brief moment with it. There  
15                  are one, two, three, four, five pages here. The  
16                  subject matter is supposed to be about what may  
17                  have happened to the missing sex trade workers  
18                  from your community according to the LePard Report  
19                  at the page I've just referred to. And then on  
20                  the first page the questionnaire starts off with a  
21                  question or with the opportunity for the person to  
22                  fill in their name, street name, phone, pager,  
23                  cell, et cetera, whether they're registered with  
24                  the sex trade workers identification project.  
25                  Then a question as to the times of day and night

1 that they work and whether they have a spotter. I  
2 go over the page. Another question is:

3 Does your spotter take down licence plates?

4 And then there's this question:

5 Will you work in return for drugs?

6 The next question:

7 What sexual acts do you refuse to do?

8 Next question:

9 If a lot of money was offered to you, would  
10 this change? Yes no.

11 If a lot of money is offered to you, does it  
12 make you suspicious?

13 And then the first question as to what's happened  
14 to the missing women then comes up.

15 Do you personally know any of the missing  
16 women?

17 And then it goes on to a number of other  
18 questions. I'm not going to ask you a question,  
19 Dr. Shannon, about the relevance of any of the  
20 first questions that I've just reviewed with you,  
21 but I do have this question for you. What can you  
22 say about on a spectrum of confrontation, if you  
23 will, from unfrontational to confrontational,  
24 where do these questions seem to fit?

25 A I guess without knowing the context of what was

1 described by the police when they went into WISH  
2 to ask these questions I would be questioning why,  
3 I guess, they were asking about sexual acts in  
4 particular. I wouldn't be totally clear how that  
5 related to violence, of course that's given not  
6 knowing enough about what the police would have  
7 said when they went in. But certainly given our  
8 work and research around the process of  
9 community-based research and the power  
10 differentials within research I would think that a  
11 police officer, if this was administered by a  
12 police officer, that there certainly would be a  
13 power differential. Obviously, you know, women  
14 may be concerned about criminalization and  
15 concerned about how the information is used. So  
16 given the context I know those would be my  
17 questions.

18 Q So in terms of building trust and confidence in  
19 the persons being interviewed what do you say  
20 about that in terms of these questions?

21 A Well, I would imagine that there would be concerns  
22 from women in terms of confidentiality and trust  
23 given if these are being indeed asked by police  
24 officers, and certainly some of the questions  
25 particularly related to sexual acts may seem to

1 not be clear as to why they'd be asking them if  
2 this is about missing women.

3 Q In terms of the work which you've done are you  
4 able to say whether or not there would even be  
5 difficulty in having a useful questionnaire where  
6 it is conducted by persons in uniform?

7 A Given the context of, yeah, persons I guess in  
8 uniform asking to vulnerable populations I would  
9 imagine that that would be a challenge. I mean  
10 even myself as a researcher going in we were able  
11 to get much better responses by having women from  
12 the community asking the questions. So I think  
13 this as a whole other level of power differential  
14 certainly given the context I think it would be  
15 very difficult.

16 MR. ROBERTS: Thank you, Doctor. Mr. Commissioner.

17 THE COMMISSIONER: Thank you, Mr. Roberts. We'll take the  
18 morning break.

19 THE REGISTRAR: The hearing will now recess for 15 minutes.

20 **(PROCEEDINGS ADJOURNED AT 11:04 A.M.)**

21 **(PROCEEDINGS RESUMED AT 11:25 A.M.)**

22 THE REGISTRAR: Order. The hearing is now resumed.

23 MR. VERTLIEB: Just, Mr. Commissioner, for your information,  
24 I've checked with my colleagues and it's pretty  
25 clear that we're going to be probably the rest of

1 the day with Dr. Shannon.

2 THE COMMISSIONER: Yes.

3 MR. VERTLIEB: And so as not to inconvenience the next witness

4 I've just cancelled that witness for the

5 afternoon, and we should have ample time for all

6 of my colleagues to finish.

7 THE COMMISSIONER: All right. Thank you.

8 MR. VERTLIEB: Thank you.

9 THE COMMISSIONER: Mr. Gratl.

10 MR. GRATL: Thank you, Mr. Commissioner.

11 THE REGISTRAR: Excuse me, Mr. Gratl, we need name and

12 organization.

13 MR. GRATL: I thought we had been introduced.

14 THE COMMISSIONER: Well, because of the number of lawyers in

15 the room I think it's appropriate in the

16 circumstances for the registrar to know who's

17 acting for whom.

18 MR. GRATL: Certainly.

19 THE COMMISSIONER: Thank you.

20 MR. GRATL: Jason Gratl for affected individuals and groups in

21 the Downtown Eastside.

22 **CROSS-EXAMINATION BY MR. GRATL:**

23 Q Dr. Shannon, when determining the process by means

24 of which you approached sex workers you took into

25 account concerns about privacy?

1 A Correct.

2 Q And part of the reason you took into account the  
3 privacy is, of course, there's an inherent value  
4 in their privacy?

5 A Yes.

6 Q That they have control over their fundamental  
7 biographical data including serious matters such  
8 as health care matters?

9 A For sure.

10 Q Assault and social victimization?

11 A Correct.

12 Q But also because privacy -- a guarantee of privacy  
13 and properly established or implemented privacy  
14 controls also promoted the effective flow of  
15 information?

16 A Correct. Well, given this hugely stigmatized  
17 population trust and ensuring confidentiality is  
18 really important.

19 Q All right. So you operated on the assumption that  
20 ensuring privacy would increase the amount of  
21 information?

22 A Correct.

23 Q And the increase in the amount of information  
24 would enhance the value ultimately of your  
25 research product?

1 A Yes, true.

2 Q One of the guarantees that you provided to the  
3 women was ensuring their anonymity; is that  
4 correct?

5 A Yes. The women had the choice of just giving an  
6 alias or other sort of name, so they didn't have  
7 to disclose their personal identifiers as part of  
8 the project.

9 Q And how many women came forward on an anonymous  
10 basis?

11 A I would say the vast majority.

12 THE COMMISSIONER: Of what?

13 THE WITNESS: I would say the vast majority of women given the  
14 option just using an alias to ensure an extra  
15 level of confidentiality.

16 THE COMMISSIONER: I'm going to have to ask you to speak up so  
17 that people in the audience can hear as well.

18 THE WITNESS: I would say that the vast majority came forward  
19 anonymously and so the research would just use a  
20 handle or alias to ensure an extra layer of  
21 confidentiality for themselves.

22 MR. GRATL:

23 Q Is it fair to say that ensuring or providing a  
24 promise of confidentiality and a promise of  
25 anonymity, a guarantee of anonymity was vital to

1           ensuring the integrity of your research product?

2           A    I think so.  Given the highly criminalized and  
3           stigmatized population I think that was a critical  
4           component of that, and that was certainly  
5           considered critical by our community advisory  
6           board going forward, and certainly UBC Ethics that  
7           monitors our research and approves our research  
8           felt that was important as well.

9           Q    Was there any concern expressed that offering  
10          guarantees of anonymity would undermine the  
11          integrity of the data or information you were  
12          receiving?

13          A    None whatsoever, no.

14          Q    And did you take any steps to externally correlate  
15          the information and data you gathered with other  
16          studies?

17          A    Certainly, I mean all our research is peer  
18          reviewed by experts, you know, it's always  
19          published from the context of other research  
20          that's out there for certain.

21          Q    So you were satisfied based on your checks in  
22          comparison with other studies that the information  
23          although gathered primarily anonymously was of  
24          high value, that is maintained a high integrity?

25          A    Yes, for sure, and I mean it's considered standard

1 practice with highly marginalized populations. So  
2 many other studies I know of that conducted work  
3 in -- such as I know John Lowman who was  
4 testifying earlier, I know that many other studies  
5 of research all have that same level of  
6 confidentiality and anonymity.

7 Q So from a public health point of view, the quality  
8 of the information derived from your study on an  
9 anonymous basis would be considered sufficiently  
10 reliable to anchor changes in social policy?

11 A For sure.

12 Q It would be considered sufficiently reliable to  
13 anchor changes in the way public funds are  
14 expended?

15 A For sure.

16 Q And it would be considered sufficiently reliable  
17 to change the way that public resources, and I  
18 mean particularly policing and health services,  
19 might be deployed?

20 A I would think so, yes.

21 Q To ensure -- you mentioned yesterday that informed  
22 consent was one of the very important aspects --

23 A M'hm.

24 Q -- of your research?

25 A M'hm.

1 Q Can you go into greater detail about the protocols  
2 put into place about informed consent?

3 A Sure. So the process of informed consent which  
4 before anyone -- so when someone arrives at the  
5 research office you would go through a written  
6 informed consent that would describe the study,  
7 the participant would have access to reading that  
8 consent as well, and then they would sign, but  
9 they could use an alias or whatever as a part of  
10 that signature, but they would sign in the  
11 presence of us. And so that process would be  
12 really important to make sure the person  
13 understood why we were collecting the information,  
14 how the information is going to be used and what  
15 they were agreeing to, and then they also had the  
16 choice to refuse to participate or to withdraw  
17 from the study at any time.

18 Q Thank you. A large measure of your study deals  
19 with how police enforcement and housing affects  
20 access to health care?

21 A Those were certainly factors that came up several  
22 times in our analysis, yes.

23 Q One of the really important results of your study  
24 is that a two-fold increase in violence was  
25 correlated to lack of access to health care?

1 A Okay.

2 Q Is that correct?

3 A That sounds correct, yes.

4 Q So that when women didn't have access to  
5 treatment, to drug treatment or to other forms of  
6 health care, the violence against them tended to  
7 go up?

8 A M'hm. So that was specifically around drug  
9 treatment, yes.

10 Q It was specifically around drug treatment?

11 A Yes.

12 Q On your previous map you had a map of hot spots?

13 A M'hm.

14 Q Hot spots of police enforcement that was overlaid  
15 with indications of where health care services  
16 were located?

17 A Yes.

18 Q And from my review of the map there was a near  
19 perfect overlap between the location where police  
20 enforcement was most intense and the available  
21 services for sex workers to obtain health care?

22 A Correct. And just to clarify, that was a density  
23 analysis which is just purely a statistical point  
24 on the hot spot analysis, but yes, that's correct,  
25 the overlay was clearly exact in terms of that.

1 Q And the results from the perspective of your study  
2 were that police enforcement effectively deprives  
3 women of access to health care services?

4 A So the unintended consequence of this displacement  
5 due to policing is that, yes, they are displaced  
6 directly away from health and support services, so  
7 reducing their access to health and support  
8 services.

9 Q And I'll just put this to you as a hypothetical.  
10 If there was an intensive policing project in the  
11 Downtown Eastside for a period of three years, how  
12 would that affect access to health care in the  
13 area in which the policing was more intense?

14 A By intensive police project I guess you mean a  
15 crackdown or do you --

16 Q I mean a crackdown.

17 A Okay.

18 Q I mean extraordinary policing, assigning police  
19 officers to the beat having a zero tolerance  
20 attitude towards open drug trafficking, and that  
21 type of enforcement.

22 A Sure. Well, I mean, not just drawing on our  
23 evidence there is substantial evidence from other  
24 work, certainly my colleague Dr. Thomas Kerr, who  
25 may also I think be testifying, there's been

1 substantial evidence to say that the presence of  
2 policing and particularly police crackdowns can  
3 both displace population away from health  
4 services, but can also have other intended  
5 consequences such as rushing transactions in the  
6 context of sex trade workers.

7 Q It can also lead sex workers to -- engage sex  
8 workers in more isolated areas?

9 A Yes.

10 Q That is in places where they wouldn't expect  
11 police to attend?

12 A For sure. I mean the result of that displacement  
13 is that women are undoubtedly being pushed to work  
14 in more isolated areas.

15 Q When I look at your diagram there behind you and  
16 look at the hot spots, it seems to me that on the  
17 left-hand side coming close to Stanley Park there  
18 it might even be parking lots in Stanley Park near  
19 the beach?

20 A It definitely certainly could be parking lots or a  
21 beach area which is certainly where women have  
22 reported working.

23 Q All right. And I'm thinking a lot of these -- a  
24 lot of the sexual services end up being -- they  
25 might originate from the street, the initial

1 contact might be on the street, but they end up  
2 being in vehicles?

3 A For sure. I mean some of our data has shown that  
4 when the dates are in vehicles they're much  
5 riskier than when they are able to go indoors, so  
6 that certainly many of the dates are in vehicles.

7 Q And I'm just asking, I don't know, I haven't seen  
8 this in any of your research, but it seems to me  
9 that those points in the map are places where you  
10 can go to find relative isolation. The foot of  
11 Clark there on the north side of Clark, it's an  
12 industrial area with alleys and parking lots at  
13 the back?

14 A For sure. And, I mean, that's certainly one of  
15 the common strolls that is in an industrial area,  
16 so.

17 Q And the Beach Avenue area there in the West End,  
18 there are a lot of parking lots there that are  
19 dimly lit and secluded?

20 A Yeah, that's certainly possible.

21 Q Out by the tennis courts there in Stanley Park; is  
22 that right?

23 A No, that's definitely possible, yes.

24 Q And even around Broadway and Clark there are an  
25 awful lot of residential neighbourhoods that are,

1 relatively speaking, dimly lit?

2 A M'hm.

3 Q There's a lot of tree cover; is that right?

4 A For sure, yeah.

5 Q And Kingsway, Kingsway there has a lot of  
6 relatively dark areas --

7 A M'hm.

8 Q -- with parking -- lots of parking lots that might  
9 be relatively obscured from residential areas?

10 A Correct, yes.

11 Q Was there any indication of the proportion of  
12 sexual services that were offered in that way,  
13 that the initial meeting between client and sex  
14 worker was on the street and then they drove to a  
15 more isolated location?

16 A There certainly -- there are a percentage, I would  
17 have to look to clarify, but there's certainly a  
18 percentage of how many would have worked in  
19 industrial areas.

20 Q If you could perhaps.

21 A Sure.

22 Q That might be helpful.

23 A So in this analysis it would be -- in our analysis  
24 that refers to this paper here the percentage that  
25 worked in industrial areas it was among those who

1                   were -- the totals are 127, I guess, out of the  
2                   255 workers.

3                   Q    So approximately half, just shy of half?

4                   A    Just over half, yes. Well, actually to clarify in  
5                   that sample we were using the baseline up to 198.  
6                   So that would have been out of 198, so about 50  
7                   percent.

8                   Q    About 50 percent. So in terms of that  
9                   quantitative analysis that corresponds to the  
10                  comment "Once you're in the car you're fucked?"

11                  A    M'hm.

12                  Q    And so that would be more than half of the sex  
13                  workers are effectively as a result of police  
14                  displacement and containment policies required to  
15                  engage in sex work in a manner or in a mode that  
16                  prevents them from calling in for help?

17                  A    Certainly that's a result of displacement, yes.

18                  Q    And it prevents them from being near anybody who  
19                  might prevent or interrupt a sexual assault or a  
20                  physical assault?

21                  A    M'hm.

22                  Q    And even afterwards it puts them in a relatively  
23                  isolated area that's far away from health  
24                  services?

25                  A    Correct, yes. I should point out that there is

1           also a narrative in one of the papers where women  
2           talk about not wanting to go to residential areas  
3           because of families, friends and as a result being  
4           in industrial areas, so it also speaks to the  
5           displacement as a result of lack of safer indoor  
6           space as resulting in that.

7           Q   And I'd like to speak just briefly about the lack  
8           of access to safe indoor spaces.

9           A   Yeah.

10          Q   Many of the women who formed part of your cohort  
11          were homeless?

12          A   M'hm.

13          Q   Strictly speaking homeless, had nowhere to live,  
14          nowhere to call home?

15          A   Yes.

16          Q   And many of those who had homes lived in single  
17          residency occupancy buildings?

18          A   M'hm.

19          Q   Is that correct?

20          A   Yes, that's correct.

21          Q   And single residency or single resident occupancy  
22          buildings typically have a door person or  
23          concierge --

24          A   M'hm.

25          Q   -- who provides access to the rooms; is that

1 correct?

2 A Yes.

3 Q Part of what a concierge's job involves is on  
4 behalf of the owner of the building ensuring that  
5 sex workers do not take their clients up to their  
6 rooms?

7 A There is certainly from our research -- I mean one  
8 of the papers we included was there are many women  
9 talk about how the guest policies are -- mean that  
10 women can't bring up dates, they can't bring up  
11 boyfriends, sometimes they can't bring up  
12 children, so it certainly varies across. But  
13 there is some supportive SROs that have more  
14 friendly guest policies, I guess you could say.  
15 But given these are women's own rooms there are  
16 certainly huge barriers to women bringing up  
17 partners, dates, and sometimes that even includes  
18 charging a guest fee. So certainly a very  
19 exploitative policy from our respect. And women  
20 talk about how dealing when often they're applied  
21 more to women specifically to not allow them to  
22 bring up clients.

23 Q And so those housing policies, the guest policies,  
24 the no guest policies are intended in part  
25 specifically to target sex workers and prevent

1                   them from bringing their clients into what would  
2                   amount to a safer environment to work?

3                   A    So certainly that's what women describe, yes.

4                   Q    And there are some hotels and SROs, you say, that  
5                   don't have that restrictive guest policy?

6                   A    M'hm.

7                   Q    But even some of those, I'm suggesting to you, are  
8                   run by criminal organizations that allow women to  
9                   engage in sex works in their rooms with the  
10                  proviso that they need to buy their drugs from the  
11                  hotel operators?

12                  A    I haven't heard that example.

13                  Q    All right. One of the concerns you refer to in  
14                  your paper entitled "Risky Health Environments" is  
15                  women sex workers struggle to find safe, secure  
16                  and non-exploitative housing in Canada's poorest  
17                  postal code?

18                  A    Yes.

19                  Q    One of the phenomenon you discuss is emergency  
20                  shelters, the use of emergency shelters by sex  
21                  workers, communal sex workers. These shelters are  
22                  often coed environments; is that correct?

23                  A    Yes.

24                  Q    And the problem with coed environments is that  
25                  violence, physical violence and sexual abuse can

1                   actually occur within the emergency shelter?

2                   A    Yes, that's correct.

3                   Q    So that the emergency shelter itself does not  
4                   offer refuge from violence and sexual abuse, in  
5                   fact those environments might be sources of  
6                   violence and sexual abuse?

7                   A    Certainly there were examples of women comparing  
8                   being in a women's only shelter versus having been  
9                   previously in a coed shelter and talk about  
10                  experiencing violence in those conditions and  
11                  feeling much safer and free of violence in a  
12                  women's only space.

13                  Q    One of the other positive attributes of a women's  
14                  only space would be to allow for the formation of  
15                  peer networks?

16                  A    M'hm.

17                  Q    Could you describe what peer networks are?

18                  A    So in that context when we're talking about being  
19                  able to with other women use that as a safety  
20                  strategy, so that may be sharing information about  
21                  bad dates, talking about safety strategies, and in  
22                  that context most women were talking about living  
23                  in a women's only space they could then have other  
24                  women that they could essentially rely on for  
25                  safety mechanisms.

1 Q Okay. And can you discuss some of those safety  
2 mechanisms just so we can have in our mind's eye  
3 an idea about how women's only housing, safe  
4 women's only housing can enhance the safety of sex  
5 workers?

6 A Well, in this context when we're talking about  
7 strategies such as sharing information on bad  
8 dates, being able to spot each other. So if  
9 they're on the street that sometimes means a  
10 woman, and that came in some of our other work as  
11 well, a woman might take down the licence plate  
12 and information of another woman's date while they  
13 go out to keep an extra level of security. And in  
14 this context women were saying by living together  
15 they could have more shared information and shared  
16 support essentially. But it can also be someone  
17 -- if you were allowed to bring dates into your  
18 own room could also be a safety strategy of  
19 calling for help.

20 Q I suppose spotters in addition to having an  
21 investigative function by taking down licence  
22 plate numbers for use in an investigation after  
23 the fact, the presence of a spotter as long as it  
24 was known to the customer might also deter  
25 violence against the sex worker?

1           A    Certainly, I mean, there was -- it was a community  
2                    initiative that I know several groups have pushed  
3                    for them -- women from the community as part of  
4                    their strategy were really advocating for  
5                    spotters, having little books that women would  
6                    carry to put down information, and I think a big  
7                    part of that was the potential to cause deterrents  
8                    so if someone seeing you, you know, taking down  
9                    that information that that might be a deterrent  
10                  should that person be a violent predator posing as  
11                  a client, for example.

12          Q    All right. And you say that would be correlated,  
13                  that provision of safe women only housing would be  
14                  of assistance in enhancing the safety of sex  
15                  workers?

16          A    Yes, certainly from all our qualitative work women  
17                  talk really strongly about the women's only space  
18                  can provide a lot more security, and certainly we  
19                  know from the drop-in context there are certainly  
20                  spaces like WISH that's an important safety and  
21                  refuge for women, and that's certainly what our  
22                  data has shown.

23          Q    And what about housing that has safe housing for  
24                  women that doesn't have a no guest policy, that is  
25                  housing that would allow women to engage in sex

1 work at home?

2 A Well, certainly, I mean, this research they're  
3 drawing from showed lots of limitations of the  
4 guest policy in really limiting women's success in  
5 taking control and ability to safely negotiate  
6 their safety and health practices, all of that, so  
7 I think there's certainly strong evidence that the  
8 removal of guest policies would be a really  
9 important piece.

10 Q Okay. Do police enforcement policies then have  
11 any influence on peer networking or spotting or  
12 other safety protocols that sex workers can  
13 implement themselves?

14 A Well, I guess, I mean in the context women do talk  
15 about how if there's policing and they have to  
16 rush a transaction, so that may include not being  
17 able to take precautions. So, say, they brought a  
18 bad date sheet and they, you know, looked at the  
19 night before who potentially the bad dates are  
20 they may not be able to be in a position to do any  
21 of the checks they would like to do before they  
22 jump in a car. So those are the ways that  
23 policing can deter. I guess the other would be  
24 the displacement that we talked about if sex  
25 workers are pushed to work in more dark and

1           isolated spaces they may be pushed to work alone  
2           or may only have one other person around and may  
3           not be able to really call for help.

4           Q    So if I understand what you're saying correctly,  
5           the more isolated a sex worker the more dangerous  
6           the environment?

7           A    Certainly. I mean any of our evidence is and  
8           elsewhere really supports that.

9           Q    Okay. So that's not just a matter of conjecture  
10          or common sense, that's a methodologically sound  
11          statistical proof for that proposition?

12          A    Certainly that's what our evidence has shown that  
13          would be, yes.

14          Q    One of the barriers to access to health care that  
15          you describe in your papers is what you describe  
16          as occupational stigma. Can you elaborate what  
17          occupational stigma might be?

18          A    Sure. In this context it's talking about hiding  
19          sex work from either family or friends or home  
20          community.

21          Q    Did you say home community?

22          A    Yes. So either your community, so if you're not  
23          from Vancouver from elsewhere, yeah.

24          Q    So the stigma effect is in concealing sex work?

25          A    M'hm.

1 Q And so I take it that aside from concealing one's  
2 occupation from family and friends that might also  
3 include concealing one's occupation from social  
4 service providers and health care providers?

5 A For sure.

6 Q And it might also involve concealing one's  
7 occupation from police enforcement authorities?

8 A In this case we didn't measure that, but that  
9 certainly could be the case. And there is other  
10 research saying concealment from or not feeling  
11 able to disclose, safely disclose your sex worker  
12 status to health providers or other professionals  
13 can be a deterrent to health access.

14 Q So you're saying ultimately that alleviation of  
15 the social stigma attached to sex work may well  
16 increase the health -- may well improve health  
17 outcomes for sex workers?

18 A Yes.

19 Q And it may well improve their safety?

20 A Certainly that's what the research shows, yes.

21 MR. GRATL: Those are my questions.

22 THE COMMISSIONER: Mr. Dickson.

23 MR. DICKSON: Thank you, Mr. Commissioner. Tim Dickson for the  
24 Vancouver Police Department and the Vancouver  
25 Police Board.

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

2           Q    Dr. Shannon, your report as I read it is a review  
3                of articles that you have authored with other  
4                researchers?

5           A    Correct.

6           Q    It's a literature read?

7           A    Yes, it reviews the evidence relevant to the  
8                questions.

9           Q    And as I said, am I right in thinking that all of  
10               the research papers you review are based on the  
11               Maka Project?

12          A    All except --

13          Q    There might be one exception?

14          A    I think there's two exceptions, the last two  
15               papers. So the last two papers which are both  
16               sort of reviews in themselves, both -- I think  
17               both of them reference papers in the Maka Project,  
18               but they're not exclusively relying on data from  
19               that.

20          Q    And those last two are "K" and "L"?

21          A    Correct.

22          Q    Now, the Maka Project involved 237 women who did a  
23               baseline visit and at least one follow-up, as I  
24               understand it?

25          A    So at baseline it was 255 women, but out of those,

1           yeah, 237 who would have done --

2           Q    And 46 of those participated in focus groups?

3           A    Yes, 46.

4           Q    And the survey -- you conducted a survey and then  
5           you conducted focus groups?

6           A    The qualitative interviews I believe actually were  
7           conducted as we were rolling out the baseline  
8           interviews.

9           Q    Okay. But those are two parts, the survey and the  
10          focus group?

11          A    Yes, they're separate.

12          Q    And the survey is the basis of the quantitative  
13          results?

14          A    M'hm.

15          Q    And the focus group are the basis of the  
16          qualitative results?

17          A    Yes.

18          Q    The survey was administered by ten peer  
19          researchers all of whom had worked in the street  
20          trade?

21          A    Correct.

22          Q    And you didn't sit in on the surveys as they were  
23          taken?

24          A    We did a fair bit of modelling, so in the initial  
25          training myself or another, the co-ordinator of

1           the project, another researcher would have sat in  
2           on several of the interviews and one we did, but  
3           on a general basis they weren't rolled out, no.

4           Q   The survey was based on a detailed semi-structured  
5           questionnaire, as I understand it?

6           A   Correct.

7           Q   And that semi-structured meant that they were  
8           given the questions that they were to ask?

9           A   M'hm. So, I mean, most of the questions were  
10          structured, so in so far as they were given the  
11          question and responses. So whether that would be,  
12          you know, can you tell me which health services  
13          did you use and then a list of services, we would  
14          often have an option for like other if people  
15          didn't, so that involves somewhat of a semi  
16          structure.

17          Q   Did the peer research researchers seek to verify  
18          any of the answers that were given on the survey?

19          A   Can you clarify what you mean?

20          Q   Yes. Did they ask for details?

21          A   I mean, they were trained in terms of any kind of  
22          research training that we would do in terms of  
23          making sure to clarify, so if you're asking a  
24          question about what sort of services they'd use  
25          they would then actually go through the entire

1 list so that they were prompted to answer to all  
2 of these questions. So if you're asking, you  
3 know, this clinic you would list them all. So  
4 there's a fair bit of training that was involved  
5 as with any research.

6 Q Yes. But on the answers that were given --

7 A M'hm.

8 Q -- were they -- did the researchers seek any  
9 corroboration of those answers, did they seek to  
10 verify them in any way, did they probe in any way?

11 A Certainly. I mean they were -- I guess they  
12 wouldn't have been probed, they would just ask the  
13 questions as they were. So, I mean, there wasn't  
14 room for an opening follow-up discussion, but if  
15 there was any concern or clarification they were  
16 there to do that, so I guess that would be the  
17 extent.

18 Q But in general the answers were given and they  
19 were recorded as the data?

20 A Yes.

21 Q And the dependent variables in your study, as I  
22 understand it, corresponded with three broad kinds  
23 of violence?

24 A Is it --

25 Q Sorry, and this is in the survey -- this is in the

1 survey that I'm asking you about.

2 A Okay.

3 Q And in particular in the prevalence paper which is  
4 behind the --

5 A Right. Yes, in that paper the analysis -- yes, in  
6 that paper there was three dependent variables.

7 Q And then there were independent variables, and  
8 those included among other things current and  
9 historical street policing strategies; is that  
10 correct?

11 A Among other things as well as homelessness, yes.

12 Q Yes. And in turning to the prior police assault,  
13 this is in Appendix G, page 3, and this is the  
14 prevalence paper, and this is -- this is the  
15 primary paper where you record the results of the  
16 survey?

17 A No. I mean there are several of these papers, but  
18 this paper was specifically on violence, but  
19 there's certainly other papers would have used  
20 different variables.

21 Q Thank you. And in the top left paragraph on that  
22 page you describe the historic -- one of the  
23 independent variables and that is:

24 Historical police assault was recorded as  
25 self reported police assault before first

1 baseline visit (defined as self reported  
2 physical assault and/or having been forced to  
3 provide sexual favours to police).

4 Correct?

5 A Yes.

6 Q And so this data was just collected on the first  
7 visit, the baseline visit; is that correct?

8 A Yes, anything that would have been a lifetime  
9 question, so over one's course would have been  
10 baseline only.

11 Q Yes, and just on that point, it's any police  
12 assault in a participant's lifetime?

13 A Yeah, that's correct.

14 Q And what is the question, what is the wording of  
15 the question that you asked?

16 A Have you experienced physical assault by police in  
17 your lifetime. I would have to give you the exact  
18 wording, but I would say that was very close to  
19 the exact wording.

20 Q Okay. And when you asked that is it a yes or no  
21 answer?

22 A I believe so, yes.

23 Q That's what you're looking for?

24 A Or unsure, choose to refuse to reply or those are  
25 options.

1 Q And do you record the number of times that this --  
2 A In that question, no.  
3 Q Do you record any details about the incident?  
4 A No.  
5 Q Did you ask whether this incident was related to  
6 the participant's involvement in the sex trade?  
7 A I believe that was. So let me just -- I believe  
8 the question was while working, but I would have  
9 to clarify that.  
10 Q Did you ask when the incident occurred?  
11 A No.  
12 Q Did you ask the participant to define what she  
13 meant by physical assault?  
14 A No.  
15 Q Did you ask anything in regard to whether the  
16 event took place during an arrest?  
17 A Yes, it was without arrest.  
18 Q Oh, I see, that's without arrest?  
19 A Yes.  
20 Q And where would I see that in the paper?  
21 A I don't believe the direct wording of the question  
22 is in the paper, but --  
23 Q Dr. Shannon, I noted that the drug paraphernalia,  
24 taking drug paraphernalia --  
25 A Was without arrest.

1 Q Was without arrest. I didn't note that in this.

2 A No, you're correct in saying that. So does police  
3 confiscation of drug paraphernalia without arrest,  
4 no, if it doesn't say without arrest then I would  
5 say it wasn't in the question.

6 Q Right. Did you ask which police agency?

7 A No.

8 Q And you would agree, in fact you note on page 7 of  
9 this paper --

10 A M'hm.

11 Q -- that:

12 ... there are always limitations to measuring  
13 police violence as it is not possible to  
14 distinguish between excessive use of force  
15 and legitimate use of force.

16 You agree with that?

17 A Yes. That's what I wrote here, correct.

18 Q And you didn't try to distinguish between those  
19 two?

20 A No.

21 Q Did you ask for any details on how the participant  
22 knew it was the police? It may be obvious in some  
23 cases, but not in others.

24 A No, and I mean I would assume that if it was -- I  
25 don't believe we clarified whether it was, you

1 know, plain clothes cop or any of those things.

2 Q In any of these papers in your appendices did you  
3 note how many women responded in the affirmative  
4 to this question?

5 A In this analysis I think -- I don't know if  
6 there's a table that actually gives for each of  
7 the independent variables. No, I believe in this  
8 context it just shows the relationship, so it  
9 doesn't have the original percentages for each of  
10 them.

11 Q If we go to your report, Dr. Shannon, on page 7,  
12 in that Key Findings paragraph you use the term  
13 here "prior police harassment."

14 A M'hm.

15 Q What does that mean?

16 A So --

17 Q Because it's not the term that is used in that  
18 prevalence study we were just discussing.

19 A So I defined harassment as includes direct  
20 violence but can include many other forms of  
21 indirect, but in this context in this paper police  
22 harassment was explicitly police violence.

23 Q So when you're saying prior police harassment here  
24 in your report you mean prior police assault?

25 A M'hm. Correct.

1 Q Okay. Going back to that prevalence paper which  
2 is Appendix G.

3 A M'hm.

4 Q Another one of the independent variables is moving  
5 working areas away from main streets as a result  
6 of policing.

7 A That's correct.

8 Q What was the wording of that question, or what is  
9 your best guess?

10 A My best guess would be it would be very close to  
11 the way it's worded right now which have you moved  
12 working areas due to policing in the last six  
13 months.

14 Q And was that a yes or no answer?

15 A Yes.

16 Q Did you record how many times that had happened in  
17 the last six months?

18 A No, or at least if we did for this analysis it was  
19 purely based on has that happened.

20 Q So for this analysis it was just yes or no?

21 A Yes, correct.

22 Q Did you ask whether there had been actual events  
23 where the police charged women in some Criminal  
24 Code offence or had told them to move to another  
25 area?

1           A    Well, in this question it could have been that --  
2                    as it's defined it could have been either that  
3                    they were directly told or they may have moved  
4                    based on local policing. So our interest was in  
5                    looking at the displacement, not so much in that  
6                    context as the nature of the interaction.

7           Q    Yes, I'm interested in the words as a result of  
8                    policing. Did you in your survey ask for more  
9                    details on that aspect of the answer, did you ask  
10                   them whether there were police around when they  
11                   moved?

12          A    We asked them if they moved as it would be there,  
13                   I think, moved areas due to policing. So it could  
14                   have been that there was a police presence, it  
15                   could have been that they were directly told to  
16                   move on. And we know from our qualitative work  
17                   that those are both circumstances that have come  
18                   up.

19          Q    And did you ask whether the women had been charged  
20                   for communicating?

21          A    I don't believe we did in this.

22          Q    Did you ask whether they had been charged for  
23                   communicating at any point in their lives?

24          A    I believe we asked history of arrest. I don't  
25                   know if we specified the different charges, but --

1 Q Did you ask them how they define main street?

2 A For main streets I think it was either you moved  
3 away from the Downtown Eastside or a main street,  
4 but no, I don't believe we --

5 Q Well, did you specify Downtown Eastside in the  
6 question?

7 A For this one I think it was just main street, so I  
8 guess it would have been just any main street.

9 Q And did you record any data in your survey as to  
10 how active your participants are in the street  
11 trade, as in how many dates they have had in a six  
12 month period?

13 A M'hm. M'hm. Yes, we did.

14 Q And did you do any analysis here to determine how  
15 many times they were moved from an area as a  
16 proportion of how many times they had worked in  
17 the last six months?

18 A No.

19 Q Now, further in this prevalence study you recorded  
20 information on a number of individual variables  
21 including age, ethnicity, HIV status, drug use  
22 patterns, and I think aboriginal versus  
23 non-aboriginal ethnicity; is that right?

24 A Yes.

25 Q And one thing I don't see controlled for here is

1           the number of years a women has been in the sex  
2           trade. Is that true?

3           A I'll just verify, but no, I don't think we have.  
4           No.

5           Q The longer a participant has worked on the streets  
6           in the sex trade the more likely she will have had  
7           encounters with the police, is that -- is that a  
8           reasonable assumption? I'm not quoting any result  
9           from your report, I don't think that analysis was  
10          done.

11          A No, no. I guess what I was just going to say is  
12          our interest or if we were controlling for that  
13          variable it would have been factors that impacted  
14          the outcomes. In this case we were looking at  
15          client violence, physical violence and rape, not  
16          the policing. That was just an independent  
17          exposure variable.

18          Q Yes, but you'll agree with me that the longer a  
19          woman has worked on the street the more likely she  
20          will have had contact with the police?

21          A Sure.

22          Q The more likely she would report being assaulted  
23          by the police?

24          A Sure.

25          Q And I noticed age is defined on page 3 of this

1 report, and it's down -- it's in the second  
2 paragraph, and it's defined as less than or equal  
3 to 24 years and more than 24 years of age; is that  
4 right?

5 A Yes, that's correct.

6 Q Okay. And so am I right that that variable has --  
7 is essentially either you're equal to or less than  
8 24 years of age or you're more than that?

9 A Yes. So given the fact that youth have been shown  
10 to be much more vulnerable to violence, and in  
11 statistical analysis the important factor is to  
12 control for factors that have previously shown to  
13 be associated with violence, so youth as an age  
14 had been previously shown as a predictor and  
15 that's why it was included that way.

16 Q Yes. And if we turn to the bottom right of this  
17 page in the results section, about ten lines down  
18 it says:

19 The median age at baseline was 36 years...  
20 And then in parentheses you have 25 to 41 years.

21 A M'hm.

22 Q And am I right in thinking that that means the  
23 youngest person was 25 and the oldest person was  
24 41?

25 A No. So that's the interquartile range, so that

1 means that that's the 25 percent to the 75  
2 percent. So that means under 25 percent would  
3 have been below that age group and 25 percent  
4 would have been above that age group.

5 Q Very well. And I want to turn to the statement in  
6 your report that.

7 ... prior police harassment was associated  
8 with a three-fold increased risk of client  
9 violence and a two-fold increased risk of  
10 rape in the previous six months.

11 That's page 7 of your report.

12 A Yes.

13 Q But just on this point, if we could look into the  
14 prevalence paper to page 4, and again that's  
15 Appendix G, and in Table 2 I'm just having trouble  
16 understanding, if we go down to prior assault by  
17 police, Dr. Shannon.

18 A Yes.

19 Q Do we look at the --

20 THE COMMISSIONER: I've got it.

21 MR. DICKSON:

22 Q Do we look at the unadjusted odds ratio or the  
23 adjusted odds ratio?

24 A You look at the adjusted odds ratio, but if you're  
25 looking at Table 2 and the outcome of this

1 analysis of physical violence, so there was not a  
2 statistically significant association. So if you  
3 look at Table 2 and you follow prior police  
4 assaults.

5 Q Yes.

6 A The odds ratio the confident interval ratio  
7 crosses one, so what that means is it's not  
8 statistically significant in multivariate  
9 analysis, which is why in the report it's just  
10 client violence and rape that have that  
11 association. So that's Tables 3 and 4.

12 Q I see. I see. Very well.

13 A 'Cause you're correct in that you look at the  
14 adjusted analysis.

15 Q Yes, I appreciate that. Thank you. And so going  
16 back to your statement in your report on page 7 of  
17 the association of prior police harassment with a  
18 three-fold increased risk and a two-fold increased  
19 risk, you say association I think because it's a  
20 correlation?

21 A Correct.

22 Q You accept that. And you can't determine that  
23 it's a causal relationship?

24 A No. With any observation of data you can't  
25 determine causality. You can determine that

1           there's an independent relationship when you  
2           adjust other factors, but you can't -- with any  
3           observational data you cannot determine causality.

4           Q   Yes, and there may be other factors at play.

5           A   Certainly. So I mean this analysis adjusted for  
6           known factors that have been associated with  
7           violence and found these factors remained  
8           independently associated.

9           Q   Right.

10          A   It doesn't mean to say so within this analysis and  
11          what we know of what's associated, yes.

12          Q   And any other factors that weren't controlled for  
13          that were influencing the results, well you just  
14          wouldn't know about that without having done a  
15          study?

16          A   Well, given that this is peer reviewed and it's in  
17          one of the top medical journals, the *British*  
18          *Medical Journal*, I feel fairly confident that we  
19          did a strong analysis.

20          Q   But you didn't control for the number of years  
21          that the participants had spent in the sex trade?

22          A   No, but statistically to put in both age and  
23          number of years would actually active colinear so  
24          you'd have a problem putting both of those  
25          variables in the model, and given that youth as an

1                   age group hasn't been previously associated that  
2                   makes sense to put it in.

3                   Q   And you didn't control for the degree of activity  
4                   of the participant in the sex trade?

5                   A   No, 'cause we were looking -- at this point we're  
6                   looking at current experiences, so the outcome was  
7                   experiences during that 18 month period of rape,  
8                   physical violence and client violence, so it  
9                   wasn't based on duration of sex work just to be a  
10                  predictor.

11                  Q   Now, you suggested in your testimony, I think,  
12                  that prior police harassment may cause more  
13                  assaults by clients because a sex trade worker  
14                  fears arrest; is that right?

15                  A   Fears arrest or fears -- yes.

16                  Q   And gets into a client's car more quickly?

17                  A   Yes. That's one possible reason for that  
18                  association, yes.

19                  Q   Yes, but just on this hypothesis it's because the  
20                  woman fears arrest, that's the thinking?

21                  A   So there are several possible based on the  
22                  existing data not just by ourselves but by others,  
23                  there are several potential factors that could  
24                  explain their relationship between prior police  
25                  assault and client violence. It could be that

1 people rush transactions due to fear of arrest, it  
2 could be that they are trying to avoid policing  
3 and so they move to more isolated areas, which  
4 have also been shown to increase risk of violence,  
5 so those are both potential factors.

6 Q Just on the fear of arrest, have you looked at how  
7 many charges for communicating were laid against  
8 street workers during the time of your study?

9 A Like outside of our study you mean?

10 Q Or within your study. I don't know. Did you do  
11 that analysis?

12 A We didn't do that analysis here, no.

13 Q On page 5 in the right column of your prevalence  
14 paper, Appendix G, you note some qualitative  
15 evidence that suggests that prior police assault  
16 -- sorry, Dr. Shannon, do you have it? It's page  
17 5 of Appendix G.

18 A Sure.

19 Q In the right column right in the middle of that.  
20 It says qualitative evidence suggests that prior  
21 police perpetrated assault could increase fear of  
22 violence among female sex workers and reduce the  
23 likelihood that they would access police and  
24 judicial support. You cite one paper there for  
25 that proposition?

1 A Yes.

2 Q And we can turn to the footnote, if you like, but  
3 I did and the title of that is "Police violence  
4 and sexual risk among female and transvestite sex  
5 workers in Serbia."

6 A M'hm.

7 Q And so the study that you're citing was conducted  
8 in Serbia?

9 A This is an international journal and so part of  
10 this section is called comparison with other  
11 studies, and so it's important they're not just  
12 interested in us referencing the context of other  
13 papers locally but to show how this may relate to  
14 other studies internationally. That's not to say  
15 this is the only study, but this specific  
16 sentence, yes, that references a study that was  
17 also published in one of the top medical journals.

18 Q Very well. And on page 7 of this prevalence paper  
19 in the top right column you're setting out  
20 limitations in your study and you say that:

21 ... given the multiple types of both indoor  
22 and outdoor sex work environments - such as  
23 establishment sex work venues... and the  
24 differing legal frameworks of prostitution  
25 around the world, it might not be possible to

1                    generalize our results to other sex work  
2                    environments or countries.

3                    And that's certainly -- that's true?

4                    A    That's the standard limitation that is put in any  
5                    study, yes.

6                    Q    And that applies going the other way too, from  
7                    Serbia to Canada?

8                    A    By no means was I trying to compare this explicit  
9                    study, but as part of what you are required to do  
10                   for this journal in comparison with other studies  
11                   is look at the international literature and how  
12                   it's related, but that is also a very standard  
13                   limitation you would put in.

14                   Q    Very well. Let me move to the qualitative side of  
15                   the research, if I could. And I think some of  
16                   this anyway is reported in your social and  
17                   structure violence paper -- social and structural  
18                   violence paper?

19                   A    M'hm.

20                   Q    That's Appendix H; is that right?

21                   A    Yes.

22                   Q    And again this qualitative research, that was  
23                   based on the focus groups?

24                   A    Correct.

25                   Q    And there were 46 participants who took place in

1           those?

2           A    Yes.

3           Q    And you record somewhere in this paper that the  
4           focus groups lasted about two hours on average?

5           A    M'hm.

6           Q    Yes?

7           A    Yes, that's correct.

8           Q    How many people were involved in each focus group?

9           A    I would believe it was about anywhere from 40  
10          participants, but I'd have to clarify. That's  
11          usually the general amount that's considered  
12          appropriate for focus groups.

13          Q    And you had a list of topics?

14          A    M'hm.

15          Q    Did you?

16          A    Yes.

17          Q    And so how would it work, would you introduce the  
18          topic and then ask people for comments or tell us  
19          a bit more how that worked?

20          A    So if you're asking about violence you'd ask a  
21          general question will you tell me about what  
22          barriers you faced in reporting violence. So that  
23          would be your question, and generally given the  
24          topics the conversation would flow, but you may  
25          have sub-questions that you ask as well.

1 Q And again did you -- did you seek to probe the  
2 answers here, did you seek to verify them, did you  
3 seek corroboration?

4 A So unlike quantitative data where there isn't that  
5 process of probing, part of qualitative data is if  
6 you ask a general question and people don't  
7 necessarily answer or you want more information  
8 you probe, which essentially means asking  
9 sub-questions to get more information or to  
10 clarify a point.

11 Q Yes, and if they give an answer do you -- do you  
12 test that answer? Do you seek to -- do you seek  
13 to ask for details of that?

14 A When you're asking questions I guess in this case  
15 about really sensitive information I'm not  
16 assuming people are going to make up stories.  
17 There's actually no reason why you would want to  
18 disclose an inexperience of violence, and there's  
19 certainly data that support that if anything  
20 violence is generally highly under reported as an  
21 event. So in this case about really sensitive  
22 information we'd be probing to get at that  
23 understanding circumstance to get more narrative  
24 to understand what when we're talking about it if  
25 we're unclear, but we wouldn't be asking in any --

1           you're not telling somebody -- you don't distrust  
2           their answers because there would be absolutely no  
3           reason to do that.

4           Q    Right, you accept their answers?

5           A    Correct.

6           Q    And part of the study, part of the purpose of it I  
7           believe was to validate the lived experiences of  
8           sex workers as knowledge?

9           A    It's certainly about qualitative work and about  
10          bringing those narratives forward and asking that,  
11          yes.

12          Q    And I think the most consistent theme you noted in  
13          these focus groups was about getting into a car  
14          with a client who is dangerous.  Is that a fair  
15          statement?  Yes, I can take you to the reference.  
16          So it's in Appendix H, Social and structural  
17          violence, and it's page 916, top right column, and  
18          it says:

19                    The most consistent theme documented in  
20                    discussion groups was that once women enter a  
21                    car, their ability to control their situation  
22                    was severely compromised.

23          A    Sorry, the top of page?

24          Q    Page 916, the top of the right column.

25          A    Oh, sorry.

1 Q Right above the first quote.

2 A Yes. Yes.

3 Q And you note a few -- you have a few quotations  
4 that seem to speak to that, and the first one  
5 right under that statement is that -- says this:

6 Well a good date is someone that you can get  
7 out of the car with after. We don't know how  
8 lucky we are when they drive us back. You  
9 know and we take it for granted a little bit  
10 I think. It just seems that once you're  
11 taken away in a car your power and control  
12 are gone.

13 And that speaks to that point?

14 A Yes.

15 Q And then two quotes down there's this quote:

16 The spotters can take the licence plate down  
17 and the car make, but once buddy gets you two  
18 blocks away, how are they going to stop the  
19 guy from shooting or stabbing you? They  
20 might prevent it from happening to the next  
21 girl, cause they got his plate number, but  
22 for you, there's no protection. None at all.

23 Correct?

24 A Yes.

25 Q And then on the opposite page, 917, or over the

1 page on the right column there's one more, and  
2 this is speaking to those phones that were handed  
3 out by the VPD with the link to 9-1-1, and they  
4 had a homing device or something like that the  
5 participant said:

6 ... but that didn't really work that good  
7 either. Cause once buddy's got you in the  
8 car, you're fucked.

9 Correct?

10 A Yes.

11 Q Mr. Gratl was asking you just before me about  
12 women getting into cars with clients.

13 A M'hm.

14 Q And did you -- did you determine how many of your  
15 participants participated in the sex trade in this  
16 manner, getting into a car with clients?

17 A I don't have a specific number here. I mean we  
18 have in terms of actually getting in cars once  
19 they're picked up, is that what you mean?

20 Q Yes, getting picked up.

21 A Yeah.

22 Q So I guess the scenario I'm putting to you is a  
23 woman on the stroll gets picked up and goes away  
24 with a client in his car?

25 A Sure. Well, I mean we can draw, and we have a

1           number of dates that were in either cars or public  
2           spaces, so we -- but that doesn't mean to say that  
3           some of the dates in indoor spaces if they could  
4           be -- if they could walk from where they meet or  
5           they could go back by car in that context.

6           Q    Yes, but just on the getting into a car.

7           A    M'hm.

8           Q    Do you have an isolated -- do you have isolated  
9           data for that?

10          A    We have -- no, 'cause we would have data on  
11          whether they did their date in a car, but I don't  
12          know if we would have explicit data on how many  
13          times they get in a car to go to the dates.

14          Q    Am I right in thinking that it's very common?

15          A    I would assume it is common, so.

16          Q    For survival of sex trade workers in the Downtown  
17          Eastside is it among the most common practices?

18          A    I would say if you're being picked up on the  
19          street then it would be the most common way to get  
20          to where you're going, yeah, whether or not the  
21          date itself happens in the car.

22          Q    Another significant theme in your qualitative  
23          study was dope sickness driving the need to sell  
24          sex to obtain drugs.  Yes?

25          A    Yes.

1 Q And I'll just take you to a few quotes. Down at  
2 the bottom right-hand column of page 917 one  
3 participant said:

4 And, like I said, we put ourselves in shitty  
5 situations when we're sick, or we're hungry,  
6 or we're homeless. Some of us women end up  
7 with diseases, 'cause we've gotta do what we  
8 do to survive. I mean there's women out  
9 there who don't even do drugs and they're out  
10 there, you know, turning tricks, 'cause they  
11 can't afford to live... and they're  
12 collecting disability benefits... It's pretty  
13 obviously there's not enough money, on social  
14 assistance. But if you have addiction it's  
15 just way worse, I mean you've got to put up  
16 with a lot of shit you wouldn't normally to  
17 support your habit. You know, especially if  
18 you're down sick or something, and you know  
19 what's going to make you better. You'll do,  
20 just about anything to get better... With  
21 heroin it's way worse, when you're dope sick.

22 And that was a common theme that you heard in the  
23 focus groups; is that correct?

24 A Yes. The dope sickness, yes.

25 Q And does it -- and is it just dope sickness or is

1           it addiction as well?

2           A   Well, in this context was the need to sell sex to  
3           obtain drugs, so yes, it was talking about the  
4           ties between sex work and sustaining your drug  
5           habit.

6           Q   And then the next quote down speaks of, I think,  
7           vulnerability of women who are addicted.

8                     You're working and you don't have HIV. And a  
9                     date goes, I don't want to use a condom.  
10                    I'll pay you more money. The girl's at risk.  
11                    And she doesn't know what he has. He could  
12                    have gonorrhoea or anything. And often johns  
13                    ask the women that are vulnerable. The ones  
14                    that are out there, that are on coke. And  
15                    that are obviously discombobulated, you know,  
16                    they can't control their bodies. Or, you  
17                    know, they're just scared... you can feel the  
18                    fear. So, they usually prey on those  
19                    girls... 'Cause they're ruining somebody's  
20                    body just to have sex without a condom. Just  
21                    for one time.

22                    And that's a theme that you heard, addicted women  
23                    are very vulnerable, particularly vulnerable?

24           A   Certainly. I mean poverty, drug use, all of that  
25           makes -- places women in street-based sex work

1                   particularly vulnerable, yes.

2   THE COMMISSIONER: All right. I'm going to stop you there,  
3                   Mr. Dickson.

4   MR. DICKSON: Thank you, Mr. Commissioner.

5   THE COMMISSIONER: You're under cross-examination, and because  
6                   you're under cross-examination you can't talk to  
7                   anyone about this case. Do you understand?

8   THE WITNESS: Yes.

9   THE COMMISSIONER: Thank you.

10   THE REGISTRAR: This hearing is now adjourned till two p.m.

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

12                   **(PROCEEDINGS RESUMED AT 2:03 P.M.)**

13   THE REGISTRAR: Order. The hearing is now resumed.

14   THE COMMISSIONER: Mr. Dickson.

15   MR. DICKSON: Mr. Commissioner, Tim Dickson for the VPD and the  
16                   board.

17   **CROSS-EXAMINATION BY MR. DICKSON CONTINUED:**

18                   Q   Dr. Shannon, before the break we were speaking of  
19                   your Appendix H, which is your social and  
20                   structural violence paper, and I want to take you  
21                   back in there for a moment and take you to a  
22                   couple of your passages. The first is at the  
23                   bottom of the right-hand column on page 915, and  
24                   it says this. It says:

25                   The everyday violence and ongoing fear of

1 violence, feelings that abusive johns were  
2 frequently not criminalized, and lack of  
3 protections offered by current policing,  
4 meant that women's ability to insist on  
5 condom use was severely compromised.

6 And you have a couple of quotes, and I think the  
7 quotes are comments from the focus groups intended  
8 to show that feeling; is that right?

9 A The comments are quotes speaking around their  
10 limitations of condom use, correct, yes.

11 Q And the first quote says this:

12 I think just going out there working takes a  
13 big risk whether you use a condom or not, I  
14 mean, gambling every time you go out.

15 And I just ask you about this. I read that quote  
16 and I do not see a link to what you're drawing  
17 from it, that women's ability to insist on condom  
18 use was severely compromised?

19 A So the passages, we don't state the following  
20 quotes explicitly relate to that. So the  
21 following quotes talk about limitations in  
22 insisting on condom use and we'd go on to talk  
23 about intersections of violence and HIV  
24 prevention, but the text is meant to summarize  
25 those keeping some of the qualitative quotes as

1 well as what came from the data that may not  
2 necessarily be in the qualitative quotes. So, I  
3 mean, there's only a certain amount of quotes that  
4 are included in the paper, but certainly many of  
5 the quotes speak -- spoke about the lack of  
6 protection around current policing and ongoing  
7 fear of violence and how that played out in terms  
8 of people's ability to insist on condom use.

9 Q You'll agree with me the quote I just read doesn't  
10 seem to speak to a woman's ability to insist on  
11 condom use being compromised?

12 A No, I wouldn't agree with that. I think it  
13 explicitly said just going out there takes a big  
14 risk whether you use a condom or not. So they're  
15 speaking about violence and saying that there's  
16 such a big risk of violence that condom use  
17 becomes secondary to the immediate threat of  
18 violence. So it says, I mean, gambling every time  
19 you go out, so it was within the context of a  
20 discussion of the immediate threat of violence  
21 versus the ability to insist on condom use.

22 Q It's a big risk whether you use a condom or not?

23 A Exactly. And the second quote that follows right  
24 after is:

25 If he don't want to use a condom, we're in

1 extreme danger. I want to try one, but the  
2 violence might ensue.

3 So they're both speaking in the same way about the  
4 immediate threat of violence.

5 Q Over the page on page 917, and I'll take you to  
6 it, there's just a second passage I want to show  
7 you here, and it's in a similar vein. You say at  
8 the top of the left column:

9 The narratives of sex workers document the  
10 adverse impacts of local policing strategies  
11 and enforcement of the "communicating"  
12 provision; pushing women to work in dark and  
13 deserted areas, alleys and industrial  
14 settings, severely limiting women's means of  
15 self-protection with clients and acting as a  
16 direct structural barrier to HIV prevention  
17 practices.

18 And then you have two quotes. I think these are  
19 two separate quotes, aren't they?

20 A Yes, correct.

21 Q And the second one is the one I want to ask you  
22 about, because again I'm not seeing the link. It  
23 says this:

24 Well industrial areas are kind of scary,  
25 because no one's really around and you've got

1           to go there with dates that were like, let's  
2           go into a residential neighbourhood, and I'm  
3           like, 'No, I don't want to go into the  
4           neighbourhood, where you're gonna park in  
5           front of someone's house and they got kids.  
6           It just don't feel right, so I'm like 'Come  
7           down to the dock.'

8           And is this quote meant to suggest that they're  
9           going down to the dock because of policing  
10          strategies?

11          A    Yes.  So the above text talks about the role of  
12          the communicating provision and how women are  
13          being displaced to darker and darker areas.  And  
14          this explicit quote which I referenced earlier  
15          talks about the fact that because of displacement  
16          women are left with few options of where to go.  
17          In this case women actually talk about how  
18          contrary to what we might think in the public  
19          women don't want to do dates in residential areas,  
20          and as a result because of displacement and not  
21          being able to do them in main areas they're left  
22          with few options but to land up in -- in this case  
23          they're talking about the loading docks.  So this  
24          quote is talking about broader, the displacement  
25          as a result of that and how they land up in a

1 loading dock in a really dangerous area.

2 Q When we hear -- when we have heard of displacement  
3 from Dr. Lowman it's often in the context of being  
4 displaced out of residential areas. You're --  
5 you've read some of his research?

6 A I believe his research also talks about  
7 displacement outside of the core Downtown Eastside  
8 area as well. He talked about displacement to  
9 below Hastings area as well.

10 Q To the north of Hastings, Hastings and Cordova?

11 A Yes, so it talks about the displacement away from  
12 the main streets in the Downtown Eastside. Yes,  
13 I'm familiar with his work.

14 Q I see. And are you saying that -- sorry, he has  
15 often spoken of -- spoken of in his inquiry to  
16 south of Hastings to north of Hastings?

17 A Correct.

18 Q Yes, and north of Hastings includes Cordova  
19 Street, one block north?

20 A Correct, yes.

21 Q And are you saying -- is that the docks here that  
22 you're speaking of?

23 A Down below there there's certainly floating docks  
24 down below that.

25 Q North of Alexander?

1 A Yes.

2 Q Okay.

3 A So there's two quotes both referencing the above  
4 text, which in that case talks about the  
5 displacement of the communicating provision and  
6 how that results in people landing up in darker  
7 and darker areas. The first obviously is a direct  
8 quote about the police, and its say:

9 You know, you get all these asshole cops and  
10 security kicking us off... pushing us into  
11 darker and darker areas...

12 So it's obviously clear from the policing  
13 perspective. The second quote talks about  
14 displacement and how as a result people end up, in  
15 this case someone's talking about being the  
16 residential areas, they want to avoid those and  
17 because of displacement they have no other choice  
18 but to land up doing a date in an industrial area  
19 in a very dangerous context.

20 Q Well, I don't see the reference to displacement  
21 here. I'm seeing a reference in this second quote  
22 to the worker not wanting to be in a residential  
23 area and choosing to go to an industrial area.

24 A In this context the person says industrial areas  
25 are kind of scary and there's no one around, and

1 the clear context of the quote is they would  
2 prefer not to do dates in an industrial area  
3 because it's very scary, but the other option was  
4 a residential area. So it's talking about the  
5 lack of safe places to do and the resulting of  
6 displacement. So it's very clearly to me is  
7 talking about displacement, but it's not talking  
8 -- it's talking about the results of having a lack  
9 of safe places to take dates and not being able to  
10 do dates in main streets.

11 Q I see. Now, I asked you, I think, about this  
12 before but I didn't get the answer and I just want  
13 to check it. Did you record how many -- how many  
14 dates a woman had in the given period?

15 A In our quantitative research we did ask people how  
16 often they saw dates on average in a week.

17 Q Yes, and you didn't record how many times that  
18 involved getting into a car, I believe. You don't  
19 have individual data on that?

20 A We recorded how often dates were completed in a  
21 car, but we didn't ask how often people got in the  
22 car at the time of.

23 Q Yes. And would you be willing to provide the  
24 data, the underlying data as to the frequency of  
25 dates in a given time period?

1 A I'm pretty sure it's in my papers.

2 Q Oh, is it?

3 A Yes.

4 Q Can you direct me to where it is?

5 A So they're in paper exhibit -- Addendum B, the  
6 whole paper on homelessness.

7 Q Oh, yes.

8 A On page 4 of the paper it talks about number of  
9 clients per week in this place we stratified as a  
10 median, which was ten.

11 Q Many thanks. I want to turn to your mapping  
12 research, and again that was a part of the Maka  
13 Project; is that right?

14 A Yes, that's correct.

15 Q And in this mapping research participants were  
16 given a map of Vancouver and they're asked to mark  
17 it up themselves to indicate a number of things?

18 A Together with the interviewer. So in some cases  
19 the interviewer would mark for them. So not  
20 everyone has the same, as in any population,  
21 everyone has the same ability with a map, so we  
22 made sure we had an interviewer with the person,  
23 so if they said Main and Hastings someone would  
24 mark Main and Hastings.

25 Q And the things that are indicated on the map are

1 set out in your mapping violence paper which is  
2 Appendix I on page 142, and there's six things, I  
3 think. Where the women lived and worked is one?

4 A M'hm.

5 Q Where they considered to be high and low risk to  
6 their personal safety?

7 A M'hm.

8 Q Where they avoided when working due to recent  
9 violence, where they avoided when working due to  
10 local policing, inclusive of police presence and  
11 harassment, where they accessed and disposed of  
12 syringes, and where they accessed health or  
13 support resources; correct?

14 A Correct.

15 Q Now, on the factor related to avoiding due to  
16 violence, is that -- is that indicating violence  
17 at that -- that is perpetrated at that location?

18 A Yes.

19 Q Yes. And what kind of violence, or let me put it  
20 this way, does it indicate who perpetrated the  
21 violence?

22 A No. And it -- they specifically wanted to look at  
23 reasons that -- or areas people felt were safe  
24 versus unsafe and how that may play into where  
25 people ended up working and as a result access

1 health services. So in this case we just asked  
2 areas where people avoided due to violence, so it  
3 could be any number of perpetrators.

4 Q Okay. So it could be a boyfriend?

5 A Yeah.

6 Q It could be a pimp?

7 A M'hm.

8 Q And it could be strangers?

9 A Yeah, it could be strangers, it could be  
10 boyfriend, it could be a pimp, it could be police,  
11 it could be clients. Any number of factors.

12 Q Yes. And one of the places you generated a  
13 map and -- actually, I'll put it up. Yes, and  
14 this is figure 1 from that paper. And this map  
15 indicates, I believe, that Hastings is an area  
16 that is avoided due to violence or police  
17 harassment; is that correct?

18 A Correct.

19 Q And your storefront during the Maka Project was on  
20 Hastings?

21 A M'hm. Correct.

22 Q And you had a back alley exit?

23 A M'hm.

24 Q In case women there felt unsafe going back onto  
25 Hastings?

1 A Correct.

2 Q So Hastings, there was some thought that Hastings  
3 is a dangerous place?

4 A Well, certainly, and I mean in terms of, as you  
5 mentioned, part of the reason we have the back  
6 alley available was in case people had boyfriends  
7 or pimps, say, outside they were concerned about.

8 Q Yes.

9 A And that was also part of the reason that I  
10 mentioned earlier that our ethics allowed us to  
11 ensure that we could do interviews in a safe and  
12 confidential space for women, so if they  
13 identified that the office was not they could  
14 identify another place where they could do the  
15 interview.

16 Q Yes. And in terms of avoiding a place while  
17 working because of local policing.

18 A M'hm.

19 Q There are parentheses on that factor that says:

20 Inclusive of police presence and harassment.  
21 And you didn't distinguish between those two, did  
22 you?

23 A I believe that the mapping that we did do people  
24 couldn't map one or both of, but in this case most  
25 of the drawing was actually both.

1 Q Was both?

2 A Yes.

3 Q And your results don't distinguish between police  
4 presence and harassment?

5 A No, no. In this case we were really just  
6 interested in looking at how displacement may be  
7 associated with health service access.

8 Q And did you explain -- sorry. Did you ask your  
9 participants to explain why they were avoiding it  
10 due to policing as part of the mapping project?

11 A So in this case it was areas they were avoiding  
12 due -- so it could have been they felt unsafe  
13 'cause of concern of fear of others, fear of  
14 violence or it could have been concern of arrest,  
15 but no, the question was just asked why there were  
16 areas they were specifically avoiding.

17 Q And at the bottom of the left-hand column of page  
18 142 of this Appendix I you say:

19 Given significant overlap in mapping of  
20 avoidance areas due to violence and avoidance  
21 due to policing, avoidance areas were  
22 combined for the purposes of geographic  
23 analysis.

24 Correct?

25 A Yes.

1 Q And so am I to take it that that suggests that  
2 where there's more violence there's more policing?

3 A Well, certainly they were at the same places, yes.

4 Q According to the maps?

5 A According to the maps. But, yeah, to say that  
6 there was it was not distinguishable enough to  
7 have two separate maps for the paper.

8 Q And you asked them to mark out where they avoided?

9 A M'hm.

10 Q And did you ask them whether they always avoided  
11 it or just sometimes avoided it?

12 A No. We -- this was the primary areas they  
13 avoided, so that was actually up to the  
14 participant to decide.

15 Q Okay. And if we look over at the map itself down  
16 in the legend the three colours are explained, and  
17 green is less than 1 percent and orange is 1 to 5  
18 percent and red is more than 5 percent, and is  
19 that -- does that just indicate percentage of  
20 respondents?

21 A Yes, percentage of another.

22 Q Percentage of respondents who marked it in such a  
23 way?

24 A Correct. But -- yes, correct.

25 Q Okay.

1           A    But I guess just to say, you know, if you see a  
2                    line that's four blocks long that doesn't -- that  
3                    could be 30 percent over that specific block. So  
4                    it was based on what's statistically significant  
5                    in terms of median, low and high levels of  
6                    avoidance, but at each pinpoint that's correct.

7           Q    Now, when you asked your participants to mark out  
8                    where they worked.

9           A    M'hm.

10          Q    Does that mean strolls that they frequent?

11          A    M'hm.

12          Q    Or does that mean where they actually provide  
13                    services or is it both or can you tell the  
14                    difference?

15          A    We asked them to mark both. In this case for the  
16                    purposes of this analysis it was looking at where  
17                    they solicited or picked up clients.

18          Q    Okay. And so you are -- as you say, you're  
19                    familiar with at least some of Dr. Lowman's  
20                    research?

21          A    Correct.

22          Q    And if we look at your map, the two main red east  
23                    west streets are, I believe, Hastings and Cordova;  
24                    is that correct?

25          A    Yes, that's correct.

1 Q And Dr. Lowman's spoken of how there's an orange  
2 zone --

3 A M'hm.

4 Q -- between Hastings and Cordova, I believe at that  
5 location starting just a little bit east, maybe a  
6 couple of streets east of Main and then going some  
7 east from there, and that lines up with what  
8 you're seeing here, what you've marked out as red?

9 A Right.

10 Q Yes.

11 A I would say close enough. I'd have to verify, but  
12 yes, that sounds about right.

13 Q Okay. And so on the basis of your research you're  
14 saying that within that orange tolerant zone women  
15 are actually avoiding it?

16 A If that's in fact the same area then, yes, that's  
17 an area that was marked as moderately avoiding,  
18 yes.

19 Q Now, you say moderately avoiding. What --

20 A If you're talking about -- oh, you're talking  
21 about the slotted area, the orange being not  
22 orange on this map, but orange at --

23 Q Oh, yes, I'm sorry, he called it an orange zone.

24 A Then, yes, that would be correct. Yes.

25 Q I see. Okay. It's confusing. But is it your

1 evidence that Hastings and Cordova is not a  
2 regularly used stroll?

3 A No, that's not our evidence. So it presumably at  
4 some point in the last six months, so when we were  
5 looking at this data it was based on a six month  
6 reference period, so that means they've avoided  
7 those areas in the last six months. So in order  
8 to have avoided due to recent police presence or  
9 violence they at some point were in that area and  
10 have moved because of that.

11 Q So they may frequent that stroll, that may be the  
12 main place or that may be their main stroll, but  
13 at some point in the last six months they avoided  
14 it due to --

15 A They avoided it.

16 Q -- violence or to --

17 A Yes. And this analysis wasn't trying to look at a  
18 frequency of different strolls, so yes.

19 Q Right. Okay. And you'll agree with me that if  
20 they don't spend time in another part of the city.

21 A M'hm.

22 Q Then they will not avoid that because of policing  
23 or violence, they're just not there?

24 A No. But we did control for the numbers, so it's  
25 percentage within the numbers that were reported

1 in each area, so it does take that into account.

2 Q All right. I would like to move to your other  
3 map, and this map -- this is part of your paper  
4 that's at Appendix J; is that correct?

5 A Yes.

6 Q Structural and environmental barriers?

7 A Yes.

8 Q And it's figure 1, and it sets out hot spots for  
9 where women have reported being pressured into  
10 unprotected sex?

11 A Yes, that's correct.

12 Q Okay. And does this indicate -- does this  
13 indicate where the sex occurred or does it  
14 indicate strolls, or what is the relationship  
15 between these two?

16 A Where women service clients.

17 Q Yes. Okay. And did you -- did you inquire as to  
18 how many of the women reporting these were in cars  
19 during their dates?

20 A We have data on how many were servicing clients in  
21 cars or public spaces, so that would be alleys or  
22 parks.

23 Q And can you draw a -- oh, sorry.

24 A That's in Table 2.

25 Q Yes. And can you draw a relationship between the

1 places here and the women who were servicing in  
2 cars?

3 A So the analysis was saying that -- we weren't  
4 trying to do an analysis, I guess, comparing  
5 working areas to servicing in cars, although it  
6 could be. What it says is that both factors  
7 remained independently associated with increased  
8 risk. So irrespective of the area that they were  
9 in doing a date in a car in a public place were  
10 associated with just under 2.98, so a three-fold  
11 increased risk of course and unprotected sex.  
12 Similarly the displacement was also associated, so  
13 having moved away from the Downtown Eastside or  
14 main streets due to policing in this case was  
15 associated separately, so irrespective of whether  
16 the date was in a car or public space.

17 Q Yes, and where we see the purple and the orange or  
18 pink circles, some or many of those women would be  
19 in cars; is that correct?

20 A Yes, that's correct.

21 MR. DICKSON: Okay. Mr. Commissioner, this questionnaire from  
22 the Vancouver Police was referred to earlier by  
23 Mr. Roberts and it wasn't marked as an exhibit,  
24 and I'd ask to do that now.

25 THE COMMISSIONER: Any objection? Any objections? All right.

1 THE REGISTRAR: It will be marked as Exhibit number 7.

2 (EXHIBIT 7: SEX TRADE WORKERS QUESTIONNAIRE)

3 MR. DICKSON:

4 Q Dr. Shannon, you were referred to that  
5 questionnaire earlier, and I don't need to place  
6 it back in front of you, but it was -- it was  
7 handed out by the VPD to sex trade workers at  
8 WISH, and you agree with that?

9 A Yes, that's what I read from the document there.

10 Q Yes, just based on what you read in the LePard  
11 Report on page 103?

12 A Correct.

13 Q And Deputy Chief LePard notes on page 103 of his  
14 report that 40 of 60 questionnaires were returned  
15 completed? Yes? You can turn to it if you like.

16 A Sure, that sounds correct. I just see that it  
17 says that it was handed out to 60 sex workers.

18 Q Yes, it's just at the bottom of that paragraph. I  
19 actually overlooked it myself, it's in letters --

20 A Oh, 40 questionnaires.

21 Q -- 40 questionnaires were completed.

22 A Correct.

23 Q Now, in your report at page 4 you make the note of  
24 the women who reported having been to the Pickton  
25 farm and having known women who have been to the

1 Pickton farm?

2 A Yes.

3 Q And the numbers there are that 9 percent of your  
4 participants reported having been to the farm, and  
5 as Mr. Ward said that turns out to be 23 women?

6 A M'hm.

7 Q Yes?

8 A Yes, correct.

9 Q And 73 percent of your participants reported  
10 knowing women who had been to the farm?

11 A Correct.

12 Q And so 23 had been to the farm, and then obviously  
13 there's many more women in the Downtown Eastside  
14 based on your data that have been to the farm.  
15 Let me say that again. So of your participants 23  
16 of them told you they had been to the farm?

17 A Correct, yes.

18 Q And a bunch of them told you that they knew women  
19 who had been to the farm?

20 A Correct.

21 Q And the natural inference is that there are more  
22 women who have been to the farm beyond your  
23 participant group?

24 A Unless those are the same women.

25 Q Yes. No, exactly, we don't know, but that's what

1                   you would think. And were you surprised at how  
2                   high these numbers were?

3                   A    I don't think I was particularly surprised.

4                   Q    I see. Do you know a Constable Dave Dickson?

5                   A    Yes.

6                   Q    And you know that he worked for many years out of  
7                   the neighbourhood safety office in the Downtown  
8                   Eastside?

9                   A    M'hm. Certainly his name came up in the  
10                  qualitative researches as one of the sort of  
11                  positive interaction people have with police  
12                  officers.

13                  Q    I see. So in your focus groups people were saying  
14                  that they trusted -- they were indicating, anyway,  
15                  that they trusted Dave Dickson?

16                  A    There had been at least one person, but I don't  
17                  know, I can't say beyond that.

18                  Q    And I expect that the evidence will show,  
19                  Dr. Shannon, that in February of 1999 he and  
20                  Constable Lori Shenher showed Pickton's photo to  
21                  136 trade workers in the Downtown Eastside as part  
22                  of the missing women investigation and none of  
23                  them said they knew him, and fifty of these were  
24                  at WISH?

25                  MR. GRATL: I just rise to repeat Mr. Dickson's objection from

1           yesterday about putting matters to the witness in  
2           a way that will clarify whether the witness has  
3           direct knowledge of matters discussed in the  
4           question.

5   THE COMMISSIONER: Well, it is cross-examination and he's  
6           entitled -- it's cross-examination, he's entitled  
7           to put suggestions to her and she may agree with  
8           them or she may disagree.

9   MR. DICKSON: Thank you, Mr. Commissioner.

10           Q   So that's set out in the LePard Report, and Deputy  
11           Chief LePard will be on the stand and he will  
12           speak to that, and Constable Dickson will be on  
13           the stand and Detective Lori Shenher will be on  
14           the stand, so I'm not asking you to verify this  
15           information at all, but let's just take that  
16           premise, and the further premise is that at least  
17           some of them had been to Pickton's farm. Do you  
18           have thoughts on why they wouldn't tell the police  
19           that they knew Pickton?

20           A   No.

21           Q   And the follow-up question --

22   THE COMMISSIONER: Yes, an objection.

23   MR. GRATL: I'm just objecting. This might be a hypothetical  
24           question, Mr. Dickson.

25   MR. DICKSON: Oh, it's not hypothetical. I'm not asking her to

1                   verify the facts, Mr. Commissioner, of course she  
2                   can't.

3   THE COMMISSIONER:  You're asking her for her opinion as to  
4                   why --

5   MR. DICKSON:  That's exactly right.

6   THE COMMISSIONER:  -- they would have done --

7   MR. DICKSON:  That's exactly right.

8                   Q   And the follow-up question is what -- what could  
9                   have been done?  Are there things that Constable  
10                  Dickson and Detective Shenher could have done to  
11                  elicit a response?  Do you have any opinion on  
12                  that?

13  MR. GRATL:  I'm just rising to ask for a little clarification.  
14                  It seems to me that the evidence about the mode in  
15                  which Constable Dickson and Detective Constable  
16                  Shenher put photographs to any individuals at WISH  
17                  drop-in centre or anywhere else, none of that's in  
18                  evidence.  All we have is a very vague description  
19                  that was done as set out in the LePard Report, we  
20                  don't really have any evidence on this point.

21  THE COMMISSIONER:  I think your point is well taken, but he can  
22                  ask the witness if she has any personal knowledge  
23                  of that.  I think that's as far as it can go.  And  
24                  I agree with you that if there isn't any other  
25                  evidence to that then maybe the answers may not

1 carry much weight.

2 MR. DICKSON: Thank you, Mr. Commissioner.

3 Q Well, let me ask you, do you have any personal  
4 knowledge of the premises I've been speaking  
5 about?

6 A No. I mean my awareness of that process would be  
7 entirely from this report.

8 MR. DICKSON: Okay. And, Mr. Commissioner, I'm asking for her  
9 opinion as someone who's conducted research with a  
10 similar profile of respondents.

11 Q And in light of the evidence you gave earlier  
12 today about how to build trust and the like, I'm  
13 asking for your advice as to whether you know of  
14 strategies that should be employed in that  
15 situation?

16 THE COMMISSIONER: Go ahead.

17 THE WITNESS: So from my limited understanding of what the  
18 process was, and given the research we have done,  
19 and certainly given the distress that women have  
20 talked about with the police, I would think a  
21 number of factors would have potentially helped  
22 should women have -- just in general in keeping  
23 and making women feel safe and confidential in  
24 sharing that information, including potentially  
25 not having police officers themselves ask those

1 questions or potentially not being in uniform in  
2 that context. Again these are all within my  
3 limited understanding of the report. All our  
4 researchers are bounded by a positive and informed  
5 consent, which and part of that is making sure  
6 people are free to consent and choose the consent.  
7 So that means someone sitting down and going  
8 through the process and explaining why this  
9 information is being used. So I don't know if  
10 that -- I've only seen the questionnaire, I've  
11 never seen the consent. So if it wasn't a consent  
12 a consent would need to be, in my opinion, based  
13 on kind of research ethics and guidelines should  
14 have been used which would help people to  
15 understand why the police might be asking this  
16 information and how it was going to be used. So  
17 certainly our experience in using community  
18 researchers also meant that it helped with  
19 building, I guess, that trust and rapport, and it  
20 helped with taking away some of those power  
21 imbalances that I would imagine would have been a  
22 potential should police officers been asking the  
23 questions directly.

24 MR. DICKSON: One moment, Mr. Commissioner. Thank you,  
25 Dr. Shannon, those are my questions.

1 THE COMMISSIONER: Thank you. Ms. Tobias?

2 MR. MAJAWA: Yes, Mr. Commissioner, Andrew Majawa for the  
3 Government of Canada.

4 **CROSS-EXAMINATION BY MR. MAJAWA:**

5 Q Dr. Shannon, I would like to take you to Appendix  
6 G to your report, which is the Prevalence and  
7 structural correlates of gender based violence  
8 paper. I just wanted to clarify something that  
9 you said during a response to my friend  
10 Mr. Dickson's question with respect to the  
11 statistical significance of the police prior  
12 assault by police category or indicator. Did you  
13 say that there was no statistical significance  
14 with respect to prior assault by police as a  
15 factor correlated with physical violence in Table  
16 2?

17 A So in the adjusted analysis that we report it  
18 showed that as marginally or non-significant  
19 within strong, so our results that I reported in  
20 the report were based on Table 3 and 4 which was  
21 an association between prior police assault and  
22 rape and client violence, but we didn't report an  
23 association with physical violence because when we  
24 adjusted for other factors, as you can see in the  
25 table there including several of the factors

1           there, so including access, enabled access to  
2           treatment, doing dates with clients in cars or  
3           public spaces, having -- moving working areas due  
4           to policing, those factors when those were in the  
5           model it lost significance. So it suggested it  
6           was associated with rape and client violence, but  
7           not the physical violence.

8           Q    I'm just trying for clarity to understand how I  
9                would tell that from this, and perhaps I'm just  
10              overlooking something. So I see the asterisk  
11              there that --

12          A    Okay. So in Table 2.

13          Q    Yes.

14          A    If you look on the -- under the adjusted results.

15          Q    Yes.

16          A    And you see a number 2.23, and in brackets it has  
17                0.78 to 3.65.

18          Q    Yes.

19          A    So that's when data crosses one, so it goes from  
20                below to above one, and you have another  
21                significance that's not in the tables but which  
22                would be a P value, those together can confirm if  
23                it's statistically significant, but generally when  
24                things cross one they're either marginally or  
25                non-significant depending on the P value.

1 Q Now, in addition to -- as is evident from your  
2 tables here in addition to violence that is  
3 perpetrated on sex trade workers by clients,  
4 they're also subject to violence by other  
5 individuals; correct?

6 A Correct.

7 Q So those individuals would include people such as  
8 drug dealers; correct?

9 A Yes.

10 Q Potentially boyfriends or pimps?

11 A M'hm. They could be either violent perpetrators  
12 that were not considered clients too. Yes, any of  
13 those.

14 Q And in Table 1 on the same page at the top you  
15 note that 30 percent of the female sex workers  
16 reported client perpetrated violence?

17 A Yes, that's correct over the 18 months follow-up.

18 Q Okay. And then below that in the text in the last  
19 paragraph in the left-hand column it says:

20 A total of 57 percent of women experience  
21 violence at least once over the 18 month  
22 follow-up period, with 38 percent reporting  
23 physical violence, 25 percent rape, 30  
24 percent client perpetrated violence.

25 I take it to mean then that around half of the

1 violence perpetrated against sex workers is client  
2 perpetrated. Is that a fair inference to draw  
3 from those numbers?

4 A It's fair to say that of the total, so the 57  
5 percent who experienced violence, 30 percent, so  
6 just over or close to half, I guess, experience  
7 client violence, but that doesn't mean -- they  
8 could experience all three. It doesn't  
9 necessarily account for half of the violence, but  
10 it certainly means that half the people who  
11 experienced physical or sexual violence did  
12 experience client violence.

13 Q And presumably the other half would have  
14 experienced violence at the hands of someone other  
15 than a client?

16 A Correct, or that could be a violent perpetrator.  
17 So we didn't distinguish it, if it was just any  
18 other violence it was not considered client  
19 violence.

20 Q And we heard earlier that you had -- one of your  
21 studies had concluded that, and I think it's  
22 actually in your report, that 100 percent of the  
23 sex trade workers that were part of the cohort  
24 were substance users of some sort?

25 A Correct.

1 Q And I believe actually if we go to page 4 of your  
2 report, page 4 at tab 3 of the exhibit which is  
3 the actual report filed. I suppose just before we  
4 move on, just for clarity, the date that this  
5 report was prepared was, do you recall?

6 A September 20th, I believe.

7 Q Of 2011?

8 A Yes, that's correct.

9 Q So on page 4 around about half way through that  
10 paragraph it says that:

11 Women in street-based sex work reported high  
12 rates of drug use, with the most common drug  
13 being non-injection stimulants (81 percent  
14 smoking crack cocaine, 24 percent crystal  
15 methamphetamine) and 59 percent reporting a  
16 history of injection drug use (most commonly  
17 heroin...)

18 Now, with respect to crack cocaine, for instance,  
19 is it fair to say that the high for crack cocaine  
20 doesn't last as long as a high for heroin or would  
21 you not know?

22 A I mean, generally, yes, I could say that.

23 Q And all of these drugs with withdrawal symptoms,  
24 women can experience dope sickness from withdrawal  
25 symptoms from all of these drugs; is that right?

1 A Dope sickness is most common in the context of  
2 opiates, so heroin and other opiates associated,  
3 so that where you get the intense physical and  
4 psychological withdrawal.

5 Q Okay. But crack cocaine also has serious  
6 withdrawal affects as well, does it not?

7 A No, not in the same way as heroin.

8 Q A serious desire for the person who is addicted to  
9 crack cocaine to --

10 A Sure. There can be an addiction too, yes.

11 Q So perhaps I'll back up a bit.

12 A Okay.

13 Q Do you know how many of the women were addicted to  
14 crack cocaine in the cohort?

15 A We know how many people I guess used crack cocaine  
16 on a daily and intensive basis, so we do have  
17 data. Intensive is considered, I guess, ten rocks  
18 per day.

19 Q Where would I find that data?

20 A So in paper report under J, page 663 in Table 2  
21 they have the different drug use practices,  
22 whether it's daily crack cocaine smoking, is  
23 reported there.

24 Q Okay. And you just said a moment ago that  
25 regularly high use would be ten rocks a day, is

1           that what you said?

2           A    That's what we would use, yes, based on the  
3           ability for median use, yes.

4           Q    And somebody who is --

5           A    But just to clarify, it really varies depending on  
6           the person in terms of what --

7           Q    Okay.  Somebody who you would consider to be  
8           addicted to crack cocaine when they are seeking  
9           their next fix or their next hit of crack cocaine,  
10          they're quite desperate, would you agree?

11          A    Again it really varies depending on the drug user.  
12          So, you know, some people, you know, may need  
13          significantly more or less and may be better able  
14          to maintain themselves, others may be more closely  
15          addicted or need the next hit more quickly.

16          Q    But some -- you would agree that some women who  
17          are addicted to crack cocaine are desperate, if  
18          not all, but some at least are desperate in  
19          getting their next --

20          A    Sure.  I mean certainly some, I mean, yes.

21          Q    And the same would hold true to some extent for  
22          other types of the hard drugs that you've  
23          mentioned in there, the opiates as well, if you're  
24          dope sick you become desperate potentially to get  
25          another fix of that drug?

1           A    Correct.  Certainly if you're dope sick, yes, but  
2                    as I said it really does vary with the person in  
3                    terms of level of --

4           Q    And you would agree that when someone's in that  
5                    state of desperation or dope sickness that their  
6                    judgment would be impaired, wouldn't you?

7           A    Certainly.  I mean there's qualitative quotes as  
8                    you saw in the other paper social and structural  
9                    violence that women talk about dope sickness and  
10                  the need to sell sex to sustain a drug habit, so  
11                  certainly yes.

12          Q    If you would just turn to Appendix H, which is  
13                  your qualitative study.  Page 916 at the bottom  
14                  left-hand column there's a heading there  
15                  Meso-level.  I assume -- my understanding of that  
16                  is there's a level between micro and macro to  
17                  understand what structural factors are at play  
18                  with the micro and macro levels?

19          A    Correct.

20          Q    So it then says just below there that:

21                    A lack of safe places to take dates due to  
22                    the current legal framework as was described  
23                    by several women as a direct structural  
24                    barrier to HIV prevention...

25                  And it goes on there.  Is that current legal

1 framework, is that the sex workers' understanding  
2 of the current legal framework or your  
3 understanding of the current legal framework?

4 A It's women's understanding of them reporting that  
5 they don't have safe places to take dates so  
6 they're doing dates in cars. So, yes, it's the  
7 women's understanding.

8 Q And then you go on here to say that, and my friend  
9 touched on this, that once a woman gets in a car  
10 their safety is compromised, or at least that's  
11 what the reports are also confirming the  
12 qualitative reports?

13 A Certainly. And our quantitative results certainly  
14 show that there are higher risks associated doing  
15 dates in either cars or public spaces compared to  
16 those women who saw dates indoors.

17 Q And wouldn't you agree though that one of the  
18 reasons that an addicted survival sex trade worker  
19 would get into a car with someone could be because  
20 they were desperate, perhaps because they were  
21 dope sick or desperate for their next fix?

22 A Certainly this same report shows that certainly  
23 many women do talk about how certainly drug  
24 addiction plays a definite role in terms of their  
25 risks in general, but separately from that women

1 talk about other mechanisms such as doing dates in  
2 cars, and because we have a large cohort we were  
3 able to do quantitative analysis to compare the  
4 working indoors versus public spaces or cars and  
5 see that women had higher risks who did work and  
6 do dates primarily in cars or public places versus  
7 the indoors context.

8 Q But it's fair to say that one of the reasons why  
9 some of the women will do the dates in a car or  
10 get into a car might be quite independent from the  
11 current legal framework and that it might be  
12 because they are seeking -- they are desperately  
13 seeking something to cure their dope sickness?

14 A I think that's a hard one to compare, because if  
15 the same woman who was dope sick had the choice of  
16 doing a date in an indoor space and a car at the  
17 exact time, that's not what -- that would be a  
18 different comparison than what you're talking  
19 about. So given the lack of safe places to take  
20 dates, the lack of contact, that's what women talk  
21 about the risk of the car independent of their  
22 dope sickness and drug use. So those same women  
23 if they were able to take a date into their room  
24 that may be a safer context for them.

25 Q And in the sense of them going to a room they

1           could -- these women aren't able to go to a hotel  
2           with their date generally, these women in survival  
3           sex trade in the Downtown Eastside because we  
4           heard from Dr. Lowman's report they wouldn't be  
5           able to afford such a hotel; is that right?

6           A   Well, that does come off the cost of the date, for  
7           sure, so it has to be negotiated, but as we see  
8           from our quantitative results we do have women and  
9           that's how we are able to compare that they did  
10          dates in indoor spaces and we were able to compare  
11          that with cars or public spaces. So those women  
12          would have done dates either in a hotel room, a  
13          sauna, which is another common space that people  
14          reported. But certainly a lack of economic means  
15          is a huge limitation, so if you're only getting a  
16          certain amount for a date and part of that has to  
17          go towards the price of a hotel, obviously that's  
18          a major deterrent.

19          Q   My point is that the dangers of getting into cars  
20          for a sex trade worker, you would agree, is more  
21          complex than it being simply attributable to  
22          enforcement based policies of the police, the  
23          reasons as to why those women get into cars?

24          A   I think that within the current legal framework I  
25          think you can't take it outside of that, so I

1 think in this context women are talking about, and  
2 it shows up in our other quantitative work on how  
3 the women talk about the lack of places to take  
4 dates, restrictions on their ability to bring  
5 dates into their own rooms, and in this context  
6 women directly talk about the risks of a car  
7 specifically, and that's in the context of not  
8 having other places to take dates. Certainly  
9 there's many factors, including drug use, that  
10 women also discuss in the same paper as a  
11 challenge in terms of negotiating safety, but that  
12 comes out both in a qualitative and a quantitative  
13 analysis as an additional but independent factor.

14 Q Now, there are other strolls in Vancouver,  
15 prostitution strolls other than the Downtown  
16 Eastside strolls that you're familiar with, I  
17 assume?

18 A Yes. And as you can see from the map those aren't  
19 just Downtown Eastside strolls, they're Kingsway  
20 and other areas.

21 Q So there's Kingsway, there's -- and at least  
22 during the time that this commission is concerned  
23 with there was also a stroll at Seymour, Seymour  
24 and Richards Street?

25 A M'hm. Correct.

1 Q Now, your studies -- well, if we can turn to page  
2 2 of Appendix G, please, and on the right-hand  
3 column underneath the heading Methods, the third  
4 sentence, it says:

5 On the basis of previous research that  
6 identified 100 percent substance use among  
7 street-based female sex workers in  
8 Vancouver...

9 And then it goes on to discuss the eligibility  
10 criteria. Now, it then references a footnote 25  
11 which is a paper that is titled "Drug sharing with  
12 clients as a risk marker for increased violence  
13 and sexual and drug-related harms among survival  
14 sex workers." I assume that, and perhaps I'm  
15 wrong, but I assume that study was focusing on  
16 survival sex workers in the Downtown Eastside?

17 A So just to reiterate, yes, that was so. But just  
18 to clarify both the Maka sample and that sample  
19 that it refers to are women who live and access  
20 services in the Downtown Eastside, but as you can  
21 see from the data work in many areas around  
22 Vancouver, not just in the Downtown Eastside. So  
23 certainly many of the places they were displaced  
24 were not necessarily qualified as the Downtown  
25 Eastside.

1 Q We heard from Dr. Lowman during his testimony  
2 that, and for lack of a better word, that the sex  
3 trade workers, the high track sex trade workers  
4 presumably in the Seymour-Richards area were less  
5 likely to be substance abusers. Is that right in  
6 your view?

7 A They weren't included. I mean, we certainly did  
8 invite those women to participate, but I don't  
9 have numbers to actually quantify, but I wouldn't  
10 -- I don't know if there is any data necessarily  
11 to compare that.

12 Q So women in the -- is that the correct term, high  
13 track for lack of a better word?

14 A Yes.

15 Q Weren't part of this study?

16 A So some women may have been invited, but I don't  
17 have a strong enough sample to say that we could  
18 do any comparative work and tell you numbers. So  
19 not a large number, no.

20 Q And as well this didn't extend to strolls outside  
21 of Vancouver. For instance, you're aware that  
22 there is a stroll in New Westminster?

23 A Yes.

24 Q And this didn't include any women who worked on  
25 that stroll, did it?

1           A    Not currently.  In our current research, so our  
2                    sort of second phase of research, as part of it we  
3                    have certainly interviewed women in other areas  
4                    beyond the current, including New Westminster.

5           Q    Sorry, those studies aren't included in here?

6           A    No.

7           Q    It's not part of the Maka?

8           A    No.

9           Q    So is it not true then that the effect of the law  
10                   that you state could be different in different  
11                   areas outside of the Downtown Eastside?

12          A    Certainly the effect of the law could be  
13                   different, the interaction with policing could be  
14                   different, all that could be different, but to  
15                   clarify we didn't -- the methods weren't just to  
16                   sample in the Downtown Eastside, and we actually  
17                   mapped strolls and went and recruited from those  
18                   strolls.  So while I can't say that we have a  
19                   strong enough sample from the Seymour-Richards  
20                   track, the reason there are other tracks  
21                   represented here and there are other strolls is  
22                   because we did sample different areas within  
23                   Vancouver.

24          Q    I just wanted to ask few questions about the  
25                   qualitative study.  So if you can turn back to

1 Appendix H, and this is the study where 46  
2 participants partook in focus groups. How were  
3 the 46 selected? And I may have just missed that,  
4 they were self-selected or selected by you in some  
5 way?

6 A So we used a purposive sampling, which essentially  
7 means trying to attain variations of up to  
8 standard sampling method for qualitative research  
9 to attain as much variation as possible, so that  
10 included in terms of age, in terms of strolls  
11 identified where women worked.

12 Q And the sample size in total of the cohort was  
13 257; is that right?

14 A Fifty-five.

15 Q Fifty-five. And do we know what proportion of  
16 that represents of sex trade workers in total on  
17 the Downtown Eastside?

18 A No. We know that the sample itself was  
19 representative across different strolls, but we  
20 don't know -- we know other women didn't  
21 participate in the research, so certainly it's not  
22 inclusive of everyone.

23 Q And it's not possible I think I heard you say, or  
24 perhaps it was Dr. Lowman, it's not possible to  
25 select randomly from the population to get such a

1 large sized cohort; is that right?

2 A So generally the problem with random sampling is  
3 that you need a full sampling frame, so you'd need  
4 to know there's exactly one thousand of the  
5 population you're trying to sample. So for what  
6 the methods we use for recruiting our cohort are  
7 considered the best available methods in  
8 researching, accessing hidden populations and  
9 getting as representative a sample as possible.  
10 So by mapping the different strolls and then doing  
11 outreach in each of those strolls to invite women  
12 we're at least trying to get as much variation as  
13 possible across the different areas, but certainly  
14 random samplings are really challenging and would  
15 not be possible in this context.

16 Q With the size of the sample is it fair to say that  
17 although you can draw some conclusions that you  
18 still must be hesitant to some extent when  
19 generalizing to the population of sex trade  
20 workers as a whole?

21 A We can be fairly confident of our results, so we  
22 had a strong enough sample and we did sample size  
23 calculations to ensure we had a large enough  
24 sample, and that's a standard practice is that  
25 generally you can't interview every single person

1           in a certain population, but you do sample size  
2           calculations to make sure you have a large enough  
3           sample to do analysis, so we can be fairly  
4           confident that it's representative of the  
5           population.

6           Q   And of the people who participated in the focus  
7           group that were purposefully selected --

8           A   Yes.

9           Q   -- I think was the term, did any of them decide  
10          not to participate or did all of the people that  
11          you wanted to participate in the focus group  
12          participate?

13          A   They all participated.

14          Q   And those conversations in the focus group  
15          occurred in the presence of four to eight other  
16          women; is that correct?

17          A   Correct.

18   MR. MAJAWA:   Just one moment, Mr. Commissioner.

19   THE COMMISSIONER:   All right.

20   MR. MAJAWA:   Those are my questions.   Thank you very much.

21   THE COMMISSIONER:   All right.   Thank you.

22   MS. BROOKS:   Mr. Commissioner, if there's no other questions I  
23                 just have two questions in re-examination.

24   THE COMMISSIONER:   Well, wait a minute.   Do you have any  
25                 questions at all?   Are you sure?   All right.

1           Either one of you? You're entitled to ask  
2           questions. All right.

3   MR. GRATL: I should say, Mr. Commissioner, there's also a Don  
4           Larson and Kelly White here for CRAB.

5   THE COMMISSIONER: Where are they? Is Mr. Larson here?

6   MR. GRATL: Apparently he's left the building.

7   THE COMMISSIONER: Oh. No one else has any cross-examination;  
8           is that correct? All right. Yes.

9   MS. BROOKS: Just two questions, Mr. Commissioner.

10   THE COMMISSIONER: How long you going to be?

11   MS. BROOKS: Two minutes.

12   THE COMMISSIONER: All right.

13   **RE-EXAMINATION BY MS. BROOKS:**

14           Q   Dr. Shannon, counsel for the Vancouver Police  
15           Department asked you to comment on why women at  
16           the WISH drop-in centre may not have identified  
17           Pickton when Constable Shenher and Constable  
18           Dickson showed a photograph of him in February of  
19           1999. Do you recall that question?

20           A   Yes.

21           Q   And you addressed a few potential factors that you  
22           thought might have influenced their response to  
23           that question. You said that there could have  
24           been issues around power imbalances or perception  
25           of that, and whether the purpose of the question

1           being asked was explained properly. Just to  
2           clarify, could you tell me in your experience as a  
3           researcher for that particular population what  
4           would have been an -- or what would be an  
5           appropriate process to follow in that context to  
6           elicit, you know, the most reliable response?

7           A    Sure. Well, I mean given research, any research  
8           with Maka Project and others that we've done I  
9           think having some sort of community advisory board  
10          that could have helped them advise in the  
11          beginning would have been really important, and  
12          certainly I think that's an important first phase  
13          in making sure that the community understands why  
14          you're asking the questions, what the intent is,  
15          and then from that I think having community  
16          residents helping the process would also have been  
17          another means. So in our context we hired  
18          community researchers to do the research which  
19          reduces some of that power imbalance. I think the  
20          community advisory board is being able to advise  
21          in the process would also help to ensure that  
22          there is a clear understanding of what the  
23          research was being used for and address any  
24          concerns that there may have been around what the  
25          intent of the research was.

1 Q And counsel for 18 of the victims' families asked  
2 you about the rate of substance use within this  
3 group. Do you recall that?

4 A Yes.

5 Q And you told Mr. Ward that all of the women had  
6 reported using drugs?

7 A Correct.

8 Q Was that by design?

9 A So given that we did -- the first needs assessment  
10 we did with WISH we just opened it to any sex  
11 workers and then we got rates of a hundred percent  
12 substance use, so in our follow-up that was by  
13 design, so with the Maka Project.

14 MS. BROOKS: Thanks, Dr. Shannon, those are my questions.

15 **(WITNESS STOOD DOWN)**

16 THE COMMISSIONER: All right. Thank you. Where are we now?

17 MR. VERTLIEB: Well, I think we've made very good progress with  
18 Dr. Shannon.

19 THE COMMISSIONER: Yes.

20 MR. VERTLIEB: Obviously we'll need to have some time with her  
21 just to sort out Mr. Ward's request, and so it's a  
22 given we're not going to be able to do that today,  
23 but let me just tell you that we have then subject  
24 to that finished with Dr. Shannon, and as I  
25 mentioned earlier we did not want to schedule

1 anybody else. I appreciate that my learned  
2 friends have completed sooner than anticipated,  
3 and that's always a good thing.

4 If I may just on a couple of mechanical  
5 points and then we can take the break for the day,  
6 if you don't mind. There's been a request that  
7 counsel receive the exhibit list each day. My  
8 understanding is that Mr. Giles, in one of his  
9 usual helpful ways, is giving that to counsel and  
10 that will continue, so counsel will receive that  
11 on an ongoing basis from Mr. Giles.

12 Secondly, there is an outstanding motion by  
13 Mr. Gratl, as you know, to deal with vulnerable  
14 witnesses. Mr. Ward has some document motions.  
15 Let me just deal with Mr. Gratl. I think that we  
16 just need to find some time next week when we have  
17 all the family evidence and find a convenient time  
18 for that argument. As to Mr. Ward, we've  
19 encouraged Mr. Ward and counsel for the VPD and  
20 DOJ to see how much agreement can be reached. So  
21 we're working on that, so we're not in a position  
22 yet to argue that, but I expect next week we'll  
23 need to deal with that in open session. And I  
24 think with the family evidence starting Monday,  
25 and not being sure frankly how long that's going

1 to be, I think it'll just sort itself out that  
2 we'll do it.

3 But we're then finished for today. Tomorrow  
4 Ms. Brooks will deal with Ms. Astin, the community  
5 health nurse in the morning, we have Dr. Tom Kerr  
6 scheduled for the afternoon, that may be  
7 optimistic, but that's the schedule we've set in  
8 place, and then if Dr. Kerr needs to go on longer  
9 we can put him over hopefully to Thursday. And  
10 remember we have Dr. Lowman coming pack to finish  
11 Thursday.

12 THE COMMISSIONER: All right.

13 MR. VERTLIEB: So I think the schedule is surprisingly enough  
14 perhaps, or predictably enough is going very well  
15 and we're making anticipated progress.

16 THE COMMISSIONER: All right.

17 MR. VERTLIEB: Now, the only last thing, Mr. Commissioner, is  
18 apparently there's a drill of some sort here  
19 tomorrow at 10:20 and the suggestion has been made  
20 that we should start at 10:30 to avoid unnecessary  
21 convenience.

22 THE REGISTRAR: That's Thursday.

23 MR. VERTLIEB: Oh, that's Thursday. Sorry. So Thursday will  
24 be 10:30 to start.

25 THE COMMISSIONER: All right.

1 MR. VERTLIEB: And tomorrow ten a.m.

2 THE COMMISSIONER: Thank you. We'll adjourn.

3 THE REGISTRAR: The hearing is now adjourned for the day and  
4 will resume at ten o'clock tomorrow.

5 **(PROCEEDINGS ADJOURNED AT 3:10 P.M.)**

6 I hereby certify the foregoing to be a  
7 true and accurate transcript of the  
8 proceedings transcribed herein to the  
9 best of my skill and ability.

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Peri McHale

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