

1 October 31, 2011

2 Vancouver, BC.

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

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

5 THE COMMISSIONER: Yes, Mr. Vertlieb.

6 MR. VERTLIEB: Thank you, Mr. Commissioner. So just to outline
7 the week for you, we have Miss Davis to give
8 evidence and she may be the half day, possibly
9 somewhat into the afternoon, and then Elaine
10 Allan, who will be -- is scheduled to start this
11 afternoon at 2:00, and her evidence may carry over
12 to tomorrow. And then what I'd like to do is have
13 Mr. Gratl deal with his application for the
14 vulnerable witness protection, and then deal with
15 the application of Mr. Ward -- pardon me -- the
16 application issues around the VPD and the RCMP
17 wanting to have the confidential information issue
18 dealt with. And you heard about that a number of
19 days ago. Mr. Ward has a motion for more document
20 disclosure and we'll need to deal with that. And
21 then, finally, Mr. Ward on Friday he's filed a
22 motion to adjourn the hearing and I understand
23 from Miss Samnani that Mr. Ward would like to have
24 that argued on Thursday. And I think they're all
25 important matters and if everyone works to have

1 all of that done this week, then we'll be in a
2 good position to start evidence the following
3 Monday subject to your ruling on the adjournment.

4 THE COMMISSIONER: Thank you.

5 MR. VERTLIEB: Thank you. So in the box is -- the witness box
6 is Susan Davis, and she will be the only witness.
7 She has a colleague of hers with her, but her
8 colleague will not be asked any questions.

9 THE COMMISSIONER: Okay.

10 MR. VERTLIEB: I'm assuming you're comfortable with that. Mr.
11 Giles, could you have the witness take the oath
12 and affirm?

13 **SUSAN DAVIS:** Affirmed

14 THE REGISTRAR: Would you state your name, please?

15 THE WITNESS: Susan Davis.

16 THE REGISTRAR: And would you spell that, please?

17 THE WITNESS: S-u-s-a-n D-a-v-i-s.

18 THE REGISTRAR: Thank you. Counsel.

19 **EXAMINATION IN CHIEF BY MR. VERTLIEB:**

20 Q Thank you, Mr. Giles.

21 Miss Davis, let's deal with your background
22 before we deal with the main part of your
23 evidence. Tell us, please, where you're born and
24 your education.

25 A I'm from Halifax, Nova Scotia. I graduated from

1 high school at Dartmouth High school and attended
2 hairdressing school in Dartmouth as well.

3 Q Hairdressing school in Dartmouth?

4 A Yes.

5 Q You also studied at the Royal Conservatory of
6 Music?

7 A Yes. It's a program that lots of Canadian
8 children take. I studied and completed Grade 9 at
9 the Royal Conservatory of Music.

10 Q And that was studies in piano?

11 A Yes. I also learned how to play the flute and the
12 French horn.

13 THE COMMISSIONER: You also what?

14 THE WITNESS: Learned to play the flute and the French horn.

15 THE COMMISSIONER: Oh, I see.

16 MR. VERTLIEB:

17 Q And Grade 9 is -- is almost the full extent of the
18 Royal Conservatory program, Grade 10 being the
19 highest achievement that one can have through the
20 Royal Conservatory?

21 A Yes. I went on to compete in the Kiwanis Music
22 Festivals as well for two years after that.

23 Q Did you work part time as a piano teacher?

24 A Yes, I did.

25 Q Some of the other jobs that you had -- that you

1 held between 1984 and 1988 include being a chamber
2 maid?

3 A Yes.

4 Q You were a Red Cross lifeguard?

5 A Yes.

6 Q You mentioned taking the hairdressing course. Did
7 you work as a hairdresser?

8 A Yes. Briefly.

9 Q And you had other jobs during those four years,
10 1984 to 1988?

11 A Yes.

12 Q And that was all in Nova Scotia?

13 A Yes.

14 Q In 1986 what work did you start to do?

15 A I started to work as an escort.

16 Q Tell us how that came about.

17 A Well, I called an ad in the newspaper inquiring
18 about -- that said they were hiring escorts, and I
19 went down to meet the person who had placed the
20 ad. And I remember it was a strange little
21 apartment with teddy bear fur-covered couches and
22 the furniture being quite -- quite -- I don't
23 know -- erratic or strange anyways, eccentric
24 maybe. But yes. He was a pretty good guy and I
25 worked there doing in calls for about six months.

1 Q And after that, focusing, please, on your work in
2 the sex industry, what did you do?

3 A Well, I went on from working in that in call place
4 to working for a madam. Her name was Amy Adams.
5 She ran an escort service in Halifax. Myself and
6 three of my girlfriends were all working on an
7 out-call basis, visiting with men in their homes
8 and hotel rooms.

9 Q How many years did you stay in that work in Nova
10 Scotia?

11 A All together between the two locations I guess
12 that will be two years, so a year and a half
13 working for Amy Adams.

14 Q Let's then discuss how it is you ended in British
15 Columbia. When did you come here and why did you
16 come to British Columbia?

17 A I came here in 1990 after I was released from
18 prison in Nova Scotia. I thought I needed a
19 change of venue. Also, the economy had kind of
20 crashed in Nova Scotia and many people left. They
21 came out here looking for work. I guess I was one
22 of them as well.

23 Q So you arrived in British Columbia in 1990?

24 A Yes.

25 Q And what work did you start doing?

1 A Well, I had attempted to try to get an escort
2 licence, but because of my criminal record I
3 couldn't get one, and so I needed to make some
4 money and that's why I started to work on the
5 street. I started working first off on Seymour,
6 but I realized very quickly that there were a lot
7 of pimps over there and so I asked a cab driver
8 where it might be a better place for me to work
9 and discovered a sort of middle-of-the-road track
10 at 2nd and Main.

11 Q Just before we deal in a bit more depth about
12 this, we heard from Dr. Lowman that there are
13 three tracks. He called them a high track, a mid
14 track and a low track. Do you use the same
15 terminology?

16 A Yes, I do.

17 Q And are you familiar with each of those?

18 A Absolutely.

19 Q So let's just talk about the work you did. You
20 mentioned on Seymour Street and you mentioned
21 pimps?

22 A Yes.

23 Q What track would that be referring to?

24 A That's the high track.

25 Q And back in the time frame of our terms of

1 reference, '97 to the early 2000s, what would be
2 the cost of sex services on the high track?

3 A Between a hundred and six hundred dollars.

4 Q And the hundred dollars being the -- at the low
5 end of the rate, that would be for?

6 A Minimal service, like a hand job in the car.

7 Q \$600 would take someone where?

8 A Back to the hotel room and full service, so full
9 sex.

10 Q In that time frame tell us about the mid-track
11 pricing.

12 A Well, the mid track would have been \$60 for a hand
13 release, \$80 for oral sex or \$100 for what we
14 refer to as half and half or full sex. We could
15 sometimes get -- if somebody wanted to have two
16 releases, as we call it, it would be \$150.

17 Q And where would that -- where was the geography of
18 the people doing the mid-track work in the time
19 frame of our terms of reference?

20 A Between 2nd and 7th Avenue, between Main Street
21 and Quebec, Ontario, so spread up and down
22 depending on where enforcement had pushed people
23 at that particular time.

24 Q And in that time frame, tell us about the pricing
25 for sexual services on the low track.

1 A On the low track it was anywhere from twenty to
2 fifty dollars. Over time that began to degrade as
3 people's choices were narrowed, and now it stands
4 at three to five dollars at the minimum. But you
5 still get some high-end clients over there. I
6 mean sometimes you still get people that spend
7 money.

8 Q So for \$5 you could get a sex act from someone
9 working the low trade?

10 A Yes.

11 Q What's that price referable to?

12 A It's the price of a rock of cocaine.

13 Q When you first started in the sex industry, were
14 cocaine rocks prevalent?

15 A Not as much as they were later on. In the
16 beginning I remember that we would buy powdered
17 cocaine and I learned how to make my own crack.
18 We could get crack in Halifax, but out here it
19 didn't seem to be as easy to find, so I did notice
20 that it was increasing in its availability as time
21 went on.

22 Q Has the price of a rock of cocaine dropped over
23 the last decade?

24 A Yes.

25 Q Let's focus on the Downtown Eastside, which is the

1 main focus of this inquiry as it relates to the
2 question that I'm going to ask you. We've heard
3 that's referred to as the low track. Is that your
4 view of it?

5 A Yes.

6 Q Did you actually work the low track?

7 A Yes, I did.

8 Q From when to when?

9 A As I was trying to exit living in the hotels and
10 moved into the pimp house in Burnaby and then on
11 to the booze can, and with my friends I attempted
12 to the exit the street-level trade several times
13 and it didn't always work out as quickly as
14 possible. You always know that you can quickly
15 make money down by the point. There's always an
16 abundance of clients over there, and so I was
17 desperate and I needed the money and so
18 sporadically I would go wherever the money was to
19 be had, so be checking up and down Kingsway, over
20 by Hastings and Hawks, Clark, you know, 7th and
21 Woodland, Fraser and Broadway.

22 Q When were you involved in sex work in the low
23 track? Can you give us an approximate time frame?

24 A Sure. It was sort of, like I say, over a
25 three-year period that started in that winter of

1 '90, '91 and went on to '93, '94.

2 Q In terms of the -- the low track, tell us about
3 the negotiation of fees and where this takes
4 place.

5 A Well, because it's illegal to communicate in
6 public, you have to get into the car and close the
7 door in order to make the conversation private, so
8 before you've had a chance to do an environmental
9 scan and see if the guy's got a gun or a knife or
10 a rope or something like that, before you've had a
11 chance to gauge whether or not he's sober, maybe
12 he's drunk or high, and before you've determined
13 whether or not you're willing to do what he wants
14 you to do and if he has any money. So you're in
15 the car. Now, if he decides that he wants to hurt
16 you for \$5, you're left to negotiate your way out
17 of the car. And many times people have to jump
18 out of the car in order to escape.

19 Q So is the object, as it were, to get into the car
20 as quickly as possible to avoid any detection by
21 the police?

22 A Yes.

23 Q What's the risk once the sex worker's in the car?

24 A The risk is that having not negotiated what you're
25 willing to do or what you're going to charge for

1 it, that you may not be willing to do what he
2 wants you to do and that he may become violent.
3 So because you can't talk to him first about what
4 it is he wants you to do, you're sort of left
5 vulnerable to whatever he wants to do to you
6 because you have no power to escape from him once
7 you're in the car.

8 Q How often would you say a sex worker on the low
9 track would face violence, the risk of violence?

10 A Every single day. Every time you get in the car.

11 Q And is that something that was known to you and
12 the other women doing the sex work?

13 A Yes. But you -- you need the money and regardless
14 of whether or not it's dangerous, you have to pay
15 for your housing. You need to afford the drugs
16 that you need to cope. You have to eat. You
17 know, poverty doesn't change just because the work
18 you're doing is dangerous.

19 Q Does that then lead the sex workers to develop
20 survival strategies?

21 A Absolutely.

22 Q Would you tell Mr. Commissioner about those,
23 please, about some of those?

24 A Sure. We -- we often recommend to people, first
25 of all, not to carry a weapon because it may be

1 turned on you, but if a person is going to carry a
2 weapon because they fear a particular threat, if
3 they're careful with how they use it and all those
4 kinds of things. We also tell people not to wear
5 scarves because they could be choked with it and
6 when they get into the client's car to make sure
7 that there's a door handle; that the customer
8 doesn't have the only control of access or getting
9 in and out of the car, things like that, to write
10 down the licence plate number on the sidewalk, on
11 a lamp pole, to use spotters, to try to work in
12 teams so we can have each other's back, and try to
13 remember the descriptions of the vehicles and the
14 licence place numbers.

15 Q And just tell us about the spotter. We heard the
16 word from other witnesses, but you were actually
17 doing this work.

18 A Sure.

19 Q Tell us about what that means.

20 A Well, as a worker or a friend is getting into the
21 car, you take a look at the car, remember it. You
22 look at the guy and his face and you try to take
23 down the licence plate number. Because you may
24 have to go off on a call yourself, you write it
25 down somewhere if you can, scrape it with a key

1 into a light post or onto the ground with a rock.
2 Unfortunately, though, if you have to go, your
3 partner's already off on a call. There's nobody
4 there to spot for you. So it does work to a
5 degree, but not always.

6 Q We've heard about bad date sheets. Do you know
7 about those?

8 A Yes.

9 Q And what are they from your perspective?

10 A It's a detailed description of violent acts
11 experienced by sex workers and reported through --
12 well, a few different ways. People can report
13 either through the mobile access vans or one of
14 the sex worker support agencies, and then it's put
15 together, what looks like a grid. We're now
16 calling it the red light alert. And it just gives
17 details about the vehicle. If there's a partial
18 plate number, it'll be on there, the description
19 of the perpetrator himself as well as what acts of
20 violence he committed against the sex worker. It
21 also says the sex of the sex worker, because we do
22 have male sex workers and trans workers, and
23 generally speaking somebody who's violent will
24 stick to one sex or the other, so all of that
25 information is detailed there.

1 Q I want to ask you about health issues that face
2 the people doing the sex work that you've been
3 describing. Tell us about some of those.

4 A Well, you face violence, of course. If you're
5 having a difficult time negotiating the rates with
6 a person, you may also have a difficult time
7 negotiating condom use. So I mean that's
8 obviously a health concern. But for us I guess
9 it's mostly violence and being homeless, not being
10 able to find somewhere to stay, living in extreme
11 poverty, all of those things.

12 Q So let's talk about the homelessness. We've heard
13 about that as well from Dr. Shannon and Dr.
14 Lowman. This is something that you would know
15 about firsthand?

16 A Yes.

17 Q Tell Mr. Commissioner about the -- about the
18 homeless situation. How often do sex workers pay
19 for their housing?

20 A Well, you can find rooms in hotels that will
21 charge you by the week or by the month, but the
22 rooms that we were staying in in the City Centre
23 Motel, for instance, were by the night at \$60 a
24 day, so about \$1800 a month, which meant every day
25 you had to go out and have a client, \$60. That

1 first money was going to pay for the room. If you
2 had a bad day, like it was a snow storm or
3 something like that, there wasn't a lot of
4 business, you may end up with nowhere to stay.
5 The hotels would never give you any slack. You
6 were kicked out if you couldn't pay. So it was
7 definitely a vulnerable situation to be in and a
8 couple of times I wasn't able to afford the room,
9 and on one occasion, in fact, because I had lost
10 my identification, I had one of my customers
11 actually pay for the room, get the room with his
12 ID so I would have somewhere to stay, only later
13 to have the police sweep the hotel for anybody who
14 wasn't the named person on the hotel. We were all
15 kicked out even though I had already paid for the
16 room, ending up homeless. So it's day to day
17 every single day trying to survive.

18 Q So what would happen if you missed paying the rent
19 for that day?

20 A You end up on the street, homeless with all your
21 stuff in a bag, which is difficult. If you're
22 trying to go and work at the same time, you have
23 to stash your stuff somewhere outside. I can
24 remember putting my bag under a bush, covering it
25 in sort of garbage and leaves so that I could

1 work. I had to go down to the Burger King and
2 wash my hair and clean myself up there because I
3 didn't have anywhere to clean up, and then coming
4 back and my ID and everything being stolen, not
5 being able to -- to move forward. And you can't
6 get welfare. You can't access supports without
7 any ID. It's definitely a barrier when you've
8 lost it all.

9 Q So you've described the pressure that sex workers
10 on the low track would feel to pay for
11 accommodation sometimes on a daily basis. Would
12 that pressure affect the risk that a sex worker
13 might take in terms of dealing with a customer?

14 A Absolutely. I can remember several occasions
15 where I went beyond what I would normally have
16 done, taking risks with clients who appeared to be
17 unclean or, you know, maybe had a lower level of
18 sobriety than normally I would tolerate, but
19 especially in that winter it was cold. It was
20 raining all the time. You're wearing these
21 little, tiny stilleto shoes with like half a
22 millimetre thick sole on the bottom. After an
23 hour of standing there, you'll get in with anybody
24 just even to warm up, you know, standing like
25 that.

1 Q I wanted to ask you about Downtown Eastside
2 service providers and about their importance and
3 about the importance of those providers to the
4 women working in the sex industry. Tell us about
5 these service providers and the importance to the
6 women.

7 A I can remember when there were no sex worker
8 specific services at all in the Downtown Eastside.
9 Now we've got great organizations like PACE and
10 PEERS and WISH, the mobile access van, which
11 provides safe space for people who are living in
12 these circumstances and are sex workers. Safe
13 space, by that I mean that they don't feel judged
14 when they go there. In some cases the
15 organizations are directed by sex workers and the
16 programs that they have are defined by sex
17 workers, so they're critical. We've got a
18 continuum of supports, one which is frontline,
19 being the MAC van, going out and visiting women
20 where they are on the street, helping them, giving
21 them the bad date sheets, taking the reports. And
22 then we've got sort of direct support through PACE
23 Society, you know, who help people get their ID
24 back, help them find housing, help them deal with
25 any warrants they have, connect them with their

1 family, do whatever sort of little things need to
2 be done, and then, of course, exiting programs,
3 which used to traditionally be PEERS, but we're
4 seeing a lot of flux in funding and so even the
5 exiting programs are in real trouble at this
6 point.

7 Q Now, what's the impact on the sex worker because
8 of the Downtown Eastside service providers? How
9 does that affect the geography or the mobility of
10 the sex worker?

11 A Well, everything is quite concentrated in that
12 neighbourhood, which in some ways because a lot of
13 the housing is over there in the SRO's, as we call
14 them, the single residence occupancy rooms, it's
15 easier for them to get to the services that are
16 closer to them. However, some of the services do
17 fall into places where they may not -- not all
18 workers may feel comfortable going or they may
19 feel intimidated by other businesses in the
20 communities, but for the most part I think it is
21 important that those -- those services are right
22 there on the ground where the workers are, because
23 for a person to try to move out of their community
24 to try to go and access support services is
25 extremely difficult to do. It makes you anxious.

1 For me it was hard to go outside of the community
2 when I was trying to seek support services. So I
3 think it's critical that those services remain in
4 that community.

5 Q And is there a word that you'd use to describe
6 where these service are right where the women are
7 working?

8 A Well, I would say that it's kind of entrenched or
9 it's kind of ghettoized over there in some ways.
10 I'm not -- I don't know what the word is, but I
11 would say definitely it's all put into the same
12 sort of neighbourhood. It's all within an easy
13 distance for people to access it.

14 Q I want to ask you now about drug dependency and
15 the sex worker working on the low track. I think
16 it's not surprising to conclude that many of the
17 women involved in the sex industry are involved in
18 drug usage?

19 A Depending on where they're -- where they are in
20 the sex industry. For us, we realize that
21 addiction is a symptom of violence and a coping
22 mechanism, so for the people that are working on
23 the street in the most dangerous of working
24 environments, yes. Drug use is very prevalent as
25 they're trying to cope with the violence that

1 they're witnessing and experience every single
2 day.

3 Q Does the drug use drive the sex act itself in
4 terms of the activity of the women working in the
5 Downtown Eastside?

6 A Sometimes.

7 Q How so?

8 A If you -- I have been a drug addict, so when
9 you're feeling dope sick from heroin, for
10 instance, it's physical pain. And, you know,
11 within a -- within a short period of time you will
12 be completely immobilized by drug sickness. So
13 sometimes when you start to feel that coming on,
14 you get a bit desperate and then you'll start to
15 work looking for the money. This is when the high
16 starts to fall. Negotiation ability, choice, all
17 those things are diminished.

18 Q Let me ask you about the police relationship with
19 you as a low-track sex trade worker and the other
20 women working in the low track. How would you
21 describe the police relationship with the sex
22 worker?

23 A Over time a relationship is -- has evolved into
24 antitrust. I mean collectively we have all as a
25 community experienced different levels of violence

1 or mistreatment at the hands of police. I've
2 heard many stories. And, of course, you learn
3 from other people about how you won't be listened
4 to if you try to report violence and so as a
5 community we don't trust the police.

6 Q As a community do you recognize, though, that the
7 police can provide protection?

8 A In some cases they can, but not in every case.
9 When it comes to the violence that workers on the
10 street are experiencing because they're forced
11 into -- we are forced into dark areas, isolated
12 places. The police aren't always around to
13 protect you. And, you know, we didn't always get
14 the sense that they were willing to protect us.
15 I've heard many stories of police refusing to take
16 reports, police being judgmental in taking reports
17 and, again, you know, collectively we all tell
18 each other these things as well as, you know, you
19 don't want to be known as a sex worker. As soon
20 as you out yourself as a sex worker or interact
21 with police, now you have a gang file, a criminal
22 record, and you are remembered as a sex worker.
23 So whatever happens to you, whatever interactions
24 you have with the system at large after that will
25 be defined by that sex worker's status, so --

1 Q You are active today in organizations that have
2 been purposefully designed to assist the sex
3 worker? You've been involved and chaired PACE,
4 for example?

5 A Yes. I chaired PACE Society for two and a half
6 years. I am the development co-ordinator for
7 Canada's first sex worker co-operative. I'm a
8 member of the B.C. Coalition of Experiential
9 Communities, who are sort of the research arm, and
10 then Canadian Adult Entertainment Council, which
11 is our sort of industry association development.

12 Q Now, you are still active in the sex industry
13 today?

14 A Yes. I've been a sex worker for 25 years.

15 Q Miss Davis, thank you very much.

16 A Thank you.

17 THE COMMISSIONER: Cross-examination?

18 MR. WARD: Yes. Thank you. Cameron Ward, counsel for the
19 families of 18 missing and murdered women. Just
20 before I start, from what I have received, it was
21 anticipated that Miss Davis's curriculum vitae
22 would be tendered and marked as an exhibit. Do we
23 have some copies for that preferably?

24 MR. VERTLIEB: I don't think it's necessary, but we will
25 have --

1 THE COMMISSIONER: Necessary to do what?

2 MR. VERTLIEB: To do what exactly?

3 MR. WARD: To be put into evidence and so that I can ask
4 questions from it so that everybody can follow. I
5 was just told by my friend Mr. Vertlieb that that
6 would happen and that will be an exhibit.

7 THE COMMISSIONER: I'm sorry. You'll have to speak up.

8 MR. WARD: I'm sorry. My question at the outset was simply
9 whether this witness's CV was going to be tendered
10 as Mr. Vertlieb had indicated, but I heard the
11 answer is no, so I'll proceed in its absence and
12 if appropriate I'll make a copy later.

13 THE COMMISSIONER: Okay.

14 **EXAMINATION IN CHIEF BY MR. WARD:**

15 Q Thank you. I'm going to ask you some questions,
16 Miss Davis, about your experience as set out on
17 your CV. You have indicated that over the period
18 of time from 1986 to the present you've survived
19 numerous assaults and several attempts on your
20 life, correct?

21 A Yes.

22 Q And those, I take it, were all related to your
23 work in the sex trade industry?

24 A Yes.

25 Q And were the majority of those assaults and

1 attempts on your life in the context of working on
2 the street as opposed to indoors?

3 A Yes. The majority.

4 Q Can you please provide some examples of those
5 experiences and then what, if anything, you were
6 able to do to activate the criminal justice system
7 that is supposed to be there for situations like
8 these?

9 A You mean like an example of an assault?

10 THE COMMISSIONER: Just a minute. Don't answer. Yes?

11 MR. DICKSON: Yes, Mr. Commissioner. Tim Dickson for the
12 Department and the Board. And I just rise at this
13 point to flag this. Miss Davis is here to provide
14 broad contextual evidence. As I hear my friend's
15 question, he's wanting to go to particular
16 circumstances, particular examples of interactions
17 with the police or her own personal examples, and
18 we've not had disclosure of those.

19 THE COMMISSIONER: Sorry?

20 MR. DICKSON: We've not had disclosure of those. I don't know
21 what she's going to say in that regard. There's
22 one that was mentioned vaguely on a will say, but
23 I flagged this because she's here to provide
24 context broadly, and I -- respectfully I say it's
25 not relevant to that purpose that Miss Davis

1 provide specific examples of her interaction with
2 the police if that's where my friend is going.

3 THE COMMISSIONER: Well, you know, with respect, I don't see
4 any difficulty in it. The only difficulty I had
5 with his question is it was long and there was
6 more than one question in it, but save and except
7 for that, he's entitled to ask her in
8 cross-examination specific examples of the
9 violence that she's spoken about. She's already
10 given some evidence of that in examination in
11 chief and I see no difficulty in it. I see no
12 prejudice from your perspective as acting for the
13 Vancouver Police. All right. Go ahead, Mr. Ward.

14 MR. WARD:

15 Q Thank you. Let me -- let me try again with a
16 short and to the point question at first. I
17 understand that on one occasion in your sex trade
18 career you were brutally raped and that you
19 attempted three times to report that incident to
20 the police; is that right?

21 A Yes. But many women had the same sorts of
22 experiences and, you know, I'm not sure why that
23 was, but definitely I didn't feel like the report
24 was taken seriously.

25 Q And where did that occur? Was that here in

1 Vancouver?

2 A Yes. In the downtown off of 2nd Avenue just past
3 Main Street in the parking lot of what was called
4 Quebec or it's an industrial area.

5 Q All right. And you would agree with me that rape
6 is generally considered one of the most serious
7 offences under the criminal law?

8 A Yes.

9 Q Can you describe, please, what happened on those
10 occasions when you attempted to report this crime?
11 Who did you go to and what was the response?

12 A I have no evidence related to that. I cannot
13 remember. I mean this is a long time ago. I've
14 lost everything I've owned a couple of times since
15 then. Any information that I did have, including
16 the licence plate of the man who assaulted me, is
17 lost, so I have no idea who it was. But I do know
18 that I -- I waited for an hour on the corner, that
19 it was really cold and I -- and I needed to make
20 money for my hotel room, so I ended up taking a
21 client and so if they came when I wasn't there,
22 I'm not sure, but --

23 Q They being?

24 A The police.

25 Q So I take it you phoned for a police officer, did

1 you?

2 A Yes. And asked them to meet me on the corner. I
3 didn't want them to come to the hotel. We were
4 all living in the hotel and a lot of illegal
5 things were happening there and I didn't want to
6 disrupt it or get in trouble with any of the other
7 workers or their pimps.

8 Q Did you phone 911?

9 A Not first. I called the non-emergency number and
10 then 911.

11 Q You called both the Vancouver Police Department's
12 non-emergency number and after that 911?

13 A At the direction of the non-emergency number.

14 Q Oh, I see. So you -- immediately after this
15 happened, you phoned the Vancouver Police
16 Department's non-emergency number. They told you
17 to phone 911 and you did right away?

18 A Yes.

19 Q And then you waited for an hour or so?

20 A Yes.

21 Q And no one came in response?

22 A And I had to make money for my room.

23 Q So then you left that location after about an
24 hour?

25 A Yes.

1 Q So that, I take it, was the first attempt to
2 report this crime to the police?

3 A Yes.

4 Q Did you subsequently make two more attempts?

5 A Yes. Once I had moved into the pimp house in
6 Burnaby, I attempted once again to contact the
7 officer and left a message. There was nobody
8 there at that time. And then I called again and
9 went down to try and wait for them, and nobody
10 came. Again, I had to go and work to make money.
11 So they may have come. I don't know. But nobody
12 ever made it to come and take down a report and I
13 gave up on that after that.

14 Q And on each of these occasions were you dealing
15 with the Vancouver Police?

16 A Yes.

17 Q And were you given a specific officer's name to
18 make contact with?

19 A I can't remember. You know, I had just been
20 assaulted. I was flying from the hotel and I had
21 done some coke to try to calm down afterwards, so
22 I can't remember who it was.

23 Q And were these three attempts made by you over the
24 course of, what, a 24 --

25 A Three weeks.

1 Q Three weeks?

2 A Yes.

3 Q All right. What about -- sorry?

4 A I just kept thinking about it. It haunted me a
5 bit because he had used a knife. He was violent
6 and it just -- it was my first really serious
7 assault. And I just -- I guess I -- being a
8 middle-upper-class daughter, I believed that I
9 would get equal treatment and it just -- it sort
10 of haunted me a bit that I couldn't. That's why I
11 think I kept trying to do it even after I failed
12 the first couple of times.

13 Q In your resume you said that in that period I
14 mentioned there were several attempts on your
15 life. So this was one of those?

16 A Yes. And it's ongoing. I mean this was one of
17 those. I also had pimps who tried to take me. I
18 ended up with a pimp who wasn't so bad as the
19 other pimps were. They came in. They stole
20 everything we had, left us with one dress and one
21 pair of shoes. I found that to be a serious
22 attempt on my life as well as when I ran away from
23 the pimp, he caught me on the street and
24 threatened me, beat me up. I got away from him
25 again. But yes.

1 Q In respect of these other attempts on your life or
2 serious assaults, did you make efforts to report
3 them to the Vancouver Police?

4 A No. The only time I ever tried to report again
5 was to the -- the West Vancouver RCMP -- I guess
6 North Vancouver there, and they saw it through to
7 court, but the man who tried to kill me was
8 acquitted.

9 Q So you were successful through the -- you believe
10 the RCMP. Was it RCMP in North Vancouver?

11 A I believe so, yes.

12 Q Or was it the West Vancouver Police Department?

13 A I believe it was the RCMP. The courthouse is in
14 North Van, but the crime occurred in West
15 Vancouver.

16 Q Well, there's a difference -- you're aware that
17 West Vancouver's policed by a municipal force, the
18 West Vancouver Police?

19 A Police are police.

20 Q All right.

21 A Sorry to say.

22 Q In any event, with respect to that experience that
23 occurred in West Vancouver, you were actually able
24 to lodge a complaint and there was an arrest and a
25 prosecution?

1 A Yes, if you want to call it that. I would say
2 that the court failed in a number of ways that
3 day. The police didn't bother to bring the weapon
4 that he used on me or the gun that was discovered
5 on the premises. The man himself didn't even
6 bother to have a lawyer and actually
7 cross-examined me himself, after which the judge
8 acquitted him based on the fact essentially that
9 sex workers are not credible.

10 Q So what degree of satisfaction did you have with
11 that experience with the criminal justice system?

12 A I went off the deep end. I was completely at
13 risk. I started doing cocaine again. I was
14 drinking and fighting and angry all the time.
15 Lucky for me, I did have some good people around
16 me. I had friends and supports that I was able to
17 make it through and survive it.

18 Q And were you angry in part because you had
19 believed that the criminal justice system through
20 the police and the prosecutors and the judges was
21 supposed to be there to dispense justice to
22 everyone no matter what background or line of work
23 they came from?

24 A Absolutely.

25 Q And was the realization that, in fact, in your

1 experience your occupation made the criminal
2 justice system ineffective or inaccessible the
3 cause of you going off the deep end, as you put
4 it?

5 A Absolutely.

6 Q Would you consider that a major life-altering
7 event?

8 A Definitely. If you don't feel like you can trust
9 the systems that are in place to protect you and
10 you can't count on accessing justice in those
11 ways, what are you supposed to do?

12 Q Your resume indicates this. And I just want to
13 read this line from page 3. It says this:

14 I am currently working with the Missing
15 Women's Commission to inform them on other
16 areas of the criminal justice system such as
17 Victim's Services, which should be held
18 accountable, and best practices emerging in
19 this regard and critical to informing the
20 findings of the commission.

21 Those are your words?

22 A Yes.

23 Q What are you doing and what does that work
24 involve?

25 A Well, the second portion of the commission is

1 known as the study commission, and throughout the
2 years one of the groups I belong to called the BC
3 Coalition of Experiential Communities, who are a
4 group of current and former sex workers who work
5 together to fight against the systematic problems
6 that have plagued sex workers and oppressed them,
7 during that time we did work with Victim Services
8 and discovered a number of gaps in services. And
9 with those reports we wanted to ensure that the
10 commission heard from the sex workers who were
11 included in them and, in particular, confronting
12 bad dates was one of our publications in which we
13 worked with sex workers all over British Columbia
14 and we heard their stories about their attempts to
15 report bad dates, their experiences with bad
16 dates, what they felt could be changed to improve
17 their ability to report bad dates. I just wanted
18 to make sure that all of that was included, in
19 particular since some of the participants in those
20 projects died, and so for us we needed to bring it
21 forward. I also was hoping to inform the study
22 commission on ways in which they can protect the
23 safety of vulnerable women who want to take part
24 in this process to ensure that no harm, extra harm
25 came to them as a result of their participation in

1 the study commission.

2 Q From your perspective doing that work, who do you
3 mean by Victim Services? Can you explain?

4 A Well, for instance, Victim Services is controlled
5 by the criminal justice system, the solicitor
6 general, and generally is housed within the police
7 department. So each detachment of the RCMP will
8 have a victim services section. The same thing is
9 true about VPD. One instance of the gap or
10 barrier in service is with the victim's
11 compensation fund. When we met with the people in
12 charge of that fund, they, first of all, told us
13 that you needed to attribute your trauma to one
14 particular event, which means that because most of
15 us have experienced multiple traumas, we were
16 actually too great to qualify for victim's
17 compensation, as well as they told us outright
18 that sex workers were greedy and that we would
19 just continue to collect the compensation
20 indefinitely. We're talking about a maximum of \$8
21 an hour to 40 hours a week. So this is the
22 difference to me though. When we were doing this
23 work, \$1200 a month from \$600 a month could be the
24 difference between life and death for a person
25 who's living in survival mode, living in the East

1 End in extreme poverty. So for me it was a
2 barrier that definitely had contributed.

3 Q You mentioned that the VPD had a Victim Services
4 Unit?

5 A Most police office branches do.

6 Q Did you have any experience through your work in
7 trying to obtain assistance from the VPD's Victim
8 Services Unit?

9 A I have never had any experience with that. When
10 we did do the project confronting bad dates and
11 which resulted, I guess, in the end protection for
12 all reports, police did attend an all stakeholders
13 meeting that we held, including sex workers. So
14 members of the special investigation team would
15 have been there as well as a sex industry liaison
16 officer. So they have been trying to take part is
17 my sense.

18 Q When was that approximately? What year?

19 A 2006 or '7.

20 Q How about in the nineties? Did you have any
21 experience at all with the VPD's Victim Services
22 Unit?

23 A No.

24 Q These bad date sheets you've referred to, you
25 mentioned them in your evidence and I'd like a

1 little more detail if I could. I take it that
2 these were reports prepared by agencies that were
3 dealing directly with women on the street and
4 these reports would provide descriptions and
5 descriptive information about men who had
6 assaulted or acted violently towards sex trade
7 workers; is that right?

8 A Yes.

9 Q And how frequently were they generated, in your
10 experience, in the 1990s?

11 A In the nineties maybe once a month, delivered to
12 us by the Downtown Eastside youth van that would
13 come around and hand out condoms, needles and a
14 bad date sheet. In those days it was just sort of
15 a list of the perpetrators. It wasn't that easy
16 to read, so in recent years it has been revised
17 once again by the BC Coalition of Experiential
18 Communities to be now known as the red light
19 alert. It's in a grid form, so it's easier to
20 read.

21 Q To your knowledge were the sheets that were
22 generated in the late 1990s, early 2000s
23 distributed, in addition to the women on the
24 streets, to law enforcement personnel?

25 A I'm sure they could have access to it. I know

1 that the police do use them as a tool. I know
2 that there was at least at some point an attempt
3 to try to create a database out of that
4 information. I'm not sure whatever happened to it
5 though.

6 Q Were you involved with that at all?

7 A I was involved in some committee meetings
8 regarding it, but PACE and WISH are generally the
9 organizations who add information to the bad date
10 sheet and distribute it through the MAC van.

11 Q You said through the MAC van?

12 A The mobile access van.

13 Q Through the work that you did, did you meet or
14 become acquainted with any of the missing women
15 who are depicted on the chart behind you?

16 A Not as far as I remember.

17 Q And I take it that you've considered that question
18 because you didn't have to look at the list right
19 now?

20 A No. I have -- all of my friends who were killed,
21 their murders were solved and they're not on the
22 list.

23 Q Did you have any personal experience with the man
24 we now know was convicted of six murders in
25 respect of Vancouver sex trade workers, Mr. Robert

1 William Pickton?

2 A I have no evidence that proves that.

3 Q Does that mean you have some sense that you might
4 have met him along the way?

5 A I may have, but when he was arrested -- I'll just
6 describe the way that it happened to me. When he
7 was arrested, I saw his picture and I thought,
8 "That's the guy." And I thought to myself, "No.
9 You're just -- your mind's playing tricks on you.
10 That's not possible." It's just eye witness
11 testimony is notoriously bad. So I asked a
12 veteran worker in the Downtown Eastside, another
13 woman that I had known for many years, and she
14 asked me to describe the vehicle, which I did.
15 And she told me that she thought it was indeed
16 him. So that's -- that's the truth that I live
17 with even though I can't prove it. That's the
18 sort of -- that's what I live with, yes.

19 Q Just focussing on that for a moment, that's the
20 guy and then you also described a vehicle to this
21 worker. Were you referencing him to a specific
22 event in your past?

23 A An assault, yes.

24 Q What happened then?

25 A When? When I asked her about it?

1 Q No, no. Sorry.

2 A When I was assaulted?

3 Q The circumstances of the assault.

4 A I got into the car. I needed -- there was two of
5 us standing there in front of Craftsman Collision
6 on Main Street and 2nd there. I guess it's 3rd
7 Avenue.

8 Q Approximately what year?

9 A '90, '91, in the winter.

10 Q All right.

11 A And it had been snowing. There wasn't much
12 business. But I needed to pay for my hotel. I
13 asked the girl who was standing next to me if she
14 wanted to get in because she was senior. She had
15 been there longer. She had a pimp. So she said
16 no, and I just -- because I needed the money, I
17 went ahead and jumped in. I assumed that it was
18 because he was dirty and that the car looked like
19 it was a wreck and that's why she didn't want to
20 go. But as I drove away, I can remember her mouth
21 kind of hanging open. And so when we got to the
22 parking, he punched me in the face. He had told
23 me he only had \$50 and then he wanted change for a
24 hundred dollar bill. And I remember thinking he
25 was cheap. As he punched me in the face, he

1 pulled out a knife and threw me down on the front
2 bench seat of a blue station wagon, sort of a
3 crushed in side on it, and proceeded to rape me at
4 knife point. When he was done, I guess -- I mean
5 he raped me without a condom and I wasn't on birth
6 control. I remember asking him not to finish in
7 my pussy, but rather somewhere else because I
8 didn't take birth control. And he obliged. He
9 started being really nice to me. He wanted to
10 drive me back to the corner like it was a regular
11 call. So I just took my chance and I jumped out
12 of the car. It was moving by that point. I cut
13 my leg. I had to hitchhike back up to the hotel,
14 got to the room and sat down with my friends,
15 cleaned myself up a bit, got high, went back to
16 work.

17 Q Did your assailant tell you anything about
18 himself, who he was, what he did, what his name
19 was?

20 A No.

21 Q Can you describe him?

22 A As I said, I'm now living with the truth and I
23 believe it was that person, so that's what he
24 looked like to me. He had sort of auburn, wispy
25 hair and scruffy, dirty beard, sort of grey,

1 sallow skin. The car was a mess. It just stank.
2 The side of it was all crushed in like it had been
3 taken from an auto wrecker.

4 Q Can you describe the vehicle or did you keep a
5 description of it?

6 A It was a blue station wagon with a crushed in side
7 filled with garbage in the back seat.

8 Q What was the stink smell like?

9 A Just dirt. It's not uncommon for working guys to
10 be a little smelly after their day. This was
11 exceptional though. I remember that.

12 Q Did you get a licence plate number?

13 A I did have one at the time, but I've since lost
14 all those papers.

15 Q Do you know when you called 911 or the Vancouver
16 Police Department right -- sorry. Let me back up.
17 Is this indeed the incident that resulted in your
18 attempts to call the police for help?

19 A Yes, but I didn't deliver any of the information.
20 They told me they would come and collect the
21 report from me in person, so I didn't leave them
22 with a licence plate number or any of the
23 information or details over the phone. I was
24 supposed to go down and meet him on the corner at
25 2nd and Main, just off of Main Street. Where the

1 Craftsman Collision is, there's sort of a turn
2 around. So 3rd Avenue turns into 2nd Avenue
3 there, so right there on the corner where I always
4 used to work.

5 Q So just so I understand this, if I can summarize
6 this, please. It's the early 1990s, 1990, '91 and
7 this man in the vehicle that you described who you
8 believe was Robert William Pickton raped you at
9 knife point. You got the licence plate number of
10 the vehicle. You called the Vancouver Police, who
11 told you to call 911. You called 911. They told
12 you to wait there for an officer. You waited
13 there for an hour with the licence plate number of
14 this vehicle in vain and no police officer showed
15 up within that hour; is that right?

16 A Not within the hour, no. And I had to go and
17 work.

18 Q What time of year was it?

19 A It was winter. It was wet. It had been snowing.
20 It was -- you know, it was really cold out. There
21 wasn't a lot of business. There had been a
22 blizzard.

23 Q And did you still have that licence plate number
24 over the next three weeks when you made the
25 subsequent calls to the Vancouver Police for their

1 assistance?

2 A Yes.

3 Q It was written down somewhere?

4 A Yes.

5 Q You were asked about your relationship with the
6 police and you described it as one of antitrust or
7 lacking in trust, right?

8 A Yes.

9 Q During your work at doing sex trade in Vancouver,
10 to your knowledge have your clients included
11 police officers?

12 A Yes.

13 Q Can you give some indication of the numbers who
14 would fit in that category, that occupational
15 category?

16 A I have no idea over the years. I've only known, I
17 would say, four for sure who were a long-time
18 client.

19 Q Long-time clients?

20 A Yes.

21 Q And were these Vancouver Police Department
22 members?

23 A Two were. Two were RCMP.

24 Q Were their names known to you?

25 A No.

1 Q But their occupations certainly were?

2 A They would talk about their work. It's a hard
3 job.

4 Q We have heard earlier witnesses testify that they
5 knew of mistreatment by police officers towards
6 sex trade workers. Were you the subject of
7 mistreatment by a police officer in Vancouver?

8 A Not in terms of interaction for sex worker
9 purpose. I did witness police violence and I've
10 certainly heard reports that support that from
11 members of my community about police officers.

12 Q What -- what did you personally witness?

13 A I -- when we were being cleared out of the hotel,
14 I personally witnessed a police officer grab one
15 of the men who was staying in another room. He
16 threw him up against the wall with a night stick
17 under his chin and he was screaming at him that he
18 hated pimps. I remember being really terrified
19 because you don't expect to see a police officer
20 behaving violently. It was really terrifying.

21 Q Was that a uniformed Vancouver Police Department
22 member?

23 A Yes, it was.

24 Q Do you know who it was?

25 A No idea.

1 Q All right. Did you witness other occasions of
2 police violence against your acquaintances?

3 A No.

4 Q And you did say in your evidence in chief that you
5 had heard many stories about adverse things that
6 occurred during the relationship between sex trade
7 workers and the police; is that right?

8 A Yes.

9 Q Can you describe those?

10 A Sure.

11 MR. DICKSON: Mr. Commissioner, I just rise here. I think --
12 Tim Dickson for the VPD. I think that is straying
13 a little too far. It strayed into hearsay. And
14 the question was: Have you heard of other
15 instances from other people and can you describe
16 those?

17 THE COMMISSIONER: You know, it's an inquiry. We relax the
18 rules of evidence in an inquiry. I have your
19 point. It may well go to weight. And I don't
20 know how -- what the evidence is worth at the end
21 of the day, but she's entitled to give that --
22 give that opinion. And I don't know what we're
23 going to do with it, but go ahead.

24 MR. WARD:

25 Q Thank you. Just referencing back to your evidence

1 in chief that you had heard many stories -- I
2 think you repeated that. Can you tell us some of
3 the stories that demonstrate the relationship
4 between the police and sex trade workers that
5 resulted in such mistrust?

6 A Sure. I can remember once I was standing on the
7 corner and they used to -- for instance, the vice
8 officers and plain cars would come around and sort
9 of catalogue us. They would take a Polaroid
10 picture of you and then take down notes about any
11 distinguishing marks you might have on your body,
12 any tattoos or anything like that. They told us
13 this was so they could identify our bodies if they
14 were going to find us somewhere. I remember I was
15 standing there and a woman who had obviously been
16 beaten -- she was bleeding and her clothes were
17 torn. She came walking up and said to the female
18 officer in the car -- she said, "I just had a bad
19 date. Do you want to hear about it?" And the
20 female officer said, "No. Not really." In
21 another instance a friend of mine described a
22 trans woman described trying to report a violent
23 sexual assault to the police, in which the police
24 officer upon hearing she had been assaulted said,
25 "Good." You know, these are only some of the

1 examples. Also, people talk about being forced to
2 perform sexual acts in order to avoid arrest or
3 avoid harassment. This extends beyond the police
4 as well. Especially in the Downtown Eastside
5 you've got groups like Genesis Security, you know,
6 the security guards that are hired by the local
7 VIA and certainly don't receive the kind of
8 training that the police do but still have a lot
9 of power over the sex workers and can force them
10 into situations where they have to comply. They
11 can be extorted for sex.

12 Q All right. The first of those three matters that
13 you refer to sounded like something you actually
14 witnessed happened; is that right?

15 A Yes. The first one.

16 Q All right. And just so I have that straight, you
17 said Vice Squad members -- and these are the
18 Vancouver Police officers?

19 A Yes.

20 Q Known to you to be part of the Vice Squad?

21 A Yes.

22 Q In uniform?

23 A No. In plain clothes and a plain, unmarked car.

24 Q And they would take Polaroid photos?

25 A Yes.

1 Q Of each of you working women on the street?

2 A Yes.

3 Q And they explained to you in your presence that it

4 was for the purpose of -- of what again?

5 A Of identifying our bodies should they find it.

6 Q Do you know the identities of these Vice Squad

7 workers?

8 A No idea. I might be able to recognize them, but I

9 don't know.

10 Q And it was on one such occasion -- or on an

11 occasion where this happened that one of your

12 colleagues you described -- was she bleeding?

13 A Yes. Her clothes were torn. She had blood coming

14 out of her mouth and nose. She had obviously been

15 assaulted. She expressed that to the police

16 officer, the female officer in front of her,

17 saying, "I just had a bad date. Do you want to

18 hear about it?" And the female officer replied,

19 "No. Not really."

20 Q And this is another Vancouver Police Department

21 member?

22 A Yes.

23 Q Member of vice or in uniform?

24 A Without a uniform from vice.

25 Q And the last subject you spoke to, if I understood

1 you correctly, you said that both police officers
2 in Vancouver, members of the Vancouver Police
3 Department, and members of private security firms
4 hired by the businesses and also wearing a uniform
5 would, according to reports you received, force
6 women to engage in sexual services in exchange for
7 something?

8 A In exchange for being allowed to remain outside
9 working to avoid arrest or to avoid harassment.
10 For instance, in the case of Genesis security
11 guards, they do what we call sitting on you while
12 you're on the corner. So they're there with their
13 security car, shine the lights on you, sit right
14 there, follow you along so that you can't meet any
15 clients. No clients will talk to you. You have
16 to do what they want in order for yourself to get
17 back to work and earn the money that you're
18 ultimately out there to earn.

19 Q How prevalent does this behaviour appear to be
20 from your knowledge?

21 A Very prevalent.

22 Q What about the police forcing sex trade workers to
23 perform sex? How prevalent or common is that?

24 A We hear it sporadically throughout the years of
25 doing the research and working in our community on

1 these issues.

2 Q Are you able to put it into any time frame?

3 A No, but I would also like to say that the workers
4 themselves say that the police come in from other
5 jurisdictions to take advantage of them, so, you
6 know, a Surrey RCMP officer in the Downtown
7 Eastside where they were assuming that it's all
8 Vancouver Police, but I think that it's broader
9 than that and I think that the perception of us
10 working on the street in that neighbourhood as so
11 vulnerable is why it happens.

12 Q And what do you think would happen if any of these
13 sex trade workers tried to report this conduct to
14 someone in authority?

15 A Well, I can tell you that I was witness to a girl
16 trying to discuss the issue in a meeting I was in
17 and she stated that another police officer there
18 said basically, "I don't believe that. That
19 didn't happen." And this is often what happens to
20 us. I mean we are never believed and I think
21 that's why we're in the situation we're in now.

22 Q You've got a colleague sitting with you. Did you
23 have to reach down for some personal courage to
24 testify today in this proceeding?

25 A Yes. But to me the women who took part in the

1 projects that we did and who didn't survive to see
2 this public inquiry happen, we made a commitment
3 to them in the BC Coalition, myself and my
4 cohorts, to ensure that their voices were included
5 in this process, so there was no not coming for
6 us. It is difficult to get up and talk about
7 these things and be open about your own personal
8 experiences, but I think that it's critical to
9 inform in the outcome.

10 Q How likely is it, based on your own personal
11 experience over decades, that you would be able to
12 persuade other sex trade workers who themselves
13 had been assaulted by police or had forced sexual
14 services required of them by police or security
15 guards to come and take the stand like you are to
16 relate those experiences?

17 A It would be impossible. They need to be
18 protected. There would have to be some measures
19 put in place to protect their confidentiality, to
20 ensure that their safety wasn't compromised by
21 testifying. When you're talking about against a
22 police officer and discussing these sorts of
23 things, especially as a person who is living as a
24 criminal, essentially you make yourself a target
25 that way. I think it would be extremely difficult

1 and I would have a difficult time encouraging
2 anybody to do that.

3 Q Who would they be at risk of retribution from?

4 A Police officers that they named, the security
5 guards that they named, anybody that they named.

6 Q If women who had actually been sexually assaulted
7 or assaulted by the police officers could be
8 persuaded that their identities could be protected
9 from the public, from the media, from everyone, do
10 you think some might attend?

11 A It's hard to say. It's kind of speculative. It's
12 a difficult question. For some people you want to
13 put it behind you, so they may want to not take
14 part for those reasons. Their safety may be at
15 risk, so they may not take part for that reason.

16 THE COMMISSIONER: How much longer are you going to be?

17 MR. WARD: A little more. Would it be a convenient time to
18 take the break?

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

20 (PROCEEDINGS ADJOURNED AT 11:06 A.M.)

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

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

23 MR. WARD:

24 Q Thank you. Miss Davis, just a couple more things
25 I wanted to ask you about. Firstly, I noticed in

1 your curriculum vitae that in 2007 you described
2 being a member of the Vancouver Police Chief
3 Constable's Diversity Advisory Committee or DAC?

4 A Yes.

5 Q What was involved in that posting?

6 A Well, we had been going to the Vancouver Police
7 Board in protest of the treatment of police of
8 workers during exotic show lounge enforcement
9 actions, and so we were invited by the police to
10 become members of the DAC Committee in an effort
11 to try to, I guess, engage with the sex industry
12 community in a way and form that we could have
13 better practices and policies and things like
14 that. So it involved going to meetings. It
15 became very clear very quickly that our issues
16 were too much for that committee and we ended up
17 highjacking many of those meetings and ended up
18 forming our own separate group in partnership with
19 sex trade workers, support agencies from the
20 Downtown Eastside like PACE, PEERS, WISH as well
21 as the Diversity and Aboriginal Policing Section
22 of the Vancouver Police to sit down and begin
23 discussions about ways in which we could improve
24 the safety of sex workers and everybody else in
25 the community.

1 Q So when you were invited in 2007 to be represented
2 on the Diversity Advisory Committee or DAC, it was
3 a committee that was in existence, was it?

4 A Yes.

5 Q And when you -- I take it you personally attended?

6 A Yes.

7 Q Who formed the membership of the committee other
8 than yourself?

9 A Well, there were members of the gay, lesbian and
10 trans and bi community as well as members of the
11 African-American Committee as well as Muslim
12 people, Jewish people, people that viewed
13 themselves as visible minorities coming together
14 to try to bring some sort of understanding, I
15 guess, to police about the various issues facing
16 those communities when they're trying to engage
17 with the police.

18 Q Were there -- I'm just looking at the name of it,
19 Vancouver Police Chief Constable's Diversity
20 Advisory Committee. Who was the chief constable
21 at that time?

22 A Jamie Graham was at first, but very quickly it
23 became Jim Chu and so -- we talked about things
24 like hate crimes. There's also an effort by the
25 police to demonstrate the reasons on why they

1 employ certain tactics. So there's opportunities
2 for people to go on ride alongs and to go up to
3 the gun range and things like that. It's about
4 building trust with visible minority communities
5 with the police.

6 Q Was there police representation on the committee?

7 A Yes.

8 Q And how would you describe that in numbers and
9 ranks, that sort of thing?

10 A Well, I mean the head of the Diversity and
11 Aboriginal Policing Section has a fair amount of
12 sway, I would have to say, and has -- in matters
13 of bias and discrimination, if you will. I think
14 that it -- it does help to inform policy. I think
15 that, for instance, the lesbian, gay, bi and trans
16 community have a report that was written and is
17 posted on the Diversity and Aboriginal Policing
18 Section part of the website for the Vancouver
19 Police. You know, I do think it does move forward
20 in that way. I mean for me I want instant
21 gratification. Every time I hear that a sex trade
22 worker has died or somebody else has gone missing,
23 I want action right now, but obviously that's just
24 not the way government works.

25 Q Okay. Just a couple things arising from that.

1 When you were on the committee, who was that
2 individual who was head of the Aboriginal and
3 Diversity --

4 A John de Haas.

5 Q And I gather from your evidence that you
6 participated in some meetings for a short period
7 of time, less than a year?

8 A Way less than a year. I went to, I think, three
9 of those meetings. The problem was, for instance,
10 in one of the meetings we were talking about hate
11 crimes and what is the definition of a hate crime,
12 and even getting past the fact that, you know, sex
13 workers experience hate crimes was difficult, and
14 so we had a few heated discussions around the
15 issue and then really realized that our issues
16 were far too broad to bring to such a diverse
17 committee, right, because all of their issues in
18 those other committees were being overshadowed and
19 so we established a separate committee, which was
20 known as the sex industry workers safe reaction
21 group. And the terms of reference for that can be
22 seen on the diversity and aboriginal policing
23 section part of the Vancouver Police website.

24 Q And that committee continues to function to this
25 day?

1 A Yes.

2 Q And do you think it makes any sort of a
3 difference?

4 A Slowly but surely I think that we're moving
5 forward. We have a report that we've developed
6 that hasn't been released yet. I see lots of
7 action moving forward in terms of increasing
8 safety by reinforcing the confrontation management
9 and self-defence training the workers have been
10 getting for a number of years as well as, of
11 course, our sex industry liaison officer, Linda
12 Malcolm, who's constantly revising and changing
13 what her job is and what she's doing. I think
14 I -- we are seeing movement away from punishment
15 towards protection.

16 Q And Linda Malcolm, is she an employee of the
17 Vancouver Police Department?

18 A Yes.

19 Q Back in the late 1990s, early 2000s, were there
20 committees or organizations that fulfilled similar
21 roles to the ones you just mentioned to your
22 knowledge?

23 A No.

24 Q And, finally, I want to touch on something you
25 testified about when responding to my friend Mr.

1 Vertlieb's questions, and that is your own
2 personal experience with drug addiction. You
3 were, I gather, addicted at one time to both
4 heroin and cocaine?

5 A Yes.

6 Q Can you explain from your own perspective the
7 physical sensation of being addicted and its
8 relationship to the need to earn money to feed
9 that addiction?

10 A In terms of heroin, it's completely physically
11 dilapidating if you are overtaken by drug
12 sickness. First you can feel your legs starting
13 to hurt. You begin to get anxious. You start to
14 sweat and you know what's coming. In the end, if
15 you do become fully drug sick, you'll be totally
16 ill, throwing up, diarrhea, involuntary
17 convulsions. It's awful. You can't do anything
18 but be drug sick. So when you can feel it coming,
19 if you're starting to panic, you would take
20 whatever call and maybe get in a car with somebody
21 you might not normally in an effort to try to
22 prevent yourself from getting drug sick.

23 Q And how much money would you need in the, say,
24 1990s to stave off the symptoms of withdrawal?

25 A It depends on how long you've been doing it and

1 what your tolerance level is to it. I used to
2 order one point, so one-tenth of a gram of heroin,
3 and that would last me three hits.

4 Q And that would cost how much?

5 A A hundred dollars.

6 Q And was it easy to find a supply of the drug you
7 needed?

8 A Absolutely.

9 Q What about the cocaine symptoms?

10 A Cocaine is a little bit different. You -- you get
11 the rush from it and once you start to come down
12 from that, you immediately almost want to have
13 some more. At least that's the way that it was
14 for me. I would become desperate. For instance,
15 if you're smoking crack in a pop can, which you
16 can make whatever makeshift pipe that way, when
17 you run out of crack, what we generally would do
18 is take that can and put it on the stove and heat
19 it up until all the resin of the cocaine that had
20 been inside -- this is what you think in your mind
21 anyways -- is burned and you can inhale that. The
22 problem is along with that is paint and aluminum
23 and all of the other horrible things that are in
24 there. I can remember being extremely desperate
25 and I had a friend who used to make fun of me.

1 When we were running out of dope, she would
2 pretend to throw a rock of crack on the floor and
3 so I would go looking for that rock of crack
4 picking through every single fibre of the carpet
5 for hours just crying my eyes out. It's very
6 degrading to feel that way. You sort of get a lot
7 of self-loathing going. In all of the memories
8 the things you're trying to suppress by using the
9 crack come flooding back when you're in those
10 moments without it, you know, so it's -- it's an
11 extremely desperate, vulnerable moment. There is
12 no doubt about that.

13 Q And you yourself survived four drug overdoses?

14 A Yes.

15 Q Were they life threatening?

16 A Oh, definitely. I loaded my own IV rig, my own
17 needle at one point and OD'd after I injected
18 myself, but I mean I remember that the water was
19 cloudy. There was so much cocaine that I was
20 shooting into my arm. At that point I was
21 suicidal. I didn't care about myself. The things
22 that I was witnessing around me and trying to cope
23 with were just overwhelming and I just didn't want
24 to think about it. I knew I had drugs at home and
25 I had been out trying to be on a call with a

1 client and, finally, when I got home, I was so
2 desperate for the rush I just loaded my rig so
3 full. I was lucky there was people there who
4 could throw me in the bathtub, give me a little
5 bit of CPR, slap me around and bring me out of it.

6 Q Did you require emergency medical intervention at
7 a hospital for any of your overdoses?

8 A I did go once and then they told me that if I came
9 back there they would send me to detox, so I just
10 didn't bother to go to the hospital anymore after
11 that.

12 Q From your perspective has the development and
13 operation of the Insite centre in Vancouver taken
14 away some of the risks inherent in injection and
15 drug use?

16 A Absolutely. You can always find a clean rig. I
17 remember when we used to have to run around trying
18 to find needles and you had to buy them from the
19 pharmacists, you know, that use them for diabetes.
20 I'm sure it's definitely not just the clean
21 needles but having a safe place to do it. I can
22 remember people stealing my drugs and things like
23 that, as well as, you know, if you do OD, you need
24 somebody who's a medical professional to be there
25 in the moment. I think it's definitely seeing a

1 rise.

2 MR. WARD: Thank you, Miss Davis. No further questions.

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

4 Q Miss Davis, my name is Jason Gratl. I'm
5 independent counsel for affected individuals and
6 organizations within the Downtown Eastside. And
7 I'd like to begin by going through your curriculum
8 vitae. A copy has been distributed to all counsel
9 and I think, Mr. Commissioner, you have a copy as
10 well. And the reason I'd like to go through your
11 curriculum vitae is because although, Mr.
12 Commissioner, I won't be asking to have Miss Davis
13 qualified as an expert, certainly she's got
14 sufficient experience with sex work and sex work
15 advocacy to be qualified as an expert and I'd just
16 like to go through some of those qualifications.

17 THE COMMISSIONER: Well, what opinion evidence do you -- she's
18 already given considerable opinion evidence, so
19 why do you need to qualify her as an expert?

20 MR. GRATL: Well, in order to lend her evidence and her
21 opinions enhanced weight.

22 THE COMMISSIONER: What?

23 MR. GRATL: Enhanced weight, Mr. Commissioner. I mean there
24 are opinions given by ordinary people. I could
25 have opinions about what happens on the Downtown

1 Eastside, but not having had 25 years of
2 experience of living there and what appears to be
3 10 years of advocacy experience, my opinion
4 shouldn't be accorded as much weight as Miss
5 Davis's opinion.

6 THE COMMISSIONER: All right. Go ahead.

7 MR. GRATL: So that's the value of the exercise.

8 THE COMMISSIONER: Is this filed as an exhibit?

9 MR. GRATL: No, but I'd like to have it marked as an exhibit if
10 that's possible, Mr. Commissioner.

11 THE COMMISSIONER: Okay. Does anybody take objection to this?
12 All right.

13 THE REGISTRAR: It will be Exhibit Number 29.

14 **(EXHIBIT 29: CURRICULUM VITAE OF SUSAN DAVIS)**

15 MR. GRATL:

16 Q Miss Davis, we've been through some of your work
17 experience. I'd like to go through some of your
18 volunteer experience. I take it you have a great
19 deal of experience with non-profit organizations
20 that advocate for sex worker rights and sex worker
21 safety?

22 A Yes.

23 Q Could we go through some of that, please?

24 A Sure.

25 Q Let's start with PACE Society. What is PACE

1 Society?

2 A PACE Society is Prostitution Alternatives
3 Counselling and Education Society, a direct
4 support agency for sex workers.

5 Q And what's the mandate on PACE designed?

6 A I couldn't tell you right offhand exactly what the
7 mandate is, but definitely they work in a
8 nonjudgmental way with sex workers towards
9 bridging the barriers that they are facing to a
10 higher quality of life for whatever that might.
11 They would go with somebody to court if that's
12 what they needed or help them find a new place or,
13 like, in my case they helped me to replace my ID
14 and get my medical re-established, all of those
15 sort of fundamental things that people need.

16 Q So support services and counselling programming?

17 A Yes.

18 Q And as well there's a public education component
19 in PACE as well?

20 A Yes.

21 Q And there's also an advocacy angle, advocating for
22 law reform?

23 A Yes.

24 Q And when did you start working with PACE? When
25 did you start volunteering for PACE?

1 A 2003, I think, or '4 I joined the board just as a
2 member of the board of directors and then became
3 the chairman maybe a year or so after that.

4 Q Okay. My -- my note here on your CV is that you
5 became a project co-ordinator in 2004?

6 A Yes.

7 Q For a media research report?

8 A Yes. That was for the B.C. Coalition of
9 Experiential Women, but through PACE Society, who
10 were administering us at that time.

11 Q Okay. So you had this dual role on this Coalition
12 of Experiential Women?

13 A No. A dual role through PACE. Because I was a
14 board member of PACE and a director at the time, I
15 couldn't approve whether or not they would
16 administer this project for the BC Coalition of
17 Experiential Women because I was also a member of
18 BAT, so in that case -- does that make sense?

19 Q That does make sense. Within PACE you also
20 developed policy manuals, society policy manuals?

21 A Yes.

22 Q Including employment and volunteer manuals,
23 community organization guidelines for engaging
24 researchers?

25 A Yes.

1 Q And information in engaging sex workers who wish
2 to take part in research?

3 A Yes. An information sheet for them.

4 Q Did you work with John Lowman in respect of
5 developing those guidelines?

6 A Yes. And Ted Palay, Palay.

7 Q You also worked with Simon Fraser University on a
8 report entitled *History of Sex Work Vancouver*?

9 A Yes.

10 Q And who did you work with there?

11 A Continuing education. Shanti Besso was the
12 co-ordinator.

13 Q With the BC Coalition of Experiential Women you
14 also worked on data collection for a report
15 entitled *From the Curb*?

16 A Yes.

17 Q Can you tell me a little bit about that?

18 A It contains evidence collected from sex workers
19 all over the province about the sorts of violence
20 they face, how they define violence, what they
21 think the rest of trafficking looks like and, of
22 course, their experiences with police. So it was
23 an intense project. Over a hundred sex workers
24 were engaged. The data collection team were all
25 made up of sex workers, current and former, and we

1 took that report and actually presented it to a
2 satellite session of the International Harm
3 Reduction Conference here in Vancouver when it
4 came.

5 Q You've also testified before the House of Commons
6 Committee?

7 A Yes.

8 Q On justice and human rights?

9 A Yes.

10 Q And you -- you've been involved, you said, in
11 developing -- as a development co-ordinator for
12 West Coast Co-Operative of Sex Industry
13 Professionals?

14 A Yes.

15 Q The idea there is to create a co-operative, safe
16 working environment for sex workers; is that
17 right?

18 A Yes.

19 Q And that's street-level sex workers?

20 A Yes. We were torn as to how we could create a
21 safe working environment that nobody was profiting
22 from. I mean how can the government profit from
23 vulnerable and marginalized sex workers? So we
24 thought through a co-operative business
25 development we could have them in control of their

1 own environment, running their own place and then
2 nobody would be profiting from them.

3 Q And so in the course of developing this proposal
4 for a co-operative safe working environment, I
5 take it you've learned a great deal about the
6 regulation of sex work at the federal, provincial
7 and municipal levels?

8 A Yes.

9 Q And you've had ongoing dealings with City Hall as
10 part of your advocacy creation?

11 A Yes.

12 Q And how long have the dealings lasted?

13 A In regards to the municipal regulation?

14 Q Yes.

15 A Since 2007.

16 Q In addition, you've also been involved in a number
17 of other reports for the BC Coalition of
18 Experiential Communities, including a data
19 collection for a report entitled *Confronting Bad*
20 *Dates - Bad Date Reporting Strategies?*

21 A Yes.

22 Q And that was a -- that was a set of round-table
23 discussions with sex workers, was it?

24 A As well as going out into the field and collecting
25 data, so in various locations. It was -- we went

1 to Prince George. We tried to go to Prince Rupert
2 and -- and then, of course, in the East Side and
3 all up and down Kingsway. So we engaged with
4 workers wherever we could and then held a series
5 of round-table discussions based on that. So the
6 way it went was the data collection was compiled
7 into a discussion document known as *Confronting*
8 *Bad Dates*. That was used as the -- as the
9 platform for the discussions that we held at the
10 round-table discussions, which ultimately ended in
11 a discussion for all reports.

12 Q The data that you collected related both to the
13 informal bad date sheets, how to improve those,
14 and what the limitations of those might be?

15 A Yes.

16 Q And it also related to police-sex worker
17 relations?

18 A Yes.

19 Q And limits and barriers, obstacles towards sex
20 workers to access the protection afforded by
21 police services?

22 A Yes.

23 Q You've also been the project co-ordinator for a
24 project called *Labour on the Margins - Sex*
25 *Industry Safety and Stability*?

1 A Yes.

2 Q And I take it that report deals with provincial
3 barriers?

4 A And our right to occupational health and safety.
5 It recommends a standardized version of training
6 so that people are given correct information about
7 their health and safety as well as can be
8 guaranteed to have access to resources like the
9 411 document, which tells people what to do if
10 they've been a victim of a crime. Also, it
11 includes all kinds of resources that people could
12 contact should they need help.

13 Q So that report would include observations and
14 study and research in relation to workplace safety
15 insurance?

16 A Absolutely.

17 Q And also employment standards as they apply to sex
18 workers?

19 A Yes. And like working conditions from -- in
20 different environments, the different labour
21 issues that workers are facing whether they're in
22 a massage parlour or working for an escort agency
23 or on the street.

24 Q There are a number of other studies that you list
25 on your curriculum vitae. Rather than going

1 through them all in detail, I'd rather just refer
2 to them at this time. You've been the development
3 team/assistant co-ordinator for post-traumatic
4 distress disorder workshops and community
5 consultations?

6 A Yes.

7 Q You've been the project co-ordinator and report
8 author for a report entitled *Cease and Desist -*
9 *Response to City of Vancouver By-Law Review?*

10 A Yes.

11 Q You've been responsible for data collection for a
12 report entitled *Trade Secrets - Sex Industry*
13 *Occupational Health and Safety Guide?*

14 A Yes.

15 Q The development co-ordinator and author for a
16 report entitled *Canadian Adult Entertainment*
17 *Commission - Draft Terms of Reference?*

18 A Yes.

19 Q I take it that's to -- that's a new -- new
20 commission that's formed or in the process of
21 being formed?

22 A Yes. What it is was try to attempt to create a
23 common thread for sex workers across Canada in
24 various regions to be able to organize under the
25 same umbrella, having the same goals. So it

1 included things like ending exploitation of youth
2 and the trafficking or exploitation of any person
3 and those kinds of things, as well as to guarantee
4 people access to the information that they need to
5 work safely, things like that.

6 Q All right. In 2010 you were the report
7 author/development team member for *Opening the*
8 *Doors - Building Transparency and Accountability*
9 *in the Sex Industry*?

10 A Yes.

11 Q I take it that's to ensure that sex workers are
12 protected from violence and exploitation by other
13 members of the sex industry?

14 A Absolutely.

15 Q So that would include madams and pimps?

16 A Absolutely. It was an attempt -- it was an
17 attempt to try to thread together all of these
18 projects that had been happening over a number of
19 years in response to the Ontario Charter challenge
20 and, of course, the BC Charter challenge. We
21 wanted to somehow demonstrate that we did have a
22 plan as a community was emerging, as we progressed
23 using these sort of community grassroots methods
24 of development. So I just -- it was an attempt to
25 try to string it together and show that we had

1 something that we could use to move forward to
2 increase safety for everybody.

3 Q So aside from your involvement in non-profit
4 organizations and aside from your involvement in
5 the preparation and development of numerous
6 reports and data collection, you've also been
7 involved in making numerous presentations and
8 you've been involved in -- as a media
9 spokesperson. In terms of lectures that you
10 delivered, I wonder if you could go briefly
11 through your experience in giving lectures at
12 recognized institutions?

13 A Sure. I've lectured at the University of British
14 Columbia, Simon Fraser University, Fraser Valley
15 University, University of Toronto, University of
16 Victoria, Langara College. I've gone all over the
17 place, Calgary, Kamloops.

18 Q Thank you, Miss Davis.

19 A Thank you.

20 Q That concludes my questions on your CV. I'd like
21 to now ask you a few substantive questions. In
22 respect of bad dates, I wonder if you could
23 elaborate what a bad date -- what the phrase "bad
24 date" might mean within the sex worker community
25 just to make sure that we're speaking your

1 language.

2 A Sure. I guess that it is sort of obvious that our
3 culture through criminalization has evolved a
4 different language and date is the word that we
5 use to describe the sex consumer or the john. So
6 a bad date was what we would say about an
7 experience with somebody who was violent. That
8 varies. Sometimes it can be somebody who's just
9 too drunk and is a little bit rough with you to
10 full out somebody trying to kill you or actually
11 killing you, as is the case, I guess, which we see
12 sometimes, right? Yes. We decided to change the
13 name of the bad date sheet to the red light alert
14 because there was sort of a sense amongst the
15 group that were working on it that it sort of set
16 the -- made it sound like there was some consent
17 involved. And when you realize that it doesn't
18 matter when you revoke your consent, an assault is
19 an assault even if you have said you would do
20 something for money, but now he's changing it and
21 he's turned into a bad date. Nobody consents to
22 that. So we changed it to the red light alert and
23 have tried to start calling it sexual assault, is
24 what it is.

25 Q I take it that because sex work, especially

1 street-level sex work is such a violent --
2 violence-prone environment, sex workers have
3 become inoculated or hardened to violence?

4 A Absolutely.

5 Q So the standards for what might count as violence
6 within the sex industry is much -- it's much
7 higher than what might count otherwise, what would
8 have counted for you when you were growing up?

9 A Absolutely. There's -- I guess it's amazing what
10 you get used to, you know. Still to this day if
11 people are a little too intoxicated or maybe just
12 get a little overexcited you end up with
13 fingerprints all over your legs and your body.
14 That's just normal though. That's not that out of
15 the ordinary. On the other side of it, full out
16 somebody trying to kill you is quite extraordinary
17 and something that you would try to report or
18 something that would impact you differently than
19 the low level of violence that -- especially on
20 the street you're experiencing constantly.

21 Q Okay. So if a sex worker says that she's had a
22 bad date, what that really would mean -- outside
23 of the internal lingo, what it would mean is that
24 a sex worker has experienced a very extreme level
25 of violence?

1 A Yes.

2 Q Involving a level of much more than transient
3 bodily harm?

4 A Right.

5 Q Much more than fleeting, more than a bruise?

6 A Yes.

7 Q I wonder if you could provide some examples of
8 what might be considered to be a good date within
9 the sex work community that involves violence or
10 some level of violence?

11 A A good date that involves violence?

12 Q Well, what I'm thinking of in particular is that
13 some women may have described Robert William
14 Pickton as a good date on some level. And so I'm
15 wondering if the police had interaction with sex
16 workers and were asking, well, is this person a
17 bad date or is that person a bad date, that the
18 police might have used a different standard than
19 sex workers, and if you could shed any light on
20 the use of the language good date and bad date in
21 that respect?

22 A It would depend on the person. Sometimes
23 personalities clash and a guy that's good to one
24 girl may be terrible to the next girl as well as
25 if a person -- maybe he's not the most pleasant to

1 be around. Maybe he's dirty. Maybe he's a little
2 bit rough with you or maybe he also always comes
3 with an ounce of coke or pays you what you ask or
4 pays you a lot of money. That would make him a
5 tolerable yet bad date. So I would say that he
6 was a good date even though he was rough because
7 he paid so well. I mean I still deal with that
8 now. So if people are too intoxicated, you know,
9 after a Friday night, up all night, you know, they
10 pay me a lot of money, but they're hard to handle
11 and I'm not a big girl, so --

12 Q So what shows up on bad date sheets is certainly
13 not all the violence experienced by sex workers,
14 but only the very worst of the violence?

15 A Yes.

16 Q It's just the tip of the iceberg?

17 A Absolutely.

18 Q Now, in terms of reporting negative experiences to
19 the police, experiences that amount to the
20 commission of a criminal offence against them, are
21 there rules, street rules for sex workers that
22 limit their ability to report the crimes committed
23 against them to the police?

24 A Absolutely. The code says you're not supposed to
25 rat, ratting being telling anybody about illegal

1 activity that's going on. If you do call and the
2 police come to the hotel where you live, you could
3 be ostracized by the other people who are working
4 there because you're disrupting the activities
5 that they're engaged in. We're a very
6 hand-to-mouth culture and we need your money now.
7 And this applies to everybody around you in the
8 community as well. So the rule is you do not rat
9 or disrupt anybody else's business. And if you
10 are seen to be doing so, you can lose your friends
11 or what people like to call your social capital.
12 You could be beaten. You could be totally
13 excluded from the community and worse. I mean
14 sometimes -- like, for instance, people will do --
15 if you're a rat, they'd do this thing where they
16 cut your cheek. They call it the fish hook. And
17 you can tell that somebody's been a rat if their
18 face has been mutilated.

19 Q In addition to those barriers, the rules internal
20 to the sex industry and sex worker community.
21 There are also barriers to reporting to the police
22 that arise out of the relationship between sex
23 workers and the police. Could you elaborate on
24 those barriers, please?

25 A Well, as a criminal, your main interaction with

1 the police is when you're being enforced against
2 and so it becomes paramount to not be associated
3 with the police and you have a sort of fear about
4 it because you don't want to get arrested. You
5 don't want to have a record. You don't want to be
6 seen to be a sex worker. And this is for a number
7 of reasons. I mean if you are a mother, for
8 instance, and they discover you're a sex worker,
9 they can seize your children. If -- if you're
10 seen to be interacting with the police, and you
11 could lose not just your children, but I mean a
12 job or your family, you know, if they discover
13 that you're a sex worker. The shame and stigma is
14 very difficult and any interaction with the police
15 is going to be on your record forever.

16 Q All right. There are also privacy and
17 confidentiality issues?

18 A Absolutely. Again, this is the same sort of
19 thing. If you want to report to the police, you
20 have -- you're going to end up with a file and if
21 you can't keep your own personal information
22 private, then it can become an issue in terms of
23 maintaining custody of your children, even being
24 able to maintain renting an apartment. If your
25 landlord finds out, you could be kicked out.

1 Q And family and friends who don't know your
2 occupation --

3 A That's right.

4 Q -- could find out as well. The police sometimes
5 use tactics that have the effect of humiliating
6 sex workers?

7 A Yes. There's a number of ways in which I feel
8 that that happens, the worst of which would be
9 when you're working in the car and you're engaged
10 with a client having sex in the car, if they
11 followed you there and they come up behind the car
12 and shine their flashlights on you, basically
13 surprising you and humiliating you in this
14 vulnerable moment when you're naked with a client.
15 That would be one example I would make.

16 Q There's also a fear of victimization by the police
17 themselves?

18 A Yes. Definitely there have been reports like
19 that, and I having witnessed some level of -- some
20 violence by police, it does definitely set you
21 back a bit in terms of whether or not you can
22 trust them.

23 Q There might also be a fear that sex workers will
24 lose control of the process, the criminal process
25 and be forced to testify when they don't want to?

1 A That's definitely true. If a person is trying to
2 report violence that they've experienced, they may
3 be asked to rat out their pimp or their drug
4 dealer and be forced into a situation where they
5 may lose everything because they've interacted
6 with the police.

7 Q Okay. And then there's also a concern about being
8 arrested for warrants, for breaches of
9 recognizance and for -- just for soliciting?

10 A Absolutely.

11 Q Or for drug possession?

12 A Yes. I mean in some parts of the Lower Mainland,
13 for instance, the RCMP are still arresting women
14 for their own good. So, you know, it's just a
15 really backwards way of thinking and definitely
16 that culture has existed for a while, so even
17 though it feels like things are moving forward,
18 it's going to take a long time to rebuild that
19 trust with the sex working community.

20 Q Now, I know that -- I know that Inspector LePard
21 is scheduled to testify in short order about
22 changes that have been made within the Vancouver
23 Police Department since 2002 to enhance the safety
24 of sex workers. I'd like to ask you a few
25 questions on that subject. You are a member of

1 the Sex Industry Worker Safety Action Group?

2 A Yes.

3 Q And that is an action group under the auspices of
4 the Vancouver Police Department, is it?

5 A Yes. In partnership with all of the sex worker
6 support agencies.

7 Q And the partnership works in what way? Vancouver
8 Police Department I take it supplies the venue?

9 A Not always. Sometimes we meet at WISH or at PACE
10 or in other venues, but we have met at 2120
11 Cambie.

12 Q Okay. And they hope there's a police presence on
13 that action group?

14 A Yes.

15 Q Currently that would be the head of the Diversity
16 and Aboriginal Policing Section?

17 A That's right.

18 Q Mario Giardini?

19 A That's right.

20 Q But previously it was John de Haas who occupied
21 that position?

22 A Yes, it was

23 Q Aside from those two officers, have there been any
24 other officers that have been a member of that
25 action group?

1 A We've had some people come and visit. Jason
2 Kenny, I want to say was his name. He was from
3 vice, who's supposed to be their human trafficking
4 expert, as well as Kathleen Chang, who is a member
5 of vice as well, and Linda Malcolm.

6 Q And Linda Malcolm. And her position is again?

7 A The sex industry liaison officer.

8 Q When did she start in her role?

9 A I believe it was after Dave Dickson retired from
10 the sex trade or East End liaison officer role,
11 which I know he's still doing work like that, but
12 she's the person who's officially paid by the
13 Vancouver Police to work on these issues and to
14 inform the police about what they're doing.

15 Q She's a member, is she?

16 A Yes.

17 Q She's a police officer?

18 A Yes.

19 Q And so she's been around for a number of years?

20 A Yes.

21 Q And unlike Dave Dickson, she is formally
22 designated as a sex worker liaison?

23 A Or sex industry liason officer, I believe is her
24 former designation, but I know that she is
25 constantly revising her position and what her role

1 is, so it may be just that it's a work in progress
2 and the name will change a few more times too.

3 Q Now, the Sex Industry Worker Safety Action Group I
4 would render is an acronym, but it's
5 unpronounceable as an acronym.

6 A It's SIWSAG.

7 Q How long has that been around?

8 A Four or five years.

9 Q You've been on it the whole time?

10 A Yes.

11 Q What obstacles have you found as a result of your
12 experience within that action group? What
13 attitudinal challenges have the Vancouver Police
14 Department in your opinion faced that prevent sex
15 workers from being safe?

16 A I would say one of the major problems is
17 communication, lack of communication between
18 various departments of the Vancouver Police. We
19 have got some factions working towards safety.
20 We've got other factions still enforcing or
21 considering sex workers, let's say, a reasonable
22 casualty in the war on organized crime, so
23 constantly, consistently compromising the safety
24 of workers while still moving towards protection
25 of vulnerable workers on the street.

1 Q I take there's an entire division within the
2 Vancouver Police Department called the Vice Squad?

3 A Yes.

4 Q And how many members are assigned to the Vice
5 Squad?

6 A I believe it's 11 or 12.

7 Q And I take it they have some civilian support
8 aside from that?

9 A Yes.

10 Q And their job is almost exclusively to enforce the
11 prostitution laws in the criminal code; isn't that
12 correct?

13 A Yes. I would say that their focus is more on
14 protecting youth and stopping human trafficking,
15 but, unfortunately, because of this communication
16 breakdown and lack of engagement with sex working
17 communities they -- they oftentimes will blanket
18 target with an enforcement action without looking
19 at the various players or trying to vet
20 complaints, things like that. So it ends in
21 long-standing ethical businesses, for instance,
22 being closed down or trafficking going missing
23 because they don't know where they're looking,
24 they're not looking in the right place, where if
25 they were to engage with us in a more respectful

1 way, maybe we could see these issues addressed a
2 lot more efficiently.

3 Q So you're saying the Vice Squad, they can't get
4 over the criminality aspect of sex work?

5 A No.

6 Q And so they have a hard time understanding the
7 harm reduction aspect?

8 A Right. It's a different language amongst police.
9 They want -- rather, I would say to the police
10 increasing safety. Harm reduction is not a word
11 that we use a lot with the police, but increasing
12 the safety of all citizens is definitely their
13 priority, as they always say, but, as you put it,
14 I mean they can't get over the criminality of it
15 and, of course, all of the old myths like all
16 people working within the massage parlour
17 environment or exotic show lounge are under the
18 control of organized crime. Well, we know that
19 that's not true. They refuse to sort of come
20 across from that and still view their actions as
21 protective even though they're punishing people
22 and humiliating them during these actions.

23 Q All right. I take it the difficulty that some
24 members of the Vancouver Police Department have
25 with the term harm reduction arises from their

1 inability to see that their actions may have
2 harmful consequences?

3 A Yes.

4 Q So they actually take offence to the use of the
5 term?

6 A It's definitely not a part of the policing
7 language, that's for sure.

8 Q All right. Now, Linda Malcolm, the sex worker
9 liaison officer, she's full time on the Downtown
10 Eastside, is she?

11 A Yes. She'll come to you wherever you are though.
12 She is actually -- I don't believe she is bound by
13 the same constraints as other police officers.
14 She -- she's helped workers that I know that are
15 in the indoor working environment. She's helped
16 exotic dancers I know as well as workers on the
17 street. Oftentimes you can find her in places
18 like WISH or at PACE, right there meeting with the
19 women.

20 Q Okay. So she's got -- she's got wide latitude in
21 terms of her discretion about how she spends her
22 time?

23 A And defining her job, yes.

24 Q Of course, nobody's doubting that she works hard,
25 but obviously she can't work 24/7?

1 A No.

2 Q And so what days and what hours are not covered by
3 Linda Malcolm? What are the gaps in the sex
4 worker liaison?

5 A I'm not sure exactly what it is, but I would
6 assume under the labour code that she can only
7 work a certain amount. And certainly we have been
8 trying to argue for more people to be in that
9 position and to make sure that there's support
10 available 24 hours of the day to answer.
11 Especially we would like to see a specific
12 policing team created so that it would be
13 nonjudgmental and would ensure that sex workers
14 were treated with dignity during their
15 interactions with police, especially at this
16 difficult time when we're really just trying to
17 rebuild those bridges.

18 Q The Sex Industry Worker Safety Action Group has
19 prepared a report?

20 A There is a draft of the report, which has not been
21 released yet.

22 Q And I take it as a member of that committee you're
23 not allowed to speak about what's in that report?

24 A No.

25 Q And can you advise the commissioner why the report

1 hasn't been -- how long it's been prepared and why
2 you can't --

3 A Well, the draft -- the draft was ready in June and
4 I had asked them if I would be able to bring it
5 forward as evidence to the commission, but was
6 told in no uncertain terms that I did not speak
7 for or represent the Vancouver Police. And so I
8 in my initial meetings with commission lawyers had
9 asked that they would ask -- the commission might
10 inquire about this report and see if we can get
11 some action on seeing it. But yes. I would think
12 it would be critical to informing the outcomes and
13 the recommendations of the -- of the inquiry.

14 Q You said you've been working for four years with
15 City Hall to try and get changes to the bylaws?

16 A Yes.

17 Q Which bylaws in particular are you trying to
18 change?

19 A Well, initially they had tried to remove the body
20 rub parlour definition, which is -- seems to
21 create a legal space for prostitution to occur.
22 The bylaw itself is worth \$9,000 a year, so we
23 obviously wanted to see that all rate balance and
24 stuff, but we had hoped to use that definition to
25 open up a safe work site so that we could protect

1 the vulnerable women who are members of the
2 co-operative from potentially facing arrest as a
3 result of opening up the safe work site, as we've
4 seen happen in the past. So the bylaw revisions,
5 in the end it looked like the body rub parlour was
6 relegated to downtown only, so its zoning had a
7 problem, so we went back and looked at the health
8 enhancement centre definition and split that into
9 two and worked full out over the whole summer to
10 try to get that done so we could finally have a
11 way to protect ethical businesses and to be able
12 to open up this co-operatively run safe work site
13 for the workers in the East End. So that's what
14 we had hoped for. In the City report that was
15 just presented in September, I guess, it fell
16 short, but at least in there they do talk about
17 the bylaws and acknowledge that the bylaws have
18 been causing harm.

19 Q Okay. So you got a commitment to talk about the
20 bylaws some more from City Hall?

21 A Yes.

22 Q But nothing concrete?

23 A No.

24 Q And you've been talking about the bylaws already
25 for four years?

1 A That's right.

2 Q To your mind it's not necessary to talk to
3 anybody. Everybody knows exactly what's necessary
4 in order to amend those bylaws?

5 A Absolutely. We've been taking part in that
6 committee and living in this community for a long
7 time. That includes residents groups, business
8 improvement associations, community policing
9 centres, everybody. And nobody has a problem with
10 the bylaw revision. It's actually recommended in
11 their action plan report. So to me it's a no
12 brainer. We worked on it all summer long right up
13 to the last second. I honestly believed that
14 those revisions were going to be included in the
15 report, but at the last minute it sounds like --
16 I'm not sure who. Either someone at the City or
17 somebody at the Vancouver Police squashed that --
18 squashed the revision site in that they figured it
19 would cause a big influx of massage parlours into
20 Vancouver, which there's no proof of that. I just
21 don't think that that's true.

22 Q So there's a negotiating table at City Hall of
23 people that you're negotiating with?

24 A Sort of, but I mean really it doesn't seem to be
25 getting anywhere. It's frustrating. It's like

1 you're telling people over and over again the
2 things that need to change and nobody's listening.

3 Q Have you asked the Vancouver Police Department to
4 sit down with officials at City Hall?

5 A Yes.

6 Q And what's the police department response been?

7 A They said that the City and the police were
8 separate and that the police operated outside of
9 City staff and so basically they weren't really
10 interested in sitting down at that table.

11 Q But the Vancouver Police Department, they do have
12 interaction with City Hall, just not -- not ones
13 that you are privy to?

14 A Right.

15 Q And how do you know that?

16 A Because I deal with the aftermath of it; for
17 instance, the Neighbourhood Integrated Services
18 Committee, which involved City inspectors going in
19 to show lounges and massage parlours, fire
20 inspectors, business licence inspectors and police
21 to go in in order to target a business that was
22 deemed sundry or undesirable and to get rid of
23 that business no matter how we do it. So yes.
24 They are interacting. It just depends on
25 selectively how they want that to play out.

1 Q So the Vancouver Police Department has refused to
2 engage openly with City Hall and sex worker
3 advocacy accreditations to come to an agreement of
4 enforcement of city bylaws?

5 A The City bylaws, yes. However, the police are
6 working currently with sex workers and sex worker
7 support agencies to create a public policy that
8 defines when they will enforce and, in particular,
9 guarantees in stone they're not going to arrest
10 vulnerable women on the street. We're hoping to
11 see that opened up a bit more to include
12 protecting workers in the parlours and exotic show
13 lounges, but it's an ongoing process and, to be
14 honest, we've been hearing about it for two or
15 three years. It was promised. It would be nice
16 to see it completed on their website.

17 Q And who within the Vancouver Police Department is
18 responsible for preparing amendments to the police
19 policy and procedures manual?

20 A I'm not sure, but I know that Doug LePard was
21 working on it and then now it's been handed to
22 special investigations and vice for us to all sort
23 of work collectively on it together, and I'm not
24 sure how they would go about it. There's got to
25 be something within their structure, their

1 governance to allow them to make amendments.

2 Q How long has the Vancouver Police Department been
3 drafting this policy amendment document?

4 A Two or three years.

5 Q Now, aside from the criminal code, there are a
6 number of bylaws that affect the lives of sex
7 workers; is that correct?

8 A Yes.

9 Q One of them deals with managers of social clubs.
10 Can you tell me about that bylaw, please

11 A Sure. It's a reflection of the attitude towards
12 sex workers that has evolved in Vancouver and it
13 basically states that no manager of a social club
14 shall tolerate the presence of a prostitute or
15 person of evil repute or they will lose their
16 licence, which I find amusing as a member of the
17 Vancouver Rowing Club that they could lose their
18 licence for just tolerating me there.

19 Q There's also a sundry business bylaw?

20 A Right.

21 Q Could you explain what that means?

22 A It means that all businesses that are deemed to be
23 undesirable will be eliminated from the city of
24 Vancouver within the context that includes massage
25 parlours, gun shops, things like that. I'm sure

1 we all agree on gun shops, but it's had the
2 reverse effect of closing down all of the
3 businesses where we work and the hour and the
4 choices that women have when they're engaging in
5 the sex industry.

6 Q And escort licences you've already testified to.
7 You can't get an escort licence if you have a
8 criminal record?

9 A That's right.

10 Q And, indeed, that's what happened to you. You
11 applied for an escort licence to work indoors, but
12 you were denied?

13 A Yes.

14 Q And who denied you?

15 A It was Sergeant Matt Kelly at the Vancouver Police
16 and the Vice Squad. He basically told me that
17 they didn't have to give me the licence and he
18 told me the first time I applied that if I got a
19 pardon, he would approve it, but then the next
20 time I applied, he said I had an extensive gang
21 file and that they weren't going to approve the
22 licence for me. I told him that I was going to
23 get a lawyer and he told me that if I wanted to
24 play hard ball, they would play hard ball and I
25 was audited for GST, which cost me thousands of

1 dollars and ruined me financially. And I'm still
2 trying to get a licence now 20 years later.

3 Q You were audited for GST because you pay taxes on
4 your income?

5 A At that time I did.

6 Q In addition -- can I ask what's the Vancouver
7 Police Department doing handing out escort
8 licences? Why are they involved?

9 A It's part of the City licensing process. So for
10 the criminal record check you have to have a check
11 before you can be approved for an escort licence
12 or any sex industry business licence, for that
13 matter maybe all businesses, I'm not really sure,
14 but I'm pretty sure we can all see the need why
15 it's necessary to do that. But one of the
16 revisions we had hoped for was that it wouldn't be
17 the sole determining factor as to whether or not a
18 person was receiving their licence, and especially
19 in the case of a person who had been arrested for
20 prostitution, you know, that that person wouldn't
21 be deemed a criminal not eligible for an escorting
22 licence, right, and that generally we wanted it to
23 be to prevent convicted rapists, pedophiles, human
24 traffickers, pimps from being able to obtain
25 licences.

1 Q Now, in addition to escort licence restrictions,
2 are you aware that cab drivers need to satisfy a
3 morality requirement before they're issued a cab
4 licence?

5 A No.

6 Q I wonder if you could talk about the -- the
7 history of cab drivers and sex workers and the
8 level of safety that cab drivers might be able to
9 afford sex workers?

10 A Well, I've always used taxies. When I take an out
11 call, I always ask the guy to wait for me to make
12 sure that I get into the house. I mean I've
13 already considered it a safe place. It's not
14 always a safe place though. In any industry you
15 you're going to get people who are of a lesser
16 level of honour, but I -- I don't know about the
17 morality aspects of them getting their licences.
18 Are they allowed to drive sex workers around? I
19 don't know.

20 Q No, they're not because that would be living off
21 the avails of prostitution.

22 A Oh.

23 Q It's a criminal offence. Now, the Vancouver
24 Police Department -- sorry. That's just
25 gratuitous testimony from counsel there. The

1 Vancouver Police Department for new recruits when
2 being interviewed, are they asked any questions
3 about sex workers?

4 A Yes. One of the questions on the application form
5 says: "Have you ever purchased the services of a
6 prostitute or sex worker?"

7 Q And I take it that even the name of the squad that
8 deals with sex workers is referred to as the Vice
9 Squad?

10 A It's just such a remnant of all of the things
11 associated with the temperance movement and
12 prohibition, the language around it. It just
13 reflects those times. And if you've seen all the
14 historical posters from the syphilis campaigns
15 depicting us as the vector of disease and the
16 dirty, the disposal, the home-wrecking whores, it
17 makes sense that we are deemed a vice of bad men
18 and we are the reason those men turn to us as
19 vice. So yes. I would love to see that changed.

20 Q Over time the Vancouver Police Department -- even
21 over your time in Vancouver the Vancouver Police
22 Department has deliberately targeted women for
23 hiring campaigns and more and more women have been
24 hired to work for the Vancouver Police Department?

25 A Um-hum.

1 Q In your experience are female officers more
2 compassionate and better suited to being uniformed
3 police officers in respect of the dealings with
4 sex workers? Are they kinder and more gentle?

5 A Absolutely not. Generally speaking, I find that
6 at the hands of female police officers we
7 experience way more judgment. I can remember a
8 particular case where my friends in call had been
9 raided and she was just wearing next to nothing.
10 She asked a female officer for her shoes, at which
11 point she tossed her a pair of stiletto shoes and
12 expected her to parade out in front of her
13 neighbours and everybody else dressed like that.
14 I find that for some reason it seems like women
15 when they're in that position with control over
16 other women who are in a vulnerable state can
17 become more aggressive than men.

18 MR. GRATL: Mr. Commissioner, I have a number of other
19 questions and I wonder if --

20 THE COMMISSIONER: Sorry?

21 MR. GRATL: I wonder if we could take an early lunch break.

22 THE COMMISSIONER: How much longer are you going to be?

23 MR. GRATL: About 15 minutes.

24 THE COMMISSIONER: We'll come back at two o'clock. You're
25 under cross-examination. Because you're under

1 cross-examination, you can't talk to anybody
2 during the lunch. You understand that?

3 THE WITNESS: Yes.

4 THE REGISTRAR: We will now adjourn until 2:00 p.m.

5 (PROCEEDINGS ADJOURNED AT 12:23 P.M.)

6 (PROCEEDINGS RESUMED AT 2:04 P.M.)

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

8 MR. GRATL:

9 Q Now, Miss Davis, I thought this might have already
10 been touched on, but you're not currently working
11 on the street, are you?

12 A No. I work indoors from my home.

13 Q Okay. And how long have you worked indoors?

14 A 25 years total, I guess. I mean I could start
15 doing calculations. So indoors out of all of that
16 probably 18 years.

17 Q Part of what I'm -- part of the reason I ask is
18 because there's been a great deal of testimony
19 about how sex workers, especially survival sex
20 workers, are especially vulnerable and especially
21 hesitant to involve themselves in judicial
22 processes such as this one and yet you're here.
23 Can you explain why you would be able to attend a
24 process like this and others might not?

25 A Absolutely. Initially during the trial, about

1 which this inquiry is, a group of agencies from
2 the Downtown Eastside got together and discussed
3 how we were going to address harms caused by the
4 media during a previous trial of a serial killer
5 in the Downtown Eastside. During that time women
6 reported up to nine times a day being approached
7 by reporters and being asked difficult questions
8 about their lives and their current safety and
9 whether or not they had been assaulted, those
10 kinds of things. And we saw that that was
11 triggering people, sending them into high-risk
12 behaviour, spirals, you know, them using, things
13 like that. We wanted to prevent that kind of harm
14 from happening. So in talking to the -- to the
15 guy who was giving us our media training, he
16 explained that basically reporters are lazy and
17 they need to have an actual sex worker to complete
18 their story and that if we gave them a sex worker,
19 they wouldn't go looking for them in the Downtown
20 Eastside. So since I'm no longer at risk and
21 living in that dangerous environment on the
22 street, it's easier for me to answer those
23 questions without actually harming myself because
24 I'm not still facing that danger every day. So in
25 this case, because since then I've done almost 400

1 media interviews, I'm on numerous committees, I've
2 lectured at universities, I can talk about these
3 things without harming myself because I've learned
4 to live with my injuries and it doesn't affect me
5 like it does somebody who's still living in the
6 war zone. You can't recover until you're out of
7 the war zone. So to ask a person who's still
8 living in those circumstances to risk everything,
9 including their emotional health, perhaps even
10 their lives, by coming here and trying to take
11 part in this process, it's completely different
12 than me taking part in this process as a person
13 with experience who is out of the closet. My
14 family know what I do. I don't have children that
15 they can seize as a result of being out as a sex
16 worker. I don't collect welfare. Nothing can
17 happen to me that could harm me, so I'm in a
18 unique position in that sense in that I am safe to
19 testify even though my identity is out there.

20 Q Now, you've spoken about interaction -- an
21 interaction -- one that you may have had with
22 Robert William Pickton. Aside from that, I take
23 it you were never out at the Pickton farm?

24 A No, but I've been in booze cans and parties like
25 that many times.

1 Q I take it that you have ongoing interactions with
2 many survival sex workers as part of your
3 non-profit advocacy?

4 A Yes.

5 Q And just because you know them as well from the
6 Downtown Eastside?

7 A Yes.

8 Q And you've had discussions with them about Robert
9 William Pickton and the Pickton farm, what
10 happened there?

11 A Yes.

12 Q There are stories that are out there that survival
13 sex workers can tell; is that correct?

14 A Yes.

15 Q And they might be of assistance to the inquiry to
16 find out what happened; is that right?

17 A Absolutely, especially in the sense of the current
18 context, meaning what happened then as opposed to
19 what is happening now. And, you know, also since
20 my time line is pre the time that the inquiry is
21 actually looking at, I think it's extremely
22 important that the workers, especially the ones
23 who are still affected, are given an opportunity
24 in a way that's safe for them to contribute to
25 this process.

1 Q All right. Were you engaged in street-level sex
2 work in the Hastings area?

3 A Yes.

4 Q In and around 1995 to 2000?

5 A '94 would have been the tail end of my working on
6 the street.

7 Q Did you have experience with Vancouver Police
8 officers actively displacing sex workers?

9 A Absolutely.

10 Q And what was your experience?

11 A Well, for instance, on one occasion when I was
12 arrested in a sting where an undercover police
13 officer will drive around and pick up sex workers,
14 if you offer -- if you give them a menu of
15 services, like you say it's \$60 for a hand job and
16 a hundred dollars for full service, then you've
17 committed this crime of communication. So I got
18 caught in a sting like that. In that night I
19 wasn't allowed to return to the place where I had
20 been working or be found there again lest I would
21 be charged again for a continuation of the same
22 crime. And then when I went to court, I was given
23 a no-go zone, which meant I wasn't allowed to go
24 on the block where I was meeting my regular
25 clients. So the guys that you know and you see

1 over and over again, you know that they're not
2 going to be violent towards you. I mean there is
3 a chance they might be, but when you already have
4 a rapport with somebody, you're less likely to get
5 hurt. So by displacing us with those no-go zones,
6 they definitely put us at risk because the
7 regulars can't find you, as well as they would
8 sort of push us up and down the street when we
9 were -- especially like at 2nd and Main -- I
10 remember this intensely -- that they would kick us
11 off of the 2nd Avenue corner and tell us to go
12 back up to 7th, and then slowly down the hill we
13 would come down to 2nd and back up to the top
14 again. And over time I saw this really start to
15 displace the strolls. Towards the end of my
16 working on the street, you could go all along
17 Fraser, Broadway, Woodland, along Commercial all
18 the way over to Hastings and it almost became as
19 if it was in constant flux where you were supposed
20 to be working and it sort of -- where it was a
21 very sort of well known spot the strolls existed
22 on, now it was totally sort of blown apart and
23 anywhere between Kingsway, Joyce, Fraser,
24 Broadway, Hastings, Boundary and all the way down
25 into the Downtown Eastside any woman could be a

1 sex worker and you could work anywhere throughout
2 any of that area just because you're trying to
3 escape from enforcement. You don't want to be
4 there when they're sweeping everybody. Some
5 people too, they don't want to have their ID even
6 checked. You know, when I talk about them
7 cataloguing us and checking our ID and asking us
8 about our distinguishing marks and stuff like
9 that, that means you have a gang file, so some
10 people will avoid it completely.

11 Q All right. So do you remember when you stopped
12 working on the street?

13 A It was around 1994. I -- it's not as easy to just
14 sort of get off the street as it seems. I got out
15 of the hotels pretty quickly into the pimp house
16 where I kind of ran -- after I ran away from
17 there, I was lucky. I had friends in the city and
18 people with some clout who defended me, so it was
19 easier for me to exit street sex work than it
20 might be for others. However, it didn't happen
21 overnight and I slipped back into street-level sex
22 work on numerous occasions when I couldn't afford
23 to pay for my advertising or my cell phone was cut
24 off, things like that.

25 Q Now, in your time -- in your time as a sex worker,

1 had the number of jobs or positions available for
2 indoor sex workers decreased?

3 A Absolutely.

4 Q What were the causes of the decrease in available
5 positions?

6 A Well, I would have to say that it's enforcement on
7 a number of levels against exotic show lounges,
8 against massage parlours. It's sort of having a
9 bottleneck effect in that there's less choices for
10 exotic dancers to find work. They're being forced
11 to choose escorting work and, generally speaking,
12 they're younger, more marketable, so as they enter
13 the escorting or massage job markets, it has the
14 effect of forcing older or less marketable workers
15 out of a job and if they can't work the way that I
16 do from home, poverty doesn't evaporate and people
17 are forced to work on the street. So by narrowing
18 our choices, it's driving people into the
19 dangerous street-level trade, especially after the
20 loss of Craigslist, you know, where people could
21 discretely run a part-time ad and maybe work from
22 home. The elimination of that has meant
23 increasing numbers of workers on the street
24 throughout Vancouver, for sure.

25 Q When you say "the loss of Craigslist", you're

1 referring to the erotic section of --

2 A The erotic services section, yes.

3 Q On Craigslist?

4 A Yes.

5 Q And that was effectively an advertising medium?

6 A Yes. But it was free and it meant you could
7 screen your clients and you didn't have to work
8 for an agency. You could work for yourself
9 independently on a part-time basis. Some agencies
10 will demand that you work 24-hour shifts 7 days a
11 week and if you don't wake up for a call, you
12 could be fined. So working for yourself,
13 especially if you've got kids or you're going to
14 school, is most definitely the most desirable
15 approach to it, and Craigslist was the easiest way
16 for workers to do be able to that without
17 interference from law enforcement or pimps or
18 people like that.

19 Q There's an entire section of Craigslist that was
20 shut down. Was it sometime last year?

21 A It was actually one week before Christmas and it
22 was on the International Day to End Violence
23 Against Sex Workers, December the 17th.

24 Q I take it, though, that advertising for sex work
25 hasn't ended on Craigslist. It's just been

1 dispersed throughout Craigslist?

2 A That's right. Recently I heard that there are now
3 65 different sites where you can run free ads. I
4 do run ads on some of those, but it takes a
5 certain skill set, especially for some of these
6 sites which require pictures and setting up
7 detailed profiles and things like that. For a
8 person who isn't extremely literate or computer
9 savvy, it's not easy for them to do where
10 Craigslist was very simple, just a matter of
11 logging in, typing what you want to say, and there
12 it is instantly.

13 Q What effect has shutting down the erotic services
14 section of Craigslist had on the safety of
15 street-level sex workers or sex workers in
16 general?

17 A Well, six weeks after they did it, a woman was
18 found dead in Deer Lake Park. And we're seeing
19 workers migrating in from all up and down the
20 Lower Mainland, from Langley, Delta, Surrey into
21 strolls in Vancouver because you can't work on the
22 street in your home town, especially if you're a
23 mother. They'll take your children and people
24 will know you and see you. So in a small
25 community like Langley, a single mom can't just

1 step out on the Langley stroll and make some
2 money, so they're forced to come into the city,
3 unfamiliar environment. And, of course, many of
4 these strolls are controlled by pimps now and
5 really into the hands of danger at their -- we've
6 made them available to pimps and predators that
7 way.

8 Q So not knowing the environment increases the
9 danger for sex workers who are from out of town;
10 is that right?

11 A Absolutely.

12 Q You yourself have been arrested for
13 prostitution-related offences three times?

14 A Yes.

15 Q You told us about one of those instances where a
16 no go was imposed?

17 A Yes.

18 Q What about the other two times?

19 A It was both communication, and I only got
20 probation on the other two counts and a fine, I
21 believe, a fine that I didn't pay and then ended
22 up with a failure to appear or a warrant because I
23 didn't pay the fine, and I ended up getting
24 arrested that night too, but not charged again.

25 Q So what are the effects -- what were the effects

1 on you of being arrested?

2 A Well, you have to go to court. It's a bit
3 humiliating, standing there hearing the details of
4 the transaction you did with the police officer.
5 You know now too that you're not going to be able
6 to access the same sorts of jobs or opportunities
7 that other people have. Obviously you can't go to
8 the US, things like that. So all of it goes
9 through your mind. What's your mother go to say,
10 those kinds of things.

11 Q And how did your arrest affect your own personal
12 perception of the Vancouver Police Department?

13 A Well, it puts us in a position of being enemies.
14 They're the enemy. They want to enforce against
15 us and so they don't -- they're not somebody you
16 feel is there to support there. They're somebody
17 who's there to punish you.

18 Q How about the Crown office, the Crown prosecutor's
19 office? How did -- how was your perception of the
20 prosecution service at the Attorney General of
21 British Columbia affected by your prosecution for
22 sex work?

23 A Well, it was very judgmental and it essentially
24 seemed to be based on trying to deal with the
25 nuisance of prostitution, to get rid of us, thus

1 the no-go zones. You know, oh, maybe if we just
2 make it so that they're not allowed to go to the
3 place where they work, they won't work anymore.
4 But never was there any consideration for what I
5 might need as far as resources or helping me to
6 find alternative income sources or connecting me
7 to any supports whatsoever. It was all based on
8 punishment and prostitution as a public nuisance.

9 Q Was there an effect upon your understanding or
10 your sense of how you related to the judiciary?

11 A In total opposition. We were their -- we're their
12 bread and butter. I mean it really just feels
13 like a big wheel turning, which you're just a cog
14 in it. You know, three charges for prostitution.
15 I had a friend who had 75 charges in one year with
16 75 failure to appears. She got one year's
17 probation. Never did they do anything to try to
18 help her to exit, to try to connect her to
19 different supports or do anything for her,
20 counselling, like she really needed.

21 Q What was it like being out there working on the
22 street while you have warrants out for your
23 arrest? Did you know about the warrants?

24 A Yes. I knew about it. You have to hide. Every
25 time you see a police car, you have to duck around

1 the corner or hide your head. You know, we used
2 to carry umbrellas so you can kind of turn your
3 back to the street and you sort of peek around
4 from behind your umbrella to see who's coming.
5 You've got to hide when you've got a warrant
6 because you still have to pay your bills and you
7 still need to get your medication, your drugs,
8 whatever you need.

9 Q And this need to hide, did that have an effect on
10 your safety?

11 A Absolutely. I mean if you don't want to get
12 caught, you have to try to catch a date as quickly
13 as possible, so, again, you're in a position where
14 you might have to get in with somebody you might
15 not normally get in with, somebody who maybe is
16 dirty or a little too drunk or you're not sure
17 about because you need the money and there's no
18 other alternative. If you get arrested, that's
19 not going to change anything. You're just going
20 to end up even further behind. So yes, it
21 definitely compromises your ability to choose.

22 Q Did your arrest and prosecution have any effect at
23 all on your involvement in sex work? Did it stop
24 you? Did it discourage you from being involved in
25 sex work?

1 A No. In fact, when I was on probation, part of the
2 probation was to seek and maintain gainful
3 employment, and so I said to the -- to the
4 probation officer, "Well, if I run an ad in the
5 paper, is that going to be gainful employment?"
6 And he said, "Well, I'm not sure about that," and
7 sent me down to 101 Main Street to inquire with a
8 judge, which I did, and everybody laughed and said
9 as long as I pay my taxes. And the judge said
10 that was a discussion for another day and said
11 that it was in fact qualifying as gainful
12 employment and that would be fine. So it actually
13 did nothing at all to deter from me doing sex
14 work.

15 Q And how about the fines? Did those have an effect
16 on your -- or did they deter you from engaging in
17 sex work?

18 A No. It just meant I had to make more money to pay
19 the fine.

20 Q So in order to pay the court-imposed fine, you --

21 A I engaged in prostitution.

22 Q Did you have any other alternative to engage in
23 prostitution --

24 A No.

25 Q -- at the time?

1 A No.

2 Q Marginalization of sex workers within the Downtown
3 Eastside isn't just limited to police. It's also
4 a phenomenon encountered when sex workers try to
5 deal with service providers?

6 A Yes.

7 Q Can you give examples of that marginalization or
8 discrimination against sex workers?

9 A Absolutely. If you're trying to access emergency
10 shelter, housing, things like that, if you out
11 yourself as a sex worker, the line of questioning
12 takes a completely different turn. So if it's a
13 shelter that mostly deals with domestic violence
14 cases, let's say, and you out yourself as a sex
15 worker, immediately they'll start asking you did
16 you know -- first of all, did you know the person
17 who hurt you and do you have AIDS? Are you on
18 drugs? And while this may not sound, like,
19 judgmental, it is, because not every sex worker
20 does have AIDS and not every sex worker is on
21 drugs, and it just smacks of all of those old
22 biases that are so entrenched in all of the
23 systemic elements that are supposed to be there to
24 support us. Also, if -- especially in some cases
25 where they're mostly dealing with domestic

1 violence cases, a person who is not a sex worker
2 will be given preference in terms of bed placement
3 before the sex worker would, because as a sex
4 worker you may impact the other women who are in
5 the shelter and they don't need to be exposed to
6 you, was the general sense you would get from it.
7 So there's that sort of an aspect, as well as, you
8 know, if you're living in -- in housing, you know,
9 let's say in a religious organization of some
10 kind, you're not allowed to bring your clients in,
11 and in some cases there's a gap for extortion
12 there where the person who's the door person or
13 the hotel clerk, if you will, will charge the
14 worker money to bring their client upstairs into
15 their room. So every time you have a trick,
16 somebody's taking a piece of that money just in
17 order for you to access the space, which is
18 actually legally your home and nobody has any
19 right to determine who you visit with in your
20 home. People don't know that though and, of
21 course, being in a vulnerable state, they're not
22 wanting people to know that you're a sex worker,
23 can make all of these things difficult and
24 especially making complaints about it difficult.
25 Q And in terms of these battered women services,

1 these are services that are -- particularly
2 they're targeted at women who are victims of
3 violence?

4 A Um-hum.

5 Q And those -- those organizations provide
6 counselling?

7 A Yes.

8 Q And referrals to housing?

9 A Yes.

10 Q And they may even act as liaison with police from
11 time to time?

12 A Yes.

13 Q And you're saying that those organizations are --
14 can be biased against and judgmental against sex
15 workers?

16 A Absolutely. Not all the time. Some organizations
17 are great and that are, you know, really leading
18 with best practices in that regard, but other
19 organizations are just mired in this moral
20 judgment that ends up creating so many barriers
21 that people give up on trying to access support.

22 Q You were involved in recruit training for the
23 Vancouver Police Department?

24 A Yes.

25 Q For a number of years?

1 A Yes.

2 Q And if I have my dates correct, it was 19 -- or
3 2006 to 2008?

4 A Yes. Sometimes in there. Six or seven times, I
5 think.

6 Q And where was that recruit training held?

7 A At 2120 Cambie.

8 Q And how many recruits would be in the room?

9 A It would depend on the class. Anywhere from 10 to
10 about 25 or 26.

11 Q And what was your piece of that training?

12 A It was before they would go out on their first
13 tour in the East End, and one officer, a man named
14 John McKay, would go before me and talk to them
15 about working in the East End and the importance
16 of taking reports from sex workers. And he's a
17 really good guy. But yeah. My portion of that
18 was to try to describe the culture in the Downtown
19 Eastside. Criminalization has allowed an entirely
20 separate language to evolve. Different things are
21 polite to us. Some things are insulting. Most of
22 these things were done in an effort to try to help
23 police learn to communicate with sex workers in a
24 way that wasn't going to set them off or put up a
25 barrier right away.

1 Q I take it as well you're explaining to recruits
2 that a lot of the women who are engaged in
3 survival sex worker are desperate and they're drug
4 dependent?

5 A Yes.

6 Q And they're not there out on the street as a
7 result of choice, but effectively as a result of
8 illness?

9 A That's right.

10 Q How was your training of these recruits received
11 generally?

12 A It was generally received very well. The one
13 thing about it, I guess, that always disturbed me
14 was just before I would start to speak, John McKay
15 would say that it was important to take reports
16 about violence from a sex worker because it could
17 help you to solve a crime against a real woman.
18 And I thought it was a mistake the first time he
19 said it, but he did say it every single time and,
20 like I said, he's a really good guy, but I think
21 that it reflects a deeper culture within the
22 Vancouver Police of true victims and lesser
23 victims and in the way that they treat violence
24 against sex workers.

25 Q Just a few questions about the relationship

1 between people who are drug dependent and their
2 dealers.

3 A Um-hum.

4 Q People who are drug dependent can have more than
5 one addiction?

6 A Yes.

7 Q They might be, for example, addicted to both
8 heroin and crack cocaine?

9 A Yes.

10 Q And they would have separate dealers for each
11 drug?

12 A Yes.

13 Q And if they were just addicted to one drug, they
14 would have one primary dealer?

15 A Well, or two or three. You can't afford to not be
16 able to find your dealer when you're drug sick, so
17 in my case I always had a couple of sources that I
18 could go to, so --

19 Q And that's generally the pattern, is it, that you
20 have a couple of sources?

21 A Yes.

22 Q Maybe a main and a backup or maybe you've got an
23 equal relationship with two, maybe three
24 individuals?

25 A Yes.

1 Q And those are ongoing relationships if a person
2 has contact with one or more of those dealers
3 every day?

4 A Yes.

5 Q And dealers, of course, it's in their financial
6 interest to keep track of their customers?

7 A Absolutely.

8 Q These are entrepreneurs in effect. It might be
9 clandestine activity, but they're entrepreneurs?

10 A Absolutely. Some are better than others. You get
11 some people in any business who are ethical and
12 others who are not, but certainly in my experience
13 and in some of the women that I've known, the
14 dealers that I've known have always remained the
15 same. They've always been almost caring, which
16 sounds a little crazy, but I've had dealers that
17 ask me if I'm okay.

18 Q It doesn't sound crazy to me. It sounds like good
19 business practice.

20 A Yes.

21 Q So in effect a relationship, sometimes even more
22 than a simple commercial relationship, develops
23 between dealers and the sex workers?

24 A Absolutely. Casual friendship, for sure.

25 Q They know each other?

1 A Yes.

2 Q They chitchat?

3 A Yes.

4 Q And there might be something of a bond or
5 friendship there?

6 A Yes.

7 Q So if you're looking for a woman and you know her
8 to be drug dependent, you can obviously go to the
9 dealer to find out where she might be?

10 A That's where I would start.

11 Q Okay. And so that would be -- in a way it would
12 be better than going to welfare authorities
13 because the welfare authorities only have contact
14 with a woman once a month, but a dealer would tend
15 to have far more commercial contact?

16 A Absolutely.

17 Q So if an investigating officer weren't afraid or
18 intimidated or biased against drug dealers, they
19 could use drug dealers as a source of information?

20 A Absolutely. And in this case especially.

21 Q How long would it take do you expect -- how many
22 contacts would it take on average if you were
23 looking for someone -- to find someone through the
24 dealer?

25 A If they were around, it wouldn't take long. You'd

1 probably find them within a day. But you would
2 also be able to see very clearly and quickly if
3 they hadn't seen any of their normal contacts that
4 they were gone.

5 Q All right. Thank you very much.

6 A Thank you.

7 **CROSS-EXAMINATION BY MS. GERVAIS:**

8 Q Robyn Gervais, independent counsel for aboriginal
9 interests. Good afternoon.

10 A Good afternoon.

11 Q Just so you know my role, I'm independent counsel
12 to represent the interests of the aboriginal
13 community. I just have a few questions for you
14 this afternoon and they'll be revolving around
15 aboriginal interests.

16 A Sure.

17 Q So you testified this morning that you worked as a
18 sex trade worker from 1991 to 1993 or 1994; is
19 that correct?

20 A On the street, yes.

21 Q And of the women that you worked with in the
22 Downtown Eastside during that time, what
23 percentage would you say were aboriginal
24 approximately?

25 A It would depend which stroll you were on. So on

1 high track maybe 5 percent, mid track 30 percent.
2 And this is just me estimating. But then over by
3 the port obviously a higher -- way higher
4 representation, so maybe 40 or 50 percent.

5 Q And since you stopped working in the Downtown
6 Eastside as an on-street worker, you have been
7 involved with Downtown Eastside organizations from
8 1994 till today's date?

9 A No. Just, like, 2003, '4 was the year that I
10 joined the board of directors of PACE Society.
11 And in the time that I wasn't in the Downtown
12 Eastside and after I was married to somebody who
13 wouldn't allow me to engage in any of these
14 things, so once we separated, I felt obligated to
15 go down and try to make a difference.

16 Q Speaking of in terms of today's date, what would
17 you say is the approximate percentage of
18 aboriginal women practising on the street in -- in
19 the Downtown Eastside?

20 A I would say it's at least 30 percent. And this I
21 know just from interacting with all of the
22 researchers and going down there myself and the
23 people that take part in the projects that we've
24 worked on. I'd say it's about 30 percent.

25 Q And your advocacy work has taken many shapes, but

1 you primarily work with PACE and the BC Coalition
2 of Experiential Communities, correct?

3 A Yes.

4 Q And last week we heard testimony from Ernie Crey
5 about the unique role that aboriginal peoples had
6 in communities and society. Are you aware of any
7 programs at PACE or at the coalition that are
8 geared towards aboriginal women?

9 A Well, we were a mixed group of advocates and
10 our -- the BC Coalition membership is diverse, so
11 it includes African-American people, people of
12 European decent, First Nations people, trans
13 people, male sex workers. So to be truthful, in
14 our organizing we've always come at it from a
15 labour perspective while we do completely realize
16 and acknowledge the effects of colonialism and
17 also a completely different experience for First
18 Nations people.

19 Q Can you tell me if there are any aboriginal people
20 on the board of PACE?

21 A I haven't been on the board of PACE for a long
22 time, so I'm not sure.

23 Q And does the coalition have members that are
24 aboriginal?

25 A One.

1 Q How many members?

2 A There's only four of us now.

3 Q Okay. And are you aware of any organizations in
4 the Downtown Eastside that provide services to sex
5 trade workers that are run by aboriginal people or
6 specifically for aboriginal women?

7 A Well, the Downtown Eastside Women's Centre always
8 has good representation on their board as well
9 as -- I mean many of the programs have got their
10 membership in charge of direction. So, for
11 instance, at the Vivian House where many of the
12 street-entrenched workers live, they have a
13 decision-making process that the women themselves
14 engage in and vote and decide whether or not, for
15 instance, a researcher is allowed to come in onto
16 the premises and access the people that live
17 there. So, again, I mean there's aboriginal
18 policing centres. There has been some -- I have a
19 friend who runs a program called Jenny's Kitchen.
20 She's a First Nations woman. And she was working
21 with the Aboriginal Community Policing Centre to
22 try to do something specific for First Nations sex
23 workers on the street, but nothing ever
24 materialized. It always required funding and it
25 just didn't happen.

1 Q Okay. And any of the studies that you've been a
2 part of, have they had an aboriginal focus?

3 A Not directly. Again, we come from a labour focus
4 and so the people that take part in the projects
5 come from all varying backgrounds within the sex
6 industry, racially, culturally, gender as well.

7 Q Do you think that it's important to have
8 aboriginal people on the boards of organizations
9 that both serve and advocate for sex trade
10 workers?

11 A Absolutely, and particularly if those are
12 aboriginal sex workers. For us the two key things
13 are sex workers and local representation. It has
14 to be about the people that are impacted the most
15 when it comes to direction. There is actually a
16 great piece of work done by Raven Bowen called
17 *Pathways*, which talks about how organizations can
18 place the people they intend to support at the
19 centre of direction and governance of their
20 organizations, and we've always used that template
21 in an attempt to try to ensure that we are not the
22 ones guiding decisions; that the people that will
23 be the most impacted are. So even in my role as a
24 former street-level sex worker, when we're talking
25 about issues that will affect them, we take a back

1 seat and let them tell us what it is they think is
2 necessary, what they think is needed the most, and
3 then take that forward even if I may not agree
4 with it. Know what I mean? So yes. It's always
5 been that way.

6 Q In your experience working in the Downtown
7 Eastside both as a sex trade worker and now with
8 PACE and the coalition, are you aware of any
9 reluctance of aboriginal women to access any of
10 these services in the Downtown Eastside?

11 A PACE or the coalition?

12 Q Any of the services?

13 A They don't have any trouble accessing PACE, but I
14 would say that there are some places where people
15 are reluctant to go, especially like if there's a
16 mixed crowd in there, if there's men in there,
17 because oftentimes you're out in the community and
18 the men can maybe be a client or somebody who may
19 have been abusive to you before. You don't --
20 it's not as easy to access those kinds of places,
21 especially since some of the ones that are the
22 ones open 24 hours a day are co-ed and you
23 can't -- people don't feel safe going in there,
24 especially as a sex worker. Sometimes even within
25 the Downtown Eastside community there's lateral

1 oppression where somehow you're lesser or lower
2 than other people living in the community because
3 of your engaging in survival sex work. So yes.
4 There are places that women don't feel comfortable
5 accessing, as well there's like places where the
6 security guards are extremely aggressive.
7 Sometimes you'll have support organizations
8 located close to where those security guards are
9 operating and that can be a barrier to them
10 accessing those supports as well and making them
11 feel unsafe when they're trying to do it.

12 MS. GERVAIS: Thank you. Those are all my questions.

13 THE COMMISSIONER: Mr. Dickson?

14 MR. DICKSON: Yes. Thank you, Mr. Commissioner. I believe
15 Miss Livingston had some questions. Do you wish
16 to go now, Miss Livingston?

17 **CROSS-EXAMINATION BY MS. LIVINGSTON:**

18 Q Yes. Very brief. Ann Livingston of VANDU. The
19 relationship between women who sell sex and
20 dealers that they may actually buy drugs off of is
21 complex; would you agree with that?

22 A Yes.

23 Q There's been an observation of mine, and I
24 wondered if you have a comment, that in certain
25 areas if there are certain dealers that cuff women

1 drugs and then they owe them. Can you explain
2 that relationship and how it might red zone women
3 from areas where those dealers exist and just make
4 a comment about the complexity of -- and the
5 danger that that can create for women?

6 A Absolutely. When you're -- when you need the
7 drugs and people know that you're a sex worker,
8 you're seen as a micro economy and people know
9 that eventually you will have money. So a drug
10 dealer will be willing to front you or cuff you,
11 lend you the drugs until you have some money.
12 That means that now you owe money, so the next
13 money you make isn't actually yours. But you're
14 also going to be getting dope sick again, so it
15 becomes this dilemma where now you owe someone
16 money. You have to avoid them, so now you're
17 working in other areas where he might not see you.
18 And it can get even more extreme than that. I
19 remember once one of the women that was living in
20 the pimp house with us, she had run off and she --
21 she had been gone for a couple of days and she
22 came back and the men surrounded her and cut all
23 her hair off, and then basically she had been
24 recaptured. So they put her in the house with me
25 and told me to watch her. So she was trying to

1 sneak out in the middle of the night and I said to
2 her, "If you leave, they're going to hurt me," so
3 she stayed. So all of these things to me are all
4 tied in. It is a complex relationship, but that
5 can lead into a situation where you're almost the
6 property. Everything you earn is the property of
7 the drug dealer because you're constantly living
8 in a state of debt servitude or fear of
9 repercussions, shaving your head, being pushed out
10 windows, the things that drug dealers will do if
11 they don't get what they want. In a lot of cases,
12 you know, the drug dealer doesn't want you to die
13 because you're seen as an income to them as well,
14 but it does go beyond, and it's because I think
15 simply the people -- nobody's ever done anything
16 about it. Nobody sees it as violence. Well, you
17 took the drugs. You got what you deserved. That
18 seems to have been the attitude rather than
19 viewing it as violence and basically slavery. I
20 mean if this was a construction job and you were
21 being paid in drugs and never actually seeing any
22 of your pay, there would be repercussions that
23 would be considered illegal.

24 Q Because VANDU's interests are -- and our comments
25 here, we'd like to keep pointing out the role that

1 drug addiction and the lack of access to treatment
2 that's appropriate for women who are what we call
3 street involved, perhaps sought by police and
4 sought by dealers. Have you ever heard of heroin
5 prescription therapy and --

6 A Yes. Through the Naomi Project.

7 Q Do you think that that kind of legal access to
8 drugs and effective drug treatment for women who
9 we might predict wouldn't do well with the basic
10 classic abstinence four-day detox, 28-day
11 treatment if you're lucky enough to get into a --

12 A I absolutely think it would be amazing because
13 most of the harms associated with sex workers who
14 are heroin addicts or drug addicts in general is
15 when they're trying to get their drugs or the
16 money for their drugs or owing the money for their
17 drugs. So if they didn't have to deal with that,
18 the money that they got through support services
19 or for housing would actually go to housing and
20 the supports that they need because they wouldn't
21 have to worry about where their next fix was going
22 to come from. I knew people who were totally
23 saved by the Naomi Project while it was still
24 going. Their lives were stabilized. It was
25 incredible to see it. I even remember watching --

1 somebody discussing it on a show on television
2 about prescriptions of crack in England and a
3 young woman going up for seven times a day to the
4 pharmacy to get her crack and a clean stamp and
5 how her children were fed and she didn't have to
6 be depressed anymore because, you know, all her
7 bills were falling behind. And all of those harms
8 and the things that caused the depression which
9 drive you into further and deeper drug use could
10 be alleviated if people didn't have to pay for it
11 and it was easy to get.

12 MS. LIVINGSTON: Thanks for your comments.

13 THE COMMISSIONER: Mr. Dickson.

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

15 Q Thank you, Mr. Commissioner. Yes. Tim Dickson
16 for the Vancouver Police Department and the
17 Vancouver Police Board.

18 Miss Davis, I want to thank you for coming
19 today. I want just to ask you a little bit first
20 about the bad date incident that you tried to
21 report to the police and then I want to move on --

22 A Sure.

23 Q -- to more of the contextual evidence. The
24 incident that you were speaking of was in the
25 winter of 1990 and '91?

1 A Yes.

2 Q And are you able to place it in time any more
3 specifically than that?

4 A There was a blizzard, so there was snow
5 everywhere, which is not that normal here, so it
6 must have been -- it was during the time when the
7 snow was still all over the ground. I remember my
8 feet were wet and cold because of the snow
9 underneath my shoes and tried to hop over the
10 snowbank to get in the car.

11 Q And I think you -- I think you said that you don't
12 remember any names of police or employees that you
13 spoke to?

14 A Sorry. It's a long time ago. I apologize.

15 Q That's okay. But I -- but I am looking for any
16 reference points that might narrow the time frame.
17 And you've talked about the blizzard. Do you have
18 anything else that might narrow the time frame?

19 A I was arrested in April, so it had to be sometime
20 between January and April, I would think.

21 Q Yes. And I say this because the police might have
22 records --

23 A Sure.

24 Q -- that would indicate --

25 A It was 911.

1 Q -- a response. And so if you have any other
2 details that come into mind -- thank you for the
3 ones you've given me. If you have any more, if
4 you could give them to commission counsel or to
5 me?

6 A Sure.

7 Q The first time you called, you -- you ended up
8 talking to a 911 dispatcher. You called
9 non-emergency first and then 911? That's right?

10 A Yes.

11 Q And I think you said that you didn't give them any
12 information, any details about the bad dates; is
13 that so?

14 A That's so. I told them that I had been assaulted
15 but didn't give them the licence plate number or
16 the details of what he looked like or the car.

17 Q I see.

18 A Sorry. Go ahead.

19 Q No. I didn't mean to cut you off.

20 A Just that I had -- they had said they were going
21 to come and meet me on the corner to take the
22 report and I told them that I would meet them down
23 there.

24 Q I see. And it -- who suggested that you meet at
25 the corner of Main and 2nd?

1 A It would have been the police officer that the 911
2 operator transferred me to. So I spoke to 911.
3 They transferred me to somebody else. I'm not
4 sure who, but that person, that officer said,
5 "Okay. We'll come down there and take your
6 report. Where do you want to meet us?" And I had
7 said at 2nd and Main where the Craftsman Collision
8 is there, just on the other side.

9 Q I see. And in the second time that you called,
10 you said you left a message?

11 A Right.

12 Q And what number -- whose number was that?

13 A I called through the switchboard again to the
14 officer, whoever it was that I had spoken to the
15 first time.

16 Q I see. So you had a name then?

17 A At the time, yes.

18 Q I see. Now -- okay. And the third time you
19 called, there was also -- it was agreed that they
20 would come and meet you?

21 A I spoke to the person again and they said they
22 would come down and meet me. Again, I'd like to
23 say that, you know, I was out there for an hour.
24 I started to get cold. And it's possibly entirely
25 that they came after I left, but --

1 Q Okay. You testified that you think the man who
2 raped you was Mr. Pickton, and after he was
3 arrested, I'm guessing that there was a lot of
4 talk within the community of who had had dates
5 with him, who knew him and the like; is that
6 right?

7 A Yes.

8 Q And obviously it was quite a few years in between
9 the incident? Yes?

10 A Yes.

11 Q And so just to place this, I think you said you
12 believe --

13 A That's right.

14 Q -- it was Mr. Pickton?

15 A But I have no proof of that. And I also realized
16 myself that my eyes could be playing tricks on me;
17 that maybe -- and you hear this all the time --
18 that people see a picture. They want it to be the
19 guy that raped them so that their rape is over;
20 that I don't have to fear it. So I am totally
21 aware that I might totally be making this up in my
22 mind, but it is the reality that I live with and
23 drives me to do the things that I do in advocacy.
24 Does that make sense?

25 Q Yes. Certainly, it does. Okay. Now I want to

1 move to the contextual questions. And I just --
2 you'd been asked quite a lot of the context, and I
3 really do appreciate your evidence on it and I
4 only have a few areas which I want to fillet out.
5 I wonder if I can ask you a little bit more about
6 drug use among sex trade workers. You gave some
7 of this evidence, but how many times a day are
8 drug addicted people -- and drug addicted sex
9 trade workers we're talking about here -- do they
10 use drugs? I know that it's going to vary, but
11 what's the sort of range?

12 A It depends what you're doing. So, like, heroin
13 will last about three hours per dose that's enough
14 to feel. And those will vary according to your
15 own tolerance to it. So I had a friend who was
16 using \$1200 worth a day whereas for me a hundred
17 dollars if I used it all at once would kill me.
18 You know what I mean? So it's very dependent on
19 where you are with it. As well, I found it was
20 very fluid in how I felt at that particular
21 moment. So if I had a particularly horrible
22 experience, something terrible had just happened,
23 I would immediately go seek crack or whatever I
24 could get my hands on right at that moment and get
25 high right away and continue. You sort of go on a

1 bender when you're triggered. You get extremely
2 upset. So I think it all depends on the moment
3 and the time, but certainly with heroin it's every
4 three hours you need to do it before you start to
5 get sick and start to feel that dope sickness.
6 And then with crack, I mean it's really about as
7 soon as it's gone you want some more, but
8 eventually when you're crying and feeling so low
9 you'll eventually cry yourself to sleep six or
10 seven hours later.

11 Q So just on heroin for a moment, and is it not
12 uncommon for a person's habit -- daily habit to
13 cost hundreds of dollars a day?

14 A It's not uncommon at all.

15 Q And you mentioned \$1200 a day and that's at the
16 high end --

17 A Yes.

18 Q -- I imagine. And then so -- so, what, two to --
19 two to six hundred dollars would be --

20 A I would say that's a reasonable sort of a span to
21 put it on.

22 Q Yes. And what about -- and what about with crack?
23 It's cheaper, is it?

24 A Crack is cheaper, but you need more of it. It's
25 harder to sort of maintain yourself. Like, when

1 you have your heroin, you're well and you don't
2 even really seem that intoxicated mostly unless
3 you've taken too much or it's a different dosage
4 or something like that, a new kind of heroin
5 that's come in, whereas with crack you're
6 immediately desperate for more and so it becomes a
7 sort of chasing the rush, they call it, where
8 you're kind of caught in this loop trying to get
9 more crack, need more money, get more crack and
10 you just go constant until it's over.

11 Q So you're on a cycle of either being high or
12 trying to get high?

13 A Finding the money to do it. But also within that
14 cycle is the violence. So as you're trying to
15 earn the money and things are happening to you,
16 because on the street it's a daily occurrence, you
17 know, this is compounding your need for the drug
18 and driving you even harder to find it.

19 Q Yes. And you've spoken of some of the symptoms of
20 drug sickness. And I take it that avoiding it is
21 a major aspect of a drug addict's life?

22 A Absolutely. You're unable to do anything,
23 especially when you're heroin dope sick. You're
24 completely incapacitated, vomiting, diarrhea, you
25 can't move, the sweats.

1 Q That's heroin?

2 A Yes. If you want to do anything in your life, you
3 need that dope so that you can make it to get to,
4 let's say, WISH for dinner, you know, even to go
5 get your food or you have a welfare appointment or
6 perhaps you've got a doctor's appointment. Some
7 of the workers are receiving their antiretroviral
8 drugs for HIV through some of the support
9 organizations. If you miss one day of that
10 medication, you have to start a whole new regimen.
11 So it can seriously impact their health adversely
12 if they do fall into drug sickness, so that's
13 definitely to stay from being sick, because when
14 you're sick, you're more intoxicated looking and
15 behaving than you are when you actually have the
16 dope.

17 Q Am I right in thinking that there are not enough
18 resources, addiction resources?

19 A Absolutely.

20 Q And --

21 A Especially women specific. You know, we see, for
22 instance, in some places they'll separate one
23 portion of the building to be for women only, but
24 there are still men in the lobby and things like
25 that. We need specific beds that are specific to

1 women and to sex working women, because even women
2 who are non-sex working can be aggressive and sort
3 of -- it's not like outright overt violence, but
4 it's subtle violence and oppression of people who
5 are non-sex working against sex workers, so it has
6 to be a place that won't be judgmental and will
7 respect the experiences that come particularly to
8 people who are that vulnerable.

9 Q Thank you. Now, among -- among sex workers in the
10 Downtown Eastside, I take it again that a major
11 motivation for engaging in sex work is earning
12 enough money for drugs?

13 A Earning money. I would like to point out that as
14 we're bottlenecking the number of jobs available
15 to sex workers, the people that are the most
16 affected are the older sex workers, and I find
17 myself working with women who are 50 to 60 and
18 they're not working for drugs. They're working --
19 sometimes they are, but they're mostly working for
20 the basic necessities, for food, to be able to get
21 some coffee, for those kinds of things, cat
22 litter, you know, as well as people trying to feed
23 their children or trying to escape from an abusive
24 husband or family member, for that matter, you
25 know, people whose families have turned their

1 backs on them. You know what I mean? You get put
2 in a position where you have no other choices.
3 And so it's not always addiction, but I think that
4 addiction often follows, as it did with me because
5 of the violence I experienced once I was put in
6 that dangerous situation and got hurt. Then I
7 started using to cope.

8 Q And I would guess that again it's a cycle and you
9 get into the addiction and now you have to earn
10 money and to pay for the drugs, and the way that's
11 done in those sets of circumstances is through sex
12 work?

13 A Right. And so the violence in -- continues as
14 well. If you're not working indoors, you end up
15 in the cycle of violence, addiction, money,
16 violence, you know, trying to work.

17 Q And amongst -- among sex workers in the Downtown
18 Eastside, in your experience give us an estimate,
19 if you can, a rough estimate of how many dates it
20 would take per day?

21 A Again, it's fluid. So it would depend on what you
22 need, but my average was three or four a night.
23 But if you're smoking crack, it's 24 hours a day.
24 And I remember one day I was in front of the
25 Astoria and I saw in ten minutes six different

1 women using one corner. So really the income
2 potential is endless over by the port. And if you
3 are smoking crack and on a bender for days, which
4 some people don't sleep for days, you could
5 potentially be turning hundreds of dates in that
6 time.

7 MR. DICKSON: Mr. Commissioner, I'm about to shift into another
8 topic. If you want to --

9 THE COMMISSIONER: We'll adjourn to take the break.

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

11 (PROCEEDINGS ADJOURNED AT 2:57 P.M.)

12 (PROCEEDINGS RESUMED AT 3:14 P.M.)

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

14 THE COMMISSIONER: Yes, Mr. Dickson.

15 MR. DICKSON: Yes, Mr. Commissioner. Tim Dickson again for the
16 Department and the Board.

17 Miss Davis, just before the break we were
18 talking about the practice of street sex trade.
19 And, generally speaking, sex workers working on
20 the street, street sex workers, they're meeting
21 their dates outside, hence the name street sex
22 workers?

23 A Yes.

24 Q And they're working on a stroll on the street and
25 generally they're picked up in a car; is that

1 right?

2 A Generally, yes.

3 Q And when they're picked up in a car, they drive
4 away with the client?

5 A Yes. Because communication is illegal. Now you
6 have to sort of get in the car, close the door and
7 drive away.

8 Q The services are performed elsewhere?

9 A Other than -- yes. Not right on the stroll.
10 Sometimes you might have a guy on foot and service
11 him in the laneway or something like that or in
12 the bar bathroom, but for the most part in a car
13 driving by and drive away.

14 Q The general case is you get into a car and go
15 elsewhere?

16 A Yes.

17 Q And, generally speaking, the client wants to go
18 somewhere not very populated?

19 A Right.

20 Q Yes. Somewhere isolated where there aren't people
21 around?

22 A And not to be seen. I mean the clients don't want
23 to be outed either, so they try to find somewhere
24 private.

25 Q Yes. The client doesn't want publicity?

1 A No. Nor the worker.

2 Q Yes. And I imagine that would hold true
3 especially in the client's case where the client's
4 a bad date?

5 A Absolutely.

6 Q They particularly then want to go somewhere
7 isolated where there aren't going to be people
8 around?

9 A Definitely.

10 Q And the clients don't want the police especially
11 around?

12 A No. Definitely not.

13 Q And that would hold true, I suppose, with sex
14 trade workers on the strolls. They don't want
15 police scaring off the clients; is that right?

16 A Absolutely.

17 Q And if there were more police coming around the
18 strolls, likely the clients wouldn't come around
19 as much and so the sex workers and the clients
20 would move else elsewhere; is that fair?

21 A It would displace them, yes. We've seen it happen
22 before.

23 Q And you're an advocate, I believe, for the
24 decriminalization of various prostitution-related
25 activities?

1 A Yes.

2 Q And you would like to see more sex work indoors;
3 is that fair?

4 A Being it's safer indoors, I would like to see us
5 protected by labour law rather than criminal law.

6 Q If -- let's assume for a moment that the bawdy
7 house provisions were removed from the criminal
8 code and it was legal to have a bawdy house.
9 Would you agree with me that there will be some
10 women who will continue to work outdoors?

11 A Yes.

12 Q There's going to be a market -- probably there's
13 going to remain a market for street sex workers?

14 A Yes, but I would like to just expand on that a
15 little bit to say that that's because people would
16 become used to it and all the degradation of our
17 industry and the elimination of indoor
18 environments people have become accustomed to
19 meeting their clients that way on the street.
20 However, within my career in Vancouver, at the
21 very beginning when I first came here we could
22 rent hotel rooms by the hour. In a lot of those
23 hotels in the Hastings corridor there, they all
24 had one floor we called the client floor and you
25 could go in. You were surrounded by everybody you

1 knew from the community and you could rent a room
2 for \$20 and go in there and safely visit with your
3 client. So in looking at street-entrenched
4 workers, we worked a lot on how we thought we
5 could address that without trying to open up a
6 brothel and profit on the most vulnerable sex
7 workers in our community. And during that we
8 decided that we should explore whether or not
9 co-operative business models could support them
10 controlling their own safe work environment. So
11 they would meet their clients in the traditional
12 way, but they would have somewhere safe to take
13 them. So they would meet their clients on the
14 corner, take them over, rent the room. This would
15 alleviate a number of real crux problems in
16 communities, including the condoms in the
17 schoolyard and the park and the public sex acts,
18 which seemed to be the biggest point of complaints
19 amongst the mainstream community. If we could
20 bring it indoors, a lot of that could be
21 alleviated as well as panic buttons, access to
22 condoms. You know, when you're in your own
23 environment and you're controlling that, you have
24 more power to negotiate your rate and what you
25 will and will not do. Now, the idea was that, of

1 course, some people aren't even going to want to
2 join a co-operative and put their name out there,
3 so we decided that it was best if it was -- like,
4 the co-operative was a board of directors guiding
5 decisions on what to do with money, paint colour,
6 direction where any sex worker could rent the
7 room. They wouldn't have to be a member, but yet
8 it was still for sex workers by sex workers. So
9 yes. I think you're right. Some women will never
10 come in, but we are the ones who have given them
11 30 years on the street, 40 years in some case.
12 How are they going to adjust to mainstream
13 employment for that matter? I mean we really need
14 to meet people where they are if we want to try to
15 alleviate the harms they're experiencing.

16 Q Yes. Just -- just to follow up on that. Some
17 clients -- am I right in thinking that some
18 clients are not going to want to go to a hotel, a
19 co-op like you described and have the publicity
20 there; is that fair?

21 A It is fair, but in those cases you can visit them
22 at their location. Out call is still legal.

23 Q You spoke with Mr. Gratl about barriers to
24 reporting to the police and I just want to see if
25 there's another, and that is the lack of phones?

1 A Absolutely. An oversight on my part. They
2 totally removed all of those pay phones from the
3 East End in attempt to curb drug dealing, I
4 believe, was the idea. They also imposed a number
5 of traffic measures in the Hastings North area,
6 which really did nothing to curb prostitution and
7 it actually made it more difficult for local
8 business owners. So yes. And I mean for the most
9 part, the businesses that do exist in the Downtown
10 Eastside won't let you in if you're obviously
11 addicted and a sex worker. You're not allowed to
12 use the phone. You're not allowed to use the
13 toilet. I mean people just won't help you.

14 Q I understand there's an effort to put in public
15 911 phones that are -- that are tougher, that
16 can't be broken as easily, because I understand
17 that a lot of the public phones were being broken.
18 Do you know anything about that?

19 A Phones were definitely easy to break. I believe I
20 may have broken one myself here and there. But
21 yeah. That sounds like a good idea, but that's
22 the first I've heard of it.

23 Q And there was an effort, as I understand it, to
24 provide cell phones to sex workers that would only
25 call 911?

1 A It was a great program, but sometimes when you're
2 diving out of a car if somebody's trying to hurt
3 you, you lose it or you lose your coat or you lose
4 your purse. So, again, you need a constant supply
5 of those phones. They'd almost be disposable.
6 But there are lots of phones, so I think it's a
7 good program.

8 Q I want to turn to your involvement with the VPD.
9 And you spoke of being on the Diversity Advisory
10 Committee?

11 A Um-hum.

12 Q And on SIWSAG?

13 A Yes.

14 Q S-I-W-S-A-G?

15 A Yes.

16 Q And you've been involved in the training of police
17 recruits, as you said?

18 A Yes.

19 Q And you spoke highly of Linda Malcolm, the sex
20 industry liaison officer?

21 A Um-hum.

22 Q And have you been involved at all in sister watch,
23 in the sister watch program?

24 A No, but I've heard lots about it and I think it's
25 a great idea. I haven't seen all the details of

1 what the actual mechanics of that look like, but I
2 do understand that it managed to finally take a
3 really exploitive guy off the street as well as
4 all of his helpers, which was definitely a relief
5 to everybody, it seems, so in my book it did a
6 good job in that sense.

7 Q And that's an effort to allow the VPD to
8 communicate with the sex worker community --

9 A On the street.

10 Q -- more effectively on the street?

11 A Yes.

12 Q And, broadly speaking, is it fair to say that you
13 see more communication occurring between the
14 department and the street sex worker community?

15 A Absolutely.

16 Q And you yourself, I believe, have very direct
17 lines of communication with Chief Constable Chu
18 and Deputy Chief LePard?

19 A Yes, I do.

20 Q And to the point where you send -- you have long
21 e-mail conversations; is that fair?

22 A Yes. Absolutely.

23 Q And in those e-mail conversations you present your
24 perspectives and your concerns and they respond?

25 A Absolutely.

1 Q And is it fair to say that they are -- have been
2 very responsive in that regard?

3 A Definitely. I definitely see movement towards
4 protection. I know that they're trying really
5 hard.

6 Q Yes. And in the last number of years there are
7 very few charges for communicating that are laid
8 by the VPD?

9 A Absolutely. They're not -- they are for the most
10 part not arresting workers who are working on the
11 street.

12 Q They are essentially -- in the last number of
13 years there are essentially almost no charges
14 against sex trade workers and relatively few
15 against clients to your knowledge; is that fair?

16 A That is true.

17 MR. DICKSON: I want just last to ask you about exiting the sex
18 trade.

19 THE COMMISSIONER: About what?

20 MR. DICKSON:

21 Q About exiting, leaving the sex trade. Can you
22 speak a little bit to how -- to the challenges
23 that a worker faces in that regard?

24 A Sure. You're dealing with all of the trauma of
25 the things that you've witnessed while you've been

1 involved in the street-level sex trade. Trying to
2 deal with things that you have witnessed is
3 challenging, especially when you're trying to
4 interact with the mainstream community, like if
5 you're trying to go to the welfare office and get
6 support or you're trying to find an apartment.
7 All of these things become very challenging for a
8 person who's dealing with post-traumatic stress
9 disorder. So for me it was in and out, in and
10 out. And I wasn't just -- I wasn't trying to exit
11 sex trade. I was just trying to get off the
12 street into a place where I could be working more
13 safely, which is where I am now. I am one of the
14 luckiest people I know. I've heard people say
15 that one percent of women survive the Downtown
16 Eastside once they're there turning -- turning
17 tricks and on drugs, whether that be by disease or
18 suicide, murder, you know. I have friends in the
19 city who let me sleep in their spare bedroom. I
20 also had a friendship with sort of a
21 biker/gangster type person who prevented the pimps
22 from chasing me after I escaped the first time.
23 So my -- my situation is unique in that sense that
24 I just -- everything came together for me to do it
25 and it was still hard. I was off and on the

1 street, as I said before, depending on whether or
2 not I could afford to pay for my ad or my cell
3 phone bill if it had been cut off. So you're
4 forced to go back on the street again in order to
5 try to climb out again.

6 Q I think you mentioned earlier that PEERS is the
7 main organization involved in --

8 A Exiting.

9 Q Of women exiting the sex trade?

10 A Yes.

11 Q But that they were facing funding challenges?

12 A Yes. They definitely are.

13 Q And do you know any more about that?

14 A Well, I know that they cut one of the programs a
15 few years -- years back. I can't remember what it
16 was called. Maybe it was called -- I can't
17 remember, to be perfectly honest with you, but I
18 know it's through the Employment Canada sort of --
19 they were trying to help people develop their
20 resumes and do this kind of thing, and that
21 program was completely cut. Elements, I believe
22 it was. So they really are the only organization
23 in town who provide those exiting services, but
24 like everything else, I mean we are getting cut
25 back. And the truth is sex workers are always the

1 first to get cut and the last in line. So in this
2 kind of a climate in a recession, yes, their
3 funding is being cut and there are no exiting
4 opportunities.

5 Q And I take it that you would support a
6 recommendation that more funding be directed to
7 efforts --

8 A Absolutely. Nobody should be forced to engage in
9 prostitution against their will or for poverty
10 sake. I truly believe that. Yes, I am making
11 choices to be a sex worker in my life. Not
12 everybody does and we need to ensure that people
13 have the opportunities to get out if they can.

14 MR. DICKSON: Thank you, Miss Davis. Those are my questions.

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

16 Q Thank you, Mr. Commissioner. Andrew Majawa for
17 the Government of Canada.

18 Good afternoon. I have a few questions for
19 you. Just picking up on something that my friend
20 Mr. Dickson mentioned, that you are an advocate
21 for the decriminalization of the current
22 prostitution laws?

23 A Yes. I'm for my own decriminalization.

24 Q And, in fact, you also -- I believe that you swore
25 an affidavit in support of the -- what's known as

1 the Bedford case?

2 A Yes. I did contribute to that, absolutely.

3 Q Some of my understanding of your experience comes
4 from those materials that are on the public
5 record.

6 A Sure.

7 Q Now, I take it that from your testimony today and
8 from that information that you've worked both --
9 well, in all -- in escort companies doing out call
10 work?

11 A Yes.

12 Q And you've also worked out of your home, as you do
13 now?

14 A Yes.

15 Q And you've also worked on the street?

16 A Yes.

17 Q And in response to one of my friend's questions
18 from earlier, you said that the majority of
19 violence that you faced was from the boys while
20 you were on the street. But you did -- you have
21 faced violence working indoors as well, haven't
22 you?

23 A Yes, I have

24 Q And I assume that from your community work and
25 your experiences that you've also -- in addition

1 to your own experiences, you've had exposure to
2 women who have had experiences in all of these
3 different venues of sex trade work?

4 A Yes.

5 Q And would you agree that drug use is not only a
6 problem for women who work on the street, perhaps
7 in the Downtown Eastside, but it's a concern in
8 general in indoor locations for sex trade work as
9 well, isn't it?

10 A I would say I would agree with that except for
11 that it's at a far smaller rate. I'm not going to
12 say that it doesn't happen because it certainly
13 does, but just not at the rate that it does on the
14 street because the levels of violence here are
15 reduced and so the trauma that's associated with
16 it is reduced. And you can see the sort of
17 gradient reaction to it across the board. Does
18 that make sense?

19 Q And from your testimony I take it that one of the
20 concerns -- one of the major obstacles faced by
21 women who work on the street is exploitation,
22 whether it be by a pimp or clients or others?

23 A Absolutely. You have no way to protect yourself,
24 whereas when I'm working indoors for myself, it's
25 the most empowered working conditions I have. I

1 have complete control. So they're coming into my
2 environment. I'm the one in charge. I have the
3 negotiation power. I control the transaction,
4 where on the street you're getting into a car,
5 going who knows where with who knows who, and all
6 of those questions lead to the potential for risk
7 being totally increased. And it exists within --
8 especially out call escort work. As you know from
9 my affidavit in the Bedford case, I was assaulted
10 on an out call by a man in West Vancouver. And
11 yes. It definitely happens. When you go into
12 their home, you don't know whether or not they
13 have a taser or the -- the wine that they're
14 giving you has a ruffie in it or whatever. So I
15 would say that it's a gradient like that. Yes.
16 When you go on an out call, there is that
17 potential there as well, but that's the only legal
18 way to work, right?

19 Q So I take it from your answer, then, that although
20 there's gradients to the levels of exploitation
21 and potential for violence, that that still
22 exists -- the potential for exploitation still
23 exists currently if you're working indoors or out
24 within gradients of it?

25 A Yes. But I would say also, again to reiterate,

1 that working for myself independently in total
2 control of my environment, I have not experienced
3 violence for seven years.

4 Q But you have working out of your home experienced
5 violence at a time --

6 A At the hands of my husband.

7 Q And at the hands of a client as well, haven't you?

8 A Maybe back in the day, but nothing ever severe,
9 generally speaking because I've had somebody there
10 with me. They just run away when they realize
11 they're not alone in the apartment with me and
12 that they can't do anything to me. They run.

13 Q I seem to recall an incident that you conveyed
14 either in your affidavit or your cross-examination
15 where you were working out of your home and
16 someone, a client, did turn violent and your
17 partner had to chase them out?

18 A Yes.

19 Q So it isn't unheard of that a sex trade worker
20 who's working out of their own home can still be
21 subject to the potential for violence?

22 A Yes.

23 Q Now, I think you've alluded to this, but one of
24 the reasons that you say that indoor sex work is
25 safer is because you control the environment?

1 A That's right.

2 Q And so you can set up security measures that make
3 you feel comfortable?

4 A You can screen your clients. Especially if you're
5 working independently, you don't have to rely on
6 an outside party to do that screening for you.
7 You get a sense of the person's level of sobriety,
8 all those things, and make those choices based on
9 your own intuition, right? So yes. When you're
10 working independently, you have the most control
11 over your working environment.

12 Q I just want to focus on the security measures and
13 how those relate.

14 A Sure.

15 Q My understanding is that you wouldn't necessarily
16 inform a client of the specific security measures
17 that you've implemented?

18 A No.

19 Q You'd want to keep them guessing as to what
20 potential you have implemented?

21 A Sure. I can remember on one occasion on the couch
22 in the living-room stuffing a bunch of pillows
23 under a blanket to make it look like a huge guy
24 was sleeping there when there really was no one
25 there. And when the guy came in, I told him "sh"

1 so that he would think we weren't alone. So
2 definitely you want to have control over that.
3 You don't want them to know what you're really
4 doing.

5 Q I assume part of -- or potentially one of the
6 matters that you would want somebody to assume is
7 that maybe their image is being recorded so that
8 they are not so anonymous?

9 A Yes. There's a camera downstairs in the building
10 where I live. And within -- we've developed over
11 three and a half years an occupational health and
12 safety guide for the sex industry known as *Trade*
13 *Secrets*, and within that we talk about carefully
14 choosing your location, number one, to have a
15 security camera downstairs so you can see who it
16 is that's coming, and also to be in a high rise so
17 that people can't come through the windows. All
18 those various things are --

19 Q And so you agree that this is classified as
20 deterrence in effect for -- to deter a potential
21 violent person from committing those violent acts?

22 A Absolutely.

23 MR. MAJAWA: And with respect to the camera or being caught on
24 video, the deterrent there --

25 THE COMMISSIONER: This is all very interesting, but how does

1 it help me at all?

2 MR. MAJAWA: Well, I'm just getting to a point that was started
3 with Mr. Dickson, but it will be a point about the
4 likelihood of a street sex trade still continuing
5 regardless of the --

6 THE COMMISSIONER: Well, she has said that life on the street
7 for sex trade workers is inherently dangerous.
8 That's really what the commission of inquiry is
9 all about, about sex trade workers and missing
10 women on the street. So we're going into the
11 security cameras in homes and tell me how that
12 helps me.

13 MR. MAJAWA: Well, Mr. Commissioner, with -- earlier and
14 throughout the testimony that's been given by the
15 contextual witnesses, including the experts,
16 evidence was led with respect to the role that the
17 laws play in the safety of women.

18 THE COMMISSIONER: We know that and Miss Davis has articulated
19 that very well; that it's a lot safer for sex
20 trade workers to work -- to work within their
21 homes or other private residences than it is on
22 the street. That's pretty well self-evident, is
23 it not?

24 MR. MAJAWA: That's the testimony that she has --

25 THE COMMISSIONER: No, but my point is where are we going with

1 all of this about security cameras in homes and
2 all of that? You know, I haven't interrupted you,
3 but I just want to know what the relevance is.

4 MR. MAJAWA: My point, Mr. Commissioner, is that we have -- we
5 have seemingly strayed somewhat from the areas
6 that the terms of reference for this commission
7 are within.

8 THE COMMISSIONER: I know that. I know that and I'm trying to
9 get it back on track.

10 MR. MAJAWA: And I don't want to be left in the position where
11 the Government of Canada is held to be -- is
12 considered to be silent on this issue. Now, I
13 just have a few questions about this witness's
14 view on whether or not the street-level sex trade
15 would continue regardless of the -- of the laws
16 that are in place and that therefore the dangers
17 that are inherent there will still continue and do
18 continue.

19 THE COMMISSIONER: Well, that's a little bit different from
20 what you were going into. Go ahead and ask that
21 question.

22 MR. MAJAWA:

23 Q Let me put it this way, Miss Davis: It would be
24 fair to say for that most men who purchase sexual
25 services anonymity is important to them; would you

1 agree?

2 A Yes. And to sex workers too.

3 Q And when a man is purchasing sexual services on
4 the street, particularly at night, one of the only
5 clues to his identity, I would assume, is the car
6 that he's driving or the licence plate that's on
7 that car?

8 A Yes.

9 Q So wouldn't you agree, then, that regardless of
10 what the state of the law is that one of the
11 reasons that a client who's purchasing sexual
12 services might want a person to -- a sex worker to
13 get into the car as quickly as possible would be
14 to maintain their anonymity?

15 A Maybe. I mean it's speculative, right? I can
16 speculate what clients are thinking. I'm -- for
17 me, I think it's simply that they don't know where
18 else to purchase, because we've narrowed their
19 choices so much. We also developed some materials
20 in the BC Coalition known as *For Our Clients* about
21 client education, about what is acceptable in
22 communities and how to purchase in a way that's
23 safe for everybody involved, clients. If you've
24 read the *Johns Voice* research, up to 45 percent of
25 them have also experienced violence. So, you

1 know, I think that on both sides when you've got a
2 criminalized transaction, two marginalized groups,
3 both sides are going to experience violence.

4 Q For someone who's --

5 A Did I answer your question? I'm sorry.

6 Q Well, no. You did at the beginning.

7 A Okay.

8 Q And some of those clients whose anonymity is
9 important to them, I take it from the answer you
10 gave to a question that Mr. Dickson asked that was
11 slightly different would be that they wouldn't be
12 likely to go to a place where they may be
13 identified, like an indoor place?

14 A Well, when I worked on the street, that wasn't the
15 case. I mean they were more than happy to come up
16 into the hotels with us then. I think that if we
17 were to promise them and prove to them that they
18 wouldn't be arrested, that that would be the
19 motivating factor rather than fear of being outed
20 by the sex workers themselves. I mean if we're
21 talking about an in-call site for the workers in
22 the Downtown Eastside that's been protected from
23 prosecution, I think that those men would be glad
24 to go there knowing that they wouldn't be
25 receiving a john letter or forced to go to john

1 school or to potentially lose their jobs or face
2 criminal charges. So in my experience from
3 working on the street and up until the spring, I
4 think the opposite; that the men would actually
5 embrace somewhere safer to do it where they
6 wouldn't have to face prosecution.

7 Q And I think you already answered Mr. Dickson's
8 questions, but some men, particularly ones who
9 want to commit violence, are not going to go
10 somewhere where there's somebody else around?

11 A Well, like my mother always says to me, "How many
12 people shop at 7-Eleven every year and how many
13 people rob it and are we going to close down all
14 7-Elevens?"

15 Q Now, in your testimony earlier -- I just want to
16 touch on this briefly. When you were talking
17 about your -- the violence that you were subjected
18 to in the early nineties near Main and 2nd Street,
19 and I take it that from that testimony when you
20 said that you're not sure if it was Mr. Pickton
21 who perpetrated that, but that you were paying
22 close attention to what was going on with the
23 Pickton case as it developed in 2002?

24 A Yes.

25 Q So I assume, then, that you were aware that the

1 police were making public appeals for people to
2 come forward if they had any information about Mr.
3 Pickton?

4 A Yes.

5 Q And I just want to clarify that you didn't,
6 though, come forward to the police?

7 A No. My husband was highly abusive and I wasn't
8 allowed to take part in any activities that I
9 wanted.

10 Q I just want to be able to search for those
11 records. But there was no --

12 A No. I never did. I wasn't allowed.

13 Q And you would agree too, though, that today -- the
14 situation today currently, there are still women
15 who are getting into cars and going to unsafe
16 places with clients?

17 A Yes. They've been given no alternative. All of
18 our attempts to try to create a safe work site and
19 obtain funding from the federal government in
20 support of development as such have been totally
21 squashed and gone unanswered.

22 Q But their willingness to do that is despite the
23 fact that -- the answer to Mr. Dickson that in
24 recent years in the Downtown Eastside there's been
25 almost no arrests for communication?

1 A So they're still getting into cars, but they don't
2 face arrest. I don't see the correlation there.
3 What do you mean?

4 Q I'm just asking if -- let let put it this way:
5 Are the -- you agreed with Mr. Dickson that
6 women -- that there have been relatively few
7 arrests for communication in the recent past?

8 A Absolutely. It would certainly seem that the
9 Vancouver Police have a sense that arresting
10 vulnerable women has led to their harm.

11 Q And I assume -- maybe I'm wrong -- that the
12 workers -- sex trade workers on the Downtown
13 Eastside are aware that that is the case; that
14 there have been relatively few arrests?

15 A Yes.

16 Q So -- but yet I just want to understand that you
17 agree that still currently there are still women
18 who are getting into cars and going into unsafe
19 places?

20 A I don't understand the relevance between them
21 being arrested or getting into cars. No. They're
22 not being arrested, but poverty hasn't evaporated.
23 There are no detox beds, no exiting programs. So
24 yes. They're still getting into cars and turning
25 dates at Crab Beach.

1 Q So there's many different reasons as to why a
2 woman might get into a car and go to --

3 A To feed their children.

4 MR. MAJAWA: Thank you, Mr. Commissioner. I have no further
5 questions.

6 **EXAMINATION BY THE COMMISSIONER:**

7 Q Thank you. If I were to summarize your evidence,
8 Miss Davis, in a very broad way, you're telling us
9 that inherently the sex trade business on the
10 street is dangerous, is very dangerous, it always
11 has been dangerous, and that the police
12 historically have not been sympathetic and there
13 has been a distrust of the police. However, in
14 recent times you see the Vancouver Police
15 Department, the VPD, taking a proactive approach
16 and working with you. And you specifically
17 referred to Constable Dave Dickson and Constable
18 Linda Malcolm as two officers who have worked with
19 you in order to reduce the level of violence and
20 there's now more or less an open door for you to
21 contact people like Chief Constable Chu and other
22 senior members of the Vancouver Police and they're
23 prepared to work with you in order to make
24 conditions safer for the -- for sex trade workers?

25 A Definitely, especially the workers on the street.

1 While I see that there still remains some divides
2 in our approach and understanding of the
3 interconnectivity of indoor workers to street
4 workers, definitely they are open and responsive
5 in this day.

6 Q Do you see a change in attitude with the newer
7 officers, most of whom have some kind of
8 post-secondary education? Is there a difference
9 in the attitude of those officers?

10 A I have seen a difference in attitude with some
11 officers, but there is also still the Organized
12 Crime Task Force component and the hiring that was
13 done of tough guys, as we were told, because the
14 gangsters were tough guys, and those guys being
15 involved in enforcement actions against sex
16 workers who are perceived to be controlled by
17 organized crime. So yes on one hand and no on the
18 other. There seems to be still some communication
19 problems between various departments at the
20 Vancouver Police, but overall definitely a
21 movement towards protection.

22 Q So are you working with the police to ensure that
23 whatever communication barriers exist in the
24 various parts of the VPD are corrected or
25 addressed?

1 A We're trying.

2 Q You made another interesting point and that is
3 that you said that -- that part of the problem is
4 that there is a lack of communication or a lack of
5 co-ordination between the Vancouver Police and
6 City Hall, and you mentioned about licensing and
7 all of that?

8 A Yes.

9 Q So you're already talking about an integration of
10 services here; is that what you're talking about?

11 A Absolutely. So that everybody is working from the
12 same handbook and we don't have one group working
13 opposite to what another group is trying to do in
14 terms of improving safety.

15 Q So what's been the attitude of the people at City
16 Hall in -- when you meet with them?

17 A It's been very open. Over the summer we worked
18 and worked and worked on revising the bylaws and
19 creating a great report that went forward to
20 council and passed by council, part of which was
21 removed at the last moment, however, due to fears
22 about what the bylaw revisions might in fact do to
23 the sex industry scene in Vancouver.

24 Q What about the ability of those two organizations
25 to work together, that is the Vancouver Police

1 Department on one hand and the municipal hall --
2 sorry -- the City Hall, the municipal government?

3 A It's been very challenging. Because the police
4 are mandated to uphold the Criminal Code,
5 basically the attitude seems to have been that
6 they don't have to listen to the bylaw revisions.
7 They don't have to work with the City. They are
8 their own entity. But, again, I mean I'm hoping
9 to break down those barriers. One of the
10 directives of the city council report was to form
11 a task force which would include police and City
12 staff. So while it's still a bit of barriers up
13 between them all, it seems like maybe we can break
14 down those things and build the bridges that are
15 necessary.

16 Q So if you were to wave a magic wand, would you
17 tell those departments, that is the people at City
18 Hall who provide services to people and the
19 Vancouver Police Department, to work together in
20 those areas where they can work together short of
21 interference in the Criminal Code?

22 A Absolutely

23 THE COMMISSIONER: Anything arising out of that?

24 **CROSS-EXAMINATION BY MR. GRATL (Cont'd):**

25 Q Yes, Mr. Commissioner. I have a few questions.

1 Miss Davis, obviously fear of arrest for
2 prostitution-related offences is not the only fear
3 of a sex worker at street level?

4 A That's right.

5 Q Obviously there's a fear of arrest for other
6 Criminal Code offences?

7 A Sure.

8 Q Fear of arrest for bench warrants for failing to
9 appear?

10 A Yes.

11 Q Breach of recognizance?

12 A Possession of drugs.

13 Q There's no amnesty of sex workers for arrest from
14 those reasons, is there?

15 A No, there isn't

16 Q Okay. So obviously street-level sex workers still
17 have a lot to fear from police?

18 A Absolutely.

19 THE COMMISSIONER: I want to -- I want to thank you for coming
20 here and testifying. Your presence and your
21 evidence has meant a lot. I can tell you that.
22 You're obviously very articulate. You've given
23 very balanced evidence here and it -- it helps not
24 only this commission, but it helps I think the
25 public to know what the issues are and how they

1 perhaps can be solvable. So I want to thank you
2 for all the work that you've done in this area and
3 in particular for coming here.

4 THE WITNESS: Thank you.

5 MR. GRATL: Mr. Commissioner, I wonder whether it would be
6 possible to have Miss Davis qualified as an expert
7 in --

8 THE COMMISSIONER: You're really caught up in this expert
9 stuff, aren't you?

10 MR. GRATL: Yes. Sure.

11 THE COMMISSIONER: Bob Dillon once said: "You don't need to be
12 a weatherman to tell which way the wind blows."
13 So I think it's implicit that she's an expert. I
14 think she's given opinion evidence all over the
15 place and if you want to formally qualify her to
16 be an expert after she's given her evidence, we'll
17 do it, but I don't --

18 MR. GRATL: Well, I would like to qualify Miss Davis as an
19 expert. It seems as though -- it's rare sometimes
20 that witnesses who are not members of the academy
21 are recognized for their experience and for
22 advocacy and for research done. Even though it's
23 not under the auspices of an ivory tower, I
24 think -- in Miss Davis's case I think a formal
25 recognition of her expertise is appropriate in

1 these circumstances. I make that application.

2 THE COMMISSIONER: Okay. Does anybody have any quarrels with
3 me designating Miss Davis as an expert in this
4 area?

5 MR. GRATL: In the regulation of sex -- the sex trade and the
6 enforcement of sex trade laws, specifically in the
7 City of Vancouver.

8 THE COMMISSIONER: Okay. Does anybody have any quarrels with
9 that?

10 MR. DICKSON: Well, it's the first -- sorry. Tim Dickson for
11 the Department and the Board. Mr. Gratl raised
12 this at lunch, but it's the first I've heard of
13 the area. There's no question that Miss Davis is
14 an expert in some things and I wouldn't quarrel
15 with that, but the policing and the regulation and
16 enforcement of the Criminal Code I -- I worry a
17 touch about that, Mr. Commissioner.

18 THE COMMISSIONER: Well, you know, what we're really talking
19 about here is weight to the evidence. She's given
20 her opinion, and in her view, that the proactive
21 approach that the VPD has been using, that is
22 fewer arrests, is the right way to go. That's
23 what she's saying. So I don't know if we need to
24 have her qualified as an expert to say that.

25 MR. DICKSON: I agree.

1 THE COMMISSIONER: All right. Anything more? Thank you again,
2 Miss Davis.

3 THE WITNESS: Thank you.

4 (WITNESS EXCUSED)

5 THE COMMISSIONER: Yes.

6 MR. VERTLIEB: I make just one small comment. Exhibit 29 was
7 marked --

8 THE COMMISSIONER: Thank you to both of you for coming.

9 MR. VERTLIEB: And there was some personal information that I
10 think should be redacted from that. What I'd
11 like, though, is to have an order that any of the
12 exhibits that have personal information are such
13 that Mr. Giles can automatically redact that
14 personal information and not seek an order each
15 time.

16 THE COMMISSIONER: All right.

17 THE REGISTRAR: Mr. Vertlieb, I would like to see it that the
18 individual putting in the document be the primary
19 one to be responsible for the redaction and I will
20 certainly follow up on it.

21 MR. VERTLIEB: Thank you.

22 THE REGISTRAR: Thank you.

23 MS. BROOKS: Mr. Commissioner, I note that there is about eight
24 minutes left of the day. I'm happy to take Miss
25 Allan through her background and leave it there

1 or --

2 THE COMMISSIONER: Why don't you just tell us who the next
3 witness is and what you expect from that witness
4 and we'll start tomorrow morning.

5 MS. BROOKS: So the next witness is Ms. Elaine Allan and she's
6 a former employee of WISH, which is a drop-in
7 centre in the Downtown Eastside exclusively for
8 survival sex workers and she worked there from
9 1998 to 2001.

10 THE COMMISSIONER: All right. We'll deal with that in the
11 morning. Thank you.

12 THE REGISTRAR: The hearing is now adjourned for the day and
13 will resume at ten o'clock in the morning.

14 **(PROCEEDINGS ADJOURNED AT 3:54 P.M.)**

15
16 I hereby certify the foregoing to be
17 a true and accurate transcript of the
18 proceedings transcribed herein to the
19 best of my skill and ability.

20 Kathie Tanaka, Official Reporter
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