

**VILLAGE OF PEMBERTON
-REGULAR COUNCIL MEETING AGENDA-**

Agenda for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, December 11, 2018 at 5:30 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1483.

"This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010."

Item of Business	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	1
Recommendation: THAT the Agenda be approved as presented.	
3. RISE WITH REPORT FROM IN CAMERA (CLOSED)	
4. ADOPTION OF MINUTES	4
a) Regular Council Meeting No. 1482, Tuesday, November 27, 2018.	
Recommendation: THAT the minutes of Regular Council Meeting No. 1482, held Tuesday, November 27, 2018, be adopted as circulated.	
5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING	
6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE	
7. COMMITTEE MINUTES - FOR INFORMATION	
8. DELEGATIONS	
9. REPORTS	
a) Office of the Chief Administrative Officer	
i. Verbal Report	
(a) Soccer Field – Pemberton Recreation Lands	18
(b) Cannabis Production Facility Building Permits and Business Licences Moratorium	19
(c) Lillooet River Floodplain Mapping Report	
The report is available for download at the following link:	
https://www.slrd.bc.ca/sites/default/files/reports/LillooetRiverFloodMapping_FinalReport.pdf	
Recommendation: THAT Council receive the Lillooet River Floodplain Mapping Report;	
AND THAT Council refer the Lillooet River Floodplain Mapping Report to Staff.	

b) Finance & Administrative Services

i. 2019 – 2023 Five Year Financial Plan Schedule

Recommendation: **THAT** Council approve the 2019 – 2023 Five Year Financial Plan Schedule as presented.

c) Operations & Development Services

i. Squamish-Lillooet Regional District Regional Growth Strategy Amendment Bylaw No. 1562-2018 (RGS Review) – Second Reading Courtesy Referral 23

The report appendices are available for download at the following link:

<https://www.pemberton.ca/public/download/documents/55456>

Recommendation: **THAT** the Squamish Lillooet Regional District be informed that the Village of Pemberton is supportive of the proposed SLRD Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1562-2018, as amended and has no further comments at this time.

d) Mayor's Report

e) Councillors' Reports

10. BYLAWS

a) Bylaws for First, Second and Third Readings

i. Village of Pemberton Council Remuneration Amendment Bylaw No. 849, 2018 30

Recommendation One: **THAT** Village of Pemberton Council Remuneration Amendment Bylaw No. 849, 2018 receive First, Second and Third Reading.

Recommendation Two: **THAT** a Special Council meeting be held on Thursday, December 13th at 9AM to consider Fourth and Final Reading of Council Remuneration Amendment Bylaw No. 849, 2018.

b) Bylaws for Adoption

i. Village of Pemberton Smoking Regulation Bylaw No. 848, 2018 35

Recommendation: **THAT** Smoking Regulation Bylaw No. 848, 2018 receive Fourth and Final Reading.

11. CORRESPONDENCE

a) For Action

i. Kristen Clark, Director of Legislative and Corporate Services, Squamish-Lillooet Regional District, dated December 4, 2018, seeking consent of the "Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018". 45

Recommendation: **THAT** Council give participating area approval by consenting, on

behalf of the electors of the Village of Pemberton, to the adoption, by the Squamish-Lillooet Regional District, of proposed SLRD Bylaw 1559-2018, cited as “Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018”;

AND THAT Village of Pemberton staff notify the Squamish-Lillooet Regional District Board of the Village of Pemberton’s consent.

b) For Information

- | | |
|--|----|
| i. Honourable Selina Robinson, Minister of Municipal Affairs and Housing, dated November 15, 2018, extending congratulations to Mayor and Council on their election to local government. | 55 |
| ii. Gordon Ruth, Auditor General for Local Government, dated November 29, 2018, regarding the mandate of the Auditor General. | 59 |
| iii. Leon Brass, Village of Pemberton, dated November 29, 2018, regarding the location of the recycle depot at the Industrial Park. | 61 |
| iv. Isobel Mackenzie, Seniors Advocate, Province of British Columbia, dated November 30, 2018, extending congratulations to Mayor and Council on their election to local government. | 63 |
| v. Cathy Peters, BC anti-human trafficking educator, speaker and advocate, dated December 3, 2018, regarding human sex trafficking/child sex trafficking awareness campaign. | 64 |

Recommendation: THAT the above correspondence be received for information.

12. DECISION ON LATE BUSINESS

13. LATE BUSINESS

14. NOTICE OF MOTION

15. QUESTION PERIOD 128

16. ADJOURNMENT

**VILLAGE OF PEMBERTON
-REGULAR COUNCIL MEETING MINUTES-**

Minutes of the Regular Meeting of Council of the Village of Pemberton held on Tuesday, November 27, 2018 at 9:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1482.

IN ATTENDANCE:

Mayor Mike Richman
Councillor Amica Antonelli
Councillor Ted Craddock
Councillor Leah Noble
Councillor Ryan Zant

STAFF IN ATTENDANCE:

Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Lena Martin, Manager of Finance & Administrative Services
Robert Grossman, Fire Chief
David Ward, Assistant Operations Manager
Lisa Pedrini, Senior Planner
Wendy Olsson, Executive Assistant
Jill Brooksbank, Communications & Grant Coordinator
Gwendolyn Kennedy, Legislative Assistant

Public:

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1. CALL TO ORDER

At 9:03 a.m. Mayor Richman called the meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. APPROVAL OF AGENDA

Moved/Seconded

THAT the Agenda be approved as amended by moving item 8 (e) (iv) to 8 (a) and 8 (e) (v) to 8 (b).

CARRIED

3. ADOPTION OF MINUTES

a) Regular Council Meeting No. 1478, Tuesday, October 16, 2018

Moved/Seconded

THAT the minutes of Regular Council Meeting No. 1478, held Tuesday, October 16, 2018, be adopted as circulated.

CARRIED

b) Special Council Meeting No. 1479, Tuesday, October 30, 2018

Moved/Seconded

THAT the minutes of Special Council Meeting No. 1479, held Tuesday, October 30, be adopted as circulated.

CARRIED

c) Inaugural Council Meeting No. 1480, Tuesday, November 6, 2018.

Moved/Seconded

THAT the minutes of Inaugural Council Meeting No. 1480, held Tuesday, November 6, be adopted as circulated.

CARRIED

d) Special Council Meeting No. 1481, Friday, November 9, 2018

Moved/Seconded

THAT the minutes of Special Council Meeting No. 1481, held Friday, November 9, 2018, be adopted as circulated.

CARRIED

4. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING

There was no business arising.

5. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE MEETING

There was no business arising.

6. COMMITTEE MINUTES – FOR INFORMATION

There were no minutes to be received.

7. DELEGATIONS

8. REPORTS

a) Non-Medical Cannabis Retail Store Licence Application Referral – Pemberton Hotel

Lisa Pedrini, Senior Planner, introduced the Non-Medical Cannabis Retail Store Licence Application referral received by the Village on October 4, 2018 from the Provincial Liquor and Cannabis Regulation Branch (LCRB). Ms. Pedrini advised that the Bison Group Management LTD, owners of the Pemberton Hotel, have made this application and it is before Council for consideration of support.

Ms. Pedrini presented a report summarizing feedback received from the public regarding the Non-Medical Cannabis Retail Store Licence Application submitted by the Pemberton Hotel. Ms. Pedrini noted that the application complies with Village of Pemberton Zoning Bylaw (Amendment Bylaw No. 847, 2018) and Non-Medical (Recreational) Cannabis Retail Policy requirements, that public feedback is equally balanced between support and opposition to the application that the applicant has an existing liquor store and pub on site, and, as such, this new use within the building could be supported.

Ms. Pedrini noted that as there are members in the Gallery Council may wish to open the floor for further comment from residents on the referral.

Moved/Seconded

THAT the floor be opened to comments from the Gallery.

CARRIED

Mayor Richman opened the floor to the Gallery for comments.

Lori Patrick, Area C, Squamish-Lillooet Regional District, thanked Council for accepting public input and acknowledged that her feedback on this issue may be late. Ms. Patrick further stated that although not opposed to the legalization of recreational cannabis, she opposes this application for the following reasons:

- the location in the downtown core, in proximity to the bus stop, the Community Barn, route travelled by Pemberton Secondary Students, the supermarkets, Signal Hill Elementary School and Tiyyata Village, will expose youth to advertising of cannabis and give the impression that cannabis use is acceptable and healthy;
- Research shows that cannabis is a gateway drug that can lead to more harmful drug use;
- The new Advisory Land Use Commission members should have the opportunity to comment on the application; and
- Requested that Council not approve the Licence application and reconsider locating cannabis retail stores in the downtown and instead locate them in the Industrial Park.

Olga Prokopenko, Pemberton Hotel Manager and applicant for Non-Medical Cannabis Retail Store Licence, spoke in support of the application, explaining that the sale of recreational cannabis is now legal and that the business would abide by all regulations and its presence in the downtown core would not negatively impact youth.

Mayor Richman called for more comments and receiving none closed the floor to the Gallery.

Discussion focused on the work done by previous Council on Zoning Bylaw Amendment No. 847,2018 and the Non-Medical (Recreational) Cannabis Retail

Policy, provincial regulations, the application process with the Province and the time line for the Village to submit a response to the referral from the Province.

Moved/Seconded

THAT the Non-Medical Cannabis Retail Store Licence submitted by the Bison Group (Pemberton Hotel), located at 7423 Frontier Street, Pemberton B.C. be supported in principle and the application referred to the next Committee of the Whole meeting for further consideration.

CARRIED

Staff requested clarification on the response to the referral from the Province.

Moved/Seconded

THAT Staff defer issuing a response to the Province on the Licence referral regarding a Non-Medical Cannabis Retail Store Licence submitted by the Bison Group (Pemberton Hotel), located at 7423 Frontier Street, Pemberton B.C. until after the application has been discussed at the next Committee of the Whole meeting.

CARRIED

**b) Amendments to Major Development Permit Application (DP008) & Development Variance Permit Application (DVP118)
1422, 1426, 1430 Portage Road (Crestline)**

Cameron Chalmers, Planning Consultant, explained the two significant proposed changes to Major Development Permit (DP008) & Development Variance Permit (DVP118) for 1422, 1426, 1430 Portage Road (Crestline):

- The walkways in front of the building have been moved closer to the building at the request of the Ministry of Transportation and Infrastructure;
- The applicants no longer require the variance previously permitted by Council to vary the site coverage from 40.0% to 40.7 % as they are no longer using passive building technology; and
- A new roof feature has been added to facilitate access to roof top decks that will cause the building to exceed the permitted height, therefore they require a new variance from maximum height of 10.5 m to 12.04 m.

Moved/Seconded

THAT Council of the Village of Pemberton authorize for issuance Major Development Permit No.008 (DP008) and Development Variance Permit No. 118 (DVP118) **(as Amended)**, subject to the same terms and conditions of issuance established January 16, 2018.

CARRIED

Moved/Seconded

THAT the developer be required to clean up and screen the site prior to Christmas.

CARRIED

c) Office of the Chief Administrative Officer

i. Verbal Update – Standing Item

CAO Gilmore did not present an update.

ii. Village of Pemberton – Pemberton Secondary School Bursary

Moved/Seconded

THAT Council rescind the appointments of Councillor Antonelli as Council Representative and Councillor Zant as Alternate Representative to the Pemberton Secondary School Bursary Selection Committee to align with the current Bursary Policy's decision-making procedure.

AND THAT Council adopt the updated Village Bursary Policy as presented.

CARRIED

iii. UBCM Evacuation Route Planning Funding Application

Moved/Seconded

THAT Council supports a joint application, with the SLRD and Lil'wat Nation, to UBCM's Evacuation Route Planning Grant program for up to \$70,000 to undertake an Evacuation Route Plan for the Pemberton Valley.

CARRIED

d) Corporate & Legislative Services

i. Public Hearing Minutes - Zoning Bylaw No. 832, 2018 Amendment (Cannabis, Retail) No Bylaw. 847, 2018

Moved/Seconded

That the minutes of the Public Hearing for Zoning Bylaw No. 832, 2018, Amendment (Cannabis, Retail) Bylaw No. 847, 2018, held October 16, 2018, be received.

CARRIED

ii. 2019 Regular Council Meeting Schedule

Moved/Seconded

THAT the 2019 Regular Council Meeting schedule be established as follows:

DATE	TIME
Tuesday, January 22 nd	5:30 pm
Tuesday, February 5 th	5:30 pm
Tuesday, February 19 th	9:00 am
Tuesday, March 5 th	5:30 pm
Tuesday, March 19 th	9:00 am
Tuesday, April 2 nd	5:30 pm
Tuesday, April 16 th	9:00 am
Tuesday, May 7 th	5:30 pm
Tuesday, May 28 th	9:00 am
Tuesday, June 11 th	5:30 pm
Tuesday, June 25 th	9:00 am
Tuesday, July 9 th	5:30 pm
Tuesday, July 30	9:00 am
August	NO MEETING
Tuesday, September 10 th	5:30 pm
Tuesday, October 8 th	5:30 pm
Tuesday, October 22 nd	9:00 am
Tuesday, November 5 th	5:30 pm
Tuesday, November 19 th	9:00 am
Tuesday, December 10 th	5:30 pm

CARRIED

e) Finance

i. Finance 2018 Third Quarter Report

Moved/Seconded

THAT the Village of Pemberton 2018 Third Quarter Financial Statements be received for information.

CARRIED

The Regular Meeting was recessed at 10:41 a.m.

The Regular Meeting was reconvened at 10:48 a.m.

f) Fire Department

i. Fire Department 2018 Third Quarter Report

Moved/Seconded

THAT the Fire Department 2018 Third Quarter Report be received for information.

CARRIED

g) Operations & Development Services

i. Development Services 2018 Third Quarter Report

Moved/Seconded

THAT the Development Services 2018 Third Quarter Report be received for information.

CARRIED

ii. Operations 2018 Third Quarter Report

Moved/Seconded

THAT the Operations Division 2018 Third Quarter Report be received for information.

CARRIED

h) Mayor

Mayor Richman reported on the following:

- Met informally with Jo Delesalle for preliminary discussion regarding development opportunities and community needs in Pemberton.
- Was interviewed by two Signal Hill Elementary students for the Jelly Bean News.
- Will attend Squamish-Lillooet Regional District Board meetings and orientation on Wednesday and Thursday this week.
- The Village has extended its deadline to apply for the ALUC and ADRC Commissions until November 30th.
- The Spel'kumtn Community Forest Corporation is seeking public comment on the Spel'kumtn Community Forest Stewardship Plan. The Plan can be viewed on the Village website.
- The Village of Pemberton is seeking a Finance & Data Entry Clerk.
- Reminder to Village residents to sign up for PembertonALERT, the Village's emergency notification system. Details on registration can be found on the Village's website.

- The Village of Pemberton has issued the tender for the Downtown Enhancement Project.
- Sea to Sky Community Services is seeking input on childcare needs. See their website to add your comments.

At 11:59 a.m. Mayor Richman called for a motion to extend the regular meeting beyond three hours.

Moved/Seconded

THAT the Regular Council Meeting be extended beyond three hours.

CARRIED

Mayor Richman spoke on the issue of a perceived conflict of interest with respect to his role as a downtown business owner and Mayor in reference to the Downtown Enhancement Plan:

It has been brought to my attention that there may be some concern regarding a perceived conflict of interest I might have related to the Downtown Enhancement Plan.

At the April 10th Committee of the Whole meeting the draft options for the Downtown Enhancement Plan were presented.

Following that meeting there was a question as to whether or not I was in conflict on this matter as I was a new downtown business owner having purchased the former Centennial Café on Frontier Street.

I sought a legal opinion in which legal counsel concluded that a conflict did not exist pursuant to section 104 (1) as the perceived conflict is in common with others in the municipality.

At the April 24th Regular Council Meeting, at which the Downtown Enhancement Plan update was provided and discussion took place in particular about parking on Frontier Street, I declared a conflict of interest pursuant to section 100 (2) (b).

I did this to be clear out of an abundance of caution as the discussion would be related to parking configurations on Frontier street and at that time my business had made application for a development variance permit.

At the May 29th Regular Council Meeting the development variance permit for the town square was up for consideration. As this matter was directly related to my business I declared a conflict of interest pursuant to section 100 (2) (b) and left the meeting. The development variance permit was authorized for issuance by those council members present at the meeting.

With the issuance in May of the development variance permit and keeping in mind the legal opinion received in which a conflict of interest on the overall Downtown Enhancement Project is not at issue given the commonality of the matter, I participated in the discussions related to the Downtown Enhancement Plan held in August and will continue to do so.

Mayor Richman further stated that if anyone has any concerns he is available to meet to discuss.

Mayor Richman noted the following community events:

- Congratulations to the Pemberton Arts Council on a successful Mountains of Art event on Saturday night.
- Growing Great Children is presenting the 2nd Annual Holiday Singalong at the Downtown Community Barn this Friday November 30th from 4:30-6:30pm. This is a free community event.
- Santa Paws is taking place on Sunday, December 2nd from noon to 3:30pm. The event is a fundraiser for the Pemberton Animal Wellbeing Society. (Note: This event was postponed to December 16th).

i) Councillors

Councillor Craddock reported on the following:

- Attended the Pemberton Arts Council Mountain of Art Gala.
- Attended the Pemberton Valley Dyking District meeting at which representatives from Sunstone presented information on flood plain and storm water run-off management at Sunstone.
- Attended the Remembrance Day ceremony and noted that the flag on the fire truck ladder was appreciated by the crowd.

Councillor Antonelli

Councillor Antonelli reported did not report.

Councillor Noble

Councillor Noble reported did not report.

Councillor Zant

Councillor Zant reported on the following:

- Attended the Cemetery Committee meeting noting that discussion took place respecting the development of a new vision for the cemetery; implementation

of a maintenance plan; fencing to keep animals out and the issue of lack of land. The next meeting is planned for April or May.

9. BYLAWS

a) Bylaws for First, Second and Third Readings

i. Smoking Regulation Bylaw No. 848, 2018

Moved/Seconded

THAT Smoking Regulations Bylaw No. 848, 2018 receive First, Second and Third Readings.

CARRIED

10. CORRESPONDENCE

a) For Action

- i. Karen Clarke, Better at Home Coordinator, Sea to Sky Community Services Society, dated July 27, 2018, regarding support for a shared handyDART service for Whistler and Pemberton.**

Moved/Seconded

THAT correspondence be sent to BC Transit requesting support for consideration of the implementation of a shared transportation service, handyDART or alternative, operating between Pemberton and Whistler;

AND THAT a request be made that Pemberton be included in the BC Transit study regarding the implementation of a shared handyDART service operating between Pemberton and Whistler.

CARRIED

- ii. Jordan Sturdy, MLA West Vancouver – Sea to Sky, dated October 29, 2018, addressed to Ashok Bhati, Regional Director, South Coast Region, Ministry of Transportation and Infrastructure, regarding Highway 99 speed signs at One Mile Lake Park turn-off.**

Moved/Seconded

THAT the above correspondence be received.

CARRIED

- iii. James Linklater, Winterfest Committee, dated November 12, 2018, requesting the Village's support to facilitate the fireworks as part of the Winterfest celebrations on December 31, 2018.**

Moved/Seconded

THAT the Winterfest Committee be advised that the Fire Department is unable to facilitate the fireworks for the Winterfest celebrations on December 31, 2018 due to capacity and resource constraints.

CARRIED

- iv. **Jaye-Jay Berggren, Sea to Sky Soils, dated November 20, 2018, regarding application to the Ministry of Environment and Climate Change Strategy Organics Infrastructure Program and seeking a letter of support from the Village of Pemberton.**

Moved/Seconded

THAT correspondence be sent to Sea to Sky Soils expressing the Village's support for the Sea to Sky Soils and Squamish-Lillooet Regional District Expression of Interest Application to the Ministry of Environment and Climate Change Strategy funded Organics Infrastructure Program.

CARRIED

b) For Information

- i. **Honourable Lisa Beare, Minister of Tourism, Arts and Culture, dated October 16, 2018, following up from a recent meeting at UBCM in September.**
- ii. **Jennifer Rice, Parliamentary Secretary for Emergency Preparedness, dated October 16, 2018, following up from a recent meeting at UBCM in September and providing information on funding sources for a monitoring system for rockslide risk on Mount Currie.**
- iii. **Honourable Carole James, Minister of Finance and Deputy Premier, dated October 30, 2018, following up after recent discussion at the UBCM Convention in Whistler regarding tax rates for farm land within the municipality.**
- iv. **Honourable Katrine Conroy, Minister of Children and Family Development, dated November 2, 2018, proclaiming November as Adoption Awareness Month.**
- v. **Don Legault, Associate District Manager, Lower Mainland District, Ministry of Transportation and Infrastructure, dated November 9, 2018, regarding Portage Road crosswalk maintenance.**
- vi. **Honourable John Horgan, Premier, dated November 13, 2018, extending congratulations to Mayor Richman and Councillors on being elected to serve the Village of Pemberton.**

Moved/Seconded

THAT the above correspondence be received for information.

CARRIED

11. DECISION ON LATE BUSINESS

There was no late business for discussion.

12. LATE BUSINESS

There was no late business for discussion.

13. NOTICE OF MOTION

There was no notice of motion.

14. QUESTION PERIOD

Mark Mendonca, Village of Pemberton

Mr. Mendonca asked questions regarding the non-medical cannabis retail store licence application process, safety issues regarding the closed Friendship Trail Bridge, and the reduced scope of the Downtown Enhancement Plan.

Olga Prokopenko, Village of Pemberton

Ms. Prokopenko sought clarification regarding the Bison Group (Pemberton Hotel) application for a Non-Medical Cannabis Retail Store Licence.

Joel Barde, Pique Newsmagazine

Mr. Barde requested clarification on the Evacuation Planning Grant and the timeline for Council's decision on the Pemberton Hotel's Non-Medical Cannabis Retail Store Licence application referral and asked if the Village intends to proceed with a Non-Medical Cannabis Retail Store Licence application as had been suggested by Councillor Craddock earlier in the year.

15. RECESS

Moved/Seconded

THAT the Regular meeting be recessed.

CARRIED

At 12:39 p.m. the Regular Council Meeting was recessed

16.RECONVENE REGULAR MEETING following the Committee of the Whole Meeting held at 1:00 p.m.

At 3:06 p.m. the Regular Council Meeting was reconvened.

17.Rise with Report from Committee of the Whole

Chamber of Commerce – 2018 Funding Request to the SLRD

Moved/Seconded

THAT correspondence be sent to the SLRD Board requesting an update on the Village's request, dated November 29, 2017, for consideration of the establishment of a Service Establishment Bylaw to facilitate funding for the Visitor Information Centre.

CARRIED

18.IN CAMERA

Moved/Seconded

THAT pursuant to Section 90 (1) (k) negotiations and section (c) Labour Relations, of the *Community Charter*, the Council of the Village of Pemberton serve notice to hold an In-Camera Meeting on today's date for the purpose of dealing with matters for which the public shall be excluded from attending.

CARRIED

This portion of the meeting will be closed to the Public.

19.MOVE TO IN CAMERA MEETING

At 3:08 p.m. Council moved In Camera.

At 4:00 p.m. Council Rose with Report.

20.RISE WITH REPORT FROM IN CAMERA

a) Community Initiative & Opportunity Fund – Long Term Service Agreement Extensions

Moved/Seconded

THAT the following Community Initiative & Opportunity Fund Long Term Service Agreements be extended for one (1) year in 2019:

Pemberton Arts Council	\$4,000	Marketing Coordinator
Pemberton Farmers Market Assoc.	\$3,000	Market Manager
Tourism Pemberton	\$4,000	Event Coordinator
Spirit of BC-Winterfest	\$4,500	Event Coordinator

CARRIED

b) Cannabis Production Facilities (Industrial Park) – Application Moratorium

Moved/Seconded

THAT a moratorium on accepting Building Permit applications or Business Licence applications for medical marihuana production facilities at the Industrial Park be put in effect until further notice.

CARRIED

21. ADJOURNMENT

Moved/Seconded

THAT the Regular Council Meeting be adjourned.

CARRIED

At 4:01 p.m. the Regular Council Meeting was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer



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December 6, 2018

BY EMAIL ONLY (sfraser@pemberton.ca)

Village of Pemberton
Box 100, 7400 Prospect Street
Pemberton BC V0N 2L0

Attention: Mayor and Council

Dear Mayor Richman and Council:

Re: Soccer Field - Pemberton Recreation Lands

We are writing to advise you of the following resolutions passed at the October 24, 2018 Squamish-Lillooet Regional District Board meeting based on recommendations from the Pemberton Valley and Utilities Services Committee:

THAT the Village of Pemberton ("Village") review the feasibility of a Community, Culture and Recreation grant regarding amenities (i.e. irrigation, washrooms, bleachers etc.) for, and a second soccer field on, the Pemberton Recreation Lands; and

THAT the Village undertake community consultation regarding turf versus natural grass for the second soccer field.

THAT all amenities currently included / operated / managed by the Pemberton and District Community Recreation Service ("Service") be included in any new district recreation service to be operated by the Village of Pemberton ("Village") - i.e. such as where the Service is restructured so that the Village "owns" the Service and the SLRD only provides a financial contribution thereto. For clarity, these current amenities include:

- Pemberton and District Community Centre and surrounding green space (SLRD owned assets on Village owned land);*
- The Youth and Seniors Centre (SLRD owned asset on Village owned land);*
- Water Park (SLRD owned asset on Village owned land);*
- Pemberton Meadows Field and bookings of Signal Hill Field (leased assets);*
- Gates Lake Community Park (SLRD owned asset); and*
- The soccer field constructed on the Village's Recreation Lands on Pemberton Farm Road East (Village owned asset).*

Kind regards,

Kristen Clark
Director of Legislative and Corporate Services

Date: December 11, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: Lena Martin, Manager of Finance and Administration

Subject: 2019 – 2023 Five Year Financial Plan Schedule

PURPOSE

To present to Council the proposed 2019 – 2023 Five Year Financial Plan Timeline for scheduling purposes.

BACKGROUND

Each year in December, Staff prepares a budget deliberation timeline for review and consideration by Council. The timeline is in alignment with the meeting schedule as established by Council with an aim to complete the budget process by end of April or early May as the Bylaws must be submitted to the Ministry of Municipal Affairs and Housing before May 15th.

DISCUSSION & COMMENTS

In order to meet the legislated timelines to complete the 2019 – 2023 Five Year Financial Plan and Tax Rates Bylaw, Staff proposes the following timeline:

Date	Description
Tuesday, December 11	Regular Council Meeting <ul style="list-style-type: none"> Draft Budget Timeline Presentation to Council
January	Meetings/Discussion with Managers to finalize projects and priorities.
Tuesday, February 5	Committee of the Whole Meeting <ul style="list-style-type: none"> Budgeting Session #1– 2019 Operating Budgets, Capital and Project Budgets
<i>Tuesday, February 12 alternate</i>	<i>Committee of the Whole Meeting alternate</i> <ul style="list-style-type: none"> <i>Budgeting Session #1 continued– 2019 Operating Budgets, Capital and Project Budgets</i>
Tuesday, February 19	Committee of the Whole Meeting <ul style="list-style-type: none"> Budgeting Session #2– 2019 Revised Operating, Capital and Project Budgets
<i>Tuesday, February 26 alternate</i>	<i>Committee of the Whole Meeting alternate</i> <ul style="list-style-type: none"> <i>Budgeting Session #2 continued – 2019 Revised Operating, Capital and Project Budgets</i>

Tuesday, March 5	Committee of the Whole Meeting <ul style="list-style-type: none"> • Tax Implications of 2019 Revised Budget
Tuesday, March 5	Public Budget Information Session 2018 review (prior to Council)
Tuesday, March 19	Committee of the Whole Meeting <ul style="list-style-type: none"> • Budgeting Session #3 – 2019 Capital and Project Budgets with final Tax Implications for review and 5 Year Plan prior to Bylaws coming forward for adoption.
<i>Tuesday, March 26 alternate</i>	<i>Committee of the Whole Meeting alternate</i> <ul style="list-style-type: none"> • <i>Additional Budgeting Session #4 – 2019 if required for further consultation of Bylaws</i>
Tuesday, April 2	Regular Council Meeting <ul style="list-style-type: none"> • 2019 - 2023 Five Year Financial Plan Bylaw 1st, 2nd and 3rd readings (S.165 <i>Community Charter (CC)</i>)
Tuesday, April 16	Regular Council Meeting <ul style="list-style-type: none"> • 2019 - 2023 Five Year Financial Plan Bylaw 4th & Final • 2019 Tax Rates Bylaw 1st, 2nd and 3rd readings
Tuesday, May 7	Regular Council Meeting <ul style="list-style-type: none"> • 2019 Tax Rates Bylaw 4th & Final (S.197 CC)

*Bold indicates Regular Council Meeting dates as per the 2019 Meeting Schedule approved by Council

COMMUNICATIONS

Once the format and date for public consultation has been determined, Staff will provide notification through the ENews, Village Website and Facebook (Village's page), as well as newspaper advertisements.

LEGAL CONSIDERATIONS

There are no legal considerations at this time.

IMPACT ON BUDGET & STAFFING

The Five Year Financial Plan and Tax Rates Bylaws must be adopted and forwarded to the Ministry of Municipal Affairs and Housing before May 15, 2019. The timeline provided above will enable the Village to meet this requirement.

INTERDEPARTMENTAL IMPACT & APPROVAL

There will be impact on all departments to prepare departmental projects and costs to be included in the 2019 – 2023 Five Year Financial Plan, which can be accommodated in each departments work plan.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There is no impact on the region or neighboring jurisdictions.

ALTERNATIVE OPTIONS

There are no alternate options for consideration at this time.

POTENTIAL GOVERNANCE CONSIDERATIONS

Establishing the Five Year Financial Plan and Tax Rates Bylaws' timeline meets with Strategic Priority Two: Good Governance being an open and accountable government and to fiscal responsibility. As well, it meets with Strategic Priority Three: Excellence in Service by continuing to deliver quality municipal services.

RECOMMENDATION

THAT Council approve the schedule as presented.

Attachments:

Appendix A – 2019 Council Calendar

Submitted by:	Lena Martin, Manager of Financial and Administration Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

2019 Council Meeting Schedule January – December

(Approved by Council: Meeting No. 1482 - Tuesday, November 27, 2018)

Council Meetings are held in Council Chambers located at 7400 Prospect Street (Village Office) unless otherwise posted.

COUNCIL January 22, 2019 5:30 p.m.	COUNCIL February 5, 2019 5:30 p.m.	COUNCIL March 5, 2019 5:30 p.m.	COUNCIL April 2, 2019 5:30 p.m.
	COUNCIL February 19, 2019 9:00 a.m.	COUNCIL March 19, 2019 9:00 a.m.	COUNCIL April 16, 2019 9:00 a.m.
COUNCIL May 7, 2019 5:30 p.m.	COUNCIL June 11, 2019 5:30 p.m.	COUNCIL July 9, 2019 5:30 p.m.	August 2019 Summer Break
COUNCIL May 28, 2019 9:00 a.m.	COUNCIL June 25, 2019 9:00 a.m.	COUNCIL July 30, 2019 9:00 a.m.	
COUNCIL September 10, 2019 5:30 p.m.	COUNCIL October 8, 2019 5:30 p.m.	COUNCIL November 5, 2019 5:30 p.m.	COUNCIL December 10, 2019 5:30 p.m.
	COUNCIL October 22, 2019 9:00 a.m.	COUNCIL November 19, 2019 9:00 a.m.	

Please note: Committee of the Whole and In Camera meetings will be scheduled as required.

Date: December 11, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Village Planner

Subject: Squamish-Lillooet Regional District Regional Growth Strategy Amendment
Bylaw No. 1562-2018 (RGS Review) – Second Reading Courtesy Referral

PURPOSE

The purpose of this report is to present to Council information on a courtesy (informal) referral from the Squamish-Lillooet Regional District (SLRD) seeking comments on a major amendment proposed to the SLRD Regional Growth Strategy (RGS) Bylaw No. 1062, 2008 following a review that took place between 2016 and 2018.

BACKGROUND AND COMMENTS

The SLRD Regional Growth Strategy Bylaw No. 1062, 2008 is a high-level, long term strategy to support collaboration on issues that impact the region and cross jurisdictions such as growth management, air quality, transportation, food and agriculture, and regional economic development.

In general, a Regional Growth Strategy (RGS) is intended to provide a broad policy framework describing the common direction that the regional district and member municipalities will follow in promoting development and services which are sustainable, recognizing a long term responsibility for the quality of life for future generations. A sustainable future is one that provides for balanced economic, social and environmental well-being and that acknowledges the duty to use land and resources in a way that does not diminish their natural capacities and intrinsic values.

The RGS was adopted in 2010, and the *LGA* requires regular review of regional growth strategies, with a review to be considered at least once every five years. The SLRD initiated a review of its RGS in 2016; this will be the first review since adoption.

The purpose of the review is to address specific housekeeping amendments, clarify implementation processes (including updates to the Minor Amendment Criteria), and address specific content gaps (namely food/agriculture and climate change). The Village Senior Planner has been involved in the review as a member of the RGS Steering Committee, which consists of senior planning Staff from each of the member municipalities – District of Squamish, Resort Municipality of Whistler, Village of Pemberton and the District of Lillooet. The proposed amendment was prepared by SLRD Planning Staff as directed by the RGS Steering Committee. Key input was also sought from the Intergovernmental Advisory Committee which represented applicable Provincial Ministries, Commissions, Health Authorities and Crown Corporations.

On April 18, 2018, the SLRD Board passed the following recommendations:

THAT Bylaw No. 1562-2018, cited as “Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1562-2018”, be given first reading.

THAT Bylaw No. 1562-2018, cited as “Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1562-2018”, be referred to each member municipality and First Nations, for comments.

THAT the Board direct staff to hold a community open house/information session in each member municipality to share information and receive input on Bylaw No. 1562-2018, cited as “Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1562-2018.”

CARRIED

Following the referral, a report was presented to the Village of Pemberton Council at their Regular Meeting No. 1469, held May 8, 2018 and as a result, Council passed the following resolution:

THAT the Squamish Lillooet Regional District be informed that the Village of Pemberton is supportive of the proposed SLRD Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1562-2018.

CARRIED

A community open house to share the amended RGS was held in the Village of Pemberton on June 19, 2018 at the Pemberton Community Centre. A few interested community members attended but there were no major issues identified at that Open House.

Afterward, an Information Report providing an update on the input received through the referrals and community open houses, as well as resulting next steps in the RGS Review process was brought to the July 25, 2018 SLRD Board Meeting. Both the Resort Municipality of Whistler and the District of Squamish responded with requested changes to the RGS. At the October 24, 2018 SLRD Board meeting, the following resolutions were made:

THAT Bylaw No. 1562-2018, cited as “Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1562-2018”, be given second reading, as amended.

THAT Bylaw No. 1562-2018, cited as “Squamish-Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1562-2018”, be referred to each member municipality for comments.

CARRIED

SLRD Staff Reports, the RGS Amendment Bylaw 1562-2018 (Second Reading DRAFT), and an Updated Schedule are available on the SLRD website: <https://www.slrd.bc.ca/inside-slrd/current-projects-initiatives/regional-growth-strategy-rgs-review>

In a letter, dated October 25, 2018, the SLRD Planning Department sent a courtesy referral to all member municipalities. The referral letter and enclosures are attached as a link labelled

Appendix A. This is a key opportunity for member municipalities to provide input on the RGS Review Draft before it requires arbitration. The SLRD has asked that written comments be forwarded by January 31, 2018.

A formal sixty (60) day affected local government referral for acceptance as required by Section 436 of the *Local Government Act*, will take place prior to third reading of RGS Amendment Bylaw No. 1562-2018.

DISCUSSION

This is the second courtesy informal referral of the proposed major amendment to the Village of Pemberton for input. The difference between this referral and the one presented to Council on May 10th, 2018 is that the referral reflects minor changes that resulted from public input and member municipality responses.

Generally, public input was supportive. Key common themes that came up were affordable housing, transportation and natural recreation access.

The table below summarizes comments received during the four (4) open houses held in each community, and the RGS Steering Committee's response in terms of content revision:

NOTED STRENGTHS:	NOTED GAPS:	PROPOSED CONTENT REVISION
<p><i>Preferred Modes of Transportation Priorities</i> – including enhancing cycling infrastructure on highway 99 and advocating for better bus and passenger rail service.</p> <p><i>Food Systems</i> – including support for agricultural land trusts, protecting agricultural land, and providing incentives for affordable land lease options.</p> <p><i>Climate Action</i> – including pursuing Corporate and Community Emissions Inventories.</p> <p><i>Expanded Affordable Housing</i> policies and tools – including Inclusionary Zoning and new definition of affordable housing.</p>	<p><i>Access Points</i> - Goal 6: Encourage the Sustainable Use of Parks and Natural Areas – identified as an area needing attention. In particular, access points to natural recreation – both in terms of managing current access points and developing new access points.</p> <p><i>Tourism</i> - Goal 4: Achieve a Sustainable Economy – identified as an area needing attention. In particular, the importance of tourism to the regional economy was noted as a gap; it was felt there is a need for a greater emphasis and strategic directions related to tourism.</p> <p><i>Duffy Lake Road Infrastructure</i> – the need for more passing lanes and pull outs, as well as public facilities and more access points to natural recreation areas was noted as a gap.</p>	<ul style="list-style-type: none"> • Goal 6: Encourage the Sustainable Use of Parks and Natural Areas ADD: strategic direction around the exploration of access points to parks and natural areas • Goal 4: Achieve a Sustainable Economy ADD: reference to support Recreational Tourism opportunities and encouraging outdoor recreation tourism. ADD: strategic direction to support diversified and sustainable economic growth and productivity. • Table 4 Regional Road Network Improvement Priorities ADD: increase passing lanes and pull outs on Duffy Lake Road. ADD: public facilities infrastructure

As far as member municipality input, the District of Squamish and Resort Municipality of Whistler both provided comments requesting changes to RGS Amendment Bylaw 1562-2018.

District of Squamish First Reading Referral Comments
<p>REFERRAL COMMENTS <i>That the language stipulating that, for RCS revisions triggering an RGS amendment, these amendments must be processed concurrently with the RGS amendment adopted prior to acceptance of the revised RCS, be removed from the RGS update.</i></p> <p>RGS STEERING COMMITTEE RECOMMENDATION Action agreed to by Steering Committee: Remove language and depend solely on the <i>Local Government Act</i>.</p> <p>PROPOSED CONTENT REVISION Remove language.</p>

RMOW First Reading Referral Comments
<p>REFERRAL COMMENTS <i>Specifically, the RMOW is seeking the following changes:</i></p> <p><i>1. Growth management policies that would, notwithstanding any other policies of the RGS, categorize certain types of development as regionally significant and require such developments to trigger an RGS amendment as noted below:</i></p> <ul style="list-style-type: none"> <i>Require new destination resorts, within Electoral Areas C or D, or the municipalities within those areas (Squamish, Pemberton and Whistler) to trigger a major amendment.</i> <i>Require new Backcountry Resorts or significant expansions of backcountry resorts in Electoral Areas C and D, or municipalities within those areas to trigger a minor RGS amendment.</i> <i>Revise, clarify or augment proposed language establishing Settlement Area boundaries as "conceptual" to specifically exclude, and to trigger a major RGS amendment for the following:</i> <ul style="list-style-type: none"> <i>"Satellite development" i.e. developing lands outside of established Settlement Areas and that are not contiguous with a Settlement Area.</i> <i>"Leapfrog development" or "Incremental development" that would have a cumulative effect of exceeding the RGS's growth limits in terms of scale or geographic extent. For example, by permitting multiple backcountry resorts in close proximity thereby creating the same impact of a destination resort, or a series of adjacent minor developments beyond established Settlement Areas having the cumulative effect of a major extension of the Settlement Area boundary.</i> <p><i>2. Adding the polygons delineating "option sites" 1-7 as shown on Figure 20 of the Whistler Blackcomb Whistler Mountain Master Plan Update 2013 to Whistler's Settlement Plan shown on Map 1d in the proposed RGS.</i></p> <p><i>*Note it was confirmed that this comment is requesting that the option sites be designated Urban under the RGS Settlement Mapping.</i></p>

The RGS Steering Committee deliberated over the requested changes in three separate meetings. In the end, the RGS Steering Committee agreed to make revisions described below:

RGS STEERING COMMITTEE RECOMMENDATION – ITEM #1 GROWTH MANAGEMENT POLICIES

Action agreed to by the Steering Committee: The current proposed RGS Minor Amendment Criteria, endorsed by Elected Officials at the EOF #1, is seen to address the RMOW First Reading Referral Comments Item 1, bullets 1-3.

RGS Minor Amendment Criteria

Although not considered an exhaustive list, the following types of amendments are considered regionally significant [and thus trigger a major amendment]:

- *Those that include land in the Agricultural Land Reserve or will negatively impact agricultural lands;*
- *Those that involve development of non-settlement lands that are not contiguous to existing designated settlement areas;*
- *Those that would have significant impacts to the regional highway system and may negatively affect level of service; and,*
- *Those that would have significant impacts to regional energy emissions and may negatively affect Climate Change reduction and/or adaptation.*

Additionally, the following points should be noted:

- Any amendment considered *regionally significant* triggers a major amendment process, as per the RGS Minor Amendment Criteria. Thus item 1, bullet 2 of the RMOW's comments is not workable.
- Backcountry resorts to continue to be supported in the Non-settlement Areas, understanding that zoning and OCP amendment processes are still required. Note a majority vote is required for both a minor amendment (once an RGS is determined to be a minor amendment) and OCP/Zoning amendments, the only difference being that the Electoral Area A Director does not vote on RGS matters. Additionally, "Significant expansions" of backcountry resorts would be considered as per the minor amendment criteria, understanding that Backcountry Resorts in the Non-Settlement Area are 100 bed units/50 rooms or less in scale.
- The SLRD RGS Bylaw was and continues to be written so as not to fetter future Board's decision-making abilities, but can provide guidance and criteria to support decision-making. This is why the RGS includes criteria and not specific, exact requirements.

PROPOSED CONTENT REVISION – ITEM #1 GROWTH MANAGEMENT POLICIES

None.

RGS STEERING COMMITTEE RECOMMENDATION – ITEM #2 OPTION SITES

- The RMOW Option Sites include seven new parcels of land (currently in the designated non-settlement lands of the RGS) which are estimated to comprise approximately 492 acres (199 ha). The RMOW has requested that the SLRD update the RGS mapping to include the Option Sites as designated "Urban Settlement Lands".
- It should be noted that Options Sites were not included in mapping that was presented at the four RGS open houses that were held in June 2018, as they had not been publically identified at that time,

Action agreed to by the Steering Committee: The RGS Steering Committee has agreed to support the acceptance of the Option Sites mapping revision, understanding the importance of these sites for future community economic and reconciliation opportunities. Additionally, it is understood that any proposed development of any Option Sites is subject to an RMOW OCP amendment and rezoning consistent with the evaluation criteria in the RMOW OCP Chapter 4: Growth Management, which are consistent with the goals of the RGS. It is felt the Options Sites still represent the intent of the RGS to direct growth to urban areas.

PROPOSED CONTENT REVISION – ITEM #2 OPTION SITES

Accept the Option Sites mapping revision as part of the SLRD initiated RGS Review. See Regional Growth Strategy Mapping (Map 1 and Map 1d) in Appendix A (tracked changes version).

The SLRD staff report, dated October 24, 2018, describing the proposed major amendment is attached for Council's reference via this link: .

COMMUNICATIONS

There are no communication elements required at this time from the Village, as the SLRD is leading the public engagement on the amendment as per the Consultation Schedule (RGS Review).

LEGAL CONSIDERATIONS

The Village of Pemberton is a member municipality along with the Districts of Squamish and Lillooet and the Resort Municipality of Whistler. All member municipalities and any adjoining regional districts (such as Metro Vancouver or the Sunshine Coast Regional District) are considered affected local governments.

As a member municipality, the Village of Pemberton has been given an additional opportunity to review the RGS Amendment Bylaw No. 1562-2018, including the revisions that arose as a result of the consultation process. This is considered a courtesy referral, before the official formal bylaw referral and acceptance process, as per s. 436 of the *Local Government Act (LGA)*, expected to occur in 2019.

If the Village had issues at this point, they should be raised now during the courtesy referral as the timing now could allow for revisions to be contemplated fairly easily. Otherwise any revisions after Third Reading would require arbitration as per the *LGA*. Adoption of the RGS Bylaw requires positive response from all affected local governments.

IMPACT ON BUDGET & STAFFING

The proposed amendment was prepared by SLRD Planning Staff as directed by the RGS Steering Committee, of which the Village Senior Planner is a member.

Participating in the RGS review is a component of the day to day operations undertaken by the Operations and Development Services Department and has been incorporated into the 2018 work plan.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts as reviewing referrals from the SLRD is a function of the Operations and Development Services Department.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

The Village's support for the proposed amendments provides the opportunity to evolve policy and process to reflect the current and future context of growth management in the Region and acknowledge changes at the provincial and federal level that impact regional planning.

ALTERNATIVE OPTIONS

The Village of Pemberton may choose not to support the proposed amendment, but this is not recommended as the Village is a partner to the first RGS, and the proposed changes serve to make the RGS more relevant given the considerable changes that the SLRD and its member municipalities have experienced since the RGS was initiated in 2003.

Supporting the amendment sends a unified voice in support of working together toward a collective approach to matters of regional concern, maintaining good regional communication and coordination with respect to land use and sustainability, while demonstrating a respect for each other's jurisdictions and processes.

POTENTIAL GOVERNANCE CONSIDERATIONS

Participating in the 2016-2018 RGS Review is consistent with the Strategic Plan Priority Three: Excellence in Service through the delivery of quality municipal services by participating in regional initiatives.

RECOMMENDATIONS

THAT the Squamish Lillooet Regional District be informed that the Village of Pemberton is supportive of the proposed SLRD Regional Growth Strategy Bylaw No. 1062, 2008, Amendment Bylaw No. 1562-2018, as amended and has no further comments at this time.

Attachments:

Submitted by:	Lisa Pedrini, Senior Planner
CAO and Manager Approval by:	Nikki Gilmore, Chief Administrative Officer and Interim Manager of Operations and Development Services

Date: December 11, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: Sheena Fraser, Manager of Corporate & Legislative Services
Lena Martin, Manager of Finance & Administrative Services

Subject: Council Remuneration Amendment Bylaw No. 849, 2018
First, Second and Third Reading

PURPOSE

The purpose of this report is to introduce Council Remuneration Amendment Bylaw No. 849, 2018 (**Appendix A**) for consideration of First, Second and Third Readings.

BACKGROUND

In 2017 the Federal Government proposed several changes to the budget that included removing the tax exemptions for non-accountable expense allowances paid to Elected Officials. As such, effective 2019 the non-accountable expense allowances paid will be included in the elected official's taxable income.

At the Regular Council meeting No. 1474, held July 10, 2018, Staff provided a verbal update on the changes to the legislation which removes the 1/3 tax free expense allowance for local government Elected Officials effective January 1, 2019. As a result, the adjustment will reduce the amount of take home remuneration of the Mayor and Councillors unless the remuneration bylaw is amended to include the portion of tax waived by the exemption as part of the net salaries paid. At this meeting Council was asked to provide direction with respect to how they wished to address this change and the following resolution was passed:

Moved/Seconded

THAT Council support keeping the net salaries of Council and Mayor whole within the 2019 budget.

CARRIED

DISCUSSION & COMMENTS

In order to facilitate the change in legislation and ensure that the loss of the 1/3 tax exemption for Council remuneration is addressed the Council Remuneration Bylaw must be amended.

As such, Staff has prepared an amending bylaw for consideration in which section 2 (a) and 2 (b) of Council Remuneration Bylaw no. 704, 2012 (**Appendix B**) have been deleted and replaced with the following language:

Effective at 11:59 PM on the last day of December, 2018, the Mayor of the Village of Pemberton shall be paid Twenty-Nine Thousand Nine Hundred Fifty dollars (\$29,950) per annum.

Section 2 (b):

Effective at 11:59 PM on the last day of December, 2018, each Councillor of the Village of Pemberton shall be paid Fourteen Thousand Eight Hundred Thirty Eight dollars (\$14,838) per annum.

In order to prepare for the 2019 budget adoption of Council Remuneration Amendment Bylaw must be facilitated before December 31, 2018. As such, Staff has recommended that a Special Meeting be called for Thursday, December 13th at 9AM to consider Fourth and Final Readings.

COMMUNICATIONS

There are no communications requirements related to consideration of this Bylaw. Once adopted the amending bylaw will be consolidated with main bylaw, for convenience purposes, and posted on the Village website.

Notification of the Special Council meeting will be posted at the Village Notice Boards, on the Village website and Facebook page.

LEGAL CONSIDERATIONS

The adoption of a Council Remuneration Bylaw meets with the requirements of the *Community Charter*.

IMPACT ON BUDGET & STAFFING

The change in the remuneration allocation will impact the budget as it will mean an increase in Council Remuneration as follows:

Mayor: \$2,167 annually
Councillor: \$ 947 annually per member

The total bylaw amendment increase, will be \$5,955, effective 2019.

This increase will be incorporated into the budget.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

Consideration and adoption of the Council Remuneration Amendment Bylaw has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

This initiative meets with Strategic Priority Two: Good Governance whereby the Village is committed to being an open and accountable government and to fiscal responsibility.

RECOMMENDATIONS

Recommendation One:

THAT Council Remuneration Amendment Bylaw No. 849, 2018 receive First, Second and Third Reading.

Recommendation Two:

THAT a Special Council meeting be held on Thursday, December 13th at 9AM to consider Fourth and Final Reading.

ATTACHMENTS:

Appendix A: Council Remuneration Amendment Bylaw No. 849, 2018
Appendix B: Council Remuneration Bylaw No. 704, 2012

Prepared by:	Sheena Fraser, Manager, Corporate & Legislative Services Lena Martin, Manager, Finance & Administrative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

**VILLAGE OF PEMBERTON
BYLAW No. 849, 2018**

A bylaw to amend Village of Pemberton Council Remuneration Bylaw No. 704, 2012.

WHEREAS the Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it necessary to amend the Council Remuneration Bylaw to address changes to federal income tax legislation respecting the non-accountable expense allowance paid to elected officials;

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

1. CITATION

This bylaw may be cited for all purposes as "Village of Pemberton Council Remuneration Amendment Bylaw No. 849, 2018".

2. GENERAL

Village of Pemberton Council Remuneration Bylaw No. 704, 2012 is hereby amended by:

i. Deleting section 2 (a) and replacing it with the following:

(a) Effective at 11:59 PM on the last day of December, 2018, the Mayor of the Village of Pemberton shall be paid Twenty-Nine Thousand Nine Hundred Fifty dollars (\$29,950) per annum.

ii. Deleting Section 2 (b) and replacing it with the following:

(b) Effective at 11:59 PM on the last day of December, 2018, each Councillor of the Village of Pemberton shall be paid Fourteen Thousand Eight Hundred Thirty Eight dollars (\$14,838) per annum.

READ A FIRST TIME this 11th day of December, 2018.

READ A SECOND TIME this 11th day of December, 2018.

READ A THIRD TIME this 11th day of December, 2018.

ADOPTED this _____ day of _____, 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

VILLAGE OF PEMBERTON
BYLAW No. 704, 2012

A bylaw to provide for remuneration and expense allowances to be paid to the Mayor and Councillors.

WHEREAS the Council of the Village of Pemberton is empowered pursuant to the Community Charter to provide for the payment of remuneration, including any amount specified as an expense allowance to the Mayor and Councillors for the discharge of the duties of office;

AND WHEREAS the Council of the Village of Pemberton deems it necessary and expedient to adopt a Council Remuneration Bylaw;

NOW THEREFORE BE IT RESOLVED THAT the Council, in open meeting assembled, hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "Council Remuneration Bylaw No. 704, 2012".

2. GENERAL

- (a) Effective the first day of January, 2012, the Mayor of the Village of Pemberton shall be paid Twenty-Five thousand dollars (\$25,000) per annum of which, eight thousand, three hundred and thirty-three dollars (\$8,333) shall be specified as an expense allowance;
- (b) Effective the first day of January, 2012, each Councillor of the Village of Pemberton shall be paid twelve thousand, five hundred dollars (\$12,500.00) per annum of which, four thousand, one hundred and sixty six dollars (\$4,166) shall be specified as an expense allowance;
- (c) The annual amount shall be paid in biweekly instalments throughout the year;
- (d) The annual amount shall be increased annually in conjunction with and equivalent to the cost of living amount for non-union staff.

3. REPEAL

"The Village of Pemberton Council Remuneration Bylaw No. 655, 2011" and its amendments are hereby repealed.

READ A FIRST TIME this 5th day of June, 2012.

READ A SECOND TIME this 5th day of June, 2012.

READ A THIRD TIME this 5th day of June, 2012.

ADOPTED this 19th day of June, 2012.

Mayor

Corporate Officer

VILLAGE OF PEMBERTON

BYLAW NO. 848, 2018

Being a bylaw to regulate smoking in the Village of Pemberton

WHEREAS it has been determined that second-hand smoke is a health hazard and nuisance for many inhabitants of and visitors to the Village of Pemberton;

AND WHEREAS the Village of Pemberton has satisfied the preconditions to adopting this Bylaw set out in the *Public Health Bylaws Regulation including amendments up to B.C. Reg. 255/2016, and any amendments or replacements thereof*;

NOW THEREFORE the Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS:**

PART 1: CITATION

- 1.1. This Bylaw may be cited as “Village of Pemberton Smoking Regulation Bylaw No. 848, 2018.”

PART 2: DEFINITIONS

- 2.1. In this Bylaw:

Bank includes credit union, trust company, savings or loan company or other financial institution;

Building means a structure fully or substantially enclosed with walls and/or roofs, and used for the shelter or accommodation of persons, animals, chattels or things or any combination thereof;

Bylaw enforcement officer means a person appointed to that position for the Village by the Chief Administrative Officer.

Common area includes, but is not limited to, lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public areas of a *Building*;

Food service establishment means any place of business where food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored,

transported or dispensed, and includes a patio used in conjunction with that place;

Fully or substantially enclosed means a *Building* or structure, vehicle or any other place having a roof or other covering where more than 50% of the wall space is enclosed by any material that does not permit air to flow easily through it.

Licensed establishment means any establishment licensed under the provisions of the *Liquor Control & Licensing Act*.

Outdoor customer service area means a part of private or public property located immediately outside of a restaurant, retail food service, neighbourhood public house or licensed lounge whether partially enclosed or unenclosed, including a balcony, patio, yard, or sidewalk that is connected to or associated with a Business or use in a *Building* or *Premises* that includes the service of food or beverages, which may include alcoholic drinks, to customers or other persons for consumption on site;

Outdoor venue means a place that is not *fully or substantially enclosed* and is used for the assembly of persons for such purposes as worship, entertainment, recreation, business or amusement;

Personal services establishment means a place of business in which a person provides a service to or on the body of another person, and includes, but is not limited to a barber shop, beauty parlour, health spa, massage parlour, tattoo shop, sauna and steam bath;

Place of public assembly means a *building* or *structure* used for the assembly of persons for such purposes as worship, entertainment, recreation, business or amusement;

Premises means a portion of a *Building* of which a person has exclusive possession;

Responsible person means a person who owns, controls, manages, supervises, operates, or holds:

- (a) *A business* or other use that occupies all or substantially all of a *building*;
- (b) *A business* or other use that occupies a *premises*;
- (c) *A business*;

- (d) An *outdoor service area*;
- (e) A *common area*;
- (f) An *outdoor venue*;
- (g) A *vehicle for hire*; or
- (h) A permit for any outdoor public event or activity that the Municipality has authorized by the issuance of a permit and to which this Bylaw applies,
- (i) And, in respect of a *common area*, includes a strata corporation or cooperative association;

Retail establishment means a *Building*, *Structure*, or other place where goods or services are exposed or offered for sale by retail;

School property means property that is:

- (a) owned or leased by, or operated under the authority of, a board established under the *School Act* or the *Independent School Act*, and
- (b) used for the purposes of delivering educational programs or other learning programs,

and includes real property and improvements;

Smoke or *smoking* means to inhale or exhale smoke or vapour from or burn or carry a lighted cigar, cigarette, pipe, vaporizer, electronic cigarette or other lighted or activated smoking equipment that burns or vapourizes tobacco, cannabis or other weed or substance but does not apply to the ceremonial use of tobacco in connection with a traditional aboriginal cultural activity.

Sporting event means an organized athletic competition.

Structure includes part of a structure;

Village means Village of Pemberton.

PART 3: AREAS OF SMOKING PROHIBITION

3.1. Responsible Person Obligations

- a) The *responsible person* of any of the following:

- i. a *retail establishment*;
- ii. a *personal services establishment*;
- iii. a *bank*;
- iv. a hospital or health clinic;
- v. a *food service establishment*;
- vi. a taxicab or a public bus;
- vii. a *place of public assembly*;
- viii. a billiard or pool hall;
- ix. a *licensed establishment*;
- x. any other *building, structure*, vehicle, place or area that is *fully* or *substantially enclosed* and:
 - (a) is a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, or
 - (b) is a prescribed place under the *Tobacco and Vapour Products Control Act* (B.C.)

must not cause, permit or allow a person to *smoke* while within any such *building, structure*, vehicle, place, or area.

b) The *responsible person* of any of the following:

- i. a *retail establishment*;
- ii. a *personal services establishment*;
- iii. a *bank*;
- iv. a hospital or health clinic;
- v. a *food service establishment*;
- vi. a *place of public assembly*;

- vii. a billiard or pool hall;
- viii. a *licenced establishment*;
- ix. any other *building, structure*, vehicle, place or area that is *fully or substantially enclosed* and:
 - (a) is a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, or
 - (b) is a prescribed place under the *Tobacco and Vapour Products Control Act* (B.C.),

must not cause, permit or allow a person to *smoke* within six (6) metres from a doorway, window or air intake of the *building, structure*, place, or area.

3.2. Recreational Areas, Transit Shelters and School Property

- a) No person shall light a cigarette, cigar, pipe or other smoking equipment, *smoke*, or use tobacco or cannabis in any other manner in, at, on or within 25 metres of any of the following:
 - i. an *outdoor venue*;
 - ii. a playground;
 - iii. a playing field;
 - iv. a place at which a *sporting event* is occurring;
 - v. a transit shelter;
 - vi. *school property*
- b) *Smoking* is prohibited in all locations in the Village of Pemberton Zoned P-1 (Public), PR-1 (Parks and Recreation), OR-1 (Outdoor Recreation) and E-1 (Education) as per Zoning Bylaw No. 832, 2018 and any amendments and replacements thereof.

PART 4: SIGN REQUIREMENTS

- 4.1. A *responsible person* shall, in respect of the *building, premises, outdoor customer service area, common area, vehicle for hire* or outdoor public event which he or she owns, controls, manages or supervises, post a sign that:
- b) is prominently displayed and maintained at the applicable location;
 - c) if the sign is posted by a door, window or air intake of a building, structure, place or area that is fully or substantially enclosed, contains the text “No Smoking within 6 Metres” in capital or lower case letters or a combination of both;
 - d) In respect of a place that is not fully or substantially enclosed, or in respect of a vehicle, contains the text “No Smoking” in capital or lower case letters or a combination of both.
 - e) Consists consist of two contrasting colours, except that if the lettering is on a clear panel, the lettering must contrast to the background colour;
 - f) includes the text “Village of Pemberton Smoking Regulation Bylaw No. 843, 2018” and “Maximum Penalty \$10,000” in letters of not less than one (1) centimetre in height.
- 4.2. A person must not remove, alter, conceal, deface or destroy any sign required under this Bylaw.

PART 5: POWER TO INSPECT

- 5.1. A *bylaw enforcement officer* has the right of entry and may enter at all reasonable hours onto any land or into any *building* to which this Bylaw applies in order to ascertain whether the provisions of this Bylaw are being complied with.

PART 6: OBSTRUCTION

- 6.1. A person must not interfere with, delay, obstruct or impede a *bylaw enforcement officer* or designate or other person lawfully authorized to enforce this Bylaw in the performance of duties under this Bylaw.

PART 7: OFFENSE, PENALTIES AND ENFORCEMENT

7.1. In respect of this Bylaw:

- a) Every person who violates a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw or any other applicable bylaw of the municipality, and is guilty of a separate offence each day that a violation continues to exist.
- b) Any person who contravenes any of the provisions of this Bylaw commits an offence punishable upon summary conviction and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months or to both. Each day that an offence continues shall constitute a separate offence.
- c) Pursuant to Section 264 of the *Community Charter*, S.B.C. Chapter 26, this Bylaw may be enforced by means of a ticket issued pursuant to the Village of Pemberton Municipal Ticket Information Utilization Bylaw as replaced or amended from time to time.

PART 8: SCHEDULES

8.1. The following schedules are attached to and form part of this Bylaw and are enforceable in the same manner as this Bylaw:

Schedule "A" - Fines

PART 9: SEVERABILITY

9.1. If any section or lesser portion of this Bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the Bylaw.

PART 10: REPEAL

10.1. Village of Pemberton "Smoking Regulation Bylaw No. 843, 2018" is hereby repealed.

PART 11: EFFECTIVE DATE

11.1. This Bylaw comes into force the day it is adopted.

READ A FIRST TIME this 27th day of November, 2018.

READ A SECOND TIME this 27th day of November, 2018.

READ A THIRD TIME this 27th day of November, 2018.

DEPOSITED with the Minister of Health this 7th day of December, 2018.

ADOPTED this _____ day of _____, 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE “A”

FINES

Bylaw Section	Description	Penalty
3.1 & 3.2	Areas of Smoking Prohibition (Personal)	\$100.00
3.1 & 3.2	Areas of Smoking Prohibition (Responsible Person)	\$200.00
4.1	Sign Requirements	\$100.00
4.2	Remove or deface Sign	\$100.00
6.1	Interfere with or Obstruct Enforcement Officer	\$300.00



December 7th, 2018

Gwendolyn Kennedy
Legislative Assistant
Corporate & Legislative Services
Box 100, 1350 Aster Street
Pemberton, B.C. V0N 2L0
P: 604-894-6135 ext. 237
E: gkennedy@pemberton.ca

Dear Ms. Kennedy,

Thank you for submitting the **Village of Pemberton's Smoking Regulation Bylaw No. 848, 2018** for deposit with the Ministry of Health. This letter confirms the bylaw has been received and deposited on December 7th, 2018.

As per the Public Health Bylaws Regulation, thank you for ensuring sufficient consultation with your local health authority (e.g. Vancouver Coastal Health) prior to passing this bylaw.

If you have any further question please contact me at the information below.

Sincerely,

Keri Laughlin
Health Policy Analyst
Health Protection Branch, Population and Public Health
Ministry of Health

From: Kristen Clark [mailto:KClark@slrd.bc.ca]
Sent: Tuesday, December 4, 2018 10:17 AM
To: Sheena Fraser
Subject: Electoral Area C and Village of Pemberton Cemetery service

Hi Sheena,

Please be advised that the SLRD Board passed the following resolutions at the November 28, 2018 Board meeting, pertaining to the Electoral Area C and Village of Pemberton Cemetery service:

THAT Bylaw No. 1559-2018, cited as "Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018", be introduced and read a first, second and third time.

THAT written consent of the two participants be provided with respect to Bylaw No. 1559-2018, cited as "Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018", by the Director for Electoral Area C pursuant to section 347(2) of the Local Government Act, and by the Council of the Village of Pemberton pursuant to Section 346 of the Local Government Act, in accordance with section 349(1)(b) of the Local Government Act.

THAT Squamish-Lillooet Regional District Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018 (as at third reading with participating area consents) together with the associated staff report be forwarded to the Inspector of Municipalities for approval pursuant to the Local Government Act.

Cost Centre #2601 – Electoral Area C and Village of Pemberton Cemetery Service

- 2018 requisition was \$500
- 2018 maximum requisition \$500
- Recommendation: Increase maximum requisition from \$500 to \$5,000
- Participating Area – Electoral Area C and the Village of Pemberton
- Last bylaw amendment: n/a
- New Maximum Requisition amount effective in 2019.

I've attached the associated staff report as well as the Consent for consideration by the Village of Pemberton Council at your December 11, 2018 meeting.

Please advise me of the outcome of your Council meeting as soon as possible. Our next step, after Village consent (Director Mack has given his consent), is to forward this matter to the Ministry of Municipal Affairs and Housing for Inspector Approval.

Thank you very much.

Regards,
Kristen



Kristen Clark
Director of Legislative and Corporate Services
kclark@slrd.bc.ca
P: 604-894-6371 x230
F: 604-894-6526
www.slrd.bc.ca



Request for Decision

Electoral Area C and Village of Pemberton
Cemetery Financial Contribution Service
Conversion and Establishing Bylaw No.
1559-2018

Date of Meeting: Board – November 28, 2018

Recommendations:

THAT Bylaw No. 1559-2018, cited as “Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018”, be introduced and read a first, second and third time.

THAT written consent of the two participants be provided with respect to Bylaw No. 1559-2018, cited as “Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018”, by the Director for Electoral Area C pursuant to section 347(2) of the *Local Government Act*, and by the Council of the Village of Pemberton pursuant to Section 346 of the *Local Government Act*, in accordance with section 349(1)(b) of the *Local Government Act*.

THAT Squamish-Lillooet Regional District Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018 (as at third reading with participating area consents) together with the associated staff report be forwarded to the Inspector of Municipalities for approval pursuant to the *Local Government Act*.

Key Information:

Background

Prior to 1989, regional districts' core powers were provided in their letters patent (constituting documents). In 1989, regional districts were authorized to adopt service establishing bylaws. While regional districts no longer have to apply for supplementary letters patent or adopt specified area bylaws, some regional district services, called "continued services," are still provided under these original authorities. The SLRD has only one continued service remaining - the Area C and Village of Pemberton Cemetery service.

As continued services no longer meet the requirements of the legislation, any amendment or repeal to these requires the continued service to be first converted to a service establishing bylaw, which requires approval of the Inspector of Municipalities.

The process to convert a regional district continued service is:

- Service establishing bylaw to convert a continued service drafted and Board gives it three readings;

Request for Decision

Electoral Area C and Village of Pemberton
Cemetery Financial Contribution Service
Conversion and Establishing Bylaw No.
1559-2018

- Two-thirds of the participants in the service provide consent;
- Provincial review and statutory approval by the Inspector of Municipalities (six to eight weeks);
- Period during which bylaw can be challenged (one month); and,
- Adopted bylaw submitted to the Ministry of Municipal Affairs and Housing for its records.

The minister of Municipal Affairs and Housing has the ability to order that the bylaw receive approval of the electors prior to adoption (i.e. referendum or Alternative Approval Process). This power is usually only exercised if the Inspector of Municipalities considers the change to have a significant impact on the electorate.

This bylaw includes an increase to the maximum requisition for the service of \$4,500 (from \$500) to \$5,000 annually. This increase to the maximum requisition of \$5,000 equates to the average residential folio, which is calculated as \$465,431, paying an estimated \$1.05 more per year. Currently, the average residential folio pays \$0.12 per year for this service and at the new proposed maximum requisition the average residential folio would pay \$1.17 per year. A \$500,000 residential property would pay \$1.13 more per year (from \$0.13) to \$1.26 per year. Staff considers this to be a very minor dollar impact.

The increase is requested to allow for a new fence to be purchased and installed to replace the aging wood fencing that has reached the end of its useful life and also to allow for increases to the contracted services for landscaping the cemetery grounds. The Royal Canadian Legion Branch #201 (Pemberton) is the society that is currently managing the Area C and Village of Pemberton cemetery service and have requested the new fence in their past budget requests for the service and have notified the SLRD that the current caretaker is retiring so a new (higher cost) contract for landscaping services would be required in 2019. Also, there have been no increases to the tax requisition amount for this service since it began (in 1987).

The option of a rate per \$1,000 of net taxable assessment value was also added into the bylaw for the calculation of the maximum requisition. If both a rate per \$1,000 of property assessment and a maximum dollar limit are provided for, the calculations must initially be equivalent. The rate per \$1,000 of \$0.003567, as stated in the bylaw, equates to the dollar value maximum of \$5,000 using the 2018 revised roll net taxable assessment values of the service.

Due to the low impact of the increase in this bylaw on the electorate, it is suggested that Inspector of Municipalities approval be undertaken and an Alternative Approval Process (AAP) only be required if the Inspector requires it. The cost to complete an AAP is estimated to be \$3,000 for staff time and publications.



Request for Decision

Electoral Area C and Village of Pemberton
Cemetery Financial Contribution Service
Conversion and Establishing Bylaw No.
1559-2018

Options:

- (1) Give first three readings of the bylaw as presented.
- (2) Do not give first three readings of the bylaw and request additional information from Staff.

Preferred Option: Option 1.

Follow-Up Action

- Request both written consents from the Electoral Area C Director and the council of the Village of Pemberton.
- Forward the bylaw, written consents and the staff report to the Inspector of Municipalities for their approval.
- Once Inspector approval is received, bring back bylaw, consents & approval for final adoption by the Board.

Regional Impacts

None

Attachments:

- (1) *Proposed* Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018;
- (2) Bylaw 1559-2018 Consent form – Electoral Area C
- (3) Bylaw 1559-2018 Consent form – Village of Pemberton
- (4) Property assessment values of the Service by class

Submitted by: Suzanne Lafrance, Director of Finance
Approved by: Lynda Flynn, Chief Administrative Officer

SQUAMISH-LILLOOET REGIONAL DISTRICT

BYLAW NO. 1559-2018

A bylaw to convert the Electoral Area C and Village of Pemberton cemetery operation function to a financial contribution service

WHEREAS Supplementary Letters Patent dated January 22, 1987 granted the Squamish-Lillooet Regional District the authority to provide the function of Electoral Area C and Village of Pemberton cemetery operation within the Squamish-Lillooet Regional District;

AND WHEREAS under section 341(2) of the *Local Government Act*, the Squamish-Lillooet Regional District continues to have authority to provide the Electoral Area C and Village of Pemberton cemetery operation;

AND WHEREAS section 341(3) of the *Local Government Act* authorizes the Squamish-Lillooet Regional District Board to convert a function established by supplementary letters patent to a service exercised under the authority of a bylaw establishing the service;

AND WHEREAS the Squamish-Lillooet Regional District Board wishes to convert the function of Electoral Area C and Village of Pemberton cemetery operation to a financial contribution service exercised under the authority of an establishing bylaw;

AND WHEREAS the Regional Board of the Squamish-Lillooet Regional District wishes to increase the maximum annual requisition limit;

AND WHEREAS the written consent of the Director for Electoral Area C and the Council of the Village of Pemberton, being the two participants, has been obtained in accordance with section 349(1)(b) of the *Local Government Act*.

AND WHEREAS the approval of the Inspector of Municipalities has been received under section 342(1) of the *Local Government Act*;

NOW THEREFORE the Squamish-Lillooet Regional District Board, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited as "Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018".

2. CONVERSION

The function of the Electoral Area C and Village of Pemberton cemetery operation as granted by Supplementary Letters Patent dated January 22, 1987 is hereby converted and established as a service, to be known as the Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service (the "Service").

3. SERVICE AREA

The boundaries of the service area shall comprise Electoral Area C and the Village of Pemberton in their entirety.

4. PARTICIPATING AREAS

The participants in the Service are Electoral Area C and the Village of Pemberton.

5. COST RECOVERY

As provided for in section 378 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:

- (a) Property value taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*, levied on the basis of net taxable value of land and improvements;
- (b) Parcel taxes in accordance with Division 3 of Part 11 of the *Local Government Act*;
- (c) Fees and charges imposed under section 397 of the *Local Government Act*;
- (d) Revenues raised by other means authorized by the *Local Government Act*;
- (e) Revenues received by way of agreement, enterprises, gift, grant or otherwise.

6. MAXIMUM REQUISITION

The maximum amount that may be requisitioned annually for the Service shall be the greater of \$5,000 or \$0.003567/\$1,000 of the net taxable value of land and improvements in the service area.

READ A FIRST TIME this 28th day of November, 2018

READ A SECOND TIME this 28th day of November, 2018

READ A THIRD TIME this 28th day of November, 2018

PARTICIPATING AREA APPROVAL by way of the Electoral Area C Director consenting in writing obtained this ____ day of ____, 2018

PARTICIPATING AREA APPROVAL by way of the Council of the Village of Pemberton consenting in writing obtained this ____ day of ____, 2018

APPROVAL OF THE INSPECTOR OF MUNICIPALITIES received this ____ day of ____, 201__

ADOPTED this ____ day of ____, 201__

Chair

Kristen Clark
Corporate Officer



Box 219, 1350 Aster Street
Pemberton, BC V0N 2L0
P. 604-894-6371 TF. 800-298-7753
F. 604-894-6526
info@slrd.bc.ca www.slrd.bc.ca

Date: November 28, 2018

Bylaw Consent Form

I, Russell Mack, Director, Electoral Area C Director of the Squamish-Lillooet Regional District, hereby give participating area approval by consenting, on behalf of the electors of Electoral Area C, to the adoption, by the Squamish-Lillooet Regional District, of proposed Bylaw No. 1559-2018, cited as "Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018".

Russell Mack
Director for Electoral Area C



Box 219, 1350 Aster Street
Pemberton, BC V0N 2L0
P. 604-894-6371 TF. 800-298-7753
F. 604-894-6526
info@slrd.bc.ca www.slrd.bc.ca

Date: XXXX, XX, 201X

Bylaw Consent Form

I, Nikki Gilmore, CAO of the Village of Pemberton, hereby certify that the following resolutions were passed by the Council of the Village of Pemberton at its meeting on XXXX, XX, 201X.

THAT Council give participating area approval by consenting, on behalf of the electors of the Village of Pemberton, to the adoption, by the Squamish-Lillooet Regional District, of proposed SLRD Bylaw 1559-2018, cited as "Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018";

AND THAT Village of Pemberton staff notify the SLRD Board of the Village of Pemberton's consent.

Nikki Gilmore, CAO
Village of Pemberton

Property Assessment Values by Class

Regional District: 26 - Squamish-Lillooet Electoral Area: C Jurisdiction: 729 - Lillooet Rural 748 - Squamish Rural									
HOSPITAL PURPOSE NET TAXABLE VALUES									
Property Class	Occurrences	Land	Converted Land	Improvements	Converted Impr	Total	Converted Total	Conv %	
01 Residential	1,351	350,704,595	35,070,459	194,077,465	19,407,746	544,782,060	54,478,206	10.00	
02 Utilities	39	7,473,240	2,615,634	150,912,080	52,819,228	158,385,320	55,434,862	35.00	
05 Light Industry	11	1,864,400	633,896	50,200	17,068	1,914,600	650,964	34.00	
06 Business And Other	31	5,061,050	1,239,957	1,142,900	280,010	6,203,950	1,519,967	24.50	
07 Managed Forest Land	1	29,200	8,760			29,200	8,760	30.00	
08 Rec/Non Profit	4	1,163,600	116,360			1,163,600	116,360	10.00	
09 Farm	161	3,637,377	363,737			3,637,377	363,737	10.00	
Total	1,598	369,933,462	40,048,803	346,182,645	72,524,052	716,116,107	112,572,856		

Regional District: 26 - Squamish-Lillooet Municipality: 560 - Village of Pemberton									
HOSPITAL PURPOSE NET TAXABLE VALUES									
Property Class	Occurrences	Land	Converted Land	Improvements	Converted Impr	Total	Converted Total	Conv %	
01 Residential	1,119	356,008,800	35,600,880	215,200,400	21,520,040	571,209,200	57,120,920	10.00	
02 Utilities	7	1,215,055	425,269	15,050,500	5,267,675	16,265,555	5,692,944	35.00	
05 Light Industry	3	720,000	244,800	2,082,400	708,016	2,802,400	952,816	34.00	
06 Business And Other	283	54,420,875	13,333,114	35,404,876	8,674,194	89,825,751	22,007,308	24.50	
07 Managed Forest Land	0	0	0	0	0	0	0	30.00	
08 Rec/Non Profit	4	5,167,700	516,770	102,900	10,290	5,270,600	527,060	10.00	
09 Farm	6	157,404	15,740			157,404	15,740	10.00	
Total	1,422	417,689,834	50,136,573	267,841,076	36,180,215	685,530,910	86,316,788		

Total for Area C Cemetery service area (All of Area C & Pemberton)									
HOSPITAL PURPOSE NET TAXABLE VALUES									
Property Class	Occurrences	Land	Converted Land	Improvements	Converted Impr	Total	Converted Total	Conv %	
01 Residential	2,470	706,713,395	70,671,339	409,277,865	40,927,786	1,115,991,260	111,599,126	10.00	
02 Utilities	46	8,688,295	3,040,903	165,962,580	58,086,903	174,650,875	61,127,806	35.00	
05 Light Industry	14	2,584,400	878,696	2,132,600	725,084	4,717,000	1,603,780	34.00	
06 Business And Other	314	59,481,925	14,573,071	36,547,776	8,954,204	96,029,701	23,527,275	24.50	
07 Managed Forest Land	1	29,200	8,760	0	0	29,200	8,760	30.00	
08 Rec/Non Profit	8	6,331,300	633,130	102,900	10,290	6,434,200	643,420	10.00	
09 Farm	167	3,794,781	379,477	0	0	3,794,781	379,477	10.00	
Total	3,020	787,623,296	90,185,376	614,023,721	108,704,267	1,401,647,017	198,889,644		



Box 219, 1350 Aster Street
Pemberton, BC V0N 2L0
P. 604-894-6371 TF. 800-298-7753
F. 604-894-6526
info@slrd.bc.ca www.slrd.bc.ca

Date: December ____, 2018

Bylaw Consent Form

I, Nikki Gilmore, CAO of the Village of Pemberton, hereby certify that the following resolutions were passed by the Council of the Village of Pemberton at its meeting on December 11, 2018.

THAT Council give participating area approval by consenting, on behalf of the electors of the Village of Pemberton, to the adoption, by the Squamish-Lillooet Regional District, of proposed SLRD Bylaw 1559-2018, cited as "Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018";

AND THAT Village of Pemberton staff notify the SLRD Board of the Village of Pemberton's consent.

Nikki Gilmore, CAO
Village of Pemberton



November 15, 2018

Ref: 242156

Mayor Michael Richman
and Members of Council
Village of Pemberton
Box 100
Pemberton BC V0N 2L0

Dear Mayor Richman and Councillors:

I am writing to congratulate you on your recent election. As you know, good local government depends on people willing to stand for office and serve their communities. Whether this is your first time as an elected official, or you are returning to office for another term, your contribution to public service is appreciated.

Our government is committed to working with local governments in making life more affordable, improving services people count on, and building a strong, sustainable economy that works better for everyone.

As a former municipal councillor, I recognize the opportunities, challenges and choices elected officials face every day. I fully appreciate that these roles are often difficult, with success determined both by the strength of your organizations and by the relationships elected colleagues build among themselves, with local government staff and with members of the public. Paramount to each local government's success is also the standard set by each elected official in conducting themselves with honesty and integrity.

As you are forming, I encourage you to review the attached document, Foundational Principles of Responsible Conduct, developed by a working group from the Union of BC Municipalities (UBCM), the Ministry of Municipal Affairs and Housing and the Local Government Management Association (LGMA). The four foundational principles - integrity, accountability, respect, and leadership and collaboration - can be used to guide the conduct of both individual elected officials and the collective council or board.

I also encourage you to explore the Working Group's Model Code of Conduct that sets out shared principles and standards of conduct to help local councils and boards start developing their own code of conduct. A Companion Guide is available to facilitate a local council or board's conversations as they go through the process. These materials are available on the UBCM website.

.../2

Mayor Richman
and Members of Council
Village of Pemberton
Page 2

If you have questions about responsible conduct or other topics of education, training and advice for elected officials and local government staff, I encourage you to contact partner organizations such as the Local Government Leadership Academy, the UBCM and the LGMA. The Ministry of Municipal Affairs and Housing can also advise and support local governments to better serve their communities. In this context, I would like to introduce or re-introduce you to Jacqueline Dawes, Deputy Minister, who can be contacted at: Jacquie.Dawes@gov.bc.ca, and Tara Faganello, Assistant Deputy Minister, Local Government Division, who can be contacted at: Tara.Faganello@gov.bc.ca.

Thank you again for your commitment to public service. I look forward to working with you to make life better for all the people of British Columbia.

Sincerely,

A handwritten signature in black ink, appearing to read 'SR', with a stylized flourish at the end.

Selina Robinson
Minister

Enclosure

Foundational Principles Of Responsible Conduct

FOR BC'S LOCAL GOVERNMENTS

Key Foundational Principles

- ◇ INTEGRITY
- ◇ ACCOUNTABILITY
- ◇ RESPECT
- ◇ LEADERSHIP & COLLABORATION

RECEIVED

NOV 26 2018

Village of Pemberton

PRODUCED BY THE WORKING GROUP ON RESPONSIBLE CONDUCT

January 2018

What are foundational principles?

This document outlines four key foundational principles – *integrity, accountability, respect, and leadership & collaboration* – to guide the conduct of local government elected officials in B.C.

The foundational principles provide a basis for how local government elected officials fulfill their roles and responsibilities, including in their relationships with each other, with local government staff and with the public.

These principles are intended to guide both the conduct of individual elected officials and the collective behaviour of the local government council or board. The principles are also meant to guide local governments in fulfilling their corporate functions and responsibilities to their communities.

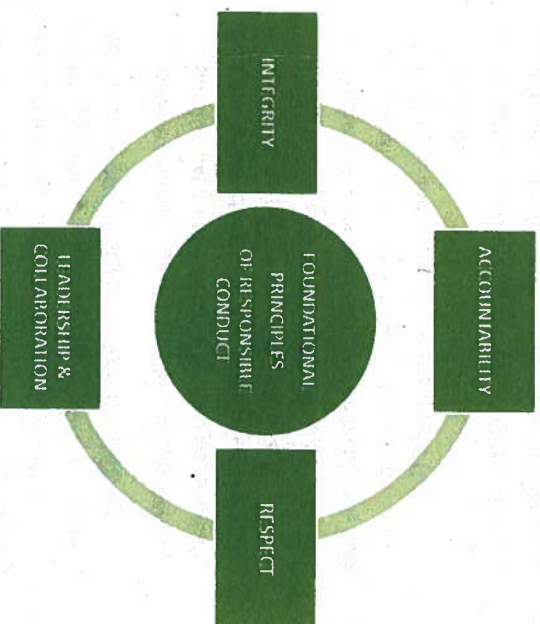
Responsible conduct at all of these levels is key to furthering a local government's ability to provide good governance to its community.

"The foundational principles provide a basis for how local government elected officials fulfill their roles and responsibilities, including in their relationships with each other, with local government staff and with the public."

How do the principles "fit" with legal obligations?

It is the duty of elected officials to understand and abide by all legal requirements that apply to elected officials and local governments¹, and nothing in this document should be interpreted as taking precedence over such legal obligations.

Local government elected officials should interpret the principles described below in accordance with the responsibilities and obligations set out in B.C.'s local government legislation, other applicable legislation, the common law and the policies and bylaws of the local government.



¹ Many legal obligations apply to elected officials and local governments, including but not limited to rules about: ethical standards such as conflict of interest; open meetings; protecting confidential information; workplace safety such as harassment; and expenditure of local government funds.

Integrity: being honest and demonstrating strong ethical principles.

- Be truthful, honest and open in all dealings.
- Behave in a manner that promotes public confidence in local government, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- Uphold the public interest, serving citizens diligently to make decisions in the best interests of the community.
- Ensure alignment between stated values and actions, including following through on commitments, engaging in positive communication with the community, and correcting errors in a timely, transparent manner.

Accountability: an obligation and willingness to accept responsibility or to account for one's actions.

- Be transparent in how an elected official individually, and a council/board collectively, conducts business and carries out their duties.
- Ensure information is accessible, and citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- Accept and uphold that the council/board is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for the decisions they make in fulfilling their roles as council/board members.
- Listen to and consider the opinions and needs of the community in all decision making, and allow for discourse and feedback.

Respect: having due regard for others' perspectives, wishes, and rights; displaying deference² to the offices³ of local government, and the role of local government in community decision making.

- Treat every person, including other members of council/board, staff and the public, with dignity, understanding and respect.
- Show consideration at all times for colleagues and staff, including by honouring people's values, beliefs, ideas, roles, contributions and needs.
- Create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.
- Value the role of diverse perspectives and debate in decision making.
- Act in a way that is respectful of the roles and responsibilities of the offices of Mayor/Chair and Councillor/Director.
- Value the distinct roles and responsibilities of local government staff and the community in local government considerations and operations, and commit to foster a positive working relationship between staff, the public and elected officials.
- Call for and expect respect from the community towards elected officials and staff, and their roles and responsibilities within the local government system.

² Displaying deference is acting in a way that is respectful of both the tradition and legacy enshrined in the various local government positions, as well as their intended functions.

³ Offices of local government refers to the roles/responsibilities of the various roles and positions within the local government system, such as Mayor, Chair, Councillor or Director.

Leadership and Collaboration: an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts.

- Demonstrate behaviour that builds and inspires public trust and confidence in local government.
- Calmly face challenges and provide considered direction on the issues of the day, while empowering colleagues and staff to do the same.
- Create space for open expression by others, take responsibility for one's own actions and reactions, and accept the decisions of the majority.
- Accept that it is the equal responsibility of the individual elected official, the council/board as a collective, the community and stakeholders to work together to achieve common goals.
- Be an active participant in ensuring the foundational principles are followed in all local government dealings (e.g., including among elected officials, between council/board members and staff, with community members, with other orders of government, in the decisions of a council/board, and in services and other activities of the local government).



The Working Group on Responsible Conduct is a joint initiative between the UBCM, LGMA and the Ministry of Municipal Affairs & Housing. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.

From: Lebedoff, April AGLG:EX <April.Lebedoff@aglg.ca> **On Behalf Of** Ruth, Gordon AGLG:EX
Sent: November 29, 2018 10:47 AM
To: Ruth, Gordon AGLG:EX <Gordon.Ruth@aglg.ca>
Subject: Letter from the Auditor General for Local Government (AGLG) to New Councils and Boards



November 29,
2018

To: Mayors and Councillors
Chairs and Directors of Regional District Boards
Chairs and Directors of Greater Boards

Please accept my congratulations on your election and best wishes for your new term in office. The beginning of a new term is always an exciting time, full of possibilities and opportunities for local governments and their communities.

As you may be aware, the mandate of the Auditor General for Local Government is to assist local governments across B.C. by providing objective information and relevant advice that will assist in local governments' accountability to their communities for the stewardship of public assets and the achievement of value for money in their operations.

We accomplish this through performance audits, which are quite different from the financial audits you may be more familiar with. Performance audits can be valuable tools for local governments as they point out areas relating to the audit topic that could be improved while – equally importantly – also providing assurance in areas where a local government already has good practices.

In our reports, we try to highlight such good practices and recommend them to other local governments. This is why our audit reports are relevant to more than just the local government being audited, as we are always looking for opportunities to provide useful advice to local governments of varying sizes and other characteristics. Our AGLG Perspectives booklets have a similar goal, offering a variety of best practices for a wide range of local governments to consider.

I am pleased that we have received a great deal of positive feedback from local governments and other stakeholders on the work that we have done in recent years and hope that you will also find our reports and recommendations to be useful in your work.

We anticipate the release of a performance audit on the topic of Emergency Management in Local Governments and a Perspectives booklet related to the topic of Local Government's Role in Ensuring Clean Drinking Water in the short term and I would encourage you to review each one once released. All of our audit reports and Perspectives booklets are published on our website at www.aglg.ca under the 'Publications' tab.

Success for our office almost always depends on collaboration and engagement with elected officials and local government staff. I look forward to working with you and welcome any questions or feedback that you may have, or opportunities to meet with your Council or Board to share the work that we do.

Sincerely,

Gordon Ruth, FCPA, FCGA
Auditor General for Local Government
201 - 10470 152nd Street, Surrey, BC V3R 0Y3
Phone: 604-930-7100 | Fax: 604-930-7128



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www.aglg.ca

From:

Sent: November-29-18 6:24 PM

To: Sheena Fraser <sfraser@pemberton.ca>; Nikki Gilmore <ngilmore@pemberton.ca>; Gwendolyn Kennedy <gkennedy@pemberton.ca>

Subject: Website Submission: Write to Mayor & Council - <https://pemberton.ca>

Form Submission Info

First Name: Leon

Last Name: Brass

Street Address: [REDACTED] Stonecutter Place

PO Box:

Town/City: Pemberton

Province: BC

Postal Code: V0N2L0

Phone Number: [REDACTED]

Email:

Please attach any related documents (if applicable):

Message to Mayor & Council:

To Mayor & Council,

It has come to my attention that the recycling facility on Industrial Way was to be moved to a new location. Apparently, its potential neighbour (Pemberton Distillery) had a problem with its proximity to its business.

From my understanding, a letter was written and addressed to Mayor & council related to the concerns of said Pemberton Distillery, as well as those made by a business owner/resident ([REDACTED]) who lives across the street from proposed new recycling property/location. It seems the idea of having such a facility either directly beside a seasonally open business or across the street from a residential/storage business does not bode well with either parties concerned.

To my knowledge, they wish to have said recycling facility moved to the end/cul-de-sac of Stonecutter Place. This proposition, I find, is a disagreeable one. It merits further investigation as to what benefit would be seen for its immediate neighbour, myself.

I think a recycling (transfer station) situated at the most remote point from Hwy 99 would serve its purpose but also cause further, unnecessary traffic along a street that already has a large amount of residential, business and industrial re:(MainRoad) traffic as it is.

While I understand the former petitioners against the proposed new location have reason to consider their own properties proximity to such, simply moving the recycling location a stones throw down the street doesn't solve the problem all occupants and owners have to consider. Besides, not only would its latest proposed location abut my own undeveloped half acre but adjacent to it is a recently constructed residential house my neighbour, [REDACTED], lives in full time.

The development in the industrial park has, in my opinion, seen much of its recent accomplishments done along Stonecutter Place or accessible by this road. Due to the influx of buildings and the potential residential suites that may be built in them I estimate 20-30 people may one day call that way their home. I, for one, would like to build and dedicate upon my own land space enough for a half dozen or more people who are content with a live work situation. Such residential and business contentment may be difficult to keep were there the traffic, noise, unsightliness and general unkempt look and feel that said recycling facilities are known for as a neighbour.

This is not to write that it is not a needed and environmentally sound way of recycling our garbage, disposals and general waste; contrarily, as it is a green opportunity that all people in Pemberton are asked to take part in, I propose that it be moved and maintained closer to the larger population of Pemberton Village, Meadows or near the 2 gas stations. If not there, then perhaps (as is shown at the Hwy 99 & Nesters Rd w/traffic light stop in Whistler) not so far off the main thoroughfare that drivers forget that it's there or that they become an inconvenience to residential occupants along the way.

Much like expecting locals to the industrial park to drive 8km to pick up our mail, the irony of having the majority of the population drive out of their way to recycle unwanted objects and throwaway disposables is that these daily occurrences use more gas than needed while trying to be 'green'.

How about you trade us a locked and well lit PO Box stand for the industrial park and Village finds a transfer station that is easier to see and safer to drive to for citizens of Pemberton?

In ending, I would like to remind Mayor and Council that the vacant property which is under consideration is also the conceivable end/beginning of the Friendship Trail, was once used as an entrance to PemFest, is used as a starting point for hikers who wish to have parking in close proximity to nature; wild horses are known and seen to use the village owned property, and of course dogs and their walkers.

Please consider alternate suggestions in order to find a longer term and more agreeable solution.

Thank you for your time, Leon Brass
Owner, [REDACTED] Stonecutter Place



OFFICE OF THE
SENIORS ADVOCATE
BRITISH COLUMBIA

Ref: 317203

November 30, 2018

Dear Mayors, Chairs, Councillors and Directors,

As the Seniors Advocate for British Columbia, I am very pleased to extend my sincere congratulations to each of you on your recent election to local government.

Whether you are newly elected or returning to serve as a municipal leader, the impact of your contributions to the quality of life in communities across British Columbia will be immense and will directly affect your constituents on a daily basis. This is particularly the case regarding the most vulnerable of our citizens, which often includes seniors.

My office, the first of its kind in Canada, was established in 2014 to monitor and analyze seniors' services and issues in BC, and recommend solutions to systemic challenges to government and service providers. Our monitoring spans five key areas: health care, housing, income supports, personal supports and transportation. All of these areas are of direct concern and consequence to local government. Whether allocating municipal funds for walkability corridors, sidewalk repairs and curb cuts, and transportation to regional health care, or developing policy around accessibility, age-friendliness and social inclusivity, municipal governments play a significant role in improving the lives of seniors in British Columbia.

Seniors are a rapidly growing demographic in Canada. Here in British Columbia, seniors currently comprise 19% of our total population (920,000 of 4.8M) and we expect to see a continued rise in the population over 65 in the years ahead. Seniors are forecast to constitute 25% of British Columbians by 2031 (1.4M of 5.63M). Research consistently shows that being a partner in helping seniors age well and in place is a solid investment economically and socially.

Please feel free to contact my office at any time as we work together to improve the lives of British Columbian seniors. [Please also check out our website for additional information.](#)

Thank you again for your commitment to municipal leadership. I wish you my very best for the duration of your term.

Sincerely,

Isobel Mackenzie
Seniors Advocate
Province of British Columbia

From: Cathy Peters [REDACTED]
Sent: November 30, 2018 5:13 PM
To: VoP Admin <admin@pemberton.ca>
Subject: Human Sex trafficking/Child Sex Trafficking public awareness campaign
Importance: High

Dear Mayor Mike Richman and Pemberton Village Council,
My name is Mrs. Cathy Peters and I am a BC anti-human trafficking educator, speaker, advocate.
I have been raising awareness to the growing pandemic of **"Child Sex Trafficking in BC and How to Stop it"**, for the last 5 years.
I am in touch with every City Council, MLA, MP and police agency in BC.

It is important that the public, police and politicians understand that BC has become a global sex tourism destination, with our port cities and an entry point into Canada.
Our youth/children/the vulnerable are not safe in BC because an aggressive sex industry is targeting them to increase "supply" for the growing "demand".

I have attached a biography and a newspaper article on my work.

4 short videos (links below) have been developed by the **"anti-human trafficking initiative"** in Vancouver to raise public awareness of human sex trafficking in BC and Canada.
This Initiative wants to stop full decriminalization of prostitution in Canada (specifically the **decriminalization of sex buyers**).

It is important Canadians understand the implications to our culture/society if the government fully decriminalized prostitution/sex buyers.
Full decriminalization would be a fatal blow to our Canadian democracy, ideals, values and identity while undermining any concept of gender equality or human rights in our country.

I have included a German brothel menu as an example of typical brothel activity, which is what we could end up with in every community in Canada.

See the Vimeo link, website link and facebook link below (choose which application works best for you to send out).

Please send these to police contacts, frontline stakeholders, civic leaders, victim services, MLA's and MP's.

"Education is our greatest weapon". (quote from HT expert/activist former MP Joy Smith- Manitoba).

Vimeo: <https://vimeo.com/album/5483715>
Website: <http://buyingsexisacrime.org>
<https://www.facebook.com/buyingsexisacrime/>

In terms of research papers on this issue I have included the 2 papers that I send to the public, politicians and police.
The first is research on the Rhode Island experience with full decriminalization from 1980-2009 for 29 years.
Because of the increase in underage prostitution (trafficking) and violence, the law was repealed and prostitution made illegal.

Mrs. Cathy Peters: biography

Mrs. Cathy Peters has been “raising awareness” to the new pandemic of CST or Child Sex Trafficking (the buying and selling of children for sex) in British Columbia for the last 5 years; to the Federal government level and now to the Municipal and Provincial levels of government. Cathy is a former inner city high school teacher (Southern Okanagan and Delta School districts), and has done volunteer work for 2 Members of Parliament (John Weston/BC, Joy Smith/Manitoba) for 5 years. She has been public speaking (200 presentations) on this specific issue in BC for 3 years since the “**Protection of Communities and Exploited Persons Act**” became Federal Law; to City Councils, School Boards, Police Boards, high schools, colleges, universities, seniors, church, business, leadership, women’s, men’s, youth, provincial leadership groups and law enforcement agencies. Cathy has contacted all BC police agencies including RCMP HQ Provincially and Federally and has been awarded 5 RCMP Challenge Coins for her work/advocacy from Coquitlam, Richmond, Surrey, RCMP Headquarters Child Exploitation Unit and the Chilliwack RCMP detachments and 1 Coin from the New Westminster Police Department after presenting at the Justice Institute in New Westminster, and coins from the Delta Police Department and Vancouver Police Department. Cathy’s work/advocacy has been introduced in the BC Legislature in spring 2018, and she has participated in 2 Federal Justice Committee Human Trafficking Roundtables (2017, 2018) in Vancouver. At their request, Cathy has submitted specific recommendations to the Federal Public Safety Department on “How to Stop Human Sex Trafficking and Child Sex Trafficking in Canada”.

“**Education is our greatest weapon**” in addressing this egregious crime. Cathy has written to every City Council (190), MLA (87), MP (41) and Police Agency in British Columbia, to every Premier and Attorney General in Canada and to every MP in Canada (338). In her presentations Cathy describes the problem we have locally, and the strategies/tools/resources we can use to stop this crime. She is hopeful and positive in her presentation, so that the audience can do something in their area of influence. Cathy is married to Allan, an architect and they have 3 amazing (grown) children: 1 boy, 2 girls, ages 33, 30, 28.

Some Facts about Human sex trafficking/youth and child exploitation: It is the fastest growing crime in Canada and the world. It is a form of “modern day slavery”. Today’s slavery has low costs and huge profits; a trafficker can make \$280,000 per victim, per year. Average age of entry into prostitution is 12-14 years of age in Canada, although traffickers are targeting children as young as 9 years of age. There is a dramatic increase in child exploitation and child pornography (production and consumption). Unchecked pornography on the internet fuels the sex trade creating an increasing demand for paid sex. The biggest problem we have in Canada: people do not know we have a problem here; therefore the traffickers are developing the sex industry exponentially. Every woman and child, the marginalized and vulnerable will become a potential target and victim, unless we do something to stop it.

MISSION STATEMENT: A MODERN EQUAL SOCIETY DOES NOT BUY AND SELL WOMEN AND CHILDREN.

The Chilliwack Progress

Friday



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B.C. anti-child sex trafficking advocate, Cathy Peters, visited Chilliwack to motivate the community to help put an end to what she's calling "The new pandemic: Child sex trafficking in B.C. and how we can stop it." (Sarah Gawdin/The Progress)

Chilliwack's children are at risk, says B.C. child sex trafficking watchdog

Cathy Peters wants Chilliwack to be a positive example for the province

Sarah Gawdin
The Progress

A B.C. former teacher turned advocate wants to help "make Chilliwack an example for the rest of the province," when it comes to putting an end to child sex trafficking.

Cathy Peters says she's always had a soft-spot for children, but it wasn't until her son began working for a Manitoba MP that the safety of children became her key priority.

Where Peters taught in

Delta was near what's called "a kiddie stroll," she said. "A place where children would walk up and down the street to sell their bodies." At the time, her goal was just to get her students to successfully complete Grade 10.

Today, her mission has expanded from getting kids to a certain point in their education, to preventing them from ever being sold into the sex trade. As a result, Peters has been presenting all over the province to police, city councils, schools, churches,

and whomever else she can, to talk about what she's calling a new pandemic: child sex trafficking in B.C.

In the past two-and-a-half years, Peters has presented to more than 180 groups free of charge.

"British Columbia is the best place in Canada and North America for sex buyers," said Peters during her presentation in Chilliwack's Neighbourhood Learning Centre on June 19.

And Peters wants to make sure Chilliwack, with its close proximity to the American border, has its eyes wide open when it comes to the safety of the community's children.

"Don't fool yourselves," she said, looking around at the dozens of people who attended her presentation. "You have a very big problem here. Don't be surprised if you find prostitution rings in the high schools."

"Where children play, predators prey," Peters said simply.

"Child sex trafficking is all about the money," continued the retired schoolteacher. The average pimp, says Peters, can get anywhere from \$280,000 to \$360,000 per year per victim. And right now, the most popular commodity on the sex trade market are young, white girls between nine- and

Continued on Page A6

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Regular Council Meeting No. 1483
Tuesday, December 11, 2018
67

Participants urged to report sex trafficking

Continued from Page A1

14-years-old.

"And our aboriginal girls are getting destroyed by this," added Peters.

Const. Isabelle Christensen, who has been a member of the RCMP for more than two decades, sat in on Peters' discussion.

"I think when we hear human trafficking we think of something different than what it is," said the community liaison officer. "We'd like to think we don't have that problem in Chilliwack, but seeing how it's defined, it's more like the old version of prostitution and johns."

And the best way to combat that model says Peters, is to focus on what she calls the "Two Es:" education and enforcement.

In 2014, Canada enacted Bill C-36, the Protection of Communities and Exploited Persons Act, which made the buyers of sex criminals, and those selling sex victims. However, Pe-

ters says it's poorly enforced, which has lit the region up like a beacon to those looking to buy illicit sex.

"Our federal government is on the trajectory to fully decriminalize prostitution ... We already have johns who act with impunity ... and this will lead to brothels in every community. We are headed for hundreds

over the course of a month to make her presentation. "Don't take (issues) on personally, get the police involved.

"I hear all the time from police, 'We just don't get the reports.' So I beg of you, report it," Peters continued.

And while the police reports help tremendously, Peters says the other aspect of ending this pandemic is ensuring a community has the right services to help victims escape with their lives.

Having seen a lot in her career with the RCMP, Christensen says one of the most important things that she walked away

from Peters' presentation with was the resources we have available at our fingertips.

"It opened my eyes to the services we have," said the community-based officer. "The possibility of help is there."

For more information on the services Chilliwack has to offer, visit the local services website at www.comserv.bc.ca, or the Child and Youth services web-

"Where children play, predators prey"

Cathy Peters,

Anti-child sex trafficking advocate

of (Robert) Picktons (at this rate)," continued Peters.

But even in the darkest of places, the smallest bit of light helps. And Peters says Chilliwack is primed to be a leader in ridding the province of this criminal blight.

"You have a great detachment here, work with them!" exclaimed Peters, who met with each of the city's four watches

from Peters' presentation with was the resources we have available at our fingertips.

"It opened my eyes to the services we have," said the community-based officer. "The possibility of help is there."

For more information on the services Chilliwack has to offer, visit the local services website at www.comserv.bc.ca, or the Child and Youth services web-

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Village of Pemberton
Regular Council Meeting No. 1483
Tuesday, December 11, 2018

WOODY'S

DECRIMINALIZED PROSTITUTION: IMPUNITY FOR VIOLENCE AND EXPLOITATION

Melanie Shapiro, Esq. and Donna M. Hughes, Ph.D.***

INTRODUCTION

From 1980 to 2009, prostitution in Rhode Island was decriminalized.¹ Prostitution was not prohibited or regulated by law if it was performed indoors.² The lack of laws or regulations created a unique and permissive legal, economic, and cultural environment for the growth of sex businesses.³ Although a few counties in Nevada have legalized prostitution,⁴ no other state or county has decriminalized prostitution in recent decades.⁵ During the twenty-nine year period from 1980 to 2009, sexual exploitation and violence against women and girls were integrated into the economic development of Rhode Island's urban areas.⁶ The growth of sex

* Melanie Shapiro is an immigration attorney based in Dedham, Massachusetts. She is licensed to practice in Massachusetts, the First Circuit Court of Appeals, the District Court for the Federal District of Massachusetts, and the Board of Immigration Appeals. She is the co-founder of Citizens Against Trafficking. Shapiro received her Juris Doctorate from Roger Williams University School of Law, where she was a Public Interest Scholar. Email: melanie@melanieshapiroesq.com.

** Donna M. Hughes holds the Eleanor M. and Oscar M. Carlson Endowed Chair in Women's Studies. She is a Professor in Gender and Women's Studies with an Affiliation with Sociology and Anthropology (Criminology and Criminal Justice) at the University of Rhode Island. Email: donnahughes@uri.edu. This Article is dedicated to Representative Joanne Giannini, without whose leadership and perseverance, Rhode Island would not have the laws needed to end the violence and sexual exploitation described in this Article. The authors of this Article thank Colonel Stephen M. McCartney, Chief of Warwick Police, for giving the authors access to police records relating to Philip Markoff's assault and robbery attempt in 2009.

1. Edward Achorn, *New Landscape of the Sex Biz*, PROVIDENCE J., Dec. 22, 2009, at B7.

2. *Id.*

3. See W. Zachary Malinowski, *The Sex Business in Providence: "Why Here,"* PROVIDENCE J., Apr. 21, 2002, at A1.

4. Michael Martinez, *What to Know About Nevada's Legal Brothels*, CNN (Oct. 19, 2016, 6:50 AM), <http://www.cnn.com/2015/10/14/us/lamar-odom-nevada-brothels/>.

5. *See id.*

6. Donna M. Hughes, *Top U.S. Official on Trafficking Says Lack of Prostitution Law Creates a "Zone of Impunity" for Traffickers*, DIGITALCOMMONS@URI 1 (Aug. 14, 2009), https://works.bepress.com/donna_hughes/56/.

businesses led to the capital city of Providence being called the “red light district” of New England.⁷

The lack of laws controlling prostitution impeded police from investigating and stopping serious crimes and prevented officials from arresting pimps, traffickers, and sex buyers.⁸ According to Luis CdeBaca, former Ambassador at Large to Combat Human Trafficking and Director of the Office to Monitor and Combat Trafficking in Persons in the U.S. State Department, decriminalized prostitution created a “zone of impunity in which police [could not] go, and where traffickers [could] exploit their prey.”⁹

This Article describes the growth of sex businesses in Rhode Island from 1980 to 2009 and the harmful activities—particularly violence against women, sexual exploitation, and slavery—that were endemic to it. It describes how individual criminals, organized crime groups, and mainstream business people, such as landlords and lawyers, exploited women and girls for profit and pleasure.

For over a decade, from 1998 to 2009, the violent nature of these businesses became increasingly known to law enforcement, other government officials, and the public.¹⁰ With increased awareness, momentum grew for legal reform to prohibit prostitution, sex trafficking, and the employment of underage teens in sex businesses.¹¹ In 2009, the Rhode Island General Assembly passed three unprecedented laws to end these practices.¹²

This Article on decriminalized prostitution is important for contemporary debate. Around the world, there are both small groups and large agencies, such as UN Women¹³ and Amnesty International, that advocate for the decriminalization of prostitution.¹⁴ One such group is suing the state of California to decriminalize prostitution using the same legal argument and strategy that created decriminalized prostitution in Rhode Island in 1980.¹⁵ The authors of this Article believe the findings reported

7. W. Zachary Malinowski, *Sex Industry Expands at Startling Pace*, PROVIDENCE J., Apr. 23, 2002, at A1.

8. Hughes, *supra* note 6, at 1.

9. *Id.*

10. *See infra* Subparts I.C–I.D.

11. *See infra* Subpart I.G.

12. 11 R.I. GEN. LAWS §§ 11-34.1-1 to -14, 11-67-1 to -18 (2009); 28 R.I. GEN. LAWS § 28-3-9.1 (2009); 2009 R.I. Pub. Laws 185 (repealing provisions that decriminalized prostitution).

13. UN Women, *Note on Sex Work, Sexual Exploitation, and Trafficking*, NSWP (Oct. 9, 2013), <http://www.nswp.org/sites/nswp.org/files/UN%20Women%27s%20note%20on%20sex%20work%20sexual%20exploitation%20and%20trafficking.pdf>.

14. Darren Geist, *Amnesty International's Empty Promises: Decriminalization, Prostituted Women, and Sex Trafficking*, 1 DIGNITY: J. ON SEXUAL EXPLOITATION & VIOLENCE 1, 1 (2016).

15. Brief for Plaintiffs-Appellants at 13–14, *Erotic Serv. Provider Legal, Educ. & Res. Project v. Gascón*, No. 16-15927 (9th Cir. Sept. 30, 2016).

herein on Rhode Island's twenty-nine year experience with decriminalization are an important contribution to the debate.

Methods

This Article is a descriptive case study—its historical analysis of three decades of decriminalized prostitution is based on court records, police records, interviews, and media reports on crimes and other activities in Rhode Island's sex businesses. Information was collected about spa-brothels from print and online advertisements, publicly available corporate records from the Office of the Secretary of State, and municipal tax assessment records. Shapiro conducted extensive research on the brothels and developed a database to analyze patterns of activities.

During the twenty-nine-year history of decriminalization, there were no empirical studies of prostitution or the sex businesses. The most comprehensive and analytical stories on the subject were written by local investigative reporters for the *Providence Journal*, the largest newspaper in Rhode Island.¹⁶ This case study includes exhaustive research into local newspaper stories on prostitution-related reporting.

There is no other comparable legal model of complete decriminalization of indoor prostitution in contemporary western countries. Therefore, this Article only focuses on the decriminalization of indoor prostitution in Rhode Island.

I. DECRIMINALIZATION OF INDOOR PROSTITUTION

In Rhode Island, from 1980 until 2009, engaging in prostitution in an indoor location was decriminalized and unregulated.¹⁷ This unusual legal status resulted from two converging actions in the 1970s.

In the late 1970s, residents in some areas of Providence (the capital city of Rhode Island) were calling for the city to act on the problem of street prostitution.¹⁸ Residents complained about the harassment of female residents and the impact on their community.¹⁹ At the time, prostitution was a felony that resulted in complicated and drawn out prosecutions and appeals.²⁰ While

16. See, e.g., Malinowski, *supra* note 7, at A1.

17. Achorn, *supra* note 1.

18. Matthew J. Smith, *How I Advanced the Cause*, PROVIDENCE J., June 20, 2009, at Commentary 6.

19. Michael A. Hiltzik, *Prostitution Not a Victimless Crime in West End*, PROVIDENCE J., Sept. 30, 1979.

20. The applicable statutory section at the time read as follows:

It shall be unlawful for any person to secure, direct or transport, or offer to secure, direct or transport another for the purpose of prostitution, or for any other lewd or indecent act; or to loiter in or near any thoroughfare or public or private place for the purpose of

awaiting trials, prostitutes returned to soliciting on the streets.²¹ A member of the West Broadway Council on Crime commented that the law was “as useful as a screen door in a submarine.”²² To more effectively curb street prostitution, law enforcement, judges, and residents advocated for the penalty to be reduced from a felony to a misdemeanor to streamline the judicial process.²³

In 1976, Margo St. James, founder of COYOTE (“Call Off Your Old Tired Ethics”), a prostitutes’ rights organization, began a legal campaign to decriminalize prostitution.²⁴ COYOTE, COYOTE Rhode Island, and Jane Doe (an anonymous prostitute) sued the Providence Police Chief and the Rhode Island Attorney General on behalf of all Rhode Island prostitutes.²⁵ The plaintiffs claimed that the prostitution law was unconstitutional on a number of grounds but primarily based their claim on sex discrimination.²⁶ Jane Doe testified on behalf of female prostitutes.²⁷ She claimed they were discriminated against because the Providence Police arrested more women than men for prostitution violations.²⁸ The arrest records showed that COYOTE’s claim that more women were being arrested than men was accurate.²⁹

In May 1980, the Rhode Island General Assembly amended the state prostitution law.³⁰ The publicly stated intent was to decrease the penalty for soliciting for prostitution from a felony to a misdemeanor in order to make the court process faster and easier.³¹

inducing, enticing, soliciting, or procuring another to commit lewdness, fornication, unlawful sexual intercourse or any other indecent act; or to commit or in any manner induce, entice, or solicit, or procure a person in any thoroughfare, or public or private place or conveyance to commit any such act; or to receive or offer or agree to receive any person into any place, structure, house, building, room, or conveyance for the purpose of committing any such acts, or knowingly permit any person to remain therein for any such purposes, or to, in any way, aid or abet or participate in any of the acts or things enumerated herein.

Any person found guilty under this section, shall be subject to imprisonment in the adult correctional institutions not to exceed five (5) years.

11 R.I. GEN. LAWS § 11-34-5 (1956) (amended 1980 and repealed 2009).

21. Thomas E. Walsh, *Smith Bill Would Speed Decisions on Prostitutes*, PROVIDENCE J., Mar. 19, 1980, at B1.

22. Thomas E. Walsh, *Legislators Get Message from West Enders and ‘Yea’ Bill to Change Prostitution Laws*, PROVIDENCE J., Mar. 22, 1980, at A8.

23. Hiltzik, *supra* note 19.

24. *See* COYOTE v. Roberts, 502 F. Supp. 1342, 1344 (D.R.I. 1980).

25. *Id.*

26. *Id.* at 1344–45.

27. *See* Transcript at 14–46, COYOTE, 502 F. Supp. 1342.

28. *See* COYOTE, 502 F. Supp. at 1344–45.

29. *Id.* at 1352–53.

30. 11 R.I. GEN. LAWS § 11-34-8(a) (1980) (repealed 2009).

31. *See* Walsh, *supra* note 21, at B1.

The resulting new law banned loitering for prostitution, which was defined as standing or wandering “in or near any public street,” or stopping or attempting “to stop motor vehicles, for the purpose of prostitution.”³² The new law made the offense—loitering for indecent purposes—a misdemeanor instead of a felony.³³ In addition, apparently without the full awareness of many of the legislators, the same bill repealed the laws pertaining to soliciting or engaging in prostitution.³⁴ In fact, the legislation removed all reference to soliciting to engage in prostitution, except for loitering along a street.³⁵ This deletion effectively decriminalized prostitution as long as it was performed indoors.

The new prostitution law legally separated indoor and outdoor prostitution: loitering for prostitution became known as “outdoor prostitution,” and prostitution off the street or inside a building became known as “indoor prostitution.”³⁶ Following the revision of the prostitution law, if a commercial sex act took place indoors, no laws or regulations—including zoning regulations—applied to it. As a result, from 1980 to 2009, indoor commercial sex acts were legal and unregulated.

A. *Growth of Prostitution in Rhode Island*

The lack of law criminalizing or regulating commercial sex acts allowed for the growth of sex businesses in Rhode Island. By 2002, Providence was known as “New England’s red-light district.”³⁷ There were “strip clubs, gay bathhouses, an under-21 strip club, a private swinger’s club, massage parlors and sex video stores,” and a club for bondage and other fetishes.³⁸ Commercial sex was a form of economic development for the city of Providence.³⁹ An investigative reporter described it this way: “In recent years, the sex industry has exploded in [Providence], and a dreary industrial strip along Allens Avenue has become the most densely concentrated red-light district in New England.”⁴⁰

32. 11 R.I. GEN. LAWS § 11-34-8(a).

33. *Id.*

34. COYOTE v. Roberts, 523 F. Supp. 352, 357–58 (D.R.I. 1981).

35. See 11 R.I. GEN. LAWS § 11-34-8; COYOTE v. Roberts, 502 F. Supp. 1342, 1348 (D.R.I. 1980) (noting the new legislation added the phrase “for pecuniary gain” to section 11-34-5 but seemed “to have decriminalized the sexual act [of prostitution] itself,” and thus it appeared “to the Court that § 11-34-5 now outlaw[ed] only certain preliminary or preparatory activities . . . and then only when pecuniary gain [was] somehow involved”).

36. *R.I. Looks to Close Prostitution Loophole*, CBS NEWS (June 18, 2009, 1:37 PM), <http://www.cbsnews.com/news/ri-looks-to-close-prostitution-loophole/>.

37. See Malinowski, *supra* note 3, at A1.

38. *Id.*

39. *Id.*

40. *Id.*

With the growth of sex businesses, Rhode Island cities, and particularly Providence, became sex tourist destinations.⁴¹ Although it is a small state, three interstate highways—Interstates 95, 195, and 295—run through Rhode Island.⁴² In 2002, a *Providence Journal* investigative report on the growth of the sex industry described a typical night at a local strip club named Cheaters:

Chartered buses pull up to the curb outside the gaudy pink building on Allens Avenue with the flashing police light on the roof. Hundreds of cars pack the lots and side streets. Next door, dozens of pedestrians, almost all men, venture into a windowless brick warehouse. The visitors, many from Massachusetts and Connecticut, are in pursuit of a common goal: sex.⁴³

After it was decriminalized, indoor prostitution became well known. Rhode Island saw a proliferation of brothels that advertised as “spas,” or “health centers” and offered “acupressure,” “body work,” “table showers,” or “body rubs,” performed, for the most part, by Asian women.⁴⁴ For example, some of these ads, found online or in the *Providence Phoenix*’s “Adult Entertainment” section, featured photos of scantily clad, young Asian women and suggestive phrases, such as “Top Class Orient Beauty,” “New Young Asian Girls,” “Have a tantalizing Asian woman will ease your stress” and “Hot Asian Girls.”⁴⁵ A senior Providence Police officer from the Investigative Division commented on the number of men visiting the Asian spa-brothels, “[W]hen we sent a detective [to an Asian brothel] to go in and get propositioned, it’s eleven o’clock in the morning and he’s waiting in line. They’re packed at 11 am.”⁴⁶

The prostitution industry became so normalized that on one occasion when Providence Police raided a Korean spa-brothel, they found an ATM inside that allowed men to get cash on site.⁴⁷

41. *Id.*

42. *Travel Information*, R.I. DEP’T TRANSP., www.dot.ri.gov/travel/ (last visited Mar. 28, 2017).

43. Malinowski, *supra* note 3, at A1 (emphasis omitted).

44. See Amanda Milkovits, *Crackdown Leads to Closing of Providence ‘Spas,’* PROVIDENCE J. (Feb. 28, 2015), <http://www.providencejournal.com/article/20150228/NEWS/150229286>.

45. Advertisements on file with authors.

46. Rebecca Johnson, *Sex Trafficking and Prostitution in Rhode Island: Brothels Busted 21* (Fall 2005) (unpublished student course paper, University of Rhode Island) (on file with author).

47. *Id.* at 24.

Businesses or individuals could openly advertise their services, although many still used euphemisms and code terms.⁴⁸

Although many of the sex businesses were located in Providence, there were many others in cities and towns throughout the state.⁴⁹ In suburban Middletown, Rhode Island, where two spa-brothels advertised services and sex buyers wrote online reviews about whether the women had performed to their satisfaction, a town official tried to maintain a normalized view of the brothels.⁵⁰ He told a city employee not to call them “brothels.”⁵¹

Other than a few investigative journalism articles, there was no research on the burgeoning sex industry at the time. One recent, unpublished study documented the increase in the size of the sex industry in Rhode Island while prostitution was decriminalized.⁵² The study used two sources to measure the increase in prostitution.⁵³ The researchers counted the number of advertisements for “massage parlors” in a local weekly newspaper, the *Providence Phoenix*, from January 1, 2000, to December 31, 2008.⁵⁴ The “Adult Entertainment” section was the main venue for Asian brothel advertisements.⁵⁵ There were also advertisements for strip clubs, “modeling agencies,” dominatrices, and other types of prostitution, but the researchers did not count these commercial sex services in their study.⁵⁶ The study found that the number of advertisements for “massage parlors” doubled during a six-year period.⁵⁷

The researchers also counted the number of reviews by men for female prostitutes on the *Erotic Review*.⁵⁸ They collected 90,000 records from this online site from 1998 to 2008.⁵⁹ They found that the number of reviews increased twelve-fold during the

48. Melanie Shapiro, Sex Trafficking and Decriminalized Prostitution in Rhode Island 54 (Apr. 2009) (unpublished Senior Honors thesis, University of Rhode Island), <http://digitalcommons.uri.edu/srhonorsprog/135>.

49. *Id.* at 51.

50. Melanie Shapiro, *Media Attention Gets Inspections at Middletown Spa-Brothel*, DIGITALCOMMONS@URI (July 27, 2009), https://works.bepress.com/donna_hughes/65/.

51. *Id.*

52. See generally Scott Cunningham & Manisha Shah, *Decriminalizing Indoor Prostitution: Surprising Implications for Sexual Violence and Public Health* (Nat'l Bureau of Econ. Research, Working Paper No. 20281, 2014), <http://papers.nber.org/tmp/10223-w20281.pdf> (finding that the decriminalization of indoor prostitution increased the size of the indoor prostitution market).

53. *Id.* at 11.

54. *Id.*

55. Shapiro, *supra* note 48, at 54.

56. Cunningham & Shah, *supra* note 52, at 34.

57. *Id.* at 11.

58. *Id.*

59. *Id.* at 12.

measurement period—from an average of 3.6 to 44.8 per week.⁶⁰ The number of unique prostitutes reviewed increased from an average of 2.6 to 37.4 per week.⁶¹ Between 2003 and 2007, there was a 200% increase in the number of prostitutes being reviewed on this site.⁶² In 2009, the Providence Police estimated that there were about forty brothels in Providence.⁶³ It is not clear if they counted strip clubs and “gentlemen’s clubs.” Based on Shapiro’s own findings, most brothels counted by police were spa-brothels advertising Asian women.⁶⁴ And even though indoor prostitution was not illegal, many other brothels operated underground.⁶⁵

Men on the sex buyer forums reported that they traveled from other states to Rhode Island because they did not fear being arrested for buying sex in Rhode Island. For example, one sex buyer from a town in Massachusetts close to the Rhode Island border wrote, “No reason to visit [a brothel in Massachusetts] when you are just 5 miles away from the safety of the RI border.”⁶⁶ Another sex buyer referred to Rhode Island as “a buyer’s paradise.”⁶⁷ A sex buyer from New York wrote, “I decided to take the 3 hour trip yesterday Very nice.”⁶⁸ One man from China, who had a layover at the local airport, wrote that he took the time to come to Providence to buy sex.⁶⁹ Shapiro observed many sex buyers arriving at the brothels in cars with out-of-state license plates.⁷⁰

As the number of sex businesses increased, they sometimes impinged on the safe operation of other businesses around them. In 2008, owners of a children’s toy store in Middletown, Rhode Island,

60. *Id.*

61. *Id.*

62. *See id.* An earlier version of this study notes the 200% increase specifically. *See* Scott Cunningham & Manisha Shah, *Decriminalizing Prostitution: Surprising Implications for Sexual Violence and Public Health* 15 (Aug. 2013) (unpublished manuscript), <http://frihetspartiet.net/dokumenter/decriminalizing-surprising.pdf>.

63. Simmi Aujla & Jennifer Levitz, *Legal Prostitution Under Pressure in Rhode Island*, WALL ST. J., Sept. 5, 2009, at A5.

64. *See* Shapiro, *supra* note 48, at 51.

65. *Id.* at 52–54.

66. Guest123, *Massage Parlor Reports: Rte 1A Wellness AMP in Plainville*, USA SEX GUIDE (Oct. 23, 2008, 10:22 PM), <http://www.usasexguide.info/forum/showthread.php?4067-MassageParlorReports&p=718491&viewfull=1#post718491>.

67. DaddysLookin, *Massage Parlor Reports: A New One?*, USA SEX GUIDE (Oct. 24, 2008, 8:32 AM), <http://www.usasexguide.info/forum/printthread.php?t=4067&pp=15&page=137>.

68. Torq465, *Massage Parlor Reports: Dt*, USA SEX GUIDE (May 29, 2006, 11:45 AM), <http://www.usasexguide.info/forum/showthread.php?4067-Massage-Parlor-Reports/page887>.

69. *See* Lao Ma, *Massage Parlor Reports: Asian Fantasies*, USA SEX GUIDE (Feb. 1, 2009, 09:01 AM), <http://www.usasexguide.info/forum/showthread.php?4067-Massage-Parlor-Reports&p=762696&viewfull=1#post762696>.

70. Shapiro, *supra* note 48, at 136.

were driven out of their retail location because of a spa-brothel next door.⁷¹ Middletown is a medium-sized, suburban town in Rhode Island, distant from the dense sex-industry area of Providence.⁷² The police were unable to shut down the brothel that was operating next to the toy store, and the landlord was unwilling to evict it.⁷³ The toy store owners, who found drug paraphernalia in the parking lot, were worried about the reputation of their child-centered business.⁷⁴ Additionally, one of the store owners, an Asian woman, was often mistaken for a prostitute by men seeking to buy sex.⁷⁵ In one frightening incident, an Asian woman fled the brothel and came into their store looking for help.⁷⁶ She could only speak a few words of English, but indicated through hand gestures and use of the word “fuck” that she was being forced to engage in prostitution.⁷⁷ She warned the store owners about the danger the spa-brothel posed to their little girl, who often was with them in the store.⁷⁸ The owners had her wait in a back room while they called the police, but when they went to check on her, she had disappeared.⁷⁹

Most of the Asian brothels advertised as mainstream businesses, such as health clubs, spas, or massage parlors.⁸⁰ Shapiro noted many connections between the brothels and other, more mainstream, business people, such as lawyers, property owners, landlords, and public officials.⁸¹ During the political discussion about ending decriminalized prostitution, the authors often heard comments that business people in the state liked the large number of commercial sex venues because they enhanced the convention business for Providence.⁸² Men liked coming to meetings and conventions in Rhode Island because they could buy sex legally while they were in the state.⁸³ One *Providence Journal* columnist

71. Aujla & Levitz, *supra* note 63, at A5.

72. See R.I. HISTORICAL PRES. COMM’N, HISTORIC AND ARCHITECTURAL RESOURCES OF MIDDLETOWN, RHODE ISLAND: A PRELIMINARY REPORT 1 (1979).

73. Melanie Shapiro & Donna M. Hughes, *Middletown Loses Children’s Science Center Due to Inaction Against Brothel*, DIGITALCOMMONS@URI (July 17, 2009), https://works.bepress.com/donna_hughes/66/.

74. *Id.*

75. *Id.*

76. Melanie Shapiro & Donna M. Hughes, *Asian Woman Fled Brothel in Middletown Last Year*, DIGITALCOMMONS@URI (July 16, 2009), https://works.bepress.com/donna_hughes/58/.

77. *Id.*

78. *Id.*

79. *Id.*

80. Shapiro, *supra* note 48, at 52.

81. See *id.* at 120–46 (discussing a variety of information regarding various brothels, including ownership, registration, and history).

82. See Johnson, *supra* note 46, at 25.

83. Melanie Shapiro & Donna M. Hughes, *Behavior and Attitudes of Johns*, DIGITALCOMMONS@URI (Sept. 12, 2009), https://works.bepress.com/donna_hughes/59/.

referred to prostitution as the “under-the-table sector of the state economy.”⁸⁴ These interconnections showed the sex businesses were sources of money for more mainstream, even well-known, business people and public officials.

Many of the brothels retained the same lawyers to serve as their registered agents and to defend them against licensing, building, or health code violations.⁸⁵ One of the lawyers had real estate dealings with the owner of one of the brothels.⁸⁶ A former Providence mayor owned at least one building with space leased to a brothel—a brothel that was part of a major federal smuggling and sex trafficking investigation.⁸⁷ Although many people may have viewed the Asian spas as separate from the mainstream community, in fact, local business people worked with and derived profit from the sex businesses.⁸⁸

The open commercial environment for prostitution attracted sex industry businesses, pimps, madams, traffickers, and organized crime.⁸⁹ Asian spa-brothels were the focus of the limited amount of research done on decriminalized prostitution.⁹⁰ There has been no contemporary or historic research done on other types of prostitution, such as the prostitution occurring at strip clubs, private clubs, hotels, and residential brothels. After the new prostitution and human trafficking laws were passed, sex traffickers who were arrested told police they came from out-of-state and brought victims with them because indoor prostitution was legal in Rhode Island.⁹¹

B. Increase in Asian Spa-Brothels

New brothels opened at an increasing pace as brothel operators learned that Rhode Island lacked laws prohibiting or regulating indoor prostitution.⁹² Concurrently, sex buyers learned about decriminalized prostitution, and the demand for sex businesses

84. Edward Fitzpatrick, *Prostitution Has No Place in R.I. Economy*, PROVIDENCE J. (Jan. 15, 2009, 9:06 AM), <http://archive.li/KQJ9T>.

85. See Shapiro, *supra* note 48, at 120–46 (listing the registered agents for the brothel business).

86. *Id.* at 66.

87. See Lynn Arditi, *Providence Journal: “Paolino Versus the Spa,”* KELLY & MANCINI, P.C. (Dec. 2, 2009), <http://kellymancini.com/paolino-versus-the-spa/>; see also Affidavit of Won Yoon at 12–13, *United States v. Kim*, No. 1:06-cr-00605-CBA-RLM (E.D.N.Y. Aug. 14, 2006).

88. See Shapiro, *supra* note 48, at 55–56.

89. See Amanda Milkovits, *Two Men Indicted for Trafficking in Providence*, N. PROVIDENCE, PROVIDENCE J., Dec. 11, 2010, at A4.

90. See Shapiro, *supra* note 48, at 51.

91. See Milkovits, *supra* note 89, at A4.

92. W. Zachary Malinowski, *Busloads Come to Providence for New England’s ‘XXX’ Haven*, (The Providence Journal), HIGHBEAM RES. (May 2, 2002), <https://www.highbeam.com/doc/1G1-85599917.html>.

increased.⁹³ The most visible expansion was in Asian spa-brothels.⁹⁴ The commanding officer of the investigative division of the Providence Police commented on the increase of Asian brothels from 1999 to 2005 and the nature of their business:

In Providence, . . . there has been a number of what we call “oriental spas” that have popped up. [Also in] Johnston, [and] Cranston, but mainly in Providence. All of them, in my experience, have women who are Korean who are in these so-called massage parlors that are not actually massage parlors. They are houses of prostitution, brothels . . . [T]hey are performing sex acts for money, so its [sic] prostitution.⁹⁵

Shapiro documented the increase in the number of Asian brothels from 1998 until 2009.⁹⁶ She found that in 1998, there were two or three Asian spa-brothels.⁹⁷ Eight years later, in 2006, there were ten to twelve.⁹⁸ By the end of 2008, there were twenty-two.⁹⁹ Then over just a five-month period from January 2009 until April 2009, ten new spa-brothels opened, bringing the total to thirty-one.¹⁰⁰ This rapid and accelerating growth occurred during a period when decriminalized prostitution was being discussed in the media.

C. *Organized Crime and the Sex Businesses*

Crimes ranging from assault, sexual slavery, and murder, to extortion and racketeering occurred in connection with the decriminalized sex business in Rhode Island. The perpetrators ranged from individual criminals to regional mafia groups and international, organized crime networks.

Even before the passage of the Trafficking Victims Protection Act in 2000, and the awareness raising campaigns about human trafficking that followed,¹⁰¹ Rhode Island police officers, who had

93. *Id.*

94. Shapiro, *supra* note 48, at 51.

95. Johnson, *supra* note 46, at 18–19.

96. Shapiro, *supra* note 48, at 51.

97. *Id.*

98. *Id.*

99. *Id.*

100. *Id.*; Melanie Shapiro & Donna M. Hughes, *Brothel List by Senate District, Rhode Island, May 2009*, DIGITALCOMMONS@URI (May 31, 2009), https://works.bepress.com/donna_hughes/61/.

101. *Trafficking Victims Protection Act*, FIGHT SLAVERY NOW! (Nov. 29, 2009), <https://fightslaverynow.org/why-fight-there-are-27-million-reasons/the-law-and-trafficking/trafficking-victims-protection-act/trafficking-victims-protection-act/>.

contact with the prostitution businesses, recognized the slavery-like conditions in which the women lived and worked.¹⁰²

In 1998, Providence Police raided an Asian brothel disguised as a health club.¹⁰³ Police exposed the fraudulent nature of the business when they found that the exercise machines in the club were not plugged in.¹⁰⁴ During the raid, officers seized \$14,000 and a bag of pink condoms.¹⁰⁵ The commander of the Providence Police Special Services Division said, "This was like slavery [The women] worked 16- to 18-hour days. They didn't get paid. They just got tips."¹⁰⁶ The investigation found that the traffickers brought victims from Southeast Asia to Flushing, New York, and then transported them to Providence.¹⁰⁷ The traffickers forced the women to pay their travel and living expenses and only permitted them to keep cash tips.¹⁰⁸ The police noted that one of the women had cigarette burn marks on her forearm, a possible sign of torture.¹⁰⁹

In 2005, the head of the investigative division of the Providence Police commented on what he had observed in the Asian brothels:

The Koreans have limited [English] language [skills] and no support from family and friends. They are isolated; they live and eat in these places. Everything is provided for them. They just don't walk out the door [I]t seems to me that they are more restrained and less free to leave. Although they do leave to go to the store, walk a dog. They usually go in pairs. But where are they going to go? . . . They don't take their ID's [sic] with them. They only take small amounts of money When I see girls that are watched over, transported, told what to do, provided for, I think there is some restraint there.¹¹⁰

As awareness of the likely trafficking of women in the Asian spa-brothels grew, the Providence Police wanted to be able to speak to the women and offer them services instead of arresting them.¹¹¹ The head of the investigative division explained, "We went to the International Institute and we got a Korean woman who could translate for us [during the raid]. [The translator] was visibly upset

102. Jonathan D. Rockoff, *Police Allege Club Was a Brothel; the Providence Police Say That Women from Southeast Asia Were Brought to Club Osaka to Work as Prostitutes to Pay Off Their Passage to the United States*, PROVIDENCE J., Nov. 24, 1998, at B1.

103. *Id.*

104. *Id.*

105. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. *Id.*

110. Johnson, *supra* note 46, at 19–20.

111. *Id.* at 25–26, 29.

to see [women from her country] trapped in this situation.”¹¹² The translator also explained the many challenges to assisting women in the Asian brothels. She told the police, “[The Asian women in the brothels are] not going to readily and willingly speak to you because the women in my country are not as valued as the men. They are subservient and they have a different role”¹¹³

Shapiro found that women in the Asian brothels were often moved from state to state, as part of a larger network.¹¹⁴ They were usually at one location for a couple of weeks to a few months.¹¹⁵ The head of the investigative division of the Providence Police made the same observation about one spa-brothel they raided, which was “probably the biggest massage parlor in the state.”¹¹⁶ Following a raid on the brothel, he said,

“We went in yesterday There were six girls, three of them I knew from past encounters there. Three of them I didn’t, and I learned they had only been there for three days. One was from Georgia; others were from NY, New Jersey. One had no ID; one had Korean currency mixed in with her American, U.S. currency. They all have their bags packed—they’re always ready to go. They don’t set up residence or stay for a long time. So they move from place to place. Is that trafficking? It seems to me [it is].”¹¹⁷

During the raid, the police found an Asian woman on a couch with a serious untreated foot infection.¹¹⁸ They took her to the hospital for treatment.¹¹⁹

Several Asian spa-brothels were also part of a regional, organized crime network with international connections.¹²⁰ In 2006, two spa-brothels in Rhode Island were included in a federal investigation regarding women being smuggled from Korea into the Northeast United States.¹²¹ The regional network of brothels, which stretched from Massachusetts to Georgia, was managed from a base in New York.¹²² Using a wiretap, investigators caught a Rhode

112. *Id.* at 22.

113. *Id.*

114. Shapiro, *supra* note 48, at 60, 74–75.

115. *Id.* at 59.

116. Johnson, *supra* note 46, at 19.

117. *Id.* at 19–20.

118. Phillip Gara, *Managers of Spa Prostitution Fronts Arrested for Unlicensed Massage*, BROWN DAILY HERALD (Nov. 28, 2005), <http://www.browndailyherald.com/2005/11/28/managers-of-spa-prostitution-fronts-arrested-for-unlicensed-massages/>.

119. *Id.*

120. See Rockoff, *supra* note 102, at B1.

121. See Affidavit of Won Yoon, *supra* note 87, at 3, 6, 12–13.

122. *Id.* at 6–7.

Island brothel manager ordering women with green cards for her spa-brothel.¹²³

Traffickers in this network coerced women into prostitution.¹²⁴ The traffickers targeted women in Korea who wanted to come to the United States to work and support their families.¹²⁵ The traffickers used legal or fraudulent documents to get the women into the United States through immigration.¹²⁶ In some cases, the traffickers smuggled the women into the country.¹²⁷ The traffickers charged inflated fees for travel, food, and rent for women staying at the brothels.¹²⁸ The women usually had to live in squalid conditions.¹²⁹ The U.S. Attorney's Office stated, "In some instances, the women were threatened or led to believe that if they left the prostitution business before paying off their debts, they would be turned over to United States law enforcement or immigration authorities, or that their families in Korea would be harmed."¹³⁰

In the regional investigation, federal agents arrested thirty-one people, closed twenty brothels, and freed seventy women.¹³¹ This case demonstrated that spa-brothels in Rhode Island were involved in large-scale smuggling and trafficking organized crime networks.

As awareness about the sex trafficking of Asian women grew, the *Providence Journal* became a strong, consistent voice against decriminalized prostitution.¹³² The *Journal's* editorials frequently condemned the exploitation of women in the brothels and advocated for new prostitution laws.¹³³ The deputy editorial pages' editor wrote about the condition of the women in the Asian spa-brothels:

[They are] trapped in dirty brothels, day and night, fearful of being beaten or killed if they try to leave [T]hey serve men with their bodies from the time they get up until they go

123. *Id.* at 12.

124. *See id.* at 7; Press Release, U.S. Attorney's Office, E. Dist. of N.Y., 31 Korean Nationals Arrested Throughout the Northeastern United States in Federal Human Trafficking Case (Aug. 16, 2006), <https://www.justice.gov/archive/usao/nye/pr/2006/2006Aug16.html>.

125. *See* Press Release, U.S. Attorney's Office, E. Dist. of N.Y., *supra* note 124.

126. *See id.*; Affidavit of Won Yoon, *supra* note 87, at 6.

127. *See* Press Release, U.S. Attorney's Office, E. Dist. of N.Y., *supra* note 124.

128. *See* Shapiro, *supra* note 48, at 60–61.

129. *See id.* at 61.

130. *See* Press Release, U.S. Attorney's Office, E. Dist. of N.Y., *supra* note 124.

131. Amanda Milkovits, *Federal Sweep Shuttles City Spa*, PROVIDENCE J., Aug. 18, 2006, at B1.

132. *See, e.g.*, Edward Achorn, *One Business R.I. Can Do Without*, PROVIDENCE J., Apr. 10, 2007, at B5.

133. *See, e.g., id.*

to sleep. They sleep on filthy mattresses and cook from Sterno cans in a back room. They are essentially slaves.¹³⁴

The high-profit sex businesses were also targets for extortion by organized crime groups.¹³⁵ Rhode Island is the home of the largest Italian organized crime group in New England—La Cosa Nostra.¹³⁶ This mafia network has a long history of criminal involvement with Providence strip clubs going back decades.¹³⁷ The strip clubs in Providence were known hangouts for mafia figures.¹³⁸

In the mid-1990s, members of the Patriarca crime family of the La Cosa Nostra, including a known violent enforcer, targeted a local businessman and a restaurant owner for extortion.¹³⁹ They used the basement of the Satin Doll, a Providence strip club, to threaten and beat up the businessman.¹⁴⁰ In 1995, the Rhode Island U.S. Attorney's Office charged three men with extortion.¹⁴¹ Three dancers from the club witnessed the incident.¹⁴² The enforcer was called "one of the most ruthless mobsters ever to run the streets of Rhode Island."¹⁴³ At the enforcer's trial, the dancers testified.¹⁴⁴ Two of them were so frightened they wept and refused to point him out in the courtroom. The third woman misidentified the enforcer when asked.¹⁴⁵ The enforcer was sentenced to life imprisonment.¹⁴⁶

In 2011 and 2012, a multi-state federal investigation of organized crime resulted in charges against 127 people from seven crime families in four northeastern states.¹⁴⁷ According to U.S. Attorney General Eric Holder, the law enforcement sweep was "the

134. *Id.*

135. Press Release, U.S. Attorney's Office, Dist. of R.I., Longtime Rhode Island Mob Boss, Associate Among 91 Leaders, Members, and Associates of La Cosa Nostra Families in Four Districts Charged with Racketeering and Related Federal Crimes, Including Murder and Extortion: 127 Individuals Charged in Providence; Brooklyn, N.Y.; Manhattan, N.Y.; and Newark, N.J. (Jan. 20, 2011), <https://archives.fbi.gov/archives/boston/press-releases/2011/bs012011a.htm>.

136. *Id.*

137. Malinowski, *supra* note 3, at A1.

138. *Id.*

139. Tom Mooney, *Ouimette Accused of Shakedown; The Mobster and Two Others Are Charged with Demanding Cash from Two Businessmen*, PROVIDENCE J., Mar. 21, 1995, at A1.

140. *Id.*

141. *United States v. DeLuca*, 137 F.3d 24, 30 (1st Cir. 1998); *United States v. DeLuca*, 945 F. Supp. 409, 411 (D.R.I. 1996).

142. W. Zachary Malinowski, *Mobsters Ouimette, DeLuca Are Convicted of Extortion Facing Life in Prison, Ouimette Tells Reporters: 'Just Another Day,'* PROVIDENCE J., Oct. 27, 1995, at A1.

143. W. Zachary Malinowski, *Three Strikes and He's in*, PROVIDENCE J., Feb. 2, 1996, at A1.

144. *Id.*

145. *Id.*

146. *Id.*

147. WPRI, *Mafia Bust Charged 127 People - 6pm Version*, YOUTUBE (Jan. 20, 2011), <https://www.youtube.com/watch?v=mCH8eAb8CoA>.

largest single day operation against the mafia in the FBI's history, both in terms of the number of defendants arrested and charged and the scope of the criminal activity."¹⁴⁸ Law enforcement charged leaders and members of the La Cosa Nostra, including the New England Patriarca crime family, with racketeering and extortion for coercing Providence strip clubs to pay \$2000 to \$6000 per month for "protection."¹⁴⁹ Federal investigators estimated that the organized crime groups extorted between \$800,000 and \$1.5 million from Providence strip clubs, including the Satin Doll, the Cadillac Lounge, Cheaters, Club Desire, and The Foxy Lady.¹⁵⁰

According to the federal indictment, the racketeering conspiracy in Rhode Island dated back to the mid-1980s.¹⁵¹ The New York-based Gambino crime family conspired with the Patriarca crime family to extort protection money from the strip clubs in Rhode Island.¹⁵² U.S. Attorney General Eric Holder called members of La Cosa Nostra "among the most dangerous criminals in our country."¹⁵³

In Rhode Island, the former and acting heads of the New England La Cosa Nostra crime families were convicted and imprisoned.¹⁵⁴ In total, nine leaders, underbosses, or members of this Rhode Island organized crime group were convicted of offenses related to extortion of adult entertainment businesses in Rhode Island.¹⁵⁵

These cases demonstrate that brothels were often run by organized crime networks,¹⁵⁶ and strip clubs, where there was

148. *Id.*

149. See Press Release, Office of Pub. Affairs, U.S. Dep't of Justice, New England Crime Boss Sentenced to 78 Months in Federal Prison (Nov. 14, 2012), <https://www.justice.gov/opa/pr/new-england-crime-boss-sentenced-78-months-federal-prison>; Press Release, U.S. Attorney's Office, Dist. of R.I., *supra* note 135; see also W. Zachary Malinowski, *Mobster Enters Plea in Racketeering Conspiracy*, PROVIDENCE J., Feb. 23, 2012, at A5.

150. Laura Crimaldi, *Ex-NE Mob Boss Gets 5 1/2 Years in RI Strip Club Plot*, MASS LIVE (May 11, 2012), http://www.masslive.com/news/index.ssf/2012/05/ex-ne_mob_boss_luigi_baby_shac_1.html.

151. Third Superseding Indictment at 5–6, *United States v. Dinunzio*, No. 11-004-02S (D.R.I. Sept. 22, 2011).

152. See Press Release, Office of Pub. Affairs, U.S. Dep't of Justice, Alleged Acting New England Crime Boss Anthony Dinunzio Charged in Racketeering and Extortion Conspiracy (Apr. 25, 2012), <https://www.justice.gov/opa/pr/alleged-acting-new-england-crime-boss-anthony-dinunzio-charged-racketeering-and-extortion>; see also Jess Bidgood, *Man Said to Be Acting Head of New England Mob is Held*, N.Y. TIMES, Apr. 26, 2012, at A14.

153. WPRI, *supra* note 147.

154. Press Release, Office of Pub. Affairs, U.S. Dep't of Justice, *supra* note 149.

155. *Id.*

156. See, e.g., Sentencing Memorandum at 2, *United States v. Kim*, No. 1:06-cr-00605-CBA-RLM (E.D.N.Y. Mar. 3, 2007) (No. 141) (noting the defendant

prostitution,¹⁵⁷ were often targeted by organized crime groups for extortion. Decriminalized prostitution facilitated the operation of crime networks and made sex businesses a soft target for traditional organized crime groups.

D. Murders, Assaults, and Armed Robberies

Women in prostitution are often victims of violent crimes by men other than pimps and traffickers.¹⁵⁸ They are targeted for robberies because they often have cash and are not likely to make police reports.¹⁵⁹

Serial killers often target women in prostitution because they are vulnerable, and some men have a particular hatred of prostitutes.¹⁶⁰ In Rhode Island, between 2003 and 2004, Jeffrey S. Mailhot killed three prostitutes.¹⁶¹ Though Mailhot visited a local strip club regularly, he picked up his victims on the street in an area known for prostitution in the city of Woonsocket.¹⁶² He strangled the three women at his apartment, dismembered them with a handsaw, and disposed of their bodies in garbage bags thrown into trash bins around the city.¹⁶³ Searchers found body parts from one of the victims in the local landfill.¹⁶⁴

Mailhot also assaulted and choked two other women who escaped.¹⁶⁵ One of the surviving victims said Mailhot did nothing to frighten her “until [they] got to the house.”¹⁶⁶ She added,

It doesn't justify whether [sic] I am a prostitute or I am walking the streets There are three women who were my friends who are dead right now And one of them could've

“was a member of a wide-ranging conspiracy that operated brothels along the East Coast” for two years).

157. Melanie Shapiro, *Prostitution at the Strip-Clubs in Providence*, DIGITALCOMMONS@URI (Aug. 7, 2009), https://works.bepress.com/donna_hughes/101/.

158. See WARWICK POLICE DEP'T, NARRATIVE FOR SERGEANT ROBERT E AVIZINIS No. 09-10479, at 2–3 (2009).

159. *Id.*

160. Kenna Quinet, *Prostitutes as Victims of Serial Homicide: Trends and Case Characteristics, 1970-2009*, 15 HOMICIDE STUD. 74, 81–82 (2011).

161. Cynthia Needham, *Guilty Pleas End Ordeal - Court Hears How Mailhot Dismembered 3 Women*, PROVIDENCE J., Feb. 16, 2006, at A1.

162. Cynthia Needham, *Woonsocket Man Indicted on 3 Counts of Murder*, PROVIDENCE J., Dec. 11, 2004, at A3.

163. Needham, *supra* note 161, at A1.

164. Cynthia Needham, *An Awful Search: Digging in the Dump for Body Parts*, PROVIDENCE J., Sept. 19, 2004, at A1.

165. See Cynthia Needham, *On Tape, Mailhot Describes Killings*, PROVIDENCE J., Feb. 23, 2006, at B1.

166. Tom Mooney, *She Survived Encounter with Suspect*, PROVIDENCE J., July 21, 2004, at A1.

been me Just because we have a drug problem doesn't mean we are bad people.¹⁶⁷

The body of one woman was found in a local landfill.¹⁶⁸ The bodies of two of the women were never found.¹⁶⁹ When arrested in 2004, Mailhot confessed to murdering three women. He was sentenced to life in prison. Mailhot was not the only individual to violently attack prostitutes in Woonsocket—prostitutes in the area were targeted by multiple perpetrators.¹⁷⁰ For example, one of the women Mailhot murdered had previously been kidnapped and beaten by another man.¹⁷¹

In the spring of 2009, there were two well-publicized, serious attacks and robbery attempts on women engaged in prostitution.¹⁷² The first was a robbery attempt in a Warwick hotel by Philip Markoff—known as the “Craigslislist Killer.”¹⁷³ In Boston, Markoff had robbed prostitutes to pay off gambling debts.¹⁷⁴ He murdered one woman and assaulted at least one other one, although there was evidence that he had robbed other victims.¹⁷⁵

In Rhode Island, Markoff attempted to rob a woman at gunpoint in a hotel room in Warwick.¹⁷⁶ The victim and her husband, who was previously arrested for pandering (pimping), traveled to Rhode Island from Nevada each month to work the strip clubs.¹⁷⁷ The

167. *Id.*

168. Cynthia Needham, *The Mailhot Chronology*, PROVIDENCE J., Feb. 16, 2006, at C1.

169. Cynthia Needham, *supra* note 161, at A1.

170. See Cynthia Needham, *Victim's Slaying Forces State to Drop Charges*, PROVIDENCE J., July 20, 2005, at D4 (describing an instance where one prostitute was victimized in two high-profile violent crimes, the latter of which was her murder at the hands of Jeffrey S. Mailhot).

171. *Id.*

172. See *Accused Craigslislist Killer Faces Charges in Rhode Island*, CNN (May 4, 2009), <http://www.cnn.com/2009/CRIME/05/04/craigslislist.hotel.assault/>; Debra Cassens Weiss, *Lawyer Tells Police She Was Assaulted While Working as an Escort*, ABA J.: DAILY NEWS (May 6, 2009, 11:22 AM), http://www.abajournal.com/news/article/lawyer_tells_police_she_was_assaulted_while_working_as_an_escort.

173. Karen Lee Ziner, *A Close Call with Craigslislist Killer*, PROVIDENCE J., Apr. 1, 2011, at A1.

174. Michele McPhee et al., *Police Say Craigslislist Killer Owed Gambling Debts*, ABC NEWS (Apr. 21, 2009), <http://abcnews.go.com/GMA/story?id=7387628&page=1>.

175. Beverly Ford & Helen Kennedy, *Suspected 'Craigslislist Killer' Phillip Markoff Charged with Assault of a Stripper in Rhode Island*, N.Y. DAILY NEWS (May 4, 2009), <http://www.nydailynews.com/news/suspected-craigslislist-killer-phillip-markoff-charged-assault-stripper-rhode-island-article-1.377718>.

176. WARWICK POLICE DEP'T, SUPPLEMENTAL NARRATIVE FOR OFFICER JEDIDIAH D PINEAU No. 09-10479, at 1–2 (2009); Ziner, *supra* note 173, at A1.

177. See Ziner, *supra* note 173, at A1; see also WARWICK POLICE DEP'T, SUPPLEMENTAL NARRATIVE FOR DETECTIVE JAMES M. MEDEIROS No. 09-10479, at 1 (2009).

victim was strip dancing in a local club, the Cadillac Lounge, and offering private commercial sex acts as the “Sexxy Petite Blonde Bombshell” at the Warwick hotel.¹⁷⁸

Markoff was arrested shortly after his attack on the woman in Rhode Island.¹⁷⁹ The Rhode Island Attorney General and Warwick Police Department filed arrest warrants for Markoff.¹⁸⁰ Markoff committed suicide while awaiting trial.¹⁸¹

This case highlighted the hazardous environment created by decriminalized prostitution. While pimps and prostitutes were coming to Rhode Island to take advantage of the lack of laws against indoor prostitution, decriminalized prostitution was also attracting predators like Markoff.

Less than three weeks after the Craigslist Killer’s robbery attempt, a lawyer who ran a “dating service” and engaged in prostitution was assaulted at knifepoint in a robbery attempt in Providence.¹⁸² The man assaulted the victim after she went to meet him in his apartment.¹⁸³ She escaped by spraying chemicals in his eyes.¹⁸⁴ The man had a lengthy record of assault, drug, and weapons charges that dated back to 1993.¹⁸⁵

As lawlessness and violence around prostitution increased, police learned that pimps were running prostitution businesses out of hotel rooms and were carrying weapons to protect themselves.¹⁸⁶ In a Warwick hotel room, a pimp, who was a convicted felon, was found with a twelve-gauge shotgun.¹⁸⁷ He said he needed it because of his “lifestyle” and to protect his women.¹⁸⁸

178. See Ziner, *supra* note 173, at A1; Maureen Orth, *Killer@Craigslist*, VANITY FAIR (Aug. 31, 2009, 12:00 AM), <http://www.vanityfair.com/culture/2009/10/craigslist-murder200910>.

179. See Orth, *supra* note 178 (noting that the Warwick robbery attempt occurred six days after April 10—i.e., April 16—and that the arrest occurred on April 20).

180. Tom Mooney, *R.I. Brings Charges Against Craigslist Suspect*, PROVIDENCE J., May 5, 2009, at A1.

181. Stephen Singer, *Craigslist Killer Suspect Philip Markoff Found Dead*, CHRISTIAN SCI. MONITOR (Aug. 16, 2010), <http://www.csmonitor.com/From-the-news-wires/2010/0816/Craigslist-killer-suspect-Philip-Markoff-found-dead>.

182. Amanda Milkovits, *Providence Man Threatened Escort with Knife, Police Say*, PROVIDENCE J., May 5, 2006, at A10.

183. Weiss, *supra* note 172.

184. See Milkovits, *supra* note 182, at A10.

185. See *id.* (noting that the perpetrator’s criminal record dated back more than twenty years at the time of the offense).

186. See Press Release, Peter F. Neronha, U.S. Attorney’s Office, Dist. of R.I., *Convicted Felon Who Armed Himself Because of His “Lifestyle” Sentenced to 70 Months in Prison on Firearm Charge* (Nov. 30, 2010), https://www.justice.gov/archive/usao/ri/news/2010/nov2010/lombardi_sentence.html.

187. *Id.*

188. *Id.*

The burgeoning sex industry in Rhode Island and unregulated nature of indoor prostitution attracted predators who targeted women in the sex industry. The cases of attempted robberies and assaults against women engaged in prostitution increasingly alarmed law enforcement officials and the general public in Rhode Island.¹⁸⁹ With prostitution as an unregulated activity, police and officials had no authority to take proactive steps to stop the increase in prostitution and the violence surrounding it. They could only respond to such violence after the acts had occurred.

E. Teenage Girls Legally Employed in Strip Clubs

While people in Rhode Island were learning about the crimes that were hidden by decriminalized prostitution and how the flourishing sex trade was attracting violent criminals, another type of commercial sexual entertainment was found to be operating without regulation: underage teens dancing in strip clubs.

In June 2009, Providence Police responded to a domestic violence call and found a sixteen-year-old runaway girl with injuries on her face and head.¹⁹⁰ Her forty-year-old boyfriend, who was likely her pimp, had assaulted her.¹⁹¹ He was later identified as a fugitive from justice in Massachusetts.¹⁹² The victim had fake identification and was working as a dancer at a popular strip club.¹⁹³

A Providence emergency medical technician who responded to the call wrote this about the victim:

A young girl got punched in the face a few nights ago. She stood outside of her [three-story residence], bleeding from her bottom lip. She offered me money because she didn't have insurance. She told me she was a "dancer" at Cheaters, a notorious adult entertainment club down the road from my station. She opened her purse, a stack of twenties and a bunch of condoms lay inside. The girl was high, confused and needed help. I helped her. We put her in our truck, dressed her

189. See *Accused 'Craigslist Killer' Faces New Charges in Rhode Island*, FOXNEWS (May 5, 2009), <http://www.foxnews.com/story/2009/05/05/accused-craigslist-killer-faces-new-charges-in-rhode-island.html> (reporting statements by Rhode Island Attorney General Patrick Lynch that "it may take some time to bring [Markoff] to court in Rhode Island" but that charges would be brought "because a community cries out for justice").

190. See PROVIDENCE POLICE DEP'T, PROVIDENCE INCIDENT REPORT DETAIL CASE No. 2009-00058160, at 2 (2009); Amanda Milkovits, *Missing Boston Teen Found in Providence*, PROVIDENCE J., June 10, 2009, at B2.

191. See Milkovits, *supra* note 190, at B2 (noting that the girl told police that the forty-year-old man was her boyfriend and "had punched her in the face").

192. *Id.*

193. See *id.*; Michael Morse, *Circle the Wagons*, RESCUING PROVIDENCE (June 10, 2009), <https://mmorsepfd.wordpress.com/2009/06/10/circle-the-wagons/>.

wound and had her put her money and condoms away. Her ID said she was twenty and lived in Connecticut. Her face said she was sixteen and lived on the streets. Her face was right; her ID a lie.¹⁹⁴

The victim was a teen missing from Boston for six months who was being held against her will by an escaped convict.¹⁹⁵ When the police and medical technicians found her, she was suicidal.¹⁹⁶ Since the girl had a large quantity of condoms in her purse,¹⁹⁷ the convict was likely forcing her to engage in prostitution in the private booths in the strip club in addition to her dancing.

When police attempted to hold someone accountable for the girl's exploitation, they discovered that there was no state law or city ordinance prohibiting teens from working or stripping in clubs.¹⁹⁸ The only laws that applied were federal child labor laws that restricted the number of hours a child could work and prohibited certain kinds of dangerous work.¹⁹⁹ Under Rhode Island employment laws, it was not illegal to employ sixteen- and seventeen-year-old individuals in strip clubs or other sex businesses because sixteen was the minimum employment age in Rhode Island.²⁰⁰ Because sixteen is also the age of legal consent for sex in Rhode Island, the girl could legally be involved in prostitution at the strip club.²⁰¹ One police officer commented on the violence and exploitation by saying, "It leads to societal breakdown These are just little girls."²⁰²

The lack of a law prohibiting this level of sexual exploitation drew national media attention.²⁰³ State Representative Joanne Gianinni appeared on national news to say that she was going to introduce another bill into the Rhode Island General Assembly that would ban minors from working in adult entertainment establishments.²⁰⁴ Although there was no law against hiring teens

194. *Id.*

195. See Press Release, F.B.I. Bos., Innocence Lost Task Force and Providence Police Recover Missing Juvenile (June 9, 2009), <https://archives.fbi.gov/archives/boston/press-releases/2009/bs060909.htm>.

196. PROVIDENCE POLICE DEP'T, PROVIDENCE INCIDENT REPORT DETAIL CASE No. 2009-00060104, at 1 (2009).

197. See Morse, *supra* note 193.

198. Amanda Milkovits, *Minors in R.I. Can Be Strippers*, PROVIDENCE J., July 21, 2009, at A1.

199. *Id.*

200. *Id.*

201. *Id.*

202. *Id.*

203. See *Legal Loophole Allows Rhode Island Minors to Strip*, CNN: AM. MORNING BLOG (July 24, 2009, 09:24 AM), <http://am.blogs.cnn.com/2009/07/24/legal-loophole-allows-rhode-island-minors-to-strip/>.

204. *Id.*

to strip in clubs, the Providence Board of Licenses asked ten clubs to voluntarily sign a pledge not to hire teens younger than eighteen.²⁰⁵

During the debate about decriminalized prostitution in Rhode Island, the focus had been on the Asian brothels, but this case highlighted that sexual exploitation was also happening in the strip clubs. Media stories started appearing that described the open sexual exploitation in the clubs.²⁰⁶ Providence's seven strip clubs were said to have a notorious reputation throughout New England.²⁰⁷ One male customer said, "You get more contact here talking to a woman at the bar than you do in most clubs during a lap dance, and in the private rooms, anything goes for probably half the women working there, and the others will still make sure you leave happy."²⁰⁸

Without laws or regulations for adult entertainment businesses, an "anything goes" culture existed in the clubs and other sex businesses in Rhode Island.

F. Cat and Mouse Games: Attempts to Close Asian Brothels

Without laws prohibiting or regulating indoor prostitution, Rhode Island and federal law enforcement agencies' authority to investigate and prosecute suspected pimps and traffickers was stifled. Because there were no laws against prostitution, property owners were free to rent to prostitution businesses. According to a senior Providence Police officer,

The problem . . . [in Rhode Island] is the prostitution laws are very narrowly defined They are really designed for street-walkers. They do not address, or make [prostitution] a crime, any sex for money if it's done indoors. So we have a lot of this going on. It's done easily and it's tough to disrupt it because we really don't have the law on our side.²⁰⁹

Since there were no laws or regulations concerning indoor prostitution, city officials looked for other ways to close the Asian

205. Gregory Smith, *Clubs Asked to Sign Pledge on Hiring of Strippers*, PROVIDENCE J., July 25, 2009, at A4.

206. Donna M. Hughes, *Donna M. Hughes: Hold R.I. Strip Club Owners Accountable*, PROVIDENCE J. (Mar. 30, 2014), <http://www.providencejournal.com/opinion/commentary/20140330-donna-m.-hughes-hold-r.i.-strip-club-owners-accountable.ece>.

207. Susan Donaldson James, *Rhode Island Clubs Ban Teen Strippers*, ABC NEWS (Aug. 5, 2009), <http://abcnews.go.com/Business/story?id=8257359&page=1>.

208. Susan Donaldson James, *Teen Strippers, Old Enough to Be Indoor Hookers but Too Young to Drive*, ABC NEWS (July 23, 2009), <http://abcnews.go.com/Business/story?id=8149969>.

209. Johnson, *supra* note 46, at 19.

brothels.²¹⁰ Providence officials tried to shut down the spa-brothels for professional licensing violations.²¹¹ The spa-brothels were advertising “massage[s].”²¹² Therapeutic massage businesses require a license, so the brothels were violating the massage ordinance by giving massages without a license.²¹³

To get around this city ordinance violation, the brothel managers changed the wording of their advertisements to offer “body rubs,” “table showers,” and other creative terms for activities that were not regulated or prohibited by law.²¹⁴ If the police arrested anyone for licensing violations, the brothel’s lawyer argued that they did not give a massage and, therefore, did not need a license.²¹⁵ After several attempts, city officials and law enforcement no longer tried to use massage ordinances to close Asian brothels.²¹⁶

Providence officials also tried to charge the Asian brothels with maintaining a nuisance, but that was not successful either.²¹⁷ A senior police officer said, “So it’s a cat and mouse game.”²¹⁸ He commented about the brothels’ ability to change the names of their services and advertising to avoid any regulations:

[T]here’s a huge amount of money that’s generated from [prostitution in Asian brothels] [t]he Spa owners have good lawyers. Highly skilled, highly paid, high profile attorneys who are very creative in trying to get around the law [t]he attorneys play cute and we have to go back and forth. So we’re really not getting anywhere on that front.²¹⁹

After not being able to use the massage regulations to close the brothels, the Providence authorities tried to close the brothels using fire, building, and health code violations.²²⁰

210. Associated Press, *R.I. Tries to Outlaw Indoor Prostitution – Again*, NBC NEWS (June 18, 2009, 1:42 PM), http://www.nbcnews.com/id/31428425/ns/us_news-crime_and_courts/t/ri-tries-outlaw-indoor-prostitution-again/#.WII_lmQrLfY.

211. See, e.g., Neil Remiesiewicz, *Police Close Massage Parlor, Arrest Masseuse*, WPRI NEWS (July 17, 2015, 10:39 PM), <http://wpri.com/2015/07/17/police-close-massage-parlor-arrest-masseuse/>.

212. See, e.g., Bill Tomison, *3 Spa Workers Face Prostitution-Related Charges*, WPRI NEWS (July 10, 2015, 1:27 PM), <http://wpri.com/2015/07/10/3-spa-workers-face-prostitution-related-charges/>.

213. See 23 R.I. GEN. LAWS § 23-20.8-3 (2008).

214. Milkovits, *supra* note 44.

215. See Johnson, *supra* note 46, at 20–21.

216. Lynn Ardit, *How R.I. Opened the Door to Prostitution*, PROVIDENCE J. (Nov. 14, 2014), <http://www.providencejournal.com/news/content/20141114-5-31-2009-how-r.i.-opened-the-door-to-prostitution---broken-legal-barriers-made-public-nuisance-a-private-act.ece>.

217. *Id.*

218. Johnson, *supra* note 46, at 21.

219. *Id.* at 20–21.

220. *Id.* at 21.

Officials were successful in forcing one spa-brothel to close, but law enforcement and city officials realized that they were running out of enforcement tools.²²¹ Next, they decided to pressure the building owners to evict the brothels.²²² By 2009, there was a lot of public discussion about the problems created by decriminalized prostitution, and attention shifted to some well-known business people who were known to be renting buildings to Asian spa-brothels.²²³ The city of Providence sent letters to the owners of buildings where brothels were located, asking them to evict the brothel.²²⁴ At least one property owner pressured a brothel to leave, while others resisted the pressure from the city and replied that they would not change their practices until the law changed.²²⁵

Property owners hesitated to evict brothels because they could charge brothels premium rent rates.²²⁶ Pressuring property owners to evict brothels also had a limited effect because the brothels moved to another location and opened again, sometimes under another name.²²⁷ For example, following negative publicity, a former Providence mayor evicted a brothel that subsequently relocated to the same address as another brothel in Providence.²²⁸ The brothel advertised that it was “under new management,” but continued to advertise that it offered “full service,” a euphemism for sexual intercourse with “beautiful, charming, sex[y] Asian girls.”²²⁹ Often, the old and new brothels seemed to be connected.²³⁰ For example, the same photos, descriptions, and formatting would be used in advertisements, the same registered agents were used to incorporate the new location, and the same managers’ vehicles were seen at the new location.²³¹

221. Amanda Milkovitz, *Brothels Survive on Weak R.I. Law*, PROVIDENCE J. (Aug. 21, 2006) (on file with author).

222. Gregory Smith, *City Pressures Building Owners to Evict Spas*, PROVIDENCE J., Dec. 2, 2005, at D1.

223. See Arditi, *supra* 87.

224. See Johnson, *supra* note 46, at 29.

225. See Smith, *supra* note 222, at D1.

226. Donna M. Hughes, *Donna M. Hughes: Another Prostitution Loophole in R.I.*, PROVIDENCE J. (May 9, 2015), <http://www.providencejournal.com/article/20150509/OPINION/150509309>; see also Milkovitz, *supra* note 221; Arditi, *supra* note 87.

227. See Sarah Schweitzer, *Many Seek Ban as Prostitution Thrives in R.I.*, BOS. GLOBE (Aug. 13, 2009), http://archive.boston.com/news/local/rhode_island/articles/2009/08/13/in_rhode_island_battle_over_legal_prostitution_rages_on/?page=full.

228. See Melanie Shapiro, *Evicted Brothel Relocates, Bali Day Spa Moves to ABC Spa: Still Located in Providence*, DIGITALCOMMONS@URI (Aug. 12, 2009), https://works.bepress.com/donna_hughes/62/.

229. *Id.*

230. See, e.g., Shapiro, *supra* note 48, at 120–46.

231. See, e.g., *id.*

The cat and mouse game between the Providence city authorities and the Asian brothels reinforced the need for new laws that ended decriminalized prostitution.

G. Decriminalized Prostitution and the Consequences for Investigating Sex Trafficking

Awareness of sex-industry-related human trafficking was growing, but the lack of laws prohibiting prostitution hindered law enforcement investigations. Cases of sex trafficking are often identified while police are investigating prostitution, and sex trafficking investigations are often initiated by police setting up a sting or acting as a sex buyer to contact a potential victim.²³² Police were unable to investigate suspected sex trafficking because indoor prostitution was a private act. Therefore, police could not meet the necessary legal requirements of probable cause to investigate what was not a crime.

Numerous law enforcement officers and officials wrote letters supporting prostitution related legislation.²³³ They described their frustration in not being able to act to stop pimping and trafficking because of the lack of legal authority.²³⁴ One Pawtucket police officer, who was also a representative in the Rhode Island House of Representatives, wrote,

Pimps are transporting their victims to Rhode Island where they know they can operate with near impunity. They have no fear of a police sting nabbing them in the act since there are no laws against indoor prostitution. The police have their hands tied and need the loophole closed in order to combat the pimps and traffickers. All the human trafficking legislation in the world won't help as long as the loophole that allows indoor prostitution exists.²³⁵

Decriminalized prostitution excluded Rhode Island from participating in a national partnership with the FBI, the

232. See Donna M. Hughes, *Analysis of the Arrest of a Cambridge Pimp and the Identification of a Victim*, DIGITALCOMMONS@URI 1 (July 3, 2009) https://works.bepress.com/donna_hughes/57/.

233. See Donna M. Hughes, *Senators Prostitution Bill is a Sham*, PROVIDENCE J., Sept. 4, 2009, at Commentary 6 (describing widespread support for a House bill that would have been a traditional law against prostitution).

234. See, e.g., Letter from Col. Stephen M. McCartney, Chief of Police, City of Warwick, to Chairman Lally & Honorable Members of the House Judiciary Committee (May 6, 2009), https://web.archive.org/web/20101016122332/http://citizensagainsttrafficking.org/uploads/McCartney-Chief_of_Police-Warwick.pdf.

235. Press Release, Rep. Roberto DaSilva, Statement on the Harm of Decriminalized Prostitution in Rhode Island (June 18, 2009), http://www.rilin.state.ri.us/pressrelease/_layouts/RIL.PressRelease.ListStructure/Forms/DisplayForm.aspx?List=c8baae31-3c10-431c-8dcd-9dbbe21ce3e9&ID=5391.

Department of Justice Child Exploitation and Obscenity Section, and the National Center for Missing and Exploited Children to investigate the domestic sex trafficking of children in the United States.²³⁶ The program, called the Innocence Lost National Initiative, required coordination with state and local law enforcement agencies.²³⁷ Because Rhode Island had no law on indoor prostitution, local and state police had no authority to investigate prostitution.²³⁸ A letter to Rhode Island Governor Donald Carcieri from the National Center for Missing and Exploited Children stated,

Under current Rhode Island law, commercial sex between adults inside a building is considered a private activity and is thus protected. This deprives Rhode Island law enforcement of the ability to detect whether children are being victimized in this commercial sex trade, to rescue these child victims, and to provide them with the services they so desperately need. Your state's efforts in the fight against child prostitution would be greatly enhanced if law enforcement were empowered to fully investigate the commercial sex trade.²³⁹

Since prostitution was not an illegal activity in Rhode Island, federal agents could not arrest pimps or traffickers for transporting victims into Rhode Island using the Mann Act, which is an important federal law used to prosecute the transportation of someone across state lines for the purpose of "illegal sexual activity."²⁴⁰ The inability to use this simple but powerful federal law stymied federal investigations and prosecutions of sex trafficking in Rhode Island. The violence, exploitation, and lawlessness in the state led the mayor of Providence to call Rhode Island a "true wild west."²⁴¹

As the push for an end to decriminalized prostitution intensified during the summer of 2009, Luis CdeBaca, Ambassador at Large to Combat Human Trafficking and Director of the Office to Monitor and Combat Trafficking in Persons in the U.S. State Department, called for legal reform:

There is a need for both a legal and a cultural message that does not tolerate prostitution. I was surprised to learn that in Rhode Island . . . prostitution is legal so long as it happens

236. Letter from Ernie Allen, former CEO & President of the Nat'l Ctr. for Missing & Exploited Children, to Gov. Donald Carcieri (July 23, 2009) (on file with the authors).

237. *Id.*

238. *Id.*

239. *Id.*

240. 18 U.S.C. §§ 2421–2424 (2012).

241. David N. Cicilline, *Time to End Legalized Prostitution in R.I.*, PROVIDENCE J., May 19, 2009, at Commentary 6.

indoors, and girls as young as 16 years of age can legally dance in strip clubs It is a legitimate concern that such a hands-off approach towards the so-called “sex industry” can result in a zone of impunity in which police can’t go, and where traffickers can exploit their prey. State legislators are trying to close these prostitution loopholes in Rhode Island so that the state does not become a magnet for commercial sexual exploitation.²⁴²

The knowledge that police were impeded from investigating serious crimes like domestic minor sex trafficking and transportation of victims into Rhode Island helped build momentum for the passage of a law to end decriminalized prostitution.

CONCLUSION

In October 2009, the Rhode Island General Assembly passed several laws aimed at ending decriminalized prostitution, sexual exploitation, and human trafficking.²⁴³ These included a law criminalizing prostitution, a comprehensive human trafficking law, and a law prohibiting minors from working in the adult entertainment industry.²⁴⁴

These three new laws marked the end of a legal and commercial era in which the sexual exploitation of women and girls through prostitution was a legitimate form of economic development and a high-profit enterprise for business owners. These laws also marked the end of a cultural era in which buying sex was a legal form of entertainment for men.

An added benefit of the public discussion about prostitution and sex trafficking was that awareness about the subordinate status of women in prostitution grew within police departments.²⁴⁵ Officers’ attitudes toward women in prostitution shifted, and they started to see the women and girls as likely victims instead of criminals.²⁴⁶ By 2005, when Providence Police raided the Midori Spa, they

242. Hughes, *supra* note 6, at 1.

243. 11 R.I. GEN. LAWS § 11-34-5 (2002); 11 R.I. GEN. LAWS §§ 11-67-1 to -8 (Supp. 2016); 28 R.I. GEN. LAWS § 28-3-9.1 (Supp. 2016).

244. 11 R.I. GEN. LAWS §§ 11-34-5, 11-67-1 to -8; 28 R.I. GEN. LAWS § 28-3-9.1; *see also* H.R. 5044 Substitute B., 2009 Gen. Assemb., Jan. Sess. (R.I. 2009) (House bill criminalizing prostitution); S. 0596 Substitute B., 2009 Gen. Assemb., Jan. Sess. (R.I. 2009) (Senate bill criminalizing prostitution); H.R. 5661 Substitute B., 2009 Gen. Assemb., Jan. Sess. (R.I. 2009) (House bill on trafficking of persons); S. 0605 Substitute B., 2009 Gen. Assemb., Jan. Sess. (R.I. 2009) (Senate bill on trafficking of persons); H.R. 6441, 2009 Gen. Assemb., Jan. Sess. (R.I. 2009) (House bill on minors working in the adult industry); S. 1059, 2009 Gen. Assemb., Jan. Sess. (R.I. 2009) (Senate bill on minors working in the adult industry).

245. *See, e.g.*, W. Zachary Malinowski, *Officials Decry Trafficking of Women for Sex*, PROVIDENCE J., Nov. 29, 2006, at A1.

246. *See, e.g.*, Amanda Milkovits, *Hunting Houses of Ill Repute; Law Enforcement Sex Trafficking*, PROVIDENCE J., May 27, 2014, at A1.

announced a new strategy to crack down on brothels.²⁴⁷ They said they would arrest only the managers of the spa and not the women, who were likely victims of human trafficking.²⁴⁸ The police went into the brothel with translators and counselors for the women.²⁴⁹

Today, sex worker rights groups and international organizations, such as UN Women (the United Nations organization dedicated to equality and empowerment of women) and Amnesty International (the largest human rights group in the world), are advocating for the decriminalization of prostitution.²⁵⁰ This Article describes what happened over a period of twenty-nine years of decriminalized prostitution in Rhode Island. The authors think this research documents the lawlessness, violence, and exploitation that accompanies decriminalized prostitution. When prostitution is decriminalized, it is women's and girls' bodies that become legal sexual entertainment for men and the legal basis of profit and economic development for pimps, traffickers, business people, and public officials.

247. See Gara, *supra* note 118.

248. *Id.*

249. Smith, *supra* note 222, at D1.

250. See, e.g., AMNESTY INT'L, 32ND INTERNATIONAL COUNCIL MEETING CIRCULAR NO. 18 2015 ICM CIRCULAR: DRAFT POLICY ON SEX WORK 4–5 (2015), <http://files.ctctcdn.com/54482ed6201/46da8bac-36d7-4a59-b9e0-fd79b1aec409.pdf>.

Prostitution in Vancouver: Violence and the Colonization of First Nations Women

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Abstract We interviewed 100 women prostituting in Vancouver, Canada. We found an extremely high prevalence of lifetime violence and post-traumatic stress disorder (PTSD). Fifty-two percent of our interviewees were women from Canada's First Nations, a significant overrepresentation in prostitution compared with their representation in Vancouver generally (1.7–7%). Eighty-two percent reported a history of childhood sexual abuse, by an average of four perpetrators. Seventy-two percent reported childhood physical abuse, 90% had been physically assaulted in prostitution, 78% had been raped in prostitution. Seventy-two percent met DSM-IV criteria for PTSD. Ninety-five percent said that they wanted to leave prostitution. Eighty-six percent reported current or past homelessness with housing as one of their most urgent needs. Eighty-two percent expressed a need for treatment for drug or alcohol addictions. Findings are discussed in terms of the legacy of colonialism, the intrinsically traumatizing nature of prostitution and prostitution's violations of basic human rights.

Key words colonization • First Nations • post-traumatic stress disorder • prostitution • sexual assault

Prostitution is a gendered survival strategy that involves the assumption of unreasonable risks by the person in it. A number of authors have documented and analyzed the sexual and physical violence that is the normative experience for women in prostitution (Baldwin, 1993, 1999; Barry, 1979, 1995; Boyer, Chapman, & Marshall, 1993; Dworkin, 1981, 1997; Farley, Baral, Kiremire, & Sezgin, 1998; Giobbe, 1991, 1993; Hoigard & Finstad, 1986; Leidholdt, 1993; MacKinnon, 1993, 2001; McKeganey & Barnard, 1996; Miller, 1995; Silbert & Pines, 1982; Silbert, Pines & Lynch, 1982; Vanwesenbeeck, 1994; Weisberg, 1985). For example, Silbert and Pines (1981, 1982) reported that 70% of women suffered rape in prostitution, with 65% having been physically assaulted by customers, and 66% assaulted by pimps. The foregoing authors include data from Burma, Germany, Mexico, Philippines, the Netherlands, Norway, Scotland, South Africa, Thailand, Turkey, USA and Zambia.

Most of those in prostitution began prostituting as adolescents. Nadon, Koverola, and Schludermann (1998) found that 89% had begun prostitution before the age of 16. Of 60 women prostituting in escort, street, strip club, phone sex,¹ and massage parlors in Seattle, all began prostituting between the ages of 12 and 14 (Boyer et al., 1993). In Canada, as elsewhere, most women and men enter prostitution as adolescents (Lowman, 1993).² Fifty-two percent of 183 Vancouver women were first prostituted when they were younger than 16 years, and 70% first prostituted before age 18 (Cunningham & Christensen, 2001). Children typically enter prostitution subsequent to abusive treatment by caregivers (Lowman, 1993) and subsequent to running away from dangerous home environments (Federal/Provincial Territorial Working Group on Prostitution, 1998).

Most people in prostitution were sexually abused as children, usually by several perpetrators. Farley and colleagues (2003) found an average of four perpetrators of childhood sexual abuse against those in prostitution in nine countries. Those in prostitution are often still children (Youth Delegates of Out of the Shadows, 1998). Across nine countries on five continents, 47% of the people in prostitution entered it when they were less than 18 years of age (Farley et al., 2003). One girl prostituting in Seattle said:

We've all been molested. Over and over, and raped. We were all molested and sexually abused as children, don't you know that? We ran to get away. They didn't want us in the house anymore. We were thrown out, thrown away. We've been on the street since we were 12, 13, 14. (Boyer et al., 1993, p. 16)

The most relevant paradigm currently available for understanding the harm of prostitution is that of domestic violence. Physical coercion, rape and violence by husband/partner/pimp and john are perpetrated against women in prostitution (Currie, 1994; Lowman, 1993; Lowman & Fraser, 1995; Miller, 1995). Of 854 people in prostitution, 73% reported that they had been physically assaulted in prostitution (Farley et al., 2003). In most instances, women in prostitution are battered women. Giobbe (1993) compared pimps and batterers and found similarities in their use of enforced social isolation, minimization and denial, threats, intimidation, verbal and sexual abuse, attitude of ownership, and extreme physical violence to control women.

One survivor described prostitution as a 'harrowing metamorphosis' that included frequent physical assaults and which ultimately resulted in a 'neutralization of the body' (Jaget, 1980, p. 188) or somatic dissociation. The physical and emotional violence of prostitution leads to somatic dissociation which itself has been regularly associated with chronic health problems (Kirkingen, 2001). In 1858, Sanger asked 2000 prostitutes in New York about their health and concluded that 'premature old age' was the invariable result of prostitution (cited in Benjamin & Masters, 1964). Today we view the chronic ill health of those in prostitution as resulting from physical abuse and neglect in childhood (Radomsky, 1995), sexual assault (Golding, 1994), battering (Crowell & Burgess, 1996), untreated health problems, and overwhelming stress and violence (Friedman & Yehuda, 1995; Koss & Heslet, 1992; Southwick, Yehuda, & Morgan, 1995).

Sanger described conditions of despair, degradation, decline, and early death among women in prostitution who survived, on average only 4 years from entry into prostitution (Benjamin & Masters, 1964). Making the same observation in the parlance of today's global marketplace, an anonymous pimp commented on the 'brief shelf life' of a girl in prostitution. Pheterson (1996) summarized the health problems of women in prostitution: exhaustion, frequent viral illness, sexually transmitted diseases, vaginal infections, backaches, sleeplessness, depression, headaches, stomach-aches, and eating disorders. The longer women were in prostitution, the more sexually transmitted diseases they reported (Parriott, 1994). Women who were used by more customers in prostitution reported a range of more severe physical symptoms (Vanwesenbeeck, 1994).

Prostitution can be lethal (Potterat et al., 2004). A Canadian commission found that the death rate of women in prostitution was 40 times higher than that of the general population (Special Committee on Pornography and Prostitution, 1985). A study of Vancouver prostitution reported a 36% incidence of attempted murder (Cler-Cunningham & Christenson, 2001).

Vancouver agencies serving women in prostitution have observed many

First Nations women in prostitution. We use the words First Nations as a term of respect for people whose ancestors were the first nations of people in North America. We use the term Aboriginal interchangeably with First Nations.³ In a number of communities across Canada, Aboriginal youth comprise '90% of the visible sex trade' (Save the Children Canada, 2000, p. 7), suggesting the importance of placing prostitution in historical context. Acknowledging the adverse effects of colonialism, Cler-Cunningham and Christenson (2001) observed the 'immense overrepresentation' of Aboriginal women in Vancouver's street-level sex trade.

The Royal Commission on Aboriginal Peoples (RCAP) documented the perilous state of Aboriginal housing: 84% of Aboriginal households on reserves did not have sufficient income to cover housing (RCAP, 1996). Housing instability results in reserve-to-urban migration, leaving young women vulnerable to prostitution, in that homelessness has been established as a primary risk factor for prostitution (Boyer et al., 1993; Louie, Luu, & Tong, 1991; Silbert & Pines, 1983). When women in prostitution are asked what they need, first on their list is housing (Farley et al, 1998).

Colonization and racism result in extensive and insidious trauma that wears away its victims' mental and physical health (Kelm, 1998; Root, 1996). Colonization of First Nations in Canada by the British and the French resulted in well-documented health problems (Waldram, Herring & Young, 2000). The combined effects of poverty, race discrimination and cultural losses profoundly affect First Nations and are likely contributing factors to high rates of interpersonal violence, depression, suicide and substance abuse (Kirmayer, 1994).⁴ Canada's Royal Commission on Aboriginal Peoples referred to premature death as one of the consequences of colonization:

Aboriginal people are more likely [than non-Aboriginal people] to face inadequate nutrition, substandard housing and sanitation, unemployment and poverty, discrimination and racism, violence, inappropriate or absent services, and subsequent high rates of physical, social and emotional illness, injury, disability and premature death. (RCAP, 1996, p. 107)

The suicide rate among First Nations people across Canada was three times that of other Canadians and six times higher for those aged 15–24 years (Bobet, 1990).

The prevalence of violence against Aboriginal women is extremely high. The death rate of First Nations women from homicide is more than four times greater than that of all Canadian women (Health Canada, Medical Services Branch, unpublished tables, 1995, cited in RCAP, 1996, p 153). Nahanee (1993) wrote of 'the almost total victimization of [Aboriginal] women and children' and concluded 'violence against Aboriginal women

has reached epidemic proportions according to most studies conducted over the past few years. This violence includes the victimization of women and their children, both of whom are seen as property of their men (husbands, lovers, fathers), or of the community in which they live' (Nahanee, 1993, pp. 360–361). Similarly in the United States, 80% of indigenous women seeking health care at one clinic reported having been raped (Old Dog Cross, 1982).

First Nations gay men like First Nations women, are in double jeopardy. Comparing Canadian Aboriginal and non-Aboriginal gay men, researchers found that Aboriginal gay men were significantly more likely to be poor, unstably housed, more depressed, to have been sexually abused as children, to have been raped, and to have been prostituted (Heath et al., 1999).

The diagnosis of post-traumatic stress disorder (PTSD) describes psychological symptoms resulting from overwhelmingly traumatic events such as rape, war, and prostitution. PTSD can result when people have experienced 'extreme traumatic stressors involving direct personal experience of an event that involves actual or threatened death or serious injury; or other threat to one's personal integrity; or witnessing an event that involves death, injury, or a threat to the physical integrity of another person; or learning about unexpected or violent death, serious harm, or threat of death or injury experienced by a family member or other close associate' (American Psychiatric Association, 1994). PTSD is characterized by anxiety, depression, insomnia, irritability, flashbacks, emotional numbing, and hyperalertness. Symptoms are more severe and long lasting when the stressor is of human design. PTSD is common among prostituted women. Farley and colleagues (1998) found a PTSD prevalence rate of 67% among those in prostitution in five countries.

Cultural and social factors are known to have a causal role in PTSD symptoms (U.S. Department of Health and Human Services, 2001). Trauma history and PTSD vary by race/ethnicity and national origin with, for example, refugees from South Asian countries experiencing high rates of war-related traumatic events (Mollica et al., 1990) and indigenous peoples in the United States suffering multiple and cumulative trauma when compared with other groups (Robin, Chester, & Goldman, 1996). In a study that included a majority of Alaska Native women, 70% of a sample of pregnant women in substance abuse treatment had experienced childhood physical and sexual abuse (Brems & Namyniuk, 2002).

There are many anecdotal accounts and case studies of prostitution (Farley & Kelly, 2000). We noted the need for quantitative data. This work was an attempt to expand a quantitative database on prostitution, history of violence and PTSD that now includes nine countries (Farley et al., 2003). An analysis of the intersections of race, class and gender is crucial

to an understanding of prostitution. In reviewing the literature regarding colonialism, cultural alienation, and violence against First Nations, we predicted that First Nations women, compared with non-First Nations women in prostitution, would report increased rates of violence both during prostitution and in their lives prior to prostitution. Given the previous findings of extremely high rates of PTSD among those prostituted, we did not anticipate finding differences in PTSD between First Nations women and white European-Canadian women in prostitution.

METHOD

Brief structured interviews of 100 prostituting women and children were conducted in Vancouver, Canada. We contacted agencies working with prostitutes and set up collaborative efforts where possible. The second author was a board member of a Vancouver agency that provided services to prostitutes and was familiar with locations where prostitution commonly occurred in Vancouver. She was known to some of our interviewees in her capacity as a social worker. Interviewers were screened for the ability to establish an easygoing rapport on the street and in occasionally dangerous locations.

The women we interviewed were from the Downtown Eastside, Franklin, and Broadway/Fraser prostitution strolls in Vancouver, BC. We attempted to contact any woman known to be prostituting, whether indoor or outdoors. Using a snowball recruitment technique, we asked women to let their friends who were prostituting elsewhere (e.g. in other areas or indoors) know that we would return to a specific location at a specific time the next day. Usually we had access only to people prostituting on the street. Only four women refused to participate; several appeared to be in the process of approaching customers.

Informed consent included a summary of research goals and participants' rights. Respondents' copies of the consent form included names and phone numbers of local agencies that could be contacted for support and assistance and included the authors' phone numbers and email addresses. In all cases we offered to read the items to respondents. Most were able to complete the questionnaire without assistance; however, a few were illiterate.

If respondents indicated that they were prostituting we asked them to fill out three questionnaires. We paid a small stipend (\$10 Canadian) to those who responded to the three questionnaires. The Prostitution Questionnaire (PQ), used in similar research in South Africa, Thailand, Turkey, the USA and Zambia, consists of 32 items asking about physical and sexual assault in prostitution, lifetime history of physical and sexual violence, and the use of or making of pornography during prostitution (Farley et al.,

1998). The questionnaire asked whether respondents wished to leave prostitution and what they needed in order to leave. We asked if they had been homeless, if they had physical health problems, and if they used drugs or alcohol or both. Because of item heterogeneity, psychometrics on the PQ are not available. Sample items include:

2. Since you've been in prostitution, have you been physically assaulted?
- 14a. When you were a child, were you ever hit or beaten by a parent or caregiver until you had bruises on your body or were injured in some other way by them?
16. Did you ever have pictures taken of you while you were working in prostitution?
19. Have you ever been homeless?

Respondents also completed the PTSD Checklist (PCL), a 17-item scale that assesses DSM-IV symptoms of PTSD (Weathers, Litz, Herman, Huska, & Keane, 1993). Respondents were asked to rate the 17 symptoms of PTSD (see Table 1) on a 5-point scale with 1 = *not at all*; 2 = *a little bit*; 3 = *moderately*; 4 = *quite a bit*; and 5 = *extremely*. Weathers and colleagues (1993) report PCL test-retest reliability of .96. Internal consistency as measured by Cronbach's alpha was .97 for all 17 items. Validity of the scale is reflected in its strong correlations with the Mississippi PTSD Scale (.93), the PK scale of the MMPI-2 (.77) and the Impact of Event Scale (.90). The PCL has functioned comparably across ethnic subcultures in the USA (Keane, Kaloupek, & Weathers, 1996).

Based on previous responses to open-ended questions about health problems among prostituted women, we constructed a Chronic Health Problems Questionnaire (CHPQ; Farley et al., 1998). The CHPQ is a symptom checklist with dichotomous items. Interviewees were asked whether or not they had symptoms or experienced events commonly reported by women in prostitution. Sample items included joint pain, jaw pain, loss of feeling on skin, pain in breasts and head injury. Scale mean was 17.6, with *SD* = 8.6. Internal consistency as measured by Cronbach's alpha was .92 for 36 items.

Once it was apparent that we were interested in hearing about women's experiences during prostitution, many volunteered information regarding what prostitution was like for them. Some of their observations are included here. Whenever an interviewee wanted to talk with us, we welcomed that and took notes. During this process, referrals were made to substance abuse treatment centers, First Nations community centers and medical clinics.

PARTICIPANTS

We describe all of the 100 interviewees in this study as women, although one respondent identified as transgendered. This person was included as a woman with the rest of our respondents. Ages ranged from 13 to 49 years, with a mean age of 28 years ($SD = 7.8$ years).

The youngest age at recruitment into prostitution was 10 years. Respondents spent an average of 10 years in escort, massage, and street prostitution ($SD = 7$ years). A few respondents had been in prostitution less than a year, with 4 months being the least amount of time any of our interviewees spent in prostitution. One woman had been prostituted for 31 years.

With respect to race/ethnicity, 52% were First Nations, 38% were white European-Canadian, 5% were African-Canadian, and 5% left the question unanswered. Ethnicity was self-reported. The majority of the 52 First Nations women described themselves as Native ($n = 24$), First Nations ($n = 2$) or Native Indian ($n = 2$). Next most often, they described themselves as Metis ($n = 10$), a French word that translates to English as ‘mixed blood’ and is used to describe people who are of both First Nations and European ancestries. Historically, the two major colonizers of First Nations of Canada were the British and the French; therefore most of those called Metis were First Nations/French or First Nations/British. In current use in the Downtown Eastside of Vancouver, the word Metis refers to anyone who is biracial or multiracial. We use the term Metis in its broadest sense and not as a term that refers to legal status. The First Nations women also categorized themselves as Cree or Cree Native ($n = 3$), Cree/French ($n = 2$), Ojibwa ($n = 2$), Aboriginal ($n = 2$), Native/El Salvador ($n = 2$), Blackfoot/Cree ($n = 1$), Cree/Metis/Mexican ($n = 1$), and Interior Salish ($n = 1$). In order to make statistical comparisons, we collapsed all the foregoing groups into the category ‘First Nations.’ Fewer than 10 women identified themselves by nation, so we were unable to compare nations in our analyses.

RESULTS

CHILDHOOD VIOLENCE

Eighty-two percent of our respondents reported a history of childhood sexual abuse, by an average of four perpetrators. This statistic (those assaulted by an average of four perpetrators) did not include those who responded to the question ‘If there was unwanted sexual touching or sexual contact between you and an adult, how many people in all?’ with ‘tons’ or ‘I can’t count that high’ or ‘I was too young to remember.’ Seventy-two percent reported that as children, they had been hit or beaten by a caregiver until they had bruises or were injured.

Eighty-six percent of these women in Vancouver prostitution reported current or past homelessness.

PHYSICAL AND SEXUAL VIOLENCE IN PROSTITUTION

Ninety percent of these women had been physically assaulted in prostitution. Of those who reported physical assault, 82% of the perpetrators were their customers. Eighty-nine percent had been physically threatened while in prostitution and 67% had been physically threatened with a weapon. Seventy-eight percent had been raped in prostitution, with 67% of those raped having been raped more than five times. Seventy-six percent of those who had been raped had been raped by customers.

Sixty-seven percent of our interviewees reported that pornography was made of them in prostitution; and 64% had been upset by an attempt to force them to perform an act that customers had seen in pornography.

VERBAL AND EMOTIONAL ABUSE IN PROSTITUTION

Eighty-eight percent of the women responding to our questionnaires reported that they had been verbally abused. One woman commented, 'lots of [customers] are super-nice at first. Then when the sex act starts, they get real verbally abusive.' Another told us that while legal prostitution might make her feel safer from physical assaults, it would not change the verbal abuse and harassment that she knew was intrinsic to prostitution.

PHYSICAL HEALTH PROBLEMS

Sixty-three percent of these women in prostitution reported health problems. Common symptoms were memory problems (66%), trouble concentrating (66%), headaches (56%), dizziness (44%), vision problems (45%), hearing problems (40%), balance problems (41%), aching muscles (78%), joint pain (60%), jaw pain (38%), and swelling of limbs (33%). Cardiovascular symptoms included chest pain (43%), pain/numbness in hands/feet (49%), irregular heartbeat (33%) and shortness of breath (60%). Sixty-one percent of these respondents had cold/flu symptoms. In addition, 35% reported allergies and 32% reported asthma. Twenty four percent reported both painful menstruation and vaginal pain. Twenty three percent had breast pain. In response to a general query about health, 30% of the women we interviewed reported hepatitis C. Some of the cardiovascular, neurological and joint complaints may have been symptoms of drug withdrawal.

Seventy-five percent of the women reported physical injuries from violence in prostitution. Many reported stabbings and beatings,

concussions and broken bones (broken jaws, ribs, collar bones, fingers, spinal injuries, and a fractured skull), as well as cuts, black eyes, and ‘fat lips.’⁵ Fifty percent of these women had head injuries resulting from violent assaults with, for example, baseball bats and crowbars. Many had their heads slammed against walls and against car dashboards. Customers and pimps regularly subjected them to extreme violence when they refused to perform a specific sex act.

POST-TRAUMATIC STRESS DISORDER

PTSD consists of three types of symptoms: (1) persistent, intrusive re-experiencing of trauma; (2) numbing of responsiveness and persistent avoidance of stimuli associated with trauma; and (3) persistent autonomic hyperarousal. A diagnosis of PTSD requires at least one intrusive symptom, three numbing/avoidance symptoms, and two hyperarousal symptoms, as well as having experienced a traumatic stressor (criterion A). Criterion A requires having experienced or witnessed an event or events involving actual or threatened death or serious injury, or a threat to the physical integrity of self or others, and reacting with intense fear, helplessness, or horror to these events (American Psychiatric Association, 1994). Attempted rape is commonly accepted as meeting criterion A for diagnosis of PTSD (Avina & O’Donohue, 2002). Ninety percent of our respondents had themselves been physically assaulted in prostitution. Based on previous findings we concluded that all of our respondents met criterion A by having experienced or witnessed serious injury.

We summed respondents’ ratings across the 17 items of the PCL, generating an overall measure of PTSD symptom severity that was previously used by the scale’s authors. Mean PCL score for our respondents was 55.7 ($SD = 15.6$).

Using Weathers et al.’s (1993) formulation we considered a score of 3 (*moderately*), 4 (*quite a bit*) or 5 (*extremely*) on a PCL item to be a symptom of PTSD. Eighty-nine percent of our respondents endorsed at least one intrusive symptom of PTSD, 81% endorsed at least three numbing and avoidance symptoms of PTSD, and 85% endorsed at least two of the physiologic hyperarousal symptoms of PTSD. The mean scores for these 100 women in prostitution were within the clinically symptomatic range (3 or greater) on two of the five intrusive symptoms, for all seven of the numbing/avoidance symptoms, and all five of the hyperarousal symptoms of PTSD. See Table 1 for mean scores of each of the 17 PCL items. Seventy-two percent of our respondents met criteria for a PTSD diagnosis.

TABLE 1
PTSD symptoms of 100 Vancouver women in prostitution

<i>PTSD symptom</i>	<i>Mean</i>	<i>SD</i>	<i>Percent responding at PTSD symptom level (%)</i>
<i>Intrusive re-experiencing (B symptoms)</i>			
Memories of trauma from the past	3.1	1.3	64
Dreams of trauma from the past	2.8	1.4	54
Act/feel as if traumatic event were happening again	2.8	1.3	53
Very upset when reminded of trauma from past	3.5	1.2	76
Physical reactions to memories of past trauma	2.6	1.4	52
<i>Numbing and avoidance (C symptoms)</i>			
Avoid thinking or feeling about past trauma	3.5	1.4	76
Avoid activities which remind you of past trauma	3.4	1.4	68
Trouble remembering parts of trauma from past	3.1	1.5	65
Loss of interest in activities you used to enjoy	3.8	1.3	78
Feeling distant or cut off from people	3.7	1.4	72
Emotionally numb; unable to have loving feelings	3.4	1.5	70
Feel as if future will be cut short	3.4	1.5	68
<i>Hyperarousal (D symptoms)</i>			
Trouble falling or staying asleep	3.1	1.4	67
Feeling irritable or having angry outbursts	3.3	1.5	64
Difficulty concentrating	3.3	1.3	72
'Superalert' or watchful or on guard	3.6	1.3	81
Feeling jumpy or easily startled	3.3	1.5	66

HISTORY OF VIOLENCE AND PTSD

We investigated four types of lifetime violence experienced by these interviewees: childhood sexual assault, childhood physical assault, rape in adult prostitution, and physical assault in adult prostitution. Eighty-nine percent reported childhood sexual assault, 72% reported childhood physical assault, 92% reported rape in adult prostitution, and 90% reported physical assault in adult prostitution. Four percent of the sample had experienced only one type of lifetime violence, 11% reported two types, 23% reported three types, and 62% reported experiencing all four types of lifetime violence.

PTSD diagnosis and severity were not related to number of types of lifetime violence as would normally be expected. These respondents' extremely high incidence of lifetime violence created a ceiling effect. Because 85% of the sample experienced three or four types of lifetime violence, there were not enough people in the group who experienced only

one or two forms of lifetime violence (15%) to determine whether there was a relationship between PTSD severity and number of different types of lifetime violence.

CURRENT NEEDS OF INTERVIEWEES

Ninety-five percent of these respondents stated that they wanted to leave prostitution. Eighty-two percent expressed a need for drug or alcohol addiction treatment. They voiced a need for job training (67%), a home or safe place (66%), individual counseling (58%), self-defense training (49%), health care (41%) and peer support (41%). Thirty-three percent needed legal assistance, 32% wanted legalized prostitution, 12% needed childcare, and 4% wanted physical protection from pimps.

DIFFERENCES WITH RESPECT TO RACE/ETHNICITY

We compared First Nations women with European-Canadian women in a number of analyses. Table 2 summarizes these comparisons. Childhood sexual abuse was reported significantly more often by interviewees identifying as First Nations than by those describing themselves as European Canadian ($\chi^2 (1) = 5.2, p = .02$). Of those First Nations women reporting sexual abuse, relatives were specified as perpetrators 41% of the time, adult friends or community members were specified as perpetrators 34% of the time, and an older child was specified as perpetrator 25% of the time. Significantly more First Nations women than European-Canadian women reported childhood physical abuse ($\chi^2 (1) = 5.6, p = .02$).

TABLE 2
Comparison of First Nations and European-Canadian women: Childhood physical and sexual abuse, homelessness, and violence in prostitution

	<i>First Nations</i>		<i>European-Canadian</i>		χ^2	<i>p</i>
	%	(<i>n</i> = 52)	%	(<i>n</i> = 38)		
Childhood physical abuse*	81	(42)	58	(22)	5.6	.02
Childhood sexual abuse*	96	(50)	82	(31)	5.2	.02
Verbal abuse in prostitution	88	(45)	92	(35)	1.0	.30
Physical abuse in prostitution	88	(46)	89	(34)	.02	.88
Raped in prostitution	92	(48)	92	(35)	.00	.97
Threatened with a weapon	63	(33)	66	(25)	.16	.69
Homelessness	83	(43)	87	(33)	.43	.51
Upset by being forced to imitate pornography	69	(36)	58	(22)	1.2	.28
Had pornography made of them	65	(34)	60	(23)	.49	.48

**p* < .05.

TABLE 3
Responses to 'What do you need?' asked of women in prostitution

Need	First Nations		European-Canadian		χ^2	<i>p</i>
	%	(<i>n</i> = 49)	%	(<i>n</i> = 36)		
Drug or alcohol treatment	88	(43)	75	(27)	2.3	.13
Job training*	78	(38)	56	(20)	4.6	.03
Individual counseling*	67	(33)	44	(16)	3.9	.05
Self-defense training**	63	(31)	33	(12)	7.4	.006
Home or safe place	61	(30)	75	(27)	1.3	.25
Peer support*	53	(26)	25	(9)	6.3	.01
Medical or health care	41	(20)	36	(13)	.2	.66
Legal assistance	33	(16)	28	(10)	.2	.63
Legalized prostitution	24	(12)	36	(13)	1.3	.24
Childcare	16	(8)	8	(3)	1.2	.28
Physical protection from pimp	4	(2)	3	(1)	.1	.75

Note. Five participants did not respond to these questions.

* $p < .05$; ** $p < .01$.

There were ethnic differences in response to a needs assessment. See Table 3. First Nations women indicated a significantly greater need for self-defense training ($\chi^2 (1) = 7.4, p = .006$), a greater need for peer support ($\chi^2 (1) = 6.3, p = .01$), a greater need for job training ($\chi^2 (1) = 4.6, p = .03$), and for individual counseling ($\chi^2 (1) = 3.9, p = .05$).

We found no race/ethnic differences in the frequency of health problems endorsed on the Chronic Health Problems Questionnaire ($F(1,82) = .06, p = .81$).

First Nations women in the sample were not more likely than European Canadians to qualify for a diagnosis of PTSD ($\chi^2 (1) = .01, p = .92$) nor was there a significant statistical relationship between PTSD severity, as measured by the mean PCL sum score and First Nations heritage (Pearson $r = -.02, p = .86$).

DISCUSSION

The clinical expression 'hypervigilance' does not adequately describe the physical terror and despair we witnessed in many of these women. Violence seemed to be in the very air they breathed. Our findings document this extreme level of sexual violence. One woman told us that she was continually raped in prostitution, explaining 'what rape is to others, is normal to us.' Another woman, aged 36, described a rape as the 'defining experience' of her life. At age 16 she was raped at knifepoint after which the rapist gave her a gold chain in effect paying her for the rape and defining her as a prostitute.

Most of our respondents had been physically assaulted (90%) or raped (78%) in prostitution. A fear of men was pervasive. One woman told us that being hit and bruised were 'just your common aggressiveness from men.' In a separate study of Vancouver prostitution, 68% of women had been recently raped, 72% had been kidnapped, and 89% had had customers refuse condoms in the previous year (Cunningham & Christenson, 2001).

For many of our interviewees, accommodation to violence began in childhood. Most women in this study (82%) reported sexual abuse as children, usually with multiple perpetrators. Currie (1994) found a comparable prevalence of childhood sexual abuse (73%) among 600 women prostituting in Vancouver. Benoit and Millar (2001) noted a 55% incidence of childhood sexual abuse among 201 women prostituting in Victoria, BC. A Toronto study noted that many women who were prostituting cited 'persistent abuse' as precipitating their drug use (Butters & Erickson, 2003).

Cler-Cunningham and Christenson (2001) reported that 85% of 183 women in Vancouver prostitution had been verbally or physically harassed more than once in the past year. The verbal abuse in prostitution is socially invisible just as other sexual harassment in prostitution is normalized and invisible. Yet it is pervasive: 88% of our respondents described verbal abuse as intrinsic to prostitution. Customers' verbal assaults in all types of prostitution are likely to cause acute and long-term psychological symptoms. A woman in another study explained this: 'It is internally damaging. You become in your own mind what these people do and say with you. You wonder how could you let yourself do this and why do these people want to do this to you?' (Farley, 2003b). The verbal abuse against prostituted women is reflected in the names that all women are called by violent men during sexual assaults. The epithets seem intended 'to humiliate, to eroticize, and to satisfy an urge for self-justification.' (Baldwin, 1992, p. 60).

The 72% incidence of current PTSD in these women in prostitution is among the highest reported in populations where PTSD has been studied, including battered women, combat veterans, childhood trauma survivors, rape survivors, and torture survivors (Bownes, O'Gorman, & Sayers, 1991; Farley et al., 1998; Feeney, Zoellner, & Foa, 2000; Houskamp & Foy, 1991; Kemp, Rawlings, & Green, 1991; Ramsay, Gorst-Unsworth, & Turner, 1993; Weathers et al., 1993). Rates of PTSD among these prostituted women from Canada did not differ significantly from prostituted women in other countries including South Africa, Thailand, Turkey, the USA and Zambia ($F(5,575) = .95, p = .45$). The mean PCL score (56) of these prostituted women was in the same range (51–56) as that of people in prostitution in South Africa, Thailand, Turkey, the USA and Zambia (Farley et al., 1998) and similar to the mean PTSD score (51) of treatment-seeking Vietnam

veterans (Weathers et al., 1993) and much higher than means in studies of Persian Gulf War veterans (35, Weathers et al., 1993), and women HMO members with and without childhood physical and sexual abuse (24–37, Farley & Patsalides, 2001).

When we compared European-Canadian women with First Nations women we did not find differences in PTSD. The pervasiveness and severity of trauma exposure experienced by these women in prostitution may have obscured differences in PTSD that would otherwise be expected on the basis of race/ethnicity. Our findings are consistent with two studies that failed to find race differences in PTSD symptoms among combat veterans (Beals et al., 2002; Monnier, Elhai, Frueh, Sauvageot, & Magruder, 2002). In these studies, combat (like prostitution) was the overwhelmingly traumatic event that mitigated differences in PTSD based on race.

Our respondents appeared to be in a state of almost constant revictimization. The assaults against these women in prostitution were part of a lifetime surround of exploitation and abuse. Because of this pervasive violence we cannot separate the effects of childhood and adult violence on current PTSD symptoms. It is likely that experiences of violence over the course of one's lifetime have a cumulative effect on PTSD symptoms (Follette, Polusny, Bechtle, & Naugle, 1996). Other research found that a history of sexual assaults is a common precursor to prostitution. West, Williams, and Siegel (2000) found that women were most likely to prostitute if they had experienced *both* sexual abuse as children and were later revictimized by rape as adults. One young woman told Silbert and Pines (1982, p. 488), 'I started turning tricks to show my father what he made me.' Dworkin (1997, p. 143) described incest as 'boot camp' for prostitution.

Fifty-two percent of our respondents were First Nations women, a lower percentage than the 70% of First Nations women in street prostitution in another Vancouver study (Currie, 1994, reported in Federal/Provincial Territorial Working Group, 1998). In population census estimates, 7% of Vancouver's people are First Nations (Vancouver/Richmond Health Board, 1999). The overrepresentation of First Nations women in prostitution, and prostitution's prevalence in an area of Vancouver with a high proportion of First Nations residents reflects not only their poverty, but also their marginalized and devalued status as Canadians. Others report similar findings. For example 15% of women in escort prostitution in Victoria, BC were First Nations although the First Nations population of Victoria has been estimated at 2% (Benoit & Millar, 2001 p. 18).

In New Zealand, Plumridge and Abel (2001) observed that 7% of the Christchurch population were Maori women but 19% of those in Christchurch prostitution were Maori women. Maori in prostitution were significantly more likely than European-ancestry New Zealanders to have

experienced homelessness and to have entered prostitution as children (Farley, 2003a). As we did in Vancouver, New Zealand researchers sampled from the poorest community in Auckland and reported that twice as many Maori there were in prostitution (40%) compared with their representation in northern New Zealand generally (21%) (Saphira & Herbert, 2003). In the early 1990s, Atayal and other Aboriginal girls comprised 70% of those in Taiwanese debt-bondage prostitution although they were only 1.8% of the total population (Hwang & Bedford, 2003). The researchers noted that pathways into prostitution for Aboriginal Taiwanese adolescents were similar to those pathways elsewhere: globalization of the economy, social and cultural disruption, race/ethnic discrimination, and extremely high levels of family violence.

For women, prostitution is intimately associated with poverty. Its First Nations residents refer to Vancouver's Downtown Eastside, one of the poorest areas in North America, as the 'urban reserve.' Colonization left many First Nations people in extreme poverty that has endured for generations (LaFramboise, Choney, James, & Running Wolf, 1995). Eighty-six percent of our respondents were currently or previously homeless. First Nations youth who leave their home communities for urban areas are particularly vulnerable to sexual exploitation in that they are both homeless and in an unfamiliar cultural environment (Federal/Provincial Working Group, 1998). Although we do not yet have data to confirm this, we suspect that First Nations women are more likely to be overrepresented in the poorest types of prostitution – street and massage – than in strip club, phone sex, and Internet prostitution. The first author observed that in Mexico City, Mayan women were often sold in prostitution for the lowest price and were made available for more violent sex acts, such as anal rapes, that other women refused to perform.

Analyzing the effects of racism is central to an understanding of prostitution. Racism has a profound effect on health (Williams, Lavizzo-Mourey, & Warren, 1994; Turner & Kramer, 1995). For example a U.S. report located more than 175 studies documenting race/ethnic disparities in diagnosis and treatment of medical conditions (Institute of Medicine, 2002). Reflecting poverty, malnutrition, chronic stress and inadequate health care, premature aging is commonplace in the Downtown Eastside where one neighborhood center categorizes anyone over age 40 as a senior. The vulnerabilities of race, class and gender have been recognized as multiplicative risk factors for HIV (Osmond et al., 1993), and we think that they are also multiplicative risk factors for prostitution. In Canada, the triple force of race, class and sex discrimination disparately impacts First Nations women. Prostitution of Aboriginal women occurs globally in epidemic numbers with indigenous women at the bottom of a racialized sexual hierarchy in prostitution itself. This phenomenon has been observed by others

(Grant, Grabosky, & David, 1999; Ministry of Foreign Affairs and Trade, 2001; UNICEF, 2004).

For many, the experience of prostitution stems from the historical trauma of colonization. Imposing a sexist and racist regime on First Nations women, colonization simultaneously elevated male power within the colonized community (Fiske, 1995). Today, many First Nations women are dominated by a 'newly evolved state of traditional governance' that replaced more egalitarian systems (Brunen, 2000). The cultural destruction of positive roles for First Nations men and their subsequent identification with supremacist attitudes have had disastrous consequences for First Nations women, with astronomical rates of incest, rape and husband violence.

Freire (1994) described the colonial destruction of positive roles for men as resulting in 'adhesion to the oppressor' (p. 27). Dworkin also discussed the harm inflicted on women by colonized men:

The stigma of the prostitute allows the violent, the angry, the socially and politically impoverished male to nurse a grudge against all women, including prostituted women; this is aggressive bias, made rawer and more dangerous by the need to counter one's own presumed inferiority. (Dworkin, 2000, p. 325)

Sexual violence and other family violence are major social problems in First Nations communities. A Dene woman described communities in which the entire female population had been sexually assaulted by men. She had been threatened with further violence if she spoke out against this (Lynne, 1998, p. 43). Consistent with others' reports, First Nations women in our study were significantly more likely than non-First Nations to report childhood physical and sexual abuse.

There is an urgent need for further exploration of these connections between gender, race/ethnicity, and class in prostitution not only in Canada but elsewhere (Bourgeault, 1989). Prostitution is one specific legacy of colonization although it is infrequently analyzed as such (Lynne, 1998; Scully, 2001). A perspective that understands prostitution to be colonization of First Nations women by both First Nations and non-First Nations men may be helpful in addressing the problem.

The RCAP report suggested that a general health strategy for First Nations should involve equitable access to health services, holistic approaches to treatment, Aboriginal control of services, and diverse approaches that respond to cultural priorities and community needs (RCAP, 1996). These four strategies are applicable to the healing of women escaping prostitution. Models for healing of First Nations women in prostitution would include a decolonizing perspective that analyzes historical trauma, violent crimes, family violence, child abuse and neglect,

discrimination, unresolved grief and mourning. Cultural moderators of these traumatic experiences that would promote healing include family/community support, traditional spiritual practices and medicine, and a positive indigenous identity (Walters, Simoni, & Evans-Campbell, 2002). A study of the needs of Vancouver prostituted women underscores these recommendations (Benoit, Carroll, & Chaudhry, 2002). A Toronto study of 30 prostituting women emphasized their need for mental health services, including drop-in crisis centers open at night as well as hotlines staffed by peers (Butters & Erickson, 2003). Access to alternative employment that would generate sustainable income is necessary in order to remove the economic motivation for prostitution.

In our opinion, western medical treatment of PTSD is best combined with traditional healing for First Nations women who want to escape prostitution. The Peguis First Nation community in Manitoba found that a combination of traditional and western healing approaches was especially effective for those who suffer from emotional problems, including those related to alcohol and drug abuse, violence and suicide (Cohen, cited in RCAP, 1996).

Women in prostitution self-medicate for depression and PTSD with drugs and alcohol.⁶ An urgent need for treatment of drug and alcohol addiction was voiced by 82% of those we interviewed. An approach that simultaneously treats substance abuse and PTSD has proven more effective than treatment that only treats substance abuse and fails to address PTSD (Epstein, Saunders, Kilpatrick, & Resnick, 1998; Najavits, Weiss, Shaw, & Muenz, 1998; Ouimette, Kimerling, Shaw, & Moos, 2000). Women in prostitution who are dealing with addictions are not likely to benefit from treatment in mixed-gender groups. It is unsafe for them to discuss prostitution in the traditional 12-step setting, because men regularly proposition them as soon as the women are known to have prostituted. Furthermore, confidentiality is a concern in communities where everyone is either related or knows one another (Rees, 2001).

Any intervention for those in prostitution must first acknowledge prostitution as a form of violence. As with battered women, physical safety is a critical concern. In order to address the harm of prostitution it is necessary to use education, prevention and intervention strategies similar to those dedicated to other forms of gender-based abuse such as rape and intimate partner violence. This understanding of prostitution as violence against women must then become a part of public policy and it must be structurally implemented in public health care, mental health services, homeless shelters, rape crisis centers and battered women's shelters (Stark & Hodgson, 2003). The healthcare provider must become not only culturally competent regarding differences between nations in culture and language but also acquainted with community services and anti-violence resources

(Polacca, 2003). In the United States there is the additional complexity of jurisdictional confusion. Tribal courts may lack the means and the will for strong prosecution of perpetrators of violence. Tribal jurisdiction sometimes conflicts with federal law enforcement, and perpetrators may be aware that there are minimal consequences for violence against women (National Sexual Violence Resource Center, 2000; Polacca, 2003).

Caution is warranted in interpreting these results because we ran multiple post-hoc analyses on this data, which has not been statistically corrected for the increased probability of finding significant results when multiple analyses are performed. Nonetheless, we are confident that the trends we have described are accurate and that they warrant further investigation.

Because of the ongoing trauma of prostitution and homelessness it is likely that some of these women minimized childhood violence. To review a history of trauma while in the midst of ongoing abuse was likely to have been too painful for some. Some of these women did not categorize juvenile prostitution as childhood sexual abuse.⁷ Others minimized violence they had experienced by comparing it with that suffered by friends. One woman told us that since she had no broken bones and had not been assaulted with a weapon, therefore her rape and strangulation by a john did not count as much. Thus we assume that the reporting of trauma history among our respondents is conservative and that the actual prevalence of traumatic events, health symptoms, and PTSD symptoms is likely to be higher than reported here. Some women we interviewed were obviously intoxicated. This does not decrease our confidence in the accuracy of these results. Along with others we have noted that addicts report life events with as much accuracy as non-addicts do (Bonito, Nurco, & Shaffer, 1976).

No study of prostitution can claim a representative or random sample, given the illegality of prostitution in most locations. 'There is quite simply no such thing as a representative sample of women selling sex' (McKeganey & Barnard, 1996). We interviewed those people to whom we had access. In most cases we and other researchers have access only to people prostituting on the street. That said, we made every attempt to contact any woman known to be prostituting, indoors or outdoors. We did this by asking women to tell friends who were prostituting elsewhere (e.g. in other areas or from their homes or clubs) that we would return to a certain location at a specific time the next day. Interviewees often reported involvement in prostitution across multiple locations, for example, strip club, escort and massage parlors as well as street prostitution.⁸

As shown in these findings, prostitution is a sexually exploitive often-violent economic option most often entered into by those with a lengthy history of sexual, racial and economic victimization. Prostitution is only

now beginning to be understood as violence against women and children. It has rarely been included in discussions of sexual violence against First Nations.⁹ It is crucial to understand the sexual exploitation of First Nations women in prostitution today in a historical context of colonial violence against nations (Frideres, 1993; Ryser, 1995; Waldram, 1997). Today, the continued displacement of women who are poor, rural and indigenous may be understood as *trafficking* in which women are moved from the reserve to the city for the purpose of prostitution (Lynne, 1998).

Just as wife beating was historically viewed as having been provoked by the victim, prostitution is still viewed by some as a job choice to which the victim ‘consents.’ Ninety-five percent of our interviewees said that they wanted to escape prostitution, while also telling us that they did not feel that they had other options for survival. Another report found that 90% of women in prostitution wanted to leave prostitution but could not (Elizabeth Fry Society of Toronto, 1987). Social scientists have begun to address the harms of incest, rape and family violence. We hope to see more research that examines prostitution as part of the surround of violence against women, specifically including First Nations women. We also hope to see investigations of interventions that promote healing from prostitution.

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NOTES

1. In phone sex, a person verbally provides explicit sex talk for pay for a customer who typically masturbates during the call. It can include what in other settings would be verbal sexual harassment, as well as sexist and racist epithets and other verbal abuse. Commonly, women who engage in phone sex, like women in strip clubs, also prostitute in other ways.
2. British Colombia surveys found the average age of entry into prostitution to be 14–15.5 years, and a Vancouver survey found average age of entry into prostitution to be 16.3 for girls and 15.6 for boys (Lowman & Fraser, 1989).
3. Aboriginal and First Nations, are words used to refer to indigenous peoples of Canada. No doubt some will disagree with our choice of terms. We are not using terminology that refers to a person’s legal status. Instead, we are attempting to use respectful words as spoken by both insiders and outsiders in the Downtown Eastside community of Vancouver. When an author in a cited work uses the term Aboriginal, we use the word Aboriginal in connection with their work. However, we prefer not to use the term Aboriginal because the Oxford Dictionary currently lists a second descriptor for the word

Aboriginal as 'primitive.' We use the term First Nations interchangeably with Aboriginal throughout the article, as Brunen does in her 2000 article on the marginalization of Aboriginal women with addictions in the Canadian healthcare system.

4. Similar health consequences of colonialism on indigenous people are seen in health data from the United States. American Indians and Alaska Natives have the second highest infant mortality rate in USA, and the suicide rate of American Indians is 50% higher than the national rate (U.S. Dept of Health and Human Services, 2001, p. 82; U.S. Dept of Health and Human Services, 2001a, p. 17).

5. Other descriptions of violence included:

[I have a] long history of physical abuse. I was beaten by my mother's boyfriend, ran away from home to a pimp who beat me, I left him for a man who beat me up, and so on. . . .

A 13-year-old told us she had: 'disalignment in my neck, cuts, and scratches, bruises caused by bad dates. Also deafness.'

A stalker hit me with his car on purpose.

Date tried to assault me with steel-toed boots because I wouldn't do something he wanted.

A bad date hit my head on a wall.

I was beaten with stones by a couple of women.

[A pimp] locked me in a room and beat me 30 times with baseball bat.

My boyfriend pushed me downstairs and broke my arm, [I've had] multiple beatings by various boyfriends, broken kneecaps, broken limbs. I'm scared of men.

Two years ago, I was beat and raped for 45 minutes.

6. Wayne Christian, Director of the First Nations Round Lake Treatment Centre in Armstrong noted that most of his clients have used drugs and alcohol to 'deadend' the pain of emotional and physical trauma. 'Up to 95% of clients at Round Lake reported a history of some kind of trauma, personal trauma, whether it was residential school, sexual abuse, physical violence, abandonment – those types of issues . . .' (Rees, 2001).
7. One woman at first answered 'no' to the question, 'before you were 18 years old, did you experience any unwanted sexual touching or any sexual contact between you and a grown up?' Then she thought about it briefly and asked (without interviewer prompt): 'does this question mean for when I was prostituting underage?' After the interviewer said yes, the young woman said 'every time a john touches me, it's unwanted.' She started prostituting at age 12.
8. Although there is a common misconception that street prostitution is the most harmful type of prostitution, there is no research evidence for this. In

fact, women have told us that they felt safer in street prostitution compared with legal brothels or massage parlors where they were not permitted to reject customers for any reason. Others commented that on the street they could refuse dangerous-appearing or intoxicated customers. Some told us that they considered it a deterrent to violence when a friend made a show of writing down the john's car license plate number. Raphael and Shapiro (2002) noted that women in Chicago reported the same frequency of rape in escort and in street prostitution. Although more physical violence was reported in street compared with brothel prostitution in South Africa – there was no difference in the incidence of PTSD in these two types of prostitution, suggesting that the experience of prostitution is intrinsically traumatizing (Farley et al., 1998). A Canadian study comparing strip club and street prostitution found that women prostituting in strip clubs had significantly *higher* rates of dissociative and other psychiatric symptoms than those in street prostitution (Ross, Anderson, Heber, & Norton, 1990). Strip club/massage, brothel and street prostitution were compared in Mexico. There were no differences in the incidence of physical assault and rape in prostitution, childhood sexual abuse or symptoms of PTSD, and no differences in the percentages of women in brothel, street, or strip club/massage prostitution who wanted to escape prostitution (Farley et al., 2003).

We have begun inquiry about different locations where prostitution occurs. A checklist rather than open-ended questions about location of prostitution is recommended. In a 2003 study, Farley used the following list of categories of prostitution, asking each participant regardless of the location of the current interview, to check off each kind of prostitution she had previously been in. Types of prostitution included: escort, massage, phone sex, street, Internet, brothel, prostitution as a child under age 18, strip club, bar, table dance club, peep show, prostitution associated with a military base, trafficked (moved) from another country to New Zealand for prostitution, trafficked (moved) from one part of New Zealand to another for prostitution, and other. Kramer (2003) found a range of street, escort and strip club prostitution experiences among interviewees in southwestern USA. Across these three types of prostitution, 90% of Kramer's respondents described the experience of prostitution as negative or traumatic. We suggest that any study of prostitution report the length of time in prostitution and the number of customers seen by respondents. These factors, more than the physical location of the prostitution, are correlated with harm (Parriott, 1994; Vanwesenbeeck, 1994).

9. Not only has there been a lack of attention to prostitution as a form of violence against First Nations women, but the RCAP report has been generally criticized for its failure to take into account the viewpoint of Aboriginal women (Frideres, 1996). Frideres in the same article also comments that two-thirds of the presenters at the RCAP hearings were male (Note 18, p. 264).

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German Brothel Menu Example

(source: German psychologist and trauma expert Dr. Ingeborg Kraus)

- AF = Algierfranzösisch (Zungenanal) – Tongue anal
- AFF = Analer Faustfick (die ganze Hand im Hintereingang) – Anal Fist Fucking
- AO = alles ohne Gummi – everything without rubber
- Braun-weiß = Spiele mit Scheiße und Sperma – play with shit and sperma
- DP = Doppelpack (Sex mit zwei Frauen) oder: double Penetration (zwei Männer in einer Frau) – Sex with 2 women or double penetration (2 men in one woman)
- EL = Eierlecken – licking the balls
- FF = Faustfick– Fist Fuck
- FP = Französisch pur (Blasen ohne Gummi und ohne Aufnahme) – blowjob without rubber
- GB = Gesichtsbesamung- Ejaculating in the face.
- GS = Gruppensex – Group Sex.
- Kvp = Kaviar Passiv (Frau lässt sich anscheißen) – Man shits on a woman
- Nsp = Natursekt Passiv (Frau lässt sich anpinkeln) – Man urinates on a woman
- OV = Oralverkehr (Blasen, Lecken); – Oral intercourse (Blowjob or Licking)
- SW = Sandwich, eine Frau zwischen zwei Männern – one woman between 2 men
- tbl, = tabulos, ALLES ist erlaubt – without taboo, everything is allowed.
- ZA = Zungenanal (am / im Hintereingang lecken) – lick the anus.
- Sex with a pregnant woman

What happens when prostitution is treated as “sex work” rather than treated as sexual exploitation and violence against women? Legalization/decriminalization of prostitution and the sex industry promotes sex trafficking and legitimizes pimping, trafficking and buying sex thereby **normalizing** the sexual exploitation of women, children and the vulnerable. The sex industry will expand, as it has in Germany, the Netherlands, New Zealand and the State of Nevada. Clandestine, hidden, illegal and street prostitution will increase. As the DEMAND increases, so will the SUPPLY have to increase causing child prostitution (trafficking) to increase. Women and children in the sex industry are not protected but are violated until they are drug addicted, mentally ill, commit suicide or are murdered (ie. Robert Picton farm). Organized crime is heavily involved with this **lucrative low risk crime**. International Crime Syndicates move in. The target age today is 11-12 year old girls because they are easy to manipulate and are disease free. **Children are where the money is.** 1-3% of women may “choose” this activity, but 97-99% of women and children are forced, coerced, tricked, lured into the sex industry. The majority of prostituted individuals enter the sex industry as minors. No child says, “I want to be pimped out and trafficked when I grow up.”

OPEN QUESTION PERIOD POLICY

THAT the following guidelines for the Open Question Period held at the conclusion of the Regular Council Meetings:

- 1) The Open Question Period will commence after the adjournment of the Regular Council Meeting;
- 2) A maximum of 15 minutes for the questions from the Press and Public will be permitted, subject to curtailment at the discretion of the Chair if other business necessitates;
- 3) Only questions directly related to business discussed during the Council Meeting are allowed;
- 4) Questions may be asked of any Council Member;
- 5) Questions must be truly questions and not statements of opinions or policy by the questioner;
- 6) Not more than two (2) separate subjects per questioner will be allowed;
- 7) Questions from each member of the attending Press will be allowed preference prior to proceeding to the public;
- 8) The Chair will recognize the questioner and will direct questions to the Councillor whom he/she feels is best able to reply;
- 9) More than one Councillor may reply if he/she feels there is something to contribute.

*Approved by Council at Meeting No. 920
Held November 2, 1999*

*Amended by Council at Meeting No. 1405
Held September 15, 2015*