

Vancouver, BC

February 1, 2012

(PROCEEDINGS RECONVENED AT 9:30 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Yes, Mr. Roberts.

MR. ROBERTS: Good morning, Mr. Commissioner. Darryl Roberts for Marion Bryce. Mr. Commissioner, I should have risen yesterday at 3:30 when Mr. Gratl finished his cross-examination, but I hate tussles over who goes first before you in cross-examination, and with Mr. Ward rising I didn't intervene. But you know I'm here representing Marion Bryce. He switched his cross-examination with Mr. Gratl, that seems to me that he actually takes Mr. Gratl's spot and doesn't usurp that which belongs to Marion Bryce, whom I and Irwin Nathanson represent. So I'm applying to you this morning to have his cross-examination stand down and to be allowed to go on my cross-examination. And I also ask respectfully for reconsideration for the time amount that appears to be allocated to me. This seems to be part of one hour divided up between Ms. Gervais and Mr. Baynham and myself, and I'm not sure that recognizes that I'm here on behalf of Marion Bryce. I'm not asking for a long

1 period of time. I did request from commission
2 counsel to have an hour -- sorry, two hours, but I
3 believe I can confine it to one hour. So it's on
4 that basis that I would like to go this morning in
5 what I respectfully submit is the proper order of
6 things. And I don't want to have to go back and
7 explain to my learned colleague Mr. Nathanson that
8 his standing and Ms. Bryce's standing here is of a
9 lesser stature just because it's only one family.
10 That doesn't make any sense to me.

11 THE COMMISSIONER: First of all, obviously it's not -- I don't
12 want to stand down his cross-examination now.
13 Your point is well taken that if they switched
14 then he should have taken Mr. Gratl's spot, but
15 we're into his cross-examination now. As far as
16 giving you more time, I think you have half an
17 hour, do you not?

18 MR. ROBERTS: That's what you've got me down for, sir.

19 THE COMMISSIONER: Yeah. Without you telling me what your
20 cross-examination's about, is this your kidnapping
21 by fraud theory?

22 MR. ROBERTS: Well, there's three aspects of it. I'm in 1998
23 to be sure, but I want to deal with the issue of
24 the search warrant which this witness has spoken
25 to, which Constable Shenher has spoken to. I also

1 want to deal with the issue of the supervision by
 2 Sergeant Field of Ms. Shenher. I also need to
 3 deal with the issue of her relationship to the
 4 source and as revealed in her log, and then I need
 5 to deal with the issue of a search warrant, I've
 6 spoken to that, but the search warrant in relation
 7 to what crime was she investigating and that takes
 8 me into kidnapping by fraud, yes.

9 THE COMMISSIONER: Well --

10 MR. ROBERTS: And I believe --

11 THE COMMISSIONER: -- I don't know what she's going to say, but
 12 every officer so far has indicated that the
 13 kidnapping by fraud is something that never even
 14 occurred to them because they were concerned with
 15 apprehending whoever was doing -- committing these
 16 crimes, so I don't know if we want to go through
 17 all that again. I mean this will be the third
 18 witness that you're going to ask that theory, put
 19 that theory to. But, in any event, I'm not going
 20 to change the time that's been given. A lot of
 21 the issues that you say you wish to canvass with
 22 her have been discussed already, as a matter of
 23 fact I'm already hearing some repetition in the
 24 cross-examination and I don't want to hear it, so
 25 I'm not going to give you an extension or expand

1 your time. That was thought of very carefully
2 having regard to the fact that there are some 18
3 lawyers in the room, and that if we were to comply
4 with the requests of the lawyers we would have
5 probably two weeks of cross-examination, and
6 that's just not any way to run an inquiry. We
7 have to move it along a lot more quickly than
8 that, and -- but as I said to Mr. Gratl yesterday,
9 it may well be that from the evidence that we've
10 heard before through the reports and through the
11 witnesses that you may be in a position to argue a
12 lot of those issues in any event in your closing
13 argument. All right.

14 MR. ROBERTS: That may be so, Mr. Commissioner, but most
15 arguments do best when they're grounded on good
16 solid evidence.

17 THE COMMISSIONER: Well --

18 MR. ROBERTS: And I'm sure this commission does not want to
19 avoid having the tough questions asked, and just
20 because people didn't see kidnapping by fraud does
21 not mean to say this is not a tough question which
22 this commission has to consider. The question has
23 to be is it the case that Vancouver Police were
24 unable to see the crime which began in Vancouver
25 and the only one which I know of would end

1 somewhere else is kidnapping, and it's not called
2 kidnapping by fraud in the code, it's kidnapping
3 by means of force or fraud.

4 THE COMMISSIONER: I know. I know.

5 MR. ROBERTS: And that's determined by our courts.

6 THE COMMISSIONER: Yes, I know.

7 MR. ROBERTS: And I'm sure you don't want me not to ask those
8 tough questions.

9 THE COMMISSIONER: Well, look, you can ask all the tough
10 questions you want. The fact is those questions
11 have been asked by other people of other people,
12 and the deputy chief was asked that and
13 cross-examined at length, and I don't know if you
14 think that you're going to get a different answer
15 from this witness as to whether or not she thought
16 that kidnapping by fraud was an appropriate charge
17 when it seems to me from what I've heard from her
18 evidence she was more concerned with apprehending
19 someone instead of worrying about what charge may
20 be laid down the road. So they were trying to
21 find out who was doing this, let alone deciding
22 what the definitions of the offences would be that
23 he would eventually be charged with. In any
24 event, that's my decision, and we'll deal with it
25 when your time comes.

1 MR. ROBERTS: I don't want to take up more time on the matter.

2 THE COMMISSIONER: Thank you, Mr. Roberts.

3 MR. WARD: Thank you --

4 MR. VERTLIEB: Mr. Commissioner, just a point that was raised
5 yesterday by Mr. Ward. He was asking for
6 production of photographs, and you asked me and I
7 said I didn't really know the status. So we went
8 back and checked, and in point of fact on October
9 20, 2011 -- October 20, 2011 the executive
10 director of your commission sent to all counsel
11 material, and one of the items was a video of the
12 1997, ident video taken by the RCMP on that 1997
13 attempt murder. There are also photographs that I
14 could not in the time available sort out whether
15 they included '97 or later, because there were a
16 couple of hundred photographs sent. I just wanted
17 you to know that we have no sense that we have not
18 been getting the documents that need to be
19 produced for your inquiry. I think part of the
20 problem is, and I heard Ms. Shenher say this, that
21 she thought the documents she wasn't seeing
22 everything, and I understand why because it almost
23 was if the documents had been thrown into a mixer
24 and you couldn't figure out what was going on, and
25 that's why your staff spent months and months

1 getting organized to start this inquiry 'cause we
 2 had to bring organization. But I think we've done
 3 that, and so you no doubt will hear other
 4 witnesses say the documents were confused and hard
 5 to follow, but there's no suggestion that the
 6 lawyers for DOJ or Vancouver Police have not been
 7 meeting our requests, and I have no sense of any
 8 bad intent to hide documents from us, and I'm
 9 comfortable that I stand here and say that to you
 10 as your counsel.

11 THE COMMISSIONER: Thank you, Mr. Vertlieb. Mr. Ward.

12 MS. TOBIAS: If I may interject, Mr. Commissioner.

13 THE COMMISSIONER: Yes.

14 MS. TOBIAS: Cheryl Tobias for the Government of Canada. Just
 15 to add to what my learned friend Mr. Vertlieb told
 16 you, I received late last night from the RCMP some
 17 scanned photographs as well, and that's going out
 18 to all counsel this morning.

19 THE COMMISSIONER: All right. Thank you.

20 MR. WARD: Thank you. I've lost 13 minutes this morning as a
 21 result of those.

22 THE COMMISSIONER: Well, it's dealing with your issues,
 23 Mr. Ward. You're always talking about the time,
 24 and you raised a concern yesterday about how
 25 unfairly you've been dealt with and somehow the

1 lawyers here who have the documents have been
2 remiss in not sending them to you. Apparently
3 they were sent out on October the 20th.

4 MR. WARD: Mr. Commissioner, with respect to the matters just
5 raised, as Mr. Vertlieb has made clear the still
6 photographs taken of Willie Pickton's trailer in
7 March of 1997 have not yet been disclosed to the
8 participants. That is what Mr. Vertlieb has
9 confirmed. He's got hundreds of still photos of
10 the inside of Mr. Pickton's trailer. The contents
11 of Mr. Pickton's trailer, the photographs of the
12 contents, in my respectful submission, are
13 relevant to the way the investigations after March
14 of 1997 were carried out. I would have expected
15 those photographs to have been delivered before
16 now.

17 With respect to the documents being in a
18 completely disorganized state like they were
19 thrown into a mixer I have this remark. Of course
20 the case was prepared for trial in 2003, and the
21 institutional participants, and by that I mean the
22 Crown, the RCMP and the Vancouver Police
23 Department, have had some eight years to get the
24 files organized into a state where they would make
25 sense. Apparently that didn't happen. As I stand

1 here today I've wrestled with the documents and I
2 am convinced beyond any doubt that extremely
3 relevant and critical documents have yet to be
4 disclosed, have been withheld, and are not yet in
5 Concordance or in the participants' possession.

6 THE COMMISSIONER: Mr. Vertlieb.

7 MR. WARD: And I'd like to carry on on --

8 THE COMMISSIONER: No, I want to -- you know, Mr. Vertlieb has
9 told me you've made serious allegations, and
10 you've done them before, that somehow documents
11 are being withheld.

12 MR. WARD: Absolutely.

13 THE COMMISSIONER: Just a minute. If that's the case I want to
14 make sure that you get all the documents.
15 Mr. Vertlieb, he says they still haven't been
16 given to him.

17 MR. VERTLIEB: I don't understand the concern. We have no
18 sense that the police are withholding documents.
19 They have been co-operative to our requests, and
20 many, many, many thousands of documents have been
21 disclosed. As far as the photos I thought maybe I
22 was clear, when I looked at it last night in our
23 office with Ms. Thompson, who manages the
24 documents, there were many photos on that material
25 she says that has been sent, but she couldn't sort

1 out whether it was 1997 photos or some later date.
2 So it's not -- I think Mr. Ward misheard me.
3 Anyway, I just wanted to answer this 'cause it
4 came up yesterday and I didn't know. I looked at
5 the video and you can see the trailer. It was
6 obviously a trailer that meets the description
7 we've heard about it. And I'm not sure of the
8 relevance of it, but anyway that disclosure has
9 been made along with photos, but I'm not sure how
10 it's going to help you determine facts.

11 THE COMMISSIONER: All right.

12 MR. WARD: Thank you. And I'm busily preparing to renew my
13 document disclosure application, I've given notice
14 of that to all counsel, and I'd like to have it
15 brought on next week if at all possible. I'd like
16 to now continue with my cross-examination if I
17 may, Mr. Commissioner.

18 THE COMMISSIONER: Yes.

19 **LORI SHENHER: Resumed**

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

21 Q Detective Constable Shenher, you acknowledge that
22 you remain under oath this morning?

23 A Yes, I do.

24 Q And overnight you didn't speak with anyone about
25 this case or your testimony; correct?

1 A That's correct.

2 Q And did you deliver to Mr. Crossin a copy of the
3 manuscript of the book that you submitted to
4 McClelland & Stewart in respect of your conduct of
5 the missing person investigations?

6 MR. CROSSIN: That's not a relevant question for this witness
7 on the substantive issues that you're dealing
8 with. You've directed me to do something.

9 THE COMMISSIONER: Yes.

10 MR. CROSSIN: I'm doing it. I will report to you when I've
11 done it.

12 THE COMMISSIONER: I agree with you.

13 MR. CROSSIN: Thank you.

14 THE REGISTRAR: Thank you, Mr. Crossin.

15 MR. WARD: Thank you.

16 Q Now, in the course of preparing to give your
17 testimony you reviewed the transcript of your
18 interview by Deputy Chief Evans which took place
19 on July 18th, 2011?

20 A No, I actually didn't.

21 Q All right. In any event, you recall being
22 interviewed by her on that day?

23 A Yes, I do.

24 Q And a 313 page transcript of the interview was
25 generated. The interview lasted from 9:24 a.m. to

1 4:15 p.m. Do you recall that?

2 A I'll take your word for it, yes.

3 Q You in the course of the interview identified what
4 you considered to be the question that needed to
5 be answered here, I suggest, and that was what
6 made them stop the investigations of Pickton that
7 you and Connors were conducting. Is that fair?

8 A Yes.

9 Q All right. Just focus on that. You perceived
10 this summer that that was the critical question
11 that the public deserved answers to and in
12 particular my clients, the families of the
13 murdered women, 25 of them, deserved answers to;
14 fair?

15 A Yeah. I would say so, yes.

16 Q And by them you meant senior police personnel; is
17 that fair?

18 A No, by them I think I was specifically referring
19 to the RCMP at that point.

20 Q All right. So what made the RCMP stop your and
21 Connor's attempts to investigate Pickton was what
22 you perceived to be the critical question?

23 A What I wanted to know was, if I understand your
24 question correctly, Mr. Commissioner, was what
25 existed at that point to justify what I perceived

1 to be the stopping of that investigation at the
2 point where it appeared to stop.

3 Q And it was clear to you that Corporal Mike Connor
4 in Coquitlam was not the decision maker who wanted
5 the investigation to stop; correct?

6 A If I understand the question correctly,
7 Mr. Commissioner, it was, and my experiences with
8 Corporal Connor were always very positive, he was
9 always extremely engaged and as passionate as I
10 was in trying to investigate Mr. Pickton as fully
11 as possible, so I didn't believe that he would
12 have stopped that investigation. And I believe
13 that I had some telephone conversations with him
14 that indicated that, I can't recall the specifics
15 of them.

16 Q All right. And just to sum up the way things were
17 from your perspective then, and I'm referring to
18 the period between July of 1998 and throughout
19 1999, you and Connor had Willie Pickton squarely
20 in your sights as the prime suspect in the
21 disappearances of women from the Downtown
22 Eastside, didn't you?

23 A As I said before my feeling was that the evidence
24 surrounding Mr. Pickton -- I don't want to call it
25 evidence. The information surrounding him and his

1 activities that we were receiving from multiple
2 sources by the summer of '99 was the most
3 compelling evidence pointing toward any person of
4 interest that we had had come across our desks to
5 that point.

6 Q All right. And it felt to you in late 1999 like
7 someone higher in the RCMP than Connor was
8 responsible for allowing the investigations to
9 stop or causing them to stop; is that fair?

10 A No, I wouldn't say that's accurate. I really
11 don't think I had any sort of sense as to what
12 dynamic existed within either the Coquitlam RCMP
13 or the Provincial Unsolved Homicide Unit that
14 would have led to what I perceived was a decision
15 one way or another to validate or invalidate
16 Ms. Ellingsen's evidence or Mr. Caldwell's
17 information.

18 Q All right. I want to take you next, please, to
19 the April 6, 1999 meeting with the attorney
20 general of the province, and the other cabinet
21 ministers, Gary Bass, and all the people who were
22 in attendance. You recall testifying about that?

23 A Yes, I do.

24 Q And, Mr. Commissioner, reference to this meeting
25 is at the LePard report Exhibit 1, page 90. And I

1 just want to -- you've given evidence as to who
2 was there, but in LePard's report he has written
3 in parentheses:

4 Deputy Chief Constable McGuinness recalled
5 that Chief Constable Chambers and Staff
6 Sergeant Henderson from the Provincial
7 Unsolved Homicide Unit attended as well, but
8 Detective Constable Shenher advised he was
9 mistaken and they were not present. Former
10 Chief Constable Chambers had no memory of
11 attending the meeting.

12 Do you see that? Page 90, first full paragraph.

13 A Yes, if you can just give me a moment I just want
14 to double-check something. I just want to clarify
15 that what he means there is not that McGuinness
16 wasn't there, but that Chambers was not there.

17 Q And that's your evidence, that neither McGuinness
18 nor Chambers were there?

19 A No. No, McGuinness was there, but Chambers was
20 not.

21 Q Thank you. So just to recap, you're there,
22 Superintendent Bass of the RCMP, Deputy Chief
23 McGuinness, Sergeant Al Boyd, Attorney General
24 Ujjal Dosanjh, Deputy Attorney General Steven
25 Stackhouse, two other cabinet ministers whose

1 names you don't recall?

2 A That's correct.

3 Q A number of aides of the cabinet ministers?

4 A Yes.

5 Q A total of some 12 to 14 people in all?

6 A I had thought -- my perception was sort of 10 to
7 12 without police, so yes.

8 Q And this, I suggest, was a completely unique
9 experience for you to be in a room with these
10 cabinet ministers and their aides and a senior
11 management member of the RCMP; right?

12 A I had not been in that position before, no.

13 Q And you gave a presentation there?

14 A Yes, I did.

15 Q And you discussed in your interview with Evans
16 that presentation?

17 A Yes.

18 Q And you were shown three copies of a memorandum
19 apparently written by you with different dates on
20 it?

21 A That's correct.

22 Q Okay. And I'm going to show you that again now to
23 form the basis for the next series of questions.
24 I have a few other copies here for counsel, but
25 it's been -- the document references are

1 VPD-001-001230, and there are several others, but
2 there are copies here. I'm showing you, Detective
3 Constable, what appears to be three versions -- I
4 see there's an e-mail intermingled with this, but
5 three versions of the same memorandum with
6 different dates on it, April 9th, April 12th, and
7 April 19th. You see that?

8 A Yes, I do.

9 Q And you were asked about this memorandum by Deputy
10 Chief Evans; correct?

11 A I believe so, yes.

12 Q And for counsel's purposes at the moment the
13 exchange between you and her took place at pages
14 156 to 165 of the transcript of your interview. I
15 can show you this in a moment if you need to see
16 it, so please --

17 A I would like to see it if you have it, please.

18 Q I've passed up three copies of that, and I have
19 additional copies available for counsel, but
20 counsel know I'm sure what I'm referring to. You
21 explained to Deputy Chief Evans that you had never
22 written to an attorney general before; correct?

23 A That's correct.

24 Q And when these three memoranda were produced you,
25 and you can confirm this by going to the

1 transcript, I'm going to try to summarize what you
2 said to Deputy Chief Evans, you told her this did
3 not appear to be your memorandum because you
4 remembered writing a memorandum with Pickton's
5 name in it along with other suspects; correct?

6 A I recall that, yes.

7 Q All right. Let me just stop there. You also said
8 to Evans that it looked as though these versions
9 of the memorandum with the different dates had
10 been printed off the VPD computer at different
11 times?

12 A Mr. Commissioner, if I can just clarify that,
13 because it was -- I subsequently or I at the time
14 was aware that within the Word program at the VPD
15 every time you would open a previously produced
16 document on a different day it would pre-fill that
17 day's date into the date field, and I think it's a
18 problem that continues to this day. So I don't
19 believe there were ever three documents, they were
20 just documents that at different times were opened
21 up and then were given new dates, and I believe
22 Deputy LePard confirmed that for me.

23 Q And you told Deputy Chief Evans last summer that
24 you recalled preparing a memorandum to the
25 attorney general that had Robert Willie Pickton's

1 name in it and that you passed that memorandum out
2 to those at the meeting; right?

3 A That's not correct, Mr. Commissioner. What I told
4 Deputy Evans then was that my recollection at the
5 time that I was interviewed by her, and not having
6 reviewed these documents in years, was I had an
7 impression that I had -- because I had written so
8 many documents that I had in some documents where
9 I had mentioned persons of interest or, you know,
10 and sometimes ranked them as top three or that
11 sort of thing, I remembered a document where I had
12 Mr. Pickton as number one and two other persons of
13 interest as two and three, and then in my mind I
14 had confused that with the document that I sent to
15 the attorney general. I at the time of discussing
16 this with Deputy Evans at no time was I suggesting
17 that I felt my document had been mysteriously
18 replaced by this new document, it was just a
19 mistake with my own memory at the time. And since
20 I've been able to review my documents for this
21 commission I have some clarity on that and I
22 recognize that this is the document that I
23 prepared for the attorney general's meeting.

24 Q Your recollection when you were sitting down with
25 Deputy Chief Evans is that you had a discussion

1 with those in attendance at the meeting with the
2 attorney general of three suspects including
3 Pickton, wasn't it?

4 A Again, that was my -- that was my memory and then
5 as I revisited it through looking at these
6 documents I've come to remember that that's not --
7 I don't believe that's accurate.

8 Q If this commission wanted to see the memo that was
9 actually distributed it would have to get copies
10 from those in attendance at the meeting; right?

11 A Sorry, I don't understand your question.

12 Q Well, you did hand out a memorandum to the people
13 in the room?

14 A Yes, I provided copies to everyone in the room.

15 Q All right. And what we're looking at here are
16 three versions of a memorandum from VPD -- from
17 the VPD's computer system, aren't we?

18 A Again, Mr. Commissioner, three versions that are
19 different only by date only because of the way
20 that our system produces dates when you pull out a
21 document on the computer.

22 Q You recall I'm sure, and you've already testified
23 a little bit about it, but you recall the climate
24 in the law enforcement community, especially the
25 VPD, when Pickton's farm was being searched in

1 February of 2002?

2 A Well, I take issue with the characterization that
3 me especially, I don't think the VPD was in any
4 way -- my perception of the climate was the VPD
5 was no different than anywhere else. I don't
6 think we were particularly worse.

7 Q All right. Well, the prevailing climate was we in
8 the law enforcement community are going to have
9 some explaining to do about this man; right?

10 A Mr. Commissioner, I can't speak to the prevailing
11 climate. I can speak to my own thoughts, and
12 that's correct in my own mind, yes.

13 Q In your own mind at least there was going to be
14 some serious explaining to be done because Pickton
15 had been a prime suspect as early as July of 1998
16 and nothing had happened in respect of his
17 apprehension over the next number of years; right?

18 A Pickton in my mind was a very important person of
19 interest during those periods of time.

20 Q And so who knew what about Pickton and when they
21 knew it was going to be in your own mind a serious
22 question that would have to be answered?

23 A Yes.

24 Q Now, back to this April 6th, 1999 meeting, Pickton
25 in your mind is squarely in your sights as a prime

1 suspect in the disappearances that you're

2 discussing at the meeting; fair?

3 A As I said he's in my mind a very important and the
4 most compelling person of interest that we have.

5 Q And in another interview, I think with LePard, you
6 expressed some relief that as of the meeting in
7 April 1999, whatever date it was --

8 MR. CROSSIN: Yeah, I was just --

9 THE COMMISSIONER: Yes.

10 MR. CROSSIN: My friend just keeps saying it's April the 6th.

11 I think it's April the 9th.

12 MR. WARD: It's impossible to tell because there's no record of
13 the meeting. There are memoranda. I'll accept
14 your counsel's representation.

15 MR. CROSSIN: Well, that's her evidence.

16 MR. WARD:

17 Q Was it April the 6th?

18 A No, I believe it was April 9th.

19 Q All right. How do you know that?

20 A I believe there's a document where I explain that
21 I'm going there or I kept a note that that was
22 what I was doing.

23 Q Well, the people at the meeting -- when you're
24 there making your presentation the people at the
25 meeting are writing things down, some of them

1 anyway, aren't they?

2 A I can't recall.

3 Q You can't recall?

4 A No.

5 Q All right. Now, you handed out your memoranda.
6 You don't recall whether people are writing notes
7 on them?

8 A I don't recall that, no.

9 Q Anyway, you felt after going to this meeting and
10 making your presentation, whatever was discussed,
11 that some of the burden had been lifted off your
12 shoulders, you felt a sense of relief because now
13 people at the highest levels, the RCMP, the VPD,
14 and the provincial government, knew firsthand what
15 you knew about the investigations thus far; right?

16 A I think that was my recollection at the time, yes.

17 Q And if someone maintained records of this meeting
18 they being contemporaneous notes of what was said
19 would be in your view more reliable than your
20 recollection some 12 and a half, 13 years later;
21 fair?

22 A Mr. Commissioner, I would like to clarify this
23 point, because I think it's important. I had an
24 impression over the last several years obviously
25 up until I was interviewed by Deputy Evans I had

1 an impression that Mr. Pickton was discussed,
2 partly because, and I'm a visual person, I had a
3 visual in my mind of that other memo. I'm really
4 not able to say for certain whether he was
5 discussed based on how that impacted what my
6 memory was of it at the time. So I'm not trying
7 to be difficult, but I really truly don't recall.
8 I know we had a coffee beforehand with the police
9 people and sat around, it could have been
10 discussed then, but I honestly don't recall in the
11 meeting whether he was or wasn't discussed.

12 Q All right. But your recollection up to sitting
13 down with Deputy Chief Evans was, if I understand
14 your evidence correctly, that there was another
15 memo with Pickton's name on it and that Pickton
16 was discussed at this meeting with the attorney
17 general?

18 A My recollection at the time that I met with Deputy
19 Evans was that, as I said, I had a visual of that
20 memo and that bullet list of three persons of
21 interest, and that at the time formed my
22 recollection of my memo to the AG, which obviously
23 isn't my memo to the AG, and I've since refreshed
24 that portion of my memory, so I honestly can't say
25 whether he was discussed.

1 Q Well, what's obvious is that what I've shown you
2 is not the memorandum that was handed out to the
3 participants at the meeting. That's obvious,
4 isn't it?

5 A It's certainly not obvious to me. I believe this
6 is the memo that -- this is the memo I wrote, it
7 hasn't been changed, this is the one.

8 Q To be sure what the people at the meeting received
9 we'd have to get from them the memo that was put
10 in their hands on April the 9th, 1999, wouldn't
11 we?

12 A Well, Mr. Commissioner, you know, obviously it
13 depends what you're prepared to accept, but I
14 wrote this memo, I recall now -- when I saw it in
15 preparing for this commission and reviewing these
16 documents I now recall this is the memo I passed
17 out at that meeting.

18 Q And given the importance of the meeting and given
19 your experience with meetings involving police
20 officers, and given the responsibility, duty on
21 the part of every VPD member to keep daily notes,
22 you would expect records to have been made of this
23 April 9th, 1999 meeting by one or more of the
24 people in attendance; right?

25 A Yes, I would say so.

1 Q And you couldn't comment because you hadn't been
2 at meetings with cabinet ministers and their aides
3 before about whether cabinet ministers routinely
4 had their aides keep records of important
5 meetings, could you?

6 A I'm sorry, I don't understand.

7 Q Well, you couldn't say one way or the other
8 whether -- let me start again. You have no
9 recollection today of observing other people in
10 the meeting, like the cabinet minister's aides for
11 example, taking notes?

12 A Mr. Commissioner, I was giving a presentation, so
13 I was engaged in doing that and I just -- they
14 could have been making notes, they may not have
15 been, I just don't recall seeing it actually
16 happening.

17 Q All right. Now, yesterday I was asking you
18 questions about the 1997 file and I showed you the
19 copy that's been disclosed to us, and you would
20 agree that the 1997 charges against Pickton were a
21 significant event in the course of the
22 investigations of him as a suspect; fair?

23 A I would agree to that. Mr. Commissioner, if I
24 could point out for the record as well, 'cause
25 we're looking at this RCMP report from 1997, and

1 just for the record that Pickton is spelled
2 P-i-c-t-o-n in this RCMP document.

3 Q I'm sorry, what are you referring to now?

4 A I'm referring to that document that you just
5 directed me to, and that Pickton is spelled
6 P-i-c-t-o-n.

7 Q You're referring to the two binders I passed up
8 yesterday, the Coquitlam file?

9 A Yes, I'm looking at the Coquitlam file.

10 Q Thank you. All right. And in terms of the
11 significance of this event it's apparent to you as
12 a police officer that if a prosecution of Pickton
13 on those serious charges had gone ahead to a
14 successful conclusion, and if he had been
15 imprisoned for a substantial term, many lives and
16 hundreds of millions of dollars of public money
17 would have been saved; right?

18 A Absolutely.

19 Q Did Corporal Connor tell you who made the decision
20 to enter the stay of proceedings?

21 A My recollection is Crown counsel, but he didn't --
22 he certainly didn't name any individuals to me,
23 no.

24 Q All right. Do you know whether a Crown prosecutor
25 named Randy Connor is any relation to Corporal

1 Mike Connor?

2 A My impression is they're not, because I think at
3 some point when I came to learn of that person's
4 involvement in the file I believe I asked someone
5 that question. I wouldn't be able to say for
6 certain, but that was my recollection.

7 Q You've had many dealings with Crown counsel in the
8 course of your experience as a police officer?

9 A Yes.

10 Q So you have some sense of how they work?

11 A I do.

12 Q And you know from personal experience that Crown
13 counsel in British Columbia don't make serious,
14 important decisions like staying attempted murder
15 and forcible confinement charges lightly, do they?

16 A I don't believe so, no.

17 Q And you know from your experience that important
18 decisions like that usually require input from and
19 decisions by people at senior levels within the
20 Crown, don't you?

21 A I couldn't really speak to that from an
22 experiential standpoint, no.

23 Q All right. But you do know that serious and
24 important decisions like that are generally
25 recorded in writing and explained to the police in

1 writing, don't you?

2 A I don't actually know that, no.

3 Q Okay. I don't have time to -- well, I may have
4 time if necessary to show you the parts of the
5 file, the Coquitlam file on these points, but if
6 the file shows that the victim of Pickton's 1997
7 attack, Anderson, had actually scheduled an escort
8 to take her to the meeting with Crown counsel the
9 morning of the commencement of the criminal trial,
10 then she would certainly have been co-operative?

11 A Mr. Commissioner, I would want to see the file to
12 be able to speak to that. It seems hypothetical
13 to me at this point.

14 Q All right. Fair enough. I'll pull it up in a
15 moment. But let me ask you this. In your
16 dealings with Connor about the stay, the stay that
17 you're frustrated about, the stay that you are
18 curious about to this very day, did he say to you
19 whether or not the RCMP's failure to get a search
20 warrant for Pickton's bandages, bloody bandages
21 was a factor in the decision to stay?

22 A I don't recall having any kind of conversation
23 about that.

24 Q Did Corporal Connor say to you in discussing the
25 stay whether the Coquitlam detachment's expressed

1 concern about having a number of its members
2 obliged to attend the trial was a factor in the
3 decision to stay the charges?

4 A I don't recall any conversation like that with
5 Corporal Connor.

6 Q And to this day the stay decision, despite its
7 significance, remains a mystery to you, doesn't
8 it?

9 A Somewhat, yes.

10 Q Well, you're a detective. If you wanted to solve
11 the mystery of that stay you'd obviously be
12 interested in asking the Crown lawyers, the RCMP
13 members, Anderson and defence counsel about the
14 reasons; right?

15 THE COMMISSIONER: Mr. Crossin.

16 MR. CROSSIN: This seems to be straying.

17 THE COMMISSIONER: Yeah, I don't know where we're going in
18 this, but I'm sure Mr. Ward has a plan here.

19 MR. CROSSIN: All right.

20 THE COMMISSIONER: And I don't know how relevant any of this is
21 how she felt about these things. We know that a
22 stay of proceedings was entered and the police
23 were not happy with it. And she's already
24 testified in chief that she felt that Anderson was
25 a compellable witness, she believed Anderson, and

1 she felt that a conviction would have been
2 registered at the end of the day. So if you want
3 to concentrate on your cross-examination in going
4 over those things all over again you can do it,
5 but I don't know where any of this is going.
6 Maybe you can tell me what I'm supposed to draw
7 from this.

8 MR. WARD: Well --

9 THE COMMISSIONER: She was unhappy, so was Connor, so we know
10 that.

11 MR. WARD: Well, these questions are intended to assist you in
12 addressing and finding the facts surrounding this
13 aspect of the terms of reference, namely, why the
14 Criminal Justice Branch entered a stay of
15 proceedings against Pickton in early 1998. And I
16 regret that my efforts to cross-examine this
17 witness are being interrupted, because this is, in
18 my submission, a legitimate area. It's squarely
19 within the terms of reference. I'm entitled to
20 circle the citadel and question this witness in a
21 manner which I feel is designed to assist you in
22 discharging the fact finding responsibility in
23 your mandate.

24 THE COMMISSIONER: Okay. Well, the interruption by
25 Mr. Crossin, you call it an interruption, I say

1 it's a legitimate objection that he raised. My
2 concern is that I know what my terms of reference
3 are, I know what I have to do with respect to the
4 term of reference relating to the stay of
5 proceedings entered in 1998, so I don't know what
6 we are gaining by knowing that the police were
7 unhappy. I know the police were unhappy. I know
8 a lot of people were unhappy. I know that
9 according to the detective's evidence she was a
10 very good witness. We will hear the other side of
11 that in due course, but I don't know if it helps
12 me at all to keep hearing the same things that
13 have already been given to me. That's all. Carry
14 on.

15 MR. WARD: Thank you. And I'll defer further questions until
16 the time that the Crown lawyers and Anderson
17 herself come, because I understand they're on the
18 witness list. So on that premise I'll defer the
19 further questions on this matter. Detective
20 Constable -- oh, sorry. And as I leave this
21 matter, the decision to stay the 1997 charges, I'd
22 ask, Mr. Commissioner, that the two binders be
23 marked as the next exhibit.

24 THE COMMISSIONER: All right. Thank you.

25 MR. WARD: I'd also ask that the series of memoranda with

1 different dates be marked as an exhibit as well.

2 THE REGISTRAR: I think we'll need a little bit more clear

3 identification of those first two, the ones you --

4 MR. WARD: The two binders I passed up yesterday.

5 THE REGISTRAR: The two binders. Okay.

6 MR. WARD: Marked on the back Coquitlam file 97-10797.

7 THE REGISTRAR: Okay. That will be Exhibit 84.

8 THE COMMISSIONER: Just before we do that I want -- Ms. Tobias.

9 MS. TOBIAS: Cheryl Tobias, Mr. Commissioner. I'm anticipating

10 that I would have no objection, but I haven't seen

11 these documents, and I don't think my friends have

12 either. I don't know what's being marked.

13 THE COMMISSIONER: Okay. Why don't you look at them during

14 your spare time.

15 MR. HERN: We can flip through them at the break if my friend

16 will allow us that.

17 THE REGISTRAR: The marking of Exhibit 84 will be withdrawn.

18 MR. WARD: We'll mark them NR?

19 THE REGISTRAR: Well, after the break when you do this we'll

20 mark them then.

21 MR. WARD: All right. Can we mark the package of memoranda

22 then, please, as whatever the next exhibit number

23 is?

24 THE REGISTRAR: That's the Vancouver Police Operations Support

25 Division package of memoranda?

1 MR. WARD: Package of memoranda, first page dated April 9,
2 1999.

3 THE REGISTRAR: That's correct, that will be marked as Exhibit
4 number 84.

5 **(EXHIBIT 84: Document entitled: Bundle of**
6 **Vancouver Police Department documents)**

7 MR. WARD: Thank you.

8 Q Now, I'd like to turn, Detective Constable, to
9 something you said to Deputy Chief LePard in one
10 of your interviews with him, and this was an
11 interview you had at Farris & Company's office on
12 April 7th, 2004, and in attendance were Doug
13 LePard and Sean Hern, and it's characterized as
14 interview number 3. Do you know what I'm speaking
15 of?

16 A If I could look at it. I think I can recall if
17 you had a document to direct me to.

18 MR. WARD: If your counsel could provide a copy that would be
19 of assistance. I don't know who your counsel is,
20 is it Mr. Hern or Mr. Crossin?

21 MR. CROSSIN: I don't have a copy.

22 MR. WARD: All right. I'll certainly show you my copy then.

23 Q You've seen this document before?

24 A Yes, I have.

25 Q And you understand it to be a record of what you

1 told Deputy Chief LePard on that day?

2 A Yes.

3 Q And the statements in that were true when you made
4 them?

5 A Yes, they were.

6 Q Could you turn to page 13, please, and read the
7 highlighted passages.

8 A By late 2000 when Geramy was pursuing a JFO
9 I was so utterly burnt out and disillusioned.
10 I had cared too much about the file to my
11 detriment. I was just fried. I wanted to
12 get as far away from anything remotely
13 related to the file. I just thought I
14 couldn't commit to a place that didn't know
15 its ass from a hole in the ground.

16 Q All right. With respect to that last comment, "I
17 couldn't commit to a place that didn't know its
18 ass from a hole in the ground," you were referring
19 to the Vancouver Police Department?

20 A Yes, Mr. Commissioner, forgive me for being so
21 crude, but yes, that's what I was referring to.

22 Q And what you were endeavouring to express in the
23 clearest possible terms was that you felt that the
24 Vancouver Police Department had been a
25 dysfunctional institution; fair?

1 A All I could really speak to, Mr. Commissioner,
2 were my own experiences in a fairly isolated
3 situation, and I felt that a lot of my bitterness
4 around that comment came not only from what
5 occurred in the investigation and what didn't
6 occur, but also from the subsequent -- what I
7 believe the subsequent lack of acknowledgment or
8 ownership by the organization at that time, lack
9 of leadership on the issue, lack of
10 acknowledgment, you know, as I testified yesterday
11 that this was a very major, major tragedy, and I
12 felt lack of organizational support and lack of
13 leadership, and that's what I was referring to
14 then in terms of my complete disillusionment with
15 my workplace.

16 Q You had had two years since -- more than two years
17 since Pickton's arrest to let the full import of
18 the tragedy sink in, didn't you?

19 A Yes.

20 Q And would you agree that the phrase "the
21 department didn't know its ass from a hole in the
22 ground" was intended by you to convey in the
23 strongest terms that the management of the
24 department and the way it had handled the missing
25 women's case during the investigations and even

1 after Pickton's arrest was completely
2 unsatisfactory?

3 A My recollection of that comment was in part with
4 respect to the investigation and its obvious
5 failings, but a large part of it was again what I
6 viewed as a lack of ownership and accountability
7 of the investigation and its failings, and a lack
8 of leadership on the issue at that time, and as
9 I've testified earlier, up until the time Deputy
10 Chief LePard was assigned to conduct our internal
11 review.

12 Q All right. The leadership up until 2004 at least
13 was something that I think you characterized as
14 the old guard?

15 A Those were never my words, Mr. Commissioner, I
16 believe that was commission counsel's words or
17 term. One of my chief complaints with the
18 organization was around the time of Mr. Pickton's
19 property search and where information was being
20 discussed in the media coming from -- from what I
21 believe was the RCMP media section about how the
22 Vancouver Police had, I can't quote directly, had
23 essentially failed and ruined the investigation,
24 and I felt the silence coming from the VPD on that
25 issue was very upsetting for me and for my

1 colleagues, because while that was partially true
2 in terms of the investigation, obviously that
3 comment and those comments were coming from a
4 place that was not acknowledging that the RCMP had
5 also been well aware of Mr. Pickton and his
6 activities about the same time. And so I felt
7 that we were, we meaning my team that worked on
8 this, were completely unsupported by the
9 organization because the organization didn't speak
10 out for us, and that really was the core at the
11 time. Obviously in addition to the Pickton
12 investigation failings that was really what I was
13 speaking to with those comments.

14 Q Let me ask you about the first part of the
15 statement you read out, which was you were
16 disillusioned, burnt out and you wanted to get as
17 far away as you could from the file. That was a
18 true statement?

19 A That was.

20 Q By that point, however, after your transfer you
21 had found the time or the opportunity to write
22 your book manuscript about the investigation?

23 A I wrote the manuscript while I was on maternity
24 leave.

25 Q And I'm just trying to square that sitting down

1 and writing your experience on the missing women
2 investigations with your expression that you were
3 burned out and needed to get as far away from the
4 file as you could. Can you explain that?

5 A Absolutely. Mr. Commissioner, at the time that I
6 left this investigation I -- actually at the time
7 that the search began of Mr. Pickton's property I
8 was quite frankly terrified that I was going to be
9 made a scapegoat in this whatever information was
10 going to come out about our activities with
11 respect to Mr. Pickton. None of this information
12 around Caldwell and Ellingsen and all that whole
13 line of investigation, none of that was in the
14 public domain at the time, and as I said I was
15 terrified that I was going to wear that because I
16 didn't feel that was fair or right. And I am a
17 writer, and probably identify more closely with
18 that part of myself than a police officer, and I
19 wanted to write my story. Part of it was
20 cathartic. Part of it was I wanted to get it down
21 and write it down the way I remembered it in its
22 entirety, and with my view at the time on what I
23 thought were our failings, including my own, and
24 so that was my purpose. So if your question is
25 how was I able to find the energy for one thing

1 and not the other, I think that, you know, as a
2 human being I'm capable of doing some things while
3 still being very, very profoundly affected by
4 others, and that's really my answer.

5 Q And I have a similar question in respect of your
6 work for the television series *Da Vinci's Inquest*.
7 You worked as a writer and technical advisor on 25
8 episodes of that television show that were aired
9 between 2001 and I think 2003; correct?

10 A That's correct.

11 Q Again, if you wanted to get -- and the missing
12 women case was a recurring theme in the episodes
13 you worked on?

14 A I believe in some of them for sure, yes.

15 Q Again, can you just explain if you wanted to get
16 as far away from the issue as possible how it was
17 that you were able to spend so much time in a
18 creative way on a story that dealt with the
19 missing women investigations, at least in part?

20 A Well, my answer to that is in two parts I would
21 say. One is that while I wanted to get as far
22 away from this file as I could, I was obviously I
23 think quite clearly traumatized by my experience
24 with it, and I continued to find I think ways in
25 which I could try to process that experience, and

1 my work on *Da Vinci's Inquest*, my recollection of
2 that was that I was not very closely involved with
3 the missing women scripts, that's not to say I
4 didn't review them, because I did, but my job as a
5 technical advisor was essentially to review
6 scripts for their accuracy in terms of reflecting
7 proper police procedure, the way police talk, the
8 kinds of things that would be or wouldn't be said,
9 that sort of thing, and subsequently I wrote one
10 script for the show. That was essentially my
11 mind-set at the time.

12 Q The one you wrote "Just a Dead Indian" or
13 something?

14 A "For Just Being Indian."

15 Q All right. You gave some evidence at the end of
16 your testimony yesterday quite passionately about
17 how this case had affected you, and in the course
18 of that you said, if I understood your evidence
19 correctly, that you hoped that there was room in
20 the VPD for people like you. You recall that
21 evidence?

22 A I do.

23 Q What did you mean by that?

24 A I think for -- for people who still have some
25 humanity I think -- I think in policing what

1 sometimes happens, because policing is a very
2 challenging profession obviously, and I think that
3 there are no police officers that are not affected
4 by the things that we see every day and we see
5 people doing to each other, and my experience it's
6 not the blood and gore, and obviously those things
7 are very upsetting, but those aren't the things
8 that make me lie awake at night. It's when we --
9 I think many police have to put up a wall, a
10 self-protective wall, and I think that wall while
11 I completely understand its use and function and
12 its utility, it gets in the way sometimes I think
13 of our engagement with the community, our ability
14 to put ourselves into the shoes of the people we
15 deal with. I think it creates sometimes an us and
16 them mentality between us and the people we serve.
17 And one of the things when I said people like me,
18 I believe that police officers have -- have a
19 responsibility to everybody within this criminal
20 justice system, and that includes the bad guys, it
21 includes the victims, and we can't -- just as you
22 can't, Mr. Ward, we can't distinguish in
23 respecting everyone's Charter rights and freedoms.
24 So that's the way I think, and when I made that
25 statement it's because I feel like being a police

1 officer is a huge privilege and it's a
2 responsibility and I don't sometimes feel that I'm
3 shoulder to shoulder with people who necessarily
4 view it that way. Not to say all of them, but I
5 know that there are some where that's a challenge.

6 Q All right. And just on that point, would it be
7 fair to say that an attitude at the senior levels
8 of the VPD that the women who are going missing
9 were less important, less valuable as people than,
10 say, the residents of Vancouver's west side play a
11 factor in the way the investigations were handled?

12 A Mr. Commissioner, that's something I think about a
13 lot. It's a factor everywhere in society, and
14 these biases, conscious or unconscious, exist
15 everywhere. I mean I'm someone who has enjoyed
16 extreme privilege as a white middle class person,
17 and I'm very aware of that privilege. And so
18 absolutely these biases exist, but I do want to
19 say aside from, you know, a couple of individuals
20 that I think I've mentioned in my testimony I've
21 never encountered or haven't encountered others in
22 the senior management where that was an attitude
23 that was at least voiced. It might have been --
24 there might have been a perception of that, but I
25 wouldn't be able to say that anyone was walking

1 around saying this is something we don't need to
2 work on. I think that's where this falls down,
3 because I think there's a lot of systemic issues
4 at play here.

5 Q Well, one systemic issue I suggest that may have
6 been a factor in the way the investigations were
7 handled was that there was in the '90s a culture
8 of sexism, misogyny prevalent within the VPD; is
9 that fair?

10 A I would suggest, Mr. Commissioner, that that
11 exists in the world today in all of its
12 institutions, and it wasn't just back in the '90s
13 and it wasn't just in the VPD.

14 Q But it was there?

15 A There were some elements of that. Again not
16 spoken. That sort of bias is difficult to
17 pinpoint.

18 Q Didn't the VPD, for instance, hold events where
19 women members, all the members of the department
20 were invited but women were specifically excluded,
21 like the regimental dinner, things like that?

22 A I am not a big part of the police sort of
23 community that way. I actually can't speak to it
24 because I don't know what that dinner is.

25 Q All right. You've referred in your testimony to

1 various members going off on leave at various
2 times for one reason or another, Howlett I think
3 was one, you yourself went off on a lengthy leave
4 from November to March early on?

5 A Yes.

6 Q The department had in the '90s very generous leave
7 policies; is that fair?

8 A Well, all the leave that I took, which is really
9 all I can speak to, we are entitled to a certain
10 amount of leave, at that stage in my career I
11 think it was three weeks a year and then you were
12 allowed to bank overtime. My leave was -- as I
13 said I left about a month before I was supposed to
14 leave at the end of November because I had a
15 family emergency for which I believe I was granted
16 some administrative leave, and then I had already
17 banked up quite a lot of my overtime to be able to
18 take three months off for the birth of my first
19 child in January, so that was all planned leave.

20 Q All right. But sick leave, for instance, is very
21 easy to obtain?

22 A Well, we're all -- at the beginning of every year
23 we're all given a certain amount of leave into a
24 bank, I think it's 12 days a year or something
25 like that, and certainly if you're sick you're

1 able to take sick leave.

2 Q Just a systemic point on a related issue. The
3 sworn members under the rank of sergeant were all
4 members of the Vancouver Police Union; is that
5 right?

6 A That's correct.

7 Q And the civilian staffers were members of the
8 Teamsters?

9 A That's correct.

10 Q And as you said to Deputy Chief Evans the
11 interplay between sworn members and civilian
12 members was such that, because of the unions in
13 part at least, the sworn members of the police
14 could not give direction to the civilian members;
15 is that right? Did I understand that correctly?

16 A Yeah, I don't recall exactly my conversation with
17 Deputy Evans, but yes, that is essentially my
18 understanding of it in that they're different
19 unions and then essentially a police member is
20 never really in a supervisory position of a
21 civilian member.

22 Q So in the case of Sandy Cameron, a civilian member
23 of the Missing Persons Unit, she was supervised by
24 another civilian named Beach?

25 A That's correct.

1 Q Is that any relation to Inspector Beach?

2 A I believe an ex-partner, yes.

3 Q Like an ex-spouse?

4 A I believe so, yes.

5 Q All right. But yourself or Geramy Field or Al
6 Howlett could not because of this systemic issue
7 exercise any supervisory control or disciplinary
8 functions on Sandy Cameron?

9 A That was my understanding, yes.

10 Q There's been quite a bit of testimony about that
11 civilian member's failings as a member of the
12 Missing Persons Unit. Did she keep her job
13 because she had some support from one of the
14 inspectors or someone else in management, or do
15 you know?

16 A I have no idea.

17 Q I'm going to turn to another subject, and if you
18 could please be shown the Evans report.

19 THE REGISTRAR: 34, she has it.

20 MR. WARD:

21 Q And as I understood both Deputy Chief Evans report
22 on this subject and her evidence, her testimony,
23 she considered off-line CPIC searches of a person
24 of interest to be a valuable police tool. You
25 would agree with that?

1 A I would.

2 Q And if I could direct your attention, please, to
3 the portion of her report that deals with that
4 issue starting at page 8-47. Commission counsel
5 asked you about the delay in your conducting an
6 off-line CPIC search, and you explained that?

7 A Yes.

8 Q When you first became aware of Willie Pickton in
9 late July of 1998, early August, you could have
10 then conducted an on-line CPIC search of his name
11 and taken steps with respect to those search
12 results; correct?

13 A Yes, I just want to clarify, you intended to say
14 on-line; is that correct.

15 Q Sorry, off-line. I misspoke. Off-line CPIC
16 search.

17 A That's correct that I think I testified earlier
18 that that was something I failed to do.

19 Q And just to be -- to go over this quickly with
20 you, if you could look at page 8-47, please.

21 A Yes.

22 Q When Pickton comes to your attention had you done
23 this search then you would have learned that --
24 I'm looking at the entry in the middle of the page
25 from March 2nd, '94.

1 At 12:19 a.m. VPD Constable Wardrop conducted
2 a CPIC person and name query on Pickton.

3 Do you see that?

4 A Yes, I do.

5 Q So you've got this Port Coquitlam resident in
6 Vancouver coming to the attention of the police at
7 12:19 a.m.?

8 A Yes.

9 Q You could have, and I suggest should have, gone to
10 Constable Wardrop and asked him where he stopped
11 Pickton and why; right?

12 A These are all valid points that I acknowledge
13 that's something I should have done.

14 Q You didn't; correct?

15 A I'm sorry?

16 Q You didn't do it?

17 A I don't believe I did, no.

18 Q And you could have asked Wardrop to go to his
19 police issue notebook and find the entry?

20 A Yes, I could have.

21 Q I direct your attention to 8-52. There's an entry
22 for December 24th, 1997, 11:59 p.m. VPD Constable
23 Picknell conducted a query on Pickton when she --
24 she did a street check of him in the south lane of
25 100 East Hastings in the Downtown Eastside. Do

1 you see that?

2 A Yes, I do.

3 Q When you did your search later, you're considering
4 Pickton as a suspect in the disappearances of
5 women in the Downtown Eastside, you must have
6 looked at this entry and said to yourself,
7 Christmas Eve, midnight, when people -- normal
8 people are home with their families, this Port
9 Coquitlam resident is in the Downtown Eastside,
10 there's something not right here. Do you recall
11 having that thought?

12 A Mr. Commissioner, I think it's been my testimony
13 that I failed to do these off-line searches and
14 obviously they would have been of great
15 investigative value.

16 Q Well, you did do them later?

17 A Yes, but at the time that might have been helpful.

18 Q I'm talking about later when you're still --
19 you've got Pickton in your sights as a suspect in
20 the disappearances of sex trade workers from the
21 Downtown Eastside, you're doing your best to
22 investigate, and you say to yourself what's this
23 guy from Port Coquitlam doing in the Downtown
24 Eastside at midnight on Christmas Eve.

25 A I don't recall specifically my thoughts around

1 that, no.

2 Q Fair enough. And again you could have gone to
3 your own colleague Picknell and got more
4 information?

5 A Yes.

6 Q The same thing for January 10, 1998, the next
7 entry, again it's midnight, Pickton is in
8 Vancouver and for some reason being stopped?

9 A Yes.

10 Q And again over the next page. February 25th, '98,
11 your colleague Constable Robinson is stopping him
12 at 3:23 in the morning somewhere in Vancouver?

13 A Yes.

14 Q Did you ever do an off-line search for Pickton's
15 brother, who also resided at the same address,
16 David Francis Pickton?

17 A I don't recall.

18 Q You knew in the course of your investigation of
19 the missing women that those two were co-owners
20 and co-residents at the so-called Pickton farm?

21 A Yes, I knew that.

22 Q And you knew as well that they were co-owners of
23 the business known as Piggy's Palace?

24 A I think I became to be aware of that, yes.

25 Q And you knew from Connor that he and his

1 colleagues at Coquitlam knew an awful lot about
2 the Picktons' background?

3 A Yes.

4 Q And Connor in particular was convinced that
5 Pickton, Willie Pickton and Picktons, both of
6 them, were engaged in various manners of illegal
7 activity?

8 A I believe I was aware of that, yes.

9 Q And you knew from Connor that they were associated
10 to members of the Hells Angels Motorcycle Club?

11 A Yes, he mentioned that.

12 Q And you knew from Connor that they apparently were
13 involved in the solicitation of sex trade workers,
14 at least Willie Pickton had been for some time?

15 A Yes.

16 Q Involved in petty theft?

17 A I don't recall.

18 Q How about cockfights, illegal cockfights?

19 A Yes, I recall that.

20 Q So all these unsavory activities that the Picktons
21 are engaged in, coupled with those tips that were
22 coming in that Willie Pickton was responsible for
23 the disappearances and murders, can you explain
24 for the satisfaction of my clients, the families
25 that lost their loved ones, why the police didn't

1 do something about these people, the Picktons?

2 A I can't speak for all the police, I can just speak
3 for what I attempted to do which was my evidence
4 yesterday.

5 Q Okay. Let me ask you about that. You testified
6 you went to the Pickton -- I hesitate to call it a
7 farm, because you were there, it was really a
8 property with all kinds of junk and junked
9 vehicles and buildings of one sort or another,
10 wasn't it?

11 A It was. It was a mess.

12 Q It was a mess. It was just a dreadful looking
13 place?

14 A Yes.

15 Q All right. You went there on February 5th, 2002
16 or shortly thereafter?

17 A I believe around that time, yes.

18 Q After the search warrant by Nathan Wells had been
19 executed?

20 A Yes.

21 Q All right. By the way, do you know what motivated
22 him to do that search? Did you ever talk to him
23 about that?

24 A I did speak to him briefly, and I think he had --
25 if I'm not mistaken he had an informant as well

1 who had told him that there was I think a handgun
2 on the property, and that's something that --
3 that's what he pursued.

4 Q Do you know whether he had turned his mind to the
5 possibility that Pickton was involved in the
6 missing women's disappearances before he did up
7 the search warrant?

8 A I don't know.

9 Q So prior to the search warrant on Pickton's farm
10 how many times did you go out there?

11 A I'd have to check my notes, but I think I had
12 driven by the farm a couple or three times.

13 Q You went once with Mike Connor, Corporal Mike
14 Connor on August 18th, 1998, I believe?

15 A Yes.

16 Q Did a drive by?

17 A Yes.

18 Q You went another time with Bill Hiscox?

19 A Yes, I think so. I believe he and Corporal Connor
20 and I went together.

21 Q Okay. Tell me about that visit. What happened
22 and why did you go?

23 A I think that we initially had stopped somewhere in
24 Coquitlam, I'm not really, really familiar with
25 Coquitlam, we had stopped somewhere, got coffees,

1 we all sat in the police car and talked about
2 Mr. Hiscox's information, and I believe after we'd
3 had that conversation we drove past the farm and
4 he sort of land marked some things for us. It was
5 mostly Corporal Connor and Mr. Hiscox speaking,
6 because I was very unfamiliar with the farm aside
7 from that.

8 Q When was that?

9 A I'd have to check my notes, I don't recall
10 exactly.

11 Q But during the period of time you considered
12 Pickton to be a prime suspect?

13 A Well, I think I always considered him to be a
14 person of interest.

15 Q Person of interest. I'm sorry.

16 A Personally the whole time I worked on this file,
17 yes.

18 Q Let me understand your evidence. You went once
19 with just Hiscox and did -- sorry, once with just
20 Connor and did a drive by?

21 A Again without the benefit of my notes I believe
22 that's right, yes.

23 Q And once with Connor and Hiscox?

24 A I believe so.

25 Q Any more times?

1 A I'm not certain.

2 Q Did you go to the Pickton property at 953 Dominion
3 Avenue with Bill Hiscox, stop, and get out with
4 him and enter the property and walk around it?

5 A Never, no.

6 Q I'm endeavouring -- I've made an application to
7 have Bill Hiscox called as a witness.

8 A M'hm.

9 Q That application hasn't been determined.

10 A M'hm.

11 Q If he attends as a witness I expect his evidence
12 will be that he and you went to the Pickton
13 property --

14 A It didn't happen.

15 Q Let me finish.

16 A It didn't happen, Mr. Commissioner. We never
17 walked on that property. I would have never felt
18 comfortable going on that property.

19 Q I suggest to you that you and he went to the
20 property, you walked on the property, and that you
21 told him, Mr. Hiscox, do not breathe a word about
22 this to anybody else.

23 A Mr. Commissioner, that's completely incorrect. I
24 completely disagree with that.

25 Q Thank you. When you went to the property on these

1 two occasions that you've testified about with
2 Connor and with Connor and Hiscox, what did you
3 see? What did you see when you drove by?

4 A I recall some sort of burned out vehicles around,
5 I think a backhoe. I recall seeing the one house
6 that I believe Corporal Connor said belonged to
7 Dave Pickton, and then he -- because we were
8 looking at it -- I was looking at it with a view
9 of Ms. Anderson's evidence, I wanted to be able to
10 see where the trailer was, because it was quite
11 remarkable to me that she had made it from the
12 trailer to Dominion Avenue. It was a good
13 hundred, 125 metres and, you know, given her
14 injuries I thought that was quite remarkable. It
15 was just -- you know, as you described, counsel,
16 it was a mess. It was a muddy, dirty place. I
17 recall one of the things that struck me about it
18 was these big sort of mounds of earth that
19 obviously to me had been put there with the heavy
20 equipment that was there, and that I remember now
21 had started me thinking that perhaps we were
22 dealing with somebody who could have been digging
23 an underground bunker or some kind of place where
24 maybe -- you know, I wondered if he was keeping
25 women under there, I just didn't know, but these

1 were the kind of things I was looking at at the
2 time.

3 Q All right. And would it be fair to say on your
4 viewing of these premises in '98, '99 the property
5 looked like exactly the sort of place where
6 illegal activities, crimes could be happening?

7 A Well, there was nothing about the property that
8 would dissuade me from that belief, no.

9 Q Let me put it another way. The property was very
10 different from the tidy residences elsewhere in
11 Port Coquitlam that you passed on your way there?

12 A Certainly it was, yes.

13 Q Did Connor take you around and show you where
14 Piggy's Palace was?

15 A I don't recall. He could have, but I just don't
16 remember.

17 Q Did he show you the places that were frequented by
18 the Hells Angels Motorcycle Club?

19 A I don't recall. I do recall him pointing out the
20 place across the street that I think he said was
21 Mr. Pickton's aunt's.

22 Q And these mounds of dirt twigged in your mind that
23 perhaps bodies could be disposed of by digging, is
24 that --

25 A It wasn't so much what I was thinking, because I

1 was still thinking that, you know, that the
2 information was that there was a grinder and that
3 that was for body disposal, but these mounds made
4 me wonder, you know, if he's excavating -- was it
5 just moving earth around for whatever reason. It
6 wasn't certainly as you suggested, it wasn't an
7 agricultural farm or anything like that. It
8 wasn't like there was any tilling or anything like
9 that going on, it was just there would be these
10 big mounds, and describing they might be 30, 40
11 feet across and, you know, 15 feet high, just
12 growing grass out of them. You know, they didn't
13 look fresh, but it made me think more in terms of
14 a bunker, a torture chamber kind of place, that's
15 what I was envisioning as a possibility.

16 Q And was it that image and possibility that caused
17 you working with Corporal Connor to seek the FLIR,
18 F-L-I-R, photography?

19 A I couldn't say that it was that specifically. I
20 think it was just -- I can't recall the whole
21 chronology of that, but in general terms we felt
22 that because of just the really hodgepodge nature
23 of the landscape there that that photography might
24 be valuable. And I think that was Corporal
25 Connor's thought, I think it was his idea.

1 Q And in fact as you testified that was done?

2 A I believe so, yes.

3 Q And what that is is aerial photography with
4 forward looking infrared?

5 A That's right.

6 Q And the purpose of the infrared is to identify hot
7 spots that could be the sites of body disposal?

8 A I believe just in general organic matter, because
9 I think we had a conversation about whether it
10 would be challenging in terms of the livestock
11 slaughter activity that was happening there. And
12 I believe as a result of some of those
13 conversations I spoke to, I can't remember who it
14 was, but a DNA -- at the time someone who knew
15 about DNA. Not a police person, but someone, a
16 scientist, because I was curious about whether it
17 would be possible if you had, for want of a better
18 term, sludge, you know, something that might have
19 all kinds of different potential matter in it
20 could you extract DNA profiles from that and could
21 you separate out human profiles from animal
22 profiles, and this is something that I was turning
23 my mind to.

24 Q Now, to your knowledge the RCMP did cause a
25 helicopter or plane to go up and take these FLIR

1 photographs?

2 A I believe that's right, yes.

3 Q And do you know whether someone analyzed them?

4 A I don't know. I don't recall ever having that
5 conversation, only that they were done.

6 Q Did you see them?

7 A I don't believe I did. I could stand to be
8 corrected, but I don't recall seeing any.

9 MR. WARD: Perhaps counsel can help me with this, because I've
10 looked through the documents and I haven't been
11 able to identify where they have been disclosed,
12 but I'll follow that one up. Mr. Commissioner,
13 I'm about to move to another subject, perhaps this
14 would be a convenient time for the break.

15 THE COMMISSIONER: All right.

16 THE REGISTRAR: The hearing is now recessed for 15 minutes.

17 **(PROCEEDINGS ADJOURNED AT 10:55 A.M.)**

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

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

20 MR. WARD:

21 Q Detective Constable, I've asked in the break that
22 two documents be placed before you. They are a
23 copy of Deputy Chief LePard's report, Exhibit 1,
24 to which I'll turn first, and then the second
25 document is binder 1 of the commission's brief

1 that has been marked I think as Exhibit 82. But
2 if you could, please, turn to Exhibit 1, page 96
3 of the LePard report. I'm turning now to ask you
4 some questions about the May 13, 1999
5 brainstorming session. You testified about that
6 earlier, but I have a few more questions about it.
7 If you turn to page 96 you can see that Deputy
8 Chief LePard has written about a number of things
9 that were happening throughout May of 1999, most
10 -- sorry, most if not all of which you were
11 involved in. Do you see that on page 96, '97?
12 I'm just speaking generally now.

13 A Are you referring to those bullet point items; is
14 that right?

15 Q No, I'm referring to the top of page 96, May 12,
16 1999, Detective Constable Shenher attended a
17 memorial service at the First United Church, the
18 service was followed by a march, and that Mayor
19 Owen walked in the March, et cetera. So that's
20 one event that happened related to the
21 investigations?

22 A Yes.

23 Q By the way, that event at the church was being
24 videotaped by the VPD; correct?

25 A Yes, that was at my initiative.

1 Q And again perhaps counsel can help me with this,
2 but I've been looking for the videotape of the
3 church event. And have you seen that?

4 A I saw it at the time. I don't know what's
5 happened to that, and I was inquiring about that.

6 Q You were looking for it, too?

7 A I wouldn't say looking, but I was asking about it.

8 MR. HERN: That has been produced.

9 THE COMMISSIONER: Sorry?

10 MR. HERN: That has been produced. It was circulated some
11 months ago.

12 MR. WARD: I thought that was the march, but not the church.
13 I'll follow through, and it's entirely possible
14 I've overlooked something.

15 Q In any event, we've got events taking place,
16 there's your Odd Squad proposal, for instance, on
17 the 13th of May, your submission of an action plan
18 over on the next column, May 13th. A number of
19 other events. If you turn over to page 98 and 99,
20 here's the reference to the multi-jurisdictional
21 brainstorming session. Do you see at the bottom
22 of the second column on page 98?

23 A Yes, I do.

24 Q All right. Now, first of all, the author Deputy
25 Chief LePard has got the date wrong, doesn't he?

1 A Again I'd have to look at the notes to get the
2 specific date.

3 Q It's May 13th.

4 A Sure. I don't recall exactly.

5 Q And by notes you're referring to that one page and
6 a bit typed memorandum that you were referred to
7 by commission counsel the day before yesterday?

8 A Wherever that meeting is documented, yes.

9 Q I want to ask you some further questions about
10 this. There's clearly according to the LePard
11 report quite a bit of activity related to the
12 investigations involving yourself in the first
13 half of May just based on the few pages here?

14 A Yes.

15 Q And I've tried to determine where in your logs
16 you've referred to these activities, and the best
17 I can do is to direct your attention to binder
18 number 1, Phase B, tab 2. I'm just seeking your
19 assistance with this. Missing persons
20 investigation log and handwriting. The first page
21 is 960699. Do you have that?

22 A Yes, I do.

23 Q Now, what is this again, this group of documents
24 at tab 2? Is this your handwritten log?

25 A This is my handwritten log. I believe it is a

1 portion of the de Vries file, of my activity on
2 the de Vries file. I don't know if it's all of
3 it. I would have to have a look. Yes, it is. It
4 appears to be the front -- what initially before
5 these files went out to the RCMP would have formed
6 the front pages of Sarah de Vries' file binder.

7 Q So the originals went out to the RCMP, you were
8 not able to retain copies, and you were not able
9 to get copies from the RCMP in the intervening
10 years?

11 A That's correct.

12 Q Now, the reason I'm asking you about these events
13 of early May is you see that the log is arranged
14 in reverse chronological order with most recent at
15 the top?

16 A That's how I received it, that's not how I created
17 it.

18 Q Okay. Here's where I'm seeking your guidance or
19 help. There's a gap between your entry for April
20 19th on the third page of the log at the top --
21 pardon me. April 30th at the bottom of that page,
22 990430 at 0900, do you see that? Third page, 29
23 in the right-hand corner.

24 A Yes, I'm with you.

25 Q Back up a page and the next entry is 990519. Do

1 you see that?

2 A Yes, I see that.

3 Q And I've been trying my best to find out where you
4 recorded the events between those dates many of
5 which are referred to in LePard's report at pages
6 96 through 99. Can you assist me?

7 A I'm afraid I can't. I actually had the same
8 question in preparing to give evidence. I don't
9 know -- I wondered what was missing there.

10 Q So it looks to you like a page is missing?

11 A I know I would have documented my activities
12 through there, so I'm assuming so, yes.

13 Q Okay. So then we come to the -- and this May 19th
14 brainstorming session, again you consider Pickton
15 to be a very important person of interest given
16 that you've received the Hiscox tip and you've
17 done all the various things in establishing the
18 veracity of that information?

19 A I'm sorry, Mr. Commissioner, am I agreeing to the
20 May 19th or the May 13th meeting? I don't know if
21 we determined which is the actual date. I don't
22 want to --

23 Q Well, we can go to the document, but the document
24 my understanding is May 13th.

25 A Thank you.

1 Q Whatever the date it is, it's the brainstorming
2 session at VPD headquarters where you bring in
3 people from various jurisdictions, including this
4 fellow from England, Neil Traynor, to put your
5 collective minds to the case?

6 A Yes.

7 Q You remember it?

8 A I do.

9 Q And you testified that you talked about Pickton in
10 general terms at length at that meeting?

11 A Yes.

12 Q And you've seen the RCMP members --

13 MR. HERN: Hold on. Yes, I don't think that's quite fair. The
14 earlier evidence was that she didn't remember who
15 had spoken about Pickton, and so I think that
16 question just needs to be re-characterized or ask
17 the witness again.

18 MR. WARD:

19 Q Your evidence was Pickton by name was discussed in
20 general terms at length at the meeting?

21 A Yes, that's correct. I don't recall if it was at
22 my initiative or someone else's.

23 Q Fair enough. And it appears in the RCMP Coquitlam
24 log that the Burnaby member, Bev Zaporozan,
25 conveyed in effect that Pickton was a subject of

1 the meeting?

2 A I actually don't recall seeing that. I recall a
3 document seeing a Kassam -- Kassam, a member from
4 Burnaby, referring to that.

5 Q Yes, and just for reference that's in the same
6 binder, I think. I can give the tab reference in
7 a moment. But, in any event, you saw that the
8 other day in reference to Pickton's name and a
9 handwritten note relating to that meeting?

10 A Written by this Constable Kassam. I don't recall
11 seeing something from Constable Zaporozan.

12 Q And Deputy Chief LePard, according to the list,
13 it's in the other binder at tab 2, you can look
14 for it if you like, tab 2 of binder 2.

15 A Thank you. Okay. That's the one that I read. I
16 was under the impression it was Kassam, but
17 because Investigator Kassam was there, and I don't
18 know who actually prepared that.

19 Q My interpretation is that Bev Zaporozan from
20 Burnaby was at the meeting 'cause she's listed in
21 the group of names. No one from the Coquitlam
22 RCMP was at the meeting, but Zaporozan must have
23 relayed to Kassam who made this entry that Pickton
24 was discussed at the meeting and made the comments
25 about him that appear in the note. Does that seem

1 reasonable?

2 A Well, I can't really speak to exactly what
3 happened here, but it's possible.

4 Q To get a definitive answer presumably we'd speak
5 to Zaporozan herself who is listed as being at the
6 meeting?

7 A Yes.

8 Q But LePard was there at the meeting?

9 A I don't recall for certain that he was.

10 Q Well, I ask you to assume he was because he
11 testified at length over two days during my
12 cross-examination that he was there, and he
13 testified about what was said or not said. In any
14 event, just to nail this point down, binder 2, tab
15 1, please. Does that refresh your recollection?

16 A It does, yes. Thank you.

17 Q So we've got these 18 police officers at this
18 brainstorming session, it's said to be a meeting
19 of May 13th at the 312 Main Street boardroom.
20 That's what I rely on in fixing the date. Do you
21 see that?

22 A Yes.

23 Q It appears that Deputy Chief LePard may have
24 inadvertently taken the top line as the meeting
25 date, but it's in fact the date that the record

1 was created it appears.

2 A It appears so.

3 Q All right. So LePard is there as well as all the
4 other 17 police personnel?

5 A Yes.

6 Q And Pickton is discussed at length. That was your
7 evidence?

8 A Yes.

9 Q And you've described LePard as being smart and
10 being a good investigator?

11 A Yes.

12 Q And as far as you could tell from your dealings
13 with him he also had an eye for detail and
14 excellent memory?

15 A Yes.

16 MR. WARD: And I've extracted Deputy Chief LePard's evidence
17 about this meeting in a brief I've prepared for
18 you, and I'd ask, Mr. Commissioner, that it be
19 provided to the witness.

20 THE REGISTRAR: This binder?

21 MR. WARD: Yes.

22 Q And his evidence about this meeting given under
23 oath on cross-examination appears at tabs 2 and 3.
24 I don't know if you were watching when he
25 testified.

1 A Portions of it, not a lot.

2 Q I'll just summarize it for you as I recall it, but

3 it's there for anybody to check. He said that

4 Pickton's name did not come up, he said that he

5 would have remembered if it had, and he explained

6 furthermore that it would have been entirely

7 inappropriate for anyone to bring it up at the

8 meeting. Now, you would expect among these 18

9 police personnel at the meeting given the duty

10 upon police officers to keep notes of their daily

11 activities that there would be more notes in

12 existence somewhere about this very important

13 brainstorming session; right?

14 A Yes.

15 Q Based on your understanding of police practices

16 within the VPD?

17 A Yes.

18 Q Now, Doug LePard then was working on break and

19 enters and robberies or what are sometimes called

20 home invasions?

21 A I believe it was around this time, yes.

22 Q That time and earlier April of '99, that period?

23 A I think so, yes.

24 Q And his office was next to yours?

25 A Yes.

1 Q And you saw him regularly?

2 A I'm not -- I'd have to check on the chronology
3 again, because my recollection is it was mostly
4 Detective McClusky that was in there the majority
5 of the time, but I occasionally did see Sergeant
6 LePard.

7 Q And you mentioned to Evans in your interview that
8 here you were working on the missing women
9 investigations where there may be serial murders,
10 next door there was then Sergeant LePard working
11 on the Home Invasion Task Force with all his
12 resources, and you considered your squad such as
13 it was to be the poor cousin?

14 A Yes.

15 Q Now, he was investigating, and there's no crime
16 such as home invasion, so what he was
17 investigating were a series of break and enters or
18 robberies that were occurring in much more
19 privileged parts of Vancouver than the Downtown
20 Eastside; correct?

21 A I don't know if I was really all that tuned in to
22 where they were occurring.

23 Q Fair enough, but you understood them to be
24 people's homes, detached homes?

25 A I did understand that, yes.

1 Q All right. And they weren't in the Downtown
2 Eastside, they were in other parts of the city?

3 A Not to my knowledge, no.

4 Q And you clearly indicated to him by at least
5 mid-May at the brainstorming session that Willie
6 Pickton was in your sights as you put it?

7 A I don't recall having any specific conversations
8 with Sergeant LePard at that time about that, I
9 only recall my conversation with him about major
10 case management.

11 Q All right. In any event, he with his major case
12 management experience and his brains and good
13 memory didn't pitch in and assist you in any way,
14 did he, with the investigation into Pickton?

15 A No, he just assisted me with major case
16 management.

17 Q And you know from your dealings after 2002 that it
18 was Deputy LePard who along with Darcy Sarra of
19 the VPD gathered up documents within the VPD to
20 assist in the preparation of his report?

21 A I'm actually only aware that it is Constable Sinda
22 Lowes (phonetic) and Darcy Sarra initially were
23 tasked with that, and I'm not aware how they
24 interacted with Sergeant LePard after he was
25 engaged on the file.

1 Q Do you know whether the VPD attendees at this
2 brainstorming sessions were asked for their notes
3 and notebooks in relation to that day?

4 A I don't remember.

5 Q And by your count, if I understood your evidence
6 correctly, about 22 more women had died at the
7 hands at Willie Pickton after May 13th, 1999, the
8 date of the brainstorming session. Sound about
9 right?

10 A I don't recall ever using the number 22.

11 Q I think you mentioned that by this point there had
12 been 27, so I'm just putting the arithmetic 27
13 missing by May 13th, 1999?

14 A That was about right, yes.

15 Q And we now know that Pickton may have been
16 responsible for 49 murders?

17 A Sure.

18 Q And you described, if I understood your evidence
19 correctly, about the tenor of this meeting, the
20 brainstorming session, that there was inertia, you
21 sensed inertia in the room about Pickton?

22 A That's my recollection, yes.

23 Q It seemed like no matter who you were telling
24 about Pickton, to whom you were describing the
25 investigation, including all these 17 other

1 brains, nothing was being done, and nothing was --

2 MR. HERN: Excuse me, again that wasn't her evidence that she
3 was describing Pickton to all these 17 other
4 brains. I think that's an unfair characterization
5 of her evidence.

6 THE COMMISSIONER: I didn't hear that at all.

7 MR. WARD: All right.

8 Q It appeared to you -- sorry. You said there was
9 inertia at the meeting, a sense of inertia at the
10 meeting, brainstorming session?

11 A I don't agree with that. I don't think that's
12 what I intended if I did say that, because there
13 was -- there was never a lack of wealth, if you
14 will. There was -- there was a genuine effort on
15 everyone's parts to try to think of some
16 strategies, and I don't recall specific Pickton
17 strategies or general strategies to the file, but
18 I believe the inertia that I was speaking of is
19 more with respect to whether the file was moved
20 forward from Coquitlam's end.

21 Q Let me just on strategies digress for a moment.
22 Back in I think it was 1993 you spent six months
23 doing john stings undercover. Did I get that
24 evidence correctly?

25 A Yeah, I can't recall the exact dates. I think it

1 may have been in '92, but yes.

2 Q And you went back over your notebooks from that
3 period, '93, when you were interviewed by Deputy
4 Chief Evans last summer?

5 A I don't --

6 Q Or in preparation for the meeting with Evans?

7 A I don't believe I ever went over those notebooks
8 in preparation for the meeting with Deputy Evans.

9 Q I thought you looked at your old notebooks and
10 determined that you knew many of the women?

11 A I had, but not in preparation for the meeting with
12 Deputy Evans.

13 Q Fair enough. And you still have those old
14 notebooks?

15 A I do.

16 Q When you looked them over did you see whether you
17 encountered someone with the same appearance as
18 Robert Willie Pickton back then in '93, did you
19 look for that?

20 A I don't recall if I did or not.

21 Q But your notebooks are still available?

22 A Yes, they are.

23 Q And did you bring them with you today?

24 A No, I did not. These are outside of the terms of
25 reference in my understanding.

1 Q I see. All right. Did you contemplate during the
2 time you were investigating the missing sex trade
3 workers from the Downtown Eastside doing a similar
4 sort of undercover operation or john sting that
5 might identify Robert Willie Pickton as someone
6 who was trolling that area for women?

7 A I recall thinking that, and following discussing
8 it with Sergeant Field in a very preliminary way,
9 but it was fairly quickly determined that we
10 didn't know -- you know, we could be working on
11 one corner and we didn't know a specific corner or
12 area to work from.

13 Q But you see --

14 A It's a good idea, but we didn't pursue it.

15 Q You see the reason I ask is because you describe
16 the geographical error as really quite narrow, I
17 think five corners or five blocks?

18 A Well, five corners and five blocks are very
19 different. I in my mind thought, you know, sort
20 of six square block region.

21 Q All right. But you could, for example, put out
22 four undercover female operatives for a period of
23 time late at night given those references we've
24 seen in the off-line CPIC searches and see who was
25 trolling for women as part of your investigation?

1 A It's certainly a possibility, yes.

2 Q Didn't do it?

3 A Didn't do it.

4 Q Now, so -- okay. I'll leave those documents for

5 now. You testified that Bill Hiscox, your source

6 about the Pickton information, had a moral

7 compass?

8 A Yes. I did, yes.

9 Q And you said, if I understood your testimony, that

10 that was in contrast to, and I quote, the other

11 people associated with the farm. That's what you

12 said?

13 A I believe that's what I said, yes.

14 Q And by that you were referring to people like the

15 biker Lisa Yelds?

16 A Yes.

17 Q People like Lynn Ellingsen?

18 A I wasn't aware of Lynn Ellingsen at that time when

19 I first came to form the opinion on --

20 Q Were you referring as well to the members of the

21 Hells Angels Motorcycle Club that you knew to be

22 associated with the Picktons and the farm?

23 A Mr. Commissioner, I was speaking in general terms

24 by virtue of the fact that no one else from that

25 world seemed to have approached us with any

1 information other than Mr. Hiscox.

2 Q Okay. Now, there is in evidence a document, I
3 don't need to turn it up but I'll make reference
4 to it, for commission counsels' sake it's in the
5 binders that commission counsel produced to Deputy
6 Chief LePard, Volume 2, Phase 4, tab 15. There's
7 a note to this effect that Coquitlam RCMP realized
8 that Sergeant Larry Butler, a member of the
9 Vancouver Police Department who was in the
10 motorcycle gang, Outlaw Motorcycle Gang Squad if I
11 can call it that, was a childhood friend of the
12 Picktons?

13 A I can certainly speak to this, but I would like to
14 see that document, if I could.

15 Q Okay. Could we please produce the document. It's
16 -- I'll try to get the exhibit number. It's the
17 collection of seven binders that were exhibited by
18 the commission counsel when Deputy LePard was
19 here. It's Volume 2, Phase 4, tab 15.

20 THE REGISTRAR: I'm not sure which binders you're looking for.
21 I might add you're running very close to the end
22 of your time.

23 THE COMMISSIONER: Why do you need the binder?

24 MR. WARD: She's asked to see the document. It's Exhibit 33.

25 THE WITNESS: Mr. Commissioner, I can answer to the extent --

1 THE COMMISSIONER: Can you answer without looking at the
2 binder?

3 THE WITNESS: Well, I can't reference that document in any way,
4 but I can tell you what I know of Sergeant Butler.
5 If you could just repeat the question.

6 MR. WARD:

7 Q Well, here's the context. Coquitlam RCMP,
8 apparently it's documented, recognized that there
9 was someone within the VPD who was a childhood
10 acquaintance of the Picktons, it was Larry Butler,
11 a sergeant in the Outlaw Motorcycle Gang Squad,
12 they considered that it would be fruitful to make
13 inquiries of him with a view to establishing more
14 about the profile of this suspect, Willie Pickton.

15 A Can you reference that for me in time?

16 Q It was early 2000.

17 A Okay. That sounds right. Sergeant Butler was a
18 former partner of mine in the Strike Force and so
19 I was very familiar with him, and I do know I had
20 some conversation with him about Mr. Pickton and
21 some of the different things that occurred during
22 the time when Sergeant Butler was growing up
23 around that motor vehicle accident where the young
24 boy was killed, I believe, and there were a lot of
25 different anecdotal things that were related to me

1 by Sergeant Butler, I just can't recall when, and
2 I don't believe that it was in the time that I was
3 working on this at all. I think it was later. I
4 can't reference the time at all.

5 Q It's Exhibit 41, and it's Volume 2, Phase 4, tab
6 15. But as Mr. Giles gets that for you to look at
7 so we can establish the date, you did talk to
8 Sergeant Butler about his knowledge of the
9 Picktons with a view to seeing who it was you were
10 dealing with?

11 A Again, I can't recall when that was. I know I had
12 some conversation, it may have even been post
13 search. I really can't recall.

14 Q What did he tell you about the Picktons and his
15 knowledge of them, Willie Pickton in particular?

16 A Just that I think they may have gone to the same
17 school, and I recall that Larry had -- Sergeant
18 Butler had said that -- Sergeant Butler's mother
19 had said not to play at that house, and that they
20 were sort of a strange family, and that it was
21 sort of known in the community that -- I believe
22 that Mr. Pickton's mother had had some involvement
23 in --

24 THE COMMISSIONER: How is any of this important about their
25 childhood relationship?

1 MR. WARD: Excuse me?

2 THE COMMISSIONER: Tell me how this is relevant.

3 MR. WARD: Well, part of a police investigator's task, and I'm
4 sure the witness can correct me if I'm wrong, is
5 when they get a potential suspect they look into
6 the background of the suspect, they get a sense of
7 whether they're on the wrong track by looking at
8 the characteristics of the suspect or a person of
9 interest. Here this investigator had a resource
10 within her department who was familiar with the
11 person of interest. She talked to him so she must
12 have obviously felt that any information he could
13 provide her was of assistance.

14 THE COMMISSIONER: They're talking about early childhood.
15 They're talking about the accident that took place
16 years ago and how his mother knew his mother.
17 And, I mean, isn't the bow slightly long here?

18 MR. WARD: Not at all, Mr. Commissioner. Any psychologist, I
19 expect, would say that a person's traits are
20 formed in early childhood. If, for example, a
21 person takes pleasure in killing animals at an
22 early age they may well be the sort of person who
23 in adulthood takes pleasure in killing human
24 beings. I'm just drawing -- I can't give you an
25 example, but in any event it's a well-recognized

1 investigative technique to profile the suspect,
2 and I'm seeking from this witness a relevant -- or
3 was until I was stopped, seeking her testimony
4 about her colleague's knowledge of the person of
5 interest.

6 THE COMMISSIONER: Well, it was so important to her that she
7 can't even recall it. I mean, do you not think
8 that a detective with her experience would have
9 made note of that if it -- of any of that if she
10 thought it was relevant at that time?

11 MR. WARD: Well, I'm coming to that, and I haven't yet been
12 able to ask that question, and she was recalling
13 what he told her, and she was about to say more
14 until you stopped me, Mr. Commissioner.

15 THE COMMISSIONER: I just want you to get to the point, that's
16 all.

17 MR. WARD: I'm getting to the point.

18 THE COMMISSIONER: Well --

19 THE REGISTRAR: I'm afraid we've run out of time as well.

20 MR. WARD: The reason -- sorry?

21 THE REGISTRAR: I'm afraid we've run out of time as well.

22 MR. WARD: I'm not nearly finished.

23 THE COMMISSIONER: Well, there's a time allocation, Mr. --

24 MR. WARD: May I continue, please, I've got many more
25 questions.

1 THE COMMISSIONER: How many more questions do you have?

2 MR. WARD: Lots.

3 THE COMMISSIONER: Well, you know, give me a -- I'll be
4 reasonable with you, and if you need a little more
5 time I'll give you more time, but I'm not going to
6 give it to you at the expense of other lawyers
7 here.

8 MR. WARD: Well, I've got areas to cover. I'm now starting on
9 an area, I've got the Missing Persons Unit to
10 cover, and then individual investigations of some
11 of my clients' disappearances, so I have a
12 considerable amount to go.

13 THE COMMISSIONER: Well, I'll give you another ten minutes.

14 MR. WARD: Thank you, very much.

15 Q You took the time and trouble to speak with
16 Sergeant Butler because you thought that he could
17 be a good source of information about who this
18 person of interest was; right?

19 A I don't believe that's correct. As I said,
20 Mr. Commissioner, I believe that I had an
21 after-the-fact conversation with Sergeant Butler
22 later when he connected the dots, as it were, on
23 Mr. Pickton. He said, "Oh, I grew up with that
24 guy." I believe my recollection is it was post
25 source -- sorry, post search. That's my

1 recollection.

2 Q Do you have the date of the note that I've drawn?

3 A I've asked for the note and it hasn't been
4 produced.

5 Q Okay. Well, I gave you the reference, but I
6 apparently don't have time to show it to you, so
7 I'll just leave it.

8 A If I may, I'm still a bit unclear, is this a note
9 that you're suggesting I produced or is this
10 something that Corporal Connor was aware of,
11 because those are very --

12 Q It's Corporal Connor's note, I'll ask him about
13 it, but his note that he wanted to follow up with
14 Sergeant Butler to gain information from him about
15 Pickton.

16 A I don't recall any suggestion during the time I
17 worked on this that Sergeant Butler had
18 information, I recall that that was later.

19 Q All right. Thank you.

20 A Okay.

21 Q Have you been able to establish in the years since
22 your involvement in this case why there seemed to
23 be no managerial will to follow through with
24 respect to the investigations that you and Connor
25 were diligently working on, the investigations of

1 Pickton?

2 A Well, if I understand the question correctly, I
3 certainly can't speak to RCMP management well,
4 pardon me, but I don't believe my issue at the VPD
5 was a lack of management on this, I believe it was
6 more total lack of, you know, someone picking up a
7 phone and going and having the conversation with
8 someone with some authority in the RCMP as to how
9 to move forward.

10 Q See I ask because he was allowed to get away with
11 the attempted murder of Anderson; right?

12 A Apparently so, yes.

13 Q And for some five years he was permitted to bring
14 as many as 49, probably many more, women from the
15 Downtown Eastside to his farm and kill about 49 of
16 them; right?

17 A I'll agree with you he certainly wasn't stopped.

18 Q He wasn't stopped. Did you have a sense that
19 something about him was standing in the way of
20 stopping him, some connections or contacts he had?

21 A Of Mr. Pickton's?

22 Q Yeah.

23 A I had no knowledge of anything related to that.

24 Q Did you have a sense that he wasn't stopped
25 because there may have been other law enforcement

1 activities that were considered more important and
2 dealing with Pickton might interfere with those?

3 A I have no sense of that, and I think -- I won't go
4 on, Mr. Commissioner.

5 Q All right. You referred to the Missing Persons
6 Unit and said, if I understood your evidence
7 correctly, that people were often assigned to that
8 unit as sergeants in charge who were long serving
9 and close to retirement?

10 A Not as sergeants in charge, but as detectives in
11 the section. It seemed to serve a dual purpose,
12 that was my understanding. Sometimes up and
13 comers I guess like myself or people long in the
14 tooth that were preparing to leave.

15 Q But wasn't it the case that sometimes it was a
16 place where unproductive people were installed?

17 A I have no experience with that at all, no one to
18 point to in that regard.

19 Q You and Geramy Field left Missing Persons Unit
20 about the same time?

21 A I'm not sure when Sergeant Field left.

22 Q Do you know who was the sergeant in charge after
23 her?

24 A It may have been Sergeant John Dragani, I'm not
25 sure.

1 Q And that was after you had had your unfortunate
2 experience with the investigations that caused you
3 to burn out?

4 A It was after November of 2000, I believe, yes.

5 Q So the VPD put John Dragani in a supervisory
6 position in the unit after Field?

7 A Well, as I said I'm unsure if he's the next one in
8 line, but he's from my recollection a name that
9 goes into missing persons, so sometime after
10 Sergeant Field. You can appreciate,
11 Mr. Commissioner, I wasn't particularly engaged, I
12 was away for several months, so I'm not sure if he
13 was the direct successor, I just don't know.

14 Q All right. Now, in terms of the missing women
15 investigation that you conducted, just to put it
16 in context you drew a comparison based on your
17 experience between people who lived in the
18 Downtown Eastside and those on the west side or
19 District 4. Do you recall that?

20 A You'll have to refresh my memory.

21 Q You said, if I understood your evidence, that
22 people in the Downtown Eastside were real, whereas
23 people on the west side, and you gave the example
24 of a woman stopped on Granville Street speeding
25 who had her child in the car and was very

1 aggressive with you?

2 A I believe that was my evidence, yes.

3 Q I suggest that you found that the people within
4 the Downtown Eastside to be genuine, sensitive
5 people who were not confrontational to authority
6 for the most part?

7 A Well, I resist, you know, such a blanket
8 generalization. I dealt with a lot of extremely
9 violent and disturbed people in the Downtown
10 Eastside as well during my time in patrol and the
11 Strike Force, but the flip side of that is I also
12 dealt with some very thoughtful and kind and good
13 spirited people as well who were just trying to
14 survive.

15 Q Let me ask you about the family members that you
16 dealt with in the course of your investigation.
17 You found them to be real people who were
18 genuinely doing their best to find their loved
19 ones, who were genuinely distressed by their
20 disappearances; right?

21 A Again, Mr. Commissioner, I don't agree with any of
22 the things that counsel is saying, but again
23 within that group as within all groups a lot of
24 diversity in terms of differences in people, but
25 yes, I think they were all very committed to

1 finding their loved ones.

2 Q Let me ask you about Lynn Frey. You testified
3 about her in response to some questions that
4 Mr. Hern asked you and her report to you about the
5 chipper?

6 A Yes.

7 Q Now, she has given evidence that she told you
8 about the information she was getting about the
9 chipper, and that she attributed it to a farm in
10 Port Coquitlam, and that she herself had been out
11 to look at it?

12 A She never told me anything to that effect.

13 Q In response to Mr. Hern's question you said it was
14 documented that this chipper that she reported to
15 you was in the basement of the Cobalt Hotel, it
16 was documented somewhere in your records?

17 A I just want to correct you. It wasn't in the
18 Cobalt, it was the Stadium at the corner of Cambie
19 and Howe.

20 Q All right. It's documented in your records
21 somewhere?

22 A Somewhere, yes.

23 Q Where?

24 A Probably in the Frey file. I couldn't say.

25 Q I couldn't find it. Are you able to point to

1 where you documented that?

2 A It may be one of the things that I'm still hoping
3 to see as well.

4 Q One of the parts of your file that went to the
5 RCMP and hasn't surfaced since 2002?

6 A Or that --

7 Q Correct?

8 A Yes.

9 Q So it's not in a document that has been shown to
10 you prior to your testimony today, or is it?

11 A I don't believe I've seen it, no.

12 THE REGISTRAR: You probably have time for about one more
13 question, Mr. Ward.

14 MR. WARD:

15 Q Could I ask you to turn to binders that I've
16 produced, please, or binder, pardon me, the green
17 binder. Starting at tab 5, pardon me, tab 4, I've
18 accumulated or set out at these tabs documents
19 related to the investigations of the
20 disappearances of Marnie Frey and Angela Jardine,
21 the next tab. Do you recall your work on those
22 files?

23 A Yes, I do.

24 Q Now, in Marnie Frey's case you received
25 information from the Campbell River RCMP that

1 caused you to open your file?

2 A That's correct, I think that was as a result of my
3 CPIC narrative message to all the police
4 departments and detachments across the country to
5 ask if they had files that might be related to the
6 kinds of circumstances we were looking at.

7 Q And the first document in this tab indicates that
8 the RCMP in Campbell River generated their file on
9 December 29th, 1997; is that right?

10 A Yes, it appears so.

11 Q And it wasn't until -- if you turn to the sixth
12 page in it wasn't until August the 5th, 1998 that
13 you started a Vancouver Police Department file on
14 this matter. Do I interpret that correctly?

15 A Yes, I had just been transferred into this
16 section.

17 Q Now, obviously when a person goes missing time is
18 of the essence with respect to attempts to find
19 them?

20 A Yes, I would agree with that.

21 Q Did the Campbell River RCMP ever provide you with
22 an explanation why some eight months elapsed
23 between the time they got the missing persons
24 report in respect of Marnie and the time your
25 department became involved?

1 A I don't recall having any kinds of conversations
2 with them about that.

3 THE REGISTRAR: You'll have to call it there, Mr. Ward. Thank
4 you.

5 MR. WARD: Mr. Commissioner, I haven't finished my
6 cross-examination.

7 THE COMMISSIONER: Well, I know you haven't, but, you know, far
8 be it from me to tell you how to cross-examine,
9 you're an experienced lawyer, but I can tell you
10 that I don't learn a lot when I have to hear about
11 her career at *Da Vinci's Inquest*, and how many
12 people were at the attorney general's meeting in
13 1999, who was taking notes. It would have been
14 more important for me to know as a result of that
15 meeting in 1999 with the attorney general what
16 outcome there was. I didn't even hear that,
17 instead I get a long involved cross-examination
18 who took notes, who didn't take notes, who was
19 there, what was the date of the meeting. Then I
20 hear all about cockfighting and Hells Angels and
21 all of that. You know, again I say this with
22 great respect to you, and you're an experienced
23 lawyer, but I really need you to focus on the
24 terms of reference. And I mean the point you're
25 at now about an eight month gap from the time that

1 Marnie Frey's complaint was made to the time that
2 they contacted the Vancouver Police is a very good
3 point, but it would have helped if you had come to
4 that point quite some time ago instead of all of
5 this about *Da Vinci's Inquest*. Go ahead. Get on
6 with it.

7 MR. WARD: Well, I feel compelled to address that,
8 Mr. Commissioner.

9 THE COMMISSIONER: I'm just asking you to get to the point,
10 that's all.

11 MR. WARD: The point with respect --

12 THE COMMISSIONER: You know what, I don't want to hear any more
13 explanation on that. Ask her the question about
14 Marnie Frey, 'cause I need to know that.

15 MR. WARD: I'm very grateful for the assistance you're
16 providing me in how to fulfill my duties to my
17 clients, and I'll take it under careful
18 consideration in my next efforts to cross-examine.
19 I can't let the moment pass without saying in my
20 respectful submission this commission has had an
21 ongoing obligation to get the notes from that
22 meeting with the attorney general, Gary Bass and
23 the deputy chief of the VPD because its early date
24 and its importance to see who knew what about
25 Pickton and when they knew it, and far be it from

1 me to tell the commission how to do its job, but
2 we should have records of that meeting so we can
3 establish whether the province's most senior law
4 enforcement officer at the time, Mr. Dosanjh, a
5 very senior RCMP member Bass, the second in
6 command of the VPD all knew about Pickton, but
7 nonetheless didn't motivate any response to him as
8 a prime suspect.

9 THE COMMISSIONER: Isn't the only thing we need to know from
10 that meeting was that nothing substantial or
11 significant was done? Don't you think we need to
12 get to the point?

13 MR. WARD: Well, now --

14 THE COMMISSIONER: Just a minute. That's what you really need
15 to know about that meeting, not who made notes,
16 who was present and all that minutiae you're
17 directing me to. In any event, let's get on with
18 asking her the questions.

19 MR. WARD:

20 Q When you got the Frey file and you started your
21 interaction with her mother Lynn, it was clear
22 that Lynn was desperate to find her daughter and
23 that she believed she'd been the victim of foul
24 play?

25 A Yes, absolutely.

1 Q And just on Marnie and the other missing women,
2 she and the others were adult people who by
3 circumstance had found themselves in horrible
4 existences; right?

5 A I think, Mr. Commissioner, I've spoken to my
6 belief about that before.

7 Q And their families without exception despite their
8 best efforts or intentions couldn't change the
9 lifestyles of their daughters or sisters, they
10 could try to get them into rehab, they could try
11 to get them off the streets, but circumstances
12 prevented that from happening; is that fair?

13 A Mr. Commissioner, if I understand the question to
14 be, you know, were the Freys duly concerned about
15 Marnie? Absolutely. And just to give some
16 context, Lynn Frey is one of the family members I
17 probably dealt with the most. She called me
18 regularly, often on her way to and from picking up
19 her granddaughter at school. I called her
20 whenever I had any questions for her, and we were
21 in quite regular contact, and I feel quite certain
22 right now that she would characterize our contact
23 as very positive. And so I -- you know, this
24 suggestion that she gave me information about the
25 Pickton farm she's mistaken in my view. And I

1 actually posed a question to her, and if you'll
2 allow me, Mr. Commissioner, to go a couple of days
3 outside the terms of reference again, when
4 Mr. Pickton was arrested I, as I testified
5 yesterday, asked Inspector Adam if I could make
6 the calls to the families that I was familiar with
7 and he allowed me to do that, and one of the calls
8 I made was to Lynn and Rick Frey, and one of the
9 things I asked Lynn in that phone call because
10 there had been information in the media around --
11 I had seen her actually saying "I told Lori
12 Shenher about this farm" and it was erroneous. I
13 said, "Lynn, you know that didn't happen." And
14 she said, "Oh, I know, dear, I'm sorry." And I
15 said, "Well, but that's incorrect." And she said,
16 "Oh, well you know the media." And, you know,
17 sitting here now I'll be honest, my next thought
18 was well, it's not the media, that's you saying
19 you told me something that you clearly did not
20 tell me. So in my view that was the end of it,
21 and I wasn't going to certainly press a woman
22 whose daughter would very likely be found dead on
23 this farm any further on her being mistaken, but
24 it was my impression that at that point that she
25 agreed she was mistaken or that that was somehow

1 incorrect information, and that's the last I have
2 given it any thought.

3 Q Do you got a record of that conversation you had
4 with her ten years ago?

5 A I don't, no.

6 Q Why not?

7 A I didn't take notes when I was out making phone
8 calls.

9 Q Now, Lynn Frey testified October 24th, last year,
10 page 73 of the transcript, that you told her
11 during the investigation of Marnie's disappearance
12 that Pickton was a person of interest in your
13 investigation and that you would be investigating
14 him further. Did that happen?

15 A I believe so. I can't recall for sure.

16 Q And with respect to Lynn Frey going out and
17 looking at the Pickton farm and reporting to you
18 about the chipper, which is her testimony, we
19 could verify what you wrote about the chipper and
20 her advice about it if only we had your notes?

21 A That's correct.

22 Q You're going by memory of events that happened
23 over ten years ago right now, are you?

24 A Well, I certainly was alive to -- would be alive
25 to things that would have led me to that farm.

1 And my understanding of her evidence is that this
2 was some kind of sustained and repeated thing that
3 she did very early on in her interaction and it's
4 just incorrect, it didn't happen. And I actually
5 recall one of the things I know is she was very
6 active in the Downtown Eastside canvassing for
7 information about her daughter, but my concern was
8 she was going to be taken advantage of. And I
9 remember she went to one of the Downtown Eastside
10 hotels trying to get information and she was
11 speaking to a desk clerk, my memory is the
12 Balmoral, one of the hotels in the hundred East
13 Hastings, and she told me this story on the phone
14 that she had met this desk clerk and said she
15 showed a photo of Marnie. "Do you know my missing
16 daughter?" "Oh, yeah, I might have some
17 information, but I want ten bucks." That's what
18 this fellow said to her. So she gave him ten
19 dollars, and then he said, "No, I don't know
20 anything." And she told me this story and I was
21 very concerned she was being taken advantage of.
22 I said, "I appreciate you need to go out and do
23 your own investigation, you know, I'm not going to
24 tell you not to obviously get out there and show
25 photos, but I'm concerned, I don't want to see you

1 taken advantage of, so let us do our job." She
2 never gave me any information about the Pickton
3 farm.

4 Q You knew when you were dealing with Lynn Frey that
5 the mayor of Campbell River had written letters on
6 behalf of the Frey family to the mayor of
7 Vancouver, Phillip Owen, and to Attorney General
8 Dosanjh about Marnie's disappearance and the
9 investigations, didn't you?

10 A I don't believe I knew anything about that.

11 Q You did know through your dealings with Maggie de
12 Vries that she, Maggie de Vries, had written
13 letters to the attorney general and Mayor Owen
14 about the disappearance of her sister Sarah?

15 A Yes, I did know that.

16 Q And your perception while you were trying to
17 investigate these disappearances was that the
18 mayor of Vancouver was dismissive of the families'
19 concerns, wasn't it?

20 A I don't really recall all the dynamics around that
21 now.

22 Q Wasn't he with you at the community meeting at the
23 First United Church, Mayor Owen?

24 A I don't recall if he was there. I don't recall
25 seeing him.

1 Q Now, Angela Jardine's file is at tab 5 of the
2 binder, and you may recall this from memory, but
3 I'll show you the documents if not, but an
4 employee of the Portland Hotel where Angela
5 resided called the VPD to report that she had
6 disappeared. Do you recall that?

7 A I don't recall that, no.

8 Q The missing persons report is after the first
9 group of documents that form Deputy Chief Evans'
10 analysis of the case. Do you see the missing
11 persons report?

12 A I do.

13 Q And is that -- there's an entry on CPIC at the
14 bottom. Is that you or whose initial is that?

15 A No, I believe that's Sandy Cameron. It's Sandy
16 Cameron's handwriting. And I believe Angela
17 Jardine was reported -- I do recall now that it
18 was staff at the Portland Hotel that reported her.

19 Q All right. And is the next page your own log or
20 note of the investigation into her disappearance?

21 A No, with the exception of the second entry of
22 December 9th, '98, it's 1300 hours, all the other
23 entries I believe are Detective Howlett's on the
24 first page, I should clarify. Eventually I
25 believe on the second page it continues to be

1 Howlett until '99, February 11th, that again is my
2 entry, and then the entries as you can see they go
3 back and forth between mine and Detective
4 Howlett's writing until --

5 Q Okay. You know that Angela's mother Deborah was
6 very angry with the way her daughter's
7 disappearance was investigated and filed a formal
8 complaint about it?

9 A Yes. I responded to that complaint.

10 Q It appears from our analysis, and also Deputy
11 Chief Evans's, that no one from the VPD who was
12 charged with the responsibility of investigating
13 Angela Jardine's disappearance went to her
14 residence, the Portland Hotel, to look for clues
15 to her disappearance in her room or to talk to her
16 neighbours. Do you agree?

17 A I understand that that was a concern of
18 Mrs. Jardine's, and my understanding of it too was
19 that Detective Howlett had received the file
20 initially, either I was away or I don't recall,
21 but he initially received the file and there was
22 some dispute about whether her effects were still
23 there. I can't speak to it, but Detective Howlett
24 can.

25 Q But don't you always go to the missing person's

1 last known residence as a fundamental and basic
2 part of your investigation?

3 A I would say as a rule.

4 Q As a rule?

5 A As a rule, unless there are -- you know, you can
6 appreciate knowing the Downtown Eastside as you do
7 that there may be some circumstances where enough
8 time has elapsed -- pardon me, if enough time has
9 elapsed and -- sorry. Excuse me. If enough time
10 has elapsed that room has been now let to
11 different people, you know, several times over the
12 course of -- if we're talking about months then
13 that may not be a very fruitful avenue of
14 investigation.

15 Q Well, if we're talking about months chances are
16 the person, even persons like these who are being
17 investigated, chances are they're dead in a couple
18 of months; right?

19 A Well, I wouldn't be able to --

20 Q If they haven't collected their welfare cheques,
21 they haven't been seen, they haven't gone to their
22 doctors, they haven't made contact with --

23 A Mr. Commissioner, if he's asking me, you know, if
24 that's the premise I came to, yes, I agree with
25 you.

1 Q It's too late if a couple of months go by for --

2 A It certainly is if there's some immediacy. And,
3 you know, I can't speak to that particular file as
4 to whether that was conducted correctly or not, I
5 just don't know.

6 Q You and your colleagues in the Missing Persons
7 Unit departed from the rule that you should go as
8 part of the investigation to the person's last
9 known address in almost all of these disappearance
10 cases?

11 A No, I would disagree with that. I don't believe
12 that's accurate.

13 Q What about -- isn't it fundamental as well to
14 speak to the relatives right away, relatives,
15 friends of the missing person, and get as much
16 information as you can from them about the
17 circumstances?

18 A Yes, it is.

19 Q And I suggest you departed from that principle in
20 the case of many of these women's disappearances?

21 A I would need you to give me an example
22 specifically of where I specifically departed from
23 that.

24 Q Well, when did you -- can you tell when you spoke
25 to Angela's mother in the case of Angela Jardine?

1 A Well, again I didn't receive this file initially,
2 it was received by Detective Howlett on December
3 7th of 1998.

4 Q Looks like there's an entry for February 1st,
5 1999. Is that yours?

6 A No, that's Detective Howlett's.

7 Q I'm looking for an earlier one.

8 A Mr. Commissioner, as I think I've testified I
9 didn't have primary custody of this file in any of
10 that time period, so I don't believe I had
11 interaction with Mrs. Jardine, I believe it was
12 Detective Howlett who was doing that at the time.
13 I subsequently took it over and then had
14 interaction with her, but I probably didn't at
15 that time.

16 THE COMMISSIONER: We'll stop there.

17 THE REGISTRAR: The hearing is now adjourned until 1:30.

18 **(PROCEEDINGS ADJOURNED AT 12:26 P.M.)**

19 **(PROCEEDINGS RESUMED AT 1:35 P.M.)**

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

21 THE COMMISSIONER: Ms. Gervais, you're next.

22 MR. WARD: Mr. Commissioner, if I may just take a moment, I
23 understand from my friend Mr. Crossin that his
24 client approached him and indicated there was one
25 aspect of her testimony she wished to correct.

1 THE COMMISSIONER: Oh, I see. All right. Yes.

2 THE WITNESS: Yes, Mr. Commissioner, I inadvertently in the
3 discussion of whether I had a notebook when I made
4 the family calls when I was working at Evenhanded
5 outside the terms of reference, I do have a
6 notebook. I am incorrect on that. I had done a
7 home renovation, it was in a box, and I had
8 forgotten that I had it.

9 THE COMMISSIONER: Okay.

10 THE WITNESS: Upon reflection I realized I do and I can produce
11 it for the commission.

12 THE COMMISSIONER: All right. Thank you. Thank you.

13 MR. WARD: And, Mr. Commissioner, I have in light of the order
14 and directions that were made earlier truncated my
15 cross-examination. I am grateful for the
16 indulgence of extra time this morning. I have one
17 housekeeping matter and that is I would ask that
18 the green binder be marked as an exhibit for
19 identification.

20 THE COMMISSIONER: All right.

21 MR. WARD: And finally in the event that the book manuscript
22 that has been the subject of some comment is
23 disclosed to the participants I may seek leave to
24 apply to reopen the cross-examination.

25 THE COMMISSIONER: All right. Thank you.

1 MR. WARD: Depending on what might be there.

2 THE COMMISSIONER: Thank you, Mr. Ward.

3 MR. WARD: Thank you. And, witness, those are my questions.

4 Thank you for your time. And in light of your
5 comments made at the very end of your testimony
6 yesterday I'd like to say on behalf of my clients
7 that they appreciated your sentiments, and they
8 understand how difficult many aspects of this case
9 were for you, I believe they've expressed some
10 comments to you privately, and so I thank you for
11 your efforts in the case and for your testimony.

12 THE WITNESS: Thank you, Mr. Ward.

13 THE REGISTRAR: The green binder will be marked as
14 identification letter S, letter S.

15 **(EXHIBIT S FOR IDENTIFICATION: Document entitled:**
16 **Witness, Lori Shenher Brief (Binder of Documents))**

17 MR. WARD: Thank you.

18 MS. GERVAIS: Robyn Gervais, counsel for aboriginal interests.

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

20 Q You testified on Monday that when you were working
21 patrol in the Prostitution Task Force that you
22 came to understand the reality of the lives of the
23 women that you were working with; is that right?

24 A To some extent, yes.

25 Q And you testified that you developed a trusting

1 relationship with some of the women?

2 A I believe so.

3 Q And so you're aware then that there are a
4 disproportionate number of aboriginal people in
5 the Downtown Eastside?

6 A I would agree with that, yes.

7 Q And you're aware that a disproportionate number of
8 the missing women were aboriginal?

9 A Well, I think that came to be the case, sorry, in
10 the totality of looking at the people assigned I
11 believe to have been killed by Mr. Pickton, but in
12 the early days I was trying to sort of develop a
13 demographic, if you will, of my victims. I would
14 have to consult my notes exactly, but it seemed
15 sort of a third of what I would consider women of
16 colour, a third appeared to be Caucasian and a
17 third or so, I stand to be corrected, that were
18 aboriginal, but certainly as many as were
19 Caucasian for sure at the beginning.

20 Q Okay. And you also testified on Monday that you
21 felt that it was an important part of your role to
22 engage with the community; is that correct?

23 A I felt that was something that we did need to do
24 certainly.

25 Q Okay. And that was due to the knowledge that you

1 felt that some community members were distrustful
2 of the police?

3 A I knew that to be true, yes.

4 Q Okay. And so I take it that you're aware that
5 aboriginal people are particularly fearful of the
6 police due to historical factors, colonization,
7 residential school systems, other government
8 policies involving the police?

9 A Yes.

10 Q Okay. And so you would agree then when working
11 with aboriginal people there's an extra layer of
12 mistrust --

13 A Yes, definitely.

14 Q -- in dealing with the police?

15 A Yes.

16 Q Okay. And you would agree that this is something
17 to be mindful of when trying to gather information
18 from aboriginal people?

19 A Yes. Mr. Commissioner, if I could give a little
20 context to my awareness of that. Prior to my work
21 as a police officer I worked as a reporter and I
22 was in the Pigeon Creek area the same summer as
23 the Oka incident, and as well at the same time at
24 the Peigan Indian Reserve when the Old Man River
25 Dam was -- that project had started and there was

1 an occupation, if you will, by aboriginal people
2 at that time, and as a reporter I actually spent
3 some time in their camp with the aboriginal
4 activists at that time and I came to understand
5 those issues very well.

6 Q Okay. And so when you were investigating the
7 missing women knowing that there was a
8 disproportionate number of aboriginal women did
9 you turn your mind to that in this investigation?

10 A I did.

11 Q Did the VPD at any point ever provide you with any
12 training about aboriginal culture?

13 A No. Not that I can recall anyway.

14 Q Okay. And did the VPD ever provide you with any
15 training about the historical relationship between
16 aboriginal people and the police?

17 A No.

18 MS. GERVAIS: If Exhibit 82 could please be put to the witness.

19 THE REGISTRAR: 82. You've got it there. Which volume do you
20 want?

21 MS. GERVAIS: Volume 1.

22 THE REGISTRAR: Yes.

23 MS. GERVAIS:

24 Q And if you can turn to tab 12, please.

25 A In Part A; is that right?

1 Q Yes. And this is a memo to Acting Inspector Dan
2 Dureau dated August 27th, 1998?

3 A Yes, it is.

4 Q Okay. And you went over this with Ms. Brooks on
5 Monday, I believe. And if you could just turn
6 your attention to the second paragraph where you
7 state:

8 I have met and am continuing to liaise with
9 members of the native community, and while a
10 large percentage of these women are Native
11 American there are women of varied races and
12 a common thread is that they have been sex
13 trade workers or intervenous drug users.

14 A Yes.

15 Q Sorry, with intervenous drug dependencies;
16 correct?

17 A That's correct.

18 Q So you also agree that the common thread was that
19 a large percentage of the women were aboriginal?

20 A I think when I say large, larger than I think the
21 representation of aboriginal people vis-à-vis the
22 total number of Caucasian people in the city, that
23 it was definitely heavily represented.

24 Q Okay. And you would agree that as an investigator
25 it's your job to look for patterns?

1 A Yes, for sure.

2 Q Okay. And you would agree that this common thread
3 or pattern of the women being aboriginal was
4 worthy of follow-up?

5 A Insofar as they being victims -- being missing
6 persons, yes.

7 Q With respect to investigative techniques?

8 A I'm sorry, is there something specific you would
9 want me to do differently? I'm just curious.

10 Q I'll put something to you and you can let me know
11 if you can.

12 A Sure.

13 Q You agree it would have been important to document
14 the women's aboriginal ancestry?

15 A I believe that at the time for the purposes of
16 reporting it was either white or non-white.

17 Q Okay. But putting that aside do you believe that
18 it's an important thing to document?

19 A Certainly. And I believe that within the files
20 that I had an understanding of who my aboriginal
21 women were and the Caucasian women and my
22 non-white of colour women.

23 Q Okay. So I've seen a few of the missing women
24 reports they say non-white or white; is that
25 correct?

1 A Yes.

2 Q Okay. But you testified that you knew which women
3 were aboriginal and which weren't?

4 A I believe I made efforts to determine that, yes.

5 Q Okay. Would you say that this was documented in
6 every case? If you didn't have that personal
7 knowledge and it wasn't documented on the form
8 would somebody else have been able to discern this
9 information?

10 A Probably not. And just, Mr. Commissioner, if I
11 can give a little more to that answer. You know,
12 I think an example would be I think Ms. Anderson,
13 in my interaction with her I didn't know of her to
14 be I think partially of First Nations descent
15 until later in the file.

16 Q You could have contacted Urban Aboriginal Support
17 in the Downtown Eastside to find out more
18 information about these women?

19 A Absolutely, had I had time that would have been
20 something that would have been good to do.

21 Q Okay. And you could have contacted the Friendship
22 Centre in Vancouver and maybe other cities as
23 well?

24 A Absolutely.

25 Q And you could have made contact with the Women's

1 Aboriginal Committee if this is documented
2 properly?

3 A I could have made contact with that community
4 regardless of had it been documented or not, just
5 for as a resource had I had the resources to do
6 that.

7 Q And you might have made contact with the
8 Department of Indian and Northern Affairs?

9 A It's possible depending on what sort of
10 information I was looking for.

11 Q And you might have contacted the political
12 organizations such as the Union of BC Indian
13 Chiefs who are located in the Downtown Eastside
14 and have relationships with the families, some of
15 the families?

16 A Certainly, yes.

17 Q And you might have contacted First Nations Summit?

18 A Yes.

19 Q Okay. And it would have made sense to be in close
20 communication with the native court workers who
21 would likely have had contact with some of these
22 women as they went through the justice system if
23 they had been in touch with the justice system?

24 A Yes. Mr. Commissioner, I certainly acknowledge
25 that there were a vast number of resources, First

1 Nations resources, aboriginal resources that it
2 would have been very valuable to pursue had we had
3 the resources to do that.

4 Q Okay. Would you agree that it would have been
5 valuable to put out a warning to aboriginal
6 communities?

7 A It certainly wouldn't have hurt.

8 Q Okay. And what about to aboriginal organizations
9 both urban and rural?

10 A A warning?

11 Q Yes, a warning.

12 A Again, it certainly wouldn't have caused any harm.

13 Q Okay. And I saw when looking through the
14 documents that the reward poster was sent to the
15 Native Liaison Society, but I didn't see that it
16 was sent anywhere else. Do you see that it would
17 have been helpful to send that to aboriginal
18 communities, organizations and so forth?

19 A Certainly. That was an omission.

20 Q Okay. And again if there were proper
21 documentation of which aboriginal community or
22 organizations or other affiliated aboriginal I
23 guess organizations that women belonged to, you
24 could have entered this data into the SIUSS
25 system?

1 A Certainly as it would have comprised parts of the
2 files it certainly would have gone in there had
3 that system been functional.

4 Q And that could have helped an analysis at a later
5 date?

6 A It possibly could have, yes.

7 Q And you were aware that the Native Liaison Society
8 was located directly below you?

9 A Yes, I've been there on a number of occasions.

10 Q Okay. And the primary mandate of the Native
11 Liaison Society was to build relationships between
12 aboriginal people and the police?

13 A I'll take your word for it. I wasn't aware of
14 what the exact mandate was.

15 Q Okay. What was your understanding of what the
16 Native Liaison Society was in place for?

17 A Well, my perception was it was just that, it was a
18 liaison so that it could help to bridge exactly
19 the sorts of initiatives that we're talking about
20 here, which is some of the mistrust between First
21 Nations people and the police that comes from, you
22 know, an historical experience, and that victims,
23 witnesses who may be of aboriginal descent could
24 feel comfortable in a police building speaking
25 about police matters, but having the support of

1 aboriginal workers. That is my perception.

2 Q And Constable Dickson worked with the Native
3 Liaison Society; correct?

4 A He did. He introduced me to Morris Bates and
5 Freda Ens as well.

6 Q Okay. But from my review of the documents it
7 didn't look like you personally had a lot of
8 contact with the Native Liaison Society?

9 A I wouldn't be able to recall how much, but I know,
10 you know, I had spoken with Morris on a number of
11 occasions, and then I think I became -- came to
12 know Freda a little bit more later in the file.

13 Q Do you recall if the Native Liaison Society was
14 invited to one community liaison meeting that took
15 place in February?

16 A The one at the Carnegie Centre?

17 Q Yes.

18 A I'm not sure who was invited or who was
19 responsible for making those invitations. I was
20 invited myself.

21 Q Okay. And were you aware that several family
22 members tried to report to the Native Liaison
23 Society and the Native Liaison Society was unable
24 to report due to Ms. Cameron telling them they
25 weren't family so not eligible to report?

1 A I came to know that later on, not at the time that
2 I was working there.
3 Q Later on being when?
4 A I can't recall exactly, but as this file started
5 to be investigated.
6 Q You agree that it would have been helpful to know
7 that at the time?
8 A Absolutely.
9 Q And why do you think that wasn't communicated at
10 that time?
11 A I couldn't even speculate, I just don't know.
12 Q And do you agree that more communication with the
13 Native Liaison Society would have helped the
14 investigation?
15 A Most certainly.
16 Q Did you ever request the files from the Native
17 Liaison Society?
18 A What sort of files?
19 Q The files that they were working on, the people
20 that they worked with they kept files about
21 whatever people came in through the door?
22 A No, I don't believe I did that.
23 Q Okay.
24 A I may not even have been aware they had files
25 actually.

1 Q Okay. So it's fair to say then that there was no
2 extensive or consistent consultation or
3 communication with the aboriginal community?

4 A That's correct.

5 Q Okay. And you agree that that would have been
6 helpful?

7 A Certainly.

8 Q And in the various memos you wrote to your
9 managers and supervisors about investigative steps
10 to be taken would you agree that there wasn't a
11 lot of suggestion about communicating with the
12 aboriginal community?

13 A I would agree with that, yes.

14 Q And would you also agree that your managers and
15 superiors didn't direct you in their memos or any
16 of the documents I've seen to take any specific
17 steps with respect to you communicating and
18 investigating within the aboriginal community?

19 A That's correct.

20 Q And you would also agree that your managers and
21 superiors didn't give you any direction with
22 respect to sending any kind of a warning to the
23 aboriginal community or organizations?

24 A Only insofar as what's been discussed before
25 around the discussion of detective inspectors

1 warning of a general nature to sex trade workers
2 in the Downtown Eastside.

3 MS. GERVAIS: Thank you. Those are my questions. Thank you
4 very much.

5 THE COMMISSIONER: Thank you very much.

6 MR. ROBERTS: Mr. Commissioner, Darryl Roberts on behalf of
7 Marion Bryce.

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

9 Q Good day, Constable Shenher. I represent Marion
10 Bryce on this inquiry, and she's the mother of a
11 daughter named Patricia Rose Johnson who I think
12 went missing in the Downtown Eastside in early
13 January 2001. Did you know her?

14 A I don't believe I did, no.

15 MR. ROBERTS: All right. I have -- I better speak into the
16 mike. I have provided everybody with an index of
17 the documents I'm going to use in my examination,
18 Mr. Commissioner. I have assembled and used the
19 cost of my firm to assemble a few for the
20 commission and for the witness and for commission
21 counsel.

22 THE COMMISSIONER: All right.

23 MR. ROBERTS:

24 Q Constable Shenher, it may seem that one or more of
25 my questions may seem to be critical of you, and I

1 want you to know that's not my intention. I mean
2 no criticism of you in my cross-examination
3 whatsoever, you're not on trial here. My whole
4 endeavour is to try and bring out evidence to
5 support fact finding for this commission of
6 inquiry, and I'm going to focus on 1998. I've
7 provided Mr. Registrar with a book of documents.
8 Do you have it?

9 A Yes, I do.

10 Q All right. So first could you turn, please, to
11 tab 5, and to page 108 at the bottom. This is a
12 -- you remember being interviewed by Deputy Chief
13 Evans?

14 A Yes.

15 Q Let me just read this passage to you and then I
16 have a question. At line 16 Jennifer Evans says:

17 Well...

18 And the number refers to Hiscox.

19 ... he's providing, source A is providing
20 pretty unique information. So did you
21 believe him?

22 Lori Shenher: Absolutely.

23 Did you think he was credible?

24 A Yes, I totally did. He had --

25 Jennifer Evans: And were you able to convince

1 others in your organization that you've got
2 this pretty reliable source and he's telling
3 you unique information about this Pickton guy
4 out in Coquitlam?

5 Lori Shenher: Yes, I was able to convince --
6 again I was pretty circumspect about who I
7 told, but in terms of telling Geramy...
8 Stop there. That's Sergeant Field?

9 A Yes.

10 Q Telling Al...
11 That's Detective Howlett?

12 A Yes.

13 Q I think they both agreed it was pretty
14 compelling and they took my word that, you
15 know, that I found him to be quite credible.
16 And it all certainly was more than just
17 interesting, you know, it seemed to fit with
18 what we had going on.

19 And that pretty well does capture what you thought
20 about the evidence, the information from
21 Mr. Hiscox?

22 A Yes.

23 Q And I don't want to leave it without just going to
24 a little bit of your oral evidence as well.
25 Correct me if I'm wrong, I'm not a bad note taker,

1 but I could be better. I remember you saying:

2 I liked him, he was a good person, had a
3 moral compass. He had a lot going on, but
4 felt it important enough to let us know what
5 he knew.

6 So far have I captured your evidence?

7 A I think that's essentially correct, yes.

8 Q He did not waiver in what he told me. He was
9 consistent. He had a sense of right and
10 wrong. He never asked for money. Informants
11 often do, he didn't. He never asked for
12 anything ever. And the information was
13 compelling and believable.

14 Those are my notes. Do I have those correctly?

15 A That's correct, yes.

16 Q All right. So part of my cross-examination is
17 just to try and find out why that evidence didn't
18 get used. So I want to now to go to the -- I'll
19 just say tab 7 of this binder and that's good
20 enough. If you would go there, please. I want to
21 drop back for a moment to the supervision of you
22 by Sergeant Field. If you would go to tab 7,
23 please. This is an interview I believe that was
24 conducted at Farris & Co. on November 5, 2002.
25 Mr. LePard was in attendance with other counsel.

1 Could you go, please, to page 2. Two-thirds of
2 the way down the page there's a paragraph begins:

3 Lori worked on missing women issue.

4 Do you see that?

5 A Yes, I do.

6 Q In the second line towards the end it says:

7 Lori was mostly self directed.

8 Do you see that statement by Sergeant Field?

9 A Yes, I do.

10 Q Top of page 3 I want to read a couple of passages
11 here:

12 Lori told me a couple of interesting things,
13 info she received, and I told her to go for
14 it, to work on it with Al.

15 Again that's Al Howlett?

16 A Yes.

17 Q And then she talks about a Homicide conference.
18 Go down, please, to five lines where she says:

19 So I left Vancouver Homicide and set up a
20 task force office in the CLEU building on
21 East 8th.

22 And I stop there. You can identify that happened
23 on September 24th if I have the date correct?

24 A I'll take your word for it.

25 Q I just checked that date in Mr. LePard's report.

1 And then the middle of the page on page 3 the last
2 sentence reads:

3 While I was on the task force Lori wasn't
4 reporting to me.

5 And of course you told us you were not; right?

6 A That's correct.

7 Q One more passage. The bottom of page 7, last
8 paragraph:

9 I remember Lori telling me about her really
10 good tip and her source in '98. I told her
11 to keep really good notes about her dealings
12 with him and then I left for the task force
13 at CLEU. It was such bizarre information it
14 was almost unbelievable, but it had some
15 credibility and it had to be followed up.

16 Now, do those passages pretty well capture the
17 supervision that you had from Sergeant Field?

18 A Essentially, yes. I mean we had a lot of informal
19 conversations, but I would say that essentially
20 captures it.

21 Q All right. One of those informal conversations
22 you told us in evidence here was that you had a
23 discussion with her about a search warrant?

24 A Yes.

25 Q I'll come back to that.

1 A At various times.

2 Q I'll come to that presently. But when you had the
3 -- when you told -- start again. When you told
4 Sergeant Field that you had a tip and she said to
5 go for it, you had a source is what you told her;
6 right?

7 A I believe so, yes.

8 Q A source. Now, normally I'm told a source goes
9 with a criminal investigation. Did you discuss
10 what you were going to go for, what was the crime
11 or suspected crime that you were investigating?

12 A I don't think we ever discussed a specific crime.

13 Q Didn't discuss a specific crime, but the tipster
14 information was about possible murder being
15 committed by Pickton?

16 A That's correct.

17 Q And you had a number of missing women by the time
18 of the tip coming in July 27, 1998?

19 A That's correct.

20 Q But you hadn't -- and as I said the source seems
21 to go with an investigation. The Supreme Court of
22 Canada have said that police officers have a duty
23 to investigate crime. So my question is with this
24 source what crime were you investigating?

25 A Well, Mr. Commissioner, you can appreciate that in

1 the day-to-day interactions with police officers I
2 might say -- we might say a killer or something to
3 those effects, but we certainly wouldn't sit there
4 unless we had a very specific question about a
5 Criminal Code definition of an offence. So I
6 think it was understood we were looking to see if
7 he had some responsibility for the missing women.
8 I don't think we had really -- I know we didn't
9 openly discuss what the charge would be at that
10 point, I think that was premature.

11 Q Well, I thought you were going to say you were
12 investigating suspected murder 'cause you thought
13 there was foul play and now you had this tip.
14 Isn't that what you were doing?

15 A Well, I think that may well have been implied in
16 the work we were doing, but in terms of it being
17 discussed what charge did we turn our minds to, I
18 just can't answer that.

19 Q But you had no discussion about this with your
20 supervising sergeant?

21 A We did not discuss specific elements of a Criminal
22 Code offence.

23 Q So when Sergeant Field says in this interview I
24 told her to go for it, your evidence is that at
25 the time she did not discuss with you what crime

1 you were potentially or actually investigating?

2 A I don't believe that we discussed a specific
3 crime, but my interpretation of go for it at the
4 time meant gather -- gather more information,
5 further assess the credibility of the source, see
6 where the source takes us, go for it, I mean
7 pursue an investigation.

8 Q Well, did you understand you were now embarking at
9 that time on a criminal investigation?

10 A I believed I was always aware from my assignment
11 at the time that I would very likely be embarking
12 on a criminal investigation.

13 Q You dropped your voice. I didn't hear you.

14 A Which part? I believed that from the time that I
15 was assigned to this assignment it was my
16 understanding that I would be investigating or
17 trying to obtain evidence to pursue a criminal
18 investigation.

19 Q Were you not doing that more specifically once you
20 had the tip from a source?

21 A Certainly, yes.

22 Q All right. And the most you can say is that
23 potentially it was murder?

24 A Yeah, honestly that's probably the most I could
25 say.

1 Q But the women were not being killed on the streets
2 of Downtown Eastside Vancouver, so did you put
3 your mind to what kind of murder?

4 A No, I did not.

5 Q You know there are various kinds of murder, at
6 least legally?

7 A I certainly know first and second degree and
8 manslaughter and those types.

9 Q Yes, but also there's felony murder. Did you know
10 there's felony murder for, say, death caused
11 during a robbery?

12 A I know that now. Did I know it at the time? I
13 don't know.

14 Q Well, I better ask you this one. Did you know
15 that there's first degree murder for death caused
16 during kidnapping or forcible confinement? Did
17 you know that then?

18 A Yes, I did. As well as sexual assault.

19 Q For both of those?

20 A Yes.

21 Q Okay. Thank you. All right. Let me go to the
22 subject of the witness statement that you talked
23 about, and can you turn, please, to tab 2 in the
24 book I gave you. This is the statement of your
25 interview with Ms. Anderson, who of course we only

1 know her as such now, but she was the victim of
2 the assault and attempted murder on March 23,
3 1997?

4 A Yes.

5 Q Now, you interviewed Ms. Anderson?

6 A Yes, I did.

7 Q And you told us in evidence that you found her
8 evidence compelling?

9 A Yes.

10 Q You said it was the kind of, correct me if I'm
11 wrong, please, that this is what you were looking
12 for?

13 A Yes, that's correct.

14 Q And I believe you said you discussed it with
15 Corporal Connor, that it was almost like a, I
16 don't know if you said the word gift, but she
17 almost ended up as a statistic and instead you
18 have this compelling evidence from her; right?

19 A I'm not entirely sure as to what statement you're
20 referring to that I made.

21 Q All right. Well, maybe I misheard you, but you
22 did say you found it compelling and what you were
23 looking for?

24 A That's correct.

25 Q Why?

1 A Well, because as I testified, Mr. Commissioner,
2 that the circumstances around the incident seemed
3 to indicate that Ms. Anderson had -- that she was
4 a Downtown Eastside sex worker, that she fit the
5 profile of our investigation and of our other
6 missing women in terms of being street involved,
7 drug dependent and working from the Downtown
8 Eastside, and she had an interaction with
9 Mr. Pickton, and that he took her away from the
10 confines of the Downtown Eastside to a residence,
11 and that they had a violent interaction there that
12 in my view could have very, very likely, could
13 have possibly ended in her death. So I felt that
14 this was the type of scenario that could quite
15 conceivably be applied to some of these other
16 women.

17 Q This kind of scenario that could be applied?

18 A To the other women that we were looking for.

19 Q All right. I understand that. How? How would
20 you do that?

21 A I don't understand your question.

22 Q Well, didn't you have to try and figure out what
23 crimes were being committed in Vancouver or
24 somewhere in order to make use of this witness
25 statement?

1 A Mr. Commissioner, if I understand the question,
2 you're asking me if I'm going to determine the
3 nature of the crime before I investigate the
4 crime, is that --

5 Q I just want to know why you say it was compelling
6 in the sense of what did you propose to do with
7 this statement?

8 A The statement of Ms. Anderson?

9 Q Yes.

10 A It informed my investigation in terms of in my
11 view it was -- it gave us an interaction, that if
12 Mr. Pickton was indeed our killer it gave us an
13 interaction where he was unsuccessful and where we
14 had a witness to give us information about that,
15 that contact.

16 Q All right. I'll be a little more direct. Can you
17 go, please, in my book of documents, please, to
18 tab 4. This is a section of the Criminal Code,
19 section 279(1), and skip over the 1.1 and go down
20 to 279(2). Let me stop for a moment. You know
21 that both kidnapping and forcible confinement are
22 both very serious offences?

23 A I do know that, yes.

24 Q And keep your thumb there, please, if you would,
25 and turn to tab 11 in my binder. Tab 11 is the

1 oath under the *Police Act* of this province that
2 all police officers take?

3 A That's correct.

4 Q And I take it, therefore, it's an oath with which
5 you have sworn?

6 A Yes, I have.

7 Q And in the second bullet it reads:

8 I will to the best of my power cause the
9 peace to be kept and prevent all offences
10 against the persons...

11 I stop there. Against the persons of Her
12 Majesty's subjects. Crimes against persons. In
13 your training I understand you haven't had
14 homicide specifically training or a course on
15 that, but certainly you have learned offences --
16 about offences against people?

17 A Yes.

18 Q And in that category three significant ones are
19 forcible confinement, abduction of various kinds
20 which involves children, and kidnapping. Am I not
21 right?

22 A I believe that's correct, yes.

23 Q They are serious crimes against people?

24 A Indeed they are.

25 Q And they carry with them serious penalties such as

1 life imprisonment; correct?

2 A I believe so, yes.

3 Q And if death is caused during it is deemed to be

4 first degree murder?

5 A I believe that's correct as well.

6 Q All right. And when the witness statement from

7 Anderson came to you it came to you by Corporal

8 Connor coming in and having a meeting with you on

9 August 18th; right?

10 A I believe that's correct, yes.

11 Q I don't mean to fix you to the date, but my memory

12 says it's August 18th.

13 A Sure.

14 Q And he was very co-operative in giving you the

15 file and you reviewed it and from there you went

16 to see Ms. Anderson; right?

17 A After I learned of her arrest, yes.

18 Q Yes. And after reading the file and so on; right?

19 A Yes.

20 Q And you told -- and you said it was compelling.

21 But I believe in your evidence you said as well

22 that you saw that she -- start again. Pickton had

23 been charged with forcible confinement?

24 A Yes.

25 Q All right. Now, did you then go and take out your

1 Criminal Code and just double-check what forcible
2 confinement was?

3 A No, I didn't.

4 Q So you knew it well enough you didn't have to?

5 A No, I assumed it had to do with her time that was
6 spent in the trailer.

7 Q I realize, but I mean as to what the crime was?

8 A I did not.

9 Q I see. But you know it to be section 279(2), do
10 you?

11 A I do because you pointed it out to me.

12 Q Yes. And do you know that it's simply a crime to
13 confine somebody, just to confine them or
14 somebody, or false imprisonment is a crime?

15 A Yes.

16 Q It terrorizes people?

17 A I'm sure it does.

18 Q And did you know then that kidnapping, the basic
19 kidnapping crime is simply confinement plus
20 transportation?

21 A I did not know that, I had never worked on a
22 kidnapping.

23 Q I see. So you haven't -- apart from whatever
24 training you had you haven't actually looked to
25 see what constitutes kidnapping?

1 A I don't recall if I have or not.

2 Q Even though your oath says it's your duty to help
3 prevent crime, which also means to investigate
4 crime; right?

5 A Mr. Commissioner, I'm not sure I understand the
6 question.

7 Q Isn't it part of your oath to know what kidnapping
8 is?

9 A I didn't interpret that specifically, no.

10 Q I see. All right. So my basic question to you,
11 I'll move off this, as you were out there on the
12 street working as a constable in 1998 you did not
13 know that the crime of kidnapping was confinement
14 and transportation, the basic crime?

15 A As I said I have no experience with kidnapping, so
16 I don't know what I thought about kidnapping at
17 that time.

18 Q I just want to be very specific just as to your
19 knowledge, Constable Shenher. Turn the page,
20 please, to the annotation page.

21 A The Criminal Code page?

22 Q Yes, where you are just turn one page, and you'll
23 see annotations about two-thirds of the way down
24 the page. Do you see where it says annotations?

25 A Yes, I do. I'm sorry, yes.

1 Q Okay.

2 Kidnapping. Subsection 1. To constitute
3 kidnapping there must be a movement or taking
4 of the person from one place to another and
5 not simply the placing of a person in the
6 area of confinement.

7 And it's your evidence that's something you did
8 not know?

9 A Mr. Commissioner, as I've said kidnapping is not
10 something I've had any experience with in my
11 career.

12 Q Well, even experience with, you didn't know the
13 law in your mind as you're there on the street, is
14 that your evidence?

15 A Not in this kind of specificity, no.

16 Q All right. Please turn to tab 12. This is just
17 two pages, the cover page and one other page from
18 a case called *Regina v. Bu*, that's B-u, from our
19 Court of Appeal, and if you turn to page 21, it's
20 the second page in, paragraph 60. It reads, just
21 one sentence:

22 The *mens rea* for a party therefore requires
23 both intent and knowledge.

24 I should say two sentences:

25 Intent may be inferred from conduct, and a

1 person who is sane and sober is deemed to
2 intend the natural and probable consequences
3 of his acts.

4 And that would appear to be the basis on which Sam
5 Bu was found guilty on the second degree count of
6 forcible confinement, i.e., this presumption. My
7 question to you is did you know that legal
8 presumption of intent applied to the law of
9 kidnapping that is forcible confinement?

10 A It's my understanding, Mr. Commissioner, that
11 intent is inherent in --

12 Q Pardon me?

13 A It's my understanding that intent is inherent in a
14 good number of the charges in the Criminal Code.

15 Q It applies to a good number of offences?

16 A That's my understanding, yes.

17 Q All right. So just to move off this then. You
18 were out doing an investigation with respect to
19 this tip information, and it's your evidence that
20 at that time you did not have knowledge of the
21 crime of kidnapping. Have I got it right?

22 A That's correct, yes.

23 Q Thank you.

24 A I had knowledge the crime existed, I didn't have a
25 lot of specific knowledge.

1 Q And so we'll put it more -- perhaps I can try and
2 make it more precise. You didn't have knowledge
3 for you to be able to identify a crime of
4 kidnapping in relation to the women from Downtown
5 Eastside having sex bargains and getting into
6 cars, that didn't trigger anything in you as to
7 whether there might be a kidnapping going on?

8 A I didn't consider kidnapping for --

9 Q You didn't think of it?

10 A I did not. No, I didn't think of it.

11 MR. ROBERTS: Thank you. I want to go to book 1 of 2. I guess
12 it's exhibit -- marked yesterday Exhibit 82 NR,
13 Mr. Registrar.

14 THE REGISTRAR: You have it.

15 MR. ROBERTS:

16 Q Do you have it before you?

17 A Yes.

18 Q It's difficult to find, but if you could go about
19 three-quarters of the way through you should come
20 to a V, alphabet capital V, and then go to tab 3,
21 and to page 5. I wanted to follow up on this,
22 because some parts of this law we touched on
23 yesterday, I don't remember by which counsel, but
24 at page 5 you should see an entry 980915 at 1330
25 hours. Do you see that?

1 A Yes, I do.

2 Q It reads:

3 Corporal Connor...

4 And I believe this is right out of Corporal

5 Connor's log or somebody's log:

6 ... received a telephone call from Detective
7 Pickerell.

8 Stop there. There was a Detective Pickerell at
9 the VPD?

10 A There was Barry Pickerell in the Sex Crimes Unit,
11 Sexual Offence Squad at the time.

12 Q Was he an experienced investigator?

13 A Yes, I believe he was.

14 Q Yes.

15 Who advised that the senior member of the
16 partnership stated that he and Detective
17 Shenher will interview this subject
18 initially. A meeting will then be held to
19 determine what following action will take
20 place. Under the circumstances Corporal
21 Connor felt this to be appropriate for the
22 moment.

23 Let me back up for a moment. As I read Corporal
24 Connor's log and material he felt that you were
25 obviously inadvertently cutting him out of an

1 interview -- of him joining with you in
2 interviewing Hiscox. Do you understand where this
3 is coming from?

4 A Well, the way I read this from my understanding
5 it's that he believes my partner Detective Howlett
6 is cutting him out of an interview, not me.

7 Q Yeah, I understand, but he may well have been
8 mistaken about that. The point of my question is
9 you obviously didn't go with Detective Pickerell
10 to interview Hiscox?

11 A No, I didn't.

12 Q You went alone?

13 A No, I believe I -- at some point Detective Howlett
14 was with me, but I think initially I spoke with
15 him on the phone.

16 Q No, no, no. On the September 18th when you went
17 your notes indicate that you went to see him at
18 Surrey Memorial Hospital you were alone?

19 A That's correct.

20 Q Thank you. That's the first time you met him?

21 A In person, yes.

22 Q And that followed three days from this note in
23 Corporal Connor's log?

24 A I would have to see my notes.

25 Q All right. I'm really asking this question for

1 the benefit of the commission as to what's going
2 on in the Vancouver Police Department, because
3 here -- Corporal Connor, by the way, is a very
4 careful note taker in your own experience; right?

5 A I believe so, yes.

6 Q He seemed to log everything?

7 A Yes.

8 Q And he showed his log to you?

9 A Eventually, yes.

10 Q Yes. And in his log he says that Pickerell -- I
11 understand the connection is that Pickerell might
12 be his brother-in-law or something like that of
13 Corporal Connor. Did you know that?

14 A I'm unaware of that.

15 Q Well, I'll dig that up for other purposes. But
16 the response he gets which he writes down is that
17 you were going to go with Detective Pickerell to
18 interview Hiscox. First, that didn't happen,
19 you've told us that you went alone.

20 A Can you refer me to my -- can someone refer me to
21 my notes so that I can --

22 Q Let me just finish this and then I promise I'll do
23 that. Do you mean your log with --

24 A Yes, I just can't recall the tab.

25 Q You're making me wish I hadn't done this, because

1 it's taking too long. Yes, your log is at tab 1,
2 and your note of --

3 A Sorry, tab 1 of B, section B?

4 Q Of my binder, my cerlox, tab 1 is your log. And
5 if you go to page 3 there is your entry which goes
6 on for three, four pages of your -- a long time
7 anyway, of your meeting on the 18th of September
8 with Mr. Hiscox. And nowhere in there is there --
9 it's I went -- second paragraph:

10 I went to Surrey Memorial Hospital...

11 Et cetera. There's no indication there that you
12 went with anybody else.

13 A No, that's correct, I didn't.

14 Q All right. My only point of my question,
15 Detective, is this. Somebody in the Vancouver
16 Police said that they were going to go with you,
17 they didn't, and then they said they were going to
18 have a meeting afterwards to review what you did.
19 I take it that didn't take place either, did it?

20 A I wasn't aware of any conversation with Detective
21 Pickerell and Corporal Connor, and I wasn't even
22 aware at the time of my partner having that kind
23 of conversation as well. So I'm not clear on what
24 happened there, but I certainly, Mr. Commissioner,
25 I did not go charging out to Surrey by myself in

1 avoidance of involving Corporal Connor. That
2 would never have been my intention.

3 Q The point I'm trying to get at is this is another
4 opportunity for a senior detective to help do some
5 review with you and that didn't happen?

6 A That's correct.

7 Q That's my only point. I'm not criticizing you.

8 A No, I'm willing to take my criticism where it's
9 due, sir.

10 THE COMMISSIONER: Sorry?

11 THE WITNESS: I'm sorry, I was just saying I'm certainly
12 willing to take criticism where I feel it's
13 warranted.

14 MR. ROBERTS:

15 Q Right. Now, I need to do this fairly shortly and
16 I will do it in summary fashion. You said in oral
17 evidence that you had a discussion with Sergeant
18 Field at some point about the viability of
19 applying for a search warrant; right?

20 A Yes.

21 Q All right. And I found no record anywhere of that
22 discussion, and I take it you did not record it?

23 A No, I didn't.

24 Q And sometimes when somebody is thinking about
25 taking a certain procedure the best course of

1 action is to map it out and actually take a draft
2 of that procedure to a superior and say what do
3 you think about this. I take it you didn't do
4 that either?

5 A No, I didn't do that.

6 Q All right. Now, would you turn, please, to tab --
7 in the cerlox binder that I have provided with
8 you, to tab 6. Now, I want to preface a couple of
9 questions with an observation that I ask you to
10 respond to. A search warrant is a serious
11 investigative procedure?

12 A Yes.

13 Q And if for this commission of inquiry if there had
14 been a viable search warrant in the fall of 1998
15 that would have been a serious matter; right?

16 A Yes.

17 Q Because perhaps a search warrant might have had
18 potential of catching and stopping Pickton?

19 A Potential, yes.

20 Q All right. So I want to take you to section 487
21 and I want to hold up a yardstick to try and find
22 out how serious this conversation was that you say
23 you had with Sergeant Field about a search
24 warrant, because you told us that the good
25 sergeant said you needed more information?

1 A My recollection of that discussion and the
2 discussion that I've said that I had with some of
3 the members of the Homicide Squad was that I had
4 laid out the kind of information I had received,
5 and some of the specific questions I asked at the
6 time were can I proceed when this appears to be
7 hearsay evidence at this point third hand through
8 Lisa Yelds to Hiscox to me. And then another
9 issue around it that was raised, I can't recall if
10 I raised it or those other people including
11 Sergeant Field would have raised it to me, but was
12 the recency of what Lisa Yelds had allegedly seen,
13 and when, where, how recently, that kind of
14 detail. Was it two years ago, was it two weeks
15 ago, was it two days ago? These were things that
16 were raised to me in the context of all -- of all
17 things this would probably not be something that I
18 would be granted a search warrant for.

19 Q Well, let me ask you this, please. Before
20 Sergeant Field left for CLEU, which is September
21 24th, and please take it from me that's the date
22 'cause I double-checked it, before that date your
23 only meeting was one meeting with Hiscox on the
24 18th of September?

25 A I believe so, yes.

1 Q All right.

2 A And some phone conversations.

3 Q Yes, and some phone conversations. All right.

4 Now, so your only opportunity to talk to Sergeant
5 Field about it would be before she left for CLEU
6 on the 24th?

7 A That's correct.

8 Q And so it was well before, almost a month -- this
9 conversation would have been a month before almost
10 your meeting with Hiscox again in company of
11 Corporal Connor, which was on the 15th of October?

12 A Yes.

13 Q All right. Let me do this in summary form. You
14 had concluded even after the first meeting with
15 Mr. Hiscox that he was credible and you felt he
16 was reliable?

17 A That's correct.

18 Q You felt the evidence he was giving was
19 compellable?

20 A I --

21 Q Compelling I should say.

22 A Compelling.

23 Q The evidence which he gave you as to personal
24 stuff that he knew about Mr. Pickton, his
25 property, P & B Salvage, and so on, you had

1 already checked all of that out and confirmed it?

2 A I believe I had, yes.

3 Q The evidence he gave you as to being able to grind
4 up bodies on the farm, Hiscox told you that he had
5 had that said to him himself?

6 A Yes.

7 Q All right. So the only credibility that you
8 needed for that was from Hiscox himself?

9 A Yes.

10 Q All right. Now, the very interesting information
11 that Mr. Hiscox was getting from Lisa Yelds was
12 the purses, women's identification, the bloody
13 clothing, the syringes, and those sorts of things;
14 right?

15 A Yes.

16 Q Now, with respect to Yelds herself, first of all,
17 you spent a long time with Mr. Hiscox on the 18th
18 and you got very interesting, if not compelling
19 information, as to the reality and credibility of
20 who this person was that he called Lisa -- I'll
21 start again, Lee?

22 A Yes.

23 Q It developed even from that interview that there
24 was two unique situations going on here or
25 relationships, would you agree?

1 A Yes.

2 Q First the relationship between Hiscox and Lisa
3 Yelds, it was unique, was it not? They went back
4 to foster care days.

5 A I don't know if I'd characterize it as unique, but
6 that's the nature of their relationship, yes.

7 Q It was special?

8 A I'm not understanding what you mean by special.

9 Q Well, I'm groping, but he said that she looked
10 after him, and that they went back, they grew up
11 in foster care, so they spent some time together
12 in foster care?

13 A My understanding was that she was a protector of
14 sorts of Mr. Hiscox.

15 Q Okay. But there was another relationship, of
16 course, and Lisa Yelds had a very real connection
17 with Pickton?

18 A Yes.

19 Q You learned that she had been a girlfriend of
20 sorts with him for some time, she was a biker with
21 him in the Hells Angels group or some satellite
22 group; right?

23 A That came -- I came to understand that through
24 Mr. Hiscox's information, but also through my
25 subsequent conversations with Corporal Connor,

1 because -- if I may finish.

2 Q But you're not with me. I'm sorry. I'm dealing
3 with what --

4 A Mr. Commissioner, am I allowed to finish my
5 answer?

6 Q I'm dealing with what you told -- the information
7 -- sorry. I'm dealing with what you had in your
8 mind at the time you had the conversation with
9 Sergeant Field before the 24th.

10 A I'm just trying to give some context, if I could,
11 Mr. Commissioner.

12 THE COMMISSIONER: Yeah, let her finish the answer.

13 MR. ROBERTS:

14 Q You bet.

15 A I had information about Lee, not identified -- she
16 wasn't identified as Lisa Yelds for some time, I
17 don't know exactly how long, until I spoke with
18 Corporal Connor, he speculated that's who we were
19 talking about.

20 Q On the telephone?

21 A I'm sorry?

22 Q Was that on the telephone?

23 A I don't recall, but when we were comparing notes
24 about who -- he was giving me some idea about who
25 these different players were, and I said well, my

1 sources talked about someone named Lee. Because
2 at the time when I spoke to Mr. Hiscox at Surrey
3 Memorial he was somewhat protective of Lisa Yelds
4 at that time and didn't really -- you know, that
5 if you look into it he first characterized her as
6 Asian to me, which I didn't buy and eventually was
7 able to ascertain she wasn't. So he was trying to
8 keep her identity from me initially, and it wasn't
9 until I had a chance to compare notes with
10 Corporal Connor and say who do you think this
11 might be, and we put two and two together and
12 determined it was Ms. Yelds.

13 Q Now, of course you compared notes on the 15th of
14 October, but did Corporal Connor tell you well
15 before then -- let me back up again. As soon as
16 you had your interview with Hiscox on the 18th,
17 you had a telephone conversation with Corporal
18 Connor on the 22nd of September, and that's when
19 you confirmed that he knew who Lee was, Lisa
20 Yelds?

21 A I don't recall exactly when that was, I would have
22 to find it in my notes. If anyone is able to
23 direct me to my Sarah de Vries notes.

24 Q All I have in the material is your log completely
25 at tab 1 of my binder.

1 A Yeah, it's just that, Mr. Commissioner, some of my
2 contact with Corporal Connor because I was logging
3 investigative steps I was taking in the de Vries
4 file is in the de Vries file, so I'm just trying
5 to refresh my memory to see the chronology that
6 you're proposing here.

7 MR. ROBERTS: I don't know how to help you and I have to move
8 on. If anybody else can help I'd be most obliged.

9 MR. HERN: I can provide those notes to her, but they are
10 lengthy, so it will --

11 MR. ROBERTS: Please do, Mr. Hern.

12 Q The essential question, while you're looking,
13 that's on my mind is when did Corporal Connor tell
14 you that he knew all about Lisa Yelds and confirm
15 what you learned from Hiscox on September 18th
16 about Lisa Yelds?

17 A I can't recall that. I'm trying to find out, but
18 I don't recall.

19 Q All right. I need to move on. After the meeting
20 with Hiscox at least you knew that from -- if you
21 found him to be credible and you therefore
22 believed him you knew that there was a serious
23 connection between Lisa Yelds and Pickton?

24 A The meeting at Surrey Memorial, is that what
25 you're --

1 Q Well, that she got her meat from him, she liked to
2 get her meat from him, she'd cleaned his trailer,
3 and she'd seen these things in his trailer?

4 A So you're just referring -- you're referring to
5 that meeting at the hospital?

6 Q Yes.

7 A Yes. I learned some of these details, yes.

8 Q I'm trying to get at what your conversation was
9 with Sergeant Field, because that's the meeting
10 you had with Hiscox just a few days before she
11 left for CLEU.

12 A Yes.

13 Q All right. And you believed what he told you
14 about the relationship between Pickton and Lisa
15 Yelds?

16 A Yes. I believed that there was a relationship
17 there, yes.

18 Q And you believed him when he said that she was a
19 cop hater?

20 A I did.

21 Q And you believed him when he told you that she
22 wouldn't rat on a friend is the expression in your
23 notes?

24 A Yes.

25 Q All right. And were you told before the 25th or

1 24th of September that Corporal Connor had checked
2 his locker at the detachment and found that the
3 bloody clothing which was involved in a 1997
4 incident was still in the detachment locker?

5 A I don't recall.

6 Q Had he told you that he had checked out his video
7 and photographs and found that Pickton had a need
8 for syringes, both new and used, 'cause they're
9 strewn all over his floor?

10 A He, are you referring to Corporal Connor?

11 Q Did Corporal Connor tell you that and therefore he
12 believed that Pickton used syringes to control in
13 particular Anderson?

14 A I recall Mr. Hiscox talking to me about the
15 syringes. I don't have a recollection of Corporal
16 Connor, but it may well have happened.

17 Q All right. Let me go then back to 487 and then a
18 couple more questions on this. Can you turn,
19 please, at tab 6, I should say, on the section, my
20 yard stick I'm trying to hold up here. Turn to
21 the page 727 at the bottom. At bottom of the page
22 it reads:

23 Before granting the warrant the justice must
24 be satisfied *inter alia* that the grounds
25 stated for obtaining the warrant are current,

1 and that there is a nexus between the grounds
2 for believing an offence has been committed
3 and that evidence of the commission of the
4 offence would be found in the premises to be
5 searched.

6 My question to you is did you discuss with
7 Sergeant Field what offence would be set out in
8 the information which would provide the nexus for
9 searching for anything on Pickton's property?

10 A No.

11 Q Did you discuss what, if any -- did you have any
12 discussion at all as to what the offence would be
13 that would go into the search warrant?

14 A No, Mr. Commissioner, we didn't even entertain the
15 idea of a warrant to that extent because it was
16 indicated to me by more experienced members that I
17 didn't have the grounds.

18 Q But you have to talk about what you're looking for
19 and what the offence is, don't you?

20 A I --

21 Q You didn't do that?

22 A We didn't do that, no.

23 Q And did you know that you could get a search
24 warrant even though it's based on hearsay?

25 A I did not know that.

1 Q And did you know that what you're doing is not
2 getting corroboration in any legal sense, but what
3 the case law calls verification, to verify the
4 credibility of your informant. Did you know
5 that's really what you have to do?

6 A None of that was ever communicated to me by
7 colleagues or a supervisor, no.

8 Q All right. And did you know that it was very
9 helpful to have some observed -- let me read this
10 exactly so I have it exactly right. If you look
11 under grounds for issuing the warrant to about
12 that main paragraph there right down to the last
13 word is greater, and what I'm trying to find is
14 the passage that says it is not necessary for the
15 police. Can you find that? It's half way along
16 that paragraph:

17 Where the police rely on information from an
18 informer...

19 It's about two-thirds down that main paragraph:

20 It is not necessary for the police...

21 Tell me when you've got it.

22 A I have it. I'm following with you, yes.

23 Q Thank you.

24 ... to confirm each detail in the informer's
25 tips so long as the sequence of the events

1 actually observed conform sufficiently to the
2 anticipated pattern to remove the possibility
3 of innocent coincidence.

4 Stop there. I take it you had no discussion along
5 that line either with Sergeant Field?

6 A No.

7 Q And you did not put your mind to whether the
8 witness statement from Anderson might be that
9 observed pattern?

10 A No.

11 MR. ROBERTS: All right. Mr. Commissioner, I haven't been
12 keeping track of time, so I have one more matter
13 I'd like to review. Mr. Skwarok says I can have
14 15 minutes of his time, he very kindly said that,
15 but I don't know -- I haven't been keeping time.

16 THE REGISTRAR: You're actually at your time now, but if you --

17 MR. ROBERTS: Mr. Registrar, again?

18 THE REGISTRAR: You've actually reached your time now.

19 THE COMMISSIONER: But Mr. Skwarok said you can have some of
20 his.

21 THE REGISTRAR: That's including his.

22 MR. ROBERTS: I will do this within that time.

23 THE REGISTRAR: That's including the time that Mr. Skwarok
24 gave.

25 THE COMMISSIONER: Oh, okay.

1 MR. ROBERTS:

2 Q Could you go in the book of documents, please, to
3 tab 8. There are two documents I'm going to refer
4 to here. One is the *Liepert* case and the other is
5 your log. Have you got tab 8?

6 A Yes, I do.

7 Q Turn, please, in it to page 8 of 18, top
8 right-hand corner. No, I'll be shorter, 10 of 18.
9 I'm sorry, Constable Shenher, page 10 of 18. This
10 is a case from the Supreme Court of Canada, line
11 14:

12 In summary, informer privilege is of such
13 importance that it cannot be balanced against
14 other interests. Once established neither
15 the police nor the court possesses discretion
16 to abridge it.

17 One more passage at the bottom of paragraph 15,
18 line 15. It is a discussion there about why the
19 privilege is so important so that people will come
20 forward with information, and then it says:

21 This is the second reason why the police and
22 the courts do not have a discretion to
23 relieve against the privilege.

24 And then over on page 11 of 18, line 18:

25 Informer privilege prevents not only

1 disclosure of the name of the informant, but
2 of any information which might implicitly
3 reveal his or her identity. Courts have
4 acknowledged that the smallest details may be
5 sufficient to reveal identity.

6 And lastly reference to the late Chief Justice
7 McEachern of our own province, about half way down
8 the page:

9 It is well recognized that information which
10 might identify a confidential informant need
11 not be disclosed to the Justice of the Peace
12 or at trial. Similarly Chief Justice of
13 British Columbia McEachern in the case at bar
14 suggested that an accused may know that only
15 some very small circle of persons, perhaps
16 only one, may know an apparently innocuous
17 fact that is mentioned in the document. The
18 privilege is a hallowed one and it should be
19 respected scrupulously.

20 My question to you is did you know this law?

21 A I didn't know it in terms of verbatim from here,
22 but it was communicated to me by others when I
23 sought some guidance for dealing with informants.

24 Q You hadn't taken the informant course?

25 A No, I have not. I don't believe we had one at

1 that time.

2 Q And what you knew about informants you pick up --

3 A That's correct.

4 Q -- from others while working?

5 A Yes.

6 Q Turn to your log, please. Page -- it's tab 1, and
7 I want to go to the page which is the date 980902
8 about reaching him by telephone in the Surrey
9 man's shelter. Do you have that?

10 A Yes.

11 Q All right. Go to the bottom of the page, please.
12 I'll read it:

13 I told the source I wanted to speak to Lisa
14 Yelds and I would give him a few days to
15 think about how he would want to approach
16 her.

17 I stop there. Did you appreciate that perhaps you
18 hadn't the right to tell him to do that with him?

19 A No, I didn't.

20 Q That you needed his consent to do that?

21 A No, I did not know that.

22 Q I see. Did you think about that by going to Lisa
23 Yelds you might put him at risk?

24 A Well, I did, which is partly why I had some
25 conversations with Corporal Connor and with

1 Mr. Hiscox. At the time I was being told by
2 Coquitlam that they wanted to speak to Lisa Yelds.

3 Q I understand that, but not yet.

4 A I was not understanding that that was something
5 that I could assert myself on, no.

6 Q He has a right to be absolutely secret and
7 confidential and it's your duty to protect him for
8 that?

9 A Yes.

10 Q And the privilege is his, not the police's. Did
11 you know that?

12 A No, I did not.

13 Q All right. Then go, please, to the bottom of the
14 next page. Here you're actually in the interview
15 with Mr. Hiscox, and this is on the 18th at the
16 bottom of the page, it might be copied here, it's
17 173 of 370. Do you see it?

18 A Yes.

19 Q And they're talking about Lisa Yelds and then you
20 say:

21 I asked if she would like to talk to me. He
22 said no, and he didn't feel he could even
23 approach her and let her decide, but he said
24 if I went with him and met her casually and
25 so on.

1 I'll stop there. My impression in your log,
2 Constable Shenher, and again I am simply following
3 the evidence here, I'm not criticizing you, but my
4 sense is that you were pushing to go and see Lisa
5 Yelds?

6 A Well, I certainly was interested in speaking to
7 Ms. Yelds. And I also, Mr. Commissioner, if I can
8 say, Mr. Hiscox was actively working with me, I
9 was not -- I wasn't coercing him to do anything he
10 didn't want to do.

11 Q All right. I may have used the wrong word there,
12 but if I get the sense from your log you're the
13 one who initiated the conversation about going to
14 see her?

15 A No, I would have to disagree with you on that. We
16 again were working together in concert to try to
17 figure out a way that we could have introduced a
18 police officer to her or have somebody interview
19 her or potentially even speak to her that -- that
20 would work, that would elicit the kind of
21 information that Mr. Hiscox knew that she had.

22 Q Well, in view of that answer turn to page 981013.
23 This is a phone call you placed to Hiscox because
24 you had received a call from the RCMP, I don't
25 know whether it was from Connor or somebody else

1 in his office, that they were going to go and see
2 Lisa Yelds?

3 A That would have been Connor.

4 Q That would have been Connor?

5 A Yes.

6 Q All right. So in the second line down you reached
7 him and you say:

8 I told him Coquitlam RCMP were asking if
9 there was a Lisa Yelds in my info, had to say
10 yes.

11 That's the way you've written it?

12 A Yes.

13 Q From the phrasing, the tense had to say yes, I
14 take it that that was with some reluctance that
15 you had to acknowledge that had been done?

16 A I didn't feel at the time it was something I could
17 be deceptive about. I wasn't aware of elements of
18 that.

19 Q All right. Let's go down to something more
20 germane. About six lines down, seven lines down:

21 Source is concerned.

22 Do you find that?

23 A Yes.

24 Q Source is concerned. Doesn't want us to
25 go to Lisa Yelds and feels he has done

1 enough.

2 Stop there. So Mr. Hiscox, he'd go back and
3 forth. Sometimes he didn't want anything more to
4 do with what he'd provided you?

5 A Mr. Commissioner, Mr. Hiscox did not want to
6 direct Lisa's approach, nor did I think that was
7 the best way to deal with someone who had been
8 characterized to me as extremely anti-police and
9 unco-operative, and so he was very concerned that
10 there would be a cold approach to her that he felt
11 would -- would cause him some difficulty.

12 Q All right. And one or two more questions still in
13 this paragraph. You then write towards the end of
14 that main paragraph:

15 I felt passing him over to the RCMP was
16 better.

17 Do you see that passage?

18 A Yes.

19 Q All right. Now, that's a present tense, so you
20 had that in mind when you set up the meeting with
21 Corporal Connor?

22 A As I testified yesterday, Mr. Commissioner, I felt
23 that at some point they would need to establish a
24 relationship and that that would be the beginning
25 of that relationship. It was not with the express

1 purpose of passing him over until he was
2 comfortable with that.

3 Q Your log doesn't say at some point, it simply says
4 passing over to the RCMP; right?

5 A I recall that, yes.

6 Q And I take it you didn't consider that perhaps
7 you'd have to have Hiscox's consent to that first
8 of all; right?

9 A I knew if I didn't have his consent he wouldn't
10 talk to them, so I think I understood that.

11 Q But to hand the source over to somebody means the
12 person has to accept them and protect them just
13 the same as you were?

14 A I believe I was doing that.

15 Q You have to talk to about that?

16 A I was doing that, Mr. Commissioner, to the best of
17 my ability.

18 Q To both Hiscox and Corporal Connor. You'd have to
19 get Corporal Connor to agree?

20 A To agree to what?

21 Q To protect him and take him as a source.

22 A Well, I would --

23 Q And protect his informant privilege?

24 A Absolutely, yes.

25 Q All right. That didn't happen. That conversation

1 didn't take place either with Hiscox or Corporal
2 Connor?

3 A I'm sorry, what conversation?

4 Q About passing him over to the RCMP.

5 A Well, I think that there were some discussions
6 about that as a possibility down the road
7 depending on what happened. I was -- I was
8 prepared for that happening, and again the meeting
9 was an intent to introduce them to each other with
10 a long view that at some point as it was a
11 Coquitlam investigation, Coquitlam could well take
12 over the management of my source.

13 Q Any discussion about that possibility is certainly
14 not in your log with Hiscox, is it?

15 A No.

16 Q And I haven't seen any record of it either. And
17 then after the meeting on -- after the meeting of
18 the 15th of October where Corporal Connor met
19 Hiscox -- by the way, Corporal Connor also told
20 you he felt Hiscox was credible?

21 A Yes.

22 Q After that meeting you don't do anything with
23 Hiscox for almost -- for not almost, but two
24 months. He phones you on December 11th of 1998
25 and says here I am, I still want to help; right?

1 A Yes.

2 Q So you hadn't passed him over to the RCMP yet?

3 A No.

4 Q And I've read the interview of Corporal Connor and
5 he says in his interview by Sergeant or Staff
6 Sergeant Robert Williams that Hiscox was always
7 your source. And that's correct, isn't it?

8 A At that time he was, yes.

9 Q So there was no transfer of Hiscox to the RCMP or
10 to Corporal Connor, and you didn't work with
11 Hiscox thereafter, he had to phone you to see what
12 was going on?

13 A No, I disagree with that. I made attempts to
14 contact him, and such as they are in my log, but
15 we would -- some of our conversation was if you
16 have more information let me know. I was very
17 cautious, I didn't want to be directing Mr. Hiscox
18 when I didn't view him as an agent. So to
19 characterize it that I was just sort of -- that's
20 not accurate.

21 Q But this is accurate, isn't it, the upshot of all
22 of this is that from the -- at the outset of my
23 examination of you that unique, compelling,
24 credible evidence from Hiscox never got used;
25 right?

1 A No, I suppose not.

2 Q And that unique or compelling just what we needed
3 statement from Ms. Anderson never got used; right?

4 A It certainly informed our thinking.

5 Q Well, for purposes of any investigation it was
6 never used?

7 A It was used to inform -- to inform our thinking on
8 Mr. Pickton.

9 Q I see. But essentially for purposes of a police
10 investigation all of this compelling, unique
11 evidence was wasted. Isn't that a fair comment?

12 A No. I disagree with that, no.

13 MR. ROBERTS: Thank you, Mr. Commissioner.

14 THE COMMISSIONER: All right.

15 MR. VERTLIEB: We have two more cross-examinations, Ms. Tobias
16 for one hour and Mr. Neave, 45 minutes.

17 THE COMMISSIONER: Okay.

18 **CROSS-EXAMINATION BY MR. SKWAROK:**

19 Q Detective Constable Shenher, my name is Mark
20 Skwarok, and I'm counsel for Dr. Kim Rossmo.
21 You've read the LePard report, and I believe your
22 evidence is that you found it to be thorough,
23 accurate and fair. Is that a fair summary?

24 A I did, yes.

25 Q And you have no reason to disagree with any

1 substantial or significant comments in that
2 report?

3 A No.

4 Q Did you know Dr. Rossmo? And I'm going to refer
5 to him variously as doctor, professor or detective
6 inspector. Did you know of Professor Rossmo when
7 you joined Major Crime in August of '98?

8 A I knew of him. I don't know if I knew him
9 personally at all.

10 Q When you joined did you become aware that he had
11 ten years in the DTES beats and patrols?

12 A Yes.

13 Q And you're aware, of course, of his geographical
14 profiling skills?

15 A Yes.

16 Q And were you aware that he'd been involved in
17 approximately somewhere between 15 and 20 serial
18 murder investigations?

19 A No, I wasn't.

20 Q At what stage did you become aware of his
21 involvement in those investigations?

22 A I don't recall.

23 Q Was it during the course of your tenure in Major
24 Crime?

25 A I don't know if I ever knew the specifics of his

1 serial killer case involvement.

2 Q And nobody told you?

3 A I don't recall, no.

4 Q You testified that shortly after joining MCS you
5 were led to believe that there were concerns by
6 some people about Dr. Rossmo's discreteness. Do
7 you recall giving that evidence?

8 A I do, yes.

9 Q And do you know what that was about?

10 A I don't recall what that was based in, but I
11 remember in general terms that -- that there was
12 concern that Detective Inspector Rossmo may share
13 some information that perhaps Major Crime didn't
14 want shared to further -- to perhaps further the
15 agenda of his area of specialty.

16 Q All right. Did you have any personal knowledge of
17 he doing such a thing?

18 A No, certainly not.

19 Q You're aware that he was a member of CLEU for a
20 couple of years?

21 A I am, yes.

22 Q And you'll agree with me though that in all police
23 work there's a requirement for confidentiality and
24 secrecy, in CLEU especially; correct?

25 A I think everywhere there's that requirement.

1 Q You gave evidence that you did not provide to
2 Dr. Rossmo lots of information particularly about
3 Pickton; correct?

4 A I do remember saying that, yes.

5 Q Were you instructed not to provide information to
6 Dr. Rossmo?

7 A I can't recall by whom, but I recall that either
8 Sergeant Field or Inspector Biddlecombe had
9 indicated to me on some level that we should be
10 very cautious with providing information to him.

11 Q And that was because of some perceived thoughts
12 that he might leak it?

13 A I don't know what that was based in, it was just
14 something that was communicated to me.

15 Q In the LePard report you're quoting as -- you were
16 quoted as saying that Inspector Biddlecombe didn't
17 want to do anything to advance Kim's career. Do
18 you recall saying that?

19 A That was my impression, yes.

20 Q And you haven't changed your view?

21 A Well, you know, I can't speak for Inspector
22 Biddlecombe, but again you have to appreciate as a
23 junior member coming into this section I was kind
24 of learning some of the political landscape as
25 well as learning the investigative ropes, and that

1 was a sense that I gathered quite quickly, and
2 anecdotally around the office that's how it was
3 characterized to me.

4 Q I believe you testified that you saw fit not to,
5 quote, hitch your wagon to Inspector Detective
6 Rossmo. Do you recall giving that?

7 A I do.

8 Q What did you mean by that?

9 A Well, I felt that if I were to become -- let me
10 back up for a second. I perceived that there was
11 a bit of an anti-education bias at that time
12 within the Major Crime Section and within the
13 police department to some degree in terms of some
14 of the way Detective Inspector Rossmo, who worked
15 very hard and bothered to educate himself in an
16 area and gain an advance degree, that was often
17 dismissed by some police officers that that wasn't
18 as valuable necessarily as real life, in quotes,
19 experience. So I was aware of that. And as I did
20 testify I felt that it was still incumbent upon me
21 to use any resources that were available,
22 including Detective Inspector Rossmo, and I
23 wondered if he couldn't help us in some way, but I
24 was cautious that by -- I certainly got a sense of
25 the climate and certainly the unspoken sort of

1 indications I was getting from Inspector
2 Biddlecombe in terms of -- and unspoken and spoken
3 in terms of that meeting that has been referenced
4 that I didn't feel it would be very politically
5 wise of me to align myself to somebody who is
6 obviously is very much at cross purposes with my
7 own inspector. However, had that information I
8 think been -- and I think that, you know, I tried
9 to utilize Detective Inspector Rossmo's
10 information. I certainly wouldn't have dismissed
11 it just to maintain my own good standing with my
12 own inspector, but it didn't really ever come to
13 that. I felt I could utilize Detective Inspector
14 Rossmo's expertise, and it became quite apparent
15 fairly early on, and as I said before, there were
16 a lot of areas where he couldn't help us, but in
17 the areas where he could he did, and I was able to
18 do that. And just to be fair too, you know, I
19 don't think that Sergeant Field or Inspector
20 Biddlecombe ever said don't use him, they told me
21 to exercise caution. He was seven years on, and
22 not really knowing anybody that well, I exercised
23 caution.

24 Q And you weren't perfectly clear why they were
25 urging you to exercise caution?

1 A No, that was never made clear to me.

2 Q You said you didn't want to be treated like him.
3 Do you recall testifying to that effect?

4 A Yes.

5 Q And what did you mean by that?

6 A Dismissed as a mere constable, I guess.

7 Q Well, with all due respect, ma'am, you were a
8 constable.

9 A Absolutely, yes. And I didn't want to be
10 treated -- you know, I think my evidence was that
11 there were many that viewed that he was -- you
12 know, that he was fighting above his weight, that
13 he was in effect a mere constable, that he had
14 been given this what some viewed as a kind of a
15 faux rank of detective inspector based on his
16 education, but not necessarily based on what -- at
17 the time there was definitely a -- you know, it
18 was a pay your due sort of attitude there, and
19 some viewed that Detective Inspector Rossmo having
20 been able to go from through his education, his
21 own hard work from constable straight to
22 essentially an inspector level, many in the
23 department viewed that as not a credible
24 promotion.

25 Q But you didn't jump four steps, so why were you

1 concerned that you might be treated like him?

2 A I didn't jump four ranks, certainly, but I didn't
3 want to perform in meetings as though I had
4 either. That's what I mean. I didn't want to
5 sort of put myself out as this know it all. And
6 I'm not suggesting that that's what Detective
7 Inspector Rossmo did, but I'm saying that's --
8 that's what I was conscious of at the time.

9 Q Did you have in your mind that he was -- when you
10 said you didn't want to be treated like him, you
11 didn't want to be on the outside of the power play
12 in MCS?

13 A I don't think I really was concerned about power
14 per se, but I certainly didn't want to be
15 dismissed in terms of any views that I might try
16 to bring to what I was working on.

17 Q Moving to something different. Do you recall when
18 you first made a written statement to any of your
19 superiors that it was likely that there was a
20 serial killer at large?

21 A I don't know if -- I don't recall when I would
22 have said that exactly.

23 Q Certainly in April of '99 you're advising the
24 attorney general that there's a possibility that
25 there is potentially a serial killer?

1 A Yes.

2 Q But it was obviously some time after that that you
3 developed the opinion it likely was?

4 A I believe so. But, you know, I was cautious of
5 using that word. That term seemed to be a word
6 that we were encouraged to avoid using, and I
7 can't remember specifics, but just --

8 Q Who encouraged you not to use it?

9 A Well, as I say I don't recall specifically, but,
10 you know, it was -- I just recall there was sort
11 of a reticence to use that term.

12 Q In May of 1999 Detective Inspector Rossmo provided
13 a case assessment report?

14 A Yes.

15 Q And for the record that's at binder 2, tab 14.
16 I'm not going to take you through it, but I'm
17 going to ask you to recall two things that are in
18 it. If you want to open it, by all means. And if
19 you go to page 2 at the bottom of that report
20 there's a footnote, and it suggests that there was
21 less than a 1 percent chance that the spike in
22 missing women in '97 and '98 could be attributable
23 to chance?

24 A I don't know if my -- is it 14 in portion A of the
25 binder that I'm looking at?

1 Q It should be, at least in mine, it's binder 2, tab
2 14.
3 A I just have the -- I just have the blueprint, the
4 working plan for the working group under that tab.
5 Q In binder 2?
6 A Oh, I'm in binder 1.
7 Q I beg your pardon.
8 A No. Yes, I have it here now. Thanks.
9 Q And I think it's a page marked 2 at the bottom, I
10 believe. It's the footnote.
11 A Yes, I have it now.
12 Q And I just paraphrased it. I paraphrased it
13 accurately; correct?
14 A Yes.
15 Q As you go a couple of pages farther in Professor
16 Rossmo states that in his opinion the most likely
17 explanation was a single murderer or a partnership
18 of murders; correct?
19 A Yes.
20 Q And this is to the best of your current knowledge,
21 and I appreciate you don't have all your pieces of
22 paper in front of you, the first statement that
23 the likelihood of the problem here is a serial
24 murderer; correct?
25 A That's right.

1 Q I appreciate that your evidence is that
2 Dr. Rossmo's case assessment merely confirmed what
3 you had believed, but you'll I'm sure agree with
4 me that having somebody with his international
5 reputation and rank say something is far more or
6 ought to be far more persuasive than, with all due
7 respect, a detective constable?

8 A Absolutely I agree with that.

9 Q And that's obviously no spite, you didn't get your
10 Ph.D. in geographic profiling, and you certainly
11 don't pretend to be an expert in forensic
12 statistics?

13 A No. And certainly I want to clarify too, that
14 while I said this was in line of things I was
15 thinking, certainly this kind of statistical
16 analysis is far outside of any abilities I have.

17 Q Would you agree with me the two statements I
18 pointed out to you were quite dramatic?

19 A Yes, I would agree with that.

20 Q And one would have thought objectively that this
21 report should carry some pretty significant
22 weight, wouldn't you think?

23 A One would hope, yes.

24 Q Now, did you take this report to persons in your
25 chain of command and say respectively and

1 colloquially something like look it, it isn't just
2 me anymore, but we have Detective Inspector Rossmo
3 saying unequivocally the most likely cause is a
4 serial murderer, and do you say that -- firstly
5 did you say such a thing?

6 A I don't recall exactly what I said, but I do
7 recall it was shared amongst Sergeant Field and
8 myself, and I'm not sure who else would have seen
9 it. So as far as where it went up the chain or
10 what significance was attached to it I don't -- I
11 at the time felt it was interesting because I had
12 hoped for and asked for this kind of information
13 in terms of did we statistically have a problem,
14 so that to me was very relevant.

15 Q And once a decision is made that there is -- that
16 you're looking for a suspect serial killer, that's
17 really the resource drain, isn't it?

18 A It would be, yes.

19 Q And did you use this report to go to your
20 superiors and say please give me some more
21 manpower?

22 A I didn't use this report to do that, but I knew
23 that Sergeant Field was aware of this report.

24 Q And did you ask Detective Inspector Rossmo his
25 opinion on how many officers should have been

1 assigned to move the investigation along at that
2 stage?

3 A I probably didn't, no.

4 Q I believe you went to Spokane the following month,
5 in June of '99, to gather some intelligence on
6 serial killing with the attorney general's
7 department?

8 A They came to see us June 15th and 16th, I believe.

9 Q And was that the police or the AG?

10 A It was a joint forces group of State police, I
11 believe Spokane City Police, and investigators
12 from the attorney general's office.

13 Q And I believe you testified that somebody from the
14 attorney general's office said that if you want to
15 solve your missing person problem in Vancouver you
16 better get a hundred officers on the job?

17 A He said he felt short of having a hundred people
18 working on it we had done essentially what we
19 could do.

20 Q Did you understand the individual to be hyperbolic
21 or did you understand him to be serious?

22 A No, I felt that he was being quite serious.

23 Q Did you take that information to anybody in your
24 chain of command?

25 A To Sergeant Field. She was present and arranged

1 the meetings.

2 Q And did you feel it was your place to go above the
3 sergeant directly to the inspector?

4 A No, that wouldn't have been appropriate.

5 Q And that's because that's not the way how things
6 were done?

7 A Well, two reasons really. One, I respected
8 Sergeant Field a great deal and felt that she was
9 competent and doing everything that she could be
10 doing given that she was part time in the
11 position, and secondly, because it's not
12 appropriate and you wouldn't want your sergeant
13 then to feel that you had overstepped them to go
14 to the inspector. It's not supposed to circumvent
15 the chain of command.

16 Q But in your mind with this May 25th report --

17 A Yes.

18 Q -- the case has been built and now you need the
19 manpower?

20 A Yes.

21 Q And you didn't get it?

22 A Not a hundred people, no.

23 Q Well, nowhere near that?

24 A No.

25 Q I mean, you've testified in cross-examination

1 today and yesterday candidly admitting on a number
2 of occasions you didn't do this and you didn't do
3 that?

4 A Yes.

5 Q But the reality is is that you were one person;
6 right?

7 A That's correct.

8 Q You were the head administrator, you were the head
9 investigator, you were the head communicator?

10 A Yes.

11 Q You couldn't possibly do all these things;
12 correct?

13 A No, that's correct.

14 Q And you had done what you could to get more people
15 and you couldn't get them; right?

16 A That's correct.

17 Q Ma'am, are you aware that Dr. Rossmo is of the
18 unqualified opinion that you did a "fantastic" job
19 in the investigation?

20 A That has gotten back to me over the years.

21 MR. SKWAROK: Those are my questions.

22 THE WITNESS: Thank you very much.

23 MR. VERTLIEB: I'm sorry, Mr. Commissioner. I was going to say
24 as far as break we do have to finish up, we do
25 have to get these two cross-examinations in today

1 because we have a full day tomorrow.

2 THE COMMISSIONER: Okay.

3 MR. VERTLIEB: And starting at 9:30 and even taking a one hour
4 break, which is shortening up both ends, it will
5 be hard. We'll all have our work cut out for us
6 tomorrow. So I think we have to sit well past
7 four.

8 THE COMMISSIONER: How long?

9 MR. VERTLIEB: Ms. Tobias one hour and Mr. Neave 45 minutes.

10 THE COMMISSIONER: Okay, we'll take the break.

11 THE REGISTRAR: The hearing will now recess for fifteen
12 minutes.

13 **(PROCEEDINGS ADJOURNED AT 3:06 P.M.)**

14 **(PROCEEDINGS RESUMED AT 3:25 P.M.)**

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

16 MR. ROBERTS: Mr. Commissioner, Darryl Roberts for Marion
17 Bryce. May I have the binder I used for
18 cross-examination marked as an exhibit for
19 identification, that should be good enough.

20 THE COMMISSIONER: Okay. Thank you.

21 THE REGISTRAR: That will be marked as for identification T,
22 letter T.

23 **(EXHIBIT T FOR IDENTIFICATION: Document entitled:**
24 **Documents for Cross-Examination of Det. Cst.**
25 **Shenher by D.W. Roberts, Q.C.)**

1 MR. ROBERTS: Thank you.

2 THE COMMISSIONER: Ms. Tobias.

3 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias appearing for the
4 Government of Canada. And, Mr. Commissioner,
5 there is a binder of documents, the Attorney
6 General of Canada documents, for use for this
7 witness and others. Mr. Giles has a copy for you
8 and for the exhibit that I'm going to ask the
9 witness to refer to, and I think I will also be
10 asking the witness to refer to the volume
11 Mr. Giles has in his hand right now.

12 **CROSS-EXAMINATION BY MS. TOBIAS:**

13 Q Constable Shenher, you testified fairly
14 extensively about the background that you had
15 before you began working on the missing women
16 investigation, but just a couple of items that I'd
17 like to pursue with you. First of all, I gather
18 that you did -- you had not at that time had much,
19 if any, experience applying for search warrants?

20 A That's correct. I had two I think at the time.

21 Q And certainly you had never done an application
22 for a wiretap or a Part 6 as it's sometimes
23 called?

24 A That's correct.

25 Q You testified that you periodically had acted as

1 an undercover operator in some of the john stings?

2 A That's correct.

3 Q But not in anything more organized? By organized
4 I mean a john sting is a fairly casual, one night
5 opportunistic kind of affair as opposed to a
6 targeted undercover operation on a particular
7 individual.

8 A If I understand your question, what I did were
9 mainly single incident interactions, not prolonged
10 undercover interactions with the target. Does
11 that help?

12 Q Is that correct?

13 A That's correct, yes.

14 Q And certainly nothing like the kind of operation
15 that you perhaps contemplated in relation to Lisa
16 Yelds?

17 A That's correct, I certainly never thought that
18 would be me undertaking that role.

19 Q No, but I think my point is that you were not at
20 the time familiar with the ramifications and the
21 logistics involved in running an undercover
22 operation?

23 A That's correct.

24 Q Now, as I understand your evidence what your view
25 was, and your view of your job was, that once

1 there was some appreciable indication that a woman
2 who had disappeared was actually the victim of
3 foul play that you, and specifically the Vancouver
4 Police Department, then had to undertake an
5 investigation, a criminal investigation into that
6 possible offence; is that right?

7 A I believe so, yes.

8 Q Yes. And so once you've done what is sometimes
9 referred to in the documents is confirmed someone
10 as missing, in other words, done everything you
11 could to find the person and had uncovered some
12 indication of foul play and then the next step is
13 to run that to the ground and find out, to the
14 extent that it's possible, what had happened to
15 the person?

16 A Yes.

17 Q That's all part of following up on the missing
18 persons investigation?

19 A Yes.

20 Q And as happened in this case if you're looking for
21 a victim of possible foul play that's when you
22 start working on persons of interest?

23 A I would say that more under normal circumstances,
24 but in a single file that would be the way I would
25 handle it, but I would suggest because this was

1 quite extraordinary it was a little more alter the
2 map than that.

3 Q But that was part of the job in your view?

4 A Yes, certainly.

5 Q Now, you have testified about the information
6 being brought to the fore about a possible murder
7 taking place on Pickton's farm in Coquitlam, so
8 that was one possible avenue, but that didn't stop
9 you at looking at other persons of interest?

10 A That's correct, because several other people came
11 to our attention as a result of that hoax tip and
12 other inquiries that we were making into the
13 various files.

14 Q So what we have then was a situation in which both
15 the RCMP and the Vancouver Police Department were
16 investigating different avenues to solve parts of
17 the same problem. Is that a fair way to
18 characterize what was happening?

19 A No, not entirely. I can only speak to what I know
20 we were doing, and we were undertaking different
21 avenues in terms of the investigation. I can't
22 speak to what the RCMP was doing.

23 Q Okay. Certainly there was a lot to be done even
24 within the City of Vancouver to uncover what had
25 happened to these women. There were a lot of

1 investigative steps that had to be undertaken in
2 the City of Vancouver?

3 A Yes, we did.

4 Q Okay. Now, I want to ask you some questions about
5 your collaboration or your working together
6 co-operatively with the RCMP who were
7 investigating the murders or at least the murders
8 of the women whose bodies had been found in the
9 valley, commonly called the valley murders, Pipe,
10 Olajide and Younker?

11 A Yes.

12 Q You have been examined on Exhibit Q, I think it's
13 still Exhibit Q in these proceedings, and those
14 are a series of documents that were entered by
15 Ms. Brooks earlier on, so that would be Volume 1.
16 And before I take you there you've been referred
17 to this brainstorming session that took place on
18 May 13th, 1999?

19 A Yes.

20 Q You recall giving evidence about that?

21 A Yes.

22 Q And I'd like you to look at that document, it's in
23 Exhibit Q at tab 1. Do you have that then?

24 A Sorry, I was just confused as to which is binder 1
25 and 2 again.

1 Q It should be tab 1. It might be marked 83 now I'm
2 advised.

3 THE REGISTRAR: That would be 83 NR.

4 MS. TOBIAS:

5 Q It should be in that volume you have in your hand
6 now, and leave your finger in the tab you have now
7 because we're going to go there next, but if you
8 could go to tab 1.

9 A Yes.

10 Q And looking at these brief notes of this meeting
11 it appears that this is a meeting in relation --
12 not specifically in relation to the investigation
13 about Pickton in Coquitlam at that point?

14 A No, it's a brainstorming session.

15 Q Right. And, in fact, there's no one from
16 Coquitlam at that session?

17 A No. I can't explain why that is.

18 Q Well, the outcome of that session was that you
19 entered into a more co-operative investigation
20 with the RCMP who were conducting the valley
21 murders, as well as Keith Davidson of the RCMP who
22 was the RCMP's profiler?

23 A Yes.

24 Q And after that session which was on May the 13th,
25 it was after that on May the 18th that you made

1 the request to Henderson for access to their files
2 in the valley?

3 A Yes.

4 Q And in fact what you asked for was a copy of the
5 files?

6 A I believe so, yes.

7 Q Yes. And I recall in your evidence that you
8 indicated that you were a bit puzzled as to what
9 you were -- you were involved in a bit of a
10 bureaucracy getting those files?

11 A Yes.

12 Q But when you asked for it, you asked for a copy of
13 the files and what you were given was access to
14 the files, you went into the valley to look at the
15 file that the RCMP held there?

16 A I believe so. I don't believe I personally went
17 out there, but I can't remember.

18 Q So it makes sense though, doesn't it, that there
19 was a lengthy file still under investigation, they
20 weren't going to send the file to you or copy the
21 whole file for you?

22 A No, I can understand that.

23 Q So that was perfectly reasonable that you should
24 go out there and look at the file?

25 A That was reasonable. But what was difficult was I

1 at some point, and I don't recall exactly where I
2 have it documented, but there seemed to be some
3 six month period from when I initially was looking
4 for these files or for someone to just tell me
5 that that they were under investigation, but I
6 don't believe I had a response until this point.

7 Q You were feeling your way through this as many
8 other things in your new job?

9 A Yes, yes.

10 Q So you in May -- or in May there's the
11 brainstorming session on the 13th, later in May
12 there's the obtaining access to the files, and so
13 you're working with them on that?

14 A Yes.

15 Q And so if you'll turn to tab 25 in that binder,
16 which is --

17 A In the same binder?

18 Q Yes, please. That is also a document that you
19 testified about already, it's called Project
20 Orion, and it's dated June the 16th of 1999, if
21 you look at the second page.

22 A Thank you, yes.

23 Q So this is a case assessment and it's directed to
24 Sergeant Field according to the cover letter that
25 you just flipped over; is that right?

1 A Yes, that's correct.

2 Q And so it has a bit of an assessment of your case
3 and your victims?

4 A Yes.

5 Q And it has -- if you look at page 4 it refers to
6 at the bottom of the page to a number of unknown
7 elements, about how the offender is proceeding,
8 for example, is he taking them back to his
9 residence, is something happening to them in
10 Vancouver. Do you see that?

11 A I do.

12 Q And so all of that was very up in the air at the
13 time I suggest to you.

14 A I think we saw all those things as possibilities,
15 yes.

16 Q All right. And then keeping in mind that you had
17 the valley information, and you know about the
18 Anderson incident?

19 A Yes.

20 Q But that is -- those are all in the realm of
21 possibilities that need to be investigated at this
22 stage?

23 A Yes.

24 Q And one of the possibilities that are being
25 followed up on in June of 1999 is that Detectives

1 Chernoff and Lepine who were then assigned to the
2 file were looking at other persons of interest?

3 A Yes.

4 Q So one other thing I want to point you to in this
5 document, which is the Project Orion document, at
6 page 7, this is a portion of the document that
7 you've looked at before in your evidence before
8 this commission, but there are recommendations
9 made for different investigative steps that can be
10 taken.

11 A Yes.

12 Q And many of those have to do with being in close
13 contact with people on the Downtown Eastside, the
14 sex trade workers, their associates, people who
15 work with them?

16 A Yes.

17 Q And you'll agree with me that that is something
18 that the Vancouver City Police was in a unique
19 position to do, that the Vancouver City Police was
20 the force that was active in that area?

21 A Yes, I would agree with that.

22 Q And you described to us how when you were working
23 on the Downtown Eastside you had to -- part of
24 your job was to develop a rapport with the sex
25 trade workers, with the other people who were down

1 there?

2 A That's correct.

3 Q And part of the reason for that was to understand
4 and get information from them about possible
5 offences that were occurring on the Downtown
6 Eastside?

7 A That's correct.

8 Q And you also testified about the importance of
9 discretion at times so that it wouldn't be very
10 obvious that, for example, a sex trade worker was
11 providing information to a police officer?

12 A Exactly, yes.

13 Q And so you had to be delicate about that? And
14 you're nodding your head, but that's yes?

15 A Yes, that's correct.

16 Q And so when you were doing that were you on the
17 Vice Squad?

18 A No, I've never been assigned to Vice.

19 Q Okay.

20 A It was a District 2 Downtown Eastside initiative
21 called the Prostitution Task Force.

22 Q But you were on District 2, I think it is, the
23 patrol area there?

24 A That's correct, yes.

25 Q So in that area you have the District 2 patrols;

1 yes?

2 A Yes.

3 Q And that is also an area in which the Vancouver
4 Police Department had a Vice Squad at the time,
5 they were active?

6 A I couldn't speak to whether they were active in
7 the Downtown Eastside at that time. I don't know
8 what kind of work they were doing specifically.

9 Q I see, but Vancouver City Police had a Vice Squad
10 in 1998, 1999, 2000?

11 A Yes, we did.

12 Q And part of their responsibility is to investigate
13 a crime such as to do with prostitution?

14 A That was my understanding, yes.

15 Q Okay. And one of the things that was going on,
16 one of the initiatives through the period of time
17 we're discussing, the late '90s and the years
18 following that, was when Oscar Ramos and his
19 partner Paquette (sic) were active putting together
20 the DISC program?

21 A Actually it's Payette.

22 Q Thank you for correcting that. And I can't
23 remember if you told Mr. Commissioner what that
24 was about. Do you know?

25 A I haven't, Mr. Commissioner, but it's called DISC,

1 D-I-S-C, and it's deter and identify sex
2 customers, and the idea is essentially to have two
3 plain clothes police officers out in the Downtown
4 Eastside in evenings throughout the week to stop
5 and check men driving around the stroll that would
6 appear to be johns to stop, check and identify
7 them, take information on their vehicles, advise
8 them that they're in an area that is known for
9 there to be sex trade, and if they continue to be
10 in the area they could very possibly be arrested,
11 that sort of thing, and it was to develop I
12 believe a database of known sex trade customers.
13 That's my understanding of it.

14 Q Let me move on. You have testified at some length
15 about the meeting that occurred in February of
16 2000, and I'd like to take you back to that again
17 briefly. It's at tab 58, I believe, of the same
18 binder, Exhibit 83.

19 A Yes.

20 Q Now, I spoke a moment ago about, and you agreed
21 that, what was going on was an investigation of
22 different possibilities of ideas that -- of what
23 could have happened to these victims, the women
24 who went missing; correct?

25 A Yes.

1 Q As time went on you were working with the people
2 in the valley a theory developed that those
3 victims that were from the Downtown Eastside, that
4 those murders could be connected with the
5 disappearances that you were investigating?

6 A Well, I believe my testimony has been, and my
7 recollection is that our thought was the
8 victimology was the same, so we felt that that was
9 very possibly a dump site, if you will, a body
10 dump site of victims with all the same
11 demographics as the missing women we were
12 investigating.

13 Q And, in fact, aside from the meetings and so forth
14 that you went to, you were likely aware that
15 Detectives Chernoff and Lepine also had dealings
16 with the RCMP in the valley?

17 A Yes.

18 Q And in fact that they went to view the places
19 where the bodies of Ms. Pipe, Younker and Olajide
20 had been found?

21 A Yes, as I say Constable McCarl was very
22 forthcoming with that sort of report.

23 Q You became aware with your dealings with him that
24 this was a very active investigation?

25 A That was my perception, yes.

1 Q And a very difficult investigation as well?

2 A Actually, yes. And, Mr. Commissioner, if I can
3 speak to that. I do have some recollection that
4 there was a point where -- where Constable McCarl
5 had related to Lepine and Chernoff that an
6 extensive amount of work had already been done on
7 those files and that they -- there was I think a
8 suspect that they were awaiting DNA results on,
9 there was some holdback information that they
10 shared with us that was interesting, but didn't
11 seem as though it was going to be fruitful, they
12 were having a difficult time with that, but they
13 had done an extensive amount of work at that
14 point.

15 Q Now, if you would look, please, at that memo at
16 tab 58, this being the memorandum of February
17 10th, 2000 by you to Sergeant Field?

18 A Yes.

19 Q And you see in the second paragraph that a meeting
20 was called by the profilers, RCMP profilers
21 Davidson and Filer?

22 A Yes.

23 Q And there are people there as well from ViCLAS?

24 A Yes.

25 Q And then Paul McCarl, Grant Johnson and yourself.

1 So you've got the two investigative teams, the
2 profiling unit and the ViCLAS unit there?

3 A Yes.

4 Q We then see that -- you have mentioned that
5 Pickton was discussed and his name was there, but
6 the memo says several persons of interest were
7 discussed?

8 A Yes.

9 Q That's right?

10 A Yes.

11 Q And there's discussion about a package being put
12 together. There's also discussion about what your
13 team was going to do in Vancouver, which as I see
14 from the fourth paragraph down:

15 I would attempt to identify those registered
16 owners from our bad date sheets who live in
17 the Fraser Valley area, drive some type of
18 four wheel drive and have one entry on a bad
19 date sheet...

20 Et cetera. So what that has to do with is to
21 develop further persons of interest who might
22 possibly work their way up to becoming suspects?

23 A I believe, yeah, to see what kind of connection
24 they might have, yes.

25 Q And so broadly speaking that is what leads to the

1 list of tasks on page 2 that you testified about?

2 A Yes.

3 Q So again, Constable Shenher, what you have going
4 on here is a strategy to round up all persons of
5 interest who may be appropriate for the
6 disappearances both of the valley that the -- or
7 the woman who were found murdered in the valley
8 and the missing women that you were investigating
9 on the theory that there could be a connection
10 between all of those?

11 A Well, I wouldn't characterize it actually as a
12 roundup, but more of an attempt to identify
13 anybody who would fit -- who would fit with the
14 information that we had from some of these crimes.

15 Q And Pickton and as well as other persons of
16 interest who had been pursued up to that point are
17 not discarded, but they're very much kept within
18 the frame of reference of the investigation?

19 A Yes. And that's what I alluded to yesterday in
20 terms of our belief that what we wanted to do was
21 either rule people in or rule them out and
22 continue to provide a list, to have an ongoing
23 list.

24 Q Okay. Would you please turn up Exhibit 41A, Phase
25 4?

1 THE COMMISSIONER: Exhibit 41A?

2 MS. TOBIAS: Yes.

3 Q Those are the commission's documents used for the
4 examination of Deputy Chief LePard. Do you have
5 that?

6 A I do.

7 Q And would you turn, please, to tab 12.

8 A The coloured tab 12?

9 Q Phase 4, tab 12. It's not coloured in my book,
10 but maybe in yours.

11 A I've got a white 12 and a coloured 12.

12 Q The first -- it will be the first tab 12 that you
13 have in the binder, I believe.

14 A Yes.

15 Q And this is the memorandum that you wrote on
16 November 21st, 2000?

17 A That's correct.

18 Q Do you have that document?

19 A I do.

20 Q Would you turn, please, to page 2, the second full
21 paragraph. This paragraph explains the work that
22 your team had been doing with the RCMP in the
23 other jurisdictions; is that right?

24 A Yes, that's correct.

25 Q And the third last sentence beginning:

1 It has been our feeling...

2 A Yes.

3 Q Do you see that?

4 A Yes, I do.

5 Q ... that we may find some answers in
6 the forensic evidence gathered in these
7 cases.

8 So if I can stop there for a moment. What you're
9 referring to is the fact that in those cases,
10 unlike the ones that you were investigating, the
11 victims' bodies had been recovered so you had a
12 crime scene and some forensic evidence?

13 A That's correct, and I believe we had some DNA
14 found with respect to those victims.

15 Q So, again, here this now is to the point where you
16 were getting ready to leave the team?

17 A Yes, this was a sort of summation of where we were
18 to date, so an overview of what had been done to
19 date.

20 Q So what we've done in the last few minutes is
21 started back in May of 1999, and here we are in
22 November of 2000, and you're still working on all
23 those fronts together with the RCMP?

24 A Yes.

25 Q And you have done a great deal of work in the

1 interim, the group of you?

2 A Well, I would just like to correct you on that if
3 I could. I think I said we have worked closely
4 with Constables McCarl and Sergeant Paulsen of the
5 Serious Crime Unit of Surrey. I don't think it's
6 entirely accurate to suggest that that work has
7 gone on for that whole year and a half, because I
8 don't think that's correct.

9 Q Okay.

10 A Okay.

11 Q So what would you -- how would you describe what
12 had gone on?

13 A Well, I'd have to look and see when that work
14 ended, but I would say that really February of
15 2000, you know, I stand to be corrected, but I
16 disagree with what I perceive as your
17 characterization that that whole year and a half
18 has been spent working closely on these files,
19 because I don't know if that's entirely
20 accurately.

21 Q So you worked on those files. Let me stop there
22 for a moment, 'cause I forgot to ask you
23 something. Remember coming out of the
24 brainstorming session you were going to get that
25 information about men in four wheel drive vehicles

1 and all that stuff. Did you do that?

2 A That was part of, you may recall my evidence from
3 yesterday, about trying to incorporate all the bad
4 date sheet information from volumes and volumes
5 and volumes of these sheets that are produced
6 weekly, and so that was part of our challenge and
7 trying to bring all that information, collate it
8 together, and I didn't physically go through them
9 one by one, no.

10 Q So taking you back to this document in this
11 paragraph, in November of 2000 though you were
12 still at a stage where the theory is still
13 carrying on, but there is one of the things that
14 the VPD is looking at this possible connection,
15 you haven't discarded that theory, it's still an
16 ongoing --

17 A That's correct.

18 Q You know, one of the avenues that you were looking
19 into?

20 A That's correct. I don't know if at this point
21 that it had -- that we had any sort of conclusive
22 idea about -- about the DNA and that it -- part of
23 our problem at that time, Mr. Commissioner, is
24 that because DNA was relatively new the DNA
25 databank that exists for serious offenders was not

1 very populated at that time, so that was kind of a
2 living thing that was occurring was that more and
3 more men's DNA was being entered into that
4 databank every day, and so it was always a -- my
5 assumption was that the investigators were working
6 to be alive to the fact that at any point there
7 could be a match, so it was ongoing at that point.

8 Q And I don't know how closely you followed the
9 investigation afterwards, but there is in evidence
10 a memorandum from Geramy Field to Inspector
11 Spencer dated January 26, 2001, and I'm not going
12 to ask you to turn it up, but I'll refer
13 Mr. Commissioner to the tab, it's tab 117 of
14 Exhibit M1 in which -- I'm sorry, M2, in which
15 Sergeant Field expresses that as a result of
16 meetings she says:

17 These meetings resulted in a common agreement
18 that three RCMP prostitute homicide cases
19 from 1995 are directly related to the missing
20 prostitutes in Vancouver.

21 So were you aware that that continued on?

22 A No, I wasn't, and admittedly I was not following
23 the investigation after November 27th.

24 Q Okay. I want to change topics a bit here. You
25 were referred by -- most recently by Mr. Roberts

1 to the notes that you made of your conversation
2 with Ms. Anderson on August 21st, 1998. Do you
3 remember that?

4 A The interview at BCCW?

5 Q Yes.

6 A Yes.

7 Q And one of the things that she told you at that
8 time is that she didn't recall seeing either
9 women's ID or women's clothing at Pickton's
10 residence. Do you recall that?

11 A I'd have to check with that document, but I recall
12 something to that effect, yes.

13 Q And were you aware as well about Piggy's Palace
14 being on the premises?

15 A I was aware that it was --

16 Q On the property?

17 A On some of the property owned by the family. I
18 wasn't exactly sure where it was, but I had a
19 vague idea.

20 Q So certainly you were aware that there were other
21 women that were frequenting the property in
22 general, not necessarily the trailer, but there
23 were other women around?

24 A I don't know if I knew that.

25 Q You don't know. Okay. I want to go back to some

1 of the information that Mr. Hiscox told you. You
2 had said in your evidence that what he told you
3 was what Ms. Yelds told him?

4 A Yes.

5 Q So he wasn't relating conversations, for example,
6 that he had had with Mr. Pickton or observations
7 that he had made at the trailer?

8 A Only in terms of Mr. Pickton suggesting to him
9 that if he ever wanted to dispose of a body he
10 could give assistance with that.

11 Q Well, I'd like you to look, please, at Exhibit
12 41F, tab 2.

13 THE REGISTRAR: Did you say F?

14 MS. TOBIAS: 41F, yes.

15 Q This is your log.

16 A I'm sorry, do you have a tab for me?

17 Q Tab 2.

18 A Thank you.

19 Q Would you look, please, at page 2, then tab 2.
20 Assuming that you're referring to the entry for
21 980902 at 1900 hours.

22 A Yes.

23 Q The sentence:

24 Know him as a creepy guy and how he has told
25 them.

1 A Yes.

2 Q Okay. So that seems to suggest he told the two of

3 them, is that --

4 A I'm not sure if -- if I -- that's what I meant by

5 that or if he had told people. I'm not really

6 sure, I don't recall.

7 Q Would you look now, please, at page 5 of that log?

8 A Yes.

9 Q And third paragraph down talking about Lisa Yelds,

10 second sentence in, do you see that?

11 A Yes.

12 Q Lisa Yelds had told source that Pickton

13 has told her if she ever needs to dispose of

14 a body he can put it through piggery...

15 Et cetera.

16 A Yes.

17 Q So that's telling Lisa Yelds, not telling Hiscox?

18 A That's correct. But the earlier entry leads me to

19 think that he had told them each separately, but I

20 didn't get the impression that he had told them

21 together on any occasion. That's just my

22 recollection of Mr. Hiscox, but I'm not certain.

23 Q Would you turn to page 6, please.

24 A Yes.

25 Q Under the entry 911015 at 1130 hours?

1 A Yes.

2 Q And the second paragraph referring again in the
3 middle of that paragraph to Lisa Yelds. Do you
4 see that?

5 A Yes.

6 Q And:

7 Lisa Yelds who has been in Pickton's trailer
8 and seen women's ID, bloody clothing and has
9 been told by Pickton that if she had any need
10 to dispose of a body...

11 Et cetera.

12 A Yes.

13 Q So it appears that your information from Hiscox
14 was getting more specific as you got to know him
15 better, and that as time goes on it's apparent
16 from your notes and your dealings with him that
17 he's talking about Yelds telling him this. It's
18 not so clear that it's Hiscox getting that
19 information directly, but quite a few suggestions
20 that he's getting it through Yelds?

21 A That's my impression as well, yes.

22 Q So that might not have been information Hiscox
23 ever got directly from Pickton himself?

24 A Yes. I still -- I do have a recollection of him
25 saying something to me to the effect that he had

1 also been told that by Mr. Pickton on the farm.

2 Q But that might not be right?

3 A My sense at the time in him telling me that that
4 it was correct.

5 Q And you have referred repeatedly to the
6 information as compelling, and by that I assume
7 you mean the content of the information?

8 A Well -- I'm sorry.

9 Q Go ahead.

10 A Just the type of information, and certainly the
11 ability to dispose of bodies, that it would
12 actually be characterized as such by Mr. Pickton
13 himself I found to be very compelling.

14 Q That's what I mean the content of the information
15 was compelling?

16 A Yes.

17 Q But there's two sides to this. There's the
18 content of the information and then the source.
19 They say you have to consider the reliability of
20 the source. So that was not so compelling?

21 A I'm not sure I understand your question.

22 Q Well, the nature of the information, the content
23 of the information was very detailed, it was very
24 striking, it was shocking?

25 A Certainly, yes.

1 Q But what I'm getting at is as you pointed out you
2 can't act on that alone, you needed some indicia
3 that the information is true?

4 A Certainly I would want to have corroboration, the
5 kind I was seeking from having some sort of
6 ability to get this information directly from Lisa
7 Yelds, yes.

8 Q And as you pointed out that was always the
9 sticking point?

10 A It seemed to be a challenge certainly, but it was
11 not to indicate that I -- I believed that
12 Mr. Hiscox was being forthright and honest in the
13 information that he was providing, and at no time
14 did I think that was fabrication or anything like
15 that.

16 Q But that doesn't mean the information is accurate?

17 A Exactly, it needed to be corroborated.

18 Q Okay. And there's been talk about him assisting
19 the police by providing an introduction to Yelds,
20 and so on and so forth, which would involve him
21 becoming what's commonly referred to as an agent
22 of the police?

23 A That's correct. And he actually suggested that to
24 me initially. He said oh, I can do this, and I'll
25 bring you out to the farm, you can be my

1 girlfriend sort of thing. I knew -- even with my
2 limited experience I knew that that kind of
3 activity made -- that implied the police were
4 directing him to do something, and I knew that was
5 definitely well into agent territory, and as I
6 said earlier certainly that, you know, who the UC
7 operator was going to be was not even up for
8 discussion, so right away that was my
9 understanding that we weren't certainly ready to
10 entertain those conversations at that point.

11 Q And what I'm getting at here is that the
12 considerations if Hiscox was going to be directed
13 by you then he would have had to take direction
14 reliably?

15 A Exactly.

16 Q And that's when -- you know, you talked about how
17 people not showing up for meetings and that, that
18 wasn't uncommon for an informant?

19 A Not in my experience, no.

20 Q But for an agent that starts to take on a whole
21 different complexion, because you need someone you
22 can rely on, someone whose discretion you can rely
23 on, and someone who keeps their wits about them?

24 A That's my understanding. I had never run an agent
25 file at that point in my career, but I understand

1 that to be the case.

2 Q So you don't mean to suggest that your view was
3 that he was in fact an appropriate agent?

4 A No, and that was something that Corporal Connor
5 and I had discussions about, and I believe we
6 mutually agreed that he probably wasn't, but
7 certainly his information was very interesting.

8 Q Now, we clearly understand -- Mr. Commissioner I'm
9 sure clearly understands from your evidence that
10 you're only one person and so what you were able
11 to do personally was limited by one person's
12 capacity. However, you've agreed with me that the
13 Vancouver Police Department was really in the best
14 position to understand what was going on on the
15 ground in the Downtown Eastside, who was coming
16 in, who was coming out, who was interacting with
17 the sex trade workers there; is that right?

18 A I believe for that facet of the investigation
19 certainly we were in that position to do that
20 best.

21 Q And you've also spoken about how that was not done
22 adequately, not nearly?

23 A Yeah, I agree, I don't think we did a lot of
24 things adequately.

25 Q And both in terms of finding just your basic

1 missing persons investigation, and in terms of
2 figuring out if there was a connection between the
3 information you were receiving in Coquitlam and
4 the missing women from the Downtown Eastside, that
5 end of the investigation was crucial?

6 A It was, yes. I think it required communication at
7 a level above my rank with Coquitlam to figure out
8 exactly how that should go.

9 Q And not the least of which is if there was a
10 suggestion, as there was later on, that there had
11 been a woman from the Downtown Eastside that
12 Pickton murdered on his farm --

13 A Yes.

14 Q -- one of the first questions would be well, has
15 anyone gone missing at that time?

16 A And it was something we addressed, and I think
17 spoke yesterday, Mr. Commissioner, to some of the
18 difficulties around the women that we came to know
19 went missing in '99 and didn't have awareness of
20 it at the time, and by what is sort of the working
21 theory within our group that by virtue of the
22 physical description of the woman hanging in the
23 barn that we just via process of elimination and
24 hair colouring, complexion details that we had, we
25 thought it could be Jacqueline McDonell, and that

1 was essentially because she was supposedly a
2 redhead or someone of that sort of complexion and
3 that's what we were going with at the time.

4 Q Okay. And the other critical part of the
5 investigation was, as you've already said, finding
6 out if Pickton was downtown?

7 A Yes.

8 Q And there had been -- there was some information
9 to the effect that he would go with a woman
10 because he wasn't always able to convince a sex
11 trade worker to go with him; yes?

12 A Yes, and it was appearing that he was choosing to
13 go to New Westminster at the time we thought was
14 perhaps more than in the Downtown Eastside, but we
15 didn't know that at that time.

16 Q Right, but what I'm saying is that there was
17 nothing in the information that you had that would
18 ever suggest he wasn't coming downtown either by
19 himself or with somebody else, and what I mean by
20 that no suggestion that there was a woman picking
21 up sex trade workers for him while he sat with his
22 feet up in the trailer in Coquitlam?

23 A No, we had nothing to indicate that. And really
24 the only information that I could base, and I
25 wouldn't even -- and I wasn't even comfortable

1 making that assumption at that point, but the
2 information just having myself and Corporal Connor
3 had on CPIC was any police contacts or tickets he
4 might receive or anything like that would be
5 information provided back to us, and I didn't see
6 that that was occurring either, or that we were at
7 least being contacted when that happened. Later I
8 would find out that someone may have had an
9 interaction, that was later and we didn't receive
10 that information in a timely fashion.

11 Q So there are things we could talk about as well.
12 For example, you mentioned DNA analysis before,
13 and let's for example talking about the
14 investigation in the valley or an investigation in
15 Coquitlam, if something was found there that might
16 have victim's DNA on it or whatever, that's all
17 well and good, but you have to have something to
18 compare it to?

19 A Yes.

20 Q You have to have a known sample?

21 A Yes.

22 Q If you want to get known samples of the victims,
23 that again comes back to the missing persons
24 investigation and getting that kind of material
25 from the family, from the residence, whatever?

1 A Yes. And I don't know if I had the opportunity to
2 give this in my evidence yesterday,
3 Mr. Commissioner, but that was -- I know we spoke
4 about the family meeting where family samples were
5 obtained, and then in the summer of '99 I also had
6 the idea to canvass the British Columbia Cancer
7 Agency for the Pap smear slides to then match into
8 the --

9 Q You weren't able to execute on that, because as I
10 understand it, for example, you took buccal swabs
11 but those were not submitted for analysis?

12 A I'm not sure how they were being stored or that,
13 I'm not sure.

14 Q You didn't see that?

15 A I did not personally, no.

16 Q And similarly you never actually got the samples
17 from the cancer agency?

18 A They were held -- there were some privacy issues
19 that we were -- that the people at the cancer
20 agency were already --

21 Q Why didn't you get a warrant or some kind of --

22 A Well, I don't even know if it was that. The
23 permission was difficult because we needed
24 permission from victims that we couldn't speak to.
25 But the doctor said I will take the risk, I will

1 hold these slides for you. In actuality they were
2 normally held for seven years, and they were only
3 going back for five years, and we were able to
4 hang on to them for the purposes of
5 identification.

6 Q Okay. I want to move along here, but really at
7 the bottom what we have is a situation where if
8 this investigation was going to succeed the VPD
9 and the RCMP had to work together?

10 A Yes.

11 Q Because neither one of you could do it on your
12 own?

13 A I don't believe that at the levels of all of us,
14 Corporal Connor, Constable McCarl, myself,
15 Sergeant Field, that at our ranks that the proper
16 communication was occurring. We were
17 communicating with each other, but I don't believe
18 any of us had the power to initiate a JFO and I'm
19 at a bit of a loss to understand why we weren't
20 able to do that.

21 Q I'm not so much addressing at the investigative
22 level purely, but simply the question of
23 jurisdiction aside, neither of you were in a
24 position to complete this investigation without
25 the full co-operation of the other?

1 A No, we definitely needed each other, yes.

2 Q And you mentioned in your evidence that there were
3 times when you were trying to find out what
4 happened in Coquitlam and you said, for example,
5 that you phoned in the fall of 1999 or thereabouts
6 and couldn't figure out who had the file after
7 Corporal Connor left. You gave that evidence;
8 yes?

9 A Part of my evidence was that I believe I was
10 directed to Constable Strachan who was away, and
11 then ultimately to Constable Yurkiw, but it took
12 some time to sort of get that information.

13 Q But Detectives Chernoff and Lepine were on the
14 file and they had been working out there?

15 A They had.

16 Q You could perhaps have asked them?

17 A Oh, no, I certainly did, because after that last
18 interview my recollection of that is when
19 Detective Lepine and Detective Constable Chernoff
20 returned to our office they were no more aware of
21 what the next step was going to be than I was, and
22 they were at a loss as well, and they can testify
23 to that.

24 Q And were you aware that they had been working with
25 Constable Yurkiw on some interviews?

1 A Yes, I was aware of that.

2 Q So they knew that she was involved?

3 A They knew she was involved, yes. It wasn't -- I
4 don't mean to imply that she came into this file
5 cold, but the file -- when Corporal Connor was
6 promoted my understanding was that the file, a
7 couple of people had custody including Strachan,
8 and that Yurkiw would continue to be responsible
9 for it.

10 Q And, again, understanding your own personal
11 limitations you spoke of the idea of getting
12 perhaps a consent search over some property that
13 the Picktons had sold, about what was happening on
14 the file and being concerned about it, but you
15 didn't do anything beyond a phone call or two to
16 Coquitlam to follow that up and express concern?

17 A No, that's incorrect, I actually had several phone
18 calls with Corporal St. Mars as well as Corporal
19 Kingsbury, and Staff Sergeant Davidson as well
20 trying to elicit information on that.

21 Q But you didn't deal any further with people at
22 Coquitlam?

23 A My experience was it was difficult to know who to
24 deal with.

25 Q And nor did anyone at a higher level in your

1 department?

2 A Not until Sergeant Field began to make inquiries
3 of I believe Staff Sergeant Henderson. I can't
4 speak to exactly what she did.

5 Q Now, inquiries were made, you mentioned there were
6 inquiries being made of the RCMP to take a fresh
7 look at your file?

8 A That was -- that was --

9 Q To Henderson?

10 A That was in 2000. The idea that we had exhausted
11 it from a victim-based perspective and we didn't
12 have any persons of interest within Vancouver that
13 we could really point to, and we wanted -- you
14 know, as I testified before we were so burnt out
15 and so under resourced that we really wanted to
16 feel confident that we had really not missed
17 anything in terms of what we actually knew.

18 Q Fair enough. I can understand the reasons why,
19 but my question is simply to confirm that you made
20 that request and the RCMP were receptive to the
21 request?

22 A Eventually, yes.

23 Q Well --

24 A My understanding was there was some -- that
25 request took some time, and I appreciate these

1 things do, but my understanding from my
2 conversation with Sergeant Field that it was --

3 Q You're not aware of any reluctance on the part of
4 the RCMP to help out?

5 A I wouldn't characterize it as reluctance, but just
6 slow.

7 Q A big problem though was getting your file to
8 them. That took months.

9 A I was absolutely aware of the problems that way.
10 And then my recollection was also that as we were
11 preparing our file there was, and I can't remember
12 who was murdered, but the RCMP member or members
13 that were going to review the file were for some
14 reason unavailable for an extra month or two. I
15 can't remember the --

16 Q Yes, but that's after you and Field having spent
17 many months putting the file together because
18 SIUSS was a mess; is that fair?

19 A I certainly wouldn't expect the RCMP to sit
20 waiting for our file, no. SIUSS was a mess.

21 Q And just a moment ago we mentioned your record
22 keeping. I understand you didn't have a notebook
23 that you kept different records and different
24 tips?

25 A That's correct.

1 Q And it's possible, you wouldn't know, you weren't
2 on the file in the spring of 2000 when the RCMP
3 came to collect it?

4 A Spring of 2001?

5 Q Spring of 2001. I beg your pardon.

6 A That's correct, I was not.

7 Q You don't know what state it was in when they came
8 to get it?

9 A I don't, no.

10 Q So if there was material missing by then you
11 wouldn't know about that?

12 A No, but I did have a conversation with Sergeant
13 Field after that period of time because when I was
14 starting to receive phone calls from --

15 Q I'm running short of time here so I'm going to
16 leave Sergeant Field to Sergeant Field, if you
17 don't mind.

18 A That's great.

19 Q Now, I want to go back again to the memo that you
20 wrote -- well, before I do that, would you take up
21 Deputy Chief Evans report, please, Exhibit 37, and
22 I want to talk about some of the appendices that
23 she has, specifically Appendix D. I beg your
24 pardon, I think it's Exhibit 34. I may have given
25 you the wrong number.

1 THE REGISTRAR: Here it is.

2 THE WITNESS: Thank you.

3 MS. TOBIAS:

4 Q Appendix D is the last appendix in the binder, and
5 unfortunately it's not numbered sequentially, but
6 if you go you'll see that there are a number --
7 it's sorted by victim?

8 A Yes.

9 Q And if you look beginning of Appendix D to
10 Michelle Gurney's pages, it's marked Gurney 1 and
11 Gurney 3. I'm sorry, I can't be of more
12 assistance in that because I don't think it's in
13 alphabetical order either.

14 A Mine is in alphabetical order.

15 Q Have you got Gurney?

16 A I do.

17 Q On the first page I note that the date last seen,
18 she was last seen around December 1998?

19 A That's right.

20 Q And reported to the police on the 21st of
21 December, 1998?

22 A That's what it says here, yes.

23 Q And if you flip over the page, page 3, under
24 Deputy Chief Evans' assessment.

25 A Yes.

1 Q There's no indication that interviews of friends
2 or associates were conducted?

3 A In my review for this commission,
4 Mr. Commissioner, I found -- I went through to
5 address some of Deputy Evans's assessments of each
6 file to see whether I felt they were fair or
7 accurate, and what came of that was that there are
8 files, and I can point to Sheila Egan, for
9 example, or to -- the second one I can't remember
10 off the top of my head, but where I specifically
11 know of other investigative steps that occurred
12 that were documented in other places that were not
13 mentioned or family contact. In some of the
14 instances the family contact was at the initiation
15 of the families who said unless you have something
16 new you don't need to call.

17 Q Are you saying this is incorrect, no indication of
18 interviews of friends or associates were
19 conducted?

20 A I'm not saying that's incorrect, I'm just saying
21 that there could well be more information here
22 that Deputy Evans was not privy to when she
23 prepared this assessment.

24 Q Well, taking that in stride, there are a number of
25 cases here -- would you agree with Deputy Evans

1 that there were certainly a number of
2 investigative steps that you would have expected
3 to have been taken with respect to their
4 disappearances that were not taken?

5 A Yes. And if you want to -- specifically with
6 Michelle Gurney I can definitely speak to point
7 three that that person of interest should have an
8 interview and wasn't.

9 Q Would you turn up tab 10, please, of the binder
10 from the Attorney General of Canada's book. And
11 turn -- this is -- do you have that?

12 A I do, yes.

13 Q The date is April the 22nd, 1999?

14 A Yes.

15 Q This is shortly after the meeting at the attorney
16 general's office?

17 A That's correct.

18 Q And this is to the Vancouver Police Board by
19 Sergeant Geramy Field?

20 A Yes, it is.

21 Q And would you turn to page 25, please. The top of
22 the first page explaining how these cases are
23 being -- not being investigated and strenuously
24 involve women, et cetera?

25 A Yes.

1 Q Would you look at the last sentence:

2 Everything possible that can be done is being
3 done despite of a lack of information and
4 evidence available to us.

5 A Yes.

6 Q That wasn't true, was it?

7 A I would say that I was writing it from my
8 perspective that everything I could possibly do
9 that could be done was being done, but I can agree
10 with you that that's difficult to discern from
11 that.

12 Q Well, this isn't you writing though, is it?

13 A No, it's Sergeant Field.

14 Q So she has written a memo to the Vancouver Police
15 Board talking about what is being done and saying
16 that -- and she's not saying --

17 A That's correct.

18 Q -- Constable Shenher has done everything?

19 A No, I apologize, I was thinking this was something
20 I had written.

21 Q But she's saying everything possible, and so
22 really what she's saying is the Vancouver City
23 Police has done everything possible?

24 A I can't speak to what she's referring to.

25 Q Okay. Then let's go to the memo that you wrote

1 that was distributed at your meeting with the
2 attorney general on April -- was it April the
3 15th? That is at Volume M2, tab 93.

4 THE REGISTRAR: I've got it.

5 MS. TOBIAS:

6 Q This is dated -- you talked extensively about this
7 in your evidence, but I'd ask you to look at the
8 second paragraph, please.

9 A Yes.

10 Q Well, the first paragraph.

11 This is an overview of the investigation to
12 date...

13 And it's a general statement?

14 A Yes.

15 Q Then:

16 Each of these disappearances has been
17 investigated in the very same manner as we
18 would approach a murder.

19 A Yes.

20 Q And minus a body, et cetera, et cetera. Then:

21 The bulk of our work lies in interviewing
22 people close to those missing and attempting
23 to retrace their steps.

24 A Yes.

25 Q See that?

1 A Yes, I do.

2 Q And then the next paragraph details the extensive
3 or extensive list of investigative steps. And I
4 put it to you that what is being communicated here
5 is that these disappearances have been thoroughly
6 and completely investigated?

7 A Yes, I believe that they were.

8 Q Well, I thought you just agreed with me that there
9 were many investigative steps taken that were not
10 taken --

11 A Well, I'm sorry, that's in the past tense. I
12 believed at the time I wrote this that they were.

13 Q And you specifically likened those disappearances
14 or the investigations to a homicide investigation?

15 A Yes.

16 Q And I take it part of the problem with the
17 investigation that had taken place is that some
18 things weren't done in a timely manner, other
19 things simply weren't done. Even back then in
20 1999 do you think that all the steps that needed
21 to be taken were taken?

22 A I took my lead in terms of whether this was being
23 adequately done by the feedback I was receiving
24 from my supervisor, and it was my understanding
25 that this was what could be expected to be done on

1 these files, and so at that time it wasn't really
2 until I started to question that, but I did just
3 that and questioned it.

4 Q And who gave you that impression?

5 A Well, certainly no one ever told me that what I
6 was doing was inadequate.

7 Q All right. But you know now that -- but you know
8 that that wasn't the case?

9 A Clearly it was inadequate, yes.

10 Q So probably Attorney General Dosanjh at this
11 meeting got a rather mistaken impression of the
12 state of the investigation?

13 A I can't speak to what impression he would have
14 been given, but it certainly wasn't intentional on
15 my part.

16 Q And one thing about a homicide investigation
17 that's very important is that the investigation is
18 done at the earliest opportunity and as early as
19 possible so evidence doesn't go cold?

20 A Yes.

21 Q And that didn't happen?

22 A I believe where it could it did, but there were
23 circumstances at times where that was very
24 difficult and may not have happened.

25 Q One of those circumstances is being of course

1 you're only one person?

2 A Yes.

3 Q But leaving that aside, if we look at what was
4 accomplished by your police department as a whole
5 on those investigations to date they were not
6 complete?

7 A Well, I would disagree with you on that, because
8 many of these files when you look at the date last
9 seen in comparison to the date reported missing
10 and the date last seen and date of last welfare
11 cheque picked up, there were -- you know, there
12 were a couple where we had a few days in between
13 those two dates reporting the date last seen, but
14 many of the files we had larger time periods. It
15 was difficult. You know, I'm not saying this was
16 done well, and I don't think I've said that at
17 all, but I think that there were challenges with
18 each of these files that made timely investigation
19 difficult in some respects.

20 Q And in some respects it wasn't that it was
21 difficult from a logistical matter, it simply
22 wasn't done?

23 A It wasn't done sometimes, because as I alluded to
24 earlier, you might have a rooming house room to
25 check where 300 people had lived in there since

1 the time that the missing woman lived in there,
2 that's the kind of thing I'm suggesting.

3 MS. TOBIAS: Thank you. Those are my questions.

4 THE COMMISSIONER: All right. Thank you, Ms. Tobias.

5 MS. TOBIAS: Mr. Commissioner, it was just pointed out, and I
6 apologize, I forgot to ask that the book of
7 documents be marked for identification.

8 THE COMMISSIONER: All right. Yes, thank you.

9 THE REGISTRAR: That book of documents will be marked as for
10 identification U, letter U.

11 **(EXHIBIT U FOR IDENTIFICATION: Document entitled**
12 **AGC Documents - Lori Shenher)**

13 THE COMMISSIONER: Yes, go ahead.

14 MR. NEAVE: Thank you, Mr. Commissioner.

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

16 Q Detective Constable, my name is David Neave, I'm
17 counsel for Inspector Biddlecombe. I'm just going
18 to start off with a few questions with respect to
19 the Major Crime Unit. When you arrived in the
20 Missing Person Unit Inspector Biddlecombe was the
21 officer in charge of Major Crime; is that correct?

22 A That's correct.

23 Q And in terms of the structure am I correct that
24 Inspector Biddlecombe was in charge and then Staff
25 Sergeant Giles would be the 2 IC; is that correct?

1 A That was my understanding of it, yes.

2 Q And then there would be one or more sergeants

3 underneath Staff Sergeant Giles?

4 A Yes, there were two sergeants in the Homicide

5 section and I believe one at the time in the

6 Robbery section, and you may know better than I

7 do, but I can't remember at that time the

8 inspector, I think the inspector for awhile of

9 Major Crime was also charged with Sex Crimes or

10 that had just ended, I'm not exactly sure.

11 Q Okay. Would you agree with me that particularly

12 in 1998 and 1999 that you had little or no direct

13 contact with Inspector Biddlecombe with respect to

14 operational matters?

15 A That's correct.

16 Q And, indeed, you're aware that Inspector

17 Biddlecombe was not actively involved with

18 operational investigations; is that fair?

19 A Yes.

20 Q And you're also aware that through that period and

21 indeed or following 1999 that Inspector

22 Biddlecombe was frequently away from the Major

23 Crime Unit?

24 A Yes.

25 Q And that was for a number of reasons. He did --

1 to your knowledge he was engaged in other
2 management activities, he was ill for periods of
3 time. You're aware of that?

4 A I am, yes.

5 Q And during his absence you would be aware that
6 others would be acting or acting in the capacity
7 as the officer in charge of the Major Crime Unit?

8 A That's correct.

9 Q Now, in your evidence in chief, and you've been
10 asked a number of questions about your dealings
11 with the individual who later became known to you
12 as William Hiscox, and you testified that in July
13 of 1998 that you received certain information from
14 him. We've gone through that in terms of detail,
15 I'm not going to take you through the details.
16 But that's a fair statement; correct?

17 A Yes.

18 Q And at any point did you ever inform Inspector
19 Biddlecombe verbally about the information that
20 you had received from Mr. Hiscox or any of the
21 details that he had provided to you?

22 A I don't recall having those conversations, no.

23 Q And, indeed, you also -- you were also asked
24 questions with respect to your dealings with
25 Corporal Connor at the RCMP office, and the

1 Anderson matter and the statements that were
2 ultimately obtained with respect to that
3 investigation. Do you recall that evidence?

4 A Yes, I do.

5 Q And did you ever discuss with Inspector
6 Biddlecombe any of that information in 1998 or
7 1999?

8 A I can't recall, no.

9 Q Now, my friend Mr. Roberts put to you your notes,
10 and I'm not sure of the exhibit, Mr. Registrar.
11 That's the book --

12 THE REGISTRAR: That was T for Identification.

13 MR. NEAVE: T for identification. Yes, thank you.

14 Q Detective Constable, if I can have you turn to the
15 first tab you'll see that that's a document
16 entitled "Log of Contact with Source" maintained
17 by yourself, and then information received and
18 then a series of dates. It's a document that is
19 some ten pages long and covers a period of time
20 from July 1998 through and including April 1999;
21 is that fair?

22 A That's fair, yes.

23 Q And am I correct that that's not the source
24 document for your notes, is it?

25 A No, it's different than the other one in -- the

1 other one I believe was one that I had -- that was
2 typed up for me, and I can't recall who typed it
3 up, but it was based on handwritten notes which I
4 then put into the tip file. So I'm not sure why
5 they're different.

6 Q In what tip file?

7 A The tip file that I've testified to over the last
8 couple of days where all of our information is
9 kept for Project Amelia.

10 Q Okay. And so you've got handwritten notes that go
11 into some form of tip file; is that fair?

12 A Yes.

13 Q And then at some point in time somebody takes that
14 information and transcribes it into this document;
15 is that fair?

16 A Well, it's the document that we've been using
17 that's got a lot of words that she capitalized in
18 lower case, and I don't recall who did that for
19 me, but it's my recollection, 'cause I initially
20 said I hadn't had my computer, and I remember that
21 I had kept notes of this, and I recall that that's
22 what happened. And I actually hadn't seen this
23 particular form of my log until -- until today.

24 Q Right.

25 A But I have them both.

1 MR. NEAVE: Well, let me see if I can help you out, 'cause I
2 don't understand what's going on either. Tab B1,
3 Exhibit 83, Mr. Registrar, or I guess book 1,
4 Exhibit 83, B1.
5 THE REGISTRAR: 83, she should have that.
6 MR. NEAVE: Exhibit 83.
7 THE REGISTRAR: There's 82 and 83.
8 MR. NEAVE: I believe it's tab 83.
9 THE REGISTRAR: Project Amelia.
10 MR. NEAVE:
11 Q Can you turn that up, Detective Constable Shenher.
12 A Are you saying tab 83?
13 Q I think it's 83.
14 A I've got a memo from Kim Rossmo to Sergeant Field.
15 Q 82, B1, sorry.
16 THE COMMISSIONER: What tab?
17 MR. NEAVE: B1, sorry, of Exhibit 82.
18 THE REGISTRAR: 82?
19 MR. NEAVE: 82.
20 THE WITNESS: Well, that again is a different log, I believe.
21 MR. NEAVE:
22 Q Yes. And this one -- is the document that you
23 have, is it entitled at the very top Evenhanded
24 and it's number 01 B on the first page?
25 A I'm sorry, on the first page?

1 Q That's 3 of 12 I have.

2 A I don't think I'm looking at the --

3 MR. NEAVE: May I look at what the witness has,
4 Mr. Commissioner? I'm trying to figure out which
5 document it is.

6 MS. BROOKS: So I think we're looking at Exhibit 82, and it's
7 in the section B, and it's tab 1.

8 MR. NEAVE: Thank you. I appreciate that.

9 THE WITNESS: Sorry, in my binder B I only have to tab 15. I
10 don't know if I'm in the right --

11 MS. BROOKS: So, Detective Constable Shenher, it's tab 1 under
12 tab B in Exhibit 83.

13 MR. NEAVE: 82.

14 THE WITNESS: Thank you. I have it now.

15 MR. NEAVE: Thank you. After much confusion my apologies.

16 Q So tab 82, what's that?

17 A I think it's the same thing it's just somehow -- I
18 don't know, you know, I can't speak to how -- it's
19 two versions of the same thing.

20 Q Okay. Let's look at that.

21 A Someone other than me just retyped this for some
22 reason. This other one is the one I originally
23 typed.

24 Q Which one did you originally type?

25 A The one with capitals where there should be

1 capitals.

2 Q Okay.

3 A So I think what it is is one is redacted and my
4 original one is not. That's the other difference
5 I can see.

6 Q Okay. So the one -- am I correct then -- I just
7 want to clarify. Which document do you say is the
8 one you did?

9 A I believe this is the one I originally created.

10 Q All right. So the document you originally created
11 is the one that Mr. Roberts provided you in his
12 examination this morning that's in Exhibit P for
13 identification, in the small book?

14 A Yeah, I remember the book, I just can't recall if
15 it's the same one. But the content is the same,
16 so I'm satisfied with that if you are.

17 Q Okay. Let's look at that. Let's look at the
18 entry, for example, of the 18th of August, 1998.
19 Do you see that?

20 A Yes, I do.

21 Q Okay. What are the last words on the document
22 that you wrote under that entry, is it this case?

23 A Yes.

24 Q Okay. Go to the other document. What are the
25 last words in that entry?

1 A Only person victim.

2 Q Why are they different?

3 A I couldn't tell you. I don't know.

4 Q And another example, just sliding down to the 19th

5 of August 1998, are you with me?

6 A Yes, I am.

7 Q Do you see the line:

8 People to pick up...

9 And then there's a bullet:

10 Pick bullet up off the street.

11 Do you see that? That's four lines up from the

12 bottom of the entry.

13 A Sorry, I'm just -- you say for the 19th in the

14 document I created?

15 Q Well, no, in the document -- in the Exhibit 82

16 document.

17 A Yes, okay.

18 Q People to pick up --

19 A Pick up off the street, yes.

20 Q Okay. And then but the real statement is to pick

21 a girl up off the street. You see that at the

22 bottom of the document you created; fair?

23 A Yes.

24 Q So someone's edited your document?

25 A Yes.

1 Q Added some information --
2 A Yes.
3 Q -- to your notes; fair?
4 A Yes.
5 Q And removed other information?
6 A It seems that way, yes.
7 Q And do we have your handwritten notes anywhere?
8 A As I said they were in the tip log that I haven't
9 been able to see.
10 Q And what was done with the tip log on a daily
11 basis?
12 A Well, once -- once the -- once Project Amelia was
13 created then copies of old notes and different --
14 with respect to different files then went into the
15 files that were created for those files.
16 Q Where was the tip log with your handwritten notes
17 maintained?
18 A In the credenza in the project room in the
19 Homicide office.
20 Q In your office?
21 A Yes.
22 Q And who had access to that file?
23 A Everyone -- prior to Project Amelia anyone could
24 come in and access it theoretically because all
25 day long the door was locked, but it was an

1 unlocked credenza, so all of us working there at
2 the time and anyone in Project Amelia.

3 Q Was there any process by which senior members of
4 the Major Crime Unit would review that file on an
5 ongoing or regular basis?

6 A No.

7 Q Now, was the information in this handwritten log
8 ever, and I'm speaking about again 1998 and 1999,
9 collated or collected and placed in a database?

10 A Well, it was supposed to be and then we had -- it
11 turned out that we had problems with the SIUSS
12 database, so I can't say whether it did get
13 entered into that or not, I just don't know.

14 Q Did the information that you received from
15 Corporal Connor with respect to the Anderson
16 matter ever find its way in 1998 or 1999 into a
17 database or any other collection for analysis?

18 A I don't recall.

19 Q You're not aware of whether any of the information
20 that was in your handwritten notes was ever
21 analyzed by, for example, the dream team that you
22 refer to in the Homicide Section in 1998 and 1999?

23 A No, I can say quite certainly that it wasn't.

24 Q Now, you've been asked a number of questions
25 already about the memo that you prepared on the

1 27th of August, 1998, and it's in my friend's
2 small binder of documents tab A12.

3 A Yes, I have it here.

4 Q That's your memo of the 27th of August, 1998?

5 A Yes.

6 Q And that's going to Acting Inspector Dureau?

7 A Yes.

8 Q And he's filling in for former Inspector
9 Biddlecombe?

10 A That's correct.

11 Q And what you're endeavouring to do there, as you
12 indicate in the first paragraph, was to provide a
13 brief overview of your efforts to date; correct?

14 A Yes.

15 Q And then you make various statements on the second
16 page, for example in the second last paragraph:

17 I received several anonymous tips generated
18 by the publicity in the Sarah de Vries case.

19 A Yes.

20 Q Is that information or is that a reference to the
21 information that you received from Mr. Hiscox?

22 A No, that was the information that was received on
23 what I'm calling the hoax tip that came in my
24 first week in there that was played in various
25 media, and then people were to call the Vancouver

1 Police if they had any information about who the
2 voice on the tape could be and I could do
3 extensive investigation around that.

4 Q And you then continue on in the same paragraph:

5 That led to two persons of interest.

6 A Yes, that's correct.

7 Q Is one of them Pickton?

8 A I believe, yes, that we came to know that.

9 Q Did you know that at the time?

10 A I don't recall for sure.

11 Q So at the time this memo is created in August
12 27th, 1998 you have the Hiscox information; fair?

13 A Yes.

14 Q And you met with Corporal Connor and you received
15 a briefing with respect to the Anderson matter;
16 fair?

17 A Yes, we certainly had conversations. I can't
18 remember exactly. I think we met on the 18th,
19 yes.

20 Q And that information, none of the information with
21 respect to the material you received from
22 Mr. Hiscox nor the information that you received
23 from Corporal Connor is referred to or referenced
24 in any way in this memorandum?

25 A Not specifically, no.

1 Q Okay. And, Detective Constable, if I can have you
2 just turn over in the same binder to tab 25. Are
3 you with me?

4 A Yes.

5 Q And that's a memo dated the 23rd of February,
6 1999?

7 A I have an e-mail from --

8 Q Sorry, I'm looking -- I may have the wrong number.
9 I apologize. I'm looking at a document dated the
10 23rd of February, 1999 from yourself to Chief
11 Constable Chambers?

12 A I have that here, yes.

13 Q In this memo you are endeavouring to provide the
14 chief constable information regarding the missing
15 women on the Downtown Eastside?

16 A I believe I was asked to provide him with an
17 update.

18 Q Okay. And you would agree with me that there is
19 no information in this memo regarding the
20 information you've received from Mr. Hiscox; fair?

21 A I believe that's true, yes.

22 Q And there's no information in this memo about the
23 Anderson matter; fair?

24 A Yes.

25 Q And there's no information in here about the

1 information that you received from Corporal Connor
2 of the RCMP; correct?

3 A I just want to confirm. Yes, that's correct.

4 Q And if I can just take you to the last line of the
5 memo under the heading What's Been Done.

6 A Yes.

7 Q You see:

8 Several parties of interest are flagged for
9 us on CPIC for observation.

10 A Yes.

11 Q Was one of them Pickton at that time?

12 A Yes.

13 Q Then, Detective Constable, if I can have you turn
14 up tab 29 which is a document we've seen a number
15 of times, it's the memo to the attorney general.

16 A Yes.

17 Q Are you with me?

18 A Yes, I am.

19 Q And you have been asked this question, I'm not
20 going to repeat it, but you're endeavouring to
21 provide an overview of the investigation that was
22 conducted to date for a briefing to the attorney
23 general on the issues you talked about in terms of
24 funding and the like; fair?

25 A Yes, that's correct.

1 Q And you would agree with me, and please review if
2 you need some time, but there's no information in
3 this memo either with respect to the information
4 from Hiscox; fair?

5 A That's correct.

6 Q No information in this memo regarding the
7 information you received from Corporal Connor
8 about Anderson?

9 A That's correct.

10 Q And no reference to Pickton?

11 A That's correct.

12 Q And then, Detective Constable, if I can have you
13 please turn to tab B13 -- sorry, and I may be
14 giving you the wrong number. Have a look at B13.
15 If that's the memo of the 13th of May, 1999 from
16 yourself to Sergeant Field we're on the right one.
17 If not it's B2.

18 A If not B3; is that right?

19 Q It might be B3. I'm sorry, I've got two
20 references to it. It's my error.

21 A I just have New Westminster information about
22 Pickton.

23 Q In B3?

24 A B13, that's what I have.

25 Q And, my mistake, I --

1 A No, sorry, I checked also B3 and I just have
2 Corporal Connor's log.

3 MR. NEAVE: My friends over here I'm sure can help me out.

4 MS. BROOKS: It's Exhibit 83, tab 3.

5 MR. NEAVE: Thank you.

6 THE WITNESS: So 83, tab 3?

7 MS. BROOKS: Exhibit 83.

8 MR. NEAVE:

9 Q Exhibit 83, tab 3.

10 A I'm sorry, yes.

11 Q No, it's my fault, I had the wrong number in my
12 note.

13 A I have it now.

14 Q And that's a memo from yourself to Sergeant Field
15 on the 13th of May, 1999; correct?

16 A Yes.

17 Q And this is your recommendation or advice to move
18 from a suspect, or sorry, to move from an
19 individual file base to a suspect-based-file?

20 A That's correct.

21 Q And then under the heading of Suspects you run
22 through a number of recommendations; correct?

23 A Yes, that's right.

24 Q And then on the second page under Other:
25 Hold a brainstorming session to determine new

1 ideas.

2 Correct?

3 A Yes.

4 Q And you would agree with me that in this outline
5 there is no reference to either or any of the
6 information you received from Mr. Hiscox or even
7 that you had received information from Mr. Hiscox;
8 fair?

9 A That's correct.

10 Q Nothing that you had received information from
11 Corporal Connor?

12 A That's correct.

13 Q And no reference to the Anderson matter at all?

14 A That's correct.

15 Q And you had the brainstorming session the same
16 day, correct, on the 13th of May?

17 A That's correct, yes.

18 Q And you recall that Inspector Biddlecombe was not
19 present?

20 A I believe that's true, yes.

21 Q And you -- there was an introduction by Sergeant
22 Field during the course of the start of this
23 brainstorming session; fair?

24 A I believe that's right, yes.

25 Q And then you provided an overview of where you

1 were and where you should go?

2 A Yes.

3 Q And you would agree with me that at that meeting
4 you did not disclose any of the information about
5 Hiscox, about Connor or about the Anderson matter?

6 A As I said before I thought I had. That was my
7 recollection that he was discussed at that
8 meeting.

9 MR. NEAVE: Thank you. Those are my questions.

10 THE COMMISSIONER: Thank you, Mr. Neave.

11 MR. VERTLIEB: So just for everyone's benefit, tomorrow
12 Mr. Crossin has indicated he would like an hour, I
13 think Ms. Hatcher is going to be cross-examining,
14 she's indicated she'd like an hour,
15 Ms. Winteringham half an hour. Mr. Butcher says
16 15 minutes, but I think we should allocate a half
17 an hour. Ms. Christie is half an hour,
18 Mr. DelBigio no more than half an hour, and
19 Mr. Hira and Mr. Peck, and those are the requests,
20 and that can all be accommodated and if we start
21 at 9:30 we'll be finished tomorrow.

22 THE COMMISSIONER: All right. Thank you.

23 MR. VERTLIEB: Thank you, Mr. Commissioner.

24 THE REGISTRAR: The hearing is now adjourned for the day and
25 will resume at 9:30 tomorrow morning.

1 **(PROCEEDINGS ADJOURNED AT 4:54 P.M.)**

2 I hereby certify the foregoing to be a
3 true and accurate transcript of the
4 proceedings transcribed herein to the
5 Best of my skill and ability.

6
7
8 Peri McHale
9 Official Reporter
10 UNITED REPORTING SERVICE LTD.

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