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Vancouver, BC
February 2, 2012

(PROCEEDINGS RESUMED AT 9:40 A.M.)

THE REGISTRAR: Order. This hearing is now resumed.

THE COMMISSIONER: Mr. Crossin.

MR. CROSSIN: Thank you, my lord. I won't be very long. I'm concerned that we finish today.

CROSS-EXAMINATION BY MR. CROSSIN:

Q Exhibit 34 is what I would like produced to the witness which is the Evans report with the appendices. There's a couple of areas I want to cover and the first one relates -- both areas relate to questioning yesterday.

The first area is, Mr. Commissioner, yesterday you may recall Mr. Ward cross-examining Detective Constable Shenher concerning her phone calls to Lynn Frey and the nature of those calls and the witness indicated that she had found actually some notes that were outside the framework of the mandate, beginning in February of '02, and she indicated that in those notes there was a notation of the call she made to Lynn Frey and she's brought those notes and I just want her to go to the notation and read that out and leave it at that, and if someone wants to see

1 those notes or cross-examine on those notes then
2 they're available.

3 THE COMMISSIONER: Okay. Thank you. Yes.

4 A Mr. Commissioner, this was one of the calls I
5 made on February 22nd of 2002.

6 THE COMMISSIONER: February 22nd?

7 A February 22nd, that's right. These calls were to
8 notify members of the family that Mr. Pickton had
9 been arrested and there was several of us making
10 family calls, but I asked if I could make the
11 calls to those families that I had had dealings
12 with during my course of time working on these
13 files. The call in question got notated at 1540
14 hours, 3:40 in the afternoon. It says "Lynn
15 Frey" and their phone number is written there.
16 Do I need to say the actual number?

17 MR. CROSSIN:

18 Q No.

19 A It says: "Good chat". A couple exclamation
20 points and a little kind of a smiley face and
21 below that I've got an e-mail address for them,
22 and I recall when I saw the e-mail address they
23 said, here's our e-mail, stay in touch, and
24 that's the call that I testified to yesterday.

25 Q All right. Thank you. You can put that away.

1 Go to Exhibit 34 which is Deputy Chief Evans'
2 report and appendix D. Again, my lord, if I
3 could just set the context for these questions.
4 Yesterday during Ms. Tobias's cross-examination
5 Ms. Tobias took the witness to Appendix D which
6 an overview and outline of the investigative
7 steps and conduct relating to each individual
8 missing person.

9 THE COMMISSIONER: Yes.

10 MR. CROSSIN:

11 Q Ms. Tobias asked her some broad questions about
12 that and you'll recall that the witness indicated
13 that generally she could not due to circumstances
14 do everything that she possibly could, but there
15 were some areas in Evans' report that she thought
16 she could add some context to in terms of
17 investigative steps and I want to take her to
18 some examples of that for you. The first --
19 these are difficult to find because they're not
20 tabbed but Sheila Egan is the person I would like
21 you to find. That's about 20 or so pages in from
22 the front. Do you have that?

23 A I have it here, yes.

24 Q All right. If you could go to the back, three
25 pages in at the end of the document you'll see

1 Evans' assessment.

2 A Yes, I have it here.

3 Q You'll see number 1: "Lots of computer checks
4 conducted in the early stages to locate Sheila
5 but not a lot of investigative work." Do you see
6 that notation?

7 A Yes, I see it there.

8 Q By way of example, do you have something to say
9 about that?

10 A Well, I do, because with respect to the file,
11 again, the note, the complete notes that I
12 believe I made on this file I haven't seen and
13 there was a person of interest identified in the
14 file quite early on and that was 1409, and I
15 recall having quite extensive dealings with him
16 as well as doing a lot of investigation and I
17 ended up -- he was the -- there was a vehicle
18 stop where he'd been identified as a person of
19 interest and also by some people, I can't
20 remember if it was family or friends, that said
21 that he was the last person to see Sheila Egan.
22 So I can't recall all the specifics because I
23 don't have those notes, but I have a notation in
24 a log that I think you might be able to point me
25 to where I said I was called out December 20th or

1 21st of I think '99 -- but I stand to be
2 corrected -- I believe that's when I was called
3 out to conduct a search which was a search of a
4 storage locker that belonged to person of
5 interest 1409 and I brought several police
6 officers with me at that time. I brought
7 Detective Clarke with me, Sergeant Torvik, these
8 were Patrol members that came and assisted me.

9 I can't remember how this all came to be
10 because I don't have the notes, but the storage
11 locker notified me that 1409 had defaulted in
12 payment on the locker, and at some point I had
13 indicated to them I was interested in that
14 locker. They contacted me and said you can come
15 now, we're going to cut the locks off. We
16 searched that locker and found disposable
17 cameras, all kinds of what I believe to be stolen
18 expensive books, but the cameras and film were of
19 particular interest and I took them for some
20 analysis. There was some difficulty around
21 analyzing disposal cameras with our ident
22 section. So what happened was all that
23 information ended up going out with Evenhanded
24 and I've since received calls from investigators
25 asking where that is because they don't have it

1 and I don't know where it is, but my point being
2 we did extensive work on Sheila Egan's file
3 outside of what appears to be in this assessment.

4 Q We have located the notes in the Project Amelia
5 investigation log and I'm not -- it's at Exhibit
6 83. Is that the one you have?

7 A Yes.

8 Q Tab 13. Are those the logs?

9 A That's correct, yes, they are.

10 Q Page 91.

11 A There is a notation where it says I tried to
12 locate 1409 on October 6th of '99 and there's an
13 address there where I knew -- what I knew to be
14 his residence. Then --

15 Q Page 92.

16 A Thank you. There's a notation here from October
17 28th, it says: Bob Martin called regarding 1490
18 and two other names coming in, meaning coming in
19 for an interview.

20 Q Page 94.

21 A Then that's the notation that I was speaking to
22 earlier from December 20th of '99, it says called
23 out for 1490 search, and then the next day,
24 December 21st, 1999, it says interview 1490 and I
25 recall he came to 312 Main and I interviewed him

1 there.

2 Q Put that away. We'll go back to the report and
3 find another example is Cynthia Feliks, that's
4 the next document, is it?

5 A Yes.

6 Q Have you found that?

7 A Yes.

8 Q If I could take you to the assessment, number 2:

9 "Shenher received tip from 26 August '99.

10 Reference to trailer and dead bodies given.

11 Difficult to determine what follow-up was done in

12 relation to this tip. Information vetted police

13 informer privilege. Unable to determine if

14 connection with Pickton." Do you have any

15 comments on that?

16 A I do. I recall that. At the time Detective Les

17 Yeo, who is now an inspector, but at the time he

18 was a detective in Robbery and this was

19 information that had come in from one of his

20 sources and he had spoken to me about it because

21 Cindy Feliks -- there had been some debate, we

22 had some people say she was missing and others

23 said no, she's not, so it was unclear. Some

24 information was she had gone to the States. So

25 she had sort of -- I can't recall from when --

1 but flitted on and off of our radar. After
2 receiving that information, being alive to the
3 Pickton information, I right away asked Detective
4 Yeo can you check with your source, where is this
5 trailer and the dead bodies, I need more
6 information, and he tried to do that. His source
7 was quite adamant this was in Richmond and it had
8 to do with chickens, I believe, and that's what
9 he recalled with it. At that time I assigned the
10 tip to one of our investigators, I don't recall
11 who, but it's probably in the tip log if we refer
12 to that.

13 Q In fairness to Chief Constable Evans, if she
14 didn't ask you these particular questions and she
15 couldn't find documents there's no way she would
16 know about that?

17 A No. Based on the information she had, these are
18 fair assessments but there's obviously more to
19 it.

20 Q By way of another example, Marcella Creison.
21 Again, I can't help you, you're going to have to
22 struggle to find it.

23 A I have it.

24 Q If you go to the back, Evans' assessment, you see
25 number 1.

1 A Yes, I do.

2 Q "Considerable number of associates and addresses
3 were identified in the early stages. None appear
4 to have been investigated." Can we offer a
5 comment about that?

6 A I believe there -- I'm having a little trouble
7 recalling that but I believe there were more
8 steps taken than what are indicated here and
9 there was more to my notes than what Deputy Evans
10 had access to. I can't recall exactly right now.

11 Q Is it fair to say that you pursued it but the
12 details escape you at the moment?

13 A That's correct.

14 Q I want to just take you to another area just
15 generally and pick out two or three examples, and
16 this relates to the issue of family contact.

17 A Yes.

18 Q Sarah de Vries is one I would like to
19 specifically take you to.

20 A Yes.

21 Q That's right at the back. It's a lengthy one.
22 Do you have that?

23 A I do.

24 Q If you go right to the back page under
25 Assessment, number 2, it says this: "Family

1 contact slows in late 1999 and then almost ends."

2 A That's correct.

3 Q What is your recollection of that?

4 A Mr. Commissioner, my recollection of that was
5 Maggie de Vries, Sarah's sister, was living in
6 Vancouver and she was my normal contact person
7 and she at various points later on in the file,
8 being someone who was a bit of a spokesman for
9 the families, spokesperson, taking on a lot
10 emotionally in terms of trying to advance the
11 file from her perspective, she had points she
12 really wanted to take a step back from her
13 involvement, so she asked me if I would -- she
14 said I want to take a bit of a break, only call
15 me if something major happens, which I respected,
16 and prior to that I also had contact with Pat de
17 Vries, Sarah's mother, and her aunt Jean Little,
18 and they designated Maggie as the family contact
19 and felt the same way, unless we had something
20 significant they would like to try to have a
21 little bit of distance from the file, if you
22 will, so they were happy with this level of
23 contact.

24 That was actually not unique. I had a
25 couple other files. I recall Cindy Beck's

1 parents, Florence and Stafford Beck in Ontario,
2 they said we know you're trying and just let us
3 know if something comes up.

4 Q I'm not going to take you through every one but
5 is there another that falls into the category of
6 the family saying slow down?

7 A As I said, the Becks I recall and I'm struggling
8 to recall others, but I know there were one or
9 two others like that.

10 Q Just a couple more. Catherine Gonzales.

11 A I have it here, yes. I actually recall now
12 another example of this.

13 Q I'll give you the context. Number 4 under
14 assessment.

15 A Yes.

16 Q I'll just read it out. "Minimal family contact
17 in the early years and then not at all."

18 A That's right. It was Ms. Gonzales' brother that
19 I had contact with. I wasn't able to locate any
20 parents or other family members and he was in
21 contact with me but he was having his own
22 personal issues as well and he eventually just --
23 he moved, I didn't know where he went, and I had
24 no ability to pursue him to find out where he
25 was. I believe he had some substance issues of

1 his own and I wasn't going to spend the bulk of
2 my time searching for someone who wasn't missing
3 when I was looking for all these other missing
4 person.

5 Q One more, Helen Hallmark.

6 A That's another example I can recall. Initially
7 her family was quite involved.

8 Q If you recall it from memory that's fine. I'll
9 just read out the context under Assessment for
10 the record. Number 6: "Minimal family contact".

11 A Yes. Early on there was extensive contact and at
12 some point her mother and stepfather, their
13 marriage dissolved, and the stepfather had been
14 my major point of contact and after that I wasn't
15 able to continue speaking with the mother. She
16 didn't want to seem to take other calls or speak
17 with me.

18 MR. CROSSIN: All right. Thank you.

19 THE COMMISSIONER: Thank you.

20 MS. HATCHER: Mr. Commissioner, it's Claire Hatcher for
21 Constable Fell and Mark Wolthers.

22 THE COMMISSIONER: Thank you.

23 **CROSS-EXAMINATION BY MS. HATCHER:**

24 Q Detective Constable Shenher, before Fell and
25 Wolthers came to the team you hadn't met them

1 before?

2 A No, that's not correct.

3 Q You hadn't worked with them before?

4 A I had worked with Constable Fell.

5 Q Where was that?

6 A Patrol in District 2.

7 Q That's when you first started?

8 A Yes.

9 Q You were aware of a reputation that they had?

10 A I was.

11 Q Cowboy reputation?

12 A Uhm, I don't know if that -- I was aware that
13 they seemed to have a tendency to work on their
14 own and to -- I know certainly within the Patrol
15 squad I was on with them there was a lot of
16 complaints from the other members that they
17 wouldn't answer the radio, they wouldn't take
18 calls, they went off and did their own thing.
19 Many times it didn't seem to lead to any arrests
20 and nobody really knew what they were doing.

21 Q Some of this was referred to as we've seen the
22 term or heard the term "baggage"?

23 A I don't recall that specific term applied to them
24 specifically.

25 Q You wanted senior Homicide investigators on this

1 team, on the missing women team?

2 A No, I don't think that's accurate. I wanted
3 experienced investigators.

4 Q Major Crime?

5 A I don't think so. I wanted experienced
6 investigators who would be consultative and ask
7 for help.

8 Q You had testified that you were thrilled with
9 Chernoff and Lepine coming on?

10 A Yes.

11 Q Fell and Wolthers would not have been your picks;
12 is that fair?

13 A No, that's correct.

14 Q Actually, you felt that that team, the missing
15 women team, had been slighted in some way by
16 management by sending these two?

17 A I wouldn't say slighted exactly, Mr.
18 Commissioner, but I would say that the way that
19 they came to the team was that they had this
20 suspect, which I think is 390 we're calling him,
21 rather than come to the VPD Major Crimes Section
22 with information they went directly to Provincial
23 Unsolved Homicide Unit and they were told go back
24 to your own department, which they did, and went
25 to Deputy McGuinness -- that's my understanding

1 of what happened -- and presented this suspect
2 and Deputy McGuinness was clearly excited by the
3 prospect that we have a person of interest who
4 could be a suspect for the missing women and my
5 understanding is this was all in concert with our
6 request for help.

7 Q You needed bodies?

8 A We certainly did. So what happened was -- I
9 recall at the time both Sergeant Field and
10 Inspector Biddlecombe feeling a little bit like
11 they had been forced to accept these two people
12 by Deputy McGuinness and all of us were cautious.
13 I certainly didn't have any personal experiences
14 in terms of anything where I felt that they had
15 comprised anything I personally investigated, but
16 these -- Sergeant Field and Inspector Biddlecombe
17 had their own concerns.

18 Q You all talked about that I take it before they
19 came in?

20 A We did. We all agreed that we would welcome them
21 as two able-bodied investigators that could
22 assist us and we all had an accepting and
23 co-operative attitude at that point.

24 Q Right. You were on leave for most of July you've
25 testified?

1 A That's right.

2 Q So you actually weren't around the first month
3 that they came in?

4 A That's correct.

5 Q Lepine and Chernoff, their tenure on the team was
6 abbreviated by the Wall Street murders; right?

7 A There were a number of factors that affected how
8 long they spent with the investigation. I know
9 physically there came a point where they didn't
10 want to stay in the room with Detective
11 Constables Fell and Wolthers. They hadn't
12 actually been asked -- my understanding is they
13 never officially left the investigation but they
14 slowly were absorbed back into Homicide and I
15 know the Wall Street homicides were a part of
16 that but --

17 Q Right.

18 A I'm not finished. Detective Chernoff came to me
19 and actually apologized and said, "I'm sorry, we
20 can't stay in here anymore. We don't mean to
21 leave you with these two but we can't work with
22 them anymore."

23 Q You don't recall when that was?

24 A Sometime in the fall of '99.

25 Q Fell and Wolthers were on leave most of August;

1 do you recall that?

2 A Not offhand, no.

3 Q So Lepine and Chernoff -- the Wall Street
4 killings, just to put that in context, they
5 happened in the fall of '99, does that --

6 A I'll have to take your word for it. I can't
7 recall.

8 Q And Homicide it's fair to say was quite
9 overwhelmed with that case and with others?

10 A I believe it was a very busy time for them, yes.

11 Q Personnel-wise then, given that you were on
12 leave, you accepted that Fell and Wolthers had
13 some leave in the summer, Chernoff and Lepine
14 were working on Homicide, it's fair to say that
15 Project Amelia had a bit of a fragmented start
16 personnel-wise?

17 A I don't think that that's any different than any
18 other policing squad at any time in the summer
19 especially, that's fairly standard.

20 Q So the answer is yes?

21 A I wouldn't call it fragmented. I would call it
22 people on leave for vacation.

23 Q The Laurel and Hardy comment -- I had to look
24 that up, it was before my time, Wikipedia -- that
25 was a comedy duo, was it not?

1 A Yes, it was, but just to be fair, I don't think
2 it was that they were particularly --

3 THE COMMISSIONER: You could probably go to YouTube or Google.

4 A I think it's more their physicality, they're
5 tall.

6 THE COMMISSIONER: How many lawyers in this room wouldn't have
7 to look it up?

8 MS. HATCHER:

9 Q Fell and Wolthers both are very tall men?

10 A They are.

11 Q So it was Fell that that comment you understood
12 was referring to?

13 A It was Fell and another Constable, Ron Brown, at
14 the time when I was in Patrol, the one that the
15 sex workers, that was their moniker.

16 Q He was the unfortunately short one then?

17 A No, it was actually kind of funny because they're
18 both really tall. It didn't entirely fit but
19 that's what the sex trade workers had called
20 them.

21 Q You gave some evidence, hearsay evidence, you had
22 a conversation with a sex trade worker about
23 them?

24 A I had more than one conversation with sex trade
25 workers about them.

1 Q You never made notes of those conversations?

2 A No, I didn't.

3 Q You don't know the dates those conversations
4 occurred?

5 A No.

6 Q That came up, I take it, in the context of you
7 doing questionnaires on the team or was that
8 before?

9 A At different times, it was sometimes at the WISH
10 later on when I went to the WISH and if I had any
11 particular reason to speak to any of the sex
12 workers, I had some of them volunteer that
13 information. It wasn't constant but I had
14 several comments made to me.

15 Q When you were working with Fell and Wolthers?

16 A Yes, after they joined the team.

17 Q There's no record that you ever talked to Fell
18 and Wolthers about that?

19 A No. I can tell you I didn't talk to them about
20 that. It wouldn't have been something I thought
21 would be productive.

22 Q You were aware during that time that of course
23 Fell and Wolthers were out canvassing photos with
24 sex trade workers?

25 A I absolutely was and, Mr. Commissioner, part of

1 --

2 Q I'd ask you just to answer the question because
3 we have limited time.

4 A If I could give some context, Mr. Commissioner.

5 Q It was a "yes" or "no" question.

6 A I don't believe this is a "yes" or "no" answer,
7 if I may continue, Mr. Commissioner.

8 THE COMMISSIONER: Sometimes -- I know it's a "yes" or "no"
9 reply to that but, on the other hand, it's
10 sometimes a bit unfair. Are you able to say
11 "yes" or "no"?

12 A I'm able to.

13 THE COMMISSIONER: Okay. Go ahead.

14 A Yes, I was aware they were showing photos.

15 MS. HATCHER:

16 Q Part of that complaint I take it was that the sex
17 trade workers felt that I suppose Fell was just
18 looking for drug contacts and drug information?

19 A No, that's incorrect actually. Are you talking
20 about my complaint or --

21 Q I'm being a bit vague. When the sex trade
22 workers told you about their concerns, I remember
23 you giving evidence that, "They just cared about
24 drug dealers" or "They just cared about finding
25 drugs. They didn't care about us"?

1 A They didn't get a sense, from what they told me,
2 they didn't get a sense from Fell and Wolthers
3 that there was a genuine concern for what was
4 happening to the women. They felt it was
5 utilitarian, their approach.

6 Q Just Fell though?

7 A My recollection is both of them.

8 Q Both had been working on "D", both had been drug
9 officers in their past careers?

10 A I'm not sure. I know for sure that Detective
11 Constable Wolthers was. I don't know about Fell.

12 Q So you've mentioned that Chernoff and Lepine
13 would get up and leave. I take it you were
14 trying to keep that small room liveable for
15 everyone?

16 A I was. Mr. Commissioner, if I can relate a story
17 that made it not liveable. At one point
18 Detective Constable Clarke and I were sitting in
19 the room and Chernoff and Lepine had walked out
20 because Detective Constable Fell and Wolthers
21 were starting to tell stories of -- it may have
22 been when they were both in "D" because they were
23 talking about drug arrests that they'd made --
24 and they began to tell a story about how they had
25 arrested a Vietnamese man and they were doing a

1 search of his residence with him and at some
2 point they were going through the kitchen
3 cabinets and they pulled out a bag of white
4 flour, and they're telling us this story and said
5 they dumped it on this man's head and said,
6 "There you go, now you're white. What do you
7 think of that?" and they were laughing, and
8 Detective Constable Clarke and I were just
9 absolutely stunned that A, that they would do
10 this, and B, that they would relate this to us
11 and think it would be something that we would
12 find in any way acceptable or funny or anything
13 else. That was the climate in the room, Mr.
14 Commissioner. I just wanted to tell that story.

15 Q You never made a note of your concern about that
16 story?

17 A No, I haven't.

18 Q You never had a note of telling any of your
19 supervisors about that?

20 A That's right. I have spoken to Sergeant Field
21 about it but I didn't make any notes of it.

22 Q You didn't confront Fell and Wolthers?

23 A No. I was a constable at the same level as them.
24 I didn't have that ability. I do recall saying
25 that to them at the time, "I can't believe you

1 guys," and both Alex Clarke and I were shocked.

2 Q You've testified that you didn't re-read your
3 statement to Evans?

4 THE COMMISSIONER: Didn't really what?

5 MS. HATCHER:

6 Q Didn't re-read the statement that you gave to DCC
7 Evans?

8 A Not in any great detail, no.

9 Q Do you recall discussing with DCC Evans Fell and
10 Wolthers and the potential harassment claim; do
11 you recall that?

12 A In general terms, yes, I recall that.

13 Q And I put it to you, and I can show you this if
14 you like, but I'm trying to canvass your
15 recollection now, you were conveying to DCC Evans
16 that you and Alex would just sort of try to
17 ignore them. Does that accord with your
18 recollection?

19 A Well, I recall that for the most part we would
20 try and carry on without really dealing with them
21 because it seemed fruitless, but I do recall that
22 Detective Constable Clarke had a fairly intense
23 confrontation with Detective Constable Wolthers
24 about -- there was a situation and perhaps if
25 she's here she can relate it -- there was a

1 situation he was going around telling people that
2 she had done an improper job investigating an
3 aspect of a file and she heard that he was
4 essentially bad mouthing her on this and she felt
5 it was completely unfair so she confronted him,
6 and Sergeant Field was involved in that. So it
7 wasn't that it wasn't always confronted.

8 Q That was something I take it about the
9 productivity of the team and the investigative
10 activities, that was related to that aspect of
11 things?

12 A Yes.

13 Q Not anything --

14 A Not personal harassment of that nature but an
15 unfair characterization in her perception of her
16 work.

17 Q She will be a witness. One problem that you've
18 identified is a lack of reporting by Fell and
19 Wolthers to you about their activities and you
20 expected this to be done every day?

21 A I expected to have an idea what each investigator
22 was working on every day.

23 Q And initially you, I suppose, had to work with
24 the team to get that system in place, to get
25 people minded to do that?

1 A Yeah. What I did initially was through meetings
2 we established a procedure for reporting and
3 that's when those tip case investigation logs
4 came out and everyone had access to that on their
5 computer so everyone could write up their own
6 notes and send them to me. So it was clearly
7 communicated to the team from the start.

8 Q Initially Dave Dickson was not consistent in
9 doing that either?

10 A That's correct. I think that's part of my
11 testimony earlier, that was part of the
12 difficulty with him. He would come and report
13 verbally about what he did and I would ensure his
14 information got into the file.

15 Q With DCC Evans in that interview you used the
16 words "coax" and "coach" with respect to Dave
17 Dickson?

18 A As I said, it was a cooperative effort between
19 the two of us because he very openly acknowledged
20 this was an area for him that was difficult.

21 Q Certainly there may be days when officers arrive
22 back from the field and you're doing something
23 else, you're not there to report to; that could
24 have happened?

25 A Mr. Commissioner, that's entirely possible, but

1 in many circumstances what I would get back from
2 Detective Constables Fell and Wolthers I would
3 determine -- the room is very small, so I could
4 hear them talking on the phone to other
5 investigators. They were having some contact
6 with investigators in Alberta with respect to sex
7 trade homicides and doing a lot of really good
8 work, but those conversations I was hearing, and
9 they got off the phone and I'd say, "What's that
10 about?" I don't want to be that person in the
11 saying, "Who are you talking to?" But these were
12 things that they were speaking of and I had no
13 knowledge of and they weren't reporting to me and
14 I would be getting what I imagine was probably 10
15 percent of what they were actually working on. I
16 subsequently came to learn they showed photos of
17 Mr. Pickton to sex workers in the Downtown
18 Eastside and those three women identified him and
19 they never reported that back to our team and I
20 didn't learn that until 2002.

21 Q You know that they have a different view of what
22 happened there?

23 A I don't know what their view is.

24 Q Their view was that in fact that communication
25 was made?

1 A That absolutely didn't happen.

2 Q You can disagree with that.

3 A I am fully, yes.

4 Q I'm trying to remember the question that I asked
5 you.

6 A I think I answered it initially. I said yes.

7 Q We were talking about the fact that officers have
8 different schedules. Fell and Wolthers were
9 often out on the street?

10 A Yes.

11 Q They were active investigators?

12 A I think you could certainly deem them as active.

13 Q They had a lot of energy?

14 A Yes.

15 Q The lack of reporting isn't something that was
16 ever put in writing or the subject of a written
17 complaint until after the memo that Fell and
18 Wolthers wrote to the chief?

19 A I would disagree with that. It wasn't the
20 subject of a written complaint but it was always
21 the thrust of my communication with the team in
22 every meeting, and I actually had to go to two
23 meetings a week because I really felt the
24 information wasn't being shared effectively. The
25 other investigators were all very open and

1 conscientious about advising me as the file
2 coordinator what they were working on, because I
3 felt like this was an area with Fell and Wolthers
4 that we weren't getting information and I tried
5 to improve that by adding an extra team meeting.
6 That was because they had started to make
7 inquiries on some files that were under the
8 purview of Detectives Lepine and Chernoff and
9 they didn't advise Detectives Lepine and Chernoff
10 that they were making these inquiries, and these
11 were the Valley homicides I referred to
12 yesterday, and Detectives Lepine and Chernoff
13 were actually excluded from meetings on their own
14 files. So I was trying to enhance and facilitate
15 that kind of discussion, not just reporting but
16 actual discussion and sharing of communication.

17 Q Your log does not reveal twice weekly meetings;
18 isn't that right?

19 A No, I don't think that's correct. I think
20 there's an entry in my log that actually says I
21 will be going to twice weekly meetings.

22 Q If that's the case, you certainly didn't record
23 every meeting of the team in the log?

24 A No, that's correct. I recorded that in the tip
25 logs which I've referred to.

1 Q Which we don't have?

2 A Yes. I think there's an actual entry but, again,
3 I'd have to find it, that I've got underlined
4 "information must be shared".

5 Q There's never any reference to Fell and Wolthers
6 specifically in any of those notes?

7 A No.

8 Q One reading that would assume that was a general
9 team message?

10 A I was trying to at that point as a constable far
11 junior to them at the time, I was trying to not
12 single them out. I was trying to make it a team
13 issue and I was sharing my concerns with Sergeant
14 Field at that time as well.

15 Q Is it your evidence that the team meetings that
16 are recorded in here are not the full extent of
17 the meetings held?

18 A Sorry, not the full extent of what?

19 Q The meetings held.

20 A Insofar as there are notes, I know Sergeant Field
21 has minutes that she kept and I had kept rough
22 notes that I put in to the tip log that are not
23 there.

24 Q Some of the team meetings got in this general
25 log?

1 A The fact that they happened?

2 Q Right, and a brief description of who was there
3 and the topics, some of them did?

4 A Yes.

5 Q And you'll agree that those do not reflect twice
6 weekly occasions of meetings?

7 A I disagree. If I --

8 Q Well, have a look it's at tab 13.

9 THE COMMISSIONER: Wait a minute. Let her finish.

10 A On the break if I'm able to locate that document
11 I'll speak to it specifically.

12 MR. BUTCHER: It's Exhibit 83, tab 13.

13 THE COMMISSIONER: What tab?

14 MS. BUTCHER: 13.

15 MS. HATCHER:

16 Q I may be able to assist you.

17 A Go ahead.

18 Q I have a meeting on the 29th of July, '99.

19 A Yes, I have that.

20 Q The 24th of August, '99, that's a month apart;
21 the 28th of September, ten days later.

22 A The 24th of August not a team meeting. That's a
23 meeting with a psychic.

24 THE COMMISSIONER: You said August 24th and then you said
25 September 28th, ten days later.

1 MS. HATCHER: Yes.

2 THE COMMISSIONER: How is that ten days later?

3 MS. HATCHER: You know what, I was jumping ahead.

4 A I want to clarify. I'm not suggesting every time
5 we had a meeting that I noted it in there. We
6 met twice a week and there's a memo that I
7 distributed saying we will be having meetings
8 twice a week, and I know I discussed it with
9 commission counsel in my preparation that note
10 exists and I can find it on the break, but I
11 clearly addressed that issue.

12 Q The team meetings were a roundtable, they were
13 every member reporting what they had done?

14 A They were supposed to be, yes.

15 Q Have you seen Sergeant Field's notes of the
16 meetings?

17 A I've seen some here and there.

18 Q She would list every member and then the areas?

19 A I believe so, yes.

20 Q And Fell and Wolthers would attend meetings
21 unless they were on leave?

22 A Certainly, yes.

23 Q Chernoff and Lepine were really assigned to
24 Pickton?

25 A They had quite a few different responsibilities

1 in my recollection. Certainly in August '99 that
2 was one of their sole focuses.

3 Q But that wasn't my question. The Pickton tip,
4 tip 30, that was Chernoff and Lepine's tip?

5 A That was their responsibility, in addition to
6 others.

7 Q You were obviously involved in that because of
8 your source?

9 A To some degree, and as the file coordinator I was
10 keeping up with what was happening.

11 Q Your source and then the second source, that was
12 Chernoff's source?

13 A As the file coordinator, yes.

14 Q You would attend meetings in Coquitlam with
15 Chernoff and Lepine?

16 A I believe I went to one at that time. As I
17 testified earlier, I was quite busy trying to
18 identify the two unidentified missing women who
19 were -- the overdose victim that we had
20 subsequently identified and three other missing
21 women that we were able to take off the list, two
22 deceased and one had been located, and I was
23 working quite actively on those at the time.

24 Q The meeting that you went to that you recall --

25 A I believe it was August 3rd, if I am not

1 mistaken.

2 Q Fell and Wolthers weren't at that meeting?

3 A I don't think they were at that one.

4 Q The only meeting they ever attended with the RCMP
5 was about the Valley murders; right?

6 A Yes, and I recall that very well.

7 Q The Pickton meetings with Connor at the Coquitlam
8 detachment, Fell and Wolthers were not invited to
9 those?

10 A Not to my recollection.

11 Q From time to time you and Chernoff and Lepine and
12 maybe Field would talk about Pickton?

13 A Sure.

14 Q Without Fell and Wolthers?

15 A If they were out working. They weren't excluded
16 from the conversations, if that's what --

17 Q I suggest to you you didn't want Fell and
18 Wolthers to work on the Pickton tip.

19 A No. It just wasn't their assignment. They were
20 assigned to 390 and the others things they were
21 following up. Mr. Commissioner, even if that had
22 been an issue, they were clearly not interested
23 anyway.

24 Q That was your perception?

25 A It was quite clear to me.

1 Q It was clear to you?

2 A It was clear to our team that they were very
3 uninterested in Mr. Pickton. We actually didn't
4 even acknowledge the number of missing women we
5 had. We had at some points between 27 to 31
6 missing women but when they referred to the
7 number of missings they said 22 because that was
8 the number of women that fit within the timeline
9 of their suspect. I had a very difficult time
10 understanding why they wouldn't acknowledge the
11 other missing women's files and those people
12 because it didn't mesh with their timeline of
13 what they determined to be their suspect.

14 Q Fell and Wolthers kept a daily investigative log
15 of what they were doing, right, you saw that in
16 the office?

17 A I don't know if I did.

18 Q You don't recall that?

19 A I don't.

20 Q They obviously kept notes?

21 A Again, I didn't see a lot of notes.

22 Q You understand that they took a notebook out with
23 them in the field and took notes?

24 A I'll take your word for it. I don't know that to
25 be true. I suspect they must have but I don't

1 recall seeing that.

2 Q It's not your evidence you never saw any notes?

3 A No, but I don't recall how they kept their notes.

4 Q You testified yesterday that you got the sense
5 that they were being secretive, weren't being
6 forthcoming I think were your words?

7 A Yes, substantiated by the fact those photos were
8 never revealed to me.

9 Q Whether or not that is true and whether or not it
10 was substantiated, that was your sense?

11 A That was my sense.

12 Q I take it you thought that was deliberate?

13 A I did certainly, because when I heard Detective
14 Constable Wolthers on the phone talking to who I
15 would come to learn was Detective Sergeant Keith
16 Kilshaw in Edmonton -- he was part of Project
17 Cara which was the Edmonton sex worker homicides.
18 Detective Constable Wolthers was saying something
19 to the effect, "That's crap, send them to me and
20 I'll get the RCMP lab to test your DNA samples,"
21 and I thought -- when he got off the phone I
22 said, "You know you can't do that. Is that
23 Edmonton?" "Yeah, it's Edmonton." "What are you
24 planning to do?" "Nothing." I said, "It sounds
25 to me like you're planning to test their DNA

1 samples on the VPD dime or the RCMP dime." He
2 was concerned about the delay with the lab in
3 Edmonton with their samples on their cases, and
4 as much as it would be nice to be able assist
5 like this, I didn't feel that was appropriate and
6 I went to Sergeant Field at that point with my
7 concern because I felt that that was an integrity
8 issue with our team that I wasn't comfortable
9 with.

10 Q You've never seen any written notation from
11 Sergeant Field about that concern?

12 A I haven't seen anything like that.

13 Q That would have been a serious issue for you?

14 A I reported that to Sergeant Field, yes.

15 Q There's no note of that that you've made?

16 A I recall that she told me she couldn't deal with
17 it.

18 Q My question was --

19 A I'm trying to answer you. I don't recall if I
20 made a note on it.

21 Q You've already referred to the fact that you
22 heard them on the phone, it was a small room?

23 A Yes.

24 Q 8 by 12?

25 A Yes.

1 Q Fell and Wolthers both have loud voices?

2 A Yes.

3 Q They are loud individuals?

4 A Yes.

5 Q They are animated?

6 A Yes.

7 Q You didn't have to eavesdrop on them when they
8 were on the phone?

9 A I would have preferred not to, actually.

10 Q You could hear everything, you wouldn't be able
11 to help it?

12 A I tried not to hear everything on the phone
13 actually.

14 Q In general, you tried to tune them out; is that
15 fair?

16 A I just tried to do my work and carry on.

17 Q As far as secrets, you have just testified about
18 something that Wolthers said in front of you?

19 A Yes.

20 Q You haven't ever documented a secret that you've
21 discovered they've kept from you?

22 A Yes. The fact that they didn't acknowledge to me
23 that three women, three sex trade workers, had
24 identified Pickton from the photographs that they
25 showed around the Downtown Eastside.

1 Q Regardless of how you feel that came to be or
2 regardless of your beliefs about that, there's no
3 evidence that they deliberately kept that from
4 you?

5 A All I can tell you is I never saw any notes and
6 they never had any conversation with me coming
7 back to the office saying, "Hey, guess what, we
8 think Pickton is in the Downtown Eastside. We
9 found three sex trade workers that know him."
10 That was never communicated to me. That's my
11 evidence.

12 Q That's clear. But as far as -- aside from that
13 issue, you haven't been able to find in all your
14 interviews with LePard and Evans, you haven't
15 identified any tangible example of a secret that
16 they kept from the team?

17 A I think I've testified to what I believe is the
18 secret they kept from the team.

19 Q I take it your answer to that is no, other than
20 that example?

21 A There are a couple other things I came to learn
22 later on after they had left the team.

23 Q But nothing was communicated to them until after
24 they wrote the memo to the chief on May 12, 2000?

25 A By me?

1 Q By anyone.

2 A I can't speak for anyone, but I did not have
3 specific discussions with them about their
4 contact, it wasn't my place.

5 Q Fell and Wolthers did do other work on the team
6 other than 390?

7 A Yes. Most of it I believe it was through people
8 and persons of persons of interest they generated
9 stemming from 390.

10 Q With the photo checks?

11 A I suppose so, yes.

12 Q You did assign them tips that they completed?

13 A They completed some, yes.

14 Q Because it's possible to print out what are
15 called lead sheets and sign off on them and
16 update their status?

17 A That's right.

18 Q They completed I suggest upwards of 63 other
19 tips; does that sound accurate?

20 A I have no idea.

21 Q You didn't quantify that?

22 A No.

23 Q You didn't do an analysis?

24 A No.

25 Q There wasn't a bring-forward system?

1 A No, and that's something I acknowledge as a
2 deficiency in the system.

3 Q Similarly there wasn't a deadline system?

4 A No.

5 Q So. The other work they did, for example, one of
6 the first things -- you might have been on leave
7 -- one of the first things Doug Fell did, for
8 example, is contact his US Customs contact and
9 distribute the poster to the borders; you know
10 that?

11 A I probably came to know that at some point. The
12 poster went to a wide variety of places.

13 Q He did that in July right when he arrived; fair?

14 A I'll take your word for it, I don't know.

15 Q They worked on other persons of interest, there
16 was a murder in North Vancouver, a person found
17 there and they worked on that file?

18 A Yes.

19 Q There was another person of interest with a
20 German nickname that they worked on?

21 A Yes.

22 Q And when the *America's Most Wanted* show happened
23 and there was that flood of new information and a
24 lot of it was useless; right?

25 A Yes.

1 Q But some of it you had to follow up?

2 A We had to follow it all up in my view.

3 Q Only 20 of 140 or something were useful, as it
4 turned out?

5 A That's probably in the ballpark, yes.

6 Q And Fell and Wolthers followed up on those tips
7 that you assigned?

8 A I believe some of them certainly.

9 Q They helped you with a chronic -- a person who
10 was always phoning with the last name Bell; do
11 you recall that?

12 A I don't recall that but it may be true.

13 Q They also on February 2nd of 2000, they attended
14 at the Portland Hotel. Do you recall that?

15 A I don't.

16 Q They attended -- this might jog your memory --
17 they obtained the licence plate number of a
18 potential person of interest on the Angela
19 Jardine case; you don't recall that?

20 A I don't recall that.

21 Q They worked on the bad date sheets; right?

22 A Yes, they did.

23 Q They provided you with analytical information
24 that they had produced?

25 A I suppose you could call it that, yes.

1 Q That was throughout but mostly in January of
2 2000? Does that accord with --

3 A I wouldn't be able to remember that.

4 Q And the photo canvasses that have become such an
5 issue, there were sort of two series of those.
6 The first was in the fall of 1999; right?

7 A I don't know. I'm learning more about their
8 activities from you than I ever did from them.

9 Q The spring of 2000, that was the issue around the
10 Pickton photo?

11 A Yes.

12 Q Do you recall the controversy around that?

13 A Yes.

14 Q You didn't want the Pickton photo on the photo
15 pack?

16 A No, that's not correct.

17 Q You deny that?

18 A I don't believe that was something I said.

19 Q Sergeant Field directed you to provide a photo to
20 Fell and Wolthers; do you recall that?

21 A I don't recall that.

22 Q You were concerned about compromising the Pickton
23 investigation by putting his photo in the pack?

24 A I was concerned that that was not a proper photo
25 line-up and I had concerns around that issue,

1 yes.

2 Q So that was an issue?

3 A Yes. I was concerned that that was not a proper
4 photo line-up and because we had information
5 about Mr. Pickton that I felt was -- say, for
6 example, if three women picked him out, we wanted
7 to provide a proper photo line-up for that. So I
8 do recall there was a little bit of discussion
9 around that.

10 Q In the late fall of '99 Fell and Wolthers were
11 seconded, if you will, to the Wall Street
12 murders; do you recall that?

13 A I don't.

14 Q Sergeant Field and Detective Lepine tasked them
15 with the interviewing on the murder cases?

16 A I don't recall that.

17 Q When they, Fell and Wolthers that is, returned
18 from Lethbridge --

19 A Yes.

20 Q -- you've testified about some tips or some tasks
21 that still had to be done by them?

22 A Yeah. I can't recall exactly -- you mean with
23 respect to that investigation or others?

24 Q No. Others?

25 A Yes. There were some interviews, I think eight

1 or nine interviews of people from the missing
2 women files that still needed to be done.

3 Q Seven I'm going to suggest.

4 A Yes, if that's --

5 Q I'll try and let you finish.

6 A I will and let you finish, too.

7 Q They got back from Lethbridge around the 22nd of
8 April; is that right?

9 A I'd have to --

10 Q I can help you. I think you were on leave for
11 the week before they left?

12 A Yes, I was.

13 Q Charges were approved on April 13th by Crown
14 counsel and I think you were away; is that fair?

15 A I've got a notation that they were in Lethbridge
16 on the 18th of April so that would have been --
17 I'm not sure what day of the week but that sounds
18 right.

19 Q Because your log actually stops on I believe the
20 4th of April, that's when you were on leave,
21 before that, just at the top of the page.

22 A I don't indicate that I'm on leave so I'm not
23 exactly sure, but I know that I was away because
24 -- prior to me leaving there had been no
25 discussion about any sort of arrest attempt in

1 Lethbridge or interview attempt or trip to
2 Lethbridge, that was completely not discussed
3 with the team in any way.

4 Q And when you got back they were gone?

5 A They were gone.

6 Q I'm really asking you to think back, but it was
7 the Easter long weekend after they got back;
8 right?

9 A I don't recall.

10 Q They then -- I think you've testified to this --
11 they then took leave when they got back, so they
12 weren't really around until the beginning of May?

13 A No, I don't think that's right. When I got back
14 to work, which would have been I think a Tuesday,
15 they were still there in Lethbridge, and I think
16 they were there the next couple of days because I
17 know Sergeant Field was in contact with them and
18 then I don't -- I think they came back, and the
19 leave you're talking about might have been just a
20 couple days over the weekend, but I believe they
21 were back the next week or in that time because I
22 remember having the videotapes of the interview
23 by that point.

24 Q They were brought in by Sergeant Field at the
25 beginning of May to talk about the wind-down; you

1 agree with that?

2 A Yes, very shortly after I reviewed the tapes my
3 concerns arose from that, yes.

4 MS. HATCHER: I don't have much -- I'll finish off one area
5 and then maybe it's a good time for the break.

6 THE COMMISSIONER: I'm in your hands.

7 MS. HATCHER:

8 Q 390, that investigation, you've been fairly
9 complimentary of their work on that file?

10 A In terms of the energy that they put into it; not
11 in terms of their work interviewing or anything.

12 Q Certain aspects. You've been complimentary of
13 their work ethic certainly?

14 A Their energy, yes.

15 Q They took this violent sex offender off the
16 street?

17 A Yes.

18 Q Whatever your views on the investigative errors,
19 the prosecution was ultimately successful?

20 A Yes, through the assistance of more experienced
21 detectives that helped to overcome the
22 difficulties on the file.

23 Q You weren't involved in that?

24 A To some degree I was, yes.

25 Q You didn't follow that case through the courts?

1 A Follow it in what way do you mean?

2 Q To its outcome. You didn't track what was
3 happening?

4 A In terms of physically going to court and
5 watching it? I was aware of what was happening
6 in the case.

7 Q It was a conviction and a nine-year sentence?

8 A Yes.

9 Q It was a complicated file, that's fair to say,
10 there were multiple complainants?

11 A Yes.

12 Q Working with the complainants or the victims and
13 drawing out their stories was a lot of work?

14 A I think any sexual assault file is a lot of work.

15 Q These complainants were all drug-addicted sex
16 trade workers?

17 A Yes, we have many files like that.

18 Q They were reluctant to tell their stories to the
19 police?

20 A To some degree, yes.

21 Q Fell and Wolthers were able to draw out their
22 stories and bring them to the trial and bring
23 them through that process?

24 A I don't know. I assume so.

25 Q They were the only people working on the file?

1 A They did one thing on it that I thought they did
2 a good job. With the original victim, I know
3 they ended up doing a KGB statement with her
4 because she was dying and that was admitted. She
5 was one of the victims that matched by DNA, so I
6 felt they did a good job there.

7 Q The work they did on that file, they were hours
8 well spent?

9 A I don't know how to answer that.

10 Q Well, the prosecution was successful?

11 A Again, there were many errors that were overcome
12 to get to a prosecution.

13 Q The question was that the prosecution was
14 successful?

15 A I've already agreed to that.

16 Q So any hours that they spent working towards that
17 goal it's fair to say were well spent hours?

18 A I can't speak to that, I'm sorry.

19 Q 390 was a person of interest on the missing women
20 file generally?

21 A Yes.

22 Q And his information in that tip file went to
23 Evenhanded, they made that transition?

24 A Probably, yes.

25 Q He was one of the prime persons of interest or

1 suspects?

2 A Yes, I believe that their -- at one point we had
3 a meeting with the RCMP at the Surrey satellite
4 office with several investigators and I think
5 from that meeting Sergeant Paulson who is now the
6 commissioner was there, and I think it was kind
7 of an interesting meeting. It was a very
8 embarrassing meeting for the VPD because
9 Detective Constable Wolthers called out Constable
10 McCarl in this meeting for not working fast
11 enough to get him all the things that he needed
12 to work on 390, and so we left that meeting and I
13 remember Sergeant Field and I apologizing to
14 Sergeant Paulson for his conduct because we were
15 so embarrassed. What they did agree to do,
16 Sergeant Paulson said if we can assist with
17 surveillance at some point we will, but
18 essentially in the meeting Sergeant Paulson
19 actually said to Detective Wolthers -- because
20 Detective Wolthers kept saying the hair on the
21 back of his neck stood up when he dealt with this
22 person, and Sergeant Paulson and everyone in the
23 room said, "And? And?" He said, "The hair on
24 the back of my neck." Sergeant Paulson said,
25 "The hair on the back of your neck not

1 withstanding, what evidence do you have?," and
2 he was not able to answer that and it was an
3 extremely embarrassing situation. What came of
4 that is Sergeant Paulson had recently come I
5 think from the Prince Rupert area and he had
6 early awareness of what has come to be known now
7 as Highway of Tears murders, women gone missing
8 along Highway 16, so he had some recollection of
9 390 as possibly being someone that was in that
10 area. What I'm trying to say is that actually
11 did bring to light 309 as a suspect in both our
12 case and in that case.

13 Q Are you finished that answer?

14 A Yes. Thank you.

15 MS. HATCHER: We can take the break now.

16 THE COMMISSIONER: Do you want to take a break?

17 MS. HATCHER: Sure.

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

19 **(PROCEEDINGS ADJOURNED AT 10:43 A.M.)**

20 **(PROCEEDINGS RESUMED AT 11:00 A.M.)**

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

22 MS. HATCHER:

23 Q Fell and Wolthers did bring forward investigative
24 ideas to the team?

25 A Yes.

1 Q For example, they wanted to tap into contacts at
2 Corrections to try and drum up some more persons
3 of interest?

4 A Yes, I recall that.

5 Q And your response was that they should wait on
6 that because there were tips that needed to be
7 cleared first. Do you recall that?

8 A I do recall. They had a lot of ideas, some were
9 new and some we had as well. Again, as I
10 testified, we had limited resources. Even when
11 we added them and other people to the team we
12 were really at bare bones in terms of what we
13 could do.

14 Q Another idea was an undercover operation that you
15 have already testified about, resource problems
16 with that?

17 A Yes.

18 Q They suggested that, they wanted to have female
19 Vice?

20 A Yes.

21 Q They suggested cameras on the stroll to try to
22 capture licence plates?

23 A I think that was an idea. They also suggested
24 Bic lighters, to put a GPS device in, and that
25 was one of the things I was concerned about, Mr.

1 Commissioner, because they came in and said,
2 "Let's put these GPSs in Bic lighters" -- and I
3 apologize for the term but "whores" -- "and give
4 them to the whores and if they go missing we can
5 track the body, find the lighter," and that was
6 one of their ideas.

7 Q Notwithstanding the language of that that you
8 just used, those ideas were designed to be in
9 furtherance of this investigation?

10 A I think so, but I think some of them had some
11 liability considerations we had to look at.

12 Q They were brainstorming with you, they were
13 drumming up ideas?

14 A Not with me, I would suggest, but they were
15 brainstorming.

16 Q You knew about these ideas?

17 A At some point, yes.

18 Q Yesterday or the day before you were being
19 questioned by Mr. Gratl and you gave some
20 evidence that you and Alex Clarke would confront
21 Fell and Wolthers about the use of the word
22 "whore"; do you recall giving that evidence?

23 A Yes.

24 Q I have reviewed your three statements to Chief
25 Constable LePard and Deputy Chief Evans and I

1 have found no reference to you reporting that you
2 did confront them. Do you recall telling them
3 that?

4 A I could have omitted that or just failed to
5 mention it, yes.

6 Q Certainly there was no document created at the
7 time that criticized them for that language?

8 A No, that wasn't my place to document their
9 activities that way.

10 Q You didn't think that was your place, you didn't
11 think you had duty to go to Sergeant Field and
12 tell her?

13 A I've already testified I spoke to Sergeant Field
14 about many aspects of their conduct. I tried to
15 restrict my reporting to Sergeant Field as much
16 as I could to things that I thought were of an
17 investigative nature. I tried to keep some of
18 what I thought were personality stuff, if you
19 will, with respect to their personalities out of
20 it because I felt like -- and I recall Detective
21 Constable Clarke and I both thought they are who
22 they are and we need to work with them. I
23 thought my time was better spent trying to find
24 the missing women than try to document the
25 activities of my own co-workers.

1 Q Right. You wanted to report to Sergeant Field
2 only things you thought were impactful in the
3 investigation?

4 A I think it was more in terms of expediency and
5 time and Sergeant Field was so in demand with her
6 full-time job running a Homicide squad that often
7 she would be hard to get a hold of. I want to be
8 clear, Mr. Commissioner, I was very uncomfortable
9 with the role of office tattle-tail. That was a
10 really difficult, difficult position to be in and
11 I definitely vacillated between trying to deal
12 with some of their issues by ignoring them or by
13 making a comment to them that we didn't
14 appreciate their language or their conduct and
15 when I felt I had the opportunity reporting them
16 to Sergeant Field and I acknowledged that
17 certainly it wasn't ideal but it wasn't my role.
18 I wasn't their supervisor.

19 Q The reason it wouldn't have been ideal is out of
20 the interest of fairness to Fell and Wolthers?

21 A Which would have been ideal?

22 Q To write it down.

23 A I know now in the VPD I'm happy to report we
24 actually have a much better process for that, for
25 supervisors to document both issues of public

1 trust and issues of labour process with respect
2 to conduct, and I think that's a much superior
3 system and it's part and parcel of the new *Police*
4 *Act*. We really didn't have that mechanism back
5 then. That is not to say that Sergeant Field
6 couldn't have if she had the time and ability to
7 do that, but there really is no mechanism for a
8 constable to provide constructive -- aside
9 obviously from a personal interaction if we were
10 able sit down and talk about someone's conduct in
11 a way that would be receptive, but there's no way
12 for a constable to investigate a constable.

13 Q Quite apart from investigation, what about
14 documenting?

15 A Again, I don't believe that that was my job and I
16 think subsequently I provided a fairly
17 comprehensive document.

18 Q Subsequently, yes?

19 A Yes.

20 Q After events?

21 A When asked to do so, yes.

22 Q Not at the time that your memory was fresh?

23 A I think my memory was fresh enough to write that.

24 Q Not at the time 13 years later that the people
25 that you're criticizing memories were fresh?

1 A I'm sorry, I'm not understanding. When are you
2 suggesting I wrote a document?

3 Q Right. You wrote a document in response to a
4 memo that Fell and Wolthers wrote to the chief
5 constable in May of 2000?

6 A Yes, and my response was at the time as well.

7 Q That was after the events since the fall of '99
8 -- since July of '99?

9 A No. That was as a result directly of the events
10 of April '99 with respect to the 390
11 investigation.

12 Q April 2000?

13 A April 2000. Thank you.

14 MS. HATCHER: Those are my questions for this witness.

15 THE COMMISSIONER: Thank you, Ms. Hatcher.

16 MS. WINTERINGHAM: Mr. Commissioner, Janet Winteringham for
17 Don Adam.

18 THE COMMISSIONER: Yes.

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

20 Q Detective Constable Shenher, I'm going to try to
21 be brief with you this morning. I want to just
22 take you to a couple of the pieces of evidence
23 you've given with respect to the transfer over of
24 Project Amelia to what eventually became Project
25 Evenhanded.

1 A Yes.

2 Q In particular, I'm going to start with this, you
3 know that Don Adam was hopeful that you would be
4 joining the team that eventually came to be known
5 as Project Evenhanded?

6 A I came to learn that, yes.

7 Q You appreciate that having all of your knowledge
8 and experience from Project Amelia would have
9 assisted those who later become the team of
10 Project Evenhanded?

11 A Yes.

12 Q You've come to learn that he understood that you
13 were exhausted by November of 2000?

14 A That's correct.

15 Q You wrote a very careful what I call an "exit
16 memo" dated November 21, 2000 describing the
17 state of the investigation as you were handing it
18 over?

19 A Yes.

20 Q A difficult task for you?

21 A Not particularly, no.

22 Q To hand the file over?

23 A Yes, I would say so. I was very reluctant. As I
24 testified earlier, I was just completely done and
25 I was taking sick leave. I was just -- I was

1 having nightmares, I was having a very, very
2 difficult time and I really struggled with
3 feeling that responsibility. I acknowledge that
4 I would have been the obvious person to go with
5 that file and it probably hampered it to some
6 degree my not going out there, but I felt it
7 would have been to my own detriment.

8 Q Your understanding was when the file was to be
9 transferred that it was to become a joint task
10 force; correct?

11 A I'm not really sure I had a full understanding at
12 the time when I left. As I testified, I ended up
13 leaving a month or two before I would have
14 normally transferred, so Sergeant Field and I
15 were working together to prepare all the
16 documentation and all the exhibits and things --
17 what might be exhibits down the road, interview
18 tapes and all that sort of thing to be
19 transferred over, but I really didn't have a lot
20 of -- as I said, there were subsequent months
21 before it went, a period of time, so yes, I had
22 an idea of what was going on but I hadn't
23 participated in a lot of it.

24 Q You understood though that it was to be a
25 collection of police officers from the Vancouver

1 City Police and from the RCMP?

2 A My understanding -- I didn't really answer your
3 question, but my understanding that was the type
4 of discussion that Sergeant Field was having at
5 the time with Staff Sergeant Henderson and
6 ultimately Inspector Adam.

7 Q You knew at one point it was believed that Geramy
8 Field would be going over to what became Project
9 Evenhanded?

10 A I didn't know that.

11 Q It would have made sense for Geramy Field to have
12 been the Vancouver Police representative for
13 Project Evenhanded; do you agree with that?

14 A I would agree with that.

15 Q Another individual that had intimate knowledge of
16 the Downtown Eastside that had worked with you
17 was Dave Dickson; correct?

18 A Yes.

19 Q In particular in your exit memo, the November 21,
20 2000 memo, you refer to the excellent work Dave
21 Dickson had done with WISH?

22 A Yes, that sounds correct.

23 Q You're welcome to refresh your memory but I
24 recall that from your memo.

25 A Yes, I do as well.

1 Q It would have made sense and been helpful to
2 Project Evenhanded had Dave Dickson went over to
3 the new team; do you agree with that?

4 A Certainly, and I think at some point he did some
5 work for them but I don't know if he was actually
6 seconded out there or continuing to be a resource
7 in the community.

8 Q The original formulation though of what was to
9 become Project Evenhanded did not include
10 yourself or Geramy Field or Dave Dickson?

11 A That's correct.

12 Q You've testified -- and I am not going to go into
13 this in too much detail -- but you've testified
14 about the challenges facing you when trying to
15 determine whether a person was in fact missing;
16 correct?

17 A Yes.

18 Q You testified about all the steps that you would
19 try to take to confirm that the person was in
20 fact missing?

21 A That's correct.

22 Q That was because you wanted to ensure that before
23 you added somebody to the list you had done all
24 of your due diligence to ensure that person was
25 in fact missing?

1 A That was certainly true in part, and I think the
2 other side of that equation was I think to --
3 almost in response to what I have referred to as
4 that old vice mentality, that they were on a
5 circuit, they were going to come back, they were
6 going off to marry a logger, that kind of thing.
7 So I felt it was incumbent upon us to ensure we
8 did all that kind of investigation so we could
9 also dispute those kinds of statements as well.

10 Q That was a challenging exercise for each new
11 missing report that came in for you?

12 A Yes.

13 Q You actually talked about going down to Spokane
14 and having conversations and meetings with the
15 investigators down in Spokane and they praised
16 you for the work that you had done in incredibly
17 challenging circumstances?

18 A Yes. We initially met in Vancouver and spoke
19 about that but they seemed to think we had been
20 as comprehensive as we could be with such a small
21 team.

22 Q And the fact you were dealing with no crime
23 scene, no forensic evidence?

24 A That's correct.

25 Q And trying to confirm that a person was in fact

1 missing?

2 A Yes.

3 Q You knew that that was an important component of
4 your investigation, the confirmation that the
5 person was missing?

6 A I thought so, yes.

7 Q One of the issues that you addressed during your
8 September 2nd, 1999 interview with Al Arsenault
9 was the fact that the missings had stopped. Do
10 you recall that from your interview with Al
11 Arsenault?

12 A I do vaguely, yes.

13 Q If you want to look at it you can, but it's in
14 binder 83, Exhibit 83, and I believe it's at tab
15 37 and page 33. This is an interview where both
16 Al Arsenault and Toby Hinton are asking you
17 questions; right?

18 A Yes.

19 Q It's actually Toby Hinton that says -- this is at
20 line 6, page 33; do you see that?

21 A I do.

22 Q Toby Hinton says, the third line, "why the drop
23 now? Why all of a sudden are there -- " You
24 say, " -- January '99 and we haven't had another
25 since. We've had a few, a few false alarms but

1 that's it." Do you see that?

2 A Yes.

3 Q This is September the 2nd, 1999 and you're
4 confirming for Toby Hinton and Al Arsenault that
5 there haven't been any new missings since January
6 of '99?

7 A Yes. That was my evidence yesterday as well and
8 that was my belief at the time and obviously it
9 was erroneous.

10 Q You go over on the next page to try to explain
11 why it is that there's suddenly been a drop-off
12 on the missings, and you testified about this a
13 couple of times, and you were thinking perhaps
14 somebody has gone into custody, perhaps somebody
15 had died, those sorts of options that you were
16 considering when you believed that the missings
17 had stopped?

18 A Those were some of the things I was thinking,
19 yes.

20 Q If I could have you please take a look at I
21 believe it's marked for identification U, that
22 white binder beside you, and it's tab 1 and it's
23 the transcript of your interview with Deputy
24 Chief Evans, tab 1. Do you have that?

25 A Yes.

1 Q I'm looking at page 241. Page 241. If you look
2 at that transcript you can see there's a little
3 bit of back and forth between you and Deputy
4 Chief Evans just about the status of your belief
5 that the missings had stopped in January of '99?

6 A Yes.

7 Q Sorry?

8 A I'm just agreeing with you, yes.

9 Q Do you see in the middle of the page there where
10 it says: "And there were some '99s in there that
11 we didn't know about, but they hadn't been
12 reported yet," and you go on at line 12: "Yeah.
13 And then after my time there, they started to
14 kind of come trickling through, that we had some
15 '99s." "Okay." "But at the time, it seemed, we
16 thought maybe he had stopped or something," and
17 then again you refer to the issue perhaps this
18 person has gone into custody?

19 A Yes.

20 Q Again, that belief is something you expressed to
21 Deputy Chief Evans during your interview in 2011?

22 A That's correct. I actually came to learn later
23 of other files that, for example, the Cara Ellis
24 file that I had no knowledge of at all that I
25 felt sick had come through our office at some

1 time and wasn't investigated. But that was my
2 knowledge at the time when I spoke to Deputy
3 Chief Evans.

4 Q If I can take you to page 252 to complete your
5 exchange with Deputy Chief on this topic. At the
6 very bottom of the page there she's confirming
7 for you, as I understand it, at the very bottom
8 there she says: "10 reported missing all were
9 found really quick with the resources, because
10 you were following up right away? " Do you see
11 that there?

12 A Yes, I do.

13 Q What she's doing there is she's confirming you
14 put together a fairly intricate system to confirm
15 whether or not somebody was missing and that
16 system seemed to be working as of 1999?

17 A We hoped so at that time, yes.

18 Q If I could have you please take a look at Exhibit
19 1, that's the LePard report. In particular, if I
20 can have you take a look at page 323. It's the
21 first full paragraph that I'm going to ask you to
22 look at on the left-hand side of the LePard
23 report.

24 A Yes.

25 Q He states: "The delay in creating the Missing

1 Women Review Team was unfortunate (although not
2 unreasonable, given the circumstances) for
3 several reasons. Although women went missing
4 from the Downtown Eastside from the mid 1990s
5 throughout 1998, by the time a more
6 suspect-focused investigation began in May 1999,
7 the suspicious disappearances had apparently
8 stopped, with the last one occurring in January
9 of 1999." Do you see that?

10 A I do.

11 Q Do you agree with that concluding comment from
12 LePard?

13 A I agree that the delay was unfortunate, yes.

14 Q The belief was the missings had stopped as of
15 January --

16 A Yes, I agree with everything he's said there.

17 Q You can put that away. It was your understanding
18 that the Project Amelia file was to be handed
19 over for a review of what had been done by you
20 and others on Project Amelia?

21 A At the time I left, that was my understanding,
22 yes.

23 Q At the time that you handed the file over, it was
24 your belief that the missings had stopped as at
25 January of 1999?

1 A Just to clarify, there was never really a file
2 handed over by me. I left and it continued to be
3 prepared for hand-over but that was my belief,
4 yes.

5 Q To the best of your knowledge that information,
6 that being that the missings had stopped as of
7 January of 1999, that information would have been
8 transferred over to the new team commander Don
9 Adam?

10 A I expect he would be able to see there weren't
11 reports in that timeframe, yes.

12 Q You did not participate in the early meetings
13 with Don Adam after you left in November of 2000;
14 correct?

15 A Not after I left. I recall a couple meetings out
16 in Surrey with -- I think I recall meeting Don
17 once and also with Staff Sergeant Anderson. I
18 went out there with Geramy a couple of times.

19 Q The notes that I've reviewed indicate the next
20 time you're actually involved with Project
21 Evenhanded is October 24, 2001; does that seem
22 correct?

23 A I think that is correct. Can you direct me to a
24 document?

25 Q I don't actually have that document but I can

1 tell you the circumstances of that meeting.

2 A Sure.

3 Q You were invited to attend at the meeting because
4 Project Evenhanded was moving into this proactive
5 phase and they wanted your assistance because
6 they were going to be in the Downtown Eastside?

7 A I vaguely recall going to a meeting.

8 Q Was there people such as -- well, Don Adam was
9 there, and do you recall that was the first time
10 you met Don Adam?

11 A It may have been. That may have been what I'm
12 remembering. It's possible that was the first
13 time.

14 Q You testified the other day that you had not had
15 an opportunity to review your documents before
16 you met with Deputy Chief Evans in the summer of
17 2011; correct?

18 A To review the documents that -- my handwritten
19 notes and things like that?

20 Q Any documents.

21 A I believe that's correct, yes.

22 Q I belief that's what you said the other day, you
23 hadn't had a chance to do that before you met
24 with Deputy Chief Evans?

25 A I want to clarify, the things that I said that I

1 made written requests to see were the things I
2 was never able to review, that's my evidence.

3 Q With respect to your interview with Deputy Chief
4 Evans on August 18, 2011, did you review any
5 material before you went into that interview?

6 A I don't believe so, I don't recall.

7 Q If I can just ask you to take a look at page 298
8 of your interview with Deputy Chief Evans. Do
9 you have it there? It's tab 1.

10 A 248?

11 Q 298. It's 1.

12 A I've got A, B, C in the Evans report.

13 Q It's not the Evans report. It's your report, I
14 believe it's U For Identification. I think I can
15 see it. Page 298.

16 A I have it.

17 Q I'll give you a chance to review the first 15
18 lines there.

19 A Yes.

20 Q You were mistaken when you told Deputy Chief
21 Evans that you actually met with Don Adam in
22 November or December of 2000; is that correct?

23 A Again, I think that was the same as my
24 recollection I stated earlier, I did have a
25 recollection of meeting -- I had meetings and I

1 really can't honestly say if I did or I didn't.
2 I can't remember.

3 Q You can put that away, I'm not going to go back
4 to that. You have testified about a number of
5 persons of interest for Project Amelia during
6 your involvement in the investigation?

7 A Yes.

8 Q And in your examination in chief by commission
9 counsel you went through in detail really all
10 that you knew about Willie Pickton; correct?

11 A That's correct.

12 Q Now, you knew many, many, many other details
13 about other persons of interest as well; is that
14 fair?

15 A Yes, I did.

16 Q And in particular, we've heard much about POI
17 390?

18 A Yes.

19 Q And there was reference earlier in your
20 examination this morning about a meeting that
21 took place?

22 A Yes.

23 Q And you were describing it was some RCMP
24 officers, it was some people from the Vancouver
25 Police Department and the primary purpose of that

1 meeting was to discuss POI 390?

2 A That's right. I believe Fell and Wolthers wanted
3 to make a request to Special "O" to conduct some
4 surveillance on 390 potentially in the Lethbridge
5 or Calgary area.

6 Q Have you had an opportunity to review McCarl 1624
7 that was prepared about this meeting on October
8 27th, 1999?

9 A I don't believe I have.

10 Q If you could please take a look at Exhibit 83,
11 that's binder 2 of commission counsel's
12 documents, tab 48. Do you have that?

13 A I do.

14 Q And if you look over on what I'll call page 2,
15 where it says the entry by October 27th, 1999.

16 A Yes.

17 Q We see at 1000 hours there's reference to Paulson
18 and McCarl attend a meeting in the boardroom at
19 the Surrey satellite office?

20 A Yes.

21 Q That's the meeting you were talking about?

22 A Yes.

23 Q You're welcome to review this report, but when
24 you look at it you can see the number of details
25 that are being provided about just POI 390;

1 correct?

2 A That's correct.

3 Q That was the purpose of the meeting?

4 A It was, yes.

5 Q We go through and I see three pages of
6 information that is being described to this
7 collection of police officers about 390?

8 A Yes. He was probably our only other decent
9 person of interest I think at that time.

10 Q He's somebody -- again, I'll have you quickly
11 take a look at tab 21 of Exhibit U. That's tab
12 21. Do you see that?

13 A Yes.

14 Q That's the e-mail of May 5, 2000?

15 A Yes.

16 Q At the very bottom of that page there, you start
17 the paragraph with, "The truly unfortunate"?

18 A Yes.

19 Q In the middle of that paragraph it says: "He
20 very possibly is a strong suspect," and you're
21 referring to POI 390 there?

22 A Yes.

23 Q So he was somebody that your team, Project
24 Amelia, was very interested in?

25 A Yes. I think you may have said "likely" and I

1 think my word was "possibly".

2 Q I'm sorry. Possibly a very strong suspect?

3 A Yes.

4 Q If I can take you to binder 83, Exhibit 83, tab
5 64.

6 A Yes.

7 Q And that's a two-page document, you see the
8 e-mail?

9 A Yes, I do.

10 Q Attached to that e-mail is this Top Persons of
11 Interest list?

12 A Yes.

13 Q There are 13 individuals on this list; correct?

14 A Yes.

15 Q What we have, the number 2 is identified as POI
16 1588; can you see that on your copy?

17 A I do see that, yes.

18 Q And 1588 you have on this list, it's number 2?

19 A Yes.

20 Q And he, I'm going to suggest to you, is also
21 somebody that was very interesting as a person of
22 interest to Project Amelia?

23 A I am afraid I don't know what subject POI 1588
24 refers to, so I can't speak knowledgeably.

25 MS. WINTERINGHAM: Mr. Commissioner, if I could approach.

1 THE COMMISSIONER: Yes.

2 MS. WINTERINGHAM:

3 Q Some of the information you had about this
4 particular person of interest was that he had
5 been convicted of a brutal sexual assault in
6 1995?

7 A Yes. I believe he was a suspect in the Valley
8 murders that we came to know from Constable
9 McCarl.

10 Q One of the details that you learned about him was
11 that he transported his victims to a very remote
12 area in Agassiz, close to where Tracey Olajide's
13 body had been found?

14 A Yes, I recall that.

15 Q There had been information that had been coming
16 out about 1588, that he had been responsible for
17 killing the missing women?

18 A I'm not recalling the information you're
19 referring to, whether I was aware of it.

20 Q Did you come to learn that he had been in and out
21 of prison during the '90s?

22 A I recall information about that, yes.

23 Q Did you also come to learn that he was eventually
24 excluded as a potential killer in the Valley
25 killings?

1 A Yes, I recall that.

2 Q Because of the DNA?

3 A Yes.

4 Q From all of the work that you have done on this
5 file, you have come to learn that there was no
6 end of bad men who did awful things to women; do
7 you agree with that?

8 A I came to learn that, yes.

9 Q And in particular, sex trade workers?

10 A Yes. Having said that, I think we had -- we sort
11 of had a lot of bad men but then we had these
12 three, four that seemed to have direct links to
13 women we could name and point to in files or
14 through source information, or what have you.
15 With the example of 1588, through a particularly
16 violent interaction.

17 Q The persons of interest list that I have seen --
18 and I'm sorry, Mr. Registrar, it is Exhibit M3
19 marked for identification. In particular, I'm
20 looking at tab F.

21 A Sorry, 3F; is that right?

22 Q Yes, that's right. It's a list called Persons of
23 Interest Project Amelia.

24 A I don't know if I have the correct --

25 MS. WINTERINGHAM: If I may approach to assist.

1 THE COMMISSIONER: Yes. Why don't you tell us what it says.

2 MS. WINTERINGHAM:

3 Q It says quite a bit. So all I'll do is I'll let
4 the witness take a look at the list I'm looking
5 at and it's the Persons of Interest List;
6 correct?

7 A Yes.

8 Q From Project Amelia?

9 A Yes.

10 Q We can see pages --

11 A Just to clarify, I don't recall preparing this
12 list. This may have come -- it have been
13 collated by Evenhanded from information in our
14 tip files. I don't recall preparing a list like
15 this ourselves.

16 Q That sort of a comprehensive list that contains
17 pages of individuals?

18 A It does, yes. Mr. Commissioner, I want to be a
19 little cautious with this for my own evidence,
20 but we were really in that rule in/rule out
21 mentality and there are many, many people on this
22 list but I don't believe that at any time we
23 really had on our radar more than 10 or 15 that
24 were really compelling. There may have been some
25 we hadn't had a chance to look at in very great

1 depth, but there wasn't the kind of compelling
2 information, for example, that we had for Mr.
3 Pickton or 1588 or 390, on all these men.

4 Q Do you recall the e-mail that I showed you
5 earlier that had as the attachment that list of
6 13?

7 A Yes, I do.

8 Q So that 13, is that sort of the number you recall
9 for Project Amelia during your time?

10 A My recollection, and I know sometimes I would
11 rank them the top 3, and really I don't remember
12 in my thinking of these persons of interest
13 really going beyond three or four where we really
14 felt like we were -- Pickton being number 1 --
15 that we really felt like these were probably
16 going to -- our guy was going to come from these
17 three or four.

18 Q You never told Don Adam Pickton was your number
19 one?

20 A I don't recall.

21 Q You know --

22 A I think it was probably fairly apparent from our
23 work that he would have been number one but I
24 probably didn't tell him that directly.

25 THE COMMISSIONER: Probably did?

1 A I don't recall.

2 MS. WINTERINGHAM: She said probably did not tell him that
3 directly.

4 A That's right.

5 Q You know the Olajide, Pipe and Younker murders
6 are unsolved?

7 A I know that, yes.

8 Q You know there were a number of women that were
9 on your missing women list where their murders
10 are unsolved?

11 A Yes.

12 Q You know that there's work to be done on the
13 missing women investigations?

14 A Yes.

15 Q That it is not concluded?

16 A Yes.

17 MS. WINTERINGHAM: Mr. Commissioner, those are my questions.

18 THE COMMISSIONER: All right. Thank you.

19 MR. BUTCHER: Mr. Commissioner, my name is David Butcher and I
20 am here for retired Staff Sergeant Brock Giles.

21 THE COMMISSIONER: Yes.

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

23 Q I want to ask you a couple of questions first
24 about some of the issues that you have with your
25 memory of these events, because I think it's

1 clear to everybody in the room you have a very
2 good memory of parts of the investigation you
3 were involved in?

4 A Yes.

5 Q You also told Detective Chief Evans that you had
6 forgotten more about this file than most other
7 people had ever known?

8 A As an expression, yes.

9 Q You told us that you wrote a manuscript for a
10 book in 2002/2003, I think, when you were on
11 maternity leave?

12 A That's correct.

13 Q And you told us you had realized after the event
14 that there were things you had written in the
15 manuscript that were objectively wrong, you now
16 know to be objectively wrong?

17 A Yes. What it was essentially was surrounding the
18 chronology of events in August of '99 and I
19 understood in terms of how many interviews had
20 taken place with Ms. Ellingsen.

21 Q Was it just one thing that you thought was
22 objectively wrong?

23 A I believe so, yes.

24 Q You also told us something about your memory
25 being triggered visually. Do you remember saying

1 something about that?

2 A I think it was with respect to the Attorney
3 General memo questioning.

4 Q So your memory works this way, I took from that,
5 that if you see something in writing that
6 triggers a memory that you're able to recall
7 something that you had once known but had
8 forgotten?

9 A I think what I mean by that is that -- maybe it's
10 as simple as if I see a couple of words with
11 respect to something it triggers my memory and I
12 then remember the rest of the event in greater
13 detail.

14 Q I think we had an example of that this morning
15 when you were shown some documents by Mr. Crossin
16 with respect to an e-mail address and that
17 reminded you of something that had happened in
18 your communications with one of the victim's
19 family?

20 A No, that wasn't exactly my evidence. I had come
21 -- I'm a bit confused. I don't recall that
22 exactly.

23 Q It's not important. I'll move on from that. You
24 were at the Missing Persons Unit for 28 months,
25 from between July '98 and November of 2000?

1 A Yes.

2 Q As I understand the comments you made to Deputy
3 Chief Evans, your transfer to the Missing Persons
4 Unit came about perhaps as a coming together of a
5 number of factors. One of them was the unit you
6 were in, Strike Force, was being downsized;
7 correct?

8 A Yes, that's correct.

9 Q And it was being downsized as part of the police
10 department's contribution to a city-wide project
11 reduction program?

12 A I believe that's true.

13 Q Apparently at that time the police department
14 lost about 15 members from its strength?

15 A I'm really not aware of those details.

16 Q The second factor I'm going to suggest was that
17 you were personally interested in moving into
18 what you considered to be a meaningful
19 investigative role within the police department?

20 A Certainly.

21 Q And the third coincidence, if I may, was that
22 there had been a recognition by the department
23 that there was a need for another detective in
24 the Missing Persons Unit to work full time on the
25 missing women issue?

1 A That was my understanding, yes.

2 Q I think this has come from other witnesses, and
3 I'm going to ask if you can confirm this
4 generally, that particular time, the summer of
5 1997 going into the fall and winter of '98/'99,
6 was a particularly busy time for the Major Crime
7 Unit?

8 A That was my perception, yes.

9 Q Both in terms of a spike in the number of murders
10 generally, not including the missing women
11 murders?

12 A Yes.

13 Q A spike in home invasions in the community?

14 A Yes.

15 Q And despite that spike in serious criminal
16 activity, there were no additional investigators
17 being provided to the Major Crime Unit perhaps
18 other than yourself?

19 A I think as I stated earlier, I think in -- this
20 is just in my very narrow view of what was
21 happening organizationally with the Crown, those
22 10 strike force investigators -- I stand to be
23 corrected -- three or four were going to Robbery
24 and Assault, to the Robbery Section, and I don't
25 believe anyone was going to Homicide and I think

1 a couple to the Sex Crimes Unit and Vice and
2 Drugs were a couple of the other positions. I
3 think there were two or three Robbery positions
4 but I just don't recall.

5 Q At this point was Sex Crimes in or out of Major
6 Crime?

7 A I think it was out.

8 Q I think you're probably correct.

9 A I think it was out.

10 Q Your chain of command went like this, your
11 immediate supervisor was Sergeant Field?

12 A Yes.

13 Q But she had other responsibilities in the
14 Homicide Section as well?

15 A She had an entire squad under her command.

16 Q Then there was Staff Sergeant Brock Giles who
17 when you went there in the summer of '98 had
18 responsibilities for Homicide, Robbery and the
19 Missing Persons Unit?

20 A I believe so, yes.

21 Q And then Inspector Biddlecombe who had
22 responsibility for the whole Major Crime Section?

23 A Yes.

24 Q And above him was Deputy Chief McGuinness?

25 A Yes.

1 Q Field was already the supervisor for the Missing
2 Persons Unit; that responsibility didn't come
3 simply because of the missing women
4 investigation?

5 A I believe so.

6 Q Giles was -- his actual rank was described
7 technically as staff sergeant while so employed?

8 A Yes.

9 Q That meant that he had not been formally
10 appointed or promoted to the staff sergeant rank?

11 A That's correct.

12 Q I'm told his last day of work was around January
13 29, 2000?

14 A I can't recall that.

15 Q Can you remember this, that he left about half
16 way through your time in the Missing Persons
17 Unit?

18 A That's my recollection. He had what I recall to
19 be some health issues so he was off sick for
20 periods of time.

21 Q I've looked at his leave times and it appears
22 that in the 18 months or so that you and he were
23 working in the Major Crimes Section, he was off
24 for about six or seven months; would you agree
25 with that?

1 A I certainly couldn't dispute that. I don't know.

2 Q There was another staff sergeant in the Major
3 Crimes Section called Staff Sergeant Dureau?

4 A I stand to be corrected but I think he was a
5 Staff Sergeant in the Sexual Offence Squad.

6 Q He was a full-time promoted staff sergeant?

7 A Again, I'm not certain. I was a fairly junior
8 constable and I wasn't quite sure of everyone's
9 actual rank at that point.

10 Q But you did know that whenever Inspector
11 Biddlecombe was away it was Dureau who acted as
12 the inspector, not Giles?

13 A Yes. That's part of why I had that impression of
14 the Sexual Offence Squad being part of Major
15 Crime. It may or may not be accurate.

16 Q Do you have any recollection of Giles acting as
17 the inspector whilst you were there?

18 A No.

19 Q I want to just touch on a few of the documents
20 and review the chronology of some of these events
21 very briefly. Perhaps if we can start with
22 Exhibit 82, tab B1. That is your --

23 THE COMMISSIONER: Which tab?

24 MS. BUTCHER:

25 Q Tab B1. That is your log of contacts with

1 Hiscox?

2 A Yes.

3 Q You learnt of Hiscox very, very quickly after
4 arriving in the Missing Persons Unit?

5 A That's correct.

6 Q Within a week or so?

7 A I believe so, yes.

8 Q When and how was this actual typed document
9 created?

10 A I'm not entirely sure. This particular one
11 that's all -- that has a lot of lower case
12 entries -- I know I started with a handwritten
13 document until I received a computer and then I
14 believe I typed it into the computer.

15 Q Is this document in Exhibit 82 actually
16 physically prepared by somebody other than
17 yourself?

18 A I can't say for sure.

19 Q If you can have Exhibit P, please, I think that
20 was a set of documents handed up by Mr. Roberts.

21 A If I can just elaborate further on that, I don't
22 think this was prepared by me because of all the
23 redactions in it. My original didn't have any
24 redactions and I don't remember making any.

25 Q If you can go quickly to Exhibit 83, tab 13, to

1 your Missing Persons Review Team Case
2 Investigation Log.

3 THE REGISTRAR: I just have to find out what that is. That
4 was P, not T.

5 MS. BUTCHER:

6 Q It may be T. I may have misheard that. Yes. If
7 you look in Exhibit T for your copy -- another
8 copy of your log of Hiscox contact.

9 A It's my recollection that this is the one I
10 originally prepared.

11 Q Now, if we can go to tab 13 in Exhibit 83, the
12 Missing Persons Review Team case investigation
13 log.

14 A Yes.

15 Q Go to page 85 and particularly to the 29th of
16 July, 1999.

17 A I'm sorry, I don't know if I have the right one
18 here. 83.

19 Q Yes.

20 A Tab 85?

21 Q No, tab 13.

22 A I'm sorry, can you give me the date again?

23 Q The page is 85 and the date I'm looking at is the
24 29th of July.

25 A Yes.

1 Q That's your handwriting I take it?

2 A Yes.

3 Q You'll see there is there a note, if I read it
4 correctly it says: "Redo Hiscox log".

5 A Yes.

6 Q Looking at that, does that refresh your memory or
7 assist you in telling us when you created the
8 typed version of the Hiscox log?

9 A It doesn't because I'm not sure if that's -- I'm
10 not sure what I'm referring to there. I wouldn't
11 be able to speculate.

12 Q Your notes with respect to Hiscox were originally
13 handwritten and put in the tip file?

14 A Yes.

15 Q Were they distributed at all?

16 A No.

17 Q Was the typed investigation, whether it's the
18 document in Exhibit T or the document in Exhibit
19 82, distributed at all?

20 A Not in an official -- not up the chain, if that's
21 what you're asking. I think it was shared among
22 investigators to look after details but I don't
23 recall it ever going up the chain of command.

24 Q Indeed, you were quite aware of the obligation
25 upon you as a police officer to maintain the

1 confidence and privacy of Hiscox as an informant?

2 A Yes.

3 Q And you were keeping the information with respect
4 to Hiscox close to your chest?

5 A I thought so, yes.

6 Q If you can go now please to Exhibit 82, tab A12.

7 A Yes.

8 Q That should be a memo from you to acting
9 Inspector Dureau.

10 A That's correct.

11 Q Dated August 27, 1988?

12 A Yes.

13 Q That is your first communication -- your first
14 status report of the steps you've taken in this
15 investigation to somebody up the chain of
16 command; is that correct?

17 A I believe so. My first written communication
18 certainly.

19 Q And there is nothing -- by this time you've
20 already received a fair bit of information from
21 Hiscox?

22 A Yes.

23 Q And you've interviewed Victim 97 at the women's
24 prison about six days before this memo was
25 written?

1 A Yes.

2 Q And neither of those two investigative steps are
3 included in this report to acting Inspector
4 Dureau?

5 A That's correct.

6 Q This report is not copied to Staff Sergeant
7 Giles, is it?

8 A No, it's not.

9 Q Can you tell us why you're reporting directly to
10 Dureau?

11 A I believe Sergeant Field directed me to do so
12 because she said that he hoped for an update
13 because I had been keeping her apprised verbally
14 about the way things were going with Hiscox.

15 Q Now, around November of -- in November of 1998
16 you were having some discussions with Corporal
17 Connor at the Coquitlam RCMP about the steps or
18 the assistance that the Vancouver Police could
19 offer to their detachment?

20 A That's correct.

21 Q If I can take you please to Exhibit U, tab 1,
22 your interview with Deputy Chief Evans.

23 A Yes.

24 Q And if we can go please to page 109.

25 A Yes.

1 Q I'm going to read in some of the questions and
2 answers put to you beginning at the bottom of
3 page 109 by line 21, Deputy Chief Evans asked you
4 this:

5 Q Okay. And on November 4th, you leave a
6 message for Connor, because I think you had
7 spoken to Staff Sergeant Giles at the time,
8 and you're saying that VPD are willing to
9 pay costs associated to a UC project, FLIR,
10 a JFO. Did you ever get information back as
11 to why this was never pursued?

12 A No.

13 Q At this time?

14 A No.

15 If we skip down a bit to line 11 you say this:

16 A No, she was gone.

17 "She" was Sergeant Field?

18 A Yes.

19 Q A And I remember, I remember I think I had
20 that conversation directly with Brock. He
21 was the acting staff sergeant, but I
22 remember we, we spoke directly about that?

23 Q Brock Giles?

24 A Yes.

25 Q Yes.

1 A And then he said, "Yeah, you know, let them
2 know, we'll help in any way we can," and he
3 named those things specifically, uhm, and I
4 let Mike know that.

5 A Yes.

6 Q That comment by you about what Giles had said was
7 obviously true?

8 A Yes, absolutely. I recall also because -- it
9 stands out in my mind, someone from the
10 organization I felt made a helpful suggestion and
11 a suggestion in terms of offering help and
12 offering assistance.

13 Q You certainly told LePard about this back in 2002
14 or maybe 2003, hadn't you?

15 A Yes, I believe.

16 Q I don't know if you have -- I'll read you a
17 comment from your statement at the bottom of page
18 6. Do you have that with you?

19 A 6 in the LePard report?

20 Q No, your statement to LePard, your first
21 statement. I have a copy if you need it, but
22 I'll just read it to you and see if you accept
23 it. This is what you told LePard:

24 I remember meeting with Staff Sergeant Brock
25 Giles and Brock said that the VPD would be

1 willing to put up money for the FLIR photos
2 for surveillance for UCO for whatever we
3 needed to do to rule Pickton in or out.

4 A That's correct.

5 Q Again, that's an earlier statement about Giles'
6 willingness to provide resources to this
7 investigation if asked?

8 A Absolutely, yes.

9 Q And the problem arose, as you perceive it anyway,
10 because you were never asked by the RCMP to
11 provide those things later on?

12 A I recall communicating that information to
13 Corporal Connor and he appreciated it,
14 appreciated the offer, and my impression was that
15 they would get back to us with what they needed.

16 Q I'm going to suggest that that was an example of
17 Staff Sergeant Giles' professionalism.

18 A Absolutely, I found him to be a good resource for
19 me. When I was able to I would ask him -- just
20 in terms of -- especially my initial dealings
21 with the source, he was very helpful in terms of
22 making suggestions with respect to my keeping a
23 log and things because I was very inexperienced
24 at that time.

25 Q You found him approachable, collegial and

1 encouraging?

2 A Yes.

3 Q On the occasion that you did approach him for
4 help?

5 A Yes. To be clear, we didn't have a lot of
6 interactions and that was mainly because he was
7 away quite sporadically during that time but I
8 found him to be quite approachable when he was
9 present.

10 Q Can I take you back into Exhibit 83 -- no,
11 Exhibit 82, tab A25. I think that's an incorrect
12 reference. No, it is the correct reference.
13 This is a memo that you wrote to Chief Constable
14 Chambers directly on February 23, 1999?

15 A Yes, that's correct.

16 Q I think you've told us that you wrote that memo
17 at the request of Sergeant Field?

18 A I believe so, yes.

19 Q And, again, there's no reference in there about
20 the details of the information being provided by
21 people like Hiscox and Victim 97?

22 A Yes.

23 Q It's not copied to anybody else in that chain of
24 command?

25 A That's correct. I don't recall if it went up the

1 chain or directly. My impression is it probably
2 went directly to the chief, but it's normal
3 practice if it does go up the chain that you
4 address it to the first person in the chain.

5 Q If I go a few tabs down to number 29, that is the
6 memo that you circulated at the meeting with the
7 Attorney General?

8 A Yes.

9 Q Again, I think you've gone through why perhaps
10 you weren't at that meeting discussing informant
11 information or specifics about witness
12 information, but you'll agree it's not in that
13 document?

14 A That's correct, yes.

15 Q Those facts are not referenced in that document?

16 A That's correct.

17 Q Giles was not at that meeting, was he?

18 A No. You'll know this better than me, but it's my
19 impression he may have been off sick at that time
20 as well, but he was not in that meeting.

21 Q Copies of that document were simply distributed
22 to the people who were at that meeting?

23 A That is true, and it was my thought that this did
24 go up the chain because I thought I had seen
25 somewhere where Deputy McGuinness had an advance

1 copy but I just can't recall exactly. I don't
2 know if it went up the chain or not.

3 Q You have not seen anything to suggest Giles had a
4 copy?

5 A I have not, no.

6 Q If we can go into Exhibit 83, tab 1. This is the
7 record of the brainstorming -- what everybody has
8 been calling the brainstorming session?

9 A Yes.

10 Q Are you confident that everybody listed in that
11 memo was actually at that meeting, or is it
12 possible that that list includes people who were
13 invited but did not attend?

14 A It's possible. I can't recall if all those
15 people were for certain there.

16 Q Can we all take it that that meeting was the
17 genesis or led to the creation of the group that
18 was then formed later that month?

19 A I think probably it was more of the -- it was
20 probably more the Spokane conversations, I
21 believe. Actually, I'm wrong about that. I
22 don't think this meeting was necessarily a
23 catalyst for that. I think many of the events of
24 that time period came together to have that
25 happen.

1 Q And certainly one of those -- one of the events
2 that was happening is recorded in your memo at
3 tab 4 dated May 14, 1999, which if I'm correct is
4 the first request by you for more resources?

5 A Yes, for more human resources for sure.

6 Q And those resources -- if you look at tab 5, that
7 is Field's memo sending your memo straight to
8 Biddlecombe?

9 A Yes, I believe so.

10 Q Tab 6 is Biddlecombe's reference of that on May
11 19 up to Doern who was then the acting chief?

12 A Yes.

13 Q Doern is another of those people you have
14 identified as being supportive, being
15 understanding of the investigative needs of your
16 group?

17 A I may have said that at some point. I don't
18 recall.

19 Q Today would you accept that?

20 A Honestly, I don't have a lot of recollection. I
21 mean, I knew him but I don't have a lot of
22 recollection of his involvement one way or the
23 other.

24 Q Certainly tab 8 in that collection of documents,
25 the announcement by Biddlecombe of the formation

1 of the review group?

2 A Yes.

3 Q I'm going to suggest to you that that was a very
4 prompt response to your request for more
5 resources?

6 A I agree.

7 Q Tab 9 is a document that appears to minute a
8 meeting of the Missing Persons Review Team?

9 A Yes.

10 Q Do you know who authored that?

11 A I don't.

12 Q Three lines up from the bottom there's this
13 comment: "Weekly update to Brock and Fred
14 concerns equipment proposals," et cetera. That's
15 obviously Brock Giles and Fred Biddlecombe?

16 A Yes.

17 Q That didn't happen over the next months, did it?

18 A No, I don't believe it did, not with that
19 consistency or regularity certainly.

20 Q There were meetings of the review group from time
21 to time, Giles attended two or three of those?

22 A That's my recollection, yes.

23 Q If you can go to tab 45 in this collection. This
24 is a memo authored by you on October 21, 1999,
25 indicating that as at that date on there were

1 going to be team meetings at 8:30 every Tuesday
2 and Thursday?

3 A That's correct. That was the memo I was
4 referring to earlier with respect to this issue.

5 Q Did those team meetings take place every Tuesday
6 and Thursday as proposed there?

7 A Yes, for the most part they did.

8 Q Who was invited?

9 A Members of Project Amelia.

10 Q Are you aware of whether Giles was able to attend
11 any of those twice weekly meetings?

12 A I don't recall. He may have been at one or two
13 but I wouldn't be able to say for sure.

14 Q Tab 47, this is a report from Field directly up
15 the chain to McGuinness?

16 A Yes.

17 Q And I just want to ask you about -- if you go to
18 page -- we have a page 94 in the bottom left-hand
19 corner, probably the fourth or fifth page of this
20 memo.

21 A Yes.

22 Q A note there that to date the Missing Persons
23 Review Team has -- I don't know if that next word
24 is "worked" or "received" -- 494 hours of
25 overtime.

1 A I believe it's "incurred".

2 Q That would have been in about a five-month period
3 from May?

4 A Yes.

5 Q And you'll agree with me that that was a generous
6 allotment of overtime resources?

7 A I think that it was with respect to some
8 surveillance activities that we did. It's hard
9 for me to characterize it as "generous" because
10 that's what it takes to conduct surveillance.

11 Q The overtime was being made available to do what
12 you needed or requested to be done?

13 A Yes.

14 Q I want to take you to what Ms. Winteringham, the
15 last lawyer, described as your exit memo, tab 88
16 in Exhibit 83.

17 A Yes.

18 Q If you could go to the page again using the bulk
19 numbering system on this document, page 93 of
20 414?

21 A Yes.

22 Q Under the heading Criminal Perspective you say
23 this: As I write this -- sorry, I should go
24 back. This was a report to Inspector Gordie
25 Spencer who has taken over from Biddlecombe?

1 A Yes. Sergeant Field had asked -- well, actually,
2 I did this on my initiative as a wrap-up, but
3 yes, it's to Gord Spencer.

4 Q Again, this is your final report to your
5 supervisors and manager about your work on the
6 file?

7 A Yes.

8 Q You wrote this: "As I write this, we have very
9 few leads on a solid suspect or suspects." And
10 there's some description of some suspects on the
11 next two pages, but would you today looking back
12 on that say that's understating it? Would you
13 like to rewrite those words today?

14 A I think I can understand why I wrote them in the
15 context of how the Pickton investigation
16 progressed and essentially -- in my view the
17 investigation had died. I didn't know still the
18 circumstances by which that investigation by
19 Coquitlam had stopped or by who, so I was -- I
20 wouldn't say assuming but speculating that it
21 would be my hope they would have found a reason
22 to potentially either discredit some of the
23 information we had or rule it out or something to
24 that degree, but I wasn't confident of that and
25 that was why I continued to have Mr. Pickton in

1 here. That was my mindset at the time. I
2 acknowledge that I probably could have been more
3 specific.

4 Q Believe me, I am not being critical because
5 there's an enormous difference between a
6 perception of events at the time and hindsight
7 that can be applied.

8 A Yes.

9 Q But today -- and I'm not suggesting you should
10 have written something different at the time --
11 but today with hindsight do you think you should
12 have rewritten it or that the language in that
13 sentence should be different?

14 A There are many things I would rewrite in
15 hindsight, but I think my language probably is a
16 little careful here and in hindsight I may not
17 have chosen to write it in quite that way.

18 Q Just on that point, the language -- you've got a
19 degree in English?

20 A Yes.

21 Q You've obviously been a writer both
22 professionally and semi-professionally, if I can
23 call writing TV scripts part-time
24 semi-professional?

25 A Yes.

1 Q Ms. Winteringham took you to the fact that during
2 1999 your unit did not -- at least you did not
3 realize that there were more women going missing
4 during that year?

5 A That's correct.

6 Q When did you learn that women had gone missing
7 during 1999?

8 A I don't know if I could say for sure. I do
9 remember in learning of some of Mr. Pickton's
10 victims that that information started to come out
11 in the media and I learned of it then. I think I
12 heard a little bit in this inquiry about Cara
13 Ellis and her file and that was one that I said I
14 just felt sick about because I was unaware of it.
15 It came in pieces of dribs and drabs for me.

16 Q You could certainly say today that you weren't
17 aware of the 1999 victims until after Pickton's
18 arrest?

19 A Absolutely.

20 Q I'm going to suggest to you as one last question
21 that there's no written record of any
22 communication by you of the knowledge you had of
23 Hiscox or Victim 97 to Staff Sergeant Giles prior
24 to him leaving the section?

25 A That's correct, Mr. Commissioner.

1 MR. BUTCHER: Thank you. Those are my questions.

2 THE COMMISSIONER: Thank you, Mr. Butcher.

3 MS. CHRISTIE: Yes. Good afternoon. It's Vanessa Christie.

4 Did you want to take the lunch break now, Mr.

5 Commissioner, or should I get started? I don't

6 anticipate to be that long.

7 THE COMMISSIONER: What do you mean by "that long"? It's a

8 favourite expression.

9 MS. CHRISTIE: I would say about 20 minutes.

10 THE COMMISSIONER: How are we doing time-wise?

11 MR. BUTCHER: We're ahead.

12 MS. BROOKS: Actually, I don't have the list in front of me.

13 MR. BUTCHER: I was scheduled to go into the afternoon.

14 THE COMMISSIONER: We'll take the break.

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

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

17 (PROCEEDINGS RESUMED AT 1:34 P.M.)

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

19 THE COMMISSIONER: Ms. Christie.

20 MS. CHRISTIE: Again, Vanessa Christie, and I appear on behalf

21 of two former Vancouver Police Department

22 members. One is former -- at least with his last

23 hat -- former Chief Constable Terry Blythe and

24 also Deputy Chief John Unger.

25 THE COMMISSIONER: All right.

1 **CROSS-EXAMINATION BY MS. CHRISTIE:**

2 Q Good afternoon, Detective Constable Shenher.

3 Just a few questions for you if I can.

4 Some of these dates, Detective Constable
5 Shenher, may not mean a whole lot to you but if I
6 can try and set the timeframe for you as to when
7 Chief Blythe and Deputy Chief Unger were in their
8 positions so we can sort of get a context to the
9 questions I'm asking you.

10 As far as I understand it, Chief Blythe was
11 previously a deputy chief in charge of the
12 Operations Division, and as far as I understand
13 the dates, at least within the terms of reference
14 of the commission, January '97 to about the
15 summer, June of '99, before he became at least
16 interim or acting chief at the time. So taking
17 me at my word for those timeframes, did you have
18 any interaction with Terry Blythe during that
19 timeframe when he was Deputy Chief Constable in
20 charge of Operations?

21 A I don't recall any, no.

22 Q And from the position you were in, and the chain
23 of command as it is, would you normally have any
24 interaction with the deputy chief constable in
25 charge of operations?

1 A I don't think I even knew who any of them were at
2 that stage in my career.

3 Q That's kind of separate from the department you
4 were in or the area you were in?

5 A Yes.

6 Q With respect to when Terry Blythe becomes --
7 again, accepting the dates as I say them to you
8 unless you disagree, Terry Blythe was acting
9 Chief Constable in charge of the Vancouver Police
10 Department from June '99 until October 1999 to
11 when he was confirmed in his position as chief
12 and he remained in that position until he
13 retired. Do you remember Chief Blythe becoming
14 the chief?

15 A I do vaguely.

16 Q As chief constable, did you have any personal
17 interaction with Mr. Blythe, Chief Blythe?

18 A Not that I recall, no.

19 Q And you had mentioned a couple days ago in your
20 testimony Chief Chambers and you talked a little
21 bit about -- the way I think it came up was in
22 relation -- we were talking about the working
23 group and you were saying that in your impression
24 that was kind of just on paper, the working
25 group. Do you remember giving that testimony a

1 few days ago?

2 A I remember saying that. I don't remember it in
3 conjunction with Chief Chambers at all.

4 Q At the time was that the time when Chief Chambers
5 was the chief; is that your recollection?

6 A In September '98, yes, I believe so.

7 Q He would have been the chief at the time?

8 A Yes, I believe so.

9 Q Did you notice, and you may not have, did you
10 notice any change in the department, Detective
11 Constable Shenher, when the chiefs changed, when
12 it went from Chief Chambers to Chief Blythe,
13 positively or negatively for that matter?

14 A I really -- I definitely noticed sort of a
15 collective sigh of relief -- and, again, I want
16 to stress my real knowledge of the department at
17 that level at that time, and I'll speak to that a
18 little more later, was very limited.

19 Q When you say sigh of relief, what do you mean?

20 A There was just a perception and, again, I'm
21 relying on some of my more senior colleagues to
22 sort of set the stage a little bit at that point
23 for me in conversations, but there was a sense
24 that under Chief Chambers' reign there were a lot
25 of resource issues that made it very difficult

1 for managers to staff their section. We were, I
2 believe, labouring under fairly significant
3 manpower shortages at that time. My recollection
4 is the morale was low and there was a perceived
5 lack of connection between the chief's office and
6 the rest of the department.

7 Q So would you say or did you take notice of it at
8 all, would you say that was starting to improve
9 under Chief Blythe?

10 A I don't know if I recall ever sensing anything
11 direct myself but I likely wouldn't have at that
12 stage in my career.

13 Q Because of the rank you had at the time?

14 A Just because even back then there seemed to be --
15 I think it's more about my seniority because now
16 I have more peers in the management level so I
17 have more knowledge. Really, there were people
18 walking around there that I had no idea who they
19 were at that point in my career.

20 Q Did you have any sense or hear any sort of
21 rumblings around the department, Detective
22 Constable, about the fact that Chief Blythe had
23 very much an open door policy and he was chief,
24 keeping that in mind, for the department and he
25 wanted to send that message to the department at

1 large that he had this open door policy and he
2 wanted to encourage that?

3 A I had heard things to that effect in later
4 dealings in my next position in the Diversity
5 Relations Section, I came to learn that was his
6 approach.

7 Q I think you had said some things, Detective
8 Constable Shenher, as you were testifying that it
9 was uncomfortable for you to sort of move up the
10 ladder, move up the chain of command and speak to
11 people in the junior position you were in in the
12 early days of this investigation; is that fair?

13 A That is fair. What I meant is certainly unless
14 asked or invited. I was quite comfortable if
15 invited to give my input, but I wasn't
16 comfortable going outside the chain in that way
17 unless it was specified to me I could do so.

18 Q I take it it was never specified you couldn't do
19 so in any formal way?

20 A No, but with most cultures it's implied.

21 Q You understood?

22 A Absolutely.

23 Q After it became Chief Blythe did you ever attempt
24 to go to him personally with any kind of issues
25 that you had?

1 A Not personally, no.

2 Q Or any concerns you had?

3 A I'm only thinking with respect to the Fell and
4 Wolthers issue I was asked to respond to that but
5 I don't think it was intended to be direct.

6 Q Even with the Fell and Wolthers issue did you
7 have any direct contact with Chief Blythe on
8 that?

9 A No.

10 Q Were you aware, Detective Constable Shenher, that
11 when Chief Blythe became the chief he chose new
12 deputies to form part of his team, so to speak?

13 A I was aware of that, yes.

14 Q Carolyn Daley, is that a name you're familiar
15 with?

16 A Yes, it is.

17 Q Did you have any interaction with Carolyn Daley?

18 A I did. I knew her well actually.

19 Q Any perception of her generally as a deputy
20 chief?

21 A Very much by the book, professional. I think
22 someone who really laboured within the culture, I
23 would say, but a respected member of the
24 organization certainly.

25 Q And Gary Greer, is that a name you're familiar

1 with?

2 A It is.

3 Q That was also one of the deputies?

4 A I believe so. If you asked me to name them I
5 don't think I could have, but yes.

6 Q Did you have any interaction with Gary Greer or
7 any sense of what kind of deputy chief he was?

8 A I didn't really have a lot of knowledge of it. I
9 know Dave Dickson and Detective Inspector Rossmo
10 thought well of him but I didn't have any
11 interaction with him except those couple of
12 meetings.

13 Q John Unger was one of the deputy chiefs as well,
14 you've mentioned him a little bit already in your
15 testimony?

16 A Yes.

17 Q Did you have any personal interaction with Deputy
18 Chief Unger?

19 A I don't believe so.

20 Q I'll get to the impressions that you mentioned
21 couple of days ago in a moment.

22 A Yes.

23 Q One point I want to touch on, a couple days ago
24 we were talking about with respect to Rossmo and
25 the reports that he was doing and your impression

1 of how he did or did not affect the
2 investigation, and I just want to ask you a bit
3 about education in the department. You're
4 talking about the fact obviously Detective
5 Inspector Rossmo, that was his rank, he had some
6 higher degree of education obviously?

7 A Uh-huh.

8 Q He's not the only one in the department that had
9 some level of higher education such as a
10 bachelor's degree or onward; is that right?

11 A No, that's correct. There was some members that
12 had bachelor' degrees, not a lot, I couldn't say
13 how many, and very few with advanced degrees, a
14 couple law degrees, a couple of master's degrees
15 in various disciplines but not a lot.

16 Q Is it fair to say, Detective Constable Shenher,
17 if you know, would you agree it was encouraged by
18 the department to get higher education?

19 A That was an interesting dichotomy that existed.
20 I know at the time I was recruited and there were
21 a lot of people going through the recruitment
22 process that was becoming a greater and greater
23 focus in the department's recruiting, but I think
24 what many people found when they came on the
25 department and became exposed to the culture,

1 there was -- I certainly don't want to paint
2 everyone like this but there was certainly a
3 climate of -- I think the older people always
4 probably say this about newer people in the
5 organization but, "These young kids, they have
6 degrees but they still live at home, they don't
7 have any life experience." You heard life
8 experience, life experience all the time. I had
9 life experience, I didn't have a problem, I had
10 gone away to school at 17, but I think that
11 definitely existed within the department and I
12 don't know exactly the educational levels of all
13 our senior management, but from what I do know
14 not many of them I don't think held any degrees
15 and I think there was a perception that certainly
16 Detective Inspector Rossmo was this educated
17 person with no life experience and I think it was
18 unfair.

19 Q One more point on the education issue, Detective
20 Constable Shenher, did you know that the
21 department would actually pay for education?

22 A I did know that. I've been able to take
23 advantage of that on different occasions.

24 Q Or reimburse a member for education they've
25 achieved?

1 A Yes.

2 Q Is it fair to say, Detective Constable Shenher,
3 that higher education wasn't something that was
4 frowned upon by the institution or the department
5 at large; is that fair to say? Just certain
6 members would have certain impressions of people
7 because they had achieved certain things?

8 A I think there was definitely an attempt to move
9 us into the modern age and there was certainly an
10 effort there, but it was difficult because you
11 had a lot of people at the top end of the
12 department that had gotten there through the
13 school of hard knocks and experience and didn't
14 necessarily subscribe to that.

15 Q I've asked you briefly about John Unger already
16 but some dates just to put it in some sort of
17 context for you, detective constable. John
18 Unger, as I understand it -- again looking at the
19 terms of reference here -- both of these members
20 obviously had long careers, but looking at the
21 timeframe we're talking about, John Unger was
22 deputy chief constable in charge of the
23 Operations Division of the Vancouver Police
24 Department from September '98 to April '99 and
25 again from June '99 to April 2000?

1 A I'll accept those dates. I just don't know.

2 Q Then Deputy Chief Unger was the Deputy Chief in
3 charge of the Investigation division from April
4 2000 to the end of when Mr. Pickton was arrested
5 in February of 2002. Again, looking at the terms
6 of reference; does that make sense?

7 A Yes, I believe so.

8 Q Did you have any contact with Mr. Unger
9 personally, Deputy Chief Unger, in either of
10 those positions?

11 A I remember a couple of times being in the
12 elevator with him, "Hi," "Hi," that kind of
13 thing, but that's it.

14 Q With respect to one of the comments that you
15 referred to in your testimony, Detective
16 Constable Shenher, I don't necessarily -- unless
17 you need me to I won't take you to the statement
18 -- but there were certain statements made in
19 preparation for the LePard report when you were
20 interviewed, there was certain comments made with
21 respect to Deputy Chief Unger. One of the things
22 that you had said, again, I'll show this to you
23 if you need it but I'll read it to you for now
24 unless you need to see it: "I would hear that
25 certain managers like Unger I was told would say

1 they were 'just a bunching of fucking hookers'."

2 Do you recall saying that?

3 A I heard that from someone third hand that said
4 they were in a meeting and heard words to that
5 effect, yes.

6 Q That is not something -- Detective Constable
7 Shenher, that's not something heard directly
8 certainly from Deputy Chief Unger in any of his
9 positions?

10 A That's correct.

11 Q And do you know even who you heard it from?

12 A I can't even recall, no.

13 Q Do you ever recall, Detective Constable Shenher,
14 hearing that quote or anything close to that
15 quote directly from anyone as far as them saying
16 it, not that it's being reported that someone
17 else might have, but did you ever hear that type
18 of comment from anyone directly?

19 A I think I heard it from Detective Constables Fell
20 and Wolthers.

21 Q Are those the only two members you heard those
22 comments from directly?

23 A Yes.

24 Q It's fair to say, Detective Constable Shenher,
25 that that wasn't your impression of how the

1 majority of the department felt; is that fair?

2 A I don't really know how they felt. I didn't hear
3 any of those kinds of things from anyone else. I
4 had no reason to think they felt that way.

5 Q One other comment that I just want to take you to
6 and, again, we don't need to turn it up, in your
7 interview in the LePard interview. Again, I'll
8 just read this to you and if you need to see it
9 I'll be happy to do that. This is what I have
10 from the interview: "I think I failed to
11 understand throughout the process that there was
12 an attitude from McGuinness and Unger that
13 whatever we were doing was a favour to the women,
14 a nice to do, because we were not obliged to do
15 anything because we didn't have evidence that we
16 had a killer." Do you remember saying that?

17 A I do.

18 Q Again, from the mouth of Deputy Chief Unger, did
19 you ever hear him saying that that was his
20 mindset, that there was this favour being done
21 for women?

22 A No. Mr. Commissioner, if I could I want to
23 address that. At the time I gave the LePard
24 interview I was extremely angry at the
25 organization at large, extremely bitter, and my

1 feeling reflected what I perceived and still
2 believe to be a very hands-off management style
3 in terms of investigations which I'm happy to
4 report is not the case of the VPD anymore.
5 There's a lot more management engagement than
6 there had been.

7 THE COMMISSIONER: I think she has already said that she had
8 no personal contact with Unger.

9 MS. CHRISTIE: Right.

10 Q One final point I wanted to raise with you,
11 Detective Constable Shenher. You raised the name
12 Gord Spencer and it's been a name that's been
13 raised here as well, but you raised him in a
14 positive way when you were speaking to LePard.
15 How did you see Gord Spencer involved in a
16 positive way in the investigation or assisting
17 you if he did?

18 A Both Sergeant Field and I recall sitting down
19 with Inspector Spencer when he came into the
20 Major Crimes Section and having conversations
21 about how to move specifically the Pickton
22 information forward, and I sensed from him a
23 level of engagement and problem solving that
24 hadn't previously existed. In the previous
25 regimes it was more oversight almost or almost

1 management as a figurehead as opposed to actually
2 a working member of our teams and, as I said,
3 that was the beginning of that style that now I
4 know exists in our Major Crimes Section, it's
5 much more collaborative. The managers are all
6 very experienced Major Crime investigators that
7 have moved up, people like Deputy LePard and
8 Superintendent Porteous.

9 Q The timeframe for -- is it Inspector Spencer?

10 A Yes.

11 Q The timeframe for him, is that in 2000 roughly?

12 A At some point in 2000, I believe, yes.

13 Q Spring of 2000 maybe?

14 A I think so. I believe he was there April 2000 or
15 early May.

16 Q One final point, when use the term "management"
17 or "managers," what are you referring to?

18 A The Inspector level and above.

19 MS. CHRISTIE: Thank you. Those are all my questions.

20 THE COMMISSIONER: Thank you, Ms. Christie.

21 MR. DELBIGIO: Mr. Commissioner, it's Craig DelBigio for Brian
22 McGuinness.

23 THE COMMISSIONER: Yes.

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

25 Q You'll be encouraged to hear you're nearly done

1 but disheartened to hear that you're not quite
2 there yet.

3 A Thank you.

4 Q Some of the previous lawyers stolen my thunder so
5 I'll be briefer than I thought I might be. The
6 follow-up on the questions that you were just
7 asked about, the comment about favour being done,
8 my client is Mr. McGuinness and you never heard
9 him utter a phrase such as that, did you?

10 A No. I would reiterate my answer.

11 Q I've listened to your testimony over the past
12 days with interest, and I guess what I'm left
13 with is the impression, and I guess my question
14 to you is, the nature of this investigation is
15 incredibly difficult?

16 A Yes.

17 Q And you have testified about personality issues.
18 I don't intend to ask you any questions about
19 those but I just want to see if I can recap some
20 of the things that were done that causes an
21 investigation of this sort to be so very
22 difficult in its nature.

23 A Yes.

24 Q By the way, Mr. Butcher asked you a question to
25 this effect, but now that Mr. Pickton has been

1 convicted as a murderer it's, in effect, easy to
2 look back and see how the pieces fit together in
3 retrospect, isn't it?

4 A It's certainly easier, yes.

5 Q Your job of course was the difficult one of
6 collecting the pieces and trying to make sense of
7 them?

8 A Yes.

9 Q You were working long, long hours to collect the
10 pieces, and I guess some of the difficulties that
11 you had -- again, just to recap -- there were no
12 bodies?

13 A Yes.

14 Q There was no crime scene or crime scenes?

15 A That's correct.

16 Q There was no forensic evidence from a crime scene
17 that would point you in one direction or another?

18 A Yes.

19 Q There were no eyewitnesses to any one or any
20 number of incidents?

21 A That's correct.

22 Q There was often imprecise information as to when
23 or where a person was last seen?

24 A Yes.

25 Q And sometimes no information at all?

1 A Yes.

2 Q It was both difficult and labour intensive to
3 determine whether the people were missing or in
4 fact dead?

5 A Yes.

6 Q But that was a necessary step for you to take?
7 When I say "you," for the team?

8 A That's correct.

9 Q The DNA science as I heard your testimony, the
10 DNA science at the time as compared to today was
11 undeveloped or underdeveloped?

12 A Yes, it was very new.

13 Q Information management through computers was
14 undeveloped as compared to today?

15 A Yes.

16 Q The methods of major case management were
17 underdeveloped as compared to today?

18 A Yes.

19 Q You used many resources. You used Mr. Rossmo?

20 A Yes.

21 Q You utilized the resources of RCMP profilers?

22 A Yes.

23 Q You used the resources of US authorities with
24 expertise in this area?

25 A Yes.

1 Q Photographs were shown to a multitude of people?

2 A Yes.

3 Q Questionnaires were distributed or administered?

4 A Yes.

5 Q Bad date sheets were compiled?

6 A Yes.

7 Q You held a community meeting and you handed out
8 your card so that people could contact you?

9 A Yes.

10 Q Did you get many responses to that?

11 A I don't recall actually. I'm not sure.

12 Q There was an award that was offered?

13 A Reward, yes.

14 Q Reward, sorry. You were making inquiries of the
15 coroner?

16 A Yes.

17 Q Of the public trustee?

18 A Yes.

19 Q Of the vital statistics?

20 A Yes.

21 Q You were making inquiries of hospital stay
22 information?

23 A Yes.

24 Q You were making inquiries both within the
25 Province of BC and outside of the Province of BC?

1 A Yes, that's right.

2 Q By virtue of the -- you had received hundreds of
3 tips; is that fair?

4 A Eventually, yes.

5 Q Both by virtue of the tips that you received but
6 also by virtue of the nature of the
7 investigation, there were a number of people of
8 interest that were presented to you?

9 A Yes.

10 Q Some were better than others but, nonetheless,
11 your job as an investigator is to get evidence to
12 either include or exclude them?

13 A That's correct.

14 Q That requires -- to include or exclude requires
15 investigation?

16 A Yes, it does.

17 Q You had the problem that maybe there was one
18 killer and maybe there was more than one killer?

19 A Yes.

20 Q Maybe the killer or killers were working alone
21 and maybe they were working with an accomplice of
22 some sort?

23 A Yes.

24 Q You had the difficulty that information you had
25 received from Hiscox referred to another party

1 and so it included hearsay information?

2 A Yes.

3 Q Hearsay information which you had no idea how
4 recent it was or how reliable it was?

5 A That's correct.

6 Q You told the commissioner that you had sought the
7 advice of Homicide investigators Crook and Pranzl
8 and Aitken I think it was?

9 A And Fielding.

10 Q Those were some of the most senior homicide
11 investigators at the time?

12 A Yes.

13 Q They had done about 150 homicide investigations
14 between them?

15 A I know they had done a lot, yes.

16 Q They said to you that the information you
17 received is not enough, more investigation was
18 required?

19 A Yes.

20 Q You recognized as an officer that despite the
21 pressures you need to follow the law in what you
22 do?

23 A Yes.

24 Q Somebody asked you about whether you had attended
25 at the property, the Pickton farm, and you said

1 you had not?

2 A That's correct.

3 Q For example, you understood that there were
4 strict laws about trespass?

5 A Yes.

6 Q About getting wiretaps or search warrants, such
7 investigative steps; right?

8 A Yes.

9 Q You understood that within all of this you were
10 required to balance interests as well. For
11 example, you testified about the objective on the
12 one hand of pursuing an investigation and on
13 other of not driving Hiscox into a further life
14 of addiction?

15 A Yes.

16 Q You understood that what you needed was not just
17 information -- in order to complete an
18 investigation you needed not just information but
19 something that would constitute admissible
20 evidence?

21 A That's correct.

22 Q The two are quite different from one another, at
23 least potentially?

24 A Yes.

25 Q You needed admissible evidence to convert a

1 person of interest to a suspect?

2 A Yes.

3 Q And a suspect to an accused?

4 A Yes.

5 Q And an accused to a person convicted of a
6 criminal offence?

7 A Yes.

8 Q And some investigators say that in addition to
9 hard work an element of luck is needed in most
10 investigations; would you agree with that?

11 A I would agree with that.

12 Q Because sometimes it's simply luck that causes a
13 piece of information that proves to be critical
14 to drop onto your lap?

15 A Yes.

16 Q At the time that you had left you had put in the
17 hard work but you hadn't had the luck yet?

18 A Actually, I thought I had the luck when I first
19 sat down at the terminal and ran Mr. Pickton
20 through there and saw that '97 incident. I
21 thought that was the luck.

22 Q It took you close but your hard work, because of
23 all these things I've took you through, there was
24 more hard work to do?

25 A Yes.

1 Q You were asked a question about information that
2 was not given to you, CPIC information that
3 Pickton was stopped in the Downtown Eastside on a
4 couple of evenings?

5 A Yes.

6 Q Is it fair to say -- now in retrospect, you know
7 that on those occasions that he was stopped he
8 wasn't arrested or charged with anything; right?

9 A I believe that's correct. It was a check.

10 Q So that was information that would have been of
11 interest to you but not necessarily case breaking
12 information?

13 A Not in and of itself, no.

14 Q Did you have at the time any sense of how many
15 men were going to the Downtown Eastside on any
16 given week or month to purchase sexual services?

17 A Only from my undercover work myself, just the
18 steady stream of cars going by.

19 Q Hundreds?

20 A In the course of a week?

21 Q Yes.

22 A Absolutely hundreds, maybe even thousands.

23 Q The other factor that you needed to take into
24 account as an investigator is that while it is
25 proper to look at or to distinguish some persons

1 of interest as stronger than others, on the other
2 side of that coin is you must avoid tunnel
3 vision; right?

4 A Certainly.

5 Q That's another balance you need to achieve as an
6 investigator?

7 A Yes.

8 Q So you need to cast the net wide enough and be
9 thorough enough to make sure that the person of
10 interest that you ultimately focus upon is the
11 right person?

12 A In terms of casting the net, I just want to
13 clarify that I didn't have to go searching for
14 persons of interest, but certainly any that were
15 coming from as a result of the files or other
16 information we were getting I couldn't discount
17 until we conducted an investigation.

18 Q I guess based upon all of these factors and
19 complexities, the task that you were involved in
20 was a very, very difficult one by its general
21 nature?

22 A Yes.

23 Q Mr. Crossin asked you a question this morning
24 about your interview with Officer Evans.

25 A Yes.

1 Q You testified that based upon the information
2 that Evans had -- the background was he was
3 asking you about certain comments in your report
4 and you said: Based upon the information she had
5 these are fair assessments there is more to it.

6 A Yes.

7 Q Do you recall that exchange, question and answer
8 roughly that you had with Mr. Crossin?

9 A You need to refresh me a little bit more.

10 Q I can go to my question and say that you have
11 spent much more time giving information to the
12 commission over the course of this week than you
13 did giving information to Officer Evans simply
14 in terms --

15 A In terms of hours, yes, absolutely.

16 Q You have referred to more documents in the course
17 of this commission than you did in your dealings
18 with Ms. Evans?

19 A I believe so, yes.

20 Q The testimony to the commission is more
21 comprehensive than the information you gave to
22 Officer Evans?

23 A Yes.

24 Q I'm going to ask you a couple of questions about
25 Mr. Hiscox and that information.

1 A Yes.

2 Q When counsel for the commission was asking you
3 questions -- all I have is my notes so I must
4 apologize if it's inaccurately written down --
5 but you were asked a question about who knew
6 about Hiscox?

7 A Yes.

8 Q And your answer was you thought everyone, but Mr.
9 Butcher also asked you some questions about that
10 today.

11 A Yes.

12 Q I take it because Hiscox was an informant his
13 identity needed to be protected?

14 A Yes.

15 Q And so it was the investigative team who knew
16 about him, but otherwise his information was --
17 his identity was confidential?

18 A I believe so. I'm admittedly unclear around that
19 point. I know I communicated it to the team and
20 beyond that I don't know whether anyone else
21 would have communicated it up the chain or
22 anything like that.

23 Q You never wrote any memo, for example, to my
24 client Mr. McGuinness setting out the details
25 about Hiscox's identity and the information he

1 had provided?

2 A No, I don't believe so.

3 Q You attended a -- you prepared the memo for the
4 meeting with the Attorney General?

5 A Yes.

6 Q You attended at that meeting?

7 A Yes.

8 Q Along with a variety of others but including my
9 client?

10 A Yes.

11 Q There was an e-mail that has been -- there was an
12 e-mail that has been discussed from my client in
13 which you were copied, "Do we have a problem
14 here?"

15 A Can you direct me to that? I don't have a date
16 for that.

17 MR. DELBIGIO: I was afraid you were going to ask me. Might I
18 approach the witness?

19 THE COMMISSIONER: Yes.

20 MR. DELBIGIO:

21 Q You never replied to that e-mail?

22 A I think I was copied on it so I would have spoken
23 to Sergeant Field about it, but I wouldn't have
24 replied directly to Deputy McGuinness.

25 Q I'm going to show the witness Exhibit 72, tab 12.

1 It's the Downtown Eastside Missing Persons
2 Working Group, Mr. Commissioner, it's a single
3 document.

4 THE COMMISSIONER: Tell me what it is so we don't have to read
5 along.

6 MR. DELBIGIO: Downtown Eastside Missing Person Working Group
7 with handwriting from Brian Mc on the bottom.

8 Q Is this a document you've seen before?

9 A I've seen the document but I don't think with the
10 annotations on it.

11 Q The annotations are: "I've approved Detective
12 Inspector Rossmo's participation in this task
13 force. Please ensure that our people assist him
14 in any way they can. Thanks. Brian Mc, A.
15 Chief. You had not seen that transcription
16 before?

17 A No, I don't think I have.

18 Q I'm going to show you one more document. I'll
19 show it to my friends. I'm showing you a
20 document entitled Vancouver Police Department
21 Operations Support Division dated September 1,
22 1998. Is this a document that you have seen
23 before from McGuinness to a variety of people?

24 A I don't recall having seen this before.

25 Q It is -- I'll let you hang on to that and return

1 to my podium. This is VPD-006-003153.

2 A Yes.

3 Q And this is a document from McGuinness to Blythe
4 with others who have been copied?

5 A Yes.

6 Q And it states: "Attached please find a report
7 from Detective Constable Lori Shenher, Missing
8 Persons." Third paragraph down: "As you will
9 see from her report, she is making some excellent
10 headway in her research. She is developing a
11 good network of information gaining the trust of
12 missing persons' families. Detective Constable
13 Shenher will be an excellent resource to the task
14 force." Final paragraph: "All sections of my
15 division will co-operate to ensure that all
16 information currently available is accessed and
17 evaluated." I've read that accurately?

18 A Yes.

19 Q This is a document in support of you and the work
20 you had been doing?

21 A Yes.

22 Q A fairly clear direction with respect to
23 co-operation?

24 A Apparently, yes.

25 Q Finally, you have testified about hierarchy

1 within the department?

2 A Yes.

3 Q In order for a direction -- just as a general
4 comment, in order for a direction to be given
5 from above the information must flow up?

6 A Yes.

7 Q And direction will be based upon the accuracy and
8 comprehensive -- the extent to which that
9 information that flows up is comprehensive?

10 A Yes.

11 MR. DELBIGIO: Thank you. Those are all my questions. Mr.
12 Commissioner, I should have asked that last
13 document be marked as an exhibit, please.

14 THE COMMISSIONER: All right.

15 THE REGISTRAR: Exhibit 85.

16 **(EXHIBIT 85: Document entitled VPD Memorandum**
17 **dated September 1, 1998, from Brian McGuinness to**
18 **Terry Blythe)**

19 **CROSS-EXAMINATION BY MR. HIRA:**

20 Q Mr. Commissioner, my name is Ravi Hira. I
21 represent now retired Assistant Commissioner Earl
22 Moulton who was an inspector in Coquitlam back in
23 '98, '99 and '97. You met him on one occasion;
24 isn't that correct?

25 A Yes.

1 Q And only one occasion?

2 A Yes.

3 Q That was in early August 1999; isn't that
4 correct?

5 A Yes.

6 Q At the Coquitlam detachment?

7 A Yes.

8 Q With, of course, Corporal Mike Connor?

9 A Yes.

10 Q You will agree with me that Inspector Moulton, as
11 he then was, was eager, enthusiastic and quite
12 wanting to investigate Mr. Pickton?

13 A Yes, I recall that.

14 Q Thank you. Now, what I'd like to do, officer, is
15 just deal the difficulty that you had developing
16 persons of interest, ruling people in and ruling
17 people out. That was quite a Herculean task, was
18 it not?

19 A There were a lot of different people to look at
20 and rule in and out, yes.

21 Q I noticed that one of your first memos was in
22 August of 1998 to acting Inspector Dureau and
23 then there was another memo February 23, 1999 to
24 the chief constable talking about the efforts
25 that you were making with respect to trying to

1 locate missing women; correct?

2 A That's correct.

3 Q What struck me, and you'll agree with me, by that
4 point in time, February 23, 1999 when you were
5 writing to the chief constable, you hadn't
6 developed a list of persons of interest?

7 A Certainly not a formal list.

8 Q In fact, I noted -- and if we need to turn to the
9 document we can but I think you have a very good
10 memory of matters. I noted that on May 13, 1999,
11 one of the first meetings of the Missing Womens
12 Working Group, one of the things that is noted on
13 the to-do list is for a person of interest list
14 and profiles to be developed?

15 A Yes.

16 Q For reference that is, Mr. Commissioner, Exhibit
17 83, tab 3. I noted that there was actually --
18 I'm just using that as a reference, you don't
19 need to look at the document, but of course if
20 you do by all means. I'm not going to be asking
21 any further questions on that document.

22 A Thank you.

23 Q I noted -- and you may want to take a look at
24 this -- at tab 10 you actually came up with a
25 to-do list?

1 A Yes.

2 Q One of the things on your to-do list was possible
3 suspects or persons of interest?

4 A Yes.

5 Q As commission counsel took you through at tab 11
6 of Exhibit 83 you developed this 96 tip list -- a
7 tip list that numbered 96 tips?

8 A My understanding is there were more than 96.

9 Q Perhaps there were, it goes on for pages, but the
10 point is, Mr. Pickton was number 30 on this list?

11 A This list, just to be clear, Mr. Commissioner, it
12 was never intended as a ranking. He was assigned
13 tip number 30 so his file was 30.

14 Q I understand.

15 A I just want to clarify that.

16 Q As time moves on, and by this time it's June 23,
17 1999, document 27 in Exhibit 83, we have
18 Inspector Biddlecombe on that date -- sorry,
19 aging sucks, I can't read anymore -- noting at
20 item 4 that there are -- he's writing about the
21 Missing Womens Working Group meeting of that
22 date; correct?

23 A Yes.

24 Q You attended that meeting; correct?

25 A Yes.

1 Q He notes that there are seven potential targets,
2 one of whom is Pickton and all are persons of
3 interest with suspect profiling to be done?

4 A Yes.

5 Q Moving on in time, by July 27th of that year, and
6 I'm at document 30, Mr. Commissioner, there's --
7 sorry, July 29, 1999, there's another meeting of
8 the group?

9 A Yes.

10 Q Are these your notes?

11 A No. Those are Sergeant Field's notes.

12 Q Fair enough. You attended the meeting?

13 A Yes.

14 Q Item 4 is Suspects?

15 A Yes.

16 Q And by my count there are 10 suspects, you go
17 over to the next page and Mr. Pickton is one of
18 them?

19 A That's correct.

20 Q In fact, these aren't really suspects, they're
21 persons of interest?

22 A Yes.

23 Q As time marches on -- I'm at tab 36, August 10,
24 1999, another working group meeting; are you
25 there?

1 A I'm with you.

2 Q And you attended that meeting obviously?

3 A Yes.

4 Q And at this stage, looking at the bottom of page
5 1, persons of interest, there are eight persons
6 of interest including Mr. Pickton?

7 A Yes, that's correct.

8 Q And then on September 2, 1999, you gave an
9 interview to Mr. Arsenault and Mr. Hinton; is
10 that correct?

11 A Yes. I was directed to I think by Sergeant
12 Field.

13 Q Thank you. At tab 37, page 12, you noted between
14 lines 1 and 5: "Uhm, there -- one of the
15 scariest things about working on this is just how
16 many men out there have these types of
17 predispositions to do this sort of things." Have
18 I read that reasonably accurately if not entirely
19 accurately?

20 A Yes.

21 Q And you believed that then and you believe that
22 now?

23 A Yes.

24 Q You'll agree with me that what you were trying to
25 convey is that there's just so many people out

1 there and it's difficult to catch a serial
2 killer?

3 A Yes.

4 Q Thank you. Sorry, I thought I was doing this in
5 order but I've just got slightly out of date
6 order. I need you to jump back in a different
7 document. What I'll do is read to you from the
8 first interview that you gave to Deputy Chief
9 Constable LePard and if you agree with this
10 proposition you won't need to go to the document.
11 This is 1998, after the Hiscox tip, you said to
12 Officer LePard, and it's page 6 on the first
13 interview: "Sometime around this time after
14 having discussions with Mike," and that's
15 obviously Corporal Connor?

16 A Yes.

17 Q "We were frustrated because the info wasn't
18 current enough to get on the property." Firstly,
19 you recall saying that?

20 A I do, yes.

21 Q That was accurate then which was November of 2002
22 -- sorry, it was accurate at the time that you
23 gave the interview to Officer LePard which is
24 November 12, 2002?

25 A I believe so.

1 Q It was accurate back in 1998?

2 A Correct. Yes.

3 Q And it's accurate today?

4 A Yes.

5 Q In the same vein, having moved forward to the
6 fall of 1999, you said to Deputy Chief Constable
7 LePard at page 8 of the interview, and I'll read
8 it to you: "We didn't have a legal way to get on
9 the farm and we didn't know how to get in with
10 this group because we didn't have enough for a
11 wire." Do you recall saying that to Constable
12 LePard?

13 A I do, because I recall Corporal Connor had
14 pursued a potential Part VI application at some
15 point.

16 Q Discussed it with Crown counsel?

17 A I don't know.

18 Q That was your feeling in 1999?

19 A Yes, I believe so.

20 Q And it continues to be your feeling today or your
21 view today?

22 A I'm sorry, without looking at that, but if I
23 recall prior to the Caldwell information, yes. I
24 just wanted to clarify -- I know you referred to
25 that date.

1 MR. HIRA: If I may approach the witness, I wish to clarify it
2 is at the time of the Ellingsen information which
3 is at the time of the Caldwell information, so
4 I'd like her to confirm that or --

5 THE COMMISSIONER: Why don't you just refer to it.

6 MR. HIRA:

7 Q If you will look at the part I've read you'll
8 note Ms. Ellingsen is referred to in that
9 paragraph?

10 A Just to clarify, Mr. Commissioner, I just wanted
11 to ascertain that that was prior to the
12 Ellingsen-Caldwell information. This is the
13 Ellingsen check in New Westminster which are very
14 distinct events. I wanted to clarify I wasn't
15 agreeing to that. Yes, at the time I don't
16 believe Corporal Connor felt there was enough for
17 a wiretap at that time.

18 Q Nor did you think there was enough information to
19 get on to the property as you told Officer
20 LePard?

21 A That's correct.

22 THE COMMISSIONER: I think that's fairly clear that she at no
23 time felt that there was enough of a factual
24 basis to get a warrant to get on the property; is
25 that not so?

1 A That's correct.

2 THE COMMISSIONER: We heard earlier how she went to the senior
3 Homicide detectives and named some of them and
4 they all told her she didn't have enough.

5 MR. HIRA: Thank you.

6 Q Moving on chronologically, I'm at tab 39 of
7 Exhibit 83. This is another meeting of the
8 working group; is that correct?

9 A I believe so, yes.

10 Q September 29, 1999?

11 A I don't see the year here but I'll accept that.

12 Q And you're noted as attending that meeting;
13 correct?

14 A Yes.

15 Q The first note under your name is -- I'm looking
16 at the second line on the note: "12 to 14
17 persons of interest." Do I have that right?

18 A I'm not entirely sure what she's referring to but
19 that's what it says there, yes.

20 Q Let's move forward chronologically to tab 42.
21 This is an October 5 meeting of the working
22 group; is that correct?

23 A Yes.

24 Q You were at the meeting?

25 A Yes.

1 Q And would you agree with me that at this stage
2 there are five persons of interest including Mr.
3 Pickton noted in that document?

4 A I see four -- yes, I believe that's four in
5 addition to Mr. Pickton, yes. Actually, I want
6 to clarify. There actually are six. You see
7 that Casino Bob, I believe that was another one
8 at the time that we were looking into.

9 Q Thank you. I appreciate that, officer. Moving
10 farther forward in time to tab 47 which is an
11 October 22, 1999 meeting of the group; is that
12 correct?

13 A I believe so, yes.

14 Q And here for the first time --

15 A May I stop you there? I don't know if the
16 meeting is October 22 or he's referring to
17 meetings that were held. I'm not clear on that.

18 Q It's a memo from Sergeant Field to Deputy Chief
19 Constable McGuinness dated October 22, 1999.

20 A That's correct.

21 Q It's reporting on the review team?

22 A Yes.

23 Q It's noted Status Report; correct?

24 A Yes.

25 Q And if you proceed to page 92 of 459 at the

1 bottom, the third page in, there's a heading at
2 the bottom Persons of Interest.

3 A Yes.

4 Q Now, we see at the next page, "Active
5 investigations include," and by my count there
6 are 13 being actively investigated including Mr.
7 Pickton?

8 A I believe so, 13 or 14, yes.

9 Q And also if you go to page 94 of 459, the next
10 page.

11 A Yes.

12 Q Under Investigative Difficulties, the last
13 paragraph there, you are recommending active
14 patrols; is that correct?

15 A Yes.

16 Q And I don't know whether you know this or not but
17 that's essentially what eventually led to Officer
18 Wells getting a warrant to get on the Pickton
19 farm?

20 A I believe so.

21 Q Thank you. Now moving forward to the year 2000,
22 tab 59, this is a February 11, 2000 report on the
23 team by you to acting Inspector Dureau?

24 A Yes.

25 Q And we've dealt with the missing people and I

1 won't go there. The second page, persons of
2 interest, there are two persons of interest
3 mentioned but Pickton is not?

4 A That appears correct, yes.

5 Q Tab 64, that's something Ms. Winteringham showed
6 you in the course of her cross-examination which
7 is a March 22, 2000 e-mail where you list the
8 same 13 persons of interest that had first been
9 identified in the October 22, 1999 status report;
10 correct?

11 A I'd have to go back and check if they're the same
12 but I'll take your word for it.

13 Q They appear to be, but they're 13 people with Mr.
14 Pickton there and, again, further work needs to
15 be done to rule these people in or out is the
16 notation?

17 A That's correct.

18 Q Thanks. Going now to tab 88, your November 21,
19 2000 exit memo, it's fair to say, as you told Mr.
20 DelBigio and Ms. Winteringham, despite all the
21 hard work -- and there was a lot of work done on
22 this?

23 A Yes.

24 Q Despite the reward offers, despite the tip lines,
25 despite the community outreach, despite all of

1 these efforts by you including getting the
2 Attorney General involved, you had few leads or
3 solid suspects?

4 A Few, yes.

5 Q Now, I'd like to go back to tab 25, the Davidson
6 profile. This is work that you'd requested of
7 Staff Sergeant Davidson of the RCMP?

8 A Yes.

9 Q And he had provided this profile on the 16th of
10 June 1996, you see that on the second page?

11 A Yes, I do.

12 Q At the seventh page, page 420 of 449 -- sorry,
13 459, I beg your pardon, he has some investigative
14 suggestions?

15 A Yes.

16 Q You'll agree with me that each of these
17 suggestions required a Vancouver-based approach?

18 A Certainly they were referring to sex work that
19 would be occurring in the City of Vancouver, yes.

20 Q It required investigation in the City of
21 Vancouver?

22 A That's correct, yes.

23 Q And did you undertake each of these suggested
24 investigations?

25 A I don't believe we did, no.

1 Q And as you told Mr. Gratl, there was no suspect
2 file on Mr. Pickton?

3 A There was -- I believe he had a tip file.

4 Q That's right, but it hadn't been developed into a
5 suspect file?

6 A Yes, that's correct. It was a file compiling all
7 the information that we had on Mr. Pickton.

8 Q One other thing slightly out of order, this is
9 jumping back to September of 1998, and for this
10 you may wish to look at Exhibit U, tab 1, it's
11 your interview with Deputy Chief Evans and I'm at
12 page 96 of that interview.

13 A Yes.

14 Q I'm at the bottom, that is line 23, you might
15 want to look up at line 5 which is a reference to
16 September of 1998.

17 A Yes.

18 Q And you may want to go to page 95 because this is
19 about the draft media release as you'll see at
20 line 21.

21 A Yes.

22 Q You'll agree with me that at that time in
23 September of 1998 you didn't feel comfortable
24 viewing this investigation as a serial killer
25 investigation?

1 A Mr. Commissioner, it wasn't so much that I didn't
2 feel comfortable but I didn't feel I had
3 responsibly -- that I'd been able to say that we
4 had covered off every base and every individual
5 file at that point. I felt there was still some
6 investigation on it on a file-by-file basis and I
7 still couldn't conclude whether or not it was
8 related -- I suspected that these files were
9 related but as far as advancing it to a serial
10 killer investigation I thought there was still
11 more to do in terms of ruling out individual
12 things from each file.

13 Q Yes. Referring to September of 1998 you said:
14 "I certainly felt comfortable with what I said
15 earlier about, that I felt that the cases were
16 linked and we could treat it as such. But as far
17 as just to me, that's still a pretty big leap to
18 say we've got a serial killer preying on people
19 and, you know what -- it just -- I just -- it
20 just felt premature to me." Have I read that
21 correctly?

22 A That's correct.

23 Q Is that a true statement of your view of matters
24 back in September of 1998?

25 A I refer back to what I said, Mr. Commissioner,

1 that my thinking around that statement was there
2 were still individual aspects of each individual
3 file that weren't necessarily linking the files I
4 felt I had to cover off. In retrospect, this
5 press release, it wouldn't have harmed anything
6 to have done that.

7 Q Officer, you were hampered by a lack of
8 resources; correct?

9 A Yes.

10 Q You have talked about not having a computer to
11 start off with; correct?

12 A I didn't have one, no.

13 Q As in fact, as you told Deputy Chief Evans,
14 nobody in Homicide had computers at that time?

15 A That was my recollection, yes.

16 Q Two more matters, officer. For this, you may
17 wish to look at Exhibit 82, tab B3, page 11 of
18 148. Let me know when you get there.

19 A I have it.

20 Q I'm looking at Corporal Connor's log, 1624,
21 something called continuation reports?

22 A Yes.

23 Q At the bottom there's a notation for November 4,
24 1998. It reads: "Corporal Connor received a
25 telephone message from Detective Shenher,

1 Vancouver City Police." Do you see that?

2 A I do.

3 Q Over the next page he sets out the message; do
4 you agree with me?

5 A Yes.

6 Q You left him a message saying that the Vancouver
7 Police Department was prepared to provide
8 assistance?

9 A Yes, I did.

10 Q And Corporal Connor writes that he called you
11 back and left a message as you had left for the
12 day, suggesting that maybe she and Staff Sergeant
13 Giles and Sergeant Pollock and Corporal Connor
14 meet to discuss the matter. Do you see that?

15 A I do see that, yes.

16 Q Did you return that call?

17 A I don't recall. I mean, it certainly would have
18 been my way to have done so since I was quite
19 keenly interested in it but I don't recall.

20 Q It may well be that you may not have, given the
21 incredible other duties you had imposed upon you
22 at this early stage?

23 A Again, I think I would have been quite alive to
24 that because I do recall talking with him further
25 and him telling me they were going to do the FLIR

1 investigation, FLIR photography themselves.

2 Q Do you recall having that meeting?

3 A I don't recall if we did.

4 Q After the August, early August 1999 meeting that
5 you had with my client, did you have any direct
6 contact with the Coquitlam detachment?

7 A I did. As I testified, I had made a couple of
8 calls in I believe September, October, around
9 that timeframe.

10 Q Who did you call?

11 A I called Mike Connor's old number and I don't
12 recall who I spoke to but someone directed me --
13 when I asked about the Pickton file I was told
14 that Constable Strachan had the file but he was
15 away so no one would have been working on it at
16 that point, that's what I was led to understand.
17 I don't know who I spoke to. I called Corporal
18 Connor's number again because it was my
19 understanding it was his old desk in GIS and I
20 believe -- I'm not a hundred percent on this --
21 but at some point I spoke to Constable Yurkiw.

22 Q You meet my client in early August '99; correct?

23 A Yes.

24 Q You called Corporal Connor and learn that
25 Corporal Strachan has the file and he's away?

1 A Yes.

2 Q That's the second contact; correct?

3 A I believe so.

4 Q Then you speak to Constable Yurkiw sometime in
5 October of 1999?

6 A Sometime in that timeframe, yes.

7 Q That is your direct knowledge of the Coquitlam
8 investigation at that time, back in 1999?

9 A That is my knowledge of it.

10 Q And so when you say that there was an inertia in
11 Coquitlam, you're not basing it on direct
12 knowledge, you're basing it on what you heard or
13 felt was coming from Officers Chernoff and
14 Lepine?

15 A No, that's not entirely true. I base it on when
16 I found out there was definitely an indication to
17 me -- the person I talked to didn't know who had
18 the file and it was that kind of "I don't know
19 who's desk it's on" conversation and that's why I
20 had that perception.

21 Q And you don't have a note of those calls?

22 A I don't.

23 THE REGISTRAR: You have about two minutes.

24 MR. HIRA: I was trying to get under the two minutes by saying
25 I'm finished. Thank you, officer, for your time

1 and effort. I must say you've worked very, very
2 hard on this matter.

3 A Thank you very much.

4 THE COMMISSIONER: You're done?

5 MR. HIRA: You are inviting more?

6 THE COMMISSIONER: You better not ask what I wish for.

7 MR. GOTTARDI: Mr. Commissioner, it's Eric Gottardi, counsel
8 for Gary Bass. I have good news for the
9 commission, better news for the witness. I don't
10 have any questions this afternoon. Thank you.

11 MR. VERTLIEB: Mr. Commissioner, before we deal with
12 re-examination, it seems that many of the lawyers
13 have asked the questions they wanted to ask but
14 if any of the participants who have been
15 criticized need to ask any more questions I think
16 we should make time for that right now.

17 THE COMMISSIONER: I think specifically where your interests
18 are affected or where your client's interests are
19 affected, because I listened carefully to the
20 detective's evidence that there has been
21 considerable institutional criticism of her own
22 department, that is, a lack of leadership, lack
23 of guidance and the fact she was left to her own
24 devices, having never investigated a homicide
25 before. But I didn't hear much or any criticism

1 directed towards any individual officers so I
2 will leave that with you.

3 As I said at the outset, we have to put some
4 kind of restriction on cross-examination.
5 Obviously we want to be fair about this and make
6 sure everybody has an opportunity to be heard.
7 As you know, if we had complied with the initial
8 time requests we would have been close to two
9 weeks with the one witness and we would -- I
10 don't think we'd ever get this inquiry concluded
11 within a reasonable period of time. In any
12 event, if there is anyone who feels that his or
13 her cross-examination was curtailed or their
14 interests were affected by Detective Shenher's
15 evidence, we're prepared to hear more
16 cross-examination.

17 MS. BROOKS: I just have a few questions in re-examination.

18 THE COMMISSIONER: All right.

19 **RE-EXAMINATION BY MS. BROOKS:**

20 Q Detective Constable Shenher, yesterday you told
21 Mr. Skwarok you were not encouraged to use the
22 words "serial killer". Where did that direction
23 come from and what did you understand the basis
24 for it to be?

25 A I just recall it being spoken in our project room

1 that Sergeant Field -- it was my impression it
2 wasn't her directive but she had either heard or
3 had been instructed by someone else, I can't say
4 who, to not to refer to it as a "serial killer"
5 and not to call our group a "task force".

6 Q Did you understand why that was so?

7 A I came to understand that it was with respect to
8 how it would be resourced if it was a task force
9 because we clearly weren't resourced as a task,
10 force.

11 Q You also told Mr. Skwarok you were instructed by
12 Sergeant Field or Inspector Biddlecombe to
13 exercise caution with respect to the information
14 Detective Inspector Rossmo provided and you
15 mentioned there was an anti-education bias. Can
16 you tell us what you understood by why you had to
17 exercise caution and what you mean by an anti-
18 education bias?

19 THE COMMISSIONER: Does that require further explanation?

20 Anti-intellectual bias, she said according to her
21 interpretation was that there were officers who
22 felt that the practical aspect of policing was
23 more beneficial than those officers or better
24 officers than those who were educated. Is that
25 not so?

1 A That's correct, Mr. Commissioner.

2 MS. BROOKS:

3 Q We also know your evidence is that Fell and
4 Wolthers didn't you tell you about Pickton being
5 identified by sex trade workers when they did the
6 photo canvass?

7 A That's correct.

8 Q Had they told you about that, how would that have
9 advanced the investigation?

10 A It would have certainly informed us to something
11 we were alive to which is whether Mr. Pickton was
12 continuing to frequent the Downtown Eastside when
13 we were as a group coming to a conclusion that
14 maybe he was not coming down there anymore. So
15 clearly it would have given us more information
16 to understand that he was active in that area and
17 I feel it would have kick started a higher level
18 of investigation and vigilance as to what his
19 activities were in the Downtown Eastside and we
20 would have been able to progress in that way.

21 Q You also told us about your concerns and Fell and
22 Wolthers and how that affected the environment,
23 climate. Does the fact that a climate like that
24 exists have anything to do with the police
25 culture that you referred to on the first day

1 that you gave evidence?

2 A I think it does. At that time especially there
3 were several aspects at play. We were at the
4 time very underresourced, we were -- there was
5 staffing pressures all around which I think
6 impacted not only investigators at that level but
7 the ability for supervisors to adequately
8 supervise and have the kind of time and support
9 to supervise in the true sense of the word to see
10 if their people were properly equipped to deal
11 with the kinds of investigations they were tasked
12 to deal with, including myself, to see if there
13 were human resources-type issues or personality
14 issues, investigative deficiencies to be able to
15 deal with those issues through either a labour
16 process or a public trust or any of those kinds
17 of things that require documentation from a human
18 resources perspective, that at the time was a
19 very big problem in the VPD and that is that
20 there was no documentation -- very often when a
21 supervisor might start to look at so-called
22 problem employees, there was little documentation
23 of past behaviour. I'm not saying that here.
24 But the fact Sergeant Field was doing two jobs at
25 the same time I can certainly speak to the fact

1 that documenting different employees' behaviours
2 at that time was probably not very high on her
3 list and was something she clearly didn't have
4 time to do.

5 Q Finally, Detective Constable Shenher, this
6 commission is tasked with making recommendations
7 about the initiation and conduct of missing women
8 and suspected multiple homicide investigations.
9 What do you think the important areas are for the
10 commission to look at?

11 A Certainly I won't revisit a lot of things I've
12 gone on and on about, Mr. Commissioner, but one
13 of the things that I look at is -- I think that
14 we've tried at the VPD certainly to address
15 issues with different cultures or with different
16 disenfranchised groups through things like
17 sensitivity training and different kinds of
18 training. Training is all well and good but
19 training and first-hand engagement in the
20 community are very different and I think that we
21 need to perhaps look at what that looks like and
22 how we engage. Counsel had asked me -- various
23 First Nations, for example, resources at the time
24 and we clearly didn't engage at all in the way we
25 would have liked, and I would think that

1 certainly First Nations issues are very important
 2 with respect to this case and I think that -- I
 3 think it would be interesting to have police have
 4 a greater understanding of all the systemic
 5 issues that go into why First Nations -- I'm
 6 generalizing -- why there's a tendency for
 7 mistrust of the police and a lack of information
 8 coming forward to the police because that's a
 9 very deeply rooted issue. So around those kinds
 10 of things I think that more community engagement,
 11 more having those communities come to us and
 12 having us go to them and really talk about what
 13 their issues are in a way that isn't just
 14 isolated around specific issues but is more of a
 15 collaborative effort, I think would be very
 16 helpful.

17 MS. BROOKS: Thanks for your input on that and thanks for
 18 answering my questions.

19 THE COMMISSIONER: Detective, I want to ask you -- we've heard
 20 a considerable amount of evidence relating to
 21 some of the changes that have been made and
 22 you've referred to some of them now dealing with
 23 First Nations. What's the relationship now
 24 between the Vancouver Police and the community on
 25 the Downtown Eastside? I know that's a fairly

1 general question because the term "community" may
2 mean something different to different people, but
3 what's the relationship? We heard evidence very
4 early on that the sex trade workers, for
5 instance, still are distrustful of the VPD, there
6 was no real dialogue. Do you have any opinion on
7 that?

8 A I think there's certainly been efforts and
9 inroads made by our department to try to engage
10 with respect to sex workers and try to report
11 through things like Sister Watch, and the
12 community meetings we're having, I think it's
13 certainly a step in the right direction. Again,
14 I allude back to what I just said in terms of we
15 need to get to deeper systemic barriers to the
16 creation of those relationships because I think
17 we're pursuing the relationships but I don't know
18 if we're necessarily recognizing that those
19 relationships are probably limited because in
20 terms of the community's reluctance to openly
21 share with us, and we may be making assumptions
22 they are openly sharing when they could well be
23 holding back for a multitude of reasons we're not
24 aware of.

25 THE COMMISSIONER: We have of course heard at this inquiry of

1 horrific crimes that took place. What happened
 2 to the families here and those missing women and
 3 murdered women must never, ever happen again and
 4 that's really the focal point of this inquiry and
 5 at the end of the day we're going to have to make
 6 recommendations to policing authorities as to how
 7 people, such as the families, how they ought to
 8 be treated and what ought to be done the next
 9 time in order to ensure that this doesn't happen
 10 again. What advice would you give to this
 11 commission as to how we can prevent these
 12 tragedies from ever happening again?

13 A Mr. Commissioner, really the last point I make is
 14 that we look to the establishment of the major
 15 case management model which is terrific, but one
 16 of the things I have a continued concern about is
 17 that still requires someone to recognize that
 18 what you have is a major case and to designate it
 19 as such, and I think that's the piece that is
 20 difficult. I know you're asking me for
 21 recommendations and I wish I had something more
 22 concrete for you but I really think it lies in
 23 systemic and cultural issues and that we need to
 24 increase the understanding of the police about
 25 the community that we serve. I think that's

1 really the point I want to make.

2 THE COMMISSIONER: As you know, the philosophy of policing in
3 the last 20 years worldwide is said to be
4 community-based policing.

5 A Yes.

6 THE COMMISSIONER: Every police force says they're doing
7 community-based policing I don't know how many of
8 them really are. Community-based policy of
9 course is bottoms-up type of policing where the
10 community is engaged with the police with their
11 priorities. In other words, the police have to
12 go into a community and listen to the priorities
13 and concerns and problems of the community so as
14 to solve the problems before they arise. Do you
15 see any of that happening know?

16 A I think you make a good point because I think
17 that part of the problem is that we engage on our
18 terms and -- again, I refer back to what I
19 said -- I think sometimes we almost dismiss the
20 complexity of the people that we're dealing with
21 in all communities and we just assume that when
22 we're speaking to them that they recognize our
23 great superiority and authority which is a really
24 big assumption and that they also are going to be
25 forthright with us and place their trust in us

1 We don't have estimates from everybody so we
2 really need everyone to do that, please. I do
3 want to say that Mr. Ward has indicated -- I'm
4 grateful for the response in a timely way -- but
5 he has said he wants two days. I'm going to ask
6 the participants' counsel to reflect on the order
7 for cross. I have had some comments made to me
8 by participants' counsel about the order of cross
9 and the views that it should be changed. In your
10 practice directive you made the comment you would
11 consider the order of cross. If the lawyers do
12 want to e-mail me and give me their thoughts
13 about the order of cross to accommodate Mike
14 Connor's evidence starting Monday I will be
15 obliged.

16 Mr. Ward spent some time, perhaps
17 considerable, I don't know how to characterize
18 it, talking about the AG's minutes of the meeting
19 on April 9, 1999, and because there's some new
20 participants in the room I just want to let
21 everybody know that we have endeavoured to find
22 documents that we know might be relevant and we
23 can't always get them, and I wanted to tell you,
24 Mr. Commissioner, we've again been inquiring
25 about the minutes and the most recent information

1 is I have is there's a three-year destruction
 2 policy for minutes of government meetings and I'm
 3 very -- I'm not optimistic that anymore documents
 4 about that April 9, 1999 meeting will be found.
 5 I don't want people to think the request is being
 6 ignored, it's not, but we're doing the best we
 7 can with the documents as we are able get them.

8 The last thing, I believe it's on the
 9 website now, because of your instruction we are
 10 now going to be commencing at 9:30 instead of ten
 11 o'clock but will maintain the present sitting
 12 schedule. I really feel strongly we should
 13 resist Friday sittings because it's so necessary
 14 for everyone to do other work and commission
 15 work, so 9:30 it is.

16 THE COMMISSIONER: I feel that I should make comments about
 17 the Friday sittings. I know that Mr. Ward has
 18 been critical because we don't sit on Fridays but
 19 I'm mindful of the work that's involved and the
 20 preparation that is needed. I know that when I
 21 go into the commission office on weekends there
 22 are people who are working there. I went to the
 23 office last Sunday and I know that Ms. Brooks was
 24 there at 6:30 when I left on Sunday afternoon and
 25 I know she was there at 6:30 in the morning, so I

1 think we all know of the stress involved in
2 preparing for all of this, given the fact there's
3 been a time lapse and a huge volume of documents,
4 and as well I'm mindful of the fact that all of
5 you have other practices so I think if we put our
6 time to useful constructive use during the four
7 days we sit I think we can get this thing done,
8 but I don't want to start sittings on Fridays
9 because I know that most of you are working
10 weekends, I know we all are, and it takes a
11 personal toll on you after a while so I'm mindful
12 of that. We'll keep with the present schedule
13 unless we find out we're falling behind.

14 MR. VERTLIEB: Just finally, I want you to know, Mr.

15 Commissioner, that the new participants and their
16 counsel have been very co-operative and I think
17 they've all done a terrific job of coming in
18 after the hearings were started and they're
19 working hard as well and they're working well
20 with your staff so I'm grateful for that
21 co-operation.

22 THE COMMISSIONER: I don't like to come out with an order for
23 cross-examination. I would like to think that
24 you're all mature professionals and you should be
25 able to work that out amongst yourselves as to

1 the order of cross-examination, and I just ask
2 you to consider one thing, and maybe I'm stating
3 the obvious, that is, when you're giving a time
4 estimate let's start about thinking about whose
5 interests are most affected by any given
6 witness's testimony. Some of the witnesses who
7 are called barely touch some of your clients, so
8 maybe that's -- whereas they impact other people
9 more directly and so we should take into account
10 where the evidence is directed at, what
11 particular -- I don't want to use the term
12 "wrongdoing" -- wherever there's exposure, maybe
13 those people should have more of a -- more time
14 to cross-examination. Anyway, I'll leave it with
15 you. Thank you.

16 THE REGISTRAR: This hearing is now adjourned for the day and
17 will resume Monday at 9:30.

18 **(PROCEEDINGS ADJOURNED AT 3:15 P.M.)**

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I hereby certify the foregoing to
be a true and accurate transcript
of the proceedings transcribed to
the best of my skill and ability.

Margaret M. Wills
UNITED REPORTING SERVICE LTD.

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