

1 **Vancouver, BC**

2 **February 20, 2012**

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

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

5 MR. VERTLIEB: Mr. Commissioner, as with others who have
6 requested to take their own clients through the
7 evidence first we've agreed, and so Mr. Greenspan
8 has requested to deal with his client Mr. Blythe.

9 THE COMMISSIONER: Thank you.

10 MR. VERTLIEB: And he will therefore go first and we will
11 follow.

12 THE COMMISSIONER: All right.

13 MR. GREENSPAN: Good morning, Mr. Commissioner.

14 THE COMMISSIONER: Good morning.

15 MR. GREENSPAN: With me is Ms. Vanessa Christie who is with my
16 firm, and we're going to call Mr. Blythe as our
17 witness, Terry Blythe.

18 THE REGISTRAR: Do you wish to have him affirmed? Good
19 morning.

20 **TERRY BLYTHE: Affirmed**

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

22 THE WITNESS: Terry Blythe.

23 THE REGISTRAR: Thank you. Counsel.

24 MR. GREENSPAN: We have a document brief, Mr. Commissioner,
25 that we'd like to file as Exhibit NR for the

1 commission's assistance and for the witness.

2 THE COMMISSIONER: All right. Thank you.

3 THE REGISTRAR: That will be marked as 101 NR.

4 **(EXHIBIT 101 NR: Document booked entitled**
5 **Documents for Terry Blythe)**

6 **EXAMINATION IN CHIEF BY MR. GREENSPAN:**

7 Q Chief Blythe, I'm going to ask you to refer to the
8 Exhibit 101 in due course, but I would like to, if
9 I could, start with a couple of general questions.
10 Are you here voluntarily?

11 A Yes, I am.

12 Q You did not need a subpoena to come here?

13 A No, I did not.

14 Q Did you want to testify?

15 A Absolutely.

16 Q And so you are here. And with respect to you
17 being here did your successors on the Vancouver
18 Police force tell you what to say today?

19 A No, they did not.

20 Q Did anybody connected to this public inquiry tell
21 you what to say today?

22 A No, they did not.

23 Q Did the commissioner or the commission counsel in
24 any way tell you what to say today?

25 A No, they did not.

1 Q Do you think that this commission is enabling a
2 coverup?

3 A Not at all.

4 Q Have you in the documents that we filed, and in
5 the documents that you have reviewed, have you
6 withheld any critical records?

7 A No, I have not.

8 Q Have you sanitized any documentary record to
9 present today?

10 A No, I have not.

11 Q Did you present your material in a disorganized
12 manner so that Mr. Cameron Ward couldn't figure it
13 out?

14 A Not at all.

15 Q Now, I want to ask you a couple of questions about
16 this counsel Cameron Ward. Cameron Ward, who's
17 one of the lawyers in this matter, and Jason Gratl
18 in tandem have repeatedly and daily alleged police
19 coverup, a whitewash.

20 MR. GRATL: Mr. Commissioner, Jason Gratl here for downtown
21 interests. I know Mr. Greenspan here is new on
22 the brief, but I think he's speaking a little out
23 of turn.

24 THE COMMISSIONER: Why?

25 MR. GRATL: I haven't said any such thing, and I find it a

1 little bit offensive that he arrives from Toronto
2 and immediately begins to assert things that are
3 patently untrue.

4 THE COMMISSIONER: Okay. Well, there are ways of doing this,
5 and that is that you'll have your opportunity to
6 state your position. And I don't want to
7 interrupt counsel any more than I -- why don't we
8 hear him first and then if there's an objection
9 I'll hear about it.

10 MR. GREENSPAN:

11 Q Are you familiar with the fact that Cameron Ward
12 has a blog?

13 A I did hear that, yes.

14 Q And are you familiar with the fact that he posts
15 his thoughts on a website on a regular basis?

16 THE COMMISSIONER: Yes, Mr. Ward.

17 MR. WARD: I object to this line of questioning. This is
18 inappropriate examination in chief. We're
19 presumably here -- I'm sorry, I should introduce
20 myself.

21 THE COMMISSIONER: I can't hear you.

22 MR. WARD: Cameron Ward, counsel for the families of 25 missing
23 and murdered women. I object to the way my friend
24 is conducting the examination in chief of this
25 witness. In my respectful submission this is an

1 inappropriate line of questioning. Presumably
2 Mr. Blythe is here to give his account of what
3 happened while he was the chief of police back in
4 the years in question. And I'm sure my friend has
5 some reason for examining his client in this way,
6 but if this line of questioning continues he's
7 certainly opening the door for some
8 cross-examination. I object to the way these
9 questions are being introduced.

10 THE COMMISSIONER: Well, in fairness you have alleged that the
11 police are involved in a coverup, and he was the
12 chief of police at that relevant time, so I think
13 in fairness he's entitled to answer those
14 allegations. Those are serious allegations that
15 you have made with respect to the conduct of the
16 police, and I don't see any objection for not --
17 for this witness not having the opportunity to
18 reply to them.

19 MR. WARD: I have made no allegations about this witness's
20 conduct, and --

21 THE COMMISSIONER: Well --

22 MR. WARD: -- I find it offensive, quite frankly, the way these
23 questions are being put.

24 THE COMMISSIONER: Well --

25 MR. WARD: May I finish?

1 THE COMMISSIONER: -- you might find it offensive. The fact
2 you may not have alleged that this witness didn't
3 engage in a coverup, the fact is you have said the
4 police have been involved in a coverup, and he's
5 the chief of police I think at the relevant time,
6 he'll tell us. But, you know, those are very
7 serious allegations, Mr. Ward, and I asked you
8 about them before, and I'm only concerned from the
9 perspective that you said that the commission is
10 enabling a coverup, and I think those are serious
11 allegations. And he speaks for the police
12 department at the relevant time that he was there,
13 so I think he's entitled to put the -- counsel's
14 entitled to put those questions, we're entitled to
15 hear his side of it.

16 MR. WARD: Well, I have one eye, of course, on the clock
17 because you, Mr. Commissioner, have repeatedly
18 reminded us that time is limited. All I will say
19 before I sit down is that given these questions I
20 expect my cross-examination to be considerably
21 longer than it would have been otherwise and I
22 hope I will not be truncated or cut off in respect
23 of the questions I seek to ask of this witness if
24 my friend Mr. Greenspan is opening up this area.

25 THE COMMISSIONER: Well, the fact that you're gonna be --

1 you'll be entitled to cross-examine the witness
2 and, you know, all relevant evidence is evidence
3 upon which you may cross-examine. Those are the
4 rules.

5 MR. WARD: Well, I accept that, but what my short point is
6 right now whatever I might have written on my blog
7 in recent weeks is not relevant evidence to
8 cross-examine this witness on with the greatest of
9 respect.

10 THE COMMISSIONER: All right. I have your point.

11 MR. WARD: Thank you.

12 THE COMMISSIONER: Thank you. Mr. Hern.

13 MR. HERN: Sean Hern on behalf of the department. In my
14 respectful submission until Mr. Ward
15 particularizes these very general allegations that
16 he's made, puts them on the table so the
17 department and other witnesses can deal with them,
18 if they in fact have any merit or any evidentiary
19 substance to them, until such time as Mr. Ward
20 does that, and we've asked him to do it, these
21 kind of questions are going to be required.

22 THE COMMISSIONER: All right. Thank you. Go ahead, please.

23 MR. GREENSPAN: Mr. Commissioner, Mr. Ward said something
24 that's of interest to me. He's said that he has
25 not made any allegation against Chief Blythe, and

1 I would like if he's prepared to concede to you,
2 Mr. Commissioner, at this time that whatever
3 statements he may or may not make that are
4 derogatory to the Vancouver Police force or the
5 Royal Canadian Mounted Police or this honourable
6 commissioner or this honourable commission, that
7 he is prepared to state on the record that none of
8 those allegations apply in any way whatsoever to
9 Chief Blythe then I'll leave it alone.

10 THE COMMISSIONER: Mr. Ward?

11 MR. WARD: I'm not prepared to grant that concession, no.

12 THE COMMISSIONER: Okay. All right.

13 MR. GREENSPAN: Then in terms just so that you have this,
14 Mr. Commissioner, I know that you've ruled, my
15 client has come voluntarily, he has affirmed to
16 tell the truth, and therefore his credibility is
17 at issue, and if reckless statements are made with
18 respect to him so that the moment he walks in the
19 room there's some suggestion in the air he's
20 involved in a coverup I believe I'm entitled to
21 deal with it, and I have and I'll move on now.

22 THE COMMISSIONER: All right.

23 MR. GREENSPAN: Okay.

24 Q Now, Chief, I understand that you were born on
25 March 10th, 1948?

1 A Yes.

2 Q That makes you 63 years of age?

3 A Yes, it does.

4 Q And where were you born?

5 A In Vancouver.

6 Q And I understand that you graduated from Point
7 Grey High School in 1966, you took about a year
8 and a half of post-secondary education at the
9 Vancouver City College in psychology and English
10 before joining the force at the age of 20;
11 correct?

12 A Yes.

13 Q And I understand you've taken numerous courses
14 with respect to policing, both internally with the
15 police department and other places in Canada
16 connected to police forces, and external
17 post-secondary courses at the British Columbia
18 Institute of Technology; correct?

19 A Yes.

20 Q I won't go through it all, but it's a lengthy list
21 of courses that you've taken?

22 A Yes, it is.

23 Q And you may not have a degree, but in terms of
24 adding up all of these courses it would be the
25 equivalent of a business management degree?

1 A I would agree with that.

2 Q Of course you would. Now, you have two children,
3 both married, and four grandchildren, two boys and
4 two girls, four grandchildren; correct?

5 A Yes, I do.

6 Q And I want to talk about your employment history.
7 First of all, as I pointed out and you've agreed,
8 that you joined the police department at the age
9 of 20 in 1969; correct?

10 A I did.

11 Q And you stayed with the Vancouver Police
12 Department until the year 2002 when you retired;
13 correct?

14 A Correct.

15 Q As well your father was a long-term member of the
16 Vancouver Police Department for some 32 years;
17 correct?

18 A Yes, he was.

19 Q And your dad is now deceased?

20 A Yes. At age 94, yes.

21 Q And when he was still in the force, in the last
22 several years that he was there, that's when you
23 joined the force; correct?

24 A It is, yes.

25 Q And so I think it's safe to say that you and your

1 dad have a combined 65 years as members of the
2 Vancouver Police force, and that both of you are
3 very proud of that?

4 A We do, and we certainly are.

5 Q And I take it that both you and your dad, he was
6 and you are, have been dedicated to policing?

7 A Yes, absolutely.

8 Q Your dad was -- he was an officer who had worked
9 this entire city over the years that he was there,
10 born and raised in Vancouver himself, and was one
11 of the most liked and respected officers in the
12 community; correct?

13 A That is correct.

14 Q And you yourself walked the beat and were in a car
15 and came to know this city well as a patrol
16 officer as well; correct?

17 A Yes, I did.

18 Q I understand your godfather was a police officer,
19 chief superintendent in the RCMP; correct?

20 A That is right.

21 Q And from February '69 to February '70 you were
22 assigned to various patrol and operational duties;
23 correct?

24 A I was.

25 Q You were in Patrol Division North; correct?

1 A Yes.

2 Q Then in February of 1970 you were assigned to the
3 jail at 312 Main Street for six months as a guard?

4 A That is correct.

5 Q And in this position you interacted with all types
6 of people from the street; correct?

7 A I did.

8 Q And you recognized some of these individuals later
9 when you were walking the beat, and that helped
10 you to develop relationships with people,
11 understanding of people which is important to
12 policing?

13 A Very helpful, yes.

14 Q August of '70 you were assigned to Patrol Division
15 North for just over a year with a training
16 officer, and you did that till October '71?

17 A Yes.

18 Q On during that time you walked the beat on the
19 Downtown Eastside of Vancouver and interacted
20 extensively with that community?

21 A I did, yes.

22 Q In October of '71 you were assigned to the Dog
23 Squad for almost three years, and you were the
24 youngest dog master in the department's history?

25 A Yes.

1 Q In that capacity you worked in all four districts
2 of the city working with the animal that was
3 provided to you; correct?

4 A That is correct.

5 Q And in 1974 you went back to Patrol Division North
6 to Granville Mall where you walked the beat for
7 two full years with a partner until 1976?

8 A Yes.

9 Q In 1976 you competed for both the rank of corporal
10 and detective, you jumped the rank of corporal and
11 you were made detective, and you had only been
12 with the department for approximately six or seven
13 years when you made this rank of detective, and
14 that was quite an exceptional jump in the police
15 force; correct?

16 A It was, yes.

17 Q And initially as a detective you were in general
18 investigations in Patrol South, and you did that
19 for approximately two years; correct?

20 A Yes, I did.

21 Q In 1978 you were put in the Vice and Narcotics
22 Squad and stayed there for about five months until
23 July of 1978?

24 A Yes.

25 Q And then you went into Internal Investigations for

1 two years and you were looking at the misconduct
2 of other officers?

3 A That is right.

4 Q And after just over ten years on the force in 1980
5 you competed for and you were promoted to
6 sergeant; correct?

7 A Yes.

8 Q And as a sergeant you worked first in
9 communications, and you were the sergeant in
10 charge of the team dealing with emergency and
11 non-emergency communications, and you were in
12 charge of approximately 12 to 15 people at the
13 time, and you did that till June of 1981?

14 A Yes.

15 Q June of 1981 you went back to the Drug Squad, Vice
16 and Narcotics Squad until March of 1984; correct?

17 A That's correct.

18 Q And after just over 14 years with the department
19 in March of 1984 you became a staff sergeant?

20 A Yes.

21 Q And you worked in the Patrol Division South in the
22 southeast corner of the city, and you did that
23 until February of 1986?

24 A I did.

25 Q And in February of 1986 you went back into an

1 administrative position in the information section
2 until 1987?

3 A That is correct.

4 Q And the administrative position you were
5 supervising civilian employees, controlling paper
6 flow in the organization, a large staff, and a
7 great deal of responsibility?

8 A Yes.

9 Q And when a report initially comes into the police
10 it comes through the Communications Centre?

11 A It does.

12 Q And then this is where you generate documents
13 which are passed on to the Information Section
14 where everything is cataloged and stored?

15 A That is correct.

16 Q And after 18 years with the force in March of 1987
17 you became an inspector, and that was in an area
18 where you were supervising a patrol division,
19 specifically northeast?

20 A Yes.

21 Q And in that position you had a great deal of
22 interaction with the Downtown Eastside; correct?

23 A I did, yes.

24 Q And I was in the position -- you were in that
25 position for just over two years until May of

1 1989?

2 A Yes.

3 Q And at that time you were placed in Staff
4 Development and Human Resources and you were the
5 director of Human Resources until May of 1992?

6 A Yes.

7 Q And at the end of this position you were placed on
8 assignment doing internal investigation for the
9 chief; correct?

10 A Yes, I was on many different occasions.

11 Q And on a number of occasions you were taken out of
12 your regular duties to perform special tasks for
13 the police, for the chief?

14 A That is right.

15 Q In 1992 you were promoted to superintendent, which
16 was an existing rank between inspector and duty
17 chief at the time, and you were in charge of
18 Patrol South District 3 and 4, including the
19 Oakridge area for about two years?

20 A Yes.

21 Q Correct?

22 A Yes.

23 Q And you did that until July of 1994; correct?

24 A I did.

25 Q In '94 you went to back to Human Resources, and in

1 June of 1995 you were promoted to deputy chief
2 when the superintendent positions were eliminated;
3 correct?

4 A Correct.

5 Q And as a deputy chief you stayed in Human
6 Resources until February of 1996; correct?

7 A Correct.

8 Q And then you headed up Management Services under
9 Chief Constable Canual?

10 A Yes.

11 Q Is that how you pronounce it?

12 A Yes.

13 Q Overseeing internal investigations, finance and
14 media relations, and you did that for a short time
15 between February of 1996 to September of 1996, and
16 then you took over the Patrol North and South area
17 as deputy chief constable of Operations Division
18 which gave you direct responsibility over 500 to
19 600 members of the force?

20 A That is all correct.

21 Q And you stayed in the Patrol Division/Operations
22 Division until you were appointed chief; correct?

23 A I did, yes.

24 Q And becoming -- you became acting chief constable
25 on June 28, on June 28th, 1999, and you were

1 confirmed and sworn in as chief constable in
2 December of 1999?

3 A Yes.

4 Q And you were on a three year contract that expired
5 in June of 2002?

6 A That is correct.

7 Q You were asked to stay on for another two years
8 but stayed on only until August of 2002 when you
9 retired?

10 A By choice, yes.

11 Q By choice. And in total you were acting chief for
12 about six months and then sworn-in chief for about
13 two and a half years?

14 A That is correct.

15 Q And so have we now essentially covered the areas
16 that you were involved in as both a police officer
17 and going through the ranks culminating in being
18 named chief?

19 A Yes, very accurately.

20 Q And would you say that from the experiences that I
21 have taken you through, it's difficult to try to
22 sum up a man's life in ten minutes by looking at
23 all these different parts of your life and where
24 you went, that you are an officer that started on
25 the street, became familiar with the street, and

1 worked your way up to the top?

2 A That's right. I'm very proud of that.

3 Q Did you ever forget where you came from?

4 A Not for a minute.

5 Q Did you ever care less about one citizen or
6 another in this great city?

7 A No, I certainly did not.

8 Q You received a number of commendations at the
9 chief superintendent and inspector level, but I'm
10 not going to go through that now. Anyway, I want
11 to talk about your time as deputy chief constable
12 in Operations Patrol. Exhibit 51,
13 Mr. Commissioner, in this hearing is a document
14 entitled "Vancouver Police Department Position
15 Profile," and it describes the rank of deputy
16 chief constable in Operations Division, and in
17 summary it says this as follows, and I'm not going
18 to take you to it, I'll just read the summary.
19 I'm not trying to go quickly, but you were good
20 enough -- Mr. Vertlieb was good enough to A, allow
21 me to essentially play through and call the
22 witness to accommodate a schedule that I'm on, and
23 I likewise agreed to finish in one day, whether it
24 was foolish for me to do that or not, I've done it
25 and I'm going to comply with it.

1 THE COMMISSIONER: These are non-contentious issues in any
2 event.

3 MR. GREENSPAN: That's why I'm leading on a lot of this.

4 Q Anyway, it says in this Exhibit 51:
5 Responsible for the management and
6 co-ordination of all activities relating to
7 the Operations Division. As a member of the
8 Executive Committee participates in strategic
9 planning and decision making for the VPD.

10 Do you agree with that description?

11 A I do.

12 Q So if we go back as far as deputy chief constable
13 of Operations Division Patrol from the period of
14 September 1996 until you became acting chief in
15 June 1999, first of all, physically where was your
16 office located?

17 A My office was at 2120 Cambie Street.

18 Q What floor?

19 A On the fourth floor.

20 Q Okay. Detective Constable Lori Shenher, the
21 investigator that we've heard so much about, when
22 she was transferred to the Missing Person Unit
23 would have been located at a separate building at
24 312 Main Street in the project room third floor
25 annex?

1 A That is accurate, yes.

2 Q And was she part of your division or some other
3 division?

4 A No, she was part of the ops support division,
5 which she stayed in.

6 Q And was that then part of your division?

7 A No, it was not.

8 Q Okay. And so were you in the same building at all
9 during the time that she was involved in this?

10 A No, I was not in the same building at all.

11 Q Okay. So as deputy chief constable of Operations
12 Division Patrol what did you do on a day-to-day
13 basis, and you can leave out the coffee and
14 doughnuts?

15 A We -- you know, from my chair I kept in constant
16 contact with all my district inspectors. The city
17 was divided into four districts each led by an
18 inspector. Each and every day we would start out
19 first thing in the morning with a briefing. Those
20 four inspectors would prior to this briefing meet
21 with their supervisory staff in their districts
22 and get an update on overnight activities,
23 anything that was of particular importance to
24 myself and the community. In that meeting that we
25 would start out with every morning they would

1 brief me on all the activities overnight or from
2 the previous weekend. As well as that I
3 interacted a lot with the community police offices
4 that we were in the process of organizing, and
5 reassuring the community that we were there for
6 them, working with them constantly. I spent a lot
7 of time during evenings and on weekends doing
8 presentations in the community, and I know I was
9 well received by them and very comforting for me,
10 and certainly for all the personnel that worked
11 for me for me to be there with them in those
12 sessions.

13 Q Well, let me just make sure this is before the
14 commissioner, but the four major districts that
15 were involved was Districts 1 through 4. District
16 1 was the northwest region, District 2 the
17 northeast region which included the Downtown
18 Eastside, District 3 the southeast region and
19 District 4 southwest region; is that correct?

20 A That is correct.

21 Q And I gather there was an inspector in charge of
22 each district?

23 A Yes.

24 Q And these morning meetings that they held with
25 you, was that every morning?

1 A Every morning Monday to Friday.

2 Q And you were kept informed by them in terms of
3 their reports?

4 A I was, yes.

5 Q And the Downtown Eastside was as involved as any
6 other place in the city?

7 A Yes, it was.

8 Q And so they were discussing major overnight
9 activity and major crime and updates about
10 community initiatives?

11 A Yes.

12 Q And presentations at events and community
13 policing?

14 A Exactly.

15 Q So let me just take -- in terms of you taking any
16 important issues that were raised in these morning
17 meetings, where would it go or where did you take
18 them?

19 A Following my morning meetings with my personnel I
20 would then go to an executive meeting in the
21 chief's office every morning Monday to Friday and
22 I would cover all the significant details of my
23 previous meeting.

24 Q Was the chief at the time Bruce Chambers?

25 A Initially it was Ray Canual and then later, yes,

1 it became Bruce Chambers.

2 Q At those executive meetings was the media present?

3 A In those meetings, no.

4 Q Okay. At the executive meetings there would be a
5 round table discussion?

6 A Yes, there was.

7 Q And all the deputies and the chiefs discussed any
8 topic they wished?

9 A That's right.

10 Q And that meeting would start at what time in the
11 morning?

12 A Nine a.m.

13 Q And from there you would often attend community
14 meetings?

15 A From there, yes. Yes, I would.

16 Q And in addition I gather that every Wednesday
17 there were senior management team meetings that
18 the chief would run that meeting?

19 A There was, yes, every Wednesday.

20 Q And all officers went to those meetings down to
21 the inspector level?

22 A That is correct.

23 Q And people would make presentations?

24 A Yes.

25 Q And the chief would go around the room and ask

1 everybody for comment?

2 A At the end of the meeting he would do that, yes.

3 Q Okay. Let me just deal with what's part of the
4 suggestions that are made at this inquiry, and I'm
5 careful to use the word suggestion, it's not been
6 proven, but the commissioner will make that
7 determination, but there have been suggestions in
8 this inquiry that the Vancouver Police Department
9 were disengaged with the Downtown Eastside of
10 Vancouver. That was one of the suggestions that's
11 made. And, so first of all, do you agree with
12 that?

13 A Not at all.

14 Q Okay. And as well there's the suggestion made at
15 this inquiry --

16 MR. GRATL: Mr. Commissioner, I don't normally interrupt.

17 THE COMMISSIONER: Yes.

18 MR. GRATL: The notion of management disengagement was
19 specifically with respect to the investigation of
20 missing women, not disengagement from the Downtown
21 Eastside.

22 THE COMMISSIONER: I see. All right. No, I think that's a
23 valid concern. So counsel for the Downtown
24 Eastside has said that they didn't make the broad
25 allegation regarding disengagement with the

1 Downtown Eastside, but only in regard to the
2 missing women's investigation. Is that right;
3 Mr. Gratl?

4 MR. GRATL: Yes, that's correct. I think it was Mr. Rossmo
5 that introduced that euphemism.

6 THE COMMISSIONER: Introduced what euphemism?

7 MR. GRATL: The euphemism management disengagement.

8 THE COMMISSIONER: Oh, well, look then if he's introduced it
9 then --

10 MR. GRATL: Oh, it's fair game, but what Mr. Rossmo said is
11 there was management disengagement with the
12 missing women investigation and that's why they
13 didn't devote sufficient resources to the
14 investigation of missing women, it wasn't that an
15 overall broader Downtown Eastside phenomenon like
16 Mr. Greenspan is suggesting.

17 THE COMMISSIONER: Okay. All right. I understood that some of
18 the other witnesses who have come here have said
19 that generally there's been a disengagement, but I
20 stand to be corrected on that. If you want to
21 narrow the scope of that, the allegations of
22 disengagement, I think we can all live with that.

23 MR. GREENSPAN: Irrespective of that, and I take what my friend
24 has said to you, the question of disengagement in
25 a general way is something that I will be asking

1 this witness in terms specifically of the Downtown
2 Eastside for your consideration in terms of was
3 there engagement, and yet on this particular
4 issue, which is a pretty important issue, there
5 was a disengagement. So that you'll have to come
6 to make that determination about whether or not
7 somehow everything else they were not disengaged
8 and obviously they were.

9 THE COMMISSIONER: All right.

10 MR. GREENSPAN: So that's all I offer it for.

11 THE COMMISSIONER: Okay. Mr. Gratl, I tell you what I'm
12 concerned about is that we've heard from various
13 witnesses who are familiar with the Downtown
14 Eastside, Dr. Shannon, Dr. Lowman, and they all
15 spoke about the uneasy relationship, if you will,
16 between the police and the sex trade workers, and
17 so it was sort of a larger allegation that the
18 police haven't taken time to get to know the
19 Downtown Eastside and there's a disconnect. At
20 least I drew that inference from some of the
21 evidence that's been called here, so.

22 MR. GRATL: Yeah, I think there's been plenty of evidence that
23 there's been very intensive surveillance and
24 arrest of sex workers and drug users, but very
25 little in the way of police protection.

1 THE COMMISSIONER: Yeah, so I think in light of that I think
2 this is a fair area to examine on.

3 MR. GRATL: Oh, certainly.

4 THE COMMISSIONER: Thank you.

5 MR. GREENSPAN: Thank you, Mr. Commissioner.

6 Q So, anyway, we talked about this one suggestion.
7 I want to put this to you as well. There have
8 been suggestions that the police department didn't
9 make the effort it should have investigating the
10 missing women because many of the women were from
11 the Downtown Eastside and were sex trade workers
12 and were aboriginal. And what do you say to that
13 suggestion?

14 A I totally disagree with it.

15 Q So let me just talk a bit about District 2 which
16 includes the Downtown Eastside. Who was the
17 inspector in charge of that district at the time?

18 A Inspector Gary Greer.

19 Q And I gather you call them bosses, is that what
20 the expression of --

21 A Somebody -- yes, some people would refer to them
22 as that, but they certainly were the boss within
23 the district.

24 Q I read it in the transcript of this commission.
25 So I'm going to ask you, what was he like as a

1 boss in the Downtown Eastside, Gary Greer?

2 A Excellent individual. Gary is well known for his
3 community involvement with the offices we had in
4 place down there for the community to interact
5 with the police. Very engaged with his people as
6 well that all worked -- many of them worked in the
7 Downtown Eastside. And my impression of the work
8 he did there, I fully supported everything he did,
9 he was -- I would go to community meetings and I
10 think the best feedback for me was hearing from
11 the community what a superior person he was to
12 have in that community.

13 Q I understand he was on the board of directors of
14 the Neighbourhood Safety Office which Deborah
15 Mearns ran?

16 A Yes. And as well as another community office, I
17 believe he was on that board as well, so very
18 involved.

19 Q Are you familiar with something called the Odd
20 Squad?

21 A Yes, I am.

22 Q And I understand they were beat officers in the
23 Downtown Eastside who came up with this idea that
24 started in 1997, they worked for Gary Greer in
25 District 2, it included six to eight constables,

1 they would take a drug addicted couple and
2 rehabilitate them by getting them into programs,
3 and they all went on a lecture circuit in schools
4 after this, and in fact there's a film on this
5 showing how drug addiction affects someone's life?

6 A That's absolutely correct.

7 Q Did you fully support that initiative?

8 A Yes, I did.

9 Q And was the board originally for it or against it?

10 A The police board had a few issues with it, and it
11 involved myself and certainly Inspector Greer
12 doing a lot of research about exactly what they
13 were doing in the community and how we would
14 convey what they did to the police board. They
15 did become more and more supportive.

16 Q And did you fight to continue this on?

17 A Yes, I did.

18 Q And is it still an ongoing project to this day?

19 A Yes, it is.

20 Q Okay. And are you familiar with the DISC program?
21 D-I-S-C.

22 A Yes, I am.

23 Q And I gather that's a unique and innovative
24 database system developed by the police department
25 that allows police to identify and track those

1 associated with the youth sex trade people,
2 including johns and prostitutes and cruisers and
3 pimps, and the data provides information to
4 investigators and is shared among jurisdictions
5 that adopted this system; is that correct?

6 A Yes, it is.

7 Q And the objectives of this project were to develop
8 a business plan for expansion of the DISC program
9 and to increase DISC's public/private
10 participation, in addition the Keeping Exploited
11 Youth Safe, KEYS initiative, facilitated community
12 education and youth interactive prevention
13 workshops in Kamloops and Whistler and Cranbrook?

14 A Yes, a very successful program.

15 Q And DISC program stands for Deter and Identify Sex
16 Consumers?

17 A Yes, it does.

18 Q Two officers worked for you in patrol, Officers
19 Ramos and Payette?

20 A They did.

21 Q And they worked exclusively with the sex trade
22 workers tracking and cataloging information?

23 A Yes, they did.

24 Q And they had a huge database and good resource
25 where all the police kept track of where they

1 lived and interacted?

2 A They did, yes.

3 Q You went out with those officers on several
4 different rides?

5 A I did just to familiarize myself with the program,
6 and certainly the good work that they were doing.

7 Q And you supported the initiative?

8 A It was a wonderful initiative.

9 Q Those officers ultimately became a resource for
10 Project Evenhanded?

11 A Yes, they did.

12 Q Are you familiar with Grandma's House?

13 A Yes.

14 Q And from 1996 to 2001 Jamie Lee Hamilton founded
15 and ran Grandma's House, a non-profit centre
16 serving the needs of sex trade workers in
17 Vancouver's Downtown Eastside?

18 A Yes, another very good initiative.

19 Q And Hamilton had garnered public attention in
20 advocating for sex trade workers in the area, as
21 well as bringing attention to the missing women's
22 cases?

23 A Yes, she did.

24 Q Did you interact with Jamie Lee Hamilton?

25 A I did on occasion, and I'm sure -- I know for a

1 fact Inspector Greer did as well.

2 Q And did you believe she was serving a good cause
3 for the community?

4 A Very good cause.

5 Q And did you support it?

6 A I did, fully.

7 Q Do you know a person by the name of Freda Enns?

8 A Yes, I do.

9 Q I understand that she is a native liaison to the
10 Vancouver Police Department?

11 A Yes, she is.

12 Q And they develop frontline relationships with
13 numerous organizations and individuals in the
14 aboriginal community?

15 A They do.

16 Q And Gary Greer was also on that board of
17 directors?

18 A Yes, he was.

19 Q And the Native Liaison Organization was actually
20 moved into the police department on Main Street in
21 order to have a better connection between the two?

22 A Yes, it was.

23 Q Okay. In terms of what I have simply pointed out
24 to you now by example, are these efforts and
25 others what you rely on to say that there was no

1 disengagement between the Downtown Eastside of
2 Vancouver and the sex trade workers in the
3 Downtown Eastside and the police department, no
4 disengagement?

5 A That's right, there was no disengagement. In fact
6 we were fully operational and interactive with all
7 of the community, and especially these groups.

8 Q I want to ask you a couple of questions, and I'm
9 going to come back to this later on because it's
10 of some importance I believe for the commissioner
11 to have this, but the status of personnel at the
12 time, were you shorthanded, were there plenty of
13 police officers to fulfill all the requirements of
14 the police department, tell him a bit about it
15 now?

16 A Yes, we were extremely short at this time. We'd
17 gone -- the police organization itself had gone
18 through many setbacks, mostly with city hall.
19 Interaction with our police board, we made several
20 attempts to increase our personnel and deployment
21 model. The problem we were facing, at least while
22 I was the deputy chief in charge of patrol, was
23 that we were in excess of a hundred police
24 officers short to commit them to the field in any
25 one of the districts. That was a huge setback.

1 So we were constantly backfilling positions and we
2 were leaving positions vacant. Any emerging
3 issues that we had to deal with it was difficult
4 to beg and borrow individuals to place in these
5 vacancies. So we were extremely behind the ball.
6 The department had a history with the city for
7 about nine years of shortages, cutbacks and
8 reductions in budgets.

9 Q Let me ask you this. When Chief Chambers came in
10 in 1997 I understand that there were six deputies,
11 and in order to make some of the financial
12 cutbacks that he bought out or he essentially paid
13 them out to leave their positions, there were 11
14 management positions, deputies and inspectors,
15 that reduced the number of deputies to three.
16 That was what his task was when he first came in
17 because of the shortage of money and the shortage
18 of people?

19 A That's correct.

20 Q So the shortage of money produced even fewer
21 officers?

22 A Yes, it did.

23 Q Did you agree with that move?

24 A Well, the timing of it wasn't good. As you just
25 suggested we were approximately 12 individuals

1 short, and this was a bit shocking in the
2 organization in that they were -- they all were in
3 leadership positions, so that the knowledge and
4 skill that they left with was certainly a
5 detriment to the organization. The fact they were
6 gone and we couldn't fill in spaces for them was
7 certainly advantageous, but in the long term this
8 hurt us initially.

9 Q Could you do anything about it, you yourself
10 personally at the time?

11 A I didn't have -- no, I couldn't is the short
12 answer.

13 Q And when you were deputy chief of Operations
14 Division I understand that there were other
15 deputies at the time; correct? You were deputy
16 chief constable in Operations Division Patrol?

17 A Yes.

18 Q Brian McGuinness was deputy chief constable in
19 Operations Support Investigations which included
20 Major Crime Section, and Paul Battershill was the
21 deputy chief constable in Administrative Support
22 Division, and Bruce Chambers was the chief
23 constable; correct?

24 A That is correct.

25 Q And when you were the deputy chief in charge of

1 Operations Division Patrol did you know anything
2 about what was happening in Operations Support,
3 being the investigations?

4 A Very little actually.

5 Q As deputy chief of operations would you be
6 personally involved or informed of investigations?

7 A Only if they affected my division and my
8 deployment model of personnel.

9 Q Okay. And would you only know what McGuinness
10 told you or told the group at the senior
11 management or executive meetings?

12 A From his division, yes, that's correct.

13 Q Now, in the database of disclosure in this case
14 there's a memo written by Gary Greer and Dan
15 Dureau of District 2 to you on October 17th, 1996,
16 and this is in our exhibit, Mr. Commissioner, 101,
17 this is at tab 1. And all I'll point out to you,
18 Mr. Commissioner, is at the top the date and who
19 it was to and who it's from, and then you can look
20 through it at your leisure. It starts out with
21 the Downtown Eastside Safety Plan. Do you know
22 what this document is, and can you tell us
23 anything about the Downtown Eastside's Safety
24 Plan?

25 A I can, yes. I was involved in putting this plan

1 together with Inspector Greer in District 2, so we
2 did consult on this whole issue a lot. It was an
3 excellent idea in that it was somewhat of an
4 infusion of additional officers into the Downtown
5 Eastside to deal with the ever growing escalation
6 of violence, a lot of street crime issues and
7 disorder issues in the Downtown Eastside. So we
8 added an additional ten beat officers to the
9 existing 16 officers that were already in place,
10 and respecting the fact that this is over a seven
11 day week and of course a 24 hour period. We
12 involved in this presentation, which we later went
13 to the board with, we did a history on the
14 Downtown Eastside and went back to -- as far as
15 '92 when Inspector Bob Taylor from that district
16 had done a work-up and looked at the existing
17 problems in those days and what it -- how it had
18 developed to the time period we're talking about,
19 and as dated this was October 16th, '96. So this
20 plan, as I've stated, included the officers we
21 were deploying, the additional officers, and the
22 kinds of street issues that they were going to be
23 addressing, and in this document, included in it
24 was an operational plan which I can go through if
25 you so wish.

1 Q No, it's there for the commissioner to read, and
2 what I just want to put to you is this. Would you
3 say when you look at Exhibit 1 -- tab 1 -- sorry,
4 tab 1 of Exhibit 101, that there was an active
5 attempt by you, the police force, to try to keep
6 the Downtown Eastside a safe neighbourhood?

7 A Absolutely.

8 Q Now, do you believe that this document shows a
9 connection by the police department to the
10 Downtown Eastside?

11 A It certainly does.

12 Q And so when you hear a suggestion that has been
13 made in this inquiry that somehow the police
14 didn't try hard enough to find the missing women
15 because they were from the Downtown Eastside, what
16 do you say about that?

17 A I do find it offensive for all the good work that
18 we did in this area and the commitment that we
19 made in a troubled neighbourhood.

20 Q Okay. So while you were deputy chief in February
21 of 1997 the First Nations Summit requested
22 attorney general, the attorney general's
23 intervention into the investigation of unsolved
24 murders of 55 aboriginal women in the Vancouver
25 area over the previous ten years, and the attorney

1 general's office assisted in the funding of the
2 Provincial Unsolved Homicide Unit, which I gather
3 the acronym is PUHU, I'll call it Provincial
4 Unsolved Homicide Unit if you don't mind, and an
5 officer was assigned to investigate the list of
6 names provided. Do you remember this?

7 A Yes, I do.

8 Q And in reference to this I want to refer you to
9 tab 2 of our document brief, Exhibit 101.

10 A Yes.

11 Q And it says at -- it's the only page. This is as
12 specific as I can get, Mr. Commissioner, it's the
13 only page. It says Blythe, your name at the top.
14 And then it says -- if you just look at it, this
15 is a memo to you from Sergeant Honeybourn of the
16 Provincial Unsolved Homicide Unit regarding this
17 issue?

18 A It is, yes.

19 Q And I gather Ms. Karen Isaac of the First Nations
20 Summit had provided him with a list of 55 names of
21 native females who had not been seen by friends or
22 relatives for an unreasonable period of time and
23 there was a concern of homicide?

24 A Yes.

25 Q And he required the assistance of Constable Dave

1 Dickson?

2 A Yes, he did.

3 Q Now, I understand Constable Dave Dickson was from
4 your division, Operations Division?

5 A Yes. A vital officer to the Downtown Eastside.

6 Q And he had worked in the Downtown Eastside and was
7 very familiar with the community; correct?

8 A Yes, he was.

9 Q And he was assigned the task of identifying the
10 whereabouts of these women, and through his
11 inquiries the list of active missing women grew to
12 71?

13 A Yes, it did.

14 Q And you supported Dickson in this endeavour;
15 correct?

16 A I certainly did.

17 Q He had a great working relationship with the
18 Downtown Eastside, and was able to work with the
19 community in a way others would not have been able
20 to; is that correct?

21 A That is accurate.

22 Q And you gave him over without blinking?

23 A Yes, I did.

24 Q It was your duty and you fulfilled your duty?

25 A And happy to do so.

1 Q And you gave him the best officer you had?

2 A That's right.

3 Q Okay. So let me then move to -- were there any
4 Vancouver officers that went to the Provincial
5 Unsolved Homicide Unit?

6 A Yes.

7 Q How many?

8 A I believe there were three initially and then
9 four.

10 Q And who decided who would go and who wouldn't go?

11 A It somewhat depended on which division they were
12 coming from, but I had a lot of say when they were
13 my officers.

14 Q Did you have any problem providing them?

15 A Not at all.

16 Q So if I could take you then to tab 3 of the
17 documents that we've submitted.

18 A Yes.

19 Q Exhibit 101. When you were still deputy chief
20 constable Operations Division you received a memo
21 from the Provincial Unsolved Homicide Unit from
22 Sergeant Honeybourn regarding Dickson's efforts,
23 and I want to look at the memo. And it states in
24 part, a one-page document, it's the second --
25 second paragraph, Mr. Commissioner:

1 Constable Dickson's use of various police
2 systems and government agencies resulted in
3 all but one person named on the list, being
4 accounted for.

5 And then the next paragraph:

6 Some of the information provided to Constable
7 Dickson was such that a conclusive result
8 could not be confirmed on several of the
9 names, but in all probability the person
10 located was one in the same named on the
11 list.

12 I was impressed with Constable Dickson's
13 efforts and I know my RCMP associates were
14 equally satisfied.

15 First -- this is dated March 18th, 1997. First,
16 did you request this memo?

17 A Whenever we loan somebody from my division to
18 another area it's common practice, so I would have
19 requested it at the time that Dickson was loaned.

20 Q And why was the memo written to you?

21 A Because Dickson was one of my personnel, and I was
22 in charge of the Operations Division, being
23 patrol.

24 Q And from this particular tab 3, March 18th, 1997,
25 it looks like there were people missing and then

1 they weren't missing, and I understand that was --
2 that was part of the problem?

3 A That was part of the problem, yes.

4 Q All right. If I could take you then to a
5 following fax that I want to bring up. July 20th,
6 1998 Detective Constable Shenher was transferred
7 to the Missing Person Unit, she was assigned to
8 review and locate the increasing number of missing
9 women. Were you aware of that?

10 A I became aware when Deputy McGuinness, her
11 superior, had sent me a memo.

12 Q And I gather that she was approached by Peter
13 Ditchfield, her inspector at the time, looking for
14 volunteers?

15 A Yes, what --

16 Q Did you know that?

17 A Yes, I did.

18 Q Okay. Fine. And this would have happened in the
19 Operational Support Division under McGuinness?

20 A That is correct, yes.

21 Q Which is not your division; correct?

22 A That is correct.

23 Q You were in Operations Division Patrol; correct?

24 A Yes.

25 Q And he was -- McGuinness was in charge of

1 Operational Support Investigations which included
2 tactical support of Major Crime; right?

3 A Yes.

4 Q You would have had nothing to do with the transfer
5 of Shenher or her supervision of the Missing
6 Person Unit?

7 A No, I did not.

8 Q And did you keep informed about the missing women
9 investigation during this time, 1997 to 1998?

10 A Yes, I did.

11 Q And was McGuinness the deputy chief in charge of
12 Operational Support at the time?

13 A Yes, he was.

14 Q That included the missing women investigation?

15 A Yes.

16 Q And your division, the patrol division, the
17 Operations Division Patrol, would you have had the
18 tools or infrastructure to deal with this type of
19 investigation, or for that matter any type of
20 investigation?

21 A No, we would not.

22 Q Okay. Your division was -- you were frontline
23 responding to officers?

24 A Yes.

25 Q Okay. And you would loan personnel to the

1 investigations division to McGuinness if and when
2 he requested you to do so; correct?

3 A Yes.

4 Q And I gather at the time that everybody was short
5 staffed; right?

6 A Including his division, yes.

7 Q And you didn't have any input into the leadership
8 of this division; correct?

9 A No.

10 Q It was McGuinness?

11 A That is correct.

12 Q And you would only know about issues if McGuinness
13 raised it; correct?

14 A Yes.

15 Q McGuinness would often meet privately with Chief
16 Bruce Chambers; correct?

17 A Yes.

18 Q Is there anything unusual about that that the two
19 of them met behind closed doors?

20 A Well, the only unusual part is the non-inclusion
21 of myself being a deputy and Deputy Battershill.

22 Q When you became chief did the door stay closed?

23 A Not at all.

24 Q And you and Deputy Chief Battershill were not
25 included in those discussions; correct?

1 A Many of them, that's correct.

2 Q And I gather this problem of short staff, every
3 division was short staffed and everybody knew
4 that; correct?

5 A A well-known fact.

6 Q And you did not ask him about any particular
7 investigations he's working on unless he raised
8 it; correct?

9 A That's correct.

10 Q Why?

11 A That's -- I think that describing the structure,
12 and I've used this terminology which is somewhat
13 dated, it's rather the silo effect. Whatever is
14 occurring in your division causes you to interact
15 with the chief. If there are issues you are
16 dealing with in your own division that cross over
17 to another division, of course the exchange, at
18 least on my behalf, would have been very positive
19 and open with the other two deputies. So I would
20 expect the same in return from either one of the
21 other deputies.

22 Q When Detective Constable Shenher testified she
23 suggested that she was effectively working alone
24 on the missing person file, were you aware of
25 that?

1 A I am now.

2 Q Okay. But then she wasn't in your division;
3 correct?

4 A No, no.

5 Q Did she report to you?

6 A No, she did not.

7 Q And would you have ever expected her to report to
8 you?

9 A Not at all.

10 Q She was under Deputy Chief McGuinness?

11 A That's right.

12 Q Not part of your division?

13 A That is right.

14 Q Had you known there were personnel resources
15 needed to assist her in her work would you have
16 done anything about that?

17 A Well, we certainly would have volunteered to
18 assist in any way we could, and normally that is
19 with supplying additional personnel to assist.

20 Q And so do you recall at a time -- did McGuinness
21 know -- let me ask it this way. Did McGuinness
22 know how stretched you were to the limit in terms
23 of the number of officers that you were allowed to
24 have as a result of budget cutting and resource
25 reduction, did he know that?

1 A He did, yes.

2 Q Did he ever comment to you anything that you can
3 recall about that?

4 A Yes, he did. He -- unfortunately for ourselves,
5 McGuinness and myself, originally before it became
6 -- before ops became one division it was split
7 north and south, so I was in charge of Patrol
8 South and he was in charge of Patrol North. The
9 good piece about that is Deputy McGuinness had a
10 -- his heart and soul was certainly into the
11 patrol division and community policing pursuits
12 that we were putting together which was
13 advantageous to me. So he respected my shortages
14 and we often talked about it. I honestly sensed a
15 real sincere quote that he made to me, he wasn't
16 going to deplete my division any more than
17 necessary because I was so short, but we agreed
18 that if there were extenuating circumstances he
19 would be coming to me for assistance. We had that
20 agreement.

21 Q Would there be any reason for Detective Constable
22 Shenher to report to you?

23 A None whatsoever.

24 Q On July 27th, 1998 Detective Constable Shenher
25 received information that Pickton may be

1 responsible for the missing women. The source of
2 the information was later identified as Hiscox.
3 Were you aware of that?

4 A Not when it happened, no.

5 Q Did you hear Hiscox's name then or at any later
6 time?

7 A I never heard of any resource people from the
8 street at any time until this came to a
9 conclusion, this investigation.

10 Q What about Pickton's name?

11 A Just prior to the Project Evenhanded and him being
12 identified, so very close to the arrest date, but
13 prior to that, no.

14 Q Is it unusual that McGuinness wouldn't mention
15 this at a senior management meeting that you would
16 have attended?

17 A Well, the unusual piece would be in such a
18 sensitive investigation as this the material that
19 they're working on is very confidential, so what
20 could be shared with the group is the fact that a
21 serious investigation is taking place, but the
22 details would not be provided.

23 MR. GREENSPAN: Your indulgence, Mr. Commissioner.

24 THE COMMISSIONER: When you say the details are not provided,
25 what in general terms would the other deputies

1 know about something like this?

2 THE WITNESS: Well, Mr. Commissioner, they would know that
3 there was a project or an investigation that they
4 were looking into the missing women in the
5 Downtown Eastside.

6 THE COMMISSIONER: That Project Evenhanded was established?

7 THE WITNESS: Yes, absolutely we would know that, but we
8 wouldn't know the finite details of suspects, you
9 know, informants if you want to call them that, or
10 any other details that would be considered to be
11 protected by the investigators.

12 MR. GREENSPAN: At tab 4 -- sorry, Mr. Commissioner.

13 THE COMMISSIONER: When did you first learn of Hiscox?

14 THE WITNESS: Nowhere during this investigation did I learn of
15 Hiscox or any other name until right down to the
16 point of just prior to him being arrested.

17 THE COMMISSIONER: I see. That would be 2002, February 2002?

18 THE WITNESS: That's right.

19 MR. GREENSPAN: May I continue, sir?

20 THE COMMISSIONER: Yes.

21 MR. GREENSPAN: Okay. Thank you.

22 Q At tab 4 there's an undated e-mail from Chris
23 Beach to you which states as follows -- and I take
24 it in terms of whatever date this may have
25 occurred you're not able to assist us as to what

1 that date might have been?

2 A I can only presume that it would be -- you know,
3 if you looked under tab 5, the following date in
4 that category says September the 1st, '98, but no,
5 I can't, I'd only be guessing.

6 Q Should someone in this room make some kind of
7 suggestion that you whited out the date what would
8 you say about that?

9 A Absolute falsehood.

10 Q Okay. Now, it says here in this memo at tab 4,
11 and this is to you, and the subject is missing
12 women, the Downtown Eastside missing women:

13 I understand that this issue has some
14 history. I was at a DES meeting this
15 afternoon. Detective Constable Shenher gave
16 an excellent presentation to the group about
17 the missing women from DES over the past
18 years. Her presentation included numbers,
19 and later Detective Inspector K. Rossmo
20 advised me that the numbers given by
21 Detective Constable Shenher indicate a
22 statistically significant change had occurred
23 over the past three years. I propose that we
24 meet with DCC McGuinness to discuss the
25 issue. I suggest that our first meeting be

1 restricted to the three of us.

2 Did you remember if such a meeting ever happened?

3 A I don't remember specifically, but I do remember
4 -- I'm talking about as a consequence of this
5 memo, but I know that McGuinness and I and Beach
6 and others did discuss this matter.

7 Q In August of 1998 the Vancouver Police Department
8 Staff Sergeant MacKay-Dunn asked the Vancouver
9 Police Department geographic profiler Deputy
10 Inspector Rossmo for a statistical analysis of the
11 missing women from the Downtown Eastside. Rossmo
12 prepared a strategic blueprint outlining the
13 objectives of the Missing Women Working Group
14 specifically to determine if a serial murderer was
15 preying upon females in the Vancouver's Downtown
16 Eastside. Were you aware of that?

17 A I was aware that Kim Rossmo was doing a profile,
18 but I wasn't aware of the documents that he
19 produced.

20 Q Did you ever see it?

21 A Not -- no, I don't believe I ever saw it. I know
22 I didn't see the blueprint, no.

23 Q Did you ever see it later on in some kind of civil
24 action?

25 A In the civil action I believe it was brought out,

1 yes, and that would have been the first occasion.

2 Q Did Rossmo ever bring that report to your
3 attention?

4 A No, he did not.

5 Q Okay. And was he under McGuinness --

6 A Yes.

7 Q -- in Operational Support investigations?

8 A Yes, he was.

9 Q Okay. And is it your understanding that there was
10 in fact a geographic profile in this case?

11 A I knew that he had done work on it, but the
12 difficulty for him from what I remember early on
13 was the fact that they did not have a victim or a
14 location or any site of an incident. I know that
15 was a difficulty.

16 Q Had you known about this report at the time would
17 you have discussed it with McGuinness or anyone
18 else?

19 A I certainly would have, but I wouldn't have
20 overstepped my boundary to interfere or give an
21 opinion when it wouldn't be called for or
22 necessary.

23 Q Okay. And so let me come to when you were deputy
24 chief of operations on September 1st, 1998.
25 There's a -- at tab 5 there's a memo written to

1 you by Deputy Chief Constable McGuinness
2 Operational Support Division advising that
3 Detective Constable Shenher was making excellent
4 progress on the missing women investigation, and I
5 want to go look at tab 5 for a second. Do you
6 remember receiving this memo?

7 A Yes, I do.

8 Q And do you recall this memo from McGuinness and
9 the attached memo from Detective Constable
10 Shenher?

11 A Yes, I do.

12 Q And do you remember talking about this, about a
13 task force being set up?

14 A Yes, I do.

15 Q And did McGuinness share things that were going on
16 in his division?

17 A Not openly, no.

18 Q Did you know any of the details about this
19 so-called task force that was going to be formed?

20 A I knew more of it through my own Inspector Gary
21 Greer in District 2 than I did from McGuinness.

22 Q In her memo she says:

23 Through investigation, re-interviewing family
24 and persons of interest in these files, and
25 examining the victims' patterns, I'm trying

1 to determine how many, if any, of these women
2 are not actually missing, but merely have
3 left the area to go to detox, jail, or pursue
4 other work opportunities. At this point, it
5 seems none of the cases I am investigating
6 would fall into these categories and the
7 victims have gone missing under suspicious
8 circumstances. A large percentage of these
9 women have children either living under the
10 care of the Ministry or with extended family
11 and they have not lost contact with these
12 children or with family for more than very
13 brief periods of time until they went
14 missing. None have contacted family.

15 She then sets out things that she is continuing to
16 do to move the investigation of the missing women
17 forward, and she concludes by saying:

18 I hope this helps as I understand there has
19 been some discussion as to how the matter
20 should be dealt with and possibly a
21 perception in District 2 that no one has been
22 assigned to do this.

23 Did you have that perception?

24 A No, I did not.

25 Q Okay. Did you know whether or not people were

1 looking into this?

2 A Well, yes, as I stated earlier in my testimony I'd
3 already loaned Constable Dickson to do his
4 research with the Provincial Unsolved Homicide
5 Unit, as well as our -- some of our three to four
6 police personnel in that unit itself.

7 Q What about Sandy Cameron?

8 A She's assigned to the Missing Persons Section
9 which is within Deputy McGuinness's division.

10 Q What about Al Howlett?

11 A He is as well one of McGuinness's.

12 Q And were you happy to hear of the ideas that she
13 had and that she was going to be moving forward on
14 this?

15 A Absolutely.

16 Q Did this memo seem like a positive memo about the
17 work that was being done and could be done?

18 A Yes, it was very encouraging.

19 Q Okay. And so would it be fair to say when one
20 looks at this tab 5 that you were being informed?

21 A At this point, yes.

22 Q And you were obviously aware that there was a
23 missing women's working group in September of
24 1998. As deputy chief why did you not monitor
25 personnel compatibility within the missing women

1 working group, and personnel issues such as
2 Inspector Biddlecombe and Rossmo?

3 A Well, that certainly wouldn't be my
4 responsibility, that's -- that responsibility
5 about how personalities or indifferences or how
6 they interact would be at the supervisory level
7 within that section.

8 Q So it would be fair to say that you were not
9 monitoring the working group at all?

10 A I was aware of the work they were doing, but I
11 wasn't monitoring the personality indifferences.

12 Q Is it your position they would have been under the
13 umbrella of Operational Support which was under
14 the authority of Deputy Chief McGuinness?

15 A That's right.

16 Q And you would not have known what was happening
17 unless McGuinness said something?

18 A Exactly.

19 Q Do you believe it would have been inappropriate
20 for you to manage personnel issues in his
21 division?

22 A Yes, I do.

23 Q If personnel issues had been happening in your
24 division who would have managed those?

25 A The immediate supervisors of the individuals in

1 question.

2 Q Would you have dealt with those in your own
3 division?

4 A If it was significant enough I would know about it
5 and certainly have dealt with it, especially with
6 my assignment in Human Resources.

7 Q And having gone through this do you consider
8 this -- just in terms of assisting the
9 commissioner, do you consider what we have just
10 been talking about as some kind of a breakdown in
11 terms of the work that was being done or some kind
12 of compromise in terms of what work was being
13 done?

14 A I can't see that that would affect the work at all
15 or the progress of the project that they were
16 working on.

17 Q So what's the reason that staff from other
18 divisions weren't provided to the investigation
19 division, was it due to a shortage or some other
20 reason?

21 A The only reason would be everybody was short
22 staffed. In my division ultimately you're
23 responding to the nine-eleven calls and you have
24 to have those people on the street in place to
25 provide the service to the community.

1 Q And you were short by how many people?

2 A In excess of a hundred.

3 Q And what about in the investigation division, how
4 short were they?

5 A They were short approximately fifty investigators.

6 Q And whenever you were asked to provide personnel
7 would you do it?

8 A I did, yes.

9 Q Was there some kind of test that they had to
10 convince you it was necessary?

11 A Well, certainly not a test, but a discussion.

12 Q Well, not a test, but a discussion because of the
13 incredible shortage you were working under?

14 A Yes.

15 Q So that discussion in terms of needing more help,
16 would that occur around the executive table about
17 divisions needing more help?

18 A It would at the deputy level, yes.

19 Q But I understand Brian McGuinness was very adamant
20 about not asking for help; correct?

21 A That's right.

22 Q And he was really strong on leading people in
23 patrol where -- I mean, I guess I think you've
24 said before that that's where his heart was;
25 correct?

1 A It was.

2 Q And he wanted you -- and he wanted to deal with
3 things in his division; correct?

4 A That is a correct statement, yes.

5 Q So that you were seriously and woefully under
6 staffed?

7 A Both of us were, yes.

8 MR. ROBERTS: Yes, excuse me, Mr. Greenspan. Mr. Commissioner,
9 Darryl Roberts on behalf of Marion Bryce. I'm
10 delighted to have Mr. Greenspan here today,
11 Mr. Commissioner, but I do believe that he is at a
12 point where some of his questions, in my
13 submission, really should not be --

14 THE COMMISSIONER: Leading?

15 MR. ROBERTS: Are not leading. They are leading questions. I
16 think he's at an area where I would prefer that he
17 stop leading, particularly the last question about
18 what Deputy Chief McGuinness would be asking for
19 or not. I think we should have this witness's
20 evidence without it being put in a
21 cross-examination mode.

22 THE COMMISSIONER: Yes. Thank you. I think the point is well
23 taken.

24 MR. GREENSPAN: I think it's well taken as well, and I would
25 not in any way want to change his view that he's

1 delighted to have me here today, so I'll ask it in
2 a way that will not be leading.

3 THE COMMISSIONER: All right.

4 MR. GREENSPAN: And it's well taken and I apologize. Just a
5 couple of minutes. There are a couple of
6 questions I want to readjust my thinking. Can I
7 have your indulgence, please. It might be of
8 assistance to you, surely to me, if I can reduce
9 some of the questions I'm going to ask if I were
10 to ask you for the morning break now.

11 THE COMMISSIONER: All right. We'll take the morning break.

12 THE REGISTRAR: We are now recessed for 15 minutes.

13 **(PROCEEDINGS ADJOURNED AT 10:53 P.M.)**

14 **(PROCEEDINGS RESUMED AT 11:17 A.M.)**

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

16 THE COMMISSIONER: Yes, Mr. Greenspan.

17 MR. GREENSPAN: Thank you.

18 Q So let me just ask you one question in this area
19 about Brian McGuinness. How did you two guys get
20 along?

21 A Brian McGuinness?

22 Q Yeah.

23 A Very well. I thought very well. We never had any
24 -- we might have had a few disagreements that were
25 very tame. Certainly overall considering we were

1 at the same level I thought we were very
2 professional as deputy chiefs and working towards
3 the same cause in everything we did.

4 Q Okay. Great. Let me ask you this in terms of why
5 did you not warn the Downtown Eastside community
6 that an increased number of women had been
7 reported missing and that foul play was a
8 possibility in 1998?

9 A I didn't make any public statement myself in that
10 regard, but through our community offices, through
11 Dave Dickson working on the street, all of those
12 discussions had taken place and were a concern
13 about the safety of the sex trade workers in the
14 Downtown Eastside, and I was well aware of that
15 awareness. And I believe that we did everything
16 we were capable of doing and within our
17 responsibilities, and I can say that the majority
18 of beat officers that I spoke to, including
19 Dickson, they had a very good relationship with
20 the sex trade workers in that community.

21 Q There's a suggestion that Detective Inspector
22 Rossmo was ignored. Detective Inspector Rossmo
23 created a draft news release dated September 30th,
24 1998 to announce the formation of the missing
25 women working group. Did Rossmo ever come to you

1 with this draft news release?

2 A Not that I recall, no.

3 Q And at some point in 1998 you were asked to
4 perform a different task which took you away from
5 your normal duties as deputy chief in Operations
6 Division from September of 1998, I think, till
7 April 1999. What was that task?

8 A Yes, that was for approximately eight months, and
9 I was in charge of the reorganization of the
10 police department and looking at all facets that
11 relate to personnel assignments, the numbers in
12 various areas that were working.

13 Q And when you did this who acted in your deputy
14 chief position?

15 A John Unger was my acting deputy chief in
16 operations.

17 Q And did you speak to him often while you were
18 taken away for this other task?

19 A I did. I stayed in direct contact with him. We
20 spoke at least three times a week, and I would
21 come in for various meetings and other
22 interaction, but definitely stayed in touch with
23 him closely.

24 Q In tab 6 of Exhibit 101, Mr. Commissioner, you'll
25 see minutes of an interdivisional management

1 meeting, and it appears that on December 2nd, 1998
2 there was an interdivisional management meeting
3 where Greer mentioned the missing persons working
4 group. Do you recall this being raised?

5 A Yes, I do.

6 Q Okay. And would it be fair to say that looking at
7 this particular memo that the issue was not being
8 ignored?

9 A That's right, it was not.

10 Q Okay. Now, look at tab 7, and you were still
11 deputy chief on April the 9th, 1999, and the
12 Deputy Chief Constable McGuinness advised you, and
13 others, that Detective Constable Shenher's memo
14 would be provided to the attorney general that day
15 and asked for any comments, and you prepared a
16 handwritten response that same day. Do you recall
17 the memo?

18 A I do, and I recall my comments.

19 Q Okay. Let me look at page 2 of this tab 7, and
20 this was -- first of all, you thought a reward
21 offer was a good idea; correct?

22 A I thought it was, yes.

23 Q Okay. The problem you had was page 2 -- the first
24 page -- with your indulgence. In Shenher's report
25 she made this comment on page 2 of her memo in the

1 third paragraph:

2 As I write this letter, there's no evidence
3 of a person or persons preying on these
4 women. That does not mean that we do not
5 think it is a possibility, only that we have
6 to weigh this with all other possibilities.
7 We cannot investigate a murder without a
8 body, witnesses, time of crime or a suspect,
9 and we have none of these things. Only one
10 of these files even contains a person who can
11 say they saw a woman on a corner one minute
12 and she was gone the next - and we cannot
13 even confirm that for certain.

14 And I understand that you were -- you were
15 concerned about this and that you wrote this
16 e-mail, and that's your handwriting at the bottom?

17 A Yes, I did.

18 Q That says:

19 I've discussed this issue with Inspector
20 Beach and we agree that Constable Dickson
21 will be provided to assist in any further
22 investigations. This will be the second
23 occasion that Dickson has been assigned to
24 assist with information that relate to
25 missing women Downtown Eastside. Constable

1 Shenher has prepared an informative report
2 that outlines our position clearly. On page
3 2 the sentences I have highlighted - are we
4 safe saying such a thing? You can better
5 answer this from an investigative point of
6 view than I.

7 Of course what you're referring to there is her
8 comment that you can't investigate a murder
9 without a body, witnesses, time of crime, scene of
10 crime or suspect and we have none of these things.
11 Were you concerned about that kind of a comment,
12 that you can't investigate a murder when you don't
13 have a body, etcetera?

14 A I was.

15 Q And what did you mean by that note?

16 A Well, I thought it was an inappropriate comment
17 and actually reflected somewhat maybe on her
18 junior status involved in this. She did a great
19 job with the report, but the fact that they
20 couldn't investigate is not accurate. They can
21 investigate without a body or a crime scene.

22 Q And so is it fair to say that you were troubled
23 with the fact that there's a suggestion that the
24 police department can't do anything?

25 A I was troubled by that fact and made that comment

1 to Deputy McGuinness in my handwritten document.

2 Q Okay. So if we turn to tab 8, your assistant sent
3 an e-mail on your behalf to Deputy Chief
4 McGuinness saying just that. It says yes, I --
5 I'm not going to read it all, but where you report
6 what you said in that note that you wrote, and did
7 you have access to investigative files yourself in
8 your role as an Operations Division Patrol head?

9 A No, I did not.

10 Q Could you get it if you wanted it?

11 A No.

12 Q And did you have any knowledge of what they had?

13 A No, I did not.

14 Q And is that why you asked the question are we safe
15 saying such a thing?

16 A That is correct.

17 Q Okay. Did you like the British model?

18 A I think it's -- anything that's helpful as
19 described in that British model I would agree
20 with, yes.

21 Q In terms if a person is missing for a year or more
22 that it goes to another investigator to review
23 like a fresh sort of eyes, so to speak, did you
24 favour that?

25 A I think it's an excellent idea.

1 Q Okay. So let's look at tab 9. On April the 9th,
2 1999 Inspector Beach sends a message to Staff
3 Sergeant MacKay-Dunn regarding Dickson's temporary
4 assignment to Major Crime Section, specifically
5 the Missing Persons Unit?

6 A Did you see this memo? Yes, I did, and I've made
7 a notation on it.

8 Q Is that the second time that you loaned Dickson
9 out?

10 A Yes.

11 Q Was he vital to you in District 2?

12 A He was a vital contact, yes, to the Downtown
13 Eastside.

14 Q Did you realize how vital he was to this issue?

15 A Yes, I determined that this issue was far more
16 serious than his everyday tasks.

17 Q And were you of the view that he had a deep
18 connection to the Downtown Eastside?

19 A Very aware of that.

20 Q And I want to just put this to you, because in
21 terms of what some people may ask, in terms of
22 what you could have done how would you answer the
23 question by giving them Dickson did you do all
24 that you could do?

25 A I did what I was asked to do, as well as that,

1 backing up a bit, the Provincial Unsolved Homicide
2 Unit I had supplied staff to that as well, so our
3 commitment was very obvious to anybody that worked
4 in our division and the investigation division.

5 Q So in answer to the question did you do all that
6 you could do?

7 A I did, yes.

8 Q Okay. And there's a reference in this memo to a
9 serial predator. Did that cause you some concern?

10 A Yes, it did.

11 Q Okay. And did you have any idea of whether that
12 was right or wrong?

13 A I wasn't sure, but to be aware of it is certainly
14 -- was an asset to me.

15 Q Did you exclude it as a possibility?

16 A Not at all.

17 Q And you were deputy chief of patrol, not
18 investigations?

19 A That is accurate, yes.

20 Q So then on -- on April 21st, 1999 Sergeant Field
21 met with you, Chief Constable Chambers, Mr. Ken
22 Hardie, Chief Constable Chambers' communications
23 advisor, Deputy Chief Constable McGuinness, Staff
24 Sergeant Giles, and the result was a direction
25 that Sergeant Field prepare a report, and that's

1 found at tab 11 for the police board on missing
2 women's investigation which she completed the next
3 day. Can you tell us anything about the meeting
4 or the information provided by Sergeant Field?

5 A Yes, I can.

6 Q Okay. And where did that meeting occur?

7 A This meeting occurred at the boardroom at 312 Main
8 Street.

9 Q And did Field make a presentation?

10 A Yes, she did.

11 Q Do you have any recollection of anybody taking
12 notes at that meeting?

13 A I don't recall. I know -- I'm sure I didn't
14 myself, but I don't recall.

15 Q And is it usual, unusual to take notes at
16 meetings, is it a requirement or a practice, what
17 can you tell me about it?

18 A I think that it's common practice for people to
19 make notations on documents and maybe take some
20 brief notes. I would think that most people left
21 that room with this document in hand, which was
22 very informative and I believe all inclusive of
23 the information that she was looking at, so by
24 having this document in hand would have been
25 helpful to anybody that was at the meeting.

1 Q So this is a six-page document where she outlines
2 a number of things that have been completed at
3 that point. She talks, and this is in Exhibit 11,
4 planning strategies, she's talking about the
5 background, the purpose of all of this. I mean,
6 when you go through the financial implications,
7 everything that she talks about, and she outlined
8 a number of things that were ongoing strategies,
9 and in terms of these headings, and I don't want
10 to take you through all of this, what would you
11 say to people who said well, nothing was being
12 done, would you point to this memo?

13 A Yes, I would.

14 Q Okay.

15 A Very informative.

16 Q One of the things that Field says in her report is
17 the Geographic Profiling Section may be conducting
18 an epidemiological analysis spatial-temporal
19 clustering to examine the uniqueness of the
20 situation. Did anybody at the meeting say what's
21 she talking about, what does that mean?

22 A Well, I'm sure somebody did, but --

23 Q There were no other police agencies that were
24 keeping statistics similar to the Vancouver Police
25 Department; correct?

1 A Well, many police agencies don't have a Missing
2 Persons Section, so it was unique for us to have
3 one, and yes.

4 Q So in fact no other major agency even investigates
5 missing persons, right, they're simply entered on
6 CPIC?

7 A I'd say that's accurate.

8 Q And I take it in that regard your police
9 department was very innovative?

10 A I think so.

11 Q Were you proud of that?

12 A Absolutely proud of it.

13 Q So let's go to tab 12. On April 28th, 1999, these
14 are minutes of the meeting, the Vancouver Police
15 Board had a meeting and discussed the report from
16 Sergeant Field. So the board's being advised;
17 correct?

18 A They are, yes.

19 Q And at that meeting I take it that the notion of a
20 reward was discussed?

21 A Yes, it was.

22 Q Okay. And was her discussion at that meeting of
23 the Downtown Eastside policing plan?

24 A Yes, there was.

25 Q Okay. On May 21st, 1999 there are a couple of

1 e-mails at tab 13 that outline the continued loan
2 of Constable Dickson. And how did you feel about
3 Dickson continuing to work on the Missing Persons
4 Unit?

5 A I knew his expertise and his status in the
6 Downtown Eastside as being very favorable, a very
7 sought after individual. I was very happy and
8 pleased that he fit in so well to this position he
9 was loaned to, so I felt very good about it.

10 Q Did you view him as vital to your division?

11 A I did.

12 Q But did you view the important investigation into
13 the missing women such that you just had to give
14 him over?

15 A Yes, it was a very easy decision to make.

16 Q In May of 1999 Detective Inspector Rossmo
17 completed a case assessment on the Downtown
18 Eastside missing women. When did you first see
19 the report that Rossmo prepared?

20 A I can't give you the exact date, but -- I'm not
21 sure if it's in this document here or not.

22 Q Would it be fair to say that you didn't see it
23 until the civil case?

24 A That would be fair to say.

25 Q On June 23rd, 1999 Acting Chief Constable Unger,

1 Sergeant Field and Detective Constable Shenher
2 taped a segment on the missing women for America's
3 Most Wanted with John Walsh, and Sergeant Field
4 noted that John Walsh commented that, and it's his
5 quote, John Walsh:

6 In all the missing persons' cases he has
7 dealt with he has never seen such an effort
8 as this one.

9 He was highly complimentary. Were you aware of
10 that?

11 A Yes, I was there when he said it.

12 Q So he thought it was a pretty impressive
13 investigation; correct?

14 A He did, yes.

15 Q And how did you come to be chief, by the way? How
16 did you move from deputy chief to chief, did you
17 -- first of all, did you apply for the position?

18 A I did in 1997, along with a few others including
19 Chief Chambers, and Chief Chambers was successful
20 and I wasn't. And I can continue on with that,
21 how I became the chief if you want.

22 Q No, no, it's okay. You both put in your
23 application and he succeeded?

24 A Yes.

25 Q And then you became a chief several years later?

1 A Two years later approximately.

2 Q Okay. And you stepped in as acting chief on June
3 28, 1999?

4 A I did, yes.

5 Q And there is an Exhibit 52, and I'm not going to
6 take the commission to it, but I'll just put this
7 that the role of chief constable is summarized as:

8 The chief is accountable to the...

9 This is Exhibit 52, Mr. Commissioner.

10 The chief is accountable to the Vancouver
11 Police Board for providing leadership and
12 direction to the Vancouver Police Department
13 in support of the preservation of peace, the
14 prevention of crime and offences against the
15 law and the administration of justice. The
16 chief constable is responsible for overall
17 planning, general administration, financial
18 management and the efficient operation of the
19 department.

20 Would you agree with that description of the
21 general position in summary?

22 A I would, yes.

23 Q And how many people -- when you were the chief how
24 many people were working under you?

25 A Close to 1100 police personnel and close to 300

1 civilian personnel.

2 Q So you would be like a chief executive officer of
3 a company that employed about 14, 1500 people?

4 A Yes.

5 Q Now, at tab 15 I want you to look at that for a
6 second. July 5th, 1999 Deputy Chief McGuinness
7 wrote a report entitled "Items of Concern" to you
8 which listed 14 items that he thought the new
9 acting chief should be aware. Item 13 was
10 entitled "Major Investigations," but the missing
11 women investigation was not mentioned. Did
12 everybody in that room that saw this report, were
13 they aware of the missing women's investigation?

14 A Yes.

15 Q Was it anything that had to be identified or was
16 it something that everybody knew plain and simple?

17 A I believe everyone in the room knew, and I believe
18 it also had reasonable significance that it would
19 be included in a document.

20 Q Now, so there were a lot of issues that were
21 relevant at the time, and I'm not going to take
22 you through them, but they're all there, and I
23 want to go to tab 17. And tab 17 there was a
24 reward and poster launch at the end of July 1999.
25 Were you involved in doing that?

1 A Yes, I was.

2 Q And I understand that the reward was a hundred
3 thousand dollars, there was 30 from the city and
4 \$70,000 from the attorney general's department?

5 A That is correct.

6 Q Is that the way it -- is that the way the split
7 happened?

8 A That's right.

9 Q Was it an unprecedented amount or was it a
10 run-of-the-mill amount?

11 A No, it was a precedent setting amount to be
12 offered.

13 Q Okay. Now, in tab 17, if I can just find that for
14 a sec. This news release was a news release in
15 tab 17, and I want to read to you,
16 Mr. Commissioner, it's one, two, three, four, five
17 paragraphs down on page 1 of tab 17, sir:

18 Vancouver Police Chief Terry Blythe agreed
19 the reward will strengthen investigation
20 efforts. "People sometimes feel that the
21 information they have is not useful or
22 relevant. But I encourage anyone who knows
23 anything about the disappearance of any of
24 these women to help us."

25 Did you say those words?

1 A I did, yes.

2 Q Did you mean those words?

3 A Definitely, yes.

4 Q Tab 18, Vancouver Police Board meeting on July
5 28th, 1999 you're now acting chief for about a
6 month. Can you give us some context as to the
7 state of the department at the time? In other
8 words, by July of 1999, that's when we're talking
9 about now, what percentage of your operational
10 budget had been spent?

11 A Eighty percent.

12 Q Okay. And were you trying to start as acting
13 chief a reorganization?

14 A I was, yes.

15 Q Okay. And so when you have 80 percent of an
16 operational budget that's spent by July does that
17 limit you, choke you, handicap you in any way in
18 terms of work that needs to be done?

19 A Absolutely.

20 Q Would it be fair to say that you had -- you
21 inherited a very big financial problem?

22 A Yes.

23 Q And there's reference in the board meeting to
24 America's Most Wanted, the broadcast that's
25 scheduled July 31st, this is in tab 18, and it's

1 hoped that people would come forward as a result
2 of that?

3 A That's right.

4 Q Okay. Now, there is a -- I'm not going to take
5 you through each and every -- may I just say this,
6 Mr. Commissioner. We put in what we believe to be
7 relevant documents that we would ask you to look
8 at. By the fact that I'm not taking the witness
9 to each and every document, the ones that I'm not
10 taking you to will be seen to you for what they
11 are, and they may be cross-examined on. By not
12 cross-examining it's not that I don't consider
13 them important, but it's just time is an issue and
14 I'm trying to deal with the time.

15 THE COMMISSIONER: Thank you.

16 MR. GREENSPAN:

17 Q So if I can then take you -- I want to talk to you
18 about restructuring. I understand very early on
19 that you directed a report to counsel be prepared
20 describing staffing needs. Can you tell us about
21 that?

22 A I did. We identified -- I identified that the
23 numbers we were short, and like I've said
24 repeatedly the dilemma that we were in to field
25 sufficient personnel in many different areas of

1 the organization, we were somewhat handicapped to
2 do more with less and that was the reason for that
3 report to go in.

4 Q Let me ask you. I don't know whether or not
5 you're being polite or whether you're trying to be
6 cautious. When you say you were somewhat
7 handicapped, were you really handicapped?

8 A Well, I could say extremely.

9 Q But if you said extremely would that be a more
10 accurate description of how you felt at the time
11 and how you were at the time than slightly?

12 A It would be more accurate.

13 Q M'hm.

14 A And I probably would caution myself more on the --
15 in my first quotation, because we did everything
16 we could to backfill and move people and shift
17 people to make up for our shortages, and I think
18 we did a very good job of that, but we shouldn't
19 have had to do that ultimately.

20 Q But you didn't sign the cheques?

21 A No, I did not.

22 Q So -- and I gather that even though there was some
23 slight movement during that period of time in
24 terms of giving you some officers and some 30
25 positions in 2001, that since a couple of very

1 slight moves were made even at that you were
2 unsuccessful in generating further increases in
3 police staffing levels; correct?

4 A Yes, that's correct.

5 Q Now, I want to look at tab 20, and there were --
6 at the Vancouver Police Board meeting on October
7 2nd, 1999 there were discussions about
8 restructuring, and what can you tell us about
9 that?

10 A This was -- a police board meeting involves of
11 course the mayor, who is the chair of the police
12 board, and the other board members as well as a
13 number of people within the organization, police
14 personnel, and what we talked about -- I provided
15 an introductory planning session and the board
16 circulated our 1995 to 1999 restructuring
17 presentation workbook, which really up to and
18 including October '99 gave them a very good idea
19 of our horrible situation that we were in and what
20 we were going to have to do about it in the future
21 to provide an efficient police service to the
22 city.

23 Q On October 1999 Sergeant Field claims that --
24 Field claims that she requested a full-time
25 sergeant and suggested Bill Emerslin because he

1 was the new sergeant in patrol and had taken the
2 profiling course, he was an experienced
3 investigator, he was interested. She said:

4 I heard that Blythe said even early on when
5 Biddlecombe wanted more manpower or
6 McGuinness that it had to come from within
7 the division. The feeling was that they
8 couldn't afford to lose any more patrol
9 members. Inspector Biddlecombe also recalled
10 this and said that he went to the deputy, and
11 Bill had been spoken to by patrol, and we
12 were told we couldn't have him, the priority
13 was patrol.

14 Do you recall a request for Emerslin?

15 A I do.

16 Q And tell us about it?

17 A There'd been a competition for individuals to be
18 promoted. Emerslin was near the top of the list,
19 and he was about to be promoted and would have
20 been moved over to my Division 2 operations. We
21 absolutely needed him. We had a squad that had
22 some real difficulties in it, we tried a couple of
23 different actors in the position who failed, and
24 it was imperative that we moved him in.

25 Q Now, let me ask you this. Were you happy to send

1 another equivalent person?

2 A Of course I was.

3 Q And did you make that decision at your level or
4 was it left with the deputy or Biddlecombe?

5 A If they'd wanted another person -- you know, the
6 earlier comment about us not willing to loan
7 people is inaccurate. Of course we already had a
8 track record of loaning people and we were readily
9 supplying people as they were needed. If we'd
10 been asked and we were replacing somebody we would
11 do that.

12 Q In December of 1999 you were sworn in as chief
13 constable, I'm at tab 21 now, Mr. Commissioner,
14 and you're going to see some newspaper articles in
15 that regard. And if you look at the last article,
16 a tab entitled "New chief's got a lot on his
17 blotter," and it outlines the challenges of taking
18 on the job, and if you look at some of the items,
19 and it's one of the bullets:

20 The next high profile problem on his plate is
21 the ongoing investigation into a troubling
22 list of 29 street involved women who have
23 gone missing from the Downtown Eastside since
24 the mid '80s.

25 The only reason I'm pointing this out to you is

1 that would you agree with me that at the time of
2 your appointment that you were clearly aware of
3 this problem. Was that right or wrong that you
4 were aware of it?

5 A Yes, I was.

6 Q Well aware of it?

7 A Well aware, yes.

8 Q And that it was a pretty big issue at the time?

9 A It was becoming a bigger issue all the time, yes.

10 Q So let me then -- just sworn in you begin choosing
11 a new team of people to work with you, and you
12 chose John Unger as deputy chief in charge of
13 Operational Support Investigation. And was he
14 experienced in your view?

15 A He was. And each individual I selected, of
16 course, had had a very good background. I could
17 recognize that as the chief because I had worked
18 with these individuals.

19 Q M'hm. You worked with them for your entire life
20 in the workforce?

21 A For many of those years, yes.

22 Q Okay. You trust these people?

23 A Absolutely trusted their abilities.

24 Q Unger?

25 A Yes, an exceptional individual to take over that

1 division.

2 Q And these people that you picked were highly
3 experienced?

4 A Very experienced, yes.

5 Q And you'd known him for over 20 years?

6 A Yes.

7 Q And so was he a very well-rounded individual in
8 terms of policing?

9 A He was. Had a similar career to mine where he'd
10 been exposed to a number of different assignments,
11 and that's always certainly an advantage when
12 you're picking and placing people.

13 Q And you chose Gary Greer as deputy chief of
14 Operations Division Patrol; correct?

15 A I did, yes.

16 Q You had worked together before with him when you
17 were deputy chief with patrol?

18 A Yes.

19 Q And I take it his work was outstanding with the
20 community and that's why you picked him?

21 A Absolutely.

22 Q And Carolyn Daley as deputy chief, you picked her?

23 A Yes.

24 Q She had a good background?

25 A Great credentials and excellent --

1 Q Well educated?

2 A Well educated. Excellent individual for her
3 assignment, yes.

4 Q She worked at the Justice Institute and had done
5 well there?

6 A Yes, and training and had a great background.

7 Q Was hand picking your team important to you?

8 A Yes, certainly vital to leading in the direction
9 we wanted to go in, yes.

10 Q And you believe you worked well as a team?

11 A Perfectly. It was a perfect team of four and we
12 got a lot accomplished.

13 Q And all these key people that we're talking about,
14 did you rely on them a lot?

15 A Totally.

16 Q And did you believe it was important for you to
17 choose the very right people in your estimation
18 for the jobs?

19 A It was for me to entrust them to do the job I
20 expected of them, yes.

21 Q Now, at tab 22, in January 2000 Sergeant Field
22 provided a police board update on the Missing
23 Women Review Team, and this is the document that
24 was prepared. The headings are Investigative
25 Issues, Reward, America's Most Wanted. And I take

1 it that America's Most Wanted had nothing to do
2 with some kind of notion that you're going to be
3 on TV. What was important was this was going to
4 get widespread attention and might produce people
5 making calls or giving information to assist you
6 in your work?

7 A Yes, we knew they'd be generating tips, and it was
8 an excellent tool to use.

9 Q And then it talks about people of interest and
10 DNA, located women, vital concerns, provincial
11 medicine, all kinds of titles. And just going
12 over those titles, SIUSS was mentioned in the
13 report; correct?

14 A Yes, it was.

15 Q And that they were actually working for you?

16 A Within the VPD, yes.

17 Q Okay. And so this, I take it, is a police board
18 update in January of 2000; correct?

19 A Yes.

20 Q And looking at this particular update would you
21 say the police board was informed?

22 A Which was my -- I'd say yes, and it was my belief
23 that they should be informed and included in
24 updates such as this. That was my leadership
25 style.

1 Q At tab 24 there's a memo dated in 2002. You're
2 already -- you're the chief now in 2002. It's
3 dated -- the memo's dated 2002, but it's wrong I
4 believe. I believe that it should be from 2000
5 when you look at it.

6 A Yes.

7 Q Because I think in 2002 that Pickton was already
8 arrested. I mean it's just wrong as a date?

9 A Yes. Under the subject content it lists the date
10 as March 2000.

11 Q So in April 2002 there were further reports of the
12 board by McGuinness, and there's a memo with the
13 subject March 2000 police board report, and what
14 he says in that memo is that the Missing Persons
15 Task Force and Home Invasion Task Force continue
16 to operate and a full report was provided at the
17 last meeting; correct?

18 A That is correct.

19 Q At tab 25, on May 14, 2000 you received a memo
20 regarding the conduct of two members, Fell and
21 Wolthers, and I gather there was some kind of
22 problem with them?

23 A Apparently, yes.

24 Q And they had been assigned to the missing persons
25 review team; correct?

1 A They had, yes.

2 Q And apparently they did not take direction and
3 didn't do what they were asked to and they became
4 very focused on their own suspect?

5 A Yes, that's accurate.

6 Q Was there a suggestion that they were jeopardizing
7 the investigation?

8 MR. GRATL: Mr. Commissioner.

9 THE COMMISSIONER: Yes.

10 MR. GRATL: It looks like Mr. Greenspan is indulging in some
11 leading questions now, and it may be more
12 appropriate to ask direct questions.

13 THE COMMISSIONER: Yeah, that's right.

14 MR. GREENSPAN: We all have failings, Mr. Commissioner, one of
15 mine is leading.

16 THE COMMISSIONER: Is leading.

17 MR. GREENSPAN: So I need to be reminded from time to time.

18 THE COMMISSIONER: I think every lawyer in this room had -- I
19 think we've all done that from time to time. I
20 think it's this feeling that we can give the
21 evidence better than the witness, and that's not
22 always true.

23 MR. GREENSPAN: And it also makes it true that practice does
24 not make perfect.

25 Q Okay. So at tab 26, on June 14th, 2000 Deputy

1 Chief John Unger sent you a memo regarding Fell
2 and Wolthers; right?

3 A Yes.

4 Q And as a result of this memo did you do anything?

5 A I did. This memo was directed to me because
6 Deputy Unger felt there may be a disciplinary
7 misconduct, and I directed this to Acting Deputy
8 Chief Spencer and made a comment on this document.

9 Q Okay. Did you know whether or not either Fell,
10 Wolthers or both of them were hard workers?

11 A They had an excellent reputation as good street
12 cops from what I knew of them.

13 Q Did they have a reputation about taking direction
14 from higher ups?

15 A That I didn't know at the time whether there was
16 difficulty there or not.

17 Q So offering this tab 26, I'm going to just ask you
18 this question, looking at everything that we've
19 looked at and that we've picked out what would you
20 say in answer to a question of were you staying
21 informed about the issues?

22 A I was totally informed and considered myself a
23 hands-on leader, and very open communicator, and
24 certainly wasn't ever accused of being a
25 micromanager, just the opposite. I was involved,

1 encouraging and led by example, and was followed
2 as a result.

3 Q In August of 2000 Inspector Spencer, this is tab
4 27, Mr. Commissioner, sent a note to Inspector
5 Doug Henderson of the RCMP of the Serious Crime
6 Section, and the request was for an outside agency
7 to review the missing women file. Did you know
8 that this was happening?

9 A Yes, I did.

10 Q Were you in favour of it?

11 A Totally.

12 Q Of an outside review process?

13 A Yes, I was.

14 Q And is this what became known as Evenhanded?

15 A Eventually it did, yes.

16 Q Who named it Evenhanded? There may be a source
17 for it, but somebody called it Evenhanded and I
18 wonder if you know who named it that.

19 A I believe the RCMP did, and I believe it was
20 because it was an even contribution of police
21 personnel to undertake this project.

22 Q Okay. Did you have some view about whether a
23 fresh set of eyes was a good thing?

24 A Yes, I did. And it comes back to the British
25 model that we talked about earlier that I think it

1 is an exceptional way of doing police work.

2 Q Could I have your indulgence, sir. When Inspector
3 Spencer was talking to John Unger, the deputy
4 chief of investigations at that time, what was the
5 thought as to whether or not there was any more
6 missing women in 1999?

7 A There was open communication about this
8 investigation once I did take over, and I would
9 say that they kept each other well informed. I
10 was -- I had a lot of confidence in John Unger as
11 the deputy knowing everything in his division
12 including this major investigation and what it was
13 leading to.

14 Q But did you think that there were more missing
15 women in 1999 or that you didn't have any more in
16 1999?

17 A Well, I know it slowed down, and that was the
18 information we got, but that didn't deter myself
19 or any of the leaders or the investigators from
20 pursuing this investigation.

21 Q Was there anybody looking at the time of the
22 valley homicides?

23 A I know the RCMP were looking at that.

24 Q How many detectives short were you at around this
25 time, summer of 2000?

1 A I would still say we were between, you know, 40
2 and 50 short.

3 Q What about equipment?

4 A That was another huge related problem. We had
5 KPMG, for instance, do a study on our police
6 vehicles and we were in excess of 40 vehicles
7 short. So a number of issues related to the
8 personnel shortages.

9 Q Were there any discussions, and if there were was
10 it on a regular or irregular basis, at senior
11 management level about who you had available to
12 try to pull this thing together?

13 A It was discussed on a regular basis. As I've
14 stated in my evidence we had a discussion at the
15 executive level every morning about everything
16 that was pertinent to us, and this would have been
17 discussed as well as many other things, so it was
18 a constant exchange.

19 Q Who is Judy Rogers?

20 A The city manager at the time.

21 Q Was there any discussion about talking to her?

22 A Yes, and I did that.

23 Q For funding?

24 A For funding, yes.

25 Q Okay. And did you meet with anybody from the

1 RCMP?

2 A Yes. As well as meeting with Judy Rogers in
3 company with John Unger about this issue, we met
4 with the RCMP together with Unger, I took him with
5 me, we met with Deputy Commissioner Bev Busson and
6 she brought into the room Chief Superintendent
7 Gary Bass. In fact I think he was assistant
8 commissioner then.

9 Q Was there any talk about things like personnel
10 shortages?

11 A Yes, there was. And from our perspective
12 everybody was short. We were short, and they made
13 a very similar comment to us that they had extreme
14 shortages.

15 Q At the time were either or both forces looking at
16 a number of suspects or --

17 A Yes, it was a list. I can recall early on in this
18 review there were as many as 300 which continually
19 reduced as this progressed identifying suspects.

20 Q So you're chief in December of '99, and around six
21 months later you're getting into this joint forces
22 thing?

23 A Yes.

24 Q Okay. In terms of the work that was being done in
25 2000 -- can I have your indulgence, please. Who

1 are the best people in the department to inform
2 this commission about that, about the work that
3 was being done in 2000 in your view?

4 A In relation to this investigation certainly Deputy
5 Unger, John Unger, Deputy Gary Greer who had taken
6 over the ops division from me when I was made
7 chief, but he also had the huge history in
8 District 2 which was extremely helpful. And then
9 getting into the management piece I would suggest
10 that when I went in together with Unger and my
11 other executive and we changed personnel, and we
12 saw a real shift in this moving forward which
13 would bring into this Inspector Beach, prior to
14 him Inspector Spencer, and then some of the
15 frontline supervisors, one of them Bob Cooper who
16 is quite well known, all of them with expertise
17 and background in investigative areas.

18 Q What about Phil Little?

19 A Well, down to the investigator level definitely
20 Phil Little from our organization as a detective,
21 and Jim McKnight, also a detective.

22 Q How about Geramy Field?

23 A And Geramy Field was their sergeant at the time
24 who was eventually replaced by Cooper that I just
25 mentioned, yes.

1 Q In any event, at tab 28, in May 2001 there was an
2 agreement signed between the British Columbia
3 Cancer Agency, the Vancouver Police Department and
4 the RCMP. Can you very briefly tell us what that
5 was about?

6 A That was a request by them to put together a DNA
7 profile, and I was signing off on this to allow
8 access to that information, and the document, the
9 last page, was signed by one of my designates
10 Deputy Chief Carolyn Daley, and also by the RCMP.

11 Q You signed this, this exhibit at tab 28, on the
12 third page. Is that your signature?

13 A No, it was signed for me by Deputy Chief Daley,
14 but my name is in print on that signing.

15 Q But you knew about it?

16 A Yes, I did.

17 Q Approved it?

18 A Yes, I did.

19 Q So let me move ahead to tab 29. May the 16th --
20 tab 29 and tab 30 there's two things have
21 happened. Tab 29 on May 16th, 2001 there's a
22 meeting held at the chief's office, and would you
23 say that you continued to be engaged in this
24 investigation even after it became a joint forces
25 operation?

1 A Yes, I was engaged.

2 Q Can you tell us about this meeting very quickly?

3 A This was about the investigation into the missings
4 from the Downtown Eastside. Let's see. It says
5 that, just looking at this document briefly here,
6 we were given updates as to the missing women that
7 result -- could be the result of a serial killer.
8 That information is contained in this. The
9 Vancouver Police Department, of course, is now
10 engaged with the Surrey RCMP Serious Crime.

11 Q Is that common knowledge?

12 A I believe it would be certainly at our level in
13 the organization. And as well the BC Cancer
14 Agency assists us that we just spoke of, and the
15 fact that Sergeant Cooper was replacing Sergeant
16 Field as the admin sergeant in homicide.

17 Q And I take it there were a lot of people at the
18 meeting. Two of your deputies, several
19 inspectors, a number of people at this meeting?

20 A Yes. The list is on top of the memo, yes.

21 Q Was Robert Pickton's name mentioned as a suspect?

22 A No.

23 Q Did you know that Pickton was a suspect at that
24 point?

25 A No, I did not.

1 Q At tab 30 it appears the same day there's a board
2 meeting, and I want to know what was discussed
3 there?

4 A There was a -- this is a police board meeting, and
5 again the senior executive and a number of
6 inspectors as well as the police board were at
7 this meeting, and it was reported to them in
8 report number 0130 the missing women reward
9 renewal, because it was reaching an expiry date,
10 and there was discussion about the same original
11 reward, 30,000 by the city and 70,000 by the
12 province, and that was presented to the board for
13 approval to renew.

14 Q If there were some suggestion that this -- at this
15 commission that you didn't inform the board about
16 the continued investigation what would you say to
17 that?

18 A That's erroneous information. I did inform them.

19 Q And is what we're looking at here in tab 29 and
20 tab 30 evidence of that?

21 A Yes, it is.

22 Q Tab 31, it appears that on May 30th, 2001 you
23 signed the memorandum of understanding for the
24 Vancouver Police Department, and the commanding
25 officer of the RCMP in "E" Division Bev Busson

1 signed for the RCMP on June 26th; correct?

2 A Yes. Bev Busson, yes.

3 Q And it is -- that's when it's signed?

4 A That's when it's signed, yes.

5 Q Okay. And so the document when you look at it in
6 terms of 31 it sets out the background of the
7 investigation commencing in July 1998, it
8 describes how the Vancouver Police Department and
9 the RCMP are now embarking on another phase of the
10 investigative process, namely Evenhanded; correct?

11 A Yes.

12 Q And long before that did you know that there was
13 work being done between the RCMP and the Vancouver
14 Police Department on the Joint Forces Operation?

15 A I did know at this time, and I believe when I took
16 over from Chief Chambers, if I can back up just a
17 little bit, I was left very little information by
18 him or by Deputy McGuinness about any of these
19 details when I took over.

20 Q But this document, the fact that it was signed in
21 May 2001, does it mean that that's when the work
22 started?

23 A No, the work started prior to that, but the
24 document, the MOU, was signed later.

25 Q Okay. And the purpose of the MOU?

1 A The purpose of it is --

2 Q The purpose of signing it.

3 A It's an agreement and it's both for the City of
4 Vancouver and the police board and for the RCMP in
5 Ottawa.

6 Q With respect to costs?

7 A Costs and commitments of personnel.

8 Q And formalizing the relationship?

9 A That's right.

10 Q Okay. At tab 33, July 13th, 2001 Deputy Chief
11 Unger submitted a report to you and copied to Gary
12 Greer. The memo attached the timeline of the
13 missing person review team and the work that had
14 been done. Did you see it?

15 A Yes, I did.

16 Q Okay. And in terms of this being an example, what
17 would you say as it being an example about you
18 being continued to be fully updated on the
19 progress about steps being taken in the
20 investigation?

21 A Well, it just shows the positive attitude that we
22 all had towards this and that I was in the picture
23 completely on everything that was being done.

24 Q Okay. Did you ever just wash your hands of this
25 thing?

1 A Not at all.

2 Q Tab 34, September 10th, 2001 Deputy Chief
3 Constable Unger submitted a memo to you requesting
4 that the executive of the Vancouver Police
5 Department approach the city manager/council to
6 seek funding so that the VPD staff assigned to
7 this joint forces could be replaced?

8 A That is correct.

9 Q And did you raise this funding issue with the
10 board once, twice, more often?

11 A It was a -- I would say it was a discussion at
12 every meeting, which is once a month, and there
13 were probably several informal discussions between
14 myself and the chair of the board and the city
15 manager.

16 Q Were the cutbacks happening annually?

17 A They were, yes.

18 Q Were they major or minor cutbacks?

19 A Well, they were major.

20 Q Did you ever tell the city that you had a major
21 investigation at this point?

22 A Yes. The city manager was aware of that, but not
23 the details, of course, of the investigation, but
24 the fact that we were involved in a serious matter
25 and it was going to require money.

1 Q When you don't give the details is there -- is
2 there a police reason for not giving the details?

3 A It's a confidentiality issue that is respected by
4 the city and the board.

5 Q When we talk about confidentiality, obviously
6 there shouldn't be secrets in the government from
7 the people, but when you talk about
8 confidentiality what are you talking about? What
9 does it mean in terms of not releasing to the
10 public on day one that there may be a -- may be a
11 serial killer out there? Tell us more about that.

12 A Well, until we'd actually got into this and did
13 more research, and I'm a firm believer that
14 whatever we express in the community and to the
15 media that we're accurate in the message that
16 we're delivering and we've done our research, and
17 in doing the homework to prepare for a release
18 like that, and basically we're not alarming the
19 community, but if we are going to go to the
20 community or the city or the board we want to have
21 details and facts.

22 Q What about leaks to the killer, what about leaks
23 to the -- if there is a suspect out there who's
24 actually killing people is that something you
25 don't want them to know or you do want them to

1 know?

2 A We of course don't want them to know anything, so
3 the confidentiality issue is -- we hold everything
4 very close to our chest obviously for that reason.

5 Q But that's what I want to get to. Is the
6 confidentiality issue something, something that
7 may compromise the investigation?

8 A Yes, and we're not about to do that.

9 Q And that is a policing issue?

10 A Yes, it is.

11 Q Is it an issue that would be well understood by
12 all the police departments that we have in North
13 America?

14 A Certainly it is, yes.

15 Q And would you call that doing it by the book?

16 A For a good reason, yes.

17 Q In the memo Deputy Chief John Unger states:

18 Although this is primarily a Vancouver case
19 the RCMP has agreed to take a lead role
20 through our already formed JFO, the
21 Provincial Unsolved Homicide Unit.

22 Did you agree that this was primarily a Vancouver
23 case?

24 A Yes. The missing individuals we're dealing with
25 were all from our jurisdiction, and specifically

1 the Downtown Eastside.

2 Q Let me ask you something. I mean, you know, you
3 were the chief, and there are obviously issues
4 that affect the chief in the job that might not
5 affect other people, if you want funding from the
6 city with respect to some kind of policing issue
7 are you under any obligation to satisfy the people
8 you're seeking funds from that it's a Vancouver
9 issue?

10 A I believe that you would -- definitely you would
11 want to do that first and foremost, and
12 jurisdictionally it was our issue. The fact that
13 this project was out of Vancouver and involved
14 other locations is really irrelevant.

15 Q Now, if you make it a Vancouver issue does that
16 qualify you to seek support from the mayor's
17 office?

18 A Yes, it does.

19 Q From the city government?

20 A Yes.

21 Q Okay. And is that a matter of some importance --

22 A It's huge.

23 Q -- if you want it to be an issue of the Vancouver
24 Police Department?

25 A Yes.

1 MR. GREENSPAN: All right. Mr. Commissioner, I'm going to, as
2 I've indicated, not point out to every one of
3 them, but tab 35, tab -- these are issues -- these
4 are newspaper stories with quotes from the chief,
5 and if I can simply cut through it, he adopts all
6 of the quotes --

7 THE COMMISSIONER: All right.

8 MR. GREENSPAN: -- in tab 35. In other words, anything that's
9 attributed to him as a quote you may take it as
10 his evidence that they're his quotes.

11 THE COMMISSIONER: You don't want to lead him through it, is
12 that what you're telling me?

13 MR. GREENSPAN: I think it takes time and you have it. So tab
14 35, on September 21st, 2001 there's *The Vancouver*
15 *Sun* article, and he's quoted in that article in
16 several places. And then there's tab 36, there's
17 another article on September 22nd in *The Vancouver*
18 *Sun*, he's quoted throughout that and he adopts all
19 those quotes. And then at tab 37, September 25th,
20 2001, wherever he's quoted that is his quote. And
21 at tab 38 -- that's Septembers 25th, tab 37. Tab
22 38, September 26th, 2001, those are his quotes,
23 and you may rely on them as his evidence that he
24 made those quotes and meant what he said. And
25 then at tab 39 there are minutes from the senior

1 management meeting that were attended by a number
2 of people, and he adopts the meeting as being what
3 happened at the time. And then we can go to tab
4 40.

5 THE COMMISSIONER: All right.

6 MR. GREENSPAN: So let me come to tab 40. I apologize if I
7 rushed through that, but as long as you understand
8 that we're offering everything he's quoted as
9 saying in all of those as his evidence.

10 Q At tab 40 there's a -- September 26, 2001 *The*
11 *Vancouver Sun* published an article entitled
12 "Police chiefs make pitch for DNA bank." The
13 article suggests that Lower Mainland chiefs of
14 police are requesting a meeting with the solicitor
15 general about the BC Government's decision to
16 delay the implementation of the DNA databank that
17 could aid in missing person's cases. You were one
18 of those chiefs that disagreed with the
19 government's decision to delay; is that correct?

20 A Yes.

21 Q Were you in favour of this databank?

22 A Yes, I was.

23 Q Why were you in favour of the databank?

24 A Well, this is another tool to assist us in a major
25 investigation such as this.

1 Q An important tool or just another tool?

2 A A vital tool.

3 Q A vital tool?

4 A Absolutely.

5 Q That could assist in the missing women's
6 investigation?

7 A That's right.

8 Q And had you been asking for this for some time?

9 A I couldn't tell you how long, but it'd been on the
10 table for several months.

11 Q Do you have any idea why the provincial government
12 kept dragging their feet on this?

13 A No, I don't.

14 Q Anyway, I understand that you personally
15 approached Judy Rogers, the city manager, about
16 funding for the joint task force. In November of
17 2001 she responded and said she had a discussion
18 with the mayor and they preferred to include the
19 costs of the Joint Forces Operation within the
20 budget. Is that true?

21 A Yes, it is.

22 Q And the decision was what, that the city wouldn't
23 do what?

24 A They wouldn't fund us outside of our regular
25 yearly budget for such a project as this.

1 Q Okay. What did John Unger say to you once you
2 learned that?

3 A Well, we were pretty disgusted by it actually, and
4 looking at alternatives of what to do to rectify
5 this. We were both disgusted by it.

6 Q Well, having been disgusted by it what did you do?

7 A We talked about strategies, about pulling together
8 a team and working within our own budget. We
9 actually went out on a bit of a limb in that we
10 did create some expenditures which were not
11 approved by the city, and which we were hoping in
12 the end would be covered off with extraordinary
13 costs within our organization.

14 Q When the mayor found out about it what did he do
15 to you a year later?

16 A He didn't like it. He was pretty upset by it. He
17 made a -- well, one of the comments he made to
18 Deputy Unger was the fact that we should not be
19 outside of Vancouver doing anything, and he was
20 pretty upset about that.

21 Q Would it be wrong to characterize it as the mayor
22 chewed you out?

23 A That would be fair to say.

24 Q Okay. Would it be fair to say that what you did
25 was in the interest of advancing of catching this

1 person and that was your sole or primary aim?

2 A That was our ultimate goal, yes.

3 Q And so going against what your political masters
4 were telling you to do was a risk on your part?

5 A Yes, it was.

6 Q Okay. One that you felt needed to be taken?

7 A Necessity, yes.

8 Q Necessity to do what?

9 A To work towards a final resolution in this case.

10 MR. GREENSPAN: Okay. I notice that it's --

11 THE COMMISSIONER: We'll adjourn for now.

12 MR. GREENSPAN: I can indicate, Mr. Commissioner, that I fully
13 expect to be completed 45 minutes into the
14 afternoon and I'll be finished.

15 THE COMMISSIONER: All right. Thank you.

16 MR. GREENSPAN: Thank you very much.

17 THE REGISTRAR: The hearing is now adjourned till 1:45.

18 **(PROCEEDINGS ADJOURNED AT 12:27 P.M.)**

19 **(PROCEEDINGS RESUMED AT 1:45 P.M.)**

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

21 THE COMMISSIONER: Yes, Mr. Greenspan.

22 MR. GREENSPAN: Thank you, Mr. Commissioner.

23 Q There has been an allegation here that Deputy
24 Chief Unger made a comment during the course of
25 this investigation something to the effect of just

1 a bunch of f'ing hookers. This has been reported
2 only as double or triple hearsay, no one actually
3 heard him say it. Did you ever hear Deputy Chief
4 Unger make such a comment?

5 A No, I never did.

6 Q Knowing John Unger for as long as you have, and
7 working so closely with him, would you think he
8 would have ever made such a comment?

9 A No, I think it's absolutely erroneous. I can't
10 imagine him making such a comment to anyone.

11 Q When the Joint Forces Operation was calling it the
12 Hooker Task Force, do you remember John commenting
13 on that?

14 A I do.

15 Q And what did he say?

16 A He said he thought that was an inappropriate
17 terminology to be using the word hooker.

18 Q And what would you have done if you heard somebody
19 make this kind of a comment?

20 A Well, I would immediately call them in and have
21 harsh words with them, and if it continued I would
22 take the necessary disciplinary steps with the
23 individual.

24 Q There has been some suggestion that Deputy Chief
25 Unger had the attitude that any time spent on this

1 investigation was like a favour to the missing
2 women. Again there is no source of this
3 information, no one heard him say this. Did you
4 ever hear this type of comment from John Unger?

5 A Never.

6 Q And when he was picked to be deputy chief who
7 picked him?

8 A I did collectively with the full police board.

9 Q Did you have any view on his integrity?

10 A I did.

11 Q And what was that view?

12 A He had the utmost in integrity and a very
13 superior, well regarded, well respected police
14 officer.

15 Q And is that your view today?

16 A Yes, it is.

17 Q Okay. Did you trust him completely?

18 A Completely.

19 Q Okay. The LePard report suggests that you took a
20 hands-off approach to the investigation relying on
21 Deputy Chief Unger, there was a resulting lack of
22 executive level attention to the most serious
23 problem that was in fact facing the Vancouver
24 Police Department, a serial killer was or had been
25 on the loose. Do you have any comment on this?

1 A Well, the history of my evidence today and my
2 interaction throughout this investigation and the
3 Downtown Eastside would indicate totally
4 otherwise. I was completely hands-on at all
5 times.

6 Q Were you by nature or by choice a micromanager or
7 not?

8 A Not even close.

9 Q And in terms of not being not even close to a
10 micromanager how do you compensate for not being a
11 micromanager, what do you do to ensure that things
12 get done to your satisfaction?

13 A Well, I had a history, and still do, of selecting
14 the right people to do the job for me, and I would
15 expect their full participation, full commitment
16 to getting the job to my standard which is
17 extremely high.

18 Q Did you have an open door policy as chief?

19 A I did absolutely, yes.

20 Q As the chief did you keep fully informed about the
21 missing women investigation?

22 A I did, yes.

23 Q How did you keep informed?

24 A Daily interaction with my executive, the weekly
25 interaction at the meetings we've already

1 discussed on Wednesday mornings with the entire
2 senior management team, and I believe I was very
3 well informed and I don't think I could have been
4 any better informed than I was.

5 Q In 1999 was there a belief that the disappearances
6 had stopped or not?

7 A There was a comment, a belief that they had slowed
8 down, but that did not alter the direction of this
9 investigation from going forward.

10 Q It's been suggested that you as the chief failed
11 to properly assess in a timely manner whether the
12 disappearance of women from the Downtown Eastside
13 was the result of foul play. Do you believe this
14 is true?

15 A No.

16 Q And can you just elaborate on that for a minute?

17 A Well, again everything I did showed I was
18 committed to this investigation and the disturbing
19 facts that this is a possibility, and myself
20 included and everyone involved in this kept it on
21 the radar as intensely as we could.

22 Q It's suggested that you as the chief failed to
23 ensure that steps were taken to protect members of
24 the victim group, including warning the Downtown
25 Eastside community that an increased number of

1 women had been reported missing and that foul play
2 was a possibility. Do you believe this to be
3 true?

4 A No.

5 Q Looking at that question are you satisfied that
6 you have throughout your answers given the answer
7 to that question?

8 A Yes.

9 Q All right. It's been suggested that you failed to
10 ensure that adequate resources were made available
11 to conduct the missing women investigations. Do
12 you believe this to be true?

13 A No. I believe that I made my commitment and sent
14 individuals on loan to the other division every
15 time I was requested to do so.

16 Q And before we broke for the lunch break you talked
17 about acting in the face of a refusal from the
18 city to continue to provide resources when
19 necessary. Is that the first time you've ever
20 done that in your career?

21 A No, it isn't actually.

22 Q And when you've done it before was it always
23 because you believed it to be in the best
24 interests of policing and catching the bad guys?

25 A The police and the community, yes.

1 Q Okay. It's been suggested that you failed to
2 supervise Deputy Chief Constable McGuinness and
3 Deputy Chief Constable Unger to ensure the missing
4 women investigations were being properly managed.
5 Is that true?

6 A No, it is not.

7 Q It has been suggested that you failed to keep the
8 Vancouver Police Board properly informed about the
9 missing women investigation. Is that true?

10 A No.

11 Q It's been suggested that you failed to properly
12 consider whether the Vancouver Police Department
13 should assert jurisdiction over the Robert Pickton
14 investigation as a result of the possibility of a
15 criminal act that occurred in Vancouver. Do you
16 agree with this?

17 A No.

18 Q I want to just take you then to something that has
19 -- has been referred to before the commissioner
20 from time to time, and it's about the word
21 hindsight. It's been said about hindsight that
22 reality looks much more obvious in hindsight than
23 in foresight. Would you agree or disagree with
24 that?

25 A I would agree.

1 Q It's been said that people who experience
2 hindsight bias misapply current hindsight to past
3 foresight. They perceive events that occurred to
4 have been more predictable before the fact than
5 was actually the case. Do you agree with that?

6 A No.

7 Q As Winston Churchill put it:

8 It is not given to human beings to foresee or
9 to predict any large extent the unfolding
10 course of events. In one phase men seem to
11 have been very right in others they seem to
12 have been very wrong.

13 Do you agree that that's what's happening here?

14 A Yes, I do.

15 Q Do you know why it took American policing
16 authorities so long to capture Ted Bundy?

17 A No, I do not.

18 Q Do you know why the Chicago police force took so
19 long to capture John Gacy?

20 A No.

21 Q Do you know why Wayne Williams took so long to be
22 captured in Atlanta, Georgia?

23 A No, I do not.

24 Q Do you believe the Vancouver Police Department
25 didn't capture Pickton earlier because the force

1 didn't care about aboriginal women?

2 A Not at all.

3 Q Do you believe the Vancouver Police Department
4 didn't capture Pickton earlier because the force
5 didn't care about sex trade workers?

6 A No.

7 Q Do you believe that Robert Pickton was an
8 unspeakable monster?

9 A I certainly agree with that.

10 Q Do you know anyone under your command who was
11 indifferent to catching this monster?

12 A Not a person.

13 Q Did you and your dad spend a combined 65 years on
14 the force believing the force didn't care about
15 capturing criminals, especially serious ones?

16 A Of course not.

17 Q How important was being a police officer to you?

18 A Extremely important to me. Still to this day
19 being retired since '02 I still have huge pride in
20 the organization and the progress they're making.
21 I think it was a wonderful career for me. I don't
22 have any regrets about anything I did, and I'm
23 very proud of my dad's achievements and certainly
24 mine.

25 Q This question may be a very obvious question that

1 may lead to a very obvious answer. Would you have
2 preferred Robert Pickton had been captured long
3 before he was?

4 A Definitely.

5 MR. GREENSPAN: No further questions.

6 THE COMMISSIONER: Thank you, Mr. Greenspan. Mr. Ward, I would
7 like you to go next, and the reason for that is
8 that I want you to deal with this coverup issue
9 that you've raised. And I think that it's
10 appropriate that you deal with it, and
11 particularly since it particularly involves this
12 witness because he's at the top of the chain, if
13 you wish, in that he was the chief during that
14 time, and I think that he should be canvassed on
15 that.

16 MR. WARD: Well, that is of course out of our usual order.

17 THE COMMISSIONER: It is, I know that.

18 MR. WARD: And I wasn't prepared to commence now.

19 THE COMMISSIONER: Okay.

20 MR. WARD: I'd been told that Mr. Greenspan would be the entire
21 day, and I expected that Mr. Vertlieb and Mr. Hern
22 would precede me in accordance with our usual
23 arrangements, so.

24 THE COMMISSIONER: Okay.

25 MR. WARD: That's my position.

1 MR. VERTLIEB: Just in terms of the usual, I actually have --
2 the documents I wanted to deal with have already
3 been tendered by Mr. Greenspan, so I was actually
4 contemplating not asking any questions and just
5 waiting for the other counsel to deal with the
6 matter.

7 THE COMMISSIONER: Well, I want to be fair to Mr. Ward.

8 MR. VERTLIEB: No, I understand, I just want you to know that I
9 was content to wait to re-examine if something
10 came up. But the usual order, as I understand it,
11 is it wouldn't have been Mr. Hern because he
12 didn't have the client in the box, so to speak, so
13 it would have been Mr. Ward in any event just so
14 the record reflects --

15 THE COMMISSIONER: But normally it would be you and then
16 Mr. Ward.

17 MR. VERTLIEB: That's right, but I'm just not going to ask any
18 questions now.

19 THE COMMISSIONER: Okay. Well, Mr. Ward probably didn't know
20 that.

21 MR. VERTLIEB: No. I think that's true. We didn't have that
22 discussion.

23 MR. WARD: I'm content to start with the area that you directed
24 me to.

25 THE COMMISSIONER: Okay. I don't want to be unfair to you,

1 because I know that you aren't prepared to go
2 ahead now, so I'm prepared to give you some time,
3 but if you're prepared to go ahead now.

4 MR. WARD: What I propose to do is get started and --

5 THE COMMISSIONER: All right.

6 MR. WARD: -- focus on the issue that you've identified as
7 being of concern, and then I'll indicate when I
8 would prefer to break. It may be about an hour
9 from now.

10 THE COMMISSIONER: Okay.

11 MR. WARD: If that's convenient and if that's agreeable.

12 THE COMMISSIONER: Yes.

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

14 Q Sir, if I understand your evidence correctly --
15 and it's Cameron Ward, counsel for the families of
16 25 missing and murdered women. If I understand
17 your evidence correctly you retired as chief of
18 the Vancouver Police Department in late 2002;
19 correct?

20 A Yes.

21 Q What have you been doing since?

22 A Enjoying myself in retirement, not working at
23 anything, just my own personal interests.

24 Q Now, when the news broke that a massive search was
25 being undertaken on a farm in Port Coquitlam and

1 Robert William Pickton was identified as the
2 subject of that massive search, you as chief of
3 the Vancouver Police Department and your deputies
4 and inspectors, all senior management, must have
5 held a number of meetings to address the
6 implications of this matter; correct?

7 A Well, we certainly met, yes.

8 Q All right. I suggest that you had a potential
9 public relations crisis on your hands because you
10 knew by then that Robert William Pickton had been
11 squarely in the sights of some of the Vancouver
12 Police Department investigators as early as July
13 of 1998. Fair?

14 A We were certainly disappointed that we hadn't
15 caught him sooner.

16 Q Sir, let me repeat my question. I suggest that
17 when you met with your senior management team
18 shortly after the massive search began on
19 Pickton's farm in Port Coquitlam you as chief and
20 your management team realized that you had a
21 potential public relations crisis on your hands
22 because you knew something the public didn't know
23 yet, you knew that Robert William Pickton had been
24 in the sights of your investigators back in July
25 of 1998; is that correct?

1 A I wouldn't agree with the disaster portion of the
2 question you're asking me. We knew it was going
3 to be an issue, but very easy to comment post
4 investigation when he's caught and then starting
5 to back it up and look at him as being one of the
6 suspects amongst many other suspects.

7 Q Who are the other ones? You don't know, do you?

8 A Well, I do now.

9 Q All right. Well --

10 A And I knew, and I said this in my evidence
11 earlier, there were started out with 300 suspects,
12 it reduced to a hundred, and then slowly reduced
13 down after the investigation commenced.

14 Q How many suspects did Lori Shenher and her boss
15 Geramy Field focus on in July of 1998 through
16 August of 1999?

17 A I couldn't answer that perfectly, but from what I
18 remember in discussions with Deputy Unger there
19 were -- the list was down to about a dozen and
20 there were people that were near the top of the
21 list.

22 MR. HIRA: Mr. Commissioner.

23 THE COMMISSIONER: Yes.

24 MR. HIRA: Ravi Hira. My friend uses the term suspects.

25 There's a distinction to be drawn between persons

1 of interest and suspects. The evidence as I
2 understand it from Shenher has been that there
3 were persons of interest, but not suspects.

4 THE COMMISSIONER: All right. Well, I stand to be corrected on
5 that, you'll have to refresh my memory, I can't
6 remember what she said, I've got pretty thorough
7 notes, but I thought she said suspects, but I --
8 Mr. Vertlieb, can you --

9 MR. VERTLIEB: Well, because the words seem to be used rather
10 loosely.

11 THE COMMISSIONER: Interchangeably.

12 MR. VERTLIEB: Interchangeably. She did talk about it in
13 different ways. What she did say is Pickton was
14 clearly the most compelling suspect.

15 THE COMMISSIONER: Yeah, I thought she said suspect.

16 MR. HIRA: Well, let me deal with that this way. First,
17 Ms. Tobias established with Deputy Chief Evans the
18 difference between a person of interest and a
19 suspect.

20 THE COMMISSIONER: Oh, we know the difference.

21 MR. HIRA: Second, Detective Constable Shenher in the course of
22 my cross-examination going through her documents
23 acknowledged that she had persons of interest but
24 no suspect, and in fact in her exit memo she
25 states that there were many persons of interest

1 but no good leads or suspects. That was the
2 November 2000 memo. That is a precision of her
3 evidence and I think that's got to be kept in
4 mind.

5 THE COMMISSIONER: Okay. Well, I'm going to let Mr. Ward ask
6 the question, and you can ask it both ways if you
7 want.

8 MR. WARD: And just before I do I want to express my chagrin at
9 being interrupted in the cross-examination of the
10 former chief of the Vancouver Police Department by
11 a lawyer representing one RCMP member who doesn't
12 have, in my respectful submission, a sufficient
13 interest in the testimony of this witness to be
14 jumping to his feet and interrupting
15 cross-examination.

16 THE COMMISSIONER: Well, under normal circumstances I would
17 agree with you except that as an officer of the
18 court I think he's entitled to correct what he
19 perceived to be an incorrect statement of the
20 evidence. So I'm not -- I'm not going to hold him
21 to the strict terms of the rules in that case,
22 'cause I don't -- quite frankly I thought the
23 words were used interchangeably, and Mr. Hira
24 appears to be more accurate than the rest of us,
25 but in any event go ahead in your

1 cross-examination.

2 MR. WARD:

3 Q Let me come back to the events immediately after
4 you acquiring the knowledge that this farm
5 occupied by Robert William Pickton is the subject
6 of a massive search in relation to the
7 disappearances of the missing women. Are you with
8 me in the time frame?

9 A Yes.

10 Q All right. How did you learn that Robert William
11 Pickton's farm was the subject of a massive search
12 being conducted by the RCMP and then by Project
13 Evenhanded, how did that information come to you?

14 A From Deputy Chief Unger.

15 Q In what fashion, did he phone you, did he meet
16 with you?

17 A I believe he phoned me and we met soon after.

18 Q Where?

19 A At -- from what I remember at my office at 2120
20 Cambie.

21 Q Okay. Who else was there?

22 A I believe just Unger.

23 Q So Unger and you met. Was it the next day,
24 February 6th, perhaps?

25 A I can't recall, but it was -- I can't remember. I

1 couldn't answer that accurately.

2 Q What did you and he discuss at that meeting?

3 A He advised me of the progress the Evenhanded
4 investigators had made and the fact that two of
5 our members were involved in a search of the farm,
6 and there had been some personal property seized
7 which is already in evidence, and I was made aware
8 that he was a very good suspect.

9 Q He being Robert William Pickton?

10 A Yes.

11 Q Now, you and Unger, of course, were sworn members
12 of the Vancouver Police Department?

13 A Yes.

14 Q And you know that pursuant to the regulations and
15 procedures manual of the Vancouver Police
16 Department all sworn members are obliged to keep
17 daily notes of their activities; correct?

18 A Yes.

19 Q Is there a note made by either yourself or Deputy
20 Unger of the meeting that followed your acquiring
21 knowledge of the search?

22 A I can't answer that. I don't know.

23 Q All right. So certainly I haven't seen one. I
24 put it to you, sir, that you and Unger upon
25 learning that Robert William Pickton's farm was

1 being searched in connection with the
2 disappearances of Vancouver's missing women spoke
3 to each other about how you would deal with the
4 news that Mr. Pickton had been a suspect or a
5 person of interest in the minds of your detectives
6 nearly four years earlier in July of 1998. You
7 addressed the implications of that in that
8 meeting; correct?

9 A Not that I remember.

10 Q You must have addressed the implications of the
11 public knowledge of that fact at some point with
12 your executive team?

13 A At some point from one of the investigators
14 advising Deputy Unger of this individual being on
15 that persons of interest list in all likelihood we
16 discussed it.

17 Q Do you remember?

18 A Well, I know we did, but it wasn't -- you're
19 asking me if I did it immediately after when he
20 first advised me and if he -- I don't recall that
21 conversation then.

22 Q All right. Well, tell me what you do recall.
23 When did you discuss the implications of the
24 public learning that your investigators handling
25 the missing women file considered Robert William

1 Pickton a compelling suspect, a compelling person
2 of interest, call it what you will, back in July
3 of 1998, some three and a half years before he was
4 arrested?

5 A We would have discussed it very shortly
6 thereafter. It could have been the next day when
7 we learned more details.

8 Q Do you have a recollection, sir?

9 A I do.

10 Q All right. Tell me about the discussion then,
11 please?

12 A We would have discussed the fact that, and I can't
13 recall specifically when he was mentioned to me,
14 but that he was one of a number of suspects that
15 was being looked at in this investigation.

16 Q Who was having this discussion, sir?

17 A Deputy Chief Unger and myself.

18 Q Just the two of you?

19 A Yes.

20 Q Is there a note of that discussion?

21 A I don't recall. It wouldn't have been generated
22 by myself, but I don't recall a note.

23 Q When did you first meet Lori Shenher?

24 A I believe it was when -- well, first meet her
25 involved with this investigation or previously?

1 Q When did you first meet Lori Shenher? When is
2 your first -- your recollection of your first
3 meeting with that individual?

4 A I couldn't answer that.

5 Q All right. When did you first meet her in
6 connection with the missing women case that she
7 was handling?

8 A Right around the time she produced the document
9 that we referred to today that she authored.

10 Q Well, you've referred to a lot of documents, sir.
11 Which document, please?

12 A The document that she authored that was directed
13 to Sergeant Field.

14 Q I'll need a moment. Do you have that brief in
15 front of you that was prepared by your counsel and
16 shown to you, Exhibit 101?

17 A I just have the tabbed document in front of me.

18 Q Is the document in there?

19 A Yes, it is.

20 Q Could you identify it for me, please? It would be
21 a little more helpful than the document.

22 A Certainly.

23 MS. CHRISTIE: Mr. Commissioner, Vanessa Christie. I'm not
24 sure which document is being referred to, but if I
25 can assist at all, at tab 5 --

1 THE COMMISSIONER: Tab 5.

2 MS. CHRISTIE: -- there is a report there from Detective
3 Constable Shenher to Dan Dureau. It is one of the
4 first in time, I believe. And then subsequently
5 at tab 7 is the memo to the attorney general. So
6 just to try to assist people with the --

7 THE COMMISSIONER: Thank you, Ms. Christie.

8 MS. CHRISTIE: Thank you.

9 MR. WARD:

10 Q Are either of those documents the ones that you
11 were referring to a moment ago?

12 A Yes, the document at tab 5.

13 Q All right. So you met Lori Shenher for the first
14 time in connection with her handling of the
15 missing women investigation file on or about the
16 1st of September, 1998; correct?

17 A Yes.

18 Q And where was that, sir?

19 A That was in the boardroom at 312 Main Street.

20 Q All right. And you were then a deputy chief?

21 A Yes.

22 Q Who else was in attendance?

23 A I don't see that in this document that it tells
24 who was in attendance, but I can see that who was
25 copied in the first document by Brian McGuinness,

1 but I don't have an attendance list in this
2 document.

3 Q All right. So you don't have -- you're not aware
4 of a record that would help us pin down who was
5 meeting with you and Shenher, if anyone, in early
6 September of 1998, do you?

7 A I'm talking about the meeting that she presented
8 to a group of people in a boardroom.

9 Q Okay. And can you recall any of the other people
10 in attendance?

11 A No, I'd only be making an assumption.

12 Q We know from Shenher's evidence that by this date
13 she had been working with an informant who had
14 provided her with information that a Port
15 Coquitlam pig farmer named Robert William Pickton
16 had probably killed Sarah de Vries and was
17 probably responsible for the deaths of the other
18 missing women from the Downtown Eastside.
19 Assuming that evidence is accepted, I put it to
20 you, sir, that Lori Shenher in presenting
21 information to you in September of 1998 told you
22 about the status of her investigation at that
23 time, and in particular told you that she had a
24 compelling suspect named Robert William Pickton
25 from Port Coquitlam. Do you agree?

1 A No, I don't.

2 Q You have been with the Vancouver Police Department
3 for -- or you were with the Vancouver Police
4 Department for 32 years; right?

5 A Yes.

6 Q This was in 1998 an important investigation;
7 correct?

8 A Yes.

9 Q Lori Shenher was the lead investigator on the
10 file, correct, for the Vancouver Police
11 Department; correct?

12 A No, that's not correct.

13 Q No. Who was?

14 A The lead investigator would have been somebody in
15 homicide, a detective. Lori Shenher was there in
16 a research capacity. She was not leading the
17 investigation, so the supervisor in charge would
18 have been Sergeant Field.

19 Q Yes. And do you recall whether Sergeant Field was
20 at the meeting?

21 A I believe she was.

22 Q So Sergeant Field is there, Lori Shenher is there,
23 and you're there?

24 A Yes.

25 Q Do you remember anybody else?

1 A Deputy McGuinness I believe was there. I'm sure
2 there were other members from the homicide unit
3 there, but I couldn't recall who.

4 Q The purpose of this meeting in early September
5 1998 is to have senior management briefed on the
6 status of the missing women investigation. Is
7 that fair?

8 A That's fair.

9 Q All right. And the testimony we have heard and
10 the documents we have seen indicate that
11 significant milestones occurred, those are my
12 words, that significant things had occurred in
13 August of 1998 with respect to receipt of the
14 information that suggested that Robert William
15 Pickton was responsible for these murders. You
16 understand that to be the case?

17 A Not to my knowledge.

18 Q Do you understand now?

19 A I do now, yes.

20 Q All right. Knowing the Vancouver Police
21 Department's internal operations as intimately as
22 you do, can you provide an explanation for why
23 Shenher and Field would not have disclosed to you
24 and other senior officials at this September '98
25 meeting the lead that they had received that month

1 in August?

2 MR. GREENSPAN: I wonder if I could stand.

3 THE COMMISSIONER: He can't answer that unless she told him. I
4 mean you're really asking the witness to tell us
5 what the state of mind of Shenher was.

6 MR. WARD: Well, let me rephrase the question then, please, if
7 I may.

8 Q Is there some policy or procedure of the Vancouver
9 Police Department, perhaps in its regulations and
10 procedures manual, that obliges detectives to keep
11 secrets from deputy chiefs and chiefs with respect
12 to prime suspects or persons of interest in
13 serious investigations?

14 A Nothing that I'm aware of.

15 Q Thank you. Sir, I put to you that what happened
16 in the aftermath of the Pickton search, Pickton
17 farm search in February of 2002 is that senior
18 management of the VPD circled the wagons and took
19 steps to ensure that the record did not show their
20 awareness of Pickton as a suspect going back to
21 1998. Do you agree?

22 A No, not at all.

23 Q You met with now Deputy Chief LePard in 2004;
24 right?

25 A Yes.

1 Q A couple of years after your retirement?

2 A Yes.

3 Q And did you continue to keep in close touch with
4 Doug LePard and other members of the executive of
5 the Vancouver Police Department after your
6 retirement?

7 A A few people, but not Doug LePard, no.

8 Q Who did you keep in touch with?

9 A Well, a whole assortment of people. A number of
10 people.

11 Q Who in senior management?

12 A Gary Greer, Carolyn Daley, John Unger, a number of
13 inspectors.

14 Q Through that contact you must have become aware, I
15 suggest, that Lori Shenher, Detective Constable
16 Lori Shenher, had written a book that constituted
17 a firsthand account of the missing women
18 investigation from her perspective; right?

19 A I never knew that.

20 Q You never knew that?

21 A Never knew that until I saw her say it in this
22 inquiry.

23 Q You didn't read the newspaper reports back in 2003
24 to that suggesting that she had written a book?

25 A I never saw that.

1 Q And nobody that you maintained contact within the
2 executive ranks of the Vancouver Police Department
3 told you about that matter?

4 A No, they didn't.

5 Q Have you read it now?

6 A No, I haven't.

7 Q At the end of Lori Shenher's tenure in the Missing
8 Persons Unit she wrote a summary report, I can
9 show it to you if need be, indicating that she had
10 sent regular e-mail updates to all sworn members
11 advising them of the status of the investigation.
12 Do you know that to be the case?

13 A No, I don't.

14 Q Do you recall receiving regular e-mail updates
15 from Detective Constable Shenher in connection
16 with the missing women cases?

17 A No, I don't.

18 Q Were you involved in any way in the process that
19 Deputy Chief LePard followed to gather up
20 documents to assist him in preparing his internal
21 review report?

22 A Sorry, was I involved?

23 Q Yes.

24 A No, I was not.

25 Q All right. So you can't say whether he in fact

1 took steps to retrieve all members' notes and all
2 members' e-mails about the investigations, can
3 you?

4 A No, I couldn't.

5 Q And you knew from your tenure as chief and deputy
6 chief that after 1998 members were using their
7 computers for the purpose of communicating by
8 e-mail with each other; correct?

9 A Yes.

10 Q And you know as a retired police chief with the
11 decades of police experience that e-mails can be
12 retrieved from computers even after they're
13 deleted; right?

14 A I believe so, yes.

15 Q And you also know from your time at the VPD that
16 members would speak candidly to each other on the
17 e-mail system?

18 A I'm sure.

19 Q I suggest to you, sir, that the candid e-mails
20 exchanged by members of the VPD between 1997 and
21 2002 about the missing women investigations, or as
22 it's sometimes referred to within the VPD the
23 missing hookers case, were intentionally withheld
24 from production to this commission. Do you agree?

25 A I have no idea.

1 Q You don't know one way or the other, do you?

2 A Well, I couldn't answer that.

3 Q All right. Sir, sometimes witnesses have been
4 asked if they have any recommendations that they
5 might offer this commission to improve practices
6 going forward, and I'm going to ask you a similar
7 question, and the basis for this is your 32 years
8 of experience in the Vancouver Police Department
9 coupled with your knowledge of your father's 33
10 years in the department. All right?

11 A It's actually the opposite. I had 33 and a half
12 and my dad had 32, but you're close enough.

13 Q Okay. Pardon me. So 65 years of collective
14 experience of you and your father would make you,
15 I suggest, the consummate VPD insider. Is that
16 fair?

17 A Consummate, sorry?

18 Q Insider. You have a lot of inside knowledge about
19 the Vancouver Police Department based on his
20 experience as relayed to you and your own
21 experience. Fair?

22 A I have a lot of knowledge of the police
23 department, yes.

24 Q And you know as a result of that knowledge that
25 particularly among upper management there was a

1 culture of sexism and misogyny within the ranks;
2 correct?

3 A Certainly issues within the ranks I would say.

4 Q And I'm speaking of the ranks of the senior
5 management. Do you agree with that?

6 A Well, I think you need to be more specific about
7 your question.

8 Q All right. Many members of senior management to
9 your knowledge held old fashioned views about
10 women. They considered them to be objects, and
11 often objects of derision and scorn and jokes;
12 correct?

13 A Not correct.

14 Q Not correct. Didn't happen?

15 A I'm not saying it didn't happen, but I would
16 disagree with it being an overwhelming issue.

17 Q All right. Well, if it's just an issue then it
18 may well have been a factor in the Vancouver
19 Police Department's failure to address the
20 disappearances of the missing sex trade workers
21 from the Downtown Eastside in a timely way. Fair?

22 A No, not fair. I would disagree with that.

23 Q So you followed Dr. Rossmo's testimony while he
24 was here, did you?

25 A A portion of it.

1 Q He was quite clear from his perspective the
2 investigations would have been handled very
3 differently had the women gone missing from the
4 west side of the city. Are you aware of that
5 evidence?

6 A I did hear that.

7 Q And he was right, wasn't he?

8 A I wouldn't agree with that at all.

9 Q Your evidence under oath today is that if 30 or 40
10 women had gone missing from the west side of
11 Vancouver, the Vancouver Police Department would
12 have used just the same amount of resources and
13 conducted the investigation into their
14 disappearances exactly the way they handled these
15 cases, is that your evidence?

16 A Yes, it is.

17 Q You know that Deputy LePard's, or Sergeant
18 LePard's as he then was, Home Invasion Task Force
19 investigated break and enters on the west side and
20 had extensive resources with which to do that work
21 at about the same time that Lori Shenher and
22 Geramy Field were working a few offices away with
23 virtually nothing at their disposal; correct?

24 A I was aware of his investigation. Again, he
25 didn't work in my division, he didn't work for me,

1 and I had no input into his project that he was
2 working on.

3 Q All right. Let me come back to this question
4 about his possible recommendation that might be of
5 assistance. Can you suggest given your background
6 and your long history with the Vancouver Police
7 Department any recommendations for this commission
8 that might assist in eradicating any old fashioned
9 sexist and misogynist attitudes that are harboured
10 by male Vancouver Police Department members?

11 A It's certainly, Mr. Commissioner, overall a
12 systemic issue in many organizations. I'm proud
13 of the fact as a deputy chief and as the chief of
14 police that we did everything in regards to
15 appropriate training in this regard with all of
16 our personnel, and it was a well-known fact that I
17 would not tolerate any misconduct in this regard.

18 Q What does that mean you wouldn't tolerate any
19 misconduct in that regard?

20 A In other words, if an individual did something
21 inappropriately they would be disciplined
22 formally.

23 Q Is that how you handled Murray Phillips?

24 A Yes.

25 Q Is that how you handled John Dragani?

1 A I wasn't involved in that case.

2 Q Did you appoint him as the sergeant in charge of
3 the Missing Persons Unit?

4 A Myself appoint who, John Dragani? No.

5 Q Who did?

6 A Well, I would imagine whoever the boss was in ops
7 support would have done that.

8 Q But he was in that post while you were chief;
9 correct?

10 A I can't remember that. I don't know.

11 Q Sir, I was asking you a few moments ago about Lori
12 Shenher's summary memorandum that indicated she
13 had sent regular e-mail updates to the membership,
14 and you see the difficulty I'm having is that the
15 commission has advised me -- commission counsel
16 has advised me that there were two such e-mails,
17 one in April and one in October of 1999. If I
18 wanted to test that statement that she had sent
19 regular e-mails the way to do it would be to have
20 someone go to the VPD computers and check; right?

21 THE COMMISSIONER: Yes. Don't answer that.

22 MR. HERN: I've addressed this so many times with Mr. Ward.
23 This e-mail issue was the subject of sworn
24 testimony in the Frank Paul Inquiry, which Mr.
25 Ward was at, the computer servers don't retain

1 e-mails after February of 2003. And that has been
2 the subject of multiple, multiple communications
3 already, and I just don't see why we're taking up
4 the time of the former chief who can have no
5 information to offer us about this.

6 THE COMMISSIONER: Mr. Ward.

7 MR. WARD: Well, let me put it another way.

8 MR. HERN: May I just correct the record. My friend just says
9 I said after February 2003. We don't have e-mails
10 prior to February.

11 THE COMMISSIONER: After February --

12 MR. HERN: Prior to February 2003 we do not have e-mails
13 retained. So the ones that my friend is referring
14 to, the two that Ms. Shenher had sent that we do
15 have in the record, were printed out by somebody
16 and kept in a hard copy file and that's why we
17 have them, and that's why we don't have the other
18 ones she says that she sent.

19 MR. WARD: Excuse me, Mr. Commissioner, I just need a moment,
20 please. I don't have my documents ready for the
21 witness yet, because I didn't expect to be
22 questioning him on these matters today, but let me
23 mention one, and I'll show it to you tomorrow.

24 Q I'm looking at an internal Vancouver Police
25 Department memorandum, it's VPD-001-002601, and

1 it's dated April 3rd, 2002. And I'll just read to
2 you to see if you recall this, sir, and it was
3 copied to you I notice, and it's a memorandum from
4 Deputy Chief Unger to Inspector Chris Beach. And
5 I'll read the first sentence. It says this:

6 As the investigation of Project Evenhanded
7 continues the media will undoubtedly fuel an
8 atmosphere of police inaction and
9 incompetence relative to our previous lengthy
10 investigation of missing women from the
11 Downtown Eastside.

12 And then I'm going to skip down to the bottom of
13 the page, and I'm happy to show you this if you
14 need to see it:

15 To prepare for the inevitable review I am
16 directing you to take whatever steps are
17 necessary to preserve documents and/or notes
18 relative to all previous Missing Women Task
19 Force investigations including Project
20 Amelia.

21 All right?

22 THE COMMISSIONER: Just a minute. Yes.

23 MR. GREENSPAN: I wonder if before the witness answers it if my
24 friend could show him the document to see if it
25 refreshes his memory or if he can look at the

1 document and have a better sense of what --

2 THE COMMISSIONER: Do you have this document with you?

3 MR. WARD: Sure. I'm happy to, and I'm only and somewhat
4 reluctantly cross-examining without extra copies
5 because I wasn't expecting to.

6 THE COMMISSIONER: No, I have your point on that.

7 THE WITNESS: I do remember this memo, yes.

8 MR. WARD:

9 Q And so the passages I read from the first page
10 were accurate; correct?

11 A Yes.

12 Q So April 3rd, 2002, less than two months after the
13 massive search of the Pickton property began,
14 there was an internal communication, copied to
15 yourself as chief, that made it clear that there
16 would be inevitably a review of the handling of
17 the missing women cases, that the media would fuel
18 discussions of police incompetence, and that
19 accordingly all papers connected to the
20 investigation, all records, all documents should
21 be preserved; correct?

22 A Yes.

23 Q All right. And obviously, I suggest, given the
24 lack of for example Shenher's regular e-mail
25 updates, no one apparently stepped in and gathered

1 up all the e-mail records that had passed between
2 members respecting the missing women
3 investigations; correct?

4 A I really can't comment on the accuracy and how
5 they did that.

6 Q Well, you were the chief, sir.

7 A That's right.

8 Q As chief the buck stopped with you; right?

9 A Absolutely.

10 Q Did you take steps to ensure in the climate that
11 would inevitably ensue of finger pointing about
12 alleged Vancouver Police Department incompetence
13 take steps to ensure that every record within the
14 Vancouver Police Department with respect to the
15 handling of the investigations was preserved for
16 later review?

17 A My accountability and responsibility in this is
18 once this memo was given to me we had all the
19 deputies in that room and each and every one of
20 them would assume that responsibility that you
21 just indicated to capture all communications,
22 documents, records.

23 Q I put it to you they failed, they failed to
24 capture all the records. Do you agree?

25 A No, I don't.

1 Q Where are Shenher's regular e-mail updates to the
2 membership?

3 A I have no idea.

4 Q Sir, I put it to you that senior management with
5 your knowledge and acquiescence in the months
6 after February 5th, 2002 took all the steps you
7 could to distance yourselves from knowledge of the
8 investigators' work on Mr. Pickton as a suspect.
9 Do you agree?

10 A After when, sorry?

11 Q After February 2002 when it became notorious that
12 Robert William Pickton's pig farm in Port
13 Coquitlam was the place where the bodies were, you
14 and your colleagues in senior management took all
15 the steps at your disposal to distance yourself
16 from knowledge that your investigators had that he
17 was a prime suspect or person of interest back in
18 July of 1998?

19 A Absolutely not.

20 Q I put it to you, sir, that careers were hanging in
21 the balance if it became public knowledge that
22 deputy chiefs in the Vancouver Police Department
23 knew that Robert William Pickton was likely
24 responsible for the murders as early as July 1998
25 but failed to do anything effective about it.

1 Agreed?

2 A No, I don't agree. Whatever the consequences were
3 is irrelevant. My position on this is everybody
4 did everything they could possibly do. There was
5 no intention to have a missing document. And
6 where you're going with this I'm really offended
7 by it. And with my internal background, and I've
8 discussed this with my legal counsel, that I've
9 worked in internal, I've done many major internals
10 for the chiefs in this organization, my integrity
11 is huge. And I take this personally and I totally
12 disagree with the avenue of questioning right now.

13 Q Thank you for that. I'm going to show you one of
14 the exhibits in this proceeding. It's Exhibit 35,
15 Mr. Giles, please. Sir, this is a document that's
16 in evidence here, it's a collection of copies of
17 newspaper articles from the two major local
18 dailies, *The Vancouver Sun* and *Vancouver Province*,
19 from July 24th, 1997 up until December 31st, 2000,
20 so it's by no means an exhaustive collection, but
21 it's a collection of articles in those two media
22 outlets about the disappearances of the missing
23 women, the loved ones of my clients. Now, you
24 were either deputy chief or chief of the Vancouver
25 Police Department throughout the period of time

1 that all these articles were appearing in the
2 newspapers; correct?

3 A Yes.

4 Q And I'm not going to take you through them in
5 painful detail, but you will recall no doubt from
6 your work and living here in Vancouver that the
7 subject of the disappearances of the missing women
8 from the Downtown Eastside was regularly in those
9 newspapers, often on the front page; right?

10 A Yes.

11 Q You've testified about your meetings on a daily
12 and weekly basis concerning important Vancouver
13 Police Department business. If I understood your
14 evidence correctly the deputy chiefs and the chief
15 during your time in the VPD met every day?

16 A Yes.

17 Q And the senior management team, including the
18 chief, the deputies and all ranks to inspector met
19 every Wednesday?

20 A Those are formal meetings, but we meet many other
21 times outside of the formal meetings, yes.

22 Q All right. So both those categories of meetings
23 are formal ones, the daily morning meeting and the
24 Wednesday meeting?

25 A Yes.

1 Q All right. I've seen a few records of some of
2 these meetings, but, sir, during the time period
3 that this commission is reviewing there must have
4 been literally hundreds of daily formal meetings
5 between the deputies and the chief concerning
6 important Vancouver Police Department business;
7 right?

8 A No, that's not accurate. The formal meetings
9 every week were on a Wednesday with a senior
10 management team and the executive. The every
11 morning meetings are formally structured that we
12 meet every day Monday to Friday, but there were no
13 notes or exchanges of written documents of those
14 meetings if that's what you're referring to.

15 Q You're anticipating my question. So you're saying
16 there were no notes made of the daily meeting
17 between the chief and his deputies; correct?

18 A You are correct, yes.

19 Q All right. But there were notes made of the
20 Wednesday meetings with the management team,
21 records reduced to typewritten form; correct?

22 A Correct.

23 Q Can you explain why only a handful of those have
24 apparently been disclosed?

25 A No, I cannot explain that.

1 Q The subject of the disappearances of the women
2 from the Downtown Eastside generated as you can
3 see from Exhibit 35 a lot of media and public
4 attention for quite a long time, didn't it?

5 A Yes.

6 Q It was a pressing police issue, wasn't it?

7 A One of many, yes.

8 Q Much less important from the Vancouver Police
9 Department's point of view than the garage thefts
10 occurring on the west side of Vancouver or the
11 break and enters; correct?

12 A No, that's not true.

13 Q Well, why were so many resources, so many more
14 resources assigned to those issues?

15 A Very simply put those were emergent issues that
16 were happening daily and required a 9-1-1
17 response, and we had to have personnel in place to
18 answer those incidents immediately as they
19 occurred.

20 Q And the disappearance of a citizen, the sudden
21 disappearance of a citizen is not an emergent
22 situation that requires an immediate response?

23 A I didn't say that.

24 Q Well, you are endeavouring to explain, sir, why
25 more resources were assigned to the break and

1 enters on Vancouver's west side than to the
2 missing women cases in downtown Vancouver;
3 correct?

4 A I'm not commenting about the numbers assigned, I'm
5 commenting about the structure of the unit to
6 respond to these incidents.

7 Q All right. Well, let's just compare them for a
8 moment. The structure of the unit that was
9 created to respond to the break and enters, what
10 was that?

11 A Again, that wasn't in my division, but it was --
12 it was under the ops support I believe led by Doug
13 LePard, one of them was, I believe that was the
14 garage robberies, and I couldn't tell you how many
15 staff were in it, and I couldn't tell you where
16 the staff came from.

17 Q Okay. Well, I'll show you some paperwork tomorrow
18 that may assist you. You would agree though that
19 many, many more resources both in terms of
20 personnel and money were devoted to the garage
21 break-ins than to the investigation of the women
22 who were going missing from the Downtown Eastside;
23 correct?

24 A Well, there's a bit of an interpretation there as
25 to how you asked the question. We committed

1 personnel to the investigation, and certainly when
2 we narrowed the field down of the number of people
3 of interest we got into an Evenhanded/Joint Forces
4 Operation, we committed a lot of people to that.

5 So a little bit misleading about how you're
6 putting this question to me I would suggest.

7 Q Okay. I'll endeavour not to mislead you. Let's
8 focus in on a specific time period, 1999, when the
9 two matters were concurrent as I understand.

10 What's your recollection of the resources that
11 were devoted to Doug LePard's garage break-in
12 squad as compared to the resources that were
13 devoted to the investigation into the
14 disappearances of the women from the Downtown
15 Eastside that are described in all of these
16 newspaper articles I've shown you?

17 A I think before I answer that I'd like to see that
18 report that he is referring to, Mr. Commissioner.

19 Q You don't trust your --

20 THE COMMISSIONER: Sorry. Why don't you put the numbers to him
21 instead of just saying more resources. That's
22 what he wants to know.

23 MR. WARD:

24 Q Well, the fact of the matter, sir, based on your
25 recollection is that the Vancouver Police

1 Department as an institution failed utterly to
2 respond to the concerns of the community expressed
3 by Maggie de Vries and others, and disclosed in
4 the daily newspapers, that women were going
5 missing from the Downtown Eastside at an alarming
6 rate; correct?

7 A I wouldn't necessarily agree with everything you
8 said there. The interpretation I'm hearing you
9 put on this is that we weren't concerned enough,
10 and I wouldn't agree with that.

11 Q All right. Detective Constable Shenher of the
12 Vancouver Police Department, reporting to her boss
13 Sergeant Geramy Field, identified Robert William
14 Pickton as the focal point of her investigation in
15 August of 1998. She acquired more information the
16 record shows the next year, July and August 1999,
17 from a second independent informant that also
18 pointed to him as a suspect in the disappearances
19 of the women. What did the Vancouver Police
20 Department do then while you were the chief to
21 investigate Mr. Pickton?

22 A We committed as many resources as we could make
23 available. You've got to remember here the
24 sequence of events. As I became the acting chief
25 we're all in a catch-up mode. Deputy Chief Unger

1 took over the ops support division, everybody was
2 gathering information because none of us had been
3 involved in this -- consumed in this previously.
4 I was in a different division totally removed from
5 the ops support division, as I've expressed I was
6 in the patrol division. We did everything we
7 could over a matter of months to catch up on where
8 we were in this investigation.

9 Q You're talking about the period of time
10 immediately following your assuming the reins as
11 chief, are you?

12 A Yes, as an acting chief.

13 Q All right. As acting chief what steps did you
14 personally take to catch up on the status of the
15 investigation?

16 A In our meetings both daily and weekly we had this
17 as a regular item of discussion, and we got
18 updates constantly on where we were going with
19 this, who was involved, who was assigned, and
20 where the investigation was leading us to.

21 Q And so by August of 1999 you were aware that the
22 investigation was leading your detectives to
23 Robert William Pickton?

24 A Like I said I can't remember the exact date, we
25 had a number of people of interest, and to give

1 you a specific date I'd have to see something in
2 writing here to show me when I was exactly told
3 that information.

4 Q Well, your evidence earlier when my friend
5 Mr. Greenspan was questioning you, if I understood
6 it correctly, was that you did not hear Pickton's
7 name until shortly before he was arrested, which I
8 took to be shortly before February 5th, 2002.

9 A That's right.

10 Q That's your evidence?

11 A Yes, it is.

12 Q I just put to you, sir, that after assuming your
13 post as acting chief and catching up on the status
14 of the investigation you were told that it was
15 leading to Robert William Pickton as of August of
16 1999, and your answer was you'll have to see a
17 document; is that right?

18 A Yes, that's what I just said. I'm saying that I
19 didn't learn about him until just prior to the
20 arrest. Like I said to you there were a number of
21 people of interest.

22 Q And you learned of none of their identities back
23 in August of 1999 upon becoming chief?

24 A There was one person I did hear of, the individual
25 that Fell and Wolthers were investigating.

1 Remember, I wasn't in this division when Lori
2 Shenher was in the missing persons section doing
3 her research.

4 Q Let me ask you about that. What are you referring
5 to, because when you say her research you have
6 indicated, if I understand you correctly, that she
7 was some kind of a researcher, someone else was
8 investigating. Is that your evidence?

9 A She was -- she's a detective constable which is an
10 investigative position. I'm saying she was
11 researching all the information they had,
12 categorizing it, cataloging it, whatever you want
13 to call it. So if my title of research doesn't
14 agree with yours.

15 Q Well, it's not mine, sir. With respect, you were
16 the deputy chief and then the chief of the police
17 department and I'm asking you about what one of
18 your subordinates was doing. I'm thinking,
19 correct me if I'm wrong, but I'm thinking you
20 should have a better idea than me.

21 MS. CHRISTIE: Mr. Commissioner, several times this witness has
22 said Detective Constable Shenher was not his
23 subordinate in his first position at least as
24 deputy chief. It should be clear that's not a
25 fair comment.

1 THE COMMISSIONER: Yeah. No, I agree with you.

2 MR. WARD: Well, I'll be crystal clear.

3 Q You became acting chief on June 28th, 1999;
4 correct?

5 A Yes.

6 Q All right. The evidence, as I understand it, is
7 that by August of 1999 Detective Constable Shenher
8 had acquired more evidence supporting the identity
9 of Robert William Pickton as a focal point of her
10 investigation into the disappearances of the
11 women. You now know that she acquired that
12 information by that time?

13 A I now know that, yes.

14 Q When you're chief, when you have assumed the role
15 of acting chief and you're getting briefed on the
16 status of the investigation June, July, August of
17 1999, you're hearing from the investigators as to
18 where they are in the case, aren't you?

19 A Well, I'm hearing from the investigators in a
20 general meeting, but I'm hearing directly from the
21 deputy chief in charge of that area.

22 Q And that's McGuinness?

23 A McGuinness and then Unger, yes.

24 Q So you're hearing updates on the status of the
25 missing women investigations in that time period

1 while you're chief or acting chief, August 1999,
2 from both the investigators and their superiors;
3 right?

4 A Mainly from their superiors. Mainly from the
5 upper -- the inspector being the upper management
6 and the deputy chief.

7 THE COMMISSIONER: We'll take the afternoon break.

8 MR. WARD: Thank you.

9 THE REGISTRAR: We will now recess for 15 minutes.

10 **(PROCEEDINGS ADJOURNED AT 3:05 P.M.)**

11 **(PROCEEDINGS RESUMED AT 3:26 P.M.)**

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

13 MR. WARD: Thank you. Mr. Commissioner, I propose to ask a few
14 more questions and then I will seek your leave to
15 stand down so I can come back armed with my
16 document brief which is in a state of preparation
17 today.

18 THE COMMISSIONER: All right.

19 MR. WARD: So I just have a few more now.

20 THE COMMISSIONER: Thank you.

21 MR. WARD:

22 Q Mr. Blythe, you said in response to one of my
23 questions earlier that your first meeting with
24 Lori Shenher with respect to the missing women
25 investigations was in early September 1998 based

1 on the document at tab 5 of the brief. You recall
2 that?

3 A Yes.

4 Q How many more times after that did you meet with
5 Detective Constable Shenher about the missing
6 women cases?

7 A I believe she might have come into one other
8 meeting, but the meeting -- I couldn't tell you
9 exactly. It could have been once, it could have
10 been twice. Very few times.

11 Q All right. Once or twice?

12 A Yes.

13 Q And you're not able to say when those meetings
14 were?

15 A No, unless I can be reminded or refreshed from
16 something in this file here.

17 Q All right. Thank you. And you have said today
18 that you first learned of Pickton or Pickton's
19 name as a suspect in the disappearances shortly
20 before he was arrested?

21 A That's correct, yes.

22 Q And I take that to be shortly before February 5,
23 2002?

24 A Yes.

25 Q What do you mean by shortly? Are you able to be

1 more precise?

2 A Could have been a week, could have been two weeks.

3 No, I couldn't be precise.

4 Q Well --

5 A More precise.

6 Q You would agree that learning that his farm was
7 being searched by a massive operation in early
8 February it was a significant development from a
9 policing perspective; correct?

10 A Yes.

11 Q And as you learned that information from Deputy
12 Unger you must have said to yourself well, I
13 recall hearing this guy's name earlier. Do you
14 have a recollection of that going through your
15 mind when you learned that the property was being
16 searched?

17 A We could have even talked about it, but, you know,
18 I couldn't say for sure, no.

19 Q Your best evidence is it was a week or two before
20 the search actually happened?

21 A Yes.

22 MR. WARD: All right. Mr. Commissioner, I do propose to stand
23 down now if that's agreeable.

24 THE COMMISSIONER: All right. Thank you. Mr. Greenspan.

25 MR. GREENSPAN: Mr. Commissioner, I'll be very brief about

1 this. I don't want to push my luck, and you were
2 good enough to give me this time, and I'm in
3 Ontario on a matter on Thursday, and my plan was
4 to go back tomorrow, and I'm just wondering if --
5 tomorrow in the afternoon as I'm in the Court of
6 Appeal on Thursday, and I was wondering if it's
7 possible without interfering with my friend's
8 cross-examination if the issue of my client's --
9 the allegation that my client was involved in a
10 coverup or a whitewash or sanitized documentary
11 records or created disorganized files, in other
12 words the allegations, if it's possible that he
13 could commence that cross-examination part
14 tomorrow, 'cause when he finishes it if he has not
15 then I want you, Mr. Commissioner, to understand
16 this, if he does not produce any cogent or
17 possible evidence to support what he has said --
18 he refused this morning to excuse my client from
19 those allegations, and if he does not then I
20 propose to ask you to demand -- I propose to ask
21 you to demand an apology on behalf of this
22 witness, and if he refuses then I have something
23 to say. But I would be grateful if he can lead
24 whatever he suggests shows in any way, shape or
25 form my client was involved in a coverup, a

1 whitewash, which we obviously have denied and
2 adamantly deny, but he said it and he keeps
3 repeating it, and I'd like to clear that up in a
4 manner that I can say something to this honourable
5 commission about those repetitive suggestions, not
6 just on a blog but in here and outside to the
7 press. So that's my request if it does not unduly
8 interfere with his cross-examination, but up to
9 this moment he's absolutely produced nothing that
10 would suggest there's any evidence whatsoever to
11 conclude that we're involved in a coverup with
12 this commission, without this commission, with the
13 police, and right now it's just words in the air,
14 and I'd like him to try to reduce that to some
15 cogent position and then make my submissions to
16 you.

17 But it's very serious to me. It's very
18 serious that police officers have to walk into
19 this inquiry, because this man has through blogs
20 and through public statements on a repetitive and
21 constant basis alleged coverup, alleged whitewash,
22 alleged police involvement with -- and including
23 the commission. I quite frankly have never seen
24 this or heard this kind of conduct in my entire
25 career. It's wrong. It's absolutely wrong. It's

1 wrong in any event. If you have a matter you want
 2 to talk to a commission about, you want to talk to
 3 a court about you say it in court, you don't go
 4 outside and have press conferences making
 5 allegations that are unsupportive. And in the
 6 case of my client today who came in here
 7 unfortunately having to deal with these public
 8 allegations that he's made, and then when I put it
 9 to him he won't even excuse my client from his
 10 general allegations. Well, it's put up or shut up
 11 time in my respectful submission tomorrow morning,
 12 and I'm going to ask that he do that before I have
 13 to leave.

14 THE COMMISSIONER: All right. Mr. Ward.

15 MR. WARD: Methinks my friend doth protest too much.

16 MR. GREENSPAN: Protest by calling somebody a cheat and a liar
 17 and a -- come on. Your conduct is unbecoming a
 18 barrister and solicitor, and it's got to be said
 19 it's improper what you're doing. Protest too
 20 much.

21 THE COMMISSIONER: I think, Mr. Ward, counsel is right. I've
 22 been concerned about it. When you say there's a
 23 coverup that's a terrible allegation. I mentioned
 24 that to you when it first came up, and I'm
 25 concerned because you said that the commission is

1 enabling a coverup and I want to hear whatever
2 evidence you have that justifies that beyond mere
3 statements. All right.

4 MR. WARD: Well, yes, I have had communications with the
5 commission about this matter and made it clear to
6 them the witnesses that will assist in proving
7 that beyond any doubt and they will be called. It
8 is my position, and I've said this quite a few
9 times, that the document disclosure in this
10 important matter has been grossly inadequate from
11 the beginning, and it remains so. And just one
12 example, just one example, and I'm glad this has
13 been raised again because I didn't want to leave
14 today without bringing this up, it causes me the
15 greatest concern that the principal Vancouver
16 Police Department investigator wrote a book for
17 publication about her experience as an
18 investigator on the case at a point in time when
19 she was disillusioned with the department's
20 handling of the matter, at a point in time when
21 she referred to the department as not knowing its
22 ass from a hole in the ground, her words not mine,
23 and that that book, some 320 pages in length, was
24 not disclosed by either her or her employer, the
25 Vancouver Police Department, to me that has --

1 that is nothing less than an attempted coverup.

2 THE COMMISSIONER: How is that a coverup? Tell me the fact
3 that something isn't disclosed to you how is that
4 a coverup unless you know what was in the document
5 that suggested a coverup.

6 MR. WARD: Well --

7 THE COMMISSIONER: Do you know what's in the document?

8 MR. WARD: All I know is what --

9 THE COMMISSIONER: No, no, no. Do you know what's in the
10 document?

11 MR. WARD: I don't, and I'm awaiting the ruling with great
12 interest --

13 THE COMMISSIONER: Okay.

14 MR. WARD: -- on this point. I'm inferring from the
15 circumstances surrounding this particular
16 document, namely that the Vancouver Police
17 Department denied to the public that a book was
18 being written, that's a denial that obviously was
19 false. That was published in 2003.

20 THE COMMISSIONER: I don't know anything about a denial, and I
21 didn't know anything about the document until it
22 came out in cross-examination, but I'll deal with
23 that.

24 MR. WARD: May I continue, please?

25 THE COMMISSIONER: Yes.

1 MR. WARD: Because, you know, my friend Mr. Greenspan comes out
 2 here to make a cameo appearance from Toronto and
 3 criticizes me, I should have the ability to
 4 respond.

5 THE COMMISSIONER: Yes.

6 MR. WARD: I consider the suppression of the information of
 7 Lori Shenher's book about her experience on the
 8 investigation to have all the hallmarks of a
 9 police coverup. She wrote the book, according to
 10 her evidence, when she was considering a change of
 11 career. She was fed up with the Vancouver Police
 12 Department, and I presume from her evidence and
 13 from the circumstances in which it was written it
 14 was going to be an exposé, a tell all. It might
 15 well have included her statements about how much
 16 her superiors knew about the investigation and
 17 when they knew it, an important area for my
 18 clients to canvass. LePard, though he interviewed
 19 her three times, though he was responsible for
 20 gathering up relevant documents, failed to tell
 21 anyone in his 12 days on the witness stand that
 22 this book had been written. Lori Shenher failed
 23 to mention it until I put it to her in cross. And
 24 the newspapers back in the day, 2003, reported in
 25 April that she had a book deal only to have the

1 media relations person Anne Drennan deny that any
2 book was being considered.

3 THE COMMISSIONER: Okay.

4 MR. WARD: And then I learned just recently that the next month
5 the book contract was cancelled. It's a
6 reasonable inference that the Vancouver Police
7 Department was well aware of this exposé, this
8 book, that suppressed the evidence about it and it
9 took steps to ensure it was not published because
10 that might compromise the Pickton investigation.
11 Clearly the Vancouver Police Department through
12 its media liaison person Anne Drennan lied to the
13 public about the existence of the document. These
14 things are clear. All of those things just as one
15 example point irrevocably to a coverup or a
16 whitewash of an important factual area, namely
17 Shenher's conduct of the investigation and what
18 those in the police department who disavow
19 knowledge of the details of it assert to be the
20 case.

21 THE COMMISSIONER: All right.

22 MR. WARD: So I'm somewhat handcuffed, and have been lately by
23 the lack of a ruling on this subject, because if
24 the book contains what I fully anticipate it might
25 given the evidence so far it would be of

1 assistance for me to have it for the purpose of
 2 cross-examination of witnesses who were involved
 3 in the matter.

4 THE COMMISSIONER: All right.

5 MR. WARD: Those are my submissions.

6 THE COMMISSIONER: Mr. Dickson.

7 MR. DICKSON: Thank you, Mr. Commissioner. Tim Dickson for the
 8 department. We had last week a full day and then
 9 some discussing Mr. Ward's application for more
 10 documents, which really was his application with
 11 respect to his allegations of a police coverup.
 12 And in my respectful submission I think it was
 13 clear from that day that there were very good
 14 reasons that there are certain documents one might
 15 expect to be here that just aren't here. They're
 16 just not -- the department doesn't have them. And
 17 Mr. Ward, I don't know why he wasn't here to speak
 18 to his allegations, he's never explained why he
 19 wasn't here to stand up and explain why he keeps
 20 talking about a coverup and a whitewash, but
 21 Mr. Chantler whom appears to have been sent on his
 22 behalf made his application, and you heard it, and
 23 you heard our submissions on that and your ruling
 24 is outstanding on that, and that's the way things
 25 ought to be dealt with. It's perfectly acceptable

1 for Mr. Ward or for his junior to come here and
2 ask for more documents and for us to respond and
3 for you to rule. But there's nothing there,
4 nothing whatsoever suggesting a coverup. And as
5 for the manuscript, I don't know why Mr. Ward is
6 arguing this again. We had full argument on that.
7 You've had the submissions of Mr. Crossin, Mr.
8 Ward and myself, you have the manuscript, and your
9 ruling is outstanding. That's the way things
10 ought to be dealt with. There's no need for
11 Mr. Ward to make these sweeping allegations for
12 which there is no substance.

13 THE COMMISSIONER: All right. Thank you. Yes.

14 MR. DELBIGIO: It's DelBigio for McGuinness. The problem with
15 what has been going on thus far is it is difficult
16 to know who is to answer what. Typically answers
17 will be made upon specific allegations based upon
18 evidence that is heard in a courtroom or before
19 this inquiry. Reputations are at stake. There
20 needs to be a fair and orderly way of dealing with
21 that. And I suggest that what is required is that
22 if there's an allegation of a coverup it should be
23 specifically made, and that is a detailed
24 allegation with respect to who or what entity did
25 what, and what evidence is being presented or

1 suggested in support of that, so that each counsel
2 on behalf of their clients can consider what to do
3 with that in relation to each witness in the
4 cross-examination of the witnesses or in the
5 examination in chief depending on how it goes.
6 Right now it is a suggestion that at its worst
7 blankets all police members or perhaps both police
8 departments which are parties before this
9 commission, and I submit at this stage something
10 more is required. It's coming to a head, it's
11 come to -- and we are marching along and at a
12 certain stage it becomes too late, because
13 depending upon the specific submission that is
14 made or the specific allegation that is made it's
15 entirely possible that counsel will -- once they
16 learn of that specific allegation it's entirely
17 possible that people will wish that they had had
18 an opportunity to do something about it with the
19 previous witness. So here we are discussing it,
20 and I submit that it is appropriate for the
21 allegation to be specified with respect to who did
22 what, when, and if there are documents that -- if
23 there are documents that my friend now possesses,
24 I understand there's his disclosure request, but
25 if there are documents that he now possesses that

1 he says support this, they should be produced so
2 we can all consider it. Thank you.

3 THE COMMISSIONER: Thank you. All right. Mr. Vertlieb. Yeah.

4 MR. DICKSON: Mr. Commissioner, could I just add to that just
5 for one second. Tim Dickson for the department
6 again. I support Mr. DelBigio's comments, but I
7 do add this. This is what we've been asking for
8 for some time now for Mr. Ward to particularize
9 his allegations, and indeed I sent an e-mail to
10 his junior Mr. Chantler saying that that is what
11 his documents application was about, he's making
12 very sweeping allegations, it was incumbent upon
13 him to particularize what he says is this coverup,
14 and he brought that document application. That's
15 what we understood that was about. If it's not,
16 if there's something more he must bring that, he
17 must specify the allegations.

18 THE COMMISSIONER: I think I made it clear to him that he must
19 do that. Mr. Vertlieb, final word.

20 MR. VERTLIEB: All I want to say is Mr. Ward did give the
21 commission the name of a witness who we've decided
22 needs to be interviewed and that is being done. I
23 didn't want you to think that we were ignoring
24 Mr. Ward's comment about a discussion.

25 THE COMMISSIONER: All right.

1 MR. WARD: And I have to say this. Everything I have said to
 2 which my friends take umbrage I have said in a
 3 careful and considered way. I have received what
 4 I consider to be very reliable information from
 5 sources who do not want their identities disclosed
 6 for fear of retribution about the way the document
 7 gathering process was handled within the Vancouver
 8 Police Department. It's no secret that the
 9 police, whether they're the Vancouver Police or
 10 the RCMP, are powerful institutions and can ruin
 11 people. But I can't disclose the names of people
 12 who have sent me a train of inquiry about certain
 13 documents, all I can do is seek those documents
 14 and seek from those who were charged with the
 15 responsibility of gathering them an explanation of
 16 what they did, and that is what I have asked
 17 Mr. Vertlieb's assistance on so that the witness
 18 I'm seeking will come here and I'll have the
 19 opportunity to question her about those matters.

20 THE COMMISSIONER: Okay. Thank you.

21 MR. WARD: And before my friend Mr. Greenspan says more, I wish
 22 to say that I did not call his client Mr. Blythe a
 23 liar or a cheat or the participant in a coverup.
 24 I have not levelled those allegations at any
 25 individual yet. I have indeed asserted that the

1 police institutions have fallen way short on their
2 document disclosure applications.

3 THE COMMISSIONER: All right. Okay.

4 MR. WARD: And I do not ascribe it to any individual yet.

5 MR. GREENSPAN: The only comment that I would like to make, and
6 I'll make this as calmly as I can,
7 Mr. Commissioner, is this. The comments that
8 Mr. Ward just made a few minutes ago, these kind
9 of provocative comments that he has spoken to
10 people, he says they're reliable, they can't talk,
11 therefore we can't know, but he knows, is exactly
12 what happened during the McCarthy hearings in the
13 United States. It's exactly what happened during
14 the Soviet purge trials. If it's not evidence,
15 and he has no evidence to support it but somebody
16 told him that he must keep it to himself.
17 Minimally if he wants to raise a matter with you
18 not by this kind of provocation or this kind of
19 baseless argumentation that has no evidence. This
20 is an inquiry like any court in the land that
21 requires evidence.

22 THE COMMISSIONER: Yeah.

23 MR. GREENSPAN: It requires a basis to make an allegation.
24 Once he throws it in the air that he has spoken to
25 somebody who's afraid to come forward, and they're

1 afraid to come forward because there will be
2 retribution, and that goes in the air what am I
3 supposed to say to you? What am I supposed to
4 submit to you? In my submission he's acting
5 irresponsibly. He's not supposed to say that to
6 you. He cannot say it because we cannot answer
7 it. So the press can pick up what he said in this
8 room that he's talked to people. All I'm saying
9 is this. I called a client who came to this
10 courtroom and he's made an allegation about
11 everybody. When I asked yesterday to excuse us
12 from that he repeats today I'm not saying it yet.
13 Yet. Well, we're way past yet. We're way past
14 it. You're trying to close off this inquiry and
15 give everybody a chance to say what they have to
16 say. Yet isn't good enough anymore. If he hasn't
17 got it it's time to stop. He just can't keep this
18 going and frustrate us all with these kind of what
19 I submit are utterly baseless allegations.

20 THE COMMISSIONER: Well, I want to -- yes, Mr. Gratl.

21 MR. GRATL: Mr. Commissioner, Jason Gratl on behalf of Downtown
22 Eastside interests, and in particular the
23 interests of the sex workers and drug users on the
24 Downtown Eastside. Mr. Commissioner, I want to
25 respectfully request that you not let this

1 commission descend into a meta commission on
 2 whether or not this commission is itself involved
 3 or enabling a coverup or anything else like that.
 4 This commission should be paying attention to the
 5 question of whether the investigations themselves
 6 were flawed, and in relation to this witness the
 7 question is whether he properly discharged his
 8 functions and his duty to the Downtown Eastside
 9 and all of its members to ensure that a serial
 10 killer was properly investigated during his
 11 tenure. It's not about Mr. Ward this commission
 12 of inquiry, it's about missing women, it's about
 13 dead sex workers.

14 THE COMMISSIONER: Yeah.

15 MR. GRATL: And I'm asking, Mr. Commissioner, that that be
 16 borne in mind.

17 THE COMMISSIONER: I fully agree with you, Mr. Gratl. We're
 18 going to deal with this, and we're going to deal
 19 with it very quickly, but the point is the
 20 allegations here are very serious, and I want to
 21 hear something more than, you know, there's
 22 somebody out there who told me that I can't
 23 repeat. I want to hear some concrete evidence.
 24 You make serious allegations that -- these
 25 allegations affect reputations, and so I want to

1 hear something and that's why I've asked Mr. Ward
 2 where his evidence is. And I can tell you that
 3 the document -- the book I'm going to deal with,
 4 and I'll leave it with Mr. Ward to give us some
 5 real evidence as to where this so-called coverup
 6 is. It affects the integrity of this commission.
 7 I've been in the practice of law, I've been on the
 8 bench, this is the fifth inquiry that I've been
 9 involved in and I've never heard anything like
 10 this, and I want to get to the bottom of it.
 11 You're absolutely right, Mr. Gratl, we have
 12 important functions here to perform, and those
 13 functions are what happened during the
 14 investigation, were there errors, and if there
 15 were errors what happened. We don't know if there
 16 are errors. There have been -- a number of
 17 allegations have been made. We're hearing the
 18 other side of this now, so we'll have to hear all
 19 the evidence. That's what we're here for. There
 20 are four terms of reference and we have to deal
 21 with each and every one of them, and we're going
 22 to do that. I can assure you we're going to do
 23 that.

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

25 THE COMMISSIONER: Thank you.

1 THE REGISTRAR: The hearing is now adjourned for the day and
2 will resume at 9:30 tomorrow morning.

3 **(PROCEEDINGS ADJOURNED AT 3:55 P.M.)**

4
5 I hereby certify the foregoing to be a
6 true and accurate transcript of the
7 proceedings transcribed herein to the
8 best of my skill and ability.

9
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11 Peri McHale
12 Official Reporter
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