

VANCOUVER, B.C.

FEBRUARY 6, 2012

(PROCEEDINGS RECONVENED AT 9:35 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Thank you. I was made aware of recent media coverage that attributes to one of the counsel participating in these hearings what appears to be a suggestion that the commission may be "enabling a cover-up". That any such suggestion may have been made is disturbing. If it was made, I take a dim view of any such suggestion having been made. There is absolutely no evidence that the commission may be "enabling a cover-up". I would not have expected to find myself needing to add to my earlier directives what I would have thought to be implicit but which I now make explicit. I expect counsel to extend to this inquiry the same respect they would be expected to extend to any proceeding in which they are appearing. I have accepted the responsibility to do everything within my mandate and power to ensure that the work of the commission makes a difference so that serial crimes of the nature that have happened here can never happen again. I expect counsel to support me in fulfilling this responsibility, and

1 I expect they will respect the decisions I am  
2 empowered to make as to how best to fulfil this  
3 mandate consistent with my mandate. I wish to  
4 reiterate it is not the function of this inquiry  
5 to reinvestigate the crimes. Without reaching any  
6 premature conclusions, much of the evidence we  
7 have heard thus far relates to systemic concerns  
8 and not individual errors. It is also becoming  
9 clear to me that the evidence of alleged errors is  
10 becoming repetitive. A further process directive  
11 will be issued soon with respect to these  
12 proceedings and the overall work of the  
13 commission. Okay. Thank you. Mr. Vertlieb.

14 MR. WARD: Mr. Commissioner, may I have a moment before Mr.  
15 Vertlieb, please. I was the counsel who made  
16 those comments. I've made similar comments in the  
17 hearing room in the past. I'll say -- I'll say  
18 them again now. I fear this commission is  
19 enabling a cover-up to be perpetrated on the  
20 public by the police interests. The reason I say  
21 that is that the commission's expert, Deputy Chief  
22 Evans, testified that she had no confidence that  
23 she had all the relevant documents. Another  
24 reason I say that is that no one, not your  
25 counsel, not police counsel, not Deputy Chief

1           LePard, who was on the stand for 12 days,  
 2           mentioned, until I got up in my cross-examination,  
 3           that the lead Vancouver Police Department  
 4           investigator in this matter, Lori Shenher, had, in  
 5           fact, written a book about her experience as  
 6           primary investigator, which was scheduled to be  
 7           published by Canadian publisher McClelland &  
 8           Stewart in 2003. I'm still seeking production of  
 9           that document, which on the face of it must be a  
 10          relevant document. I've applied -- set an  
 11          application down for tomorrow in that respect.  
 12          The fact that Deputy Chief LePard, the VPD  
 13          spokesperson who investigated this matter from  
 14          2004 to 2010, didn't breathe a word of Lori  
 15          Shenher's book about the case suggests to me as  
 16          counsel who has had lengthy experience in police  
 17          related matters that the police are indeed  
 18          endeavouring to cover up this matter, and we  
 19          need -- I need to assist you, Mr. Commissioner, in  
 20          taking all steps necessary to ensure that this  
 21          cover-up is not perpetuated further, and that's  
 22          why I'm bringing my application. Many other  
 23          examples why I say, and I'll say it again, I do  
 24          believe that unless this commission exercises its  
 25          powers and duties under the *Inquiry Act* it will

1 enable the police to cover up their involvement in  
 2 these important matters. This is a public  
 3 inquiry. The public needs to be satisfied that  
 4 this inquiry is thorough, fair, and independent,  
 5 and unless its powers are not -- exercised  
 6 appropriately, I'm really worried about the  
 7 outcome, and I'll say that to anybody who inquires  
 8 and asks me for my views, including the media, and  
 9 I don't feel that it's inappropriate because this  
 10 is, after all, as you've pointed out many, many  
 11 times, not a trial of anyone. Nobody's facing  
 12 jail. Nobody's facing an order in a civil case.  
 13 This is a public inquiry being conducted in the  
 14 public interest. Those are my remarks in  
 15 response. Thank you.

16 THE COMMISSIONER: Thank you. Mr. Hern.

17 MR. DICKSON: Mr. Dickson, Mr. Commissioner, for the VPD, and  
 18 I'd like to respond to those comments from Mr.  
 19 Ward. This is indeed a public inquiry. This is  
 20 the setting where we hear the facts, where the  
 21 evidence is brought, where allegations can be  
 22 responded to, and I take great umbrage on behalf  
 23 of my client that Mr. Ward is seeking to litigate  
 24 this in the press by making such spurious  
 25 allegations, Mr. Commissioner. If he has an

1 application, as we've heard of, with respect to  
 2 documents, he ought to bring that. He ought to  
 3 bring his application for documents, and we can  
 4 examine that and we can speak to that, and those  
 5 allegations can be rebutted. We've heard about  
 6 this application for some months, but none has  
 7 been brought to date, and my respectful suggestion  
 8 is his clients would best be served if he brought  
 9 it in this inquiry, in this hearing so that it can  
 10 be met. The allegations of a police cover-up are  
 11 completely unfounded, and I wonder whether that  
 12 cover-up, that suggested cover-up is found in the  
 13 VPD's 400-page report from Deputy Chief LePard  
 14 detailing errors that were made in the  
 15 investigation or it's found in the VPD's  
 16 apologies, repeated, for the investigation. We've  
 17 come forward in good faith in an openness in this  
 18 inquiry seeking to have all the facts come to  
 19 light and for recommendations to be made, and  
 20 that's why we're here. There is nothing  
 21 resembling a cover-up, nothing resembling that at  
 22 all.

23 THE COMMISSIONER: Thank you.

24 MR. GRATL: Mr. Commissioner, Jason Gratl for Downtown Eastside  
 25 interests. I have as well heard from interested

1 parties in the Downtown Eastside that they're very  
 2 concerned about the enthusiasm this commission may  
 3 or may not have about a thorough investigation.  
 4 They're very concerned in particular about the  
 5 truncation of the witness list to eliminate  
 6 witnesses from the Downtown Eastside, including  
 7 witnesses such as Wayne Leng, Jamie Lee Hamilton,  
 8 Freda Ens, street nurse Bonnie Fournier, and other  
 9 individuals who are well aware of many of the  
 10 systemic issues of which you've -- in which you've  
 11 expressed an interest but in relation to which we  
 12 haven't seen a lot of direct evidence.

13 So in addition to that concern about  
 14 truncating witness lists there's also a concern,  
 15 and I'll echo Mr. Ward here, about his concern  
 16 with the completeness of document disclosure.  
 17 What I'm thinking of in particular is the  
 18 documents dealing with Piggy's Palace and the Port  
 19 Coquitlam Detachment's knowledge of what was going  
 20 on at Piggy's Palace and as well that what appears  
 21 to be the wholesale destruction of all the  
 22 documents from the entire duration of the  
 23 operation of the Vancouver Police Native Liaison  
 24 Society, which had dealings with many families and  
 25 which appears to have been a porthole of sorts for

1           complaints by family members and friends. Those  
2           documents appear to have been boxed up, the VPNLS  
3           office closed, and the entirety of the documents  
4           have disappeared.

5   THE COMMISSIONER: Thank you.

6   MR. GRATL: And what I'm asking, Mr. Commissioner, is that the  
7           Vancouver Police Department provide a thorough  
8           explanation as to who boxed them up, when they  
9           were boxed up, where they were delivered, and  
10          where they've been looked for, because we haven't  
11          seen that at this point.

12   THE COMMISSIONER: All right.

13   MR. GRATL: Vancouver Police Department says that they can't  
14          find them, but we haven't had a complete  
15          explanation.

16   THE COMMISSIONER: All right. Okay. Ms. Tobias.

17   MS. TOBIAS: Thank you, Mr. Commissioner. Cheryl Tobias  
18          appearing for the Government of Canada. I wish to  
19          make two points in response to what my learned  
20          friends Mr. Ward and Mr. Gratl have raised. First  
21          of all, to echo comments made by my learned friend  
22          Mr. Dickson, there has been no police cover-up  
23          here. My learned friends have, especially Mr.  
24          Ward, have repeatedly brought up the same points  
25          without making a formal application, but the fact

of the matter is that in some respects counsel refused to accept explanations that are given as to why documents perhaps that they think exist don't exist. That's part of point number 1. The other part is that, yes, what this commission has before it is a selection of documents. There are something like 2 million pages. Most of it is irrelevant to the question that is before you. Part of what we do to assist this inquiry is to comb those documents and put forward documents that we can see are relevant. What Mr. Ward has repeatedly said is that he wants every shred of paper that exists, and believe me, Mr. Commissioner, every shred of paper would cripple this inquiry without assisting it in the slightest. For example, this inquiry does not need to see the hundreds and hundreds and hundreds of pages of laboratory analysis, photographs, detailed notes of evidence taken and things like that. You don't need it. You don't want to see it. But we have always taken the position that if the commission counsel wanted to see anything more, we would provide it, keeping in mind too that there is the vetting process that's necessary. So that's point number 1.



Point number 2 is with respect to the witnesses that are being called and the fact that if my friends have a question about these matters then I have to agree with Mr. Dickson at this point there should be a formal application when these matters can be properly canvassed before you instead of the same point being reiterated over and over again with no apparent resolution.

THE COMMISSIONER: All right. Thank you. Mr. Vertlieb.

MR. ROBERTS: Darrell Roberts for Marion Bryce. Mr.

Commissioner, I don't want to sit there and perhaps have it perceived by my silence that I associate myself in any way with the remarks by Mr. Ward or, for that matter, by Mr. Gratl. I do not. Counsel do need to have some support before they make allegations of the kind that I was informed about this morning. I didn't read the article in the press that has been referred to. And so my first point is that I do not believe that that was a responsible proposition to put before the press.

My second point by way of response, Mr. Commissioner, addresses some remarks that you made just now, and that is I do not understand why the terms of reference, speaking for myself, of

1 course, to inquire into the conduct of the  
2 investigations requires this commission to focus  
3 only on systemic matters. Of course that is a  
4 very viable thing to do, and I agree with that,  
5 but it may well be that -- and I don't myself  
6 think it's terribly appropriate to focus too much  
7 on individual mistakes. That said, though, it may  
8 well be that if individual mistakes are multiple  
9 they may well become a systemic aspect, and,  
10 therefore, there is a value in looking at  
11 individual mistakes, especially if they're  
12 significant matters.

13 THE COMMISSIONER: Yes.

14 MR. ROBERTS: And in that context I respectfully submit that  
15 one should be careful, in my respectful  
16 submission, to too warmly embracing at this stage  
17 at least the report by Douglas LePard. It is very  
18 thorough historically. I agree with that. It  
19 does bring forward very viable systemic matters to  
20 consider. I agree with that, and I will embrace  
21 that ultimately in any submission I might be asked  
22 to make on behalf of Marion Bryce. But I caution,  
23 however, it is an internal review. Internal  
24 reviews are not necessarily intended for public  
25 consumption, and when that internal review was

written, apparently no endeavour, as I read Mr. LePard's own evidence, was made by him to determine what crimes may have been committed in Vancouver when he wrote that report, perhaps in part because he was not looking for individual mistakes. But one has to wonder, and I believe the public are wondering in this inquiry, where the women are from Vancouver and a police force where people reside has a duty to at least search for them and, if foul play is suspected, then to look to see what crime may have been committed, that's a duty to see if they're missing from Vancouver in accordance with a crime, and to the extent that that is not discussed at all in the LePard report in my respectful submission should give pause before warmly embracing it. One might even say, Mr. Commissioner, systemic factors might be most relevant in relation to the crime that was being investigated at the time or ought to have been investigated at the time. It seems a little bit curious, in other words, I would say, to offer systemic factors for a failed investigation, as the LePard report does, without telling us what that investigation was.

THE COMMISSIONER: All right.

1 MR. ROBERTS: So -- but that doesn't -- in my submission, Mr.  
2 Mr. Commissioner, that doesn't in any way lend any  
3 support for the story and the assertions that made  
4 its way into the press.

5 THE COMMISSIONER: Yes. I didn't mean to suggest that there is  
6 no evidence of individual errors. Obviously there  
7 is, and those are errors that must be dealt with.  
8 And I don't know if anybody here is embracing the  
9 LePard report, as you suggest. You know, we've  
10 heard it, we heard of it, and it was cross-  
11 examined on extensively, and at the end of the day  
12 we'll have to make a decision. As far as crimes  
13 being committed in Vancouver, the Vancouver Police  
14 so far have denied that in their view any crimes  
15 were committed, but that's something you can argue  
16 about at the end of the day, that they ought to  
17 have done that. I mean, it's open for you to  
18 argue that, and nobody's saying anything  
19 otherwise. It's important not to reach any  
20 premature conclusions.

21 MR. ROBERTS: I agree with that. Just one last remark on that.  
22 I have read the whole of Mr. LePard's evidence  
23 right through to the end, and there's a transition  
24 in it. In re-examination there seemed to be an  
25 acknowledgment by Mr. LePard, Deputy Chief that he

1 is, that perhaps there should have been an  
 2 investigation into some matters in Vancouver, but  
 3 you do remember that Mr. LePard, when he was in  
 4 the witness stand, had that passage put to him  
 5 about the crime began in Vancouver.

6 THE COMMISSIONER: Yes.

7 MR. ROBERTS: And he disagreed with it, and so this commission  
 8 does have before it --

9 THE COMMISSIONER: Well --

10 MR. ROBERTS: -- an apparent conflict, as I see it, between Mr.  
 11 LePard and Deputy Chief Evans on that particular  
 12 issue.

13 THE COMMISSIONER: We're not bound to accept his view on that.  
 14 You're right, he said that --

15 MR. ROBERTS: That's all I'm saying.

16 THE COMMISSIONER: -- in his view there were no crimes  
 17 committed in Vancouver, and you've argued  
 18 otherwise, and I'll hear your argument at the end  
 19 of the day.

20 MR. ROBERTS: I understand, sir.

21 THE COMMISSIONER: And you're right, it's an internal review,  
 22 but it's been released publicly, it's been cross-  
 23 examined on publicly. And it may be an internal  
 24 review, but this is an external, independent  
 25 review, what we're doing now. Mr. Dickson.

1 MR. DICKSON: Thank you, Mr. Commissioner. Tim Dickson for the  
2 VPD again. I'm not certain why we're arguing  
3 about what Deputy Chief LePard did or did not say,  
4 but just since we are, my reading of his evidence,  
5 Mr. Commissioner, is definitely that there needed  
6 to be a more proactive investigation from the VPD.  
7 He's never said anything contrary to that.

8 THE COMMISSIONER: Yes.

9 MR. DICKSON: And the only distinction, the only debate that  
10 Mr. Roberts is raising is whether it would have  
11 been helpful to the investigation to view it as a  
12 kidnapping as opposed to an investigation at large  
13 into the missing women.

14 THE COMMISSIONER: No, I have your point. Mr. Vertlieb, Mr.  
15 Gratl has said that the witness list has been  
16 truncated so as to prevent the calling of relevant  
17 evidence, so --

18 MR. GRATL: I don't say that it has actually been truncated. I  
19 just say that the community's concerned that it  
20 will be and so witnesses like the informant Hiscox  
21 won't be called, for example, or Caldwell won't be  
22 called.

23 THE COMMISSIONER: Okay, look, I don't want to get into that at  
24 this stage, about whether or not the evidence of  
25 Hiscox -- whether Hiscox should be called, but

1           let's think about that for a minute. First of  
2           all, it's up to commission counsel to decide who  
3           they want to call, but it's easy for lawyers to  
4           jump up and say why isn't Hiscox called. Well,  
5           let's give it some thought. Hiscox gave some  
6           information to the police. The police relied on  
7           it and said it was credible. There's no  
8           suggestion it wasn't credible. The police didn't  
9           act on it. So tell me, what's the use of Hiscox  
10          coming in here and giving us the same evidence  
11          that has already been given to the police that the  
12          police don't question as being anything other than  
13          credible? I mean, that's -- other than to extend  
14          the inquiry, tell me what Hiscox -- what purpose  
15          Hiscox would serve by coming in here and telling  
16          us the same thing that the police have told us and  
17          the police believe. The police, in fact, have  
18          told us that by not accepting Hiscox's evidence  
19          that maybe an error was made. So, anyway, I don't  
20          want to get into an argument. Mr. Vertlieb.

21       MR. VERTLIEB: Thank you, Mr. Commissioner. Mr. Commissioner,  
22                       I wanted to address a couple of points. I do want  
23                       to say that Ms. Tobias is correct about the way  
24                       the document disclosure has gone, and that is that  
25                       if we ask for something that we think is relevant

1           it's been provided, and those requests have  
2           resulted in many thousands and thousands of pages  
3           of documents. We can deal with that another time,  
4           because my second point is I think we've heard  
5           from Mr. Ward for a number of months now that he  
6           is wanting to deal with an application for  
7           documents, and I know he filed an application and  
8           it was adjourned, but given the comments I'm  
9           hearing from participants here this morning I  
10          think it is essential that we deal with that  
11          application once and for all so there can be an  
12          airing of the issue. I respect Mr. Ward's  
13          concerns, and if they're valid, then they need to  
14          be dealt with, and if his comments prove not to be  
15          relevant, then that needs to be clarified. But  
16          there is this air hanging over the document  
17          disclosure that's repeatedly referred to. What  
18          I'd like to do is have you direct Mr. Ward to  
19          bring on the application that he adjourned after  
20          Mr. Connor gives evidence. Mr. Connor's here,  
21          he's ready to give his evidence, and out of  
22          respect for his time and the way it's been  
23          scheduled we should deal with that. But before  
24          Mr. Adam comes, and he's the next witness after  
25          Mr. Connor, I'd like this matter dealt with, and



1 we'll set aside enough time, as much as Mr. Ward  
2 feels he needs, to explore all the document  
3 failures that he sees are very important to him  
4 and then we can have an open airing.

5 I do want to say on the subject of document  
6 disclosure I did speak with Mr. Crossin yesterday,  
7 and he's now had a chance to read the manuscript,  
8 and he spoke to me yesterday about coming in this  
9 afternoon and just speaking to you briefly about  
10 that. He can't be here this morning because of  
11 other commitments. So Mr. Crossin I gather has  
12 lived up to the undertaking he gave you that he  
13 would review it and then report back, and he's  
14 ready to do so. It turns out Mr. Ward filed a  
15 motion for that. Mr. Crossin may or may not be  
16 able to deal with it in that way, I don't know,  
17 but I wanted you to hear that Mr. Crossin wants to  
18 deal with it this afternoon as best he's able.

19 So I really would like you to set a date, and  
20 the date should simply be upon the conclusion of  
21 Mr. Connor's evidence that Mr. Ward can argue the  
22 motion that he filed and adjourned. We really  
23 need to deal with it once and for all so we know  
24 the scope of what needs to be requested, if  
25 anything.

1 THE COMMISSIONER: Mr. Ward, you've told us for several months  
2 about this application you want to bring for  
3 disclosure of documents. When are you able to  
4 bring it on?

5 MR. WARD: Next week. I think we'll need the whole week for  
6 it. It's a very --

7 THE COMMISSIONER: A whole week?

8 MR. WARD: Oh, I think so. We will be making submissions that  
9 numerous classes of relevant documents have yet  
10 been disclosed to this commission. I should have  
11 the motion itself circulated to all counsel soon,  
12 perhaps as early as later today or tomorrow. You  
13 have to appreciate, Mr. Commissioner, and I'm sure  
14 my friends appreciate this, that we have had an  
15 ever-changing witness list and a determination  
16 that it seems some of the most critical witnesses  
17 be rearranged in the schedule, so our two-person  
18 legal team has been focused on preparing cross-  
19 examinations in the last couple of weeks. Not to  
20 say we haven't been working on the application as  
21 well, but the way we left it after we served the  
22 original application was --

23 THE COMMISSIONER: Just tell -- you know, just tell me when  
24 you're going to bring it on. That's all I've  
25 asked you.

1 MR. WARD: Monday, and I think all week should be set aside for  
2 the hearing.

3 THE COMMISSIONER: All right. Thank you.

4 MR. VERTLIEB: I appreciate that. So Monday we can deal with  
5 documents. Mr. Ward no doubt will get that motion  
6 to us sometime during the week --

7 THE COMMISSIONER: Okay.

8 MR. VERTLIEB: -- so that everyone can respond. And, of  
9 course, that would be most helpful to clear the  
10 air, so to speak, on that issue. And I think  
11 that's all I need to say about --

12 THE COMMISSIONER: All right. Thank you.

13 MR. VERTLIEB: -- documents. So may we then call Mike Connor,  
14 please, to the witness stand.

15 THE REGISTRAR: Good morning, sir. Just press your microphone  
16 on, please.

17 **ROBERT MICHAEL CONNOR: Sworn**

18 THE REGISTRAR: Would you state your name, please.

19 A It's Robert Michael Connor, C-o-n-n-o-r.

20 THE REGISTRAR: Thank you.

21 THE COMMISSIONER: Have a seat, sir.

22 A Thank you.

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

24 Q You officially retired from the RCMP on April 6th,  
25 2011?

1 A Yes, I did.

2 Q And, sir, what was your ending rank with the RCMP?

3 A I was the staff sergeant NCO in charge of the  
4 Major Crime Section at Surrey Detachment.

5 Q And the staff sergeant rank is just below that of  
6 the commissioned officer rank?

7 A Just below. There's a series of ranks above that,  
8 staff sergeant major, sergeant major and the like,  
9 but they're very few and far between.

10 Q Now, Mr. Commissioner, Staff Sergeant Connor's  
11 curriculum vitae has been distributed, and a copy  
12 is available for you for your ease of reference.  
13 Perhaps, Mr. Giles, you could just give this to  
14 the witness, please. Staff Sergeant, this is the  
15 curriculum vitae prepared by you?

16 A Yes, it is.

17 Q And it was prepared specifically for the purpose  
18 of the Pickton inquiry?

19 A Yes, it was.

20 MR. VERTLIEB: I'm not going to take you through all of the  
21 facts that are outlined in the curriculum vitae.  
22 Mr. Giles, can you help me with the next exhibit  
23 number, please?

24 THE REGISTRAR: It will be marked as Exhibit number 86.

25 MR. VERTLIEB: Thank you, Mr. Giles.

**(EXHIBIT 86: Document entitled - Curriculum Vitae  
of Robert Michael CONNOR, RCMP-043-000064)**

MR. VERTLIEB:

Q But what I'd like to do just to help the  
commissioner understand your experience as it  
would relate to the mandate that he is fulfilling  
in terms of looking at the way the missing women  
investigations were conducted, tell Commissioner  
Oppal, please, what you feel was the experience  
that helped you do the job that you did  
investigating Pickton back in 1997 and 1998 and  
continuing.

A Well, in addition to my service as a uniformed  
policeman in the RCMP I was also involved in a  
number -- various unit -- plainclothes sections  
within the RCMP, including Burglary Section, which  
allowed me some training in surveillances,  
obtaining search warrants, dealing with  
informants. I was both in the Burglary Section at  
Surrey Detachment in 1979 and again in 1980 or '81  
and then again in Langley from 1986 to 1988. In  
1981-ish I also was involved in a long-term  
street-level undercover operation which allowed me  
to gain experience in obtaining results at that  
kind of a lower level undercover operation. I was

1           also involved for about almost two years with what  
2           they called Special "E" section back in the early  
3           '80s, and that was a section that was an  
4           enforcement/intelligence gathering unit for the  
5           RCMP with respect to outlaw motorcycle gangs,  
6           including the Hells Angels, prior to that were the  
7           Satan's Angels, and the like. 1988 I became a  
8           member of the Langley Detachment Serious Crime  
9           Section. I was promoted in 1993 to Burnaby in  
10          charge of their Burglary Unit there. And in 1994  
11          I was transferred to Coquitlam again as a corporal  
12          as a member of their Serious Crime Section. Prior  
13          to 1997 I played a major role in approximately 12  
14          homicides. I had gained some experience in  
15          undercover operations as it reflected towards  
16          homicide investigations. I gathered further  
17          experience in informants, search warrants,  
18          obtaining search warrants and the like. Of  
19          course, after 19 -- August of 1999 I was  
20          transferred from the Serious Crime Unit, promoted  
21          to the watch. I don't know if you want me to  
22          continue, but I certainly can.

23          Q   No, that's fine. I just wanted the commissioner  
24               to have a sense of that. Now, in your curriculum  
25               vitae, because it was prepared for this inquiry

1           you outline a number of homicides that you were an  
2           investigator in?

3           A    Correct.

4           Q    By our count it's approximately 41. Does that  
5           sound correct to you when you reflect on your  
6           homicide investigation experience?

7           A    I knew it was approaching the 50 area, yeah.

8           Q    Having said that, though, had you ever prior to  
9           the Pickton matter investigated a serial killer?

10          A    Not a serial killer per se. If I can explain, in  
11          the early 1990s a young woman, a sex trade worker  
12          from the Downtown Eastside was found murdered  
13          232nd and the freeway, the 401 freeway. I was the  
14          lead investigator in that -- in that file.

15          However, in our initial phase of that  
16          investigation we recognized through other  
17          communications from other detachments and police  
18          departments throughout the Lower Mainland there  
19          had been an individual that had been responsible  
20          for the abduction, sexual assault and attempted  
21          murder of four or five other sex trade workers.  
22          Also found that he was involved in picking up a  
23          hitch-hiker in Surrey and taking her to a secluded  
24          area, sexually -- tried to sexually assault her  
25          and strangled her close to death. All these women

1           were close to death but survived. And I also  
2           found that he as a young offender was responsible  
3           for the break-in to a residence and the rape of an  
4           innocent woman in South Surrey back in the early  
5           '80s.

6           Q   I gather Pickton was on a magnitude that you had  
7           never investigated before?

8           A   No, that's correct.

9           Q   Now, in your resume you mentioned that in 2002,  
10          September, you took the major case management  
11          course?

12          A   That's correct.

13          Q   So that was knowledge, and I don't criticize in  
14          any way for this, but knowledge that you were not  
15          trained in back in 1997 and '98 when you first  
16          started dealing with Pickton?

17          A   No, it was -- major case management was still  
18          relatively in its infancy.

19          Q   And that course took how long, approximately?

20          A   I believe it was a week. I don't remember it  
21          being two weeks, but it was certainly at least a  
22          week long.

23          Q   The reason I ask you that is that I want the  
24          commissioner to get a sense of the type of time it  
25          would take you, that it's not like a university



1 degree where you can spend four years, in other  
2 words. You spent a week. And where did you study  
3 that?

4 A It was at our police training centre in  
5 Chilliwack. It was the first course that was put  
6 on in British Columbia, and I was able to take  
7 part in that.

8 Q So it was one week, possibly a second week, you're  
9 just not sure?

10 A Yeah, I'm not sure.

11 Q But certainly it's a matter of days and a week or  
12 two, it's not months?

13 A That's right.

14 Q And it was every day of the week?

15 A Monday through Friday.

16 Q Let's then discuss your first dealing with  
17 Pickton, and this is the Victim 97 incident, the  
18 attempt murder.

19 A Correct.

20 Q We haven't dealt with that in great detail, but we  
21 need to as part of our work. You were involved in  
22 that investigation?

23 A That's correct, Mr. Commissioner. I was the lead  
24 investigator.

25 Q So tell us what lead investigator means.

1           A    I was the person in charge of the investigation,  
2                ensured that all the evidence was collected, the  
3                witnesses were properly interviewed to ensure the  
4                speed and flow of the investigation, that it  
5                wouldn't stall. I guess basically in charge.

6           Q    So one might say you were managing that  
7                investigation? Is that a layman's way of thinking  
8                about your job?

9           A    Correct.

10          Q    So how is it you first became involved in the  
11                attempt murder case, as it ultimately became?  
12                Tell us what your first involvement was.

13          A    Well, I was called out by the Coquitlam Detachment  
14                early in the morning.

15          Q    The morning of? I don't need the date right now,  
16                but the morning of the event?

17          A    The morning of the event.

18   MR. VERTLIEB: Mr. Commissioner, the report to Crown is a  
19                separate document. It had been disclosed months  
20                ago. It's at -- Mr. Giles, we gave you a copy  
21                this morning. The report to Crown.  
22                RCMP-037-003058.

23   THE REGISTRAR: Yes.

24   MR. VERTLIEB: Thank you.

25   MR. WARD: Which exhibit, please?

1 MR. VERTLIEB: It hasn't been marked yet.

2 MR. WARD: Thank you.

3 MR. VERTLIEB:

4 Q Mr. Giles, the Registrar, has just shown you this  
5 report to Crown. This looks familiar to you?

6 A Yes, it does.

7 Q And whose report is it?

8 A It's mine.

9 MR. VERTLIEB: Thank you. May this be the next exhibit,  
10 please.

11 THE REGISTRAR: Exhibit number 87.

12 (EXHIBIT 87: Report to Crown Counsel, document  
13 RCMP-037-003058)

14 MR. VERTLIEB:

15 Q The offence date is listed. Would you please  
16 confirm the offence date in the top corner?

17 A 23rd of March, 1997.

18 Q And approximate time?

19 A 01 -- or 1:45 a.m. on the 23rd.

20 Q Location?

21 A Well, it was on Dominion, the 900 block of  
22 Dominion Avenue in Port Coquitlam.

23 Q And that would be part of your jurisdiction when  
24 you were policing in Coquitlam and Port Coquitlam?

25 A Correct.

1 Q The charge is outlined in the report to Crown.

2 Three charges. The first page.

3 A That's correct.

4 Q They are, please?

5 A They are attempted murder, committing an assault  
6 with a weapon --

7 Q The third?

8 A -- and unlawful confinement.

9 Q This report prepared by you was for what purpose?  
10 Why did you prepare this?

11 A This was prepared for our local Crown counsel in  
12 Port Coquitlam for their review, and it contained  
13 all the facts of the case to help them make that  
14 determination to approve criminal charges.

15 Q Are you the one who recommended the charges of  
16 attempt murder, assault with a weapon, and  
17 unlawful confinement?

18 A Yes, it was.

19 Q Did you ever speak with Crown counsel about the  
20 incident and the charges that you were  
21 recommending be laid during the time the report  
22 was prepared and submitted?

23 A I really can't say for sure. I have sort of a  
24 recollection that I did, but it was routine on  
25 serious cases that I would take the report to

1 Crown counsel and hand deliver it to the lead  
2 person in charge of Crown counsel in Port  
3 Coquitlam. That's what I normally did. I just  
4 don't have a memory of doing it in this case.

5 Q That's fine. It was some time ago. We  
6 understand. Do you remember who you gave the  
7 report to?

8 A I believe it was Mr. Richard Romano.

9 Q In the time frame after -- we should clarify. Do  
10 you remember approximately when you delivered this  
11 report to Crown?

12 A It would have been within the week of the incident  
13 happening.

14 Q So it's a case that you were on right away and  
15 worked up aggressively during the time frame  
16 immediately following the incident?

17 A Yes, I did.

18 Q Did you feel your report to Crown was as thorough  
19 as it needed to be to assist them from your  
20 experience in what they needed to know?

21 A Yes, I did.

22 Q So you delivered it to Mr. Romano is your  
23 recollection. In the time frame, say the next few  
24 months, was there any additional investigation  
25 requested by the Crown after you submitted your

1 report?

2 A Not that I recall.

3 Q Was there ever any additional investigation  
4 requested by the Crown after you submitted your  
5 report?

6 A Not that I can recall.

7 Q In respect of this woman who was the subject of  
8 the charges of attempt murder, the victim, she's  
9 sometimes referred to as Victim 97.

10 A Correct.

11 Q We have in these proceedings referred to her as  
12 Ms. Anderson. Feel free to use whichever  
13 description you wish. It doesn't matter.

14 A Thank you.

15 Q Did you ever interview the victim of this attempt  
16 murder?

17 A In short, no, I didn't. I did attempt on the date  
18 of the offence to interview her, but medically she  
19 wasn't in a position to be interviewed, so --

20 Q When you say medically she wasn't in a position,  
21 just tell the commissioner a bit more about why  
22 you say that.

23 A Well, she had been in surgery. She was having the  
24 effects still of -- of anaesthesia, pain  
25 medication and the like, so the medical staff at

1                   the hospital said that we couldn't interview her.

2           Q     Did you ever personally meet Ms. Anderson?

3           A     No, I did not.

4           Q     Did you ever come to an opinion about her  
5                   credibility concerning the events during the time  
6                   you were lead investigator on the file?

7           A     Yes, I did, sir. Two other members from Coquitlam  
8                   Detachment did interview Victim 97. She did  
9                   provide a statement. It was certainly consistent  
10                  with the crime scene, and, of course, she was  
11                  found with a handcuff around one wrist of her --  
12                  one of her wrists, rather, so the story that -- or  
13                  statement that she provided, rather, certainly was  
14                  consistent and believable. I found her to be  
15                  credible.

16          Q     So that leads to the question being asked, without  
17                  meeting her were you therefore comfortable in  
18                  assessing her credibility as a witness in a  
19                  potential criminal trial?

20          A     Yes, I was, and, of course, I did speak to the  
21                  people that did interview her directly, and they  
22                  were also under the impression that she was being  
23                  truthful of the events that happened that night.

24          Q     Now, I wanted to deal with a document, and it's --  
25                  we understand it's part of your timeline. And I

1 believe, Mr. Commissioner, it's been marked as  
2 Exhibit 2A, tab L. And it's page 8, a reference  
3 for my colleagues. I'll just tell you what it is,  
4 Mr. Commissioner. Mr. Giles, you don't need to  
5 find it unless Mr. Commissioner wants it. It's a  
6 brief passage, Mr. Commissioner, just to save Mr.  
7 Giles getting up and down.

8 I just want to ask you something about your  
9 timeline. We've had disclosure from the RCMP of  
10 pages of notes that are typed up. We also from  
11 just experience know that police at a very early  
12 age are taught to make notes in a little book,  
13 their handwritten notes. So I'd like you to just  
14 tell the commissioner how you made notes, whether  
15 you used the handbook and then converted them to  
16 typing or what you did just so the commissioner  
17 knows how you handled your work as a police  
18 officer on note taking.

19 A Well, in my early years of policing, of course, I  
20 documented everything in a little black book  
21 that's commonly seen on television, and as the  
22 years had gone by, especially when I worked more  
23 serious cases, rules of disclosure came out, and  
24 the computer age, of course, was upon us, I found  
25 it much easier to only make notes once, and I



1 would most often, not all the time, but most often  
2 would type my -- what we called continuation  
3 reports or an acronym of 1624s, reports that would  
4 go out of the file, and I would type those up on  
5 the computer and send them to the master file with  
6 a copy in my -- in my working file. Not all the  
7 time. Depending on what type of case it was,  
8 sometimes I handwrote the 1624 and put it into the  
9 file. But as far as actually making notes in a  
10 notebook, in that time frame that we're talking  
11 about, that '97 to '99 era, I relied more on  
12 typing my notes into a computer.

13 Q So if you look at this note for 98.01.26, meaning  
14 January 26, 1998, do you see that?

15 A On 26, yes, I do.

16 Q Since it's your note, this is the procedure you  
17 just told the commissioner about where you would  
18 type this up yourself?

19 A Correct.

20 Q Thank you. So this -- I want you to read this  
21 because it's only a few lines. The commissioner  
22 can hear it. Just read that out.

23 A Well, on the 26th of January, excuse me, the 26th  
24 of January, 1998 criminal charges were stayed  
25 against Pickton.

1 Crown counsel informed the investigator,  
2 me,  
3 that the victim was heavily addicted to  
4 heroin and that she failed to meet with Crown  
5 Counsel on a number of occasions to discuss  
6 her evidence.

7 Q This refers to a failure to meet with Crown  
8 counsel on a number of occasions to discuss her,  
9 meaning Anderson's, evidence?

10 A Correct.

11 Q So the question is when did you first become aware  
12 that there may have been problems in dealing with  
13 Ms. Anderson by the Criminal Justice Branch?

14 A That date.

15 Q You had heard nothing prior?

16 A Nothing prior, no.

17 Q Was there any consultation between you and the  
18 Criminal Justice Branch about the decision to  
19 enter the stay of proceedings?

20 A No, there wasn't.

21 Q So the question then is, so we're clear, how and  
22 when were you advised of the stay of proceedings?

23 A I was advised via telephone by Ms. Randi Connor.  
24 I should point out no relation to me, although I  
25 had -- I had worked with Ms. Connor on a number of

1 occasions in the past on other files, and she had  
2 told me that Victim 97 was the case against  
3 Pickton, that without her there was no chance of a  
4 conviction, that she tried on a number of  
5 occasions to deal with Ms. Anderson and Ms.  
6 Anderson failed to meet the scheduled appointments  
7 because of a drug addiction. She -- Randi -- Ms.  
8 Randi Connor said that without her testimony,  
9 being a drug -- severe drug addict, as she was,  
10 the likelihood of conviction just wasn't there.  
11 She was going to stay the charges. Normally --  
12 the normal practice was, and maybe not all the  
13 time, the normal practice was that if Crown was  
14 having difficulty finding a witness or having  
15 difficulty getting a witness in to see them on  
16 appointments it was not uncommon for them, not  
17 always, but not uncommon for them to phone the  
18 investigator, people like myself, mention that,  
19 and we would go out and find them. We'd go out  
20 and offer them a ride, offer to pick them up and  
21 bring them to court on a trial date. No  
22 discussion about that. She had made her mind up  
23 that the file was going to be stayed.

24 Q So you say that on other occasions you would  
25 assist with a witness who was giving some concern.

1           You mentioned picking them up and taking them to  
2           court. What about picking up a witness and taking  
3           them to an interview with Crown?

4           A    Absolutely have done that before, yes.

5           Q    And you say you've done it before. Would that be  
6           extraordinary or was it -- how would you describe  
7           it?

8           A    It would be unusual. Most witnesses would  
9           attend -- attend their pre-trial, as we call them,  
10          pre-trial interviews with the Crown counsel, but  
11          occasionally there's a hiccup, and we'd find them,  
12          bring them to the Crown, as I mentioned earlier,  
13          bring them to trial.

14          Q    So you mentioned the phone call that Ms. Connor  
15          had with you. Did she phone you or did you phone  
16          her?

17          A    She phoned me.

18          Q    Can you help us know when that might have been  
19          relative to the typewritten date in your log of  
20          January 26, 1998?

21          A    Well, it would have been on that date, the 26th.

22          Q    Now, I want to ask you this question. Did you  
23          ever consider appealing that decision of Ms.  
24          Connor or taking any action as a result of the  
25          stay of proceedings?

1 A No, I didn't.

2 Q When you were considering this issue, did you  
3 believe that you would have been able to find Ms.  
4 Anderson if you had been asked to find her?

5 A It's a difficult one to answer, but I think  
6 probably.

7 Q Have you in the past had to go find people  
8 addicted to heroin for the purpose of bringing  
9 them into interviews or taking them to court?

10 A Yes, I have.

11 Q So you have experience in dealing with people who  
12 are under the influence of drugs, opiate drugs?

13 A Some people are easy to find, some people that  
14 don't want to be found are even harder to find,  
15 but not too many occasions that I can recall,  
16 either with myself or others, that we weren't able  
17 to find somebody.

18 Q So after the note of January 26, 1998, did that  
19 end your work on the attempt murder charges that  
20 are reflected in your report to Crown?

21 A Yes, it did.

22 Q Is there anything when you look back on that  
23 report to Crown that you feel you missed or some  
24 investigative technique that you didn't pursue  
25 relative to the attempt murder charge?

1           A    Well, looking back at it I wish I would have -- I  
2                wish I would have said to Ms. Connor, "Give us a  
3                few days and we'll go find her." I'm not sure  
4                finding her would have made any difference, but I  
5                wish I could have done that.

6           Q    Because of what you came to learn about Mr.  
7                Pickton?

8           A    Correct.

9           Q    Thank you. That wasn't in your mind back in  
10               January of 1998?

11          A    No, it wasn't.

12          Q    Before we completely leave that subject of Ms.  
13               Anderson, I want to fast forward to 1998 when you  
14               started to investigate Pickton as a suspect for  
15               potential involvement in murders relating to women  
16               in the Downtown Eastside of Vancouver. The  
17               question is this. When you were subsequently  
18               investigating Pickton in 1998, did you ever think  
19               of re-laying the 1997 attempt murder charges?

20          A    No, I didn't. I think -- I understand it to be  
21               and I also think it needs to be just generally  
22               understood that once a criminal charge is stayed  
23               that the bar for us to reach to reinstate criminal  
24               charges is quite high. It needs to have  
25               significant new evidence to -- to bring to life

1 the charges again, and we didn't have that.

2 That's -- so I never thought of reinstating or  
3 getting the original charges reinstated.

4 Q Thank you. And in 1998 you became aware of an  
5 informant named Hiscox?

6 A That's correct.

7 Q Let's then close that off with the issue about  
8 threats to that victim, Ms. Anderson. In the  
9 Evans report there's a reference to a discussion.  
10 I'll just -- for the record I'll give the  
11 reference for the commissioner and my colleagues,  
12 but I am going to tell you what it's about.

13 A Okay.

14 Q It's Evans page 8-65, paragraph 1, and it's a note  
15 from September 25, 1998. And I'm going to read it  
16 because no one expects you to remember all of  
17 this. So the note, it's five lines.

18 Detective Constable Shenher's notes indicate  
19 that she spoke to Corporal Connor and relayed  
20 the information from Hiscox about Pickton  
21 trying to get someone to bring VIC97 to his  
22 farm so he could finish her off. She further  
23 noted,

24 meaning Shenher,

25 that Corporal Connor advised he would get in

1 contact with VIC97 and speak to her.

2 Corporal Connor spoke with VIC97 or her  
3 mother on September 22nd informing her of  
4 this information

5 When I read that to you, does that refresh your  
6 memory about --

7 A It certainly does.

8 Q Thank you. So when that event happened where you  
9 were informed about Pickton wanting to finish her  
10 off, meaning presumably kill her, the question is  
11 do you think any further action should have been  
12 taken at that time regarding Ms. Anderson?

13 A Well, I believe the information was secondhand.  
14 It was a -- it was not a direct threat. What I  
15 mean by that, it wasn't from Pickton to Ms.  
16 Anderson. So she wouldn't have received any kind  
17 of a threat. So as investigators we think that is  
18 there a way that a third party would get that --  
19 get the contents of that threat to Ms. Anderson.  
20 We didn't believe that there was, but -- and  
21 certainly that wasn't the case. So we believed --  
22 or I believed that we didn't have a criminal  
23 charge there; however, we still had a duty to warn  
24 Ms. Anderson, and I did speak with Ms. Anderson.  
25 I originally mentioned to DC Evans that I thought



1           it might be her mother, but it was to Ms.  
2           Anderson, and she was surprisingly very -- well,  
3           keeping in mind she was drug addicted previously,  
4           she was normal. She was polite. She was very  
5           cooperative, very engaging in this phone  
6           conversation. I did warn her of what we had heard  
7           and asked if there was anything that we could do  
8           for her. She said that there wasn't, that she had  
9           stopped being a sex trade worker, she had removed  
10          herself from the Downtown Eastside, she was living  
11          in a location that Pickton would certainly never  
12          find her at and just overall had changed her  
13          lifestyle. So she felt that, although thanking us  
14          for the information, she felt that -- that the --  
15          the threat would never come to fruition. But I  
16          did say if she was ever approached -- actually, I  
17          said just to be very mindful of your situation at  
18          all times and if she was -- ever felt that she was  
19          in a -- in a position that concerned her to call  
20          911 and relay the concerns and have a police  
21          person attend. She assured me that she would, and  
22          your typical ending of a phone conversation and we  
23          hung up.

24          Q   In Ms. Evans' report she mentions that you told  
25          Ms. Anderson that the court documents referred to

1 her by her first name only and so you thought it  
2 was doubtful Pickton would know her last name.

3 Does that ring a bell with you as well?

4 A I believe it -- I believe the last name was not  
5 ever known.

6 Q Other than what you've told the commissioner, is  
7 there anything else that you thought needed to be  
8 done concerning Ms. Anderson at that time?

9 A No, I think that in my mind that she was safe and  
10 secure and -- and that she was very cooperative  
11 with the instructions that I suggested about  
12 calling 911 and be aware of her surroundings and  
13 those sorts of things. She didn't wish any  
14 further action by us. We could have installed  
15 panic alarms, cameras, those sorts of things, but  
16 she didn't want that.

17 Q Now, we've finished with the questions concerning  
18 Ms. Anderson specifically, but I still want to  
19 deal with that information and the action you  
20 took.

21 A All right.

22 Q We understand that you sent out a CPIC message  
23 that described the incident, the stabbing  
24 incident, and advised that Pickton was a likely  
25 suspect for offences against women, particularly

1 sex trade workers?

2 A Yes, I did.

3 Q Mr. Commissioner, that's Exhibit 41, Volume 1,  
4 Phase 2, tab 3. It's, for your convenience, Mr.  
5 Commissioner, it's in the binder just put together  
6 for you as tab 11. Sorry, Mr. Giles, 41, Volume  
7 1, Phase 2, tab 3. Now, this is a page and a half  
8 message to all Lower Mainland detachments and  
9 attention Sexual Assault Coordinators or  
10 Plainclothes Unit and Sergeant Field, Vancouver  
11 Police Department Sexual Offence Squad. You  
12 remember sending out a CPIC?

13 A Yes, I do, except I just haven't located it in the  
14 binder here. Sorry. Phase 2?

15 Q It's Phase 2, tab 3. This is where you send out a  
16 note about Robert William Pickton.

17 A Yes, I've got it now.

18 Q And that's your report?

19 A That's the CPIC message, that's correct.

20 Q What was your purpose in doing this?

21 A Well, it was an information sharing exercise. It  
22 was commonly utilized between police departments  
23 and RCMP detachments about giving other like  
24 investigators information on incidents that happen  
25 that should they have a similar incident in the

1 past or have one in the future that Pickton would  
2 be likely a good suspect for them.

3 Q At this time did you inquire about any historical  
4 homicide cases in your jurisdiction that this  
5 warning might apply to?

6 A You know, I did, and, no, there wasn't.

7 Q Did anybody ever respond to this CPIC message?

8 A No, I don't think so.

9 Q And I just wanted to ask you, just to close this  
10 off, there was a sex trade worker found in a  
11 ditch?

12 A Pauline Johnson?

13 Q Pauline Johnson, yes.

14 A Correct.

15 Q Just briefly tell us about that. It may or may  
16 not be of importance to the commissioner at the  
17 end of the day, but tell us about it briefly.

18 A Well, she was a sex trade worker from the Downtown  
19 Eastside that was found in -- murdered. She was  
20 found off a gravel road in Port Coquitlam. I  
21 would like not to talk about how she was murdered  
22 or how the remains were found because the  
23 investigation is still ongoing and there's some  
24 what we refer to as holdback or secret information  
25 that we don't want just to generally release.

1 Q That's fine. The commissioner understands that.  
2 We all do.

3 A I didn't think Pickton was involved. We were  
4 talking some 20 some years ago, and it was a  
5 location that wasn't even -- well, I guess as the  
6 crows -- crow flies and being in Port Coquitlam it  
7 wasn't far from Pickton's residence on Dominion,  
8 but at the -- as the roads -- if you had to travel  
9 the roads, it was about eight or ten kilometres  
10 away from Pickton's residence.

11 Q All right. Now, not only did you send out the  
12 CPIC which we just discussed, you also sent a fax  
13 intending it to become part of ViCLAS?

14 A Yes, I did. It actually went through the Canada  
15 Post. I think the front document you see is what  
16 we refer to as an A5. It's an internal memorandum  
17 that I typed up.

18 Q Just one second. The front -- this is a CJB  
19 document, Mr. Giles. I gave you a copy this  
20 morning. One page. Yes, sir. Just give that to  
21 the commissioner and the witness, please.  
22 CJB-001-000804.

23 A That's correct. That's the document I referred  
24 to.

25 Q So we've heard about ViCLAS, and we understand

1                   that's an information device for police to help  
2                   other police track potential people who might be  
3                   involved in crime.

4           A   Essentially they review each file and through  
5               whatever processes that they have they try to  
6               provide policemen with linkages to other offences.

7           Q   So tell us about this next page. It should be an  
8               exhibit, Mr. Giles, as well, please, the one page,  
9               as a fresh exhibit.

10   THE COMMISSIONER: It will be Exhibit number 88.

11                   **(EXHIBIT 88: Document entitled - Transmittal &**  
12                   **Diary Date Request - Re Robert William PICKTON,**  
13                   **CJB-001-000804)**

14   MR. VERTLIEB:

15           Q   And this is the ViCLAS report? Is that a fair way  
16               to call it?

17           A   I haven't seen it, but, yes, I would have  
18               completed a report.

19           Q   Just the one page is all we're interested in.

20           A   Oh, the one page. Yes, I am. Sorry. Yes, it is.

21           Q   Now, what I wanted to ask you about is the comment  
22               in here. Now, it's the third line. You're  
23               talking about Pickton. You flag him as a  
24               potential person to be watched; is that correct?  
25               That's a fair way of putting it?

1 A On this A5 document?

2 Q Yes.

3 A Third line down.

4 Q "Subject" -- here's the one I wanted to ask you  
5 about.

6 Subject,

7 meaning Pickton,

8 also responsible for similar offence in  
9 Surrey in late 1989, as PIRS indicates an  
10 assistance file to Surrey,

11 with a 1990 file number,

12 however, subject was not entered on PIRS by  
13 Surrey Detachment.

14 A Correct. Sorry.

15 Q

16 Sergeant Don Adam of Polygraph was one of the  
17 Surrey Serious Crime investigators at the  
18 time and may be able to provide the Surrey  
19 file number.

20 So what we'd like you to do is just discuss this  
21 reference to Sergeant Don Adam and the Surrey  
22 file. What were you able to learn about that?

23 A Well, what had happened is we did a background  
24 check of Pickton, and through our computer  
25 database system, Persons Information Retrieval

1           System, or an acronym of PIRS, we were able to  
2           determine that Surrey Detachment had sent us a  
3           request, I think it was 1990, that asked members  
4           of Coquitlam Detachment to drive by the Pickton  
5           residence on Dominion to determine if there was a  
6           certain vehicle located there, that they were  
7           looking for a certain type of vehicle relative to  
8           a sexual assault offence that occurred in Surrey.  
9           The vehicle is noted -- or, sorry, Pickton is  
10          noted on the PIRS database not as a suspect, but  
11          he's located -- or named as an other, which is  
12          kind of a -- just a basket for people that we  
13          couldn't put a title to, like a witness or those  
14          types of people. So we didn't know whether  
15          Pickton was an actual suspect. We don't know how  
16          they got his car or asked us -- why they wanted us  
17          to check for that car. I did call -- I did look  
18          at our file. There was nothing really in our  
19          file. It was just the CPIC request from Surrey  
20          Detachment to the Coquitlam Detachment and the  
21          member's findings that he couldn't locate the  
22          vehicle on the Pickton property back to Surrey  
23          Detachment. So I phoned Surrey Detachment. I was  
24          interested in the -- what was included in the  
25          file, and they said the file no longer existed.



1 Q And you were doing this in April of 1997 according  
2 to the date on --

3 A Yeah, I believe I did.

4 Q So just so the commissioner understands this  
5 discussion we just had, back when you were  
6 investigating and, in fact, recommending attempt  
7 murder charges you also did more work with the  
8 CPIC and the ViCLAS notification; do we have that  
9 correct?

10 A Correct.

11 Q And the offence was March 23, so this April 7th --  
12 do we read that date correctly? Top right corner.

13 A April 7th, that's correct.

14 Q So a couple weeks later you were still working on  
15 Pickton even though you had made your  
16 recommendation?

17 A Correct.

18 Q So do you have a memory of actually phoning Don  
19 Adam in Surrey to find out what he knew about  
20 this?

21 A Yes, I do. Of course, they couldn't -- Surrey  
22 Detachment could not find the file for it. So I  
23 knew Don Adam had involvement in the file. I knew  
24 Don, and I called him. And I think he was in  
25 Langley at the time I called him. And he could

1 not recall the incident, and it was agreed that he  
2 would go and -- he'd have to go home, but he would  
3 go and check his notes and see if he could find  
4 any information that could help us out. I think  
5 it was a day or two later that Don called me back  
6 or I called him, and he said that he had no notes  
7 of an incident and just couldn't recall the  
8 incident itself, so I had to leave it at that.

9 Q When you say "notes", what do you mean?

10 A Anything that would refresh his memory from notes  
11 in a notebook, a copy of a file he may have kept,  
12 any of that.

13 Q So you had the understanding that he would check  
14 his own personal notebook?

15 A That's correct.

16 Q And he got back to you and said -- do you remember  
17 what he said about his own personal notebook?

18 A He told me that he had checked his notes and  
19 couldn't find any notes relative to the file that  
20 we were looking for. I think relative to the file  
21 is my language, but he couldn't find any notes to  
22 reflect that file.

23 Q And what was your feeling about that?

24 A Well, I think that -- excuse me -- it was  
25 unfortunate, of course, but, again, note -- and I

1 forgot earlier, but members used to also take  
2 notes on foolscap and include those pages of  
3 foolscap in the master file of the incident so  
4 they could be referred to later. Well, in this  
5 case we didn't have the luxury of that. They  
6 couldn't find the file and believed it to be  
7 purged, but they couldn't find the file, and if  
8 any notes were taken, that I'm assuming they would  
9 have been attached to that master file, but that's  
10 an assumption on my part.

11 Q Is there anything else you could have done to  
12 exhaust your effort concerning this 1990 or late  
13 '89 event?

14 A Well, the only thing I didn't do was actually talk  
15 to the Coquitlam investigator, I think it was  
16 Constable Wilson, and I didn't talk to him.  
17 Thinking back, you know, I should have. I'm not  
18 sure if he was able to impart any further  
19 information or not. Just didn't talk to him.

20 Q That's the second time you've mentioned thinking  
21 back. Have you done that many times over the last  
22 number of years since Pickton was arrested?

23 A I think about this file daily.

24 Q You've covered the Anderson incident, and I just  
25 want to ask you this. Is there anything else

1           about the Anderson incident that you feel the  
2           commissioner should know about other than the  
3           detail we've gone into over the last time --  
4           number of minutes here?

5           A    No, I don't think there's anything that would be  
6           of any value.

7           Q    Thank you.  Let's move then to the Pickton  
8           investigation once it's involving the 1998  
9           evidence.

10          A    Okay.

11          Q    And just so we have the bookends of your time on  
12          the Pickton case, we understand from Detective  
13          Constable Shenher that she contacted you on or  
14          about August 7, 1998?

15          A    That's correct.

16          Q    And what's the end date of your work when you were  
17          working on the file under the Pickton murder  
18          investigation in Coquitlam, the end date meaning  
19          before you left to go to other duties, because  
20          we've heard about your promotion?

21          A    Sorry.  It was August 20th, 1999.

22          Q    So you worked this Pickton file intensively for  
23          about a year?

24          A    Well, it certainly had a -- you know, speaking  
25          intensively, it did slow down in the later fall of

1                   '98 and picked up again in late winter, early  
2                   spring of '99.

3           Q     So since we've had that comment, why did it slow  
4                   down in the fall of '98?

5           A     We couldn't find -- or VPD Detective Constable  
6                   Shenher couldn't locate her informant, Hiscox.

7           Q     Meaning Hiscox. And why did it pick up in 1999?

8           A     Just more meetings again about Pickton. I had  
9                   flagged Pickton on CPIC as a special interest to  
10                  police so any time he was checked by any police  
11                  force, any law enforcement agency in Canada and  
12                  the US that he would -- they would certainly --  
13                  sorry, let me rephrase that -- they would be aware  
14                  of our interest in Mr. Pickton. And in that entry  
15                  it was asked that should Pickton be checked to  
16                  contact me, and there was a phone number and, and,  
17                  Detective Lori Shenher with her phone number. So  
18                  we had received some information from New  
19                  Westminster Police Department with respect to Mr.  
20                  Pickton, so him being checked in and around the  
21                  stroll, prostitute stroll in New Westminster.

22          Q     We'll come to that. All right. So let's start  
23                  then with August 7, 1998, Shenher contacted you --

24          A     That's correct.

25          Q     -- about information -- I'm sorry, is that

1 correct?

2 A Correct, yeah.

3 Q About information she had received from an  
4 informant, who turned out to be Hiscox?

5 A Correct.

6 Q Subsequently you actually met Hiscox?

7 A I did.

8 Q And what was your opinion of him as an informant  
9 and the information that he presented?

10 A Well, I felt he was trying to be honest with us.  
11 I had Lori Shenher in the police car with me.  
12 That I think he was -- it was my belief that he  
13 was being forthright. He was certainly for the  
14 most part parroting information that he had  
15 received from another woman, and he felt that the  
16 information that he was providing us through this  
17 other woman was accurate, was truthful.

18 Q Did you -- what opinion did you form of him  
19 personally? And that's so critical, obviously,  
20 when you're a police officer hearing information,  
21 your opinion of the person who's telling you the  
22 information.

23 A Well, I thought that -- yeah, I thought he was  
24 credible.

25 Q We've heard from others that he had health issues.

1           You were aware of health issues?

2           A    Yes.

3           Q    Addiction issues?

4           A    Later on I was made aware of that.

5           Q    Did that ever change your opinion of his  
6                credibility?

7           A    No.

8           Q    So let's continue to deal then with information in  
9                the summer of '98.  In the Evans report, and I'll  
10              just give the reference, it's page 8-55, third  
11              paragraph, there's information about a hang-up  
12              call received from Pickton's trailer 8:53 in the  
13              morning and that Constable Greig responded,  
14              investigated, found the number was dialed in error  
15              and no further action was required.  The file  
16              indicates, "HANG UP NO ANSWER ON RECALL WILL KEEP  
17              TRYING..."  Are you familiar with that event?

18          A    Somewhat familiar, yes.

19          Q    Now, we understand from Deputy Chief Evans that  
20                you personally did not find out about this 911  
21                call until August 2nd, 1999, about a year later.  
22                Is that a correct statement?

23          A    Yeah, that's correct.

24          Q    And how did that come to your attention a year  
25                later?

1           A    I don't recall. It may have been through  
2                conversation with Constable Greig. I just can't  
3                recall.

4           Q    Did you know that -- just to get your job in this,  
5                tell us in that time frame, '98, '99, what your  
6                actual job was relating to Pickton. Is there a  
7                title? We've heard lead investigator on the  
8                earlier charges.

9           A    Well, I was the investigator on that file.

10          Q    So did people report to you?

11          A    Yes, they did.

12          Q    So did Constable Strachan ever report to you about  
13                conducting a PIRS check?

14          A    Yes, he did, and, actually, I was going -- just --  
15                that was the point I was going to make, is it  
16                could have been I was made aware through, you  
17                know, a PIRS check of Pickton.

18          Q    So let's just stay with this important evidence  
19                about the hang-up call, or potentially important,  
20                the year after it happened. Would you have  
21                preferred to have learned about that earlier,  
22                meaning back in the summer of '98 or the fall of  
23                '98?

24          A    Yes, I would have.

25          Q    Why?



1           A    Well, it's just it would have been something that  
2                   at least maybe there would have been something I  
3                   could have followed up on. I could have at least  
4                   read the file, talked to the members involved  
5                   more. If they had attended the Pickton residence,  
6                   I would have been interested in knowing if they  
7                   had seen anything that gave them any kind of  
8                   concern, and I'm thinking particularly of, you  
9                   know, women's clothing, identification or things  
10                  that didn't quite seem to fit into the -- into the  
11                  -- into that trailer.

12          Q    I wanted to ask you about this apparent  
13                  communication breakdown. It's a year later you're  
14                  finding out about it. Do you know how that  
15                  occurred?

16          A    How the breakdown occurred? No, I don't know.

17          Q    Do you know if it's been corrected?

18          A    I don't know if it would be -- the term  
19                  "corrected" would be the proper term. It's  
20                  communication, and you're dealing with people and  
21                  circumstances, so for it not to have happened  
22                  again I think that -- I can't say it would never  
23                  happen again.

24          Q    Just while we're on this hang-up call, Mr. Giles,  
25                  do me a favour, please, and get the Evans report.

1           It's maybe in front of the witness. I'm not sure.

2           Thank you, Mr. Giles. Turn to 8-55, 8-55, August

3           12, 1998. 8-55. Do you have that, Staff

4           Sergeant?

5           A Yes, I do.

6           Q Dash 55?

7           A Oh, dash 55. Sorry, no, I don't. I do now.

8           Q So look at August 12, '98.

9           A Correct.

10          Q Just tell us that last line of the first  
11          paragraph. It seems to be a code. We can all  
12          read, "HANG UP NO ANSWER ON RECALL WILL KEEP  
13          TRYING", but what does the rest of it say?

14          A It says, "MEMBER ATTENTION MIS DIAL". "NFAR"  
15          stands for no further action required. "CH" is  
16          concluded. I do not know what "SP" stands for.

17          Q Thank you. Now, from reading Evans we understood  
18          that you informed Detective Constable Shenher that  
19          Pickton's niece, Tammy, lived with him, that she  
20          was an educated person and had cooperated with you  
21          in the past?

22          A That's correct.

23          Q So you knew her? That's Miss Humeny?

24          A Humeny is how I pronounced it.

25          Q Thank you. And how did she previously cooperate

1 with you?

2 A She -- in the 1997 offence I was standing on the  
3 roadway trying to determine where the crime scene  
4 was. Initially we had thought it was another  
5 residence. Clearly, though, once we had gotten  
6 into the residence and examined its interior it  
7 was not the crime scene. So we were standing  
8 literally on the roadway. We were talking to a  
9 couple of neighbours, and Tammy came and  
10 interjected saying that she was -- that Robert  
11 Pickton was her uncle, that she had been at the  
12 trailer because nobody had heard from him that  
13 day. She was concerned because she found a window  
14 broken and lots of blood in the interior of the  
15 trailer. So I asked if we could go look at the  
16 trailer. She said we could. Myself, at least  
17 two -- at least one or two other Forensic  
18 Identification Section guys, members entered the  
19 trailer, and clearly you could see it was a sign  
20 of -- or clearly it was our crime scene. There  
21 was blood, as described by Miss Humeny, and broken  
22 glass, signs of a struggle. I was not aware if  
23 anybody else was in the residence under some  
24 stress or duress, so I walked into the trailer  
25 quickly, and I walked the length of the trailer to

1           one end and I walked back, checked the bedroom,  
2           and when I say checked the bedroom, it was a  
3           matter of opening the door, looking around. I  
4           realized it was a crime scene. I realized that  
5           any further examination is going to require a  
6           search warrant, so I asked our members to back out  
7           of it. We did. I asked Miss Humeny if we could  
8           park a marked police car at the residence until we  
9           secured the search warrant. She said it was fine  
10          with her, and then I went and got the search  
11          warrant.

12        Q    So this is back in March '97?

13        A    That's correct.

14        Q    Did you know Miss Humeny before this date --

15        A    No.

16        Q    -- when you met with her on the road?

17        A    No, I did not.

18        Q    And we disclosed a video to everyone that showed a  
19           home on Dominion, and you saw that video when you  
20           were preparing to give your evidence?

21        A    Correct.

22        Q    And there's a home that is first on the video. Is  
23           that the home where you originally thought the  
24           crime scene might be because Ms. Anderson had been  
25           there?

1           A    Yes, we did.  The steps leading up to the doorway,  
2                the doorway itself had an inordinate amount of  
3                blood on the -- on them, so -- plus the window was  
4                broken.  That would have been the window just to  
5                the right of the stairway, I believe.

6           Q    And, of course, you're working at this time  
7                without evidence from Ms. Anderson because you  
8                hadn't been able to interview her?

9           A    That's correct.

10          Q    And so then you're on the road trying to figure  
11                out where this Anderson/Pickton event took place,  
12                and Humeny comes up to you?

13          A    That's correct.

14          Q    And she was concerned about her uncle?

15          A    That's correct.

16          Q    Did she seem to know her uncle had been involved  
17                in an event that would lead to an attempt murder  
18                charge against him?

19          A    She had no idea what happened.

20          Q    So she was coming to you just looking for her  
21                uncle?

22          A    Coming to us to look for her uncle, I think  
23                primarily of concern what she had seen in the  
24                trailer and had her uncle been the subject of the  
25                bloodletting and the violence that happened in the

1 trailer.

2 Q Now, you ultimately did your investigation, you  
3 made your report. Did you ever think Ms. Humeny  
4 was in any way involved in the Anderson incident?

5 A No, I didn't.

6 Q Did you ever have a sense that she knew about her  
7 uncle in a way that would ultimately lead to his  
8 murder charges and conviction?

9 A No, I didn't.

10 Q So you've told us about going in the trailer that  
11 date and then deciding you needed a search  
12 warrant. I just want to ask you, is there  
13 anything you saw in that trailer that made you  
14 wonder about potential -- this is back in '97 --  
15 that made you wonder about potential women who had  
16 gone missing?

17 A No, not at all.

18 Q How would you describe his trailer when you were  
19 in there in '97?

20 A It was a single-wide older trailer. It had a  
21 large wooden deck without railings, a door that  
22 would have been the southerly door of the trailer.  
23 You walked in, and it was a -- it wasn't a very  
24 clean place to begin with. To the left I believe  
25 there was a bedroom, and then to the right was a

1 narrow hallway that led to kind of an office area,  
2 kitchen area. Further down this narrow hallway  
3 was what would be commonly used for, I think, as a  
4 living room, but that living room had a blanket on  
5 the floor and a pillow.

6 Q So now we've covered how you knew about Humeny, so  
7 what I want to then ask you is going into the 1998  
8 time frame, when you're now investigating Pickton  
9 as a suspect in a murder investigation, did you  
10 ever seek Humeny's cooperation in regards to the  
11 murder investigation?

12 A No, I did not.

13 Q And just tell us why.

14 A Well, I -- we were -- the investigation was in its  
15 infancy. I really didn't start a murder probe of  
16 this investigation until the summer of 1999, that  
17 I felt any -- I didn't know Tammy Humeny apart  
18 from the '97 offence. I did not know her at all,  
19 and I didn't know what the trust level would be  
20 with her, and if I told her of any interest in her  
21 uncle, would she have mentioned it to family  
22 members or Pickton himself, would it get back to  
23 Pickton himself, so that's why I didn't -- I  
24 didn't talk to her.

25 Q Now, we understand the time period of August 1998

1           you advised Sergeant Blizzard of the Unsolved  
2           Homicide Unit about the information you had  
3           received from Hiscox concerning Pickton?

4           A    I did.

5           Q    What was your purpose in advising Blizzard, who --  
6           Blizzard, who was with Unsolved Homicide?

7           A    Well, he was a member, in fact, he was my  
8           brother-in-law at the time, and I thought advising  
9           him would be a good idea in the event that they  
10          had any similar files throughout the province that  
11          they may want to look Pickton -- take a look at  
12          Pickton for. So I just provided the information  
13          to him and asked him to keep Pickton in the back  
14          of his mind for any future files that they may --  
15          that they may be engaged in, so --

16          Q    All right. Thank you. I want to ask you about  
17          the name Bev Hyacinthe. You've heard about her  
18          name. She's referred to in the Evans report, page  
19          8-63, last paragraph. In that Evans report we're  
20          told that September 22, 1998, September 22, '98,  
21          about 4:30 in the afternoon you spoke with  
22          civilian employee Hyacinthe, who said she had  
23          known the Pickton brothers for years and that  
24          Yelds used to live across the street from her.

25          A    That's correct.



1 Q What was your purpose in talking to Bev Hyacinthe?

2 A Well, Ms. Hyacinthe was a long-time municipal  
3 employee of Coquitlam Detachment. She was also a  
4 long-term resident of Port Coquitlam, and my  
5 understanding is that she knew some of the --  
6 through other -- through herself or through other  
7 contacts in Port Coquitlam that she was familiar  
8 with some of these lesser desirable people. She  
9 did, of course, tell me that she knew of Pickton  
10 and she wasn't aware of any missing people but did  
11 tell me the farm was still active in -- farming  
12 dirt I think is probably the best I can --  
13 description I can give, but they were taking  
14 topsoil and reselling it, so --

15 Q Did you consider Hyacinthe a security or  
16 information leak to Pickton?

17 A No, I didn't, just primarily because she was an  
18 employee of the Coquitlam Detachment.

19 Q So you trusted her?

20 A I trusted her, yeah.

21 Q Speaking about Pickton and his activities, we know  
22 about the '97 incident. Had you ever investigated  
23 Pickton before March '97 with Ms. Anderson?

24 A No, I didn't.

25 Q We've heard something about this place they ran as

1 a booze can. Did you ever go there?

2 A I never went there until Project Evenhanded was  
3 underway. I was aware of -- of course I was aware  
4 of the after hours club called Piggy's Palace that  
5 was under the control of the Pickton brothers on  
6 Burns Road, and I knew that general duty people  
7 were also actively monitoring the situation there,  
8 and I believe they had shut down some of the --  
9 the functions that were happening there as well.  
10 I know our Criminal Intelligence Section was also  
11 interested -- excuse me -- I know our Criminal  
12 Intelligence Section was also interested because  
13 of the association or the apparent association of  
14 Pickton with the Hells Angels.

15 THE COMMISSIONER: Maybe we'll stop there.

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

17 (PROCEEDINGS ADJOURNED AT 11:07 A.M.)

18 (PROCEEDINGS RESUMED AT 11:25 A.M.)

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

20 MR. VERTLIEB:

21 Q We've been told that on September 24, 1998, you  
22 confirmed Pickton's clothing was still in evidence  
23 in the Coquitlam evidence locker.

24 A Yes, I did.

25 Q And that's reflected in your notes. You had a

1                   handwritten note about Constable Paradis checking  
2                   the exhibits?

3           A    That's correct.

4           Q    I won't take you through your notes there.  
5                   Exhibit 2A, tab L, for the record. What was your  
6                   purpose in asking this question about his clothing  
7                   still being in the police locker?

8           A    Well, we have a responsibility to return property  
9                   to its rightful owners at the conclusion of an  
10                  investigation. In the stayed category of the '97  
11                  offence I think we were entitled to hold the  
12                  property for at least a year, and I went down  
13                  there, one, to confirm that, and, two, I wanted to  
14                  look to see if we had seized a -- what's the term?  
15                  I just lost the word here. A pouch.

16          Q    A fanny pack?

17          A    Fanny pack. Because that became of interest to  
18                  us. So needless to say I couldn't find it there,  
19                  but I did have occasion to go down to the exhibit  
20                  locker to check.

21          Q    Now, at that time you considered the issue about  
22                  syringes from Ms. Anderson?

23          A    Yes, I did.

24          Q    And did that help you at all in your investigation  
25                  on the 1998 murder issue?

1           A    No, it didn't, but it did somewhat corroborate the  
2                   information that we were getting through Hiscox.

3           Q    So at the time you learned that the clothing was  
4                   still in the locker?

5           A    Yes, I did.

6           Q    Did you ever do anything with that clothing at  
7                   that time?

8           A    No, I didn't.

9           Q    Now, just jumping ahead, and specifically to the  
10                year 2005, DNA analysis of the 1997 clothing found  
11                that there was DNA of two victims, Andrea Borhaven  
12                and Cara Ellis?

13          A    That's correct, I heard that.

14          Q    Do you know why that clothing was not analyzed  
15                earlier, perhaps sometime back in 1997 or when he  
16                was being investigated in '98 or '99?

17          A    Quite frankly, I never thought to do that.

18          Q    Now, I wanted to ask -- just on that point, Mr.  
19                Commissioner, just to put this in your mind, as it  
20                were, there is other evidence to suggest that  
21                perhaps had it been investigated or analyzed it  
22                wouldn't have shown female DNA, just so you know  
23                that.

24   THE COMMISSIONER:   Would have what?

25   MR. VERTLIEB:   Checking that clothing back in '97 or 1998 may

1 not have shown that there was unidentified female  
2 DNA on the clothing, just so you know, but I  
3 wanted you to have the staff sergeant's answer  
4 about why he didn't do that.

5 THE COMMISSIONER: Oh.

6 MR. VERTLIEB: Just so you know.

7 MR. WARD: Excuse me. Cameron Ward, counsel for the families.

8 I'd like to know where that evidence is.

9 MR. VERTLIEB: Just bear with us, Mr. Ward.

10 THE COMMISSIONER: Well --

11 MR. WARD: Excuse me. I'd like to know where there is some  
12 evidence that testing in 1990 -- some evidence in  
13 support of counsel's assertion of fact.

14 THE COMMISSIONER: I assume that he's getting there.

15 MR. WARD: I don't know that.

16 THE COMMISSIONER: Well, why don't we listen.

17 MR. WARD: Why don't we. That's fine.

18 THE COMMISSIONER: It's a good idea to listen and then, you  
19 know, at the end of the day if it's not there you  
20 can object to it.

21 MR. WARD: Well, I'm objecting now because so far it's just an  
22 assertion of fact.

23 THE COMMISSIONER: That's right.

24 MR. WARD: I'm hoping -- I'm hoping that we'll all be drawn to  
25 the document that supports that assertion. Thank

1                   you.

2       THE COMMISSIONER: I don't think Mr. Vertlieb needs your help  
3                   in the way he's examining the witness. Look it,  
4                   at the end if he doesn't ask it, cross-examine the  
5                   witness on it. I mean, I agree with you that it's  
6                   something we need to know, but I don't like to  
7                   interrupt counsel in their -- as they're going  
8                   through the evidence in chief, and if there's  
9                   something wanting, you have the right to cross-  
10                  examine.

11       MR. WARD: Thank you.

12       THE COMMISSIONER: All right.

13       MR. VERTLIEB: I appreciate your comment, Mr. Commissioner, but  
14                   Mr. Ward -- his interruptions aren't a problem for  
15                   me, frankly, so don't worry about it.

16       THE COMMISSIONER: Okay.

17       MR. VERTLIEB: But I appreciate your courtesy. Just so you  
18                   know, Mr. Commissioner, there's an affidavit that  
19                   I've just recently been given to review that would  
20                   suggest that. We'll deal with that in due course.  
21                   I just wanted you to hear that, but I wanted you  
22                   to know the evidence from Mr. Connor as it related  
23                   to the question.

24       MR. WARD: I rise again. I'm sorry.

25       MR. VERTLIEB: Sorry, Mr. Commissioner.

1 MR. WARD: Sorry. I'm very concerned about what I've just  
2 heard, Mr. Commissioner. I and my staff have  
3 reviewed the hundred thousands of pages of  
4 documents here. We've done our best to get a  
5 handle on their contents. Doing our very best  
6 with our review of the document disclosure, I saw  
7 nothing suggesting that a DNA analysis of the  
8 clothing of Ms. Borhaven and Ms. Joesbury, family  
9 members of two of my clients, would not --

10 THE COMMISSIONER: Ellis. Was it Ellis?

11 MR. VERTLIEB: It's not Joesbury. It's Ellis, Mr. Ward.

12 THE COMMISSIONER: Ellis.

13 MR. WARD: Sorry.

14 THE COMMISSIONER: Cara Ellis.

15 MR. WARD: Would not have -- I saw nothing in the documents  
16 that have been disclosed to me to date suggesting  
17 that DNA analysis done then would not have yielded  
18 conclusive results with respect to the DNA being  
19 that of a female person. Then I just heard my  
20 friend say, "Well," if I understood him correctly,  
21 "we've -- someone's delivered us an affidavit, and  
22 that's where the evidence is." I don't have that.  
23 I should. All counsel should. There's just no  
24 legitimate reason --

25 THE COMMISSIONER: Okay. Wait a minute. Let's listen to the

1 explanation.

2 MR. WARD: Well, let's get the affidavit first and foremost,  
3 please.

4 THE COMMISSIONER: You know, why don't we ask him -- why don't  
5 we ask him about the affidavit instead of you  
6 jumping all over him. You know, I'm sure he's  
7 going to explain it, and Ms. Tobias is rising, and  
8 so why don't we hear people before you start  
9 jumping all over them. Let me hear them.

10 MR. WARD: I'm sorry, Mr. Commissioner, it certainly wasn't my  
11 intent to jump over other counsel, as you put it.

12 THE COMMISSIONER: Well --

13 MR. WARD: I apologize if I perceive to have done that, and  
14 maybe it's due to my perception, as inaccurate as  
15 it might be, that jumping all over counsel has  
16 become one of the characteristics of this hearing  
17 process. I apologize. Thank you.

18 MR. VERTLIEB: Mr. Commissioner, just so you know, I'm meeting  
19 with a witness tonight at six o'clock to review  
20 this situation.

21 THE COMMISSIONER: Sorry?

22 MR. VERTLIEB: I'm meeting with someone, a witness at six  
23 o'clock who apparently has knowledge, and once I  
24 determine its relevance we'll get it out to  
25 everybody. That's it. So we'll deal with it.



1 MR. WARD: Mr. Commissioner, then, given that assertion, I  
2 object to counsel putting to this witness that  
3 there's any evidence that DNA testing on those  
4 remains would not have yielded DNA pointing to a  
5 female person. I object.

6 THE COMMISSIONER: Ms. Tobias.

7 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias for the Government  
8 of Canada. I can tell my learned friend that the  
9 affidavit that Mr. Vertlieb refers to is one  
10 produced by a witness, Kathy Horley, the reporting  
11 scientist with the lab who did the analysis for  
12 the Evenhanded file and all the analysis referred  
13 to. Her reports have been in the disclosure for  
14 quite some time now. We had suggested her as a  
15 witness, a relevant witness for obvious reasons,  
16 but because of the time constraints we suggested  
17 to commission counsel that her evidence tying  
18 together some material from those reports to the  
19 extent that they may not be -- the results may not  
20 be obvious by affidavit instead with the  
21 opportunity, of course, for people to apply to  
22 cross-examine, and so it's in that vein that I had  
23 delivered to my learned friend the affidavit, and,  
24 in fact, I asked my staff to bring copies here  
25 realizing that my friend would not have an

1                   opportunity to deal with it until tonight. So --

2   THE COMMISSIONER: Okay. All right.

3   MS. TOBIAS: So bottom line is the foundation documents have  
4                   been in disclosure for a long time. The witness  
5                   produced an affidavit. It's in my friend Mr.  
6                   Vertlieb's hands.

7   THE COMMISSIONER: But you're telling us that the fact of the  
8                   non-analysis, if you will, of the 1997 material  
9                   was a part of the Project Evenhanded material and  
10                  that was disclosed?

11   MS. TOBIAS: Yes. Well, the reports of when -- as you've  
12                  heard, some of the -- some results were found at a  
13                  later date with respect to --

14   THE COMMISSIONER: We know that.

15   MS. TOBIAS: -- two of the victims.

16   THE COMMISSIONER: I'm talking about the non-results now that  
17                  Mr. Ward's concerned about.

18   MS. TOBIAS: The affidavit does explain why the non-results --  
19                  explains the non-results, in other words, if I can  
20                  put it in those terms.

21   THE COMMISSIONER: Okay. Well, forget about the affidavit.

22                  You said that it was a part of the Project  
23                  Evenhanded material.

24   MS. TOBIAS: All of the reports that are appended to the  
25                  affidavit were disclosed as part of the Evenhanded

1 disclosure, yes. They have been on concordance.

2 THE COMMISSIONER: So that's been disclosed to everybody?

3 MS. TOBIAS: Yes.

4 THE COMMISSIONER: The Project Evenhanded material that made  
5 up -- that's the subject matter of the affidavit  
6 has been disclosed to counsel?

7 MS. TOBIAS: Yes. And --

8 THE COMMISSIONER: When was that disclosed?

9 MS. TOBIAS: I can't give you the exact dates off the top of my  
10 head, but they have been on concordance for some  
11 time. If it assists, realizing the timing,  
12 because as my friend Mr. Vertlieb has indicated,  
13 he is going to be meeting with Dr. Horley this  
14 evening, I did ask my staff to prepare a letter  
15 explaining when the documents were disclosed --

16 THE COMMISSIONER: Okay. All right.

17 MS. TOBIAS: -- and so forth. That has been produced, and I  
18 can provide Mr. Ward a copy if he would like.

19 THE COMMISSIONER: Okay. All right.

20 MR. VERTLIEB: Mr. Commissioner, Mr. Boddie, who's managed  
21 document disclosure, says that would have been  
22 months ago. I didn't want to embarrass Mr. Ward.  
23 The documents were disclosed.

24 MR. WARD: That's an inappropriate comment. I take the  
25 greatest exception to it. Mr. Commissioner, this

1 is what I'm talking about when I refer to a  
2 cover-up. You need presumably some expert, and it  
3 seems like the best one is someone with the RCMP,  
4 to explain this point in an affidavit so that it  
5 makes any sense, and this commission was started  
6 in September of 2010, and I don't have the  
7 affidavit upon which my friend Mr. Vertlieb rested  
8 his assertion of fact in putting it to this  
9 witness. That should not have happened. I'm  
10 objecting to that assertion of fact as long as  
11 there is the absence of evidence supporting it.  
12 And I take -- I take the greatest exception,  
13 frankly -- Mr. Commissioner, may I finish my  
14 statement -- to the conduct of commission counsel  
15 throughout the course of this inquiry in  
16 belittling and ignoring and otherwise behaving  
17 towards me as counsel for the families in this  
18 matter with a complete lack of respect. It's well  
19 documented. I've taken care to document it every  
20 step of the way. And I've never encountered  
21 counsel's behaviour that is as objectionable as I  
22 have in Mr. Vertlieb's case.

23 THE COMMISSIONER: Okay.

24 MR. WARD: And I've been counsel in this province for 28 years,  
25 and I haven't encountered counsel having conduct

1 of a file in which I've acted that has been as  
2 distressing to me as I have in this instance, and  
3 I've taken care to document it every step of the  
4 way, and I'm very, very, very disappointed in the  
5 way this commission has been and is being handled  
6 by the person charged with that responsibility.

7 THE COMMISSIONER: Well, Mr. Ward, you've -- I don't know how  
8 you've been treated by commission counsel, but I  
9 can -- the point here is this, that the material  
10 was disclosed to you in Project Evenhanded, and  
11 that's what Ms. Tobias has said, that the non --  
12 the non-analysis, if you will, in 1997, that was  
13 made known to you quite some time ago in the  
14 concordance documents. That's the point. The  
15 point is you were told that. That's the only  
16 point. I don't want to get into any more about --

17 MR. WARD: The point is this, Mr. Commissioner, with respect to  
18 the issue I objected about -- and I will gather  
19 myself now. The point is this: the voluminous  
20 concordance disclosure, as I understand it, we're  
21 doing our best given the limited time we've had to  
22 deal with those documents, much more limited than  
23 Evans and so on, but the point is this, the  
24 disclosure in concordance was completely silent on  
25 the issue of whether or not testing would have

1           related -- would have indicated that they -- the  
2           samples would fail to show an identifiable female  
3           person. So I've been laboring, if I'm correct in  
4           that, under the impression that there's been no  
5           evidence to suggest -- to support the assertion of  
6           fact my friend made to this witness a moment ago.  
7           What I've heard him say and Ms. Tobias say is that  
8           the expert testimony of this RCMP person as to  
9           what type of testing was available back then, the  
10          expert testimony in this affidavit that I have not  
11          yet got or seen is going to be the foundation for  
12          the assertion of fact. On that basis I'm  
13          objecting to the assertion of fact being made to  
14          this witness. It may become a critical point.  
15          And it may be tendered by the RCMP at this point  
16          to explain very late in the day this apparent  
17          factual vacuum that again may be critically  
18          important to my clients because we know now that  
19          the RCMP failed to take a number of important  
20          steps along the way that may have pointed them in  
21          the direction of the serial killer Mr. Pickton.  
22          So I maintain my objection. That's the basis for  
23          it. I don't yet have this affidavit, and as long  
24          as this affidavit isn't before us my point is that  
25          your counsel should not be making the assertion of

1 fact based upon it. It's not based upon the  
2 documents. It's based upon this missing  
3 affidavit.

4 THE COMMISSIONER: Okay. Well --

5 MR. WARD: Thank you.

6 THE COMMISSIONER: -- my point is not -- I don't want to get  
7 involved in a "he said, she said" between you and  
8 Ms. Tobias. The point I'm making is that the  
9 evidence -- the evidence that there was no DNA  
10 available in 1997 to analyze, that is -- was made  
11 available to you and to all the lawyers. That's  
12 the only point. So -- yes.

13 MS. TOBIAS: Mr. Commissioner, I apologize for interrupting,  
14 and I just want to be clear. The technical  
15 evidence was available throughout, but what  
16 conclusions were to be drawn from it is perhaps  
17 not crystal clear, which is why we sought to have  
18 Dr. Horley added to the witness list a long time  
19 ago in any event.

20 THE COMMISSIONER: All right.

21 MS. TOBIAS: It's because of subsequent events that we are  
22 proceeding by affidavit, and that, of course,  
23 needs to be clarified.

24 THE COMMISSIONER: So the point is that -- is that this  
25 scientist would be in a position to say why there

1                   was no evidence of the DNA in 1997; is that  
2                   correct?

3   MS. TOBIAS:   To put it exactly, because I think that's  
4                   important, why the --

5   MR. WARD:   Excuse me.

6   THE COMMISSIONER:   Wait a minute.

7   MS. TOBIAS:   I'm describing --

8   MR. WARD:   Excuse me. I'm standing only to make a simple --

9   THE COMMISSIONER:   I know, but she's standing first. Okay.

10                  Let's --

11   MR. WARD:   Excuse me, Mr. Commissioner.

12   THE COMMISSIONER:   No. Mr. --

13   MR. WARD:   Mr. Commissioner, I am seeking to have the witness  
14                  excused for this discussion --

15   THE COMMISSIONER:   No. You don't --

16   MR. WARD:   -- because the witness is testifying about this  
17                  subject matter.

18   THE COMMISSIONER:   No.

19   MR. WARD:   That's the reason I'm standing.

20   THE COMMISSIONER:   No.

21   MR. WARD:   That's a step we take every day in the courtrooms  
22                  while there's a debate about evidence. I ask for  
23                  that.

24   THE COMMISSIONER:   Thank you for telling me what steps we take.  
25                  I really need your advice. Okay. Now, go ahead



1                   and tell me what you were going to tell me.

2    MS. TOBIAS:   What I was going to say, Mr. Commissioner, is that  
3                   the affidavit explains in summary terms why those  
4                   technical results -- if the samples had been taken  
5                   and analyzed before known samples were available,  
6                   that because of the nature of the profile on the  
7                   samples the scientist could not have determined  
8                   that there was another unidentified female's DNA  
9                   profile there.

10   THE COMMISSIONER:   I see.

11   MS. TOBIAS:   That's the bottom line.

12   THE COMMISSIONER:   That's what the scientist would say if she  
13                   were called, right?  Is that what you're saying?

14   MS. TOBIAS:   Yes.

15   THE COMMISSIONER:   Okay.  All right.

16   MS. TOBIAS:   There's other material that's relevant in her  
17                   affidavit as well, but that's the point that's  
18                   pertinent to my friend.  And I appreciate his  
19                   comment about the witness, but as the witness has  
20                   testified, this was not something he contemplated  
21                   doing in any event, and I think that's his  
22                   evidence, period.

23   THE COMMISSIONER:   Well, he doesn't know anything about this.

24   MS. TOBIAS:   Exactly.

25   THE COMMISSIONER:   Right.

1 MR. VERTLIEB: Exactly. So I just wanted you, Mr.

2 Commissioner, to understand what other evidence

3 would be there, but this witness has been very

4 candid in saying it never occurred to him. So

5 whatever the expert Horley says doesn't matter.

6 He just didn't understand it.

7 THE COMMISSIONER: He didn't understand any of this.

8 MR. VERTLIEB: Exactly.

9 THE COMMISSIONER: No.

10 MR. VERTLIEB: So I am not going to ask him about any of that.

11 I just wanted you to hear where we're going down

12 the road --

13 THE COMMISSIONER: Yes.

14 MR. VERTLIEB: -- just to help you.

15 THE COMMISSIONER: All right.

16 MR. VERTLIEB: That's all I was trying to do. I'm sorry that

17 it's caused such a stressful event. I didn't

18 think it was -- I didn't think it needed to.

19 You've had -- I just wanted you to understand

20 where we were going.

21 THE COMMISSIONER: All right.

22 MR. VERTLIEB: And I must say the idea of having an affidavit

23 seemed sensible with a view to getting evidence in

24 that would be to your benefit without having to

25 call another witness, but that's fine, we'll work

1                   through it. I said to you I'm meeting this person  
2                   tonight.

3   THE COMMISSIONER: All right. Thank you. Go ahead.

4   MR. VERTLIEB:

5                   Q   Thank you. So I wanted to ask you then -- we've  
6                   covered off the issue about the clothing, and  
7                   you've confirmed it was still available in the  
8                   Coquitlam police locker. I want to deal now with  
9                   the subject of surveillance, and this is an area  
10                  that you requested as part of your investigation?

11                  A   That's correct.

12                  Q   We've heard about surveillance that was conducted  
13                      on more than one date --

14                  A   Correct.

15                  Q   -- and more than one sequence.

16                  A   Correct.

17                  Q   So just to give the commissioner a broad  
18                      perspective, how many series of surveillance were  
19                      conducted on Pickton?

20                  A   I would think at least three or four.

21                  Q   At different times in the months that you were in  
22                      charge?

23                  A   That's correct.

24                  Q   When you first considered surveillance of Pickton,  
25                      how much surveillance did you expect that you

1 would require in this investigation?

2 A Well, in the initial -- excuse me -- the initial  
3 stages we were looking at simply, you know, who is  
4 Pickton, what's he doing, who is he meeting, what  
5 vehicles is he using, what businesses is he  
6 attending, is he going down to the Downtown  
7 Eastside, is he using sex trade workers, kind of a  
8 whole gamut. It was just kind of a -- I'd like to  
9 probably call it mostly a lifestyles surveillance  
10 to determine what he does.

11 Q Speaking globally, did you get what you considered  
12 to be adequate surveillance for this  
13 investigation?

14 A Well, I think every investigator would always like  
15 more, but I think that we had our -- our fair  
16 share of surveillance. It is a -- well, there's  
17 two parts. Special "O" is the part of the RCMP  
18 that deals with surveillance. They're our go-to  
19 surveillance team. Having said that, there are  
20 daily requests coming into their office from both  
21 federal sections, provincial sections and  
22 detachments from the -- from VC or "E" Division  
23 requesting their assistance, so they're never  
24 short of looking for work. They have to  
25 prioritize. They have to try to keep everybody

1 happy. So we were able to get the surveillance as  
2 much as they could give us. We utilized our own  
3 people for a period of time, more in 1999, and  
4 when I say our people, the Coquitlam Detachment  
5 Property Section, the people that were on Property  
6 Section that did surveillance frequently, and we  
7 were able at one point in time to utilize the  
8 services of VPD's Strike Force. Doing  
9 surveillance -- excuse me -- of course, is not  
10 like on TV. I don't want to say too much because  
11 -- I don't want to say too much about surveillance  
12 other than to say it is very resource hungry,  
13 especially if you start running more than eight  
14 hours a day surveillance. You can only run  
15 surveillance teams for a maximum of -- say of  
16 eight hours at a time. You have to start then  
17 finding the bodies to fill the shifts, to fill the  
18 night shifts, to fill the weekends and those sorts  
19 of things, so it can be a difficult thing to  
20 manage on a long-term, ongoing basis.

21 Q So I'm not clear, though, on the answer when I  
22 asked you if you -- if you received what you  
23 considered to be the surveillance coverage that  
24 you felt you needed to do this investigation.

25 A Yes.

1 Q I want to turn to the surveillance request. Mr.  
2 Giles, it's Exhibit 41D, tab 2. And this was  
3 covered in the LePard evidence, Mr. Connor, just  
4 so you know. So the commissioner has been taken  
5 to this information.

6 A Mm-hmm.

7 Q Now, you were the officer requesting surveillance?

8 A Yes, I was.

9 Q And you requested surveillance September 24, 1998?

10 A Yes, I did. That's the date on the document.

11 Q And that sounds accurate to you?

12 A Yes, it does.

13 Q So under the section "TARGET'S SUSPECTED CRIMINAL  
14 ACTIVITY/OFFENCES", obviously you have to have a  
15 reason for getting surveillance, correct?

16 A Yes, we do.

17 Q You said:

18 Information of unknown reliability reveals  
19 that this subject is responsible for the  
20 disappearance of female prostitutes in  
21 Vancouver, Burnaby and New Westminster. He  
22 apparently brings them to his residence  
23 whereupon they are killed.

24 A That's correct.

25 Q Relying on what information to make that

1 statement?

2 A Mr. Hiscox.

3 Q This is --

4 A And partly the experience of Mr. Pickton in the  
5 '97 offence.

6 Q Fair enough. At the bottom you talk about  
7 expected activity habits. What's the purpose for  
8 putting that information in there?

9 A It's been a number of years since I've looked at  
10 this form, sir. Could you direct -- oh, at the  
11 very bottom.

12 Q  
13 Subject's a loner and tends to his farm  
14 animals.

15 A It's just a reflection on the -- the intelligence  
16 that -- the rudimentary intelligence that we had  
17 at the time.

18 Q  
19 Subject, according to Crime Stoppers,  
20 frequents various prostitution strolls in  
21 Vancouver, New Westminster and Burnaby.

22 A Correct.

23 Q Next page, "REASONABLE AND PROBABLE GROUNDS  
24 JUSTIFYING REQUEST". Now, that's a separate  
25 requirement than simply the activities being

1           investigated?

2           A    Yes.

3           Q    First you have to say what it is you want to  
4                investigate, then you've got to say why you want  
5                it?

6           A    That's correct.

7           Q    So when you ask for surveillance, it's not  
8                something you can impose? You have to request it,  
9                and someone has to consider that request; is that  
10              the way it works?

11          A    Well, I would bring it to my supervisor just to  
12                confirm and get his authority to get surveillance  
13                placed on anybody. In this case it was Mr.  
14                Pickton.

15          Q    Who was your supervisor back in September '98?

16          A    Sergeant Daryll Pollock.

17          Q    And he obviously approved this?

18          A    Yes, that's correct. Then I would make a phone  
19                call to the coordinator at Special "O" and  
20                verbally let him know that this request is coming,  
21                essentially what it's about and what his thoughts  
22                about getting surveillance at the time.

23          Q    And the information that you believed justified it  
24                was the fact that you received information that he  
25                was bringing prostitutes from Vancouver, Burnaby,



1 New Westminster to his farm, where they were  
2 killed and buried, correct?

3 A That's correct.

4 Q There's a statement that the subject intimated  
5 that he disposes of bodies in a food grinder and  
6 feeds the remains, and that is information coming  
7 from where?

8 A Hiscox again.

9 Q There's also referenced information received that  
10 subject's been in possession of numerous female  
11 identification and purses?

12 A Correct.

13 Q Again, where is that from?

14 A Hiscox.

15 Q  
16 ...shown another female associate (YELDS)  
17 bloody women's clothing he has termed as his  
18 "trophies".

19 That's from?

20 A Again that's from Hiscox.

21 Q So when you earlier said about Hiscox and the way  
22 you related to his evidence, does this document  
23 support your belief that Hiscox's evidence was  
24 reliable and needed to be considered?

25 A I think it was reliable in that he was repeating

1           what he was being told by Yelds, but I think it  
2           also needed -- I mean, regardless, it needed to be  
3           considered and acted upon.

4           Q    So dealing with the surveillance at that time,  
5           tell us what was done and what the -- what that  
6           did for your investigation?

7           A    Well, it really didn't add to the investigation as  
8           far as any criminal activity. It did show us the  
9           people that were coming and going from the farm,  
10          primarily their vehicles, and where Pickton was  
11          going, what he was driving, who he was meeting,  
12          his business or his daily business routine. It  
13          did not show us in the early stages that he was  
14          going down to the Downtown Eastside, nor was it in  
15          the early stages showing that he was going to any  
16          other prostitution stroll.

17          Q    And surveillance was conducted during the day and  
18          during the evening?

19          A    Yes.

20          Q    Do you remember how many days of surveillance was  
21          conducted at that time, September '98,  
22          approximately?

23          A    I would be guessing.

24          Q    You would trust whatever documents are available  
25          to us from the file?

1           A    Yes.  I think there was about 25 or 30 days of  
2                surveillance all told, but for that specific  
3                period in September I would have to say probably  
4                no more than a week, 10 days.

5           Q    At that time frame?

6           A    At that time.

7           Q    So total over the four times the surveillance was  
8                conducted 25 to 30 days all together?

9           A    Correct.  And some of those days would include  
10               days and afternoons.  The afternoons may spread to  
11               the early hours of a morning.

12          Q    So you've told us about happened with the  
13               surveillance efforts.  Tell the commissioner if  
14               you considered any other investigative avenues at  
15               that time.

16          A    Well, surveillance -- at that time?

17          Q    Yes, September '98, fall '98.

18          A    At that time it was just the surveillance and any  
19               possible interviews that could come up as a result  
20               of Mr. Hiscox.  In early October I met Mr. Hiscox.  
21               Would you like me to --

22          Q    I was just going to come there.  October 15, '98,  
23               you and Ms. Shenher interviewed Hiscox in the  
24               Maple Ridge Treatment Centre?

25          A    It was nearby.

1           Q   Thank you. Tell us about that, please.

2           A   It was a -- we arrived in an unmarked police car,  
3               and we talked to Mr. Hiscox. He was introduced to  
4               me by Detective Constable Lori Shenher. Before  
5               that I had -- I had read his -- the notes from  
6               Constable Shenher to see what he had said  
7               previously. And he proceeded to tell us  
8               information admittedly by Mr. Hiscox as mostly was  
9               secondhand from a foster sister that he had spent  
10              some years growing up with by the name of Lisa and  
11              confirmed to be Lisa Yelds. Lisa Yelds was a  
12              person who apparently frequented the Pickton farm  
13              quite a bit. So he was parroting us information  
14              that she had provided him, and we'd refer to that  
15              as secondhand information. When asked when he was  
16              told all this information, we were told by Mr.  
17              Hiscox that it had happened some three, four  
18              months previous to him telling Lori Shenher this  
19              information, so it became problematic, and, one,  
20              it's secondhand, and, two, it's dated information.  
21              He could not provide us any information with  
22              respect to the identification, names on the  
23              identification or any specific information with  
24              reference to any of the other materials that he  
25              spoke of, clothing, purses, primarily because he

1 got it all originally through Lisa Yelds. So it  
2 certainly heightened our interest in Mr. Pickton.  
3 Actually, I can't believe I just called him Mr.  
4 Pickton. But I was concerned a little bit about  
5 the information with respect to the clothing, the  
6 identification, purses, and why I say that is that  
7 I was also aware, of course, that Pickton and his  
8 brother, Dave Pickton, were running this after-  
9 hours club on Burns Road, probably about a city  
10 block away from the Pickton property, and was it,  
11 without information to the contrary, was it  
12 property that they had located at the after-hours  
13 bar when everybody had left, coats remaining at  
14 the premises, you know, purses and identification.  
15 So we had that -- I had that in the back of my  
16 mind, that possibly that's where this material  
17 could be coming from. Possibly I say. It was  
18 clear to -- clear to us, Lori and I, that we had  
19 to get the information from Lisa Yelds. We were  
20 told by Mr. Hiscox that that was going to be very  
21 unlikely, that she was a police hater, a cop  
22 hater, that she was a biker in all sense of the  
23 word. She was a Nazi, believed in Naziism. But  
24 he felt that he could introduce an undercover  
25 operator to -- to Ms. Yelds with him being present

1           and that we would be assured that Lisa Yelds would  
2           give us all the information we needed on Pickton  
3           in our first meeting with her. He volunteered to  
4           do that. In fact, I think he volunteered to ask  
5           -- or to escort or accompany Detective Shenher,  
6           Detective Constable Shenher as the undercover  
7           operator. We thanked him for that. We said we  
8           would look into that process, and he said he'd be  
9           available because he was disgusted with what he  
10          was being told and he would be helpful. I would  
11          also say -- also say that when he was telling us  
12          about the statement that Pickton was a serial  
13          killer or Pickton was responsible for the  
14          disappearance of the women on the Downtown  
15          Eastside, he said to us in terms of Pickton could  
16          be, he possibly could be, Yelds believed that  
17          Pickton was involved in these things. It was  
18          never a statement he's your guy, he's the guy  
19          that's responsible for the downtown -- girls  
20          missing in the Downtown Eastside.

21         Q   We heard from Superintendent Williams, and his  
22               report was filed, and in one of his documents, and  
23               I have it as Exhibit 2D, Appendix H, RCMP document  
24               090-0012055, the note that we've got is that you  
25               believed the information provided by Hiscox had

1 "merit". Is that a fair characterization of your  
2 view of Hiscox's information?

3 A Yes. I think he was repeating to us exactly what  
4 Lisa Yelds told him.

5 Q Now, I just wanted to -- a small point. In Ms.  
6 Shenher's notes, which we have from her evidence,  
7 she says that October 15, 1998, 11:30 hours Maple  
8 Ridge with Mike Connor and source, meaning Hiscox:

9 We picked up source at the Maple Ridge  
10 Treatment Centre and drove to Starbucks for a  
11 coffee, which we then took in the car. We  
12 sat in the car a lot and talked.

13 Do you agree with that? Does that refresh your  
14 memory?

15 A I don't remember picking him up at the  
16 rehabilitation centre, nor do I remember going for  
17 a coffee, but not to say that that didn't happen.

18 Q Okay. That she played a tape -- taped line-up,  
19 and he, meaning Hiscox, said it didn't sound like  
20 Pickton, meaning Willie Pickton?

21 A I vaguely remember that, but --

22 Q All right. Since we've asked you if you believed  
23 the information from Hiscox had merit and you've  
24 told the commissioner you believed it did, the  
25 question then is this: do you believe that the

1 information from Hiscox was properly utilized?

2 A Yes, I do.

3 Q Why do you say that?

4 A Well, I think the information -- we took the  
5 information. We -- it did have some merit, as I  
6 termed back in those days. To me, that this is  
7 somebody -- you know, this is information we can't  
8 dismiss outright. I think given the atmosphere of  
9 the day and this information that Pickton, at  
10 least on my radar, was the only person that had  
11 been named -- had some viability, if you wish, and  
12 that's my job as a policeman, to investigate that  
13 information. We were going to further the  
14 dealings with Mr. Hiscox, but he became  
15 unavailable. I asked Detective Lori Shenher if  
16 she would locate him, and it took her some time,  
17 but she did locate him, and when I was told he was  
18 located, I was told that we couldn't use him  
19 because of other issues, and that was February or  
20 March of 1999, and then he had just fallen off  
21 the -- you know, fallen off the map. The -- we  
22 never did use him. But my purpose was, as he  
23 offered, if we had his cooperation, which we did  
24 at that meeting, that to -- to undertake an  
25 operational plan to have an undercover operator



1 accompany Mr. Hiscox and speak with Yelds. He was  
2 the fellow that brought up that she would tell  
3 him -- tell the operator in the first meeting.  
4 Even if it took several meetings to feel  
5 comfortable for Lisa Yelds to talk about it, so be  
6 it, to continue. But we never had that  
7 opportunity. He fell off the -- like I say, fell  
8 off the planet, really. For a long period of time  
9 Lori Shenher couldn't find him, and, you know, we  
10 were just faced with there was nothing -- nothing  
11 more we could do. I could go knock on the door  
12 to -- Lisa Yelds' door and interview her, but that  
13 more than likely at that time would have exposed  
14 Mr. Hiscox to her, and based on the information  
15 that we were provided by Mr. Hiscox, it's not  
16 likely that she was going to tell us anything, and  
17 really that did prove itself out some months later  
18 when I did go and interview her.

19 Q So I wanted to ask you about the comment you made  
20 just now to the commissioner that Pickton was  
21 really the only person who had some viability.  
22 That's the note that I wrote.

23 A Right.

24 Q I may have written that incorrectly. Did I get  
25 those words from you correctly, that he was the

1           only person who had some viability?

2           A    To me in the sense of -- only of Coquitlam.  I  
3                didn't know what Missing Women's Investigative  
4                Group in Victoria -- or in Vancouver were doing,  
5                and, of course, we didn't have a unit set up to  
6                look at that -- that situation in any event at  
7                that time, but it was very intriguing information.

8           Q    We've heard, and not from you, but about lists of  
9                suspects and large pools and many, many people.  
10               I'm not going to take you through all that.  And I  
11               don't want to put words in your mouth about this  
12               topic of how good a suspect he was.  I want you to  
13               tell the commissioner why it is you say that  
14               Pickton was the only person who had some  
15               viability.

16          A    Well, because of the -- the offence that happened  
17                in 1997 involving a sex trade worker from the  
18                Downtown Eastside, that in that -- in that time  
19                period -- again, it was still in the infancy, that  
20                we didn't know as a law enforcement unit in  
21                Coquitlam that there was a wholesale group of  
22                women that had disappeared from the Downtown  
23                Eastside.  We were aware of some.  But here we  
24                have a fellow saying that Pickton's going down  
25                there and he's using the sex trade workers.  He

1            talks about this grinder, which I knew he had the  
2            access to because of the 1997 file. So there was  
3            a lot of things that had that ring of truth to me  
4            that I thought I hadn't received any information  
5            about anybody else in Coquitlam, that until I had  
6            heard -- or until we were in a position to  
7            eliminate him he was going to be on my radar.

8            Q    We heard from earlier police that once he became a  
9            suspect you either stayed with him until he was  
10           confirmed or eliminated as a suspect. Do you  
11           agree with that line of reasoning?

12           A    Well, I guess it's what your interpretation of  
13           staying with him as a suspect. Yeah, I guess in a  
14           perfect world that's true, but there's so many  
15           other demands being placed on investigators that  
16           unless it's very hot information and things that  
17           you can do with that information you may put that  
18           file, such as Pickton, to the side while you  
19           worked on these other criminal investigations  
20           involving other people.

21           Q    You said something interesting when you talked  
22           about a wholesale group of women, and you said,  
23           "We knew about some." Was there communication to  
24           you from Vancouver about, in fact, the real number  
25           of women who had gone missing and might have been

1           the subject of foul play --

2           A    My only --

3           Q    -- at the time?

4           A    Sorry.  My only information that I got in that  
5                respect was from Lori Shenher.  Most of the  
6                information that we got from what was occurring on  
7                the Downtown Eastside was from the media.

8           Q    In November '98 you wrote a memorandum to Air  
9                Support asking for air photos?

10          A    Yes, I did.

11          Q    Why did you do that, and what were the results?

12          A    Well, I think -- well, not I think.  We were still  
13                of the thinking that if -- if Pickton was killing  
14                these girls that there had to be, in our view, be  
15                some indication of what he was doing with the  
16                remains, and traditionally, police thinking,  
17                albeit it might be narrow minded at times, is that  
18                did he have a location on his farm where he was  
19                burying these remains.  That's why I asked Air  
20                Services to go up and a number of pictures be  
21                taken of the property.  I received the photographs  
22                that were taken by I think it was Annette Lyth at  
23                the time.  We both looked at the photographs, and  
24                there was really nothing telling of any kind of a  
25                burial spot or burial -- burial area on the

1 Pickton farm.

2 Q Now, at 8-68 of the Evans report there's a  
3 reference to your interest in air recognizance --  
4 or reconnaissance, but you said you recognized  
5 that Air Support Services had been grounded due to  
6 budget restraints?

7 A We were going -- the federal government was going  
8 through quite a budgetary problem, that's correct.

9 Q So you were aware of budget restraints being an  
10 issue for your work in Coquitlam as an RCMP  
11 officer?

12 A I think it would probably be better put that major  
13 investigations would always be funded. They  
14 would -- management would always find the money to  
15 proceed with those types of investigations.  
16 However, you're dealing with Air Services, which  
17 isn't really traditionally attached to major  
18 investigation. They were under quite a few  
19 constraints, budgetary constraints as to when they  
20 could fly and when they couldn't, and, quite  
21 frankly, there was minimal flying. So I asked the  
22 inspector is it possible should any of these  
23 pilots need to be retested, retesting they do  
24 every year, that while they're up there could they  
25 then fly over the Pickton farm and do those

1                    photographs for us, and kind of chuckled a bit,  
2                    but he agreed that, yeah, that's a way we could do  
3                    it, so --

4                    Q    So that was done?

5                    A    It was done.

6                    Q    Now, I wanted to ask you about December 11, 1998,  
7                    Hiscox contacting Detective Constable Shenher by  
8                    telephone. You said he's not using drugs, he's  
9                    sober and still wants to help the police, told Ms.  
10                    Shenher that he hadn't spoken to Lisa Yelds since  
11                    before he went into rehabilitation. Are you aware  
12                    of that happening?

13                    A    Only -- the only thing I was aware of is that she  
14                    had located him, and that's all I was told.

15                    Q    And so --

16                    A    And -- sorry.

17                    Q    I'm sorry.

18                    A    And other than we can't -- we can't use his  
19                    services right now.

20                    Q    At that time, I mean in December 1998, who did you  
21                    think was the responsible handler for Hiscox?

22                    A    Detective Constable Shenher.

23                    Q    And so what does that mean when one police officer  
24                    would say another police officer is the handler?  
25                    What's the significance to you?

1           A   Well, every informant is handled by one or two  
2               people. They're in charge of all the -- all the  
3               debriefing reports that they receive the  
4               information on. They're responsible for setting  
5               up the meetings and overall contact. An outside  
6               party to those two policemen wouldn't be --  
7               wouldn't be setting up meetings, wouldn't be  
8               contacting that informant, shouldn't be contacting  
9               that informant without the prior approval of  
10              their -- of that informant's two handlers. And  
11              that's for security of the -- of the informant,  
12              safety and security.

13          Q   So page 8-68 there's a reference in Detective --  
14               in, pardon me, Deputy Chief Evans report, and it's  
15               December 11, 1998, and it's this statement.  
16               Hiscox had contacted Shenher by telephone. We've  
17               covered that. The note suggests this:

18                     Detective Constable Shenher requested that  
19                     he,  
20              meaning Hiscox,  
21                     stay in touch and that she would contact  
22                     Corporal Connor to determine their next steps  
23                     as Hiscox appeared "still very keen to assist  
24                     us in any way he can."

25          A   I don't know what to say about that. All I know

1 is if I was told that Hiscox was found and he was  
2 ready to go then I would have started the  
3 paperwork, albeit voluminous, I'd have started the  
4 paperwork to get him to be an agent if that's what  
5 Mr. Hiscox still wanted to do.

6 Q There's a reference that Hiscox was prepared to  
7 contact Yelds if she, meaning Shenher, wanted him  
8 to. You had heard about that earlier, the  
9 willingness of Hiscox to do that?

10 A Yeah. Yes, rather. He was -- he was angry as to  
11 the possibility of -- of Pickton being involved  
12 based on the information that he was being told,  
13 and he had, in my view, a conscience and wanted to  
14 do what was necessary to get him in jail.

15 Q So given the suggestion that Hiscox was prepared  
16 to introduce people to Yelds, what did you think  
17 of that suggestion?

18 A Well, I always liked to leave it a couple days  
19 between that suggestion being made and then  
20 starting the work that's necessary to make a  
21 person an agent. That's kind of a cooling down  
22 period. And -- but he volunteered, and I felt  
23 this was an avenue of the investigation that we  
24 needed to go down.

25 Q So what happened?



1 A Nothing.

2 Q Can you tell us --

3 A Hiscox fell off the map. You know, we couldn't --  
4 we'd have to take an original statement from him,  
5 a recorded statement. We would have to do --  
6 there's quite a bit of work that's necessary  
7 working with our Source-Witness Protection Unit,  
8 commonly known as SWAP. They're the people that  
9 deal with all agents. And because I wanted to  
10 have a person an agent didn't necessarily mean  
11 that he would meet the various steps required to  
12 be an agent. Again, it's not like TV. When  
13 you're dealing with an agent, they really leave it  
14 up to that person. "Well, at the conclusion of  
15 this you're going to be identified. What do you  
16 want us to do? Do you simply -- do you want to  
17 leave town? Do you want to stay in town?" A  
18 variety of options are given them. But, again,  
19 that's their personal safety. So we couldn't get  
20 to any of those questions because we couldn't find  
21 -- we couldn't find Hiscox.

22 Q So you mean you couldn't find him after that  
23 December 11, '98 contact?

24 A Couldn't -- well, I'm stumbling a little bit here,  
25 but just -- my first contact with Lori was

1           sometime after our -- about Hiscox was sometime  
2           after our initial meeting. She said that he  
3           was -- she didn't know where he was. I said,  
4           "Lori, would you look after finding him," thinking  
5           it would only be days, and she agreed to that.  
6           She said that she would -- she would go out and  
7           try to find him. It was some time before she  
8           called me back. She said that she did, she did  
9           find him, he was unavailable, and then called me  
10          back and I think left a message or the last phone  
11          call was left a message, but the last parting  
12          conversation with Lori with respect to him was in  
13          the late winter, I believe, of 1999 saying that  
14          she found him, he had some problems, I didn't know  
15          whether that was personal or medical, we can't use  
16          him right now.

17          Q    So just help the commissioner understand this, and  
18                we appreciate it's many years ago, and do your  
19                best on remembering. December '98 there's a note  
20                that Hiscox contacts Shenher. I read the note  
21                saying that Shenher would contact you. Do you  
22                accept that you had discussion with Lori Shenher  
23                about Hiscox sometime December 1998, around the  
24                winter?

25          A    Yes.

1 Q Do you accept that?

2 A Yes, I do.

3 Q Okay. Now, you just told us that late 1999 there  
4 was -- there was another discussion. Help us  
5 understand what happened vis-a-vis RCMP, led by  
6 your work and Ms. Shenher and her work, relating  
7 to using Hiscox?

8 A Well, he wasn't -- he wasn't -- I was never told  
9 that he was available and -- in that December  
10 conversation that you referred to that he had  
11 with -- or, rather, that Lori had with Hiscox.  
12 The only information that I was ever given is,  
13 one, we can't find him; two, he's unavailable; and  
14 lastly, we can't use him. So without him I  
15 wouldn't have been able to forward any kind of an  
16 undercover operation with an agent. The  
17 likelihood of us proceeding with an undercover  
18 operation and bumping into -- to Yelds and getting  
19 her to talk about this information that she  
20 provided Hiscox wasn't a guarantee, so -- sorry, I  
21 kind of lost my train of thought there.

22 Q Well, I'm just -- that's all right, but you were  
23 the lead investigator --

24 A Right.

25 Q -- through the -- through 1999?

1 A Correct.

2 Q So just help the commissioner understand this.  
3 We've heard a lot about Hiscox. We won't go  
4 through it all. We know and you've agreed that  
5 December '98 there's some reference to Hiscox and  
6 his information.

7 A Right.

8 Q And then you mention late '99 with Hiscox. That's  
9 about a year later.

10 A Yeah, sorry, I'm mistaken. It wasn't late '99.  
11 It was late '98.

12 Q Oh, I'm sorry. So when we were discussing -- let  
13 me take -- perhaps -- do you have the Evans  
14 report? It's --

15 THE REGISTRAR: Exhibit 34.

16 MR. VERTLIEB:

17 Q 8-68.

18 A Sorry, sir, what was the --

19 Q 8-68.

20 A 68.

21 Q Maybe I was confusing, and I'm sorry about that.

22 A No, no.

23 Q Just look at the note for December 11, 1998. Do  
24 you see that?

25 A Yes, I do.

1 Q Now, keep in mind this is Jennifer Evans' report  
2 based on all the documents she reviewed. And you  
3 met Ms. Evans, because she interviewed you here in  
4 Vancouver?

5 A A couple of times, that's correct.

6 Q And you knew she was attempting to put together  
7 the chronology of what happened ultimately for the  
8 benefit of the commissioner?

9 A Yes, I was.

10 Q Read her note. Just read it to yourself. You  
11 don't need to read it out loud.

12 A Yes, sir, I read it.

13 Q Is that note correct as far as it relates to what  
14 you remember of those facts in that December 11,  
15 '98 --

16 A No, I don't.

17 Q Sorry?

18 A Sorry. No, this isn't -- the notation here  
19 isn't -- that's the first time I've seen this or  
20 heard of this.

21 Q So the reference to Shenher contacting you to  
22 determine next steps, do you have any memory of  
23 that happening or not, or what do you say about  
24 that?

25 A No. The only information I was getting was that

1           Hiscox can't be found, and, of course, the next  
2           conversation that I recall is that Hiscox was  
3           found but he -- he is not in a position to help  
4           us. And then the last statement, as I recall it,  
5           is that Hiscox wasn't available to assist us any  
6           longer.

7           Q    So when was it that you had the last piece of  
8                information you had about him not being able to  
9                help? When was it that occurred?

10          A    I would think it would be late February, March of  
11                1999.

12          Q    Okay. February or March of '99?

13          A    Something like that.

14          Q    Now, is that the last time you think any work was  
15                done by you relating to Mr. Hiscox?

16          A    Yes, it was, because I couldn't do any more work  
17                with Mr. Hiscox without the assistance of the  
18                Vancouver Police Department and Hiscox himself.

19          Q    So it would appear that this idea of Hiscox to  
20                introduce someone to Yelds was a good idea?

21          A    Good idea.

22          Q    But it seems to us, just hearing your evidence and  
23                what we've heard in the weeks preceding, that that  
24                never came to fruition?

25          A    That's correct.

1 Q Do you know why?

2 A Because Hiscox was unavailable, we couldn't find  
3 him, and, lastly, he couldn't help us.

4 Q Just for the record so we have it from you as a  
5 lead investigator RCMP back in the time period, if  
6 someone was going to become an agent, and you  
7 mentioned it's not like TV, just in a brief way  
8 tell the commissioner the protocol for the RCMP at  
9 that time.

10 A Well, I would have to get the full support of my  
11 supervisors, including the plainclothes  
12 supervisor, the -- my first line officer, which is  
13 the operation support officer. Once I got that  
14 information then I could contact the Source-  
15 Witness Program and have a discussion with them.  
16 And just based on that -- solely based on that  
17 conversation of viability we would toss around the  
18 viability of this person to be an agent, and they  
19 would suggest things that I'd have to do to -- in  
20 addition to the material that I would formally  
21 have to give the unit, things to do to help them  
22 assist in their decision. It wasn't -- it  
23 wouldn't be my decision or anybody at Coquitlam's  
24 level. It wouldn't be their decision to utilize  
25 this person as an agent. We could put the request

1           in, and my experience is sometimes they approve  
2           it, sometimes they don't.

3           Q   Just on this subject then, because of what we're  
4           hearing from you, how would you describe your  
5           communication between yourself and Detective  
6           Constable Shenher?

7           A   I thought it was very good.  Lori was clearly  
8           motivated, wanted to do the right thing and wanted  
9           to solve this -- this problem that was happening  
10          in the Downtown Eastside.

11          Q   And despite their -- your understanding that she  
12          would be the handler as it relates to Mr. Hiscox,  
13          was there an agreement that you would direct the  
14          investigation based on that information?

15          A   There was as it relates to Coquitlam.

16          Q   The way you just said that suggests that you had  
17          something else you wanted to say.  You've told us  
18          that you would direct the investigation as it  
19          related to Coquitlam.

20          A   The information we got from Mr. Hiscox was  
21          involving a particular person, Pickton, who was a  
22          Coquitlam resident.  Because he was a resident the  
23          property was the subject of our concern.  
24          Traditionally that would be the jurisdiction of  
25          responsibility.  If Mr. Hiscox provided



1 information about another matter somewhere else,  
2 that would have to be done by -- on another  
3 matter, that would be -- have to be done by that  
4 jurisdiction.

5 Q Did you think the Vancouver Police were then  
6 continuing with their own independent  
7 investigation concerning these missing women?

8 A That was my impression.

9 Q Impression from whom?

10 A The people that I talked to.

11 THE COMMISSIONER: So you're telling us at that stage you felt  
12 that Vancouver Police Department was conducting  
13 the investigation?

14 A It was conducting the overall investigation --

15 THE COMMISSIONER: Yes.

16 A -- with respect to the Downtown Eastside, that's  
17 right.

18 THE COMMISSIONER: With the Downtown Eastside.

19 A And I was solely looking at the information that  
20 was provided that dealt with a person that was  
21 residing in Port Coquitlam.

22 THE COMMISSIONER: So if that's the case, what then would be  
23 the role of the RCMP at that stage?

24 A At that stage it would be -- the RCMP would be the  
25 Coquitlam Detachment.

1 THE COMMISSIONER: Yes.

2 A And we would lead the invest -- if Mr. Hiscox had  
3 more information or if we were able to use Hiscox  
4 as an agent, then we would -- we, Coquitlam  
5 Detachment, would be the lead investigative team  
6 with respect to that.

7 THE COMMISSIONER: So your evidence is at that stage there  
8 wasn't enough evidence for the Coquitlam RCMP to  
9 get involved?

10 A Well, there was, but there was -- it's how far we  
11 could get involved based on the information.

12 THE COMMISSIONER: I see. Okay. All right. Maybe we'll stop  
13 there.

14 THE REGISTRAR: The hearing is now adjourned until 1:45.

15 (PROCEEDINGS ADJOURNED AT 12:30 P.M.)

16 (PROCEEDINGS RESUMED AT 1:45 P.M.)

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

18 THE COMMISSIONER: Yes, Mr. Vertlieb.

19 MR. VERTLIEB: Thank you, Mr. Commissioner.

20 Q Staff Sergeant, I just want to clarify the last  
21 discussion we had just before the break, and I  
22 have in mind the questions that I asked and then  
23 the commissioner's questions. Just so we're  
24 clear, when you said that you believed you were  
25 investigating the Coquitlam issue and not the

1 missing women investigation issue, just let's be  
2 clear on the record what you mean by that. What  
3 were you actually investigating?

4 A I was -- there were two sets of investigations  
5 going on in my mind. The one was the missing  
6 women out of Vancouver, which the Vancouver City  
7 Police were dealing with, and the issue that I was  
8 solely dealing with was the purported murders of  
9 women or a woman or women at the Pickton property.

10 Q So that would have included women who had gone  
11 missing and possibly murdered who were from the  
12 Downtown Eastside of Vancouver?

13 A That's correct. It's the information related to  
14 that, yes.

15 Q So as we understand your evidence then, you were  
16 not worrying about trying to find women who had  
17 been considered perhaps just missing?

18 A That's true.

19 Q Is there anything else that you wish to say to  
20 clarify what we've just now discussed, or are you  
21 comfortable with leaving it there?

22 A Comfortable with leaving it there.

23 Q I want to please move to the discussion about a  
24 meeting in February 1999, and this would be a  
25 meeting in Vancouver with Detective Constable

1                   Shenher, Al Howlett, Inspector Boyd, yourself,  
2                   Constable Strachan -- did I pronounce that  
3                   correctly, Strachan?

4           A    It's Strachan.

5           Q    Thank you.  And Constable Pitt-Payne, who was  
6                RCMP?

7           A    Correct.

8           Q    And then Sergeant Honeybourn, who is with the  
9                Unsolved Homicide Unit but a Vancouver Police  
10              officer?

11          A    That's correct.

12          Q    Now, at that meeting Pickton was discussed as a  
13                suspect?

14          A    Yes, he was.

15          Q    And investigative strategies were discussed?

16          A    Yes, there was.

17          Q    Was there an agreement amongst everyone that  
18                police would show Pickton's photograph to sex  
19                trade workers in the Downtown Eastside and that  
20                officers from the Vice Unit would be consulted?

21          A    Yes, I believe it was discussed at that meeting.

22          Q    Now, what I wanted to get to is this.  Apparently  
23                shortly -- around that same time there's documents  
24                that indicate that you contacted Lori Shenher and  
25                said something to the effect that in light of

1 higher priorities officers from Coquitlam could  
2 not assist in what had been agreed upon at the  
3 February 1999 meeting as planned?

4 A That's correct. What we had agreed upon was both  
5 Vancouver Police Department and Coquitlam members  
6 would go down to the Downtown Eastside with  
7 pictures of Pickton solely to determine if any of  
8 the sex trade workers down there knew him, knew  
9 him personally, as a bad date, gather any possible  
10 intelligence we could of him being there because  
11 to date surveillance had not put him down there,  
12 and any other inquiries that we had made had not  
13 put him down there as well.

14 Q So without taking you to it, there is a note from  
15 the RCMP file for February 17, 1999, and it  
16 states, I'll read it to you very quickly:

17 In light of a higher priority file (HSBC bank  
18 robberies) Corporal Connor called Detective  
19 Shenher to advise Coquitlam members could not  
20 help in the above inquiries.

21 A Correct. We had a takeover bank robbery at one of  
22 our banks in Coquitlam. It was one in a series of  
23 bank robberies that were happening all over the  
24 Lower Mainland, and they were quite violent, so  
25 the entire on-duty team that was to go to the

1           Downtown Eastside were pulled away and we had to  
2           investigate the bank robbery. I called Detective  
3           Constable Shenher about that. She completely  
4           understood and then mentioned that she and her  
5           cohorts would go down there and see what they  
6           could find.

7           Q    So the question for you is this, Staff Sergeant,  
8                did you make the decision that resulted in the  
9                RCMP members not going to the Downtown Eastside at  
10              that time?

11          A    I would say yes.

12          Q    And why did you make that decision?

13          A    Because the investigators from the Major Crime  
14                Section were needed to follow up on the offence  
15                that had just occurred. That robbery happened on  
16                that date.

17          Q    Was there more than one bank robbery?

18          A    There was, I think, 25 that were attached to this  
19                possible group around the Lower Mainland over a  
20                period of time, not all on that day.

21          Q    Now, there's evidence in the investigation that  
22                the Pickton photo was shown in the Downtown  
23                Eastside but no sex trade workers identified him.

24          A    That's my --

25          Q    I want to ask you if you are aware of that body of

1 information?

2 A Yes, I am.

3 Q What did that mean to you when you heard about  
4 Pickton's photo being shown in the Downtown  
5 Eastside and no sex trade workers identifying him?

6 A It was certainly concerning to me. It was  
7 concerning to Detective Constable Shenher as well.  
8 In fact, I remember her making a comment,  
9 something to the effect that maybe he isn't coming  
10 down to the Downtown Eastside, something to that  
11 effect.

12 Q So now at this point in time we're talking in the  
13 year 1999?

14 A Correct.

15 Q You're a senior and seasoned police officer?

16 A Correct.

17 Q And astute at your work and your work has covered  
18 the gamut to --

19 A I like to think so.

20 Q So did you ever consider that perhaps these sex  
21 trade workers might be lying to the police in  
22 their denial, perhaps to protect someone who they  
23 thought might be a good date because he supplied  
24 drugs and money?

25 A Absolutely.

1 Q So tell us how you worked through that if you  
2 considered the fact that the sex trade workers  
3 might not be telling the police what they really  
4 knew about Pickton?

5 A Well, we were still faced with the information  
6 that was gathered by Vancouver City Police that he  
7 hadn't been down there. I mean, we were stuck  
8 with that information, but we wanted to continue  
9 with more surveillance and see if we could  
10 physically put him down to the Downtown Eastside.

11 Q So in the month of February '99 Deputy Chief Evans  
12 deals with this question of whether Pickton was  
13 frequenting the Downtown Eastside or not, and just  
14 for a reference point for everyone here and you,  
15 Mr. Commissioner, 8-71, paragraph 1 of Evans.  
16 Now, I won't take you to it to save time. I'll  
17 just tell you about it. February 24, '99 Shenher  
18 advised Connor that the Downtown Eastside was  
19 canvassed and no one identified Pickton from  
20 photographs. We just covered that.

21 A Correct.

22 Q There were 80 sex trade workers shown Pickton's  
23 photograph, and none picked him. Does that sound  
24 familiar to you, 80?

25 A I thought it was upwards of 120 or 130.



1 Q Okay. But a lot of people?

2 A A lot of people.

3 Q A lot of sex trade workers?

4 A That's right.

5 Q

6 Corporal Connor noted that Constable Shenher  
7 followed that with a meeting...where she  
8 showed another fifty sex trade workers his  
9 photograph with the same result.

10 So that gets you to your number of 130?

11 A Correct.

12 Q

13 Corporal Connor also noted that...Shenher was  
14 inclined to think Pickton did not frequent  
15 the Downtown Eastside.

16 A Correct.

17 Q And correct meaning that was your view at the time  
18 about what Detective Shenher thought?

19 A Yeah, I think it was both our opinion.

20 Q So that's the question then. Were you of the view  
21 that Pickton was, in fact, not frequenting the  
22 Downtown Eastside in about February 1999 and that  
23 time frame generally?

24 A Well, I -- it would have been nice to say, yes,  
25 he's been down here. It certainly would have

1           assisted moving our file forward. But I also knew  
2           that -- that there is a protectionist -- I don't  
3           know if that's a good term -- used by the sex  
4           trade workers themselves just for the reasons that  
5           you pointed out: the money that he offered, the  
6           dope, narcotics that he offered. Would that be  
7           enough for them to say that he wasn't? You know,  
8           I also considered I didn't know what the  
9           relationship was between the sex trade workers and  
10          the Vancouver City Police at the same time -- or,  
11          sorry, the relationship between the sex trade  
12          workers and the Vancouver City Police was at that  
13          time. So I think there were a number of reasons,  
14          and it was in the back of my mind that they were  
15          not going to give up Pickton for a number of  
16          reasons.

17          Q    So the reason we're asking you is that Jennifer  
18               Evans did offline CPIC checks, and that may not  
19               have been done at the time in Vancouver by anyone,  
20               and she did her offline check and found that in  
21               December '98 in the area of East Hastings and  
22               Campbell Pickton had been stopped?

23          A    Yeah, I've come to learn that.

24          Q    I'm sorry?

25          A    I've come to learn that.

1           Q    So that's where I was going with this.  So if the  
2                photos were shown and the negative answer, and we  
3                respect your evidence, did it occur to you with  
4                your experience that maybe we should do some more  
5                work to see if that's in point of fact the case  
6                given the concern the sex trade workers might not  
7                want to be honest with the police?

8           A    Well, absolutely.  I think none of us threw our  
9                hands up in the air and said it's time to go on to  
10               something else.  Personally I was of the view  
11               that -- the no answer certainly didn't help us.  
12               We were stuck with that answer.  But I also  
13               realized that there was a number of issues dealing  
14               with -- dealing with sex trade workers and their  
15               protectionist of customers, I guess.

16          Q    Fair enough.  So that's the question, though.  
17                You're getting negative from the sex trade  
18                workers, but an offline check would have shown  
19                that in December, just a month or two before the  
20                February meeting, he was down there at Campbell  
21                and East Hastings, an area that not everybody in  
22                Vancouver necessarily drives to?

23          A    Well, and it surprises me as well because Pickton  
24                was on our CPIC system as a person of interest for  
25                us, for both Lori Shenher and myself.  If they ran

1 his name, that information would have come up  
2 on -- that information that we were interested in  
3 him would have come up, and they would have by  
4 virtue of the message on the machine been  
5 instructed or asked to contact me and Lori Shenher  
6 and advise us of -- advise us of their contact  
7 with Pickton.

8 Q So can you help -- sorry.

9 A And I never received any phone call or any message  
10 from Vancouver City Police.

11 Q So can you help Commissioner Oppal understand how  
12 this apparent confusion may have occurred?

13 A Well, not with any certainty. It happens quite  
14 regularly we put a person on CPIC as an interest  
15 to us and ask for any information as it relates to  
16 their checks. Quite often people are checked and  
17 we're never told of the reasons why they're  
18 checked. And whether that's in an RCMP district,  
19 police departments, fairly universal.

20 Q Documents show that on March 22, 1999, Constable  
21 Fraser of New West Police Department sent a  
22 detailed CPIC message to you regarding her contact  
23 with Pickton and Ellingsen. She provided the  
24 location where he was stopped and described his  
25 suspicious behaviour and providing descriptions

1                   and information relating to Ellingsen. You're  
2                   aware of that, and you mentioned it earlier this  
3                   morning, about Evans coming to you about activity  
4                   in a New Westminster stroll?

5           A    Yes, I was made aware, and I'm not sure if it was  
6                exactly that date, that the check happened, but I  
7                subsequently became aware of that check in New  
8                Westminster. The name Lynn Ellingsen didn't  
9                really ring a bell to me at that time, and I think  
10              when I finally heard of the information or read  
11              that -- that message that I just glossed over Lynn  
12              Ellingsen just because it had no meaning to me at  
13              the time.

14          Q    You didn't know her from any previous dealings?

15          A    No.

16          Q    And the fact that she was known to other police  
17                wasn't conveyed to you?

18          A    Lynn Ellingsen?

19          Q    Yes.

20          A    No.

21          Q    So the question then I wanted to ask you is this.  
22                Did the information that Pickton was frequenting  
23                another stroll for sex purchase have any  
24                investigative value for you?

25          A    Well, I think it certainly did. It confirmed to

1           us that he's in those areas that are frequented by  
2           sex trade workers, albeit not Vancouver, but is  
3           certainly -- you know, it's a different area. But  
4           it did -- it did -- it was good information for me  
5           to hear.

6           Q   Now, we've heard from other witnesses about the  
7               terms low track, medium track, high track. Is  
8               that terminology known to you during the time  
9               frame that we're discussing, '98, '99, 2000?

10          A   Yes, I believe so.

11          Q   So the stroll that we're talking about, would that  
12               be a similar clientele as you might find in the  
13               Downtown Eastside of Vancouver?

14          A   I think it would. I was both familiar with the  
15               Downtown Eastside and somewhat familiar with the  
16               stroll in New Westminster, and they seemed to be  
17               the type of lifestyle person one in the same.

18          Q   So then that would raise the alarm bell for you as  
19               a police officer that if this man Pickton is  
20               interested in sex services from women from the  
21               Downtown Eastside and he's also appearing to have  
22               that same interest for the same kind of socio-  
23               economic group in New Westminster, that might  
24               point to him as someone connected to this kind of  
25               activity?

1           A    That's right.

2           Q    So then did that information that he was  
3                frequenting New Westminster ultimately prompt a  
4                multi-jurisdictional meeting at the New West  
5                Police Department in April of 1998?

6           A    It did.

7           Q    So just tell the commissioner about that.

8           A    Well, it was a -- Pickton had surfaced a couple of  
9                times in New Westminster. There were some  
10              attacks, reported attacks against sex trade  
11              workers where they believed it was Pickton  
12              involved; however, through investigational avenues  
13              he became eliminated. We were still faced with  
14              the fact that he'd been checked at New  
15              Westminster, and we wanted to get a better degree  
16              of understanding of whether he was involved with  
17              the sex trade workers, any frequency, either at  
18              New Westminster, Surrey, who has a stroll at the  
19              time, as well as Burnaby along Kingsway. So we  
20              agreed to meet. I gave them all the information  
21              that I had known about Pickton to date, and it was  
22              decided that individually the jurisdictions would  
23              take the pictures out to their sex trade workers  
24              and show their sex trade workers the pictures of  
25              Pickton. Burnaby, I believe, and Surrey both came

1 back and said that Pickton was not apparently  
2 known by their sex trade workers. We had -- the  
3 investigational team out of New Westminster Police  
4 Department, Sergeant Colin Burrows, Constable  
5 Fraser and Judy Robertson, were very well  
6 motivated. Not only did they go out and show the  
7 picture of Pickton, but they initiated a program  
8 within their police department of obtaining all  
9 the details of the women, including their  
10 addresses and their phone numbers, photographs,  
11 DNA swabs if they allowed them to, and started to  
12 catalogue the women there in the eventuality that  
13 if any of them started to become -- were reported  
14 later missing. So that was -- that was the reason  
15 for the meeting.

16 Q Remember this morning you mentioned that Pickton  
17 was the only person who had some viability as a  
18 suspect?

19 A Correct.

20 Q And that was discussion in 1998 --

21 A Right.

22 Q -- for you to make that comment. So now we're in  
23 1999, February, March, April. Is the information  
24 that Pickton is frequenting another stroll -- does  
25 that information add to your belief that he was



1           the only person who had some viability or did it  
2           take away from that belief?

3           A    No, I think it certainly added to it.

4           Q    And so did that prompt any more heightened sense  
5           of investigative need as it related to Pickton in  
6           the spring of 1999?

7           A    Well, again, I think about the only thing that we  
8           could have done at the time given the status of  
9           the investigation to date was continue with the  
10          surveillance of Pickton. There were no further  
11          interviews that came to light with us. Certainly  
12          New Westminster Police Department were conducting  
13          their own on-street, face-to-face interviews with  
14          their sex trade workers, as was the bordering  
15          communities of Surrey and Burnaby.

16          Q    Now, we know surveillance took place in August  
17          when he was followed to the West Coast Reduction.  
18          We'll come to that. Was surveillance then renewed  
19          in April, May of '99?

20          A    Yes, it was. I couldn't tell you how many times  
21          or the dates of the surveillance, but he was  
22          always a continuing project for us.

23          Q    So let's just talk about the meeting April 21,  
24          1998, in New Westminster. Quoting from Evans:  
25                Various investigative strategies were

1                   discussed, including having Pickton's  
2                   photograph shown to sex trade workers,  
3                   but it was noted that that had already been done  
4                   in Vancouver, and we've covered that?

5           A    Right.

6           Q    So then it says:

7                   Corporal Connor was to approach Pickton's  
8                   niece and make inquiries about the  
9                   feasibility of utilizing her in the  
10                  investigation.

11           Did I say '98? I'm sorry. April 21, '99. Mr.  
12           Hira, my learned colleague, corrects me, and thank  
13           you. Sorry about that. April 21, '99. Let me  
14           repeat that. My error.

15                  Corporal Connor was to approach Pickton's  
16                  niece and make inquiries about the  
17                  feasibility of utilizing her in the  
18                  investigation.

19           Do you remember that?

20           A    Yes, we did discuss that. I thought about it  
21                  later, and I just felt the timing of approaching  
22                  her vis-a-vis her then going to her dad or uncle  
23                  about the police just wasn't -- the timing wasn't  
24                  right for me.

25           Q    Fair enough. You covered that as well this

1 morning. You said:

2 Connor submitted a request for surveillance  
3 to be conducted,  
4 and surveillance was conducted as far as you  
5 recall?

6 A That's correct.

7 Q At that time as a result of that meeting?

8 A I don't think it started until sometime shortly  
9 thereafter. It didn't start that day.

10 Q No, that's fine. Did that surveillance achieve  
11 its goals?

12 A It didn't take -- it didn't take Pickton to the  
13 stroll in New Westminster. It just continued to  
14 show us where he was, what businesses he was  
15 attending, what vehicles he was driving, the  
16 people he was associating with.

17 Q Now, the next reference time is August '99. Is  
18 there anything that you believe happened relating  
19 to Pickton in the months of May, June and July  
20 that we have missed, because I don't want to  
21 forget it if it's important?

22 A No, I don't think there was.

23 Q Thank you. You were doing other police work?

24 A Yes, I was.

25 Q So now we're at the beginning of August '99.

1           There was a meeting in Port Coquitlam that  
2           included Vancouver Police detectives Lepine and  
3           Chernoff?

4           A    That's right.

5           Q    Yourself, Sergeant Robertson, Corporal Campbell,  
6           Constable Greig.  There were others as well?

7           A    Correct.

8           Q    There was someone from Unsolved Homicide,  
9           Ballantyne?

10          A    Correct.

11          Q    And investigative strategies were discussed and  
12          tasks assigned, and that meeting's August 4, 1999?

13          A    I believe that's the date.

14          Q    So there were three Vancouver Police officers  
15          there.  Does that accord with your memory?

16          A    I know Inspector Biddlecombe attended one of the  
17          meetings.  I'm not sure if he was at that meeting  
18          or not.

19          Q    Doesn't appear to be in the notes we have.

20          A    Okay.

21          Q    But the point I wanted to clarify is that  
22          Ballantyne was there, and he was a Vancouver  
23          Police officer --

24          A    That's --

25          Q    -- but he was there on behalf of the Unsolved

1 Homicide Unit?

2 A It's funny, I don't distinctly remember Ballantyne  
3 being there. I know he was with us later, but I  
4 guess if my notes say that.

5 Q This is when Caldwell's name surfaces as an  
6 informant.

7 A Correct.

8 Q Do you agree that Chernoff and Lepine were  
9 handling Caldwell?

10 A Yes, I do.

11 Q And it was around the same time frame, early  
12 August 1999, that you met with Crown counsel Peter  
13 Gulbransen to discuss the Pickton investigation?

14 A Yes, I did.

15 Q The notes in the file indicate that the  
16 investigational file information was left with Mr.  
17 Gulbransen to digest. Is that your recall?

18 A That's correct.

19 Q Why did you want to speak to Mr. Gulbransen, who  
20 was an experienced Crown counsel?

21 A Well, I went to Mr. Gulbransen because of the fact  
22 he was a senior member of Crown counsel, that  
23 there were two avenues of investigation that I was  
24 particularly concerned with. One was did I have  
25 enough information to apply to the courts for a

1 Part 6, which is interception of communication. I  
2 was interested in that. I didn't think that I  
3 did, but I kind of wanted another -- well, I  
4 wanted another opinion. The other one -- other  
5 reason, sorry, was the fact that our surveillance  
6 teams had approached me to say that we just can't  
7 see into the Pickton property where Pickton  
8 resided. His trailer was off Dominion by at least  
9 a couple hundred yards, I would think, Mr.  
10 Commissioner. And we were thinking of installing  
11 cameras that either we could put on the property  
12 that would allow us to see what was coming and  
13 going from that trailer or to mount the camera in  
14 an adjacent property, which in that area they're  
15 large parcels of land, so it would have been some  
16 distance. And in some -- on some occasions you  
17 can install cameras without a warrant, but once  
18 you start using telephoto lenses, all those sorts  
19 of things, that we would have to get approval from  
20 the courts.

21 Q Now, I'm not here to ask you for a legal opinion  
22 on search warrants, but what was your  
23 understanding of how easy it would be to get a  
24 video camera before you spoke to Mr. Gulbransen?

25 A I thought personally that it would be relatively

1           easy to get a warrant to install a camera.

2           Q   And what did you find out from Mr. Gulbransen?

3           A   That it wasn't -- it wasn't easy, that it -- you  
4           needed the -- to be able to reach the grounds of  
5           reasonable and probable grounds, which is quite a  
6           high standard. And the same thing really with  
7           Part 6. And the conclusion was that we didn't  
8           have the information, that we'd have to continue  
9           working on the file and develop other evidence and  
10          then come back and have a discussion to see if we  
11          were at that point yet.

12          Q   So the conclusion meaning Mr. Gulbransen's advice  
13          to you, which you accepted?

14          A   That's right.

15          Q   So again without putting words in your mouth, it  
16          was left that you don't have enough, go away, and  
17          if you get more, come back and see me?

18          A   It was -- yes, it was. You know, we were -- I  
19          told Mr. Gulbransen, he agreed, that we were  
20          striving to get an eyewitness, a person who saw  
21          this at firsthand, and he encouraged me to do  
22          that, you know, continue with the surveillance to  
23          see if we can put him into those areas of concern.  
24          There wasn't a lot of advice as to how to conduct  
25          my investigation, but there was a couple of points

1                   we talked about.

2                   Q   But you wouldn't expect a Crown counsel as a  
3                   lawyer to tell you how as a police officer to  
4                   conduct an investigation?

5                   A   No, I certainly wouldn't. In fact, I wouldn't  
6                   ever like to see that, actually, so --

7                   Q   Just jumping ahead and just to answer this  
8                   particular section, did you ever go back to Mr.  
9                   Gulbransen with more information to ask him to get  
10                  you a search warrant?

11                  A   No, I didn't.

12                  Q   Did any of your superiors ever come to you and  
13                  question you about whether or not you were ready  
14                  to go back to Mr. Gulbransen and get a search  
15                  warrant?

16                  A   No, they didn't.

17                  Q   Just on that subject, how often would the bosses  
18                  of the detachment ask you for an update on this  
19                  investigation?

20                  A   Well, I think rarely. It's -- at that -- in those  
21                  times in "E" Division, being a corporal I had  
22                  certain chain of command to go through. It would  
23                  be improper for me to go into Inspector Moulton's  
24                  office and discuss a file around my sergeant and  
25                  staff sergeant. Also would hold true for me going



1           into the office of Superintendent Ric Hall, who  
2           was the officer in charge of Coquitlam at that  
3           time. I would give an update of the file to  
4           Sergeant Pollock and maybe Staff Sergeant  
5           Halpenny, who was the plainclothes commander at  
6           the time, and let them brief the officers if they  
7           so choose to -- chose to.

8           Q    You had left an investigational file with Mr.  
9                Gulbransen. Did you take it back when you got his  
10              advice about what you needed to be doing --

11          A    Yes.

12          Q    -- in going forward?

13          A    Yes, I did.

14          Q    And it wasn't left with him ever again?

15          A    No. No, it wasn't.

16          Q    I want to ask you about again Mr. Pickton's  
17                involvement in the Downtown Eastside. There was  
18                surveillance, and we've heard about surveillance  
19                before, on August 4, 1999, and you may have looked  
20                at these logs some time in the last week or so  
21                getting ready to come and speak with the  
22                commissioner.

23          A    Last couple of weeks I have.

24          Q    So let me just refer -- it's in Jennifer Evans'  
25                report at 8-87, first paragraph.

1                   At 12:53 p.m. the Port Coquitlam Surveillance  
2                   Team observed Pickton attend the West Coast  
3                   Reduction Limited plant in the Downtown  
4                   Eastside. Pickton then exited near the  
5                   Patricia Hotel and entered a corner store  
6                   where he spent four minutes. Pickton left in  
7                   his vehicle via a rear alley to the north of  
8                   East Hastings. He drove east for three to  
9                   four blocks where he was lost by the  
10                  surveillance team.

11                 Corporal Connor learned of the above  
12                 information from the surveillance team at  
13                 1:58 p.m.

14                 A    That's correct.

15                 Q    Okay. So there's reference to Pickton exiting  
16                       near Patricia Hotel. Did you understand at that  
17                       time that the Patricia Hotel was located in the  
18                       Downtown Eastside of Vancouver?

19                 A    I knew where the Patricia Hotel was, that's  
20                       correct.

21                 Q    So you knew that was Downtown Eastside?

22                 A    Yes.

23                 Q    So that was evidence linking him to the Downtown  
24                       Eastside?

25                 A    Absolutely.

1 Q Did it cause you concern that Special "O" lost him  
2 for about an hour or so in the Downtown Eastside?

3 A Absolutely. That was the priority. Because he  
4 was down in the Downtown Eastside, now he's lost  
5 to surveillance, could he go pick up a sex trade  
6 worker from that area and bring her out to  
7 Coquitlam. I instructed the surveillance team to  
8 start combing the streets of the Downtown  
9 Eastside, start making their way out towards  
10 Coquitlam. Of course, I dropped what I was doing.  
11 I had any available plainclothes members in  
12 Coquitlam at the time leave the office and form a  
13 roadblock of sorts, start surveilling all the  
14 intersections that were coming into Coquitlam  
15 to -- in order to see if Pickton was returning  
16 home, and their instructions were that if there  
17 was a woman in the car they were to stop him  
18 immediately and get the woman out of the car and  
19 bring her back to the office. Pickton was found,  
20 I want to say about an hour later, and he was in  
21 the Burnaby -- near the Burnaby-Vancouver border  
22 heading eastbound towards Coquitlam, and he was by  
23 himself.

24 Q Now, tell us a bit about the surveillance with the  
25 term rider. Is that the right word for someone

1           who --

2           A    A rider is somebody that is from the detachment or  
3               unit or section that has local knowledge of why  
4               the surveillance teams are out there and can offer  
5               immediate guidance to the surveillance teams as to  
6               anything -- anything that comes up that needs  
7               action.

8           Q    Because the surveillance team wouldn't know all  
9               the specifics of the actual investigation?

10          A    Special "O" members particularly are not  
11               investigators. Their sole responsibility is  
12               surveillance.

13          Q    So that's August 4.

14          A    That's right.

15          Q    He's followed to West Coast Reduction?

16          A    That's right.

17          Q    And then the Patricia Hotel?

18          A    That's right.

19          Q    Now, I want to go to a debrief note of August 10,  
20               information received from Ross Caldwell.

21          A    Right.

22          Q    You have seen that debrief note in getting  
23               prepared to come to the commissioner, as you're  
24               doing now?

25          A    Yes, I have.

1 Q And for the record just for my colleagues and, of  
2 course, for you, Mr. Commissioner, this is Exhibit  
3 41F, and it's tab 14. So the debrief note, it's a  
4 typewritten note, and the date is August 10, and  
5 the time is 9:30 a.m.

6 Chernoff and Lepine met with witness Ross  
7 Caldwell. He had been speaking to Ross (sic)  
8 Menard, who told him the following  
9 information.

10 Do you remember being briefed by Chernoff and  
11 Lepine?

12 A Yes, I remember that.

13 Q And you had a good relationship with those two  
14 gentlemen?

15 A You know, I did. Excuse me. I did. I didn't  
16 know them prior to this -- to this investigation,  
17 but clearly they were very well-motivated  
18 individuals and had a good sense of doing the  
19 right thing, so --

20 Q So just some comments.

21 Willie's upset with Lynn extorting money from  
22 him. Willie's offered Ron \$2,000 to deliver  
23 Lynn to the property so that he could "take  
24 care of her".

25 You're familiar with that information?

1 A Yeah, I'm familiar with that.

2 Q Let me move to this, though:

3 Ron,

4 meaning Menard,

5 told Caldwell that Willie disposes of the  
6 body parts into 45-gallon drums, which are  
7 taken away to the recycling plant. He does  
8 not know where this place is.

9 You were given that information about 45-gallon  
10 drums?

11 A Yes, I was.

12 Q And that was August 10, 1999?

13 A That's correct.

14 Q So then I want to take you to the surveillance  
15 that was done on August 12, '99, and you know  
16 where --

17 A Okay.

18 Q You know what I'm going to refer you to now?

19 A Yes, I do.

20 Q And it's in Jennifer Evans' report 8-106.

21 At 11:10 a.m. RCMP Special 'O' surveillance  
22 observed Pickton depart his residence with  
23 "some barrels" on the back of his flat deck  
24 truck and he drove to West Coast Reduction  
25 Ltd. at Commissioner Street and Stewart

1 Street. At 12:06 p.m. Pickton departed West  
2 Coast Reduction Ltd. with the barrels and  
3 drove to Empire Recycling...Surveillance was  
4 discontinued at 2 p.m.

5 A Correct.

6 Q Now, when did you find out, given the knowledge  
7 that you had August 10 about Willie disposing of  
8 body parts into 45-gallon drums, that, in fact, he  
9 had been followed to West Coast Reduction on  
10 August 12 with "some barrels" on the back of his  
11 truck? When did you find that out?

12 A In the last couple of months preparing for today.  
13 I was never told -- I was never told he went back  
14 to West Coast Reduction at the time.

15 Q Is that something that you would have wanted to  
16 know?

17 A Well, absolutely. I remember thinking even in the  
18 fury -- flurry of activity that was happening on  
19 August 4th thinking that might -- might be or is a  
20 good way to get rid of human remains, not knowing  
21 anything what West Coast Reduction did, just the  
22 mere fact of taking a number of rendering barrels  
23 to the West Coast plant, and who knows what could  
24 have been in it. So I thought that was -- was a  
25 good way to dispose of any remains. You know, we

1           did talk about it, and I can't remember with who,  
2           about my feelings about that. My -- if I'd have  
3           known that Pickton ever went back to West Coast  
4           Reduction as he did on the 12th, I would have had  
5           the members immediately pay attention to those --  
6           to that area where he was at. I don't know if he  
7           was leaving the barrels there, dumping the  
8           barrels, given new barrels. I mean, I don't know,  
9           but let's -- I wanted to have that attention paid  
10          to it. I didn't think at that time because of the  
11          evolution of DNA that DNA science was  
12          sophisticated enough to be able to pull DNA from a  
13          vat of -- I'm trying to look for a word here -- of  
14          remains mixed up with other animal remains. I  
15          didn't know, you know, if they could or not, so --  
16          but it certainly meant something to me that we  
17          would have had to have come up with an operational  
18          plan to deal with him if he would have ever re-  
19          attended. I didn't have daily briefings with the  
20          members of the surveillance team. I had a senior  
21          NCO that was in charge of the surveillance out of  
22          Coquitlam, and their primary focus was to arrange  
23          for the DNA when we could get it, when we could  
24          get surveillance, which teams it was, what hours  
25          they were going to work, and any areas of concern,



1                   and I would have hoped that West Coast Reductions  
2                   would have been one of those areas of concern by  
3                   the sergeant.

4                   Q    Just to give you an opportunity to deal with this  
5                   portion of your evidence, can you look at Ms.  
6                   Evans' report at 8-106.

7   THE REGISTRAR:   Exhibit 34.

8                   A    Oh, I'm sorry.  Sorry, sir, what was the area?

9   MR. VERTLIEB:   8-106.  Mr. Giles, just to assist, can you get a  
10                   copy for the commissioner too.  I don't like  
11                   having him bounce up and down.

12   THE REGISTRAR:   He has it.

13   MR. VERTLIEB:   Thank you.

14                   Q    So let's just look at what's in this report.  You  
15                   remember being interviewed by Ms. Evans?

16                   A    Yes, I do.

17                   Q    And I believe you said twice?

18                   A    Yes, I did.

19                   Q    And when you were meeting with her you were under  
20                   no pressure in terms of time or felt threatened in  
21                   any way?

22                   A    No, not at all.

23                   Q    So I just want to give you a chance to deal with  
24                   this.  We've covered the paragraph second from the  
25                   bottom, 11:10, surveillance observed Pickton

1 depart with some barrels. Okay. Look at the next  
2 paragraph now.

3 The information from Caldwell regarding  
4 Pickton delivering barrels to the West Coast  
5 Reduction Ltd. demanded a follow up inquiry.  
6 I presume you agree with that, do you, Staff  
7 Sergeant Connor? You would agree that that would  
8 demand some follow-up inquiry?

9 A Oh, absolutely.

10 Q Thank you. Here's what I wanted to ask you about.

11 Corporal Connor advised in his interview,  
12 and that's with her,  
13 that he did not pursue that aspect as he did  
14 not want to expose the Pickton investigation  
15 to the personnel at West Coast Reduction Ltd.  
16 This statement is in contrast to the  
17 interviews he conducted with Yelds, Casanova,  
18 and Menard who all had a very close  
19 association to Pickton and were more likely  
20 to talk to Pickton than anyone at West Coast  
21 Reduction Ltd. Corporal Connor also knew at  
22 that point from civilian RCMP employee, Bev  
23 Hyacinthe that Pickton was aware he was under  
24 surveillance. In my opinion, Corporal Connor  
25 had already exposed the investigation and

1 following up with West Coast Reduction Ltd.,  
2 in my opinion, would not have jeopardized the  
3 investigation but may have assisted.

4 Now, I just want you to have an opportunity to  
5 clarify. This is -- this is being read to you  
6 from your interview with Ms. Evans.

7 A Right. I think that when I was being interviewed  
8 by Deputy Chief Evans there was a little confusion  
9 on my part and I think on hers as to the  
10 attendance to West Coast Reductions, when we  
11 received information about a recycling plant, and  
12 the re-attendance to the West Coast Reduction, and  
13 it kind of caught me off guard, but clearly in the  
14 first instance I wasn't prepared to go to West  
15 Coast Reductions and talk to the plant manager at  
16 that time because we weren't aware of Pickton  
17 taking 45-gallon barrels down to a recycling plant  
18 until the 10th of August, almost a week later.

19 Q I want to come to that because subsequent to the  
20 interviews on June 2 and August 9 Ms. Evans  
21 received a memorandum from you dealing with this  
22 question, and that's at page 8-107.

23 A Oh, okay.

24 Q So it's in her report, and we'll come that in a  
25 minute, but here's my question. I just want to

1           have an idea. When is it that you first learned  
2           he had gone to West Coast Reduction with some  
3           barrels on the back of his flat-deck truck?

4           A    On the 4th of August.

5           Q    And then on the 10th, we've covered this, that you  
6           learned that Caldwell was saying information about  
7           him disposing of body parts into 45-gallon drums  
8           which were taken away to a recycling plant?

9           A    That's true.

10          Q    And then on the 12th of August he's followed to  
11          the recycling plant with barrels?

12          A    That's correct.

13          Q    So when did you first learn that Pickton had taken  
14          barrels to a reduction plant in Vancouver?

15          A    August -- excuse me -- August 4th.

16          Q    All right. I'm doing a poor job with the  
17          question. My fault. On August 4 you didn't know  
18          about Caldwell's information?

19          A    No, we didn't.

20          Q    But on the 10th you did?

21          A    We did.

22          Q    So clearly armed with the knowledge of the August  
23          10 information, to know he had gone to West Coast  
24          on the 12th would have been of importance?

25          A    That's correct. Excuse me. It's correct. The

1 information I was provided by Caldwell I think  
2 refers to a recycling plant. He doesn't name West  
3 Coast Reductions, but --

4 Q No, I understand. I'm just trying to ask, and if  
5 you can't remember, that's fine, but when did you  
6 learn that he had been to West Coast on August  
7 12th with barrels?

8 A Just until recently, within the last month or two.

9 Q And in the report of Ms. Evans she talks about the  
10 memorandum that you've sent explaining your lack  
11 of -- as it's called in her report, the lack of  
12 follow-up to West Coast Reduction.

13 A Yes.

14 Q So I'm not trying to confuse you. I'm just trying  
15 to understand what you actually knew as between  
16 the interviews with her and your follow-up  
17 memorandum that you sent to her. You did send her  
18 a follow-up memorandum explaining about West Coast  
19 Reduction and barrels?

20 A Yes, I did.

21 Q Have you seen that section of her report that's at  
22 page 8-107?

23 A I may -- I read her report, scanned the report. I  
24 can't remember if I actually paid attention to  
25 this part of it.

1 Q Let's just leave it this way then. During the  
2 break, if you don't mind --

3 A Sure.

4 Q -- can you just read page 8-107 and then we can  
5 ask you to clear up any confusion if, in fact,  
6 there's some confusion in your mind. Okay?

7 A Okay.

8 Q I want to move to another subject that's not very  
9 pleasant, but it's about the colour of human fat.

10 A Okay.

11 Q You did your own independent investigation because  
12 you heard from Caldwell that Miss Ellingsen had  
13 said yellow fat was something she had seen, and  
14 you believed that was unique information?

15 A Yes, I did.

16 Q Just tell the commissioner about that.

17 A Well, I thought that was a very telling piece of  
18 information that was -- that we were -- or that we  
19 had received from Mr. Caldwell. I don't think  
20 there's a lot of people outside maybe the policing  
21 community -- community or the medical communities  
22 that would know that human fat was yellow, so it  
23 was fairly limited, I thought, to, you know, a  
24 small crowd of people that when I heard that  
25 information I thought that certainly has a ring of

1 truth to it. We -- around the investigative table  
2 we had discussed Mr. Caldwell and the information  
3 that he had, and there was an opinion or two that  
4 what Miss Ellingsen saw hanging in the barn was,  
5 in fact, a pig that he had just butchered and that  
6 she was hallucinating on the drugs that she was  
7 taking and that she was not quite right mentally.  
8 So those are different areas -- and it certainly  
9 had an effect on me to a degree and certainly an  
10 effect on the Coquitlam investigators. Well, the  
11 investigators from Coquitlam Detachment. Kind of  
12 took the wind out of the sails a little bit. So  
13 what I did was I went to a local meat packing  
14 plant that specializes in the butchering of hogs  
15 and spoke to the manager, I can't recall his name  
16 right now, but he told me that anybody who's in  
17 the butchering business knows that when you kill  
18 an animal that you hoist the animal by its rear  
19 legs and that the blood and other renderings would  
20 then come out of the pig out of the head area. So  
21 he brought me over to the area where the  
22 butchering of hogs had taken place, and they were  
23 hung up, and clearly to me there would never ever  
24 be an issue of mistaking a pig for a human, that  
25 pigs that were hanging there were hanging by its

1 rear feet and not by the neck, as described by  
2 Ellingsen. So I asked the fellow, I asked him,  
3 "What colour is pork fat," at which time he showed  
4 me a large barrel, a 45-gallon barrel with fat  
5 that had been trimmed from butchered animals, and  
6 it's exactly what I thought it was. It was white.  
7 It wasn't yellow. So that was -- I took pictures  
8 of the fat, and I took pictures of the butchered  
9 animals hanging there, brought them back to my  
10 office, presented them at their next briefing.  
11 But I also had called the toxicology department of  
12 our forensic lab in Vancouver, and I spoke to a  
13 scientist there and asked her what about the  
14 effects of a cocaine habit, a large quantity of  
15 use of cocaine, would it make you hallucinate, and  
16 at which time she said it does not make you  
17 hallucinate, it makes -- it can make you hyper-  
18 paranoid, but it won't make you hallucinate. And  
19 then there was another issue that came up, a  
20 medical issue about Miss Ellingsen that I  
21 clarified, and it wasn't a psychological issue, as  
22 initially thought. So I brought all this material  
23 back to the briefing table the next day, and I  
24 thought there would be no confusion amongst us all  
25 now that, you know, what we were dealing with was



1 information that we were getting, again that was  
2 secondhand and dated information, but it was  
3 information apparently that came from the mouth of  
4 Ellingsen of the items that she'd seen.

5 Q And so that information made you even more  
6 convinced that there was merit to Caldwell's  
7 information?

8 A Absolutely.

9 Q And that's in the Evans report, and that was your  
10 view at the time and still is today?

11 A Yes, it is.

12 Q Now, you know that -- you yourself and others  
13 believed Ellingsen's information needed to be  
14 assessed and dealt with?

15 A And corroborated to the best that we could.

16 Q But you know at some point because of  
17 interventions of people with a differing view that  
18 Ellingsen's information was, as it were,  
19 discounted because of her denials of having given  
20 that information?

21 A That's correct. There was a point where we had  
22 to, you know, based on the information of  
23 Caldwell, where we really had to start, I think,  
24 moving forward -- moving forward faster in this  
25 file, in this investigation, sorry, that made the

1 decision that Ellingsen needed to be -- to be  
2 interviewed and -- to see what she would say. If  
3 for nothing else, to give us a story or an  
4 accounting of what she knew. We also knew that  
5 Lynn Ellingsen was, to use the phrase, a police  
6 hater. She would not be cooperative. But a  
7 couple of members of the team had dealt with her  
8 in the past, and she had an outstanding arrest  
9 warrant for impaired driving, so it did give us an  
10 opportunity to arrest her and as a captive  
11 audience during the process have an interview with  
12 her. We established who was going to do the  
13 interview. It changed because of scheduling  
14 problems. But we did arrange to go to her  
15 residence. We did arrest her on the warrant. We  
16 took her to a sub office at Surrey Detachment,  
17 District 1.

18 Now, prior to the interview I had asked the  
19 fellows doing the interview, asked -- it was  
20 brought up at the team -- sorry, the team  
21 briefing, and I said this needs to be a soft-sell  
22 interview, that I don't want any information that  
23 we had received, particularly the person hanging  
24 there, the yellow fat, any of that kind of  
25 information being told to Ellingsen. I want her

1           to give us any information. So we didn't know  
2           what was going to become of it, but we thought we  
3           better ask, and it was to the point where now if  
4           Pickton heard we were talking to him I think --  
5           well, we'd have to work around that. But, in any  
6           event, she was interviewed. I was about half an  
7           hour late getting to the monitoring room or to  
8           observe the interview, and I -- there's a little  
9           plate glass, it's about six inches or eight  
10          inches, and I looked into it. Actually, there was  
11          another member there. I can't remember who it  
12          was. Saw me coming down the hall, looked at me,  
13          and his eyes were quite big, and he says, "You  
14          might want to hear this," at which time I poked my  
15          face into the glass and I overheard one of the  
16          investigators, I think it was Detective  
17          Ballantyne, saying something to the effect that,  
18          you know, "We have a tip that's come in where you  
19          had seen a woman hanging in the killing barn and  
20          that she -- fat was being stripped from this  
21          person," and human fat was yellow. You know, the  
22          damage was done. I couldn't do anything at that  
23          time. Except she said, "I didn't say that," was  
24          adamant that she never said that. Not -- it's not  
25          something that we needed -- it certainly didn't

1 add anything to our investigative file.

2 Q Do you think the results of your follow-up  
3 investigation concerning this body fat and the  
4 colour were properly considered by other  
5 investigators in considering the validity of the  
6 information that was coming from Ellingsen?

7 A Well, I think there were a minority of the  
8 investigative team that were convinced that  
9 Caldwell wasn't telling the truth, that what he  
10 was saying was just being made up and it never --  
11 it never happened. Mr. Caldwell was a heroin  
12 addict involved in criminal activity, but I didn't  
13 think that a person could make up a story like  
14 that, especially when they included yellow fat. I  
15 thought that there's a possibility of the  
16 information that was being provided by Ellingsen  
17 was a lie, wasn't true, but I was still hanging on  
18 that yellow fat issue. That really did have --  
19 that concerned me. But he was certainly parroting  
20 the information that he was getting from  
21 Ellingsen.

22 Q But the significance of Ellingsen is that she  
23 didn't say that what you were told by these three  
24 people was untrue, she just denied making the  
25 statement?

1 A Yes, I think that's true.

2 Q And so that's why I want to get back to this  
3 question. You had spent considerable time dealing  
4 with the colour of fat, as we've discussed. There  
5 were some police who had a differing view about  
6 the quality of the information you were getting  
7 from Mr. Caldwell. Do you think those police  
8 properly considered the work that you had put into  
9 this investigation as you relayed it to  
10 Commissioner Oppal?

11 A No, I don't.

12 Q The second question on that, we know that  
13 Ellingsen gave information to three different  
14 unrelated parties?

15 A Two that I know of.

16 Q Well, we know about Leah Best?

17 A That's right.

18 Q And we know about Menard?

19 A Oh, sorry, yes. Absolutely. Yes.

20 Q I want you to have in mind now that the same  
21 information is coming from multiple unconnected  
22 sources. Do you believe --

23 A A variation of that information, but basically --  
24 basically it's the -- it's the same story.

25 Q Do you think the significance of that, basically

1           the same story information coming from multiple  
2           unconnected sources, was given a proper  
3           consideration in the summer of 1999?

4           A   Certainly by me it was.  I'm not sure if it was by  
5           others.

6           Q   Well, the result is that because of a difference  
7           of opinion it seems the Pickton investigation  
8           stalled out?

9           A   That's a fair statement.

10          Q   So the question is if you have a view that you've  
11          expressed and others shared with you?

12          A   Correct.

13          Q   Certainly Lepine and Chernoff shared it with you?

14          A   Yes, they did.

15          Q   And perhaps Shenher?

16          A   I hadn't spoken to Lori, but --

17          Q   But certainly there's a group of experienced  
18          police officers who shared your view of the  
19          importance of what you were hearing from  
20          Ellingsen?

21          A   Yes, they did.

22          Q   And then there's others who have a differing view?

23          A   That's correct.

24          Q   So the question is when you have that kind of  
25          differing view who then sits and weighs it all and

1           says, "Let's think about this, and how are we  
2           going to resolve this"?

3           A   Well, quite frankly, that's -- that was my  
4           position to do that, and I don't -- well, I know I  
5           didn't do it as a supervisor that I should have,  
6           but I don't know what I can say.

7           Q   Fair enough. I wanted to just confirm the date of  
8           this Ellingsen interview that you obviously felt  
9           had not been conducted the way you wanted it to,  
10          and if I give you the date of August 10, '99, does  
11          that more or less sound correct?

12          A   Yes, it does.

13          Q   Now, you mentioned a few moments ago about Pickton  
14          knowing he was under surveillance. I just want to  
15          clarify this. You and I earlier discussed Bev  
16          Hyacinthe, the civilian member. Did she tell you  
17          in August 9, 1999, that Pickton was aware he was  
18          under surveillance?

19          A   Yes, she told me that Pickton was aware of the  
20          surveillance.

21          Q   And you believed that information?

22          A   I had nothing to the contrary, so yes.

23          Q   Did that information affect your investigative  
24          strategy?

25          A   Yes.

1 Q How so?

2 A Well, we'd have to discontinue surveillance. If  
3 he was aware of it, he wouldn't be, in our view,  
4 or my view, conducting criminal activity.

5 Q And, in fact, was surveillance then discontinued  
6 within a few days?

7 A Within a few days, I think, yes.

8 Q I want to go back to the credibility of the  
9 Ellingsen information that you believed had  
10 validity. Is the fact that there was a suggestion  
11 from Caldwell that Ellingsen was extorting money  
12 from him and that he seemed to be wanting to take  
13 care of her --

14 A That's correct.

15 Q -- did that add credence to your belief that what  
16 she saw actually had, in fact, happened?

17 A Yes.

18 Q And on August 20, 1999 --

19 A Yes.

20 Q -- you were promoted to sergeant?

21 A That's correct.

22 Q And then transferred?

23 A August 20th was my last day on the Major Crime  
24 Section.

25 Q And so tell us about your new job. Where was



1           that?

2           A    In Coquitlam.  I was promoted to sergeant as the  
3               road sergeant supervisor in charge of 15 or -- I  
4               forget now -- 15 or 20 members of a watch in  
5               general duty.

6           Q    And you said road sergeant?

7           A    Yes, I did.

8           Q    What does that mean?

9           A    Uniformed policing.

10          Q    And you would be travelling in a police car?

11          A    Unmarked, but a police car.

12          Q    You had spent at this point many months dealing  
13               with Pickton?

14          A    Yes.

15          Q    You'd dealt with him in '97?

16          A    Yes.

17          Q    And then you dealt with him extensively in '98 and  
18               into '99, the summer of 1999?

19          A    Correct.

20          Q    Did you make any efforts at that time of a  
21               transfer so that you would not lose conduct of the  
22               Pickton investigation?

23          A    Well, I did, and I wanted to stay.  Again, we were  
24               talking through channels.  There's a certain way  
25               of going about things in our organization.  I went

1 to Staff Sergeant Jim Tysowski, who was the  
2 administrative NCO at Coquitlam Detachment, and  
3 asked if I could take the promotion but come back  
4 on a secondment back to the investigation. He  
5 said no, I couldn't; if I wanted the promotion,  
6 I'd have to go to that position and work in that  
7 position. I did what I was told. And I had to  
8 take some time off before I started my new role as  
9 the sergeant, so I had to -- I took a couple of  
10 weeks off just to kind of decompress.

11 Q Why did you take the step of speaking to a  
12 superior officer about your desire to be seconded  
13 back to the Pickton investigation?

14 A Well, I didn't hear anything back from Sergeant  
15 Pollock or Staff Sergeant Halpenny. I can't  
16 remember if Staff Sergeant Halpenny was on annual  
17 leave at that time or not. I have a recollection  
18 that he wasn't there at the time. So I went  
19 directly to the administrative NCO, asked him.

20 Q And why did you want to do that, to stay on the  
21 Pickton file?

22 A Because I wanted to get the bad guy in jail who in  
23 my view was responsible for all or part of the  
24 disappearance and likelihood homicide of these sex  
25 trade workers from the Downtown Eastside.

1 Q Were you asked that question, about why you wanted  
2 to stay?

3 A Well, Staff Sergeant Tysowski was familiar with  
4 the investigation that we were doing. He was  
5 aware I was the lead investigator and I think had  
6 the most committed to the file, I think, at that  
7 time.

8 Q So your view would have been known to the superior  
9 that you were requesting to stay on?

10 A Absolutely.

11 Q We've been told that on August 26th about this  
12 interview with Ellingsen, that it started out  
13 originally with Lepine and Yurkiw, that the  
14 interview was taken over by Henley and Ballantyne.  
15 Do you know about that?

16 A No, I don't.

17 Q But you did express some concerns about the way  
18 the interview with Ellingsen was conducted?

19 A The one that occurred on the 10th of August I did,  
20 yes.

21 Q Because you were still on the file?

22 A That's right.

23 Q Now, let me ask you this question, Staff Sergeant.  
24 Were you pleased with the way Henley conducted  
25 that interview of Ellingsen on August 10, '99?

1 A No, I was not.

2 Q Does that feeling rest with you today?

3 A It still does.

4 Q We've covered your transfer and the brief time you  
5 took off, a couple of weeks, and then started new  
6 duties as a road sergeant.

7 A Yes, I did.

8 Q It's been suggested here to the commissioner that  
9 after you lost the lead investigator role on the  
10 Pickton file that the investigation lost momentum.  
11 That's a suggestion we've heard in different  
12 words. Do you agree with that?

13 A Well, I think from what I know, and I don't know  
14 everything, Mr. Commissioner, I know that the unit  
15 was very busy after I left on other homicide files  
16 that came in, for instance. There wasn't the time  
17 and effort, I think, after the second Ellingsen  
18 interview, there wasn't the time and effort being  
19 made to put -- to pay attention to Pickton because  
20 of other outside influences. Having said that, I  
21 wanted to stay away from the investigation. That  
22 was no longer my -- my concern, and I thought this  
23 would be an excellent time if maybe I was doing  
24 something wrong maybe a new -- a new attack could  
25 be developed by the new members in charge. So I

1           didn't want my influence at all being felt by the  
2           remaining team members in Coquitlam, so I didn't  
3           go down to the plainclothes office and discuss the  
4           file with them. Having said that, neither did  
5           they, except on one occasion when Pickton showed  
6           up for his interview. But I did, because I drove  
7           an unmarked car and I worked nights from -- well,  
8           around the clock, but I worked nights, I did on 20  
9           or 30 occasions over the next 18 months when I  
10          went to uniform I would sit down at the Dominion  
11          Avenue address and watch for people coming and  
12          going. There wasn't many, if at all. There was  
13          never any -- Pickton was never seen arriving at  
14          home. And I would do this from probably maybe  
15          half an hour, an hour at a time, but after the  
16          midnight hours till -- I could be sitting there  
17          three o'clock in the morning, never see any  
18          movement. I just did that on my own. Never -- as  
19          I say, never caused an interaction between Pickton  
20          and I or any people that were coming and going.  
21          Just did it out of interest sake.

22          Q   How would you describe the Henley interview with  
23               Ellingsen in terms of how it affected the course  
24               of the Pickton investigation going forward, and  
25               I'm talking about the August 10, '99 interview

1           where you had given instructions about a soft  
2           interview and you didn't think that it happened?  
3       A    I certainly wasn't of the thought that Lynn  
4           Ellingsen was going to sit down with the police  
5           and tell her -- or tell us, rather, what she had  
6           done.  Lynn Ellingsen, in my view, given the  
7           information that we had, was a participate --  
8           participant, rather, in at least the homicide  
9           information that we were getting from her.  So was  
10          she a suspect/accused type person or was she a  
11          witness?  So for that reason, of course, we want  
12          to really know what her involvement was, and for  
13          the reason that we needed to push the file forward  
14          I thought it would be an opportune time to talk to  
15          Lynn Ellingsen.  I wasn't, as I said a few minutes  
16          ago, I wasn't foolish enough to think that she was  
17          going to sit down on the first time with the  
18          police and tell us what happened, but I think we  
19          had to make that introduction, a face that she's  
20          known, re-introduce that face, and it might  
21          possibly be that we'd have to go back two, three,  
22          four, five times to go talk with Lynn Ellingsen.  
23          I just wanted to see what she would say.  Of  
24          course, she denied all of it, which didn't assist  
25          us, but it didn't close us out of dealing with her

1           in other ways. And when I say that, my -- my  
2           thought was to undertake an undercover operation  
3           with Lynn Ellingsen. If there was a question by  
4           investigators as to the reliability of the  
5           information that we were getting from Caldwell,  
6           then there would be no question if she told us the  
7           details of which occurred on that farm and her  
8           involvement. It may allow us to get to the farm  
9           in company of her, which the undercover operator  
10          could have been invited into the trailer, for  
11          instance. Could she have seen articles of  
12          interest in the trailer? Could Pickton have said  
13          anything? Could she be taken to these freezers  
14          that had been talked about? Kind of really would  
15          have opened up a large gamut for us. But because  
16          the interview kind of -- it went sideways on  
17          August 10th, we'd have to give her a little bit of  
18          breathing room before we -- before we introduced  
19          an undercover operator just for the chances --  
20          likelihood of that operation being successful.

21        Q   When you reflect on the impact of the Henley and  
22              Ballantyne interview on the investigation, and I  
23              mean the Ellingsen interview on August 10, was  
24              that an important point then in the course of the  
25              investigation?

1           A    Oh, for me it was huge.

2           Q    Because?

3           A    We failed to get the information that we had hoped  
4                to get.

5           Q    Once you left how would the investigation have  
6                been kept on track?  By left I mean going to the  
7                road sergeant's job.

8           A    Well, Daryll Pollock, who was the sergeant, still  
9                remained behind.  Several of the people that were  
10              on that file remained behind.  And when I left  
11              they hadn't reassigned the investigation, at least  
12              I don't -- I can't remember that they had, but the  
13              section, particularly the supervisors, knew where  
14              we were on that file, and -- and they were good  
15              investigators, and they would have to determine  
16              what was next -- what was good for them in that  
17              investigation and what the next steps would be.

18   MR. VERTLIEB:  Just one thing before I forget and then we'll  
19                take a break with your leave, Mr. Commissioner.

20   THE COMMISSIONER:  Do you want to take a break now?

21   MR. VERTLIEB:  One simple question.

22           Q    You retired officially from the force?

23           A    Yes, I did.

24           Q    Then you came back and have been doing some  
25                contract work for them --



1           A    Yes, I have.

2           Q    -- in the management of files on an audit basis?

3           A    Audit -- excuse me -- auditing, and I just started  
4                security screening for applicant -- municipal  
5                people and stuff like that, volunteers.

6   MR. VERTLIEB: All right. May we take the break, Mr.  
7                Commissioner.

8   THE COMMISSIONER: All right.

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

10               **(PROCEEDINGS ADJOURNED AT 3:03 P.M.)**

11               **(PROCEEDINGS RESUMED AT 3:19 P.M.)**

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

13   THE COMMISSIONER: Yes.

14   MS. FRANCE: Mr. Commissioner, it's Elizabeth France for the  
15                Vancouver Police Union. I just want to briefly  
16                address Mr. Ward's notice of application with  
17                respect to Detective Constable Shenher's  
18                manuscript. He sent around an application with  
19                the returnable date of tomorrow morning at 9:30 or  
20                soon thereafter. I just wish to advise that Mr.  
21                Crossin is not available tomorrow morning and we  
22                hope that it could be heard later this week,  
23                Wednesday or Thursday.

24   THE COMMISSIONER: Well, we'll set a date that's mutually  
25                convenient to him and to Mr. Ward.

1 MS. FRANCE: Thank you.

2 MR. VERTLIEB: Thank you.

3 MR. WARD: Thank you. I'd ask that it be first thing Wednesday  
4 morning because, in my submission, it's important  
5 to deal with the application prior to my  
6 commencement of the cross-examination of this  
7 witness because the book is likely to contain many  
8 references of Shenher's dealings with Mr. Connor.

9 THE COMMISSIONER: Okay. Well, I want to be fair to both  
10 counsel, and if Mr. Crossin is not -- I don't want  
11 to set it without his concurrence, and I wouldn't  
12 set anything without your --

13 MR. WARD: My friend said he's available Wednesday, so can he  
14 make it Wednesday first thing, please?

15 MR. VERTLIEB: We can sort that out, Mr. Commissioner. We  
16 don't need to take your time. We'll sort it out  
17 at a time convenient to both Mr. Ward and Mr.  
18 Crossin.

19 THE COMMISSIONER: All right.

20 MR. VERTLIEB:

21 Q I just wanted to clarify what you believe to be  
22 the facts relating to surveillance, and I asked  
23 you during the break to look at the report of  
24 Evans.

25 A Yes, I did.

1 Q I think we can clarify it this way. You knew that  
2 he had -- that Pickton had been followed to the  
3 reduction plant on August 4?

4 A Yes, I did.

5 Q And that was information you had back in the day,  
6 to use the colloquialism?

7 A I did.

8 Q We've learned that he was followed to the  
9 reduction plant on August 12, '99.

10 A Yes, we have.

11 Q Did you know that back in the summer of '99?

12 A I did not know that piece of information until  
13 very recently.

14 Q Very recently meaning approximately when?

15 A Within the last month or two.

16 Q So there's a discussion in the Evans report about  
17 this issue about going to the reduction plant, and  
18 you read that she had a date from a memo from you  
19 or your lawyer. Someone gave her a memo with the  
20 date of August 12, in your knowledge?

21 A Correct.

22 Q Is that date wrong?

23 A Yes, it is.

24 Q What's the date that it should be?

25 A The 4th of August.

1 Q And just so you know, from our understanding of  
2 the file, and we can -- I can be wrong right now  
3 when I say this, I don't have it in front of me,  
4 it's my recollection that there was no reference  
5 to barrels being in Pickton's possession when he  
6 went to West Coast Reduction on August 4.

7 A I don't have a clear recollection of that, but I'd  
8 have to agree with you.

9 Q So you're comfortable that whatever the records  
10 say would be what you knew back on August 4, '99?

11 A Yes, I would.

12 Q Thank you. Let me then move on, please, and thank  
13 you for clarifying that.

14 A You're welcome.

15 Q I'm looking at Evans, Mr. Commissioner, 8-135.  
16 Help us with when it was that you came back to  
17 Coquitlam in Major Crime as a sergeant?

18 A It was in March of 2001, I believe.

19 Q Thank you. So we've already discussed before the  
20 break about your new duties and the fact that you  
21 didn't impose your views on other people once you  
22 left the Pickton file in the summer of '99?

23 A Correct.

24 Q Now, tell us about coming back in March of '01.

25 A Now I was back at the unit as a sergeant in charge

1 of the Serious Crime Unit, a position that had  
2 previously been occupied by Sergeant Daryll  
3 Pollock. And during my first few weeks at the --  
4 back on the unit I tried to get a handle on what  
5 people were working on, what the priorities were,  
6 and I think if you ask an individual member, all  
7 their files are a priority to them, so what I had  
8 scheduled with the line officer's approval, that  
9 was Inspector -- then Inspector Lorne Schwartz,  
10 and Staff Sergeant Brad Zalys, plainclothes  
11 commander at the time, we were going to have a  
12 unit meeting and we were going to put all our  
13 files on the table. The meeting would be attended  
14 by Staff Sergeant Zalys, Inspector Lorne Schwartz,  
15 and the secretary was there to scribe the  
16 discussions. And that's what we did. We went  
17 through all our files, the additional duties that  
18 were attached to individual members within the  
19 units, just to get a handle on really how busy we  
20 were. And that's what we did. We discussed  
21 everything, prioritized everything from a high  
22 priority down to a low priority. And out of that,  
23 of course, no surprise that there were a number of  
24 files that were considered high priority by the  
25 unit to investigate. The Pickton file did arise.

1           It was considered a high priority to follow up on.  
2           There was a number of areas that -- that were  
3           going to be followed up on to update the file. I  
4           was aware that the file had been reviewed in my  
5           absence. That was one of the things that I was  
6           going to do, but it had been done a year previous  
7           by Corporal Dave McCartney, I believe. And the  
8           upshot of that meeting was the decision by the  
9           line officer, Inspector Lorne Schwartz, that the  
10          unit's priority, number one priority would be the  
11          investigation of a homicide that occurred some  
12          months previous to my arrival. It was a murder  
13          and attempted murder of a couple of gangsters that  
14          had occurred down in Port Coquitlam again.

15        Q   Nothing to do with Pickton?

16        A   Nothing to do with Pickton.

17        Q   This meeting was April 1, 2000 -- April 1 of the  
18            year -- no, I've got it wrong. I'm sorry. April  
19            11 --

20        A   Right.

21        Q   -- 2001?

22        A   That's right.

23        Q   8:00 a.m.?

24        A   Yeah. I think it was pretty much an all-day  
25          meeting.

1 Q And just to go through the names, Schwartz you  
2 mentioned, Staff Sergeant Zalys, yourself,  
3 Corporal Skrine, Stuart, Constable Greig,  
4 Constable Bridge, Constable Horton, and Constable  
5 Yurkiw?

6 A Correct, plus the office assistant that was  
7 scribing.

8 Q And all major investigations were discussed,  
9 including Pickton?

10 A Yes, they were.

11 Q Let's take August '99, when you leave Pickton, and  
12 you're back now as a sergeant Major Crime March  
13 2001. Almost two years. A year and three-  
14 quarters or so.

15 A Correct.

16 Q Did you -- and you looked at the Pickton file, and  
17 it was discussed, and you briefed yourself on  
18 where -- what the status of that investigation  
19 was?

20 A Yeah, I was -- excuse me -- I was briefed on the  
21 file. I didn't read it. It had been reviewed  
22 earlier by McCartney.

23 Q And now you're the sergeant for Major Crime, so  
24 you're the boss?

25 A I'm the boss.

1 Q Did you see any significant progress in the  
2 investigation of Pickton since you left in August  
3 1999?

4 A Not significant.

5 Q Did that surprise you?

6 A It surprised me to a degree, but I also knew that  
7 the unit had been very busy with, you know, other  
8 homicide files, other serious files that had come  
9 in. That's all I knew.

10 Q Were you concerned?

11 A Yes, I was.

12 Q Had you changed your view about the significance  
13 of Pickton as a suspect?

14 A No, I hadn't.

15 Q Did you then, as it were, re-energize that  
16 investigation of Pickton once you were back as a  
17 sergeant?

18 A Well, we reassigned the -- reassigned the  
19 investigation. Corporal Yurkiw, who had the --  
20 had conduct of the investigation, she was later  
21 transferred some four months later -- or not  
22 transferred, sorry, retired some three or four  
23 months later, and we reassigned the investigation  
24 to Constable Kim Sherstone. She came to me about  
25 a number of things that she would like to do.



1 Q She meaning?

2 A Constable Sherstone.

3 Q Thank you.

4 A And I said I was happy that she took an interest  
5 in it, and I said, "Go for it." So -- however,  
6 you know, files kept -- we investigated that one  
7 file that was a priority of the inspectors into  
8 the summer of 2001, and then we had -- well, there  
9 was another murder, turned out to be  
10 murder-suicide, but then we had a missing -- a  
11 missing fellow that -- that was -- found out was  
12 murdered in Vancouver. Vancouver PD requested  
13 that we do the investigation as we had the  
14 information, and that investigation took us four  
15 to five, maybe even six months everybody on the  
16 unit every day working on the file. That file was  
17 successful in the recovery of a murder victim and  
18 criminal charges and subsequent conviction of  
19 another fellow.

20 Q And at this meeting there was a comment in the  
21 notes saying:

22 Sergeant Mike Connor believes PICKTON to be a  
23 possible suspect in this homicide as her body  
24 was dumped near his residence, he possesses  
25 boning knives, frequents East End

1                   prostitutes, violence towards women is  
2                   documented, known to use restraining devices,  
3                   wears work boots and is said to keep  
4                   "trophies" of victims.

5           A    That's correct.

6           Q    That was in reference to another murder that had  
7                been -- that had taken place in your jurisdiction?

8           A    We had spoken about that earlier today, the  
9                Pauline Johnson murder.

10          Q    Yes. Thank you. So if that's referenced in Ms.  
11                Evans' report to the commissioner, that's  
12                accurately stated?

13          A    Correct.

14          Q    Now, there's a comment in the Evans report. It's  
15                8-135, just for the record, third paragraph under  
16                "Action". Do you see that, Staff Sergeant?

17          A    Yes, I do.

18          Q    So it says:

19                   File to be referred to Sergeant Don Adam, "E"  
20                   Division Major Crime, who has been tasked  
21                   with reviewing the Vancouver Police Service  
22                   missing prostitutes files.

23          A    I see that.

24          Q    We've heard that the transfer of the Pickton file  
25                from Coquitlam Detachment to Don Adam in

1 Evenhanded never occurred.

2 A That's correct, and I don't think there was ever  
3 the intention of passing the Pauline Johnson file  
4 to Don Adam's unit. It was more that all the  
5 details be provided to the unit so that they were  
6 aware of the circumstances of the offence that we  
7 were investigating should they consider Pickton to  
8 be a viable suspect.

9 Q Now, we just discussed the 1985 homicide  
10 investigation into the death of Pauline Johnson?

11 A That's right.

12 Q Was it your understanding that the Pickton  
13 investigation file that you had been working on in  
14 '98 and '99 was going to be transferred to  
15 Evenhanded?

16 A It wasn't my understanding it was to be  
17 transferred. It's the transfer or the exchange of  
18 information with respect to the Pauline Johnson  
19 murder file to ensure that Don Adam's working  
20 group was aware of this file.

21 Q Because in part you believed Pickton might also be  
22 involved in that?

23 A He might also be, but there was a viable suspect  
24 and never enough evidence to lay criminal charges,  
25 but I think it was important because of the

1           circumstances, the fact that Miss Johnson was from  
2           Downtown Eastside, sex trade worker, her remains  
3           were found in Port Coquitlam, albeit as the crow  
4           flies it's probably fairly close to Pickton's  
5           residence, but as a car would travel it's quite a  
6           distance, but I think that alone wouldn't be  
7           enough to eliminate Pickton as being -- as being  
8           responsible, so --

9           Q    So is it your evidence to the commissioner that  
10           you wanted the information to be conveyed to Don  
11           Adam and Project Evenhanded?

12          A    That's right.

13          Q    Was that information conveyed to Evenhanded?

14          A    That I don't know.

15          Q    How was that information to be conveyed then?

16          A    Well, it would have been conveyed between the  
17           holder of the -- the lead investigator of the file  
18           or the investigator that the file's assigned to,  
19           the lead investigator, and that they would contact  
20           that working unit and Don Adam and have a  
21           discussion and see what form of -- if they  
22           required further information. I wasn't aware  
23           that -- but they may have already a copy of the  
24           file. I didn't know. But it dealt with a sex  
25           trade worker from the Downtown Eastside, so at the

1           very least I thought it would be minimum that Don  
2           Adam's group should be aware.

3           Q   I wanted to get your evidence on some experience  
4           of other people in the detachment in the time  
5           frame that you've been giving evidence about. Was  
6           there anyone in Coquitlam who had more homicide  
7           investigation experience than yourself in the time  
8           frame '98 to 2001?

9           A   No, I don't think so. The only other person that  
10          would have nearly, I think -- maybe could have had  
11          more experience than me was Corporal Wayne Clary,  
12          but Corporal Clary was seconded to another  
13          project. It's a combination of a homicide/drug  
14          project that dealt with a major supplier of crack  
15          cocaine into the Downtown Eastside. And I know  
16          that Wayne Clary had significant experience in  
17          homicide investigations. How many homicide  
18          investigations he's done compared to myself I  
19          couldn't tell you, but I know it was significant.

20          Q   Okay. Now, was he active in the detachment of  
21          Coquitlam in '98 to 2001?

22          A   No. He was seconded for about 18 months.

23          Q   Your supervisor when you were a corporal in Major  
24          Crime was?

25          A   Sergeant Daryll Pollock.

1           Q    It's been suggested that his investigative  
2                    experience was considerably less than yours.

3           A    I think that's a fair comment.

4           Q    Do you think his experience, or lack thereof,  
5                    affected the efficient operation of the Major  
6                    Crime Section when you were a corporal?

7           A    I don't think so, and I say that because Darryl  
8                    is, again, a pretty bright individual. He may not  
9                    have a lot of experience in serious crime  
10                  investigations, but he's a senior NCO with the  
11                  RCMP, so he'd have supervision abilities --  
12                  supervisory abilities, I'm sorry, and he was  
13                  aware, he was made aware of the various things  
14                  that were happening in the -- in the Pickton file.  
15                  And I think to be fair to Darryl, that with me  
16                  having the experience that he -- and I think the  
17                  faith in my abilities that he allowed me to carry  
18                  on the investigation without his interjection on  
19                  an infrequent basis or even frequent basis --  
20                  sorry, frequent basis or even an infrequent basis.

21          Q    So does that mean you were basically left to run  
22                  the investigation as you saw fit?

23          A    Oh, I think so. I know that Staff Sergeant  
24                  Halpenny in the '98 time frame, Inspector Moulton,  
25                  they were aware of what was going on, and they

1 supported me. At no time was I ever spoken to by  
2 a supervisor suggesting something else or don't do  
3 that or don't do this, so I assumed without that  
4 interjection they agreed with how I was handling  
5 the file.

6 Q So in terms of the commissioner's desire in  
7 fulfilling his mandate about considering systemic  
8 concerns relating to how people were managed in a  
9 general way, are you saying to us that you were  
10 left on your own to work through it given the  
11 experience that people knew you had?

12 A Well, I think that's a fair statement. I wasn't  
13 necessarily working without others paying  
14 attention to what I was doing, other supervisors,  
15 but, again, I wasn't asked not to do something  
16 that I had spoken about or don't undertake this  
17 avenue of investigation or anything like that. I  
18 think they believed in the direction that I was  
19 taking and -- well, I and the investigative team  
20 were taking.

21 Q So looking back, though, and reflecting on the  
22 difficulty of this file, would you agree that this  
23 type of investigation for a serial murder is a  
24 very complex and difficult type of investigation?

25 A Yes, absolutely. One of the -- one of the hardest

1                   thing to investigate.

2                   Q    Would you in your own assessment believe you would  
3                   have benefited from an environment where you were  
4                   being questioned about what you were doing and why  
5                   you were doing it with a view to seeing if other  
6                   steps need be taken?

7                   A    Well, I think you'd always want some kind of  
8                   reassessment of what you're doing by others or  
9                   self -- not self, but criticism. I'm good at  
10                  taking criticism. I don't know everything, never  
11                  have said I knew everything, and I was open,  
12                  always open to ideas.

13                  Q    I want to ask you about the experience of Ms.  
14                  Yurkiw, who's now retired. Did she, to your  
15                  knowledge, have anywhere near the homicide  
16                  investigation experience that you have?

17                  A    No, she didn't.

18                  Q    Can you tell us even about your knowledge of her  
19                  general investigative experience given the fact  
20                  that you worked in Coquitlam as a corporal and  
21                  then became sergeant of Major Crime?

22                  A    Well, I think like -- I think anybody who comes to  
23                  a Serious Crime Section, and this is a general  
24                  comment, have a record of being a good, solid  
25                  investigator. Some people prove otherwise and



1           likely move on. But I always refer to the people  
2           in Serious Crime Section as the stallions of  
3           investigators. Although stallion probably  
4           doesn't -- isn't properly attributed to Ruth  
5           Yurkiw, I felt she was well motivated, she meant  
6           well, and she would do a good job in anything that  
7           she was doing.

8           Q   Look at 8-143, please, of the Evans report. Do  
9           you have that page?

10          A   Yes, I do.

11          Q   Do you see the section "Coquitlam - RCMP"?

12          A   Yes, I do.

13          Q   Look at the last paragraph. I'll read it here,  
14          and you can follow along.

15                Later, in January 2000, Constable Yurkiw  
16                failed to forewarn Constable Cater that they  
17                were interviewing Pickton until a few moments  
18                before the interview. Following the  
19                interview both officers, as well as Sergeant  
20                Connor, who observed, were not happy with the  
21                results of the interview.

22          A   I see that.

23          Q   Tell us about that reference to "Sergeant Connor,  
24          who observed, were not happy -- was not happy with  
25          the interview". Just help us understand that.

1           A   Well, I happened to be working nights that night  
2                   on the watch, and it was either Constable Cater or  
3                   Yurkiw told me that Pickton was at the office and  
4                   was to be interviewed, so I asked them if I -- if  
5                   they minded me just sitting in the monitor room to  
6                   watch the interview. They said certainly. And  
7                   they began the interview. Pickton was there.  
8                   Ruth Yurkiw I believe was the initial  
9                   investigator. Clearly he had a difficult, in my  
10                  view, had a difficult time speaking to a woman  
11                  investigator. It then progressed to that he  
12                  wanted Gina Houston to be in the interview room  
13                  with him or he would leave, so they brought her  
14                  into the interview room as well, and clearly she  
15                  was very protective of Pickton, would answer  
16                  questions for him, and they weren't -- they  
17                  weren't getting anywhere with Pickton. At one  
18                  point in time I suggested that maybe John Cater  
19                  should -- should interview him. There was really  
20                  nothing to lose by that point. Maybe he would --  
21                  Pickton would feel better being interviewed by a  
22                  male police officer. But John had very little  
23                  experience as well, and John never got any  
24                  admissions from Pickton either. There was a few  
25                  little things that they -- and I can't remember

1 exactly what they were, but there was a few things  
2 that they obtained during the interview that were  
3 helpful but not incriminating. I must say that I  
4 am not an interviewer -- interrogator. I'm an  
5 interviewer. I feel very comfortable interviewing  
6 witnesses, but interviewing a suspect is an art,  
7 and if you haven't practised that art, you lose  
8 the -- in my view, you lose the ability to be a  
9 productive interrogator. I'm not one of those  
10 people as a then sergeant, and I hadn't  
11 interviewed bad guys for a bit, so -- at least  
12 over a year, so I didn't feel comfortable about  
13 being involved in the interview. Plus, I didn't  
14 really know what the interview plan was, because  
15 traditionally you go interview a person with an  
16 interview plan, what was discussed with the  
17 investigative team prior to the interview, how  
18 were they going to handle the interview, were they  
19 going to use any kind of props to -- to show  
20 Pickton. So I assumed that the investigation --  
21 or investigation -- the interrogation/interview  
22 happened according to plan.

23 Q You would have expected a plan to be in place, as  
24 you just said?

25 A Yes, I would have.

1 Q Certainly if you're investigating a potential  
2 serial killer, all the more reason to have a plan?

3 A Yes, but having said that, I didn't know what had  
4 transpired prior to that. You know, all those  
5 kinds of things do make a difference in how you  
6 approach an individual, so --

7 Q And this is in 2000 when you're not in charge of  
8 Major Crime, you're doing your job as a road  
9 sergeant?

10 A That's right.

11 Q You mentioned two words, interview and  
12 interrogation. To non-police they may seem in  
13 some way synonymous.

14 A Mm-hmm.

15 Q Tell us what you mean by an interview and what you  
16 mean by an interrogation. What's the difference  
17 to you?

18 A Well, an interview is interviewing a witness,  
19 somebody who's not an accused or a suspect in an  
20 offence. You're there just gathering information  
21 from them. A witness, typically you ask a single  
22 or -- you ask a single question. The witness  
23 would then give you the -- all the information  
24 with respect to what you're looking for. An  
25 interrogation, on the other hand, has a whole host

1 of additions in interviewing. You start talking  
2 Charter issues dealing with accused people or  
3 suspected people. In an interrogation you're the  
4 person asking the questions until they get to the  
5 point where they're going to tell you everything.  
6 And the whole -- it's just -- the difference is  
7 black and white. Now, since then we have -- and  
8 it really started in and around that time period,  
9 maybe a year later -- we have dedicated teams that  
10 do interrogations on major files, so not normally  
11 on murder files per se would the investigator be  
12 interviewing the bad guy.

13 Q Just so we understand, when you say "now we have  
14 teams", the fact is, though --

15 A Back then we did not.

16 Q You may not have had a team, but anybody who has  
17 done criminal law going back into the '70s or '60s  
18 or '80 or '90s, there's always been some people  
19 who are particularly good at interrogating and  
20 others particularly good at interviewing?

21 A Yes, there has been, and in those years I would  
22 use the serve -- services, rather, of the likes of  
23 the fellows on Polygraph Section, if they were  
24 free, to do an interview/interrogation for me. I  
25 would search out people that had demonstrated

1 ability to conduct a good interrogation.

2 Difference of getting an interrogation and then  
3 getting that interrogation into evidence in court  
4 later.

5 Q We've heard about Sergeant Hunter, Jim Hunter,  
6 who's a polygrapher. He would be someone who  
7 knows how to interrogate?

8 A Oh, yeah, absolutely. I know Sergeant Hunter very  
9 well.

10 Q So we just don't want to leave the impression that  
11 this skill wasn't available until these teams  
12 started.

13 A That's right. It was -- it's there, it's always  
14 there. It's just finding the right person.

15 Q Been there for decades. There's some police who  
16 get confessions the right way and some who don't  
17 do it?

18 A I used to get confessions on various crimes in my  
19 younger years, but, as I said, it's an art and  
20 something that needs to be practised all the time.

21 Q Without trying to seem critical of Ms. Yurkiw or  
22 Cater, did they, to your knowledge, fit the  
23 category of interrogator?

24 A No, I don't -- I wouldn't call them interrogators,  
25 although I wasn't aware of the plan, if any, on

1                   how they were going to conduct that interrogation  
2                   of Pickton.

3           Q    I want to conclude with a brief discussion about  
4               something I said to you this morning I would come  
5               back to, and that is the impact on you personally.  
6               Presently just tell us about your health.

7           A    Well, I just went through a bout of skin cancer  
8               that wasn't attributed to any of my work, of  
9               course, but I do have post-traumatic stress  
10              disorder.  It's quite severe, and it's attributed  
11              to my years of dealing with homicide cases, bloody  
12              crime scenes and the like.  I'm being treated for  
13              that -- that illness weekly with a psychologist  
14              who's working with me.  I live with the -- I live  
15              with the fact that -- that 13 women, roughly,  
16              disappeared from the Downtown Eastside since I  
17              became involved in the Pickton file, and it was,  
18              in my view, my responsibility to put the bad guy  
19              in jail.  I couldn't catch a break, and I failed  
20              to put the bad guy in jail.  I just -- I couldn't  
21              do it, and for that I'm sorry.  I did what I  
22              could.

23           Q    You said you think about this every day?

24           A    Every day.

25           Q    I want to conclude by just asking if there's

1 anything else you wish to say to the commissioner.

2 A Not right -- nothing right now.

3 THE COMMISSIONER: Okay.

4 MR. VERTLIEB: I'm looking at the time, and perhaps it's an  
5 appropriate time to adjourn and then we can start  
6 tomorrow. I think we should go to the list that  
7 was generated for cross-exam order some time ago  
8 because it's hard to keep track of the order as it  
9 changes.

10 THE COMMISSIONER: All right.

11 MR. VERTLIEB: And so that would mean that Ms. Tobias or the  
12 DOJ is up, as this is their witness, and then Mr.  
13 Ward.

14 THE COMMISSIONER: All right. Thank you. We'll adjourn.

15 THE REGISTRAR: The hearing is now adjourned for the day and  
16 will resume at 9:30 tomorrow morning.

17 (PROCEEDINGS ADJOURNED AT 3:52 P.M.)

18 I hereby certify the foregoing to  
19 be a true and accurate transcript  
20 of the proceedings transcribed to  
21 the best of my skill and ability.

22

23 Leanna Smith

24 Official Reporter

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