

Vancouver, BC

February 9, 2012

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

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Mr. Vertlieb.

MR. VERTLIEB: Mr. Commissioner, just one small point. This discussion that you've heard more than once about the meeting with the attorney general in 1999 in April.

THE COMMISSIONER: Yes.

MR. VERTLIEB: And were there minutes and notes, et cetera.

And you may recall that on an earlier occasion I informed you and others that there was apparently a retention policy for meeting minutes of that nature of three years, and so that was what we were informed, but the attorney general's ministry said they will continue to make efforts for you and see if we can come up with something, 'cause they understood that there was a request that I was pressing on them. And so the latest we have is from Rowena Doyle, and that's R-o-w-e-n-a for the reporter, and she is policy records analyst information access operations for the government, and she says:

I've exhausted all avenues that I know of

1 using the assistance of records services
2 centre and the archivist to see if there are
3 any documents involving the meeting that took
4 place on April 9, 1999 and have not been able
5 to locate any documentation directly involved
6 with that meeting.

7 So the bottom line is there is not going to be
8 anything from the Ministry of the AG on that
9 meeting, and I just wanted to let you know that.
10 That e-mail has gone out to the other counsel.

11 THE COMMISSIONER: So your inquiry was were there any notes
12 made of the meeting?

13 MR. VERTLIEB: Yes, exactly.

14 THE COMMISSIONER: That's what Mr. Ward wanted, and I see he's
15 not here today.

16 MR. VERTLIEB: That's exactly. And so Mr. Jones made some
17 inquiries, and the first information I had is
18 there was a policy that documents would be
19 destroyed in three years. I don't really worry
20 about that. What I really care about is whether
21 they'd be available, and the answer is they're
22 just not available. So I wanted you to know that.
23 It's not a matter that we haven't --

24 THE COMMISSIONER: Isn't the real issue here that nothing
25 developed as a result of that meeting with the

1 attorney general in 1999?

2 MR. VERTLIEB: Oh, you're right. But there's been questions
3 about it, and I just want you to know, as with
4 many of the questions that have been raised on
5 documents, we do follow them up.

6 THE COMMISSIONER: Okay.

7 MR. VERTLIEB: But I wanted you to know that everyone's been
8 given that e-mail --

9 THE COMMISSIONER: Okay.

10 MR. VERTLIEB: -- according to my instructions. I asked it to
11 be sent out, so everybody got it.

12 THE COMMISSIONER: All right. Thank you.

13 MR. VERTLIEB: Sorry to interrupt, Mr. Gratl.

14 THE COMMISSIONER: Yes.

15 MR. GRATL: I thank commission counsel and Mr. Jones for their
16 diligence in that regard.

17 THE COMMISSIONER: Thank you.

18 **R. MICHAEL CONNOR: Resumed**

19 **CROSS-EXAMINATION BY MR. GRATL CONTINUED:**

20 Q Sergeant Connor, we were yesterday on the topic of
21 Bev Hyacinth?

22 A Yes.

23 Q She was interviewed after Mr. Pickton was
24 arrested?

25 A That's my understanding.

1 Q And it turned out that Ms. Hyacinth actually
2 attended Piggy's Palace for a New Year's Eve event
3 in December of 1999; isn't that correct?

4 A I was told that. I wasn't any part of that
5 investigation, but I was aware of that.

6 Q And so while in attendance there Ms. Hyacinth
7 witnessed Robert Pickton in the company of Dawn
8 Crey; isn't that correct?

9 A I heard that, but I can only say that I heard that
10 from other investigators, but --

11 Q Now, if your office had used Ms. Hyacinth as a
12 standing source of information on the Picktons she
13 could have advised you of what transpired at the
14 Piggy's Palace event; isn't that right?

15 A Well, I would have expected if she knew anything
16 that she would have come to me and told me.

17 Q Did you tell her to do so?

18 A Well, I think it was either our first -- it -- we
19 saw each other all the time in the office.

20 Q That's not my question.

21 A Yeah, I know. We saw each other in the office and
22 she would either come to me or I would come to
23 her. It wasn't a matter of -- I mean she had some
24 knowledge of what our investigation was and
25 that --

1 Q How did she have knowledge of what your
2 investigation was, Sergeant Connor?

3 A Well, I think it was fairly common knowledge
4 within the detachment we had briefed the various
5 watches of our interest of Pickton so that they
6 would be aware of, you know, if they saw him in
7 company of any women and we weren't there to stop
8 them.

9 Q When did that briefing occur?

10 A I would say in 1999.

11 Q All right. And so you think, I mean obviously you
12 didn't brief the civilian employees --

13 A No.

14 Q -- like Ms. Hyacinth, did you?

15 A No, I didn't.

16 Q Okay. So somehow the information drifted from the
17 patrol officers to the civilian employees of the
18 Port Coquitlam detachment?

19 A Oh, it could have been. It was very well known
20 throughout the detachment that when we're
21 investigating Pickton. The circumstances probably
22 weren't that well known. But she did approach me
23 and give me information on several occasions
24 relative to Pickton. So I mean that channel was
25 always open for her if she knew something, and if

1 she knew that it would be of interest to me that
2 she would -- she'd contact me. I mean, I don't
3 know what else to say.

4 Q All right. Well, you appreciate that some of the
5 civilian employees of the Port Coquitlam
6 detachment live in Port Coquitlam?

7 A That's correct.

8 Q All right. And some of them grew up in Port
9 Coquitlam, like Ms. Hyacinth?

10 A I would say there were others, but I can't give
11 you a number.

12 Q Okay. But certainly there were some who would
13 have known the Pickton brothers; correct? You're
14 not sure?

15 A I'm not sure.

16 Q And Ms. Hyacinth's husband worked for the Pickton
17 brothers?

18 A That's correct.

19 Q And it turned out that Ms. Hyacinth herself
20 frequented the Pickton brothers' nightclub?

21 A I didn't know that.

22 Q Okay. But it can be reasonably assumed that some
23 of the civilian employees would have contacts some
24 degrees of removal from the Pickton brothers;
25 correct?

1 A We always talk about six degrees of separation.
2 I'm sure friends of friends it was a conduit that
3 way, but again I'd just be guessing.

4 Q All right. But there's a reasonable risk -- if
5 you allow everybody at that detachment to know
6 that Willie Pickton is under investigation there's
7 a reasonable risk that some of them might relay
8 information to the Picktons about the existence
9 and nature of the operation; isn't that right?

10 A No, they didn't know the nature of the operation,
11 but they -- I mean, that's a risk that you take
12 when you're trying to include -- excuse me,
13 include others in your investigation. They're
14 sworn people of the detachment and there's a
15 requirement not to tell people outside the
16 detachment, outside the office as to what's
17 happening in the office. I mean, you have to
18 abide by that. You're going to have leaks in
19 every -- in every institution I'm sure, and the
20 RCMP probably would be no different.

21 Q What would be the advantage of advising the entire
22 detachment that the Picktons were under
23 investigation? Surely they didn't all need to
24 know.

25 A And they didn't. We briefed the watches who had

1 daily involvement in Port Coquitlam so that they
2 were aware of our interests, and it was a
3 protection that kind of made us go out and brief
4 the watches and let them know. It was protection
5 of women and that's what's it was for.

6 Q All right. Now, Hiscox tells you don't approach
7 Yelds directly 'cause if you do she'll go straight
8 back to Pickton and let you know that you did
9 that?

10 A Yes, I think it says that somewhere.

11 Q But notwithstanding that you go straight to Yelds?

12 A Some months later.

13 Q Some months later, and then of course it must be
14 assumed that Yelds went straight to Pickton with
15 that information?

16 A Well, you know, I don't want to be argumentative
17 here, but what do you do? Do you not do something
18 'cause you're afraid that someone may go back to
19 the bad guy? I mean, we face that all the time.
20 We worked months diligently in trying to get
21 information other ways, it wasn't working for us.
22 It was also --

23 Q Sorry, what did you do exactly to try to get --

24 THE COMMISSIONER: Let him finish. Go ahead.

25 THE WITNESS: It was also evident to us that we were going

1 forward in a bigger way with Ellingsen, and that
2 was the UCO, that it could drive us closer to
3 getting Part VI and then we would have to deal
4 with the necessities part of the application as to
5 why people weren't contacted, and if not why not.
6 So I went to Lisa Yelds, I spoke to her, I did not
7 -- and this was some nine months after I talked to
8 Mr. Hiscox. I did not expose any of the
9 information that Mr. Hiscox gave us. It was based
10 on the fact that we knew she was a friend of
11 Pickton and if she had seen anything, anything
12 about wrongdoing, anything -- any crimes that were
13 happening on the farm.

14 MR. GRATL:

15 Q All right. So apart --

16 A So even if she did go back to Pickton it would be
17 relatively minimal information that she'd be able
18 to provide to him. And that was the case where
19 Casanova, Menard as well, unfortunately it was
20 supposed to be the way Ellingsen was interviewed,
21 unfortunately she was provided more information
22 that could be damaging and go back to Pickton.

23 Q Right. When Corporal Henley interviewed Ellingsen
24 he tipped the investigator's hands.

25 A I think --

1 Q He provided her with specific information derived
2 from Caldwell?
3 A You're in the right vein, but I believe it was
4 Detective Ballantyne that exposed that
5 information. I stand to be corrected, but I
6 believe it was Ballantyne.
7 Q And you'll agree that that tipped your
8 investigator's hands and compromised the
9 investigation?
10 A Yeah, potentially if she went back to Pickton.
11 Q So again there's a compromise of the security of
12 information?
13 A I believe so.
14 Q All right. Then returning again to Yelds.
15 A Thank you.
16 Q Sergeant, you've seen this document before?
17 A It was one that I was preparing a draft for in the
18 event that we needed Part VI.
19 Q This was a document that was found in your working
20 file?
21 A It should have been, yes.
22 Q It was in your working file, wasn't it?
23 A Well, yeah, I don't know where you got it from,
24 but this is what I have in my working file.
25 Q All right. It was disclosed to me by a counsel

1 for the Government of Canada yesterday for the
2 first time.

3 A Then I would say it came from my working file.

4 Q All right. And just to identify the document,
5 this is a draft affidavit in support of
6 authorization to intercept communications;
7 correct?

8 A That's correct.

9 Q It's a wiretap affidavit?

10 A That's right.

11 Q And this is a draft affidavit authored by you, we
12 can see a convention on the first page on the top
13 left-hand corner, it says P, and there's a blank
14 space, /99; correct?

15 A That's correct.

16 Q And the convention is to put the slash and then
17 the last two digits of the year?

18 A That's correct.

19 Q So you drafted this in 1999?

20 A Yes.

21 Q And the last bit of information contained in this
22 affidavit comes from August of 1999; correct?

23 A Well, without delay I would have to agree with
24 you. I could look it up, but --

25 Q Well, it's got Caldwell information in it, for

1 example?

2 A There you go.

3 Q Okay. But it doesn't have the Pickton interview
4 information in it from January of 2000?

5 A No, it wouldn't have.

6 Q Okay. So you finished this before you went on
7 vacation, didn't you?

8 A Yes, it was a document that when I had time I'd
9 just go into it and complete it further.

10 Q All right. So you completed this before August
11 the 20th, 1999?

12 A That's correct.

13 Q All right. So this is an application. The
14 application underlying this affidavit is to
15 intercept the communications not only of Robert
16 Willie Pickton, but also of Lynn Ellingsen;
17 correct?

18 A It could have been, yes.

19 Q Well, it's predicated on the assumption that
20 Ellingsen is going to be a target of the wire;
21 isn't that correct?

22 A Well, it doesn't say that, but certainly -- I
23 mean, I don't disagree with you, I just wasn't --
24 you know, I didn't name those people in this
25 document yet.

1 Q Well, actually if you turn to the fourth last
2 page.

3 A Fourth to last page?

4 Q The fourth last page, subparagraph 6, there you'll
5 see the identity of the person who is known with
6 respect to the offence set out in the primary
7 paragraphs above and whose communications are to
8 be intercepted includes both Robert William
9 Pickton and Lynn Anne Ellingsen; correct?

10 A You're correct. And I would have added that
11 towards just about the end when I was leaving.

12 Q And those two people would be designated as
13 primary targets of the wire; correct?

14 A That's correct, yes.

15 Q As opposed to secondary targets which would
16 include witnesses and potential as yet unknown
17 accomplices?

18 A Yes.

19 Q The primary targets designate people who are
20 believed to have committed an offence or will be
21 committing an offence; correct?

22 A Yes.

23 Q Okay. So I take it then you'll agree with me that
24 Lynn Ellingsen is set out here as a target of the
25 wire in the sense that she's believed to have

1 committed an offence?

2 A That's right, and that's what we were out to find
3 out, whether she was involved, the degree that she
4 was involved or whether she's plainly a witness.

5 Q And you'll see if you turn back a few more pages,
6 you come back one, two, three, four more pages,
7 you'll see a paragraph beginning with "that with
8 respect to Source "B"?"

9 A Yes.

10 Q I'll just read that out to you and you can tell me
11 if I'm reading it correctly:

12 That with respect to Source "B"...

13 Namely Caldwell:

14 ... the Informant contends his information
15 are considered admissions by a female, Lynn,
16 who is aiding and abetting the criminal
17 offences as set out in this document.

18 Correct?

19 A That's correct.

20 Q And the informant in that sentences refers to you
21 yourself?

22 A Yes.

23 Q You're the informant?

24 A Yes, I am.

25 Q So what you're doing is you're contending that

1 Ellingsen is a party to the offence of murder,
2 that's what you're putting in your affidavit here?

3 A That's what I'm putting in at that time subject to
4 it's a draft, and dependent on what information
5 was gleaned from the ongoing investigation could
6 be changed, but that was my -- when I wrote this
7 that was my belief that she was involved in
8 criminal offences with Pickton.

9 Q Sure. Now, turning back in respect of -- and, of
10 course, there's an investigative necessity
11 requirement?

12 A Yes, there is.

13 Q My friend for the Government of Canada took you
14 through some of that investigative necessity
15 requirement. I just want to be clear that it's
16 not necessary to take all investigative steps?

17 A No, it's not.

18 Q Because what you're really required to do is to
19 take all reasonably alternative steps; correct?

20 A Well, you'd have to explain to the agent who then
21 would take your application before a judge a
22 convincing argument as to why we -- why we didn't
23 do something.

24 Q Sure. If there are investigative steps that you
25 believe are unreasonable because they're likely to

1 fail or compromise the investigation there's no
2 legal requirement to take those before getting a
3 wiretap?

4 A No, but it's -- it's easier. You know, and we
5 were working on -- everything was quite thin to
6 begin with and we were just trying to bolster it
7 up.

8 Q Surely you're not saying it's easier to take an
9 investigative step and have it fail than it is to
10 explain to a judge why it's likely to fail, you're
11 not saying that?

12 A Well, I am to a degree. There was really no
13 reason why I couldn't interview these people. I
14 didn't have to expose my investigation or our
15 investigation to them. And that's what I did in
16 every one of these, I didn't interview them with
17 information that we had gathered, it was we
18 understand you're a friend of Willie Pickton.
19 It's the same idea of my approach to Lisa Yelds.

20 Q Well, this is a well-developed wiretap affidavit?

21 A Yes.

22 Q It's almost done?

23 A No, a lot more work yet, but go ahead.

24 Q Well, it's well developed then; isn't that right?

25 A M'hm.

1 Q I take it you spoke to Crown counsel and Crown
2 counsel said if you want to get a wiretap you'll
3 have to satisfy the investigative necessity
4 requirement; correct?

5 A Well, that was a known fact.

6 Q Pardon me?

7 A That was well known by me anyway.

8 Q Well, I'm just asking what Crown told you.

9 A Yeah. No.

10 Q Okay. Well, I'm just wondering 'cause it seems as
11 though after speaking to Caldwell you then go and
12 interview in quick succession Casanova and Yelds;
13 isn't that right?

14 A Yes, I did.

15 Q And I take it you're doing that in order to
16 satisfy the investigative necessity requirement?

17 A Partly, yes.

18 Q And in part you're defying your own instincts
19 here, because -- and I'll just take you to page 6
20 of your affidavit.

21 A Six?

22 Q Just at the last sentence there of the tail-end of
23 the first paragraph. Referring to Yelds it says:

24 For certain, if she is approached she would
25 tell Pickton very soon after meeting with the

1 police, and therefore tipping the

2 investigator's hand to Pickton.

3 A I think I might be on the wrong page.

4 Q Oh, sorry, try page 8. The pages aren't numbered
5 here. I'm sorry, Mr. Commissioner.

6 THE COMMISSIONER: Where are the numbers here? There are no
7 numbers.

8 MR. GRATL: There are no numbers.

9 Q But it's a page beginning with "that Yelds is a
10 very hard case" at the top left.

11 A Oh, I see it now.

12 Q And there you have your opinion set out for
13 certain if Yelds is approached she would tell
14 Pickton very soon after meeting with the police
15 and therefore tipping the investigator's hand to
16 Pickton; is that right?

17 A Yes, that's correct.

18 Q Okay. And tipping the investigator's hand is a --
19 that's a cards metaphor, playing cards metaphor;
20 correct?

21 A I guess.

22 Q That's a disaster from a player's point of view
23 because then the other side knows what you know?

24 A Well, I didn't see it as disastrous, but --

25 Q Okay. But the metaphor implies that if Pickton

1 knows you're going to lose whatever game you're
2 playing?

3 A Well, no, I think it was quite simply is that
4 Ellingsen would go back to Pickton and tell
5 Pickton that we knew that we were doing -- or
6 rather we were doing an investigation on him, and
7 of course the idea was not to tell her as to what
8 we were doing the investigation on, but we knew
9 that going to her was likely going to cause her to
10 go back to Pickton.

11 Q Okay. But you did it anyway even though you knew
12 for certain, according to your own affidavit, that
13 you would compromise the investigation or tip your
14 hand by doing so?

15 A Did I know for certain?

16 Q It says you knew for certain in your affidavit.

17 A Well, that's what I said here, it's a draft. Did
18 I know for certain? It was very likely that she
19 was going to go back to Pickton.

20 Q All right. Now, you went to talk to Casanova?

21 A Yes.

22 Q And Casanova told you on August the 16th, 1999
23 that Pickton knew the police were asking questions
24 about the missing women?

25 A Yes.

1 Q All right. So you know throughout that your
2 investigation is compromised, that the target of
3 your investigation, Robert William Pickton, he
4 knows about your surveillance, he knows that
5 you're talking to people; is that correct?

6 A Well, he says he knows he's -- that we're out
7 there talking to people. I mean, I really do fail
8 to see the downside of where you're -- you know,
9 what you're asking about here. If Pickton knows
10 the police are looking into him my thought would
11 be that he'd likely slow down or stop what he was
12 doing.

13 Q You're saying you did this deliberately in order
14 to slow him down or stop him?

15 A Well, I knew that was a consequence if the
16 information got back to him a possibility would be
17 that he would stop or slow down as to what he was
18 involved in.

19 Q Did it work?

20 A I don't know.

21 MR. GRATL: I'm asking that this affidavit in support of an
22 application to -- draft affidavit in support of an
23 application to intercept wiretap communications be
24 marked as the next exhibit.

25 THE COMMISSIONER: Ms. Tobias.

1 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias for the Government
2 of Canada. I ask that it be marked as an exhibit
3 for identification only because it's been vetted
4 for disclosure to the participants, but not for
5 disclosure to the public.

6 THE COMMISSIONER: All right. Thank you.

7 THE REGISTRAR: It will be marked for identification Y, letter
8 Y.

9 **(EXHIBIT Y FOR IDENTIFICATION: Document entitled:**
10 **Draft 1999 Affidavit of Corporal Robert Michael**
11 **Connor)**

12 MR. GRATL:

13 Q So you've got weaknesses in the control of
14 information within the Port Coquitlam detachment;
15 isn't that right?

16 A Potential weaknesses, that's right.

17 Q All right. So you do acknowledge that that was a
18 significant problem potentially affecting the
19 integrity of the investigation of Robert William
20 Pickton; correct?

21 A You have that potential in any investigation that
22 Serious Crime does, but I mean I agree with you
23 that there was a potential about the Pickton
24 investigation as well.

25 Q And, of course, it possibly gets worse because

1 Corporal Henley goes to speak to Robert William
2 Pickton and tells him about the identity of
3 confidential informants and the information
4 they've provided.

5 A It was unfortunate, but that's the upshot of what
6 had occurred, yes.

7 Q Well, saying it's unfortunate is putting it
8 charitably, isn't it?

9 A Well, that's the word I used. Whatever word you
10 want to use.

11 Q Well, how about disastrous?

12 A No.

13 Q How about serious compromise of the investigation?

14 A Compromise.

15 Q How about undermining the integrity of the
16 investigation?

17 A Potentially.

18 Q Now, in respect of the 1989 Surrey file you say
19 you talked to Don Adam?

20 A Oh, yes. Sorry, yeah.

21 Q And he checked his notes?

22 A Yes, he did. That's what he told me.

23 Q How did you find out that he was the investigator
24 on that file?

25 A I believed that -- I believe -- well, I believe

1 his name was mentioned in the -- I'm only guessing
2 and I don't know. His name must have been
3 mentioned in the file.

4 Q Did you see the file?

5 A No, but a piece of paper we had, the PIRS
6 printouts.

7 Q You're saying you saw his name in the PIRS
8 printouts?

9 A I believe I did.

10 Q Okay. Now, were there any other investigators on
11 that file? It's a sexual assault file; correct?

12 A There may have been, but I wouldn't -- that wasn't
13 listed on the PIRS. They didn't list
14 investigators' names, other than the person who
15 was responsible for the investigation would be
16 named on that first -- I believe it's the first
17 page.

18 Q All right. And we know that a Constable Wilson
19 from Port Coquitlam did a drive-by in relation to
20 that request?

21 A Yes, that's correct.

22 Q In 1990; correct?

23 A Correct.

24 Q How did you find out about that?

25 A Because that was also a PIRS entry.

1 Q Okay.

2 A We ran Mr. Pickton and we discovered a Coquitlam
3 assist file.

4 Q All right. Did you talk to Constable Wilson about
5 that file?

6 A No.

7 Q Why not?

8 A He drove by the farm looking for a vehicle that
9 wasn't there, so I didn't know what more he could
10 tell us.

11 Q All right. The description that you give in a
12 document is that the investigation is similar --
13 the 1989 investigation is similar in that it
14 involved a sexual assault on a sex worker;
15 correct?

16 A That's correct.

17 Q And Mr. Pickton in your description of that '89
18 file is the target of a suspect of that
19 investigation?

20 A He's not listed as a suspect. His vehicle is
21 listed as an other. So I don't know whether it
22 came from a similar -- I'm -- and I'm only
23 guessing here, Mr. Commissioner, I don't know that
24 it came from a list of vehicles from the motor
25 vehicle branch of a yellow Ford that they were

1 looking for. I mean, I don't know.

2 Q Here's your description, I'm just reading this
3 out:

4 Subject should be of interest...

5 This is your description as of April the 7th,
6 1997:

7 Subject should be of interest due to victim
8 being a Vancouver prostitute.

9 THE COMMISSIONER: Just a minute. Just a minute. Yes.

10 MS. TOBIAS: I apologize for interrupting my friend, but I
11 wonder if he could identify the document he's
12 reading from, please.

13 THE COMMISSIONER: Yes, all right.

14 MR. GRATL: This is found in a binder of documents filed by my
15 friends, I believe, for the --

16 THE COMMISSIONER: Well, that doesn't help much. She just
17 wants you to identify the binder.

18 MR. GRATL: Criminal Justice Branch CJB-001-000804.

19 THE COMMISSIONER: That's the Criminal Justice Branch's
20 document or the Department of Justice document?

21 MR. GRATL: Well, that's the Concordance database number for
22 this document, CJB-001-000804.

23 Q This is a transmittal and diary date request
24 authored by yourself. You recall that document?

25 A No, I have to see it first.

1 Q I'll just bring it to you.

2 A Sure. Yes, I recall that. That's the fly or
3 first page of the memorandum that I sent to ViCLAS
4 with the ViCLAS report attached to it.

5 Q All right. You might as well keep this for the
6 moment.

7 A Okay.

8 Q Because I'm going to ask you to read the text, the
9 body of that transmittal.

10 A Okay. The caption is Robert William Pickton, and
11 attempted murder and unlawful confinement -
12 Prostitute, Coquitlam, BC 97.03.23. The file
13 number is 97CQ, for Coquitlam, 10793 refers:

14 As per policy, attached hereto, complete
15 ViCLAS forms. Subject should be of interest
16 due to victim being Vancouver prostitute.
17 Subject also responsible for similar offence
18 in Surrey in late 1989, as PIRS indicates an
19 assistance file to Surrey 90CQ1339, however,
20 subject was not entered on PIRS (?) by Surrey
21 Detachment. Sergeant Don Adam of Polygraph
22 Unit was one of the Surrey Serious Crime
23 investigators at the time and may be able to
24 provide the Surrey file number.

25 And then my signature block at the bottom.

1 Q Now, that was obviously before you spoke to
2 Sergeant Don Adam, because you say he may be able
3 to provide the file?

4 A Yeah, I would agree.

5 Q Okay. But you seem to indicate that in your
6 understanding the subject may be responsible
7 because he's responsible for a sex assault on a
8 prostitute in Surrey from 1989; isn't that
9 correct?

10 A Excuse me for just a second while I re-read this.
11 I think the gist of what I'm relaying here is that
12 it's our file, subject should be of interest due
13 to the victim being a Vancouver prostitute.

14 Q Yes, and it's the next sentence that's of
15 importance. Could you read that out again,
16 please?

17 A Subject also responsible for similar
18 offence in Surrey in late 1989, as...

19 Q And you can just stop there. Subject also
20 responsible for similar offence in Surrey in 1989;
21 correct?

22 A Sexual offence is what I meant.

23 Q All right. So that says that Pickton committed a
24 sexual offence in Surrey in 1989; correct?

25 A Subject also responsible. Yes, but that's not the

1 information that I had. It wasn't definitive that
2 Pickton was involved in that offence.

3 Q Surely you're not saying that you exaggerated
4 Mr. Pickton's involvement in an official
5 communique to ViCLAS?

6 A I said subject is also responsible for similar
7 offence. I guess that's an interpretive -- I
8 didn't mean to lie to the -- to anybody that was
9 receiving this document. It was going to ViCLAS
10 who research all kinds of files and provide
11 linkages. I wanted to bring it to their attention
12 in case there was something that they could
13 provide a linkage to Mr. Pickton, and maybe the
14 Surrey file would be there. As it turned out it
15 wasn't. The only file that was on -- the only
16 ViCLAS report that was on file was the one that I
17 attached to this document.

18 Q Now, previous offences, even if no charges were
19 ever approved, are of tremendous importance in
20 investigating a target; correct?

21 A That's correct.

22 Q Why would you limit your investigation to just
23 talking to Sergeant Adam if there are other
24 investigators on the file?

25 A Well, I didn't know who the investigators were.

1 Q Well, you knew that Constable Wilson was one of
2 the people who did the drive-by in Port Coquitlam
3 on behalf of Surrey; correct?

4 A It's been my experience, Mr. Commissioner, that
5 when a detachment requests something similar to
6 this you're not provided the details, they simply
7 ask you to drive by a residence looking for a
8 vehicle or confirming a subject still lived there.
9 They may say at the very top in a caption it's sex
10 assault, but they don't go into any detail as to
11 what occurred because the investigators are trying
12 to determine the whereabouts of that person or
13 possession of a vehicle or the whereabouts of that
14 vehicle.

15 Q The PIRS entry doesn't say that the assault in
16 Surrey was on a sex worker, does it?

17 A I believed the one that was the Surrey file did
18 say that.

19 Q The Surrey file you reviewed?

20 A No, the Surrey PIRS file, because it was
21 originally on the system when I ran Pickton, and
22 then it was not, it was purged off the system
23 after a later date. So the first one that I read,
24 that's what gave me Don Adam as the investigator.

25 Q And you printed out that original PIRS report?

1 A I don't think so. I don't know why I didn't, but
2 it's not amongst all the paper that I've got here,
3 so.

4 Q So the original computer readout, screen readout
5 might have included the information that Pickton
6 was a target or subject in an '89 investigation?

7 A No, it never said that. I would have remembered
8 that.

9 Q You apparently noted it in your communicate with
10 ViCLAS?

11 A Yeah, I don't -- again it was a -- it was probably
12 better written as he was involved in a sexual
13 assault.

14 Q All right. Let's just leave it there. In April
15 of 1999 information starts coming in about William
16 Pickton's involvement with a New West stroll;
17 isn't that right?

18 A That's correct.

19 Q It's not just a single incident, is it?

20 A It turns out to be a single incident, but he was
21 suspected in a couple of other instances there.

22 Q All right. So it's a Constable Fraser?

23 A Yes, that's correct.

24 Q Pulls over Pickton and Ellingsen. You find out
25 about that?

1 A Yes, I do.

2 Q All right. But aside from that there are a number
3 of sex workers in the New West stroll who identify
4 Robert William Pickton as a dangerous character?

5 A There are women that say that they knew him.
6 There were two instances of criminal sexual
7 assault, I believe, on two sex trade workers where
8 Pickton was initially thought to be the suspect
9 and was eliminated.

10 Q Well, they were eliminated in a half-hearted way
11 in the sense that the sex workers decided not to
12 go ahead and push for prosecution; isn't that
13 right?

14 A Well, they didn't identify him in a lineup either.

15 Q All right. But aside from this single
16 identification where a sex worker didn't identify
17 him, or anybody else in a lineup, there were a
18 number of other reports about William Pickton
19 being a bad date and a violent man and fearful?

20 A According to other sex trade workers that were on
21 that New Westminster stroll, that's correct.

22 Q Port Coquitlam didn't do anything to find out the
23 details of those concerns?

24 A Well, no, but New Westminster I'm sure did.

25 Q Well, did Port Coquitlam contact the New

1 Westminster police department and ask New West for
2 any documents or records dealing with the
3 expression of concern by sex workers?

4 A No, we didn't. It was relayed to us. We were
5 aware of it.

6 Q Relayed orally?

7 A Correct. I talked to Jennifer Fraser a couple of
8 times. I had a meeting with Jen out at the New
9 Westminster police service and with Colin Burrows
10 and Judy Robertson and Jennifer Fraser in place
11 there, so.

12 Q Sure, but nobody followed up, did they?

13 A Well, I really don't know what the follow-up is.
14 We were told that he was on the stroll in New
15 Westminster and he was bothering other sex trade
16 workers, some who thought he was a dangerous guy.

17 Q Can I give you some examples of some potential
18 follow-up?

19 A Yeah, go ahead.

20 Q Well, one step would be to find who the sex
21 workers are, what are their names. That would be
22 one thing that could be done?

23 A That was noted by New Westminster.

24 Q Pardon me?

25 A That was noted by New Westminster, yes.

1 Q Oh, you had those names?

2 A I didn't have them, but they did.

3 Q Okay. You didn't ask those names?

4 A No, I didn't.

5 Q Another thing that could have been done is
6 statements could have been taken from the sex
7 workers?

8 A It could have been. Again, that would have been
9 -- like this is a New Westminster problem, we
10 talked about it, they were going to advance their
11 investigations, and anything that would reflect
12 back to Pickton then they would advise me.

13 Q What --

14 A So I really don't know what you want Coquitlam's
15 involvement in the New Westminster file. I was
16 getting the information as to whether he was
17 involved or not.

18 Q Surely you're not saying those are New West's sex
19 workers, they're not our problem in Port
20 Coquitlam?

21 A I'm saying it's New Westminster's jurisdiction.

22 Q All right.

23 A And we had the discussion. I had the discussion
24 with Jennifer, and possibly Colin Burrows, that
25 these are offences in your area, if you could

1 please investigate them, and if they come back and
2 Pickton's involved would you let me know.

3 Q Did you ask for statements to be taken from those
4 sex workers?

5 A No, I didn't.

6 Q Why not?

7 A I would have assumed that New Westminster was
8 doing just that.

9 THE COMMISSIONER: Well, were there offences committed in New
10 Westminster?

11 THE WITNESS: There was two that come to my mind, sir. Both
12 sex trade workers failed to identify Pickton --

13 THE COMMISSIONER: Right.

14 THE WITNESS: -- in lineups, and although they were thinking of
15 DNA, apparently condoms were used in at least one
16 incident and it prevented them from going any
17 further. I had quite a bit of faith in the
18 ability of New Westminster Police Department
19 Plainclothes Section to investigate.

20 THE COMMISSIONER: So he was seen on the stroll twice?

21 THE WITNESS: He was checked nearby the stroll.

22 THE COMMISSIONER: And nobody could identify him?

23 THE WITNESS: Well, nobody could identify him in the offences
24 that they were investigating, however, Judy
25 Robertson and Jennifer Fraser were out on the

1 stroll talking about Pickton, showing a photograph
2 of him, and they were saying oh, something to the
3 effect that they knew him, that he was a bad date,
4 but nothing further.

5 THE COMMISSIONER: I see.

6 MR. GRATL:

7 Q Right, but no details about what the women meant
8 by bad date?

9 A That's a general term -- that's a general term
10 that was used with me. I know what a bad date is.

11 Q It would have been perhaps of assistance if bad
12 date meant well, what he does is he puts you in
13 handcuffs and then he violates you in whatever
14 way?

15 A No, I never got that impression from my
16 discussions with the New Westminster Police
17 Department.

18 Q Well, you didn't ask for those details either?

19 A Well, it would be --

20 Q You didn't ask for those details?

21 THE COMMISSIONER: What was he supposed to say, were their
22 handcuffs involved. The term is a bad date, and I
23 think the question is a little bit unfair.

24 MR. GRATL: What's unfair about it, Mr. Commissioner?

25 THE COMMISSIONER: Well, did you ask whether there were

1 handcuffs involved, and he said he has a general
2 description of what a bad date is, and that was
3 the information that was conveyed to him, and he
4 left it at that. Now, at the end of the day you
5 can argue that he failed to go further and that
6 would have prevented crimes from being committed,
7 but to go into the minutiae about whether there
8 were handcuffs and there's no evidence of any
9 handcuffs, I don't know if any of this is helping
10 me.

11 MR. GRATL: Failure to investigate and interview sex workers is
12 one of the systemic failures here,
13 Mr. Commissioner, and I'm exploring that issue.

14 THE COMMISSIONER: I know that, but he's already said that New
15 Westminster interviewed the sex workers and that
16 they were shown photographs and it was
17 inconclusive as to whether or not it was Pickton.
18 So, anyway, you go ahead from there and tell me
19 what he was supposed to do after that.

20 MR. GRATL:

21 Q When you started to investigate Robert William
22 Pickton you put a CPIC request that you were to be
23 notified any time Robert William Pickton came up;
24 isn't that right?

25 A Well, there was the message that I sent out

1 generally speaking to all the police departments
2 and detachments describing the '97 offence, and
3 that should they have any similar type offences
4 that Pickton may be a suspect for them.

5 Q Sure. But what's called a silent hit though is an
6 automatic system on the CPIC database that sends
7 you electronic notification every time Pickton
8 comes up?

9 A Over and above the message that I sent we
10 entered -- we, Lori Shenher and I, entered him on
11 CPIC. You're right special interest to police is
12 what it's termed as, and there's a remark in the
13 entry, sir, that says if checked please advise
14 Corporal Mike Connor and the phone number, and
15 Detective Constable Shenher of the Vancouver City
16 Police and her number. So presumably if the
17 police checked Pickton we would get information
18 returned to us as to what the circumstances were.

19 Q Now, when you went on vacation on August the 20th,
20 1999 and when you were reassigned you didn't
21 change that CPIC entry --

22 A No.

23 Q -- to have the silent hit be directed at the next
24 lead investigator, did you?

25 A No, I didn't, but it would come to my office, and

1 I obviously wasn't there, the person handling the
2 mail would know I wasn't there, and it would be I
3 assume passed off to the right person.

4 Q All right. I take it you agree with me that
5 that's an investigative mistake not to change the
6 direction of the CPIC silent hit?

7 A Minor mistake.

8 Q All right. Can you return to this 19 page packet
9 that I provided you yesterday, Sergeant?

10 A Could I --

11 Q Do you need another copy?

12 A Well, does it begin with investigator's comment?
13 No.

14 Q You've got it in your hand, your left hand right
15 now.

16 A This one here?

17 Q Yes.

18 A It's the report to -- oh, that contains various
19 things.

20 MR. GRATL: Mr. Giles.

21 THE COMMISSIONER: I think he's bringing you a copy.

22 MR. GRATL:

23 Q On page 19 of that package, that's the last page.

24 A Oh, there we go. Thank you.

25 Q Is a continuation report authored by Constable

1 Sherstone dated July 20th, 2001; correct?

2 A That's right.

3 Q She is with her continuation report directing your
4 records department to modify the surveillance
5 entry to advise herself, Constable Sherstone, any
6 time Pickton is intercepted?

7 A Correct, that's what it says.

8 Q Instead -- she says:

9 ... instead of how it presently reads
10 Corporal Connor.

11 A Correct.

12 Q So for that entire gap there between August the
13 20th of 1999 and July 20th of 2001, a period of
14 almost two years, the CPIC hits were going to the
15 wrong investigators?

16 A I really don't know how to answer that as wrong
17 investigators. I was still at the detachment.
18 There was never any CPIC hits passed on to me.
19 But there was also a choice of the mail delivery
20 system that the -- that the -- any hits could have
21 been delivered to the Serious Crime Section to
22 Sergeant Pollock who was in charge of the unit and
23 he could have re-directed it to the investigator.
24 It just wasn't someone said Mike Connor is not in
25 Plainclothes anymore so I'm going to put this

1 through the shredder.

2 Q No, it would have still gone to Mike Connor. It
3 would have gone to your new desk.

4 A Yes, possibly.

5 Q It wouldn't have gone to Sergeant Pollock at all,
6 it wouldn't have gone to Sherstone.

7 A It could have.

8 Q It still would have gone to Corporal Mike Connor?

9 A Not necessarily.

10 Q Well, did the CPIC hits arrive on your desk, do
11 you remember?

12 A I never got any.

13 Q I take it you don't know where the CPIC hits went?

14 A I do not know.

15 Q I take it you didn't even get Constable Fraser's
16 CPIC notification that Pickton and Ellingsen had
17 been intercepted in New West in April of 1999?

18 A Yeah, I think it was certainly delayed.

19 Q How long was it delayed?

20 A Oh, I can't recall, but I know that Jennifer
21 Fraser phoned me about that, about the check as
22 well.

23 Q She called you to say why the heck haven't you
24 called me; isn't that right?

25 A Well, it wasn't like that. She just said: Hey,

1 you know that we checked Pickton.

2 Q So this slipup here, which is memorialized on page
3 19 of this package of documents --

4 A Memorialized? I never thought of it in terms of
5 that.

6 Q It did result in an investigative delay?

7 A I'm just going to say, no, it wouldn't have.

8 Q All right. It seems to me, Sergeant Connor, that
9 you didn't entirely remove yourself from the
10 Pickton investigation after your vacation in
11 August of 1999 and your transfer?

12 A With the decision making aspect of the
13 investigation I certainly did.

14 Q I'll just give you an example. When it came to
15 interviewing Pickton and Houston in January of
16 2000 you provided advice to the interviewers
17 before that interview started; correct?

18 A Not true.

19 Q No?

20 A Not true. I was working that night, it was -- as
21 I work around the clock I work the midnight -- not
22 midnight shift, from seven o'clock in the evening
23 till seven o'clock in the morning and I was
24 approached by -- I believe it was both by
25 Constable Yurkiw and Cater to say that Pickton was

1 there for an interview, and I said -- I asked, I
2 didn't say I was going to, I asked would it be all
3 right if I came in and monitored the interview
4 from time to time, and they said absolutely.

5 Q Isn't it true that you were interviewed by
6 Superintendent Williams?

7 A Yes, I was.

8 Q On September 18th, 2002?

9 A Yes, I was.

10 Q And have you reviewed that interview to prepare to
11 give evidence?

12 A Yes.

13 Q All right. I'm putting it to you that you told
14 then Inspector Williams that there was some
15 discussion between Constable Yurkiw and yourself
16 and Constable Cater whether you should allow Gina
17 Houston to be interviewed with Willie Pickton?

18 A Right at the time that that interview was taking
19 place.

20 Q That's an investigative decision?

21 A Not by me. I was just pointing out the fact that
22 I wouldn't let it happen, but it's their
23 interview.

24 Q All right. But you were giving them advice?

25 A Whether they chose to take it or not, I guess you

1 could say it was in conversation and it could be
2 framed as advice, I guess.

3 Q All right. And then, of course, it's a small
4 detachment; correct?

5 A Yes.

6 Q And your position was after -- it's hard to tell
7 from your curriculum vitae filed as an exhibit in
8 this hearing, because it seems when I review your
9 curriculum vitae there's a gap in relevant
10 postings?

11 A M'hm.

12 Q From November of '94 to September of '99 you are
13 listed as a supervisor investigator Coquitlam
14 Major Section?

15 A That's correct.

16 Q That's correct. And then the next listing begins
17 March 2001 to May 2003, NCO in charge of Coquitlam
18 Detachment Major Crime Section; correct?

19 A Correct.

20 Q But there's a gap in your CV during the heart of
21 this investigation from September 1999 to March
22 2001; correct?

23 A Because I believe that general duty police work
24 wasn't relevant -- wasn't relevant -- wasn't a
25 relevant posting to this inquiry.

1 Q I'm sorry?

2 A It wasn't a relevant posting to my CV into this
3 inquiry.

4 Q Well, I mean you have October 1979 to October
5 1980, Surrey Detachment General Investigation
6 Section listed, don't you?

7 A General Investigation Section, yes, I do.

8 Q It's GIS?

9 A Yes, I do.

10 Q Obviously that's not relevant, is it?

11 A Absolutely.

12 Q Okay. But here you've left out a gap in your CV
13 in terms of the description of the position you
14 held?

15 THE COMMISSIONER: Well, he's answered it. He's said that
16 being on general duty wasn't relevant for the
17 purposes of this inquiry. GIS certainly is.
18 General Investigation Section, as you might know,
19 deals with serious crimes and that's why it's
20 relevant and that's why he put it in. He's
21 answered you.

22 MR. GRATL:

23 Q All right. And general duties doesn't deal with
24 serious crimes?

25 A They may be the first people to attend a serious

1 crime, and on rare occasion be asked to
2 investigate a serious crime, but mostly it's the
3 Plainclothes people that continue with the
4 investigation.

5 THE COMMISSIONER: You work the desk and you do routine patrol;
6 right?

7 THE WITNESS: That was my function.

8 THE COMMISSIONER: On general duty.

9 THE WITNESS: That was my function as a sergeant working the
10 desk and going out and supervising the other
11 people.

12 MR. GRATL:

13 Q And you briefed the patrol officers?

14 A Yes, that's correct.

15 Q And in this case part of what you did when you
16 briefed the patrol officers is you told them to
17 keep a lookout for Robert William Pickton and to
18 do drive-bys of his residence?

19 A Yes.

20 Q And so in that sense at a minimum you carried on
21 as part of the investigative team?

22 A Well, I asked my people to make -- give particular
23 attention to that area and for Pickton coming and
24 going. If you want to say that's part of the
25 decision making team of the investigation, I

1 wouldn't agree with you, but --

2 Q All right. You told Deputy Chief Evans that
3 occasionally you asked the file investigators how
4 is the file going and you made investigative
5 suggestions, didn't you?

6 A No, I didn't. I may have asked them how it was
7 going. It wasn't my place, and I particularly
8 stayed out of the investigation 'cause I felt it
9 is now their investigation, that I didn't want --
10 the way that I investigated the file initially if
11 they didn't agree with it I didn't want to give
12 them any feeling that I was trying to influence
13 them. I wanted them to investigate the file that
14 they wanted to investigate that file.

15 Q Did you have a chance to review the transcript of
16 your interview with Deputy Chief Evans before you
17 gave testimony?

18 A Yes, I did.

19 Q Do you recall saying to her that you suggested a
20 couple of things in the file that needed to be
21 carried out with or carried on with?

22 A I don't. When I left -- when I was leaving at the
23 time of my transfer I did.

24 Q Sorry, when was that?

25 A August of '99.

1 Q In August of '99 you're saying you suggested a
2 couple of things in the file that needed to be
3 carried on with?

4 A Just exactly what we were talking about yesterday
5 is how did I leave the file with the people that
6 were taking the file on after I left, did I brief
7 them. That's partly what the briefing was about
8 is that these are the areas that I would have
9 continued on with. Of course, they knew that
10 because they had been part of the investigation
11 already, and I let them make the investigative
12 decisions after that.

13 Q Did you pass along your working file to the new
14 lead investigator for the Pickton investigation?

15 A I don't think the new lead investigator was
16 chosen. She may have been, I don't recall that,
17 but I certainly left the file, the box file with
18 Sergeant Pollock.

19 Q Okay. And you trusted that Sergeant Pollock would
20 deliver that to the lead investigator?

21 A It's the working file, yes, I did.

22 Q Did that have your draft affidavit that's now
23 marked as an exhibit?

24 A It may have.

25 Q You're not sure?

1 A I'm not sure.

2 Q All right. Now, isn't it true you also called
3 Wayne Clary at Evenhanded and told him to
4 prioritize Pickton?

5 A I didn't tell him, but I did phone Wayne Clary on
6 at least three occasions when he was on the
7 Missing Women's Task Force, and I was inquiring
8 about their person of interest list, and is
9 Pickton on it initially. Without exposing the
10 numbers of persons of interest in the inquiry he
11 was placed quite high on the list. I said
12 something to the effect you've got to bring him
13 down, it's got to be a higher priority. What
14 other people would you have this kind of
15 information on? I mean, he agreed they were still
16 working their way through the persons of interest
17 and their investigation as they were being
18 directed to undertake the Missing Women's Task
19 Force. So I didn't know what Missing Women's Task
20 Force was doing, that wasn't -- that wasn't my
21 business. I knew Wayne Clary as a co-worker and a
22 friend for a number of years. He was the file
23 co-ordinator at the Missing Women's Task Force,
24 and the purpose of the calls was just trying to
25 push the priority of Pickton up from where it had

1 been. My next phone call was that it was have you
2 pushed up considerably, but not high enough for
3 me, and I asked him to take a look. And then at
4 the end of those phone calls he was -- I think I
5 was told he was under ten on that list.

6 Q Okay. So we've got your involvement in the
7 Pickton interview, your own personal surveillance
8 of Pickton, you briefing the members of the patrol
9 section, and you contacting Wayne Clary. I think
10 you'll concede that you did to some extent stay
11 involved in the Pickton file, I think even after
12 you went on vacation and were reassigned?

13 A No, that's not quite true. I didn't call Wayne
14 Clary after I left the unit when I was in general
15 duty. I did brief the fellows that worked Port
16 Coquitlam, boys and girls that worked the Port
17 Coquitlam area about Pickton and asked them to pay
18 close attention when they had that time to be
19 around that area. What was the other point?
20 Sorry.

21 Q Well, I just asked you to concede that you were to
22 some extent involved in this Pickton
23 investigation?

24 A Other than briefing the people that worked for me
25 to pay particular attention to Mr. Pickton, and me

1 being down there watching his place, that's all I
2 did.

3 Q Can I ask you to turn to page 12 of that package
4 of documents that I gave you yesterday.

5 A Yes.

6 Q This is minutes of a Serious Crime Unit meeting?

7 A That's right.

8 Q Which occurred on April 11th, 2001; correct?

9 A Yes, it did.

10 Q You recognize this document?

11 A Yes, I do.

12 Q All right. So over the page you'll see page 16 of
13 that memorandum. Just the last full paragraph
14 there, I'll read that out to you. This is in
15 respect of the Robert William Pickton
16 investigation. It says:

17 Additional information received by Constable
18 Horton that a missing Hell's Angel would
19 never be found because he was chopped up in a
20 meat grinder and fed to pigs. This HA was
21 said to work at a booze can across the street
22 from Pickton's residence.

23 Have I read that right?

24 A That's correct.

25 Q Okay. Did you receive that information from

1 Constable Horton?

2 A Yes, I did.

3 Q When did you receive that information?

4 A At this meeting.

5 Q Okay. And where did Constable Horton receive that

6 information?

7 A From an informant, I assume.

8 Q You didn't ask him where he received that

9 information?

10 A No, I was -- it was said in such a way that the

11 person was never identified so I assumed it was a

12 source.

13 Q Okay. Well, you can still probe a little further

14 even if you don't know the identity of the source,

15 you can say well, is it a reliable source or an

16 unreliable source or a source of known

17 unreliability. Did you do that?

18 A No.

19 Q Now, obviously this information isn't relevant;

20 correct?

21 A Yes.

22 Q And the Picktons' association with bikers was well

23 known before this particular tip came in?

24 A Yes, it was.

25 Q I mean the association was not just in respect of

1 proximity to a booze can or a clubhouse?

2 A Sorry?

3 Q The association to bikers wasn't just the
4 proximity of a booze can or Hells Angels'
5 clubhouse to the Pickton farm, was it?

6 A No, but I should say that the booze can they're
7 referring to here is not what was referred to as
8 Piggy's Palace, this is another house on Dominion.

9 Q Sorry, it's another house on Dominion?

10 A That's correct.

11 Q It's across the street from the Pickton farm?

12 A Correct. And if memory serves me correctly I
13 think it was the first house that we attended to
14 on the '97 offence.

15 Q Right, the one with the grow-op in it?

16 A The one with the grow-op in it.

17 Q Sure. And that's the same house that Horton is
18 referring to here, the biker disappeared too
19 because he was chopped up in a meat grinder on the
20 farm and fed to the pigs; is that right?

21 A Sorry, I didn't get that.

22 Q It's the same house that this biker worked at who
23 was said to be chopped up in a meat grinder and
24 fed to the pigs, isn't it?

25 A Yes, I could -- I'd agree with that.

1 Q So it's geographically proximate to the farm?

2 A Across the street.

3 Q Okay. And then, of course, bikers are known to
4 attend the farm itself; correct?

5 A That's my understanding -- I had no personal knowledge of
6 that, just conversations that I had with people
7 and that's what they said. I never saw that
8 myself.

9 Q You spoke to the Organized Crime Agency?

10 A No, I spoke to the Criminal Intelligence Section
11 of the Coquitlam Detachment.

12 Q You didn't speak to OCA, the Organized Crime
13 Agency. That's a provincial task force dealing
14 specifically with organized crime; correct?

15 A I never spoke to them. The people that worked in
16 our office were the most knowledgeable people on
17 the Hells Angels out of Coquitlam.

18 Q Okay. And they told you that bikers frequented
19 the farm itself?

20 A They said -- yeah, they told me -- sorry, that
21 they told me that they had. I wouldn't say
22 frequent it. Again our surveillance never showed
23 that they attended, I never saw them going in and
24 out of the farm, but that's not to say that they
25 didn't attend the farm.

1 Q Bikers were also known to attend Piggy's Palace
2 events; correct?

3 A Yes, I understand that.

4 Q In fact one security guard who ran the door was
5 actually a fellow by the name of Tony Terezakis, a
6 known associate of the Hells Angels?

7 A That's a -- I remember that. I'd forgotten until
8 you mentioned it.

9 Q He was known to be exceedingly violent; isn't that
10 correct?

11 A Yes.

12 Q He was involved in the drug trade in the Downtown
13 Eastside?

14 A Yes, he was.

15 Q Running a little operation out of the American
16 Hotel?

17 A I don't remember that.

18 THE COMMISSIONER: You know what, I know the Department of
19 Justice is not objecting to any of this, but can
20 someone tell me what Tony Terezakis has got to do
21 with the Pickton case?

22 MR. GRATL:

23 Q Well, wasn't Tony Terezakis convicted of torture
24 of sex workers in the Downtown Eastside?

25 THE COMMISSIONER: Okay. So tell me how this helps what we're

1 doing here? Are you okay with this, Ms. Tobias?
2 I note you're not saying anything, and I don't
3 want to interrupt counsel, but -- it's not my job
4 to -- it's my job to keep the inquiry on track.

5 MR. GRATL: Well, maybe, Mr. Commissioner, I can explain what
6 the connection is.

7 THE COMMISSIONER: Okay.

8 MR. GRATL: And why members of the community have been asking
9 me to go into this biker connection, and the
10 reason is because --

11 THE COMMISSIONER: Okay.

12 MR. GRATL: -- the bikers were well known to control the drug
13 trade in the Downtown Eastside, and run a number
14 of hotels, including hotels from which sex workers
15 disappeared, including having a connection to the
16 Astoria Hotel where Robert Pickton hung out, and
17 the connection with the bikers is part of what
18 made sex workers fear for and unwilling to speak
19 to the police, and if it turns out that the police
20 weren't ready to investigate the biker connection,
21 boy, doesn't that lend a little bit of credence to
22 the concerns expressed by sex workers about
23 talking to the police about these potentially
24 violent episodes.

25 THE COMMISSIONER: Well, I --

1 MR. GRATL: So they've asked me -- I've been asked to explore
2 this issue and the connection between the Port
3 Coquitlam police, the Piggy's Palace parties and
4 the bikers. I've been asked to do that.

5 THE COMMISSIONER: Well, you may have been asked, but it's your
6 responsibility as a lawyer to cross-examine on
7 issues that are relevant to --

8 MR. GRATL: Well, that's what I'm doing. That's why --

9 THE COMMISSIONER: Don't interrupt me. You have this habit of
10 interrupting, Mr. Gratl. Don't interrupt. I
11 didn't interrupt you.

12 MR. GRATL: I do actually have that habit. Sorry.

13 THE COMMISSIONER: It's called civil behaviour, Mr. Gratl. All
14 I want from you is to ask you what the relevance
15 of the cross-examination is about Tony Terezakis's
16 violent background and whether he's involved as a
17 doorman at Piggy's Palace. I just want to know
18 the relevance of that, that's all. So tell me
19 what it is and you can cross-examine if it's
20 relevant. Are you okay with all of this?

21 MS. TOBIAS: Well, at some point, Mr. Commissioner, Cheryl
22 Tobias for the Government of Canada, it's going to
23 be a matter of concern with respect to possibly
24 other investigations, and so on and so forth.
25 But, you know, this witness can only testify to

1 what he knows, and my friend is starting to, with
2 all due respect, stray very far afield from the
3 question of why this material is relevant to the
4 investigation of Robert Pickton at that time as
5 opposed to some larger issue. Now, if you're
6 content to hear that evidence I'm content to have
7 the witness explore that to the extent of his
8 knowledge, which I would suspect is of very short
9 extent indeed.

10 THE COMMISSIONER: Well, you know, I don't want to cut you off,
11 but I just want to hear relevant evidence. We
12 have certain time constraints, timelines, and at
13 the same time I just want to hear evidence that's
14 relevant.

15 MR. GRATL: Well, if you're directing me, Mr. Commissioner, not
16 to explore this connection between the Hells
17 Angels Motorcycle Club and the threats to sex
18 workers' lives in the Downtown Eastside, then I'll
19 stop doing that.

20 THE COMMISSIONER: You know, that isn't what I said. Listen
21 carefully to what I said. It's called relevant
22 evidence, relevance, and I wanted to know what
23 Tony Terezakis has got to do with the failure, if
24 you will, of the police investigation into the
25 missing women, and this is not a wide range probe

1 of organized crime on the Lower Mainland. All I
2 want to know is how that's relevant. So, you
3 know, you don't need to be petulant about it.
4 Just tell me, I'm prepared to listen to you. Yes,
5 Mr. Dickson.

6 MR. DICKSON: Mr. Commissioner, I don't want to weigh in on the
7 relevance issue, but I just want to flag that I
8 still believe that I will need two hours in
9 cross-examination.

10 THE COMMISSIONER: Yes. All right. Go ahead, Mr. Gratl, I
11 don't know how much time you have left.

12 MR. GRATL: I just referred again, Mr. Commissioner, to this
13 page 13 of this package of documents, so I'm
14 asking this package of documents be marked as the
15 next exhibit.

16 THE COMMISSIONER: Any objection to that?

17 THE REGISTRAR: Exhibit number 92.

18 **(EXHIBIT 92NR: Document entitled: Bundle of a**
19 **variety of VPD and RCMP documents, consisting of**
20 **19 pages)**

21 MR. GRATL:

22 Q You've had an opportunity to review this document,
23 have you?

24 A Yes, I have.

25 Q All right. I'll just take you through a number of

1 documents in this package.

2 A Certainly.

3 MR. VERTLIEB: Mr. Commissioner, one concern with these
4 documents is I still have the concern that
5 information that should be redacted is not being
6 redacted.

7 THE COMMISSIONER: Oh.

8 MR. GRATL: Yes, I just ask for it to be admitted for
9 identification subject to redaction.

10 THE COMMISSIONER: All right.

11 MR. VERTLIEB: I'm comfortable if it goes in as an exhibit,
12 because we're having lots of identification
13 exhibits. It can go in as an exhibit proper with
14 the NR and then nobody is hurt by disclosure.

15 MR. GRATL: Yes, it should go in as an NR until it's redacted.

16 THE COMMISSIONER: That's fine.

17 THE REGISTRAR: It will go in as Exhibit 92NR.

18 MR. GRATL:

19 Q You've had an opportunity to review these notes to
20 self that begin at page 3 of the package?

21 A Oh, sorry. Page 3?

22 Q Page 3, yes.

23 A Some time ago, but yes, I have.

24 Q And to your mind those are accurate, are they?

25 A Well, they were created in March of 2002.

1 Q They accurately reflect your state of mind and
2 your judgment and your decisions and opinions at
3 that time?

4 A The reason for doing that was to expand on the
5 notations that were made in the file.

6 Q All right. Now, at page 14 there's a notation
7 about a conversation you had with Corporal Dave
8 McCartney dealing with an operational plan
9 developed by the unit in February of 2000?

10 A Yes, if I'm looking at the same documents. The
11 one that's signed by me?

12 Q That's correct.

13 A Okay.

14 Q The transit slip?

15 A Yeah, in the form of a memorandum.

16 Q You say -- a couple of months after Pickton is
17 arrested you say, in effect, I recently talked to
18 Dave McCartney. There's an operational plan that
19 wasn't reduced to writing that should be in the
20 file. And over the page is a letter from David
21 McCartney who sets out what the game plan was as
22 of February 9th, 2000 in respect of the Pickton
23 investigation?

24 A That's correct.

25 Q All right. And so you can see a list of things to

1 do?

2 A I don't see that list of --

3 Q It's at page 15 of the package of documents.

4 A Fifteen I've got the letter.

5 Q That's the letter from Dave McCartney to yourself?

6 A Right.

7 Q Dated May 7th, 2002?

8 A Okay.

9 Q Setting out the game plan or operational plan as

10 of February 9th, 2000?

11 A Exactly.

12 Q All right. And so there are a number of to do

13 items?

14 A Yes.

15 Q All right. And I take it that to your knowledge

16 none of them was done?

17 A To my knowledge, no, none of them were done.

18 Q So that includes interview with Lynn and her

19 current boyfriend; correct? Correct?

20 A That's the first thing, yes.

21 Q It wasn't done. And then identify Val and their

22 drug connection?

23 A Correct.

24 Q That was a person mentioned by Pickton and Houston

25 in their interview in January of 2000; correct?

1 A I don't know that.

2 Q Okay. That wasn't done. Timeline in the file

3 wasn't done?

4 A Correct.

5 Q Then arrange for Edcass; correct?

6 A Right.

7 Q And Edcass would be a criminal analytic?

8 A ED is "E" Division Criminal Analysis Section.

9 Q All right. So they'd look at all the information

10 and digest it?

11 A They can analyze it, they can create various

12 documents, link charge, things of this nature for

13 you if needed.

14 Q All right. Then aerial photo of the farm and

15 ViCLAS wasn't done till after the arrest of

16 Mr. Pickton?

17 A Well, yeah. Sorry, I was getting mixed up with

18 the one that I had done in '97.

19 Q Sure. Those two things weren't done. Aerial

20 photo, contact Keith Davidson, interview Lorna

21 Humphries; correct?

22 A As far as I know they weren't done.

23 Q And then preparing an affidavit for the intercept

24 on his phones?

25 A Sorry.

1 MR. HIRA: Just a moment, Mr. Commissioner.

2 THE COMMISSIONER: Yes.

3 MR. HIRA: There is evidence at page 1829 of the Evans report
4 that there was aerial surveillance conducted on
5 April 14, 2000.

6 THE COMMISSIONER: Yeah.

7 MR. HIRA: So, you know, if counsel is going to be putting
8 propositions that this witness has no knowledge of
9 let's make sure the propositions are actually
10 correct.

11 THE COMMISSIONER: All right. Thank you.

12 MR. GRATL: I thank my friend for that correction.

13 THE COMMISSIONER: All right.

14 MR. GRATL:

15 Q Then interview Lorna Humphries, that wasn't done?

16 A Not to my knowledge.

17 Q And preparing the affidavit for the intercept on
18 Pickton's phones, that wasn't done either?

19 A Not to my knowledge.

20 Q And then a general warrant for a camera in the pig
21 barn, that wasn't done either?

22 A Not to my knowledge.

23 Q And some of those steps might have assisted in
24 catching Mr. Pickton before more people died;
25 isn't that correct?

1 A Yeah, I guess it's possible.

2 Q All right. Then over the page, page 16, this is
3 your own list. You're the author of this
4 document, it's a things to do document?

5 A Right.

6 Q And you can see that there's a big -- it's a
7 heavily redacted document. It refers to PIT?

8 A M'hm. Yes.

9 Q Those are references to investigative techniques;
10 correct?

11 A I don't recall what they are, but I suspect so.

12 Q All right. So here under surveillance
13 non-redacted portions:

14 Pickton has night vision and is up around the
15 clock. Confirm what he is driving.

16 Associates - Ellingsen. Rider and chase car.

17 Surveillance off hours and by who.

18 Those are all things to do; correct?

19 A Correct.

20 Q And as of what date did you -- when did you author
21 this document? I take it this is your document
22 that you gave to the new investigator when you
23 went on vacation on August 20, 1999?

24 A You know, I believe it was too, but I just can't
25 remember when I -- when I wrote this.

1 Q Okay. There you've got an ops plan for an
2 undercover operation; correct?

3 A Right.

4 Q If you want to do an undercover operation in the
5 RCMP you have to fill out the forms and explain
6 why and what you plan on doing?

7 A Yes, we do.

8 Q I take it you never even considered doing an
9 undercover operation on Pickton directly, did you?

10 A No, I didn't think -- I didn't think that was
11 something that would work for us at that time.

12 Q Pickton is a chatter box. He's talking to
13 Caldwell, he talks to Menard, he talks to Yelds;
14 isn't that right?

15 A It would have been more likely to get information
16 from Pickton if he was introduced to us -- rather,
17 if we would be introduced to him by somebody that
18 he felt comfortable with.

19 Q It would have been more likely, but you didn't
20 even try a cold approach?

21 A No.

22 Q I mean, he was known even after January 2000 to
23 be, quote unquote, helpful to people who were
24 stray or in distress?

25 A No, we didn't -- I mean, we had considered it. I

1 felt that chances of it working were very minimal.

2 Q All right. And you knew from Caldwell that
3 Pickton didn't know Caldwell before he let
4 Caldwell stay in his trailer?

5 A That's right.

6 Q I mean that was basically a cold approach?

7 A Well, it was through his associate Lynn Ellingsen
8 that was on the farm. I'm sure that made a
9 difference.

10 Q Okay.

11 A I mean the plan that I had considered was, and I
12 had mentioned it several times now, was to do ECO
13 against Lynn Ellingsen. You know, if that worked
14 then use Lynn Ellingsen to get us onto the farm to
15 an introduction to Pickton. That would have been
16 more likely to succeed than any kind of a cold
17 approach. And really that was my plan.

18 Q All right. And then the last entry there -- I'll
19 just skip over some of those things because they
20 speak for themselves, but the last entry is
21 determine where and who is going to work this
22 thing; isn't that right?

23 A Correct.

24 Q So as of the date you prepared this to do list it
25 wasn't even determined who was going to work the

1 investigation; correct?

2 A Well, it was certainly trying for the detachment
3 investigators to be continually working on this
4 file. How long they would have been able to
5 sustain that momentum after I left was difficult
6 to say. For instance, I think it was two weeks
7 after I left they had that triple homicide that
8 the entire unit had to be pulled away from and
9 work on. It's a good example right there as to
10 the difficulties of getting people to work on
11 these longer term files.

12 Q All right. And over the page at 17 and 18 there
13 are a couple of more documents to the same effect.
14 I'll just refer you to 18. A highlighted portion
15 there says:

16 Subsequently, a prostitute...

17 And this is in relation to the New West stroll:

18 Subsequently, a prostitute has come forward
19 and complained that she was raped and
20 strangled by Pickton and that investigation
21 is continuing. Apparently, Pickton has been
22 violent towards other sex trade workers in
23 New West area, however, they will not come
24 forward at this time.

25 A Right.

1 Q Did you ever take steps to find out what barriers
2 there were to those sex workers coming forward and
3 how those barriers could be removed?

4 A No, I didn't. I relied on New Westminster police
5 service to conduct their investigation. And,
6 quite frankly, that was a typical response from
7 sex trade workers. I would only have to assume
8 that because of their mistrust of the police
9 possibly, but they wouldn't normally assist us.
10 They wouldn't be helpful unless they were familiar
11 with you maybe. In the case of like Lori Shenher,
12 people down in the VPD, but --

13 Q But each one of these women is an individual, some
14 of them might be afraid of the police, some of
15 them might be afraid of retaliation from Pickton,
16 some of them might just be interested in pursuing
17 their own lives. You don't know until you talk to
18 each one of them; isn't that right?

19 A Well, that's true to a point, but I have often
20 gone down to the various areas of the strolls in
21 Vancouver, for instance, not down on the Downtown
22 Eastside stroll, but the others, and I have never
23 had a sex trade worker assist me on the file.
24 They'd be very guarded, very concerned, and I just
25 got the feeling most of the time that us being

1 there was interfering with their ability to do
2 business.

3 Q Well, 'cause obviously their business is a crime
4 under the Criminal Code?

5 A Well, yeah, I mean --

6 Q And many of them are addicted to substances that
7 are controlled under the *Controlled Substances*
8 *Act*?

9 A And I don't disagree, that's why I often took my
10 inquiries in a friendly fashion with them, I
11 didn't want to be overbearing and --

12 Q I'm just saying those are obstacles, but you can
13 get around those obstacles sometimes?

14 A In the several files that I investigated with sex
15 trade workers, going up to a sex trade worker that
16 wasn't a victim you were unlikely to get any
17 information from them. That has been my
18 experience.

19 Q Some of them could be First Nations?

20 A Well, yes, they could be.

21 Q And the obstacle could perhaps be overcome if
22 there was a First Nations officer who approached
23 them?

24 A Could be. Could be that they didn't want to talk
25 to a man, they could have talked to a woman too.

1 But, you know, you have to do these things with
2 the resources that are available to you.

3 Q I'm just saying here that just the fact that sex
4 workers won't come forward at this time, that
5 shouldn't be the end of the story, should it,
6 Sergeant Connor?

7 A Well, in this case with the New Westminster police
8 service it wasn't. I know Judy Robertson and
9 Jennifer Fraser were out themselves on a frequent
10 basis talking to the girls, they were trying to do
11 a program that would have them photographed and
12 the particulars documented and placed in a file
13 that should they go missing that they'd have that
14 information available to them, including, and I
15 don't know what the outcome was of trying to get
16 DNA swabs from all the girls and placed on their
17 file as well in case remains were found. So they,
18 in my view, were doing an excellent job. I mean
19 you have to look back to the time period as well.
20 I think there's obviously been a lot of --

21 Q A lot of water under the bridge since then?

22 A Advancements, and a lot of advancements I think in
23 how the police deal with sex trade workers and the
24 like.

25 THE COMMISSIONER: Yes.

1 MS. TOBIAS: Mr. Commissioner, I'm going to ask one more time
2 for my friend not to interrupt. I've sat here and
3 listened, and in the last series of questions he's
4 asked he's interrupted the witness a majority of
5 the time before he has finished.

6 THE COMMISSIONER: Yes.

7 MR. GRATL: I don't have any more questions, so that absolves
8 you of the need to --

9 THE COMMISSIONER: All right. Then you're not going to
10 interrupt anymore.

11 MR. GRATL: I won't interrupt anymore.

12 THE COMMISSIONER: All right. Thank you.

13 MR. GRATL: This witness.

14 THE COMMISSIONER: Mr. Dickson, what we'll do then, it's almost
15 eleven o'clock, so we'll take the break.

16 MR. DICKSON: Sure.

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

18 **(PROCEEDINGS ADJOURNED AT 10:57 P.M.)**

19 **(PROCEEDINGS RESUMED AT 11:23 P.M.)**

20 THE REGISTRAR: Order. The hearing will now resume.

21 THE COMMISSIONER: Yes, Mr. Peck.

22 MR. PECK: Mr. Commissioner, I've asked for the indulgence of
23 commission counsel and my friend Mr. Dickson if I
24 could intercede here and just ask the witness a
25 couple of questions because I'm not going to be

1 here this afternoon.

2 THE COMMISSIONER: Yeah, that's fine.

3 MR. PECK: And as a courtesy to tell you that one of my
4 associates, Lorne Chu, will be here this
5 afternoon.

6 THE COMMISSIONER: All right. Thank you.

7 **CROSS-EXAMINATION BY MR. PECK:**

8 Q Sir, during the course of your involvement in the
9 investigation that is the subject matter of this
10 testimony did you ever seek assistance from the
11 Major Crime Section of "E" Division headquarters?

12 A Yes, I did, sir. It was in 1999. In 1999 once we
13 obtained the Caldwell information I had a meeting
14 where Staff Sergeants Don Rinn and Doug Henderson
15 attended. I asked for several resources if they
16 could provide them to me. I didn't need many. At
17 which time they said they would certainly go back
18 to their home unit, determine what priorities
19 their units -- what resources they required and
20 then get back to me, to which they did within a
21 day, and I was able to obtain the assistance of
22 four, I believe, members from Provincial Unsolved
23 Homicide Unit and "E" Division Major Crime.

24 Q And was that sufficient resources for you?

25 A That's all I needed at the time.

1 Q So you got what you asked for?

2 A Yes, I did.

3 Q And at that time you say their home unit, you're
4 referring to Major Crime Section "E" Division?

5 A That's correct.

6 Q And the officer in charge at that time was Gary
7 Bass?

8 A That's correct.

9 Q At any time when you requested assistance from the
10 Major Crime Section of "E" Division was it denied?

11 A Never.

12 MR. PECK: Thank you. Those are the questions.

13 THE COMMISSIONER: Thank you.

14 MR. DICKSON: Mr. Commissioner, Tim Dickson for the VPD.

15 THE COMMISSIONER: Yes.

16 **CROSS-EXAMINATION BY MR. DICKSON:**

17 Q Sergeant Connor, I want to begin by going back to
18 1997 a little bit and asking you a bit more about
19 it. Obviously here I'm speaking of the 1997
20 Pickton investigation over the Anderson incident.
21 You were the lead investigator on it and you
22 recommended the charges?

23 A Yes, I did.

24 Q And, of course, this is while you're in the
25 Coquitlam Detachment?

1 A Correct.

2 Q It was a Coquitlam Detachment investigation?

3 A It was.

4 Q Was the VPD involved in the investigation?

5 A Not involved per se. I did call members of

6 Vancouver City Police and asked, and the purpose

7 for my calls was to determine if Ms. Anderson was

8 known to the Vancouver City Police, to confirm

9 that she was a sex trade worker, the area that she

10 worked at that time. They did some indices checks

11 for me and were able to confirm that in fact that

12 she was an active sex trade worker down in the

13 Downtown Eastside.

14 Q And is that all the assistance that you required?

15 A All the assistance that I required.

16 Q I want to just touch on the issue of kidnapping

17 which Mr. Roberts raised with you. Obviously you

18 didn't recommend a charge of kidnapping?

19 A No, I believed it was forcible confinement.

20 Q Yes. And if you had believed that there was

21 evidence here to make out a charge of kidnapping

22 you would have recommended that charge to Crown?

23 A That's correct.

24 Q And if you had thought that there might be more

25 evidence of kidnapping to be found then you could

1 have gone and sought that evidence; right?

2 A Yes, I could have.

3 Q And obviously the Crown never suggested to you
4 that you investigate kidnapping in relation to the
5 Anderson incident?

6 A No, they didn't.

7 Q And in your report to Crown counsel in respect of
8 that incident you detailed evidence that pointed
9 to these facts I'll suggest. One, that Pickton
10 picked up Anderson in the Downtown Eastside?

11 A Correct.

12 Q That he offered her a hundred dollars for oral sex
13 if she went out to his farm in Port Coquitlam?

14 A Correct.

15 Q That when they got there he changed the deal to
16 actual intercourse?

17 A Correct.

18 Q That after the intercourse he refused to pay her?

19 A Correct.

20 Q And that he then attacked her?

21 A Correct. She was attempting to make a phone call.

22 Q Yes.

23 A And when she discovered one loop of a handcuff was
24 placed around her wrist and she immediately felt
25 that her life was in jeopardy.

1 Q Yes, maybe I shouldn't have said attacked her, but
2 put a handcuff on her wrist?

3 A Right.

4 Q And as we know the Crown didn't lay a kidnapping
5 charge, they laid the charge of forcible
6 confinement along with attempted murder and
7 aggravated assault?

8 A Correct. And those were the kinds of offences
9 that we commonly dealt with. Kidnapping by fraud
10 was fairly unique and really not something that I
11 would have probably considered.

12 Q Right. And had the Crown in -- it was in New
13 Westminster, right, the Crown that you were
14 dealing with?

15 A No, it was --

16 Q Oh, I'm sorry.

17 A -- Port Coquitlam Crown counsel.

18 Q Okay. And had the Crown in Port Coquitlam thought
19 that there was enough evidence for kidnapping they
20 could have laid that charge?

21 A They certainly could have laid it, they could have
22 spoken to me about it. Neither occurred though.

23 Q It's not as if a Crown in Vancouver has to lay
24 that charge?

25 A No. The primary offence in my view was in Port

1 Coquitlam.

2 Q And in your mind forcible confinement was the
3 appropriate charge because it seemed to you that
4 Anderson went to the farm willingly?

5 A Correct. It was at the point where I think she
6 wanted to get out under the ruse of maybe going to
7 the bathroom in the -- I believe it was the
8 Burnaby region where he wouldn't let her out of
9 the car, and that really did support my view of a
10 forcible confinement from then on.

11 Q Just while we're on this issue of kidnapping, you
12 gave your Pickton file to Crown counsel Peter
13 Gulbransen in August of 1999?

14 A Yes, I did.

15 Q And that contained your daily log?

16 A It did.

17 Q And your daily log contained a summary of the 1997
18 Anderson information?

19 A It did, that's correct.

20 Q Mr. Gulbransen never suggested to you that you
21 investigate Pickton or Ellingsen for kidnapping?

22 A No, he didn't.

23 Q I want to turn now to 1998. In the summer of 1998
24 Detective Constable Shenher contacted you with the
25 Hiscox tip on Pickton; right?

1 A That's correct.

2 Q And the gist of the allegations was that Pickton
3 was picking up sex workers in the Downtown
4 Eastside and taking them back to his farm; is that
5 fair?

6 A Well, I think the gist of the information was was
7 Pickton was involved with the sex trade workers,
8 that there was the intimation -- or it was
9 actually said I believe by Pickton that if he
10 ever needed to get rid of somebody he could put
11 them through a grinder.

12 Q Right.

13 A All those kinds of information. It was Lisa Yelds
14 putting two and two together and coming up with a
15 statement he could be or might be responsible for
16 the disappearance of the sex trade workers.

17 Q Right. So I want to take you to your surveillance
18 request in September of 1998. Mr. Commissioner,
19 that's in commission counsel's binder, I believe
20 it's tab 6, and you have it there, Sergeant
21 Connor, right in front of you. That's a different
22 binder, but that's the same document.

23 A Thank you.

24 Q And so this is your surveillance request from
25 1998?

1 A Yes, it is, September 24th.

2 Q And if we turn to page 2, this is the summary here
3 of what Pickton I suggest is being investigated
4 for?

5 A Correct.

6 Q Information received that this subject
7 is hiring prostitutes from Vancouver, Burnaby
8 and New Westminster, and bringing them out to
9 his farm where they are killed and buried on
10 his property. Subject has intimated that he
11 disposes of bodies in a food grinder and
12 feeds the remains to his hogs. Information
13 received that this subject has been seen in
14 possession of numerous female identification
15 and purses, and he has also shown another
16 female associate...

17 And that's Yelds:

18 ... bloody women's clothing he has termed as
19 his trophies. Given our past dealing with
20 this subject and his violent contact with
21 prostitutes the information has merit.

22 I inserted a few words to make it flow a little
23 bit more, but that's the gist of it, is it?

24 A Yes, it is.

25 Q And so your understanding is if the Hiscox

1 information is true that women are being killed on
2 the Pickton farm?

3 A Yes, I had no reason to disbelieve the
4 information, especially after I had a chance to
5 sit down and speak with him.

6 Q Yes.

7 A It was -- certainly it was troubling information,
8 but I believe information that needed to be
9 followed up on.

10 Q Yes, because it's alleged murders --

11 A Yes.

12 Q -- in your jurisdiction?

13 A That's correct.

14 Q And your surveillance request there referred to
15 your past dealings with Pickton, and obviously
16 that's a reference to the 1997 Anderson incident?

17 A That's correct.

18 Q And the Hiscox allegations are similar to the
19 Anderson incident in that there's a sex worker
20 being picked up in the Downtown Eastside, taken
21 out to the farm and killed or attacked?

22 A Yeah, I agree it certainly supported the -- again
23 it goes back to I didn't disbelieve him, it had
24 certainly a ring of truth to it.

25 Q Now, as you've testified, in 1998 when you're at

1 Coquitlam Detachment you're investigating Pickton
2 about these possible murders; yes?

3 A I'm investigating Pickton based on the information
4 that we had received, that's correct.

5 Q Right. And the information you received, just to
6 tie it together, relates to possible murders in
7 Port Coquitlam?

8 A Certainly dealing with the disappearance of the
9 sex trade workers, that didn't take much of a leap
10 to believe in my view at that time that they were
11 being murdered.

12 Q And Detective Constable Shenher in the VPD, she's
13 investigating the missing women at large?

14 A That's correct.

15 Q And she's also handling the Hiscox source?

16 A That's correct.

17 Q And in 1998 you and Detective Constable Shenher
18 are sort of collaborating?

19 A Absolutely.

20 Q But in the fall of 1998 you didn't think that the
21 Hiscox information alone gave you enough for a
22 search warrant on the farm?

23 A That's correct, I didn't.

24 Q You were trying to corroborate parts of the Hiscox
25 information?

1 A I felt because it was secondhand or hearsay
2 secondhand information, also it was dated by
3 several months, that it needed to be explored and
4 corroborated to its fullest, and of course we were
5 going to then take further action with the
6 assistance of Mr. Hiscox.

7 Q But before you did you needed to do a fair amount
8 of independent investigation to see if the
9 information could be corroborated?

10 A Where we could, that's correct.

11 Q And one of the issues that you were investigating
12 was whether Pickton was actually picking up sex
13 workers?

14 A That's correct.

15 Q And so you put him on surveillance?

16 A We did.

17 Q And later in early 1999, in February, there's the
18 photo canvass?

19 A That's correct.

20 Q Trying to see if sex workers in the Downtown
21 Eastside identified Pickton?

22 A That's right.

23 Q And then later in the spring of 1999 that extends
24 out to New Westminster, Surrey, Burnaby seeing if
25 sex workers on the strolls there identified

1 Pickton?

2 A That's right.

3 Q And before you do the undercover operation you
4 feel that's the sort of information you need?

5 A I felt it to be an imperative part of the
6 investigation to determine if Pickton was
7 frequenting the Downtown Eastside, or as it has or
8 as it turned out to be any other sex trade worker
9 area in the various other jurisdictions, the
10 strolls of New Westminster, Burnaby and Surrey.

11 Q You wanted that information before proceeding with
12 an undercover operation?

13 A Yes, I did.

14 Q You and Detective Constable Shenher had a good
15 relationship?

16 A Yes, we did.

17 Q And you knew her to be a very dedicated and
18 conscientious officer?

19 A In our first meetings it came across to me that
20 she was a very well motivated person, wanted to do
21 as good as she could do, be the best that she
22 could be.

23 Q And -- I'm sorry.

24 A Yeah, I had a very good feeling about her.

25 Q She was investigating the missing women at large

1 and that was an enormous undertaking?

2 A Yes, it was.

3 Q That kept her very busy?

4 A It did.

5 Q And she was fairly junior compared to you, I
6 think?

7 A Yes.

8 Q She had seven years service and you had something
9 over 20?

10 A Twenty-four, something like 25 at that time.

11 Q And you had a lot of experience with informants, I
12 believe?

13 A Yes, I did.

14 Q Much more than she had?

15 A Yes, I did.

16 Q Were you giving advice to Detective Constable
17 Shenher as to how to deal with Hiscox?

18 A No, I think that just she was doing all the right
19 things.

20 Q You never had any complaint with how she dealt
21 with Hiscox?

22 A No, not at all. Mr. Hiscox would have been an
23 individual that you would think would be easy to
24 handle. He had called the police as opposed to
25 the police turning him into an informant, so that

1 in itself is -- that co-operation level is -- it
2 would have made it a lot easier.

3 Q And you never felt that Detective Constable
4 Shenher's handling of Hiscox was holding up the
5 investigation?

6 A No, I think that she was -- that there was -- I
7 sensed a little bit of concern, not so much
8 concern, but I think the Vancouver Police
9 Department wanted to get what they could get from
10 Hiscox first before me being involved.

11 Q Right.

12 A And completely understandable. In fact, I
13 probably would have taken the same view.

14 Q Right.

15 A Ultimately they didn't shut me out and I did get
16 to interview Hiscox. It took several weeks
17 afterwards before I could interview him, but it
18 did take place, so.

19 Q Right. And that was October 15th, 1998?

20 A Middle of October, that's correct.

21 Q And so you interviewed Hiscox with Detective
22 Constable Shenher?

23 A Yes, I did.

24 Q And after that time you never had any complaint
25 about how Detective Constable Shenher was handling

1 Hiscox?

2 A No, not at all. I mean there was some questions
3 at the commission that I think -- or intimated as
4 to why I wouldn't have taken control of Hiscox
5 because it was information that is pointing to
6 towards crimes that were happening in Coquitlam,
7 but I also understood from developing informants
8 on my own in the past that I wouldn't have taken
9 too kindly of someone coming to me and saying we
10 want your informant and we're going to be handling
11 the informant. I wouldn't have taken too kindly
12 to that, so I was always cognizant of that.
13 Especially with younger people, they had developed
14 the informant, that they should be given the
15 opportunity to handle and deal with that informant
16 and gain experience in that area. So I left that
17 to her to deal with.

18 Q Now, I want to turn into your timeline, and it's
19 Exhibit 2A, which is the big binder just to the
20 left of the microphone there. And these are,
21 Mr. Commissioner, the appendices to the Williams
22 report, and it's tab L that I'd like to take you
23 to and page 31. But, sorry, before we turn the
24 page, Sergeant Connor, this is the timeline that
25 you prepared in the spring of 2002?

1 A Yes, I did.

2 Q Yeah, and it's a combination of the daily log?

3 A Correct.

4 Q And your own notes?

5 A My own notes and the notations when members were
6 transferred onto the unit, when they departed,
7 forces.

8 Q Right.

9 A And I'm not sure other -- and other files were
10 also included in here.

11 Q And just so we understand, all the entries that
12 relate to the investigation of Pickton are bolded?

13 A That's correct.

14 Q And your notes that are separate from the daily
15 log are in italics?

16 A Correct.

17 Q Okay. If we could turn to page 31, please. This
18 is the November 4th, 1998, your note of a
19 telephone voicemail exchange with Detective
20 Constable Shenher?

21 A That's correct.

22 Q And we've seen this before. She advised in her
23 voicemail that she'd spoken with Staff Sergeant
24 Giles and the VPD's more than willing to provide
25 monies to advance the investigation?

1 A That's correct.

2 Q And just to point this out, that's advance your
3 investigation; right?

4 A It was to advance our investigation, that's right.

5 Q And you note if we just go -- sorry. The first
6 two items are an undercover operation; yes?

7 A Correct.

8 Q And witness protection of sorts with respect to
9 their source, that's Hiscox?

10 A Exactly right.

11 Q And if we go over the page the first full
12 paragraph on page 32 is the note of the message
13 that you sent back?

14 A Right.

15 Q And that -- and you called her back and she'd left
16 for the day and you suggested that well, maybe
17 Detective Constable Shenher and Staff Sergeant
18 Giles should meet with you and Sergeant Pollock to
19 discuss these things?

20 A Correct.

21 Q And you noted that, down in the bottom of the next
22 paragraph, last sentence:

23 Options one and two may be premature,
24 however, given the information to date and
25 the nature of it this may be the right time

1 to begin discussions in this matter.

2 A Correct.

3 Q And when you say it's premature, you just don't
4 have enough information to proceed quite yet with
5 those?

6 A That's correct, and we needed to proceed with the
7 assistance of Mr. Hiscox and get a commitment from
8 him that he would become an agent for us in order
9 that he could introduce an undercover operator to
10 Lisa Yelds.

11 Q Right. Yes, but you're saying, if I understand
12 it, that the undercover operation at this point
13 may be premature?

14 A Only 'cause we needed -- there's more work to do
15 with Mr. Hiscox.

16 Q And I don't see in your timeline here that you
17 pursued those discussions with the VPD, the ones
18 that you noted, the discussion with Staff Sergeant
19 Giles and Corporal Connor?

20 A I believe, yeah, that's correct. We had
21 difficulties with VPD to locate Mr. Hiscox, and
22 that sort of took up -- so we had to take a step
23 back until we dealt with him. His suitability and
24 his acceptance as being an agent, that would have
25 been sometime down the road, but we would have

1 needed his daily contact with us in order that we
2 could advance that kind of stuff through wire
3 management people.

4 Q And that was a current problem with Mr. Hiscox?

5 A It was.

6 Q I want to turn to the next entry, which is page
7 35, and this is a meeting on February 10th, 1999?

8 A Right.

9 Q And this is at the VPD headquarters?

10 A Right.

11 Q And the purpose of the meeting is to determine if
12 any further information had come to light and the
13 viability of continuing investigation as known to
14 date?

15 A Right.

16 Q It was agreed that given the information known it
17 would be unwise at this stage to conclude the
18 investigation without attempting to verify or
19 disprove the information. That's what you wrote
20 there?

21 A Exactly.

22 Q And it's fair to say, I think, that the Vancouver
23 Police members were committed to the
24 investigation?

25 A They certainly were.

1 Q And they were still offering resources?

2 A Yes. Although I don't recall at that particular
3 time asking them for any resources. I think that
4 it was my belief during this whole process that if
5 I needed resources from Vancouver City Police that
6 I could -- I could get them.

7 Q And if we look on page 35, second paragraph from
8 the bottom, you say there that a necessary
9 component of the investigation is to prove that
10 Pickton is down in the east end picking up sex
11 workers?

12 A Right.

13 Q And so that leads to the photo canvass that's
14 done?

15 A That's right.

16 Q And Coquitlam Detachment has a robbery that comes
17 in and so they can't participate and so the VPD
18 does it; correct?

19 A That's right. I phoned Detective Constable
20 Shenher, advised her of that situation, she
21 readily volunteered that she and her partner could
22 do it. And I felt bad because we had committed to
23 that, but she had volunteered that her and her
24 partner could do it, and they did.

25 Q Okay. And as you know none of the 130 women who

1 were canvassed identified Mr. Pickton?

2 A That's right. I think it was a total of 130.

3 Q I just want to ask you one more question in this
4 vein, and that's page 37.

5 A Yes.

6 Q The entry in relation to February 25th, you got a
7 voicemail from Detective Constable Shenher saying
8 that a problem had surfaced with Hiscox and that
9 she will re-contact you to advise what that
10 problem was?

11 A That's correct.

12 Q And in your italicized note you said Detective
13 Constable Shenher did not leave any information as
14 to why or what the problem was, but had been
15 unable to contact Hiscox for some time?

16 A That's correct.

17 Q And so did you call her back and ask her what the
18 problem was?

19 A I don't believe I did. I left it with her to find
20 him, so.

21 Q Did you offer assistance in locating him?

22 A No, I -- no, I didn't. I felt that that was
23 something that the city, Vancouver City Police
24 could easily take care of.

25 Q Now, I want to turn to the summer of 1999.

1 A Yes.

2 Q In late July '99 the Caldwell information came in;
3 correct?

4 A Correct.

5 Q And that reinvigorated the investigation into
6 Pickton?

7 A It certainly did.

8 Q And you'll agree, of course, that the Coquitlam
9 Detachment was heading up that investigation and
10 it was being assisted by "E" Division and Unsolved
11 Homicide and the VPD?

12 A That's correct, all three agencies, if you will,
13 assisted.

14 Q And the VPD always provided you with assistance
15 when you needed it?

16 A I had no problem with the Vancouver City Police at
17 all.

18 Q Now, when you were being questioned by Ms. Tobias.

19 A M'hm.

20 Q She asked you what your view of the Caldwell
21 information was when you heard it in late July.
22 Do you recall being asked that?

23 A Yes, I do.

24 Q My note of your evidence is this:

25 My view of the Caldwell information was that

1 we have an apparent homicide that took place
2 on the Pickton farm. I always had my mind
3 open that Pickton could be responsible for
4 other missing women, but we were dealing with
5 a single event of homicide. The information
6 being dated it didn't require an immediate
7 rollout of a large investigative team. I
8 needed investigators who could corroborate
9 the information.

10 Do you recall that?

11 A Yes, I do.

12 Q And that's the answer you gave to the best of your
13 memory now?

14 A Yes, it is.

15 Q And I want to ask you, see if I can clarify this,
16 because I'm not sure it's entirely accurate. And
17 on the first part of your statement that you were
18 dealing with a single event of homicide, are you
19 holding to that, is it your evidence that in the
20 summer of 1999 you were just investigating Pickton
21 for one possible homicide?

22 A Yes, I was. That was the information that was
23 provided by Caldwell, albeit again secondhand and
24 dated information that he had received from Lynn
25 Ellingsen, but I had always kept an open mind. I

1 didn't want to exclude the possibility that he was
2 responsible for the disappearance and ultimate
3 homicide of the Downtown Eastside sex trade
4 workers.

5 Q Well, I'm going to suggest to you that your
6 investigation was geared toward investigating
7 Pickton for possibly a number of homicides.

8 A Well, again it's because I think we had the view
9 that we had this information, we were going to
10 deal with this information, but we also knew that
11 he could be responsible for the -- and likely --

12 Q And likely?

13 A And likely responsible for the other
14 disappearances and -- well, and homicides.

15 Q Yes, but if we just recall your surveillance
16 request in 1998, again that stated that the
17 information received was that the subject is
18 hiring prostitutes from Vancouver, Burnaby and New
19 Westminster and bringing them onto his farm where
20 they are killed and buried on his property.
21 That's relating to a number of sex workers?

22 A Absolutely.

23 Q Yes, and that's in 1998; correct?

24 A Yes.

25 Q And then if we turn to Exhibit 92, which is the

1 package that Mr. Gratl gave to you.

2 A Yes.

3 Q And page 17 is the surveillance request in 1999,
4 April 21st, 1999.

5 A Yes.

6 Q And just on page 17 there it says in the middle of
7 the target's profile and suspected criminal
8 activities, you see that paragraph? In the middle
9 it says:

10 Intelligence of questionable reliability has
11 surfaced that Pickton may be responsible for
12 the disappearance and murder of a number (?)
13 of local prostitutes.

14 A Right.

15 Q Certainly that is in your mind that he may be
16 murdering a number, many --

17 A Correct.

18 Q -- sex workers? And let me take you to a couple
19 more references. If we just turn over the page,
20 page 18 of this package, this is your April 1999
21 invitation to various Lower Mainland detachments
22 for a meeting at New Westminster I believe?

23 A That's correct.

24 Q And if we look in the second paragraph you say:

25 In August last year, Vancouver City Police,

1 during their review of their missing
2 prostitutes surfaced Pickton as a person of
3 interest. Information of unknown reliability
4 identified this subject as possibly being
5 involved in a number of these disappearances
6 culminating with their deaths at his
7 residence.

8 And that's your understanding; correct?

9 A Well, that's certainly my understanding, and again
10 it's putting two and two together.

11 Q Right. Exactly. It's clear that that is what the
12 investigation of Pickton is about, it's about him
13 possibly killing a number of sex workers from the
14 Downtown Eastside and other strolls in the Lower
15 Mainland?

16 A I never thought of it, because it would be a hard
17 thing to think of that one person could kill so
18 many people, so I always had in the back of my
19 mind that Pickton may not be the only person
20 responsible.

21 THE COMMISSIONER: Pickton may not be the only person?

22 THE WITNESS: That's right.

23 MR. DICKSON:

24 Q Right. Pickton may not be the only person, but on
25 the other hand the information that you're looking

1 at is suggesting that he is killing a number of
2 sex workers?

3 A Absolutely.

4 Q Yes. And, of course, in August of 1999 Caldwell
5 is telling you that Pickton is disposing of body
6 parts in the barrels that he's taking to a
7 recycling plant?

8 A Correct.

9 Q And if we just go back to the beginning of the
10 Caldwell information, which is from late July
11 1999, it's in your timeline at page 56. Do you
12 see that? It says:

13 Detectives Lepine and Chernoff re-interviewed
14 Caldwell.

15 A Yes, I have that.

16 Q Okay. And if we turn over then to page 58 there's
17 a few points here I'd like to point out. At the
18 top of the big paragraph one of the items that
19 you're being told at this time is that there's a
20 special freezer --

21 A Right.

22 Q -- that Caldwell described, and it had items
23 apparently that were wrapped in black plastic
24 bags. And the suggestion there, of course, is
25 that those are body parts?

1 A That's correct.

2 Q And then in the next sentence here you can see
3 that Caldwell was telling you, or telling the
4 investigation that he felt he had been given human
5 flesh to eat?

6 A That's correct.

7 Q And then down in the middle of that paragraph the
8 information you're getting from Caldwell is that
9 Lynn Ellingsen told him that Pickton was having
10 trouble getting prostitutes into his vehicle?

11 A Correct.

12 Q And the notion being he's continuing to go and
13 seek sex workers; correct?

14 A Correct.

15 Q And then on page 60 is your note, your italicized
16 note about your view on all of this, and you say
17 there that there were a number of things that were
18 said by Caldwell that were corroborated, but
19 unfortunately you were dealing with secondhand and
20 dated information, and the female that was
21 described by Ellingsen was never identified by
22 her. And then you say this:

23 Even considering the aforementioned there is
24 no doubt in my mind that Pickton and
25 Ellingsen were involved in the murders of

1 prostitutes.

2 Do you see that?

3 A Yes, I do.

4 Q And it's plural?

5 A Yes.

6 Q Because that's what the gravamen of the
7 information was, it's that Pickton was not just
8 killing one sex worker, the one hanging in the
9 barn, but that he was killing multiple sex
10 workers?

11 A Prostitutes plural.

12 Q Yes. And so just to tie this together, you accept
13 then that your investigation into Pickton was in
14 relation to more than one murder, it was in
15 relation to the possible murder of some or all of
16 the missing women?

17 A Well, I think the idea of multiple prostitutes is
18 certainly supported by little bits and pieces of
19 information and things that they believed were
20 happening, not necessarily witnessing. But what
21 we had witnessed was this one individual, one
22 female in the barn, that is we couldn't get her
23 identified, but clearly in my mind there was --
24 that Ellingsen saw what she saw, parroted that
25 information to Caldwell and forced him to come to

1 the police.

2 Q Now, let me ask you also about the second part of
3 the evidence I read to you that you gave to
4 Ms. Tobias, and that is that you said the
5 information being dated, it didn't require an
6 immediate rollout of a large investigative team, I
7 needed investigators who could corroborate the
8 information. And I'm just going to suggest that
9 the information that you were getting at the time
10 caused you to worry that Pickton was continuing to
11 bring sex workers out to his farm and kill them?

12 A Well, I think that's a natural conclusion.

13 Q Right. And we saw in your surveillance report,
14 the first one in 1998, the team was instructed if
15 they saw Pickton pick up a woman they were
16 instructed to stop the car and get her out
17 somehow?

18 A Correct.

19 Q Because the concern is that he would take her back
20 to the farm and she might come to harm?

21 A Absolutely. We could not let that happen.

22 Q Right. And that instruction remained part of the
23 surveillance all the way through?

24 A In effect all the way through, that's correct.

25 Q Because you were always worried about that

1 possibility?

2 A Absolutely.

3 Q And if we go to page 79 in your timeline, looking
4 down at the paragraph at the bottom, four lines
5 up, you say this:

6 During the meeting...

7 And that's on August 4th, 1999, that's the entry?

8 A That's correct.

9 Q During the meeting discussion was held
10 with respect to surveillance vis-a-vis
11 resources. It was felt that surveillance
12 would be better served by one team of
13 specific hours. The fear of Pickton going
14 out and committing another offence is
15 probably a real fear, but other investigation
16 is required on other matters within this
17 investigation, and given the finite number of
18 resources consideration will be given to
19 paring down the surveillance hours.

20 Do you see that?

21 A Yes, I do.

22 Q That's an accurate note?

23 A Yes.

24 Q And so there are two points there. One, again you
25 were concerned about Pickton committing more

1 offences?

2 A Yes.

3 Q You believed Pickton may very well, in fact likely
4 is a serial killer at this time?

5 A Yes.

6 Q But you had a finite number of resources and you
7 couldn't detail surveillance around the clock?

8 A It's a finite number of resources, but it takes a
9 very experienced person trained in surveillance.
10 It's a specialized skill.

11 Q Yes.

12 A And those were even more difficult to find.

13 Q Right. And I think I heard you say to
14 Mr. Vertlieb that you felt that you had done all
15 the surveillance that was required on this case.
16 Do you recall that?

17 A Well, I could always use more surveillance, but
18 the surveillance that I could given the
19 information that we were -- intelligence
20 information that we were receiving, the other
21 inquiries that were needed and other things that
22 had to be done, I was satisfied with what we had
23 to that point. We also through surveillance were
24 not uncovering Pickton being involved with any of
25 the sex trade workers or the strolls, all we were

1 getting was the fact that he was out doing
2 apparent business.

3 Q Yes, and I'm just going to suggest to you that
4 here in this passage we see you worried about
5 Pickton going and committing another offence?

6 A Right.

7 Q But you don't have enough surveillance resources
8 to have more than one team?

9 A That's correct, 'cause at that time we had various
10 teams of surveillance and we were working them --
11 we were working them -- over working them.

12 Q Right. You could have used more surveillance
13 members?

14 A Yes.

15 Q That would have been helpful?

16 A Yes, I could have.

17 Q Now, I want to turn to the Ellingsen information.
18 I think it's fair to say, isn't it, that you were
19 always a believer in what Caldwell was telling
20 you?

21 A I believed that Caldwell was giving us the
22 information that he had been told by Ellingsen,
23 and he had given us various other pieces of
24 information of things that he observed himself.

25 Q Yes. And you thought that Ellingsen may very well

1 have been truthfully reporting to Caldwell what
2 she saw?

3 A In the face of anything else to the contrary, yes.

4 Q And certainly through the whole course of this
5 investigation you thought the information was
6 compelling and needed to be investigated?

7 A Absolutely. To do otherwise it would be negligent
8 in my view.

9 Q Indeed, because the allegations were so serious?

10 A That's correct.

11 Q They were so serious they justified an equally
12 serious investigation to either confirm or
13 disprove them?

14 A That's correct.

15 Q But Ellingsen was interviewed as we know, and she
16 denied that she saw the woman being butchered in
17 the barn?

18 A That's correct.

19 Q And Mr. Ward asked you about that, and my note of
20 your answer to him was that, "I felt there was a
21 disbelief of what Ellingsen was telling Caldwell.
22 Yes, there was general agreement that her
23 statements if possible should be corroborated, so
24 yes, that what was going to happen." Do you
25 recall that?

1 A A bit of a disjointed statement, I think.

2 Q Well, my notes are probably disjointed.

3 A Oh.

4 Q But does that capture the gist of what you recall

5 saying to Mr. Ward?

6 A Yes.

7 Q And I'm going to suggest that that sort of

8 downplays the level of division that existed

9 within the investigative team after that

10 interview?

11 A Yes, it does.

12 Q And if we go in your timeline to page 113 you

13 describe this division in one of your notes?

14 A Yes.

15 Q And you say this at the bottom paragraph:

16 It was apparent that there was a defined

17 difference in attitude between members from

18 "E" Division Major Crime/Unsolved Homicide...

19 And then you have in parentheses:

20 Not including Corporal Justason.

21 If I've said that correctly.

22 A Right.

23 Q So that's on the one hand?

24 A That's correct.

25 Q And then on the other hand is Coquitlam/Vancouver

1 Police Department members; correct?

2 A That's correct.

3 Q And it's "E" Division Major Crime and Unsolved
4 Homicide members, again not including Corporal
5 Justason, who are not believing the story about
6 the woman hanging in the barn?

7 A That's correct.

8 Q And it's Coquitlam and VPD members who are
9 believing it and who are wanting to continue to
10 investigate and are not being dissuade?

11 A Correct.

12 Q And if we continue in your note you say:

13 There was a definite difference of opinion as
14 to whether the information was reliable
15 enough for the investigation to continue.

16 A Right.

17 Q And really that captures the degree of the
18 difference here. Some members are saying, you
19 know, I just don't even think this thing should
20 continue?

21 A Well, I think when I led an investigation a lot of
22 investigations had a difference of opinion.

23 Q Yes, certainly.

24 A And each member is entitled to their thoughts, and
25 actually encouraged to say, you know, what they

1 felt, and that several of the members did not
2 believe what Ellingsen was saying based on a
3 number of things I described the other day about
4 seeing a pig hanging there, that she was crazy,
5 and I felt that I could possibly change that point
6 of view if I went out and did the things that I
7 did.

8 Q Right. And I want to see if I can just list the
9 main pieces of information that had emerged in the
10 investigation by the time that you were
11 transferred off the file on August 20th, 1999.

12 A M'hm. Okay.

13 Q And so one is the 1997 incident, which is
14 significant of course because it's an example of
15 Pickton picking up a sex worker and attempting to
16 murder her on his property?

17 A Yes.

18 Q And do you recall that Anderson also said that she
19 felt there was broads on the property meaning --

20 A Sorry?

21 Q She said -- it was her word that she used, broads,
22 she felt that there were broads on the Pickton
23 property. And by that she meant missing sex
24 workers who had been murdered?

25 A I agree.

1 Q You recall that?

2 A Yes.

3 Q And then the second piece of information was the

4 1998 Lisa Yelds information that came to you

5 through Hiscox?

6 A Right.

7 Q And that was that there were bloody women's

8 clothing and women's IDs in Pickton's trailer?

9 A Correct.

10 Q And that Pickton could dispose of bodies?

11 A Correct.

12 Q And that Yelds thought Pickton was a serial

13 killer?

14 A Believed to be, yes, that's correct.

15 Q Believed to be. And another piece of information

16 is the fact that Pickton was seen on the New

17 Westminster stroll in the spring of 1999?

18 A Right.

19 Q And the other is the unique aspects of the story

20 that Ellingsen was telling people, perhaps the

21 most prominent of these is the colour of the fat?

22 A That's correct.

23 Q And you would not think she would normally know

24 that without having seen that?

25 A That's correct.

1 Q And it's also not something that a person would
2 make up?

3 A I felt that kind of a statement was something you
4 wouldn't make up.

5 Q And then another piece of information is that
6 Ellingsen related this narrative to three
7 different people, Caldwell, Best and Menard;
8 correct?

9 A That's correct.

10 Q And so the question is if she's making this up why
11 would she tell it to three different people?

12 A Well, I guess people have various reasons for what
13 they do, but --

14 Q That seems unlikely, doesn't it?

15 A It seems unlikely. And the Leah Best information
16 was fairly consistent, I think, with what the
17 information was that we received from Caldwell,
18 and really fairly close to what Menard had to say.

19 Q Yes. They were all quite consistent with one
20 another?

21 A They all dovetailed in with each other I found.

22 Q Yes. And then you visited Britco and you talked
23 to Pat Casanova?

24 A Yes.

25 Q And you determined that it would be very unlikely

1 that Ellingsen would mistake a butchered pig for a
2 murdered woman hanging in the barn?

3 A Right.

4 Q Because she said she'd seen the woman hanging by
5 her neck, and pigs are butchered by being hung by
6 their hind legs?

7 A That was -- I was told that was the practice for
8 anybody that had any experience in butchering
9 animals that that's what would happen.

10 Q But Pat Casanova, who often attended when Pickton
11 was butchering pigs, told you that that's what
12 Pickton indeed does?

13 A That's correct.

14 Q And then you determined that Ellingsen wouldn't
15 have been hallucinating a woman because cocaine
16 doesn't have that effect, that's what the
17 toxicologist told you?

18 A That's correct.

19 Q And the Ellingsen information suggested that she
20 saw Pickton leading this woman out in handcuffs to
21 the barn. Do you recall that?

22 A That's right.

23 Q And we know -- you knew that Pickton had had
24 handcuffs in 1997?

25 A Yes, I did.

1 Q And that he used them on a sex worker?

2 A That's correct.

3 Q And Caldwell himself told you firsthand that he

4 had seen handcuffs when he was in the trailer?

5 A That's right.

6 Q And then another piece of information is that

7 Ellingsen had said that she had seen the woman

8 hanging in the middle of the barn. Do you recall

9 that?

10 A Yes, I do.

11 Q And Caldwell told you that he himself had been to

12 the barn and he had seen a block and chain tackle

13 in the centre of the barn where pigs are killed?

14 A That's correct.

15 Q So that location was corroborated?

16 A Yes, plus I had seen -- I had looked in the barn

17 initially back in the '97 offence and --

18 Q Oh, you yourself had seen that?

19 A Yeah, I remember just the interior, and I remember

20 seeing I think it was block and tackle.

21 Q And then there was the information from Caldwell

22 that he believes that he had been served human

23 flesh?

24 A Correct.

25 Q And you were told by Pat Casanova that Pickton had

1 told him that the police were talking to friends
2 of his and asking questions about the missing
3 women, and that he was, quote, very worried?

4 A That's correct.

5 Q And Menard told you that when he mentioned to
6 Pickton that DNA might be found on the farm
7 Pickton was concerned and he said this seemed over
8 his head and he talked about leaving the area?

9 A That's right.

10 Q And then going back just to Ellingsen's denial of
11 having seen the woman in the barn, there were good
12 reasons to expect her to deny the allegations, I
13 suggest, and one is that she was an accomplice and
14 so she'd be worried about being prosecuted;
15 correct?

16 A Possible.

17 Q Second, she was extorting money from Pickton and
18 so she might want that cash flow to continue?

19 A Possibly.

20 Q And third is just that she was anti-police?

21 A And primarily that was the reason why I expected
22 that she wouldn't tell us anything.

23 Q Right. And then there's also another specific
24 reason to disbelieve her denial, which is that she
25 denied making the statements at all when in fact

1 she told this story to three different people?

2 A Yes, correct.

3 Q So based on the totality of all of this evidence
4 you of course were of the opinion that there was
5 compelling evidence pointing to Pickton as being
6 responsible for some or all of the missing women
7 and that justified a serious investigation into
8 him?

9 A Correct.

10 Q Now, I want to suggest to you some steps that
11 could have been taken in the investigation in
12 August of 1999, but were not taken. Okay?

13 A Sure.

14 Q And one is the undercover operation on Ellingsen.
15 That was not taken; correct?

16 A It's not something that would have happened
17 overnight, but yet it was being planned for --

18 Q Right.

19 A -- in my stay there.

20 Q Yes, exactly. And I am going to ask you about the
21 investigation after, but right now I'm just
22 talking about up until the time you left. Okay.

23 A Okay.

24 Q So the undercover operation on Ellingsen, that was
25 an investigative step that was open and it didn't

1 go ahead at that time?

2 A Right.

3 Q And then if there was any issue among the
4 investigative team as to whether Caldwell, Best
5 and Menard were accurately reporting what they had
6 been told they could have been polygraphed?

7 A They could have been polygraphed. They would have
8 had to agree to the polygraph.

9 Q Yes.

10 A And we're hesitant to polygraph witnesses, but
11 you're right, that's something that we could have
12 done.

13 Q And we've heard about this from Mr. Gratl, that
14 Ellingsen's boyfriend could have been interviewed?

15 A Yes, he could have.

16 Q And, of course, you could have tried to go back to
17 Hiscox and locate him?

18 A Right.

19 Q And do an undercover operation on Yelds?

20 A That's correct.

21 Q And there could have been more surveillance on
22 Pickton?

23 A I agree with that one, that's correct.

24 Q And more surveillance or any surveillance on
25 Ellingsen?

1 A Yes.

2 Q And you could have talked to West Coast Reduction
3 and asked them to be able to search Pickton's
4 barrels?

5 A Yes, I could if I had have known about the
6 barrels.

7 Q Well, okay, I'll just ask you a few questions on
8 this then. You in September of 1998 -- sorry, I
9 don't know about the month, but in 1998 you were
10 arranging for helicopter overflights of the
11 Pickton property; correct?

12 A Sure. I'm not sure if that's the date or not, but
13 I was.

14 Q Okay. Before August 1999 anyway?

15 A Correct.

16 Q And you were looking for burial sites on the
17 property; correct?

18 A Yes, I was.

19 Q And because you'd heard -- sorry. And then you
20 heard from Caldwell that Pickton was disposing of
21 the bodies in his barrels going to a recycling
22 plant; correct?

23 A Well, I didn't hear about that till the 10th of
24 August.

25 Q 10th of August, correct. And then two days after

1 that you learned that Pickton was followed to West
2 Coast Reduction?

3 A I came to know that, but I wasn't aware of that at
4 the time.

5 Q Sorry, when did you come to know about that again?

6 A Recently in the last couple of months.

7 Q Oh, I see. You didn't know that at the time. But
8 you knew -- okay. I might have to come back to
9 that point after lunch. Let me just say this.
10 Had you known -- right now had you known that
11 Pickton was going to West Coast Reduction, that
12 the surveillance had seen him go there, you would
13 have thought well, that's maybe where he's
14 disposing of the bodies, that's what Caldwell is
15 saying?

16 A On the 4th of August when I was told that he had
17 gone there.

18 Q Right.

19 A I had thought in my own mind that's a good way to
20 dispose of remains.

21 Q Yes. So the sequence is this. August 4th
22 surveillance sees him going to West Coast
23 Reduction?

24 A That's right.

25 Q August 10th Caldwell tells you that Pickton is

1 disposing of bodies in barrels going to a
2 recycling plant?

3 A To a recycling plant, that's right.

4 Q And so the two parts together of course equals
5 well, maybe that's West Coast Reduction?

6 A Yes.

7 Q And so, of course, just as you were arranging for
8 helicopter overflights to look for burial sites on
9 the property, here you would be interested in
10 looking at West Coast Reduction as a possible
11 burial site of sorts?

12 A That's correct. I think I'd mentioned earlier
13 that I don't know if any pieces of -- any pieces
14 of human anatomy could be found.

15 Q No, we don't know.

16 A We don't know that. And DNA, the science of DNA,
17 I don't know that they could open up a large
18 barrel of just remains and differentiate -- get
19 human DNA out of that.

20 Q Right, we're not sure.

21 A We're not sure. But it certainly would have been
22 worth -- if I would have found out that he went
23 there again, as of the August 12th I was never
24 notified that, we would have gone down there and
25 we would have arranged for either a notification

1 to us if he arrived again, if he had barrels we'd
2 ask them to shut down the area as best we could
3 and have a look at it.

4 Q Right, put the barrels aside, have them monitored
5 so there's continuity maybe, and then search them?

6 A Exactly.

7 Q Another thing that could have been done --

8 A Sorry.

9 Q Yes, another thing that could have been done is
10 talking to Tammy Humeny, Pickton's niece?

11 A Yes, I could have.

12 Q And as Mr. Gratl spoke to you about, you could
13 have talked to Bev Hyacinth's husband who worked
14 on the farm to see whether he'd seen anything when
15 he was on the farm?

16 A Yes. And I didn't give that any thought at the
17 time, but yes, absolutely I could have.

18 Q And you could have seen if he'd agree to be an
19 agent?

20 A Never thought of that, but sure, that's --

21 Q But looking back that's an avenue that could have
22 been fruitful?

23 A Could have, yes.

24 MR. DICKSON: I'm in your hands, Mr. Commissioner. I'm going
25 into another area, and then I'm very happy to

1 start into it or break now.

2 THE COMMISSIONER: Okay. We'll come back at the usual time of
3 1:45. Thank you.

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

5 **(PROCEEDINGS ADJOURNED AT 12:25 P.M.)**

6 **(PROCEEDINGS RESUMED AT 1:50 P.M.)**

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

8 THE COMMISSIONER: Yes.

9 MR. DICKSON: Mr. Commissioner, Tim Dickson again for the
10 Vancouver Police Department.

11 Q Sergeant Connor, before I turn to the
12 investigation after your promotion on August 20th,
13 1999, I just want to -- I forgot to mention one
14 more point, one more piece of information that
15 tended to support the allegations against Pickton,
16 and that was that Pickton had personally firsthand
17 told Caldwell that he could dispose of bodies?

18 A That's correct.

19 Q Okay. So August 20th, 1999 you were promoted and
20 transferred off the file?

21 A Yes, I was.

22 Q And if we go to page 123 of your timeline you
23 discuss how you tried to remain on the file, but
24 that was not allowed; right?

25 A That's correct.

1 Q And you say this at the end of your note on that
2 page:

3 The Pickton investigation was then left in
4 the hands of Coquitlam Major Crime Section.
5 And that's right, isn't it?

6 A Correct.

7 Q You returned to Coquitlam Major Crime in March of
8 2001?

9 A Yes, I did.

10 Q And you were the sergeant in charge?

11 A Yes, I was.

12 Q And soon after your return you reviewed the
13 outstanding files in the section; correct?

14 A That's correct.

15 Q And that included the Pickton file?

16 A That's right.

17 Q And so you were generally aware of what had been
18 done on the file during your absence?

19 A Generally, yes, I was.

20 Q And a year later in the spring of 2002 after
21 Pickton's arrest you prepared this timeline we've
22 been looking at?

23 A That's correct.

24 Q And to do that you reviewed the daily log that had
25 been compiled by the lead investigators including

1 after you left the file?

2 A I believe that to be the case.

3 Q And so I want to ask you this. Do you agree that
4 the investigation made far too little progress
5 after your transfer?

6 A It made little progress. And I have to preface
7 that, because I think that the unit was busy for
8 some period of time after I had left on murder
9 investigations and that sort of thing, but it
10 certainly hadn't progressed to where I thought it
11 had gone, but I know the unit was busy, so.

12 Q Right. And we've seen the information pointing to
13 Pickton was compelling?

14 A Certainly.

15 Q And the allegations were extremely serious?

16 A Yes, they were.

17 Q And you'll agree with me, I'm sure, that it was
18 incumbent upon Coquitlam Detachment to advance the
19 investigation far more than they did after your
20 transfer?

21 A I would like to have seen it investigated more
22 than it was, but then again I can't account for
23 their time, as to what was occupying their time
24 during that period.

25 Q Well, I think you tried to make -- you made that

1 effort in your timeline because your timeline
2 shows them involved in other investigations,
3 doesn't it?

4 A Yes, it does.

5 Q Okay. Then we're going to go through your
6 timeline a little bit, because when I look at it
7 it appears that the only three significant steps
8 forward that were taken after your transfer was
9 one, a second interview of Ellingsen?

10 A That's correct.

11 Q Two, the interview of Pickton?

12 A Correct.

13 Q And three, eliminating Pickton from the valley
14 murders by way of DNA analysis?

15 A Correct.

16 Q And you agree with me that those were the only
17 significant steps taken after your transfer?

18 A Yes. There was a file review done to see if there
19 was other avenues of investigation they could have
20 undertaken, I know that that was done.

21 Q Oh, yes, and we'll look at that. There was file
22 reviews, there were avenues identified, there were
23 tasks assigned, but those were not done?

24 A To my knowledge.

25 Q Okay. Now, turning to the first of these

1 significant events, the second interview with
2 Ellingsen, that was August 26, 1999, six days
3 after you were transferred?

4 A Yes.

5 Q And that was not a very successful interview?

6 A No, it wasn't.

7 Q She did agree to take a polygraph, but later when
8 Major Crime members tried to take her to the
9 polygraph test she declined?

10 A That's correct.

11 Q And the second step was the interview of Pickton?

12 A Correct.

13 Q And we saw a bit of the video of that interview on
14 Tuesday, and you'll agree that interview was also
15 not successful?

16 A I think they learned a little bit of information,
17 but certainly not by way of any admissions. So
18 just generally speaking it wasn't -- it wasn't
19 successful in advancing the file.

20 Q You were very disappointed in it?

21 A I was disappointed, but then again I wasn't privy
22 to the basis of the investigation, the
23 investigative -- the interview plan, rather. I
24 mean, I don't know, but to say I was disappointed
25 in that he didn't confess.

1 Q Well, do you know whether there was an interview
2 plan in place?

3 A I don't know.

4 Q There should have been an interview plan in place?

5 A I would suspect when you're going to be sitting
6 down with somebody of that seriousness then you
7 would want to have an interview plan in place, at
8 least a discussion with the other party that you
9 were going to be dealing with, other member that
10 you would have some kind of a plan together, yes.

11 Q And that other member was Cater?

12 A Constable John Cater and Constable Ruth Yurkiw.

13 Q And I think the evidence will show that Constable
14 Cater didn't know about that interview, that he
15 would be participating in it until that very day?

16 A I would agree with you. In fact I think he was
17 fairly junior to the unit, I don't think he had
18 been on the unit very long.

19 Q And if that's right that he didn't know about the
20 interview until that very day, you agree that
21 doesn't indicate an appropriate level of planning
22 for such a serious interview?

23 A Well, I would suspect he would have -- that he
24 would have been more involved in a plan, yes.

25 Q Now, the other fact about the Pickton interview is

1 that it was conducted on January 19th, 2000;

2 right?

3 A Yeah, that's correct.

4 Q And that's about five months after you left?

5 A Yes.

6 Q If we just go into your timeline again, page 124,
7 September 1st down at the bottom, September 1st,
8 1999, Sergeant Pollock and Constable Yurkiw go to
9 Pickton's house to interview him but he's not
10 there, and then he later calls Pollock and they
11 make arrangements to meet the following week?

12 A That's right.

13 Q That's a summary. Over the page in September
14 22nd, that's the next entry, and that's noting
15 that there was discussion with Pickton on the
16 phone and then with his brother Dave, and Dave
17 advised that they want to wait for the rainy
18 weather before doing the interview; correct?

19 A That's correct.

20 Q And the note, in fairness, also says that over the
21 next several weeks Constable Yurkiw attempted to
22 contact Pickton without success.

23 A Right.

24 Q But the next actual entry in your timeline
25 relating to the Pickton investigation is January

1 2000? And that's on page 129.

2 A That's correct.

3 Q And it says there January 18th, 2000, but I think
4 it should be January 8th, 2000 because the entry
5 before it is January 1st and the entry after it is
6 January 10th. It's not an important point.

7 A It could be.

8 Q And this entry on page 129, that's relating to
9 when Constable Yurkiw met with Gina Houston at the
10 Eagle Ridge Hospital; right?

11 A That's correct.

12 Q Okay. Now, if you were on the file I suggest
13 there's no way -- there is no way that you would
14 not have been advancing the investigation during
15 these four months between early September and
16 early January; is that fair?

17 A That's a fair statement, but given the demands on
18 the unit I might have been the only person to be
19 able to work on the file, but still I would have
20 insured I worked on my file.

21 Q Okay. So we'll come to the issue of resources,
22 but you'll agree that the investigation had to be
23 advanced during those four months?

24 A I think it was imperative to advance it.

25 Q Indeed. Now, just turning back to that entry

1 about Gina -- sorry, Constable Yurkiw's meeting
2 with Gina Houston, over on page 130 at the top the
3 note is that when Gina Houston was asked about
4 Pickton being interviewed Houston stated that,
5 quote, they will come in any time?

6 A It says they, yes.

7 Q Yes. And the point is that it's going to be the
8 two of them?

9 A Yes.

10 Q And then if we go just down the page to January
11 10th, the next entry, Gina Houston called
12 Constable Yurkiw and left a voicemail with her
13 saying they would be in for an interview. Do you
14 see that?

15 A Yes, I do.

16 Q Okay. And down the page again on the 19th, that's
17 the date of the interview?

18 A Correct.

19 Q And as we all know when Pickton did come in for
20 the interview sure enough he was accompanied by
21 Gina Houston?

22 A Yes, that's correct.

23 Q And they refused to be separated?

24 A I think that's a fair statement.

25 Q And that was -- that was a real road block in that

1 interview?

2 A Certainly.

3 Q And you wouldn't have allowed that to happen?

4 A I wouldn't have interviewed that way, no.

5 Q And so I suggest to you that there was quite a lot
6 of warning that they would be taking this tack in
7 that Gina Houston was signalling that way back on
8 January 8th?

9 A Correct.

10 Q Now, you testified that when you watched this
11 interview, because you did observe it?

12 A Yeah, parts of it I did.

13 Q It was obvious to you that Pickton was lying
14 through his teeth?

15 A Yeah, that's what my comment was.

16 Q And so this is now a further indication, I
17 suggest, that's on top of, additional to all the
18 other information you and I discussed, that the
19 allegations against Pickton have real merit and
20 need to be fully investigated?

21 A Correct.

22 Q Now, the next entry on your timeline or on page
23 131, the next page.

24 A Yes.

25 Q And the first is February 9th, 2000, and that says

1 that Major Crime Section had a general meeting to
2 discuss the direction of the Pickton investigation
3 and a number of tasks were assigned. Do you see
4 that?

5 A Yes, I do.

6 Q And Mr. Gratl took you to that letter from David
7 McCartney?

8 A Right.

9 Q And he set out the tasks there that they
10 discussed?

11 A Correct.

12 Q And I think that this timeline is reflecting the
13 same tasks; is that fair?

14 A I would agree, yes.

15 Q And you said to him you agreed that none of those
16 tasks were completed except when Mr. Hira stood up
17 and said well, I think there were aerial
18 photographs that were taken?

19 A Yes.

20 Q And we'll see that that is the case.

21 A Yes.

22 Q And so minus the aerial photographs none of the
23 other steps were taken?

24 A To my knowledge that's correct.

25 Q Now, we see another meeting in the next entry,

1 February 10th, 2000, and tasks are assigned, the
2 tasks that were discussed the previous day;
3 correct?

4 A Correct.

5 Q And then down at the bottom of the page, February
6 14th, Major Crime members met with criminal
7 profilers and ViCLAS members; correct?

8 A Correct.

9 Q And it says this:

10 Various scenarios were discussed with the
11 intent of a major push to investigate this
12 matter when on February the 19th another
13 serious and complex homicide investigation
14 was undertaken into another matter.

15 Correct?

16 A Correct.

17 Q And you agree, of course, that this file certainly
18 deserved and needed a major push?

19 A Yes, it did.

20 Q And as you know that never happened?

21 A That's correct.

22 Q Let me suggest some other steps that could have
23 been taken at or after this time that are
24 additional to the ones that the team identified in
25 February?

1 A Okay.

2 Q And Pickton could have been re-interviewed by a
3 skilled interrogator such as a polygraph operator
4 or someone like Don Adam?

5 A That's correct.

6 Q At least the video of the interview could have
7 been reviewed by such a person?

8 A Correct.

9 Q The much discussed undercover operation of
10 Ellingsen could have been mounted?

11 A Correct.

12 Q There could have been an undercover operation on
13 Yelds?

14 A Correct.

15 Q Coquitlam could have arrested either or both
16 Pickton and Ellingsen to apply pressure on them?

17 A I don't think that they could arrest them. I
18 wouldn't have arrested them, so I -- there was
19 nothing new, so I don't know that they could make
20 an arrest.

21 Q Coquitlam could have talked to West Coast
22 Reduction and sought to search Pickton's barrels
23 whenever they came in as you and I discussed
24 before?

25 A Correct.

1 Q Coquitlam could have taken up Pickton's offer to
2 do a consent search?

3 A Yes, they could have.

4 Q They could have tried to cultivate an informant or
5 an agent who was currently visiting the property?

6 A Yes.

7 Q And here, for instance, they could have cultivated
8 Bev Hyacinth's husband?

9 A Yeah, I'm not familiar with him, but that's a
10 possibility they could have looked at.

11 Q And none of those steps were taken?

12 A To my knowledge, no, that's right.

13 Q Let's go back into your timeline, page 133 at the
14 top, April 14th, and we see Mr. Hira was correct,
15 the aerial photos of the farm were taken?

16 A Correct.

17 Q Okay. April 18th, 2000 constable -- it notes
18 that:

19 Constable Yurkiw stated to Staff Sergeant
20 Zalys that she wasn't able to do anything on
21 the file given the recent homicide and its
22 ongoing investigation.

23 Correct?

24 A Yes.

25 Q And Constable Pollock said about the same thing?

1 A Yes.

2 Q And according to Staff Sergeant Zalys, Inspector
3 Moulton still considered the Pickton file a
4 priority.

5 However, there would be no additional
6 resources to assist and the unit would have
7 to investigate when time permitted and do the
8 best we can when we can.

9 Correct?

10 A Correct.

11 Q Now, you'll agree with me, Sergeant Connor, that
12 this file deserved far more than that?

13 A It deserved to be investigated, yes.

14 Q It needed a major push?

15 A Yes, considering the -- considering the
16 information and what was happening.

17 Q It needed a sustained investigation?

18 A Yes, it did.

19 Q And if resources were a problem then Coquitlam
20 Detachment could have put forward a business case
21 to "E" Division and asked for more resources;
22 right?

23 A They could have.

24 Q Or could have asked Unsolved Homicide for help
25 again?

1 A Yes. They could have asked Vancouver Police
2 Department as well.

3 Q Indeed, 'cause it sought the JFO with the VPD?

4 A Yes.

5 Q But to the best of your knowledge those steps
6 weren't taken?

7 A Not that I'm aware of.

8 Q So the next entry in your timeline is on page 140,
9 and that's November 21st, 2000, and so this --

10 A Yes.

11 Q November 21st, 2000 is seven months after that
12 last entry; correct? The last entry was page 133,
13 April 18th, 2000. We've gone from April to
14 November; correct?

15 A Correct.

16 Q Seven months.

17 A Okay.

18 Q And you'll agree that your timeline doesn't note
19 any steps taken in the investigation between those
20 points?

21 A That's right.

22 Q And November 21st, 2000, that's when Pickton's DNA
23 was eliminated from the valley murders; correct?

24 A That's correct.

25 Q And, by the way, when you returned to Major Crime

1 and you reviewed the file you saw that; correct?

2 A Saw?

3 Q You saw that Pickton's DNA had been eliminated
4 from the valley murders?

5 A I believe I did, but I --

6 Q And did that lessen your view of Pickton as a
7 suspect?

8 A No, not me.

9 Q Yes. Now, the next entry in relation to this
10 investigation is on April 11th, 2001, and that's
11 page 145, and that's almost five months after the
12 last one?

13 A Correct.

14 Q And to the best of your knowledge nothing is done
15 on the file in those five months?

16 A To the best of my knowledge that's correct.

17 Q And, indeed, if we go back to February of 2000
18 when the various tasks were assigned and Coquitlam
19 Detachment had been gearing up for that major push
20 on the file, the only things that appear to have
21 been done at all are new aerial photos of the
22 Pickton farm and eliminating Pickton's DNA from
23 the valley murders; fair?

24 A It appears to me that's correct.

25 Q So those are the only two steps taken that you

1 know of in about 14 months?

2 A That appears to be.

3 Q On April 11th, 2001 you're now back in Major Crime
4 as a sergeant?

5 A That's correct, I arrived back in March.

6 Q You're the non-commissioned officer in charge?

7 A That's correct.

8 Q And so if we can go into exhibit -- yes, into that
9 binder, I believe. Sorry, the timeline binder.

10 A Yes.

11 Q Mr. Commissioner, this is the Williams appendices
12 Exhibit 2A, tab R. These are the minutes of a
13 meeting of the Serious Crime Unit out of Coquitlam
14 on April 11th, 2001?

15 A That's correct.

16 Q And you were at that meeting?

17 A Yes, I was.

18 Q And if we turn to page 16, we've looked at this
19 briefly to Mr. Gratl's questioning.

20 A Right.

21 Q But this is the entry for the Pickton file?

22 A Yes, it is.

23 Q And the purpose of this meeting is you're
24 reviewing all the outstanding files in Major Crime
25 and you're prioritizing them; correct?

1 A That's correct.

2 Q And you give the Pickton file a high priority?

3 A Yes. It was not only myself, but everybody in the
4 room declared it a high priority.

5 Q It's a unanimous view in Coquitlam Detachment that
6 the Pickton file is a high priority?

7 A That's correct.

8 Q And Constable Yurkiw is still assigned to it;
9 right?

10 A Yes, she is.

11 Q Now, was there discussion at this time of why
12 there had been so little progress over the last 14
13 months?

14 A No. Not at that time, no.

15 Q Well, when you reviewed the file and you saw that
16 so little progress had been made were you
17 concerned?

18 A I generally was concerned that some of the
19 investigation seemed to be a little bit lacking,
20 and I generally speaking in approaching the
21 members the answers that I was getting back from
22 the members is that they were just overly busy.
23 And that raised some concerns for me, and so I
24 wanted to sit down with each member as a group to
25 determine what investigations each had, we'd talk

1 about each investigation and the priority that
2 will be placed on that investigation, you know,
3 based on that round table discussion we had with
4 the members.

5 Q So they were overly busy, but did you think there
6 needed to be more resources dedicated to this
7 file?

8 A Yes.

9 Q And did you take any steps to ask for more
10 resources?

11 A I didn't think I needed additional resources from
12 outside the -- outside the Major Crime Section
13 office. What I was looking at doing was to
14 permanently -- or permanently, to assign two
15 members of the unit to be responsible for the
16 follow-up in the investigation.

17 Q I don't see any note in the file that two members
18 were assigned.

19 A Well, that was just in my thinking.

20 Q Right, and it didn't happen?

21 A Well, it didn't happen. We had a -- the higher
22 priority and the line officer, then Inspector
23 Warren Schwartz, directed the team that this
24 will -- it was the Johal homicide, that will be
25 the priority of the unit, immediate priority of

1 the unit, and that's what the unit worked on.

2 Q If we look at over the page, page 17, there's some
3 action items. And skipping down from the first
4 one, the bottom two are surveillance of Pickton to
5 establish patterns and undercover operation
6 targeting Ellingsen. And those action items were
7 not completed?

8 A That's correct.

9 Q Now, the first action item there at the top of
10 this page is -- it says this:

11 Present package to Don Adam, "E" Division
12 Major Crime, who is reviewing the Vancouver
13 Police missing prostitute's file in an
14 attempt to tie Pickton to the Pauline Johnson
15 murder.

16 Is this discussing giving Don Adam a package of
17 the Coquitlam detachment's file on the Pickton
18 investigation?

19 A Well, I think it's not a well worded --

20 Q Correct, it's a little confusing.

21 A -- line there. We didn't -- I had my office
22 assistant transcribe the meeting. But I think the
23 idea behind that line was to liaise with Don Adam,
24 Staff Sergeant Don Adam at that time, present the
25 fact that -- not present, sorry, to ensure that

1 Pauline Johnson's murder file was part of their
2 review, or at least that they were aware of that
3 homicide, and if there was anything that could be
4 done to -- on that file review or anything by the
5 Missing Women's Task Force that tied Pickton to
6 the Pauline Johnson homicide even as a possible
7 suspect.

8 Q I'm wondering whether a copy of Coquitlam
9 Detachment's file on the Pickton investigation was
10 ever given to Evenhanded before Pickton's arrest?

11 A That I don't know.

12 Q You didn't do that?

13 A No.

14 Q Nobody to your knowledge did that?

15 A Not to my knowledge. They may have done it and
16 sent it to the Missing Women's Task Force
17 directly.

18 Q I expect it wasn't done, because as you've
19 testified after Pickton's arrest they came and
20 seized the Coquitlam file on Pickton?

21 A On Pickton?

22 Q Yes, your investigative file on Pickton.

23 A Yes, they seized it for the purposes of entering
24 into what they call SuperText database system.

25 Q And if they had a copy already they wouldn't have

1 needed to do that?

2 A Well, we were talking about the Pauline Johnson
3 homicide file.

4 Q So these minutes are talking about the Pauline
5 Johnson file, but I'm asking whether Coquitlam
6 Detachment had ever given Evenhanded a copy of the
7 investigation into Pickton in 1998, 1999 and
8 thereafter?

9 A No, they were fully aware of it, but I don't
10 remember giving them a copy.

11 Q Certainly you agree that the Pickton investigation
12 was never transferred to Evenhanded until after
13 the search in February of 2002?

14 A Correct. It was known as the missing -- and I
15 stand to be corrected, but it was known as the
16 Missing Women's Task Force up until they went on
17 the property of Pickton and they renamed it
18 project Evenhanded.

19 Q Fair enough, but --

20 THE COMMISSIONER: So when did it go to Project Evenhanded?

21 THE WITNESS: As I understand it, I stand to be corrected, it
22 was upon the entry onto the farm by the Missing
23 Women's Task Force.

24 THE COMMISSIONER: At February 2005?

25 MR. DICKSON: 2002.

1 THE COMMISSIONER: Sorry, 2002.

2 THE WITNESS: That's correct.

3 THE COMMISSIONER: February 5th, 2002?

4 MR. DICKSON: Exactly.

5 Q And just to confirm that point, all the way up to
6 Pickton's arrest, or at least the search of the
7 farm, the Pickton investigation remained an active
8 file in Coquitlam and Coquitlam's responsibility?

9 A Correct.

10 Q Now, in the spring of 2001 you were speaking with
11 Wayne Clary who was the file co-ordinator of the
12 task force?

13 A Yes, he was.

14 Q I'm going to call the task force Evenhanded,
15 because I think it was called that at that time.

16 A Okay.

17 Q And the purposes of your calls as we've heard was
18 trying to bump Pickton up the list of persons of
19 interest?

20 A Well, I knew that they were investigating --
21 compiling a list and investigating persons of
22 interest. Now, the investigation, I don't know as
23 to how broad they were investigating, but there
24 was a list of persons of interest/suspects that
25 was developed, and he was quite high up on that

1 list, which kind of surprised me. But, of course,
2 I didn't know of other suspects that may have been
3 developed by the RCMP or any other police force
4 that may have pushed others before Pickton, but I
5 was quite surprised. I can't remember the numbers
6 of persons of interest, but it was a lot of
7 people. I suspected though that Pickton would
8 have been a lot higher on that list, closer to
9 number one, preferably number one for me, but he
10 wasn't. But they were still working on that, and
11 as the -- not in I guess months, it wouldn't be
12 weeks, as the months go by in subsequent phone
13 calls to Wayne Clary I find or found out that
14 Pickton was coming down that list and --

15 Q Coming down as in becoming more important or less?

16 A Yeah, I guess that's relative. He was getting
17 closer to the number one suspect.

18 Q Okay.

19 A He wasn't number one, but he certainly I think
20 made it into the top ten I believe.

21 Q So did Wayne Clary tell you that Evenhanded was
22 actually investigating Pickton?

23 A They weren't, no.

24 Q They weren't. So in the spring of 2001 Pickton is
25 a high priority in Coquitlam Detachment; correct?

1 A Correct.

2 Q And you're concerned about him enough to call
3 Wayne Clary and advocate that he be made a
4 priority at Evenhanded?

5 A Well, I think I was in a position to do that
6 because I knew Wayne Clary, I'd known him for a
7 number of years, I also worked with him in
8 Coquitlam, he was aware of the Pickton file,
9 albeit from a distance 'cause he had been seconded
10 to another project for about an 18 month period
11 prior to that, so he was certainly aware of our
12 interest in Pickton as it involved the sex trade
13 workers. But, again I don't know, and I never
14 asked, how the project, the missing women's
15 project was unfolding, what their priorities were,
16 and those sorts of things, so.

17 Q Well, my question, Sergeant Connor, here is if
18 Pickton's a high priority for Coquitlam, and if
19 he's such a high priority that you're abdicating
20 to Evenhanded that they actively investigate him
21 as a high priority, why isn't Coquitlam Detachment
22 throwing a bunch of resources at this
23 investigation?

24 A That's a good question. I know that when I came
25 back we had a period of time where we had to

1 investigate the Johal homicide. I think we had a
2 period of time for about a month maybe, or sorry
3 less than a month, and then we were involved in
4 the suspicious disappearance of a male, and the
5 entire unit, all members, were needed for this
6 investigation and it wasn't concluded until the
7 day that Pickton was arrested. The day before we
8 had recovered the human remains in another
9 jurisdiction, and the day after that we found
10 those human remains the person responsible was
11 arrested. So the investigation required all unit
12 members because we had Part VIs in place, we had
13 tracking devices on vehicles, it was a full --
14 full-on investigation and it involved everybody.
15 And the monitoring of the Part VI was over in
16 Victoria which required members to be sent over to
17 Victoria and reside there. So that's what the --
18 for the year that I was there up until the arrest
19 of Pickton that's, among other things, is what the
20 unit was busy with.

21 Q The bottom line is you just didn't have the
22 resources to do it?

23 A No, and no other new information coming in on
24 Pickton either.

25 Q But you didn't ask for more resources?

1 A No.

2 Q Now, Don Adam was familiar with the Picktons from
3 the time at Coquitlam Detachment; correct?

4 A Yes, he was.

5 Q And in the fall of 1998 you spoke to him about
6 that 1990 incident?

7 A I did.

8 Q And you tried to get notes of his investigation
9 but he didn't have any?

10 A I phoned him and I asked him if he was aware of
11 this investigation, if he remembered anything
12 about it, he didn't recall it at all.

13 Q Right.

14 A And Don volunteered to check his notes. He called
15 me back the next day or the day after or I called
16 him, and he said that he couldn't find any
17 notation in his notebooks about this file.

18 Q Yes, very well, but my point here is that in that
19 conversation you told him about the Hiscox
20 information on Pickton; correct?

21 A May have, yes.

22 Q Well, you said as much in your interview with
23 Deputy Chief Evans, and I have the extract if you
24 want to check it, but do you need to or will you
25 agree with me that you told him about the Hiscox

1 information?

2 A No, I'll agree with you.

3 Q And that was on November 4th, 1998, if that twigs
4 your memory.

5 A Sorry?

6 Q That was on November 4th, 1998 that you had that
7 conversation with Don Adam.

8 A Correct.

9 Q Now, back in the spring of 2001 do you agree that
10 it would have been a good idea to send Evenhanded
11 a summary of the key information pointing to
12 Pickton?

13 A Well, we could have added to it, but they were
14 already aware of it.

15 Q Now, I think you said you weren't even aware of
16 Evenhanded's mode of operation, its operational
17 plan?

18 A Correct.

19 Q Did you know though that they were looking at
20 historical sexual assaults to find suspects?

21 A Well, when I say I wasn't aware of what their -- I
22 knew what certainly their mandate was, but how
23 they're operating to gather that kind of
24 information I wasn't aware of the smaller issues
25 on how they were doing business. But I was aware

1 that they were collecting -- reviewing files,
2 collecting missing person files out of Vancouver,
3 working on all those files.

4 Q Did you think that well, you know, if they're
5 looking at historical sexual assaults to find
6 persons of interest, the 1997 Anderson incident is
7 certainly relevant to them, so I better send that
8 over to them?

9 A They were aware of that.

10 Q Now, let's go back into your timeline, if we
11 could. So that's L again, Appendix L in that
12 binder.

13 A Yes.

14 Q Now, at page 150 -- oh, I'm sorry, page 145, this
15 is the next -- that is the meeting -- that's the
16 entry of the meeting we were just discussing,
17 April 11th, 2001?

18 A That's right.

19 Q Okay. Now, the next entry -- well, sorry,
20 Constable Yurkiw retires April 8th, 2001; correct?
21 And that's on page 150 of the timeline if you want
22 to check it.

23 A That sounds familiar.

24 Q And I don't see that any steps were taken in
25 between this April 11th, 2001 meeting where

1 Pickton is deemed a high priority and Constable
2 Yurkiw's retirement on August 8th; is that fair?

3 A That's a fair statement.

4 Q Now, at some point after Constable Yurkiw's
5 retirement the file was transferred to Constable
6 Sherstone; correct?

7 A Yes, it was.

8 Q And I believe you said to Mr. Vertlieb that
9 Constable Sherstone took an interest in the file
10 and suggested some things to do and you said go
11 for it; correct?

12 A Yes, I did.

13 Q How many years did Constable Sherstone have at
14 that time?

15 A Not many. I couldn't give you a number.

16 Q So you knew that very little had been done on this
17 file since you'd been transferred off of it in
18 August of 1999?

19 A Yes.

20 Q And you knew that it needed a major push, as
21 you've said?

22 A Yes.

23 Q And it needed, I suggest, much more than Constable
24 Sherstone?

25 A I don't agree. Constable Sherstone was an

1 excellent investigator, she was a well motivated,
2 highly energized person. I know that her talents
3 as an investigator were above average because she
4 was posted to the Serious Crime Unit, so. That
5 she worked with several people within her team,
6 that any advancements that she'd want to make I'm
7 sure would have been discussed with her team
8 members and they as a team would attempt them if
9 they -- if it was they would have attempted --
10 they would have helped her. She wouldn't have
11 been left all by herself to do the file.

12 Q Very well. If I hear you correctly, Sergeant
13 Connor, that Constable Sherstone was an adequate
14 level of resourcing on this file?

15 A Yes.

16 Q Okay. Well, let's see what she does, because it
17 appears from your timeline that the next event on
18 this file is November 6, 2001, and that's page
19 154.

20 A Yes.

21 Q Fair enough. And so what it notes here is that
22 Constable Sherstone had located Ellingsen and
23 wanted to interview her, and you encouraged her to
24 do that?

25 A Yes, I did.

1 Q And she tried a couple of times, but she was
2 unsuccessful because the staff at the facility
3 where Ellingsen was wouldn't let her into the
4 building?

5 A That's my understanding.

6 Q So the interview just didn't happen?

7 A No, it didn't.

8 Q And certainly an undercover operation on Ellingsen
9 never happened?

10 A And that certainly wouldn't have been a good time
11 to initiate one.

12 Q And so that's that. And then the next event on
13 this file is January 15th, and that's on page 157;
14 fair?

15 A Correct.

16 Q There are no steps taken between November 6th and
17 January 15th. Fair enough?

18 A Correct.

19 Q And January 15th, that's a Major Crime Section
20 unit meeting and your note says that:

21 Given transfers of resources another unit
22 meeting was held and confirmed that Constable
23 Sherstone had conduct of the Pickton file.
24 She was encouraged to follow up with the
25 information.

1 Correct?

2 A Correct.

3 Q There are no steps being taken here in this entry,
4 it's just oh, yes, Constable Sherstone does have
5 conduct?

6 A Well, it had been known previously what steps to
7 take. This is at the same time period that I
8 might say that the entire unit of Serious Crime
9 Unit worked on that file and Constable Sherstone
10 was required to come and give us a hand on that
11 file.

12 Q M'hm.

13 A And so that would have dragged her away from the
14 Pickton investigation.

15 Q Certainly nothing is being done on it?

16 A No.

17 Q And that is the last entry in your timeline
18 relating to the Pickton investigation; correct?

19 A Correct.

20 Q All right. Well, Sergeant Connor, let me
21 summarize a little bit. Here are the significant
22 steps that were taken on the Pickton investigation
23 after your promotion on August 25, 1999 until the
24 search of the Pickton's farm in February of 2002.
25 One, Ellingsen was interviewed again in September

1 of 1999?

2 A Correct.

3 Q Two, Pickton was interviewed on January 19th,
4 2000?

5 A Correct.

6 Q Three, new aerial photos were obtained of the
7 Pickton farm?

8 A Correct.

9 Q Four, Pickton's DNA was excluded from the valley
10 murders?

11 A Correct.

12 Q That's it; yes?

13 A That sounds right.

14 Q And you accept, I would imagine, that that is far
15 too little progress in two and a half years on a
16 file of this seriousness?

17 A Yes.

18 Q And you agree that the information pointing to
19 Pickton was so compelling and the allegations so
20 serious that a major sustained investigation
21 needed to be pursued to either confirm or
22 eliminate that information?

23 A I guess you and I would differ on the word major,
24 but a sustained investigation was required, yes.

25 Q And that just wasn't done?

1 A No.

2 MR. DICKSON: Thank you. Those are my questions.

3 THE COMMISSIONER: Thank you, Mr. Dickson. So when was the
4 last date you say work was done on the Pickton
5 file according to your records?

6 THE WITNESS: It was January 5th here of 2002 there was that
7 meeting.

8 THE COMMISSIONER: Yeah.

9 THE WITNESS: And previous to that was November 6, 2001,
10 Constable Sherstone came to me about Lynn
11 Ellingsen, that she had located her.

12 THE COMMISSIONER: She wanted to interview Ellingsen?

13 THE WITNESS: That's correct, yes. Prior to that, sir, it's a
14 long time.

15 THE COMMISSIONER: So what happened between January 5th, 2002
16 until February 5th, 2002 at which time you had
17 arrested him?

18 THE WITNESS: The entire unit was involved in a homicide
19 investigation.

20 THE COMMISSIONER: Oh, I see.

21 THE WITNESS: That's the one I spoke of earlier where we had
22 Part VI --

23 THE COMMISSIONER: Is that Pauline Johnson?

24 THE WITNESS: No, it's not. It was a fellow by the name of
25 Ryan Kemp.

1 THE COMMISSIONER: Oh, I see. Thank you.

2 THE WITNESS: Yes, sir.

3 THE COMMISSIONER: Who's next here?

4 MR. VERTLIEB: I've frankly sort of lost track of the schedule
5 just because of ins and outs. I know Mr. Doust is
6 here, and Mr. Hira is deferring to Mr. Doust I
7 gather to get Mr. Doust in and out.

8 MR. HIRA: Senior counsel always goes first.

9 MR. VERTLIEB: All right. Mr. Doust perhaps would be
10 appropriate next.

11 THE COMMISSIONER: We need a program here.

12 MR. DOUST: My name is Doust, initials L.T., and I appear for
13 the Criminal Justice Branch of the Ministry of the
14 Attorney General of British Columbia.
15 Mr. Commissioner, I won't be long at all.

16 THE COMMISSIONER: Sorry?

17 MR. DOUST: I will not be long.

18 THE COMMISSIONER: All right.

19 **CROSS-EXAMINATION BY MR. DOUST:**

20 Q Mr. Connor, I want to refer to the telephone call
21 from Randi Connor in regard to the stay.

22 A Yes, sir.

23 Q When she called you to discuss the stay you said
24 that you recall two reasons that she gave for the
25 decision. First of all, Ms. Anderson was not

1 making it to her appointments, and secondly, she
2 was severely drug addicted. Am I correct?

3 A That's correct, sir.

4 Q But I take it that you can't say definitively that
5 those are the only or the exclusive reasons that
6 she referred to in the course of that call today?

7 A Could there have been additional?

8 Q Yeah.

9 A You know, I don't recall any additional
10 conversations.

11 Q But it's a long time ago?

12 A It's a long time ago. And could there have been
13 something else? I can't recall that, but --

14 Q But you're not prepared to exclude any other
15 reason that may have been -- in the course of a
16 conversation may have come up?

17 A Well --

18 MR. GRATL: May I request that Mr. Doust put the specific words
19 at issue to the witness.

20 THE COMMISSIONER: Sorry?

21 MR. GRATL: Perhaps Mr. Doust could put the specific words at
22 issue to the witness to see if that prompts the
23 witness's recollection, if Mr. Doust has something
24 in mind in particular that Ms. Connor might have
25 said to this witness.

1 MR. DOUST: With respect, I'm entitled to ask the question in
2 the manner that I am.

3 THE COMMISSIONER: Yes, there's nothing wrong with the
4 question. I mean it's --

5 THE WITNESS: I think the -- I recall the conversation being
6 fairly short, talking about those instances that
7 Ms. Anderson was absolutely needed to ensure
8 conviction on the file. She was, in essence, the
9 investigation, the file. Without her testimony --

10 MR. DOUST:

11 Q She was the case?

12 A She was the case, that's correct.

13 Q But I'm going to ask you one more time that
14 bearing in mind the length of time that has gone
15 by, and that these two stand out in your mind as
16 two things that struck you.

17 A Yes.

18 Q Isn't it fair to say it's possible she may have
19 mentioned other things that had an effect on her
20 in terms of the stay. You agree with that?

21 A Yes, there could have been, but --

22 Q You don't recall?

23 A I don't recall them, no.

24 Q All right. The other thing I want to ask you
25 about is you made reference to what you called a

1 protocol to the effect that the Crown would
2 provide a memorandum in regards to the entry of a
3 stay of proceedings in serious cases. I
4 understand that what you meant by a protocol is
5 not some formal agreement or a written agreement
6 or anything of that kind, but you referred to that
7 as recognizing your understanding that the Crown
8 often did so?

9 A That's right.

10 Q So far as you know there was no formal protocol?

11 A No, I would think that would be -- a written
12 formal protocol would be different or difficult
13 for us I think to hammer out given the various
14 circumstances that happened between the police and
15 the Crown.

16 MR. DOUST: All right. Thank you very much. Those are my
17 questions.

18 THE COMMISSIONER: Thank you. Yes.

19 MR. GRATL: Mr. Commissioner, I just rise to remark on the
20 unfairness of putting this type of question, the
21 vague suggestion that there might have been
22 something else said by Ms. Connor to this witness.
23 We have not received a will say statement from
24 Ms. Connor, and so no other counsel are in a
25 position to test this witness's recollection with

1 respect to the specifics of what Ms. Connor might
2 have said, so it's a little bit unfair. And in
3 the future there may or may not be reason to
4 recall this witness to check his recollection
5 against Ms. Connor's testimony, it just seems to
6 be a standard operation of the rule in *Brown v.*
7 *Dunn* to test this witness's recollection against
8 the specifics of what the other witness might say.

9 THE COMMISSIONER: Well, he's entitled to put that question.

10 Mr. Doust, do you have any response to that?

11 MR. DOUST: No, I have no response to that.

12 THE COMMISSIONER: In cross-examination he's entitled to put
13 those propositions and the witness has generally
14 agreed. Actually the witness has said he hasn't
15 any recall, so I don't know -- I don't know what
16 the value of that is. But, in any event, your
17 concern about not getting a will say from Randi
18 Connor is something else that commission counsel
19 may be able to assist you on that.

20 MR. GRATL: It's just a little problematic, because I
21 anticipate that at the end of the day Mr. Doust
22 will be arguing that there was some third reason
23 that Ms. Connor mentioned to this witness Sergeant
24 Connor, and you should accept Ms. Connor's version
25 of events because this witness is unable to

1 exclude that possibility when he was presented
2 with the option.

3 THE COMMISSIONER: Well, there's nothing wrong with that. I
4 mean, under the rules of cross-examination he's
5 entitled to test his credibility by suggesting to
6 him that there was a third reason that was given
7 other than the two that we know, and --

8 MR. GRATL: But I'm just saying if there is a third reason
9 other counsel should know what it is in the form
10 of a will say so that we can ask Sergeant Connor
11 whether he remembers this third reason.

12 THE COMMISSIONER: Well, he's already said he has no recall of
13 it.

14 MR. GRATL: Well, we don't know what the specifics are. Maybe
15 the specifics would jog his memory. This witness
16 might be in a position to say well, I would have
17 remembered reason three if it had been said to me
18 or I can say that I remember this not happening.

19 THE COMMISSIONER: Well, the point --

20 MR. GRATL: That's all I'm saying.

21 THE COMMISSIONER: No, I know what you're saying, but the point
22 is he's already said that -- Mr. Doust put to him
23 could there have been a third reason. That's what
24 you said, is it not?

25 MR. DOUST: I said could there have been other reasons.

1 THE COMMISSIONER: Could there be other reasons, and he said he
2 could not recall. So even if we had Randi
3 Connor's statement in which there was a third
4 reason or not a third reason, that doesn't really
5 help us much with this witness because he's
6 already said he doesn't recall.

7 MR. GRATL: Well, you have my submissions --

8 THE COMMISSIONER: No, I appreciate.

9 MR. GRATL: -- that the attorney general is securing a bit of
10 an unfair advantage by not providing will say
11 statements to all counsel. Those are my
12 submissions.

13 THE COMMISSIONER: Well, whether or not will say statements
14 have been provided is another issue, but it's got
15 nothing to do with the cross-examination of this
16 witness. Is there a will say statement?

17 MR. VERTLIEB: No, there is not, because this phase of the
18 inquiry had not yet been addressed. So I
19 understand Mr. Gratl's comment. Perhaps at this
20 point in time, and I think maybe the best thing is
21 to wait and see how it develops, and if it turns
22 out that Mr. Gratl or others have concerns and
23 they feel the need that the witness should be
24 recalled then we'll deal with it.

25 THE COMMISSIONER: Yeah.

1 MR. VERTLIEB: It could be much ado about nothing right now, we
2 just don't know all of the circumstances.

3 THE COMMISSIONER: See, in a way this is really out of
4 sequence, because my understanding of what
5 commission counsel has said that the issue of term
6 number two dealing with the Criminal Justice
7 Branch was to be dealt with at a later stage, but
8 because some of this evidence has been elicited in
9 cross-examination, particularly by Mr. Ward and
10 yourself, and that was elicited in
11 cross-examination of Lori Shenher about her view
12 about the credibility of Victim 97, so that's why
13 we got it into this early. So in a way it's
14 really out of sequence, but the fact is it's
15 cross-examination, and if Lori Shenher had a view
16 on that then I think it ought to have been heard.
17 So it wasn't really improper that it came out, but
18 Mr. Vertlieb's point is well taken that later on
19 when we deal with this issue in its entirety you
20 may ask for it at that time. Mr. Doust.

21 MR. DOUST: You've described precisely why there is no will
22 say. We did not expect that we would be in this
23 position at this time. We've had brief interviews
24 with her, but we've not sat down and created a
25 will say for her at this time. We expected it

1 would be much later, Mr. Commissioner. And there
2 will be will says available.

3 THE COMMISSIONER: Okay. All right.

4 MR. VERTLIEB: And just having said that, just while we're on
5 the discussion, we had anticipated calling her
6 later in the day, but that may be accelerated
7 because of the evidence that we've heard now from,
8 you know, Staff Sergeant Connor, and as you noted
9 Ms. Shenher. So it could be we'll be dealing with
10 that sooner than we had thought when we commenced
11 the case. I'm in agreement with the comments that
12 you've heard from everybody on this subject, and I
13 just want to give you that suggestion for a
14 solution.

15 THE COMMISSIONER: All right. Mr. Gratl, if you feel that you
16 need to put that assertion in the event that there
17 is something else in Ms. Connor's statement, then
18 we'll do our best to recall this witness so you
19 can put it to him.

20 MR. GRATL: Yes, I think as Mr. Vertlieb rightly points out
21 this may just amount to nothing at the end of the
22 day.

23 THE COMMISSIONER: All right. Thank you. Who's next?

24 MR. VERTLIEB: I know Ms. Winteringham, Mr. DelBigio and
25 Mr. Hira want to ask questions. I don't think the

1 order matters, whichever is agreed between
2 counsel.

3 THE COMMISSIONER: All right.

4 MS. WINTERINGHAM: Mr. Commissioner, Janet Winteringham for Don
5 Adam. I will be very brief.

6 THE COMMISSIONER: All right.

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

8 Q Mr. Connor, I put before you two documents.

9 A Yes.

10 Q You'll see the first document is a single page,
11 and you recognize that as being a form called a
12 Form 2500; is that right?

13 A That's correct.

14 Q And this looks like the 1990 entry that you've
15 been testifying about with respect to information
16 that you sought from Don Adam in 1998?

17 A Correct.

18 Q And have you seen this document before?

19 A No, I haven't.

20 Q Okay. And if we just take a quick look at it we
21 can see that it appears from looking at the
22 document that a Corporal Adams, with an S, makes a
23 request from Surrey to Coquitlam to check a
24 vehicle that's connected to the 963 Dominion
25 address; correct?

1 A Correct.

2 Q And that 963 Dominion is not the correct address
3 for Robert Pickton?

4 A Yeah, I believe it was 953.

5 Q That's right. And also we see at the top there
6 that it says on the top right you can see an entry
7 where it says sexual assault?

8 A Yes, I do.

9 Q And there's nothing else on the document that you
10 can see that says anything else about any other
11 offence; correct?

12 A That's correct.

13 Q And also we can see -- in the middle of the page
14 on the left we can see that he's indicated --
15 Pickton is indicated as OTH or other; correct?

16 A Yes.

17 Q You see that in the middle of the page?

18 A I do.

19 Q Okay. And so he's not a suspect with respect to
20 this particular entry; correct?

21 A That's correct.

22 Q So what this document really tells us is that
23 Corporal Adams from Surrey is seeking assistance
24 with respect to locating a vehicle at the 963
25 Dominion address?

1 A That's correct.

2 Q Okay. There's nothing in this document that

3 indicates a stabbing; correct?

4 A That's correct.

5 Q Nothing that indicates anything about or uses the

6 word rape; correct?

7 A Correct.

8 Q And there's nothing in this document that says

9 anything about a sex trade worker; correct?

10 A That's correct.

11 Q And if I can take you then to the next document,

12 this is the continuation report, and that's a

13 multi-page document and we see the date of March

14 23rd, 1997. Do you see that?

15 A Sure do.

16 Q And it appears that you're the author of this

17 document. I see your name in the bottom left.

18 A Yes, ma'am.

19 Q And if I can ask you just to go a couple of pages

20 and it's at the 0700 entry.

21 A Yes.

22 Q And at the bottom of it it looks like it says --

23 do you see where it says page 12 of 66?

24 A Yes, I do.

25 Q Okay. And so then if you look at the very last

1 paragraph there.

2 A Yes, ma'am.

3 Q And it says:

4 As well Constable Strachan queried Pickton on
5 PIRS and then CPIC. CPIC revealed no known
6 past for Pickton, whereas among other things
7 there was an assist from Surrey Detachment on
8 an investigation into the stabbing and rape
9 of female their point...

10 And it quotes the Coquitlam file number:

11 ... in the Coquitlam Detachment assist file
12 and same has been ordered from archives.

13 Do you see that entry?

14 A Yes, I do.

15 Q Now, is it your understanding that this entry when
16 you wrote it was to refer to the 1990 PIRS entry
17 that we've just reviewed?

18 A Yes.

19 Q Now, I have not been able to locate anything
20 intervening from 1990 to this March 23rd, 1997
21 entry. Is there any information that you are
22 aware of that caused you to write stabbing and
23 rape?

24 A It would have been information that was passed to
25 me from Constable Strachan.

1 Q So Constable Strachan went off and did some work?

2 A Yes, he did.

3 Q And were you ever able to locate anything that
4 Constable Strachan had done that supported this
5 particular statement in this 1624 that you've
6 written?

7 A He would have provided me an overview of his
8 investigation or inquiry and I would have taken
9 from that that information and placed it into my
10 log.

11 Q Now, when you had your telephone conversation with
12 Don Adam on November the 4th, 1998 you didn't keep
13 any note of that; is that right?

14 A No.

15 Q And your recollection is that you'd asked Don Adam
16 if he had any notes with respect to the January
17 11th, 1990 entry; correct?

18 A Correct.

19 Q And that he had taken steps, to the best of your
20 knowledge, to determine whether he had any notes
21 and he'd advised you he did not with respect to
22 that entry; correct?

23 A That's correct.

24 MS. WINTERINGHAM: Thank you, Mr. Commissioner. Those are my
25 questions.

1 THE COMMISSIONER: Thank you, Ms. Winteringham.

2 MR. DELBIGIO: Mr. Commissioner, Greg DelBigio for Brian
3 McGuinness.

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

5 Q Sir, in the course of questions that were asked of
6 you by Mr. Dickson you talked about other events
7 that were taking place at the time and you
8 mentioned a Johal murder investigation. Do you
9 recall that?

10 A Yes, I do.

11 Q And I'm wondering if you can just in brief tell
12 the commissioner the nature of that investigation.
13 It was a gang related murder investigation; is
14 that right?

15 A That's correct.

16 Q And there was a murder, a notorious murder that
17 took place in downtown Vancouver. Is that the
18 shooting that you were talking about?

19 THE COMMISSIONER: Why not just lead him on it.

20 MR. DELBIGIO: Yes.

21 Q The purpose of my question is this, sir, is that
22 at the time there was notorious gang violence that
23 was at play throughout the Lower Mainland; is that
24 correct?

25 A Correct.

1 Q And there were murders associated with that gang
2 violence?

3 A There was.

4 Q There were shootings that didn't result in murder?

5 A There was.

6 Q There was urgent demand that the police
7 investigate and attend to these issues?

8 A Absolutely.

9 Q And, again, this is also taking place not just in
10 Vancouver, not just in Coquitlam, but really
11 throughout the Lower Mainland. Is that a fair
12 description?

13 A Yes.

14 Q You've been asked questions about, and at this
15 moment I can't remember who asked you the
16 questions, but applying for search warrants and
17 wiretap authorizations?

18 A I've been asked several times, that's correct.

19 Q And one of the components -- and you've been asked
20 about your understanding of the law. You'll agree
21 that in order to apply for a warrant or a wiretap
22 the law requires that a person making the
23 application have both a subjective belief with
24 respect to reasonable and probable grounds and
25 that there be subjective, reasonable and probable

1 grounds; right?

2 A I'd agree.

3 Q And so in your expertise as a police officer you
4 would agree that if there's no subjective,
5 reasonable and probable grounds it would be
6 inappropriate to apply for a warrant or
7 authorization for wiretap; right?

8 A Well, I mean, I agree. I mean, I was assessing
9 the information, and so I agree.

10 Q Based upon your many years of experience?

11 A Yes, that's correct.

12 Q You've been asked -- you've talked about the
13 various issues that you were dealing with as a
14 police officer at the time, and you were asked
15 questions about -- I don't have any questions for
16 you about fraudulent or kidnap by fraud, but I do
17 have a question about other law. In the Supreme
18 Court of Canada decision called *Beaudry* from 2007
19 it talks about police discretion, and I'll just
20 read you a passage and then I'll ask you about it.
21 It's found at paragraph 37. It says:

22 Nevertheless, it should not be concluded
23 automatically...

24 And this is about investigative duties:

25 ... it should not be concluded automatically,

1 or without distinction, that this duty is
2 applicable in every situation. Applying the
3 letter of the law to the practical, real-life
4 situations faced by police officers in
5 performing their everyday duties requires
6 that certain adjustments be made. Although
7 these adjustments may sometimes appear to
8 deviate from the letter of the law, they are
9 crucial and are part of the very essence of
10 the proper administration of the criminal
11 justice system, or to use the words...

12 From reference to the *Police Act*:

13 ... are perfectly consistent with the "course
14 of justice". The ability - indeed - the duty
15 - to use one's judgment to adapt the process
16 of law enforcement to individual
17 circumstances and to the real-life demands of
18 justice is in fact the basis of police
19 discretion.

20 Now, have you ever heard that passage before?

21 A No, I haven't.

22 Q But you understand that police officers in the
23 course of their professional duties are required
24 to exercise discretion as to what gets done and
25 when and how it gets done?

1 A That's correct.

2 Q And reasonable police officers who are equally
3 experienced and professional might disagree with
4 the exercise of that discretion from time to time?

5 A Yes.

6 Q But that's just the nature of the business in real
7 life situations faced by the police?

8 A True.

9 MR. DELBIGIO: Thank you, sir.

10 THE COMMISSIONER: Okay. Mr. Hira.

11 **CROSS-EXAMINATION BY MR. HIRA:**

12 Q Officer, my name is Ravi Hira. I appear for
13 retired Assistant Commissioner Earl Moulton who
14 was, of course, the inspector at Coquitlam while
15 you were there in Serious Crimes.

16 A That's correct, sir.

17 Q And what I will need, Mr. Giles, is amongst other
18 things Exhibit 83, tab 25. And I may need Exhibit
19 2, Appendix N. Exhibit 2A, I beg your pardon.
20 You don't need to go to those documents yet.

21 A Okay.

22 Q Now, Inspector Moulton was the line officer two
23 ranks -- well, three ranks above you; correct?

24 A That's correct.

25 Q And he continued in that position until June 2000

1 when he was promoted from inspector to chief
2 superintendent?

3 A That's correct.

4 Q In other words missing the rank of superintendent?

5 A That's right.

6 Q And then, of course, another chap by the name of
7 Inspector Schwartz took over the Major Crime
8 responsibilities as the line officer?

9 A Yes, he did.

10 Q Okay. So let's deal with some issues raised by
11 learned counsel for the Vancouver Police
12 Department, and let's deal with it this way, let's
13 deal with it up to August 20, 1999. You may
14 recall that before the lunch break and for a few
15 questions after the lunch break you were asked of
16 a number of extra things or additional things that
17 could have been done on the Pickton file?

18 A Yes.

19 Q Now, you had Detectives Chernoff and Lepine
20 working with you; is that correct?

21 A In July, August of 1999, that's correct.

22 Q Yes. And you also had Constable Shenher available
23 if you needed to call on her?

24 A Yes, I could have.

25 Q And would you not agree with me that Detectives

1 Chernoff and Lepine were in your estimation
2 excellent investigators?

3 A They were again excellent investigators, well
4 motivated, good policemen overall.

5 Q Yes, and they were comparable to the RCMP officers
6 that were assisting you on the investigation?

7 A Absolutely.

8 Q And they saw it your way. In other words, they
9 viewed the matter as requiring a push despite the
10 unsuccessful first interview of Ellingsen?

11 A Correct.

12 Q It was, in fact, Major Crimes that saw it the
13 other way? Sorry, the Provincial Unsolved
14 Homicide Unit that saw it the other way?

15 A Several of the people, that's correct, not all.

16 Q All right. And you will agree with me that they
17 were aware of your investigation to date, that is
18 Chernoff and Lepine were?

19 A Yes, they were.

20 Q As was Shenher?

21 A I don't know if Lori was aware of the information
22 coming from Caldwell in July, but I would have to
23 assume so, because Lepine and Chernoff were
24 working in the same unit with Lori Shenher.

25 Q And you will agree with me that it was just as

1 open to them to make those additional
2 investigative suggestions that were put to you
3 this morning by counsel for the Vancouver Police
4 Department?

5 A Well, they could have. You know, I've said
6 previously that I'm a person that learns every
7 day, I don't know everything. Some people may
8 agree with what I was doing. That was the purpose
9 of the round table briefings in the morning to
10 discuss direction and whether they agreed with me
11 or not. I mean I don't run an investigation
12 according to consensus, but I certainly take
13 people's comments in stride before making
14 decisions. So they were part of that decision
15 making group in the mornings, and other times we
16 had briefings.

17 Q And if they disagreed with the course of the
18 investigation it was open to them to express their
19 disagreement?

20 A As it was with everybody, that's correct.

21 Q Thank you. Now, in terms of a line officer like
22 Inspector Moulton, you'll agree with me that his
23 duty was to provide guidance and assistance when
24 called upon?

25 A Correct.

1 Q It wasn't his responsibility, in fact you would
2 have resented it if he'd engaged in micromanaging
3 your investigation?

4 A Well, there are different type of managers,
5 including those who micromanage, and the ones that
6 micromanage are really not appreciated by the
7 people doing the work, and sometimes they become
8 an interference.

9 Q That is correct.

10 A However, I think we had that working relationship
11 that if Inspector Moulton again disagreed with
12 something that I was doing that he would more have
13 likely have come through back through channels,
14 but nothing to say that he couldn't have walked
15 into my office and had a chat with me and I would
16 have certainly taken direction.

17 Q That is correct, but at the same time he wasn't
18 apprised of every single step that you were
19 undertaking on the investigation, was he, sir?

20 A I certainly didn't, and I would have left that
21 with respect to the sergeant and the staff
22 sergeant channels.

23 Q Right. In other words, you weren't going up to
24 his office and saying today I'm doing this,
25 tomorrow I'm going to do that?

1 A Correct. It's not my position to do that.

2 Q Nor would you want him to be down into your office
3 every couple of days well, Mike, what have you
4 done today?

5 A Nice fellow, well meaning, and very smart fellow,
6 but you're right, I wouldn't want him in my office
7 every day.

8 Q Thank you. Now, you of course kept your sergeant,
9 that is Pollock, apprised of what was happening?

10 A Correct.

11 Q And you had every reason to believe, in fact you
12 knew that Pollock was briefing Moulton and
13 Moulton's superior Superintendent Hall?

14 A I'm not sure about Superintendent Hall, but yes, I
15 was aware that through the Plainclothes commander
16 that they were briefing Inspector Moulton.

17 Q And in terms of information flow and use of
18 resources, as you told Mr. Peck you were never
19 denied resources that you requested?

20 A That's right.

21 Q And, in fact, surveillance resources, the request
22 for surveillance resources is a request that you
23 put in as an investigator, it doesn't require the
24 approval of the inspector, does it, sir?

25 A No, it does not.

1 Q Thank you. And requesting specialized units is
2 again something that you asked for as the
3 investigator?

4 A Well, that's correct. The only time that I would
5 have made this Inspector Moulton aware of any
6 request is if it would have been surrounding
7 financials, if it was going to come out of the
8 budget at the detachment, and then of course he
9 had to be made aware of that.

10 Q Yes. And were you at any time denied budgetary
11 resources by my client?

12 A No. And during part of this era the RCMP, the
13 federal government was under a financial crunch,
14 but as I think I've said previously that when you
15 have a serious file management will find you the
16 money to investigate it.

17 Q And that did occur here?

18 A Yes.

19 Q Thank you. Now, dealing with some specifics --

20 THE COMMISSIONER: All right. Are you going to be a while?

21 MR. HIRA: Another fifteen minutes.

22 THE COMMISSIONER: We'll take the break.

23 MR. HIRA: Thank you.

24 THE REGISTRAR: The hearing will now recess for fifteen
25 minutes.

1 **(PROCEEDINGS ADJOURNED AT 3:04 P.M.)**

2 **(PROCEEDINGS RESUMED AT 3:20 P.M.)**

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

4 THE COMMISSIONER: Yes, Mr. Hira.

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

6 Q Now, let's deal with some statements or comments
7 that you made to then inspector and now
8 Superintendent Williams back in September,
9 September 18, 2002, almost ten years ago. You
10 recalled telling him, and of course it is the
11 case, that my client was aware in August of 1999
12 that Mr. Pickton was under surveillance?

13 A Yes.

14 Q In fact he attended meetings, at least three
15 meetings where there were investigators, officers
16 from Vancouver, from "E" Division and from
17 Coquitlam Major Crimes dealing with what to do
18 with Pickton?

19 A Correct.

20 Q You also told Williams that my client was
21 supportive and in agreement with what you were
22 doing and with what the unit was doing?

23 A Yes, he was.

24 Q And you continue with that view?

25 A He did.

1 Q You said that he was not only able to get
2 resources and funds for your investigation, but he
3 also deployed people from the street enforcement
4 unit, that is the uniform unit in Coquitlam, to
5 give you extra bodies to investigate Pickton?

6 A He did. Well, the street enforcement unit in
7 Coquitlam was a -- sorry. The street enforcement
8 unit in Coquitlam was another part of the
9 Plainclothes Unit which was under his direct
10 control. So, you're right, he was able to take
11 people off their present duties and assist me.

12 Q In fact, you said there were no roadblocks in your
13 investigation from senior management; isn't that
14 correct?

15 A Absolutely.

16 Q You also told Deputy Chief Evans last year that
17 Inspector Moulton didn't terminate any part of the
18 investigation against your wishes?

19 A No, not at all.

20 Q And as far as you knew he was keeping senior
21 officers informed of what was happening?

22 A I would suspect he would be.

23 Q Now, let's talk about information flow between the
24 RCMP and the Vancouver Police Department.

25 A Okay.

1 Q But before we get into that let's deal with
2 information flow from the Vancouver Police
3 Department to the RCMP.

4 A Okay.

5 Q You've already told us that Detective Shenher's
6 interview of Anderson conducted in August and
7 September of 1998 was an interview that wasn't
8 shared with you; correct?

9 A That's correct.

10 Q Now, I wonder whether you could turn to Exhibit
11 83, tab 25, I believe, and that should be a June
12 16, 1999 report by Staff Sergeant Davidson.

13 A Yes, got it.

14 Q Have you seen that document before?

15 A I think -- no, I haven't unless I was shown it
16 during the testimony here.

17 Q In other words at that time, 1999, when you wanted
18 to do this major push was that document -- was
19 that a document that you saw or that was shared
20 with you by the Vancouver Police Department?

21 A No, it was not.

22 Q And if you turn to I believe page 6, Staff
23 Sergeant Davidson suggests certain investigative
24 steps. Do you see that in the middle of the page?
25 I'm going by memory.

1 A I have intelligence vehicles, personality
2 characteristics, is that the --
3 Q Maybe I shouldn't go by memory. Aging is a real
4 problem these days. If I may, Mr. Commissioner.
5 A There's investigative assumptions.
6 Q I beg your pardon?
7 A There's investigative assumptions.
8 Q Page 7, the following investigative suggestions,
9 do you see that?
10 A Yes, I do.
11 Q Those weren't shared with you, were they?
12 A No, they weren't.
13 Q Okay. In terms of sharing information with the
14 Vancouver Police Department by the RCMP, you
15 didn't keep anything from them that they
16 requested?
17 A No, not at all.
18 Q And in fact you know that even after you left,
19 because we can see it from your timeline, on
20 August 20, 1999 Constable Yurkiw continued to have
21 meetings with the Vancouver Police Department
22 regarding the ongoing investigation?
23 A I believe that to be true.
24 Q Thank you. And you, of course, have told us that
25 Pickton was so important to you that every time

1 you had a chance you made the appropriate postings
2 on the records management systems, be it ViCLAS or
3 CPIC, about it?

4 A Yes, I did.

5 Q Now, we've talked about -- we talked a bit about
6 resources, but I'd like to talk a little bit more
7 about resources.

8 A Okay.

9 Q Your unit at that time was at half strength, was
10 it not?

11 A It was close to half strength, yes.

12 Q And as you told superintendent -- I'm sorry,
13 Inspector Williams as he then was in 2002, despite
14 that you got all the resources you required to
15 pursue Ellingsen?

16 A Yes, I did.

17 Q In fact you said that there was -- there wasn't
18 anything that we couldn't get done because of
19 budgetary problems or resource problems?

20 A That's correct.

21 Q And the investigation stalled at two points.
22 First at the Hiscox point in late 1998; correct?

23 A Correct.

24 Q And that's because it wasn't a matter of
25 resources, but a matter of your source of being

1 difficult to locate and thus the information being
2 too old to go forward with?

3 A Well, it was partly when I had originally spoken
4 to the source in '98, whether I had spoken to him
5 then or a couple of months before that, still the
6 information would have been -- have been too old.
7 But we needed to locate Mr. Hiscox 'cause we
8 wanted to push forward the undercover operation on
9 Yelds, as he graciously had offered to be the
10 agent to help us do that. The location or the
11 task of locating Mr. Hiscox was left with
12 Detective Constable Shenher, she was Mr. Hiscox's
13 handler, and she readily -- well, she knew that
14 and readily accepted that and said that she would
15 find him.

16 Q The point is that it wasn't a lack of resources,
17 it wasn't management disengagement that caused
18 your investigation to stall at that point?

19 A Absolutely not.

20 Q Likewise in the August 1999 period it wasn't a
21 lack of resources or management disengagement that
22 caused the investigation to stall?

23 A That's true.

24 Q Now, I'm going to read you a question and answer,
25 question that was put by Deputy Chief Evans to my

1 client Earl Moulton on the 5th of July, 2001, and

2 I want to ask you whether you agree with this.

3 THE COMMISSIONER: 2011.

4 MR. HIRA: Sorry, 2011. Aging is a real problem.

5 Q The question was:

6 Was that possible at that time...

7 This is August of 1999:

8 ... in the Coquitlam Serious Crime Unit to
9 dedicate those resources to that priority
10 alone?

11 His answer was:

12 I mean we -- we dedicated resources to the --
13 to the extent of taking people out of
14 records, putting them on the road, so that's
15 one aspect. We did take as many resources as
16 we could and we worked what we could. And
17 then my other response is well, what would
18 you have done? Likely tried the interviews.
19 We tried the canvasses. We had gone back in
20 my recollection trying to get video warrants.
21 So you're constantly trying to push to get to
22 that point that you can get on the ground,
23 and to this day nobody has ever suggested to
24 me what we could have done, and I certainly
25 thought lots of hours about it.

1 Would you agree with that answer to that question?

2 A Yes, I would agree.

3 Q And would you not adopt it in terms of everything
4 you did?

5 A Yes.

6 MR. HIRA: Thank you. Those are my questions.

7 THE COMMISSIONER: All right. Thank you.

8 MR. VERTLIEB: Now, I believe that's the list so far. I just
9 was wondering, Ms. Basil, Marlene Basil has been
10 here, and she's so patient and respectful.

11 THE COMMISSIONER: Yes.

12 MR. VERTLIEB: And I want her to feel welcome if she has any
13 questions she might ask.

14 THE COMMISSIONER: Do you have any questions at all?

15 MS. BASIL: No.

16 THE COMMISSIONER: Well, you let us know any time you have --
17 if you have any concerns, if you don't understand
18 some evidence we'll stop for you.

19 MR. VERTLIEB: Just so you know I regularly ask Ms. Basil, who
20 is just delightful, if she is needing any
21 assistance.

22 THE COMMISSIONER: Well, thank you for attending.

23 MR. VERTLIEB: Now, that then concludes the evidence for Staff
24 Sergeant Connor. I wonder if he could be stood
25 down.

1 THE COMMISSIONER: Yes. Thank you, Staff Sergeant Connor, I
2 really appreciate you attending here and giving
3 evidence. Thank you.

4 THE WITNESS: Well, you're welcome, sir. I want to thank you,
5 I want to thank the commission and the lawyers
6 here that have allowed me to be able to sit here
7 and provide my overview of what happened over
8 those years. I hope it helped the commission, I
9 hope it helped the members of the families to
10 answer some of the questions the family members
11 have had all these years, and I guess primarily as
12 well to put the record straight for me.

13 THE COMMISSIONER: All right. Thank you, sir.

14 THE WITNESS: Thank you, sir.

15 **(WITNESS STOOD DOWN)**

16 THE COMMISSIONER: Yes, Ms. Tobias.

17 MS. TOBIAS: Thank you, Mr. Commissioner. Cheryl Tobias for
18 the Government of Canada. There was one matter
19 that came up earlier on, and that was a question
20 that arose to do with whether records had been
21 retained or e-mails destroyed, and so on and so
22 forth. And I've spoken to my learned friend
23 Mr. Vertlieb about this and advised him that I'd
24 just like to put before you at this stage for your
25 information an e-mail that was provided to all

members of the RCMP locally in October of 2010 instructing them to retain records, electronic and hard copy, that might pertain to the subject matter of this inquiry, and telling them that basically that records of any and every description must be retained that they had at that point. And I provided my learned friends with hard copies this afternoon and electronic copies earlier today, and with your leave I'd like to have this marked.

THE COMMISSIONER: All right. Thank you.

MS. TOBIAS: One other matter that I'd like to address briefly, and Mr. Vertlieb is aware of this. As, of course, Mr. Commissioner you've set Monday as the date for Mr. Ward's disclosure application to be heard, I rise simply to advise that we have not -- counsel have not received any written materials from Mr. Ward specifically pertaining to that. I understand he may be relying on some previous correspondence or whatever, but he did indicate that materials would be provided this week and we haven't received anything. That being said I am not asking you to delay the application, because what I really want to say is that in the view of the Government of Canada that application should

1 proceed to the extent humanly possible so this
2 matter can be aired hopefully once and for all.

3 THE COMMISSIONER: All right.

4 MS. TOBIAS: But I wanted to advise you of that situation. I
5 did send a follow-up e-mail to Mr. Ward today
6 inquiring about the materials and haven't received
7 a response.

8 THE COMMISSIONER: Thank you. Yes, Mr. Dickson.

9 MR. DICKSON: Yes, Mr. Commissioner, Tim Dickson for the VPD.
10 I want to support Ms. Tobias's comments in that
11 regard. If you recall on Monday when this topic
12 came up of this alleged police cover-up in
13 relation to documents I responded to Mr. Ward
14 saying well, he should bring his application, an
15 application he's been mentioning for months, and
16 he said that he would deliver his application that
17 day, Monday, or the next day, Tuesday. We haven't
18 received it. We should have particulars of the
19 documents he's looking for. They should be able
20 to be addressed in a full way in this hearing. We
21 should have notice of what they are and we can
22 look at them and see what those allegations are
23 and respond and then you can decide. We should
24 have that from Mr. Ward. We don't have it now,
25 but we do want these allegations to be addressed.

1 We are not aware of any documents that should be
2 disclosed that have not been disclosed. We don't
3 want those allegations just hanging out there. So
4 we do want Mr. Ward to bring on his application,
5 let's deal with this issue, let's address them,
6 and let's move on as we ought to.

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

8 MR. VERTLIEB: Unfortunately Mr. Ward is not here, but if it
9 helps everyone I do recall that he did file an
10 actual motion back in last year that he adjourned,
11 so that may give some of the people here some
12 outline, plus he has written various letters. But
13 I do understand the concern about not having
14 written material, but Mr. Ward's an experienced
15 lawyer and he knows the value of having written
16 material 'cause it helps the trier of facts, so
17 all we can do is hope that we get it. But I think
18 all of us realize the benefit to having that
19 motion Monday, and I think we should plan the day
20 for that. Mr. Ward has said a half a day for his
21 presentation and --

22 THE COMMISSIONER: Well, he said a week.

23 MR. VERTLIEB: I'm sorry, you're right, he did say a week,
24 that's true, but he then sent an e-mail saying it
25 would be half a day, no more.

1 THE COMMISSIONER: I see.

2 MR. VERTLIEB: And so I think that we should plan the day,

3 which means that we can then start the witness

4 Adam, Don Adam on the Tuesday. And I expect that

5 Don Adam will be the balance of the week, so the

6 Tuesday, Wednesday, Thursday. Now, it could be

7 when we hear the motion we won't be able to finish

8 it all on the Monday, and if so I then think we

9 should just keep going to finish it so that issue

10 is resolved, I agree that it's important it be

11 dealt with, and if need be then Mr. Adam will then

12 just need to be waiting, which we don't like to

13 do, but I think it's unavoidable should that

14 happen.

15 THE COMMISSIONER: All right. Thank you. Mr. Gratl.

16 MR. GRATL: I have one small housekeeping matter.

17 THE COMMISSIONER: Yes.

18 MR. GRATL: You may recall, Mr. Commissioner, I played a

19 portion of the August 10th, 1999 interview --

20 THE COMMISSIONER: Yes.

21 MR. GRATL: -- of Lynn Ellingsen with this witness. I forgot

22 to ask to have it marked as an exhibit.

23 THE COMMISSIONER: All right.

24 MR. GRATL: And I'll provide it in the form probably on a flash

25 drive for Mr. Giles.

1 THE COMMISSIONER: All right.

2 THE REGISTRAR: You wish that to be marked as an exhibit; is
3 that correct?

4 MR. GRATL: That's correct.

5 THE REGISTRAR: It will be Exhibit number 93.

6 **(EXHIBIT 93: Portion of the August 10, 1999**
7 **interview of Lynn Ellingsen)**

8 THE COMMISSIONER: Anything else?

9 MR. VERTLIEB: That concludes our business for the week.

10 THE COMMISSIONER: All right. Thank you.

11 THE REGISTRAR: The hearing is now adjourned for the day and
12 will resume Monday at 9:30 a.m.

13 **(PROCEEDINGS ADJOURNED AT 3:43 P.M.)**

14 I hereby certify the foregoing to be a
15 true and accurate transcript of the
16 proceedings transcribed herein to the
17 best of my skill and ability.

18

19

20 Peri McHale

21 Official Reporter

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