

Vancouver, B.C.

January 18, 2012

(PROCEEDINGS RECONVENED AT 9:15 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.

MR. VERTLIEB: One small point that, Mr. Commissioner, I forgot to mention. Mr. DelBigio, when he makes his comments to you, it's on behalf of Mr. McGuinness, just so you know.

MR. DELBIGIO: It's Greg DelBigio. Does Mr. Commissioner require to hear anything further from me at this stage? My client is Mr. McGuinness.

THE COMMISSIONER: All right.

MR. DELBIGIO: Thank you.

THE COMMISSIONER: Thank you.

MR. PECK: One of my associates, Tony Paisana, is with me today.

THE COMMISSIONER: All right. Thank you.

MR. PECK: I will absent myself at some --

THE COMMISSIONER: Yes.

MR. PECK: -- part of this.

THE COMMISSIONER: Thank you, Mr. Peck. Thank you. Ms. Hoffman.

MS. HOFFMAN: Mr. Commissioner, I gave you an estimate of two hours yesterday, and I will be -- I will endeavour to stick to that. However, I have a number of

1 documents that we may have to get into today which  
2 may lengthen things a bit.

3 **CROSS-EXAMINATION BY MS. HOFFMAN:**

4 Q Good morning, DC Evans.

5 A Good morning.

6 Q Yesterday you had asked for the names of who --  
7 the CrOps officer and the commanding officer "E"  
8 Division at the time that Gary Bass was the OIC of  
9 Serious Crime "E" Division or Major Crime. I'm  
10 informed that Bob Swann, that's with two Ns on the  
11 end, was the CrOps officer and Murray Johnston was  
12 the commanding officer. Does that assist at all  
13 in --

14 A That assists with that I don't have any memory of  
15 those two names coming across in any of the  
16 documents that I saw. Thank you.

17 Q So when we left off yesterday we were discussing  
18 the cooperation that had been going on between VPD  
19 investigators and Constable Paul McCarl and other  
20 members of the RCMP with respect to investigating  
21 the Valley homicides or the Agassiz homicides.

22 A Yes.

23 Q Do you recall that?

24 A I do recall that, yes.

25 Q And we looked at some documents which evidenced

1           that and also which showed that really the primary  
2           theory that the VPD was operating under was that  
3           the Agassiz homicides had a direct link to the  
4           missing women from the Downtown Eastside?

5           A    Had the potential, I would say, as opposed to --  
6           had the potential that they could be connected.

7           Q    Right. But they were quite strong in that theory?  
8           That was really their best lead?

9           A    I mean, I know they were liaising with Constable  
10          McCarl and I know they were liaising with Staff  
11          Sergeant Davidson with regards to that and because  
12          they had no physical evidence of the missing  
13          women. So they were relying on that. So, yes, I  
14          would agree with that.

15          Q    So I went through all of that to provide a little  
16          bit more context to the note that you have in your  
17          report, which I'll take you to again. It's at  
18          page 8-127. And this is the note -- it's the  
19          second last paragraph -- that Gary Bass had in his  
20          notes with respect to a meeting that occurred on  
21          March 1st, 2000, and he indicated that he met with  
22          Davidson, Filer, Paulson, "proposal on task force  
23          - serial cases. Agree to star," and I think  
24          that's an error, "start with an effort on the  
25          Valley prostitute murders first - DNA to be

1 compared. Will add to group when manpower becomes  
2 available." So I'd suggest to you that the  
3 coordination that was going on and the focus on  
4 the Valley really provides some context to what  
5 was decided at this meeting, at least what's  
6 evidenced in the notes?

7 A I think it would assist me if I had the proposal  
8 that Staff Sergeant Davidson presented to Chief  
9 Superintendent Bass at that time because I believe  
10 from my memory the proposal also talked about  
11 including a coordinated effort between Vancouver  
12 and the RCMP with regards to the missing women  
13 investigations, whereas -- sorry, I just -- and  
14 with this note, I would look at this note and  
15 think that Chief Superintendent Bass was going to  
16 focus on the efforts on the Valley prostitute  
17 homicides as he -- murders first, which is an RCMP  
18 case.

19 Q Right. And I will accept -- we can definitely  
20 pull out that proposal. I don't have it in my  
21 binders, but we can pull it out. It is in the  
22 materials previously before the commission, but I  
23 accept that that -- that you have correctly set  
24 out what was in that proposal, that it was for a  
25 coordinated approach with respect to the missing

1 women.

2 A Thank you.

3 Q But carrying on in your timeline, there was --  
4 there's reference in the documents, and I didn't  
5 find this in your timeline, so I was curious as to  
6 whether you were aware of it, that on June 14th  
7 Sergeant Paulson met with Corporal McCarl on the  
8 Agassiz homicides, and he told Corporal McCarl at  
9 that point that it was a good point to go back to  
10 the Valley homicides and go and begin to collect  
11 cast-off DNA to compare against the sample that  
12 they had. Do you recall that?

13 A June 14th what year?

14 Q Sorry, of 2000.

15 A Do you have that document that I would be able --

16 Q I can put it to you, yes.

17 A Thank you.

18 Q This is in Exhibit M-1, and it's tab 44.

19 A Sorry, tab 44?

20 Q 44. There's an entry at 14:00 hours at the top of  
21 the page, "Sergeant Bob PAULSON..." Do you see  
22 that?

23 A Yes, I see that.

24 Q

25 ...met with Constable MCCARL and discussed

1                   the progress of this file. Due to other more  
2                   pressing and/or urgent matters, members from  
3                   this Unit have been unable to proactively  
4                   investigate the persons of interest that have  
5                   been identified. It was determined that this  
6                   would be a good time for the investigators to  
7                   engage in the attempts to collect cast off  
8                   DNA from the list of persons that have  
9                   previously been identified as persons of  
10                  interest, possible suspects for this file.

11                 Do you see that?

12                 A    I do.

13                 Q    Were you aware of that when you prepared your  
14                       report?

15                 A    No, because I believe I would have included that  
16                       in my timeline.

17                 Q    So certainly it does seem that some effort  
18                       followed this meeting to follow up with a possible  
19                       connection of suspects to the Valley homicides?

20                 A    But I think from -- to be fair to my report, I was  
21                       suggesting that there was -- I mean, Keith  
22                       Davidson was suggesting a multi-jurisdictional  
23                       approach to connect the missing women  
24                       investigations to the Valley homicides, and when I  
25                       said that there was no effort made by Chief

1 Superintendent Bass to move forward with that, he  
2 was -- and I acknowledge that he was saying, "Yes,  
3 we can work on the Valley homicides." What I was  
4 getting at, that was an RCMP investigation. What  
5 I was hoping, that when Keith Davidson made a  
6 proposal to him saying, "We have three serial  
7 killers in the province and we have missing women  
8 in Vancouver," I would suspect that at that point  
9 there would have been a move by Chief  
10 Superintendent Bass to create a multi-  
11 jurisdictional approach to this issue.

12 Q But to be fair to Gary Bass, he hadn't received  
13 any formal request from the VPD to engage in such  
14 a task force at that point?

15 A I agree.

16 Q Okay. I'd like to move to a new area now. I'd  
17 like to move to the point where Inspector Adam is  
18 first assigned to look into the missing women, and  
19 this is shortly after November 21st, 2000, when  
20 Geramy Field meets with Inspector Henderson and  
21 Inspector Henderson indicates that a task force  
22 should be looked at or the proposal should be  
23 looked at, and he immediately gets Don Adam  
24 involved, who begins to do work on the file in  
25 December of 2000. Do you recall that?

1 A Yes, I recall that.

2 Q And when Inspector Adam came to the missing  
3 women's investigation, you'll recall when you  
4 interviewed him that he told you that he had  
5 absolutely no background in the missing women  
6 investigation?

7 A I agree. I do recall that.

8 Q And he indicated he had no prior partnerships with  
9 the Vancouver Police Department, in particular on  
10 missing women issues?

11 A I believe I recall that, yes.

12 Q So really the only practical option that he had at  
13 that time was to meet with Geramy Field and to get  
14 the background from her?

15 A Yes.

16 Q And I believe in your review you'll agree with me  
17 that if we turn back to 1999 and through 2000 the  
18 VPD had really -- was under the investigative  
19 belief at that time that the serial killer was not  
20 active, that there was a drop-off in the number of  
21 missings and it appeared throughout, I would  
22 suggest from May of 1999 that really the  
23 disappearances had dropped off?

24 A I would agree.

25 Q They had stopped, in fact?



1           A    They had stopped being reported.

2           Q    Stopped being reported.  And you recall that  
3                between May of 1999 to May of 2000, in fact, 10  
4                women were reported missing and that they were all  
5                found within a period of time?

6           A    I believe I saw a document with regards to that,  
7                yes, written by Sergeant Field.

8           Q    And you may recall that when Lori Shenher wrote  
9                her wrap-up memo on November 21st, 2000, before  
10               she left Project Amelia it was apparent to her  
11               that there was some significance to that pattern,  
12               that there was some reason why the majority of the  
13               women went missing between 1995 and 1999?

14          A    I'm sorry, could you repeat that question?

15          Q    Sorry, that was rather long.  I'm just referring  
16                you to Lori Shenher's memo.

17          A    Yes.

18          Q    And in that memo she referred to the belief that  
19                the pattern that was -- the pattern of women  
20                stopped being reported missing was significant and  
21                that there was some reason why the majority of the  
22                women went missing between 1995 and 1999?

23          A    I don't recall that.  I'd like to see that memo  
24                again just to refresh my memory.

25          Q    That is --

1           A    I don't recall that.

2           Q    That will be at Exhibit M-2, tab 114A.

3   THE COMMISSIONER:   What tab is that?

4   MS. HOFFMAN:   114A.

5           Q    And if you turn to page 2 of that memo, you'll see  
6                the sentence, "This is simply..." in the middle of  
7                that paragraph, the first paragraph on that page.

8                This is simply because these five went  
9                missing prior to 1995 and it appears our  
10               numbers increase drastically in the time  
11               period of 1995 - 1999.  We believe there is  
12               some reason the bulk of our victims have gone  
13               missing between 1999 and --

14              sorry,

15               -- 1995 and 1999.

16              And then there's reference to between May of 1999  
17              and May of 2000 "ten women living similar  
18              lifestyles were reported missing to us and all  
19              were located within an average of three weeks".

20           A    Okay.  Thank you.  I agree.

21           Q    And do you recall in other documents seeing the  
22                speculation that the killer may have moved on,  
23                stopped due to media attention or was perhaps  
24                incarcerated?

25           A    I don't recall -- I mean, I'm not suggesting

1           you're trying to mislead me. I just don't recall  
2           those are the reasons why. I recall numerous  
3           memos, or several memos, advising that they had  
4           stopped being reported missing in 1990 -- they  
5           thought the last reported person missing was in  
6           January of 1999. I did see evidence of those  
7           documents.

8           Q   And you'll recall that when you interviewed  
9           Inspector Adam he told you that Geramy Field told  
10          him that -- when he first met with him that the  
11          missings had stopped being reported, that women  
12          were no longer going missing?

13          A   I would need to have a date when you're asking  
14          that question with regard to because I also know  
15          that when Geramy met with Sergeant Adam at that  
16          time when he first commenced she also provided him  
17          dates -- or names of missing women who had been  
18          reported missing.

19          Q   We're going to get into that. Perhaps it would  
20          help, I'll refer you to some notes of a meeting on  
21          January 31st, which I think is the meeting you're  
22          referring to, and that will be in Exhibit M, tab  
23          22. My apologies, I need tab 119. I referred to  
24          the wrong tab. Which is in Exhibit M-2. Okay.  
25          There's a bit of an issue, which we will address,

1           because the first page of this continuation report  
2           is not -- it's not in the binder, which we'll fix,  
3           but you'll have to take my word for this, that  
4           this is a meeting on January 31st. We can perhaps  
5           confirm that with your timeline. Okay. So you'll  
6           see that in the document in the second paragraph,  
7           second -- there is a sentence:

8                     Additionally there had been a belief that the  
9                     street trade workers had stopped disappearing  
10                    in approximate 1999 which...led to an  
11                    investigative theory that the perpetrator had  
12                    moved away or been incarcerated.

13       A    Yes, I see that. That's written by Don Adam --

14       Q    Yes.

15       A    -- at 16:24, yes.

16       Q    And if you can confirm with your timeline that's a  
17           meeting with Geramy Field?

18       A    Yes, I know -- I see that they had a meeting on  
19           the 31st of January.

20       Q    So it's reasonable to assume that he got that  
21           information from Sergeant Field?

22       A    But then I also see on my timeline Sergeant Field  
23           and Port, which I believe would be Sylvia Port, an  
24           RCMP person, identified five subsequent missing  
25           sex trade workers, and that's in that same

1 document as well.

2 Q Yes, and we're going to get to that a bit later  
3 on, but I just want to confirm that indeed  
4 Sergeant Adam was told about this belief that the  
5 missings had stopped in around 1999?

6 A But I -- I mean, I accept what you're saying, but  
7 I can't accept it fully because he says that in  
8 one line, but then he follows in the next  
9 paragraph that he -- he sets out that Brenda Wolfe  
10 disappeared February of 1999 out of Vancouver. So  
11 that's contrary to what he's said in the paragraph  
12 above.

13 Q Well, and this gets into the issue of the fact  
14 that women, of course, and people generally,  
15 you'll agree, when they're reported missing you  
16 can't necessarily take at face value that there  
17 was foul play involved in that disappearance. I  
18 mean, obviously an investigator has to assume that  
19 that could be a possibility and investigate it  
20 accordingly, but, nonetheless, VPD had developed  
21 quite a long list of investigative checks to  
22 ensure that women that were missing, reported  
23 missing were, in fact, actually missing because,  
24 as we noted, a number of women had been found  
25 alive in other -- in previous investigations?

1           A    But I disagree with that premise as you laid it  
2                out only because he has written up this  
3                continuation report and making comment that  
4                there's been --

5                        Additionally there had been a belief that the  
6                        street trade workers had stopped disappearing  
7                        in...1999 which had led to an investigative  
8                        theory that the perpetrator had moved away or  
9                        been incarcerated.

10           But then he follows up and he mentions Cindy  
11           Feliks, which was 1995 when they miss -- missed  
12           her, so that's previous to 1999. But then he  
13           mentions Brenda Wolfe, who disappeared in  
14           February. Then he also mentions Wendy Crawford  
15           disappeared December of 1999. So there's -- so  
16           I'm saying that if he's made that note then he's  
17           aware that the previous sentence he's written is  
18           not necessarily accurate.

19           Q    Okay. I am going to back up a bit because I think  
20                it would be helpful if we deal with this a little  
21                bit more chronologically. In fact, there was a  
22                meeting that Don Adam had with Geramy Field on  
23                December 12th. Do you recall seeing the notes of  
24                that meeting?

25           A    I do.

1           Q   And Don asked at that meeting -- he had a number  
2               of concerns at that meeting, and one of them was  
3               do we have an accurate representation of potential  
4               victims, and he asked Geramy to check to ensure  
5               that they did. Do you recall that?

6           A   I do recall that.

7           Q   So obviously Don Adam was very concerned with  
8               ensuring that they had captured all of the missing  
9               women?

10          A   I think he was looking for an accurate picture of  
11               what the issue was because he was new to the --  
12               new to the investigation, so he was trying to  
13               ensure from his meeting with Sergeant Field did he  
14               have an accurate picture, and he was trying to get  
15               that from her. But I'm also aware that in  
16               December or November he was given documents to  
17               review, but he never -- like, I never had an  
18               opportunity to review those because they were  
19               never maintained. Which started out his  
20               investigation from the beginning. So he gets  
21               assigned by Acting Inspector Henderson, and he's  
22               told he's a special projects coordinator, and he's  
23               told -- he's been asked to look at this as a -- as  
24               a project, and from what I understand from the  
25               notes, he was given a package of material to

1 review, but I was never able to review that  
2 package myself to see what starting point. That  
3 would have been beneficial, but I never saw that,  
4 and Don Adam couldn't recall in my interview with  
5 him what information was contained in that.

6 Q And we're going to get into this a bit later on  
7 today, but he may have had a package of material,  
8 but he certainly did not have the files from the  
9 VPD at that point to review? It took quite some  
10 time, I am going to suggest it actually took until  
11 April of 2001 for Jim McKnight to bring the  
12 missing women files over to Project Evenhanded  
13 when he relocated to the office in Surrey?

14 A So, I'm sorry, what was your question? In  
15 relation to Don Adam you were asking that?

16 Q Well, I'm saying that he did not have the benefit  
17 of the actual missing women files when he first  
18 started off in his assessment?

19 A But from what I understand, he never looked at the  
20 missing women files. That came up during my  
21 interview as well. I agree with you he didn't  
22 have them from the beginning, but I also have to  
23 say that I don't think he looked at them.

24 Q Well, he had to rely, I would suggest, on the VPD,  
25 who had made it its business to investigate these



1 files, and he had to get information from them as  
2 to what the accurate factual picture was with  
3 respect to the missing women?

4 A I agree, but all I was coming back to from the  
5 original -- anyway, the fact is that he gets  
6 information obviously from VPD saying maybe this  
7 perpetrator has stopped or moved away, but in the  
8 same report that he's written he's actually  
9 outlining missing women.

10 Q Yes, and we'll get to that. If I can speak about  
11 missing persons more generally. I mean, I presume  
12 you will agree that the vast majority of people  
13 who are reported missing are found with no foul  
14 play involved?

15 A I agree.

16 Q And we can go to this document, if you wish, but  
17 if you can accept my numbers, there's a document  
18 which I think is helpful in the disclosure. It's  
19 an e-mail from Sandy Cameron to Sergeant Field  
20 dated April 24th, 2001, and it sets out the  
21 missing persons stats for the VPD, and in that  
22 document it says that in 1999, for example, 254  
23 adult women were reported missing to the VPD and  
24 247 of those were located. Do you recall that  
25 document or can you accept that I'm --

1           A    I would accept that. I mean, I recall seeing  
2               documents, and I am aware of the fact that the  
3               Vancouver Police Department dealt with well over  
4               2000 missing persons occurrences or investigations  
5               a year, and for the most part most returned home  
6               safely.

7           Q    So then you will agree then that while foul play  
8               in a missing person investigation should never be  
9               ruled out from the outset, that it can't be taken  
10              at face value that a woman reported missing has  
11              been murdered?

12          A    I would agree on missing person occurrences, but I  
13               would not necessary dis -- I would disagree at  
14               this stage of the investigation if the woman met  
15               certain criteria, in that she was living in the  
16               Downtown Eastside and she fit the other  
17               similarities of all the other missing women.

18          Q    But there were a number of those types of women  
19               reported to VPD who fit that profile who were  
20               actually found alive? You recall seeing that in  
21               the documents?

22          A    I recall seeing that --

23          Q    Well, in fact, we just went to a document which  
24               said that.

25          A    Yes. I recall seeing -- I was just going to

1 finish. I recall seeing that VPD did locate women  
2 fitting that description, and they did locate  
3 them, yes.

4 Q And you will recall that Lori Shenher and her  
5 group developed quite a long list of checks that  
6 they would do to try to confirm that someone was  
7 missing? And I can take you to the document.

8 A I would agree, yes.

9 Q But a number of different things to check.  
10 Welfare, all sorts of different databases. And it  
11 was quite time-consuming for them to go through  
12 all of that in order to confirm someone missing?

13 A I don't -- I don't recall seeing any documents  
14 that talked about the time it would take to do all  
15 those checks, but I do recall seeing documents to  
16 indicate that there were many checks done.

17 Q But you would agree that significant work would  
18 have to be undertaken to confirm that a woman was  
19 missing, that a woman that fit the profile was  
20 missing?

21 A I would agree that you would have to do multiple  
22 checks to confirm. Significant work, it's hard to  
23 tell because I think each case is unique.

24 Q We're going to return to this issue later on, but  
25 I'd like to move on to a bit different area. Now,

1           in your report you are, I would suggest, quite --  
2           you're critical of the strategy that Evenhanded  
3           implemented, and I would suggest to you and ask  
4           you to agree that in critiquing the investigation  
5           that Evenhanded undertook you really need to put  
6           yourself in the shoes of those investigators that  
7           were faced with the investigative problem that  
8           they were asked to solve; do you agree with that?

9           A    I would agree that I was trying to put myself in  
10           the shoes of those investigators, and I believe I  
11           was critical of the plan, yes.

12          Q    And so in putting yourself into the shoes of those  
13           investigators I would suggest that you would have  
14           to be aware that they were faced with many  
15           challenges, and I am going to suggest to you some  
16           of those challenges and ask you --

17          A    I would agree.

18          Q    -- to agree with those particular challenges.  So,  
19           first of all, they have an investigation that was  
20           done by the VPD into 27 missing women, and they  
21           had no bodies, and that was a significant  
22           challenge?

23          A    I would agree with that, yes.

24          Q    The investigation had generated 1300 tips and  
25           hundreds of potential suspects?

1 A I understand that, yes.

2 Q And that presents a significant challenge?

3 A Yes, it does.

4 Q And as we pointed out yesterday, in the documents  
5 of course there were no shortages of persons of  
6 interest with a history of violence, quite severe  
7 violence against sex trade workers?

8 A I would agree.

9 Q And Sergeant Field and Detective Constable Shenher  
10 were of the view that they really -- there was no  
11 solid evidence or leads linking any of those  
12 hundreds of potential suspects to any of the  
13 missing women? And that's a line taken from  
14 Shenher's November 2001 memo. You recall that  
15 line?

16 A I would like to see that memo again because I also  
17 believe in that memo dated November 21st, 2000,  
18 not 2001 --

19 Q Sorry, I keep saying that.

20 A -- that she talked about saying -- I believe she  
21 also suggested there was more work to be done on  
22 Pickton.

23 Q She did, and you'll recall that Ms. Tobias pointed  
24 out to you that although she said in that memo  
25 that three men stood out, that the reason they

1           stood out was simply because of their propensity  
2           for violence against sex trade workers, although  
3           she does -- I will -- I acknowledge that she does  
4           say that further work could be done with respect  
5           to Robert Pickton?

6           A    Yes.

7           Q    Now, with respect to all of these hundreds of  
8           suspects, they had -- Amelia had collected a  
9           massive amount of information with respect to  
10          those suspects?

11          A    I would agree.

12          Q    And as you noted yesterday, that information was  
13          not particularly well organized?

14          A    I would agree.

15          Q    And we referred you to the note that Detective  
16          Shenher had that, in fact, they had so many  
17          suspects they couldn't interview them all. Do you  
18          recall that?

19          A    Yes.

20          Q    And they had had a plan to put the information  
21          into SIUSS and hopefully that that would generate  
22          some links and potentially some POIs that might  
23          rise to the top in terms of how many times they  
24          showed up in the database. Do you recall that?

25          A    Yeah. I wasn't sure -- I don't recall saying that

1           they were hoping SIUSS would create links. I  
2           don't recall that.

3           Q   We can go to that note. That's at tab 114A, which  
4           is in Exhibit M-2. Oh, sorry, my apologies,  
5           that's tab 18 in Exhibit M.

6           A   Sorry, tab 18?

7           Q   18, yes.

8           A   Thank you.

9           Q   And it's near the back. It's the second last page  
10          in that binder. So you'll see:

11                 Field advised me we don't need to interview  
12                 all persons of interest who come to us as  
13                 tips...only enter in SIUSS because there are  
14                 so many. If they come up repeatedly, we'll  
15                 reassess.

16                 So I would suggest that they're saying that  
17                 they're going to rely on SIUSS bringing up --  
18                 revealing that particular persons of interest come  
19                 up more than once and then they'll perhaps -- can  
20                 work on those suspects over others?

21           A   Yes, I would agree.

22           Q   But I would suggest that they never really got to  
23           the stage before Don Adam took over that they had  
24           actually fully assessed all of the persons of  
25           interest and evaluated them and put them into a

1 rank order. Did you see any evidence of that?

2 A No, I didn't. I saw many lists, as Ms. Tobias  
3 showed me yesterday. I saw those. But I would  
4 say the November 21st memo, 2000, by Detective  
5 Constable Shenher, I'm told that was her exit  
6 memo, she was saying those top three. So I would  
7 say those were the top three in her mind. And I  
8 do recall when I interviewed Detective -- I'd have  
9 to look at the transcript whether it was Little or  
10 McKnight. One of them. Because, I mean, I had  
11 said to them, "Did you speak to Lori Shenher, did  
12 she give you -- you know, who was her best pick  
13 who she thought you should look at," and they --  
14 and she did mention Pickton.

15 Q Okay. So definitely, though, in that memo she  
16 points to three suspects?

17 A She does, yes.

18 Q Now, I want to turn to some information management  
19 challenges and just speak a little bit about that  
20 particular challenge, and I want to start off by  
21 taking you to a book by Dr. Steven Egger. Are you  
22 familiar with him?

23 A No, I don't believe so.

24 Q Okay. It's in Exhibit M, tab 1.

25 A Sorry, Exhibit M --



1 Q Yes.

2 A -- or M-1? M.

3 Q Yes, M, tab 1. So he's written a book *The Killers*  
4 *Among Us, An Examination of Serial Murder And Its*  
5 *Investigation*. He's an academic from the United  
6 States, and he's written a lot about serial killer  
7 investigations, and I want to refer to page 184  
8 and 185. And I'll also note that he wrote this  
9 book in 1989, so it provides a bit of a window  
10 into what the computer world was like and  
11 particularly how it was used by police agencies  
12 around the time that this -- during the terms of  
13 reference.

14 A The book --

15 Q Or '89.

16 A Now that I see the title, it does look familiar to  
17 me, this book, yes. So 184 is the page you're  
18 directing me to?

19 Q Sorry, 1998. I'm having problems with my dating.

20 A Okay.

21 Q So the book was written in 1998, so during the  
22 terms of reference.

23 A Okay.

24 Q And 184 it talks about managing large amounts of  
25 investigative information, and it says:

1                   In a serial murder investigation the amount  
2                   of information and data that are generated is  
3                   almost always unmanageable without the aid of  
4                   a computer.

5                   You'll agree with that?

6           A    I would agree, yes.

7           Q    And:

8                   The most novice student reviewing the  
9                   literature of law enforcement and automated  
10                  data processing will quickly realize that  
11                  many police agencies operate from an almost  
12                  illiterate grasp of the modern computer. In  
13                  fact, most police departments simply use  
14                  their computing machines as fast-retrieval  
15                  file cabinets, not realizing the great  
16                  potential of the computers of the 1990s.

17                Casting yourself back in your own career, would  
18                you agree that that was -- that was true for the  
19                1998-2000 era?

20           A    I think it's difficult for me to agree with this  
21                only because I'm very fortunate and blessed in  
22                Peel Regional Police that we had automated systems  
23                when I worked in Homicide as a detective in 1999,  
24                and we were using cases that linked, so we had  
25                that capability.

1 Q You had that?

2 A But I recognize that not all police agencies did.

3 Q Yes. If I can move on to the next paragraph:

4 To fully exploit the computer and the  
5 processing of information, the team of  
6 investigators must be able to cross-reference  
7 and retrieve aggregate data very rapidly.  
8 Indeed, a speedy electronic file drawer will  
9 almost certainly fail to provide timely and  
10 accurate information with the speed necessary  
11 for such an investigation. Command-level  
12 personnel who understand the necessity for  
13 such capability may not be available to the  
14 agencies involved. Outside consultants may  
15 be required, and this has not always worked  
16 very smoothly in these sensitive and  
17 stressed-filled investigations.

18 Do you see that?

19 A I would agree, yeah.

20 Q And would you agree that given the problems that  
21 the VPD was having with SIUSS, and the -- you will  
22 be familiar with the problems that they had in  
23 getting that system transferred over to  
24 Evenhanded, that these comments are quite apropos?

25 A I would agree, and I saw evidence of that when Don

1 Adam struggled with this in Evenhanded as well.

2 Q So that was obviously a large challenge facing Don  
3 Adam when he came into this investigation?

4 A Oh, I agree. Very big challenge for him.

5 Q In fact, I think he put it that the computers were  
6 broken?

7 A Yes.

8 Q In fact, and I can take you to this document as  
9 well, that the VPD communicated to their own -- or  
10 Sergeant Field communicated to Inspector Spencer  
11 that she couldn't be confident that all of the  
12 information about the victims and the suspects  
13 were actually entered into SIUSS?

14 A I believe I recall that, yes.

15 Q So if you aren't sure that all your suspects are  
16 captured within the massive information that you  
17 have, that presents a problem?

18 A I would agree.

19 Q It raises serious doubts about whether your killer  
20 is going to be included in that massive  
21 information?

22 A I would agree.

23 Q Now, just for context, and we can go to your  
24 timeline or to the daily log, but I'm going to  
25 suggest to you that the SIUSS computer system

1           wasn't operational for Evenhanded until December  
2           of 2001. Do you recall that?

3           A    Yeah, I believe I saw something that said they  
4           were trying to go for training in late November  
5           2001, so December 2001 I would agree with you, if  
6           you're saying that date, yes.

7           Q    So that's a long period of time to be operating  
8           without a computer system that works?

9           A    I agree.

10          Q    Okay. I'd like to turn now to page 8-32 of your  
11          report. Now, at the very top of the page you are  
12          here speaking, if you look to the previous page,  
13          about Staff Sergeant Henderson, and in the first  
14          paragraph you -- in the second sentence of that  
15          paragraph you say:

16                He took ownership of the Missing Women Review  
17                in November 2000 when VPD provided the  
18                investigative files.

19          And I am going to suggest to you that that is --  
20          that's inaccurate, that he didn't get the  
21          investigative files at that stage, that it took  
22          quite a bit of time before the files could be  
23          transferred from VPD to the RCMP.

24          A    No, I believe I would disagree. I believe he  
25          actually met with Sergeant Field, I believe on May

1           10th. I can check my timeline. I believe -- so  
2           he met with Sergeant Field in May, and between May  
3           and November they were sending him -- they were  
4           communicating with him saying they were still  
5           struggling to get the files organized and ready,  
6           but I believe in November is when Sergeant Field  
7           met with him and said, "Okay, we're ready to -- to  
8           work together on this investigation."

9           Q   Okay. It may assist if we actually look at the  
10          notes of Detective Jim McKnight from the VPD. He  
11          was the primary investigator on Project  
12          Evenhanded?

13         A   Yes, I recall.

14         Q   Okay. If we can go to tab 68, which is in Exhibit  
15          M-1.

16         A   What tab, pardon me?

17         Q   Sorry, tab 68. Okay. So there's a bit of a  
18          dating problem with these notes. You'll see that  
19          they commence on February 26th, 2001.

20         A   I see that.

21         Q   And that's the date that Jim McKnight was assigned  
22          to Project Amelia?

23         A   Yes.

24         Q   And then you carry on and then there's a date  
25          that's -- a typewritten date that's crossed out

1                   and then it says 01-03-13, which I believe is  
2                   March 13th, 2001.

3           A    Yes.

4           Q    So the next entry is the 14th, and it says,  
5                "Initiated organization of the missing files."  It  
6                says, "MP files will be identified as MP Binder  
7                and numbered..."

8           A    I see that.

9           Q    So he commences organizing the files.  On March  
10               31st (sic), on the next page, he meets Lori  
11               Shenher and discussed the file and the location of  
12               the file notes.  He commenced work on reviewing  
13               those files.  And I'd suggest to you that in this  
14               time frame he's still working at the VPD office?

15          A    I would agree.  But I think if we're talking about  
16               ownership, as I've stated in my report, when I  
17               talk about that Acting Inspector Henderson took  
18               ownership in November of 2000, I was referring to  
19               the fact that he met with Sergeant Field and then  
20               he said he -- and he assigned Don Adam at that  
21               time, so then I -- that's what I meant by the fact  
22               that he took -- he's taking ownership, because  
23               he's now taking an RCMP officer and assigning him  
24               to work on the missing women issue, and then on  
25               November 22nd there was evidence of a document

1           that he sent to Assistant Commissioner Bass  
2           informing him that he has assigned Don Adam to  
3           this task. That's what I meant by he took  
4           ownership.

5           Q    I wanted to correct your report because it seemed  
6                that you were suggesting that he actually took  
7                possession of the files and that Don Adam might  
8                have had access to those files, but you will agree  
9                that that wasn't the case?

10          A    I -- yeah, when I say he took ownership of  
11                the investigative -- of what -- I know there was a  
12                transfer of information. Remember I spoke earlier  
13                this morning that Don Adam was given a package to  
14                review, and I would assume -- I'm probably not --  
15                I probably shouldn't assume, but I would think he  
16                was given information on the missing women  
17                investigation to look at to give him an update,  
18                but I never saw those documents, so that's when I  
19                said that Inspector Henderson took ownership, and  
20                I think that's indicated by assigning somebody  
21                from the RCMP and then notifying Assistant  
22                Commissioner Bass that he's assigned. That's what  
23                I meant by the ownership. I wasn't trying to  
24                suggest by that line that he actually received all  
25                the investigative files of the 27 missing women.



1 I know that didn't take place for -- until 2001.

2 Q Okay. And if we can just continue on with Jim  
3 McKnight's notes just to close the loop. If you  
4 look at the entry for April 24th, which is three  
5 pages over or two pages over from where we were,  
6 the top of the page it says, "Relocated to Surrey  
7 Satellite Office." Do you see that? It has at  
8 the top of the page --

9 A Yes, I see that.

10 Q -- April 24th.

11 A April 24th, 2001, "Relocated to Surrey Satellite  
12 Office," yes.

13 Q And I'll suggest to you that at that point is when  
14 Jim McKnight brought over the files from Amelia?

15 A Yeah, I wouldn't disagree with you on that, so --

16 Q Okay. If we can go back. So you'll agree that  
17 obviously not having the paper files is a  
18 significant challenge as well in starting up a  
19 major investigation?

20 A Well, I mean, I think I still go back to I'm not  
21 really sure what information Don Adam was given.  
22 I think there's a note somewhere.

23 Q Well, I'm talking about the actual files. I mean,  
24 I presume that the package that Don Adam received  
25 was likely a summary of what had gone on to date.

1           Would that be reasonable?

2           A    I would agree.

3           Q    And I'm talking here about the actual files that  
4               detailed all the investigative steps that had been  
5               previously taken.

6           A    But I think it's unfair to say or to suggest that  
7               it would have made -- it complicated Don Adam's  
8               job because he didn't receive the investigative  
9               files until April when I understand from his  
10              interview he never reviewed the investigative  
11              files.

12          Q    Well, I mean, Don Adam was the team commander.  
13               Obviously he would assign people within his team  
14               to carry out those -- his tasks for him, and  
15               indeed Jim McKnight was reviewing the files?

16          A    I agree. I agree that he wouldn't necessarily  
17               review them. He would assign that to the primary.  
18               But you were suggesting that it complicated his  
19               role, and I'm saying no, it wouldn't, because he  
20               never did look at the files.

21          Q    But Don Adam obviously has to get a handle on the  
22               problem that he is dealing with?

23          A    Yes.

24          Q    So yesterday you were asked about tunnel vision.

25          A    Yes.

1           Q    You recall that. And you were also asked about  
2                major case management. And I'd suggest to you  
3                that one of the investigative pitfalls that major  
4                case management is designed to avoid is, in fact,  
5                tunnel vision?

6           A    I would agree.

7           Q    And so Don Adam as the team commander of a serial  
8                killer investigation, when considering his game  
9                plan he has to keep it foremost in his mind to  
10              avoid tunnel vision, correct?

11          A    I would agree.

12          Q    He has to be concerned that down the line a  
13                criminal -- in a criminal prosecution that the  
14                suspect that is ultimately charged may, in fact,  
15                raise tunnel vision as part of his or her defence?

16    THE COMMISSIONER: Why am I -- why am I hearing this all over  
17                again? You know, a lot of what I've heard this  
18                morning about -- you've now come on to tunnel  
19                vision. I've heard that before. It's dangerous  
20                not to be -- to have a mindset of tunnel vision in  
21                any investigation. There were no bodies. There  
22                were no crime scenes. And I don't know how many  
23                times I've heard this. So I don't want to  
24                interrupt your cross-examination, but, on the  
25                other hand, I'm hearing so much this morning that

1 I've already heard over and over again.

2 MS. HOFFMAN: Okay. I'll try to speed it up, Mr. Commissioner.

3 THE COMMISSIONER: All right.

4 MS. HOFFMAN:

5 Q So I do want to get into, though, the specifics of  
6 the operational plan that Don Adam put into place,  
7 and what I'm trying to do is provide some context  
8 for how he came up with that plan. So you'll  
9 agree that when he had to put his operational plan  
10 into place he had two challenges. The first was  
11 to build a suspect pool which had the best chance  
12 of containing the killer; would you agree with  
13 that?

14 A Yes.

15 Q And, secondly, he had to figure out which of the  
16 hundreds of suspects that they had in that pool to  
17 target first?

18 A I would agree.

19 Q You'll agree that Don Adam consulted with  
20 profilers in preparing his plan? Do you recall  
21 seeing evidence of that?

22 A I do.

23 Q And he was told that serial offenders generally  
24 perfect their ability to hide evidence and they  
25 often commit lead-up crimes where they botch

1 things or leave potential evidence behind. Do you  
2 recall him getting that advice?

3 A I do.

4 Q And Inspector Adam, of course, realized that  
5 getting a serial killer's DNA would be the key to  
6 solving or could be the key to solving the case?

7 A Could be the key, yes.

8 Q So I'd like now to go to the operational plan  
9 itself, which we can find in the daily log, which  
10 is at tab 16 of Exhibit M. If you can turn to  
11 page 5 of that tab. Now, this is the operational  
12 plan that Sergeant Adam actually sent to Geramy  
13 Field to get her input on. Do you recall that?

14 A I do recall that, yes.

15 Q So it's quite clear in the plan that it's premised  
16 on the fact that there may be several -- one or  
17 more serial killers operating?

18 A Yes, I see that, "That there may be one or several  
19 serial killers who have done this."

20 Q So there's no question -- obviously you  
21 acknowledge this in your report -- that the RCMP  
22 clearly acknowledged that there was a serial  
23 killer --

24 A Yes.

25 Q -- operating?

1                   So the first phase, Phase 1, that is to do a  
2                   review of files for crime-scene DNA to ensure that  
3                   the DNA is in a bank and can be compared with --  
4                   with cast-off DNA? That was ultimately the goal  
5                   of doing -- doing that review?

6           A    Yes, I see that.

7           Q    So what they were doing is they were going to go  
8                   to files where women who fit the profile had been  
9                   either assaulted or murdered and their cases were  
10                  unsolved to look for DNA?

11          A    Correct.

12          Q    And, of course, throughout the '90s DNA developed  
13                  quite rapidly?

14          A    I'm not convinced of that, but yes.

15          Q    Okay. Well --

16          A    It developed.

17          Q    So older cases perhaps may have exhibits in them  
18                  that had never been sent to the lab to be  
19                  profiled, have exhibits that could have suspect  
20                  DNA on them that had never been profiled?

21          A    I agree fully.

22          Q    So the idea was that they would look at these old  
23                  files to see if they could find such exhibits and  
24                  build up a DNA bank of suspect or offender DNA?

25          A    Yes.

1 Q So you'll see the second phase is review and  
2 prioritization of current VPD and South West Major  
3 Crime District suspect lists?

4 A I see that, yes.

5 Q So -- and I'll suggest to you that Bill McKnight  
6 and Jim Little did a lot of that work? They told  
7 you about that?

8 A I understand that. Yes, they did.

9 Q And they were doing that throughout the summer of  
10 2001 and into the fall?

11 A In the spring I would say yes, and throughout the  
12 summer, yeah. I agree.

13 Q And that work was going on simultaneously with the  
14 file reviews that were going on, where members of  
15 Evenhanded were going out to various RCMP  
16 detachments to review these files for --

17 A I understand --

18 Q -- potential DNA?

19 A -- Corporal Kingsbury was travelling out to the  
20 RCMP detachments, yes.

21 Q And you will acknowledge, I presume, that  
22 prioritizing your suspects and assessing your  
23 suspects, that's a very key part of the  
24 investigation that you have to do before you can  
25 figure out which suspect you are going to target?

1           A    I would agree with what you're saying with regards  
2                   to investigation, but I don't believe what  
3                   Evenhanded was doing was an investigation. I  
4                   believe they were doing an historical review.  
5                   Investigation to me would mean that they were  
6                   doing a proactive investigation looking for  
7                   suspects. I know -- I mean, I'm not trying to  
8                   split hairs with you on the word "investigation",  
9                   but if you were conducting an investigation do I  
10                  agree that you have to create a list and  
11                  prioritize your suspects? I agree fully, yes.

12          Q    Well, if you're doing an investigation, that's  
13                  exactly what they were doing. They were assessing  
14                  their suspects. They were prioritizing them.

15          A    That was Phase 2 is what they were going to do,  
16                  yes.

17          Q    Okay. But I thought you agreed with me that Bill  
18                  Little and Jim McKnight were reviewing the suspect  
19                  list throughout the summer and that was going on  
20                  simultaneously with the file review process?

21          A    They were doing that, yes.

22          Q    So it's not like they were doing the file reviews  
23                  first and then they were going to prioritize  
24                  suspects later? It was going on simultaneously?

25          A    Yes, but I think I was just disagreeing with the



1 word "investigation" just because I think I saw  
2 something in September where there was an e-mail  
3 or a fax from McKnight to some officer in the RCMP  
4 saying, you know, "We're still in review mode,"  
5 and that was in September. So that was the only  
6 word that I was disagreeing with there.

7 Q But obviously, and I think you'll agree, that when  
8 you're presented with this investigational problem  
9 which has so many suspects, part of that is to  
10 review your suspects, to evaluate them to figure  
11 out which one you want to focus your investigation  
12 on?

13 A I agree.

14 Q So that's work that had to be done?

15 A Yes.

16 Q So then Phase 3 of the operational plan is that  
17 once you've figured out who you are going to go  
18 after they're going to collect cast-off from those  
19 suspects to see if they can match it up with any  
20 of the crime-scene, unknown offender crime-scene  
21 DNA they've already collected?

22 A Yes, I agree.

23 Q And so then Phase 4 is that if they get a hit on  
24 somebody they would go out and proactively  
25 investigate that person and do whatever would be

1 required to investigate, including doing  
2 surveillance, wire-tap, undercover operations, and  
3 the whole -- everything that goes along with those  
4 steps?

5 A I would agree.

6 Q Now, this operational plan was sent to Sergeant  
7 Field for her approval?

8 A Yes.

9 Q And she accepted it?

10 A I believe so, yes.

11 Q She presented it to VPD management?

12 A Yes.

13 Q And VPD management accepted it?

14 A They did.

15 Q And just backing up, when Sergeant Field was asked  
16 for input on the plan, she did not say to Don  
17 Adam, "I think that -- instead of doing this I  
18 think you should go out on these particular  
19 suspects"? She never said anything like that?

20 A I agree. I don't -- I did not see any evidence  
21 that suggested she did that.

22 Q Now, I wanted to put to you a couple of examples  
23 of when Phase 4 came into play during Evenhanded's  
24 investigation, and Phase 4 is when they went out  
25 and targeted a suspect based on a hit. You've

1                   heard about the alley investigation, and we talked  
2                   about it a little bit yesterday?

3           A    I have, yes.

4           Q    And what happened there was that in December of  
5                   2001 they got a hit or they were advised that  
6                   there were two different crime-scene DNA samples  
7                   which matched?

8           A    I understand that. I recall that.

9           Q    So they realized that they had a serial -- another  
10                  serial killer?

11          A    Yes, they understood. So their DNA from the alley  
12                  homicides did not match those of the Agassiz  
13                  homicides.

14          Q    Sorry, say that again.

15          A    It was DNA -- it was different DNA samples from  
16                  two different crime scenes.

17          Q    So then you have another serial killer?

18          A    Yes.

19          Q    So this plan actually succeeded in revealing that  
20                  serial killer that had killed in the 1980s, the  
21                  late '80s, correct?

22          A    I don't know if it revealed -- sorry, what was  
23                  your question?

24          Q    Sorry. It revealed that there was another serial  
25                  killer who had killed two women in the late '80s

1 in Vancouver?

2 A Yes. The DNA --

3 Q Yes.

4 A -- connected those.

5 Q We didn't -- they didn't know who it was --

6 A Right.

7 Q -- but it revealed that that person had --

8 A But I thought your question was you were saying  
9 that this plan revealed that, but I didn't think  
10 it was -- I didn't understand that to be the case.  
11 I thought the DNA links were made by the DNA lab.  
12 I didn't realize it was this plan that caused  
13 those links to be made.

14 Q Well, in fact, it was. It was DNA that was  
15 collected through the file review process which  
16 gave rise to that.

17 A Okay.

18 Q So -- and we can turn to the daily log. We have  
19 it here if you need it. But I would suggest that  
20 when they found out about this link they  
21 immediately set to creating a list of suspects  
22 that they should target both with respect to the  
23 alley and to the Valley that they should get  
24 cast-off DNA from, and that actually -- that work  
25 started in December, and by January 28 they had a

1 list of 23 suspects that they were going to go out  
2 and collect cast-off DNA from?

3 A Can I -- sorry, I'm not trying to be problematic.

4 Q Yeah. No.

5 A Can you just direct me to that document just so I  
6 can refresh my memory.

7 Q Well, you have the daily log in front you, I  
8 believe. We were just looking at it.

9 A Oh, the Evenhanded daily log, yes. Just go to the  
10 date.

11 Q Turn to December 17th. It's on page 67.

12 A Thank you.

13 Q So a fax was received from the lab concerning a  
14 DNA suspect match involving the VPD files. This  
15 was the match that I was speaking of.

16 A Yes, I recall seeing this, yes.

17 Q And then if we turn -- flip to January 23rd -- or  
18 28th, rather, which is on page 71 -- okay. And  
19 it's on the next page, page 72.

20 A I see that, yes.

21 Q You see that, "A list of 23 suspects has been  
22 compiled and is intended to," and then the next  
23 thing is blacked out?

24 A See, I think that's why I really wasn't sure what  
25 was intended.

1 Q Well, I don't think that it's any secret to say  
2 that I believe that refers to collecting cast-off  
3 DNA from those suspects, but I can see now why you  
4 may have been --

5 A Yeah, I didn't understand that. Sorry.

6 Q -- hindered in understanding that.

7 Other examples of when the investigation  
8 implemented or became -- or, sorry, where the  
9 investigation targeted specific suspects, and we  
10 touched on one yesterday so I'll just remind you  
11 of it, but in the fall of 2001 there was an  
12 offender who had sexually assaulted a sex trade  
13 worker and claimed responsibility for the missing  
14 women?

15 A I recall that. He was eliminated by the  
16 polygraph.

17 Q And he was identified in November, and Evenhanded  
18 got involved in that investigation and assigned  
19 resources to assist the VPD in that investigation?

20 A I understand that, yes.

21 Q So obviously at that point they're not doing an  
22 historical review; they're plugged in and doing an  
23 investigation of a suspect that rose to the top  
24 and had a potential link to the missing women?

25 A And I believe I said that in my report, that it

1 changed in November, the plan changed in November.

2 Q Well, prior to that, though, there hadn't been a  
3 suspect, though, that had risen to the top in that  
4 manner? And I think you're assuming that they  
5 wouldn't have done that in the summer months, but  
6 if a suspect had -- had arisen, the plan that they  
7 had, the four-phase operational plan, I would  
8 suggest would have come into effect there. If  
9 they had someone, a suspect that in July had done  
10 what this suspect did and claimed responsibility  
11 for the missing women, I would suggest that they  
12 were poised to deal with that.

13 A I would disagree with that because I -- from my  
14 review of the documents in my -- I saw that Don  
15 Adam didn't want to be lulled into tunnel vision  
16 by selecting -- he felt that -- he was concerned  
17 that if they started targeting certain suspects  
18 that may not help them, so he was committed to do  
19 the review and to do the DNA. It wasn't until  
20 November his plan changed when they realized we  
21 potentially still have an active serial killer,  
22 and that's when they started saying we're going to  
23 have to start actively going out and pursuing  
24 suspects as they arise.

25 Q But my suggestion to you, though, is, is that if a

1 suspect had arisen in July and had done something  
2 which -- or was alleged to have done something  
3 which would, you know, put him to the top of the  
4 pile, that Evenhanded would have gone proactively  
5 against that suspect?

6 A But I saw no evidence of that, to suggest that.

7 Q Well, I mean, it's hypothetical, I suppose,  
8 because that didn't happen. I would suggest that  
9 until the suspect in November came to light that  
10 there were no instances where a suspect came out  
11 of the woodwork and had a potential link to the  
12 missing women or had a stronger link to the  
13 missing women.

14 A Yeah. I mean, that's something I think is up for  
15 a big debate. I think -- I would disagree with  
16 you because I still think that Don Adam and his  
17 plan was to continue with the -- his four phased  
18 approach at that point, because it was in August  
19 when the violent sexual assault of a sex trade  
20 worker occurred in Vancouver, and when Dave  
21 Dickson from Vancouver went to the Sex Assault  
22 Squad and said, "Hey, is anyone looking at  
23 Pickton," and I understand that the officer from  
24 the Vancouver Sex Assault Squad made contact with  
25 Project Evenhanded and they had a meeting in



1           October. So I would disagree when you say that  
2           there was no suspect -- if they -- if you  
3           hypothetically said a suspect came up in July that  
4           they would have changed their plan. I don't  
5           believe Don Adam wanted to change the plan because  
6           I don't believe they had accepted that there was  
7           an active serial killer at that point.

8   MS. HOFFMAN: Mr. Commissioner, I note the time. I don't know  
9           what we're doing for the break today.

10   THE COMMISSIONER: No, let's carry on. How much longer are you  
11           going to be?

12   MS. HOFFMAN: I still am going to be at least another hour, I  
13           would think.

14   THE COMMISSIONER: At least another hour?

15   MS. HOFFMAN: Or -- yes. I apologize, but --

16   THE COMMISSIONER: Well, I'd like to have accurate estimates --

17   MS. HOFFMAN: Yes.

18   THE COMMISSIONER: -- of time. Yesterday you said two hours.

19   MS. HOFFMAN: Well, I can endeavour to go another 45 minutes,  
20           but I do have some material.

21   THE COMMISSIONER: If I give you a break now is that going to  
22           help?

23   MS. HOFFMAN: It may, yes.

24   THE COMMISSIONER: Okay. All right.

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

(PROCEEDINGS RESUMED AT 10:40 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.

MS. HOFFMAN:

Q DC Evans, I'd like to take you to page 1-2 of your report.

A Yes.

Q Here you set out in the fourth paragraph what your understanding of Project Evenhanded is, and I'll just read. You indicate:

In early 2001, the review which eventually became known as Project Evenhanded, began a methodical review of historic crime files in search of Persons of Interest, that could be linked forensically to three unsolved homicides from Agassiz.

Now, I'm going to suggest to you that that actually is far too narrow a description of what Evenhanded's plan was, and the first point is that it was not just that they were looking to connect offenders to the Agassiz homicides; would you agree with that?

A Well, I think it's important to note that this is in my executive summary. It's not in my main report. This is the executive summary.

Q But I believe you actually stated in your evidence

1           yesterday that the point of Evenhanded was that  
2           they were trying to connect offenders to the  
3           Agassiz homicides. Do you recall that?

4           A But I also recognized from the plan that they were  
5           hoping to identify an offender to the missing  
6           women cases by looking for an offender that  
7           potentially could be the same, one in the same  
8           from the Agassiz homicides.

9           Q And you'll recall when you spoke to Don Adam and  
10          you interviewed him he talked to you about how he  
11          thought it was dangerous to simply assume that the  
12          Agassiz murderer was responsible for the missing  
13          women, and he wanted to create a plan that would  
14          be open to that possibility but also open to other  
15          possibilities? Do you recall that?

16          A I do recall he spoke of that.

17          Q So I just suggest to you that that  
18          characterization of Evenhanded as being focused on  
19          the Agassiz homicides is inaccurate?

20          A Well, I'm not going to agree with you that I'm  
21          inaccurate. I just think -- "...began a  
22          methodical review of historic criminal files in  
23          search of Persons of Interest, that could be  
24          linked forensically..." Because there was nothing  
25          forensically that could be linked to the missing

1 women, so they were doing a --

2 Q But then you go on to say "to three unsolved  
3 homicides in Agassiz", and obviously because they  
4 were reviewing files from across the province they  
5 were reviewing all sorts of files where sex trade  
6 workers had been sexually assaulted or murdered.  
7 They were trying to find other killers that may  
8 not have been responsible for the Agassiz and just  
9 -- and the example is that they found the alley  
10 murderer, who killed in the late '80s. That was  
11 an example of how broad the review was, and they  
12 were trying to cast a wide net in order to be  
13 assured that they were going to include the killer  
14 in their pool?

15 A I'm not sure -- I'm not sure I understand the  
16 question then.

17 Q Well, I'm just suggesting to you that your  
18 characterization is too narrow. Would you accept  
19 that?

20 A Well, I think that they were looking for forensic  
21 links. They could -- what I'm suggesting by this  
22 paragraph is they couldn't link it forensically to  
23 the missing women because there was no evidence of  
24 the missing women, so they were looking to link  
25 cases from historic files to the Agassiz

1 homicides.

2 Q But they were looking for other offenders as well,  
3 not just offenders that committed -- an offender  
4 that committed the Agassiz homicides?

5 A Well, they were looking for an offender who  
6 would -- it was their belief that there was a  
7 possibility that the missing women cases were  
8 linked to the Agassiz homicides.

9 Q Okay. I am going to put to you, and it may  
10 assist -- and I apologize because this isn't in  
11 the transcript reference binder.

12 A Thank you.

13 Q And just by way of background, I mean, certainly  
14 at the Kelowna conference that happened in  
15 November of 2000, that theory that the missing  
16 women were connected to the Agassiz homicides was  
17 the predominant theory that was discussed at that  
18 conference?

19 A They were potentially connected, yes.

20 Q And you asked Don about that in his interview, and  
21 I'm just going to read to you what he responded,  
22 and it starts on page 29, line 32 of the  
23 transcript of August 31st, 2011.

24 A Sorry, line 32? There is no line 32.

25 Q Sorry, line 23.

1           A     23.

2           Q

3                     You know.  So, would -- you know, when I get  
4                     involved in it then, I'm thinking, "All  
5                     right, you know, that makes sense."  It did  
6                     make sense to me, okay?  You know, people are  
7                     telling me, "These are disappearing, yet  
8                     there's these murders.  It's the, the same  
9                     body of people."  Who, you know, who am I to  
10                    dis --

11                   sorry, "to know" -- excuse me, I'll start over.

12                   ...to disagree with that?  Keith Davidson, in  
13                    the room, that's -- you know, they're pushing  
14                    this idea.  I would say that I accepted that  
15                    as very reasonable -- obviously, you are  
16                    going to have to look at everything -- up to  
17                    the point where in, I believe it was late  
18                    February, Paul McCarl took us up to the  
19                    sites.

20                   And he's talking there about going up to the sites  
21                    of the Agassiz homicides.

22                   And we actually went up the logging roads,  
23                    and, and here is where these bodies, fair  
24                    enough, on trails...but the fact that they  
25                    were laying there, and they had been -- if

1                   they had been moved --

2                   sorry.

3                   ...if they had moved them 10 feet and rolled  
4                   them down a bank, they, they would have just  
5                   been gone.

6                   And yet, and yet this person had successfully  
7                   had women disappearing for all these years.

8                   To me, I am not a behaviour scientist, you  
9                   know, I'm not a criminal profiler, but that  
10                  was troubling to the extent that I thought it  
11                  would be dangerous, dangerous to ignore it  
12                  and dangerous to accept it.

13                  Right.

14                  And so that's why I created a task force that  
15                  would be willing to accept both of those.

16                  To me, that was the safest approach.

17                  Do you recall that?

18                  A    Yes, I recall that.

19                  Q    So, again, I would suggest to you that to  
20                      characterize the work of Evenhanded as being  
21                      focused on connecting suspects to the Agassiz  
22                      homicides is far too narrow a description.

23                  A    I think that this line in my executive summary  
24                      where I say I characterize Project Evenhanded as a  
25                      review of historic criminal files, I still stand

1 by that line to say that they were linking -- they  
2 were trying to link the historic criminal files to  
3 the -- forensically to the three unsolved from  
4 Agassiz. Like, I'm not saying that they weren't  
5 looking in the efforts of finding the missing  
6 women, but I don't see anything wrong with or  
7 inaccurate from what I've said here, so I would  
8 disagree.

9 Q Okay. In doing your review in your report I see  
10 that you devote about six pages to the Project  
11 Evenhanded investigation?

12 A I didn't count, so I don't know. I take your word  
13 at that.

14 Q And you devote about 96 pages to the Pickton  
15 investigation, and you do a day-by-day chronology  
16 of what happened with respect to that  
17 investigation?

18 A I'll accept those numbers. I haven't counted  
19 numbers, page numbers, so --

20 Q So I take it that in doing your review you  
21 probably spent the majority of your time reviewing  
22 the Pickton investigation?

23 A I would not agree with that because I think  
24 Project Evenhanded, if I check in the 96 pages on  
25 Pickton, I believe there are times in 2001 where



1 in "Pickton as a suspect" it's mentioned, but it's  
2 referencing members from Evenhanded running  
3 queries with regards to Pickton or doing police  
4 checks. I have to go back and check here. So  
5 there are times in my "Pickton as a suspect"  
6 chapter, if I may call it that, that reference is  
7 to officers from Project Evenhanded.

8 Q Okay. When Pickton is involved you included work  
9 of Evenhanded in your "Pickton as a suspect"  
10 summary; that's what you're saying?

11 A Yes.

12 Q Okay. But you did not in your report do a very --  
13 any sort of detailed review of all of the work  
14 that Evenhanded did from January of 2001 up to  
15 February of 2002? I would suggest to you that you  
16 did not do a thorough review in your report of all  
17 of that work.

18 A I would challenge you to point out something that  
19 I didn't speak to or address and then I might be  
20 able to agree with that, but, I mean, I looked at  
21 the Evenhanded file, so I -- and I spoke to --  
22 when I interviewed officers from Evenhanded I  
23 learned a lot with regards to their review and  
24 their work.

25 Q Well, what I was pointing to, I guess, was your

1           fundamental misunderstanding as to the scope of  
2           Evenhanded. You -- and you won't agree with me  
3           here, but I suggest --

4           A    I won't.

5           Q    -- to you that you have misunderstood the scope of  
6           Project Evenhanded.

7           A    No, I don't think I misunderstood the scope of  
8           Project Evenhanded at all, so I would totally  
9           disagree with you on that.

10          Q    I want to go to just one document that you would  
11          have received just to wrap up this area. You  
12          recall receiving a document that described -- was  
13          a summary of the file review process that  
14          Evenhanded engaged in? Do you recall receiving  
15          that? I can --

16          A    Could you reference it to me? I saw so many  
17          documents.

18          Q    It's in Exhibit M, tab 8.

19          A    Thank you.

20          Q    And it's on the last page that I want to refer to.  
21          But this was a document that was prepared for the  
22          purposes of the inquiry, and it was a document  
23          that was intended to just summarize the work that  
24          Evenhanded did in reviewing the files, and it sets  
25          out sort of the operational plan and how they were

1 proceeding, but what I want to point to is the  
2 very last paragraph at page 6. And it indicates  
3 here that hundreds of files were reviewed for DNA  
4 potential.

5 This would result in crime scene DNA profiles  
6 being developed in 246 cases. Approximately  
7 20% of these would lead to the identification  
8 of offenders which in turn would further  
9 unsolved homicide cases, assaults on sex  
10 trade workers, and some serial offender  
11 cases.

12 So obviously the plan, if you accept that,  
13 resulted in solving other cases, and the alley  
14 cases being one that we have discussed already?

15 A Oh, I would agree the plan solved cases. Yes, I  
16 would agree to that.

17 Q I'd like to move to a new area, and this is with  
18 respect to Evenhanded at the beginning and the  
19 agreement that was made that the VPD would  
20 continue to search for any new missing women that  
21 were reported. You acknowledge in your report  
22 that that was the understanding at the beginning  
23 of Project Evenhanded?

24 A That was the plan, yes.

25 Q And I suggest to you that when Don Adam came into

1           the investigation the VPD had a Missing Persons  
2           Unit that was staffed by one detective, and it had  
3           a second position which was added -- or, sorry, it  
4           had two detectives, I think, at that time?

5           A    I understand, or constables, yes.

6           Q    And presumably those officers had connections on  
7           the Downtown Eastside, they had some --

8           A    I would think so.

9           Q    -- experience looking for missing women?

10          A    I would think so, yes.

11          Q    More so than anyone on Evenhanded?

12          A    Unless you -- except for, I think, probably  
13          Detective Little and Detective McKnight, but, yes,  
14          I would agree. You're talking specifically RCMP  
15          officers?

16          Q    Well, I'm not sure. We'd have to ask Detective  
17          Little and McKnight, but I'm not sure they ever  
18          worked in the Missing Persons Unit at VPD.

19          A    No, I don't recall them saying they did, but I was  
20          talking about the reference to working in the  
21          Downtown Eastside or being familiar with the  
22          Downtown Eastside.

23          Q    Right. But VPD had developed some, well,  
24          experience looking for these women in the Downtown  
25          Eastside, and they had established connections?

1 A Yes, I agree.

2 Q And Detective Shenher had done a very admirable  
3 job of trying to locate all of these women?

4 A I agree.

5 Q So if we can turn to the January 31st meeting,  
6 2001, this is where Geramy Field mentions that  
7 there's possibly four more women that could  
8 potentially be missing who fit the profile. We  
9 looked at that document?

10 A Yes, we looked at that document this morning.

11 Q And it was made clear in that meeting that the VPD  
12 would continue to follow up with respect to these  
13 women?

14 A Yes, I understand that.

15 Q And it was clear that obviously there was further  
16 investigation that had to be done in order to  
17 confirm that these women were, in fact, missing?

18 A I agree.

19 Q And I would suggest to you that it was agreed at  
20 quite senior levels of the RCMP and the VPD that  
21 the VPD would remain responsible to investigate  
22 new missing women reports, and that message was  
23 communicated to the public. Do you recall seeing  
24 documents to that effect?

25 A I believe so, yes.

1 Q There was a media release I think that was sent  
2 out that -- or a media plan, rather, that was  
3 prepared that had that as one of its messages?

4 A I believe so, yes.

5 Q And as you pointed out, Jim McKnight is from the  
6 VPD?

7 A Yes.

8 Q And he was the lead investigator, and he had  
9 connections with Constable Dickhout, who was in  
10 the VPD Missing Persons Unit at the time?

11 A Yes, he did.

12 Q And he communicated with Constable Dickhout about  
13 the missing women?

14 A I understand that, yes.

15 Q You have in your Appendix C, page 145 at 1130,  
16 which is May 24th, 2001 --

17 A Sorry, what page again?

18 Q Page 145 of Appendix C.

19 A Thank you. Yes.

20 Q It says it was discussed and agreed that any  
21 incoming information concerning the missing women  
22 or suspects would be handled by the VPD with a  
23 copy to Project Evenhanded. A decision may then  
24 be made for the investigators for inclusion in the  
25 file?

1           A    Sorry, what date are you looking at?  I'm sorry, I  
2                didn't hear your date, the date there.

3           Q    May 24th, 2001.

4           A    Yes, I see that.  There was a meeting.

5           Q    And Constable Dickhout was at that meeting?

6           A    Yes, he was.

7           Q    And from documents it appears that he was one of  
8                the -- I think it was Constable Dickhout and  
9                Constable Leggett at the time who were working in  
10              the VPD unit?

11          A    I believe so, yes.

12          Q    And presumably it was their responsibility,  
13                according to this meeting, to communicate with  
14                Evenhanded about new missing women?

15          A    I would say so.  I think -- to be fair, I think  
16                Evenhanded should be communicating back to VPD on  
17                this, yes.

18          Q    Well, and we'll get to that in a moment, but I  
19                think it was pointed out yesterday that you did  
20                not interview Constable Dickhout as part of your  
21                investigation?

22          A    I did not.

23          Q    And as you note, you said that the communication  
24                should be two-way, and if we can look at -- I  
25                couldn't find in your Appendix C the

1           communications that happened between Constable  
2           Dickhout and Jim McKnight on the missing women,  
3           and were you familiar with that from his notes?  
4           And we can go to his notes if you'd like.

5           A    Sure. That would be good.

6           Q    All right. If we can go to tab 68, which is in  
7           M-1. If you look for the entry for April 30th.  
8           On page 5 about a third of the way up from the  
9           bottom of the page it says, "Telephoned Dickhout  
10          (MP)," which I presume to be missing persons. He  
11          was given the names of Debra Lynne Jones and Dawn  
12          Crey.

13          A    Yes, I see that.

14          Q    On the July 4th at 11:15:

15               Contacted by Constable Dickhout VPD missing  
16               persons. Still conducting follow-up on  
17               McDonell, Crey, Wolfe and Jones files. All  
18               of these files have been entered on SIUSS.  
19               Also advised me that VPD...have three other  
20               files that they are looking at.

21          Elsie Sebastian was mentioned. Patricia Johnson  
22          was mentioned. Lee Allison Minor was mentioned.

23          A    I see that, yes.

24          Q    Then if we can turn to August 13th. And just to  
25          pause there, I just -- I make the point that when



1           it was agreed that the VPD Missing Persons Unit  
2           was to actively investigate new missing women  
3           reports there was no suggestion in any of the  
4           documents that VPD indicated that they were  
5           unwilling to do that or that they didn't have the  
6           resources to do that; you'll agree with that?

7           A    I would agree with that.

8           Q    August 14th -- 13th, rather.  Sorry, my copies  
9           aren't highlighted.  An entry, "Telephoned missing  
10          person" -- it's on page 10 of the notes.

11          A    This is August 14th you're saying?

12          Q    August 13th on page 10.  It's about a third of the  
13          way up.

14                Telephoned missing persons and ensured we had  
15               names of all the missing that matched  
16               profile.

17          And then that afternoon he meets with Sergeant  
18          Adam?

19          A    I see that, yes.

20          Q    "We discussed the reward situation."  And you'll  
21          see in these notes that Jim McKnight was the one  
22          that was responsible for putting the paperwork in  
23          place to renew the reward -- the amount of the  
24          reward --

25          A    Yes, I saw that.

1 Q -- that was on the poster?

2 So he's doing a lot of these inquiries in  
3 part for that reason, to ensure that the poster  
4 has a complete list of women, but he meets with  
5 Don Adam.

6 Plan of action.

7 Ensure agencies do or complete a check of  
8 missing persons matching our profile.

9 Determine if we can make additions to the  
10 reward poster, then reissue the poster.

11 A I agree I see this, yes.

12 Q Then on August 16th he says that:

13 Prepared overview...for Sergeant Adam. I  
14 need to meet with him --

15 or, sorry,

16 meet with VPD missing to determine the status  
17 of any current or held files by them. Try to  
18 establish an accurate list of the missing  
19 women.

20 And then a meeting is organized.

21 A And then it says "Dickhout A/L", so he's on annual  
22 leave.

23 Q So a meeting is held on August 28th with Dickhout  
24 and Leggett, and they discuss the current files  
25 held by them?

1           A    Yes, I see that.

2           Q    And you will recall, and I can take you there if  
3                necessary, but that on August 30th Don Adam met  
4                with senior VPD management and RCMP management  
5                because he was concerned that they didn't have an  
6                accurate list of all the missing women and he  
7                wanted to request resources to ensure that they  
8                did have an accurate list of all the missing  
9                women?

10          A    I recall that they met on August 30th and he  
11                provided a briefing. I wasn't sure -- I can't  
12                recall whether that was an issue he raised. Are  
13                you saying that was an issue he raised with the  
14                executive saying, "I'm not sure I have an accurate  
15                picture"?

16          Q    Yes. If we can turn to the daily log, which is  
17                tab 16 of Exhibit M. We can start by looking at  
18                page 14.

19          A    Tab 16, page 14.

20          Q    Page 14. Page 14, Mr. Commissioner. So this is a  
21                report written by Jim McKnight following his  
22                meeting with Constable Dickhout and Leggett,  
23                Constables Dickhout and Leggett detailing all of  
24                the files that they reviewed and the status of  
25                them.

1 A Yes.

2 Q And if you turn to page 18, you'll see reference  
3 at the bottom of the page to McDonell. It  
4 indicated that the files were with Constable  
5 Dickhout and he's doing some further follow-up on  
6 that file. And then with respect to Wolfe you'll  
7 see that he's doing --

8 A Sorry, you're moving a little faster than -- I'm  
9 trying to read along, so --

10 Q Okay. Sorry.

11 A Page 18?

12 Q The bottom of page 18 there's an entry for  
13 Jacqueline McDonell.

14 A Yes, I see that.

15 Q It says this file is with VPD Missing Persons  
16 Squad and Dickhout is doing some further  
17 follow-up.

18 A Yes.

19 Q And similarly with Brenda Wolfe, who's the next  
20 entry, Dickhout is currently investigating the  
21 file, indicates that she fits the profile and some  
22 further checks are being done.

23 A Yes.

24 Q Again, the same with Debra Jones. They're  
25 continuing to investigate. Patricia Johnson

1           they're continuing to investigate. Okay. If we  
2           can turn over to page 20, we have the meeting that  
3           happens on August 30th, 2001?

4           A    Yes.

5           Q    And this is where Sergeant Adam meets with the  
6                senior executive of the VPD and the RCMP to ask  
7                for more resources and suggests that he's asking  
8                for more resources to advance the investigation on  
9                a number of fronts, but one of them, if you turn  
10              to page 21, at the bottom of the page there's a  
11              heading "Newly identified missing sex trade  
12              workers".

13          A    Yes, I see that.

14          Q    And there it's to -- he says:

15                An organized, detailed search has never been  
16                undertaken to ascertain an accurate and  
17                complete list of the...missing sex trade  
18                workers.

19           So Don Adam is concerned there that they don't  
20           have an accurate picture of all of the missings;  
21           do you agree with that?

22          A    No, not necessarily. I mean, I look at it like  
23                he's saying an organized, detailed search has  
24                never been undertaken. He's advising them that  
25                they hadn't undertaken that. So I didn't -- so

1                   what were you suggesting it was?

2                   Q   Well, that he's concerned that they need to have  
3                   an accurate list of all of the potential missing  
4                   women because --

5                   A   So he says:

6                               Phase one has now surfaced 22 additional  
7                               missing sex trade workers, who may match the  
8                               profile of the original 31.

9                               An organized, detailed search has never been  
10                              undertaken to ascertain an accurate and  
11                              complete list of the number of missing sex  
12                              trade workers.

13                   Q   And you'll recall that on August 14th members of  
14                   Evenhanded did a CPIC search, and I believe this  
15                   is in your timeline, and that revealed that there  
16                   were an additional 22 women that fit the profile  
17                   that were potentially missing that they had not  
18                   been previously aware of?

19                   A   Yes, I would agree.

20                   Q   Okay. So they're trying to get a handle on that  
21                   situation. Jim McKnight goes to the City to meet  
22                   with them to get a handle on who they have and are  
23                   investigating?

24                   A   I would agree.

25                   Q   And we -- I'll just touch on this briefly, but Ms.

1 Tobias took you to the Schouten report yesterday?

2 A Yes.

3 Q And you'll recall that there were issues raised in  
4 that report about the ability of the VPD unit,  
5 because of its lack of resources, to really do an  
6 in-depth investigation into missing persons? Do  
7 you recall that?

8 A I do recall that, yes.

9 Q So it's reasonable to assume that that problem may  
10 have been plaguing Constables Dickhout and Leggett  
11 when they were attempting to confirm these new  
12 missing women that had been reported as actually  
13 being missing and going through that long list of  
14 checks that they had to do, that they may not have  
15 had sufficient resources to do that?

16 A I would agree with that. I believe he brings that  
17 to the attention of Don Adam later in October  
18 saying he needs -- and I think he used the term  
19 legwork, needing assistance doing some legwork.

20 Q And so Don Adam gets further resources at this  
21 August 30th meeting. He had six new investigators  
22 assigned to the file?

23 A I can't recall the number, but I'm not doubting if  
24 you say to me he requested six. That it was four  
25 investigators and two civilian support staff?

1 Q You're correct, yes.

2 A Okay.

3 Q It was four investigators and two civilians. And  
4 that request was granted?

5 A Yes, it was.

6 Q And then Don -- or, sorry, the Project Evenhanded  
7 then engaged in over the next couple of months  
8 going about actually trying to confirm which of  
9 these missing -- which of these women were, in  
10 fact, missing? Before they could add them  
11 officially to the list of missing women there were  
12 a number of things that had to be done before that  
13 could occur?

14 A I don't believe that started till November,  
15 though. I don't think it started following the  
16 August 30th meeting.

17 Q If I could have the daily log again, please. And  
18 you'll agree with me that obviously when you  
19 request resources it does take some time  
20 administratively before you can hire those  
21 resources, get them assigned, get them a desk to  
22 work at, and obviously you have to take that into  
23 account?

24 A I would agree. I see on page 23 of the log it  
25 talks about the recommendations for the six



1 additional resources and what they were going to  
2 do, but it doesn't say they're actually going to  
3 go out and investigate. It says they're going to  
4 complete a review of the files.

5 Q Well, that's correct. They're going to confirm  
6 whether or not the women are actually missing. I  
7 guess your point is that they're reviewing the  
8 files.

9 A As opposed to going out and doing the legwork,  
10 which I don't believe occurs till later on.

11 Q I am going to just leave this point. I may come  
12 back to it. I just have one other area that I  
13 want to cover with you. In -- on page 9-2 of your  
14 report you state -- and, sorry, you probably  
15 recall this from memory, but you state that:

16 Throughout my review I heard a recurring  
17 theme of *no body, no evidence, no crime*  
18 which, in my opinion, created an excuse for  
19 ignoring the problem which permeated both the  
20 VPD and the RCMP, albeit at different times.

21 Do you recall that?

22 A That's correct.

23 Q And in the body of your report on page 8-36 you  
24 actually explore this notion and --

25 A At 8-36?

1 Q 8-36. You conclude there that the assumption of  
2 no bodies, no evidence, no crime negatively  
3 impacted the decision making of officers from the  
4 VPD and later the RCMP. And I'd just like to go  
5 to what you put in your report to support that  
6 assertion. In the third paragraph of page 8-37  
7 you refer to a meeting with Sergeant Honeybourn on  
8 February 3rd, 1999, and I believe we've touched on  
9 this, but just to clarify, Sergeant Honeybourn is  
10 within the Provincial Unsolved Homicide Unit at  
11 that point but is a VPD officer, correct?

12 A That's correct.

13 Q And you point to his statement that he made at  
14 that meeting that they weren't in a position to  
15 assist until there was no doubt that this  
16 individual was involved in a specific group of  
17 homicides. Do you recall that?

18 A I do.

19 Q Okay. But there was no suggestion, I would put it  
20 to you, at that meeting that -- and this was the  
21 meeting where they were discussing Robert Pickton  
22 in particular, and the information that had come  
23 forward at that point, they were still dealing  
24 with just Hiscox's information, but there was no  
25 suggestion at that meeting that they shouldn't

1           investigate it because there was no body  
2           available? Everyone was agreed that they should  
3           continue to try to confirm that information?

4           A    Oh, I agree that they were going to continue to  
5           confirm the information.

6           Q    Yes. So you were just using this as just an  
7           example of the notion being expressed that if  
8           there's no body there's no crime?

9           A    And that the Provincial Unsolved Homicide Unit  
10          wouldn't become involved because there was no  
11          evidence of a homicide.

12          Q    But, again, at this point the Provincial Unsolved  
13          Homicide Unit has 600 homicides that they're  
14          dealing with, and they have a particular  
15          mandate --

16          A    I agree.

17          Q    -- to solve those homicides, so they have to be  
18          somewhat judicious in how they assign their  
19          resources?

20          A    I agree.

21          Q    But certainly Corporal Connor didn't hold that  
22          view that there was no body, no evidence, no  
23          crime? He wouldn't be investigating the  
24          information to the extent he was if he held that  
25          view?

1 A I agree.

2 Q And I suggest to you that you asked that question  
3 of almost every RCMP officer that you interviewed  
4 and that nobody said to you that was the way that  
5 the RCMP operated. Do you accept that?

6 A Sorry, could you rephrase the question or could  
7 you ask it again? I just --

8 Q Well, maybe I'm -- actually, I'm probably being a  
9 bit unfair because you did speak with Sergeant  
10 Keith Davidson about the concept. Do you recall  
11 that?

12 A I do.

13 Q And you actually include that example in your  
14 report. It's at page 8-39. You say -- you quote  
15 him as saying:

16 I have never fully understood why it's a  
17 better thing to have 20 killers to find  
18 versus one.

19 And there you were talking about the reluctance to  
20 accept the serial killer theory; do you recall  
21 that?

22 A I do recall that, yes.

23 Q And I'll suggest to you that Keith Davidson, of  
24 course, was working quite closely with the VPD  
25 throughout this period?

1 A Yes, he was.

2 Q And that you didn't make it clear when you asked  
3 the question in your interview about this no body,  
4 no evidence, no crime as to whether or not this  
5 comment that he makes was in reference to the RCMP  
6 or the VPD?

7 A I would have to look at the interview.

8 Q We can do that. That's at volume -- sorry,  
9 Exhibit 4, M-4, tab 6. Okay. So if we can turn  
10 to line 17 at page 42. Okay. So you ask:

11 So, was it simply then, no body, no evidence,  
12 no crime? So, like, we're reading through  
13 documents. People had to be convinced. You  
14 know, find me a body, then I'll believe there  
15 is a homicide.

16 Answer:

17 Right. I think there were -- I think there  
18 was a lack of, of believe that this was the  
19 explanation.

20 He continues:

21 Uhm, there's also, in my experience, I've  
22 found that there's a reluctance to accept the  
23 serial killer concept, and that -- and I have  
24 never fully understood why it's a better  
25 thing to have 20 killers to find versus one.

1           And I suggest to you that you never clarify  
2           whether or not that was something he encountered  
3           at the VPD or the RCMP?

4           A    Yeah, I'm still not sure I understand the  
5           question.  Sorry.  I'm not trying to be difficult.  
6           I just don't understand the question.

7           Q    Well, you don't clarify who held this reluctance  
8           to accept the serial killer concept.  He was  
9           working with both the VPD and the RCMP?

10          A    He was.

11          Q    And I'm just suggesting to you that you didn't  
12          clarify who it was that held that view.

13          A    But on page 43 of the transcript, and this is  
14          without going through the entire transcript, but  
15          even on page 43 we're furthering the conversation  
16          about the serial killer theory, and he says on  
17          line 17:

18                Because, again, there was this, this  
19                reluctance to accept.  And, again, to me, it  
20                made absolutely no sense, that you could have  
21                20 independent people killing women and be  
22                not finding any of the bodies.  That just  
23                does not make any sense.  And I can't  
24                understand why any --

25          And then I said, "Okay."

1                   -- why any homicide investigator would think  
2                   that...

3           Q    But my point is, is that you don't clarify who he  
4               says holds this view, if that was a view that he  
5               encountered within the RCMP.

6           A    I wasn't suggesting that Keith Davidson held the  
7               view that he didn't accept the serial killer  
8               theory. I believe he accepted the serial killer  
9               theory.

10          Q    Okay. So I'm going to suggest to you again that  
11               nobody else that you interviewed and asked that  
12               question of about was there this attitude out  
13               there if there was no body there was no crime and  
14               that all of the RCMP people that you spoke to told  
15               you that wasn't -- that wasn't a sentiment that  
16               they agreed with or that they had encountered in  
17               their work, and, in fact, many gave you examples  
18               -- or I think it was Gary Bass gave you examples  
19               of the fact that they had solved many crimes  
20               without having a body, and he offered to get those  
21               statistics for you.

22          A    Oh, I'm -- yeah, I'm not going to disagree with  
23               you on that. I think it's just -- I think it's  
24               the question I'm struggling with, the whole  
25               blanket statement, and it's just -- I think at

1                   different times people -- like, what I know, when  
2                   they were working on Project Evenhanded they  
3                   accepted the serial killer theory. They accepted  
4                   that there was a serial killer out there  
5                   responsible for the Agassiz homicides and  
6                   potentially for the missing women.

7   MS. HOFFMAN: Thank you, DC Evans. Those are my questions.

8   THE COMMISSIONER: All right. Thank you, Ms. Hoffman.

9   MR. WARD: Yes, Mr. Commissioner, Cameron Ward, counsel for the  
10               families of 25 murdered women, resuming my  
11               cross-examination which we started Monday.

12   THE COMMISSIONER: Thank you.

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

14               Q   And, Deputy Chief, you have your report at hand, I  
15               trust?

16               A   I do. Thank you.

17               Q   Could I ask you, please, to turn to page 8-1.

18               A   8-1.

19               Q   Under the main heading "Opinion on Specific Police  
20               Conduct & Investigations" there's a subheading  
21               beside 8.1 that says "Recognition & Ownership".  
22               Do you see that?

23               A   I do.

24               Q   And I'll just read the first paragraph there to  
25               you. It states:



1                   In my opinion, the severity and totality of  
2                   the British Columbia Missing Women tragedy  
3                   went unrecognized by members of Senior  
4                   Management of both the VPD and the RCMP due  
5                   to the lack of ownership for this crisis.

6                   Do you see that?

7                   A    I do.

8                   Q    And that echos what I perceive to be a common  
9                   thread in your report, this notion of lack of  
10                  ownership.

11                  A    I agree.

12                  Q    Right. And on Monday -- sorry. Let me start  
13                  again. In terms of the concept of recognition as  
14                  it relates to ownership, you would agree that if  
15                  there had been earlier recognition of the crisis,  
16                  and by earlier say by mid-1998, many women's lives  
17                  would probably have been saved?

18                  A    May have been saved, yes.

19                  Q    Similarly, if senior management of both the VPD  
20                  and RCMP had taken ownership earlier than they  
21                  did, say mid-1998, many women's lives may have  
22                  been saved?

23                  A    Mid-1998 I would say the ownership rested at that  
24                  time with Vancouver. They were the ones  
25                  investigating the missing women. So I would agree

1 with Vancouver, yes.

2 Q All right. Let me move it forward then. So just  
3 to -- so that I have this clearly, if the  
4 Vancouver Police Department senior management had  
5 taken ownership of the missing women problem or  
6 crisis in mid-1998, many women's lives may have  
7 been saved?

8 A They may have been saved, yes.

9 Q Skipping ahead a year to mid-1999, and, of course,  
10 by this point the informants have come forward,  
11 the Coquitlam RCMP in the person of Corporal  
12 Connor are aware of the information pertaining to  
13 Robert William Pickton?

14 A Yes.

15 Q So I suggest that if senior management of the RCMP  
16 had taken ownership of the problem or crisis by  
17 mid-1999 many women's lives may have been saved?

18 A That's correct. May have been saved, yes.

19 Q And when you use the word "tragedy" in that  
20 paragraph I just read you, the tragedy obviously  
21 is that so many women, dozens of women, mostly  
22 young women, met premature, early, violent deaths,  
23 right?

24 A Yes.

25 Q And those are deaths that in your opinion, your

1 professional opinion, given all of your  
2 experience, could have been avoided had there been  
3 recognition of the problem and if senior  
4 management had taken ownership of the crisis at an  
5 earlier stage, right?

6 A Yes.

7 Q Now, in your career, which I understand goes back  
8 to 1983?

9 A That's correct.

10 Q You've undoubtedly seen many, many instances in  
11 your own police experience where young female drug  
12 addicts and sex trade workers have turned their  
13 lives around, have kicked their drug habits and  
14 have gone on to live more conventional lives as  
15 responsible citizens?

16 A I would have to admit that I have not seen that or  
17 had a lot of exposure to that throughout my  
18 career.

19 Q But you would agree it occurs?

20 A I would agree that that occurs, yes.

21 Q And another part of this tragedy, I suggest, is  
22 that in the case of the -- as many as 49 women who  
23 Robert William Pickton is presumed to have killed,  
24 they didn't get the opportunity to change their  
25 lives because their lives were snuffed out, right?

1           A    I would agree.

2           Q    Now, this phrase taking ownership that you use  
3                repeatedly in your report is something you've  
4                defined as being synonymous with, as I understood  
5                your evidence Monday, taking responsibility for or  
6                being accountable for, fair?

7           A    That's correct.

8           Q    And you would agree that typically a police  
9                officer takes ownership of an investigation when  
10              he or she is committed to solving the case?

11          A    I would agree.

12          Q    All right. To put it another way, I suggest you'd  
13                agree that when a reasonably competent police  
14                officer cares about a serious case he or she will  
15                do everything within their reasonable powers and  
16                abilities to solve that case; is that fair?

17          A    I would agree.

18          Q    All right. So given those two answers, I suggest  
19                by definition there's a failure to take ownership  
20                on the part of a police officer when there is a  
21                lack of commitment to a case or to an  
22                investigation, right?

23          A    Sorry, can you just repeat that again?

24          Q    Sure. You agreed with me that a police officer  
25                will take ownership of an investigation when he or

1           she is committed to it, right? You just agreed  
2           with that a moment ago.

3           A    But I also think you added in another -- you said  
4           relatively competent officer. I think sometimes  
5           officers are assigned cases for investigation that  
6           they don't necessarily want to take on, so that's  
7           why I'm hesitating to answer -- so that's why I  
8           needed to hear that last question again.

9           Q    Sure. The second question was when a competent,  
10           reasonably competent police officer cares about a  
11           serious case they'll do everything within their  
12           abilities and powers to solve it, and you agreed  
13           with that?

14          A    I do.

15          Q    All right. On the first one, though, it follows  
16           then that if there's a lack of commitment to a  
17           file then there may be a failure to take  
18           ownership?

19          A    I would agree that they may not put the same  
20           efforts into it.

21          Q    All right.

22          A    I think that's probably a safer way of saying it.  
23           They would not put the same efforts into it. They  
24           may still have ownership of the file because  
25           they've been given the file.

1 Q And would it be fair to say that if a police  
2 officer is given a file and they don't care about  
3 it or if they have conduct of a file and they  
4 don't care about it they're not taking ownership  
5 of it?

6 A I agree.

7 Q All right. So I suggest it follows that when you  
8 say -- follows logically when you say in your  
9 report in so many places that senior management  
10 failed to take ownership of the missing women  
11 crisis they didn't care enough about it to follow  
12 through, fair?

13 A I'm not sure I would characterize it that they  
14 didn't care. I don't think they appreciated what  
15 they had, and appreciating -- and when I say  
16 appreciate, I don't think they understood it.

17 Q Well, you did come to the conclusion and you  
18 expressed the opinion that with respect to VPD  
19 senior management at least, they were disengaged,  
20 right?

21 A I agree.

22 Q And disengagement, I suggest, is another way of  
23 saying lack of commitment, lack of caring,  
24 indifference, fair?

25 A I would agree with lack of commitment. I'm not

1           sure I could characterize it as a lack of caring.  
2           Disengagement could also mean that they were just  
3           not paying attention to it, not due to their lack  
4           of care, it's just some may say they had other  
5           issues going on.

6           Q   All right. Fair enough. I'll accept for the  
7           moment that they weren't paying attention to the  
8           crisis.

9           A   I agree.

10       MR. WARD: All right. Perhaps this might be a good time to  
11           show you one of the exhibits in this hearing that  
12           you may not have seen before. Exhibit 57. If my  
13           records are right, this should be, Mr.  
14           Commissioner, a black binder.

15       THE REGISTRAR: That's your map.

16       MR. WARD: Oh, no. Pardon me. I'm sorry, I misspoke. Exhibit  
17           35. Sorry, Mr. Registrar. Exhibit 35 ought to be  
18           a black binder comprised of a series of media  
19           articles.

20           A   Sorry, what tab number?

21       MR. WARD:

22           Q   I'd like you to look at the index, please.

23           A   I see that, yes.

24           Q   This should be a long list of local print media  
25           articles from mid-1997 through 1999 to 2000 that

1 appeared in the two dailies, *The Vancouver Sun* and  
2 *Province*, respecting the missing women crisis.

3 Have you seen this before?

4 A No, I have not.

5 Q I'm not going to spend much time on it, but could  
6 you just leaf through that and confirm that you  
7 see that the missing women crisis was the subject  
8 of front page and other local Vancouver media  
9 stories throughout that two-and-a-half-year  
10 period. I'm not asking you to read them now.

11 A I would agree.

12 Q You see it now. All right. So -- and that  
13 doesn't include national coverage, like *The Globe*  
14 *and Mail*, the *National Post*. It doesn't include  
15 anything that appeared on radio or television.  
16 But clearly there was a lot of public concern  
17 expressed in the media just by virtue of looking  
18 at that document that ought to have engaged the  
19 attention of senior management in the Vancouver  
20 Police Department, fair?

21 A I agree.

22 Q The disappearance of so many women, dozens of  
23 them, from the City of Vancouver ought to have  
24 been a big priority that should have attracted the  
25 commitment and the engagement of senior management



1 of the Vancouver Police Department, right?

2 A I agree.

3 Q Now, you'll see in the media articles, I don't  
4 need to turn them up, but you'll see that many in  
5 the community who were quoted in those articles  
6 expressed the view that -- I'm paraphrasing -- had  
7 these been dozens of women from say UBC or had  
8 they been dozens of women going missing -- nurses  
9 going missing from a hospital, there would have  
10 been no question but that the Vancouver Police  
11 Department senior management would have pulled out  
12 all the stops to try to solve the crisis. I'm  
13 going to put it to you that the only logical  
14 conclusion based on everything you've looked at,  
15 everything you've reviewed, everything you  
16 understand about policing is that the reason  
17 senior management in the Vancouver Police  
18 Department lacked commitment, wasn't engaged was  
19 because of who these women were, agreed?

20 A No. I looked at that, and I didn't see anything  
21 in the documents that would suggest that.  
22 Documents continually, and from the investigators  
23 themselves, spoke about the fact that it was  
24 difficult because they were finding -- they had  
25 this misconception that the women possibly were

1           transient and weren't necessarily missing with  
2           foul play but were missing because they just  
3           weren't being found.

4           Q   Well, you used this phrase, and you used it again  
5           just now, "I didn't see any evidence of that."  
6           That's a pretty firm statement, fair?

7           A   Evidence as in -- may have been evidence --  
8           because I know it's not evidence what I look at.  
9           In the documents that I looked at.

10          Q   Oh, in the documents created back then?

11          A   That's correct.

12          Q   But you did see evidence in the interviews  
13               suggesting a lack of caring because of who these  
14               women were on the part of VPD senior management,  
15               right?

16          A   I think I would have to be directed to the  
17               interview you're speaking about --

18          Q   Sure.

19          A   -- just to assist me.

20          Q   Yeah, I'll -- I have it here. I can pull it up  
21               later. Deputy Chief LePard of the Vancouver  
22               Police interviewed Don Adam and made a record of  
23               that discussion -- I'll find it now so I have the  
24               reference -- in which Don Adam reported that VPD  
25               Deputy Chief Unger used the phrase, "They're only

1                   hookers," apparently in characterizing why more  
2                   wasn't being done about the problem. Do you  
3                   remember seeing that?

4           A    No, I don't. I think -- I'm not saying I didn't  
5                   see it. I just don't recall that. If you could  
6                   show that to me or direct me to that, that would  
7                   probably help.

8   MR. WARD:   Sure. It's in Exhibit G, Mr. Registrar.

9   THE REGISTRAR: I'm sorry, which?

10  MR. WARD:   Exhibit G, tab 5.

11  THE REGISTRAR: G?

12  MR. WARD:   Yes, G For Identification, tab 5, page 2.

13           Q    So just to -- we've heard evidence about this from  
14                   Doug LePard. Basically, as you can see at the top  
15                   of the first page, these are Deputy Chief LePard's  
16                   notes of his interview with Inspector Don Adam,  
17                   Sean Hern, and Jim McKnight back in March of 2004  
18                   at Evenhanded's offices. Do you see that --

19           A    Yes.

20           Q    -- right in the top of the first page?

21           A    Yes, I see that.

22           Q    You've seen this before in the material you've  
23                   looked at?

24           A    Yeah, I believe so, yes.

25           Q    All right. Let's look over at the second page.

1 And this is a quotation attributed to Don Adam.

2 John Unger wanted them to be missings, not

3 murders. "They're just a bunch of hookers."

4 "They're just a bunch of hookers" is the quotation

5 attributed to Unger by Adam. Do you see that?

6 A So Adam is saying that Unger said this to him?

7 Q Yes.

8 A And he says this to LePard in their interview?

9 Q Correct.

10 A Okay.

11 Q Now, if that's true, and I expect we'll be hearing  
12 from Unger in due course, but if that's true, that  
13 statement is true that's attributed to Unger, then  
14 it suggests that senior management, at least part  
15 of senior management, Unger, of the VPD was  
16 disdainful of these missing people because of who  
17 they were? "They're just hookers." Right?

18 A If it's true. I interviewed Unger and Adam, and I  
19 don't recall -- I don't recall asking this  
20 question to confirm or -- I don't believe this  
21 came up in my interviews with either one of them.

22 Q It's a pretty important point, isn't it?

23 A It is.

24 Q And just on your interviews of all the police  
25 officers you sat down with, they were -- well, let

1 me put it this way. You accepted what the police  
2 officers told you without any sort of critical  
3 analysis or probing, didn't you?

4 A I agree. I didn't interrogate them. I just  
5 interviewed them.

6 Q All right. I want to turn to another subject,  
7 please, Deputy Chief, and the starting point for  
8 this is your part of the report that deals with  
9 methodology. 4-1 is the page number. And just  
10 before I draw you to this passage, you've --  
11 throughout your report when you talk about these  
12 concepts of failing to take ownership and the like  
13 you've been fairly careful not to name names,  
14 fair?

15 A I would suggest that I broke out -- when I talked  
16 about certain officers I did paragraphs in the  
17 report.

18 Q And you haven't been -- when you've named names,  
19 when you've referred to specific people, police  
20 officers, it's fair to say you haven't been overly  
21 critical of their actions, right?

22 A I would say some would say I was and some would  
23 say I'm not, so --

24 Q All right. Anyway, if I could take you to page  
25 4-1.

1 A Yes.

2 Q Under the heading "Methodology" you've written  
3 this:

4 On November 4th, 2010, I was engaged by the  
5 MWCI,

6 Missing Women Commission of Inquiry,

7 as an external advisor, to provide an

8 independent opinion on the Investigations,

9 as defined in the balance of that sentence. Do  
10 you see that?

11 A I do.

12 Q All right. Now, the first word I want to ask you  
13 about is this concept of engagement. You were  
14 engaged when you received two initial letters from  
15 the commission itself, correct, one dated November  
16 4th and a follow-up dated January 31st?

17 A Yes.

18 Q I'll show these two documents to you now and I'll  
19 ask you to confirm that these are the engagement  
20 letters.

21 A Thank you. Yes, I see those.

22 Q All right. And you agree that they were  
23 considered by you to be engagement letters?

24 A I would agree.

25 MR. WARD: Could we mark those as the next two exhibits,

1                   please.

2       THE REGISTRAR:   The one dated January -- letter dated January  
3                   31st, 2011, will be marked as Exhibit number 60.  
4                   The letter dated 4th of November, 2010, will be  
5                   61.

6                   **(EXHIBIT 60: Document entitled - Letter to Chief**  
7                   **H.M. (Mike) Metcalf dated January 31, 2011 from**  
8                   **the Missing Women Commission of Inquiry)**

9                   **(EXHIBIT 61: Document entitled - Letter to Deputy**  
10                   **Chief Jennifer Evans dated November 4, 2010 from**  
11                   **the Missing Women Commission of Inquiry)**

12       MR. WARD:   Thank you.

13               Q    Now, you used your police investigative experience  
14                   to fulfil your task at least insofar as you sought  
15                   out documents and conducted interviews of people,  
16                   right?

17               A    Yes.

18               Q    And so you would agree that your role or your task  
19                   was investigative, at least in part?

20               A    Conducting interviews would be investigative. I  
21                   guess you could say that, yes.

22               Q    All right. I want to zero in now on another word  
23                   you used in the first paragraph on page 4-1, and  
24                   that's the word "independent". What did you mean  
25                   by that?

1 A Independent?

2 Q Yes.

3 A As in I would be providing my opinion.

4 Q Now, you're aware, I imagine, that this is the  
5 third provincial commission of inquiry into  
6 policing related issues conducted within the last  
7 few years here in BC?

8 A I'm not sure I was aware of the third.

9 Q Well, there was Mr. William Davies' commission of  
10 inquiry into the death of Frank Paul that issued  
11 its final report in February of 2009. You are  
12 familiar with that?

13 A I do.

14 Q And then there was Mr. Braidwood's commission of  
15 inquiry into the death of Robert Dziekanski that  
16 issued its final report in May of 2010?

17 A I recall that, yes.

18 Q All right. And that latter report came out well  
19 before your engagement as -- I'm going to quote  
20 again -- an external advisor to provide an  
21 independent opinion, correct?

22 A I'll take your word for that on the dates, yes.

23 Q All right. Now, both the commissioners in those  
24 two previous commissions of inquiry stated in the  
25 clearest terms that it was their view and



1 recommendation that police should not be  
2 investigating police conduct in cases of serious  
3 injury or death due to the public perception that  
4 police officers could be biased or be in a  
5 conflict of interest vis-a-vis other police  
6 officers. Are you aware of those conclusions?

7 A I have heard of those conclusions, yes.

8 Q This is obviously a case involving many deaths,  
9 right?

10 A Yes.

11 Q Very serious case?

12 A Very serious.

13 Q Can you, based on your dealings with the  
14 commission, shed any light on why you, an active  
15 police officer, were engaged to do the work you  
16 did instead of someone who is truly independent of  
17 police?

18 A I would say that would be a question you would  
19 have to ask the commission.

20 Q You don't know?

21 A No.

22 Q All right. You said on Tuesday, yesterday I guess  
23 it was -- I'm losing track of days -- yesterday  
24 morning in response to a question from Ms. Tobias,  
25 according to my note, you said this: commission

1           counsel's direction governed what you asked for  
2           and who you interviewed. Do you recall saying  
3           that?

4           A    No.

5           Q    All right. That's the way I noted it. But do you  
6           accept that the direction from commission counsel  
7           that you received to do your work governed what  
8           documents you requested from the police and who  
9           you conducted interviews of? Is that --

10          A    No.

11          Q    -- fair?

12          A    No, I would disagree. What -- and if I said that,  
13               what I was trying to -- the message I was trying  
14               to deliver to Ms. Tobias was that if I formed an  
15               opinion that I wanted to see a document, I made  
16               the request, but I was always told to go through  
17               the commission to get the documents.

18          Q    I see. You told me on Monday in my brief time  
19               with you that -- sorry, just -- oh, that you were  
20               directed at some stage in your work not to report  
21               on the 1998 decision to stay the attempted murder  
22               charge and other charges against Robert William  
23               Pickton, right?

24          A    That's correct, and I believe I mentioned that in  
25               my report.

1 Q That was after you had reviewed that file in some  
2 considerable detail, right?

3 A Yes.

4 Q How did that direction -- how was that direction  
5 conveyed to you?

6 A I believe it was a -- I'm not sure if it was a  
7 phone call or if I was here at the time.

8 Q What about an e-mail?

9 A No.

10 Q Might have been an e-mail?

11 A I don't believe so. I think we had those  
12 conversations.

13 MR. VERTLIEB: Mr. Commissioner, I want to just interject  
14 because Mr. Ward I think wrong -- incorrectly  
15 stated, and not intentionally, of course, in his  
16 discussion last time that this commission was  
17 looking at the Crown and police conduct relating  
18 to the -- to that 1997 charge, and, of course, we  
19 are not looking at the Crown and police conduct.  
20 The direction is that you are to look at the Crown  
21 conduct. And so it would be self-evident to  
22 anyone thinking about the terms of reference, I  
23 would think, that the police officer doesn't need  
24 to look at what the Crown did because the  
25 analysis, as has been said a number of times, is

1           going to be given to you by Mr. Celle, who is a  
2           lawyer and experienced Crown. So I just wanted to  
3           correct that comment. Mr. Ward may have  
4           misunderstood that term of reference, and maybe I  
5           misheard him, but I think I did hear him  
6           correctly, and I just wanted it to be clear why  
7           she would not be asked to comment on that.

8       THE COMMISSIONER: What does that term of reference read? Why  
9           don't you read it for us now for Mr. Ward's --

10      MR. WARD: I can read it. I've got it here.

11           The terms of reference of the inquiry to be  
12           conducted by the commission are as follows,  
13           this is item 4, item 4(b),  
14           consistent with the,  
15           and there's a typo,  
16           British Columbia (Attorney General) v.  
17           Davies, 2009 BCCA 337, to inquire into and  
18           make findings of fact respecting the decision  
19           of the Criminal Justice Branch on January 27,  
20           1998, to enter a stay of proceedings on  
21           charges against Robert William Pickton of  
22           attempted murder, assault with a weapon,  
23           forcible confinement and aggravated assault.  
24           And I've read this many times, and carefully, but  
25           that's what it says.

1 THE COMMISSIONER: All right. That's exactly what Mr. Vertlieb  
2 says.

3 MR. WARD: Well, with respect, and I'd like to ask some more  
4 questions on this point later, but with respect,  
5 looking at why the Crown made a decision to stay a  
6 prosecution necessarily involves looking at the  
7 police investigator's role in the investigation,  
8 their role as prospective witnesses, their roles  
9 in so many different ways that it can logically be  
10 assumed that a police officer can have some  
11 evidence to offer on that point. That's my  
12 submission.

13 MR. VERTLIEB: Well, Mr. Ward may have his own view, but,  
14 unfortunately, we took our view and read the terms  
15 of reference as we did, and we've asked Mr. Celle  
16 to assist, and that's been clear for some months,  
17 so I just don't agree that this is an area that  
18 need be canvassed as part of your terms of  
19 reference.

20 THE COMMISSIONER: I agree with Mr. Vertlieb. It's clear to me  
21 that term number 4 on the terms of reference  
22 refers to the conduct of the Crown to enter a stay  
23 of proceedings, and it's unfair for you to ask the  
24 deputy chief about police conduct when she was  
25 specifically told not to look at the police

1                   conduct because the term of reference stands by  
2                   itself.

3   MR. WARD:   Thank you.   Just a few -- I appreciate --

4   THE COMMISSIONER:   I mean, I appreciate -- I think I know what  
5                   you're saying.   I think that you can cross-examine  
6                   the Crown about the police evidence that they had  
7                   that led to the stay of proceedings.   That's  
8                   something that is within your ambit and authority  
9                   to do.

10   MR. WARD:   Thank you.   I'd just like to leave one or two  
11                  questions on the point or ask one or two questions  
12                  on the point before moving on in terms of the  
13                  scope of the engagement, that's all, so that it's  
14                  on the record just in case it's needed later.

15   THE COMMISSIONER:   Go ahead.   What's the next question?

16   MR. WARD:

17               Q   After you got the engagement letters you presumed  
18                   for quite some time, months, that part of your  
19                   task was to review the '97 file and ultimately  
20                   report on your findings, didn't you?

21               A   I did look at the files, and it did take  
22                   considerable time, yes.

23               Q   And it was only after you did that that you were  
24                   directed by the commission not to report on it,  
25                   correct?

1           A    I believe so, yes.

2           Q    Thank you.  Now, you started your work -- and I'm  
3                still on methodology, and I'm still on this  
4                question of independence.  You started your work  
5                effectively in December of 2010, and you completed  
6                it in November of 2011, a little less than a year  
7                later, right?

8           A    That's correct.

9           Q    And you came to Vancouver for the purpose of this  
10               task for the first time on December 6th, 2010, and  
11               met with the commission's executive director, a  
12               man named John Boddie and with other commission  
13               staff, right?

14          A    I came on that date.  I believe I came earlier as  
15               well.

16          Q    Okay.  But, in any event, Mr. Boddie, the  
17               executive director, was a principal source of your  
18               direction from the commission as you proceeded  
19               with your work; is that fair?

20          A    That's fair.

21          Q    You and he had many, many meetings, and you and he  
22               exchanged many e-mails about your assignment?

23          A    I would say we had many conversations.  I'm not  
24               sure about meetings, but conversations and phone  
25               calls, yes.

1 Q And you know from your dealings with Mr. Boddie  
2 over the year that his prior experience included  
3 working for 16 years with the Vancouver Police  
4 Department, where he rose to the rank of sergeant?

5 A I understand that as well, yes.

6 Q And you understand that he was a colleague of  
7 Deputy Chief LePard's for many years?

8 A No, I don't think I would recall that.

9 Q All right. Just speaking of Doug LePard, on  
10 January the 6th, 2011, early in your work, you  
11 received an e-mail from him, LePard, saying that  
12 all requests for Vancouver Police Department  
13 documents had to go through him, right?

14 A I trust you on that date, yes.

15 Q All right.

16 A I know that changed later on.

17 Q Fair enough. In the year or so you worked on your  
18 assignment you had literally dozens of face-to-  
19 face meetings with the RCMP's lawyers and the  
20 VPD's lawyers, didn't you?

21 A I would agree, yes.

22 Q And you exchanged many e-mails with those lawyers  
23 and with members of the Vancouver Police  
24 Department and RCMP, right?

25 A Seeking documents.



1 Q Correct?

2 A Correct.

3 Q All right. In contrast, you and I never met or  
4 communicated at all prior to Monday, did we?

5 A That's correct.

6 Q I, you would agree, had no opportunity at all to  
7 influence your report in any way, did I?

8 A I'm not sure anyone had an opportunity to  
9 influence my report.

10 Q I'm just talking about opportunity, a window of  
11 opportunity. In your dozens and dozens of  
12 meetings with RCMP and police lawyers, sitting  
13 down with them, talking to them, there were  
14 opportunities for them to make comments or  
15 suggestions to you about your work and how to go  
16 about it, right?

17 A No, I would disagree.

18 Q All right. I'm not saying they used those  
19 opportunities. I'm just saying they had  
20 opportunities.

21 A I would agree with the fact that over the months I  
22 met with the Department of Justice lawyers as well  
23 as lawyers from the -- who represent the Vancouver  
24 Police Department.

25 Q All right. I want to turn next, please, to the

1 interviews that you conducted while you were  
2 working on the preparation of your report.  
3 They're at Appendix B-1 and 2 of it. The list,  
4 rather.

5 A Sorry. My report? Okay. Sorry.

6 Q Yes.

7 A I didn't understand that.

8 Q Yes. I'm sorry, your report. Appendix B, pages 1  
9 and 2.

10 A Yes, I see that.

11 Q This is a list of 56 people. Do you see that?

12 A I do.

13 Q And it looks like all but two of them are employed  
14 by one police department or another, right?

15 A As well as the New Westminster Police, so three  
16 police departments.

17 Q That's what I meant by one -- yeah, one of three  
18 police departments.

19 A I agree.

20 Q All right. The exceptions are Stephen Fonseca of  
21 the coroner's office and number 24? I believe it  
22 should actually read Freda Ens.

23 A Oh, I'm sorry. Yes, you're right.

24 Q Freda Ens, correct?

25 A Yes.

1 Q Those are the two non-police people you  
2 interviewed?

3 A Yes.

4 Q You didn't interview any of my clients?

5 A No, I did not.

6 Q By that I mean you didn't interview any of the  
7 family members of the missing to get their  
8 knowledge of the quality of the police  
9 investigations that you were reviewing, correct?

10 A That's correct.

11 Q You didn't interview Wayne Leng, who was -- you  
12 know to be the man who received the Hiscox tip,  
13 the man who created a website and a 1-800 number  
14 trying to draw attention to the missing women, the  
15 man who worked tirelessly, tirelessly to try to  
16 get the Vancouver Police Department to respond to  
17 his concerns that Sarah de Vries and others were  
18 going missing from the streets? You didn't  
19 interview that man, correct?

20 A I did not. No, I did not.

21 Q And the way I've described him is accurate, isn't  
22 it? Friend of Sarah de Vries --

23 A Yes.

24 Q -- worked tirelessly --

25 A Yes.

1           Q    -- set up a website, a 1-800 number, tried his  
2                darnedest to get the VPD to take notice of his  
3                friend's disappearance and that of the other  
4                women, fair?

5           A    I saw evidence of that, yes.

6           Q    You didn't interview him?

7           A    No, I did not.

8           Q    All right. You didn't interview Bonnie Fournier,  
9                whose close connection to the missing women and to  
10               the VPD investigators who were supposed to be  
11               looking into the disappearances is well documented  
12               in Stevie Cameron's book *On the Farm*? You didn't  
13               interview her, right?

14          A    No, I did not.

15          Q    Again, my brief description of her involvement in  
16               the matter is accurate, right?

17          A    I wouldn't be able to speak to the accuracy of  
18               those comments.

19          Q    All right. You didn't interview David Pickton  
20               about his and his brother's interactions with the  
21               RCMP over the decades prior to the search of the  
22               farm in February of 2002, did you?

23          A    No, I did not.

24          Q    You didn't interview Pat Casanova or Bill Hiscox  
25               or the other civilian informants?

1           A    I believe Pat Casanova is deceased now, but, no, I  
2                did not interview those two either.

3           Q    Caldwell, Best, and Menard. Similarly, you didn't  
4                interview them?

5           A    No.

6           Q    You know based on your experience as a police  
7                investigator that those people would likely have  
8                something to say about the way in which police  
9                investigators responded to their information,  
10              their dealings with them, right?

11          A    I would agree.

12          Q    You didn't interview Bev Hyacinthe, did you?

13          A    No, I did not.

14          Q    And you, based on your review of the files, are  
15                well aware that she was a civilian employee of the  
16                Coquitlam's RCMP Detachment who lived near the  
17                Pickton brothers, who knew them for decades and  
18                who was aware of their activities, right?

19          A    Yes.

20          Q    And she, in fact, was considered by some police  
21                officers to be a conduit of information from the  
22                RCMP to the Picktons about what, if anything, the  
23                RCMP were doing in their investigation, right?

24          A    I'm not sure I would be able to agree with  
25                conduit. I saw at one point that Corporal Connor

1           was speaking to her at some point and she was  
2           advising him that Pickton was aware that he was  
3           under surveillance.

4           Q   Right. But you didn't interview that woman?

5           A   No, I did not.

6           Q   All right. You didn't interview any of the  
7           Vancouver sex trade workers who survived their  
8           trips to the Pickton brothers' properties?

9           A   No, I did not.

10          Q   You would agree with me that there are two sides  
11          to every story?

12          A   I would agree.

13          Q   All right. And you would agree with me that what  
14          civilians would have to say about their dealings  
15          with police investigators would be an important  
16          side to hear if you wanted to get the full story  
17          of how those investigations were being conducted?  
18          That's fair, isn't it?

19          A   That's fair.

20          Q   You chose to consider only one side of this story,  
21          the story set out in police files and set out by  
22          police comments to you, right?

23          A   I was given direction from the commission that  
24          they would be interviewing the civilian members  
25          and I would be restricting my interviews to the

1 police.

2 Q I see. And how did that direction come to you?

3 A I'm not sure if it was verbally.

4 Q From whom?

5 A From commission counsel.

6 Q Now, I'm still on methodology.

7 A Sorry, that --

8 Q Sorry.

9 A Sorry, commission counsel probably through Mr.  
10 Boddie.

11 Q All right. Now, at the beginning of your task, of  
12 your assignment you appreciated that you were  
13 reviewing events that took place quite a long time  
14 ago, 10 to 15 years ago, right?

15 A Yes.

16 Q And you know, of course, based on all your police  
17 experience that after the passage of so much time  
18 memories can become unreliable?

19 A I agree.

20 Q So one of your first priorities was to set about  
21 gathering up all the available documents related  
22 to the events of 10 to 15 years ago?

23 A I agree.

24 Q And fortunately, because you were dealing with  
25 police, who are professional record keepers, you

1           expected that all the documents you needed would  
2           be available, right?

3           A    I am not convinced I would agree with professional  
4           records keepers, but I expected some documents  
5           would be available, and they were.

6           Q    All right. In particular, you expected that  
7           police officers would still have their notes?

8           A    Yes.

9           Q    Just on that point, that's because in your  
10          experience police officers have a duty to keep  
11          notes, that it's their invariable practice to keep  
12          notes and it's their invariable practice to  
13          preserve their notes by filing away their  
14          notebooks once they fill them so that they are  
15          available for use later on?

16          A    I would agree.

17          Q    All right. And you expected that you would find  
18          e-mails between police officers because from 1997  
19          onwards e-mails were a very, very common form of  
20          business communication, right?

21          A    I saw evidence of certain e-mails, yes.

22          Q    Well, I'm not -- I am going to get to that in a  
23          moment. You say you saw evidence of certain  
24          e-mails?

25          A    Yes.



1           Q   Now, my question was slightly different.  At the  
2                outset of your task, your assignment, you expected  
3                to find lots and lots of inter-police  
4                communication in e-mails from 1997 through to  
5                2002, didn't you?

6           A   No, I'm not sure I would have expected that  
7                because I -- having worked in one of my previous  
8                jobs within the police department being in charge  
9                of information management, I think police are  
10              still trying to get a handle on the best way to  
11              manage all the information within the police  
12              departments, so e-mails in particular.

13          Q   Let me just touch on e-mails for a moment.  You  
14                would agree, just speaking very generally now, I'm  
15                not talking about police, that e-mails can be a  
16                very fertile source of evidence, right?

17          A   Evidence of what?

18          Q   Of the facts set out in the correspondence.

19          A   I believe e-mails often provide insight into  
20                conversations because people often send e-mails  
21                like they are talking, so --

22          Q   Right.

23          A   -- I would agree with that.

24          Q   So people are -- that's another way of saying  
25                people are more candid when they communicate via

1 e-mail than they might be in writing a formal  
2 letter?

3 A I would agree.

4 Q Now, tell me about your problems getting RCMP  
5 e-mails? You couldn't -- you couldn't find or  
6 receive very much at all in the way of RCMP e-mail  
7 communication, could you?

8 A No, I could not.

9 Q And that wasn't because the RCMP didn't use  
10 e-mail, that's because they wouldn't be produced  
11 to you for some reason, right?

12 A I don't think I can speak to the reasons why I  
13 didn't see them. I just know I didn't see a lot  
14 of them.

15 Q All right. And that concerned you?

16 A Yes.

17 Q All right. And the adequacy of document  
18 disclosure from the two police forces really  
19 concerned and frustrated you as you tried to work  
20 on this project, didn't it?

21 A Certain times I was very frustrated, yes.

22 Q Let me ask you about one of those times. You  
23 became so frustrated at the police apparent  
24 refusal to provide you with the documents you were  
25 seeking that you've noted that you were going to

1 include in your report a description of the  
2 problems you were having in that regard, right?

3 A Can you direct me to --

4 Q Something?

5 A I'm not surprised by -- I wouldn't disagree with  
6 your comments. I was very frustrated about the  
7 disclosure and the type of disclosure I was  
8 getting in the format they were -- I was receiving  
9 it in.

10 Q Sure. I will be more specific. The problem is I  
11 lost my sticky. It fell off the page. But I'll  
12 come back to that in a moment. Let me ask you  
13 this. Did you turn your mind to this question  
14 with respect to the lack of e-mails between -- to  
15 and from RCMP members relating to the missing  
16 women cases in '97 and 2002, to how it could be  
17 that e-mail communications made about Canada's  
18 worst serial killing by Canada's -- members of  
19 Canada's national police force could not be  
20 available?

21 A I can only put my mind to what I observed and what  
22 I read, and I couldn't say that there was  
23 documents out there that were not being disclosed  
24 to me.

25 Q Well, you can't prove a negative is what you're

1 saying?

2 A Yes.

3 Q But from all your police experience going back to  
4 '83, your knowledge of how police communicated  
5 with each other, you believed that there would be  
6 a -- there would be a body of e-mail communication  
7 between RCMP members and perhaps between RCMP and  
8 VPD members relating to the issue of the missing  
9 women investigations?

10 A I believe I commented on -- in my report  
11 somewhere, and I wouldn't know what page it was  
12 either, that I found that a lot of the  
13 communications that I observed were one-  
14 directional, meaning I saw a lot of documentation  
15 from the Corporal Connors and the Detective  
16 Constable Shenhers, but I didn't see a lot of  
17 communication from senior management.

18 Q I found the little reference I was looking for.  
19 Do you have your notebooks with you?

20 A Actually, I have my notebooks back in the -- there  
21 they are. They are being brought up to me now.

22 Q Just as they arrive, you as a diligent and  
23 conscientious police investigator trained to take  
24 notes, you kept notes of your work on this file,  
25 didn't you?

1           A    I kept notes on my -- on my dealings with this  
2                   file, yes.

3           Q    And they form part of your working papers, as  
4                   lawyers like to call them?

5           A    I understand that now, yes.

6           Q    All right. And I'd like to ask you about what you  
7                   recorded on August the 17th, 2011, about your  
8                   frustration with respect to getting relevant  
9                   documents. Just before I ask you what you wrote  
10                  let me ask you just another question about this.  
11                 Sorry, Witness, can I --

12          A    Sorry, I'm listening.

13          Q    -- ask you an introductory question? Sorry. Let  
14                 me just ask you this. When you took the  
15                 assignment from the commission, it's fair to say,  
16                 I suggest, that you assumed, since there had been  
17                 this very long criminal trial with Robert William  
18                 Pickton, there had been appeals, the appeals had  
19                 been exhausted, you assumed that the files would  
20                 be available and organized and ready to review,  
21                 fair?

22          A    Yes.

23          Q    All right. And you found that wasn't the case at  
24                 all?

25          A    That's correct.

1 Q Now, on your frustrations, by August -- now, you'd  
2 been working on this since, what, December of the  
3 previous year?

4 A That's correct.

5 Q August 17, 2011, middle of the page in your  
6 notebook you start an entry that says this, if I'm  
7 reading your writing --

8 A My handwriting.

9 Q Better than a doctor's.

10 A Thank you.

11 Q It says this. Star, meaning important, correct?

12 A Yes.

13 Q "Address issue of late disclosure in report." And  
14 then you refer to just receiving some things. And  
15 then in capital letters you've written this,  
16 again, if I can read it, just above the entry for  
17 19:30, "RIDICULOUS" in capital letters, correct?

18 A Yes.

19 Q And what you're referring to there is you were  
20 getting some material after you had conducted  
21 interviews in which the material would have been  
22 very, very helpful?

23 A Yes.

24 Q And you perceived that the disclosure of  
25 documents, especially from the RCMP, was being

1           handled in a way that, to use your word in  
2           capitals, was ridiculous?

3           A    Yes, it would appear I was very frustrated that  
4           day.

5           Q    And so as you sit here today, having written the  
6           report, you have, I suggest, little confidence  
7           that all of the relevant documents that would be  
8           necessary to conduct a proper and thorough review  
9           of the missing women investigations were, in fact,  
10          made available, agree?

11          A    I would say that I reviewed literally thousands  
12          and thousands of documents over the months. Am I  
13          convinced I reviewed every single document? No.

14          Q    Well, the question was a little bit different.  
15          There's a very, very strong possibility, indeed  
16          probability, that relevant documents, like RCMP  
17          e-mails, for example, simply weren't made  
18          available, correct?

19    MS. HOFFMAN: Mr. Commissioner, I'm going to stand and object  
20                  at this point. I don't have the correspondence  
21                  available to me at this moment -- I'm getting some  
22                  feedback here -- but it has been explained to the  
23                  commission, that was a question that was raised  
24                  early on, with respect to the disclosure of RCMP  
25                  e-mails, and we did correspond with commission

1           counsel on that point, and we explained that all  
2           e-mails that were relevant were retained in the  
3           paper files and that it would be disclosed along  
4           with all the relevant documents that would be  
5           disclosed. The RCMP has an e-mail retention  
6           policy, and had at the time, that most e-mails,  
7           unless they were printed out and put on the file,  
8           would be destroyed after 90 days. That was the  
9           situation that was explained to commission  
10          counsel, and I think it's a bit unfair that my  
11          friend is not referring to that. I understand  
12          that he would have had access to that  
13          correspondence. At one point he asked for  
14          correspondence that was between the commission and  
15          the Department of Justice on the issue of document  
16          disclosure, so I'm sure he is aware of that  
17          correspondence.

18       THE COMMISSIONER: All right. Thank you. Yes, Mr. Vertlieb.

19       MR. VERTLIEB: Mr. Boddie confirms the accuracy of what you  
20                    just heard from Ms. Hoffman.

21       MR. WARD:

22           Q    Given that explanation, does it make any sense to  
23                you that in the days after February 5, 2002, when  
24                the RCMP has learned and is starting to learn that  
25                they're investigating what may well be Canada's



1                   worst ever serial killing, that relevant e-mails  
2                   from say the three months prior would be expunged?

3           A    I don't think I could answer that question, sir.

4           Q    Let me put it another way.

5   THE COMMISSIONER:   Just a minute.

6   MR. VERTLIEB:   Just one concern.  I know Mr. Brongers, if he  
7                   was here, would be saying, as I've heard him say  
8                   on other occasions --

9   THE COMMISSIONER:   Sorry.

10  MR. VERTLIEB:   Mr. Brongers, if he was here, would be saying  
11                   you can't inquire into RCMP policies.  I just want  
12                   to put that -- I just want to restate that.  I  
13                   know you are aware of it, but I'm not sure that  
14                   everyone else would be, because you're a  
15                   provincial commission of inquiry.  So whatever Mr.  
16                   Ward thinks of the RCMP policies is not something,  
17                   Mr. Commissioner, that you can really deal with as  
18                   I understand the jurisdictional law.

19  THE COMMISSIONER:   But even more so, it's unfair to ask this  
20                   witness about that RCMP policy.

21  MR. WARD:   I certainly didn't mean to be unfair, and if I was,  
22                   I apologize.

23           Q    You've heard Ms. Hoffman's statement.  As I  
24                   understood it, the RCMP, according to Ms. Hoffman,  
25                   RCMP counsel, would have preserved paper copies of

1           relevant e-mails pertaining to the investigations.

2           I think I understood her statement to that effect.

3           A    I would agree that's what she said.

4           Q    You didn't see e-mails, paper or otherwise, of

5           any -- let me put it this way. You felt after

6           reviewing the files that there was a complete

7           deficiency, lack of e-mail communications, paper

8           or otherwise, for you to review, right?

9           A    I think -- I wouldn't characterize it as complete  
10          deficiency. I recall that I didn't see a lot of  
11          e-mails with regards to the RCMP.

12          Q    And that was certainly something that as you did  
13          your review you were concerned about?

14          A    Yes.

15          Q    Now, on this question of sufficiency of document  
16          production, I want to put this in -- the next few  
17          questions in further context. I showed you  
18          earlier all those media accounts.

19          A    Yes.

20          Q    So you agree that by early 1999 the subject of the  
21          women going missing from the streets of Vancouver  
22          was attracting significant media and public  
23          attention, right?

24          A    I would agree.

25          Q    Now, you've seen and you've commented on already

1           the fact there was a meeting in April of 1999 of  
2           senior RCMP and senior Vancouver Police Department  
3           members with the Attorney General of this province  
4           and other cabinet ministers, right?

5           A    I don't -- I believe that I was unable to locate  
6           the exact date when that occurred. I think  
7           somebody was trying to direct me yesterday as to  
8           the date it occurred, but I am just looking at my  
9           timeline to refresh my memory.

10          Q    I can assist.

11          A    Thank you.

12          Q    If you could be shown, please, Deputy Chief  
13               LePard's report, Exhibit 1.

14          A    Thank you.

15          Q    And please, once you have it, turn to page 90. So  
16               let me try to put this in further context, and  
17               you'll probably remember this, but I can help you  
18               with references to the documents if you need them.

19          A    Thank you.

20          Q    Okay. There's all this media attention about the  
21               missing women issue?

22          A    Yes.

23          Q    Sarah de Vries's sister Maggie, who ultimately  
24               wrote a whole book about her experience with the  
25               case of her sister's disappearance, was writing

1           letters to senior government officials, the  
2           Attorney General, the premier, the mayor,  
3           demanding attention?

4           A    Yes.

5           Q    And her sister was Wayne Leng's friend, and  
6                likewise, since back in 1998, the time of her  
7                disappearance, he'd been clamoring for the police  
8                to do something about these cases, right?

9           A    I would agree, yeah.

10          Q    So there's this public clamor about government  
11                addressing the problem, and it is in this context  
12                that according to Deputy Chief LePard all these  
13                senior people get together on April the 9th, 1999,  
14                and he describes the meeting at page 90 of his  
15                report, first full paragraph. Do you see that?

16          A    I do, yes.

17          Q    Let me just read that quickly, if I may.

18                On April 9th, 1999, Deputy Chief Constable  
19                McGuinness, Detective Constable Shenher, and  
20                Acting Inspector Boyd met with Superintendent  
21                Gary Bass from E Division Serious Crime,  
22                Attorney General Ujjal Dosanjh, Deputy  
23                Attorney General Steven Stackhouse, several  
24                other cabinet ministers and their aides,  
25                and then there's a portion in parenthesis I won't

1 read. So you see the list of attendees?

2 A Yes.

3 Q In the course of your review you considered this  
4 to be a pretty important meeting in the context of  
5 the progress of the investigations, right?

6 A Yes.

7 Q And you found absolutely no written record created  
8 by anyone of what was discussed there, didn't you?

9 A That's correct.

10 Q Now, you've dealt over the course of your career,  
11 especially more recently, as a very senior police  
12 officer, deputy chief, with government officials?

13 A I have.

14 Q And your counterparts in other police forces?

15 A Yes.

16 Q And you know, based on your own experience in  
17 Ontario at least, that when there are important  
18 meetings involving senior police, less senior  
19 police, cabinet ministers, their aides, someone is  
20 going to make a record of it?

21 A I would think so, yes.

22 Q I suggest that when you addressed this -- tried to  
23 address what happened at this meeting you found it  
24 unbelievable that there were no notes or records  
25 of what was said, didn't you?

1           A    I was surprised that I was unable to locate any  
2               documents with regards to this meeting.

3           Q    All right. Do you know if anybody -- well, you  
4               would expect that one or more of the RCMP  
5               personnel in attendance, one or more of the VPD  
6               personnel in attendance would have made notes?

7           A    I would have expected that, yes.

8           Q    And given what you know about government, you  
9               would expect that one or more of the cabinet  
10              ministers, or more likely their aides --

11          A    Their aides.

12          Q    -- would have made notes?

13          A    Yes.

14          Q    Do you know whether attempts were made to get at  
15               least the government records of the meeting?

16          A    I know I did not make any attempts to get any  
17               notes from the government aides.

18          Q    And, again, since this happened back in 1999, some  
19               12 years ago, you can't rely on people's memories  
20               of what happened there? It would be better to  
21               have records that were made at the time, wouldn't  
22               it?

23          A    I would have relied with a stronger weight based  
24               on the documents as opposed to someone's memory,  
25               yes, I agree with that.

1           Q    Let me ask you about what my clients at least  
2                consider to be another important meeting around  
3                that time, a meeting of May 19th, 1999, at VPD  
4                headquarters that has been characterized as a  
5                brainstorming session.

6           A    Yes.

7           Q    Do you remember that?

8           A    I do recall reading documents on that, yes.

9           Q    And the document -- there's one -- my -- my  
10                efforts have revealed that there's one document  
11                relating to this meeting. I'm sorry, it's May  
12                13th at the 312 Main Street boardroom of the  
13                Vancouver Police Department. It's found here, Mr.  
14                Commissioner and counsel, Exhibit 45, Volume 1,  
15                Phase 3, tab 26. It's a document that's a page  
16                and a bit in length. Mr. Registrar, do you have  
17                it at hand?

18   THE REGISTRAR: I'm just --

19   THE COMMISSIONER: That's all right. Go ahead. I can follow  
20                along.

21           A    Sorry, what was the exhibit number?

22   MR. WARD: Mr. Registrar is going to get it for you.

23   THE COMMISSIONER: Oh.

24   MR. WARD: And if I may, Mr. Commissioner, perhaps I could just  
25                show the witness my copy.

1 THE COMMISSIONER: Yes.

2 MR. WARD: It will move things along quickly.

3 A Thank you. Yes, I recall seeing this document.

4 MR. WARD: And --

5 THE REGISTRAR: Excuse me, Mr. Ward. Would you clarify which  
6 document that was again? 45.

7 MR. WARD: Yes. It's --

8 THE REGISTRAR: That's the LePard's documents.

9 MR. WARD: It's in the LePard binders, as they are known.

10 Exhibit 45, Volume 1, Phase 3, tab 26.

11 Q And this you've seen before?

12 A I have.

13 Q And it's described as a brainstorming session  
14 attended by 19 police officers from -- mostly from  
15 the Vancouver Police Department but including two  
16 RCMP members and an individual from the National  
17 Crime Faculty of the UK?

18 A Yes, I see that.

19 Q And do you agree that this seems to be the only  
20 available record of this brainstorming session,  
21 which was about the issue of the missing women,  
22 that's in existence or that you've seen?

23 A I saw a reference to a document. Let me just --  
24 I'm referring to my timeline, and I am unable to  
25 provide a concordance number, but I'm sure someone



1           would be able to assist. I saw a document from an  
2           RCMP officer that talked about that meeting as  
3           well, and I have it on my timeline as line item  
4           number 467 from a constable from the RCMP  
5           Burnaby -- I am probably going to butcher his  
6           name -- Zaporozan.

7           Q    Bev Zaporozan?

8           A    Yes. And I have -- there was a continuation  
9           report submitted that made reference to that  
10          meeting as well, so that was the other document I  
11          saw.

12          Q    Thank you. Do you have the concordance number?  
13          I'll get it later.

14          A    I can get it for you.

15   THE COMMISSIONER: I think we'll stop there.

16   MR. WARD: Okay. Thank you.

17   THE REGISTRAR: The hearing will now adjourn until 2:00 p.m.

18                   **(PROCEEDINGS ADJOURNED AT 12:30 P.M.)**

19                   **(PROCEEDINGS RESUMED AT 2:00 P.M.)**

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

21   THE COMMISSIONER: Mr. Ward.

22   MR. WARD: Thank you.

23          Q    Just before the lunch break, Deputy Chief, I had  
24          drawn your attention to one of our exhibits, which  
25          was a record of this May 13th brainstorming

1 session at the VPD headquarters, and I have a few  
2 more questions to ask you about that. Just to  
3 summarize what you said just before lunch, you  
4 said that in addition to this brief typewritten  
5 record you had located a -- I think it was a  
6 handwritten note or notes of the Burnaby RCMP  
7 member Bev Zaporozan in the files?

8 A It was a continuation report by that officer.

9 Q I see. So part of a continuation report?

10 A Yes.

11 Q All right. And you've given us the database  
12 reference for that?

13 A I believe it was -- you received it.

14 Q Now, you can see -- and again putting this in  
15 context, May of 1999, this is, of course, a  
16 considerable period of time after the informant  
17 Hiscox has come forward and provided his  
18 information to Detective Constable Shenher of the  
19 VPD and in turn Corporal Mike Connor of the  
20 Coquitlam RCMP, correct?

21 A Yes.

22 Q All right. Pickton has been considered by those  
23 two individuals at least to be a prime suspect in  
24 the disappearances of the women; is that fair?

25 A That's fair.

1           Q    There's been lots and lots of media coverage of  
2                   the issue or problem of the women going missing  
3                   from the Downtown Eastside?

4           A    Yes, I understand that.

5           Q    And so a brainstorming session is convened, as  
6                   evidenced by this document?

7           A    That's correct.

8           Q    And a brainstorming session is a good idea  
9                   whenever police are having difficulty with a case  
10                  because getting more and more points of view can  
11                  be of assistance?

12          A    Great idea, yes.

13          Q    And there are several familiar names or names that  
14                  recur in your and Deputy Chief LePard's report in  
15                  this list of attendees, correct?

16          A    That's correct.

17          Q    For instance, there's Sergeant Geramy Field?

18          A    Yes.

19          Q    And I don't mean to minimize the involvement of  
20                  others, but just picking some out, there's Al  
21                  Howlett, Brock Giles, correct?

22          A    Yes.

23          Q    There's Kim Rossmo, the -- Dr. Kim Rossmo, the  
24                  acclaimed --

25          A    Geographic profiler.

1 Q -- geographic profiler?  
2 A Yes.  
3 Q There's Lori Shenher herself?  
4 A Yes.  
5 Q Keith Davidson, an RCMP profiler?  
6 A That's correct.  
7 Q There's Dan Dickhout, Dave Dickson, and Doug  
8 LePard?  
9 A That's correct.  
10 Q And at this point in time Doug LePard was one of  
11 two members of the Vancouver Police Department  
12 with major case management training and  
13 experience?  
14 A I understand that, yes.  
15 Q He was then a sergeant?  
16 A Yes.  
17 Q And according to the note that appears after the  
18 indication that there's representation from these  
19 various units, it looks like at this brainstorming  
20 session there was an introduction by Sergeant  
21 Field followed by an overview by Lori Shenher. Do  
22 you see that?  
23 A I do.  
24 Q And then some suggestions. I just want to ask you  
25 about the last one, "Acc I file re hooker run over

1                   in Burnaby." Do you know what that is a reference  
2                   to?

3           A    No, I don't, actually.

4           Q    Were you able to determine who created this  
5                record?

6           A    No, I was not. I don't recall. I'll just check  
7                my timeline to see if I sourced it. No. I notice  
8                that it was -- it was contained within three  
9                different sources, but I was unable to say -- it  
10               doesn't say on the bottom that you would see or I  
11               would see that says who typed this up.

12          Q    Wouldn't you expect, given all your experience in  
13                policing, that more of these 17 attendees, all of  
14                whom are police officers coming from various units  
15                or departments or forces, would have made notes in  
16                their notebooks of what was going on at this  
17                brainstorming session?

18          A    Yes, I would have.

19          Q    But, in any event, you weren't able to obtain  
20                anything more than the ones you've referenced, the  
21                records you've indicated, right?

22          A    Yeah. I would just -- I would have to look at the  
23                three source documents that I have indicated in my  
24                timeline to be sure, but I don't recall seeing  
25                notes.

1           Q    Now, I want to ask you about Doug LePard.  With  
2                   his major case management experience, he's brought  
3                   into this brainstorming session, obviously, right?

4           A    Yes.

5           Q    And obviously, I suggest, the issue of the missing  
6                   women is so important it's attracting the  
7                   attention of all these police officers, most of  
8                   whom are within the VPD, correct?

9           A    That's correct.

10          Q    Were you able to find in your review of the files  
11                  anything to suggest that Sergeant LePard, as he  
12                  then was, did anything at all in furtherance of  
13                  the missing women investigations after May 13th,  
14                  1999?

15          A    No, I did not.

16          Q    Wouldn't it be incumbent on all police officers in  
17                  a department like the Vancouver Police Department  
18                  dealing with an issue of this significance to take  
19                  some ownership, to use your phrase, of the issue  
20                  and do as much as they could to assist in solving  
21                  the problem?

22          A    I think that's why they attended the meeting, to  
23                  assist.  I'm not necessarily sure it would be fair  
24                  for me to say that they should have taken  
25                  ownership because I would suspect that when they

1           attended this meeting they recognized that Geramy  
2           Field and Lori Shenher had ownership of the  
3           investigation.

4           Q   And you would agree that given the scope and size  
5           of the problem it really wasn't sufficient for  
6           those two women and those two women alone to have,  
7           as you put it, ownership of the investigation of  
8           all of these missing women, correct?

9           A   I would agree.

10          Q   Now, still on the subject of your reviewing  
11          documents in the course of your work, I want to  
12          give you one more example of what I'm going to  
13          suggest is another deficiency in document  
14          availability, all right, and this one -- this will  
15          be the last of the examples. This one is a  
16          document that's in evidence. It's Exhibit 45A,  
17          Volume 2, Phase 4, tab 12. And I will again --  
18          oh, you've got it at hand. Thank you. I'll give  
19          you that again. Exhibit 45A, Volume 2, Phase 4,  
20          tab 12.

21          A   Thank you.

22          THE COMMISSIONER: Tab?

23          MR. WARD: 12. Phase 4, tab 12. They're divided in phases and  
24          then there's a tab.

25          Q   You've seen this before?

1 A Yes, I have.

2 Q Just to put this in context, my understanding is  
3 that this is a memorandum that Lori Shenher,  
4 Detective Constable Lori Shenher of the VPD  
5 prepared essentially summarizing her work as she  
6 was about to leave her assignment as the missing  
7 women's investigator?

8 A That's my understanding, yes.

9 Q And just for background, she started that work in?

10 A July 1998.

11 Q July 1998. And towards the end of 2000 she left,  
12 and there's an indication that she was burned out?

13 A I understand that, yes.

14 Q And so this is the memo that she prepared and sent  
15 to Inspector Spencer and Sergeant Field providing  
16 an overview of her work to that point?

17 A That's correct.

18 Q I want to ask you about something I asked  
19 Detective -- sorry, Deputy Chief LePard about, and  
20 that's a passage that appears on page 6. And here  
21 Detective Constable Shenher lists the various  
22 avenues she's pursued in order to further the  
23 investigation. Do you see that?

24 A Yes.

25 Q And under the heading "VPD" she's written this:



1 I have made regular submissions to the VPD  
2 Patrol Bulletin Board, all sworn members'  
3 email and the Patrol briefing boards in each  
4 District advising them of updates in the case  
5 and asking members to forward any information  
6 they may gather on these files to us.

7 She goes on to say:

8 This has been moderately successful, however  
9 despite our best efforts at making members  
10 aware of this investigation, many seem to  
11 have little knowledge of it. We continue to  
12 ask for members to pass on any information  
13 they feel we should be aware of.

14 Do you see that?

15 A I do.

16 Q And she's addressing essentially, at least in  
17 part, a concept you've defined as recognition,  
18 right?

19 A Yes.

20 Q She's saying in effect, "Look, I've been regularly  
21 telling everyone in the department via e-mail of  
22 our -- of the status of this case. I've asked for  
23 their input, but," and I'm paraphrasing, "there  
24 doesn't seem to be any recognition of the issue."  
25 That's essentially what she's saying? Many

1 members don't seem to be aware of it?

2 A Yes, I would agree.

3 Q And that's despite all that media attention.

4 That's a problem, isn't it?

5 A I would say yes.

6 Q But let me ask you this. In terms of the records  
7 you were reviewing, did you find regular e-mail  
8 submissions, which according to Shenher were sent  
9 to each and every member, regular member, of the  
10 VPD, regular status reports from July of '98 to  
11 the end of 2000?

12 A I would have to look over my timeline. I would  
13 have -- I would have put that information in my  
14 timeline.

15 Q Whatever you found you put in the timeline?

16 A I would say yes.

17 Q All right. All right. Can you respond in a  
18 general way saying whether you found say monthly  
19 updates or anything of the sort?

20 A Not that I recall. I recall seeing correspondence  
21 from Detective Constable Shenher and actually  
22 inviting patrol officers to come up and, "Hey,  
23 we're on the third floor. Come and visit us." I  
24 recall seeing some correspondence by Detective  
25 Constable Shenher to the uniform patrol inviting

1           them to come up and see her and discuss regarding  
2           the missing women issues.

3           Q   When she comes I'll ask her what she meant by  
4           regular and find out how frequent those were, but  
5           if say they were being sent on a monthly basis to  
6           the computer of every regular member, you would  
7           expect to find those records and to be able to  
8           review them and get status reports that way,  
9           right?

10          A   Yes.

11          Q   I am going to leave this area of document  
12          disclosure with this last question. Is it fair to  
13          say then that you were frustrated by the nature of  
14          document disclosure to you, that you had concerns  
15          that documents weren't being made available, but  
16          you worked with what you got and you did your best  
17          with it? Is that a fair summary of --

18          A   Yes.

19          Q   -- that issue?

20                Thank you. I'm going to move next, Deputy  
21          Chief, to the part of your report that you entitle  
22          "Pickton as a suspect".

23          A   Yes.

24          Q   And that's found at page 8-46.

25          A   Thank you.

1 Q Just before I start asking you questions I'd like  
2 to give you some geographic context for this part  
3 of my questioning.

4 A Thank you.

5 Q Thank you, Mr. Registrar. I'm showing you, Deputy  
6 Chief, Exhibit 57, which is a map in aerial  
7 photographic form of the Lower Mainland and  
8 indicating the respective positions or respective  
9 locations, rather, of the Coquitlam RCMP  
10 Detachment, the Pickton property in Port  
11 Coquitlam, and the Maple Ridge RCMP Detachment.

12 A Yes, I see those.

13 Q That's Exhibit 57. And then I'm also showing you  
14 another map that's actually behind you, which is a  
15 close-up showing that part of Port Coquitlam with  
16 three locations identified as firstly the Pickton  
17 brothers' property at 953 Dominion Ave. Across  
18 the street and slightly to the east is 930  
19 Dominion Avenue. And over on Burns Road further  
20 east is 2252 Burns Road, the location of what was  
21 known as Piggy's Palace.

22 A I see that. Thank you.

23 Q And you're somewhat familiar with those places?

24 A Yes.

25 Q All right. As you embarked on your assignment you

1 reviewed documents in connection with the police  
2 knowledge of Robert William Pickton with a view to  
3 ascertaining what they knew about him and when  
4 they knew it; is that a fair summary?

5 A Yes.

6 Q And you learned that he was the suspect in a 1985  
7 murder; is that right?

8 A 1985 murder?

9 Q 1985.

10 A No.

11 Q Let me come back -- let me come back to that. You  
12 found a 1990 file in which he was a suspect in a  
13 sexual assault?

14 A Yes.

15 Q And you reference some CPIC checks at page 8-46 of  
16 your report relating to that -- that matter,  
17 correct?

18 A That's correct.

19 Q Now, in looking at your notes, your handwritten  
20 notes that you had made in the course of your  
21 review, it seemed that you reviewed the 1990 file  
22 over two days, March 20th and 21st of last year.  
23 You can go ahead and confirm that with me --

24 A Thank you. Okay.

25 Q -- for me, if you will.

1           A    Yes, I see that.

2           Q    What was in that file?  What do you recall of the  
3                contents of that file?

4           A    That file was disclosed to everyone.  I don't have  
5                written down -- what I recall with regards to the  
6                1990 file was that there was a request for  
7                assistance made by the Surrey RCMP Detachment that  
8                an officer from Coquitlam RCMP Detachment would do  
9                a drive-by at the Pickton residence and to  
10              determine if a vehicle was located at the  
11              residence, and the CPIC checks revealed that the  
12              officer, Wilson, had conducted the residence  
13              check, and then I observed that he updated -- from  
14              what I recall it was a computer-automated  
15              dispatch, CAD report I think is what we call it,  
16              and that he updated to say that:

17                     Assist Surrey detachment re sexual assault.  
18                     Requested an address to be checked for  
19                     suspect vehicle.  Vehicle was not located.

20          Q    Right.  And did you also find that Don Adam, who  
21                was then at Surrey, had some involvement in the  
22                investigation relating to that?

23          A    Yes.  I think the information came to Corporal  
24                Connor in 1998, I believe.  I'm just trying to get  
25                through my head here my memory on this one.

1 Q I'm not trying to test your memory.

2 A No, I know that. I think it first came to my  
3 attention when Corporal Connor, after he  
4 investigated the incident from 1997, was  
5 submitting his ViCLAS submission and entered  
6 information with regards to this incident on the  
7 fax, on the front page of a fax which would have  
8 been attached to his submission to the ViCLAS  
9 Unit.

10 Q All right.

11 A And then I saw reference to this incident again in  
12 I believe it was November of 1998 after he had  
13 been receiving information from Lori Shenher about  
14 Pickton, that he made inquiries with Don Adam at  
15 that time.

16 Q And just on Don Adam on this point of when the  
17 police knew something about the Picktons and what  
18 they knew about them, Don Adam prior to being with  
19 the Surrey RCMP was, in fact, with the Coquitlam  
20 Detachment of the RCMP?

21 A I believe you're correct. I believe he said that  
22 in his interview.

23 Q And you've seen his interview statement to the  
24 effect that he knew the Picktons when he was there  
25 and described them, and I'm paraphrasing, but like

1 the hillbillies in *Deliverance*?

2 A I understand he said something similar to that,  
3 yes.

4 Q So Don Adam, who later went on to head up the JFO,  
5 had had some prior experience with Robert William  
6 Pickton and his brother David dating all the way  
7 back to when he was at Coquitlam continuing to  
8 when he was posted at Surrey and was involved in  
9 that alleged -- investigating that alleged sexual  
10 assault?

11 A It would appear that way, yes.

12 Q All right. Now, you reviewed the available  
13 records about Robert William Pickton, and you  
14 arranged to do your own offline CPIC search,  
15 correct?

16 A Yes, that's correct.

17 Q And in particular, last August, August 28th, you  
18 spent much of the morning going over that material  
19 in anticipation of attending at Kent Institution  
20 and interviewing Robert William Pickton, correct?

21 A I believe so, yes.

22 Q I am going to ask you about your notes made August  
23 28th, 2011, and in particular on the second page  
24 of your entries for that -- or, pardon me, first  
25 page of your entries you made an entry, if I read



1                   you writing, saying "lure to Coquitlam", right?

2                   Second line from the bottom.

3           A    Yes.

4           Q    What were you finding or recording with that note?

5           A    This was in -- this was my notes that I was making  
6                because I was aware that I would not be able to  
7                record an interview with Mr. Pickton, so I was  
8                reviewing documents in my hotel room and then  
9                making notes in my notebook because I knew I could  
10              bring my notebook in to interview him with, so  
11              this was one of the questions I was going to ask  
12              him, is how was he able to lure women to  
13              Coquitlam, so that's what that is in reference to.

14          Q    You considered it obviously a necessary part of  
15                your work to conduct this interview of Mr.  
16                Pickton?

17          A    Yes.

18          Q    And over on the next page you make a number of  
19                notes about, if I understand your notes, things  
20                that were seized from the Pickton properties. Can  
21                you, starting on the third line, just tell us what  
22                you recorded and what the source of this  
23                information was?

24          A    I'm not sure I can remember the source. I know it  
25                was in documents I was reviewing at the time. My

1 notes indicate "boots seized in '97 incident had  
2 DNA of Borhaven", which is one of the victims.  
3 And then I have the notes "4 sets of handcuffs",  
4 "leg irons" and then I have "/cuffs", "firearms",  
5 "women's clothing", and I have a hyphen saying  
6 "450 pieces".

7 Q Just if I can stop you there. 450 pieces of  
8 women's clothing were found on the property in  
9 February of '02?

10 A That's from the document I received, yes.

11 Q All right.

12 A "Jewelry - 176 pieces", "women's shoes - 231", and  
13 115 of them were cut in half.

14 Q If I could stop you there. Cut in half. Did you  
15 see anything that --

16 A I think they were dissected or cut in half with --  
17 with a saw or a machine is what I was inferring  
18 from that.

19 Q All right.

20 A "25 human bones & 1 tooth recovered". "119 pairs  
21 of underwear".

22 Q Stop you there. Women's underwear, or do you  
23 remember?

24 A It doesn't say. I don't believe it said.

25 Q All right.

1           A    I would think it would be women's underwear.   "87  
2                    whole and part tampons", "57 items of make-up",  
3                    and "53 hypodermic needles".

4           Q    Now, just using your investigative experience,  
5                    particularly in the area of sexual assaults, this  
6                    list, which you gleaned from the records, would  
7                    suggest to you that this man had been accumulating  
8                    trophies or keepsakes over a considerable period  
9                    of time?

10          A    I would say so, yes.

11          Q    Perhaps years?

12          A    Yes.

13          Q    And if indeed he had accumulated all these things  
14                    over a period of years, then it would follow that  
15                    had someone attended and searched the property  
16                    years earlier some of these things would have been  
17                    found there?

18          A    That's possible.

19          Q    Just on this first entry, "boots seized in '97 had  
20                    the DNA of Borhaven," that's Andrea Borhaven?

21          A    Yes, it is.

22          Q    But that fact wasn't known until after February of  
23                    2002, correct?

24          A    That's correct.

25          Q    Because the boots themselves, although they

1           remained in an evidence locker, had never been  
2           tested?

3           A    That's correct.

4           Q    And the boots, of course, were seized on or about  
5           March 23rd, 1997?

6           A    Yes.

7           Q    And sat untested in an evidence locker in the  
8           possession of the RCMP for almost five years?

9           A    I believe so, yes.

10          Q    All right. And so then according to your note at  
11          11:45 you and the commission's executive director,  
12          John Boddie, make a trip to Kent Institution, and  
13          you conduct an interview of some hour and a half  
14          with Robert William Pickton there; is that right?

15          A    That's correct.

16          Q    Just the two of you in the room with Mr. Pickton?

17          A    Yes.

18          Q    Why are you doing this? What is your purpose in  
19          conducting this interview?

20          A    My purpose was to determine if Mr. Pickton would  
21          disclose to me why or how he was able to avoid  
22          police detection for the length of time he was.

23          Q    And his answer essentially was, "Because I never  
24          did anything wrong"?

25          A    Because he didn't do anything.

1 Q He maintained his innocence?

2 A Yes, he did.

3 Q And did you make an assessment of his credibility?  
4 Did you think he was telling the truth?

5 A No, I did not.

6 Q Did he express a desire to testify at the  
7 commission's proceedings that you were there  
8 discussing with him?

9 A No, he did not.

10 Q Did he strike you as someone capable of murdering  
11 49 people by himself given your police experience?

12 A Of doing it by himself? Yes.

13 Q He said or he conceded or acknowledged that he had  
14 picked up girls in Vancouver, right?

15 A Yes.

16 Q And then just in your notes you've got an entry  
17 that I can't read, something about working in  
18 Vancouver. What was --

19 A "Worked in auction."

20 Q Oh. With the Vancouver Police?

21 A Yes.

22 Q Or of the -- right. And that was a reference to  
23 his business of collecting cars from them?

24 A Yes.

25 Q Now, leaving that and returning to the part of

1                   your report called "Pickton as a suspect" --

2           A    Yes.

3           Q    -- one of the things you considered it important  
4               to do as part of your investigation was to look at  
5               the records of offline CPIC searches in respect of  
6               this man, right?

7           A    Yes.

8           Q    And you were able by doing that to determine  
9               whether he was, to use a colloquialism, known to  
10              police prior to February of 2002?

11          A    Yes.

12          Q    And you learned through the offline CPIC searches  
13               that he was?

14          A    Yes.

15          Q    And you detailed what you found in your report?

16          A    Yes, I did.

17          Q    Starting with January of 1990?

18          A    That's correct.

19          Q    Did you look further in the past than that, or  
20               were there no records available earlier than that,  
21               or do you remember?

22          A    I remember contacting CPIC in Ottawa and being  
23               advised that the offline CPIC search would only go  
24               as far back as October 31st, 1988. So that was as  
25               far back as I could ask, for it to start on

1                   October 31st, 1988.

2           Q   All right. And just to be clear, this may be  
3                   obvious, but if you go to page 8-55 of your report  
4                   and to your entry of August 18, 1998, at the  
5                   bottom of that page --

6           A   Yes.

7           Q   And I've pinpointed that because that's indicated  
8                   as a date that Detective Constable Shenher met  
9                   with Corporal Connor to discuss the, in effect,  
10                  the Hiscox information provided by Wayne Leng,  
11                  right?

12          A   That's correct.

13          Q   All right. So if we just take a snapshot at this  
14                  point in time, everything that you found on your  
15                  offline CPIC search would have been available to  
16                  any police officer conducting an offline CPIC  
17                  search on August 18, 1998?

18          A   Prior to that date, yes.

19          Q   Yes. So if, for example, Shenher or Connor did  
20                  what you did as a first step --

21          A   Yes.

22          Q   -- in assessing what was known about Robert  
23                  William Pickton, they would have found the same  
24                  information you did?

25          A   Yes.

1 Q Now, one thing you found as you explored the tips  
2 and tried to figure out what they were about was  
3 that in several instances the officers who had  
4 conducted the earlier searches either didn't have  
5 their notes of the searches or didn't provide them  
6 to you, right?

7 A That's correct.

8 Q Now, back in '98 these events would have been  
9 closer in time, obviously, than they are today  
10 here in 2002 (sic)?

11 A I agree.

12 Q And so a search done in '98 may well have yielded  
13 more useful information than your search?

14 A I would agree in that if Constable Shenher or  
15 Corporal Connor made contact with the officers  
16 they would have a better recollection. I would  
17 agree with that.

18 Q And, again, I don't want to belabour this point  
19 unduly, but police officers, in Ontario at least,  
20 I suggest, where your experience is, are in the  
21 habit of filing away their notebooks --

22 A Yes.

23 Q -- by date, keeping them forever in case they're  
24 ever called upon for a future court proceeding or  
25 investigation of anything that they may have



1 encountered in their line of duty, correct?

2 A Yes.

3 Q And they even are preserved past death so that  
4 they can be available, if necessary, through  
5 making appropriate inquiries?

6 A Well, past death I would not necessarily agree  
7 with. I know that police agencies are starting to  
8 come up with retention schedules, so I think it  
9 would be -- every police department have their own  
10 unique retention schedules with regards to  
11 notebooks.

12 Q And based on the work you've done on this file you  
13 understand there to be similar practices with the  
14 RCMP and with the Vancouver Police Department in  
15 this province of notebook retention?

16 A I believe so.

17 Q So if you could tell me, and I don't want to  
18 necessarily dwell on these one by one, but there  
19 were several police officers who had searched  
20 Pickton's name between '92 and '96, I'll just give  
21 you some names quickly, Corporal Bresch of the  
22 RCMP, Constable Wardrop of the VPD, Sergeant  
23 Bandurka of the RCMP, Constable Howard of the  
24 RCMP, who weren't able in response to your queries  
25 provide any indication to you of why they had done

1                   so, right?

2           A    That's correct.

3           Q    Were you able to actually look at their notebooks  
4                   and determine if they had notes of the reason for  
5                   the search of Pickton's name?

6           A    No.

7           Q    And then, of course, there's the incident of March  
8                   23, 1997, which you've referred to on page 8-48.  
9                   So just to summarize the preceding part of your  
10                  report before I get to that, your queries revealed  
11                  that Pickton or Robert William Pickton was the  
12                  subject of a 1990 sexual assault allegation which  
13                  resulted in at least two CPIC queries, maybe  
14                  three, January 11th, '90, right?

15          A    That's correct.

16          Q    And then further CPIC queries on May 1st, '92,  
17                  March 2nd, '94, February 6, '96, February 14th,  
18                  1996, and September 26, 1996?

19          A    That's correct.

20          Q    And you were unable to get any meaningful  
21                  information from the police officers who searched  
22                  his name as to why they were doing it?

23          A    No, not for those items, no.

24          Q    All right. So then we get to March 23rd, 1997,  
25                  and you had access to the whole of the Coquitlam

1 file relating to the investigation of Robert  
2 William Pickton's alleged attempted murder of  
3 Victim 97 or Anderson, correct?

4 A I did.

5 Q Anderson being, you know, the name we've used in  
6 this hearing, the fictitious name we've used to  
7 identify that person?

8 A Yes. And I've referred to her as Victim 97, yes.

9 Q And that file, which was voluminous, would have  
10 been available in say July and August 1998 as a  
11 source of information about that incident,  
12 including the statements from various witnesses,  
13 like Dave Pickton, that were contained in the  
14 file?

15 A I would agree.

16 Q And the file included photographs of the location  
17 of the attack --

18 A Yes.

19 Q -- and videotape of the scene of the attack and  
20 the place where the victim ran to for help?

21 A Yes.

22 Q If I can pause here, were you able to tell from  
23 the work that you did whether either of Shenher,  
24 Lori Shenher, VPD, or Mike Connor, Coquitlam RCMP,  
25 firstly, did an offline CPIC search when the

1 information from Hiscox came to their attention?

2 A I would have to check the documents again. I know  
3 one or both of them put him on a special interest  
4 to police category, and I'm sure at some point --  
5 my memory is that Constable Shenher conducted an  
6 offline CPIC search, but I would have to look for  
7 that.

8 Q Okay. I'll leave it for now. I believe it's in  
9 your report, actually.

10 A Yeah, I believe she did do that, so I just can't  
11 remember right now when she did that.

12 Q 8-55, it's pointed out to me.

13 A Thank you.

14 Q And same question, and again this may be in your  
15 report, I forget right now, but -- in fact, I  
16 think you found they did go to the file, the '97  
17 file.

18 A I believe Constable Shenher discussed it with  
19 Corporal Connor when she went out.

20 Q That would have been -- the physical file would  
21 have been located in the Coquitlam RCMP  
22 Detachment?

23 A My belief it would have been, yes. Here it is  
24 here. On the 18th of August, 1998 Corporal Connor  
25 provided Detective Constable Shenher with a copy

1 of the file from the March 1997 stabbing incident.  
2 On page 8-55 under the 18th of August, 1998 on the  
3 third sentence down I made note of that.

4 Q Thank you. Now, that file, I should say, is in  
5 evidence in electronic form as one of the  
6 appendices. I think it's Appendix G to the  
7 Williams report, but it's in disk form, Mr.  
8 Commissioner and counsel. But your recollection  
9 of it is it's a very thick file with lots of  
10 evidence, medical records, statements and the like  
11 in it?

12 A That's my recollection, yes.

13 Q Now, I want to ask you a few general questions  
14 about the period from August 18th, 1998, to the  
15 middle of the next year, 1999. We'll say July  
16 31st, 1999.

17 A Okay.

18 Q And these are general questions based on your  
19 review. Bill Hiscox is the first informant who  
20 called Wayne Leng's tip line and then provides  
21 information directly to Lori Shenher and works  
22 with her over a period of some time endeavouring  
23 from his point of view, Hiscox's point of view, to  
24 help the police address the disappearances?

25 A Yes.

1 Q And subsequently three more informants come  
2 forward, Caldwell, Best, and Menard?

3 A Yes. I'm not sure if Menard came forward, but I  
4 know the officers spoke to him.

5 Q Emerged?

6 A Yes.

7 Q All right. And so by July of 1999 the police  
8 investigators have information from independent  
9 sources, four of them, all corroborative and  
10 suggesting that Pickton is responsible for killing  
11 sex trade workers from the Downtown Eastside of  
12 Vancouver and disposing of their bodies?

13 A I believe it would be safer to say August of 1999.

14 Q Fair enough. So in that year period the evidence  
15 mounts such that by August of 1999 there is that  
16 body of evidence from four independent informants  
17 pointing to Pickton as the prime suspect in the  
18 disappearances?

19 A Yes.

20 Q Now, I suggest -- well, let me rephrase the  
21 question. With your expertise and experience as  
22 an investigator and your knowledge gleaned from  
23 your work on the Bernardo review, what  
24 investigative steps would have been available to  
25 investigators in August of 1999 to attempt to rule

1 Mr. Robert William Pickton out as a suspect?

2 A What investigative steps or strategies?

3 Q Techniques.

4 A Well, I think they were -- RCMP in Coquitlam were  
5 trying some of them. They were conducting  
6 interviews with witnesses who could potentially  
7 provide information that would give them more  
8 direct information or evidence with regard to  
9 Pickton as a suspect. They were conducting  
10 surveillance. And -- I mean, it's such a big  
11 question.

12 Q All right. Let me narrow it down.

13 A Yes.

14 Q Those are a couple?

15 A Mm-hmm.

16 Q Surveillance and interviewing associates?

17 A Right.

18 Q I suggest that another possibility would have been  
19 the use of not human surveillance but video  
20 surveillance of the property, fair?

21 A If they were able to get a judicial authorization,  
22 they could have done that, yes.

23 Q Similarly, if they could get judicial  
24 authorization, a wire-tap could be arranged on the  
25 phone?

1 A Yes.

2 Q Another possibility is the use of an undercover  
3 operative, UCO, to be introduced to Pickton and  
4 try to glean information from him surreptitiously?

5 A Yes, that could have been a strategy.

6 Q Another strategy would be to use a police agent,  
7 and I note Bill Hiscox volunteered to be one, to  
8 report to the police more information obtained  
9 from the subject of the investigation, right?

10 A Yes.

11 Q All right. And it is correct to say that Bill  
12 Hiscox volunteered to be such an agent?

13 A He volunteered to introduce Lori Shenher or an  
14 undercover officer to Lisa Yelds to try to get  
15 more direct information.

16 Q And I believe Deputy Chief LePard alluded to  
17 another possibility, if I understood his evidence  
18 correctly, but I'll just put it to you. Another  
19 possibility would be to arrest Robert William  
20 Pickton on reasonable and probable grounds that he  
21 had committed some offence and hold him for 24  
22 hours in cells and introduce what is known as a  
23 cell plant to try to get information from him,  
24 correct?

25 A I didn't hear the evidence of DC LePard with



1                   respect to that. I'm not sure what offence was he  
2                   suggesting they would arrest him for.

3           Q    Let me suggest one based on your review of the  
4                   file. By July 31st, 1999, the Coquitlam RCMP, and  
5                   in particular Corporal Connor, had informants'  
6                   evidence that cockfights, fights between roosters,  
7                   were being staged every weekend on the Pickton  
8                   brothers' property and that they were being  
9                   attended by a number of people. That's an  
10                  offence?

11          A    I saw that. Yes, it is.

12          Q    And that information was sufficient to  
13                  investigate, and indeed the allegations were solid  
14                  enough they would form reasonable and probable  
15                  grounds for an arrest, right?

16          A    I wasn't sure the information was solid enough,  
17                  and I think I would worry about arresting  
18                  potentially a homicide culprit for cockfights.

19          Q    Can you explain? Sorry.

20          A    It's a strategy that if an offender or a suspect  
21                  is committing a crime unrelated to the crime  
22                  you're looking at, if you're suggesting that some  
23                  sort of investigative strategy could be used to  
24                  arrest him, as long as there was grounds to arrest  
25                  him for the offence. I understood from reading

1           the documents there was indications that there  
2           were cockfights going on at the property.

3           Q   Well, let me give you another example of a  
4           possible offence. The search warrant that was  
5           eventually executed that resulted in the murder  
6           charges and subsequent prosecution of Mr. Pickton  
7           was based on an allegation that he had illegal  
8           firearms on his premises?

9           A   That's correct.

10          Q   Similar allegations had surfaced by the end of  
11          July 1999 from Caldwell, correct?

12          A   I recall the Caldwell. I'd have to look at the  
13          timelines to find out when. I don't recall how  
14          recent. Caldwell was interviewed in July of 1999,  
15          and I believe during that time he was advising he  
16          had been living with or staying at the Pickton  
17          residence in April, so I -- there's a bit of a  
18          time delay there that I'm not convinced that you  
19          would be able to, in my opinion, whether you'd be  
20          able to satisfy a judge or justice of the peace to  
21          get a warrant based on the timing of the  
22          information.

23          Q   Fair enough. Let me just make another suggestion  
24          on the firearms point. Do you recall seeing in  
25          the March 1997 report admissions by David Pickton

1           in his interview that they had guns on the  
2           property?

3           A    I don't think that's something that I can draw  
4               quickly into my head as a memory, but it wouldn't  
5               surprise me.

6           Q    But, in any event, given what Caldwell was saying  
7               in July of 1999, there were pieces of information,  
8               I suggest, that deserved some consideration as  
9               forming the basis for investigative strategies to  
10              follow through on Willie Pickton?

11          A    Yes.

12          Q    And that follow-through was simply not done, was  
13               it?

14          A    Not that I saw, no.

15          Q    Now, I want to ask you about another area, and  
16               this is an area of your report that has direct and  
17               real significance for my clients. Again, they are  
18               the families of 25 of the murdered women.

19          A    Yes.

20          Q    It's the part of your report that you've called --  
21               it appears at the end. It starts -- I think it's  
22               Appendix D, starting with the missing women list  
23               and then your studies of the circumstances of  
24               their disappearances and the investigations done  
25               in respect of them.

1 A Yes.

2 Q All right. You know what I'm speaking of?

3 A I do.

4 Q And by my count on your missing women list at  
5 Appendix D, page 1, you have included the names of  
6 20 of my clients' relatives, and then in the case  
7 studies you've analyzed the cases of 14 of those,  
8 and I now wish to ask you about those 14.

9 A Okay.

10 MR. WARD: All right. Mr. Commissioner, I'm in your hands.

11 It's a new area, but I'm content to go till three  
12 o'clock.

13 THE COMMISSIONER: Let's go to 3:00. Let's push forward.

14 MR. WARD: Thank you.

15 Q All right. If I could ask you, they're in  
16 alphabetical order, correct?

17 A They are.

18 Q In Appendix D?

19 A Yes.

20 Q Sereena Abotsway is the first one. And just if  
21 you could in a general way before I ask you about  
22 Ms. Abotsway, could you in a general way explain  
23 how you compiled this information? And I'm asking  
24 you these questions because you're the first and I  
25 think only expert reviewer that has considered

1           this aspect of the case. Can you explain how you  
2           compiled this information in a general way?

3           A   Well, as part of my review I felt it was so  
4           important to look at the missing women  
5           investigations, and how I selected the cases to  
6           review was I selected the 27 -- the names from the  
7           original 27 on the poster, and then I looked at  
8           the 18 additional names that were added in I  
9           believe November 2001 and then five more names in  
10          January 2002 that were added, which was a total of  
11          50 names, and it was my intent to review all 50  
12          for my report. Unfortunately, I was unable to  
13          complete that task, so I believe I was successful  
14          in 34 of the cases.

15          Q   Okay. And I'm going to ask you specific questions  
16          about the 14 of that number that are my clients'  
17          relatives. All right? You understand?

18          A   I do.

19          Q   All right. So the first one of those, as I say,  
20          is Sereena Abotsway, and she was 30 years old and  
21          was reported missing on August 22nd, 2001. Do you  
22          see that?

23          A   I do.

24          Q   And so that is late in terms of the time frame  
25          that we're looking at, correct?

1 A Yes, it is.

2 Q And it's while Project JFO -- or Project  
3 Evenhanded, the JFO, is underway?

4 A That's correct.

5 Q I'll take you -- you list the various steps taken  
6 by investigators. I want to take you right to  
7 your assessment of those steps on page 3. It's  
8 under the heading "Evans Assessment". Do you see  
9 that?

10 A I do.

11 Q And these, I suggest, are your conclusions with  
12 respect to the quality of the investigation of  
13 each disappearance?

14 A It's a summary of my assessment.

15 Q Summary.

16 A Yes. Yes.

17 Q Your assessment on Sereena Abotsway's case is  
18 there was no evidence of interviews of family,  
19 friends, associates or neighbours?

20 A Correct.

21 Q Isn't that basic and fundamental in the  
22 investigation of the disappearance of anyone?

23 A It would assist, I believe, if -- to provide  
24 information with regards to the whereabouts and to  
25 their habits.

1 Q Second one. No evidence that VPD identified last  
2 known address, attended, search, and canvassed.

3 Do you see that?

4 A I do.

5 Q Now, I suggest it's a pretty fundamental  
6 investigative step in investigating someone's  
7 disappearance to go to their address, their  
8 residential address, and look for clues that might  
9 lead to where they went?

10 A I would agree.

11 Q It wasn't done?

12 A No.

13 Q Evenhanded officers -- this is from the JFO --  
14 attended at last known address in October. That's  
15 some about two months later?

16 A That's correct.

17 Q It's important in any missing women case -- or,  
18 sorry, I am going to restate that. It's important  
19 in the investigation of any missing person case to  
20 act quickly?

21 A I would agree.

22 Q And my last point, followed up on tips needed.  
23 What does that mean?

24 A There were tips under the tip section, and I  
25 didn't see any follow-up on the tips that came

1 forward. So one of the tips was she -- Sereena  
2 worked for two Spanish guys. I'm summarizing  
3 here, obviously, from the information from the  
4 documents. So I suggested that tips needed to be  
5 followed up.

6 Q The next woman I wish to ask you about is Heather  
7 Bottomley.

8 THE COMMISSIONER: Is it convenient now to break?

9 MR. WARD: Yes, it is. Thank you.

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

11 (PROCEEDINGS ADJOURNED AT 3:00 P.M.)

12 (PROCEEDINGS RESUMED AT 3:17 P.M.)

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

14 MR. WARD: I appreciate, Mr. Commissioner, the early start  
15 makes it a longer day for all of us.

16 THE COMMISSIONER: Sorry?

17 MR. WARD: I say I appreciate that the early start makes it a  
18 longer day for all of us, but I just thought I  
19 might take this moment, because my friends have  
20 asked, to give you an updated time estimate for my  
21 cross-examination. I expect that I'll need  
22 somewhere about a half an hour to an hour tomorrow  
23 morning --

24 THE COMMISSIONER: All right.

25 MR. WARD: -- and then I'll be finished, and I think that keeps



1                   us nicely on schedule.

2       THE COMMISSIONER: Yeah. Fair enough. Does everybody agree  
3                   with that? All right. Thank you.

4       MR. WARD:

5               Q    Deputy Chief, I was just about to ask you about  
6                   Heather Bottomley's case.

7               A    Yes, sir.

8               Q    This is again part of your Appendix D. Heather  
9                   Bottomley was 25 years old when she disappeared in  
10                  2001. According to the records you reviewed, she  
11                  was reported -- her disappearance was reported to  
12                  police November 29th, 2001, correct?

13              A    That's correct.

14              Q    And again turning to your assessment of the  
15                  handling of the case on the next page, you note  
16                  that Heather's father and two of her associates  
17                  were interviewed. So that was a good thing,  
18                  correct?

19              A    Yes, it was.

20       MR. WARD: By the way, Mr. Commissioner, Heather's father has  
21                  been in attendance I think for every moment that  
22                  this hearing has been in progress. He's the  
23                  gentleman about three rows from the back of the  
24                  room with the black sweater.

25       THE COMMISSIONER: I see him. Okay. Thank you for attending,

1                   sir. I'm sure it may be difficult for you to hear  
2                   a lot of this, but I can tell you that we very  
3                   much appreciate you attending here.

4       MR. WARD:

5                   Q    You do say in the next point in your assessment  
6                   that her last known address should have been  
7                   attended, searched and canvassed, and neighbours  
8                   should have been canvassed, if I read that  
9                   correctly?

10                  A    That's correct.

11                  Q    For the same reasons. That exercise can produce  
12                   clues on what may have happened to the person?

13                  A    Yes, I believe so.

14                  Q    You've noted that there is evidence of numerous  
15                   database searches. Again, that's a positive  
16                   thing?

17                  A    That is.

18                  Q    And that Evenhanded investigators took carriage of  
19                   the investigation. Again, Ms. Bottomley  
20                   disappeared late -- or she was reported missing  
21                   late in the time frame and a few months before the  
22                   search warrant was issued on the Pickton property?

23                  A    That's correct.

24                  Q    The next woman I'd like to ask you about is Dawn  
25                   Crey.

1 A Yes, sir.

2 Q She vanished earlier, in 2000, last seen in  
3 November, reported missing December 11th, 2000.  
4 Do you see that?

5 A I do.

6 Q And then again moving to the assessment -- and  
7 just as I do that, I should have covered this with  
8 you earlier, but what you've done is you've  
9 gleaned certain activities from the documentary  
10 records you reviewed, and then in many, if not  
11 all, cases you've footnoted with references to  
12 where those can be found?

13 A I did.

14 Q All right. So again skipping to the assessment at  
15 the end, you found that in this case there was no  
16 indication that investigators went to the Balmoral  
17 Hotel to conduct interviews or any investigation?

18 A That's correct.

19 Q And that was her last known residential address?

20 A Yes.

21 Q The next point, identify and interview family,  
22 associates and friends for background information.  
23 Are you saying that that was inadequate?

24 A Yes.

25 Q All right. You point out that another sister of

1 Dawn's in the Downtown Eastside was not found out  
2 about until almost a year later?

3 A Yes.

4 Q That there was minimal contact between  
5 investigators and family. Is that what you're  
6 referring to?

7 A Yes.

8 Q And family in her case included Ernie Crey, who  
9 testified at this commission, and you may not know  
10 this, but he is a prominent aboriginal leader and  
11 activist.

12 A I was not aware of that.

13 Q I think that's a fair description. Point 5 you've  
14 said:

15 Dawn was discussed with Evenhanded members on  
16 April 5, 2001 and yet no indication to change  
17 Review to Task Force.

18 Can you explain what that means?

19 A I believe it came up in a document this morning  
20 when I was being asked questions by Ms. Hoffman  
21 that I noted that on April 5th, 2001, in a  
22 continuation report Dawn's name was mentioned as a  
23 recent missing person. So that's what I was  
24 alluding to, that comment.

25 Q All right. Thank you. The next member of my

1 clients' families is Cynthia Feliks --

2 A Yes.

3 Q -- who was 46 years old. Her disappearance was  
4 reported, according to the records, on January  
5 8th, 2001.

6 A Yes, I see that.

7 Q And then skipping to the assessment, your first  
8 point is that she was apparently reported missing  
9 to the VPD in 1999, but no indication of  
10 follow-ups or documents.

11 A Yes.

12 Q That's what you found?

13 A Yes.

14 Q And then you found that her disappearance was  
15 later reported to the New Westminster Police  
16 Service, and they did do some follow-ups?

17 A Yes.

18 Q And their notes, the NWPS, New Westminster Police  
19 notes, indicate that the Vancouver Police  
20 Department won't take over the investigation  
21 although Ms. Feliks was last seen in Vancouver.  
22 Do I have that correct?

23 A That's correct.

24 Q And you point out that in your view the New  
25 Westminster Service did a good job in conducting

1 follow-ups?

2 A Yes.

3 Q And I take it that you contrasted that with the  
4 VPD -- well, my inference, the inference I draw  
5 from what you've written is that on the other hand  
6 the VPD wouldn't do anything about this case. Is  
7 that fair?

8 A Well, I'm giving credit that I saw evidence that  
9 New Westminster were doing follow-ups that I would  
10 -- in my opinion should have been done for a  
11 missing person case.

12 Q All right. What's this point 2 about? I won't  
13 read it all, but Shenher getting a tip August 26,  
14 '99.

15 A Yes. There is a -- I have to find the document.  
16 That was the only tip I saw, if my memory serves  
17 me right, in reviewing all of these cases where  
18 the information provided in this tip that was of  
19 an unusual nature that you -- made me look up  
20 where this tip was thinking it was -- I was seeing  
21 if this was connected to Pickton, and this was a  
22 tip that came in on the 26th of August, 1999 with  
23 regards to Cynthia.

24 Q So it was a report that -- linking Cynthia Feliks'  
25 disappearance to a trailer and dead bodies

1                    somewhere?

2                    A    Yes.  You can see it under my tip section.

3                    Q    Mm-hmm.

4                    A    It says here:

5                                Tip...Confidential informant provided  
6                                information regarding a male who had held a  
7                                female associate in a trailer for 3 weeks.  
8                                Male said he was going to kill her.  Male  
9                                told female captive that there were seven  
10                              bodies buried on his property.

11                   Q    And if I understand your point 2 correctly, you  
12                                couldn't tell whether that tip in August 26, '99,  
13                                was followed through on or whether it, in fact,  
14                                related to Robert William Pickton because of a  
15                                vetting that was done to the documents?

16                   A    That's correct.

17                   Q    Did you try to look behind the vetting to see if,  
18                                in fact, police were in possession of a tip in  
19                                August of 1999 that added to the evidence that was  
20                                mounting suggesting that Robert William Pickton  
21                                was the perpetrator?

22                   A    I was not given permission to look beyond the  
23                                vetting of the documents.

24                   Q    Was it explained to you why you couldn't do that?  
25                                Police-informer privilege, apparently?  Is that

1 the only reason?

2 A I believe it was because I was only allowed to  
3 report -- make comments in my report with regards  
4 to documents that could be disclosable to  
5 everyone. So as a police officer normally I would  
6 see unredacted, but because of the -- my capacity  
7 in doing this review there were a lot of  
8 redactions in the documents I observed.

9 Q Well, let me see if I've got this straight. We've  
10 all heard about and read about four identified  
11 informants who were pointing to Robert William  
12 Pickton as the likely perpetrator. Once again  
13 those four are Bill Hiscox, Ross Caldwell, Leah  
14 Best, and Ron Menard?

15 A Yes.

16 Q Did the document you reviewed suggest that this  
17 was yet another, a fifth tip that may or may not  
18 have pointed to Pickton and his trailer on his pig  
19 farm as the perpetrator?

20 A No, it wasn't in relation to Pickton. It was the  
21 information that looked -- in my opinion, when I  
22 looked at the document, it made me think is -- to  
23 look -- wonder if it was connected to Pickton.

24 Q And you just couldn't tell?

25 A No.



1 Q Because of the vetting?

2 A Well, and the description of where this trailer  
3 was allegedly located was not -- I mean, I'd have  
4 to look at the exact tip again to see, but it  
5 wasn't saying Coquitlam, so there were differences  
6 that would indicate that it might not have been  
7 Pickton as well.

8 Q All right. You found in point 3 of the assessment  
9 of Cynthia Feliks' case that there was no  
10 indication that VPD investigators identified and  
11 interviewed family, associates or friends?

12 A That's correct.

13 Q And that the last known address of Ms. Feliks was  
14 not attended until January 2001?

15 A That's correct.

16 Q And then the jurisdictional issues you make  
17 reference to are this exchange between New  
18 Westminster and Vancouver?

19 A Yes.

20 Q Could we turn next, please, to Elsie Sebastian,  
21 who was 49 years of age. Her disappearance was  
22 reported, according to the records, May 16th,  
23 2001.

24 A Sorry, I'm just trying to find it.

25 Q Sorry.

1           A    I think I said earlier it was in alphabetical  
2                   order. I apologize, it's not in alphabetical.  
3                   That would have made sense. I have Elsie  
4                   Sebastian here now.

5           Q    All right. So reported missing May 16th, 2001.  
6                   Going to your assessment on the next page,  
7                   according to the records the family had advised  
8                   they tried to report her missing for years with no  
9                   success. Was that reported -- attempts to report  
10                  her to Vancouver?

11          A    No, I do not believe so. I just have to check  
12                  the --

13          Q    Her last known location was on Granville Street in  
14                  Vancouver.

15          A    Sorry, I believe, yeah, it was Vancouver.

16          Q    She was reported missing to the Port Alberni RCMP  
17                  in 1993, and they apparently closed the file?

18          A    Yes.

19          Q    And then are these further points deficiencies you  
20                  identified in the investigation: again, a failure  
21                  to locate and interview family members and  
22                  associates?

23          A    Yes.

24          Q    Failure to locate and interview her ex-boyfriend?

25          A    Yes.

1 Q Who had been charged with assaulting her with a  
2 knife?

3 A Yes.

4 Q Just stopping there, a police investigator  
5 reviewing the disappearance of someone and  
6 learning that their ex-boyfriend had been charged  
7 with assaulting her with a knife would consider  
8 that ex-boyfriend to be a person of significant  
9 interest, I suggest?

10 A In my opinion, yes.

11 Q And the last point here:

12 Elsie Sebastian was on Constable Dickson's  
13 list from 1997,  
14 and you said in quotes,  
15 "re-located to Victoria, checked recently".  
16 That was what Dave Dickson reported?

17 A Yes, that's what he reported in 1997, so that's  
18 why it's in quotes.

19 Q And simply -- that was simply wrong?

20 A It would appear so, yes.

21 Q The next woman is Helen Hallmark.

22 A Yes, I have that.

23 Q Reported missing in September of 1998, right,  
24 September 23rd, 1998?

25 A Yes.

1 Q And without reading them, your assessment of the  
2 steps, investigative steps taken is similar.  
3 Failure to contact associates, exes, failure to  
4 attend the last known address?

5 A I agree.

6 Q Failure to canvass the neighbours, failure to make  
7 contact with her family?

8 A Yes.

9 Q Okay. Tanya Holyk went missing in January of  
10 1997.

11 A Yes.

12 Q Same assessment in respect of failure to go to the  
13 last address, to conduct a search, canvass the  
14 neighbours, right?

15 A Yes.

16 Q Failure to make appropriate contact with the  
17 family, correct?

18 A Yes, that's correct.

19 Q And indeed the handling of this generated a  
20 complaint from the family about Ms. Sandy Cameron?

21 A Yes, it did.

22 Q Andrea Joesbury, reported missing June of 2001?

23 A Yes.

24 Q And turning to the assessment, number 1:

25 Slow start before investigation begins

1 (almost six weeks)...

2 You note that Andrea kept regular appointments.

3 Do you see that?

4 A Yes, I do.

5 Q Interview of family did not occur until November  
6 25th, 2001, when should have occurred earlier. Do  
7 you see that?

8 A Yes, I do.

9 Q Again, those are deficiencies you identified in  
10 the VPD's handling of the reporting?

11 A Yes.

12 Q Dianne Rock. And Dianne Rock I think may have  
13 been the last woman to go missing before the  
14 Pickton farm was searched in February of 2002.  
15 Does that sound right?

16 A I believe so, yes. I'm just trying to find the  
17 file here. I have it now. Thank you. The 13th  
18 of December, '01.

19 Q 13 December '01. By then Project Evenhanded is in  
20 full gear?

21 A Yes.

22 Q Doing what they're doing and what you've  
23 described, right? And in your assessment on page  
24 3 of this document you commend Constable  
25 Vanoverbeek for going through Dianne Rock's

1 belongings and say that's a good investigative  
2 strategy?

3 A Yes, it is.

4 Q All right. And you also acknowledge or say that  
5 Project Evenhanded accepted responsibility at an  
6 early stage?

7 A Yes.

8 Q However, the first point, VPD report, missing  
9 women's report taken on December 13th, 2001, yet  
10 it wasn't on CPIC until four days later, December  
11 17th, right?

12 A Yes, I noted that.

13 Q And that's important because time is of the  
14 essence when investigating the disappearance of a  
15 person in suspicious circumstances, isn't it?

16 A Yes.

17 Q There's no reason that you could discern why the  
18 CPIC entry couldn't have been made the very day of  
19 the missing person's report, is there?

20 A No.

21 Q Should have been?

22 A Should have been.

23 MR. WARD: And, again, Mr. Commissioner, I would just point out  
24 that Dianne Rock's stepsister, Lilliane Beaudoin,  
25 testified at this commission.

1 THE COMMISSIONER: Yes.

2 MR. WARD: And she is here from Ontario and has been here  
3 regularly.

4 THE COMMISSIONER: Yes.

5 MR. WARD:

6 Q Brenda Wolfe.

7 A Yes.

8 Q Reported missing April 25th, 2000.

9 A Yes, I have that.

10 Q And I'm going to shorten these questions. In your  
11 assessment you found the same litany of  
12 deficiencies that we've covered in many of the  
13 earlier files?

14 A I would agree.

15 Q Olivia William is the next one of my clients'  
16 relatives. Have you got her --

17 A I do.

18 Q -- report?

19 March 27, 1997, she's reported missing to  
20 police?

21 A Yes.

22 Q And in your assessment you've noted the same or  
23 similar deficiencies in the investigation that was  
24 conducted of her disappearance?

25 A That's correct.

1           Q   No interviews of family, friends and associates,  
2               no indication police went to her last known  
3               address, minimal family contact?

4           A   That's correct.

5           Q   Angela Jardine. December 6th, 1998, was the date  
6               of her disappearance at the age of 26?

7           A   Yes.

8           Q   And in your assessment, point 1 you again note  
9               that there were limited interviews of associates  
10              and friends?

11          A   Yes.

12          Q   There were several initial sightings of her, but  
13              they weren't followed up on, is that -- am I  
14              reading that correctly?

15          A   No, there were several sightings, and I -- from  
16              reading the documents I recall that there was a --  
17              people were confusing her for Sereena Abotsway.

18          Q   All right. The next point in your records  
19              suggests that -- well, let me just zero in on this  
20              for a moment. One of the ways of determining that  
21              many of these women were disappearing or indeed  
22              disappearing was that they weren't picking up  
23              their welfare cheques?

24          A   That's correct.

25          Q   And a good investigative first step in dealing



1           with a missing persons report in respect of many  
2           of these women was to make inquiries of the  
3           welfare office's records?

4           A    That's what I understand, yes.

5           Q    And in this case what you're saying in point 3 was  
6           that although she was reported missing in December  
7           of 1998 investigators did not check the welfare  
8           records until January of 2001?

9           A    That's what my review would reveal, yes.

10          Q    And there's no real excuse for that, is there?

11          A    I didn't see one.

12          Q    And it looks in the next point, point 4, that the  
13          police -- the VPD Missing Women's Unit received  
14          quite a few phone calls or had quite a few phone  
15          calls with Portland Hotel staff, where she had  
16          resided, that there was no attendance there to  
17          check the room and ask neighbours?

18          A    That's correct.

19          Q    And a lack of follow-up on tips?

20          A    Yes.

21          Q    Just a couple more. Debra Jones is the next. She  
22          was reported missing on Christmas Day 2000?

23          A    Yes.

24          Q    She was 42 years old. And in your assessment,  
25          again, contact between police investigators and

1 family was minimal?

2 A Yes.

3 Q And they weren't interviewed. Oh, with the  
4 exception of a sister, who was interviewed nine  
5 months -- pardon me, 21 months after Debra was  
6 reported missing?

7 A Yes.

8 Q Stephanie Lane is the last I'd like to ask you  
9 about. Do you have her report?

10 A Not yet. Sorry about that. I ask for your  
11 indulgence here.

12 Q They're not exactly in alphabetical order, I  
13 think.

14 A No, they're not actually at all.

15 Q In my copy it's just after Jennifer -- or, sorry,  
16 Debra Jones.

17 A I have it now. Thank you. I have it.

18 Q Okay. She was reported missing March 11th, 1997.

19 A Yes.

20 Q And you've given your assessment at the end again.  
21 You find as a positive in this case that Constable  
22 Dickhout did lots of follow-up, right?

23 A Yes.

24 Q But you again find that there was no indication  
25 that family, friends, and associates were

1 interviewed in the early stages of the  
2 investigation?

3 A That's correct.

4 Q After reviewing these with you it's fair to say  
5 that some common elements in the handling of these  
6 missing person reports by the Vancouver Police  
7 Department were, firstly, a failure in many cases,  
8 if not all, to take the step of talking to the  
9 missing person's family, friends, and neighbours,  
10 right?

11 A Yes.

12 Q And another common thread in terms of a deficiency  
13 in the investigation was a failure to go to the  
14 person's last known address, seek clues there,  
15 talk to neighbours there with a view to obtaining  
16 information that might be of assistance, right?

17 A Yes.

18 Q It's also a common thread that there was slow  
19 reaction to the missing -- the initial missing  
20 women report?

21 A I saw evidence of that, yes.

22 Q Now, today, and I mean literally today, within the  
23 last few weeks, you may know that Vancouver Police  
24 Department will issue a bulletin about missing  
25 persons, and that's what you do in Peel, right?

1           A    That's correct.

2           Q    And today, 2002 (sic), but this was -- well, let  
3                me say in 2002 (sic), certainly in Peel's case,  
4                you can post on the police website a picture, some  
5                details about the missing person report?

6           A    That's correct.

7           Q    The purpose of doing that is to publicize the  
8                disappearance and seek tips or information from  
9                associates of the missing person or mere  
10              acquaintances or people who may have seen the  
11              person?

12          A    That's correct.

13          Q    We recently, and when I say "we", we in  
14                Vancouver -- you may be aware of a case in the  
15                news right now where in the Downtown Eastside,  
16                Gastown area, a young man went missing one  
17                evening, and I'm just going to show you -- I  
18                happen to know because my office is there, but it  
19                appears that the Vancouver Police Department has  
20                created missing person posters, and they've been  
21                prominently displayed throughout the  
22                neighbourhood. I am going to show you one of  
23                those. You've seen posters or website postings  
24                like this, I'm sure?

25          A    I have.

1 Q And you've probably seen on signposts or telephone  
2 poles posters with pictures of missing dogs and  
3 cats where people are seeking help?

4 A I have.

5 Q When you look through all your reports of the  
6 missing women -- handling of the missing women's  
7 cases, there are very few, I suggest, where the  
8 Vancouver Police Department prepared a poster or a  
9 bulletin like this, right?

10 A I saw documents that -- they had a form they used  
11 to check off when -- it was one of their checks.  
12 That seemed to be one of their steps, that they  
13 would create a poster. So I did see that they  
14 were creating posters.

15 Q Sometimes?

16 A Yes.

17 Q I think I've seen a few references in the  
18 documents, like the ones we've just reviewed, but  
19 certainly that wasn't a uniform practice in the  
20 cases of these women whose faces now appear on the  
21 big board, right? Didn't happen all the time?

22 A No. Yeah. And I can't confirm whether it  
23 happened all the time or not. I didn't see  
24 evidence of that.

25 Q Certainly in 1997 through 2002 it was a step that

1                   could have been taken by the Vancouver Police  
2                   Department?

3           A    Yes.

4           Q    They could have either created posters and  
5                circulated them in the neighbourhood where the  
6                person was last seen and/or they could have posted  
7                bulletins on their website?

8           A    Yes. I was under the understanding that posters  
9                were being created because I recall when I  
10               interviewed Sandy Cameron, because I was surprised  
11               that she was the one who was actually then going  
12               into the Downtown Eastside to deliver them to  
13               different centres. I thought that was an unusual  
14               duty for a civilian member. So I know at some  
15               point there was posters being created.

16          Q    I accept that, and we'll, I think, have the  
17                opportunity to ask her and Detective Constable  
18                Shenher and perhaps Dave Dickson about that issue,  
19                but I was just relying on your summaries of the  
20                handling of these files and my note that  
21                occasionally I saw a reference to a missing  
22                person's poster. That was the basis for my  
23                question.

24          A    Okay.

25          Q    All right. But you would agree based on your work

1           that it was not the uniform practice of the  
2           Missing Persons Unit of the VPD to produce these  
3           types of posters or bulletins; is that fair?

4           A    I'm re-thinking my forms here to say whether I  
5                would have -- because I recall seeing the form so  
6                many times. I'm trying to remember if it was -- I  
7                got the impression it was a -- it was almost like  
8                a check box thing that Lori Shenher seemed to be  
9                doing when she was taking these reports and her  
10              and Sandy Cameron were creating posters, so --

11          Q    Well, wouldn't they keep one copy of the poster on  
12                the file itself?

13          A    Yeah. And that's a good point. I don't recall  
14                seeing posters. I just recall seeing the check  
15                box, the form.

16          Q    So -- all right. All right. We'll ask them about  
17                that, or I plan to ask --

18          A    Thank you.

19          Q    -- some of them about that later.

20          A    Okay.

21          Q    But your best evidence is that when you looked at  
22                the files themselves you didn't see copies of the  
23                posters in it, but in some cases you saw a check  
24                mark on a form that suggested posters had been  
25                made?

1 A Yes.

2 Q All right.

3 A And I recall seeing pictures too, so --

4 Q Some pictures of the missing person within the  
5 file?

6 A Yes.

7 MR. WARD: Mr. Commissioner, I was just considering whether it  
8 would be of assistance to mark that poster I  
9 passed up. I don't have a view one way or the  
10 other, but I have --

11 THE COMMISSIONER: Sure. All right.

12 MR. WARD: -- referred to it.

13 THE COMMISSIONER: Sure. We'll mark it.

14 MR. WARD: Can we mark that, please, as the next exhibit?

15 THE REGISTRAR: Exhibit number -- I'm sorry. It will be  
16 Exhibit number 62.

17 **(EXHIBIT 62: Document entitled - Missing Person**  
18 **poster for Matthew Huszar)**

19 MR. WARD: Thank you. And on the business of marking exhibits,  
20 could we also mark the second aerial photograph as  
21 an exhibit?

22 THE COMMISSIONER: Yes.

23 THE REGISTRAR: That will be 63.

24 **(EXHIBIT 63: Document entitled - Large, Aerial**  
25 **View, Map Board of a region within the City of**



**Port Coquitlam)**

MR. WARD: Mr. Commissioner, it's my intention to move to  
another area.

THE COMMISSIONER: All right.

MR. WARD: And I suggest this may be a convenient time,  
especially in light of the --

THE COMMISSIONER: All right. We'll adjourn until the morning.

MR. VERTLIEB: Since the witness is on Eastern Time, perhaps  
9:00 a.m. Again, I know it's unusual, but I think  
it might be better for her, if you don't mind, Mr.  
Commissioner.

THE COMMISSIONER: Is that more agreeable to you?

A I seem to be getting up very early these days, Mr.  
Commissioner. That would help.

THE COMMISSIONER: You don't enjoy the beautiful scenery of  
Vancouver?

A No, I haven't been doing that. I've been working  
a lot, so -- thank you.

THE COMMISSIONER: All right. Thank you.

THE REGISTRAR: The hearing is now adjourned until nine o'clock  
tomorrow morning.

**(PROCEEDINGS ADJOURNED AT 3:53 P.M.)**

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I hereby certify the foregoing to  
be a true and accurate transcript  
of the proceedings transcribed to  
the best of my skill and ability.

Leanna Smith  
Official Reporter  
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