

Vancouver, BC

January 24, 2012

(PROCEEDINGS RECONVENED AT 10:12 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Good morning. I want to make a few preliminary comments before beginning this morning.

Speaking to the future through recommendations as a fundamental aspect of my mandate which I'm empowered to exercise through a process which will enable me to do so effectively and efficiently, understanding past events is important to properly discharge this commission's responsibility to make findings and recommendations. In informing and bringing recommendations I must have regard to a wide range of considerations, including A, the tragic circumstances of the victims and the profound impact that has had on friends, family and their communities, as well as the abhorrence that these crimes have had in the minds and hearts of the public in this region, in this province, and in this country. B, the protection of many women and children with marginalized communities who for many reasons and circumstances are involved in the

1 sex trade. The structures, the operations of
2 policing authorities whose integrity and
3 effectiveness have been questioned, and the
4 individual officers working within them whose
5 reputations, careers and lives have become
6 implicated in these events. The implication of
7 these events in undermining the public's
8 confidence in the policing institutions and its
9 leaders and officers in the discharge of its
10 responsibilities into the future within the
11 communities at large, and especially with respect
12 to those most vulnerable with marginalized
13 communities.

14 Sadly, grotesque serial crimes have happened
15 before in BC, in Canada and in many countries
16 including the US and the United Kingdom. Many
17 reviews of these notorious serial crimes have
18 produced important reports. I am particularly
19 mindful of the guidance offered by the
20 distinguished Mr. Justice Archie Campbell
21 following a review of the Bernardo case wherein he
22 stated as follows:

23 It is often the case that systemic failures
24 as opposed to individual mistakes are the
25 real cause of public disasters and the most

1 appropriate focus of public inquiries. The
2 public identification of individual mistakes
3 or wrong doings, while important, does not
4 necessarily address the underlying problem,
5 and unless the underlying problem is
6 addressed the same mistakes or wrongdoing
7 will likely occur again if the system that
8 permitted them is not fixed. It is a mistake
9 for a Royal Commission or public inquiry to
10 focus exclusively on a search for scapegoats
11 when the failure really is an institutional
12 failure in the sense of a lack of an
13 appropriate system or systems, a lack of
14 reasonable resources, a flawed institutional
15 culture or a breakdown in the machinery of
16 accountability, but these problems do not go
17 away simply because individuals have been
18 implicated. These problems only go away when
19 people change their systems, their attitudes
20 and the way they do business.

21 In *The Conduct of Public Inquiries: Law,*
22 *Policy and Practice* Professor Ratushny made the
23 following comments:

24 While systemic issues have been intangible at
25 first, they often emerge as issues such as

1 leadership, relationships, morale, past
 2 practices and institutional culture. They
 3 are essentially any factors that transcend
 4 individual conduct but influence events
 5 including individual conduct. They may
 6 impose rigidity in dealing with the problems
 7 or create gaps by discouraging co-operation
 8 and co-ordination. They may generate
 9 insensitivity and create barriers. They
 10 often do not appear to be offensive on their
 11 face, but only upon understanding their
 12 influence on consequences.

13 Thus far the evidence before me raises the
 14 same concerns that Mr. Justice Campbell and
 15 Professor Ratushny highlighted with respect to
 16 systemic failures. Where systemic failures have
 17 been identified in these reports the simple fact
 18 is that even if every individual officer did their
 19 job the overall job did not get done. Mr. Justice
 20 Campbell puts the point in this way:

21 The Bernardo case shows that the motivation,
 22 investigative skill and the dedication of
 23 officers is not enough. The work of the most
 24 dedicated, skillful and highly motivated
 25 investigators, supervisors and forensic

1 scientists can be defeated by the lack of an
 2 effective case management system, and the
 3 lack of systems to ensure communication and
 4 co-operation among law enforcement systems.
 5 I am particularly struck by -- deeply impressed by
 6 what Mr. Justice Campbell said at the very outset
 7 of his report.

8 Virtually every interjurisdictional serial
 9 killer, including Sutcliffe, the Yorkshire
 10 Ripper case, and Black, the cross border
 11 child killer in England, Ted Bundy, the Green
 12 River Killer in the United States, and
 13 Clifford Olson in Canada demonstrate the same
 14 problems and raise the same questions, and
 15 always the answer turns out to be the same
 16 systemic failure. Always the problems turn
 17 out to be the same, the mistakes the same,
 18 the systemic failures the same.

19 He goes on to say that:

20 The remarkable thing about serial predator
 21 investigations is that the same problems
 22 repeat themselves in every investigation with
 23 tragic frequency. We seem to be incapable of
 24 learning from previous experiences.

25 What happened here must not happen again. I

1 consider my paramount duty to do everything I can
 2 to contribute to that end within my power as
 3 commissioner. If the reviews and reports that had
 4 followed each of these serial crimes with such
 5 similar characteristics and recommendations that
 6 have failed to effect change I have concluded that
 7 I must ask myself what is this commission -- what
 8 can this commission do differently in order to
 9 make a difference? Our work must focus on doing
 10 whatever we can to make sure we make a difference
 11 in every practical term in advancing the ability
 12 to prevent these horrific crimes.

13 I can now say that I will address in my final
 14 report any elements of systemic failure that may
 15 have occurred here and expect that it will speak
 16 to at least the following categories of
 17 recommendations; A, a difficult interface between
 18 policing authorities and the marginalized
 19 communities of these victims, B,
 20 interjurisdictional difficulties between different
 21 police forces, and C, shortcomings in
 22 organizational systems. I wish to consider all
 23 options of how this process ought to be shaped so
 24 that I can inform and frame my recommendations in
 25 the best possible way to fulfill the duties

1 pursuant to my mandate within the powers vested to
2 me under the *Public Inquiry Act*.

3 I have instructed commission counsel to
4 undertake such discussions as they consider may be
5 helpful, including with participants, and to
6 consult with other professionals he considers to
7 have the appropriate background and experience to
8 assist him in providing advice and guidance to me.
9 I have directed commission counsel that I now wish
10 to hear from three lead investigators in the
11 missing women investigations. They include
12 Detective Constable Shenher, Corporal Connor, and
13 Inspector Don Adam. I reiterate the importance
14 that I wish to move forward in a timely way
15 focused in a way that is set out in this process
16 directive, and I will be issuing further process
17 directives in the days ahead. Thank you.

18 Mr. Vertlieb

19 MR. VERTLIEB: Thank you, Mr. Commissioner. The witness that's
20 next to come before you is Professor Rossmo, and
21 the indication that I have to date would suggest
22 that he will be at least two days. I don't have
23 all the information from everyone on potential
24 time frame, but he will certainly be with us today
25 and tomorrow and can make himself available

1 Thursday if need be.

2 THE COMMISSIONER: All right. Thank you. Mr. Ward.

3 MR. WARD: Just before the witness appears, it's Cameron Ward,
4 counsel for the families of 25 murdered women.
5 I've listened to the practice directive with
6 interest, and I note that my clients have waited
7 over a decade for this inquiry into these matters,
8 and I'm sure that this commission is committed to
9 fulfilling its mandate in conducting a thorough
10 and proper inquiry as contemplated by Professor
11 Ratushny and others, and we certainly intend to
12 assist the commissioner as best as we can with
13 that. My clients expect that the mandate will be
14 fulfilled and that there won't be any shortcuts or
15 corners cut such that for pure interest of
16 expediency. My clients deserve a complete and
17 thorough inquiry, and I'm sure Mr. Commissioner is
18 committed to that. Those are my remarks in
19 respect of the directive.

20 THE COMMISSIONER: Mr. Vertlieb.

21 MR. VERTLIEB: May Professor Rossmo take the stand, please.

22 THE REGISTRAR: Good morning.

23 THE WITNESS: Good morning.

24 **KIM ROSSMO: Sworn**

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

1 THE WITNESS: Darcy Kim Rossmo. R-o-s-s-m-o.

2 THE REGISTRAR: Thank you. Counsel.

3 MR. VERTLIEB: Thank you. Now, Mr. Commissioner, Ms. McKeachie
4 has provided a copy of the documents that we want
5 to take the witness through, and I'm hoping you
6 have them.

7 THE COMMISSIONER: Right.

8 MR. VERTLIEB: And a copy should be available to the witness as
9 well so he can see what I'm referring to. Thank
10 you, Mr. Giles, I appreciate that.

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

12 Q Professor Rossmo, you are here to talk about your
13 involvement in the actual missing women
14 investigations that took place in 1998 and 1999,
15 and I also want to have you go through your
16 background to give the commissioner a sense of the
17 work that you do. Let's just discuss your police
18 background because that starts your career, and I
19 know that your education comes in as you are going
20 through your policing, so just please tell us, and
21 I believe this would be tab 3, your Vancouver
22 Police Department resumé. Do you have tab 3 in
23 front of you?

24 A Yes, I do.

25 Q Thank you. This takes us through all of the

1 actual positions you held with the Vancouver
2 Police. Let's take you through it briefly while
3 you're here with us. When did you first become a
4 member of the Vancouver Police Department?

5 A I first began working for the Vancouver Police
6 Department in 1978 as a civilian communications
7 operator, and I became a sworn constable in
8 January 1980.

9 Q And you were with the Vancouver Police from
10 January 1980 until when?

11 A On December 2000.

12 Q Now, we've heard much about you with your
13 geographic profiling, but I want to just deal a
14 few minutes with your actual policing career,
15 because you have extensive police experience
16 working on the ground. Tell us as it relates to
17 the work of the missing women investigations in
18 the Downtown Eastside of Vancouver about the
19 policing background that you think would be
20 relevant for the commissioner to know about?

21 A I began my career working in what was known as
22 District 2, the skid road Downtown Eastside area
23 of Vancouver, where I worked both patrol and
24 walked a beat. I did two tours of duty there, the
25 first from 1980 to 1985, the second from 1989 to

1 1992. I spent the years between 1985 and 1989
2 working in the Mount Pleasant area, where in
3 addition to patrol duties I was assigned to a
4 special project for two years, the Mount Pleasant
5 Community Liaison Team, which dealt with a number
6 of community problems, many of them resulting from
7 the civil injunction that moved the street
8 prostitution trade from Davie Street onto
9 Broadway. I also worked one summer on the
10 Prostitution Task Force which had been established
11 in that area and did a short term assisting the
12 Vice Squad. I spent two years in the Vancouver
13 Integrated Intelligence Unit which later became
14 known as CLEU intelligence, and for the last five
15 years of my career I was detective inspector in
16 charge of the Geographic Profiling Section where
17 we provided investigative support to the Vancouver
18 Police Department, Royal Canadian Mounted Police,
19 FBI, Scotland Yard and other agencies in cases of
20 serial violent crime including serial murder and
21 serial rape. I would also say --

22 Q I'm sorry, let me just ask you something. In your
23 resumé, and I'm talking still tab 3, and here
24 today you said that you were both patrol and beat?

25 A Yes.

1 Q Why the distinction? Tell the commissioner what
2 the distinction is so he understands why you use
3 that language.

4 A A patrol function is normally done in an
5 automobile, but there are special assignments
6 particularly in the skid road area where you would
7 walk a beat with a partner and this allowed for
8 close interactions with the community. Rather
9 than just responding to calls you would be more
10 proactive, you would engage with the people more,
11 you would spend time talking to them. You spend
12 an awful lot of time in the licensed
13 establishments, the bars, the rooming houses. It
14 was a very, I think, productive and rewarding type
15 of policing because you were not separated by the
16 metal structure of an automobile going from call
17 to call. You could have a much closer
18 interaction, learn a lot more about the community,
19 about its lifestyle, about the people in there.

20 Q So just on the subject of the community and the
21 lifestyle and the people on there, and the
22 commissioner has heard from others such as
23 Professor Lowman, who I believe you've worked
24 with.

25 A Yes.

1 Q And we've heard from other community members, but
2 give us your impression of the community in the
3 day when you worked in District 2, and
4 particularly focus on the Downtown Eastside, how
5 would you describe that community?

6 A It was a very interesting and complex community.
7 It was an area with a lot of crime, a lot of
8 problems, a lot of violence, a lot of disease, but
9 also had individuals who had lived there for
10 years, individuals that were community activists.
11 It had, of course, a very thriving Chinatown, and
12 there was also the commercial area of Gastown. It
13 was an area with a lot of problems. One thing I
14 noticed because of the four year gap I had between
15 working the two tours of duty in skid road, coming
16 back was a very tragic number of people who had
17 died in the intervening period because of AIDS and
18 intravenous drug use. So it was an area with
19 significant challenges, but also with a lot of
20 vibrancy, a lot of different types of people with
21 different origins. There's a large proportion of
22 First Nations people there, and a lot of people
23 that have come from outside of Vancouver and
24 outside of British Columbia. Some of them with
25 very interesting, but also in some cases very sad

1 life stories.

2 Q Interesting comment about when you came back after
3 four years you noticed people who were no longer
4 there due to death. Was the community one where
5 you would actually come to know people in a way
6 that if somebody wasn't there you noticed they
7 were no longer there?

8 A Yes, Mr. Commissioner, especially when you were
9 able to walk the beat you would see the same faces
10 night after night that you were working. Many of
11 these people had regular habits, the same bar they
12 would go to, even the same corner of the bar that
13 they would stay. And some were long term
14 residents of the rooming houses, been there for
15 20, 30 years. Others were transient. They'd come
16 in from Eastern Canada, you might see them move
17 on, some of them ended up staying there. Many
18 young people coming from the reserves. I say it
19 would be very wrong to characterize the skid road
20 community as one dimensional. There are many
21 different types of people with different stories,
22 different problems and different abilities.

23 Q But even though it has the problems of drugs and
24 other issues that we've heard about, it's still
25 nonetheless an active community and a community

1 that identifies itself as a community?

2 A Yes, I think this is one of the reasons there was
3 a bit of a shift from my early days of the
4 community being known as skid road which had its
5 origins in the logging industry to the Downtown
6 Eastside.

7 Q Now, in your materials you mentioned your work on
8 the Prostitution Task Force patrol, and also the
9 Mount Pleasant Community Liaison. I want to
10 specifically discuss your knowledge and experience
11 dealing with the sex trade workers, because that's
12 the focus the commissioner has been asked to deal
13 with in his inquiry. Tell us about your dealings
14 in that area of activity?

15 A All three patrol areas I worked, a short time on
16 Davie Street in 1980 back in the period when Davie
17 Street was very, very active with its street
18 prostitution problem, Mount Pleasant and Broadway,
19 and of course the Downtown Eastside which had
20 street prostitution first of all on the edge of
21 Chinatown, but then eventually moving more into
22 the eastern part, the industrial area. So all
23 three of my patrol areas were areas with a lot of
24 street prostitution. The community liaison
25 project, the Mount Pleasant Liaison Team, we

1 worked with the community, we worked with various
2 social service groups and others in relationship
3 to some of the issues associated with street
4 prostitution, and out of that came projects with
5 what was originally called the Juvenile Task Force
6 which then morphed into the Interministerial
7 Street Children's Committee, which was dealing
8 with juveniles that were working with the street
9 along Broadway. And the ISCC was a joint agency
10 effort to try to get them off the street involving
11 probation, social services, police and mental
12 health and some other agencies. I would also say
13 that my master thesis supervisor was Professor
14 John Lowman, who is one of the experts in Canada
15 on prostitution, and I was able to learn much from
16 him on that. I spent a short assignment in vice
17 engaged in prostitution enforcement. And I was
18 involved in 1991 at the request of the RCMP in
19 what was called Project Eclipse, which was a look
20 at 25 women who I believe 23 were engaged in the
21 sex trade industry one way or the other who had
22 been murdered in the Vancouver and Victoria areas,
23 and this was an effort to look for links between
24 these crimes to see if there were possible serial
25 murderers that were attacking the prostitutes or

1 were focusing on prostitutes in the Lower Mainland
2 and Greater Victoria and then try to develop
3 profiles to assist in the investigation of those
4 series. And then finally in the last five years
5 of my career because I was involved with the
6 geographic profiling function many of the cases I
7 worked, serial murderer, serial sexual assault
8 cases, the victims were prostitutes. And I worked
9 such cases in Canada, the United States, United
10 Kingdom, Continental Europe, Africa and Australia.

11 Q So since we've heard about your actual working
12 knowledge in the Downtown Eastside, and you've now
13 mentioned the serial killer expertise that you
14 have, just while you've mentioned that, is there a
15 connection between the kind of people who would be
16 marginalized and suffering from the community
17 impacts as we have in the Downtown Eastside sex
18 trade and being preyed upon by a serial killer?

19 A Yes, it's very clear that marginal groups, in
20 particular street prostitutes, are
21 disproportionately impacted by both predators and
22 serial murderers.

23 Q Why is that?

24 A I think there are a number of reasons. There is
25 -- for some of these offenders they are targeting

1 these women because of some moral outrage or
2 religious indignation, but I think it's more
3 likely to be the case that more of them are just
4 working from easy victims. It's many times a
5 crime of opportunity. So if you want to have a
6 woman voluntarily get into your car in an area
7 where no one is paying any attention and drive to
8 a dark alley, well, you know, a street prostitute
9 is the perfect victim that way. Another reason is
10 that the social response, the police response, the
11 media response is going to be much lower than if
12 you were targeting, say, children or middle class
13 individuals. So I would say it's definitely a
14 function of opportunity, it's a function of
15 minimizing your risk as an offender, and in a few
16 cases anyways, some sort of specific vendetta
17 against that particular group for whatever quote
18 unquote moral reasons.

19 Q Let's cover more of your background and we'll come
20 back to your comment that I think the commissioner
21 should hear more about, the comment about the
22 media and police response. I just want to finish
23 off with the aspect of your work with the VPD.
24 The last five years you were working as a
25 specialist as a detective, and we'll come to that

1 in a moment, that comes off of the educational
2 stream that you started to follow. So I think we
3 could move off your police background, Professor.
4 Are you comfortable to leave it where we've left
5 it in terms of the background in your policing
6 career?

7 A Yes, I am.

8 Q Tell us, please, then how it is that you came to
9 have the professional academic career that you've
10 had that's led to your professorship in Texas?

11 A When I joined the Vancouver Police Department I
12 had a bachelor's degree in sociology from the
13 University of Saskatchewan. While I was working
14 with the Vancouver Police Department I obtained a
15 master's degree in criminology from Simon Fraser
16 University, and then eventually pursued a PhD in
17 criminology also from Simon Fraser University. I
18 did this concurrent with my police time.

19 Q When you joined the force with the bachelor's
20 degree in sociology, what was your impression of
21 how many of the people in the police force would
22 have had a four year university degree at that
23 time?

24 A At that time my academy class had about 10 percent
25 of the individuals with degrees, but I would

1 suspect if you then go -- we were obviously the
2 newest class, so if you went back in time there
3 would be a fewer number, so maybe 5 percent just
4 as a rough estimate, but there were other people
5 with a bachelor's degree.

6 Q Yes. Now, when you received your master's degree
7 in criminology, to your knowledge approximately
8 how many other police officers had a master's
9 degree in criminology at the time you were with
10 the VPD?

11 A Mr. Commissioner, is the question about within the
12 Vancouver Police Department?

13 Q Yes.

14 A If you count all sorts of master's such as, say,
15 an MBA, I think we might have had two or three.

16 Q You had a doctorate while you were a member of the
17 Vancouver Police Department?

18 A Yes, I obtained a doctorate in 1996.

19 Q And do you know if anyone else had a PhD at the
20 time that you were still in the VPD?

21 A Not with the Vancouver Police Department, and to
22 my knowledge not with any other police
23 organization in Canada.

24 Q Your PhD was granted in 1996 from Simon Fraser,
25 and what was your area of interest?

1 A My dissertation was entitled *Geographic profiling:*
2 *Target patterns of serial murders.* I worked in an
3 area called environmental criminology which is
4 concerned with how the environment influences
5 crime patterns, the spatial and temporal crime
6 patterns, which simply means why this crime
7 happened, where and when it happens. I looked at
8 -- my data was on serial murder cases. One of the
9 reasons I chose that was that it was easy to
10 establish linkages between those murders. So you
11 could say the same offender, for example Peter
12 Sutcliffe, the Yorkshire Ripper, did these 20
13 crimes. And I was interested in the geography of
14 those crimes, the timing of those crimes and then
15 how it might be used to assist a criminal
16 investigation.

17 Q In what way could that knowledge be used to assist
18 a criminal investigation?

19 A It turns out that even though we are dealing with
20 some horrendous predators they engage in behaviour
21 that is very similar to the rest of us, and with a
22 minimum number of crimes, say five or six, you can
23 establish a pattern that with the right sort of
24 computer program can be used to determine where
25 the offender most likely is based or where he

1 resides. So on average we were able to determine
2 the home base of these offenders in the top 5
3 percent of the area that they were committing
4 their crimes in.

5 Now, you can't solve a crime with a profile,
6 you can only do that with physical evidence and a
7 confession or a witness, but what you can do is
8 prioritize your information. In a way it serves
9 as a management tool because these criminal
10 investigations suffer from information overload.
11 For example, in the Yorkshire Ripper case there
12 were over 260,000 names that the police collected
13 during that investigation. During the Green River
14 murder investigation, just to the south of us
15 here, they had 18,000 names in their database. So
16 in a way these cases often involve trying to find
17 a needle in a haystack.

18 The idea of profiling, in particular
19 geographic profiling, is to provide a focus. And
20 one of the advantages of geographic profiling is
21 that so many of our databases contain addresses,
22 drivers licence, registered owner vehicle
23 information, field interview checks that the
24 police do, traffic tickets, various other
25 commercial and government databases. So it's a

1 very powerful tool for manipulating data, and it's
2 now been implemented in a number of police
3 agencies and used around the world.

4 Q Just on this subject tell the commissioner about
5 how your expertise was used in Afghanistan with
6 the Dutch authorities just to give an example of
7 the breadth of what your expertise can offer.

8 A Mr. Commissioner, one of our major current
9 projects is a large, about \$1.3 million, grant
10 with the United States Marine Corps who approached
11 us because they were interested in potential
12 applications of geographic profiling in counter
13 insurgency. As one specific example, as a result
14 of training courses that we offered at Fort
15 MacDill in Florida the Royal Netherlands Military,
16 who have a presence in Afghanistan were
17 experiencing attacks from the Taliban using
18 indirect rocket fire. And I should just maybe
19 explain that. The rockets that they're firing at
20 their forward operating base are meant to be fired
21 from a truck, but what they do is because they
22 don't have trucks and there are no real roads in
23 these areas they just prop them up on some rocks
24 and then fire them towards the camp. So the
25 people that we had trained using the information

1 about where the rockets were launched from, which
2 they can tell from counter-battery radar collected
3 I believe something like seven locations, they
4 then analyzed that using the geographic profiling
5 system. They realized that because these rockets
6 are very large and heavy, and because vehicles
7 aren't involved so there had to be some storage
8 point nearby, and the storage had to be --

9 THE COMMISSIONER: Yes.

10 MR. WARD: Mr. Commissioner, I'm sorry to interrupt, but you
11 pointed out time and again time is very precious
12 in this inquiry. This is completely irrelevant.

13 THE COMMISSIONER: How do you know it's irrelevant?

14 MR. WARD: Well, it sounds irrelevant to me. I don't know what
15 happened in Afghanistan has to do with the missing
16 women of the Downtown Eastside.

17 THE COMMISSIONER: Mr. Vertlieb.

18 MR. WARD: I object. It's irrelevant and it's a waste of time.

19 THE COMMISSIONER: Mr. Vertlieb.

20 MR. VERTLIEB: I just wanted you to see a sense of this
21 individual's knowledge in the field and how it's
22 applicable, and how if people think about the
23 knowledge that's available you may be able to find
24 potential serial killers more quickly. I think
25 it's just important to get a sense of the breadth

1 of what this gentleman brings to this hearing.

2 THE COMMISSIONER: All right.

3 MR. VERTLIEB:

4 Q I'm sorry for the interruption. Just tell the
5 commissioner how the geographic profiling would
6 help and assist just in a brief way.

7 A The Dutch military then used the profile to
8 prioritize empty wells in a dredge system which
9 had dried up over the course of time and they
10 spent -- because they were able to prioritize a
11 small number of these wells they were able to
12 deploy special forces and they were able to
13 recover where these rockets were stored and
14 address the problem of the Talibans that were
15 firing the rockets.

16 Q So your expertise is sought out by agencies in
17 Canada, the United States and Europe?

18 A Yes.

19 Q Thank you. When you were working for the VPD you
20 were solely contracted to the Vancouver Police,
21 and I'm talking the years '95 to 2000?

22 A Yes.

23 Q Thank you. Tell us -- we have your academic
24 resumé, I won't take you through it. You are a
25 professor at Texas State University, and you are

1 an endowed chair in that capacity?

2 A That is correct. And I am the director of a
3 centre, the Centre for Geospatial and Intelligence
4 Investigation.

5 Q Okay. Let's start then, please, with your work in
6 the missing women investigation when you were a
7 member of the Vancouver Police Department. Can
8 you tell the commissioner, please, the first date
9 that you recall performing any work on this
10 matter?

11 A It would have been towards the end of August of
12 1998.

13 Q And can you tell us, please, what the very first
14 event was that revolves around this important work
15 we're doing here?

16 A I received a phone call from Staff Sergeant Doug
17 McKay-Dunn, who was the second in command of
18 District 2 which was the area that includes the
19 Downtown Eastside, who said there was a problem
20 they had and he wanted to talk to me about it. I
21 believe he then came to my office that day and
22 told me about these reports of a large number of
23 missing women and the possibility that they might
24 be victims of a serial murder. Because he knew of
25 my research background and my experience working

1 on serial murder cases for other agencies in the
2 geographic profiling section he wondered if I
3 might be able to advise them or give them some
4 thoughts on it. I believe he and I then went up
5 to speak to Inspector Gary Greer who was in charge
6 of District 2, and that day we decided that we
7 would prepare some sort of working group to take a
8 look at the problem.

9 Q Now, we've asked if you had any notes about that.
10 Is it the case that there are no notes reflecting
11 that phone call and those discussions with
12 McKay-Dunn and Mr. Greer?

13 A None that I know of.

14 Q And you fix that date in your memory at August 25
15 of 1998?

16 A That sounds about right.

17 Q Thank you. That was the first time that you had
18 been introduced to this issue of the missing women
19 in the Downtown Eastside?

20 A Yes, Mr. Commissioner.

21 Q Thank you. Now, the first document we have,
22 Mr. Commissioner, is an e-mail from Lori Shenher,
23 it's tab 7 in the materials before you for your
24 convenience, and it's August 26, 1998, 9:07 a.m.
25 Professor, you've seen this e-mail in the last day

1 as you were preparing to give evidence?

2 A Yes, I have, Mr. Commissioner.

3 Q And is this the first written piece of information
4 that you have relating to the missing women of the
5 Downtown Eastside?

6 A Yes, that I can remember.

7 Q Tell us what you recall then of the e-mail, how it
8 came to your attention, because it appears to be
9 from Ms. Shenher to you?

10 A Mr. Commissioner, I don't recall it. It's
11 something I haven't seen since -- well, for
12 fourteen years almost, but what I vaguely recall
13 is contact -- sorry, let me back up, please.
14 Following my meetings with McKay-Dunn and Greer I
15 thought that our Major Crime Section, which is
16 responsible for homicide, sex crimes and missing
17 persons, had to play a very key role in anything
18 that was done. So the first think I did was phone
19 Inspector Fred Biddlecombe, who is in charge of
20 the MCS, Major Crime Section. He was away on
21 vacation and I spoke to Geramy Field, Sergeant
22 Geramy Field, who I believe was acting that
23 particular day in that capacity. I believe she
24 must have told me about Lori Shenher's
25 involvement, and then I reached out to Constable

1 Shenher who responded back to me with this e-mail.

2 Q So let's just provide a bit more detail to the
3 commissioner about this. McKay-Dunn came to you
4 and introduced the problem. Just tell us what you
5 remember of the problem that he was discussing
6 with you that led you then to go talk to Gary
7 Greer?

8 A That they had reports through Constable Dave
9 Dickson, but originating from the community, about
10 the large number of women who had gone missing
11 from the Downtown Eastside, most of them sex trade
12 workers, and there was suggestions by the
13 community that a serial murderer might be
14 responsible and he wanted to know if this was
15 something that I might be able to assist them
16 with.

17 Q And at that time you of course had knowledge about
18 serial killers from your work and study?

19 A Yes, that's correct.

20 Q Thank you. And when you then spoke to Gary Greer
21 can you tell us as best as you recall, and we all
22 realize it's fourteen years ago, what the ultimate
23 discussion was about and what it resulted in?

24 A This was something that Inspector Greer was
25 concerned about as well, and I think to the best

1 of my recollection that I suggested we -- I
2 prepare some sort of working plan or blueprint for
3 things we could do and then submit it to them.
4 And one of the things was to develop a group that
5 could work together with representatives from key
6 areas in the VPD and from outside of the VPD so
7 that we could figure the best way forward.

8 Q Why did you think it was important to have groups
9 outside the Vancouver Police be involved?

10 A One of the things that I had learned from my
11 studies, but also it seemed from the cases I had
12 been involved with with serial murder, is the
13 classic mistakes made in serial murder
14 investigations, and these are very similar of
15 course to what you were referring to earlier,
16 Mr. Commissioner. One of the classic mistakes is
17 being parochial, not involving all the agencies
18 that need to be involved in such a case. And this
19 is particularly problematic in an area like the
20 Lower Mainland where there are a number of
21 different cities and a number of different police
22 jurisdictions involved, so it would be very easy
23 to miss important pieces of the investigative
24 puzzle by not involving the other police agencies.

25 Q And the community groups, how would they be

1 important?

2 A Well, the whole problem or the whole situation was
3 a result of information that was received I
4 believe from our Native Indian street front office
5 on Hastings Street. I believe to the best of my
6 memory they're the ones that were speaking to
7 Constable Dickson about this problem. It's also
8 important to realize when we step away from the
9 Hollywood rhetoric about detectives is that the
10 number one group that solves crimes is the
11 community. In fact there's a classic study done
12 by Rand on the investigative function and they
13 found that the number one group for solving crimes
14 is the community, the public, the number two group
15 were patrol officers, and the number three group
16 were detectives. So this said that it was very
17 important to have good lines of communication
18 within your agency, and good lines of
19 communication between your agency and other
20 agencies, and good lines of communication between
21 the police agencies and the community.

22 Q Let me just read the memo briefly and I want to
23 ask you about that. It says:

24 Hi Kim,

25 Basically, I've been here a month and I'm

1 trying to familiarize myself with all the
2 files, re-interview many of the players and
3 try to find some common ground.

4 At this point, it seems two or three of these
5 women met with boyfriends or pimp types with
6 motives to harm them, but I'm starting to
7 feel that the large percentage of these
8 missings are mysterious and likely either a
9 stranger or dealers they owed money to -
10 likely Viets - could be responsible. I know
11 that doesn't narrow it down much, but as I
12 said, I'm still getting familiar with all the
13 files. Obviously, I'm trying to look at who
14 could have their act together enough to be
15 carefully disposing of bodies instead of
16 dumping them as would seem to be more typical
17 of a skids hooker homicide.

18 I'm following up several anonymous tips as
19 well, but nothing substantial as yet has come
20 from those.

21 Let me know what you've been doing on this
22 and maybe we can shed some light on it.

23 Thanks, Lori.

24 Now, I wanted to ask you about the reference to
25 anonymous tips. Did you get any more information

1 about the names of people who could be in that
2 category?

3 A No, I did not.

4 Q Did you have any information then about any Crime
5 Stoppers tip that had come into the police?

6 A No, Mr. Commissioner.

7 Q Do you recall any more discussion with Ms. Shenher
8 at that date about that e-mail that she sent to
9 you?

10 A No, I do not.

11 Q Just curious about the evidence you mentioned to
12 the commissioner, it's interesting when you talked
13 about the TV shows and detectives and you said the
14 number one group that solves crime is the
15 community, and number two is the patrol officers,
16 and number three the detectives. Do you believe
17 that at the time you were working in the Vancouver
18 Police that that was generally known in the
19 Vancouver Police?

20 A Difficult for me to say, but probably not.
21 Detectives sometimes have healthy egos, and it all
22 depends on the individual, but we sometimes
23 forget, and maybe it's just human nature, we
24 sometimes forget those that help us or give us key
25 data or information that without that we never

1 could have solved the crime. Sorry, I --

2 Q No, please.

3 A I just -- probably not.

4 Q So going back to this e-mail, you had heard
5 nothing about the name Bill Hiscox, H-i-s-c-o-x?

6 A Not at that time, no.

7 Q Now, the next e-mail that we have is September 1,
8 1998, tab 8, and this is from Brian McGuinness,
9 Operations Support, to the Deputy Chief of Police
10 Operations Division. You were copied in it?

11 A Yes, Mr. Commissioner.

12 Q And so this is just the next e-mail in the
13 chronology. This was sent to you to keep you
14 informed that at least the interest appeared to be
15 going up the line as far as the deputy's office?

16 A Yes.

17 Q Now, there's a letter from you dated September 4,
18 1998, it's tab 9, Mr. Commissioner, and this is to
19 Superintendent Gary Bass. I wanted to ask you
20 about this. There's writing on there,
21 handwriting, you see that on the front page?

22 A Yes, I do.

23 Q That's not yours?

24 A No, it's not.

25 Q So tell us about this letter, why you wrote it?

1 A I believe on the morning of September the 4th we
2 had the first meeting of a working group looking
3 into the problem of the missing women. This was
4 one of the ideas that we would have had this
5 working group with the individuals representing
6 different sections including the RCMP, and again
7 to the best of my recollection, as a result of
8 that meeting we reached out to Superintendent Bass
9 and asked for some representative, either himself
10 or someone from his section, to be a member of the
11 working group. One of the concerns that we had is
12 because the RCMP covers a very large part of the
13 Lower Mainland, especially the areas that are less
14 urbanized, that bodies might be found in areas
15 that were their jurisdiction.

16 Q Tell us about the working group that led to you
17 writing to the superintendent. Who chaired and
18 who was a member and why was it organized?

19 A It was co-chaired by Inspector Greer and myself,
20 and the purpose of it is probably best explained
21 in a blueprint that I wrote that outlined what we
22 hoped to accomplish with the working group, which
23 in this particular letter you can see a
24 simplification of that mandate, basically to
25 develop lists of possible victims from both the

1 list of missing women, but also from street
2 prostitutes that had been attacked or murdered,
3 establish linkages of those lists and then make up
4 follow-up investigative recommendations. In other
5 words, if appropriate what should be done in terms
6 of investigating these as a possible serial murder
7 case.

8 Q Since you've mentioned it perhaps the best way for
9 the commissioner to deal with your blueprint,
10 let's just turn, Mr. Commissioner, to tab 12 for
11 your convenience, and for my colleagues it's in
12 LePard's documents Volume 1, and it's tab 4 of
13 binder 3. This is -- do you have a copy of that,
14 Professor?

15 A Yes, I do, Mr. Commissioner. I point out there's
16 two versions, an updated one is at tab 13, but
17 there's not much difference between them.

18 Q The difference as I understand it is that the
19 criteria in your first blueprint was using the
20 time frame 1980 to '98?

21 A That's correct.

22 Q And then it shifted to 1970 to 1998?

23 A That is correct. And also with the revised
24 edition we wanted to also include serious sexual
25 assault victims as well.

1 Q So just looking at the blueprint, and the
2 commissioner has it in front of him, there's
3 handwriting on there and --

4 THE COMMISSIONER: Yes.

5 MS. TOBIAS: Mr. Commissioner, I apologize for interrupting.
6 Cheryl Tobias for the Government of Canada. I'm
7 not making an objection, but I'm looking around at
8 my learned friends here and I think we're all a
9 bit confused as to precisely which document
10 Mr. Vertlieb is referring to. I think there may
11 have been some mix-up a little bit in what we got,
12 so I wonder if we could just clarify that before
13 we proceed.

14 MR. VERTLIEB: I'll give you the number. It's VPD document
15 006-009663.

16 THE COMMISSIONER: That's at tab 12?

17 MR. VERTLIEB: That's your tab 12 for your convenience. It's
18 been filed in the LePard documents. And we took
19 Deputy LePard to this document, so it's been dealt
20 with before.

21 MR. WARD: It's just impossible for counsel to follow. We
22 don't have copies of these handy and they don't
23 match with what you provided us with this morning
24 I'm afraid.

25 MR. VERTLIEB: Well --

1 MR. HIRA: It's tab 10 if anybody --

2 MR. VERTLIEB: I'm looking at the document, and we've covered
3 it before with Deputy LePard, it's not new.

4 MR. HIRA: It's tab 10 of the documents.

5 MR. VERTLIEB: I've given them the number and I've told people
6 where it was in the LePard Volume 1, and I don't
7 know what else I can do. Let me just carry on
8 orally and people can follow. It's not a new
9 concept this blueprint, because it ultimately
10 wasn't as you know --

11 THE COMMISSIONER: These documents have already been provided?

12 MR. VERTLIEB: Absolutely.

13 THE COMMISSIONER: All right.

14 MR. VERTLIEB: So let me just continue on if I may.

15 THE COMMISSIONER: All right.

16 MR. VERTLIEB:

17 Q Professor Rossmo, this blueprint, who prepared it?

18 A I did.

19 Q I won't take you through it in detail, but it's
20 called a Strategic Blueprint, it was a result of
21 the work that you did with the Missing Women
22 Working Group in early September of 1998. So who
23 all participated in that working group? You
24 mentioned yourself and Greer as co-chairs.

25 A We had representatives from major crime, including

1 missing persons Lori Shenher, Sergeant Geramy
2 Field from I believe homicide, Axel Hovbrender,
3 the sergeant from Sexual Offence Squad. We had
4 individuals representing the DISC program which
5 tracked the customers of street prostitutes in
6 Vancouver, and we had representation from the
7 RCMP, in particular from the valley where they had
8 three bodies that were murders of prostitutes that
9 had worked in the Downtown Eastside from
10 Vancouver, the Pipe, Younker, I'm not sure if I'm
11 pronouncing it correctly, Olajide, and there may
12 have been others as well. There is a mailing list
13 that was prepared for the working group which
14 would list everybody.

15 Q So this strategic blueprint was put together by
16 you. What was its purpose?

17 A I'm sorry, Mr. Commissioner, there was also
18 representation from patrol District 2, Gary Greer
19 obviously, and Dave Dickson. And, I'm sorry,
20 could you please repeat the question.

21 Q What was the purpose of the blueprint that you
22 prepared?

23 A The purpose was to determine if these reports of
24 missing women represented a crime problem. In
25 other words, were these victims. And what we

1 thought we would do with this is to first develop
2 a list of potential victims, including missing,
3 sexual assault and homicide victims, then try to
4 determine which of these may be linked together
5 and, in other words, connected to the same
6 offender, and then third, make recommendations for
7 further investigation. This would actually
8 involve the working group being dissolved and we
9 would make recommendations regarding what, if any,
10 interagency nature of the investigation was
11 appropriate. And I note here we also say
12 formation of a task force if the findings warrant
13 it. And I think it's also important to point out
14 that there's elements here of this plan which
15 involved a proactive investigation and also safety
16 and crime prevention initiatives.

17 Q Let's just talk about those two issues, the
18 proactive and the safety and crime initiatives.
19 Tell us about the proactive. What do you mean by
20 that, and what did you think might be implemented
21 as you developed more knowledge?

22 A Well, we could be doing -- parallel with the
23 assessment of the missing women and sexual assault
24 and murder victims analysis we could be collecting
25 information on possible suspects. So if we look

1 at the first part, Mr. Commissioner, as being
2 victim focused, the second part is more offender
3 focused, looking at likely sources of information
4 for individuals who could be responsible if it did
5 turn out that we thought a serial predator was
6 operating. So these include the bad trick list
7 that were prepared, the DSTC or the DISC program
8 which I just mentioned which had data on johns.
9 Of course field checks in the relevant areas of
10 Vancouver done by patrol officers, maybe setting
11 up surveillance, talking to community groups, and
12 any sort of profiling analytic products that might
13 be prepared.

14 Q And how would you describe the meeting, did it
15 meet the objectives that you hoped for going into
16 the meeting?

17 A The meeting on that day was very good. There was
18 a lot of interest, a lot of co-operation expressed
19 from everybody. I would describe it as very
20 positive.

21 Q And the result was the letter to Superintendent
22 Gary Bass which is before the commissioner and
23 everyone?

24 A Correct.

25 Q You realize that you would likely need

1 interjurisdictional assistance?

2 A The odds were very good that it would not be
3 limited just to the City of Vancouver.

4 Q Now, the working group then when it first met took
5 place and Biddlecombe was not there?

6 A Correct. I believe he was still on vacation.

7 Q Do you remember who stood in for Fred Biddlecombe?

8 A Perhaps Sergeant Field. I know that she was in
9 attendance, I know that she worked for major
10 crime, and because she's the one I had spoken to
11 on the phone that was my supposition.

12 Q Now, the next correspondence is a letter from Fred
13 Biddlecombe, September 14, 1998. This is in
14 LePard documents Volume 1, it's tab 11, Phase 2.
15 And this is from Biddlecombe to Gary Greer. You
16 did not see this at the time, is that --

17 A I did not see this document until this month.

18 Q And you saw it when it was put to you in
19 preparation to give evidence to the commissioner?

20 A Yes, I believe I first saw this on Sunday.

21 Q Now, in that letter at the first paragraph there's
22 discussion about a draft news release. Did you --
23 do you have knowledge about a draft news release?

24 A Yes, I do.

25 Q We've seen that earlier in the proceedings. If

1 you look at tab 10, Mr. Commissioner, you'll see a
2 copy for your convenience. Who prepared that
3 draft news release?

4 A I did.

5 Q And why did you prepare it?

6 A Numerous reasons. One, to inform the public of
7 what we were doing. Two, one of the common
8 mistakes repeated over and over again by police
9 agencies with serial murder investigations is the
10 initial denial that there is a serial murderer,
11 which inevitably ends up resulting in a lot of
12 negatives for the police agency both with the
13 community and with the media. I thought the best
14 way to deal with that was just to be upfront, say
15 that we had these concerns brought to our
16 attention, we were treating these concerns
17 seriously, we were going to investigate them and
18 see what we could find out about the possibility
19 of a serial murderer preying upon people in the
20 Downtown Eastside. I mentioned before that the
21 reality is that these crimes are more likely to be
22 solved by a member of the public, and we also have
23 to communicate with the individuals in our own
24 agencies as well, and the media sometimes is an
25 effective mechanism for doing that. The final is

1 that there is a duty to warn the public regarding
2 potential threats. It's not our job or our --
3 it's not our right to not warn people about
4 potential risks. I had some knowledge of this
5 from some involvement of the case in Ontario, *Jane*
6 *Doe v. The Metropolitan Toronto Police*, where the
7 police were criticized by Justice MacFarland for
8 not warning the community about a serial rapist
9 operating in that city, and I thought that it was
10 incumbent upon us even though we didn't know
11 exactly what was happening to say that these
12 concerns have been brought to our attention and
13 people should be aware of them. So for those four
14 reasons.

15 Q You mentioned denial and you related it to serial
16 murder killings. Tell us about denial. Why would
17 that be a factor, from your study and knowledge
18 why would that come into it?

19 A No police agency wants to have a serial murder
20 case. It creates a lot of problems, it creates
21 political pressure, it generates media interests,
22 it might raise levels of community fear, it
23 requires them to respond with a suitable level of
24 resources when maybe they'd rather be doing
25 something else with their resources. In some

1 cases I'm aware of the political reaction has been
2 huge. And in the United States where there are
3 places where the political influence on the police
4 departments is much greater than in the United
5 States I've even been aware of instances where the
6 mayor has told the police chief we do not have a
7 serial murder case even when it's clearly obvious
8 they do. So it is difficult and one of the most
9 challenging types of police investigations, and
10 police departments don't want one, and
11 historically many have responded by denying the
12 existence of something they don't want.

13 Q So these were mistakes that had been made in other
14 police agencies in other countries?

15 A Time and again.

16 Q I'd like to finish with the draft press release.
17 It's a draft that never went out we understand
18 that to be the case. Is that your understanding
19 as well?

20 A That is correct. It was prepared for -- as a
21 draft. The particular copy in the binder has my
22 writing on it where I'm asking Gary Greer for any
23 comments or suggestions. It was also given to
24 Anne Drennan, our media liaison officer, and was
25 shared with the committee members. And the plan,

1 I think, was to release it on September the 30th,
2 1998 following the meeting that we had at the end
3 of September where everyone would have their final
4 opportunity to make any comments or suggestions.

5 Q So this draft was available on the 4th of
6 September when the working group met?

7 A Correct.

8 Q And the working group seemed to be completely in
9 favour of this?

10 A Actually I can't tell if this was written after
11 the meeting or before. It was available for the
12 meeting at the end of September, but I'm not sure
13 if it was available for the very first meeting at
14 the start of September.

15 Q Fair enough. But the idea of a news release, had
16 that been discussed with the working group?

17 A Yes. Most likely what happened was, I believe
18 that meeting was in the morning, most likely I
19 prepared this following the meeting and then sent
20 it out for feedback.

21 Q I'd like to finish the discussion around the
22 release. So let me ask you looking at the letter
23 of September 14, 1998, Biddlecombe to Greer,
24 you've already told us you did not see it until
25 very recently, did Mr. Biddlecombe ever discuss

1 with you his comments or opinion that is expressed
2 in the last sentence, first paragraph:

3 I found it to be inaccurate and quite
4 inflammatory.

5 A He did make -- he made those statements during the
6 second and final meeting of the working group at
7 the end of September, but not by written
8 communication with me or e-mail before that.

9 MR. VERTLIEB: I've finished with the press release issue.
10 Maybe this is a convenient time to break 'cause
11 I'll then come back to the meeting and continue on
12 with the evidence.

13 THE COMMISSIONER: All right.

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

15 **(PROCEEDINGS ADJOURNED AT 11:22 A.M.)**

16 **(PROCEEDINGS RESUMED AT 11:40 A.M.)**

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

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

19 Q So we've dealt with the press release and the
20 reasons you wanted to do it. Let's move to that
21 meeting then that took place September 22, 1998,
22 and this was a meeting of the group. Tell us from
23 your memory, as best you can, about that meeting
24 in terms of who was -- who was there?

25 A Most of the same individuals, Mr. Commissioner,

1 from the first meeting were there. I specifically
2 recall Geramy Field, Lori Shenher, the two RCMP
3 officers from the valley, Dave Dickson, Gary
4 Greer, myself, possibly Doug McKay-Dunn, but I'm
5 not certain, and there may have been others, but
6 Inspector Fred Biddlecombe also showed up, which I
7 was surprised at because I didn't realize he was
8 back from holidays. I had anticipated that he
9 would contact me to talk about this when he did
10 return, but instead he just showed up at the
11 meeting.

12 Q How long was the meeting approximately?

13 A I think approximately an hour and a bit.

14 Q And where did it take place?

15 A A boardroom at 312 Main Street, the old police
16 headquarters.

17 Q And the purpose?

18 A It was the second meeting of the working group.

19 Q So tell us about the interaction that you noticed
20 between Mr. Greer and Mr. Biddlecombe, and how
21 would you describe that?

22 A Well, even though this was a committee that was
23 co-chaired by Inspector Greer and myself Inspector
24 Biddlecombe effectively took over the meeting. He
25 was upset and angry and had what I have described

1 as a small temper tantrum. He didn't believe
2 there was a serial murderer, he didn't like what
3 we were doing, he was upset about the draft press
4 release, and then he began to accuse Constable
5 Dickson and myself of releasing information to the
6 media. I told him that was just silly, 'cause I
7 hadn't been given any information to leak to the
8 media. I thought it was a very unreasonable
9 behaviour on his part, and more than a little
10 embarrassing considering we had people from an
11 outside force. I expected Inspector Greer, who is
12 in charge of the area of the city where these
13 women had gone missing from had really initiated
14 the bringing of the problem to the attention of
15 the police department at a managerial level to
16 have responded back, stood up to, rebutted
17 Inspector Biddlecombe, but he didn't. I
18 characterize what he did was -- to others as being
19 folding like a house of cards.

20 Q Tell us about Fred Biddlecombe, you knew him,
21 worked with him, in terms of where he came from
22 from your perspective?

23 A I didn't really know him, didn't work for him or
24 with him. This may have been the first actual
25 physical meeting together we had had. He had a

1 background -- I knew that he had worked as a
2 sergeant in the West End and that he had been a
3 detective in fraud, a staff sergeant at one time
4 in major crime which is an administrative
5 position, and now I think beginning in early 1998
6 had become the inspector in charge of major crime.
7 I'm sorry, did you want my observations of him?

8 Q Well, in terms of the attitude, the comments that
9 he'd made, he didn't seem to you to be accepting
10 your view of what should be done. Is that a fair
11 way to put it?

12 A That's correct. I found him to be arrogant and
13 somewhat egotistical. He was not interested in a
14 discussion or communication. He was angry, and I
15 thought unreasonable, for example accusing me of
16 releasing information that I never had. It was
17 clear that he didn't want to deal with this issue,
18 didn't like what we were doing, didn't want to
19 work with us. And in effect his reaction given
20 his position, which is the officer in charge of
21 homicide, sex crimes, missing persons basically
22 killed the working group. There was no way we
23 would continue without his full co-operation.
24 This is why he was the very first person I
25 contacted after my initial meeting with Greer.

- 1 Q So just thinking about that comment that you just
2 made and looking back on your experience now over
3 the last 14 years as you continued as a police
4 officer and then became active in the teaching and
5 instruction dealing with systemic issues, do you
6 have any sense though of how -- when you have a
7 disagreement between differing groups how that
8 should be resolved if the system is to work
9 properly?
- 10 A Yes, it requires sharing of all the relevant
11 information, communication, co-operation towards
12 stated objectives that you all agree with, debate,
13 professional and reasoned argument. It does not
14 require throwing your weight around, being
15 aggressive, losing your temper, making threats.
- 16 Q Who was the person who would be the superior over
17 Mr. Biddlecombe?
- 18 A That would be Deputy Chief Constable Brian
19 McGuinness who was in charge of -- I'm not sure
20 what he -- they keep changing the names in the
21 different parts of the VPD, but I would think of
22 it as the investigation bureau.
- 23 Q Was there any discussion that suggested to you
24 Mr. McGuinness would get involved given the
25 differing opinions between lower ranking officers?

1 A Discussion, sorry, between?

2 Q With Mr. McGuinness to resolve what was obviously
3 a differing view from Mr. Biddlecombe's view to
4 the rest of the group that had its own view about
5 how to proceed. Did you sense that Mr. McGuinness
6 was going to get involved?

7 A No, I did not.

8 Q You've been critical of Mr. Biddlecombe in your
9 comments here. Do you believe he was
10 intentionally being indifferent to these -- the
11 potential plight of women being taken from the
12 Downtown Eastside?

13 A I have no reason to believe that,
14 Mr. Commissioner. I don't care much for
15 Mr. Biddlecombe, but I would say that my opinion
16 was he honestly believed there was no serial
17 murderer and that we were just wasting his and his
18 people's time, and I think he made his mind up and
19 then very little was going to change his mind, but
20 I do think that's what he believed.

21 Q So you believe it was an honestly held belief on
22 his part?

23 A I don't think it was a well-founded belief, but I
24 don't see, you know, anything beyond that.

25 Q And you've considered whether there was any issue

1 around what you would call an intentional act on
2 his part that you thought was not well founded?

3 MR. WARD: Excuse me. Cameron Ward, counsel for the 25 missing
4 women. This witness cannot possibly know what was
5 in Biddlecombe's mind, only Biddlecombe can. I
6 object to the question and asking this witness to
7 speculate what's in --

8 THE COMMISSIONER: All right. Mr. Vertlieb?

9 MR. VERTLIEB: Well, Professor Rossmo was there and listened to
10 the discussions. He already told us it was his
11 honestly held belief. I want to explore that.

12 MR. WARD: With respect he didn't say that, he didn't say it
13 was an honestly held belief. And with respect he
14 cannot say what was in Biddlecombe's mind.
15 Biddlecombe is on the witness list, he can tell
16 us.

17 THE COMMISSIONER: Well, I think he can give an opinion as to
18 whether or not from his knowledge of Biddlecombe
19 whether -- whether he feels that he honestly
20 believed what he was -- that there was no serial
21 killer. It may go to weight, and you can
22 cross-examine him if you want, and you can
23 cross-examine Biddlecombe if you want. All right.

24 MR. VERTLIEB: Perhaps I misunderstood.

25 Q I thought your evidence was that you thought

1 Mr. Biddlecombe had the honest belief that there
2 was no serial killer.

3 THE COMMISSIONER: That was his evidence.

4 MR. VERTLIEB: That's what I thought.

5 THE COMMISSIONER: He said I didn't like him, but he honestly
6 believed there was no serial killer, it was not a
7 well-founded belief. That's what he said.

8 MR. VERTLIEB:

9 Q Was there any discussion at that meeting about
10 Mr. Hiscox who had been a person providing a tip
11 to Crime Stoppers?

12 A No, there was not, but I'm just wondering if I
13 might elaborate on the question that you were
14 asking before.

15 Q Please, of course you may.

16 A Despite the many criticisms I might have of
17 Inspector Biddlecombe, I never saw any evidence of
18 a negative attitude towards the group. I think
19 it's also important to understand that one thing
20 police officers like to do is to catch bad guys,
21 and to have a -- and to apprehend a serial
22 murderer is, you know, a really significant
23 challenge and one that would be very good for a
24 police officer's career, so I think that if
25 Inspector Biddlecombe did think there was a serial

1 murderer he would have been very interested in
2 pursuing it.

3 The other thing I would like to say, at least
4 within the Vancouver Police Department, the
5 attitudes held by the managerial rank, inspectors,
6 deputies and the executive percolate down through
7 the ranks, and I think in the case of Inspector
8 Biddlecombe's attitude towards me that's something
9 that I suffered from. However, Inspector
10 Biddlecombe was the individual that set up Project
11 Amelia, and the individuals who worked the Project
12 Amelia I thought were very dedicated, very
13 compassionate toward the victims, very interested
14 in their plight, and I think if Inspector
15 Biddlecombe had negative attitudes that would have
16 found its way into the attitudes of Project
17 Amelia.

18 Q Thank you. Project Amelia was the Missing Women
19 Review Team?

20 A Correct.

21 Q Organized by the Vancouver Police Department?

22 A Correct.

23 Q So just tell us about the result of the meeting on
24 September 22, 1998. You told us about who was
25 there and how it unfolded. By the end of the

1 meeting where was the working group at?

2 A This effectively killed the working group.
3 Inspector Biddlecombe made it clear that he had
4 his own plan, which was the assignment of
5 Detective Constable Lori Shenher from missing
6 persons to find the missing women. This at least
7 dovetailed with one of the objectives of the
8 working group, and I guess you might call it a bit
9 of a consolation, that at least something was
10 happening. And so that's where the investigation
11 shifted to was the work then of Ms. Shenher, but
12 the working group was now effectively over with.

13 Q So it was left that Ms. Shenher would keep working
14 to try to find these women?

15 A Correct. I believe the -- the belief held by
16 Inspector Biddlecombe was that the women would be
17 found, because there was a previous group of
18 missing people from 1997 that Dave Dickson had
19 prepared and those individuals had been found.

20 Q So that was the end of your work on the working
21 group in the year 1998, the month of September?

22 A Yes, but I did my best to provide assistance where
23 and when I could, and have some involvement even
24 though I would say that the relationship between
25 Inspector Biddlecombe and myself was not good

1 after this meeting.

2 Q I want to come to that, because there's an e-mail
3 from you October 8, 1998 to Sandy Cameron. And
4 this is your -- before you, Mr. Commissioner, is
5 tab 15 in the book that we've given you for your
6 convenience. It's VPD document 001-002100. Now,
7 this is a memo from you to Sandy Cameron, and
8 there's originally a memo from Sandy Cameron to
9 you October -- and then a memo from her October
10 7th. You're familiar with these two e-mails?

11 A Yes, I am.

12 Q Can you just tell us about this time frame and the
13 work you were doing?

14 A Well, even though my relationship with Inspector
15 Biddlecombe was poor my relationship with
16 Detective Constable Shenher was good, and one of
17 the things that it was decided that I could do was
18 some sort of analysis of the missing women, but I
19 was trying to obtain data to assist me in that,
20 and the e-mail from Sandy Cameron of October the
21 7th references that.

22 Q Can you read that to us, please?

23 A Kim,

24 Geramy gave me your memo where you want
25 statistics on missing persons. I am

1 attempting to gather that information for
2 you. Please be advised that this will only
3 be a list of all adults reported missing
4 throughout the City of Vancouver since 1980,
5 not just the Downtown Eastside and not just
6 prostitutes. The numbers will be up in the
7 12 to 15,000 range I think. Of that we
8 usually average eight to ten cases a year not
9 resolved, some years only four to five.
10 Vicki Yip in information is looking into this
11 as well as the annual reports for missing
12 persons for 1988, '89 and.

13 And then there's a period. Then it says:

14 80 can't be located in my office.

15 Is there a certain date you need or want this
16 by?

17 Sandra Cameron

18 Missing Persons

19 And then her phone number.

20 Q Now, Sandy Cameron worked at the Missing Persons
21 Unit. Did you know about -- of her at the time?

22 A Yes.

23 Q And she was non-police, she was civilian?

24 A She was non-sworn, she was a civilian.

25 Q Should she have been doing that job from your

1 appreciation of the situation?

2 A Sandy -- Sandra Cameron was a clerical worker I
3 believe was her designation, so inappropriate to
4 assign such an individual to anything with an
5 investigative function which requires specialized
6 training and also some experience. So I remember
7 thinking, and the general thoughts of other
8 individuals in the VPD at that time, that it was
9 an unusual appointment.

10 Q Did you get more information in 1998 concerning
11 the missing women in the Downtown Eastside?

12 A No, I was somewhat frustrated by my efforts to
13 obtain any data or information, and in my annual
14 report which I prepared for Deputy McGuinness at
15 the end of '98 I note that I was still waiting for
16 information on that case.

17 Q Had you heard of Mr. Hiscox as at the end of 1998
18 with any information he might have had on
19 Mr. Pickton?

20 A No.

21 Q Do you have any reason why that was the case, do
22 you know why?

23 A I would guess that Detective Constable Shenher's
24 mandate was to find the missing persons initially,
25 and so the focus in the first few months in her

1 work was on this list of missing people who could
2 be found. I know she also was collecting more
3 instances of missing persons as a result of her
4 investigation and research. So my guess would be
5 that it was 'cause her focus was on the missing
6 people, not on any suspects at that time. I also
7 think that any suspect-based investigation would
8 require a level of resources, you know, much
9 beyond one detective constable.

10 Q So we've concluded with the involvement of you up
11 to the end of the year 1998; correct?

12 A Yes.

13 Q Thank you. Let's turn then to the early part of
14 1999. We have seen e-mails between you and Brian
15 McGuinness. For your reference tab 15,
16 Mr. Commissioner. So tell us about the early part
17 of 1999. We see an e-mail, just so you know,
18 Professor Rossmo, from you February 9, 1999 to
19 Brian McGuinness. Do you have that in your
20 material?

21 A Yes, I do.

22 Q Can you just tell us about why you sent that
23 e-mail? Tell us what happened that resulted in
24 you sending that e-mail.

25 A There was a meeting at the Carnegie Centre at Main

1 and Hastings in Vancouver. Detective Constable
2 Shenher and myself were both in attendance at that
3 meeting with the community about the problem of
4 the missing women, and she presented the results
5 of some of her work. And this was the first time
6 I had seen this, and I recognized it as being
7 useful data for what I wanted to do, so I obtained
8 that information from her and I prepared a graph
9 which you can see on page VPD-001-002098.

10 Q That's the third page, Mr. Commissioner. Just one
11 second while the commissioner gets that. So just
12 to give the commissioner the context, this meeting
13 was at the Carnegie Centre, that's Main and
14 Hastings?

15 A Correct.

16 Q And approximately how long was that meeting?

17 A I can't recall. Sorry.

18 Q But it was with police from Vancouver?

19 A Correct.

20 Q And certain people from the community?

21 A Yes, that's right.

22 Q Do you recall why it was that you were there at
23 that meeting?

24 A No, not specifically, other than perhaps one
25 possibility is Lori Shenher invited me. I

1 obviously was still interested in this case, and
2 it was either out of interest or to support her or
3 to answer questions. I'm just not sure. I can't
4 remember.

5 Q And you learned information there that you hadn't
6 been given before?

7 A That's correct.

8 Q And that's why you said in your e-mail to Brian
9 McGuinness I've never seen any reports from Major
10 Crime Section, the numbers copied down show a
11 dramatic increase in 1997 and 1998, and you say
12 I've included a graph showing the rise?

13 A That's right.

14 Q And that graph does as prepared by you?

15 A Yes, I prepared that graph. I should also say
16 this data was revised a little bit as Lori Shenher
17 found some missing people or found some additional
18 cases, but the general pattern in the graph never
19 changed.

20 Q So why did you write to Brian McGuinness after you
21 had heard this information for the first time,
22 what was your purpose?

23 A Well, if you look at the graph we can see from the
24 years 1978 to 1994 that there's either no or one,
25 and at the most two cases of people who were

1 reported missing from the Downtown Eastside that
2 had not been found. So you can sort of consider
3 this the base rate of the typical level of
4 activity in the area, but we hit 1995, and
5 especially the years '97 and '98, the numbers jump
6 and they jump dramatically.

7 Q When did you prepare this analysis?

8 A Well, given the fact that my e-mail's February the
9 9th, and I'm not sure the exact date of the
10 meeting at the Carnegie Centre, but it would have
11 been in between those two dates, so sometime in
12 February.

13 Q Now, there's more e-mails. You sent an e-mail on
14 February 10, the next day?

15 A I'm sorry, Mr. Commissioner, on tab 14 it says the
16 meeting was February the 9th, so I prepared it
17 February the 9th.

18 Q Thank you. The next day you sent another e-mail
19 to Brian McGuinness. Do you see that?

20 Brian,

21 I have now confirmed the numbers with Lori
22 Shenher. The attached draft breaks down the
23 number of reported missing persons from the
24 Downtown Eastside that fall into the category
25 of concern and should replace the draft

1 version sent to you yesterday.

2 A Yes, I see that.

3 Q The category of concern, what do you mean by those
4 words?

5 A Unfound missing persons from the Vancouver
6 Downtown Eastside.

7 Q Brian McGuinness has answered e-mails. We have
8 one from February 13, 11:07?

9 A Yes.

10 Q And another one the same date at eleven in the
11 morning, 11:11. Did Mr. McGuinness seem to take
12 your comments to heart and to show concern about
13 what you were indicating?

14 A Yes, he did.

15 Q Do you know why you weren't getting that
16 information sooner?

17 A I can't say for certain, but I can say that after
18 the meeting in which Inspector Biddlecombe got
19 upset I received no communication from him in any
20 form, no phone calls, no e-mails, nothing. In
21 other words, major crime had sort of dried up
22 other than whatever personal relationships I had,
23 say, with Lori Shenher. It may also have been it
24 was difficult for Ms. Cameron to compile this
25 information. I'm just not certain, but it is very

1 safe to say that the level of
2 communication/co-operation with major crime was
3 not at all good.

4 Q Now, let's talk about the events at around the
5 time of these e-mails between yourself and Brian
6 McGuinness and others. He has sent e-mails in the
7 chain to Fred Biddlecombe and Dan Dureau and Brock
8 Giles. So these are all people in the VPD that
9 are being e-mailed about the concern of the
10 missing women?

11 A Yes, they all worked major crime at the time.

12 Q So when Brian McGuinness in his e-mail to you
13 wanted to know what kind -- he says this in his
14 e-mail:

15 What kind of problem do we have. We need to
16 discuss the implications of this increase in
17 missing females in the Downtown Eastside. Do
18 we have a problem that we are not addressing
19 etc.?

20 So what resulted from that concern expressed by a
21 deputy chief?

22 A I don't know what happened on the major crime
23 side, but I do know that there was a meeting at
24 the end of February, I guess it would be the 24th
25 of February, in Brian's office which involved

1 Inspector Biddlecombe, Sergeant Geramy Field,
2 Deputy McGuinness and myself.

3 Q Now, we've been unable to find any minutes of that
4 meeting. You, I understand, have been asked as
5 well and have no minutes of that February 24
6 meeting?

7 A No.

8 Q Tell us about the meeting, what resulted?

9 A The meeting was somewhat strange in that Inspector
10 Biddlecombe acted like I was not even present. He
11 didn't talk to me, didn't speak to me directly.
12 It was like I was not in the room. He said to
13 Deputy McGuinness in reference to my -- the chart
14 I had prepared, and he says: Look it, the only
15 reason we have this bulge in the number of unfound
16 missing women in Rossmo's chart is that we haven't
17 had time to find these people. Give us a couple
18 of years, we'll find them and that bulge will
19 flatten out, it will disappear. And I think he
20 almost convinced Deputy McGuinness to shut down
21 the effort and the work of Shenher and just to
22 move on completely from this project. I suggested
23 to Deputy McGuinness, I said: Well, that might be
24 the case, but why don't we get some data and let's
25 find out how long missing people stay missing. We

1 should be able to get such data from the Canadian
2 Police Information Centre, CPIC, and then we can
3 see, you know, how likely that is and then we'll
4 know whether or not this really is a problem or if
5 it's not a problem. And Deputy McGuinness agreed
6 with that approach. So I left the meeting with
7 that particular task to accomplish. I can tell
8 you that I strongly got the sense that Inspector
9 Biddlecombe was very angry at me for keeping this
10 thing still alive, something that he thought he
11 had wrapped up but still was not yet going away.

12 Q So tell us then about the work you did on the
13 question you posed. And I take it your question
14 about let's test that is a way of testing people's
15 assumptions?

16 A Correct. I wanted to know what the survival rate
17 was of a missing person. By survival rate I mean
18 how long does a missing person stay missing before
19 they're found. And by obtaining CPIC data we
20 could look at the date someone was reported
21 missing, then the date someone was found and then
22 figure out a curve for that. And so that was my
23 task. I contacted CPIC, it took some weeks to get
24 the data, but eventually it arrived, and at that
25 point I concluded my analyses and I prepared a

1 final report, a case assessment for the Downtown
2 Eastside missing women.

3 Q Now, that case assessment was dealt with in Deputy
4 LePard's evidence in Phase 3, tab 28. Before we
5 get to the case assessment I just want to deal
6 with a couple of e-mails. There's a new one that
7 people would not have seen that we just saw
8 yesterday, Mr. Commissioner. It's an e-mail from
9 Axel Hovbrender, May 14, 1999. It's the only new
10 document that I understand we have. And this was
11 an e-mail to you May 14, 1999 at 3:10. Can you
12 just read that out, please?

13 A Kim: I was very impressed in your discussion
14 in relation to the missing persons. I
15 thought that you were able to synthesize all
16 of our concerns into a compelling and formal
17 presentation. My biggest concern however is
18 that we will not provide adequate resources
19 to conduct this investigation properly. But
20 I have always said that and it continues to
21 fall on deaf ears.
22 Speaking of deaf ears please find attached my
23 comments in relation to the sex offender
24 registry. I will be sending it through the
25 "chain" but wanted you to have a look at it

1 uncensored. I am away all next week on a
2 conference in Regina but look forward to
3 hearing from you soon.

4 Q Mr. Hovbrender was a sergeant in charge of Sexual
5 Offence Squad?

6 A Yes. And he had been at least at the second of
7 the Downtown Eastside working group meetings.

8 Q You mentioned him earlier. And so do you recall
9 what it was about this discussion in relation to
10 the missing persons? He references it in the
11 first sentence. Do you remember what that was?

12 A At one p.m. on May 13th, 1999 a brainstorming
13 session was held at the boardroom in 312 Main
14 Street by Sergeant Geramy Field in relationship to
15 the missing women situation.

16 Q That document's in the Concordance. For your
17 convenience it's at tab 17, Mr. Commissioner. And
18 this references a one page typed document, it's
19 dated May 19, referencing a meeting May 13 at 312
20 Main Street?

21 A Correct.

22 Q Do you recall approximately how long that May 13
23 meeting lasted?

24 A I'd say at least a couple of hours, but I looked
25 at my day-timer for 1999 and I had written in one

1 p.m. as the start time, I note that these notes
2 say 4:10 p.m. on May 19th, which was I guess just
3 when they were prepared, but given the number of
4 people and given the topics I think a minimum of
5 two hours, and possibly longer.

6 Q So let's just go through some of that.
7 Representation from DISC. You mentioned that
8 earlier, D-I-S-C.

9 A Yes.

10 Q That was a group relating to the customers?

11 A Yes, it was I believe a program in a database that
12 had been started to track some of the problem
13 johns that were frequenting the street
14 prostitution trade.

15 Q And vice, that's from Vancouver?

16 A Yes.

17 Q RCMP Burnaby?

18 A Correct.

19 Q We had criminal profiling, and that would be
20 Mr. Davidson?

21 A It would be.

22 Q Thank you.

23 A I'm just looking for his name on the list. Oh
24 there he is, yes.

25 Q And homicide?

1 A Yes.

2 Q And SOS?

3 A Sexual Offence Squad, yes.

4 Q So the meeting intro by Sergeant Field and then an
5 overview by Lori. That would be Lori Shenher?

6 A Correct.

7 Q And these discussions:

8 Suggestions re publicizing the photos
9 commercially on bill boards by sponsors.

10 Photos of whom, sir?

11 A The missing women.

12 Q Okay.

13 A Maybe I should say that at this point Detective
14 Constable Lori Shenher had come to the conclusion
15 that the missing women were missing and likely
16 victims, and I think she had convinced Sergeant
17 Field of that as well, and I think that's what
18 prompted this brainstorming session.

19 Q That's important to hear. Thank you.

20 Analysis of last four years of DEYAS bad
21 trick list.

22 DEYAS?

23 A Downtown Eastside Youth Association? It was an
24 active community group that worked in the Downtown
25 Eastside, although I might not have what the

1 acronym stands for correct.

2 Q Analysis of similar police calls.

3 What does that mean?

4 A I'm not sure. My guess it had to do with any sort
5 of police calls that relate to attacks on street
6 sex trade workers, anything relevant to the
7 missing women.

8 Q And then a question:

9 Who has previously used services?

10 Meaning?

11 A It could refer to customers, but I'm not sure.

12 Q Thank you. Now, what's this comment:

13 Large amounts of cash or drugs would get them
14 anywhere.

15 Do you remember what that --

16 A No, I don't. Partly it might have been related to
17 the theory that the missing women were transient
18 and had moved on, and this would be some
19 discussion whether they had the capability to do
20 so, financial capability.

21 Q Now, we've heard about this issue around
22 transient, and the commissioner's heard much about
23 the idea that the women were transient, they might
24 travel to different places to perform sexual
25 services as opposed to the evidence saying they

1 were anchored in the Downtown Eastside and not
2 transient. Were you alive to this debate that was
3 in the room as to whether these women were
4 transient and therefore that's why they weren't
5 being found?

6 A I believe this is an opinion held by Inspector
7 Biddlecombe, but I don't think it was held by
8 either Shenher or Field, so we really didn't spend
9 a lot of time on it. The reality is that
10 Vancouver has different types of street
11 prostitution, and there are people on a circuit.
12 A circuit would be Calgary, Vancouver, Victoria,
13 Seattle, maybe even San Francisco. I remember
14 once going to a meeting at the American Society of
15 Criminology, staying at a hotel in downtown San
16 Francisco and seeing a working girl on the street
17 that I knew from Vancouver. So that does happen,
18 but that is the high end part of the trade, you
19 know, the woman that charged back then \$300 an
20 hour. They may have pimps. That's very different
21 than the typical prostitution activity that was
22 occurring on Broadway and in the Downtown
23 Eastside. In the case in particular of the
24 Downtown Eastside because of the fact that many of
25 the individuals involved with street prostitution

1 are drug addicted, they don't have a lot of money,
2 they don't travel very far at all. Some of them
3 had physical and mental impairment. They did not
4 have cars. They didn't have money for airplane
5 tickets, it all went into their arm. They might
6 have pimps, but a typical pimp was just their
7 boyfriend. No syndicate, no travel to, you know,
8 the United States or other parts of Canada. You
9 would sometimes see these women go home. So they
10 might go to Victoria or Kamloops or Kelowna where
11 their family was and they might engage in
12 prostitution activities while they were back home,
13 but they were not on a circuit. The number of
14 women on a circuit was just a small elite group.

15 Q So you didn't have a belief that women of the
16 Downtown Eastside were transient and therefore not
17 being found?

18 A No, not at all.

19 Q This comment about:

20 Enquire about other investigative techniques
21 used by other departments.

22 Can you help us?

23 A Yes. This would have been an effort to reach out
24 to other police agencies in North America, maybe
25 in England, that had a similar problem with

1 missing sex trade workers and to try to find out
2 what they had done, what ideas, what investigative
3 approaches they may have used to assist them in
4 figuring out what was going on and resolving the
5 issue.

6 Q And this second to last line:

7 Re-examine other dump sites NV...

8 Meaning North Vancouver?

9 A Yes.

10 Q Pemberton?

11 A Yes.

12 Q And then Fraser Valley?

13 A Yes.

14 Q And do you remember that discussion, why that was
15 in the room for discussion?

16 A There were some known murders of Vancouver
17 prostitutes where bodies had been dumped in remote
18 parts or isolated areas in the mountains of North
19 Vancouver and up in the Fraser Valley. I
20 mentioned the Pipe, Olajide, Younker case, and
21 some of us felt it was worthwhile taking another
22 look at these cases and see about possible
23 connections to the missing women.

24 Q And then the last line I can't quite sort out what
25 Acc means. Do you see that last line?

1 A Yes.

2 Acc I file re hooker run over in Burnaby.

3 Q What was does that mean?

4 A Acc I was the Accident Investigation Squad, but I
5 have no idea what it's referring to. Though I
6 have -- again I don't know if this is relevant,
7 but towards the later '90s prostitution strolls
8 began to emerge in Surrey, and to a lesser extent
9 in Burnaby and New Westminster, so maybe there was
10 something going on in Burnaby that somebody
11 thought was relevant. I just don't know though.

12 Q So that's the meeting, brainstorming session that
13 gives rise presumably to Mr. Hovbrender sending
14 you the e-mail the next day?

15 A Yes.

16 Q His reference to fall on deaf ears is interesting.
17 Did you and he discuss that?

18 A The only thing I can remember discussing with
19 Sergeant Hovbrender was after the temper tantrum
20 by Fred Biddlecombe he came up to me at the end of
21 the meeting, and Inspector Biddlecombe was his
22 boss, and he apologized to me for the behaviour of
23 Inspector Biddlecombe. Sergeant Hovbrender was
24 very smart, very capable -- or is a very smart,
25 very capable individual. I think that his

1 experiences were such that he was concerned that
2 this would not be treated appropriately and the
3 necessary resources to solve problems wouldn't be
4 deployed in a timely fashion, and I think he was
5 prophetic.

6 MR. VERTLIEB: If I may just finish the case assessment
7 discussion, Mr. Commissioner, and then we can
8 leave that. Well, you know, this may take some
9 time. I'm in your hands, Mr. Commissioner, on the
10 break, totally in your hands.

11 THE COMMISSIONER: Are you moving on to a different area?

12 MR. VERTLIEB: Well, I want to deal with this case assessment
13 because it results from this brainstorming. It's
14 a different document he has prepared.

15 THE COMMISSIONER: All right. Well, we'll adjourn.

16 THE REGISTRAR: The hearing is now adjourned till two p.m.

17 **(PROCEEDINGS ADJOURNED AT 12:26 P.M.)**

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

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

20 Mr. Commissioner, before we start, appendices C
21 and D of Exhibit 34 were marked for
22 identification, and those appendices will now
23 become part of Exhibit 34.

24 THE COMMISSIONER: All right.

25 MR. VERTLIEB: Mr. Commissioner, just based on what I'm told

1 we're going to need to have the witness available
2 both tomorrow and Thursday, and we may need to sit
3 a bit longer to finish him Thursday.

4 THE COMMISSIONER: All right.

5 MR. VERTLIEB: So let me reflect on what the starting times we
6 should recommend to you for tomorrow and Thursday.

7 THE COMMISSIONER: All right.

8 MR. VERTLIEB: But we will get through it based on the estimate
9 without you needing to make any order.

10 THE COMMISSIONER: Okay.

11 MR. VERTLIEB: So it's working.

12 THE COMMISSIONER: You have to leave, I take it, at some stage
13 fairly soon?

14 THE WITNESS: Some stage, yes.

15 THE COMMISSIONER: You have other commitments?

16 THE WITNESS: Yes.

17 THE COMMISSIONER: Okay. So when do you want to leave here?

18 THE WITNESS: I would really hope we're done by the end of
19 Thursday.

20 THE COMMISSIONER: Okay.

21 MR. VERTLIEB: And we had planned that, 'cause we've known that
22 for some time through Mr. Skwarok.

23 THE COMMISSIONER: All right.

24 MR. VERTLIEB:

25 Q Let's then deal with the case assessment you

1 prepared, and it's dated May 25, 1999. Now, this
2 was in the LePard binder, LePard document Volume
3 1, Phase 3, tab 28. Now, just to help us
4 understand, when a police officer with a doctorate
5 in criminology does a case assessment, that's not
6 something we would see often in the policing
7 spheres I sense. Just tell us how often would you
8 be doing this kind of assessment?

9 A Well, it would be more typical in the section to
10 do a full profile report. Because this wasn't
11 geographic profiling 'cause we didn't have the
12 locations that would have been useful I tried to
13 use other approaches and techniques to provide
14 some value to the investigation, therefore rather
15 than calling it a profile report called it a case
16 assessment. And there were really a couple of
17 main parts of this analyses that I thought were
18 important, and some other comments I thought
19 should be committed to writing and submitted to
20 Deputy McGuinness, to Detective Constable Lori
21 Shenher, to Fred Biddlecombe.

22 Q Okay. For your convenience it's your book 18,
23 Mr. Commissioner. So tell us what you thought --
24 we've got the document, we can read through it and
25 you've seen it before. So help us understand

1 where you think this would be of benefit to the
2 people you were working with at the Vancouver
3 Police Department?

4 A Well, as we talked about up to this point there
5 was still a lot of uncertainty as to what was the
6 nature of this problem, and I did two major
7 analyses in here. The first one which we've
8 touched upon is the fact that we had a
9 spatial-temporal cluster. Perhaps this could be a
10 good point to go to the slides.

11 Q Okay. Thank you. The slides refer to the
12 presentation that the witness has prepared to
13 assist you understanding his evidence, and this
14 was sent out just in the last couple of days to
15 the participants. Ms. McKeachie is going to
16 assist in dealing with it.

17 A At this point it was felt that there was 27
18 missing women on the list. The numbers, you know,
19 varied depending on Detective Shenher's
20 opportunities to find someone or to find more, but
21 at this point we were looking at 27 people.

22 Q Okay. Just give me one second. Let's have the
23 commissioner have the time to digest --

24 THE COMMISSIONER: I have a copy before me.

25 MR. VERTLIEB: Okay. All right.

1 THE COMMISSIONER: I assume everybody can see.

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

3 THE WITNESS: Mr. Commissioner, the project up here is really
4 pretty simple, but it's an approach used in
5 epidemiology where an epidemiologist might try to
6 determine if an outbreak of a disease is
7 occurring. So, for example, too many cases of
8 tuberculosis in Richmond. To determine if you do
9 have an outbreak you first of all have to know
10 what your baseline is, what is normal or typical.
11 And then if you have what they call a
12 spatial-temporal cluster, which is just simply too
13 much happening in too small an area in too short a
14 time period, then that's an indicator that you
15 have an epidemic or an outbreak. So that was the
16 approach I did. The focus, the geographic focus
17 of course is the Downtown Eastside. More or less
18 this oval tries to cover the area where most of
19 the women who worked that particular part of the
20 city, there were other red light districts, but
21 these disappearances were all associated with this
22 one red light district in one city, Vancouver.
23 And then the other was could we see if there was
24 any sort of temporal aspect or timing aspect.
25 Were these clustering together in time.

1 MR. VERTLIEB:

2 Q So you've covered the page 4, the spatial-temporal
3 cluster?

4 A Well, this slide here shows you the pattern for
5 the 27 cases that we thought were relevant. As
6 you can see we've had --

7 Q One second. Let everyone find that. I know the
8 first number of pages -- just bear with me a
9 second. I know we had that. This is this graph
10 that you were showing us earlier?

11 A Yes, a slightly revised version with 27 people at
12 this point.

13 Q We covered that this morning, Mr. Commissioner.
14 Remember the graph following the information you
15 heard at the Carnegie Centre; correct?

16 A Yes, this is just an update on that, but to point
17 out that we have one, none, two, none, one, none
18 cases of unfound missing people from the Downtown
19 Eastside until we get to 1995 and then the numbers
20 jump, and they jump dramatically. They also jump
21 significantly. And by significant I mean we can
22 take a look at the amount of variation over the
23 years and we would expect some random fluctuation
24 up or down, but this is such an extreme departure
25 from the normal pattern of activity that we would

1 call this a statistically significant cluster. So
2 something is going on. Just like an
3 epidemiologist, we have an outbreak which means
4 something that is abnormal has occurred. This is
5 a warning to us.

6 Q Now, that becomes page 2 of your case assessment
7 where you discuss statistical analysis?

8 A That is right, Mr. Commissioner.

9 Q Thank you. So it's a warning something's wrong.
10 We don't know what's wrong, but something's wrong,
11 is that a fair way of putting it?

12 A Yes, but I'd like to come back to that question of
13 we don't know what is wrong in a few minutes, if I
14 may.

15 Q Thank you. So keep going, please.

16 A Now, if you remember the meeting in Deputy
17 McGuinness's office in February with Inspector
18 Biddlecombe, Biddlecombe argued that given time we
19 would find these people. We've had years to find
20 this group from 1978 to 1994, give us another two
21 or three years, we'll find this cluster, it'll
22 disappear, and at that point I had argued that we
23 should get some data to check that out. And so
24 between these two time periods that's what I did,
25 obtain I think 803 reports of missing adult women

1 from '96 to '98 from the CPIC system in Ottawa,
2 and I was then able to calculate the survival rate
3 for a missing person. In other words, how long
4 does a missing person stay missing. So if you
5 would click. This is what we're interested in,
6 this cluster, and we have the argument from major
7 crime from the inspector.

8 Q This is page 5 for the commissioner and everybody.
9 Sorry.

10 A If we go to the next slide.

11 Q I'm sorry. Just go back to that last slide. I
12 interrupted. I just want people to know what
13 page. And that's your comment, the major crime
14 section says we'll find them, just give us time.
15 All right.

16 A So this data shows that most people are found
17 within two days.

18 Q And that's from the data that you --

19 A From CPIC.

20 Q From CPIC in Ottawa?

21 A Correct.

22 Q And prior to you doing this analysis had that
23 information been collected for the people in the
24 Vancouver Police Department?

25 A No, this is a special request that I made to CPIC

1 for this data, so this was not a standard type of
2 analyses. One more slide. This just shows the
3 same data but presented another way,
4 Mr. Commissioner. And we can see after, say,
5 three weeks 93 percent of people are found. And
6 we're able to calculate various probabilities for
7 certain time intervals, but the bottom line is the
8 cluster was not going to disappear. If a missing
9 person is going to be found they're generally
10 found very quickly. I was able to estimate that
11 we could expect by chance to find approximately
12 two individuals of the 27. But, Mr. Commissioner,
13 that still left 25 unfound missing people, a
14 cluster again from '95 to '98 that was
15 statistically significant. So the objection made
16 by Inspector Biddlecombe was not borne out by the
17 fact by the data. We are not going to find these
18 women. So it had nothing to do with the lag of
19 time, it's a problem. We don't know what the
20 problem is, but we do definitely have a problem.

21 Q And, again, this is based on your analysis, there
22 were 27 women missing, you assume two would be
23 found. Statistically that was a conclusion?

24 A That was a likely outcome.

25 Q Leaving 25 totally unaccounted for and time would

1 not help us find those people?

2 A That's right.

3 Q All right.

4 A So in this report I said that any explanation for
5 this outbreak, if I can use that term, for this
6 cluster of missing women had to be able to answer
7 three questions. The first one is basically why
8 have so many sex trade workers gone missing from a
9 single area in a short time period? Why did we
10 not have this problem in the past? And very
11 importantly, why does it only involve women?

12 Q Why do you say very importantly?

13 A Well, can I answer that question in a moment,
14 Mr. Commissioner?

15 THE COMMISSIONER: Yes.

16 THE WITNESS: If we go to the next slide, I've added some other
17 questions here too, because they become important
18 when we look at the theories advanced by major
19 crime after this report was prepared. Obviously
20 this was a Vancouver problem, we didn't have any
21 other city in Western Canada. Even cities that
22 have skid roads equivalent to Vancouver, albeit
23 maybe on a smaller scale, like Winnipeg, Regina,
24 Edmonton, although they may all have prostitution,
25 street prostitution areas, they were not

1 experiencing this problem. And, of course, we
2 don't even have any bodies that we're finding, so
3 it's not like these are just victims of
4 necessarily ordinary violence. And what I mean by
5 that is the typical violence you would see in skid
6 road.

7 MR. VERTLIEB:

8 Q And in a typical violence issue in the skid road
9 environment the body would be found?

10 A Yes, it would be found in an alley or rooming
11 house or maybe in a bar. I mean these are not
12 sophisticated murders that go on in that part of
13 the city. So if we look at the next slide, and
14 here's where I hope to answer your question, major
15 crime put forward a number of theories over the
16 course of these two years, the women are missing
17 and we can find them. But after the work of
18 Detective Constable Shenher she was not able to
19 find them. She found a few, but she also found
20 more that were missing, so we ended up with this
21 group of 27 at this point in time. And a lot of
22 investigative effort went in to trying to find
23 them.

24 Another argument that was made were that
25 these were pimp murders. It is a little bit

1 embarrassing for me to tell you that my former
2 department was putting forth some of these
3 Hollywood-style theories. The typical Vancouver
4 pimp, as I mentioned before, was a boyfriend, not
5 somebody driving around in a Cadillac with a fancy
6 hat and a stable of girls. And, furthermore, what
7 would be the point of killing over two dozen
8 working women. That from a pimp perspective is
9 cutting your nose off to spite your face. That
10 just is unheard of. It doesn't happen. I mean
11 there is pimp violence, but this just makes no
12 sense.

13 These are drug murders. Well, most of the
14 drug trade involves males, not women. And while
15 we consider the questions that we were looking at
16 at the other slide, you know, these theories
17 aren't doing very good at explaining these things.
18 Like why aren't there bodies? Why is this
19 happening now and not before? Drug overdoses.
20 Again why, and this is I think the key point, why
21 only women? If it was drug overdoses we would
22 expect to see both genders represented.

23 Another theory was an attempt to blame the
24 hospitals and their recordkeeping. These are just
25 sudden deaths and the records aren't there. Well,

1 if that was the case why are we not seeing males
2 as well as females? Why did this just happen now
3 and it's not happening elsewhere? None of these
4 theories from major crime explained what was going
5 on. I thought that the data could only be
6 adequately explained by the possibility of a
7 serial killer. And if I could just quote from
8 what I said in the report:

9 The conclusions of this analysis are as
10 follows:

11 Q This is at page 3.

12 A Yes, 583.

13 1) the number of disappearances of sex trade
14 workers from Vancouver's Downtown Eastside
15 during the previous 30 months is
16 statistically significant and is unlikely to
17 have occurred by chance.

18 2) while it is not possible with available
19 information to determine with certainty the
20 cause of these disappearances, the most
21 likely explanation for the majority of the
22 cases is a single murderer (or partner
23 murderers) preying on skid row prostitutes.

24 Now, if we consider foul play these women
25 really would unlikely be victims of separate

1 killers, because we have a similar modus operandi,
2 the same type of victim and the fact that the
3 bodies were not being found. Hiding a body is
4 actually a lot of work. It's not like what you
5 see in the detective fiction, it just is
6 complicated, it's difficult, and so most offenders
7 tend to just leave the body. At some point there
8 was a suggestion maybe they're victims of multiple
9 serial killers, but that would be highly unlikely
10 given their concentrated time period, the same
11 neighbourhood and the same modus operandi. We do
12 know that there was another serial killer
13 operating in the Downtown Eastside in 1995,
14 because we have the Pipe, Younker and, I'm sorry,
15 I don't know how to properly pronounce her name.

16 Q Olajide.

17 A Olajide murders that were linked. But the MO is a
18 little bit different in that those bodies were not
19 effectively hidden. So the only thing that I
20 thought made sense was that we had a single serial
21 murderer or maybe two people involved working
22 together causing these disappearances. I would
23 like to say that I had no specific reason to say
24 two people, but I can tell you that there have
25 been a number of different studies looking at

1 this, and on average 25 percent of serial murder
2 cases involve more than one offender. So just
3 statistically there was maybe a one in four chance
4 there was more than one person involved, but there
5 was nothing specific in the evidence available, in
6 the information available at this time that would
7 suggest more than one. My point is it was one
8 individual or a connected team.

9 Maybe I could also say at this point,
10 Mr. Commissioner, that this was one type of
11 analyses, but there was also the efforts of
12 Detective Constable Shenher which I think
13 integrated into this. So if this level of
14 analyses provides a certain level of confidence in
15 assuming we had a serial killer, when you throw in
16 the fact that despite considered effort it cannot
17 be found, then you throw in what I think is almost
18 damning evidence, which is the fact that they were
19 unable to find these individuals collecting
20 welfare anywhere else in the province, that to me
21 almost makes it close to a certainty, 95 percent I
22 would say at that point. And we don't know
23 anything for certain at this point, but we're
24 really seeing now a buildup of information
25 pointing towards a serial murder theory.

1 Q So that leads to the next slide, So What Went
2 Wrong? Now, I want you, please, to help the
3 commissioner and all of us here understand your
4 background that assists in bringing that opinion
5 forward. So tell us, please, about -- I want to
6 cover some areas. First, your expertise on the
7 academic side, and also on the criminal
8 investigative failures. So let's just touch on
9 your academic qualifications to help the
10 commissioner to understand what went wrong.

11 A Well, since leaving -- well, actually even
12 starting when I was with the Vancouver Police
13 Department, but since leaving I've had a number of
14 positions and duties related to conducting
15 research. I was the Director of Research for the
16 Police Foundation in Washington, DC, a management
17 consultant with the Bureau of Alcohol, Tobacco,
18 Firearms and Explosives, and then since 2003 a
19 research professor and then Endowed Chair at Texas
20 State University. I have two major areas that I
21 focus on. One is the geography of crime,
22 including geographic profiling and spatial
23 patterns of crime, and the other is criminal
24 investigations, in particular criminal
25 investigative failures. A criminal investigative

1 failure is simply an unsolved case that should
2 have been solved or a wrongful conviction. In
3 other words solving the case the wrong way. I see
4 them as two sides of the same coin.

5 I have two published books. One on
6 geographic profiling, one on investigative
7 failures. I have a number of publications in
8 various academic referee journals and in police
9 publications. In specific I would point that I've
10 published in the *FBI Law Enforcement Bulletin* two
11 articles on the topic of criminal investigative
12 failures, one in *The Police Chief* magazine which
13 is the official publication of the International
14 Association of Chiefs of Police, and one article
15 in the *RCMP Gazette* on this topic. I have given
16 presentations and papers to a number of academic
17 conferences, but also to police groups in
18 different countries, to forensic scientists, to
19 cold case detectives, sex crime detectives,
20 homicide detectives, to prosecutors, defence
21 attorneys, to politicians, and of course students
22 and members of the public.

23 Since 1997 I've been a member of the
24 International Association of Chiefs of Police
25 Investigative Operations Committee, and I sit on

1 their Wrongful Conviction Subcommittee. And I've
2 had three specific projects related to this
3 particular area. One was a project I engaged in
4 with Professor Neil Boyd from Simon Fraser
5 University here on the Milgaard case while he was
6 still in prison, one was a review for a state
7 politician in Massachusetts of a conviction of a
8 serial rapist -- sorry, a violent rapist, not a
9 serial rapist, and the other one was at the
10 request of the Georgia Bureau of Investigation, an
11 analysis of a wrongful conviction case. So I've
12 researched, published, lectured, and worked on
13 cases involving wrongful convictions and criminal
14 investigative failures.

15 Q Why do you say that the criminal investigative
16 failures and wrongful conviction are two sides to
17 the same -- two sides of the same coin?

18 A Because in both cases the police got it wrong.
19 And I want to be clear that not every unsolved
20 case is a failure, but there are many cases where
21 the information was available, but for one reason
22 or another, and those reasons are often cognitive
23 biases like tunnel vision or organizational traps
24 like groupthink or failures to properly understand
25 the probability of something that have led to the

1 case not being solved, or the worst possible
2 outcome a focus on an innocent individual.

3 Q Do you think tunnel vision and groupthink were at
4 play in the Pickton investigation?

5 A Yes, I do. I think this is a dramatic example of
6 a criminal investigative failure. You don't have
7 that many people killed certainly after the case
8 had been brought to the attention of the police by
9 the community and not consider it a failure.

10 Q When you use the word spatial in your work, the
11 expertise that you bring to this, what do you mean
12 by spatial?

13 A Where something is geographically. And that could
14 be where it is in relationship to something else
15 in the city or where it's in relationship to
16 another crime event, neighbourhood
17 characteristics.

18 Q So in the context of the mandate for our
19 commissioner it would relate to the Downtown
20 Eastside?

21 A Well, I believe, Mr. Commissioner, your
22 recommendations I sure would hope would apply to
23 the whole province, but the problem here, the
24 missing women case there's a lot of unique
25 characteristics of the street trade, street

1 prostitution trade in places like skid road that
2 provided an almost perfect operating environment
3 for a predator like Pickton.

4 Q Why do you say that?

5 A Well, if I'm able to go through the slides I could
6 talk about it in --

7 Q Okay. Let's do that.

8 A In some detail.

9 Q Okay. Let's do that. So the next slide, please,
10 after. Thank you.

11 A I think I made this point, but I want to stress
12 it, that despite failings in my opinion of certain
13 individuals, it's not the case that anyone wants
14 to see a killer go free or a victim unavenged in a
15 police department, but if we were to consider what
16 would happen if these victims had been from the
17 affluent west side of Vancouver, we know we would
18 have had a very different outcome, a very
19 different response from the police.

20 Q Why do you say that?

21 A Because -- well, first of all other cases. I mean
22 if we look at -- there was a lot of media
23 attention, and a lot of credit should go to
24 Lindsay Kines and other reporters in *The Vancouver*
25 *Sun* who kept this on the agenda or at least

1 within, you know, the -- on the public play to the
2 police as much as they would have liked it to go
3 away, but it wasn't nearly the level of public
4 media attention that we would have seen, say, like
5 in the Bernardo case with the French and the
6 Mahaffy murders, or in the Baton Rouge serial
7 murders where women were disappearing from their
8 homes, or what happened in the latter part of the
9 Yorkshire Ripper case where Sutcliffe moved from
10 prostitutes to students and working women. So we
11 do know that there's going to be more media
12 attention if the victims are from mainstream
13 society versus a marginal group.

14 And we would also see a much greater
15 political response. We know Mayor Phillip Owen's
16 comments about not wanting to fund a location
17 service for missing hookers that was so infamously
18 caught on television. We know that this was not a
19 regular part of discussion at the police board
20 meetings. If these had been women from the middle
21 or upper classes we would have seen so much more
22 attention and focus and pressure on the police.
23 So this is a very interesting question. As much
24 as police want to catch killers we had a
25 differential response that occurred in this case,

1 and so one of the key questions is why.

2 Q So the next slide, please.

3 A I think that this case posed three significant
4 investigative challenges. And I'm going to come
5 back to these three points and talk about them at
6 the end, but let me please introduce them now.
7 And I think that this case would not have occurred
8 if all three of these elements were not here, or
9 at least two of the three. The fact that the
10 victims were sex trade workers, street prostitutes
11 from the lowest part of the city in terms of our
12 various red light districts, the fact that the
13 bodies were not discovered, and the fact that the
14 women went missing from one police jurisdiction
15 but were being murdered in another police
16 jurisdiction caused real significant investigative
17 problems. And I think it's important,
18 Mr. Commissioner, to pull out these particular
19 problems, 'cause any proposed solutions needs to
20 be aware of something like this happening again,
21 somebody taking advantage of these weak points in
22 the system, if you will.

23 Q So let's analyze because of what you just said
24 about the importance of understanding these
25 factors, and given the commissioner's commitment

1 to make recommendations going forward, just take
2 us through why each of these are listed as
3 difficulties. So why is the fact that victims
4 were sex trade workers, for example, why does that
5 pose an investigative difficulty?

6 A I do have some slides that address that, but can I
7 come back to them in a couple of minutes?

8 Q Of course. Thank you. So we'll come back to
9 those three?

10 A Right, but I'm laying them out as, I guess,
11 elements of a perfect storm, if you will, for a
12 predator. And we also have the fact that Willie
13 Pickton was what's called a stealth predator. A
14 stealth predator is someone who operates in such a
15 fashion that the authorities don't even know that
16 murders are occurring, and that makes it of course
17 very difficult for a police response. We're not
18 even investigating crimes because we don't know
19 crimes have happened. There's different types of
20 stealth predators. For example, we have angels of
21 death like Donald Harvey who murdered elderly
22 people in the hospital that he worked at, so they
23 appeared to be medical related or deaths related
24 to the medical issues that had them in the
25 hospital in the first place. By the way, I should

1 mention that police often use statistical analyses
2 in those types of investigations.

3 Camouflage deaths.

4 Q Dorothea Puente, what was that?

5 A She was what's called a custodial killer. She ran
6 a boarding house in Sacramento, and she murdered
7 her elderly tenants and began to cash their Social
8 Security cheques, but because she had custody of
9 this place, people weren't visiting tenants, no
10 one knew that any murders had occurred, which of
11 course allowed her to continue to collect the
12 cheques.

13 Q Okay. Thank you. So camouflage deaths?

14 A A good example -- these are where the authorities
15 know deaths are occurring, but they appear to be
16 something other than murder. A good example is
17 Dr. Harold Shipman who in the United Kingdom
18 murdered over a hundred women, and he wrote them
19 up -- he was their attending physician and he
20 wrote them up as natural causes, but he was
21 actually murdering them.

22 Q Next category?

23 A This is what -- we can say that Robert Pickton
24 fell into these two categories. This is one of
25 them, missing persons. So all the authorities are

1 really aware of is that people might be missing,
2 and in some cases they don't even know that
3 because of the nature of the victims, especially
4 when we consider marginal groups. So, for
5 example, Dr. Holmes preyed on women who were
6 visitors to the World's Fair in Chicago in the
7 late 1800s. So all the families knew is that
8 their daughter or sister went off to the World's
9 Fair and never came home. And he constructed a --
10 or had a rooming house in which he was able to
11 kill them. Similarly the Wests --

12 Q That's the book *The Devil in the White City*?

13 A Yes, it is. A very good book. Fred West and
14 Rosemary West, his wife, murdered a number of, I
15 would call them, semi street youth. They would
16 take them into their home. Many of these were
17 runaways from their home. So the family might
18 have listed them as being missing, but they went
19 missing two years ago before they encounter the
20 Wests, and the Wests picked a very good target
21 group because there isn't going to be much of a
22 reaction when they go missing again, if you see
23 what I mean. So it was like 1980 they went
24 missing from their home, he encounters them in
25 '82, kills them, buries them in his backyard, and

1 no one really knows what's going on. He only got
2 caught because he targeted one of his own
3 children.

4 And then marginal victims. Jeffrey Dahmer
5 picking up men in nightclubs and on the street
6 from the gay community, many of them also runaways
7 from home, people without a whole lot of power or
8 jobs or connections in Milwaukee. John Wayne Gacy
9 doing something similar, picking up young men from
10 the street to come and do work in his house, and
11 of course they never got out again. So stealth
12 predators operate in such a fashion that the
13 authorities do not realize they have a murder
14 going on, and you could say that's what Pickton
15 was doing, and that is another investigative
16 challenge that the police face.

17 However, this particular case had a lot of
18 investigative breaks. So I talk about some of the
19 difficulties, but the really frustrating thing was
20 there were a lot of breaks here that almost
21 allowed the case to be resolved in a much more
22 timely fashion than it was. For example, Pickton
23 was identified as a prime suspect very early on, I
24 believe as early as 1998. Pickton was --

25 THE COMMISSIONER: Yes.

1 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias for the Government
2 of Canada. I've listened with great interest, as
3 I know you have, to Professor Rossmo's evidence,
4 and he is one of those witnesses who at the same
5 time have an expertise that understandably you're
6 interested in and participated -- had some
7 participation in at least the preliminary stages
8 of some of the investigations that you are
9 reviewing. Now, I appreciate that as an expert,
10 although as I indicated to my learned friend
11 earlier we weren't aware until very recently that
12 Dr. Rossmo was going to be commenting on the case
13 as a whole as an expert, my concern is that the
14 facts, for example, that you see on this slide
15 here, some of them are really conclusions that
16 have not been put before you in any kind of
17 evidence, and moreover they are conclusions that
18 in some respect are matters of great contention.
19 They are matters -- they are facts, if you can
20 call them that, very much in issue. So while I
21 appreciate that it's not always possible to, in
22 effect, lead your fact witnesses and then have
23 your expert, and so forth, it's not always
24 convenient to do that, nevertheless it's my
25 submission that with a witness like Dr. Rossmo

1 it's essential that you know the basis for him
2 making certain conclusions of fact when they're
3 stated here.

4 Now, Dr. Rossmo talks about Pickton being
5 identified as a prime suspect early in the
6 investigation, and so I'm simply asking that it be
7 clear on the record, first of all, what
8 investigation he's talking about, because there
9 are multiple investigations before you. And it
10 does not appear from anything that Dr. Rossmo
11 said, for example, that he participated in any
12 respect in the investigation into Mr. Pickton that
13 occurred in Coquitlam, nor in some of the other
14 investigations. So for him to tell you that
15 Pickton was identified as a prime suspect, or that
16 indeed Pickton was not very smart, or that there
17 were witnesses to Pickton's crimes, those are
18 general conclusory comments. And the evidence
19 that he gives without the proper foundation is in
20 my respectful submission unhelpful, to say the
21 least, and extremely prejudicial at worst. So my
22 concern here is that a foundation be firmly
23 established. This witness should not pronounce on
24 facts that are not in evidence and are hotly
25 disputed.

1 THE COMMISSIONER: Haven't we heard all types of evidence
2 already that Pickton was a prime suspect, and
3 haven't we heard that already?

4 MS. TOBIAS: Well, we've heard that he was a suspect, but we
5 don't know which investigation, for example, is
6 being discussed. We don't know about Evenhanded,
7 we don't know if he's talking about Coquitlam. We
8 don't know that Pickton was not very smart. We
9 certainly -- so not all of these statements --
10 these are very general statements, they're
11 conclusory statements. And I appreciate I'm
12 stepping in front of Mr. Vertlieb a little bit,
13 but I do wish to express my concern, and I see
14 certain of my friends --

15 THE COMMISSIONER: Yes, Mr. Hira.

16 MR. HIRA: Let's put this in some factual context. A, to the
17 extent that Dr. Rossmo is giving evidence
18 regarding the Vancouver Police investigation that
19 he was involved in we have no objection. He's
20 entitled to do so, he was there.

21 THE COMMISSIONER: He was there.

22 MR. HIRA: Right. B, to the extent that he's assisting us with
23 respect to geographic profiling, serial killers,
24 matters of that nature there cannot be any
25 reasonable objection. But to the extent that he's

1 talking about the RCMP, the Coquitlam RCMP file,
2 he makes it very clear in his interview with
3 Deputy Chief Evans, and I'm happy to take you to
4 the passages, that he didn't review the file, he
5 has not sufficient knowledge of it, that his only
6 knowledge comes from reading a bit of the LePard
7 report which makes him reviewing a review. So I
8 have no difficulty with any of this material
9 provided that it's clearly understood by you,
10 Mr. Commissioner, that he's commenting on the
11 Vancouver investigation and not on the Coquitlam
12 RCMP investigation.

13 THE COMMISSIONER: Mr. Vertlieb.

14 MS. WINTERINGHAM: Mr. Commissioner, if I could, please.

15 THE COMMISSIONER: Yes.

16 MS. WINTERINGHAM: Just with respect to Project Evenhanded, and
17 in fairness to Mr. Rossmo here, my understanding
18 from reading his interview with Deputy Chief Evans
19 is that he was basing his slide show and his
20 presentation on the LePard analysis.

21 THE COMMISSIONER: Yes.

22 MS. WINTERINGHAM: And LePard made it very clear that he was
23 not looking at Project Evenhanded. Kim Rossmo
24 goes on to say in his interview with Deputy Chief
25 Evans that he hasn't spoken to anybody from

1 Project Evenhanded. So just in terms of a
2 practical objection I can advise you this, if Kim
3 Rossmo goes into Project Evenhanded and comments
4 on it, it is my respectful submission that it's
5 based on inaccurate information or no information,
6 and my cross-examination will have to be much
7 longer of Kim Rossmo in order to correct the
8 record, and others will have to come forward and
9 take up time of the commission to correct the
10 record.

11 And I say this also, when you review the
12 Evans interview of Mr. Rossmo, she has to correct
13 him on the Project Evenhanded aspects of the
14 investigation. For example, Mr. Rossmo improperly
15 and wrongly suggests that Project Evenhanded
16 wasn't interested in the February 5th, 2000
17 search. That's wrong. And so if we spend time on
18 this we're going to have to spend time correcting
19 it.

20 MR. HIRA: I'll give you the page references, Mr. Commissioner,
21 in the Evans interview where he repeatedly says he
22 doesn't have knowledge and gets it wrong. For
23 example, he doesn't know that surveillance was
24 conducted, which will require extensive
25 cross-examination. Just for your reference

1 they're pages 52, 56, 71, 74 in particular where
2 he says he didn't know enough about the RCMP
3 investigation, and 75. So what you are doing is
4 opening up considerable cross-examination.

5 THE COMMISSIONER: No, we're not.

6 MR. HIRA: I think you have my point, Mr. Commissioner.

7 THE COMMISSIONER: Thank you. Are you going to tell me the
8 same thing?

9 MR. GRATL: No, I was going to try to make a helpful
10 suggestion, Mr. Commissioner.

11 THE COMMISSIONER: All right.

12 THE REGISTRAR: Mr. Commissioner, we need names of all the
13 parties to make sure the record is clear.

14 THE COMMISSIONER: Yes, go ahead, Mr. Gratl.

15 MR. GRATL: Jason Gratl for Downtown Eastside interests. I was
16 just going to try to suggest that you treat this
17 investigative breaks evidence as though it's some
18 conclusions drawn on the basis of some assumptions
19 in exactly the way that the *Lavalin* case suggests
20 that expert evidence be treated, expert evidence
21 that's based on hearsay.

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

23 MR. VERTLIEB: Mr. Hira and Ms. Winteringham have given you
24 fair comment, and that will no doubt be elicited
25 when he explains why he gives his report, because

1 I was going to ask him to tell us about why you
2 make those comments, because his comments are of
3 help, and they're of more assistance when he tells
4 you why to help you frame recommendations.

5 THE COMMISSIONER: So you're saying that whatever objections
6 they have are premature?

7 MR. VERTLIEB: Yes. It will emerge that he's not passing
8 comment on the RCMP Coquitlam file or Evenhanded,
9 because he didn't look at them.

10 MR. HIRA: And if that's the case we have no difficulty. If
11 that's clearly understood we have no difficulty.

12 THE COMMISSIONER: All right. Go ahead.

13 MR. VERTLIEB:

14 Q Professor, you've heard this discussion, you
15 understand the concerns of some of the lawyers.
16 You did not review the Coquitlam file or
17 Evenhanded in terms of what they were trying to
18 do?

19 A I really have nothing to say in my presentation or
20 analysis about Project Evenhanded, that occurred
21 after I left. What I do have to say is based on
22 my personal experiences, the LePard report, and
23 the Evans report. There is some discussion of the
24 Coquitlam part of the investigation though.

25 Q Yes, I understand that.

1 THE COMMISSIONER: All right.

2 MR. VERTLIEB: And LePard has covered that as well in his
3 report. So let's just take you through the
4 commentary and then if any of the lawyers feel the
5 need to deal with it in more detail they're
6 obviously free to do so. I think that's a fair
7 way to do it.

8 THE COMMISSIONER: All right. Go ahead.

9 MR. VERTLIEB:

10 Q So you say that he was identified as a prime
11 suspect. I won't take you through all the
12 evidence about that, just tell us in a capsulized
13 way why you say that?

14 A Bill Hiscox phoned the Vancouver Police Department
15 in 1998, I believe, regarding Pickton, but I first
16 heard of Pickton in the summer of '99 when
17 Detective Constable Shenher spoke to me about him,
18 and I know that Project Amelia saw him as one of
19 their prime suspects at that point in time.

20 Q So tell us what you were told in '99 when you were
21 working in the Vancouver Police Department doing
22 your work there?

23 A There's a tip had been received about a man who
24 had been charged in the attempted murder of a
25 prostitute, he had a pig farm and I believe I was

1 told a wood chipper, but it might have been a meat
2 grinder which would have served as useful -- he
3 had a good place and tools available to make
4 bodies disappear. He was quite a strange
5 individual. We talked about the possibility of
6 recovering human DNA evidence from the wood
7 chipper, the meat grinder.

8 Q Who did you talk with about that?

9 A Detective Constable Shenher. And I remember
10 saying to her that you know that this is going to
11 take a lot of surveillance to get the necessary
12 evidence.

13 Q And this was in the summer of '99?

14 A Spring or summer after Project Amelia had started,
15 which I believe had started at the end of May of
16 1999.

17 Q The next comment that Pickton was a prolific
18 serial killer. Help us understand why you make
19 that comment to the commissioner today?

20 A If we take a look at the cases he's suspected of,
21 and even the cases he was charged with, we see
22 periods where he's engaged in committing a murder
23 anywhere from once every four weeks to once every
24 eight weeks. Some serial killers engage in a
25 murder once a year or once every two years. So he

1 was reasonably active, which makes it an easier
2 case to investigate. I don't think Mr. Pickton
3 was very smart based on everything I've read about
4 him, his school performance, but also some of his
5 actions in terms of the crime. He might have been
6 street smart, but he was also careless and engaged
7 in activity which made him easier to catch. In
8 fact, ultimately that's how he was caught.

9 Q When you say careless what do you mean?

10 A Leaving evidence around.

11 Q Now, that fact would not apparently have been
12 known at the time because no one had been on his
13 home -- in his home?

14 A No, but it still was a break for the
15 investigation. In fact ultimately the break.

16 Q So it was a break that was there to be taken
17 advantage of if events had come together the way
18 you feel they could have?

19 A Correct.

20 Q Now, tell us about the surviving victim?

21 A One of the things investigators look for in serial
22 murder cases are what they call a surviving
23 victim, someone, Mr. Commissioner, who was able to
24 escape from the offender. Of course here the
25 issue was was that case linked to the missing

1 women.

2 Q Let me just stop you for a second. We refer to
3 that as Ms. Anderson in 1997, some say victim 97,
4 just so you know.

5 A Thank you. Such a victim can provide
6 identification, a description of the modus
7 operandi, details about how the offender is
8 operating. In fact because of this surviving
9 victim Pickton first came onto the radar of the
10 police, so that was another break.

11 Q And that surviving victim related to an attack.
12 Where did you understand the attack to have taken
13 place in terms of geography, which city?

14 A Coquitlam.

15 Q And you knew that back in 1998 and '99 when you
16 were aware of this case?

17 A Spring or summer of 1999.

18 Q Thank you. Now, the next comment you make, there
19 were witnesses to Pickton's crime. Just tell the
20 commissioner, please, why you say that as an
21 investigative break?

22 A Again this led to -- this was a factor that led to
23 Pickton being on the radar of the police. In fact
24 he was on the radar for two reasons. One is that
25 Corporal Connor was concerned about this case and

1 about Pickton, and the other one was Bill Hiscox
2 phoning the Vancouver Police Department. Bill
3 Hiscox had been told certain things by individuals
4 who had seen things regarding Pickton's activities
5 on the farm. So even though these are difficult
6 crimes to solve, there were a lot of breaks that
7 the police had that were exploited, but could have
8 been exploited more fully with proper resources.

9 The final point was, and of course as we said
10 this is what ultimately led to his arrest, was he
11 just left physical evidence, identification, an
12 inhaler, of victims in plain view in his house on
13 the farm.

14 Q And Hiscox you became aware, if you recall I asked
15 you this morning about awareness in '98, and your
16 answer was no, you didn't know about that?

17 A No, not till '99.

18 Q Thank you. That's what I wanted to clarify. So
19 to help the commissioner appreciate why this
20 investigation went the way it did let's turn to
21 the next slide, please. This almost looks like a
22 Venn diagram from school.

23 A Yes. You have about 800 pages of report material
24 from Evans and LePard and characterizations of a
25 number of things that went wrong, different

1 actions by different individuals, but to try to
2 get some understanding of that it's useful to have
3 a framework. And we can take a look at three
4 categories of things; failures by people,
5 personnel failures, problems within organizations,
6 and then situational factors. I can explain each
7 of these in turn, but I would like to stress that
8 most investigative failures involve multiple
9 causes just like an airplane crash. The system is
10 robust, usually one problem is not going to cause
11 a failure, but when you have an intersection of a
12 number of them it can lead to a big problem.

13 Q Please go through this.

14 A Okay. I'll start with personnel failures. These
15 are individual level problems, and they often
16 involve poor decision making or flawed judgments.
17 Some of the questions you might want to consider
18 in the analysis of any particular case of a
19 failure were did detectives have the necessary
20 knowledge, experience and training. I think one
21 of the issues at least with Inspector Biddlecombe
22 is that he did not know much about prostitution,
23 street prostitution, did not know much about skid
24 road, did not know much about serial murder, and
25 he did not avail himself of people that did know

1 about those fields.

2 Did personnel follow correct procedures and
3 legal requirements? Did investigators logically
4 analyze the evidence or did they place too much
5 emphasis on their gut feelings or their intuition
6 and the opinions of a few strong personalities?
7 Did investigators make distinctions between
8 assumptions, hypotheses and facts? And the next
9 one is particularly important. Did detectives
10 suffer from the various forms of cognitive bias,
11 which is tunnel vision? Did investigators move
12 too quickly from following the evidence to chasing
13 suspects? Next page.

14 Q We're all on the personnel failures.

15 A Second page of personnel failures. Did personnel
16 suffer from stress, pressure or lack of sleep?
17 Were there individuals that were just incompetent
18 or lazy? Did investigators understand the
19 implications of the uncertainties in the case and
20 evidence probabilities? Did detectives exhibit
21 problematic ego or stubbornness? Were the
22 appropriate experts consulted as needed? Did
23 investigative personnel fail to share information
24 or fully co-operate with others? Were supervisors
25 and managers kept properly informed of the

1 progress of the case, the difficulties, and did
2 they understand all the problems and challenges?
3 Please let me be clear that these list of
4 questions that you might want to consider are
5 generic and may or may not apply to the missing
6 women investigation.

7 Q Now, in terms of these questions though, are these
8 questions commonly seen in other failed
9 investigations, and in particular serial murder
10 investigations?

11 A These are issues of potential problems that have
12 been identified in other investigative failures,
13 not specifically serial murder, but just
14 generally.

15 Q So I want to ask you one question before we move
16 on to the potential questions the commissioner is
17 being asked to consider in your opinion, and that
18 is this. Does effective supervision serve to
19 correct the personnel failures or the human
20 failures that you've just outlined?

21 A It can certainly mitigate against that.

22 Q Thank you. Let's move to the organizational
23 problems.

24 A Organizational problems are those inherent in the
25 structure, procedure, policies, training, or

1 resources of the police agency. So were there
2 overlapping police jurisdictions and unclear
3 responsibilities? Were the proper people selected
4 to work on the investigation? Were there enough
5 resources in terms of personnel, equipment,
6 clerical and computer support to properly and
7 fully investigate the crime and its suspects?
8 Were there organizational policies or procedures
9 that were problematic? Did groupthink occur,
10 where a dominant opinion resulted that people were
11 unwilling to challenge even when new evidence
12 accumulated? Was the investigation properly
13 supervised and was management engaged? Did
14 transfer of personnel or their replacement or
15 retirement cause problems? Were there internal
16 conflicts within an agency or conflicts between
17 agencies? Does the agency culture value justice
18 in the law or just getting the bad guy?

19 Q Now, I'm not going to ask you to go through each
20 of these problems and put the evidence we've heard
21 to you because the commissioner has a good
22 understanding of what he's heard over the last
23 number of weeks, but these are concerns that you
24 see in your expertise and in your experience where
25 there have been failed investigations?

1 A Yes. And I don't want to say this is an
2 exhaustive list, but these are some common and key
3 problems, and they're important questions to
4 consider whether these played a role in a failure.

5 Q The very last point you made, does agency culture
6 value justice and law getting the bad guy. You
7 mentioned the word culture. Does culture exist in
8 an organization such as a police department?

9 A Yeah, a very strong subculture in police agencies.

10 Q And why do you say that, why do you say very
11 strong?

12 A It's well known, it's well identified. Everything
13 from the fact of wearing a common uniform to the
14 intensive training that the police receive.
15 Sometimes we hear the expression the thin blue
16 line. So police agencies are well known to have
17 strong subcultures that can be both good and bad.

18 Q So dealing with the strong police culture, when
19 you've got organizational problems that you've
20 outlined on this document for us, can police
21 strong culture make the organizational problems
22 worse?

23 A Yes, it can. It depends what are the
24 characteristics of the subculture. So, for
25 example, if one of your cultural -- thinks that a

1 cultural belief is we just have to get the bad
2 guy, that can lead to wrongful convictions because
3 it becomes dominant. If, Mr. Commissioner, the
4 organizational culture is let's find out the
5 truth, then that could mitigate against the risk
6 of a wrongful conviction.

7 Q So the culture can either work in a positive way
8 or in a negative way?

9 A Correct.

10 Q Which in your opinion existed at the time in the
11 Vancouver Police Department?

12 A I would say both. There were both good and bad
13 aspects. I could say that within the Vancouver
14 Police Department at that time our organization
15 suffered from a number, not all, but a number of
16 managers and executives more engaged in internal
17 political infighting than in an external provision
18 of service. We were suffering from a lack of
19 resources which affected how we dealt with
20 problems. And perhaps most problematic there was
21 a lack of managerial accountability. Individuals
22 wanted authority, but they didn't want
23 responsibility. By the way, that's certainly not
24 unique to the VPD, and one of the reasons the New
25 York Police Department established the CompStat

1 process was to set management accountability for
2 crime problems.

3 Q So what does accountability mean when you use that
4 term?

5 A Well, maybe I could quote Harry Truman with this
6 plate on his desk saying "The buck stops here."
7 If someone is in charge of something then they're
8 in charge of it. They control it and they're
9 responsible for the outcome of what occurs. And
10 that goes up the chain of command, I mean
11 ultimately all the way to the chief constable, but
12 you have to own the problems that are assigned to
13 you. They're not someone else's. I can make this
14 argument about Inspector Greer, that even though
15 the focus of this missing women problem got
16 shifted to major crime, they were still his
17 people, his citizens in his community that he was
18 supposed to protect, so he had to have
19 accountability for them.

20 Q But is it fair to say you're no more critical of
21 Greer than anybody else in this failed
22 investigation?

23 A I would say I'm disappointed in Gary Greer. I
24 thought he had more potential to stand up to it,
25 but he really did step aside so his role became --

1 mind you I wish it hadn't have, but that's what
2 occurred.

3 Q But if systemically the organization is working,
4 these are obvious human errors, that's where the
5 system is important to protect against the human
6 error?

7 A One of the problems, Mr. Commissioner, is that in
8 a paramilitary organization you tend to just have
9 one person responsible or no people responsible,
10 but in some cases there may need to be two people
11 responsible. So even if major crime is
12 responsible for the investigation, Inspector Greer
13 is responsible for the safety of his people. I
14 don't think a police organization knows how to
15 handle that dual responsibility. I hope that
16 makes sense.

17 Q Yes, it does. Let's discuss then situational
18 factors, slide 19.

19 A Okay. These are factors, Mr. Commissioner, that
20 are external to the control of the police or
21 government, and they're very often related to the
22 characteristics of the crime. So, for example,
23 the nature of the offender-victim relationship.
24 We're much better at solving homicides -- most
25 homicides involve people who know each other, but

1 stranger-on-stranger crimes are much more
2 difficult to solve 'cause there is no
3 relationship. The investigative difficulty of the
4 crime. Did victim, witness, informant, media, or
5 community factors create more challenges for the
6 police? And sometimes just chance or bad luck can
7 play a role. It's important to understand the
8 role of situational factors, but they should not
9 become excuses for investigative deficiencies. We
10 could look at this as the hand the police get
11 dealt, and you can't control that so your
12 organization needs to be able to handle whatever
13 it is that fate hands you, and it doesn't matter
14 how difficult it is, you need to be able to figure
15 out a way to respond.

16 Q So when we -- we've heard from other people about
17 the fact that there was no body that was being
18 found and that posed unique challenges, is that
19 the focus of the comment you just made to the
20 commissioner?

21 A That would be a very good example. It was a
22 problem, but, okay, let's figure out how to deal
23 with that problem. One of the things that major
24 crime said was there's no bodies, there's nothing
25 we can do, which I would characterize as being

1 like a fire department saying we see smoke, but we
2 don't see any fire, so we're not going to do
3 anything. Well, the rally at the fire department
4 is go and check it out, put some effort into it.
5 And that doesn't always happen the way it should
6 in policing. So I guess really in a way we're
7 arguing that, you know, don't make excuses. The
8 community needs to be protected, the community
9 wants to be protected, they don't really care
10 about excuses.

11 Q So this leads us to slides 20, the refusal to
12 accept serial killer theory.

13 A These next two slides show you my analysis based
14 on the LePard and Evans report and my experiences
15 of what went wrong in the Vancouver Police
16 Department and the Royal Canadian Mounted Police
17 investigations. These are my impressions based on
18 those documents. They're simplistic, but designed
19 to show an overview of what occurred. They're not
20 meant to be comprehensive. I'm sure people could
21 argue or niggle about various points on them, but
22 I think these are at least the key factors. And
23 what I wanted to do was to try to simplify and
24 digest a lot of the data and the information in
25 the reports that have been done to date. But even

1 more importantly, Mr. Commissioner, is to show the
2 interaction of how some of these things occurred
3 and how there was a potentiation of them feeding
4 off of each other and then making things worse.
5 And I truly believe it's this type of analysis
6 that will allow the proper identification of
7 potential solutions. I mean we could talk about
8 an individual's problems, their ego or their lack
9 of knowledge or whatever, but the reality is that
10 these people, almost all of them involved in these
11 cases, are retired, yet we know in the future we
12 will have other individuals with other human
13 frailties. We can try to minimize that by
14 selection of the right people in training, but
15 we'll be much more powerful in preventing a
16 reoccurrence of this tragedy by understanding how
17 these things may be connected together and
18 designing procedures or systems or checks and
19 balances so that the risk is at least seriously
20 mitigated and hopefully totally prevented.

21 Q So this -- you are saying to the commissioner that
22 this may be helpful to him in his recommendations
23 to deal with what is inevitably in the future to
24 be other human error because that's just what
25 happens in the universe?

1 A I hope so.

2 Q Okay. Well, let's just have you take us through
3 this sheet so we can understand it with a view to
4 always giving the commissioner the benefit of your
5 expertise to assist him with his recommendations.

6 A Okay. First of all we'll look at the Vancouver
7 Police Department. If I could point to the lower
8 left there's a little scale or legend showing the
9 blue circles are personnel related problems, green
10 squares are organizational problems, and red
11 hexagons are situational problems. So first --
12 oh, can we back -- yeah. And let me start off by
13 saying the dominant explanation, the main thing
14 that Vancouver got wrong according to the LePard
15 report and according to my own experiences was a
16 refusal to accept the serial killer at least in
17 any timely fashion.

18 So the first thing is we can look at the fact
19 that as we've discussed these were stranger
20 crimes. No bodies were found. Because they were
21 engaged in street prostitution there were just a
22 lot of suspects. Unfortunately there's many, many
23 dangerous predators out there that do commonly
24 attack these women. The witnesses were
25 unco-operative and unreliable, a function of their

1 involvement in drugs and lack of trust of the
2 police. And because of the fact that some of
3 these victims are not reported missing for a long
4 time period it was difficult for the police to
5 establish timelines or definitive points when they
6 went missing, which made it more challenging to
7 figure out what suspects to eliminate. To
8 commonly eliminate suspects is they could show
9 that they were with somebody or had an alibi or
10 were out of town when the crime occurred, but the
11 envelopes for these crimes was often weeks and
12 some cases even months.

13 I believe the major problem engaged in by our
14 management, particularly in major crime, was
15 disengagement. They made up their mind and they
16 really didn't put a lot of time and attention.
17 Certainly not the time and attention a case of
18 this seriousness warranted. The disengagement was
19 partly fed by ongoing sickness and impending
20 retirements and ultimately retirements. So we had
21 change of command of our major crime section, but
22 also with the inspector away for significant time
23 periods.

24 The fact that the victims were from a
25 marginal group of society meant there was limited

1 public and political pressure, so this allowed
2 management to stay disengaged. There was no
3 rattling of their cages by the politicians or by
4 the chief constable.

5 The VPD was experiencing new and serious
6 budget cuts which created resource limitations
7 which also was a big factor, and again management
8 disengagement prevented the fight for resources of
9 a sufficient level to deal with this problem.

10 Q Why do you -- how do you mean that?

11 A The biggest -- I mean we've talked about refusal
12 to accept the serial killer theory here, but
13 underlying that is it was a fight over resources
14 for different priorities, and if management really
15 felt that there was a serial killer theory --
16 sorry, if they really felt that there was a
17 legitimate risk of a serial killer I'm sure they
18 would have fought much harder for more resources,
19 and that did not happen.

20 As discussed there was a problem with
21 management ego and their ignorance of the
22 situation. And by situation I mean the lifestyle
23 of these women, the fact that they were not
24 transient. The significance of them not showing
25 up on the welfare radar again. Even the nature of

1 serial killers. I mean just one example, I think
2 both agencies showed us that there is a belief
3 that the missing problem had disappeared, that it
4 was a thing in the past, yet any analysis of
5 serial killer patterns showed that they often
6 engage in periods of remission. So they're
7 active, they don't do anything for some months or
8 even a few years, they engage again, so it was a
9 much more logical conclusion that the offender was
10 just in remission and going to strike again rather
11 than that he had retired. That led to groupthink
12 and the failure to follow major crime management
13 principles, ultimate groupthink able to survive,
14 and again this led to the refusal to accept the
15 serial killer theory.

16 So what I've tried to do here is to show how
17 these things contributed, but also interact with
18 each other in creating an ultimate problem which
19 VPD did not accept at the right time period the
20 serial killer theory. They eventually did, but
21 easily one to two years later than they should
22 have in my opinion.

23 Q So this, in effect, becomes the analogy to a plane
24 crash, a multifactorial all coming together?

25 A Yes. Now, we can easily remove a couple of these

1 and we probably wouldn't see a change, but we also
2 know it wasn't just one aspect of this that caused
3 the problem.

4 Q All right. You've explained that sheet. Let's
5 deal with the issue around the failure to properly
6 investigate Pickton.

7 A Okay. This, and again I'll stress we're not
8 talking about Project Evenhanded, but we are
9 talking about the Coquitlam aspect of the
10 investigation into Pickton. We start off again
11 with situational factors. No bodies were found,
12 the witnesses were unco-operative and unreliable,
13 and there was difficulty in establishing
14 timelines. Again the victims were marginal which
15 led to limited public and political pressure.

16 We also had divided jurisdictions and
17 responsibilities and poor co-ordination both
18 within the RCMP and between the RCMP and the VPD.
19 This ties into what we said earlier where we had
20 the women missing from Vancouver, but Pickton was
21 murdering them on his farm in Coquitlam.

22 The RCMP also experienced serious resource
23 limitations. They had a number -- of course tied
24 to that was a number of other demands on those
25 resources including a number of other murder

1 files.

2 Q Just keep in mind as you're going through this
3 because the commissioner sits as a commissioner of
4 a provincial inquiry he is not able to deal with
5 policy and training and management issues around
6 the RCMP, and he knows that and that's been
7 discussed. We're just interested in the events as
8 it relates to the individuals to help explain
9 going forward how your evidence can be of
10 assistance.

11 A Okay. Another problem was the transfer of a very
12 important key investigator, promotion and transfer
13 of Corporal Connor, which occurred at a very
14 unfortunate time. There also was situational
15 ignorance from the Provincial Unsolved Homicide
16 Unit in their dismissal of potential sources of
17 informant information I think led to groupthink
18 that this was not a serial murder case. And then
19 finally there was a bit of tunnel vision later on
20 in relationship to the possibility which became
21 overemphasized of the Pipe, Olajide and the
22 Younker murders being linked to the missing women
23 case. I mean it was a very good investigative
24 lead. If this case was happening today any good
25 investigator would say yes, we have to explore

1 those. But it's not an either/or, and Pickton
2 remained a strong suspect. There is nothing
3 really done that eliminated him or made him less
4 of a suspect. And often investigations tend to
5 focus on in a linear fashion, Mr. Commissioner, on
6 just one suspect or one theory and seem to have
7 difficulty juggling multiple viable theories.

8 I should emphasize that my analysis of the
9 RCMP Coquitlam investigation is fairly sketchy
10 'cause the LePard report did not have much
11 information, at least at the same level of detail
12 as the VPD investigation. There was a bit more in
13 the Evans report, and the RCMP report, those parts
14 that weren't redacted was not useful at all. So
15 there may be a lot more that went on with the RCMP
16 that I'm just not aware of.

17 Q That's fine. When you mention the multiple
18 suspects and police organizations sometimes just
19 focus on one, that again would be a systemic
20 concern that you would not be surprised to see as
21 has happened here perhaps?

22 A Not at all. Investigations seem to be sometimes
23 run more as a bureaucratic enterprise than a
24 logical, analytic, deductive, inductive process
25 that follows the evidence and leads to the truth.

1 So the next slide?

2 Q Please.

3 A So a very important question for all of us is what
4 about next time, because there will be a next
5 time. And these are not all, but some of the
6 terms of reference for the commission of inquiry.
7 I've talked today about my personal experiences in
8 the beginning, but I think it's also very
9 important to look at the next two items, and what
10 I've tried to do is just provide at least a small
11 bit of perspective and information that might be
12 useful to the inquiry in terms of the second and
13 the third goals.

14 So now we're coming back to these
15 investigative difficulties, because I think that
16 if we do see a reoccurrence of a Pickton it's
17 going to follow a similar pattern where victims or
18 sex trade workers, multiple jurisdictions are
19 found, and/or maybe bodies are not being located.
20 And this, as I promised earlier, provides a little
21 more framework to what occurred. So the marginal
22 social status of these victims minimize community
23 and political pressure and allowed police
24 management to remain disengaged. Some of the
25 investigators and many of the managers did not

1 properly understand the lifestyle of these
2 victims, and they didn't consult or listen to
3 officers who did understand.

4 Q Now, this -- this is going forward the same could
5 happen again?

6 A Yes, street prostitution is dangerous. I believe
7 you already heard evidence that the overall murder
8 risk rate in the Vancouver area is 60 to 120 times
9 greater than average murder risk rate for a woman.
10 So these women are at high risk. One of the most
11 comprehensive studies, recent studies of serial
12 murder in the United States showed that 39 percent
13 of serial murder victims were known prostitutes.
14 And that puts them -- I mean, considering they
15 comprise a small part of society, puts them at
16 very high risk of these types of predators. I
17 mentioned earlier my involvement in the RCMP
18 Project Eclipse which looked at the murders of 25
19 women, most of them involved with the sex trade,
20 15 specifically were prostitutes from Vancouver,
21 killed from 1985 to 1991.

22 Q I'm sorry, go ahead.

23 A I also say we have Inspector Biddlecombe's report
24 of the number of prostitute murders that occurred
25 in Vancouver in those years. So murder is

1 something that is quite rare, but for a street
2 prostitute murder is something you really have to
3 worry about. And we're not even counting,
4 Mr. Commissioner, the assaults, the rapes, the
5 sexual abuse, sometimes torture they have to put
6 up with. So they are at high risk.

7 Q What was Project Eclipse?

8 A It was an effort by the RCMP to look at a number
9 of attacks in -- well, specifically murders of
10 women, most of them street prostitutes, in the
11 Vancouver and Victoria area trying to identify
12 possible links between crimes and the
13 identification of a serial murder which then would
14 allow profiles to be generated and investigative
15 strategies to be suggested to the investigators.
16 These were all unsolved cases.

17 Q And you worked on that?

18 A I was part of it, yes.

19 Q Do you know -- this just occurs. Do you know why
20 the RCMP would be dealing with Vancouver victims
21 of crime?

22 A Well, my experiences with the RCMP behavioural
23 science group was that they were very committed to
24 doing what they could in terms of dealing with
25 predators of this nature for the whole province,

1 and of course a sex predator in Burnaby, very
2 likely to be operating in Vancouver and possibly
3 Coquitlam and North Vancouver, they don't know
4 these political boundaries, they're irrelevant to
5 their hunting practices, and so quite properly the
6 RCMP in this regard were looking at all the
7 information available within the province.

8 MR. VERTLIEB: Mr. Commissioner, I've gone on too long without
9 the break for the reporter, and it's my error and
10 I'm sorry, madam reporter, but perhaps we could
11 take a shortened break because I'd like to finish
12 with Professor Rossmo today.

13 THE COMMISSIONER: Okay. Thank you.

14 THE REGISTRAR: The hearing will now recess for ten minutes.

15 **(PROCEEDINGS ADJOURNED AT 3:25 P.M.)**

16 **(PROCEEDINGS RESUMED AT 3:38 P.M.)**

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

18 MR. VERTLIEB: Mr. Commissioner, I'd like the material that
19 he's been referring to on the PowerPoint and the
20 slide presentation to be marked as a separate
21 exhibit at this time, please.

22 THE REGISTRAR: It will Exhibit number 67.

23 **(EXHIBIT 67: Document entitled - PowerPoint**
24 **presentation by D. Kim Rossmo)**

25 THE COMMISSIONER: All right.

1 MR. VERTLIEB:

2 Q Professor Rossmo, we come to then page 26, which
3 is Vancouver Serial Killers. So I'll just very
4 briefly take you through those. Clifford Olson we
5 don't need to discuss, except we've heard in
6 writings that there were the same kinds of issues
7 in that case that emerged in Pickton in terms of
8 communication interjurisdictional concerns?

9 A Yes, that's correct.

10 Q Gilbert Jordon?

11 A Gilbert Jordon murdered a number of women in the
12 Downtown Eastside.

13 THE COMMISSIONER: He was the one that was plying them with
14 alcohol?

15 THE WITNESS: That's correct.

16 THE COMMISSIONER: Gilbert Paul Jordon.

17 THE WITNESS: Yes.

18 MR. VERTLIEB:

19 Q How many people was he implicated in? It was
20 numerous.

21 A Yeah, it was numerous. I'm sorry, I don't have
22 the numbers. I wouldn't want to guess. Can I
23 just maybe say, Mr. Commissioner, is that all this
24 list is is what I could think of based on my own
25 knowledge. If we were to canvass all police

1 officers, especially going back in time, I'm sure
2 that we could come up with many more. I just
3 looked at the ones since I began my policing
4 career till I ended my policing career at 1980 to
5 2000. We also would have to add in those serial
6 killers that were operating below the radar of the
7 police that were never identified. I just wanted
8 to point out that there were probably more serial
9 killers operating than we were aware, especially
10 over a 20 year span, in the Greater Vancouver area
11 with the intention of making the point that this
12 is going to happen again and it's most likely to
13 happen to the street prostitution community or
14 other marginal groups that make easy prey for
15 these types of predators.

16 Q Thank you. Project Eclipse, there's three series,
17 but you covered that. Brian Allender, how many
18 victims were involved?

19 A He only was convicted of one, but he's strongly
20 suspected by the RCMP of having done other
21 murders. In fact he may even be responsible for
22 some of the Project Eclipse series. You know, we
23 have both series and individuals here. So it's
24 generally believed based on what happened in that
25 particular crime that it was not his first.

1 Q Go on.

2 A And what I mean specifically is there was a lot of
3 mutilation of the victim.

4 Q And one interesting comment, you've got Pickton
5 and you've put the date '95. Now, we realize
6 that's outside the terms of reference. I just
7 wanted to ask you why did you say '95?

8 A 1995 was the year that the cluster began, and I
9 note that in terms of the -- what I read in the
10 media regarding the murders that he was initially
11 charged with the earliest was also 1995.

12 Q Now, tell us about the next page. Why is that
13 here for the commissioner to help him develop
14 recommendations?

15 A Just one more point, Mr. Commissioner. A couple
16 of these series have an asterisk beside the name,
17 and I just want to point out their victims were
18 not street prostitutes, but as you can see most of
19 this activity does involve street prostitution.
20 And the next chart just presents a little timeline
21 of when these individuals were operating. So, you
22 know, just statistically it's not at all unlikely
23 that there isn't a different and new serial killer
24 operating somewhere in the Greater Vancouver area.
25 I mean it's a recurring problem is really the

1 major point I'm trying to make here.

2 Q It's important to hear. So possible solutions.

3 A Okay. So we've talked about the three factors
4 that form for this perfect storm, and we talked
5 about how they created problems or caused the
6 investigation to fail. This is just a few simple
7 solutions that are put forward to try to
8 counteract some of these issues.

9 So the victims were sex trade workers. It's
10 important for the police to have training in the
11 background, the life, the behaviour and the risks
12 of sex trade work. Those police officers that I
13 worked with that knew this paid a lot of attention
14 to reports from prostitutes, 'cause they knew that
15 they would often be talking about very dangerous
16 people. Important in future investigations that
17 police officers who have experience with marginal
18 victim groups, and with the neighbourhoods where
19 the crimes are being talked to, be consulted with
20 regards to their specific domain knowledge about
21 the area and about these individuals.

22 Q Do you have -- as it relates to the Downtown
23 Eastside, and what you've read and know of your
24 own work, is that a factor at play here?

25 A Oh, definitely.

1 Q Give me an example, please?

2 A Well, the schism between Biddlecombe and Dave
3 Dickson who had a lot of knowledge of the area.
4 But I also didn't see any effective integration
5 with the beat officers who worked that particular
6 area. And, you know, some of this may be lack of
7 time and resources, but remember what we said
8 before about the groups that are more likely to
9 solve a crime would be the community, members of
10 the community and then patrol officers.

11 Q Better communication with sex trade workers?

12 A Right. And that also requires building some
13 levels of trust. So it's not something that
14 should be starting when an investigation has
15 begun, it's something that needs to be ongoing and
16 nurtured. Like I said these people are likely to
17 be victims of some of the worst, most dangerous
18 violent predators in society. And then the
19 importance for proper supervision and management
20 of these cases, and this is where the major case
21 management principles can help play a role.

22 Q Just on the supervision, you mentioned Deputy
23 Chief McGuinness and others, does that go to the
24 cultural influences you mentioned earlier in
25 bringing in the concern about supervision and

1 management at the highest level?

2 A Well, I mentioned earlier that I thought the VPD
3 suffered from a lack of managerial accountability,
4 so I think that played a role in this case at that
5 time.

6 Q You ascribe that to the systemic structure not
7 individual misconduct?

8 A Perhaps I would use the word subculture in the
9 organization. And you can create organizational
10 structures that get around that. For example, the
11 New York CompStat process which does create
12 serious managerial accountability.

13 Q So the investigative difficulties?

14 A Now focusing on the second point,
15 Mr. Commissioner, the fact that the victims'
16 bodies were not discovered. This failure to find
17 any bodies permitted police management to delay
18 committing to the serial murder scenario. I mean
19 ultimately they eventually did, but as discussed
20 this was 12 to 24 months later than it probably
21 should have been, and in turn this allowed them to
22 avoid spending the resources needed for this type
23 of investigation.

24 The next slide is a guess, but what I did
25 here was I looked at the \$70 million estimate for

1 the dig at the Pickton farm, but I've seen other
2 estimates of a hundred million dollars for the
3 investigation. Then I looked at the number of
4 people involved and the time periods involved and
5 estimated that that was going to be certainly less
6 than one and a half million dollars. And as a
7 result I've estimated the pre-arrest expenditures
8 at 2 percent, it's probably less. But where is
9 all the money gone? The money has all gone to
10 work, investigative work after the arrest.
11 Without taking anything away from the challenges
12 and the difficulties of digging up the pig farm
13 and finding pieces of evidence that was a
14 relatively straightforward task. Other examples
15 have occurred in other agencies. There's
16 protocols. It's like an archaeological dig. The
17 real investigative challenge was the who done it,
18 the pre-arrest charge. And, yeah, where do we see
19 the money going? After the arrest. So there just
20 was not the commitment to this case before the
21 arrest. The resources had not been put in place
22 at least up until 2001.

23 THE COMMISSIONER: So you say that had the investigation been
24 done properly in your way, in -- in your opinion
25 we would have saved an enormous amount of money in

1 this case because most of the money you say went
2 to post-arrest activities?

3 THE WITNESS: Sadly, Mr. Commissioner, I think I cannot say
4 that.

5 THE COMMISSIONER: Oh, okay.

6 THE WITNESS: And in fact maybe this is a very good point.
7 What if the Vancouver Police Department and the
8 RCMP had done everything in a very timely fashion?
9 Maybe we have Robert Pickton arrested in early
10 1999. We get lucky, you get some breaks, the
11 resources are there, we would still have close to
12 30 murdered women, and we would still have had to
13 dig up the farm. So I mean this case is a
14 horrible tragedy, but it became a worse tragedy as
15 a result of some police blunders. And maybe
16 something worth thinking about is what might have
17 happened, and I'm sorry I don't have any solutions
18 for this, but what might have happened that would
19 have allowed us to catch Pickton even sooner, even
20 before he was brought to the attention of the
21 police. One thing does though -- one possibility
22 does relate to tracking missing persons better.
23 By the way, for the community to bring that to our
24 attention maybe we need to find ways of
25 identifying those patterns ourselves within a

1 police agency.

2 THE COMMISSIONER: All right.

3 THE WITNESS: So, Mr. Commissioner, turning to possible
4 solutions for the issue of victims' bodies not
5 discovered. This sort of echoes what we were just
6 talking about. We need better investigation of
7 missing person reports. Perhaps it would be
8 worthwhile establishing a provincial level missing
9 persons database that has necessary information to
10 allow the analysis of case trends, patterns and
11 potential problems.

12 And then the last point I think is very
13 important. The police need to develop a
14 risk-based response. So we heard -- in LePard's
15 interview with Inspector Biddlecombe we hear these
16 comments about I didn't have any evidence that
17 these murders were occurring, Rossmo's report was
18 just intelligence, we don't launch investigations
19 based on intelligence. Well, that's actually
20 totally untrue. When I worked organized crime
21 intelligence we launched multi-million dollar
22 investigations on the basis of intelligence. If
23 we have a terrorist threat the RCMP are going to
24 spend a lot of money and resources responding to
25 that as quickly as possible. So the police

1 sometimes, especially in homicide, have this until
2 you can prove to us you have a murder we're not
3 doing anything. And what I'm arguing is there
4 needs to be a shift in onus to a risk-based
5 response. So the risk-based response means what
6 is the risk to your community? Maybe there isn't
7 a serial killer, but we need to respond on some
8 level even if there isn't because we don't know
9 and because the risk is so great to the community.
10 We need to be protective of that community, and if
11 sometimes we waste resources for a false alarm so
12 be it.

13 One of the things, you know, in a blueprint
14 for the Missing Person Work Group was these safety
15 initiatives which should have been started
16 immediately because we don't necessarily want to
17 leave these groups exposed to risk for the six
18 months or the 12 months or whatever it takes us to
19 figure out what's going on. And that has to be
20 proactive, much more than just a couple of, you
21 know, newspaper stories or, you know, issuing a
22 few flyers. So the shift and onus to where we
23 look at the risk to the community and then respond
24 accordingly rather than prove to us you got a
25 murder before we do anything.

1 MR. VERTLIEB:

2 Q Was the culture at the time one of investigative
3 onus rather than risk-based response?

4 A Yes. And that's probably certain, but not unique
5 to the VPD.

6 Q Just on the discussion about risk to community and
7 community and warning, you mentioned the Jane Doe
8 case. You actually gave evidence in that as an
9 expert witness for the benefit of the court?

10 A Yes, Justice MacFarland declared me as an expert
11 witness as it relates to geographical patterns of
12 serial crime and their appropriate investigative
13 response.

14 Q So this would be a systemic issue, this risk-based
15 response shifting from investigative onus?

16 A Yes, it would have to come in the managerial level
17 what do we do under these circumstances, how do we
18 get appropriately warrants, and then what should
19 we be doing? And not just homicide detectives,
20 the whole department. Mr. Commissioner, if I
21 could just refer back to the outline for the
22 missing women work -- sorry. Okay. It's the last
23 page of my tab 12, the strategic blueprint
24 concludes with safety and crime prevention
25 initiatives involving everything from crime

1 prevention officers to the beat officers in
2 District 2, working with the community groups and
3 with the media. And none of that is homicide or
4 investigation, but it should be hand and glove a
5 parallel part of the investigation to help protect
6 the community, because the *Police Act* makes it
7 clear that one of the responsibilities of a police
8 agency is the protection of its people.

9 Q All right. So we now move to the jurisdictional
10 question under investigative difficulties.

11 A Yes, the third element, victims were murdered in a
12 different police jurisdiction from where they went
13 missing. This jurisdictional split allowed the
14 VPD and the RCMP to avoid responsibility. And of
15 course this problem was exacerbated by the
16 uncertainty caused by the lack of bodies for
17 finding the victims' bodies.

18 The next slide just shows an element from the
19 British Columbia *Police Act* which says in separate
20 sections of the provincial police force and the
21 municipal police department must perform the
22 duties and functions respecting the preservation
23 of peace, and the prevention of crime and offences
24 against the law. So it's clear that there is a
25 responsibility to protect your community. And I

1 think the Act might refer to the Queen's subjects,
2 it doesn't just limit it to the people in your own
3 immediate jurisdiction, although administratively
4 it is divided up that way.

5 So the next slide, Possible Solutions, victim
6 murdered in a different police jurisdiction from
7 where they went missing. The best solution is the
8 formation of a metropolitan Vancouver police
9 department. The only reason we have a patchwork
10 of all these different police agencies is a
11 function of history and politics. Certainly it's
12 not how you would design an optimal policing
13 structure. If you take a look at the United
14 Kingdom where they went regional in terms of much
15 larger areas than we see here they went that way a
16 long time ago. If we take a look at Continental
17 Europe or Japan, they have very large agencies,
18 sometimes national agencies, so responsibilities
19 don't get divided by geography. Willie Pickton
20 didn't care where he found his victims in terms of
21 the political boundaries, and so that would be the
22 best solution.

23 Q So let me just ask, if you were asked to design a
24 police model that would suit the million and a
25 half or two million residents of the Vancouver

1 area would you recreate the one that's in
2 existence now?

3 A Definitely not. It's balkanized. And as we see
4 here, and as we've seen before in other cases and
5 other problems, it has a certain level of
6 dysfunctionally because it's split up that way.

7 THE COMMISSIONER: You -- when we did the commission of inquiry
8 in the '90s you were one of our researchers, and
9 you'll recall at that time we examined this
10 issue --

11 THE WITNESS: Yes.

12 THE COMMISSIONER: -- about regional policing, and the greatest
13 impediment came from the mayors in the
14 municipalities. So what's your solution to that?

15 THE WITNESS: I'm afraid politics are outside of my area.

16 THE COMMISSIONER: All right. You don't have to answer that.

17 THE WITNESS: Given, Mr. Commissioner, as you just said the
18 extreme political challenge of the creation of
19 such an entity, that at a minimum there should be
20 formal protocols for investigation co-ordination.
21 This is something the VP -- this case is something
22 the VPD shouldn't have just handed off, there
23 should have been a formal structure which included
24 accountability and lines of communication back to
25 Vancouver.

1 MR. VERTLIEB:

2 Q Just explain that. Handed off you mean what, and
3 formal lines of communication, just tell us about
4 that?

5 A I think that the Vancouver Police Department
6 devolved some of its responsibility to the
7 Coquitlam RCMP in terms of the pursuit of a very
8 good suspect in terms of the women missing from
9 Vancouver, and I don't think they should have done
10 that. I understand it was a resource issue, but
11 what should have occurred is a more formal
12 co-ordination process where the VPD first of all
13 has to be consulted, and also everything has to be
14 communicated and they get tied together. I mean
15 very likely this is what occurred with Project
16 Evenhanded, the only problem is that it happened
17 much later than it should have happened.

18 Q You mentioned accountability built into the formal
19 protocol. How would that work? What would you
20 envision?

21 A Well, if I could look at the next one, I think
22 there should be political and legal institution of
23 mutual accountability and responsibility. So
24 integrate it into the *Police Act*, for example, and
25 prevent any sort of buck passing. The protocols

1 can be determined by the police agencies that
2 exist in the province about do we have such a
3 cross-jurisdictional crime problem, how do we
4 handle it, and it should prevent any one agency
5 from washing their hands of the problem. Okay,
6 you've got it now, your problem, we're going to go
7 do these other things. So probably through MOUs,
8 memorandum of understandings, that type of thing.
9 But I'm also arguing the third point for a more
10 formal establishment of accountability and
11 responsibility for all involved agencies. And
12 then finally the last point is procedures within
13 each organization to prevent such cases from
14 falling between the cracks.

15 Q What you're speaking to and the possible
16 solutions, can you help the commissioner with
17 whether or not this is novel or has this been
18 implemented in other countries in the western
19 world?

20 A Some of them have been, some of them haven't been.
21 For example under number three, most agencies that
22 have -- or many agencies that have dealt with the
23 multi-jurisdictional problem have regionalized, or
24 what seems to be very popular in the United States
25 is the establishment of regional intelligence

1 centres. In terms of the victims' bodies not
2 being discovered, I understand that the Vancouver
3 Police Department have gone a long ways to
4 improving their missing persons section, but I
5 think the issue of the tracking of the missing
6 persons is when it's not done most places,
7 especially in the United States.

8 Q What does that mean?

9 A They just don't do a lot with missing persons. So
10 I think that's a problem that exists many places.
11 And as for victims, sex trade workers, the
12 solutions there, again I think the VPD has done a
13 lot in this area, and I think other places have as
14 well. Of course in some jurisdictions
15 prostitution is not illegal so the problem isn't
16 as severe. The major case management principles,
17 that's sort of a Canadian product, it's a very
18 good product, and I don't know which police
19 organizations in Canada have adopted it, which
20 have not, but it probably is something that
21 everyone should be doing. So I guess in answer to
22 your question it's a mix. Some of these things
23 have been done elsewhere, some have not.

24 Q So that brings us to your last comment.

25 A And of course after hearing you speak this

1 morning, Mr. Commissioner, this slide I think is
2 redundant, but maybe it's just worth while
3 emphasizing that a lot of these problems have been
4 identified in the past starting with Lord Byford's
5 report after the Yorkshire Ripper case in the
6 United Kingdom, the internal review the Royal
7 Canadian Mounted Police did after the Olson case,
8 all the analyses that occurred in the Seattle King
9 County area case of the Green River, and then of
10 course recently the excellent Justice Archie
11 Campbell's inquiry report which should have been
12 required reading for any major crime section
13 detective, especially management in the Vancouver
14 Police Department, in fact any police department
15 in Canada.

16 Q Do we take it that you agree with Mr. Justice
17 Archie Campbell's comments about human failings
18 and these errors need to be protected against
19 through proper systems being implemented?

20 A Yes, I would, because we're always going to have
21 human failings, we can do our best to minimize
22 them, but the best way forward is a proper
23 organizational structure, procedures, policies,
24 laws, training that minimize these problems and
25 provide some sort of escape if they do occur. Can

1 I maybe just give you one of what I think is a
2 very good example?

3 Q Please.

4 A In the United Kingdom, which I'll point out has a
5 homicide clearance rate of over 90 percent
6 compared to low 60 percent in the United States,
7 they have established a procedure that after one
8 year if a homicide is not solved the case goes to
9 a senior investigating officer from another police
10 agency to review. This isn't your drinking buddy
11 or one of your friends, this is someone looking to
12 advance their career by finding all the things
13 that you missed and all the things you didn't do.
14 This results in two things. One is the original
15 investigator knows that someone's going to be
16 taking a look at their case, so they make sure
17 they do their best, cross their T's and dot their
18 I's. The other thing is if it's unsolved you get
19 a fresh set of eyes, a fresh perspective, and that
20 can be invaluable, because all of us tend to lock
21 into a certain way of looking at things. So
22 there's a really good example of the introduction
23 of a policy that helps increase the solve rate for
24 homicides to get around some inherent human
25 failings associated with bias, which is of course,

1 you know, critical examination of our own work.
2 It's like to trying to find the typos in something
3 you've written. You may not find them, but if you
4 give them to somebody else they can easily see
5 them.

6 Q Just on the clearance rate, and we may have heard
7 it and I may have forgotten, do you have a sense
8 of that statistic here in Canada?

9 A I know that it's better than the United States,
10 but not as nearly as good as the United Kingdom.
11 I also know it varies somewhat by city and
12 province, but I'm sorry, that's all I know at this
13 point in time.

14 Q That's something you could get us in the future?

15 A Yes, I suspect it would not be difficult. I could
16 get it at a national level.

17 MR. VERTLIEB: Again, Mr. Commissioner, I appreciate we've gone
18 past the normal time. What I'd like to do is
19 break now and I want to review and see if there's
20 any other area I need to cover, I'm not sure there
21 is. And given the fact of the hours I've heard
22 about from participants I think we should start at
23 9:30 tomorrow morning.

24 THE COMMISSIONER: All right. Thank you.

25 THE REGISTRAR: The hearing is now adjourned until 9:30

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tomorrow morning.

(PROCEEDINGS ADJOURNED AT 4:09 P.M.)

I hereby certify the foregoing to be a true and accurate transcript of the proceedings transcribed herein to the best of my skill and ability.

Peri McHale
Official Reporter
UNITED REPORTING SERVICE LTD.

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PROCEEDINGS 1

KIM ROSSMO (for the Commission)

In chief by Mr. Vertlieb 9

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