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**Vancouver, BC**  
**January 25, 2012**

**(PROCEEDINGS RECONVENED AT 9:45 A.M.)**

THE REGISTRAR: Order. This hearing is now resumed.

THE COMMISSIONER: Yes.

MR. NEAVE: Commissioner Oppal, it's David Neave. I am  
counsel for former Inspector Biddlecombe and I  
just wanted to firstly introduce myself to you  
and comment upon where we are on behalf of  
Inspector Biddlecombe in this inquiry, and that  
is, we're at the front end, and in the process of  
reviewing materials to assist the commission with  
both Inspector Biddlecombe's evidence who as I  
understand from Mr. Vertlieb will be called to  
appear before you, and secondly, to prepare to  
cross-examine the witness with respect to the  
issues that arise that assist the commission in  
that regard.

I am informed that yesterday a process  
management directive was issued by yourself with  
respect to these matters. Two issues arise with  
respect to that, with respect to our  
representation of Inspector Biddlecombe. The  
first is the process management directive from my  
reading of the document appears to indicate that

1           the commission is focused on systemic issues, and  
2           by that what I mean is more generalized issues  
3           within the Vancouver Police Department or within  
4           the RCMP and the conduct of this particular  
5           investigation. If indeed that is the case, then  
6           our preparation, particularly for  
7           cross-examination, will be tailored to assist the  
8           commission on those issues alone and not focus on  
9           individual issues that arise.

10           I say that seeking some guidance from you,  
11           Mr. Commissioner, in that regard, because as I  
12           understand it yesterday Mr. Rossmo made a number  
13           of critical comments with respect to Inspector  
14           Biddlecombe which were personal in nature both as  
15           to character and with respect to his professional  
16           attributes. I believe the words "arrogant" and  
17           "egotistical" were used. To the extent that any  
18           of that is relevant to the commission,  
19           particularly in light of the directive which on  
20           my reading appears to indicate that the  
21           commission is focused on systemic issues, will  
22           require an extensive examination on the issues  
23           which may in light of the directive be simply not  
24           relevant to the determinations that you may make  
25           with respect to those systemic issues, and if

1           that is indeed the case then my cross-examination  
2           of Inspector Rossmo can be much more curtailed  
3           and is something that I think could be done in a  
4           very -- could be expedited and I don't think I  
5           would be a long time with him. However, if the  
6           individual --

7 THE COMMISSIONER: Look, I can't tell you what the findings  
8           are going to be at the end of the day. All I've  
9           told you is that so far the evidence that we've  
10          heard seems to indicate that the failures that  
11          took place were systemic, and I referred to the  
12          material that's been before us and particularly  
13          the report of Mr. Justice Archie Campbell where  
14          he said there was a common thread between cases  
15          such as the Olson case, Bernardo case, Ted Bundy  
16          case and the Green River Killer where there were  
17          systemic failures that led to the tragedies that  
18          took place and the same mistakes were made over  
19          and over again, that's what was said. But I'm  
20          not in a position here to tell you that because  
21          he made those comments, expressed those opinions,  
22          that somehow that will affect my findings, but in  
23          any event, I think the fact that I've said that  
24          we are really looking at systemic failures and  
25          we're not looking for scapegoats because that's

1 counter-productive. What we want to ensure is  
2 that what took place here in the 1990s doesn't  
3 happen again, the terrible tragedies that took  
4 place to women who were missing, defenceless  
5 women who were missing, murdered, that that  
6 doesn't happen again, that we have some kind of a  
7 system in place where there's some kind of  
8 co-operation between policing agencies and that's  
9 the direction we're going.

10 Mr. Vertlieb, is there anything you want to  
11 say.

12 MR. VERTLIEB: No, I think you've said it very well. Mr.  
13 Neave is here and he can hear the evidence and he  
14 cross-examine as he sees fit. I agree completely  
15 with what you've said.

16 MR. NEAVE: Mr. Commissioner, let me make it clear we share  
17 your concern and that's why we want to assist.  
18 Having now clarified the position, I understand  
19 that, for example, Deputy Commissioner Evans will  
20 be returning for cross-examination and we will be  
21 able spend some time with her, and with this  
22 witness we will need significant time not only to  
23 prepare in light of the statements he made  
24 yesterday but --

25 THE COMMISSIONER: What is significant time to you?

1 MR. NEAVE: I understand, Mr. Commissioner, that  
2 cross-examination is scheduled for today and  
3 tomorrow and that that time is already fully  
4 booked, and we will need extensive time to deal  
5 with the individual issues that this witness has  
6 identified with respect to Inspector Biddlecombe  
7 and I'll need to prepare fully so I can represent  
8 my client adequately to prepare for what will be  
9 a fulsome examination.

10 THE COMMISSIONER: That doesn't help me much. What does that  
11 mean?

12 MR. NEAVE: In terms of timing?

13 THE COMMISSIONER: Yes.

14 MR. NEAVE: I would say he's going to have to return and I  
15 understand the Evans witness will return in two  
16 weeks and that's probably an appropriate period  
17 of time.

18 THE COMMISSIONER: He's not scheduled to return in two weeks.

19 MR. NEAVE: Not currently, Mr. Commissioner, but we cannot  
20 prepare in light of the statements that Mr.  
21 Rossmo alluded to yesterday in adequate time to  
22 -- certainly to prepare for tomorrow and, indeed,  
23 I'm in court on an unrelated matter.

24 THE COMMISSIONER: I have your comments.

25 MR. WARD: Mr. Commissioner, Cameron Ward, counsel for 25

1 families of the murdered women. Another surprise  
2 today, another lawyer has shown up representing  
3 police interests out of the blue. By my count  
4 that's the 19th lawyer in the room representing  
5 police interests. Your counsel seems to concede  
6 that this lawyer, my friend Mr. Neave, has an  
7 automatic right to cross-examine this witness and  
8 others. I object for the reasons advanced by my  
9 colleague Mr. Chantler last week. I won't repeat  
10 them. I will only add this comment. Detective  
11 Chief LePard's report came out in August 2010.  
12 In it statements were made about Inspector  
13 Biddlecombe to the effect that he threw a  
14 hissy-fit -- uncomplimentary statements were  
15 contained in the LePard report. You, Mr.  
16 Commissioner, called for applications for  
17 participant status in 2010 and heard those  
18 applications I believe in December of that year.  
19 There is no legitimate reason for these lawyers  
20 coming out of the woodwork now on behalf of the  
21 Vancouver Police Department and RCMP interests,  
22 in my respectful submission, and the only  
23 reasonable inference that can be drawn from the  
24 retention of all these new lawyers is that the  
25 Vancouver Police Department and the RCMP, knowing

1           that you have said this has a tight timeline, are  
2           using their best efforts to derail this process  
3           and ensure that a full and thorough inquiry is  
4           not conducted. My clients object strenuously to  
5           all of these lawyers showing up at this late day  
6           with no reasonable excuse for not having applied  
7           for participant status back in 2010. Those are  
8           my submissions.

9 MR. DICKSON: Mr. Commissioner, Tim Dickson for the Vancouver  
10           Police Department. I just want to respond to Mr.  
11           Ward's last statement. It has no foundation  
12           whatsoever, as you well know.

13 THE COMMISSIONER: I won't have to hear from you.

14 MR. DICKSON: A completely foundationless comment.

15 THE COMMISSIONER: Mr. Ward, your clients may be upset about  
16           that but I would suggest to you, and I suggest  
17           this with respect, that it may your obligation to  
18           tell your clients that it's about fairness and  
19           that while -- for you fairness may mean to  
20           exclude all the other lawyers and only one side  
21           but for me I have to hear everything. Your  
22           clients obviously have a legitimate purpose in  
23           being here and we're grateful that they came to  
24           tell their stories, but there have been  
25           allegations made about the conduct of the police

1 investigation and in fairness and under our  
 2 system we allow the other party to be heard so  
 3 that they can defend themselves. That's the  
 4 concept, that's the principle under which our  
 5 system works. If there are allegations of  
 6 wrongdoing, if there's allegations of negligence,  
 7 allegations of fault, we allow those people who  
 8 are the recipients of those types of allegations  
 9 to come forward and give their side of it. Yes,  
 10 it's time consuming, and yes, maybe it's unfair  
 11 they've arrived at a late stage and where were  
 12 they earlier and had they done their homework  
 13 maybe they should have been here earlier. The  
 14 fact is that this evidence has come out and there  
 15 -- in fairness, I must hear them. That's my  
 16 comment.

17 MR. WARD: I couldn't agree more. The individual police  
 18 officers who participated in the investigations  
 19 and whose conduct is under scrutiny must be  
 20 heard, they must testify. I agree with you  
 21 wholeheartedly, Mr. Commissioner. What I take  
 22 issue with is the notion that their interests,  
 23 which don't conflict with each other's as far as  
 24 I can see in large measure, were adequately  
 25 represented by all the lawyers representing the



1 VPD and the RCMP since these hearings began in  
2 October. What is happening now is that it seems  
3 every officer in either department who thinks  
4 that their feelings or reputations might be  
5 injured by something said here is hiring a  
6 lawyer. They're lawyering up at a late stage and  
7 my submission is that it's a calculated strategy  
8 on the part of those two police institutions.  
9 That's the only reasonable inference that can be  
10 drawn from coming forward at this very late date.

11 THE COMMISSIONER: It's an inference but it's not reasonable.

12 I've heard this argument before and I don't want  
13 to hear it again. Every time a police lawyer  
14 comes in here you somehow think that this man is  
15 the enemy, we shouldn't hear from them, let's  
16 kick the person out the door, and that's not how  
17 our system works. Mr. Neave is coming here and  
18 he's got a legitimate interest and I have to be  
19 -- you know what, if I had it my way I'd have no  
20 lawyers in here and we could probably get this  
21 thing done quicker, but we have a process and  
22 it's operated on the principles of fairness and  
23 everybody has a right to be here to protect  
24 particular interests and that's why they're here.

25 MR. WARD: May I respond, say one more thing?

1 THE COMMISSIONER: No. Are you going to tell me the same  
2 thing?

3 MR. WARD: No.

4 THE COMMISSIONER: Go ahead.

5 MR. WARD: This is a public hearing being conducted in the  
6 public interests, ostensibly at least. The  
7 public interest is not well served if the public  
8 are paying the bills of all these lawyers, 19 now  
9 by my count, representing these police interests.  
10 I concur with you, Mr. Commissioner. I said it  
11 before in the APEC inquiries, it might be better  
12 for the public if there were no lawyers present  
13 and if you heard from all these police officers  
14 on the stand without lawyers representing various  
15 interests getting in the way of an inquiry, and  
16 it may well be the case in this circumstance in  
17 this as well.

18 THE COMMISSIONER: It may well happen here.

19 MR. WARD: We'll have to take another look at those principles  
20 of fairness and rules of natural justice if that  
21 occurs.

22 MR. VERTLIEB: Mr. Commissioner, just a couple of comments.  
23 There is no plan for Deputy Chief Evans to be  
24 here within two weeks, just so you know. There  
25 is an understanding she will be recalled if

1           necessary but there has been no date fixed for  
2           that.

3                 Secondly, there was no plan at all to recall  
4           Professor Rossmo and I want you to know that.  
5           That was not contemplated at any stage even up to  
6           this moment. Some of our colleagues have asked  
7           about sittings and we will revert to the Monday  
8           through Thursday sittings and will certainly be  
9           sitting through the end of February. As far as  
10          some of the comments, I do want to assure you we  
11          will as your counsel do everything you can to get  
12          you the information you need and I do hope that  
13          the lawyers will assist in that.

14                 We respect what the lawyers are doing in  
15          terms of representing the individual interests  
16          but I'm also hoping that the colleagues here will  
17          respect the public interest that you are trying  
18          to serve in doing this work. I'm sure we'll get  
19          through all this and make a difference but I do  
20          want to get on with Professor Rossmo. I was told  
21          Mr. Neve's comments would be a few minutes and I  
22          didn't anticipate we would have this discussion.  
23          If I may proceed with the professor.

24 THE COMMISSIONER: I think Mr. Neave and Mr. Dickson want to  
25          say something else. You're absolutely right, I

1           said it tongue in cheek that we could get this  
2           thing done without the lawyers and maybe I  
3           shouldn't have said it tongue in cheek. This is  
4           a perfect example, here it is, ten o'clock and  
5           I'm hearing from lawyers and we should be hearing  
6           from Professor Rossmo.

7 MR. NEAVE: Thank you, Mr. Commissioner. I just want to pick  
8           up on one of your comments. In terms of fairness  
9           to my client, Mr. Rossmo is going to have to  
10          return for the purposes of cross-examination  
11          given the schedule, and I apologize to my friend  
12          for appearing late in the game, so to speak.  
13          However, I would seek a direction from your  
14          lordship to that effect, much like the one you  
15          issued for Deputy Chief Evans that this witness  
16          will return for the purposes of cross-examination  
17          at a time convenient to the both to the professor  
18          and to counsel and to the commissioner.

19 THE COMMISSIONER: Thank you.

20 MR. DICKSON: Thank you. Mr. Commissioner, Tim Dickson for  
21          the VPD and I just want to respond one more time  
22          to put it clearly on the record in response to  
23          Mr. Ward's suggestion that the VPD is trying to  
24          stall this inquiry by introducing all these  
25          individual lawyers. Nothing could be further

1 from the truth, Mr. Commissioner. The VPD called  
2 for this inquiry and it's utterly committed to  
3 seeing it proceed and the individual lawyers here  
4 are appearing because of process issues that have  
5 nothing to do -- that are completely not within  
6 the VPD's control.

7 THE COMMISSIONER: Thank you. Mr. Vertlieb.

8 MR. VERTLIEB: Thank you, Mr. Commissioner. It became obvious  
9 as I reflected on Professor Rossmo's evidence and  
10 his background and his research, knowledge and  
11 the work he's doing that he's been giving you  
12 important opinion evidence so I think he should  
13 be declared as an expert so his opinions can be  
14 taken in the way an expert's opinions would be  
15 given to you. I think it's helpful for the  
16 record. Can you please confirm that he will be  
17 considered to be an expert in this proceeding.

18 THE COMMISSIONER: I think it is fairly obvious he is an  
19 expert witness.

20 MR. WARD: Excuse me. Counsel well know this -- what field?

21 We qualify experts as experts in particular  
22 fields and that has to be stated for the record.

23 MR. VERTLIEB: It's stated if the commissioner feels it needs  
24 to be. I didn't think that would be problematic.  
25 It's clear he's a man of great knowledge in the

1 field of criminology.

2 THE COMMISSIONER: He's a criminologist, he's a geographical  
3 profiler, he's been a police officer for 20  
4 years, I think he can give opinion evidence on  
5 policing, he can give opinions on the areas of  
6 statistical knowledge when it comes to  
7 geographical profiling and -- yes?

8 MS. HOFFMAN: I just want to make it clear though that the  
9 comments made yesterday by my friends Mr. Hira  
10 and Ms. Winteringham that this witness did not  
11 review the Coquitlam investigation, nor the  
12 Evenhanded investigation and --

13 THE COMMISSIONER: That has nothing at all to do with the  
14 point that's been raised here.

15 MS. HOFFMAN: I'm just concerned that --

16 THE COMMISSIONER: You don't have to repeat what was said  
17 yesterday. I know that. He conceded that. I  
18 don't have to hear things over again.

19 MS. HOFFMAN: Okay, I just wanted to make that clear.

20 MR. VERTLIEB: Frankly he did have knowledge of the Coquitlam  
21 investigation but that's for --

22 THE COMMISSIONER: He didn't have knowledge of Project  
23 Evenhanded.

24 MR. VERTLIEB: Exactly. That's correct.

25 THE COMMISSIONER: That was brought out by Mr. Hira yesterday

1 and he conceded that.

2 **KIM ROSSMO: Resumed**

3 **EXAMINATION IN CHIEF BY MR. VERTLIEB CONTINUED:**

4 Q Our research staff provided some information on  
5 clearance rates in murder investigations and you  
6 had a chance to review that last evening?

7 A Yes, I did Mr. Commissioner.

8 Q Professor, what is the clearance rate in British  
9 Columbia?

10 A Mr. Commissioner, I looked at three documents  
11 last night. The latest information released  
12 shows a homicide clearance rate in the Province  
13 of British Columbia of approximately 60 percent.

14 THE COMMISSIONER: 60?

15 A 60 percent.

16 THE COMMISSIONER: 60 percent of homicides get solved in  
17 British Columbia?

18 A Yes, and 40 percent do not. In context, this is  
19 significantly lower than the Canadian average. I  
20 mentioned yesterday that the Canadian average is  
21 between the United Kingdom and the United States  
22 but the British Columbia average is below even  
23 United States. Quebec was also particularly bad.

24 THE COMMISSIONER: What is the Canadian average?

25 A There was data from 2005 showing about 70

1 percent. One -- two more things I should say,  
2 Mr. Commissioner, is, one, homicide is relatively  
3 rare, the numbers are small, so there's a lot of  
4 deviation. So if we were to look over a period  
5 of say five years that number might be a little  
6 different, it might go up or might go down. The  
7 final thing is there seems to be a general trend  
8 in Canada, not just British Columbia but most  
9 areas of Canada, for the homicide clearance rate  
10 to be getting worse over time.

11 MR. VERTLIEB:

12 Q Thank you very much. One last thing that we  
13 wanted to ask you and it's something that might  
14 be on many people's minds. We know that you've  
15 never interviewed Pickton?

16 A Correct.

17 Q I won't ask you why he did what he did, but I do  
18 want to ask you given your expertise in dealing  
19 with serial killers if you have any opinion on  
20 why a serial killer dealing in the way that  
21 someone like a Pickton would deal, in fact  
22 commits these heinous crimes?

23 A Mr. Commissioner, I've probably read close to or  
24 at least about 95 percent of the all  
25 publications, scholarly journals, articles, books



1 published in English and I'm sad to say the short  
2 answer is we don't know. We can talk generally  
3 that serial murders can fall into two groups:  
4 those who suffer from some kind of psychosis and  
5 those who do not. The latter group is the larger  
6 one, probably 85, 90 percent, and there's nothing  
7 I've read that indicated there was any indication  
8 Mr. Pickton suffered from a psychosis.

9 The other thing we could say is there are at  
10 least two necessary requirements. One is the  
11 desire to kill and one is some breakdown of the  
12 inhibitions, the normal consciousness that  
13 prevents us from harming others. It could be  
14 very likely that Pickton, but certainly Clifford  
15 Olson and many, many serial killers are  
16 psychopaths. They really do not have the same  
17 feelings of guilt that the rest of us do. There  
18 are tests for this, the Psychopathy Checklist-  
19 Revised, for example, which are often  
20 administered in Canadian prisons. I don't know  
21 if Mr. Pickton received any testing.

22 THE COMMISSIONER: They're administered after the killings  
23 have been done?

24 A Yes. The other part, the desire, because the  
25 victims were street prostitutes, there is a

1           tendency to look on these as sex crimes but it's  
2           probably more a combination of desire for power  
3           and control. That is very common with serial  
4           killers. The desire to do this relates to some  
5           need to feel in control or powerful over a group  
6           or a group that might represent something in  
7           their lives. For example, a mother figure. I'm  
8           not suggesting any of these specifically apply to  
9           Pickton, but generally speaking these are  
10          probably the most common characteristics of  
11          causation that have been identified.

12 MR. VERTLIEB: Thank you. I believe we've changed the order  
13               to accommodate counsel and Mr. Gervais needs to  
14               go today but she can follow Mr. Skwarok.

15 **CROSS-EXAMINATION BY MR. SKWAROK:**

16           Q    Sir, I'd like to ask you some questions relating  
17               to your theories of why there may be --

18 THE REGISTRAR: Start with your name, please.

19 MR. SKWAROK: I beg your pardon. Mark Skwarok appearing for  
20               Dr. Rossmo.

21           Q    I'd like to ask you some questions relating to  
22               why your theories of a possibility of a mass  
23               murderer operating weren't paid attention to  
24               quicker. In asking you these questions I propose  
25               to talk about certain individuals but the end

1 result will be to have you give some thoughts on  
2 systemic improvements. We can't talk about  
3 improvements until we know what happened.

4 Do you recall when Inspector Biddlecombe  
5 became in charge of Major Crime?

6 A I'm not certain but I believe it was early 1998.

7 Q In February of 1998 you sent an e-mail to him.  
8 Do you recall that e-mail?

9 A Yes, I do.

10 Q For the sake of the commission it is at tab 5 of  
11 the binder that Mr. Vertlieb tendered yesterday.  
12 It's dated February 5th from yourself to  
13 Inspector Biddlecombe; correct?

14 A Yes.

15 Q Can you describe generally why you sent this  
16 document?

17 A It was a proposed notification procedure that I  
18 was seeking feedback from Inspector Biddlecombe.  
19 It outlined the types of cases in which I could  
20 be of assistance to Major Crime and also proposed  
21 some ideas about how I could be best notified. I  
22 discussed that there could be help in things like  
23 serial or suspected serial crimes, single crimes  
24 with multiple locations. For example, Mr.  
25 Commissioner, in the Abbotsford killer case

1           because the offender had made telephone calls  
2           from phone booths we were able to use those  
3           locations for analyses, and crimes with some kind  
4           of predatory or hunting behaviour on the part of  
5           the offender.

6           Q    So it would be fair to say that essentially it  
7                was to advise Inspector Biddlecombe of what you  
8                do and how you can help?

9           A    Correct. I believe, as I said, Inspector  
10                Biddlecombe had just recently moved into command  
11                of the Major Crime Section.

12          Q    I won't have you read the whole document but  
13                could I address your attention please to the  
14                third page under the heading Summary of Job  
15                Description. Do you have that?

16          A    Yes.

17          Q    And in that entry, the very first entry, you say  
18                that part of what you do is to prepare written  
19                geographical profiles for investigations of  
20                serial, violent and predatory sexual crime;  
21                correct?

22          A    That's correct.

23          Q    So what you do for a living was explicitly  
24                presented to Inspector Biddlecombe?

25          A    Yes.

1 Q If I could take you to the next tab, please.  
2 That's tab 6 of that exhibit. This is an e-mail  
3 to you from Inspector Biddlecombe dated February  
4 23rd. It appears to be a response to your  
5 e-mail; is that fair?

6 A I can't say as to -- if it was in response to but  
7 it followed shortly thereafter in terms of  
8 timing.

9 Q In it he suggests there may be circumstances  
10 where he would use your unit; correct?

11 A Yes, he does respond to the notification  
12 procedure but he also asks for some additional  
13 information.

14 Q That additional information includes a request  
15 for profiles for certain things, homicide victim,  
16 a suspect and a location; correct?

17 A Correct.

18 Q Then you're asked a specific question: What is  
19 the description of a typical homicide victim and  
20 suspect, et cetera?

21 A That's correct.

22 Q Did you respond to Inspector Biddlecombe's  
23 request?

24 A I'm sure I would have. I don't remember how I  
25 responded. The type of profiles Inspector

1 Biddlecombe was asking for were not the type of  
2 profiles I generated. My best guess, Mr.  
3 Commissioner, is that I knew of a master thesis  
4 from Simon Fraser where this information had  
5 specifically been looked at for Vancouver. It  
6 was done by Gord Coburn and he analyzed the  
7 profiles for the typical victim, offender and  
8 location in Vancouver. So I may have given him a  
9 copy of Mr. Coburn's thesis which I had in my  
10 office.

11 Q From the time period from Inspector Biddlecombe's  
12 February e-mail to you and the meeting he  
13 attended in September of that same year, did you  
14 get in contact with Inspector Biddlecombe?

15 A Not that I recall.

16 Q Did you find that unusual?

17 A Well, perhaps, but I also knew Inspector  
18 Biddlecombe had just recently moved into Major  
19 Crime and that would always consume a fair bit of  
20 your time and effort when you're in a new  
21 position. He was a fairly senior inspector and  
22 probably was on annual leave for a large part of  
23 the summer, too. I know he was on annual leave  
24 for part of the summer.

25 Q During that period between when you had your

1 first communication with him and the September  
2 22nd meeting, were there any altercations between  
3 you and he?

4 A No.

5 Q Any disagreements on anything of either a  
6 professional or personal level?

7 A None.

8 Q Although you had no communications with him did  
9 you try to speak with him at all during the  
10 August 1998 period?

11 A Yes. Mr. Commissioner, on the day that I was  
12 informed of the potential problem of missing  
13 women in the Downtown Eastside by Staff Sergeant  
14 Doug Mackay-Dunn and Inspector Gary Greer,  
15 immediately following that meeting I telephoned  
16 Inspector Biddlecombe at his office because I saw  
17 Major Crime having to play a very large role in  
18 whatever we did, but he was not there, he was on  
19 annual leave.

20 Q You followed the chain of command in setting up  
21 that meeting; correct?

22 A I wouldn't use that phrase but I notified Deputy  
23 Chief Brian McGuinness who was in my chain of  
24 command and would also be Inspector Biddlecombe's  
25 boss, so I was communicating both up and

1                   sideways.

2           Q   More to the point, in not speaking with Inspector  
3           Biddlecombe prior to the September meeting you  
4           weren't trying to avoid him?

5           A   No. He was the very first person I tried to talk  
6           to.

7           Q   In that meeting you describe of September 22nd,  
8           you described Inspector Biddlecombe's conduct as  
9           demonstrating a small temper tantrum?

10          A   Correct.

11          Q   Did you find that to be unusual?

12          A   Unusual and unprofessional.

13          Q   Did he ever tell you why he was so angry at that  
14          meeting?

15          A   No. I could infer that he seemed to be upset, at  
16          least with Constable Dickson, about releasing  
17          information to the media but I did not understand  
18          what that had to do with me. Any sort of thought  
19          that he might have given he would realize I had  
20          no information, that I was involved with this  
21          just very recently, so there would seem to be no  
22          logical basis for his anger.

23          Q   In that period of time were you aware of any  
24          negative perceptions that Inspector Biddlecombe  
25          had of your work or skills?



1           A    No. I was actually quite surprised at that  
2                    reaction. We had a couple of communications that  
3                    we've just discussed here and I certainly was not  
4                    aware of any problem at all.

5           Q    More generally at that time in September of 1998,  
6                    were you aware of anyone in the VPD having a  
7                    negative view of the work you did in geographical  
8                    profiling?

9           A    I never heard any specific criticisms of my work,  
10                  work product or professional performance.

11          Q    Sir, I'd like to take you to a document that is  
12                  entitled Annual Report. It's a document that I  
13                  provided copies to you. There should be two  
14                  documents before Dr. Rossmo. One of them is the  
15                  annual report and another one is a memo. I want  
16                  to take you through this document, sir, to  
17                  indicate what in fact you had done for the police  
18                  roughly contemporaneously or before the meeting  
19                  with Inspector Biddlecombe.

20          A    Yes.

21          Q    This document is dated December 18th, 1998. It's  
22                  addressed to Deputy Chief Brian McGuinness and  
23                  it's from you, the subject is the Geographical  
24                  Profiling Section, 1998 Annual Report; correct?

25          A    Yes. Mr. Commissioner, every year in December I

1 prepared an annual report of my activities during  
2 the year for my supervisor, in this case Deputy  
3 Chief McGuinness.

4 Q Was Deputy Chief McGuinness also the next in line  
5 in the hierarchy for Inspector Biddlecombe?

6 A That is correct.

7 Q You both reported to him?

8 A Correct.

9 Q If we go to the first page under the heading of  
10 Geographical Profiles, you have a subtitle called  
11 Completed and then a series of entries that go on  
12 for a couple of pages?

13 A Yes.

14 Q Can you generalize what these entries are about?

15 A These were cases that I had been asked to work on  
16 and had completed a geographic profile and I  
17 provided a brief description here of what the  
18 crimes were and any other information I thought  
19 might be of interest.

20 Q I'm not going to take you to all of them again,  
21 the purpose is just to show you in fact had been  
22 doing some work. Let's go to the very first one  
23 you have headed Ontario Sexual Assaults Project  
24 Loch Ness. What is that about?

25 A It's a series of 11 sexual assaults of young

1 women, some of them teenagers, on the streets of  
2 Mississauga. The last offence had involved a  
3 rape. As a result, investigators were able to  
4 recover DNA evidence. They had a list of 300  
5 suspects they wanted to test but the cost of  
6 testing 300 individuals was quite expensive, not  
7 to count the cost of trying to find 300 suspects,  
8 so they wanted a prioritization system for the  
9 DNA testing. I provided a geographic profile and  
10 the individual who tested positive and later  
11 confessed and was convicted was sixth out of the  
12 312 or in the top two percent of that list.

13 Q The inference being that as a result of your  
14 geographical profiling, significant savings were  
15 incurred by reducing the number of people that  
16 needed to be DNA tested?

17 A Correct, and potentially reduction of future  
18 crimes during this time period as well.

19 Q It's fair to say your application of your  
20 specialty was a success?

21 A Correct, and I point out that particular police  
22 jurisdiction later adopted and had a number of  
23 individuals trained in geographic profiling for  
24 their own internal capability.

25 Q Let me take you to fourth entry from the bottom

1           entitled Belgium Serial Murders, Four Murdered  
2           Women in Mons, Belgium. Please briefly describe  
3           what you did to assist in the resolution of that  
4           matter?

5           A   The Belgium gendarme asked for our assistance. I  
6           flew to Belgium to work on this case. The case  
7           is unsolved, it involved a number of women who  
8           had been chopped up and parts of their body left  
9           around in garbage bags. It was a very horrific  
10          crime.

11          Q   And what was your contribution?

12          A   I created a geographic profile for them.

13          Q   What was the result of that profile?

14          A   As far as I know it's still an unsolved case.

15          Q   What about the Louisiana serial rapes, what was  
16          your involvement there?

17          A   From 1984 to 1995 there were 14 burglary/rapes of  
18          women in Lafayette, Louisiana. Police had DNA  
19          but had been unsuccessful despite two task forces  
20          in making an arrest. The police chief read an  
21          article about geographic profiling in the  
22          Vancouver Police Department in the police chief  
23          magazine and asked for our assistance. I went to  
24          Louisiana, prepared the geographic profile. They  
25          used that to prioritize their suspects and when a

1 tip came in of an individual that was in a very  
2 high part of the geographic profile they  
3 surreptitiously obtained his DNA from a  
4 cigarette. They felt that they might have  
5 ignored that particular tip because it related to  
6 a sergeant with the sheriffs' department  
7 surrounding Lafayette but they didn't partly  
8 because of the geographic profile. The DNA was a  
9 match and he was convicted and given multiple  
10 life sentences.

11 Q Would it be fair to say, sir, that in that case  
12 your assistance was recognized and appreciated by  
13 the local police force?

14 A Very much. The detective involved in that case  
15 has called me about other cases. That particular  
16 case was also featured in a number of  
17 documentaries, television news shows, including  
18 *NBC Dateline*.

19 Q The next page, the third entry down, London Mardi  
20 Gras bomber. What was that about?

21 A This was a case of a number of bombings outside  
22 ATM machines, bank machines and outside of  
23 supermarkets. The anti-terrorist branch of  
24 Scotland Yard had asked for our assistance. I  
25 went to London, prepared a geographic profile

1           which was very accurate and helped the police  
2           focus on the Chiswick neighbourhood in London  
3           where two offenders were apprehended. They were  
4           brothers and it assisted them in the resolution  
5           of cases that had been going on for several  
6           years.

7           Q   Were these activities referred to on these two  
8           pages undertaken by you in 1998?

9           A   That's correct.

10          Q   In the year 1998 you were involved in serial  
11          crimes in jurisdictions ranging from New York to  
12          Warwickshire, to Virginia, Belgium, Louisiana,  
13          Staffordshire, Ontario, various places in the UK  
14          and Arizona; correct?

15          A   Yes, along with Vancouver.

16          Q   At the bottom of page 2 you have a heading called  
17          Solved. What is that about?

18          A   These were cases that I had worked in a previous  
19          year which had now become solved and I would  
20          report the results of the solutions in the annual  
21          report to give some idea of the predictive  
22          accuracy of the work.

23          Q   You make reference on the following page to  
24          something called Operation Lynx. What was that  
25          and what was your contribution?

1           A    It was the longest police manhunt since the  
2                Yorkshire Ripper inquiry.  It was an  
3                investigation of a series of rapes in Leeds,  
4                Leicester, Nottingham.  It suffered from linkage  
5                blindness in that the crimes were not linked  
6                until very, very late.  The rapes actually  
7                happened from '82 to '95 but the linkage didn't  
8                occur until 1996.  Because of the delay there  
9                were a lot of investigative difficulties.  They  
10              had DNA but the offender was not in the national  
11              DNA data bank.  They also had a partial  
12              fingerprint.  A number of points on the latent  
13              print were insufficient for submission into an  
14              AFIS, automated fingerprint identification  
15              system.  Connected to one of the rapes was a  
16              stolen car and in that car was the owner's credit  
17              card which was used to make numerous purchases,  
18              presumably by the rapist.  That was the basis for  
19              our geographic profile.  Police investigators  
20              decided to do a hand search of fingerprint files.  
21              The population in this general area is probably  
22              similar to that of Toronto, so it was quite a  
23              large area, and they did a hand search based on  
24              age parameters from the victims' description,  
25              likely criminal record from the psychological

1 profile and then focused on two police  
2 neighbourhoods because of the geographic profile.  
3 After a few months of search they found the  
4 offender in one of those two neighbourhoods. He  
5 confessed, his DNA matched, and he was given a  
6 life sentence, and I think primarily because of  
7 this case the British police sent over a  
8 detective sergeant to Vancouver for four months  
9 of training in geographic profiling and they  
10 eventually set up a capability of four geographic  
11 profilers on a national level in the United  
12 Kingdom.

13 THE COMMISSIONER: Mr. Skwarok, tell me how this is going to  
14 help me. We already know that Dr. Rossmo is an  
15 international expert on these issues and we're  
16 going through all of this, but tell me how that  
17 relates to our terms of reference.

18 MR. SKWAROK: We certainly know that, sir, but the issue is  
19 whether Inspector Biddlecombe was aware of all  
20 this and the evidence I anticipate will be that  
21 he was, leading to the question why was he not  
22 using Dr. Rossmo more. And on the systemic  
23 aspect of it, the evidence I anticipate will be  
24 that Inspector Biddlecombe played a singular role  
25 in delaying this investigation. Why is there not



1 a better system to allow important decisions such  
2 as to engage in geographic profiling, why is that  
3 restricted to one person having the ability to  
4 prevent it from occurring? Why is there not a  
5 system where issues of this significance are --

6 THE COMMISSIONER: We're looking at you say a systemic flaw?

7 MR. SKWAROK: Right.

8 THE COMMISSIONER: Okay. I'll ask another question. We know  
9 that Dr. Rossmo has said on a number of occasions  
10 that he felt that Inspector Biddlecombe was  
11 arrogant and unprofessional. Does that help me  
12 at the end of the day, keeping in mind what my  
13 terms of reference are? I agree that the  
14 animosity that took place, if it was there  
15 obviously had a negative effect upon the  
16 investigation and that's the whole gravamen of  
17 his evidence, that had the Vancouver Police  
18 accepted the geographic profiling theory and the  
19 existence of a serial killer that the killings  
20 may have been solved a lot earlier, that Pickton  
21 may have been apprehended a lot earlier. My  
22 understanding is when Deputy Chief LePard  
23 testified, did he not testify that they accepted  
24 that theory? So the Vancouver Police in fact  
25 have admitted they made that mistake. Is that

1 not so, Mr. Dickson? If they knew then what they  
2 know now then things would have been done  
3 differently?

4 MR. DICKSON: Certainly Deputy Chief LePard's evidence is that  
5 the central failing on the VPD's part was not  
6 recognizing --

7 THE COMMISSIONER: That they should have listened to Kim  
8 Rossmo.

9 MR. DICKSON: Among other people. Detective Constable  
10 Shenher, Sergeant Field, they also came to that  
11 theory early on and the issue is that the serial  
12 killer theory wasn't accepted at higher levels as  
13 soon as --

14 THE COMMISSIONER: We really need to look at the big picture  
15 here. The fact someone was arrogant and didn't  
16 get along with someone else or was  
17 unprofessional, at the end of the day I have to  
18 give advice to police forces, government, in the  
19 form of recommendations. Whether there were  
20 these fights going on and disputes going on in  
21 the back room, I don't know how important any of  
22 that is. I know Mr. Neave is here to defend the  
23 interests of Inspector Biddlecombe and no doubt  
24 -- as a matter of fact, yesterday Dr. Rossmo said  
25 that the views that Biddlecombe held were honest

1 beliefs, so it's not like he's personally  
2 disparaging him other than making comments about  
3 arrogance. In our business a lot of lawyers  
4 think arrogance is a badge of honour so is  
5 arrogance necessarily something that is  
6 pejorative?

7 MR. SKWAROK: My goal here is not to emphasize or draw  
8 attention to the witness's personal assessment of  
9 Inspector Biddlecombe. I'm not going to adduce  
10 evidence about jealousy, motivation or whatever.  
11 My purpose is this: Accepting that Inspector  
12 Biddlecombe had an honest belief that geographic  
13 profiling would be inappropriate here and that  
14 there was no serial killer, it's not in my  
15 respectful submission sufficient to say he was  
16 wrong. We have to take it to the next step and  
17 that is how do we prevent another Inspector  
18 Biddlecombe in the future who has honestly held  
19 beliefs from being in a position to unilaterally  
20 prevent an appropriate type of investigation. It  
21 has nothing to do with any personal attacks or  
22 slights on the good inspector. In my submission,  
23 I appreciate the police force is a paramilitary  
24 hierarchal organization. Somebody has to make a  
25 decision. Where we're talking about a situation

1           where it is such a significant issue, a potential  
2           serial killer --

3 THE COMMISSIONER: Mr. Vertlieb.

4 MR. VERTLIEB: I think Mr. Skwarok's comments are helpful  
5           because it is the systemic concern that there  
6           will be personality disputes inevitably in the  
7           future and the important thing is to find a way  
8           to get past them. Knowing Mr. Skwarok doesn't  
9           waste our time, I'd be comfortable if he explores  
10          this with the comments that you've made. I think  
11          the point is this was known in '98 so I don't  
12          know if we need to go through it anymore and I  
13          understand your comments. I think there could be  
14          a benefit to spending a few minutes on it.

15 MR. SKWAROK: Again, the reason I wanted to present some  
16          objective evidence of what Detective Inspector  
17          Rossmo had done was to show that there was in  
18          fact some evidence out there to -- available to  
19          Biddlecombe to recognize that this gentleman did  
20          have some skills that would have been useful.

21 THE COMMISSIONER: I think that point has been made and I  
22          don't want to cut you off or anything but that  
23          has point has been made. When the deputy chief  
24          was here he in fact admitted so much that they  
25          ought to have paid attention to Dr. Rossmo.

1 MR. SKWAROK:

2 Q Sir, after the September 22nd meeting of 1998 did  
3 you have any further dealings with Inspector  
4 Biddlecombe?

5 A There was a meeting in Deputy Chief Brian  
6 McGuinness's office in February of '99 and I had  
7 also in my submission of my case assessment sent  
8 a copy to Inspector Biddlecombe.

9 Q I've referred to that annual report setting out  
10 the things you had done. To your knowledge did  
11 Inspector Biddlecombe have access to that  
12 information?

13 A There certainly wasn't anything confidential or  
14 secret and would have been obtainable from Brian  
15 McGuinness.

16 Q Was there any media attention drawn to any of  
17 these incidents or events that you were  
18 responsible for?

19 A There was a fair bit of media attention.

20 THE COMMISSIONER: When you were promoted you jumped a lot of  
21 ranks, didn't you?

22 A That's correct.

23 THE COMMISSIONER: You were promoted by extraordinary measures  
24 primarily because of your expertise and your  
25 educational background?

1           A    That's correct.

2 THE COMMISSIONER:  Because you brought to the department an  
3                   expertise and knowledge that never existed there  
4                   before?

5           A    Yes.

6 THE COMMISSIONER:  That was well known because that was  
7                   publicized in the media?

8           A    Yes.

9 MR. SKWAROK:

10           Q    And presumably well known particularly to  
11                   Inspector Biddlecombe?

12           A    I can't say what was in his mind but I can't see  
13                   how he would not have known.

14 MR. SKWAROK:  I'm producing to you a memo dated January 13,  
15                   1999.  It's to Inspector Biddlecombe and to  
16                   Inspector Ken Doern from yourself.  Mr. Giles,  
17                   would you please provide copies.

18                   Can we mark the annual report?

19 THE REGISTRAR:  The annual report will be marked as Exhibit  
20                   68.

21                   **(EXHIBIT 68:  Annual Report)**

22 MR. SKWAROK:

23           Q    Sir, can you describe this document?

24           A    This is a one-page memo that I prepared at the  
25                   suggestion of Deputy McGuinness.  It was sent to

1           the two major sections that dealt with  
2           investigative matters in our department, Major  
3           Crime, the inspector there being Fred  
4           Biddlecombe, and the Specialized Investigation  
5           Section, Inspector Ken Doern.

6           Q   And what was the purpose of it?

7           A   It was to anticipate future demand for geographic  
8           profiling services for the purpose of planning,  
9           budgeting and resource allocations. I asked the  
10          two inspectors -- I said it would be helpful if  
11          you can give me a number of requests from your  
12          section for the following crimes: murder, sexual  
13          assault, robbery, arson, break and enter, other,  
14          and I asked if it was possible for them to  
15          respond by February 15th.

16          Q   Did Inspector Biddlecombe respond?

17          A   No, he did not. I asked him -- I followed up a  
18          couple times asking him if he would send the memo  
19          back to me but he never did.

20          Q   Inspector Doern, what was your relationship with  
21          him at the time, that is, January of 1999?

22          A   Very good.

23          Q   Can you expand upon that a bit please?

24          A   Inspector Doern had been my inspector earlier in  
25          my career. He was supportive professionally and

1           also I would consider a friend personally.

2           Q   Did he give you any indication at another time  
3           that he would consider using your services?

4           A   Yes, definitely.

5           Q   Did he fill out this form indicating such?

6           A   He did not. The form because of the timing of  
7           when I sent it, Inspector Doern was away and  
8           Acting Inspector Ed Kemp filled out the form and  
9           returned it to me.

10          Q   What were the comments by Kemp?

11          A   Kemp wrote zero in each of the six spaces for the  
12          crimes.

13          Q   Do you know why his assessment of using you or  
14          the frequency with which he might use you varied  
15          so significantly from Inspector Doern?

16          A   I had been told that he held me to blame for his  
17          failure to be promoted to inspector that  
18          particular year, but in reality the department  
19          went down one constable position and up one  
20          detective inspector position, so it was an  
21          erroneous belief that he held.

22          Q   You talked yesterday about the requirement for  
23          there to be accountability in policing?

24          A   Yes.

25          Q   We heard at great length evidence from Deputy



1 Chief LePard; correct?

2 A Yes.

3 Q And you've read his report?

4 A Twice, yes.

5 Q How would you characterize that report in light  
6 of your statement that accountability is  
7 important?

8 A I think what the Vancouver Police Department did  
9 and what Deputy LePard did was fantastic. It's  
10 unfortunately all too rare to see police  
11 departments do a critical examination of where  
12 they did something wrong. I've read LePard's  
13 report twice, he does not pull any punches. I  
14 think something like this is very, very helpful  
15 for a police agency. It's only by understanding  
16 what went wrong that we can make improvements.  
17 One of the reasons air travel is so safe is that  
18 whenever there's a crash intensive examination  
19 goes into figuring out what happened, whether  
20 it's human error or mechanical or to do with the  
21 environment, and solutions are developed so it's  
22 unlikely that will happen in the future. This is  
23 something any professional group needs to do.  
24 Unfortunately it's rare for police to do this  
25 type of examination. Usually it's more a case of

1 circling the wagons and trying to protect  
2 yourself. I really have to give a tremendous  
3 amount of credit to the Vancouver Police  
4 Department and the LePard report. I've also  
5 referred the LePard report to other police  
6 officers who are dealing with other major  
7 problems as an example, an exemplar of how you  
8 can do an internal autopsy and try to figure out  
9 what went wrong so that it won't happen again in  
10 the future so that changes can be made  
11 organizationally to minimize that reoccurrence.

12 Q Sir, you already testified that Inspector  
13 Biddlecombe took a preeminent role in effectively  
14 delaying the investigation of a serial killer;  
15 correct?

16 A That I felt he did not deploy the resources  
17 necessary for a crime of this potential  
18 seriousness and he was disengaged and that he did  
19 not warn the public.

20 Q What would you have done?

21 A I think the best way to answer that is that I  
22 believe we should have followed the strategic  
23 blueprint that was listed, and maybe just to  
24 emphasize a simultaneously safety initiative with  
25 the community. I think the community should have

1           been warned. I think many more resources should  
2           have been put into play earlier. If it took, for  
3           example, eight months for Detective Constable  
4           Shenher to try to locate these missing people it  
5           would have made more sense to deploy say four  
6           investigators like her, it may have taken two  
7           months. Because if we do have a serial predator,  
8           responding after two months of initial  
9           investigation is infinitely better than  
10          responding after eight months of initial  
11          investigation. From the VPD perspective it's  
12          still the same number of "man hours" but it  
13          allows us to get to a position to know where we  
14          should be proceeding sooner rather than later. I  
15          also don't think there was no reason we couldn't  
16          have had an experienced homicide detective or  
17          sergeant permanently 100 percent assigned to this  
18          to start preparing information on potential  
19          offenders if it turned out that the missing women  
20          actually was a problem, and it was.

21          Q   Both you and Inspector Biddlecombe had honest  
22                beliefs that varied about what should be done;  
23                correct?

24          A   Correct.

25          Q   Were there any avenues available to you for you

1           to seek the guidance or direction of a more  
2           senior officer?

3           A   That was not going to be possible, given the  
4           nature of the chain of command and the rank  
5           structure. I only had a supporting advisory  
6           role, no primary responsibility for any case at  
7           all. The reports I did I hoped would have some  
8           influence, but unfortunately after that September  
9           meeting Inspector Biddlecombe refused to  
10          communicate with me in any way, shape or form so  
11          it was not possible to have a dialogue to try to  
12          influence his position or change his mind. He  
13          was in charge of the Major Crimes Section and  
14          short of replacing him I'm not sure what even  
15          Deputy McGuinness might have done if Inspector  
16          Biddlecombe told him he was dealing with the  
17          problem or handling the situation.

18          Q   Why wasn't it open to you to go to Deputy Chief  
19          McGuinness and say, "This is what Inspector  
20          Biddlecombe thinks, this what I think it, this is  
21          why I think it's very important we do something,  
22          can I get you to step in?"

23          A   That would have -- I was already having problem  
24          with Major Crimes. That would have been the  
25          death blow to do something like that, to do an

1 end run around Inspector Biddlecombe. Also I did  
2 not realize -- I knew things were progressing  
3 slowly but I was not aware of many of the  
4 problems in Project Amelia until the latter half  
5 of 2000. I saw some progress; I thought some  
6 progress was better than no progress. I also  
7 knew I did have some influence with the Project  
8 Amelia individuals who I believed were working  
9 towards -- they had adopted the serial killer  
10 theory and they were working towards that end and  
11 I thought some influence was better than no  
12 influence and I was worried I would be completely  
13 shut off from them if I further alienated  
14 Inspector Biddlecombe.

15 Q You accept the fact that in a hierarchal  
16 organization somebody has to make a decision;  
17 correct?

18 A Yes.

19 Q As the chain of command in this particular case  
20 would indicate that Inspector Biddlecombe was  
21 making the calls; correct?

22 A Correct.

23 Q And we have to accept the fact that a chain of  
24 command is a valid and important tool in the  
25 operation of any police force; correct?

1           A    Yes.  I would like to say with that authority  
2                needs to come responsibility.

3           Q    I appreciate that, and I'm not addressing his  
4                error, as it turns out by 20/20 hindsight, about  
5                the mass murder situation.  But in your mind,  
6                keeping in mind the requirement for a hierarchy,  
7                what could have been done better to evaluate and  
8                expand on and to further consider whether or not  
9                your approach was a meritorious one?

10          A    Mr. Commissioner, I think Mr. Skwarok's question  
11                is a key question.  How could the Vancouver  
12                Police Department with a native indian liaison  
13                office, good community policing efforts,  
14                geographic profiling section, an inspector in  
15                charge of District 2 that was concerned about the  
16                problem, how could it have all these pieces in  
17                place and yet still fail to do what was required  
18                in the situation?  It seemed like a number of the  
19                cogs were turning correctly but one cog was not.  
20                So in the future what recommendations could be  
21                made to deal with one cog not turning kind of  
22                problem.  Generically I would say accountability  
23                and openness within the organization.  Good  
24                discussion and communication is essential.  More  
25                specifically, I could point to some of the

1 initiatives the Vancouver Police Department have  
2 since introduced following the LeParo report.  
3 These include the development of the CompStat  
4 system similar to what the New York Police  
5 Department has which assigns management  
6 accountability to crime problems, openness in  
7 discussions when figuring out progress and the  
8 next steps in investigations, perhaps weakening  
9 -- not dissolving but an opening up of the rank  
10 structure. Expertise doesn't necessarily come  
11 with a rank, and especially when you look at  
12 individuals, for example, Dave Dickson who was a  
13 constable, not a high rank but he had extensive  
14 knowledge and experience on the Downtown Eastside  
15 and the groups working there. The VPD now  
16 engages in reviews of what went well and what  
17 went wrong in major investigations. I'm not by  
18 any means an organizational expert but I think  
19 there is definitely a number of good ideas that  
20 have been tried and other ones that could be  
21 tried that can get around potential roadblocks  
22 that I believe occurred in the VPD at that time  
23 period and not allow one individual to prevent an  
24 investigation moving forward as it should.

25 Q So are you contemplating that there should have

1           been some type of brainstorming meeting in  
2           September?

3           A   Really that was the purpose of the missing person  
4           working group was to develop ideas, share  
5           information, brainstorm and move things further,  
6           and I think that it would have been very helpful  
7           if that was something that was adopted and  
8           carried on by Major Crime, especially after the  
9           Project Amelia time period. Project Amelia had  
10          problems but they were not getting any solutions  
11          from the command staff.

12          Q   You recognized, sir, that you can't have a group  
13          decision on everything?

14          A   No, but you can have group input.

15          Q   On at least significant issues?

16          A   Yes, Mr. Commissioner, my major criticism of  
17          Inspector Biddlecombe was not necessarily the  
18          decision he made but that he didn't want to  
19          discuss or debate that decision.

20          Q   In your view there should be formal processes of  
21          some sort implemented to require such types of  
22          discussions?

23          A   Yes, Mr. Commissioner, I think something like  
24          that would be very helpful. It would have to be  
25          formalized and thought would have to be given to



1                   how to prevent "group think" and prevent the  
2                   command structure from dominating opinions.  
3                   Investigative opinions should be based on  
4                   evidence, information, knowledge, experience, not  
5                   just by the number of stripes or stars on  
6                   someone's uniform.

7 MR. SKWAROK: Thank you, sir, those are my questions.

8 THE COMMISSIONER: Thank you, Mr. Skwarok. Ms. Gervais.

9 MS. GERVAIS: Counsel for aboriginal interests, Robyn Gervais.

10                   I note the time and I'm wondering if you would  
11                   like to take the break before I begin.

12 THE COMMISSIONER: All right.

13 THE REGISTRAR: This hearing will now recess for 15 minutes.

14                   (PROCEEDINGS ADJOURNED AT 10:55 A.M.)

15                   (PROCEEDINGS RESUMED AT 11:20 A.M.)

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

17 MS. GERVAIS: Robyn Gervais, counsel for aboriginal interests.

18                   Mr. Commissioner, I would just like to say a  
19                   quick thank you to my colleagues for allowing me  
20                   to go ahead of them as I have a hearing tomorrow  
21                   morning.

22 THE COMMISSIONER: Thank you.

23 **CROSS-EXAMINATION BY MS. GERVAIS:**

24                   Q Mr. Rossmo, you indicated in your PowerPoint  
25                   yesterday that almost half of the missing women

1           were First Nations; correct?

2           A    That's what I was told, yes.

3           Q    Yesterday you provided evidence that most often  
4           the community solved the murder?

5           A    Information from a member of the community,  
6           crimes generally.

7           Q    You would agree that the majority of the missing  
8           women were largely dependent on community  
9           supports to help them meet their day-to-day  
10          needs?

11          A    I don't know that for a fact, Mr. Commissioner,  
12          but I would expect that. It would not surprise  
13          me.

14          Q    These were women who didn't have a lot of  
15          resources available to them personally; would you  
16          agree with that?

17          A    Yes.

18          Q    You would agree then that Downtown Eastside  
19          organizations and aboriginal organizations and  
20          community supports sometimes acted as family for  
21          these women because they saw them on a regular  
22          and routine basis?

23          A    Yes, I'd agree with that, Mr. Commissioner. Many  
24          of those organizations were really their last  
25          resort and only resort.

1           Q    You would agree then that these organizations and  
2                supports were most likely to know the habits and  
3                patterns and the routines of the missing women,  
4                much like a family might?

5           A    I would say that I would consider that -- I don't  
6                know what they know, but as an investigator I  
7                would consider that critical information to  
8                explore and attempt to try to learn as much as  
9                possible about the patterns of this particular  
10              group.  Whenever you're doing an investigation of  
11              this sort, the term is victimology, a full  
12              understanding of victims is critical.

13          Q    You just answered my next question.  If you could  
14                please turn to tab 1 of the binder that I've  
15                provided.  You'll see that there's a series of  
16                letters here, they're from an organization called  
17                Crab Park Water For Life.  This organization has  
18                standing at this inquiry.  Have you seen these  
19                letters before?

20          A    I have.

21          Q    I'd like to go through the first letter with you,  
22                it's brief.  I'll note that it's dated November  
23                7, 1995, and it's to Inspector Gary Greer.  It  
24                says:  "This is a request that Kim Rossmo be  
25                instructed to do an in-depth investigation of the

1 specific concerns regarding serial killing in the  
2 Downtown Eastside. I first brought these  
3 concerns to the city police five years ago. It  
4 is negligence for the city police to not properly  
5 investigate this matter and it has cost people  
6 their lives." If you flip over to the next page  
7 you'll note that it's the same letter addressed  
8 to then Attorney General Ujjal Dosanjh?

9 A Yes.

10 Q If we flip over to the next page, this is a  
11 letter dated November 14th, 1995, again to  
12 Attorney General Ujjal Dosanjh. Have you seen  
13 this letter before?

14 A I may well have been copied but I have received  
15 -- I received a number of letters -- copies of  
16 letters from Mr. Larson so I can't say for  
17 certain. Most likely I did.

18 Q You would agree with me that this is a letter  
19 urging the Attorney General to send a letter to  
20 the VPD and ask them to ensure that you begin  
21 working on the serial killer issue on the  
22 Downtown Eastside?

23 A That's correct.

24 Q If we go down to the third paragraph, the letter  
25 also states: "Over 40 women have been murdered

1           since 1983 in the Downtown Eastside. Many were  
2           native aboriginal women who worked as prostitutes  
3           and used hard drugs. These are easy victims and  
4           have no real protection from anybody." Then if  
5           you flip the page to what is page 7, you'll  
6           notice that this is a press release from Crab  
7           Park Water For Life dated October 6, 1997 and  
8           this press release is also copied to then-Mayor  
9           Owen and the chairperson of the Vancouver Police  
10          Board; do you see that?

11         A    Yes.

12         Q    You agree with me that this press release is a  
13               criticism that the police have not tracked the  
14               serial killer cases and that you have not been  
15               assigned to work on the serial killer cases?

16         A    Yes, it is.

17         Q    So then by looking at this series of letters you  
18               would agree with me that as early as 1995 at  
19               least one community organization which you just  
20               stated generally hold valuable information about  
21               the missing women had flagged the issue to the  
22               VPD?

23         A    Could I ask you to clarify which issue?

24         Q    The issue that there was potentially a serial  
25               killer in the Downtown Eastside and had asked

1           that you be assigned to investigate it?

2           A    It's my strong opinion, Mr. Commissioner, that  
3           what Mr. Larson was talking about had nothing to  
4           do with the missing women case.

5           Q    Okay. Putting aside whether it had anything to  
6           do with the missing women case that we are here  
7           about today, he did in fact flag there was a  
8           potential serial killer in the Downtown Eastside?

9           A    I had some conversations with Mr. Larson and it  
10          was my opinion that he was confusing the large  
11          number of murders generally which were a product  
12          of the type of area, the level of drugs and  
13          alcohol, violence in the area, in other words, a  
14          large number of individual but not connected  
15          murders with a serial murderer. You could make  
16          the statement that the environment was a  
17          potential serial killer but there was nothing to  
18          suggest these were actually linked crimes. He  
19          did not have a lot of specifics. Some of the  
20          homicides had been solved with individuals  
21          arrested; it was not a something in the classic  
22          way that we would consider a serial killer.

23          Q    You did testify yesterday that it was in 1995  
24          that there was an increase in the number of  
25          missing women; is that right?

1           A    That is correct, but Mr. Larsen's comments refer  
2                   to women going back to 1993 and in the letter of  
3                   1995 he mentions bringing these concerns to the  
4                   city police five years ago, so 1990.

5           Q    If we can turn to tab 2 in the binder. This is a  
6                   letter we've all seen before dated February 7,  
7                   1997 addressed to Sergeant Cooper in the Major  
8                   Crimes Section from the First Nation Summit.  
9                   This is a letter that flagged the issue of the 48  
10                  missing aboriginal women to the Attorney General?

11          A    I haven't seen this letter before so if you give  
12                  me a moment to read it, please.

13          Q    You would agree that this letter is what was the  
14                  beginning of the missing women investigation in  
15                  terms of flagging the issue of 48 missing women?

16 MR. DICKSON: Mr. Commissioners, Tim Dickson for the VPD. He  
17                  just testified that he hadn't seen this letter  
18                  before. This is the first time he's seen it.

19 THE COMMISSIONER: All right.

20          A    I'm not sure because, one, I'm not sure what are  
21                  the names on this list of the 48 and how that  
22                  relates to the victims of Pickton, and also, as  
23                  I've just seen this letter for the first time I  
24                  can't say if there was something preceding it as  
25                  well. I can say it certainly precedes August

1           1998 which was the first time I knew about the  
2           problem.

3 MS. GERVAIS:

4           Q   Thank you. I didn't realize you hadn't seen the  
5           letter before.

6           A   Sorry, I do see a list on the next page, the  
7           victim list. I would say without having some  
8           time to look this through and compare it to the  
9           individuals Pickton was charged with, I don't  
10          know what the correlation is. There are a couple  
11          of names I'm familiar with. For example, Rose  
12          Peters and Maureen Riding-at-the Door who I knew  
13          -- Maureen Riding-at-the Door I knew because I  
14          had arrested her and Cheryl Ann Joe was a case  
15          that I had some involvement with for Major Crime  
16          but independent of the missing women. I don't  
17          know if there's any correlation between the  
18          victims of Pickton and this list.

19          Q   You would agree that it was a flag from the  
20          community that there were an outstanding number  
21          of missing women?

22          A   No. This is a list of it says 48 homicide  
23          victims.

24          Q   Okay. I'll move on. If we could next move to  
25          your strategic blueprint which is located at tab



1           3 of the binder that I've provided to you. You  
2           would agree that this is a copy of the updated  
3           blueprint provided to Inspector Greer on  
4           September 4, 1998?

5           A    Yes.

6           Q    If you can turn to page 3 of your blueprint, at  
7           the bottom of the page at E, you list proactive  
8           investigation and one of the bullet points is  
9           community assistance. Correct?

10          A    Yes.

11          Q    From your evidence earlier today and from this  
12          bullet point I take it that you agree that  
13          liaising with community groups as much as  
14          possible would be helpful to aid the  
15          investigative process?

16          A    Yes, I would see two purposes -- sorry, three  
17          purposes. One would be the assistance and the  
18          genesis of the determination there was a  
19          potential problem through the reports of missing  
20          people and individuals that had disappeared and  
21          no one had seen them for a while; the second  
22          would be in the development of potential  
23          suspects; and the third would be warning the  
24          community of the potential predator.

25          Q    If you can next turn to tab 4 of your binder,

1           you'll see that this appears to be minutes from a  
2           liaison meeting that took place between the  
3           Downtown Eastside and the Strathcona police.

4           Have you seen this document before?

5           A    I may well have seen it in 1999.  I don't  
6           remember it but I have seen it earlier this week.

7           Q    And just sort of skimming through the document, I  
8           saw that there are comments in there from Deb  
9           Mearns who I understand was with the organization  
10          the Downtown Eastside Youth Activities Society?

11          A    Yes.

12          Q    There is a reference to the organization WISH in  
13          there as well?

14          A    Yes.

15          Q    Do you know if there were any other community  
16          organizations present at this meeting?

17          A    I can't remember who was present so I'm sorry.

18          Q    You would agree that this meeting took place  
19          February 9, 1999 and that was two years after the  
20          First Nations Summit had first flagged the issue  
21          and it took a while to get the community liaison  
22          meeting going; correct?

23          A    Well, I believe this meeting is in relationship  
24          to the women who went missing but I believe that  
25          other document is referring to women who had been

1 murdered. I see these as separate issues because  
2 one is identifying the high homicide risk for  
3 First Nations women in the Downtown Eastside  
4 area, and the second one, the missing women is  
5 the possibility of a potential predator so  
6 different types -- maybe related a bit, Mr.  
7 Commissioner, but different problems requiring  
8 different solutions.

9 Q If you could next turn to tab 8 of the binder,  
10 this is a document dated May 19, 1999 and it's a  
11 memo from Constable Jerry Wickstead to a number  
12 of VPD members including yourself. Have you seen  
13 this document before?

14 A I would have seen it in 1999 although I can't say  
15 I remember it. I have seen it earlier this week  
16 and I can remember what he is talking about here  
17 and the subsequent forum we did have at WISH.

18 Q I would just like to go through the document a  
19 little bit which discusses several strategies for  
20 gathering information about the missing women.  
21 If you go to the third paragraph it starts out:  
22 "There are several reasons why a group discussion  
23 with police could be rewarding." In point form  
24 it says: "This could be another avenue to open  
25 up communication lines between police and sex

1 trade workers." The next point: "Perhaps if we  
2 gather them in a large group and they openly  
3 share their theories of why these women  
4 disappeared they may all have a similar  
5 experience or similar suspect in mind that they  
6 haven't told police earlier. New information  
7 could be gathered." Next point: "This should  
8 show the general public and the various Downtown  
9 Eastside agencies that we are open to new ways of  
10 communicating with the public. Perhaps we could  
11 also include key members of WISH, Jamie Lee  
12 Hamilton of Grandma's House, etc., as long as the  
13 females would be comfortable talking with police  
14 in front of them." It goes on with different  
15 strategies. Would you agree that these  
16 strategies at the time of the missing womens  
17 investigation and today are both helpful and  
18 relevant?

19 A Yes, I would.

20 Q Would you agree it would be very helpful to  
21 expand the group of Downtown Eastside  
22 organizations beyond WISH and other key members  
23 to also include aboriginal organizations?

24 A That's a question outside of my area of knowledge  
25 and expertise. I haven't lived in Vancouver for

1           12 years so I don't know what currently is  
2           available and what services are provided so I  
3           really don't know the answer to that question.

4           Q    Would you agree then that it would be beneficial  
5           to include as many community agencies as  
6           possible?

7           A    In a forum like this?

8           Q    Yes, to open the lines of communication between  
9           police and sex trade workers and gather  
10          information.

11          A    I would say it would be important to talk to all  
12          of the relevant agencies. I can think of  
13          agencies that would not be helpful or relevant  
14          that may have a community focus, but anyone that  
15          in any way, shape or form that might have some  
16          information you would want to talk to.

17          Q    Thank you. Moving on now to the topic of the  
18          duty to warn, yesterday you testified that the  
19          VPD had a duty to warn the public about potential  
20          threats and you gave that evidence again today.  
21          You would agree that in addition to issuing a  
22          public warning it may have been a good strategy  
23          to provide a warning to the Downtown Eastside  
24          organizations, the applicable or relevant  
25          organizations that were working with these women

1           that they frequented?

2           A    From what I remember, I think -- my answer to  
3               that question is yes, Mr. Commissioner. What I  
4               remember though is it seemed that many of these  
5               organizations knew of the problem and were trying  
6               to tell the police, but generally speaking, I  
7               think that the police agencies need to  
8               communicate to the public in efficient methods  
9               regarding risk and problems and the role of  
10              community groups is obviously very important in  
11              that, but I do feel that they knew more than we  
12              did at the beginning.

13          Q    I'm not clear on your answer. Do you think they  
14               should have communicated this to --

15          A    Yes.

16          Q    Thank you. If you can turn please to tab 5 of  
17               the binder that I've provided and if you can turn  
18               to page 5 of this tab, please. I'd like to  
19               direct your attention to tab 5. This is a  
20               transcript of the evidence of Deputy Chief LePard  
21               and in response to a question from commission  
22               counsel Art Vertlieb, when asked about the  
23               failure of the VPD to warn the public he stated:  
24               "It might have been a catalyst to generate more  
25               resources for the investigation but I didn't

1 think it was going to change the behaviour of the  
2 individual women because they were so driven by  
3 their addictions." Now, I'd like to put it to  
4 you that you would agree that whether or not the  
5 women changed their behaviour was not really the  
6 issue. What mattered was that they be given the  
7 information so they could make a choice as to  
8 whether or not to change their behaviour?

9 A Yes. I don't think it's the role of the police  
10 department to make that decision, anymore than it  
11 would be a doctor not to provide relevant medical  
12 information to his or her patient.

13 Q Generally speaking, the missing women, the women  
14 who were targets of Pickton or other predators,  
15 these women do not have the luxury of many  
16 choices in their life, do they?

17 A They have many more constraint options than most  
18 people do.

19 Q Would you agree that this created an even greater  
20 and positive obligation on the Vancouver Police  
21 Department to provide the women with the option  
22 of the information so that they could alter their  
23 behaviour if they wanted to?

24 A I wouldn't agree with greater. I think any  
25 potential victim group has the right to know no

1 matter who they are.

2 Q Would you agree that any potential negative  
3 fallout that may have happened as a result of  
4 issuing a public warning is far less important  
5 than providing the information to the women who  
6 are at risk?

7 A I would agree with that except I'm not really  
8 sure what the negative fallout would have been or  
9 how serious it would have been. It might have  
10 been a little uncomfortable for the police but  
11 that's a fairly minor problem.

12 Q So you would agree that it outweighs the  
13 importance of issuing a warning?

14 A Disproportionately outweighs.

15 Q So you would agree then that the assumption made  
16 by Deputy LePard that a warning would not have  
17 changed the behaviour of the women because they  
18 were so entrenched in their drug use is an  
19 assumption that went untested by the Vancouver  
20 Police; is that right?

21 A Well, since the press release was not issued we  
22 don't know what might have happened.

23 Q And you would agree that that assumption  
24 potentially --

25 MR. DICKSON: Mr. Commissioner, I'm troubled a little bit by



1 the characterization of Deputy Chief LePard's  
2 evidence here in which there's quite a broad  
3 context and he's addressing one particular issue  
4 and that's his view on what would have happened  
5 had the warning been issued. But I'm just  
6 troubled a little bit by the notion of this --  
7 the language of an assumption on behalf of Deputy  
8 Chief LePard, and I just flag that there's a  
9 great deal of context here in the deputy chief's  
10 evidence that has not been put before the  
11 witness.

12 THE COMMISSIONER: I understand that, that it needs to be in  
13 context, but I don't think there's anything  
14 seriously wrong with the question. I think we  
15 can deal with the answer in that context. I  
16 think everybody here is well aware of what the  
17 deputy said. It might be that it might be unfair  
18 to ask the question of Dr. Rossmo without putting  
19 that context to him.

20 MS. GERVAIS: I'm not quite sure how else to frame the context  
21 other than the question was with respect to -- to  
22 be honest with you, I'd have to go back and look  
23 at the transcript to really put an accurate  
24 context before you so perhaps I'll move on.

25 Q The next and final topic I'd like to discuss with

1           you is a topic called confirmation bias, and  
2           yesterday you testified that one of the VPD  
3           theories that hindered investigation was that the  
4           missing women would be found, that they would  
5           somehow turn up somewhere; is that right?

6           A   Initially that was the belief held by Major  
7           Crime.

8           Q   And you indicated in your PowerPoint presentation  
9           that some of the officers did not understand the  
10          lifestyle of the women and they didn't really  
11          make an effort to understand?

12          A   Some of the management ranks did not understand  
13          that on the Vancouver Police Department side.

14          Q   And in your PowerPoint you touched on the  
15          concepts of "group think" and "tunnel vision" but  
16          I didn't see a definition of "confirmation bias".  
17          If you could turn to tab 6 in the binder. You'll  
18          see that this is an excerpt from your book titled  
19          *Criminal Investigative Failures*.

20          A   Yes.

21          Q   I'd like to take you through a brief passage  
22          that's on the right-hand column, third paragraph  
23          from the top, in which it states: "Confirmation  
24          bias is a type of selective thinking in which an  
25          individual is more likely to notice or search for

1 evidence that confirms his theory while ignoring  
2 or refusing to search for contradicting  
3 evidence." Would you agree then that it's  
4 possible that due to confirmation bias the VPD  
5 may have ignored evidence of a serial killer  
6 because they believed that the missing women  
7 would be found?

8 A It's very likely confirmation bias played a role,  
9 and I should say that my analysis yesterday was  
10 simplified. Many different aspects of cognitive  
11 biases that played a role -- cognitive bias  
12 certainly would have been one of them.

13 Q Do you think that this confirmation bias may have  
14 also played a role in ignoring your statistical  
15 analysis in that in the majority of cases there  
16 was a 99 percent probability that the women were  
17 still missing?

18 A I would agree with the first part, that  
19 confirmation bias very likely played a role. I  
20 would characterize the statistical significance  
21 would be more properly stated as one percent  
22 statistical significance means that we would  
23 expect to see those results by chance less than  
24 one percent of the time.

25 Q Thank you. I would like to take you to the next

1 passage on the components of confirmation bias.  
2 It's about two sentence down from where I ended  
3 and it states: "The components of confirmation  
4 bias include: 1. The failure to seek evidence  
5 that would disprove the theory. 2. Not utilizing  
6 such evidence if found. 3. Refusing to consider  
7 alternative hypotheses. 4. The failure to  
8 evaluate evidence diagnosticity." Would you  
9 agree that the components of confirmation bias  
10 and more specifically not utilizing such evidence  
11 if found may have played a role in the dismissal  
12 of your case assessment and statistical analysis?

13 A Yes.

14 Q Would you agree that the confirmation bias and  
15 more specifically the refusal of considering  
16 alternate hypotheses may have played a role in  
17 somewhat ignoring the community and not reaching  
18 out as much as the VPD could have?

19 A I want to be careful, Mr. Commissioner, because  
20 most of the community victim outreach was done by  
21 Detective Constable Lori Shenher and I'm not  
22 aware of everything that she did. I generally  
23 agree with what you would say but I do not have  
24 good knowledge of all the interactions she had  
25 with groups and with members of the victims'

1 families, friends, et cetera.

2 Q If you agree that confirmation bias may have  
3 played a role in the investigation would you  
4 agree that other types of biases may have played  
5 a role in this investigation?

6 A Other types of cognitive bias. I just want to be  
7 very clear, when I say cognitive bias I'm not  
8 talking about ethnic, gender, racial biases or  
9 anything of that sort.

10 Q I understand. With respect to the cognitive  
11 bias, the problem of cognitive bias, where this  
12 is an issue as you've said it was an issue in  
13 this case, what can be done to ensure the biases  
14 don't shape the investigation in the future?

15 A Mr. Commissioner, that's a very important  
16 question. On the negative side it's very how  
17 difficult even when people are aware of cognitive  
18 biases to not fall into various traps. It's just  
19 part of our brains work. Given that, I think at  
20 a minimum you need to have training and awareness  
21 of these potential risks. You need  
22 organizational policies and procedures that  
23 counteract them. I mentioned yesterday one  
24 example, and I'm sorry to repeat myself, but in  
25 England where they have an unsolved homicide

1 after one year the case is reviewed by a  
2 detective at another agency. This I think is one  
3 good example of how to get around a cognitive  
4 bias by bringing in an individual from another  
5 organization to take a look at it with fresh  
6 eyes, an individual not associated work-wise or  
7 socially with the original investigator, and I'm  
8 sure there are many other ways but let me please  
9 stress it's not possible to change things --  
10 prevent this just on an individual level. It has  
11 to be implemented into the organization through  
12 some policy and procedure or mechanism.

13 Q Thank you. Do you have any other examples of  
14 policies that might counteract this cognitive  
15 bias?

16 A I think Mr. Skwarok's questions at the end of his  
17 examination of me was really dealing with the  
18 same issue. We have to recognize people will  
19 make mistakes for whatever reason: that they're  
20 badly trained, that they are badly spirited, that  
21 they are the best individual in the world but  
22 they're suffering from some cognitive bias, and  
23 how can we get around those problems because they  
24 will happen again no matter what, and we've  
25 discussed a few ideas but brainstorming can be

1           very useful and a culture of being willing to  
2           accept criticism and challenges is important. If  
3           we become defensive, if we do not want to accept  
4           critiques, especially from people of lower ranks,  
5           we're going to continue to suffer from these in  
6           the policing profession, any profession.

7 MS. GERVAIS: Thank you. Those are my questions.

8 THE COMMISSIONER: Thank you, Ms. Gervais. Mr. Ward.

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

10           Q    Thank you, Mr. Commissioner. Cameron Ward,  
11                counsel for 25 of the murdered women.

12                    Professor Rossmo, you of course have written  
13                two books, the most recent, *Criminal*  
14                *Investigative Failures* has been referred to here  
15                and that was published I gather in 2009?

16           A    Yes.

17           Q    And your previous book was published about a  
18                decade earlier 1999, entitled *Geographic*  
19                *Profiling*.

20           A    2000.

21           Q    While you were still with the Vancouver Police  
22                Department?

23           A    Yes.

24           Q    Working on this book was a side project of sorts,  
25                I guess?

1 A Yes.

2 Q I found *Geographic Profiling* to contain a number  
3 interesting subjects. First of all, it was  
4 dedicated to those who hunt the predators, wasn't  
5 it?

6 A Yes.

7 Q You defined geographic profiling in the  
8 introduction, you described it as an  
9 investigative methodology that uses the locations  
10 of a connected series of crime to determine the  
11 most probable area of offender residence;  
12 correct?

13 A Correct.

14 Q And you said in the same introduction, or you  
15 wrote, rather, that most homicides and rapes are  
16 solved because there's a connection between the  
17 offender and the victim. Such a nexus is lacking  
18 in cases of stranger crime, and you avert in  
19 passing to the problems in those types of  
20 investigations?

21 A Yes.

22 Q You devoted a fair amount of the contents of your  
23 book to serial murder cases?

24 A Yes.

25 Q You describe, among other things, the methods



1           that predators use when hunting their prey,  
2           things like abduction, attacking, luring, and  
3           combination methods?

4           A    Yes.

5           Q    You described the types of predators that could  
6           be out there, hunters, poachers, trollers and  
7           trappers, for instance?

8           A    That was one typology, yes.

9           Q    I want to take you to this case where you've  
10          brought your expertise in geographic profiling to  
11          the table and you became involved, as I recall  
12          your evidence, on August 25th, 1998 by virtue of  
13          a contact from Doug Mackay-Dunn?

14          A    To clarify one point, Mr. Commissioner, I think  
15          the reason I was first contacted was because of  
16          my knowledge and experience with serial murder  
17          cases generally because we did have problems  
18          identifying locations specifically useful for  
19          geographic profiling analysis in this case.

20          Q    I want to focus on the date for a moment. Your  
21          first involvement with the missing women  
22          investigation is August 25, 1998; correct?

23          A    Yes.

24          Q    The next day you talked to Lori Shenher for the  
25          first time about her work?

1           A    I believe I probably reached out or contacted her  
2                   that same afternoon and she responded the next  
3                   morning.

4           Q    Fair enough. Just taking a snapshot at that  
5                   point in time, I suggest to you here's what the  
6                   Vancouver Police Department possesses in terms of  
7                   knowledge that might assist by applying  
8                   geographic profiling principles to the missing  
9                   womens case. Are you with me? I'm going to give  
10                  you some things. Knowledge in the possession of  
11                  the Vancouver Police Department. Firstly, you've  
12                  got within the VPD a clear idea of what the  
13                  hunting ground is as you referred to that in your  
14                  book. The hunting ground is that small several  
15                  block area of the Downtown Eastside; right?

16          A    Can I respond to that?

17 THE COMMISSIONER: Yes.

18          A    Again, I want to emphasize that the main reason I  
19                  was contacted was because of my serial murder  
20                  research but Mr. Ward makes a very important  
21                  point. One of the things that I tried to do was  
22                  obtain information on the regular working corners  
23                  of the women who had gone missing, because street  
24                  prostitutes are often very territorial. If we  
25                  had been able to obtain that information we might

1 have been able to do a geographic profile that  
2 would have focused on the epicentre of the  
3 predator's search, and recently I noticed a  
4 connection apparently -- I'm not sure if it was  
5 in the LePard report or the media or Evans report  
6 -- a connection with Pickton and the Waldorf  
7 Hotel. That to me suggested viable investigative  
8 strategies that might have been possible as a  
9 result of using what we knew about offender's  
10 hunting patterns as Mr. Ward is talking about  
11 here. Unfortunately we were not able to get that  
12 information and we could not pursue it.

13 MR. WARD:

14 Q Let me ask you the question again, perhaps  
15 slightly differently. When you're contacted,  
16 something that pops into your mind when you're  
17 contacted about the issue of all the sex trade  
18 workers going missing from the Downtown Eastside  
19 is, given your expertise, maybe there's a serial  
20 killer at work; right? It's a possibility in  
21 your mind?

22 A It was a possibility brought to my attention by  
23 Staff Sergeant Mackay-Dunn as a result of  
24 information from the community, and I would say  
25 that it was important to listen to that

1 information. There was specific names, there was  
2 a reason to think that we needed to examine this  
3 with some seriousness. That was why we developed  
4 the working group.

5 Q Fair enough. If there's a predator at work who  
6 is responsible for these disappearances, then  
7 you've got a pretty good idea of the predator's  
8 hunting ground. It is a relatively small  
9 geographic area of downtown Vancouver known as  
10 the eastside; right?

11 A Yes and no. Again, because I didn't know the  
12 specific corners that the girls worked I wasn't  
13 quite sure. It could have been an area, knowing  
14 from what I knew back then where the girls worked  
15 of potentially a couple square miles which is a  
16 large area for patrol and a very large area for  
17 surveillance purposes but it was, given the  
18 number of red light districts in the city, just  
19 one of them. It may have been if we had the  
20 information about the corners they worked a much  
21 smaller area.

22 Q Whatever the area was, you certainly had a good  
23 sense in 1998 of who the prey was that was going  
24 missing. They were all women; correct?

25 A Correct.

1 Q They were almost all, if not all, sex trade  
2 workers in the so-called low track?

3 A Yes.

4 Q And they were all or almost all users of illegal  
5 drugs?

6 A I believe a large proportion of them were, yes.

7 Q And about half of them were of First Nations  
8 descent?

9 A Yes.

10 Q So you've got a limited pool of who the prey is;  
11 correct?

12 A Correct.

13 Q Those two things, a sense of the hunting ground  
14 and a sense of the prey, is a good start in doing  
15 geographic profiling analysis to try to track  
16 down the predator, isn't it?

17 A No. I would need to know where the offender  
18 encountered the victim, a specific point on a  
19 map.

20 Q You need to know the exact street corner?

21 A I'm hopeful that if we could have gotten the  
22 regular corners they worked, even if we didn't  
23 know the encounter points specifically, we could  
24 make the assumption that was the most likely  
25 encounter point and use that for the analyses.

1           Q   Let me tell you another piece of information in  
2               the possession of the VPD as an organization on  
3               August 25, 1998. It was the identity of the most  
4               likely predator, a man named Willie Pickton who  
5               he lived on a pig farm in Port Coquitlam, who was  
6               said to likely be responsible for the  
7               disappearance of Sarah de Vries and other women  
8               and would grind up the bodies on his property.  
9               That information was in hand, wasn't it?

10          A   I didn't have any of that at the time but from  
11               what I've read in say LePard's report I know that  
12               that was the case.

13          Q   It didn't take a geographic profiling expert to  
14               connect those three dots: Sex trade workers  
15               going missing from the Downtown Eastside and the  
16               information giving the identity of a predator in  
17               Port Coquitlam, did it, sir?

18          A   I don't think it's quite that simple. One of the  
19               first questions was are the missing women really  
20               missing, but that was established after a few  
21               months work by Detective Constable Shenher to a  
22               point of a high degree of certainty. I know that  
23               there were other suspects, good suspects, being  
24               looked at by the VPD, but I think there was --  
25               there are a lot of potentially dangerous

1 predators in those areas but there's a limited  
2 number of prime suspects and the most -- the only  
3 suspect that -- I'm only aware of information  
4 connecting one suspect directly with that area  
5 with any degree of -- any significance and that  
6 was Mr. Pickton.

7 Q All right. The case could have and indeed should  
8 have been solved when you and Lori Shenher spoke  
9 on August 25, 1998 because you knew where the  
10 women were going missing from, you knew their  
11 characteristics and you had information leading  
12 directly to the ultimate perpetrator, Willie  
13 Pickton, and his pig farm in Port Coquitlam,  
14 didn't you? Isn't that the case?

15 A No, I wouldn't say in 1998, but I think given all  
16 the possibilities and with the right deployment  
17 of resources there was a very good chance of  
18 solving the case by the end of '99.

19 Q Timing might -- there was a very good chance of  
20 solving the case by the end of 1999; that's your  
21 evidence, sir?

22 A Yes.

23 Q That's when it should have been solved; right?

24 A In my opinion based on what I know, I think there  
25 was a good chance it could have been solved by

1           the end of 1999 if the appropriate resources were  
2           deployed and the Vancouver Police Department was  
3           properly engaged in this and had accepted the  
4           serial killer theory, if we had taken it more  
5           seriously.

6           Q   If you, plural, in the Vancouver Police  
7           Department had taken the case more seriously it  
8           would have been solved in 1999; correct?

9           A   I just don't want to give overemphasis to my  
10          estimate by the end of '99, but it certainly  
11          could have been and should have been solved much  
12          sooner. Mr. Commissioner, I think my evidence  
13          the other day said this case should have been  
14          solved one to two years earlier than it was. I'm  
15          not -- I don't have the ability to predict what  
16          would have happened given --

17 THE COMMISSIONER: This is a rough estimate you've given?

18          A   Yes.

19 MR. WARD:

20          Q   That's fair enough. I'm going to explore with  
21          you two dates I say the case should have been  
22          solved, or I submit that it should have been  
23          solved. I'll explore them a bit later with you  
24          in my questioning. Those dates will be September  
25          22, '98, the date you had the meeting at which



1 Inspector Biddlecombe had his tantrum, and the  
2 second date being May 13, 1999 when you and some  
3 17 colleagues had a brainstorming session. I'm  
4 going to be exploring those two meetings with you  
5 because you were there and I'll be suggesting  
6 that you had ample information to solve the case  
7 at both of those meetings, but before I get to  
8 that I have some other questions. You were  
9 interviewed by Deputy Chief Evans of Peel in late  
10 August of last year; correct?

11 A Yes.

12 Q You told her, and I quote, "I think the Vancouver  
13 Police Department really dropped the ball,"  
14 correct?

15 A Correct.

16 Q And that remains your view today, that the  
17 Vancouver Police Department really dropped the  
18 ball in its handling of the missing women  
19 investigation; correct?

20 A Yes, and let me just be clear what I meant by  
21 that. I meant that we were close, that we had  
22 what we needed including capabilities and the  
23 prime suspect but we dropped the ball.

24 Q Could the witness please be shown -- I see we  
25 don't have the screen. I was going to show you

1 slide 12 but you've got it I guess on your  
2 computer, slide 12 from your PowerPoint. Would  
3 you read the question and answer out please. I  
4 thought we would have it available today too but  
5 we don't.

6 A Could you show me the --

7 Q I think it's slide 12. If I may come over and  
8 have a look. It's the one, Mr. Commissioner,  
9 that asks the question: But would the same thing  
10 have happened? It might be 11. I don't think  
11 the pages are numbered. Could you just read,  
12 sir, the question on that slide again.

13 A The slide starts off by saying: No one wants a  
14 killer to go free or a murder victim to be  
15 unavenged. But would the same thing have  
16 happened if these women had gone missing from  
17 Vancouver's west side? No.

18 Q So that slide captures your professional opinion  
19 as a policing expert based on your years of  
20 experience and education including your 28 years  
21 of experience within the Vancouver Police  
22 Department; correct?

23 A Yes, sir.

24 Q And your opinion is that if the women who went  
25 missing and were subsequently determined to have

1           been murdered by Willie Pickton had been from  
2           Vancouver's west side the case would have been  
3           handled differently; correct?

4           A    Yes.

5           Q    Could the witness please be shown Exhibit 35.

6           Just before you open that up, sir, I'm going to  
7           refer to that in just a moment.  Mr.

8           Commissioner, it's a collection of newspaper  
9           articles from 1997, 1998, 1999 and 2000.  I'll  
10          ask you about it in a moment, sir.  Your  
11          experience of 28 years within the VPD gave you a  
12          very good understanding of the subculture of that  
13          organization; correct?

14          A    21 years.

15          Q    Sorry.

16          A    Yes, I would say that it was an environment I  
17          lived in for a good part of my life.

18          Q    I got the number wrong.  You started in '78 as a  
19          civilian employee?

20          A    January 1980 as a sworn officer.

21          Q    You left in November of 2000?

22          A    December of 2000.

23          Q    And you drew a pay-cheque until May of 2001?

24          A    Because of accumulated annual leave.

25          Q    Armed with your experience, knowledge of the

1 Vancouver Police Department subculture, the way  
2 it operated, its values, you came to that opinion  
3 that had these women come from the west side the  
4 VPD as an institution would have responded  
5 differently than it did?

6 A Yes.

7 Q The bottom line, I suggest, based on your own  
8 personal experience within the department is that  
9 senior management simply didn't care enough about  
10 the women who had gone missing to commit to  
11 solving the case; correct?

12 A No, I don't agree with that. First of all, I  
13 don't know what was in the mind of every senior  
14 manager, but what I believed was an early opinion  
15 was formed, that opinion was not changed by  
16 developing evidence and facts, and there was a  
17 disengagement for a number of reasons, including  
18 a lack of political and media pressure on some  
19 elements of VPD management that prevented the  
20 proper response to this problem.

21 Q You actually anticipated my next question which  
22 was going to centre on the issue of media and  
23 political pressure. One of the reasons you came  
24 to your opinion about the differential treatment  
25 had these women actually been from an affluent

1 part of Vancouver as opposed to the Downtown  
2 Eastside was that affluent people on the west  
3 side could attract more media attention and,  
4 hence, motivate the Vancouver Police Department;  
5 right?

6 A I guess there would be a couple of factors. One  
7 would be much earlier a pattern of missing women  
8 would be identified if they were from a middle  
9 class or upper class group. The second part of  
10 that is there would have been an outcry, there  
11 would have been -- the resources available to  
12 middle class and upper class people are much more  
13 significant and that would have resulted in  
14 pressure, there would have been phone calls to  
15 the mayor's office by important people, the media  
16 would have been all over it in a very intense  
17 fashion. It would have been a very different  
18 situation.

19 Q So if, I don't know, some public leader's  
20 daughter had gone missing or some judge's  
21 daughter or sister, the Vancouver Police  
22 Department likely would have moved; right?

23 A Yes.

24 Q Sarah de Vries was one of the missing; correct?

25 A Yes.

1 Q And her sister Maggie actually lived on  
2 Vancouver's west side; you know that?

3 A Actually, no, I didn't know that.

4 Q She's expected to be a witness and she has  
5 written a book about her experience surrounding  
6 the loss of her sister entitled *Missing Sarah*?

7 A Yes.

8 Q You have seen in the documents Maggie de Vries  
9 actually did, as a woman from the west side,  
10 write the mayor, attorney general, everyone she  
11 could think of to prompt action on Sarah's  
12 disappearance; you saw that?

13 A I knew she was engaged in a number of efforts. I  
14 just don't know the details of them.

15 Q I hope we'll hear evidence about it, but it is my  
16 supposition from the documents I've reviewed that  
17 it was Maggie de Vries's political action that  
18 resulted in a very high level meeting on April 5,  
19 1999 involving Attorney General Dosanjh, Gary  
20 Bass of the RCMP and senior members of the  
21 Vancouver Police Department. You've seen  
22 reference to that in Deputy Chief LePard's  
23 report?

24 A If it's in Deputy LePard's report I would have  
25 read it twice, but I'm sorry, it just doesn't

1           come to mind. There's 400 pages.

2           Q   I'll read the quote, page 90, and it follows a  
3           number of letters from Maggie de Vries. April 9,  
4           1999, Deputy Chief Constable McGuinness,  
5           Detective Constable Shenher, Acting Inspector  
6           Boyd, met with superintendent Garry Bass,  
7           Attorney General Ujjal Dosanjh, Deputy Attorney  
8           General Steve Stackhouse several other cabinet  
9           ministers and their aides. That's what LePard  
10          has written?

11          A   This was April --

12          Q   April 9, 1999, according to LePard.

13          A   Okay.

14          Q   Here's my question for you: You knew many of the  
15          people from the VPD, McGuinness, Shenher, Boyd,  
16          you knew them?

17          A   Yes, I did.

18          Q   I've asked witnesses about the complete absence  
19          of notes from this meeting. You've worked with  
20          politicians over the years?

21          A   I can't say I've really worked with politicians.  
22          I know some.

23          Q   What can you say based on your own personal  
24          observations about the note taking of McGuinness,  
25          Shenher and Boyd? Were they the types of

1           officers that followed the obligations set out in  
2           the regulations and procedure manual of the VPD  
3           to keep notes?

4           A    I really don't have --

5           Q    You don't have personal knowledge?

6           A    No.

7           Q    Fair enough.  April '99, we've got this meeting  
8           happening and there's lots of media attention.  
9           Could you turn to the binder I've shown you,  
10          Exhibit 35.  You see there's a list of numerous  
11          articles between 1997 and the end of 2000 in the  
12          local newspapers, *The Province* and *The Sun*.  Do  
13          you see that?

14          A    I'm at tab 35 now.

15          Q    Exhibit 35, just the index, the very beginning.

16          A    Yes.  Okay.

17          Q    You see that?

18          A    Yes, I do.

19          Q    You yourself would have read the newspapers then?

20          A    Yes.

21          Q    So you would agree just from looking at the index  
22          that the case of the missing women was attracting  
23          a lot of media?

24          A    I would say it was attracting some media  
25          attention, and in particular, an interest of some



1           reporters but I would not compare this to the  
2           level of media coverage that has occurred in  
3           other serial murder cases.

4           Q   You mentioned Lindsay Kines.  He was in the  
5           vanguard of leading the media coverage?

6           A   Yes.

7           Q   Remind me, when was it that you're considering a  
8           serial killer to be a likely possibility based on  
9           the evidence you're looking at?

10          A   I felt that when I saw the numbers that Lori  
11          Shenher presented at Carnegie Centre in February  
12          that that was the second significant alarm bell,  
13          the first one being the information brought to my  
14          attention by Mackay-Dunn and Greer.

15          Q   That's February '99?

16          A   February '99.  I thought Inspector Biddlecombe  
17          raised a valid possible objection that that bulge  
18          might disappear with time but when I received the  
19          CPIC data and did the analysis by May I was  
20          certain.  I should say, there were two other  
21          things that had happened in that time period, Mr.  
22          Commissioner, and that was that Lori Shenher had  
23          come to the same conclusion there was a serial  
24          killer because of her inability to find most of  
25          the missing women, and I think I've said before,

1 I thought this was very, very important, she  
2 found that these women were not showing up on the  
3 welfare screen. So even if they had moved to  
4 another area we would have expected them to  
5 notify the local welfare office of their change  
6 of address to collect their cheques and the fact  
7 that didn't happen with so many of these women  
8 was incredibly significant. So if we put those  
9 three pieces together I think the level of  
10 certainty I felt that there was a serial killer  
11 was quite high.

12 Q That's February of '99 your certainty is high?

13 A By May 1999.

14 Q May 1999. Okay. I'm sorry.

15 A Just because the objection raised by Inspector  
16 Biddlecombe I thought might be valid and we  
17 needed to get the data to explore that.

18 Q You know at least now from your review of the  
19 file and LePard's report that by February of  
20 1999, to pick a date, Detective Constable Shenher  
21 has circumstantial evidence provided to her by  
22 the source Bill Hiscox that Willie Pickton may be  
23 the serial murderer; right?

24 A I didn't know at the time about Hiscox until  
25 after Project Amelia had started but I know from

1           the documents I've read he came to the attention  
2           of the VPD much earlier than that. I thought  
3           sometime in the previous year.

4           Q   Remind me again if you would when you drafted  
5           your media release that was going to alert the  
6           public to a serial killer?

7           A   Either the end of August or very beginning of  
8           September 1998.

9           Q   So 1998. And the information you put in your  
10          draft media which was never released was true as  
11          far as you were concerned?

12          A   Yes.

13          Q   You should have in that binder at tab 18 an  
14          article from April 7, 1999. It quotes Anne  
15          Drennan, media spokesperson for the VPD. Do you  
16          have that?

17          A   I have one saying: "Accused Murderer Delusional  
18          and police don't think reward would help."

19          Q   May I come over?

20          A   Thank you.

21          Q   Midway down there's a quote attributed to the VPD  
22          media spokesperson Anne Drennan. Can you just  
23          read it.

24          A   "There is absolutely nothing that has come to  
25          light that indicates that there is a serial

1           killer on the loose as some activists suggest,"  
2           Drennan says.

3           Q   That statement made by media spokesperson Anne  
4           Drennan is in stark contrast to your draft media  
5           release from the previous year; correct?

6           A   I would maybe just, Mr. Commissioner, say that  
7           this statement is not accurate, it's not true.

8           Q   That's my point, it's not true; correct?

9           A   Given what we knew by April, maybe even by  
10          February, we definitely did have some reason to  
11          be fearful of this being the case, much more so  
12          than we did in August, September the previous  
13          year when I drafted the press release. We had  
14          moved on. We had more intelligence, more  
15          information, more evidence, and consequently a  
16          greater cause to be concerned about this  
17          possibility.

18          Q   Just so I have this straight, on April 7, 1999  
19          Anne Drennan, presumably acting on instructions  
20          from someone, makes a misrepresentation to the  
21          public about this case; correct?

22          A   Correct. I recall from the LePard report when he  
23          interviewed her she is acting on behalf of the  
24          behalf of the department -- the wishes of the  
25          department's executive.

1           Q    The department as an institution is apparently  
2                deliberately lying to the public about this case;  
3                right?

4 MR. DICKSON:  Mr. Commissioner, I don't --

5 THE COMMISSIONER:  I think that's a bit of an inflammatory  
6                statement.  It's unfair for you to ask this  
7                witness that.  It's a conclusion you might draw  
8                and there might be an honest mistake -- I don't  
9                know.

10 MR. WARD:

11           Q    You called it a misrepresentation, we'll stick  
12                with that.

13           A    Obviously not everyone in the VPD agreed with  
14                this, but my opinion, Shenher's opinion, I'm  
15                pretty sure Field's opinion, perhaps Greer and  
16                Mackay-Dunn's opinion at this time was that there  
17                was a significant problem.

18           Q    This statement by the department's spokesperson  
19                Drennan in your opinion would be unhelpful and  
20                counter-productive; correct?

21           A    I cannot see it being helpful in terms of either  
22                protecting the public or facilitating the  
23                investigation.

24           Q    It does neither of those things; correct?

25           A    Correct.

1 Q Do you know who gave the instructions to Drennan  
2 to say these things at that time, April 7, 1999?

3 A All I know is what LePard's report -- her  
4 interview which is quoted in LePard's report  
5 which is when she referenced what she was told to  
6 do, which I would presume knowing the VPD comes  
7 from higher ranks. But specifically who or what  
8 specific ranks, I do not know.

9 Q You've said yesterday or whatever -- Monday,  
10 Tuesday, I can't remember, that the number one  
11 group that solves serial murders are the public?

12 A No. The number one group that solves crime  
13 generally is the community.

14 Q Okay. One of the reasons for going public with  
15 information about a serial killer is to generate  
16 tips from the public that may assist in solving  
17 the crime?

18 A Absolutely.

19 Q I suggest to you that Wayne Leng, a friend of  
20 Sarah de Vries's, he did a poster campaign, he  
21 created a 1-800 number and a website, came  
22 forward with information in July of 1998 that  
23 effectively solved the crime of the missing women  
24 in Vancouver; agreed?

25 A Could you tell me what information?

1           Q   He came forward with a tape recording of Bill  
2               Hiscox telling him all about Willie who probably  
3               was responsible for Sarah's disappearance, had  
4               the means of disposing of bodies and so forth?

5           A   I remember that now, Mr. Commissioner, reading  
6               about it. I think that was very critical  
7               information. I would disagree though that it  
8               doesn't solve the crime because we have to look  
9               at this in terms of possibilities and  
10              probabilities. It would also be a mistake for an  
11              investigation to look at a very good suspect and  
12              assume that's the person. Many, many times the  
13              very good suspect ends up not being a very good  
14              suspect. I worked on the Bernardo case and when  
15              I went out there the people at the Green Ribbon  
16              Task Force told me at the time that they had a  
17              very good suspect and I even saw some -- his  
18              interview through a television camera and he  
19              ended up not being the person. They said this  
20              has happened to us a dozen times. We had a great  
21              suspect, we thought it was him and it didn't pan  
22              out. The other part of course is the evidence to  
23              solve the case. I think what Wayne Leng did was  
24              critical, very important, valuable beyond  
25              measure, but there still was a lot to do to get

1 to the point of solving the case.

2 Q Wayne Leng is on the witness list and I expect he  
3 will testify that he and Hiscox received shares  
4 of the \$100,000 reward money. So in VPD's eyes  
5 he came forward with the information that solved  
6 the case; right?

7 MR. SKWAROK: I'm going to object to that. The witness has  
8 said a couple of times that this wasn't solving  
9 the case.

10 THE COMMISSIONER: Nobody can hear you.

11 MR. SKWAROK: I wanted to make my objection quickly. Skwarok  
12 appearing for Dr. Rossmo. I object to the way my  
13 learned friend has phrased the questions. The  
14 witness has twice said that the information  
15 coming from Leng did not solve the case. There's  
16 a qualitative and quantitative difference between  
17 evidence identifying and supporting a potential  
18 candidate for a potential accused person and  
19 saying that the case is solved. It's just an  
20 improper way of characterizing it.

21 THE COMMISSIONER: Mr. Ward?

22 MR. WARD: Fair enough. I'll rephrase the question.

23 Q The information Wayne Leng produced to the VPD in  
24 July of 1998 and subsequently should have solved  
25 the case, shouldn't it?



1           A    I think, Mr. Commissioner, this is a  
2                simplification of the process. It was very  
3                important information and the work that Wayne  
4                Leng did was very valuable but there were many  
5                things that were required before this case could  
6                result in an arrest and in a charge and a  
7                conviction. Furthermore, there were other  
8                possible good suspects, though I don't think any  
9                as good as Pickton, that were on the radar  
10              screen. At the very beginning the police weren't  
11              even sure they had a crime. They had the smoke  
12              but they were still trying to establish if there  
13              was fire there.

14          Q    You're a fan of the concept known as Occam's  
15                razor?

16          A    Yes, very much.

17          Q    Sometimes the simplest explanation is the most  
18                likely?

19          A    Yes.

20          Q    July of 1998, you've got all these women going  
21                missing from the Downtown Eastside, they're all  
22                sex trade workers, drug addicted and you've got a  
23                credible informant who says they're being killed  
24                by Willie Pickton in Port Coquitlam who grinds  
25                them up and disposes of them that way. Back then

1           that's a pretty simple solution to this vexing  
2           problem, isn't it?

3           A   Back then we didn't even know what the nature of  
4           the problem was. That's why it was necessary to  
5           put some effort into finding the missing women.  
6           If you remember the strategic blueprints that we  
7           prepared for the working group, the first steps  
8           are identifying missing women, identifying sexual  
9           assault victims, identifying murder victims, and  
10          the second step was to try to establish some  
11          links between them. We have to do the ground  
12          work first and once we know what the nature of  
13          our problem is we start considering the viability  
14          of a suspects. There are no shortage of violent  
15          predators who have attacked women in the Downtown  
16          Eastside and other parts of Vancouver. As I  
17          showed in my slide show, there have been other  
18          examples of serial murderers preying on  
19          prostitutes. We needed to go through some  
20          intermediate steps. I fully agree we need to  
21          move through the steps much quicker than the VPD  
22          did but I don't think it's as simple as you're  
23          saying.

24          Q   One last question before we take the lunch break  
25          and that's this. When Pickton comes to the

1 attention of the VPD as a viable, indeed, a prime  
2 suspect in the women's disappearances, at that  
3 moment the VPD as an institution dedicated to  
4 preserving and protecting public safety has a  
5 positive duty to either rule him out as a subject  
6 or confirm he's responsible in a timely way;  
7 correct?

8 A I would say once we came to the realization --  
9 and I'm sorry, I'm feeling somewhat at a loss  
10 because I don't know the specific information  
11 conveyed to VPD at that time so I'm not sure if  
12 it's possible to -- it would help me if I could  
13 look at that and then I would be able to give a  
14 better opinion.

15 MR. WARD: I'll show you after lunch when I ask you about the  
16 September 22, 1998 meeting and if it assists I  
17 can tell your counsel which pages of the LePard  
18 report I'll be referring to so you can read it in  
19 advance.

20 MR. VERTLIEB: Mr. Commissioner, I'm wondering if we could  
21 take a shortened lunch break. We really need to  
22 finish this witness by the end of the day  
23 Thursday. We could certainly accommodate a  
24 one-hour lunch.

25 THE COMMISSIONER: We'll come back at 1:30.

1 MR. VERTLIEB: Secondly, could everybody that wants to  
2 question this witness give me that information  
3 today so I'll have accurate information. I'm not  
4 able to tell you how I suggest you deal with this  
5 for today and tomorrow to finish him.

6 MR. NEAVE: Mr. Commissioner, I'm revisiting my request for an  
7 instruction for direction that this witness  
8 re-attend for the purposes of allowing me to  
9 properly prepare in order to cross-examine him  
10 given his statements with respect to my client,  
11 and particularly in light of my friend's comments  
12 I think we're going to be out of time anyway and  
13 I certainly can't prepare adequately for later  
14 today or indeed tomorrow and I'm already in  
15 Supreme Court on two matters tomorrow. That's my  
16 dilemma.

17 MR. VERTLIEB: Perhaps I can address that this afternoon.

18 THE COMMISSIONER: All right.

19 THE REGISTRAR: This hearing is now adjourned until 1:30.

20 (PROCEEDINGS ADJOURNED AT 12:32 P.M.)

21 (PROCEEDINGS RECONVENED AT 1:30 P.M.)

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

23 MR. WARD: Thank you, Mr. Commissioner. Cameron Ward, counsel  
24 for the families of 25 murdered women.

25 Q Professor Rossmo, I'm going to pass a document to

1           you now. I have three copies, Mr. Registrar.

2           I just have a few questions to ask you about  
3           this which is an excerpt from your second book  
4           before I move to the subject we were discussing  
5           just before lunch. I'm showing you, sir, the  
6           cover page, the preface page and an excerpt from  
7           pages 29 to 34 of your book entitled *Criminal*  
8           *Investigative Failures*. You recognize this?

9       A    Yes, I do.

10       Q   Again, this was published in 2009?

11       A    That's correct.

12       Q   And the preface was written by Deputy Chief Doug  
13           LePard?

14       A    Yes, it was.

15       Q   And he also contributed I think a chapter to the  
16           book?

17       A    Yes, as a coauthor with a crown counsel.

18       Q   And if you turn to the next page entitled The Pig  
19           Farm, this is your succinct review of the missing  
20           women case from your perspective after the fact;  
21           right? Is that fair?

22       A    I would just say that it's not just my  
23           perspective because it involves source documents  
24           and stuff from the media.

25       Q   All right.

1 A My summary of the case.

2 Q All right, summary. That's probably a better  
3 word. I just have a few questions about the  
4 content. First of all, is there anything in here  
5 that you feel is incorrect or inaccurate that  
6 should be corrected?

7 A I'd have to read it again. I will point out that  
8 in the last week I've seen a lot of documents and  
9 information that I wasn't aware of before. I  
10 don't think there would be any significant  
11 problems or differences.

12 Q Fair enough. I'll ask you now just a couple of  
13 questions about it in the interests of time and  
14 I'm sure you'll have an opportunity if there's  
15 something glaring that is inaccurate to bring it  
16 to our attention. Fair enough?

17 A Fair enough.

18 Q Page 30. You've written this under the graph in  
19 the first full paragraph: "However, the  
20 inspector in charge of VPD's Major Crime Section  
21 MCS which is responsible for investigating  
22 homicide, sexual assault, robbery, missing  
23 persons cases argued that the only reason the  
24 disappearances were high in recent years was  
25 because there had been insufficient time to find

1           the women." My question about that is I believe  
2           you're referring there to Inspector Biddlecombe;  
3           is that correct?

4           A    That's correct.

5           Q    Turning over the page, after your list of  
6           questions, why was this happening now, why was  
7           this happening in Vancouver and not anywhere else  
8           in Canada, why had no bodies been found and why  
9           were only women and not men disappearing, you say  
10          at the top of page 31: "The only theory that  
11          appeared to answer all these questions was that  
12          of a serial killer."

13          A    Yes.

14          Q    That was your view then when you were brought  
15          into the case and it remains your view today  
16          obviously; is that right?

17          A    That is correct.

18          Q    Then you refer over the next half a page or so to  
19          VPD's Major Crime Section and local politicians  
20          being reluctant to consider the possibility of a  
21          serial killer. Do you see that?

22          A    Yes, I do.

23          Q    You bring up the example of a reward being  
24          offered, a \$100,000 reward being offered for  
25          information on a series of residential garage

1 robberies on the city's affluent west side and  
2 you have excerpted a quote from one of the local  
3 newspapers about that. Do you see that?

4 A Yes, I do.

5 Q What you're addressing there relates back to this  
6 question of who the women were. If they were  
7 missing residents of Vancouver's affluent west  
8 side, the case in your view would have got at  
9 least as much, if not more, attention than the  
10 difficulties of homeowners in that area who were  
11 having their garages robbed. That's the point,  
12 isn't it?

13 A Yes, much more so.

14 Q In fact, it was the garage robberies that were  
15 getting more attention in terms of resources and  
16 activity on the part of VPD investigators than  
17 were the missing women cases at that time;  
18 correct?

19 A Correct.

20 Q Just to clear up one issue, certainly if the  
21 missing women cases had been a priority for the  
22 Vancouver Police Department, resources were  
23 available within the department to reallocate to  
24 that subject; fair?

25 A Uhm, the Vancouver Police Department at this time



1           was approximately 1,000 members. It is a large  
2           agency. It also had other things happening. I  
3           just don't want to comment on what other demands  
4           and organizational issues I'm not aware of, but I  
5           can say that either internally or through the  
6           ability of the VPD to ask for assistance from the  
7           Attorney General's office and/or the Royal  
8           Canadian Mounted Police, the provincial force,  
9           the resources were available if there had been  
10          enough will to request them.

11          Q    Okay. It looks like you've quoted on page 32  
12               from an article written by Bob Stall of *The*  
13               *Province* in 1999. I'll just read that quote:  
14               "That reward and obvious concern for garages in  
15               the city's more affluent areas was the mayor's  
16               proud brainchild but it stood unfortunately in  
17               clear contrast to the lack of reward and apparent  
18               lack of concern for the missing prostitutes in  
19               the very poorest neighbourhood." You've quoted  
20               that, inserted it in your book. Did you adopt  
21               that view?

22          A    I believe it to be a true statement.

23          Q    Thank you. In the next paragraph you've written:  
24               "Avoiding the serial killer explanation, MCS  
25               management suggested various alternative theories

1           for what had happened to the missing women."

2           Sir, because members of management I expect will  
3           be testifying later, are you able to say with  
4           anymore specificity who those members were?

5           A    I'm sorry, no, I cannot.

6           Q    You can't provide names?

7           A    No, I can't.  Either I didn't know at the time or  
8           I've just forgotten over time or it may well be I  
9           heard it from person X who heard it from Y who  
10          heard it from the originator.

11          Q    Fair enough.  Various theories are set out in the  
12          bullet points and then you've written:  "For some  
13          inexplicable reason, the theory of several little  
14          serial killers became more organizationally  
15          palatable than that of one big serial killer,  
16          even if it meant that multiple perpetrators now  
17          had to be caught.  Of course the likelihood that  
18          more than one serial killer was murdering  
19          prostitutes in the same area at the same time and  
20          then hiding their bodies was very remote.  Occam  
21          would be spinning in his grave."  That's a  
22          reference to Occam's Razor that we touched on  
23          before lunch that it just made no sense that  
24          there would be multiple serial killers in this  
25          scenario; correct?

1           A   Multiple serial killers with the same  
2                victimology, the same modus operandi at the same  
3                period, the same time was remote. As we talked  
4                about, over the course of enough time you are  
5                going to have more than one serial predator,  
6                especially with high risk groups like  
7                prostitutes, but the identical behaviour and  
8                those other parameters would just be quite  
9                unlikely.

10          Q   And this reference by you to "Occam spinning in  
11                his grave" means it essentially would drive him  
12                crazy that people would be discounting the  
13                obvious that there was probably one serial  
14                predator responsible for these disappearance?

15          A   Yes. Mr. Commissioner, Occam Razor is a  
16                reference to using the simplest explanation that  
17                accounts for all the facts and is a well-adopted  
18                principle in the physical and natural sciences  
19                and I believe it's one that should be integrated  
20                into the philosophy of police and criminal  
21                investigations.

22          Q   Another way to put it might be: Don't make  
23                things more complicated than they appear. If  
24                there's a simple explanation, look at it first.

25          A   Correct.

1           Q   And here we know that the VPD had information  
2                   that if digested and acted upon would give a  
3                   simple answer to the problem of the missing  
4                   women, namely, that a pig farmer in Port  
5                   Coquitlam named Willie Pickton had taken them,  
6                   killed them and disposed of their bodies by  
7                   grinding them; right?

8           A   No, I would not agree with that.  What I'm trying  
9                   to say here is that at some point in early 1999  
10                  we had enough evidence and information, Mr.  
11                  Commissioner, that strongly suggested the  
12                  simplest and best explanation for what had  
13                  occurred was that we had a single predator  
14                  preying on these women.  It's a separate question  
15                  who is responsible.

16          Q   Turning over to page 33, in this passage from  
17                  your book you mentioned Robert Willie Pickton for  
18                  the first time here in the third line.  You point  
19                  out that he was arrested in February 2002 and  
20                  then you've written this:  "Pickton was a suspect  
21                  known to investigators.  He had been the subject  
22                  of a VPD tip in 1998 by an individual who had  
23                  seen different women's purses and identification  
24                  in his farmhouse, presumably the same items  
25                  observed four years later by the RCMP constable,

1 and he had been arrested by the RCMP in 1997 for  
2 attempted murder after stabbing a prostitute.

3 The case never came to court." Do you see that?

4 A Yes. I'd just like to note a minor correction in  
5 that I've simplified the process because I  
6 believe the tip first came to us from Leng who  
7 heard about it from Hiscox, so I just want to be  
8 clear about that.

9 Q Okay. Then you conclude your passage in the book  
10 about the pig farm case with this sentence, and I  
11 just want it read it to you and then I'll ask you  
12 a question about it. You say: "Sadly, at least  
13 14 women were murdered after Pickton was first  
14 identified as a viable suspect in the  
15 disappearances. Police ignored Canada's most  
16 prolific sex murderer for over three years  
17 because they did not want to believe, despite  
18 evidence to the contrary, that a serial killer  
19 was responsible for the missing women in the  
20 Downtown Eastside." That was your view when you  
21 wrote this and published it in 2009?

22 A Yes. But, again, this is something that isn't  
23 completely accurate given what I know now from  
24 the LePard report and the Evans report and it's  
25 incorrect to say they ignored him. It might be

1 more correct to say they failed to deploy  
2 sufficient resources to properly address him as a  
3 suspect.

4 Q How about they failed to take any effective  
5 action to apprehend him?

6 A Without knowing all the details of everything  
7 that happened in Coquitlam and even within  
8 Project Amelia, I'm reluctant to say that. The  
9 bottom line is he was not arrested and was able  
10 to continue committing these crimes, so there was  
11 definitely not the type of response we would want  
12 to see. It was not -- it did not accomplish the  
13 objectives.

14 Q The bottom line is, as you've written, after he  
15 came to the attention of the VPD as a viable  
16 suspect, 14 more women, many of them loved ones  
17 of my clients, were murdered while the police  
18 failed to take action; right?

19 A Yes, that's correct. Though as I indicated  
20 earlier, the police did need some investigative  
21 time to focus on Pickton but also, as I've said,  
22 I believe this could have been done anywhere from  
23 one to two years earlier than February 2002.

24 MR. WARD: Thank you, sir. I'd ask that the excerpt from  
25 Professor Rossmo's book be marked as the next

1 exhibit, please.

2 THE REGISTRAR: Exhibit 69.

3 (EXHIBIT 69: Document entitled Excerpts from the  
4 book Criminal Investigative Failures by D. Kim  
5 Rossmo)

6 MR. WARD: Thank you. Once you've finished that, Mr.

7 Registrar, if the witness could be shown a copy  
8 of Deputy Chief LePard's report, Exhibit 1.

9 Q Sir, I want to in this part of my questioning  
10 focus on two meetings you attended that you  
11 referred to in your evidence in chief. I see  
12 you're getting something organized there.

13 A Sorry.

14 Q The first meeting, the first in time and the  
15 first one I wish to address with you is the  
16 meeting at which Inspector Biddlecombe threw his  
17 small tantrum?

18 A Right.

19 Q I understand that to be September 22, 1998; is  
20 that right?

21 A It was the end of September. I'm just not sure  
22 of the exact date. There was only one such  
23 meeting at the end of September.

24 Q End of September works but I think I noted  
25 September 22nd. I'll deal with that first and

1           then I'm going to move to the so-called  
2           brainstorming session in May of the following  
3           year. Are you with me?

4           A    Yes.

5           Q    Could I ask you please with that introduction to  
6           turn to page 381. You'll see that what this is  
7           is a very brief timeline prepared by Deputy Chief  
8           LePard. Another perhaps different but similar in  
9           some respects timeline appears before you on the  
10          boards.

11 MR. DICKSON: Mr. Commissioner, if we're looking at the LePard  
12           report I note that he says this meeting that Mr.  
13           Ward is referring to is September 16th.

14 MR. WARD:

15          Q    Thank you for that. I may well have got the date  
16           wrong, noted it wrong, but let's work with  
17           September 16, 1998. Page 382 of the LePard  
18           report. Just looking at the timeline for a  
19           moment, everything prior to the date of the  
20           Missing Women Working Group meeting that you  
21           attended was available in the sense that it was  
22           information that had been obtained by VPD  
23           members, particularly Shenher, where the dates  
24           reference those types of activities. Let me give  
25           you an example.



1           A    I'm sorry, sir, could I ask you to repeat the  
2                   question?

3           Q    I put it badly. My fault, I'll start again. On  
4                   page 382, is it accurate that you met with  
5                   Detective Constable Shenher, Inspector Greer,  
6                   Constable Dickson and Inspector Biddlecombe on or  
7                   about that date?

8           A    I believe this is referencing the second meeting  
9                   of the working group. There were more people  
10                  present than listed here and not wanting to add  
11                  to the confusion, even though I'm not positive of  
12                  the exact date, I know that it was September 20  
13                  something. 16th is not correct. It was  
14                  definitely towards the end of the month.

15 MR. SKWAROK: If I may, the evidence is September 22nd is the  
16                  date of the meeting.

17 MR. WARD:

18           Q    Thanks for that clarification, Mr. Skwarok.  
19                   That's what I thought. So Deputy Chief LePard  
20                   had made an error with respect to the date here,  
21                   you'd agree?

22           A    Yes.

23           Q    So you meet with those people and more on that  
24                   date?

25           A    Yes, the second meeting of the working group.

1 Q What do you recall of the meeting? Where was it,  
2 who else was there?

3 A It was in the boardroom at 312 Main Street, the  
4 old police department headquarters. There was  
5 myself, Inspector Biddlecombe, Inspector Greer,  
6 Staff Sergeant Mackay-Dunn, I believe, Constable  
7 Dickson, Detective Constable Shenher, Sergeant  
8 Axel Hovbrender, I'm pretty sure Sergeant Field  
9 was there, there was two RCMP officers,  
10 representative from our DISC program. There may  
11 have been others but that's what I recall. There  
12 is a mailing list from the working group and  
13 everyone from that mailing list would have been  
14 invited to the meeting.

15 Q Where is that? Perhaps your counsel or VPD  
16 counsel can provide that reference in due course.  
17 You've seen a document, a mailing list for that  
18 meeting?

19 A I'm the one that prepared it, sir.

20 Q What about notes, people must have been taking  
21 notes at that meeting?

22 A I can't say what people did.

23 Q You didn't observe people taking notes while you  
24 were there?

25 A This is the meeting where things got seriously

1           derailed right away so I think a lot of people  
2           felt they were somewhat shellshocked. I can't  
3           say what people did. I did not take notes. I  
4           can't say what anyone else did.

5           Q   What happened? What was said?

6           A   As I've previously testified, this is where  
7           Inspector Biddlecombe showed up without advance  
8           notice, at least as far I knew, and had a small  
9           temper tantrum. He accused Dave Dickson and  
10          myself of releasing information to the media  
11          saying that Major Crime would not co-operate, did  
12          not think there was a serial killer. In any  
13          event, he was handling the situation through the  
14          assignment of Detective Constable Lori Shenher in  
15          an effort to find the missing women.

16 THE COMMISSIONER: Why am I hearing this again? This is  
17               probably the third time I've heard this. Is  
18               there something new that I'm missing here? I  
19               note that there's a limited amount of time for  
20               cross-examination.

21 MR. WARD: Thank you. I'll get right to the point.

22          Q   Detective Constable Shenher must have brought it  
23               to the attention of those at the meeting that she  
24               had been actively following up the tip about  
25               Robert Willie Pickton?

1           A    No, there was no discussions of suspects.  In  
2                   fact, I'm not even sure Detective Constable  
3                   Shenher said anything at the meeting.

4           Q    The reason I ask you this, sir, is you knew Lori  
5                   Shenher; correct?  You knew who she was?

6           A    I knew who she was.

7           Q    She was a team player in your estimation?

8           A    At this point in time I really didn't know her  
9                   very well.  Now I would say she was a very  
10                  dedicated police officer, a good investigator.

11          Q    Let's look at what she was doing around the time  
12                  of the meeting.  Four days earlier, this is on  
13                  page 382 of LePard's report, she had met Hiscox  
14                  and found him to be credible.  That's four days  
15                  before this Missing Women Task Force meeting.  
16                  I've got the mailing list now and I'll ask you  
17                  about the attendees in just a minute.  Four days  
18                  earlier she had taken the trouble to met with  
19                  Bill Hiscox and found him to be a credible  
20                  informant about Robert Willie Pickton.  Do you  
21                  see that?

22          A    No, I don't.

23          Q    Page 382, the fourth entry for September 18,  
24                  1998?

25          A    Yes, I see that.

1 Q Turn back the page to page 381. September 2nd,  
2 Shenher had spoken to Hiscox on the telephone  
3 presumably. Do you see that?

4 A Yes.

5 Q The preceding page, August 21, 1998, Shenher  
6 interviewed STW 328, that's the victim of the  
7 1997 attack, and found her to be credible and  
8 very frightened of Pickton. Do you see that?

9 A Yes.

10 Q August 19, 1998, Shenher received from Leng a  
11 recording of the conversation with the tipster  
12 Hiscox. Do you see that?

13 A Yes.

14 Q She's going to some effort to follow up on the  
15 Pickton connection to the disappearances prior to  
16 the missing women task force meeting of September  
17 22, 1998; do you agree?

18 A Yes.

19 Q The attendees, the people on mailing list were  
20 yourself, Gary Greer, Axel Hovbrender, Barry  
21 Pickerell, Lori Shenher, Al Howlett, Geramy  
22 Field, Dave Dickson, Oscar Ramos, Raymond  
23 Payette, Keith Davidson, Paul McCarl, Murray  
24 Power and Bill Burney. Does that sound about  
25 right?

1           A    If I could see the list I would recognize it.  
2                Many of those names I do recognize. There are  
3                some that I don't. Again, it's because of the  
4                time.

5           Q    I've shown you a two-page document, sir?

6           A    I just have one page.

7 THE REGISTRAR: I thought it was one page.

8           A    Thank you. This doesn't look like the format of  
9                the list I prepared but I recognize the names  
10               with the -- I believe most of these people were  
11               at the meeting. I'm not sure Al Howlett was and  
12               I don't believe Keith Davidson was and I do not  
13               remember Paul McCarl but I believe -- please  
14               remember, this is so many years ago but I believe  
15               most of the rest of the people were at the  
16               meeting.

17 MR. WARD:

18          Q    Thank you. My question is this: How can you be  
19               sure that Pickton's name didn't come up at the  
20               meeting?

21          A    Because I remember the first time I heard about  
22               Pickton was only after Project Amelia started,  
23               probably June or July of 1999.

24          Q    Probably June or June 1999 was the first time you  
25               heard Pickton's name in the context of the

1 disappearance?

2 A Yes.

3 Q That's your evidence?

4 A Yes. There was no discussion of suspects at  
5 either of the working group meetings because we  
6 weren't at the point of suspects and, as I said,  
7 the whole meeting got derailed by the actions of  
8 Inspector Biddlecombe and you certainly would not  
9 have seen a junior constable start to talk about  
10 potential serial killer suspects when her  
11 inspector has just said there was no serial  
12 killer. She was assigned to missing persons; her  
13 job was to find the missing people.

14 Q You talked about her focus in your evidence in  
15 chief. I'm suggesting her focus for the month  
16 preceding this meeting was gathering information  
17 about the Pickton tip. She was -- I'll recap.  
18 In the month before the meeting she had taken the  
19 trouble to go and interview the victim of the  
20 1997 assault by Pickton; you've seen that in  
21 LePard's chronology, right? She had listened to  
22 the tape recording of Hiscox, she had spoken to  
23 him on the telephone and she had taken the  
24 trouble to meet with him and she had gone to meet  
25 with Connor in Coquitlam. Do you see that?

1 A Yes.

2 Q She was focused on following up the information  
3 that the VPD had received that Robert Willie  
4 Pickton was the likely perpetrator for the  
5 murders of the missing women, wasn't she?

6 A Yes, according to the LePard report.

7 Q What possible reason would she have -- she will  
8 testify so I'll ask her this question -- but what  
9 possible reason could she have to keep that  
10 information from the task force members who were  
11 assigned to delve into the problem?

12 THE COMMISSIONER: How could he answer that?

13 MR. WARD: Thank you. I agree.

14 Q You knew her as a team player?

15 A I didn't know her.

16 Q But you came to know her as a team player?

17 A Yes, I have a lot of respect for her.

18 Q And as a member of a team you don't keep secrets  
19 from other team members generally, do you?

20 A Again, we have to put it in the context of what  
21 the purpose of the working group was, but I can  
22 say without a doubt it did not come up and I can  
23 say without a doubt the first time I heard of  
24 Pickton was after the start of Project Amelia,  
25 and also after Inspector Biddlecombe reacted the



1           way he did, she's not going to be talking about  
2           suspects. It's very logical to me.

3           Q   You can say without doubt then that you didn't  
4           hear Pickton's name come up at the brainstorming  
5           session?

6           A   Correct. The first time I heard of Pickton was a  
7           meeting I had with Shenher in the offices of  
8           Project Amelia which meant that it had to be  
9           after the start -- the formation of the review  
10          team and that happened at the end of May 1999 and  
11          I remember that conversation very well.

12          Q   You can say then, you can swear without a doubt  
13          you didn't hear Pickton's name at the  
14          brainstorming session?

15 THE COMMISSIONER: This is about the fourth time you asked  
16          that question. He said he didn't hear about  
17          Pickton until 1999. How many times do you have  
18          to ask that question? I heard it four questions  
19          ago and I had heard it in chief. This  
20          cross-examination does not help me. I need to  
21          make definitive findings of fact at the end of  
22          the day. You have a witness here who is  
23          particularly favourable to your clients,  
24          particularly has given evidence that is extremely  
25          critical of the Vancouver Police in their

1                    investigations, and you're berating him like I  
2                    should disbelieve him.

3 MR. WARD:    I'm not berating this witness, Mr. Commissioner,  
4                    and I take exception to that.

5 THE COMMISSIONER:    You asked the same question four times.

6 MR. WARD:    Thank you.    I apologize.    I'll move on.

7                    I'd like to show you the typewritten  
8                    statement from the brainstorming session.    Mr.  
9                    Vertlieb put that to the witness in the binder of  
10                   documents.    I don't know if it's been marked in  
11                   any fashion.

12 MR. VERTLIEB:    I thought that was going to be marked as a  
13                   separate exhibit.    Perhaps, Mr. Giles, in a time  
14                   convenient can mark that binder.    There's some  
15                   duplication in there but I think it's better.

16 MR. WARD:    I don't know which tab it was because I didn't have  
17                   information that would assist me with that.    It's  
18                   in the binder that Mr. Vertlieb had.    Can I get  
19                   some help on that.

20 MR. VERTLIEB:    17.

21 MR. WARD:

22                   Q    It's a one-page note of the brainstorming  
23                   session?

24                   A    May 19, 1999 meeting?

25                   Q    Yes.

1 A Okay.

2 Q Mr. Commissioner, Deputy Chief LePard was at this  
3 meeting and he testified about it. November  
4 22nd, my cross, pages 129 to 138, I asked him a  
5 series of questions about whether Pickton's name  
6 came up. To paraphrase, no, it didn't, he would  
7 have remembered that, but it's all set out there.  
8 You may recall, Mr. Commissioner, I expressed  
9 concern in my questioning of the witness about  
10 the absence of notes from the people who were at  
11 the meeting.

12 Sir, I put it to you that Lori Shenher  
13 brought up Pickton's name at this brainstorming  
14 session; would you agree?

15 A No, I do not agree. This happened -- this  
16 brainstorming session is dated -- occurred maybe  
17 a week or so before the formation of Project  
18 Amelia, and as I said, I first heard about  
19 Pickton in a discussion with Lori Shenher in the  
20 offices of Project Amelia.

21 Q Sir, I'm showing you a one-page document. It's  
22 produced from RCMP files which I understand to be  
23 records of one of the attendees, Bev Zaporozan of  
24 the Burnaby RCMP. I have lots of extra copies.  
25 It's concordance document RCMP-073-000002. I'll

1           give you a minute to read that over.

2           A    I've read it.

3           Q    This is a document from RCMP records indicating  
4               that Pickton, underlined, was discussed at this  
5               meeting along with other potential suspects?

6           A    Yes, I read that.

7           Q    It goes on to say:  "At this time no active work  
8               will be conducted on Pickton.  However, if he  
9               does become a strong suspect members will be  
10              advised."  Do you see that?

11          A    Yes, I do.

12          Q    Pickton is the only suspect's name mentioned in  
13               this RCMP record of the May 13, 1999 meeting at  
14               VPD to discuss the investigative techniques, also  
15               referred to as the brainstorming session;  
16               correct?

17          A    Correct.

18          Q    The brainstorming session -- so you stand  
19               corrected if this note taker's recollection is  
20               accurate?

21          A    Yes, I am sorry.  I don't remember Pickton being  
22               discussed at this meeting.

23          Q    Here's the thing, from my clients' perspective,  
24               you gather all these people together to  
25               brainstorm the missing women case in May of 1999,

1 all these minds from the UK, geographic profilers  
2 like yourself and Filer, all these VPD members  
3 including Doug LePard, and Shenher it seems,  
4 based on this note, brings up her prime suspect  
5 at the meeting and the group of you, you, LePard  
6 and the others, decide to do no work on the  
7 suspect for now, if this note is right. Do you  
8 see that?

9 A I'm not sure what we decided. I'm sorry I cannot  
10 remember, this was 13 years ago. Obviously he  
11 was not considered to be a strong suspect and my  
12 only memory is I guess maybe at the point where  
13 it's decided that he was a strong suspect because  
14 Shenher wished to talk me to about Pickton and  
15 that was the meeting in the offices of Project  
16 Amelia. I'm sure that quite a few things were  
17 discussed at the brainstorming session and this  
18 doesn't describe anything else or any other  
19 suspects or any other issues that might have been  
20 brought up and I'm not sure what you mean by  
21 "decisions". This was just a brainstorming  
22 session. One of the things that flowed very soon  
23 in time after this was the start of Project  
24 Amelia, so there may have been a connection.

25 MR. WARD: Thank you. Could I have this marked as the next

1 exhibit, please.

2 THE REGISTRAR: Exhibit 70.

3 (EXHIBIT 70: Document entitled RCMP Continuation  
4 Report dated May 19, 1999 (RCMP-073-000002))

5 MR. WARD: Mr. Commissioner, in response to your question, I'm  
6 trying to assist in finding facts, and from my  
7 client's perspective at least what the police  
8 knew, when they knew it and what they did about  
9 it is at the heart of your mandate and so I think  
10 it's important that facts be found on those  
11 issues.

12 THE COMMISSIONER: I don't know if there's too much doubt  
13 about when they came into contact with the  
14 information. I'm going to obviously hear from  
15 the VPD's perspective.

16 MR. WARD: I'll make submissions at the end but LePard's sworn  
17 evidence on the point is on the record. One last  
18 question on the document.

19 A Can I make one further observation?

20 THE COMMISSIONER: Yes.

21 A I note on here, and, again, this was a meeting of  
22 at least a couple of hours, Pickton was discussed  
23 at this meeting along with other potential  
24 suspects, the transient John. So this sounds to  
25 me like a number of suspect names were kicked

1 out. I'm not sure why reference in this document  
2 was only made to Pickton rather than some list,  
3 but it seems to me clear that he was not  
4 considered a strong suspect at this point and no  
5 work was going to be done. If he had been a  
6 strong suspect, that likely would have been  
7 something that Amelia looked at. However, given  
8 what my memory is that Shenher contacted me to  
9 discuss Pickton shortly after the formation of  
10 Amelia, it would suggest to me that sometime  
11 between May 19 and June or maybe July a  
12 determination had been made that he was a strong  
13 suspect.

14 MR. WARD:

15 Q Thank you. Is it fair to say you have no  
16 independent recollection of this meeting?

17 A I vaguely recall it but none of the details.

18 Q You don't have notes of it?

19 A No.

20 Q You have your own personal case file but you left  
21 it behind at the VPD when you left their employ  
22 in November of 2000; correct?

23 A Yes. I was not allowed to take it.

24 Q Your personal case file had your notes and  
25 memoranda and other entries in it?

1           A    It would have had anything that I possessed in  
2                   relation to this investigation, this case, my  
3                   work on it, et cetera.

4           Q    And you haven't seen that since you left their  
5                   employment?

6           A    Somebody told me that the VPD destroyed all the  
7                   GPS files so I think they no longer are in  
8                   existence.

9           Q    Someone told you that?

10          A    Yes.

11          Q    Did they tell you when and who told you that?

12          A    I can't remember that.  Again, it was some years  
13                   ago.

14          Q    You left in late 2000 and Pickton was arrested in  
15                   2002 of course?

16          A    Yes.

17          Q    Did it sound like the file was destroyed sometime  
18                   after his arrest in 2002?

19          A    I just can't remember.  I believe it was before  
20                   Jamie Graham become chief constable if that is  
21                   all helpful, so probably 2001, 2002, 2003.

22          Q    Thank you.  I'll move on to another subject.  
23                   Sir, you recall discussing your involvement in  
24                   the investigations with Deputy Chief Evans on  
25                   August 29, 2011?



1 A Yes.

2 Q At one point in the interview you suggested to  
3 her that she should get the communications that  
4 had passed between Fred Biddlecombe and Brian  
5 McGuinness?

6 A Yes, I thought that would be helpful.

7 Q She indicated to you that she didn't believe she  
8 was getting access to all the documents and that  
9 the documents had been disclosed to her in a way  
10 that had no rhyme, no reason or no continuation?

11 A I remember that, Yes.

12 Q She clearly felt that she wasn't getting adequate  
13 document disclosure from either the VPD or the  
14 RCMP based on what she said at that interview  
15 with you; correct?

16 MS. HOFFMAN: I'm going to object to this question. Mr. Ward  
17 had the opportunity to ask Deputy Chief Evans  
18 those questions and it's my view she's the one  
19 that should be asked that. To get Dr. Rossmo's  
20 impressions of what Deputy Evans told him  
21 happened in the interview is not helpful.

22 THE COMMISSIONER: I agree, she would have been the better  
23 witness on that.

24 MR. GRATL: In fact, Mr. Commissioner, I did in fact ask  
25 questions of Deputy Chief Evans about the state

1 of the documents when she received them. You  
2 might recall me using the phrase "thrown down the  
3 stairs before they got to you," so she did have  
4 an opportunity to speak to the issue.

5 MR. WARD: Thank you. I'll move on.

6 Q You in the course of your interview with Evans  
7 said to her -- are you with me, sir?

8 A I'm just trying to understand something in  
9 relation to the RCMP continuation report you gave  
10 me. It says it was written by someone called  
11 Kassam or K. Assam but I don't see that name on  
12 the list of the people at the brainstorming  
13 session.

14 Q It appears that Kassam wrote the entry based on  
15 what Zaporozan said after coming back from the  
16 meeting but hopefully we'll have the opportunity  
17 to ask an RCMP member exactly how this note was  
18 created. Can I move to the next subject?

19 A Yes.

20 Q Thank you. In the course of your interview by  
21 Evans you expressed to her a warning about the  
22 RCMP; do you recall that?

23 A I believe so, yes.

24 Q Based on your police experience and your dealings  
25 over the years with the RCMP, you felt before the

1 interview was concluded you should warn her about  
2 the RCMP and you proceeded to explain what you  
3 meant; right?

4 A Yes.

5 Q Can you tell us about that, what you said on that  
6 occasion?

7 A Can I have reference to the transcripts?

8 THE COMMISSIONER: Yes.

9 MR. WARD:

10 Q Sure. It's page 77. Do you have the transcript  
11 with you?

12 A I don't believe so.

13 Q I'll quote it to you. You said: One of the  
14 other things I have to say is a warning. I don't  
15 know if you saw the RCMP *Gazette* article that  
16 came out about this case. She said: I did.  
17 Then you said: Okay, before it was pulled back  
18 at the request of the VPD. She said: Yes, Doug  
19 LePard shared that with me. Did you have that  
20 exchange and was it true?

21 A I remember that now. It's true.

22 Q You said that the *Gazette* article was worrisome  
23 and bordered on science fiction?

24 A That's correct.

25 Q The *Gazette* article, Mr. Commissioner and Mr.

1 Registrar, is at tab 15, Exhibit H. It's been  
2 referred to in this proceeding and I'd like the  
3 witness to be shown a copy so I can ask him some  
4 questions about it.

5 A The tab number?

6 Q Exhibit H, tab 15 is my note.

7 A I only have tab 7.

8 Q I think it's a two-binder set. I thought it was  
9 Mr. Hern's two-volume set. You remember the  
10 article though, do you, sir?

11 A Yes, I do.

12 Q It was an article that was published in the  
13 *Gazette* describing the Pickton investigation and  
14 entitled *Snaring Pickton*. Do you remember that?

15 A I remember the article, yes.

16 Q When you said it was "pulled back" what did you  
17 mean?

18 A I remember having a conversation with Deputy  
19 Chief Constable Doug LePard about the *Gazette*  
20 article and he told me that there was a mutual  
21 agreement between the VPD and RCMP about  
22 releasing information and that they had  
23 complained about this article -- VPD had  
24 complained about this article being published. I  
25 think it was just on the *Gazette's* website at

1           this point. I don't know if it ever made it into  
2           hard copy and as a result of the VPD complaint it  
3           was removed from the RCMP Gazette website.

4           Q   Mr. Commissioner, I believed I had the reference  
5               right. It's been difficult for all of us to keep  
6               track of exhibits -- but that may not be an  
7               appropriate excuse. We don't need it right now.  
8               I had it as Exhibit H for identification, tab 15  
9               that Mr. Hern put to Deputy Chief LePard on his  
10              cross-examination. The point is this, sir. It  
11              was an article entitled *Snaring Pickton* that was  
12              very self-congratulatory about the RCMP's  
13              catching of him, wasn't it?

14          A   Correct.

15          Q   When you referred to it in your interview with  
16               Deputy Chief Evans as science fiction you were  
17               saying, in effect, that the article was  
18               completely wrong and fictitious?

19          A   I wouldn't say completely wrong or fictitious but  
20               I felt that it was not a true depiction of the  
21               investigation, how the police proceeded, and  
22               avoided mention of any of the problems, mistakes  
23               and pitfalls that had occurred.

24          Q   This was published on the RCMP website and I  
25               don't think I'm giving evidence, but when I've

1           tried over the last several month on several  
2           occasions to access the article what I found is  
3           the *Gazette* itself but with the article removed.  
4           Was that your experience?

5           A    I was told it was removed from the website.  I've  
6           not checked myself.

7           Q    The *Gazette* you know to be a publication of the  
8           RCMP directed to everybody who may be interested,  
9           everybody in the world, certainly in Canada, who  
10          can go on the website and read it; right?

11          A    Well, during my time with the VPD we would  
12          receive a physical copy of the *Gazette*, many  
13          libraries would receive copies of the *Gazette*.  
14          Since they moved to the website as well, then  
15          anyone can access it from anywhere in the world  
16          as you say.  It's designed I think to be an  
17          informative, educational publication tool to  
18          assist other police agencies.  I think the main  
19          audience is police as opposed to the public but  
20          it's not a document restricted to police.  I've  
21          published three articles in the *Gazette* myself.

22          Q    Thank you.  In any event, this version just for  
23          the record was volume 72, number 2, published in  
24          2010.  I'll find at a later point the exhibit in  
25          one of the binder and provide my best guess as to

1           what the exhibit reference is.

2           Sir, moving to another subject, you of  
3           course it is well-known were in a wrongful  
4           dismissal suit against the Vancouver Police  
5           Department that attracted a lot of publicity?

6           A    Correct.

7           Q    In the course of that you said if I read your  
8           testimony correctly, there was an old boys club  
9           within the Vancouver Police Department during the  
10          time you were employed there; is that right?

11          A    Correct.

12          Q    Their members included Biddlecombe and Deputy  
13          Chief Unger; correct? I believe you listed ten  
14          names including those two?

15          A    Again, I'm reluctant to try to go from memory.  
16          Obviously Deputy Chief Constable John Unger would  
17          have been listed and if I included Fred  
18          Biddlecombe's name it would not surprise me. I  
19          have not actually seen the documentation or  
20          transcript recently.

21          Q    I've got eight here. Unger, Davies, Chalmers,  
22          Biddlecombe, Cajander, Randawa, Rawlins,  
23          Turncliffe and McLellan?

24          A    Okay.

25          Q    Does that sound right?

1 A It sounds right.

2 Q In one of your points in your testimony you  
3 attributed "juvenile and petty actions" to the  
4 old boys club; is that right?

5 A Yes, I did.

6 Q You expressed in your testimony a concern about  
7 being denied access to the officers' mess?

8 A I think what I stated was that there was even a  
9 stronger reaction or resistance to my becoming a  
10 member of the officers' mess than there was to  
11 the actual position of detective inspector  
12 itself, which I found quite interesting.

13 Q Would it be fair to say that this old boys club  
14 would include members who were concerned about  
15 protecting their turf?

16 A Yes, very much I think so.

17 Q And did that attitude upon these members of the  
18 old boys club lead to some level of dysfunction  
19 with respect to the operation of the department  
20 as a whole?

21 A I believe so. In specific reference to this case  
22 in LePard's report where he interviewed I think  
23 it was Lori Shenher, she made comments about the  
24 fact that Biddlecombe wasn't going to do anything  
25 to further my agenda, which I took to mean that



1           if he used my services which he effectively  
2           stopped after the September '99 meeting -- after  
3           the September 19, 1999 meeting with the one  
4           exception Deputy McGuinness intervened, by using  
5           my services or finding any value in anything that  
6           I said that would further my agenda or give me  
7           credibility or value within the VPD.

8           Q   I have a couple of questions about one member of  
9               this old boys club, Deputy Chief John Unger. It  
10              may be irrelevant to this commission's work. The  
11              first one is, you knew him; correct?

12          A   Yes.

13          Q   You knew him to be a prolific note taker?

14          A   Correct.

15          Q   Secondly, we've had some evidence and it's from  
16               Deputy Chief LePard interviewing Don Adams that  
17               Unger said in connection with the missing women  
18               investigation, "they're only hookers". The  
19               inference being why spend resources on the  
20               problem. Did you ever hear him say that?

21          A   No, I did not. I had no interactions between  
22               myself and John Unger, who did become my boss, or  
23               with Acting Chief Constable and then Chief  
24               Constable Terry Blythe in relationship to this  
25               case.

1           Q   Knowing him, would that sound like something he  
2                    would say or a phrase he would use?

3 MR. DICKSON:  There's no way he can answer that question with  
4                    any degree of reliability.

5 THE COMMISSIONER:  I agree with you, Mr. Dickson.

6           A   Mr. Commissioner, I've never heard him use that  
7                    phrase.

8 MR. WARD:

9           Q   You testified about Sandy Cameron in your  
10                  evidence.  You described her holding her position  
11                  as an unusual appointment; do you recall that?

12          A   Yes.

13          Q   Do you know why she held that job in the face of  
14                  such apparent criticism of her and her work?

15          A   No.  It's a mystery to me.

16          Q   It's a mystery?

17          A   Yes.

18          Q   Did she have some support from someone in the old  
19                  boys club or senior management?

20          A   That's a viable explanation but I don't know.

21          Q   You don't know?

22          A   No.  I have no knowledge of who that might have  
23                  been or if she actually did have such support.

24          Q   Did you at any point in studying the case, in  
25                  preparation for your book perhaps or otherwise,

1 read a document that was prepared by a Brian  
2 Oger, O-G-E-R?

3 A No. I actually wanted to read a copy of it but  
4 I've not been able to obtain a copy so I've not  
5 been able to read it.

6 Q All right. I won't take up your time today, but  
7 you know him to be someone who was employed, a  
8 young man, 22 or so, employed by the VPD to enter  
9 data from the missing women files into the  
10 computer?

11 A I didn't know him at all but I know who he was  
12 from the LePard report.

13 Q And he basically -- your understanding is that he  
14 prepared a paper coming to the conclusion that a  
15 serial killer was at work?

16 A Yes. Again, from the LePard report.

17 Q So it would appear a fresh young summer student  
18 looking at the file came to a very different  
19 conclusion than did a seasoned inspector, namely  
20 Biddlecombe, on a very material point?

21 A Apparently.

22 Q The summer student was right and the inspector  
23 was wrong in the final analysis?

24 A I feel uncomfortable not having read the  
25 report --

1 Q Fair enough. Sir, I suspect you've given a fair  
2 amount of thought to this case of the missing  
3 women and considered why Pickton wasn't caught  
4 earlier than he was; is that fair?

5 A Correct. I hope I communicated the overall  
6 framework of what I thought yesterday.

7 Q I don't want to belabour that. We know now that  
8 he, to use a phrase in your book *Geographic*  
9 *Profiling*, or a word in your book, "lured" his  
10 victims, didn't he?

11 A Yes. That's my understanding, again primarily  
12 from the LePard and Evans report.

13 Q A serial killer who lures victims from one  
14 geographic area, in this case the east side of  
15 downtown Vancouver, all the way to Port Coquitlam  
16 which is perhaps a 45-minute drive, must use  
17 something substantial in the way of bait to lure  
18 them?

19 A Mr. Commissioner, when I heard about this I found  
20 it to be quite unusual because just like any  
21 other working person, time is money for a street  
22 prostitute and they generally do not go very far.  
23 So yes, I think there must have been a very  
24 substantial lure for them to travel that  
25 distance.

1           Q   That's just it.  It's a long round trip, it would  
2                    take, if my time estimate is right, depending on  
3                    traffic, maybe an hour and a half to get to and  
4                    from the Downtown Eastside?

5           A   Correct.

6           Q   From an economic point of view, it doesn't make  
7                    sense for the sex trade worker to go all that way  
8                    and all that way back?

9           A   Correct.

10          Q   That's what you're saying?

11          A   Yes.

12          Q   The bait it seems was drugs and money?

13          A   I would put more emphasis probably on the drugs  
14                   because in a way you could argue they're losing  
15                   money from not being able to work, but obviously  
16                   if enough money was offered that would be an  
17                   inducement, but I suspect that it was the drugs.

18          Q   Do you know if anyone who has looked at this file  
19                   has zeroed in on where Pickton got the drugs he  
20                   used as bait to lure women to his property?

21          A   That's a very good question.  I don't know and I  
22                   haven't heard of anyone who has investigated or  
23                   followed up or explored that angle.

24          Q   One likely source might be criminal associates if  
25                   he had one that were in the drug trade?

1 A That's a likely source.

2 Q Do you know if anyone has investigated whether it  
3 was Pickton himself or perhaps his associates who  
4 were using the sex trade workers' sexual  
5 services? Has anybody looked into that to your  
6 knowledge?

7 A Could you repeat the question?

8 Q When he lured them out to Port Coquitlam who was  
9 it, if anyone, who was using their sexual  
10 services? Has that been investigated to your  
11 knowledge?

12 A You mean in addition to Pickton?

13 Q In addition or instead of.

14 A I don't know.

15 Q Sir, one last subject to ask you about. You said  
16 if I understood your evidence correctly that your  
17 view was that Pickton should have been caught  
18 years before he was?

19 A One to two years.

20 Q Before he was?

21 A Yes, if things were done properly.

22 Q Looking at it with the benefit of hindsight now,  
23 what could you and others in the VPD have done  
24 differently to catch him, what steps could you  
25 have taken?

1           A    The biggest issue was the resource issue, and  
2                    another really important issue was accepting  
3                    responsibility for the protection of members of  
4                    our community. The fact that the serial killer  
5                    theory was not adopted in a timely fashion and  
6                    then perhaps only adapted half-heartedly meant  
7                    that we deployed too little too late. A serial  
8                    killer investigation is not simple. It's  
9                    necessary ultimately to obtain evidence in some  
10                  form or another in order to go to court, so such  
11                  things as surveillance, managing witnesses,  
12                  follow-up work, it would take time and money and  
13                  it would take expertise and experience and we  
14                  just really needed to put in a whole lot more  
15                  work and effort. This is why, Mr. Commissioner,  
16                  I thought it important to show this one graph  
17                  where there's tiny slice of resources before the  
18                  arrest and then everything afterwards, when we  
19                  needed a much more reasonable balance. And if we  
20                  had, first of all, provided more support for Lori  
21                  Shenher in the effort to find the missing people  
22                  we could have moved to the conclusion that this  
23                  really was a problem of -- a likely problem of a  
24                  serial murderer maybe by the end of 1998 and then  
25                  moved into a task force, not a review team, an

1           investigative task force, suspect focused, in  
2           early 1999, and depending on what Pickton did,  
3           depending on some vagaries and luck it might have  
4           taken shorter or longer, but definitely the whole  
5           process could have been significantly sped up.

6           Q    I suggest one other thing that could have been  
7           done is that the Vancouver Police Department with  
8           its resources, a thousand officers and the money  
9           at its disposal, a geographic profiler, someone  
10          with major case management like Doug LePard,  
11          could have joined forces sooner and more  
12          effectively with the RCMP, Canada's national  
13          police force, which seems to have plenty of  
14          resources to work together to try to solve the  
15          case more quickly?

16          A    Yes.

17 MR. WARD:   Thank you, sir, those are my questions.

18 THE COMMISSIONER:   Thank you, Mr. Ward.   How long are you  
19                   going to be?

20 MR. ROBERTS:   Less than half an hour.

21 THE COMMISSIONER:   Okay.

22 MR. ROBERTS:   If I'm not, sir, please sit me down.

23 THE COMMISSIONER:   The reason I'm concerned here is I'd like  
24                   to see Mr. Dickson whose clients have really been  
25                   the recipients of the comments made by Dr. Rossmo



1           should have full opportunity and maybe some  
2           precedence given the limited amount of time to  
3           cross-examine Mr. Rossmo, so I just want to make  
4           sure you get more time. This is left mostly to  
5           the lawyers as to how you want to budget your  
6           time, but I would think that if a particular  
7           witness is supportive of a particular lawyer's  
8           theory then the same amount of time shouldn't be  
9           spent cross-examining, but here the obvious  
10          target of the cross-examination is the Vancouver  
11          Police so I would like to see Mr. Dickson get  
12          more of an opportunity to examine.

13 MR. GRATL: Mr. Commissioner, I was advised by commission  
14           counsel that he's moved me to the end of the list  
15           of cross-examiners and I have no objection to  
16           that.

17 MR. DICKSON: Mr. Commissioner, I expect to only be an hour  
18           but I would like to follow Mr. Gratl. I'd like  
19           to see what his examination is.

20 THE COMMISSIONER: Far be it from me to interfere. Go ahead,  
21           Mr. Roberts.

22 **CROSS-EXAMINATION BY MR. ROBERTS:**

23           Q   Darrell Roberts for Marion Bryce. Thank you.

24                   Mr. Rossmo, I want to clear up one matter to  
25           begin with. I understand from an interview of

1           Lori Shenher by Deputy Chief Evans that Lori  
2           Shenher made it quite clear when it came to  
3           disclosing the source she was working with in  
4           1998, Mr. Hiscox, she said she was very  
5           circumspect about who she told. So I gather  
6           you're one of the people she didn't tell,  
7           according to your evidence, anything about the  
8           fact she was working with a source who later  
9           outed himself years later, Mr. Hiscox, and when  
10          you were there in 1998 you knew nothing about  
11          that?

12         A   Again, I don't remember any discussion of Pickton  
13           until that meeting with Shenher and Project  
14           Amelia. Obviously his name had come up, at least  
15           in the context of other potential suspects. I  
16           don't remember any discussion regarding Hiscox  
17           though it may be that I had learned Hiscox's name  
18           before I left VPD, but in the initial  
19           representation I believe Lori Shenher just said  
20           that a tip had been received about this pig  
21           farmer.

22         Q   I'm just offering that, sir, to identify that  
23           there is already before us some evidence that  
24           Lori Shenher didn't go around telling a lot of  
25           people that she was working with a source and of

1 course it would be her obligation to protect that  
2 source; you know that?

3 A Yes.

4 Q Part of that obligation is that the source is an  
5 informant and entitled to informant privilege?

6 A I just didn't hear about him from her. You're  
7 correct in that it's wise to protect informants  
8 and to be careful with information about your  
9 sources.

10 Q You're teaching today at the Texas State  
11 University and I take it protection of a source  
12 is common in the United States, the same as in  
13 Canada?

14 A That's not the sort of thing I deal with at the  
15 university. Every state penal code is different  
16 in the United States but I think we could call  
17 that sort of a universal rule.

18 Q A universal rule of everything being different?

19 A No. A universal rule it's important to protect  
20 your sources.

21 Q Thank you. I want to go to your PowerPoint. One  
22 page in your PowerPoint caught my eye and that is  
23 -- you don't need to turn to it. I'll hold it  
24 up. The British Columbia Police Act and you  
25 identified that the provincial police force,

1           municipal police department must perform the  
2           duties and functions respecting the preservation  
3           of peace, prevention of crime and offences  
4           against the law and the administration of  
5           justice. It is of course the duty of the police  
6           upon taking an oath as police officers to try and  
7           prevent crime and investigate crime?

8           A    Yes, it is.

9           Q    And it must follow from that obligation or that  
10           duty that the police must be knowledgeable about  
11           crime, particularly those crimes that help keep  
12           the public safe?

13          A    I would say that's an obligation and a duty, yes.

14          Q    And especially where some members of the public  
15           in a particular area might be especially  
16           vulnerable to a particular crime, it would be the  
17           duty of the police force to know the crime or  
18           crimes that might make them vulnerable?

19          A    Yes, very much so.

20          Q    Do you describe sex trade workers as among the  
21           most vulnerable?

22          A    They're in a very risky category, sir.

23          Q    Particularly where the sex trade workers are  
24           engaging in their work -- I'll use that word --  
25           in car bargains, transactions through car

1 windows?

2 A I'm not sure I understand the question.

3 Q Where sex trade workers are working on the  
4 street, which means they're likely making  
5 transactions with people who stop by in car  
6 windows, that makes them especially vulnerable?

7 A No, I would not agree with that. In the cases  
8 I've studied and worked on, the danger, the  
9 attacks are rarely at the point of encounter.  
10 What much more often happens is agreement is made  
11 and then the street prostitute enters the vehicle  
12 of a john, then they go to a parking lot, back  
13 alley, an empty lot and that's where the attack  
14 occurs.

15 Q I understand that.

16 A It's the environment from the offender's  
17 perspective, so it really relates to the issue of  
18 where the sex act is going to occur, that's  
19 really the danger.

20 Q I wasn't suggesting they were going to be  
21 attacked at the time they make the bargain at the  
22 car window. The car is the vehicle for  
23 transporting them somewhere where they're going  
24 to the custody of the person driving the car to a  
25 dark place somewhere they're then going to be

1           very vulnerable?

2           A    Yes.

3           Q    That's in your PowerPoint slide, you have "Street  
4           prostitution is dangerous"?

5           A    Yes.

6           Q    That's really what you're talking about?

7           A    I'm talking about the actual statistics  
8           associated with the murder rates and how common  
9           street prostitutes are victims of serial  
10          murderers.

11          Q    But the heading is "Street prostitution" and  
12          "street prostitution" connotes the idea they're  
13          going to be picked up on the street and  
14          transported somewhere most likely?

15          A    This does not reference work in brothels or  
16          escort services, et cetera.

17          Q    They're working on the street, if a bargain is  
18          made they're going to get into a car and go  
19          somewhere?

20          A    Yes.

21          Q    That's what your reference to "street  
22          prostitution" means, doesn't it?

23          A    Yes.

24          Q    Yesterday you said in answer to Mr. Vertlieb  
25          about whether there is something common about the

1 victims, the Downtown Eastside women, and I'm  
2 working from my hand notes so if I've got your  
3 evidence wrong please correct me at any time.  
4 You said they were a marginal group,  
5 disproportionately targeted by predators and sex  
6 killers; do I have that right?

7 A Yes.

8 Q You also said they were likely easy victims. If  
9 one wanted a woman to volunteer to get into your  
10 car and go to a dark alley somewhere with low  
11 exposure, these women, the women on the Downtown  
12 Eastside were easy targets. Do I have that  
13 correct in your evidence?

14 A Yes.

15 Q Now, it's your understanding that that's how the  
16 women in the Downtown Eastside worked, they were  
17 making bargains through cars and being taken  
18 somewhere?

19 A Yes, though I believe there was some pedestrian  
20 trade as well.

21 Q But in your description of what made them  
22 vulnerable, you talked about them being taken in  
23 a car from one place to another, the place taken  
24 to was perhaps -- your description was a dark  
25 alley somewhere; right?

1 A Yes.

2 Q It could just as well be to someone's home which  
3 might be in an out-of-the-way area somewhere?

4 A Generally that's rare. Street prostitutes don't  
5 like to go to customers' homes, so that's not  
6 normally what happens, but obviously the same  
7 risk would be there in an environment controlled  
8 by the offender.

9 Q Now, of course when the women were picked up in  
10 your analysis here, when they are being picked  
11 up, of course to state the obvious, they're not  
12 getting into the vehicles because of someone with  
13 nice words has said they want to kill them. They  
14 get into the cars because of bargains over sex  
15 for which they're going to get paid; correct?  
16 That's how they get into the cars voluntarily;  
17 correct?

18 A Correct.

19 Q And then they're taken to some place in this  
20 scenario where the sex act is to be performed and  
21 when they're attacked, if that happens, then that  
22 makes it that the transaction by which they got  
23 into the car was a false transaction, isn't that  
24 the way the law works?

25 A First of all, sir, I'm not a lawyer. It sounds



1           like --

2           Q   You're a police officer.  It's put to you in that  
3           context.

4           A   False transaction of a business nature would be a  
5           civil law thing so I'm not sure I really  
6           understand what you're saying here or what I'm  
7           supposed to -- how I'm supposed to --

8           Q   You're familiar with the law of kidnapping in  
9           this country and that's because you were an  
10          officer of the Vancouver Police Department for a  
11          number of years?

12          A   I've not been a police officer for over 12 years.  
13          I would probably want to say I'm not familiar  
14          with it, I know the basic understanding of it but  
15          I couldn't remember the elements of the crime off  
16          the top of my head so I'm again feeling a little  
17          uncomfortable in an area that I don't know well.

18          Q   Do you understand the crime of kidnapping to  
19          involve confining somebody by force or fraud?

20          A   Again, no, I would say I would want to look at  
21          the Criminal Code.  It's a very rare crime in  
22          most cases.

23          Q   I thought it was very common.  In the United  
24          States isn't kidnapping for purposes of ransom  
25          one of the most common crimes?

1 A No, not at all.

2 Q All of the states of the union have the crime of  
3 kidnapping, do they not?

4 A I have no idea. I would suspect it would be  
5 something similar in most state penal codes but  
6 it's not something I've looked at.

7 Q So I take it you're not familiar with whether or  
8 not it is common in the United States to have the  
9 felony murder rule; that is to say, if death is  
10 caused in the course of kidnapping it is first  
11 degree murder? Do you not know that is common in  
12 the United States?

13 A No. It may well be but I've not studied  
14 kidnapping in the 50 state penal codes.

15 Q This makes my cross-examination even shorter.  
16 During the time that you were at the police  
17 department in Vancouver doing your work, which I  
18 take it was very specialized work because of your  
19 education in profiling and trying to come up with  
20 a solution as to what kind of person fitted the  
21 descriptions of what might be a killer of the  
22 women, did you ever hear any discussion in the  
23 Vancouver Police Force up to the time you left  
24 that the women were victims of kidnapping?

25 A One theory that was put forward, Mr.

1 Commissioner, was the possibility that they  
2 voluntarily went on to a ship or a freighter and  
3 then were abducted or taken away and most likely  
4 would fit the kidnapping scenario. That  
5 obviously isn't what happened but it was a theory  
6 put out there.

7 Q So it was discussed?

8 A I know there was some discussion of that theory  
9 but I was not privy to those discussions myself.

10 Q What was the theory that was discussed, that they  
11 were victims of having made sex trade bargains  
12 and then taken away and killed?

13 A No, no. That they had voluntarily got on to a  
14 ship or a freighter.

15 Q Voluntarily done what?

16 A Got on to a ship or freighter.

17 Q I see.

18 A And then were not allowed to leave.

19 Q No, no. I'm talking about was there any  
20 discussion of women from the Downtown Eastside  
21 getting into cars voluntarily on bargains for sex  
22 and being taken somewhere and killed?

23 A I am afraid I may not understand your question.  
24 There was much discussion as to whether or not  
25 these missing women were murder victims and I

1 think it was fairly self-evident to us that if  
2 they were we would be looking at a customer or a  
3 john that was a predator, that's the most common  
4 scenario.

5 Q My question is was the discussion centered on the  
6 crime began -- or crimes began in Vancouver  
7 because they got into cars on bargains for sex  
8 which turned out to be false bargains because  
9 they were then killed after being transported  
10 somewhere? Did that discussion take place?

11 A I don't remember any discussion of that sort.  
12 There may have been but not that I was involved  
13 with or that I remember. It doesn't seem -- it  
14 doesn't seem something that would necessarily  
15 help us catch the offender so I don't know.

16 Q Why not?

17 A Because we had to identify what the problem was  
18 and then we had to identify who the suspects were  
19 and then we had to get evidence.

20 Q I thought that would have been easy by the fact  
21 that the bargains for sex were the basis that  
22 women got into cars, or some at least, by which  
23 they were then taken somewhere and disappeared?

24 A I'm sorry, I don't see the connection.

25 Q You told us that -- you put some high praise on

1 the LePard report in your evidence?

2 A Yes.

3 Q I take it you won't mind if I suggest that you  
4 particularly focus on his identification of  
5 factors, systemic factors, that may have led to  
6 the police taking their eye off the ball, for  
7 want of a better phrase?

8 A Okay.

9 Q One of those systemic factors was not paying  
10 enough attention to the work of someone like  
11 yourself?

12 A Well, I would put other people in there as well,  
13 Dave Dickson, the recommendations of Shenher, of  
14 Field.

15 Q But there is specific reference in the report to  
16 the profile work which you did with respect to a  
17 serial killer which you suggest was wrongly  
18 ignored?

19 A I did not prepare a profile in this case. I did  
20 a statistical analysis of the numbers which  
21 suggested that the disappearances were likely the  
22 result of foul play.

23 Q Whatever direction you came at it, you did come  
24 to the conclusion there was likely serial killing  
25 going on in Vancouver?

1 A That's right.

2 Q I take it you've read that report from cover to  
3 cover?

4 A LePard's report?

5 Q Yes.

6 A Yes.

7 Q You will agree with me there's no discussion on  
8 crimes that may have been committed in Vancouver  
9 in that report?

10 A I am afraid I don't understand the question.

11 Q Can you tell us whether or not in your reading of  
12 the report the author identifies crimes that may  
13 have been committed in Vancouver during the  
14 period of time the women were missing, which is  
15 1997, the end of '97 through until when he was  
16 caught, and Pickton was caught on the 5th of  
17 February 2002?

18 A You mean some criminal offence occurring against  
19 the missing women within the jurisdiction of  
20 Vancouver, is that what you're asking?

21 Q Yes.

22 A I don't believe that's something that is  
23 discussed in the report, not to my memory.

24 Q I'm sorry, you don't believe what?

25 A I don't believe that's discussed in his report,

1 not that I can remember.

2 Q All right. That's my understanding too. I just  
3 want to know in your praising of the report when  
4 he offers various factors that may have resulted  
5 in perhaps a failure of investigation in  
6 Vancouver, there is no discussion of what crimes  
7 occurred in Vancouver?

8 A I have no knowledge of there being any crimes in  
9 Vancouver.

10 Q I see. Just a moment, please. There may be some  
11 doubling up of this but I will be brief.

12 I want to take you briefly to a couple of  
13 passages in the re-examination evidence of Mr.  
14 LePard. Could you assist me, Mr. Registrar? I  
15 just want to take you to some evidence of Mr.  
16 LePard and I have a couple of questions for you.  
17 This is the evidence of Mr. LePard on the 15th of  
18 December 2011. The first page simply identifies  
19 that being the day on which the passage occurs,  
20 and then I go over to page 133, the subject  
21 matter comes up in the question that is put to  
22 Mr. LePard by commission counsel at line 8 and  
23 I'm simply going to summarize that. It is  
24 introducing by referencing to kidnapping by fraud  
25 and the cross-examination which I had as counsel

1 had conducted. I then go over the page to page  
2 134. Commission counsel at line 7 asks Mr.  
3 LePard this:

4 Q Okay. And I know in your report I think you  
5 did use the word the women willingly got in  
6 the car. But that's where I want to go for  
7 a few moments now. I want you to just bear  
8 with me, because I want you to think of it  
9 in a way that it wasn't your obligation at  
10 the time, because we all know it wasn't  
11 your file and you weren't in any way  
12 leading the investigation and everything  
13 you've done has been done after the fact.  
14 As I said at the very beginning with you  
15 none of this is a criticism to you  
16 personally in any way. But you may have  
17 heard the evidence that sexual acts could  
18 be purchased on the Downtown Eastside for  
19 as low as five dollars?

20 A Yes.

21 Q And you have probably also heard that we  
22 know and there was evidence that Mr.  
23 Pickton would pay at least a hundred  
24 dollars sometimes and maybe more to get  
25 women to come with him. You know that?



1           A     I don't doubt that. I don't recall that,  
2                     but I don't doubt it.

3           Q     So just think about it from a police  
4                     officer's perspective. There was some  
5                     evidence that shows that someone was paying  
6                     20 times more money for a sex act than  
7                     might be needed to pay. Okay?

8           A     Yes.

9           Q     You may have been familiar with the  
10                  evidence of Dr. Lowman, either you heard  
11                  him say it or you read his report --  
12                  I think the spelling of Lowman is in error.

13          A     The spelling is correct.

14          Q     Q     -- either you heard him say it or you read  
15                     his report or you've heard him say it  
16                     another time, about the serial killer would  
17                     pose as a purchaser of sex when he really  
18                     is intending to kill?

19          A     Yes.

20          Q     Okay. And I gather Dr. Lowman hasn't just  
21                  fastened on to this as some breakthrough  
22                  idea, I gather he has held this idea for  
23                  some considerable period of time?

24          A     I don't know that, but I wouldn't disagree  
25                  with you.

1 Q And it's not just Lowman, no doubt there's  
2 others that postulated that the serial  
3 killer is posing to get someone to come  
4 into his clutches, as it were?

5 A Yes.

6 One more passage.

7 Q Okay. So again I want you to be thinking as  
8 a police officer, not with perhaps the  
9 distinction that you've achieved, but just  
10 a police officer and you hear someone is  
11 significantly overpaying for a sex act,  
12 and we know serial killers can pose as a  
13 purchaser of sex when their ultimate  
14 intention is to kill. Okay?

15 A Yes.

16 Q And you can see now when you start to think  
17 of it that way that starts to say hmm,  
18 maybe when those people got in the car that  
19 was the commencement of a criminal act  
20 because there's fraudulent activity?

21 A Yes.

22 Q And you notice I'm not saying kidnapping by  
23 fraud --

24 A Yes

25 Q -- because I've never done one of those

1 cases, I don't know what that would be all  
2 about, but I understand a fraud case, and  
3 you do too?

4 A Yes.

5 I'll pause there. You're not a police  
6 officer now but can you not remember from your  
7 career as a police officer that the crime being  
8 discussed there is kidnapping?

9 A Again, kidnapping is a very rare crime. I would  
10 want to look at the elements in the Criminal Code  
11 before I comment. Also I think you would have to  
12 look at the case law, consult with crown counsel.  
13 I have no expertise in this particular area.

14 Q As you sit here now you're not able to do this?

15 A Do what, sir?

16 Q To make that connection.

17 A I'm struggling to understand where we're going  
18 but I cannot say that a kidnapping by fraud has  
19 occurred or occurred in the case of the missing  
20 women.

21 Q I'll finish on page 141. I will skip the next  
22 passage. The next pages 137, 138, 139 and 140,  
23 up to the top of 140, there is a review of  
24 evidence obtained from Pickton.

25 A What page?

1 Q Between 136 and 140.

2 A Okay.

3 Q I'm just describing it because I'm skipping it.

4 A Okay.

5 Q It's a review of the evidence that was obtained  
6 during the Pickton trial as to how Pickton would  
7 obtain people, somebody on a bargain for sex and  
8 then perform a sex act at his place while he  
9 slipped handcuffs on them. That's what is  
10 contained in those pages. Then go to page 140 at  
11 line 6, I will finish at the bottom of the  
12 following page.

13 Commission counsel then said to Mr. LePard:

14 Q No, you probably can anticipate where we're  
15 going with this. You see this almost fits  
16 directly into what Dr. Lowman was talking  
17 about posing as a sex customer when the  
18 real intent is to kill. So when you think  
19 of evidence that was there to be generated,  
20 and I don't want to be critical, the people  
21 didn't have Bellwood, I don't know why that  
22 didn't happen and that's not my concern as  
23 commission counsel right now, but if you  
24 put those facts together does that not give  
25 you as a really good police officer the

1 concern that maybe there was a criminal act  
2 that did in fact take place in my city we  
3 ever considered?

4 A Well, I agree with you absolutely, and it's  
5 unfortunate but I feel like some of my  
6 evidence got lost, because my analysis  
7 after the fact that we didn't know for sure  
8 whether there had been an offence that  
9 occurred in Vancouver was really kind of  
10 irrelevant to what went on before Pickton  
11 was arrested and before it was known that  
12 Pickton was the offender, because of course  
13 that always had to be the main suspicion  
14 was that women were somehow being lured,  
15 coerced, forcibly taken from the Downtown  
16 Eastside and other places where they went  
17 missing like New Westminster and Surrey,  
18 for example, and that was always something  
19 that absolutely had to be contemplated that  
20 that was an offence that was occurring. So  
21 the analysis of whether an offence occurred  
22 was only based on the information known  
23 after the fact. And if I'm wrong in my  
24 analysis I will accept that from this  
25 commission, but I want to be clear that in

1                   no way did it -- that was an after-the-fact  
2                   analysis that in no way did it lessen the  
3                   responsibility of the VPD to consider that  
4                   as a likely scenario, and in fact that was  
5                   the scenario that was suggested by Staff  
6                   Sergeant Davidson, the criminal profiler.

7                   I pause. Staff Sergeant Davidson is from the  
8                   RCMP?

9                   A    Yes, I know Keith Davidson.

10                  Q    Q    -- in which he described women being taken  
11                        from the Downtown Eastside by an offender  
12                        who has a car and so on. So I don't  
13                        disagree with any of that in terms of the  
14                        VPD's responsibility when the women were  
15                        going missing that it was likelihood, or at  
16                        least a strong possibility, that if they  
17                        were -- if the disappearances were being  
18                        caused by foul play, which some people had  
19                        to struggle to come to that, that a likely  
20                        scenario is the one that you have described.

21                  All right. "The likely scenario is the one you  
22                        have described," that is the scenario of women  
23                        getting into the car on the promises of money for  
24                        sex and being then taken somewhere and killed.  
25                        Let's leave kidnapping away from that subject.

1 Just say that's the facts scenario. Was that  
2 discussed during your tenure in the Vancouver  
3 Police Department from 1998 until you left in  
4 2000 to your memory?

5 A That a customer was likely --

6 Q That this is the likely scenario for the  
7 disappearance of the missing women from the  
8 Downtown Eastside?

9 A I think it was just taken as a given that if  
10 these women were victims of a serial murderer  
11 that we would probably be looking at a customer  
12 that had picked them up on the street, that's  
13 what we've seen in many other similar cases. I  
14 don't believe it was ever discussed because I  
15 just think it was something that was obvious. It  
16 may have been discussed but I wasn't present for  
17 such discussion and I frankly didn't really see  
18 the need to because of what we knew about other  
19 cases.

20 THE COMMISSIONER: Mr. Roberts, I think it's increasingly  
21 clear he has no idea what you're talking about.

22 MR. ROBERTS: The record will also identify that and the  
23 record also identifies what Mr. LePard said.

24 THE COMMISSIONER: He doesn't know that. His theory was there  
25 was a serial rapist.

1 MR. ROBERTS: I understand that but he's a member of the  
2 police force interacting with various people.

3 THE COMMISSIONER: He doesn't know everything.

4 A I don't know if this is helpful, but the opinion  
5 that I have is about whether an element of a  
6 specific crime occurred in the jurisdiction of  
7 Vancouver or not is not important. The Vancouver  
8 Police Department had a duty to protect its  
9 people.

10 MR. ROBERTS:

11 Q Oh, I think we all agree on that. The question  
12 is did they?

13 A I think we have lots of evidence of what happened  
14 and didn't happen in that regard and what could  
15 have happened.

16 Q I'll finish up this line. Where I was heading  
17 with this question you may want to know, you've  
18 said in your evidence in chief that the major  
19 wrong was the failure of the Vancouver Police to  
20 recognize the seriousness of the potential of a  
21 serial killer; right?

22 A I said that they did not accept the theory of a  
23 serial killer in any sort of timely fashion.

24 Q All right. I don't mind your rephrasing it. You  
25 say that's the major wrong?



1 A Yes, the major failing of the investigation.

2 Q I suggest to you there are two major wrongs. I  
3 agree with you that's a major wrong. The second  
4 major wrong is the failure of the Vancouver  
5 Police to recognize that the women were missing,  
6 were disappearing by way of bargains for sex in  
7 street trade transactions and disappearing in  
8 cars having been transported out of Vancouver.  
9 That was the second major wrong.

10 A I disagree. We knew that, we knew that was the  
11 likely scenario.

12 Q Then why didn't they investigate it?

13 A But they did to a certain extent, not with  
14 sufficient resources.

15 Q With Lori Shenher on the street, no one else?

16 MR. DICKSON: That's not true, Mr. Commissioner.

17 MR. ROBERTS:

18 Q One last area. The surviving victim, you  
19 mentioned that you were aware of the attack in  
20 March 1997 on a victim who I think later became  
21 known as Ms. Anderson?

22 A Yes, in spring, summer of 1998 I knew about that.

23 Q And you mentioned she was attacked in Coquitlam?

24 A Yes.

25 Q And I got the impression you made that reference

1 identifying that's where the crime was?

2 A I'm sorry?

3 Q Why did you say Coquitlam?

4 A She was attacked on Willie Pickton's farm.

5 Q But she was also picked up in Vancouver, did you  
6 know that?

7 A I believe I knew that.

8 Q You didn't mention that, that she was picked up  
9 in a sex trade transaction similar to one that  
10 you said made them vulnerable.

11 A Okay.

12 Q You accept that?

13 A Yes.

14 MR. ROBERTS: You've come here from Texas, sir, you teach now  
15 at the Texas State University, and I thank you  
16 for coming here.

17 THE COMMISSIONER: We'll now take the break.

18 THE REGISTRAR: This hearing will recess for 15 minutes.

19 (PROCEEDINGS ADJOURNED AT 3:11 P.M.)

20 (PROCEEDINGS RESUMED AT 3:29 P.M.)

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

22 THE COMMISSIONER: You're going to go now?

23 MR. DICKSON: Mr. Commissioner, Tim Dickson for the VPD. It's  
24 determined I will go now but I'd like just to put  
25 on the record that I would ask for the

1                   opportunity to re-examine if necessary after Mr.  
2                   Gratl. He's on the other side of the room in --  
3 THE COMMISSIONER: I know that. In the event that something  
4                   comes up that is unforeseen you'll have that  
5                   opportunity.

6 MR. DICKSON: Thank you, Mr. Commissioner.

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

8           Q    Dr. Rossmo, I want to thank you for coming and  
9                   giving testimony this week.

10          A    You're welcome.

11          Q    As you have said in your testimony and as Deputy  
12                Chief LePard wrote and he's testified, the VPD's  
13                essential shortcoming in the missing women  
14                investigation was its failure to recognize  
15                earlier that there was likely a serial killer  
16                preying on the missing women?

17          A    Correct.

18          Q    When we say that the VPD failed to have that  
19                recognition, that criticism doesn't apply to  
20                Detective Constable Shenher, for instance, does  
21                it?

22          A    No. Detective Constable Shenher independently of  
23                any of my thoughts or analyses came to that  
24                conclusion fairly early on. I couldn't tell you  
25                an exact date but I know that -- I can remember

1 her saying that she wasn't sure what the problem  
2 was and then her coming -- maybe as a result of  
3 her investigation and research coming to that  
4 conclusion.

5 Q Indeed, Sergeant Field came to that conclusion  
6 relatively early on as well?

7 A Correct.

8 Q And Constable Dickson, he had come to that  
9 conclusion early on?

10 A I've seen different things said by Constable  
11 Dickson at different times. I know he's the one  
12 that brought the problem to the attention of the  
13 department in the first place. I subsequently  
14 saw him say some things in the media that he  
15 thought the serial killer conclusion was  
16 incorrect. So I really don't know what he  
17 thought or if he changed his mind or why.

18 Q Very well. When you say that the VPD failed to a  
19 recognize the serial killer theory or adopt it,  
20 you're not directing that at him?

21 A No, I am not.

22 Q Nor are you directing it at Detectives Chernoff  
23 and Lepine?

24 A No, definitely not.

25 Q Nor Constable Clark?

1 A No.

2 Q As a general matter, the investigators that were  
3 closer to the ground on the investigation, they  
4 got it, they recognized the nature of the problem  
5 fairly early on; is that fair?

6 A I would say there was no such problem with the  
7 members of Project Amelia. The only issue is  
8 Project Amelia should have been at least ten  
9 times as large.

10 Q The problem here was that some members of  
11 management didn't adopt the theory early on?

12 A Correct.

13 Q Those investigators who were most involved in the  
14 missing women investigation, I've just mentioned  
15 some of them, they were very committed to the  
16 investigation, very dedicated; is that right?

17 A Yes. Mr. Commissioner, they were very  
18 resourceful, they were very caring, and they  
19 tried to do a lot with very little.

20 Q As you say, police officers are interested in  
21 catching the bad guys and if members of  
22 management had appreciated the nature of the  
23 problem earlier, they would have wanted to have  
24 caught a serial killer?

25 A That's correct. I probably should be clear too,

1 I only have knowledge of problems in the context  
2 of what we're talking about with some members of  
3 management. I have no knowledge of others.

4 Q As you testified, Gary Greer was concerned about  
5 the problem?

6 A Yes.

7 Q Brian McGuinness, he was concerned and he  
8 listened to your analysis?

9 A Yes. I never saw any concern or reluctance from  
10 Deputy McGuinness regarding anything to do with  
11 this matter.

12 Q Indeed, even Inspector Biddlecombe whom you have  
13 criticized so much, you testified that of course  
14 he would have wanted to have caught a serial  
15 killer and he just honestly believed there wasn't  
16 one?

17 A That's correct.

18 Q You never saw any individual working on this  
19 investigation who had a racial or gender bias?

20 A No, I didn't, Mr. Commissioner.

21 Q That wasn't the problem at all. The problem was  
22 that the data pointing to a serial killer was not  
23 properly analyzed and understood by some members;  
24 is that fair?

25 A I would say it's really not the role of

1 management to do the analysis. I would say it  
2 was --

3 Q I didn't mean that.

4 A I think the problem is they made up their mind  
5 before analysis, before the investigation and  
6 research efforts had occurred, and then they did  
7 not change their minds even when they should have  
8 as new evidence was developing.

9 Q I want to turn to your PowerPoint because I want  
10 to ask just a little bit more about your comment  
11 that the response from the police would have been  
12 different had the victims come from the west  
13 side. It's page 24 of your PowerPoint and it's  
14 the slide entitled Investigative Difficulties.  
15 "1. Victims were sex trade workers."

16 A Yes, sir.

17 Q You have two bullets there and I want to ask you  
18 about the second one which says: "Some police  
19 investigators and managers did not properly  
20 understand the lifestyle of these victims and did  
21 not consult or listen to those who did." You see  
22 that?

23 A Yes.

24 Q And when you say that some police investigators  
25 did not properly understand the lifestyle of the

1 victims, really as we've just discussed it wasn't  
2 the investigators on the ground, it was some  
3 members of management?

4 A My reference to investigators here was the  
5 Provincial Unsolved Homicide Unit.

6 Q I see. Very well. In going to the management in  
7 the VPD, a problem there was that to the extent  
8 that they had any experience policing the sex  
9 trade worker community, that experience was often  
10 from many years previous?

11 A I can't say specifically but generally I think at  
12 a senior management level or a senior inspector  
13 level, especially someone that is very close to  
14 retirement, it would have been many years since  
15 they were working on the street or in an  
16 investigative capacity other than a supervisor or  
17 a manager or an executive member.

18 Q So you would expect their particular  
19 investigative experience in the sex trade worker  
20 communities was not recent?

21 A Yes, if they even had any.

22 Q And this was -- this was an error in policing, or  
23 in any event, you saw that some managers were  
24 trusting their own experience, their own policing  
25 experience, their own knowledge of the



1 communities they were policing, more than  
2 listening to the investigators on the ground?

3 A I think that's a logical conclusion, Mr.  
4 Commissioner.

5 Q It was an error when rank and seniority were  
6 deferred to more and some management members  
7 weren't listening to members of lower seniority  
8 as much as they should have been?

9 A That is the case. There sometimes was an  
10 assumption that a promotion to a rank and a  
11 responsibility for a section made you an expert  
12 on the duties of that section.

13 Q And these are some of the systemic issues that  
14 this commission has to be aware of and that's why  
15 I flagged them. But in any event, the  
16 combination of those kinds of factors meant that  
17 managers, some managers, did not properly  
18 understand the lifestyle of sex trade workers  
19 working in the Downtown Eastside?

20 A That's correct.

21 Q And that meant that they just did not understand  
22 how abnormal it was for so many women to go  
23 missing for so long?

24 A Yes, I would agree with that.

25 Q And so one of the reasons that I think you

1 believe the response would have been different  
2 had the women gone missing from the west side,  
3 that is, had they come from more mainstream  
4 circumstances, is that police managers would have  
5 had fewer misconceptions about their lifestyle?

6 A Yes. I'd say there were two aspects to this.  
7 The first one was -- maybe the second one was  
8 that there would be a political response,  
9 pressure, and a high level media interest, but  
10 the other one was that the awareness of the  
11 problem would have surfaced much sooner because  
12 of the lifestyles of the individuals involved  
13 while with the sex trade workers we did have to  
14 invest -- the department had to invest some  
15 investigative effort to determine if there was a  
16 problem. I hope that makes sense.

17 Q It would have been far more obvious far more  
18 early to managers that there was a very serious  
19 problem?

20 A Yes.

21 Q And so the response in that way would have been  
22 different; correct?

23 A One element, that would have affected it one way.

24 Q I want to take you to some other situational  
25 pressures that you've identified and that's in

1           your -- that's a mind map, Refusal to Accept  
2           Serial Killer Theory Mind Map. That's page 20 if  
3           you can turn that up. It's four pages before the  
4           one we were on. You've lost where we were?

5           A    Sorry, these pages aren't numbered.

6           Q    Maybe it's about half way through your deck.

7           A    Is it the one with the two bullet points?

8           Q    I'm sorry, Dr. Rossmo, it's this one.

9           A    Yes, for the Vancouver Police Department.

10          Q    That is right.

11          A    I have it.

12          Q    So we have, Mr. Commissioner, just so you're  
13               clear, we have this page here, the Refusal to  
14               Accept the Serial Killer Theory. Dr. Rossmo,  
15               what I want to ask you about are these  
16               situational factors that you've identified in the  
17               lower right-hand corner.

18          A    Yes.

19          Q    And I want to ask you about them because these  
20               are also factors that would have differed had the  
21               women been missing from the west side. So if we  
22               look at the -- if we look at the bottom one,  
23               "Difficulty in establishing time lines," you'll  
24               agree that if the women had come from more  
25               mainstream circumstances, from the west side as

1           you say, it's likely they would have had more  
2           regular schedules, more regular contacts and it  
3           would have been easier to pinpoint their last  
4           seen date and location?

5           A    Correct.  The last and second to last elements  
6           would be changed and to some degree the middle  
7           element would have been affected as well if the  
8           victims were from a middle class or upper class  
9           grouping.

10          Q    Just staying with the bottom element for a  
11          second, the contrast of course here is that in  
12          the cases of many of the missing women from the  
13          Downtown Eastside they were reported months after  
14          last being seen; correct?

15          A    Correct.

16          Q    Going up one to your factor of "unco-operative,  
17          unreliable witnesses," witnesses from the  
18          Downtown Eastside there's often fear of the  
19          police; correct?

20          A    Fear of the police, fear of arrest, resentment  
21          towards the police.

22          Q    In any event, whatever the attitude, what it  
23          leads to is difficulty in that relationship and  
24          co-operating with the police; is that correct?

25          A    Yes.  Lack of trust of the police I guess would

1           be one way of putting it.

2           Q   And in terms of the reliability, had the  
3           witnesses been in a more mainstream community  
4           there would likely have been fewer serious drug  
5           addictions among them?

6           A   Yes, very likely.

7           Q   And I think that the point of the drug addiction  
8           should not be forgotten because it means that  
9           some of the witnesses had real substantial  
10          difficulties with memory; is that correct?

11          A   Yes.

12          Q   Fair enough. I'll leave it there. And then if  
13          we look at the middle point, you said that may  
14          have changed too because here we were dealing  
15          with high risk victims and there were too many  
16          suspects. What you mean there is that had the  
17          women gone missing from lifestyles that were less  
18          dangerous there would have been fewer suspects to  
19          focus on?

20          A   Often because of the serious nature of these  
21          investigations, Mr. Commissioner, the police cast  
22          a broad net and will collect many, many suspects,  
23          hundreds, thousands, ten of thousands even, but I  
24          think if the victims are street prostitutes you  
25          will find so many very good suspects close to

1 home -- it's a sad thing to say but that's the  
2 reality. So I think there would have been a lot  
3 of suspects in either case but probably there  
4 were more suspects generated sooner and  
5 potentially good suspects with the street  
6 prostitution victimology.

7 Q So these factors also combine and mean that at  
8 the end of the day in these ways too the response  
9 would have been different if the women had gone  
10 missing from the west side?

11 A Yes.

12 Q I want to turn to the Coquitlam Pickton  
13 investigation. You mentioned in your testimony  
14 in chief a number of times the investigation into  
15 Pickton and one of the things you spoke of was  
16 challenges posed by the existence of different  
17 police jurisdictions?

18 A Correct.

19 Q And the best possible outcome I heard you say  
20 would be to have a regional police force, a Metro  
21 Vancouver police force?

22 A Yes.

23 Q You know that's something that the VPD has  
24 advocated for for years?

25 A At least since the 1950s.

1 Q But in the absence of a regional police force you  
2 have said that there need to be formal protocols  
3 for interjurisdictional investigations; correct?

4 A That's something I recommended as something to be  
5 explored. I'm just really in a position of  
6 trying to give ideas for consideration.

7 Q And we appreciate those. But you were critical  
8 as I heard you of what happened in the Coquitlam  
9 investigation of Pickton on this front and I want  
10 to ask you a little bit about that. Obviously in  
11 1997 the Coquitlam RCMP investigated and  
12 recommended charges in what we're calling the  
13 Anderson incident.

14 A The attempted murder?

15 Q Yes.

16 A Yes.

17 Q Then in 1998 Detective Constable Shenher worked  
18 with Coquitlam and specifically with Corporal  
19 Connor on the Hiscox information; you're aware of  
20 that?

21 A I am now, yes.

22 Q The investigation of Pickton really ramped up in  
23 the summer of 1999 because a source, Caldwell,  
24 came forward with information purportedly from  
25 Ellingsen about her seeing Pickton murdering a

1 sex trade worker in his barn; you're aware of  
2 that?

3 A I am aware of that from the LePard report.

4 Q I take it when you wrote your chapter on the pig  
5 farm in your criminal investigative failures book  
6 that Mr. Ward took you to earlier today, were you  
7 not aware of the Caldwell and Ellingsen  
8 information?

9 A Yes, I was.

10 Q Because I didn't note any mention of that  
11 information in your chapter.

12 A It wasn't meant to be a comprehensive overview  
13 but to touch on more of the common systemic  
14 problems that might occur in a case like this.

15 Q Very well. You know that in the summer of 1999  
16 VPD and the Provincial Unsolved Homicide Unit  
17 assisted Coquitlam RCMP on the Pickton  
18 investigation, particularly investigating this  
19 new source information from Caldwell?

20 A Yes.

21 MS. HOFFMAN: Mr. Commissioner, I'm going to ask my friend if  
22 he's going to elicit opinion evidence from this  
23 witness with respect to a review of the Coquitlam  
24 investigation that he needs to clearly establish  
25 what it is that this witness is basing his



1 opinion on. We have heard and he has been candid  
2 in his evidence that he has not reviewed the  
3 Coquitlam investigation in detail. In fact, he  
4 appears to be basing his evidence largely on a  
5 review of the LePard report, so I believe that  
6 eliciting another opinion from another reviewer  
7 witness with respect to the adequacy of the  
8 Coquitlam investigation is repetitive and I would  
9 submit not helpful.

10 MR. HIRA: If I may, Mr. Commissioner, without falling over  
11 getting here -- frankly, it's -- Ravi Hira -- and  
12 incidentally -- frankly if his evidence is that  
13 my opinion is based upon a review of a review,  
14 that just cuts down my cross-examination  
15 considerably.

16 THE COMMISSIONER: I'll do anything if we can do that here.

17 MR. HIRA: I'm trying to help you out, Mr. Commissioner.

18 That's my job.

19 MR. VERTLIEB: Except on the very next page Professor Rossmo  
20 does talk about the failure to properly  
21 investigate Pickton as it relates to RCMP so I  
22 don't think Ms. Hoffman has the exact comment  
23 that is correct. He didn't deal with Evenhanded.

24 THE COMMISSIONER: That's what I thought, he didn't deal with  
25 Evenhanded. He had nothing to say about

1 Evenhanded.

2 MR. VERTLIEB: But he did look at the RCMP and that's page 21  
3 which concluded -- he has titled it Failure to  
4 Properly Investigate. So he has given evidence  
5 about that already.

6 MR. HIRA: But his evidence is: I didn't look at any of the  
7 Coquitlam files, my opinion is based on reading  
8 and reviewing LePard he's report.

9 THE COMMISSIONER: Is that so, Mr. Vertlieb?

10 MR. VERTLIEB: I think we should clarify that with the  
11 professor because it was a bit unclear but I know  
12 it's not as narrow as Ms. Hoffman is stating.

13 A I had a very small amount of knowledge of the  
14 Coquitlam investigation from my time at VPD but  
15 this primarily comes from the LePard report and  
16 the Evans report.

17 THE COMMISSIONER: I see. You didn't talk to anyone out  
18 there, you didn't have any personal contact with  
19 any of the officers while you were a member of  
20 the VPD?

21 A No, I did not.

22 MR. DICKSON:

23 Q Dr. Rossmo, I'm not going to ask you for your  
24 opinion on the Coquitlam investigation but I do  
25 want to talk to you if I can about the

1 interjurisdictional nature of that investigation,  
2 and as we were saying, in the summer of the 1999  
3 VPD and Provincial Unsolved Homicide were  
4 assisting Coquitlam RCMP in their investigation  
5 of Pickton. You know that from the LePard and  
6 Evans reports?

7 A Yes.

8 Q I'm asking you about this because of your  
9 comments on interjurisdictional investigations.  
10 I want to ask you, am I right in thinking that  
11 you don't think it was inappropriate for  
12 Coquitlam to be leading this investigation into  
13 Pickton in the summer of 1999 and for the VPD and  
14 Provincial Unsolved Homicide to assist?

15 A There's nothing wrong with that model but there  
16 could be other models as well. I'm not sure of  
17 the details of how that joint effort was  
18 structured but the answer would be there's  
19 nothing wrong with it if it's done properly.

20 Q Right. You're just saying there should be a more  
21 formal structure allowing for ongoing  
22 communication between the various players?

23 A That's correct. In a procedure that spells out  
24 or an agreement or MOU that spells out the  
25 expectations so that some of the problems

1 identified in the divided jurisdictional response  
2 here do not happen again in the future.

3 Q And you have no evidence to give contrary to the  
4 point that Coquitlam was leading the  
5 investigation?

6 A As far as I know that's what happened.

7 Q And you're saying that there should be structures  
8 in place to better allow Coquitlam, for instance,  
9 to ask for assistance for resources from E  
10 Division or from Provincial Unsolved or from the  
11 VPD; correct?

12 A I'm not sure that I said that. I believe such  
13 possibilities and procedures already are in  
14 place.

15 Q Okay. Let me take you if I can into the LePard  
16 report to page 334 if you have that there.

17 A Yes.

18 Q This is in the Recommendations section of Deputy  
19 Chief LePard's report and I'm looking at the i)  
20 Multi-Jurisdiction Investigations and he  
21 recommends the creation of a protocol or  
22 framework for multi-jurisdictional major case  
23 investigations to ensure the timely and seamless  
24 implementation of multi-agency teams as one  
25 recommendation, and I take it you would agree

1 with that?

2 A Yes.

3 Q And over the page on number ii), he recommends  
4 striking a committee to develop a mechanism for  
5 individual police agencies faced with a major  
6 case with a multi-jurisdictional aspect to seek  
7 assistance including involvement of the  
8 provincial police. Would you agree with that?

9 A Yes, I would.

10 Q And then another is: Develop specific criteria  
11 that set out the circumstances in which a JFO  
12 will be created and a process for providing  
13 ongoing review and reporting of the JFO's  
14 activities. Would you agree with that?

15 A Yes.

16 Q Would you agree with the next: Develop an  
17 agreement allowing the rapid creation of JFOs  
18 when needed.

19 A Yes, I would.

20 Q And the last -- the second to last bullet point  
21 there: Develop a funding model for extraordinary  
22 investigation that are beyond the capacity of a  
23 municipal police department's budget for routine  
24 policing. You'd agree?

25 A Yes.

1 Q And then: Examine the state of provincial  
2 standards for advanced training of police  
3 officers in British Columbia. I take it you  
4 would agree with that?

5 A I'm not sure what that state is so I don't have  
6 an opinion one way or the other on that.

7 Q I want to continue in this vein on possible  
8 solutions. You've included a number of slides in  
9 your PowerPoint presentation as to your ideas of  
10 what some solutions to the shortcomings in the  
11 investigation might be?

12 A Yes. But I'd like to be clear that I was really  
13 trying to focus only on one particular  
14 perspective and that was the perspective that in  
15 this particular case the fact that bodies weren't  
16 found, that the victims were from a low or a  
17 marginal group, a low power group of society, and  
18 the fact that the crimes involved two different  
19 jurisdictions, or aspects of the crimes involved  
20 two different jurisdictions, I was trying to come  
21 up with possible solutions related to those  
22 particular problems because if you have a  
23 re-occurrence of this problem in the future, Mr.  
24 Commissioner, it's probably going to involve at  
25 least two of those elements. There can be many

1 more solutions and good ideas and I just want to  
2 focus on one, that little part of it.

3 Q I very much appreciate your solutions and I think  
4 that the commission has to be focused on such an  
5 examination, so I want to ask you a little bit  
6 more about them. The first slide on possible  
7 solutions, there's number 1, Victims were sex  
8 trade workers and it's towards the end, it's  
9 about seven pages from the back of your deck. Do  
10 you have that there?

11 A I have it, sir.

12 Q And the first is you set out: Training in the  
13 background, life, behaviour, and dangers of sex  
14 trade workers. Are you aware that the VPD now  
15 has a sex trade worker liaison position?

16 A Yes, I am.

17 Q That would be a change toward this direction that  
18 you set out?

19 A Yes, it would.

20 Q And the VPD trains its members on the challenges  
21 of sex trade investigations and that's the sort  
22 of training that you're recommending here?

23 A I don't have the specifics but generally yes.

24 Q I think you mentioned in your evidence in chief  
25 that prostitution strolls have developed in the

1           suburbs such as Surrey, Burnaby and New  
2           Westminster?

3           A    At least when I was working here, yes.

4           Q    And at least when you were working in Vancouver,  
5           the street trade prostitution wasn't a Vancouver  
6           problem only, was it?

7           A    No, but there are many more street prostitutes in  
8           the Vancouver than other areas, but they work in  
9           other areas as well.

10          Q    So training on sex trade workers would be  
11          important for police throughout the region;  
12          correct?

13          A    Probably throughout the province, Mr.  
14          Commissioner.

15          Q    Turning to your second bullet on this slide you  
16          say: Consultation with police officers who have  
17          experience with the victims and the area, and  
18          that was one of the problems that was happening  
19          in the VPD's missing women investigation, those  
20          officers with the most knowledge of the lifestyle  
21          of sex trade workers weren't being heard as much  
22          as they should have been?

23          A    That's correct.

24          Q    The VPD now has much greater consultation with  
25          officers on the ground in its investigations. Do



1           you have any evidence you can give in that  
2           respect?

3           A    I've just heard that.  I don't have any specific  
4           knowledge.

5           Q    Perhaps there will be an opportunity later on for  
6           the commissioner to hear about that.

7                    The third bullet is better communication  
8           with sex trade workers, and the commission has  
9           heard some evidence on this point already from  
10          Susan Davis, but one of the VPD's programs it has  
11          instituted in this regard is the Sister Watch  
12          Program.  Have you heard of that?

13          A    Yes.

14          Q    The notion there is to reduce barriers to  
15          reporting; is that right?

16          A    And I think also to establish lines of trust.

17          Q    Have you heard any evaluations of that program or  
18          what is your sense of that program?

19          A    My sense is it's a good idea.  I'm not aware any  
20          evaluations.

21          Q    Perhaps we'll have an opportunity to discuss that  
22          later on.  In terms of reducing these barriers to  
23          communication between the police and sex workers  
24          beyond programs like Sister Watch, do you have  
25          any more specific ideas of how that might be

1           achieved?

2           A    I think it has to be developed in the context of  
3               the local community and the nature of the  
4               prostitution, how prostitution is practiced in  
5               that particular area. For example, even within  
6               Vancouver, when I worked here, Mr. Commissioner,  
7               the Seymour/Richards Street area involved  
8               different types of prostitution than the ones  
9               that worked in the Downtown Eastside. We could  
10              go to parts of the province where they may engage  
11              in hitchhiking or hanging around truck stops.  
12              What I'm saying is it should be catered to the  
13              specific needs and dynamics of the local  
14              community and that's something each individual  
15              agency or detachment would have to figure out. A  
16              good example -- a good opportunity to engage with  
17              community and advocacy groups that may be able to  
18              assist. In the Vancouver context, for example,  
19              WISH.

20           Q    Thank you for those comments. One issue the VPD  
21               is considering is also the need for an enhanced  
22               public warning system in relation to predators.  
23               The point here is that warnings are usually made  
24               through standard press releases but there must be  
25               better ways of doing that by using social media

1 and targeting community organizations better.

2 Would you agree with those comments in general?

3 A Yes, it's very encouraging to hear that is being  
4 considered.

5 Q The fourth bullet is proper supervision and  
6 management, by which you mean major case  
7 management principles. Are you aware that the  
8 VPD has really implemented major case management  
9 and all of its investigators in charge of  
10 investigative sections have major case management  
11 training and are provincially accredited team  
12 commanders? Have you heard anything about that?

13 A Yes, I've heard that and it's also my  
14 understanding they're also required to have  
15 investigative experience.

16 Q That is a major change when you were there from  
17 1998 to 2000?

18 A Very much so.

19 Q That's an important change, would you agree?

20 A Very important.

21 Q I'd like to turn to your next possible solution  
22 slide which is three pages over. This is dealing  
23 with the investigative challenge that victims'  
24 bodies were not discovered.

25 A Yes.

1           Q   In the first bullet you say better investigation  
2               of missing person reports, and I heard you  
3               testify in chief that the VPD has instituted  
4               major changes for the better in the Missing  
5               Persons Unit; is that correct?

6           A   Yes.  It's my understanding the resources  
7               available, the number of people operating there  
8               has been significantly increased, their response  
9               time is faster and their solve rate or the number  
10              of people they found after the report missing is  
11              very, very high.  It might be a model for North  
12              America.  I'm not aware of a better model in a  
13              North American police agency.

14          Q   The second bullet is:  Provincial missing person  
15               database.  Are you aware that such a database now  
16               exists?

17          A   No, I am not.

18          Q   It was advocated for by the VPD and it's been  
19               instituted.  The BC Police Missing Persons Centre  
20               was implemented in 2005 and the VPD has a member  
21               seconded to it.  Did you know that?

22          A   No, I did not.

23          Q   The third bullet is analyses of case trends,  
24               patterns and potential problems.  When you were  
25               with the VPD in '98 through 2000 there was

1           limited capacity for analysis of this kind as  
2           you've testified a little bit?

3           A    Yes.

4           Q    Are you aware that the VPD now has much greater  
5           capacity in this regard?

6           A    No, actually, I'm not aware.  If they are I think  
7           that's a great thing.  I think it obviously flows  
8           from the database.  The database readily supplies  
9           you with the data you need to do the analysis.  
10          Some of this stuff took me literally a few months  
11          to collect and if they are doing those types of  
12          analyses I would say that's fantastic.

13          Q    On criminal analysis, let me just ask you about  
14          the use of behavioural sciences, is.  It fair to  
15          say that in the late '90s the use of behavioural  
16          sciences like criminal profiling was still fairly  
17          new in Canada?

18          A    Inspector Ron McKay of the RCMP began the  
19          implementation of behavioural sciences in Canada  
20          in the early 1990s.  It grew over the course of  
21          the 1990s.  I actually thought we had in British  
22          Columbia through the RCMP a pretty sophisticated  
23          response considering ViCLAS capability,  
24          behavioural analysis, geographic profiling, a  
25          very good response.  I'm not quite sure if the

1 level of acceptance was what it should have been.  
2 For example, there was resistance for completing  
3 the ViCLAS forms and submitting them to the  
4 database. I know that was a problem Ontario  
5 identified in the Campbell report.

6 Q It takes a while for these new investigative  
7 techniques to be accepted by investigators?

8 A Yes, and then to be integrated into the process  
9 of the investigation.

10 Q Right. And as you say, this was ongoing in the  
11 '90s and into the 2000s indeed?

12 A I really can't speak after 2001.

13 Q Very well. Now, you spoke of the capability in  
14 BC being quite sophisticated and Corporal  
15 Davidson, he was a major part of that capability  
16 in British Columbia; is that right?

17 A Correct.

18 Q And of course you trained Scott Filer also of the  
19 RCMP?

20 A Correct.

21 Q I'm just wondering when you were working with  
22 Corporal Davidson and Scott Filer, how would you  
23 describe their stature within the RCMP? I'm  
24 wondering how much sway they had in the  
25 organization.

1           A    I'm not sure. As you said, any new idea will  
2                   meet with some resistance. I know that Corporal  
3                   Filer, he was a corporal at the time, was a very  
4                   experienced investigator with a very good  
5                   reputation on Burnaby GIS, and Sergeant Davidson  
6                   had also a background in a number of different  
7                   areas that were relevant to the tasks that they  
8                   were engaged in. I know that they at different  
9                   times expressed some frustration at their  
10                  potential being used to the degree that they  
11                  thought it could be used, but I had also heard  
12                  from friends that even a very standard technique,  
13                  Mr. Commission, like the capability of the  
14                  Serious Crime Section, E Division in Vancouver,  
15                  they felt they weren't being used or called out  
16                  to the detachments in Kelowna or other parts of  
17                  the province. So I guess there was some degree  
18                  of turf protection that will probably always  
19                  exist with human beings.

20          Q    Sticking still on this third bullet in this  
21                  Possible Solutions slide, your bullet Analysis of  
22                  Case Trends, Patterns and Potential Problems,  
23                  another concept that is being considered and  
24                  perhaps should be considered by the commission is  
25                  a regional real time crime centre which I believe

1           that concept exists in some American and Canadian  
2           jurisdictions. The idea is a 24/7 facility  
3           staffed by police officers and crime analysts  
4           that can rapidly access information to assist  
5           first responders and follow-up investigators in  
6           the investigation of a crime and then when  
7           they're not dealing with an urgent issue have the  
8           capacity to do analysis and feed that analysis to  
9           police jurisdictions?

10          A    Yes. Mr. Commissioner, we actually have a  
11           regional intelligence centre that was set up in  
12           Austin. I have some familiarity with this  
13           because I'm now a commissioner in what's called  
14           the Austin Public Safety Commission -- sort of  
15           like a police board. I can say these can be done  
16           properly or not properly. Those that are crime-  
17           based, based on one Metropolitan region can be  
18           quite effective. As has been said, 24/7 response  
19           often gets the information into the hands of the  
20           police when it needs to be there, not seven days  
21           later or some other inconvenient time period for  
22           an appropriate rapid response. I would say if it  
23           is done properly it can be very powerful tool.

24          Q    I just want to turn to your last Possible  
25           Solutions slide. That one is dealing with the



1           investigative difficulty that the victims were  
2           murdered in a different police jurisdiction from  
3           where they went missing. You've spoken of a  
4           Metro Vancouver police department and I'm not  
5           going to ask you more about that, and we've  
6           spoken about formal protocols for investigative  
7           coordination, but I do want to ask you about the  
8           third bullet which is political and legal  
9           institution of mutual accountability and  
10          responsibility. I might not have this right but  
11          are you -- you spoke of the NYPD's CompStat  
12          program?

13         A    Yes.

14         Q    Are you aware that the VPD has instituted its own  
15          CompStat program?

16         A    Yes, I am.

17         Q    Can you tell the commission a little bit about  
18          what that is?

19         A    CompStat is short for computer statistics and  
20          really just involves crime analysis integrated  
21          with managerial accountability. I've actually  
22          been invited to a New York CompStat meeting and  
23          once every so many months a captain of a precinct  
24          has to appear in front of a group of deputy  
25          chiefs, they look through the Crime Analysis

1 Unit, they've identified problems in that  
2 particular precinct and say what are you doing  
3 about this? And the captain and his team better  
4 have a very good response as to what they've done  
5 and what they are planning on doing. Things  
6 don't fall through the cracks because the next  
7 time they come up they better have solved that  
8 problem, otherwise there can actually be adverse  
9 career effects. New York is quite famous for --

10 MR. GRATL: I just rise for clarification as to whether this  
11 witness is testifying as to his own knowledge of  
12 the Sister Watch program, the CompStat program --

13 THE COMMISSIONER: You have no knowledge of that?

14 MR. GRATL: I'm asking whether this witness has personal  
15 direct knowledge or if he's working on hearsay.  
16 He hasn't worked in the VPD for more than a  
17 decade and I'm wondering where he's getting this  
18 evidence.

19 THE COMMISSIONER: First of all, we've heard evidence here of  
20 Sister Watch and all of those other programs, and  
21 the purpose I assume of this evidence is to show  
22 that some of those systemic failures that took  
23 place during this investigation, the problems  
24 that led to those have now been addressed.

25 MR. GRATL: That would be of assistance but I'm not sure

1           whether this witness is the right witness to  
2           speak to those issues. He hasn't worked at the  
3           VPD for more than a decade.

4 THE COMMISSIONER: How do you know of all this?

5           A    Media reports, discussions with VPD members,  
6           stuff I've read in the LePard report.

7 THE COMMISSIONER: You're right, it's pure hearsay, but this  
8           is not a trial so if it's going to help us to  
9           know where future of this police department is  
10          going to it might be useful for me to hear this.

11          A    Mr. Commissioner, I could be wrong but I believe  
12          the questions I'm being asked are whether or not  
13          I think some of these initiatives tie into some  
14          of these possible solutions that I suggested and  
15          I think they're steps in the right direction. I  
16          don't know what the details of them are or  
17          evaluations but they definitely are in the  
18          ballpark.

19 THE COMMISSIONER: Do you lecture police?

20          A    Yes, many times.

21 THE COMMISSIONER: So I assume that when you lecture police  
22          you advise them of the technology that is  
23          available now as police forces move forward.

24          A    Yes, and changes in philosophy.

25 MR. DICKSON:

1 Q If I can just clarify with you on this point  
2 Dr. Rossmo, the CompStat program, you spoke about  
3 it in your testimony in chief as being developed  
4 by the NYPD?

5 A Correct.

6 Q And really, although it's an abbreviation of  
7 computer statistics, my understanding is the  
8 gravamen of it is not that it's a technology, not  
9 that it's a computer system in itself but really  
10 it's an accountability device?

11 A Accountability at the managerial level.

12 Q Right. So it's a program that is aimed at  
13 getting some of those systemic issues at the  
14 managerial level you were speaking about in your  
15 testimony in chief?

16 A Absolutely. I think if they're done properly --  
17 and they're not done properly in all  
18 jurisdictions -- but if they are done properly  
19 they can be very useful.

20 Mr. Commissioner, I just want to make the  
21 point that when I talked about the political and  
22 legal institution of mutual accountability and  
23 responsibility, that absolutely has to happen  
24 within an agency, but the point here that I was  
25 trying to make is that there should be some

1 establishment of this accountability and  
2 responsibility in something like the *Police Act*  
3 so that if we had a situation like Pickton  
4 tomorrow it would be very clear that the  
5 Vancouver Police Department is responsible and  
6 the Coquitlam RCMP are responsible. There should  
7 be no way for anyone to devolve themselves of  
8 responsibility in a case like this.

9 MR. DICKSON: Mr. Commissioner, I want to raise one more point  
10 with Dr. Rossmo but I'm in your hands as to  
11 whether to do that now or tomorrow morning.

12 MR. VERTLIEB: Mr. Commissioner, let me assist because Mr.  
13 Dickson is not finished. Let me talk to you  
14 about timing and then Mr. Neave's issue. Perhaps  
15 the witness could be stood down.

16 THE COMMISSIONER: You can be stood down until 9:30.

17 (WITNESS STOOD DOWN)

18 MR. VERTLIEB: I think 9:30 should do it. We can tell the  
19 professor when we finish. I want you to hear  
20 about tomorrow and then you can make a decision.

21 In terms of where we're at, Mr. Dickson has  
22 thought an hour and he's spent perhaps three-  
23 quarters so he's come a long way to finishing.  
24 Mr. Gratl you know wants some time and I think we  
25 should find some time for him. Ms. Gervais was

half an hour and I'm sure half an hour is something he would appreciate. Ms. Tobias wants half an hour, Mr. Peck not very much, perhaps 20 minutes or so. Ms. Winteringham based on what she's hearing doesn't think she's going to ask any questions, that could change but I rather doubt it because he had no evidence about Evenhanded which is her concern.

9 THE COMMISSIONER: He never mentioned Evenhanded.

10 MR. VERTLIEB: Exactly. So Ms. Winteringham probably has nothing. Mr. Del Bigio, no more than half an hour; Mr. Hira an hour but it may be less depending on some thoughts he has about some information; Mr. Larson from Crab wants to ask some questions and I think it's a good idea, 15 minutes, and I told him I'd be happy to help him organize his thoughts if it were any help to him. So we will have time for Mr. Neave and I think based on what I'm hearing if we started at 9:30 we should be fine. We may have to sit a bit late. I think with a 9:30 start we should finish based on what everybody is telling me so we can move on.

Let me move to Mr. Neave, please. I was very -- we were understanding of Mr. Peck and the

1 others last week who validly can say they're just  
 2 on the case, they haven't been on it for weeks or  
 3 months, and those were very fair comments why  
 4 they didn't want to deal with Ms. Evans. I think  
 5 Mr. Neave is in a different position and I want  
 6 to give you that information that I think he  
 7 should be ready to deal with this witness  
 8 tomorrow.

9 Our first dealing with Mr. Neave goes back  
 10 to August of 2011. Let me tell you that Mr.  
 11 Neave was helpful in setting up the interview of  
 12 his client, Mr. Biddlecombe. He sat in on the  
 13 interview with Evans that took place at the  
 14 inquiry office on August 30. There was  
 15 involvement in advance of that setting it up.  
 16 Mr. Neave was acting for Mr. Biddlecombe and that  
 17 was known then. He sat there for two and a half  
 18 hours with Deputy Chief Evans and there was a  
 19 transcript. A couple days later he sent an  
 20 e-mail dealing with some questions that had  
 21 popped up, September 1 was a thorough e-mail  
 22 dealing with three areas that he wanted to  
 23 clarify. I just wanted to take you through some  
 24 of the other history because I think it is  
 25 important to help you make a decision on whether

1           Mr. Neave should go ahead.

2           Our first contact is an e-mail from Mr.  
3           Boddie of August 18 to David Neve. It says:  
4           David, I've been advised that all of DC Evans  
5           information gathering...Deputy Evans will have to  
6           proceed because there was time pressure. Mr.  
7           Neave wrote back August 19: John, Thanks for the  
8           update, and then deals with that. He says would  
9           you or Evans want to provide me with documents  
10          and there's a discussion about that, but I'm just  
11          wanting you to see we've got some dealings with  
12          Mr. Neave earlier than the interview which makes  
13          sense because it was set up for a time that  
14          suited him. Then we have another e-mail from  
15          John Boddie, September 8: Dear Mr. Neave, I've  
16          asked to confirm you'll accept a summons for Fred  
17          Biddlecombe. We anticipate it will be returnable  
18          for the opening date of the hearing October 11  
19          and the date of his evidence will follow several  
20          months later and we'll give you advance notice.  
21          Mr. Neave kindly wrote back September 13: I have  
22          instructions to accept service for former  
23          Inspector Biddlecombe on the understanding that  
24          he won't be required to appear on October 11 and  
25          the dates agreed upon in advance. We're grateful



1           that Mr. Neave took that position because it  
2           saved us having to go through the formality.  
3           September 13 there's instructions to accept and  
4           then Mr. Neave writes September 22: John, It's  
5           my intention to appear as counsel for Inspector  
6           Biddlecombe when he's interviewed and when he  
7           testifies. He's not applying for participation  
8           status. Best regards, Dave. Then there's  
9           another e-mail September -- there's couple of  
10          others.

11                 The only reason I tell you that is Mr.  
12          Neave, unlike some of the others that you heard  
13          about who were brought in very recently, Mr.  
14          Neave has been around this and given the way the  
15          evidence has flowed from this witness where he's  
16          not making allegations that would invoke serious  
17          findings, he's talking about personality issues  
18          but he's well-intentioned. It's my submission  
19          Mr. Neave should be ready to go tomorrow and we  
20          will make time available. The professor has gone  
21          out of his way to accommodate our schedule and  
22          those are the facts.

23 THE COMMISSIONER: Mr. Neave, I was led to believe that you  
24                 just came on the scene here. You've been on this  
25                 since last August.

1 MR. NEAVE: Let me clarify what role I've been on. The role  
 2 I've been on is attending with Mr. Biddlecombe at  
 3 his various interviews to ensure those are  
 4 conducted properly. I have not been involved nor  
 5 engaged with respect to appearing here until  
 6 recently. And as Mr. Commissioner would be  
 7 aware, the task of ensuring that a witness is  
 8 fairly and properly interviewed is a much  
 9 different process and engages a whole different  
 10 set of requirements to properly cross-examine a  
 11 witness such as this who has made various  
 12 assertions, and I don't agree with my friend --  
 13 various assertions against my client and to the  
 14 extent I would be forced to proceed on such short  
 15 notice to cross-examine --

16 THE COMMISSIONER: How is that short notice?

17 MR. NEAVE: I found out yesterday that Mr. Rossmo was here by  
 18 one of the other counsel and I made arrangements  
 19 to get here today. As I indicated, I have  
 20 commitments in the Supreme Court tomorrow that  
 21 have been long standing. Now, if I am forced to  
 22 commence the cross-examination I certainly would  
 23 be reserving my right to have this witness  
 24 recalled in the event that my further research  
 25 and preparation shows that that was not

1           sufficiently completed to ensure that the process  
2           for my client is fair and the principles of  
3           natural justice are honoured in these  
4           circumstances.

5 THE COMMISSIONER: He's made about three comments about your  
6           client.

7 MR. NEAVE: Yes.

8 THE COMMISSIONER: He said he was arrogant during that meeting  
9           and I can't remember what else he said. How much  
10          time do you need to prepare for that?

11 MR. NEAVE: Mr. Commissioner, this goes back to my initial  
12          submission this morning on the scope of where  
13          we're going with the inequity. If it's systemic  
14          I can deal with it. If it's not, then we're  
15          going to need more time and this witness will  
16          have to be recalled and if necessary I'll apply  
17          for return by way of subpoena or summons.

18 MR. VERTLIEB: What I'm hearing perhaps is Mr. Neave should be  
19          ready to go, deal with the issues that don't seem  
20          complicated and if it turns out there's something  
21          he can discuss it in the fullness of time.

22 THE COMMISSIONER: I don't want to deprive you of the right to  
23          cross-examine but at the same time I'm not all  
24          that sympathetic, particularly in light of the  
25          fact you were in the room when he was being

1           questioned by the deputy chief last August.  
2           Unlike most of the lawyers here they were  
3           retained late in the day. You're familiar with  
4           what has happened and I'm sympathetic to the fact  
5           that you have a Supreme Court matter but we have  
6           timelines here and we have 15 lawyers in the  
7           room.

8 MR. NEAVE: Thank you, Mr. Commissioner. You've got my  
9           position and I think it's fairly clear what my  
10          position is with respect to the fairness and  
11          natural justice process.

12 MS. ADAMS: Nancy Adams. I am counsel assisting Mr. Gervais.  
13          If I may ask, there's a binder of letters she put  
14          to Dr. Rossmo this morning and I'm going to ask  
15          that be marked the next exhibit.

16 THE COMMISSIONER: All right.

17 THE REGISTRAR: That will be Exhibit 71. While we're at it,  
18          Mr. Commissioner, perhaps we can mark the binder  
19          as 72.

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21  
22  
23  
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1                   **(EXHIBIT 71: Binder of Letters)**

2                   **(EXHIBIT 72: Binder of Documents)**

3 MR. GRATL: There is one other small matter, Mr. Commissioner,  
4                   and that is the exhibits marked for  
5                   identification as A and J, I understand the  
6                   Vancouver Police Department has yet to properly  
7                   vet those and provide them to the commission in  
8                   vetted form and I'm asking that they be placed on  
9                   a deadline. I've asked them many times in  
10                  e-mails to address this issue and I'm suggesting  
11                  a deadline of Monday of next week after which the  
12                  vetting process should be deemed to be complete  
13                  and those exhibits numbered as exhibits.

14 MR. VERTLIEB: That seems reasonable to us.

15 THE COMMISSIONER: That seems reasonable.

16 MR. DICKSON: Mr. Commissioner, I can say we will try and have  
17                   those vetted as soon as we can. I just don't  
18                   know whether it's Monday or not. I haven't been  
19                   dealing with that. I understand his frustration  
20                   and we will try to have that done right away.

21 THE COMMISSIONER: Thank you.

22 THE REGISTRAR: This hearing is now adjourned until 9:30  
23                   tomorrow morning.

24                   (PROCEEDINGS ADJOURNED AT 4:29 P.M.)

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I hereby certify the foregoing to  
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## EXHIBITS

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(EXHIBIT 68:	Annual Report)	38
(EXHIBIT 69:	Document entitled Excerpts from the book Criminal Investigative Failures by D. Kim Rossmo)	111
(EXHIBIT 70:	Document entitled RCMP Continuation Report dated May 19, 1999 (RCMP-073-000002))	126
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