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**Vancouver, BC**

**June 6, 2012**

**(PROCEEDINGS RECONVENED AT 9:17 A.M.)**

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Mr. Woodall.

MR. WOODALL: Mr. Commissioner, Kevin Woodall, counsel for Constable Fell and Constable Wolthers.

In my submissions before you I'm going to focus on one particular area of evidence which is the question of whether Constable Fell and Wolthers advised the Missing Women Review Team that in April of 2000 certain sex trade workers had identified Pickton from a photo pack. But before I get to that submission, which will occupy most of my time, I do want to say some words about other allegations that have been made against my clients and are dealt with fully in our final submission.

Throughout this commission some counsel have taken the opportunity of asking witnesses other than Fell and Wolthers questions insinuating that Fell and Wolthers were sexist, racist, homophobic and didn't do their job, that they were unprofessional in their work and in their conduct. Further someone, probably someone in this room,

1           leaked the manuscript, Shenher manuscript to the  
2           *National Post* knowing that the *Post* -- sorry,  
3           knowing that Ms. Shenher herself had reconsidered  
4           most of the hurtful allegations in that document,  
5           and when that person leaked this manuscript to the  
6           *National Post* it was evident that it was, and did  
7           so, with the intention that the *National Post*  
8           would do exactly what it did which was repeat  
9           these allegations of sexism, racism, homophobia  
10          that some certain counsel have perpetuated  
11          throughout this hearing.

12        THE COMMISSIONER: Sorry for interrupting you. I should tell  
13          you the fact that that document was leaked  
14          confirms my view that I did the right thing by  
15          prohibiting that document from going into  
16          evidence, and clearly she had resiled from many of  
17          the things that she had said, and there was little  
18          or no relevant evidence in that document. And I  
19          gave it a considerable amount of thought in  
20          excluding that document, and the fact that it was  
21          leaked in that particular fashion and those  
22          allegations that were not true and for which she  
23          resiled went to the public. Anyway, go ahead.

24        MR. WOODALL: Thank you. It is in my view extremely  
25          unfortunate that that was leaked, and again it is

1 highly likely that it was leaked by someone who is  
2 in this room, in an act that can only be described  
3 as dishonest and sneaky and contemptuous of the  
4 participants in this hearing. However, Constable  
5 Fell and Constable Wolthers came to this hearing,  
6 they sat in the witness stand, and everyone in  
7 this room who wished to make an accusation that  
8 they were homophobic, wished to make an accusation  
9 that they were sexist, wished to make an  
10 accusation that they were racist had an  
11 opportunity to put those allegations squarely to  
12 them to their face on the record and no one did.  
13 No one even put to them the suggestion that they  
14 weren't doing their job or that they had acted in  
15 any manner other than professional. A question  
16 was put to them did they use the word whore or the  
17 phrase fucking whore to refer to sex trade  
18 workers, they both denied it, and no one in this  
19 room challenged them on that denial.

20 It is not surprising in one sense that no one  
21 put those accusations to them to their face  
22 because there's in fact no contemporaneous  
23 document prepared by any one of their co-workers  
24 throughout the time that they were working at the  
25 Missing Women Review Team that raised any

1           dissatisfaction with their work, much less an  
2           accusation of misconduct. The first written  
3           document concerning any concern about their work  
4           was not authored until after they had left the  
5           Missing Women Review Team, and an evident response  
6           to a memo that they had already written expressing  
7           their concerns about the work of the Missing Women  
8           Review Team. And in my submission when one  
9           receives a document in those circumstances after  
10          the fact and in response to allegations that have  
11          been made against the author of the accusations  
12          then one must regard that kind of document with  
13          the greatest of skepticism.

14                 One of the accusations that has been made is  
15                 that they suffered from tunnel vision by focusing  
16                 too extensively on Niedermeyer, an accusation  
17                 which I find extremely ironic given that the  
18                 entire time that these two dedicated officers were  
19                 working with the Missing Women Review Team the  
20                 only person who was taken off the street and was  
21                 prevented from preying on the vulnerable women of  
22                 the Downtown Eastside was Niedermeyer, and the  
23                 work was done exclusively by Fell and Wolthers. A  
24                 very tangible result of hard work.

25                 In my submission therefore, this commission

1           when considering these allegations, the  
2           allegations of sexism, racism, homophobia,  
3           unprofessionalism ought to give them no notice  
4           whatever. In my submission even to refer to those  
5           allegations if only to dismiss them would give  
6           them more weight than they deserve.

7           That then brings me to the greater topic of  
8           my submissions, which is the question of whether  
9           these police officers told the Missing Women  
10          Review Team that in April of 2000 certain street  
11          workers on the Downtown Eastside had picked  
12          Pickton from a photo lineup. And I intend to  
13          address this in the following steps. The first is  
14          to deal with the uncontradicted facts, the next is  
15          to deal with the probabilities concerning whether  
16          they advised members of the Missing Women Review  
17          Team orally about the picks, and then finally to  
18          address the question of whether the manner in  
19          which that information was communicated had any  
20          material effect on the investigation of Pickton  
21          generally.

22          So the uncontradicted facts are that in  
23          September of 1999 Fell and Wolthers came up with  
24          the idea of taking a photo pack to the sex trade  
25          workers in the Downtown Eastside against

1           opposition of other members of the Missing Women  
2           Review Team, and that they did a photo canvass and  
3           received a number of hits of people recognizing  
4           Niedermeyer and other persons whose photos were in  
5           the photo pack. In April of 2000 they repeated  
6           the process, again on their own initiative, and  
7           again did a photo canvass of sex trade workers in  
8           the Downtown Eastside. This time the photo pack  
9           had a picture of Pickton in it. This was again at  
10          the initiative of Fell and Wolthers, and in fact  
11          Wolthers was the one who obtained the picture of  
12          Pickton. The precise notations that they made in  
13          their notebook about the information they received  
14          is in our written argument at page 41 in paragraph  
15          103 and 104 as follows. Fell noted:

16                 Number one. On April 5th, 2000 that a person  
17                 recognized Pickton, tip number 30, took to a  
18                 house in Surrey/Coquitlam. Hot tub. Bedroom  
19                 house? BJ. Provided drugs. Wanted camera.  
20                 Hot tub. Refused? Vehicle.

21          The second note noted in Fell's notes on April  
22          12th was again:

23                 Pickton number 30. Drive blue old van white  
24                 top. Drives around. Pickton, number 30,  
25                 seen a few times.

1           And then Wolthers notes:

2                   Note that information received from a sex  
3                   trade worker on April 12th was to the effect  
4                   that Pickton had been seen sometime last year  
5                   walking around. Used to see him walking  
6                   around Openheimer Park.

7           In other words, information that was very general,  
8           undated although obviously at some point in the  
9           past, and not corroborative of any of the  
10           information that had been received from Hiscox or  
11           Caldwell.

12                   The question then is did Fell and Wolthers  
13                   advise members of the Missing Women Review Team  
14                   orally. It's not surprising that 12 years having  
15                   passed they can't recall specifically whether they  
16                   did, but in their interview with LePard and in  
17                   their evidence here they conceded that they had no  
18                   specific recollection, but in the interview with  
19                   LePard, which happened some years ago and was  
20                   closer to the event than today, Detective  
21                   Constable Fell said, in essence, I don't recall  
22                   doing it, but I probably did.

23                   The question then is what are the  
24                   probabilities surrounding the circumstance given  
25                   that so much time has passed and memories not

1           surprisingly have faded. In my submission if one  
2           looks at the conduct of Fell and Wolthers the  
3           probabilities are all on the side that they did  
4           tell someone on the Missing Women Review Team  
5           about their findings. It would have made no sense  
6           for them not to do so. This was something that  
7           they had undertaken on their own, on their  
8           initiative and against opposition from other  
9           members of the Missing Women Review Team. They  
10          had noted the observations in their notebook.  
11          There would be no reason for them not to tell  
12          anyone on the Missing Women Review Team, and every  
13          reason for them to do so. They are obviously  
14          diligent and enthusiastic and committed officers,  
15          and they might have had a certain boastful sense  
16          of telling members on the team that the  
17          investigative technique they had proposed and  
18          carried out had borne fruit.

19                 Then the next question one should address  
20          when considering the probabilities is what are the  
21          probabilities that Detective Shenher or other  
22          members of the team was in error or forgot or  
23          didn't notice when the information was being  
24          given. The probabilities there again are in all  
25          favour of the likelihood that Fell and Wolthers



1 did provide this information but it was simply not  
2 noticed or forgotten. It is clear that their, as  
3 I say, Fell and Wolthers' conduct in the Missing  
4 Women Review Team generally was regarded  
5 dismissively by everyone else in the team. The  
6 concept of carrying out this photo canvass was  
7 regarded dismissively. And it would not at all be  
8 surprising if what they told other members of the  
9 Missing Women Review Team about what they were  
10 doing generally and about this photo canvass in  
11 particular was simply treated as they were treated  
12 generally, which is to say dismissively.  
13 Therefore, in my submission, the probabilities are  
14 entirely in favour of members of the team who were  
15 given this information simply not noting it or  
16 forgetting about it.

17 Now, in submissions by counsel on behalf of  
18 the Vancouver Police Union, Constable Shenher and  
19 others it is suggested that the position that I  
20 have just articulated is inconsistent with the  
21 evidence of Fell and Wolthers who have said that  
22 they do not recall whether they provided that  
23 information or not, and in my submission it is not  
24 at all inconsistent. Fell and Wolthers have never  
25 said that they did not tell the other members of

1 the team, they did not even say that they probably  
2 did not tell other members of the team. What they  
3 said was they could not recall telling other  
4 members of the team. That absence of specific  
5 recollection is entirely consistent with them  
6 having told other members of the team but simply  
7 having no recollection several years later.

8 The next question is did Fell and Wolthers  
9 tell any members of the Missing Women Review Team  
10 in writing. Now, it is clear, and Constable Fell  
11 and Wolthers would concede this point, that the  
12 documentation was not as -- that they did not  
13 document the sightings as well as they could have  
14 and that the method by which they communicated  
15 their observations in writing was not as clear as  
16 it could have been. However, they did create  
17 notes of the sightings, and those notes were  
18 provided to the Missing Women Review Team in  
19 response to a request by Constable Shenher to do  
20 so. Constable Fell and Wolthers testified that  
21 they provided their notes, and no one challenged  
22 them on that evidence, and in my submission it's  
23 not open to members of participants in these  
24 proceedings now to suggest that they were wrong on  
25 that evidence given that no one ever challenged

1           them on it. The notations were there to be seen,  
2           which is evident from the fact that Deputy Chief  
3           Constable LePard was able to find the references  
4           to the sightings when he reviewed their notes with  
5           ease, and in my submission if anyone on the  
6           Missing Women Review Team had actually been  
7           interested in what Fell and Wolthers were doing  
8           and had actually looked at their notes they would  
9           have seen the same thing that Deputy Chief  
10          Constable LePard saw and they would have been able  
11          to draw the same conclusions.

12                 Therefore my submission on the facts, the  
13          best conclusion that one can draw given the  
14          passage of time is first, Fell and Wolthers cannot  
15          recall today whether they advised anyone orally,  
16          but they believe that they did. Secondly, the  
17          probabilities both from the perspective of Fell  
18          and Wolthers' conduct and from the side of the  
19          recipients of the information is all on the side  
20          that they did provide the information orally. It  
21          is conceded that they did not provide a formal  
22          memo, but they did provide their notes, and it  
23          appears that no one at the Missing Women Review  
24          Team ever bothered to read the notes.

25                 I then turn to the question of whether if

1           they failed to provide the information orally to  
2           members of the Missing Women Review Team that  
3           could be considered intentional or whether they in  
4           any way intended to undermine the Missing Women  
5           Review Team by withholding that information. They  
6           were asked that question when they were on the  
7           witness stand. Fell and Wolthers both denied it  
8           absolutely. No one cross-examined them on that  
9           point, no one challenged them suggesting that they  
10          did in fact intend to withhold that information,  
11          and that allegation ought to be simply dismissed  
12          out of hand.

13                 And then I wish to the turn to the question  
14          to the effect, if any, that the failure, if there  
15          was a failure, to provide this information to the  
16          Missing Women Review Team had on the Pickton  
17          investigation as a whole. It has been suggested  
18          by some participants that if the hits on Pickton  
19          had been brought more forcefully to the attention  
20          of the Missing Women Review Team or the RCMP other  
21          members of the Missing Women Review Team or the  
22          RCMP would have focused their attention on Pickton  
23          earlier and more directly. In my submission that  
24          sounds very much like an attempt to deflect  
25          criticism from where the criticism ought to lie.

1 I'm going to leave it to others to identify what  
2 deficiencies there may or may or not have been in  
3 the investigations conducted by the RCMP and the  
4 other members of the Vancouver Police Department,  
5 but I do want to focus on this question, the  
6 narrow question of whether if the information  
7 regarding Pickton was not provided it was  
8 information that would have prompted the RCMP or  
9 the other members of the Missing Women Review Team  
10 to focus on Pickton. Or to put it another way,  
11 whether the RCMP or the members of the Missing  
12 Women Review Team can rely on the absence of that  
13 information as an excuse for whatever failings  
14 there may or may not have been in those other  
15 people's investigations.

16 I wish to begin with submissions by counsel  
17 for Detective Constable Shenher and other members  
18 of the Missing Women Review Team. A considerable  
19 number of paragraphs in their written submissions  
20 are devoted to this topic, and it seems to be  
21 stated or implied that if this information had  
22 been brought to their attention more forcefully it  
23 would have made a difference in their  
24 investigation. But in my submission there is a  
25 contradiction at the heart of that submission, and

1 I'll get to that in just a moment. But before I  
2 get to that contradiction I want to reiterate the  
3 point I've made earlier which is that the evidence  
4 is quite clear that Detective Constable Shenher  
5 and other members of the Missing Women Review Team  
6 were simply dismissive of everything that Fell and  
7 Wolthers did personally and professionally. It's  
8 very difficult to believe that anyone on the  
9 Missing Women Review Team would have done anything  
10 differently based on anything that they had been  
11 told by Fell and Wolthers at the time.

12 This brings me to the contradiction I  
13 mentioned a moment ago. The premise that  
14 underlies any suggestion that failure to provide  
15 this information, if there was a failure, would  
16 have been important to the Missing Women Review  
17 Team is the premise that it was necessary in late  
18 1999 or early 2000 to establish a link between  
19 Pickton and the Downtown Eastside, 'cause that's  
20 the only thing that this information would do  
21 would provide a historical and vague connection to  
22 Pickton in the Downtown Eastside. In the  
23 Vancouver Police Union's written submissions there  
24 is considerable discussion of information that was  
25 available about Pickton. It's also obvious that

1 the other members of the Missing Women Review Team  
2 would have known that the women were missing from  
3 the Downtown Eastside. In other words, they knew  
4 about Pickton, and they knew about the Downtown  
5 Eastside as being the principal source of where  
6 the women were missing from. There's also  
7 evidence of surveillance in May of 1999 of Pickton  
8 going to the Downtown Eastside and areas adjacent  
9 to it. But, my lord, what there is not is  
10 evidence of anyone from the Missing Women Review  
11 Team taking steps other than that, than reviewing  
12 that evidence, to draw any link or establish  
13 evidence to draw a link between Pickton and the  
14 Downtown Eastside. If it was indeed so important  
15 as is now suggested to establish a link between  
16 Pickton and the Downtown Eastside and if that link  
17 had been established everything would have  
18 changed, the question I ask is why did no one on  
19 the Missing Women Review Team do what Fell and  
20 Wolthers did.

21 There's two possibilities. One possibility  
22 is that the members of the Missing Women Review  
23 Team were aware that they were going to do the  
24 photo canvasses and were relying on them to cover  
25 off that part of the investigation. If that

1 possibility is true the question is why did no one  
2 on the Missing Women Review Team ever ask them  
3 what was the result of your photo canvass. The  
4 other possibility is that no one on the Missing  
5 Women Review Team was aware that Fell and Wolthers  
6 were doing a photo canvass. That's a possibility,  
7 and it remains that no one on the Missing Women  
8 Review Team turned their mind ever to a similar  
9 canvass to find out whether other people in the  
10 Downtown Eastside had sighted him. There's not a  
11 similar photo canvass done by someone else.

12 So if this was indeed information that would  
13 have been a game changer the question is why did  
14 no one else seek out that information on their  
15 own. One possibility, a possibility that I say is  
16 the correct possibility, is that at that stage of  
17 the proceedings -- sorry, that stage of the  
18 investigations it was already generally known that  
19 there was a link between Pickton and the missing  
20 women, and the missing women were disappearing  
21 from the Downtown Eastside, that was known, and  
22 information of it, historical information, general  
23 information of the type that Fell and Wolthers  
24 were obtaining was not in answer to an open  
25 question, but was rather information that was



1 generally accepted and known by both the RCMP and  
2 the Missing Women Review Team.

3 If, however, there was in fact a need to  
4 obtain links between Pickton and the Downtown  
5 Eastside by historical observations then I come  
6 back to the point I made earlier why did no one  
7 else in the Missing Women Review Team do that  
8 themselves. A similar response can be made to the  
9 suggestion by the Department of Justice on behalf  
10 of the RCMP made in paragraph 295 and 296 of their  
11 written submission where it is suggested that if  
12 the information that Fell and Wolthers had been  
13 passed on to the RCMP they would have done all  
14 sorts of things. They would have had Special "O"  
15 doing surveillance, they would have been more  
16 diligent in unnamed ways, and they would have  
17 generally focused on Pickton more energetically  
18 than they did. But again I ask the same question.  
19 The RCMP were aware of Pickton as being a suspect,  
20 the RCMP were aware that the Downtown Eastside was  
21 where the women were going missing from. If it is  
22 true that the RCMP would have needed or acted upon  
23 information linking Pickton to the Downtown  
24 Eastside why did they not carry out further  
25 efforts after August of 1999? If they were

1 completely ignorant of the fact that Fell and  
2 Wolthers had carried out the photo canvass why  
3 didn't the RCMP carry out a photo canvass of their  
4 own? If by contrast they were aware that a photo  
5 canvass had been done but didn't know the results  
6 why didn't they ask? In my submission the  
7 conclusion that one draws from all of those  
8 questions, and the answers to them, is that there  
9 was not a pressing need at that time for a link  
10 between Pickton and the Downtown Eastside because  
11 the linkage was already there in the minds of  
12 anyone who was asking the right questions. They  
13 knew about Pickton, they knew the women were going  
14 from the Downtown Eastside, and general historical  
15 information of the kind that Fell and Wolthers  
16 received in April would not have changed anything  
17 materially.

18 So in my submission then in conclusion on  
19 this point the evidence in my submission -- rather  
20 the probabilities support the conclusion that Fell  
21 and Wolthers very likely did advise the Missing  
22 Women Review Team orally, there's no question that  
23 their notes included the observations, and that  
24 they provided the notes, and had anybody bothered  
25 to read the notes those observations were there to

1           be seen, and even if the information was not  
2           passed on it would have had -- the absence of  
3           passing on that information had no material effect  
4           on the investigation.

5           In conclusion, Mr. Commissioner, I wish to  
6           address suggestions that have been made by some  
7           that Fell and Wolthers were used as scapegoats by  
8           other participants to cover their deficiencies in  
9           their own conduct, and I can do no better than  
10          repeat Detective Constable Fell's answer to that  
11          question when it was put to him when he was  
12          testifying on the witness stand that the issue is  
13          not really whether they were scapegoats or treated  
14          unfortunately, the question is how to resolve and  
15          prevent a further -- sorry, how to prevent in the  
16          future further tragedies, and how to learn from  
17          the mistakes that many participants in these  
18          proceedings made so that a tragedy like this will  
19          not happen again. Thank you.

20        THE COMMISSIONER: Thank you.

21        MS. CHRISTIE: Good morning, Mr. Commissioner. It's Vanessa  
22                       Christie on behalf of retired Vancouver Police  
23                       Department Chief Constable Blythe and retired  
24                       Deputy Chief Constable John Unger. What I've just  
25                       handed to you, sir, is just some of the -- from

1           our written -- they won't be referred to today in  
2           my oral submissions, but those are some of the  
3           more obscure or difficult to find articles that we  
4           referred to in our written submissions, so I  
5           thought that it would just assist you in the work  
6           that you do as you go through those.

7           First, Mr. Commissioner, I'd like to say what  
8           an honour, frankly, it has been for me to be here  
9           and to be part of this, and I've felt most  
10          welcome, frankly, in your province and in your  
11          city by the family members and friends of the  
12          women that I met in the hallway outside, to  
13          witnesses that I met, by other participant  
14          counsel, by commission counsel, by Mr. Giles, and  
15          by you of course, Mr. Commissioner, and I feel  
16          most thankful for the experience you've given me  
17          and I thank you all for that.

18          In my respectful submission this inquiry,  
19          Mr. Commissioner, has been plagued by what has  
20          been called the I knew it all along syndrome or  
21          phenomenon. The concept is often referred to as  
22          hindsight bias. A person by the name of Bruce A.  
23          MacFarlane, a Canadian lawyer, Crown prosecutor,  
24          legal scholar and former federal and provincial  
25          Department of Justice official wrote a paper

1           entitled *Wrongful Convictions: The Effect of*  
2           *Tunnel Vision and Predisposing Circumstances in*  
3           *the Criminal Justice System*. It's a paper he  
4           wrote in 2008. And it was prepared,  
5           Mr. Commissioner, for the inquiry into pediatric  
6           forensic pathology in Ontario conducted by the  
7           Honourable Stephen T. Gouge, I'm sure you're aware  
8           of, and the paper makes some interesting comments  
9           about hindsight bias, and this is a quote from  
10          that:

11                 Studies are clear that tunnel vision is  
12                 reinforced by other cognitive distortions,  
13                 including hindsight bias, or more  
14                 colloquially the I knew it all along  
15                 syndrome. In hindsight people tend to  
16                 believe that an outcome was inevitable, or at  
17                 least was much more predictable than people  
18                 originally thought. This often involves  
19                 people projecting new knowledge into their  
20                 understanding of past events without any  
21                 recognition that their perception of events  
22                 in the past has been coloured by the new  
23                 information. Hindsight bias may reinforce  
24                 the premature focus on a suspect in a few  
25                 ways. First, once someone becomes a viable

1           suspect and the focus of police attention, in  
2           other words once police or prosecutors arrive  
3           at a conclusion on culpability, hindsight  
4           bias may lead investigators on reflection to  
5           conclude that the person was the inevitable  
6           suspect from the beginning. This tends to  
7           lead investigators to overestimate the degree  
8           to which the suspect appeared guilty from the  
9           beginning and to give greater attention to  
10          those facts and pieces of evidence that point  
11          to guilt.

12           In my respectful submission this commission  
13          must scrupulously avoid hindsight bias in its  
14          ultimate conclusions. We all now know that Robert  
15          Pickton is responsible for so many tragic  
16          disappearances and deaths, and however to suggest  
17          that we all should have known this from the very  
18          beginning is unfair, just plain wrong, and is  
19          clouded with impermissible hindsight bias. And  
20          it's been suggested, Mr. Commissioner, that time  
21          and time again, frankly, at this inquiry, that  
22          someone should have honed on to Robert Pickton to  
23          the exclusion of all other suspects much earlier.  
24          This can only be said, if it can be said at all,  
25          with the benefit of hindsight. When one honestly

1 and soberly looks at the facts, and by facts,  
2 Mr. Commissioner, I mean actual facts, not where  
3 witnesses have speculated, provided  
4 unsubstantiated opinions, not the baseless  
5 suggestions of some counsel, when one looks at the  
6 facts before this commission it is obvious that no  
7 one even knew whether any criminal act had  
8 occurred in Vancouver. There were missing women  
9 from Vancouver as well as from our surrounding  
10 areas, and as the investigation developed the  
11 police were looking at a number of persons of  
12 interest and viable suspects, and I think we'd all  
13 agree dangerous people. When considering all the  
14 facts it would have been unwarranted, in my  
15 respectful submission, and irresponsible for the  
16 police to focus on Robert Pickton any more or any  
17 earlier than they did.

18 And I say this, Mr. Commissioner, because  
19 Canada's history has many, many, many examples,  
20 woeful examples I would say, of wrongful  
21 conviction cases. And the names are familiar to  
22 all of us; Donald Marshall, Jr., David Milgaard,  
23 Guy Paul Morin, William Mullins Johnson, Thomas  
24 Sophonow, Steven Turcott, and I don't mean to  
25 suggest that Robert Pickton is one of those,

1 because he certainly is not, but the principles  
2 come from those cases. And there's many, many  
3 others, of course, that I haven't mentioned.

4 Good policing, Mr. Commissioner, requires  
5 responsible action thereby avoiding the misfortune  
6 of tunnel vision. We as a community expect this  
7 kind of policing. And we as a community deserve  
8 this kind of policing. Police officers in this  
9 country are taught the dangers of tunnel vision,  
10 especially in serious criminal investigations, as  
11 they should be. As a member of the community we  
12 should all be proud that our country has  
13 discouraged this type of thinking. And we all  
14 have witnessed the many examples of the dangers of  
15 tunnel vision. And in a paper entitled *The Path*  
16 *to Justice: Preventing Wrongful Convictions*, it's  
17 a report of the Federal, Provincial and  
18 Territorial Heads of Prosecution Subcommittee in  
19 the prevention of wrongful convictions, a paper  
20 prepared in the fall of 2011, it begins by saying  
21 this:

22 No criminal justice system is, or can be,  
23 perfect. Nevertheless, the manner in which a  
24 society concerns itself with persons who may  
25 have been wrongly convicted and imprisoned



1                    must be one of the yardsticks by which  
2                    civilization is measured.

3                    In that report there's an entire chapter,  
4                    Mr. Commissioner, dedicated to tunnel vision, and  
5                    in part it states this:

6                    Tunnel vision distorts the perception of  
7                    evidence. It is one of the contributors to  
8                    wrongful convictions and is seldom caused by  
9                    malice. It is insidious and may infect  
10                   police, prosecutors and judges. Tunnel  
11                   vision has been described as a single minded  
12                   and overly narrow focus on a particular  
13                   investigative or prosecutorial theory so as  
14                   to unreasonably colour the evaluation of  
15                   information received and one's conduct in  
16                   response to the information. When evidence  
17                   is incorrectly filtered a biased approach  
18                   develops. Quite often this is reinforced as  
19                   police and prosecutors assigned to a case  
20                   interact without critically assessing the  
21                   evidence or testing the investigative theory.  
22                   The results can be devastating.

23                   In the Sophonow inquiry, as I'm sure again  
24                   you're well familiar with, Mr. Commissioner,  
25                   Justice Peter Cory made the following comments

1 about tunnel vision. He said:

2 Tunnel vision is insidious. It can affect an  
3 officer, or indeed anyone involved in the  
4 administration of justice with sometimes  
5 tragic results. It results in the officer  
6 becoming so focused upon an individual or  
7 incident that no other person or incident  
8 registers in the officer's thoughts, thus  
9 tunnel vision can result in the elimination  
10 of other suspects who should be investigated.  
11 Equally events which could lead to other  
12 suspects are eliminated from the officer's  
13 thinking. Anyone, police officer, counsel or  
14 judge, can become infected by this virus.

15 And Justice Peter Cory recommended the attendance  
16 annually at a lecture or a course on the subject  
17 be mandatory for all officers. The lecture or  
18 course should be updated annually, and an officer  
19 should be required to attend before or during the  
20 first year that the officer works as a detective,  
21 and that those courses are lectures that  
22 illustrate with examples and discuss the problem  
23 should be compulsory for police officers, and they  
24 would undoubtedly be helpful for counsel and  
25 judges as well.

1           So, Mr. Commissioner, despite the lessons  
2           learned throughout history about the dangers of  
3           tunnel vision some at this inquiry, in fact many I  
4           would suggest, have encouraged it as a model of  
5           best police practices and have criticized those  
6           who did not implement it in this investigation.  
7           It is respectfully submitted that this commission  
8           in its final analysis should not encourage a  
9           practice that we all know to be so wrong and so  
10          dangerous. This would only cause regression when  
11          what we need is to be moving forward towards  
12          future improvement.

13          Further at this commission it's been  
14          suggested that those who did not employ tunnel  
15          vision on Robert Pickton from the very beginning  
16          must be sexist, must be racist or classist, and  
17          that after the arrest of Robert Pickton there was  
18          some frenzy of activity leading to a police  
19          coverup of all of these notions. A lot of time  
20          and effort was spent at this commission because  
21          these notions had been raised without merit or  
22          foundation. Valuable time was wasted and could  
23          have been better utilized in my respectful  
24          submission on other relevant witnesses. Chief  
25          Constable Carolyn Daley, for example, who was

1 Support Services Division administration and who  
2 was part of the new leadership put together by  
3 Chief Terry Blythe. Inspector Gord Spencer who  
4 was Major Crime Section Homicide who was heavily  
5 involved in bringing this matter to a joint forces  
6 operation, and who was also chosen as part of that  
7 new team leadership of Chief Blythe and Deputy  
8 Chief Unger, not to mention other new  
9 investigators, or sorry, other supervisory rank  
10 such as Bob Cooper, Barb Morris and other  
11 investigators selected by the new leadership.  
12 Instead, Mr. Commissioner, you heard from  
13 witnesses such as Rae-Lynne Dicks who used this as  
14 a platform, in my respectful submission, to  
15 vocalize opinions that when it came down to it she  
16 could not back up. And because the false notions  
17 of racism, sexism and classism were raised the  
18 commission was forced to spend time hearing from,  
19 in my respectful submission, such unreliable  
20 people when it could have been spending more time,  
21 frankly, hearing from families. And I don't raise  
22 that as a criticism of the commission. Not at  
23 all. It's a criticism of these who attempted to  
24 distract this commission from its real work.

25 Just think about it, Mr. Commissioner, does

1           it make any sense to suggest that the Vancouver  
2           Police Department did not capture Pickton earlier  
3           because the department did not care about  
4           aboriginal women? Does it make any sense to  
5           suggest that the Vancouver Police Department did  
6           not capture Pickton earlier because the department  
7           did not care about sex trade workers? Does it  
8           make any sense to suggest that the Vancouver  
9           Police Department did not capture Pickton earlier  
10          because the department did not care about people  
11          with drug addition, people with low or no income,  
12          people from certain communities? Absolutely not.  
13          Can there be anything more ludicrous than to  
14          suggest that catching a real serial killer in our  
15          midst is somehow not important to any large or  
16          small city police force? Ideas such as this were  
17          irresponsibly put forward at this commission in  
18          order to distract everyone from the real problems  
19          and in an attempt to choose an easy scapegoat, law  
20          enforcement, the very people, frankly the only  
21          people, that are dedicated to keeping us as a  
22          community safe. Even when sex trade workers as a  
23          community because of our laws and because of our  
24          society cannot keep themselves safe. Many  
25          witnesses have highlighted the positive steps

1 taken in the Downtown Eastside, efforts that were  
2 intended to bring the community together and to  
3 work on healthy solutions. Positive and permanent  
4 change does not happen overnight, but it does not  
5 stop and should not stop people from trying to  
6 make those changes.

7 Unfortunately we seem to have become what  
8 I've termed the *CSI* generation or *Criminal Minds*  
9 generation where serious crime gets resolved very  
10 neatly in an hour, including commercials. It's  
11 not reality. It's a portrayal of police agencies  
12 that would have us believe that as soon as a crime  
13 occurs there are teams of police officers  
14 available to dedicate themselves to one  
15 investigation. It would have us believe that  
16 there are unlimited scientific tools available to  
17 utilize, and there are unlimited witnesses coming  
18 forward with reliable and credible information.  
19 It's that perfect policing world. And that would  
20 be great, but of course that's not reality. And  
21 unfortunately we know it's not reality, I think  
22 all of us know that, but it tends to colour our  
23 perception of what we expect of a police  
24 organization.

25 So if the crime does not get discovered and

1 resolved quickly within an hour, and I say that as  
2 an exaggeration obviously, but it must be as a  
3 result of racism, sexism, classism, disengagement.  
4 It must be as a result of -- this word  
5 disengagement, it's a word that's taken on a life  
6 and meaning of its own before this commission. We  
7 want a reason. We want to know why the crime went  
8 undetected. As a community we want to know that.  
9 And we want to know why the person was not  
10 stopped.

11 And rhetorically I ask this. What amount of  
12 time would we all agree upon as being the right  
13 amount of time to allow the police to stop someone  
14 like Robert Pickton? Why did it take so long for  
15 American policing authorities to capture serial  
16 killers like Ted Bundy and John Wayne Gacy, Gary  
17 Ridgway, all these names that are familiar to us?  
18 Why does history keep repeating itself?

19 Well, the definition of serial killer, and we  
20 went through this in our written submissions,  
21 you'll see in Part 2 of our written submissions,  
22 the definition of serial killer requires that  
23 there be at least two killings, or perhaps three  
24 depending on which definition you accept, and in  
25 this case there were none that anyone could point

1 to. Whatever definition of serial crime you  
2 adopt, serial crime means more than one crime.  
3 That means that the person was not stopped, not  
4 arrested, not prosecuted, not convicted after the  
5 first crime. Therefore any serial crime means  
6 that the person got away with it at least once  
7 before.

8 So does that mean that in every case of  
9 serial crime there was an incompetent police force  
10 or an uncaring police force or a racist, sexist or  
11 classist police force? I would say no. I don't  
12 think any one of us would say that. The fact of  
13 the matter is, and a fact, Mr. Commissioner, that  
14 I say no one seems to want to hear or accept, the  
15 fact is serial crimes are difficult to solve. And  
16 to do it responsibly, and I highlight the word  
17 responsibly, it just takes time. No one wants to  
18 hear that. We all want crime solved now. And  
19 when it comes to us personally being the victims  
20 of crime or our families and friends being the  
21 victims of crime we cannot and we will not accept  
22 that it takes time to solve crime. And from the  
23 point of view of someone personally affected by  
24 crime that's understandable.

25 However, in order to improve upon the



1 situation, and everything can always be improved  
2 upon, we need to step back. We need to look at  
3 the bigger picture, and we cannot develop policy  
4 and future practises from the point of view of  
5 someone personally affected by crime. Even though  
6 it touches on all of us, someone too close to the  
7 situation becomes blinded by their own emotion and  
8 their own loss. And this commission cannot fix  
9 that loss, and it cannot take away the pain that  
10 people are feeling. The commission will have  
11 failed, in my respectful submission, if it tells  
12 the public that this will never happen again just  
13 because that may be what people want to hear. The  
14 commission's role is to stand back, look at all of  
15 the interests involved and make realistic  
16 recommendations that move us toward a safer  
17 community in the future. And ironically,  
18 Mr. Commissioner, I would say we're all here for  
19 the same reason. We all want a safer community.  
20 At the same time we want police officers who  
21 respect our rights as citizens. We want police  
22 officers who are dedicated to ensuring that they  
23 have the right person responsible for the crime.  
24 We want police officers who acknowledge a person's  
25 status as an aboriginal person. We want police

1 officers who consider and understand a person's  
2 drug addiction. We want a lot, we expect a lot,  
3 and we deserve a lot because of the power that's  
4 given to police officers. However, in demanding  
5 so much we must appreciate that it's a constant  
6 balancing of priorities and interests from moment  
7 to moment in the policing world. There are  
8 constant decisions to be made. And as you  
9 yourself, Mr. Commissioner, stated in 1994 in your  
10 final report at the Commission of Inquiry into  
11 Policing in British Columbia:

12 Canadians have high expectations of the  
13 police. They expect the police to respond  
14 quickly and effectively to criminal activity.  
15 They expect the police to console victims,  
16 apprehend offenders and prevent crime.

17 It's a tough job, Mr. Commissioner, and one we  
18 don't seem to appreciate as a community. If the  
19 police are too present they're over policing,  
20 harassing, displacing the sex trade workers as  
21 we've heard here. If the police are not present  
22 enough they are disengaged, disinterested, not  
23 protecting the sex trade workers as we have heard  
24 here.

25 In an FBI law enforcement bulletin in January

1 of 2005 a person by the name of Chuck Knight wrote  
2 an article entitled *The Characteristics of an*  
3 *Effective Law Enforcement Officer*, and he stated  
4 this:

5 Policing today is very complex. As officers  
6 you are expected to be all things to all  
7 people, and to make split second decisions  
8 that will take the courts, attorneys and  
9 media weeks or months to determine if you've  
10 made the right decision, which must be right  
11 in their eyes or we get battered in the press  
12 and humiliated in the courtroom. Police  
13 officers must be effective at what they do.  
14 With that in mind I would like to share some  
15 characteristics with you that I believe are  
16 critical to be successful in law enforcement.

17 Still part of the quote:

18 Perhaps the most valuable commodity a police  
19 officer can possess today is integrity.  
20 Integrity must be maintained at all cost.  
21 Police officers are in a position of public  
22 trust, a trust that if broken will create an  
23 atmosphere of hostility between the police  
24 and the public. Our success depends upon the  
25 trust and competence of the citizens in our

1           respective communities. We must remain  
2           professional in all that we do and forever be  
3           committed to the highest level of standards  
4           within the law enforcement profession. As  
5           police officers our first sworn duty and  
6           allegiance are to the community and the  
7           police or sheriffs department's mission. We  
8           must maintain a high degree of loyalty to  
9           successfully serve our communities. As  
10          police officers you will be called upon to  
11          meet many challenges, adversities and every  
12          level of danger. This requires courage.  
13          You'll be called upon to display this courage  
14          with recognition of the high standards for  
15          which you will be held accountable. You must  
16          support your fellow officers at all times for  
17          the common safety of everyone concerned.

18          And the last part of the quote:

19                 While there is a time to be meek, there also  
20                 is a time to stand and protect yourselves,  
21                 your fellow officers and your loved ones.  
22                 You will be called upon to resolve conflicts  
23                 of many types. This must be done through  
24                 impartial enforcement of the law, not through  
25                 imposition of judgment or punishment.

1           Victims, witnesses and all others deserve to  
2           be treated with dignity.

3           Mr. Commissioner, while of course there will  
4           always be criticism of law enforcement because of  
5           the job that they do, we as a society should be  
6           less judgmental and more appreciative of that job  
7           that they do.

8           If you look back at your own words, Mr.  
9           Commissioner, practice directive number 2 you will  
10          know that this commission of inquiry began on the  
11          right platform. In practice directive 2 this  
12          commission stated in part as follows, and this is  
13          your words, Mr. Commissioner:

14                 I am particularly mindful of the guidance  
15                 offered by the late and distinguished  
16                 Mr. Justice Archie Campbell following review  
17                 of the Bernardo case.

18          And then you quote from Mr. Justice Archie  
19          Campbell:

20                 It is often the case that systemic failures,  
21                 as opposed to individual mistakes are the  
22                 real cause of public disasters and the most  
23                 appropriate focus of public inquiries. The  
24                 public identification of individual mistakes  
25                 or wrongdoing, while important, does not

1 necessarily address the underlying problem.  
2 And unless the underlying problem is  
3 addressed, the same mistakes or wrongdoing  
4 will likely occur again if the system that  
5 permitted them is not fixed.

6 It is a mistake for a Royal Commissioner or  
7 public inquiry to focus exclusively on the  
8 search for scapegoats when the failure is  
9 really an institutional failure in the sense  
10 of a lack of appropriate systems, a lack of  
11 reasonable resources, a flawed institutional  
12 culture, or a breakdown in the machinery of  
13 accountability.

14 But these problems do not go away simply  
15 because individuals have been implicated.

16 These problems only go away when people  
17 change their systems, their attitude and the  
18 way that they do business.

19 Mr. Commissioner, you went on to say that:

20 Where systemic failures have been identified  
21 in these reports the simple fact is that even  
22 if every individual officer did their job,  
23 the overall job did not get done. Justice  
24 Campbell puts the point in this way:

25 The Bernardo case shows that the motivation,

1           investigative skill, and dedication are not  
2           enough. The work of the most dedicated,  
3           skillful, and highly motivated investigators,  
4           supervisors and forensic scientists can be  
5           defeated by the lack of effective case  
6           management systems and the lack of systems to  
7           ensure communication and co-operation among  
8           law enforcement systems.

9           And in writing its final report, Mr. Commissioner,  
10          you should be guided by those words in your  
11          practice directive, and I know you will be

12                 And as seen in part 2 of our written  
13          submissions on serial killer investigations  
14          similar problems occur regularly in these  
15          investigations. The obvious fact is that these  
16          investigations are extremely overwhelming and  
17          challenging. And looking back again at your  
18          practice directive, Mr. Commissioner, you stated  
19          this:

20                 I consider my paramount duty to do everything  
21          that I can do to contribute to that end  
22          within my power as a commissioner. If the  
23          reviews and reports that have followed each  
24          of these serial crimes with such similar  
25          characteristics, and the recommendations that

1           have followed have failed to effect change, I  
2           have concluded that I must ask myself what it  
3           is that this commission can do differently to  
4           make a difference.

5           And I would say, Mr. Commissioner, that despite  
6           making the statements in that practice directive,  
7           in our respectful view this commission of inquiry  
8           has been led in the wrong direction assuming that  
9           mistakes were made, that those mistakes can be  
10          fixed and that this will never happen again. The  
11          direction has been encouraged I would say by those  
12          who would seem to have entirely missed the point  
13          as to the purpose of the commission, and if the  
14          commission gives into this pressure we believe  
15          that the commission will have failed, but we feel  
16          that the commission will not do that.

17          Unfortunately, Mr. Commissioner, I would say  
18          that reports such as those prepared by Doug LePard  
19          and Jennifer Evans have led this commission down a  
20          path of finger pointing, blaming and scapegoating.  
21          Notions such as disengagement of senior management  
22          took on a life of their own in these reports which  
23          were strikingly and suspiciously similar. It is  
24          of note to mention that several witnesses, by our  
25          count five, Mr. Commissioner, testified that Doug



1           LePard himself had erroneously recorded what they  
2           had stated during their interviews with him. The  
3           LePard and Evans report seemed to have tragically  
4           become a guide to fact finding at the commission,  
5           and it is respectfully submitted by us,  
6           Mr. Commissioner, that in its final analysis this  
7           commission must not, and I'm sure will not be  
8           blindly guided by the facts and suggestions made  
9           in those reports. The commission must rely only  
10          on the facts as testified to by the witnesses  
11          themselves and the documents seen during the  
12          hearing.

13                 And it is respectfully submitted further,  
14          Mr. Commissioner, that final report should go in a  
15          much different direction, a direction that accepts  
16          that these tragedies will inevitably happen again,  
17          a direction that considers the true challenges  
18          which are inherent in these types of  
19          investigations, and a direction that considers how  
20          we, how we, all of us as a community can take  
21          responsibility as opposed to blaming law  
22          enforcement. Blaming assists no one. And in a  
23          perfect world serial killers would not exist,  
24          however, this commission needs to accept they do  
25          exist, they're likely active at this very moment

1 in this community as we've heard from witnesses,  
2 and will exist in the future. And the community  
3 needs to work with law enforcement as much as law  
4 enforcement needs to work with the community. It  
5 does no good to polarize the two groups by blaming  
6 one side or the other. And it's of no assistance  
7 to anyone to try to find racism, sexism or  
8 classism where none exists. The fact is that the  
9 arrest of Robert Pickton was not delayed because  
10 officers did not care about these women. It's a  
11 fallacy created by those who wanted to perpetuate  
12 that unhealthy and wrong headed notion. The  
13 arrest of Robert Pickton was delayed by the  
14 actions of Robert Pickton, and by the inherent  
15 difficulties in an investigation of this nature.  
16 Place the blame where the blame belongs. The  
17 community needs to come together against people  
18 like this, not be divided by him.

19 And I would say, Mr. Commissioner, the real  
20 work here is not to micromanage this investigation  
21 and point out why some memo should have been sent  
22 earlier or why some person should have taken notes  
23 at a meeting. That investigation is done. This  
24 commission is looking toward the future, and it's  
25 respectfully submitted that the conclusions

1 reached by this commission must remain focused on  
2 its goals and not be misled by those who seek to  
3 mislead it. The goal of the commission is  
4 obvious, or should be obvious, to use this  
5 experience as an opportunity to facilitate the  
6 improvement of policing investigations and  
7 community safety in extreme and rare instances of  
8 serial violence. Placing blame and attempting to  
9 create scapegoats is not only unproductive, but  
10 it's unfounded. If anyone is to be blamed for  
11 these tragic events it should be the one who  
12 caused the murders, not those who worked  
13 tirelessly to help.

14 I would say to you, Mr. Commissioner, that  
15 many in the Vancouver Police Department proved to  
16 be highly responsible in their roles and excelled  
17 in their effectiveness and duty to community  
18 safety where other police departments in the  
19 course of other serial killer investigations as  
20 looked at in our written submissions certainly  
21 fell short. And I encourage you,  
22 Mr. Commissioner, to study or closely look at our  
23 written submissions.

24 There's a genuine body of literature that  
25 must be considered by you. When you read that

1           carefully you'll see that the management of this  
2           investigation, because you have to look obviously  
3           at these things in context, the management of this  
4           investigation under the leadership of Chief Blythe  
5           and Deputy Chief Constable Unger should be praised  
6           and their expertise used to help develop better  
7           serial crime investigation practices. The fact of  
8           the matter is that Chief Blythe became the acting  
9           chief at the end of June '99 and was sworn in as  
10          chief in December of '99. He immediately began  
11          putting a new leadership team together, which  
12          included Deputy Chief Unger, and as soon as Deputy  
13          Chief Unger took over the Investigations Division  
14          he had Inspector Spencer reviewing the status of  
15          the missing women investigation and within a month  
16          Inspector Spencer had reported back to Deputy  
17          Chief Unger and they were moving toward a joint  
18          forces operation. But it does not happen  
19          overnight, and it did not happen overnight.  
20          There's always challenges that get in the way,  
21          resources, problem with the SIUSS system,  
22          challenges that were worked through and overcome.

23                 Perhaps the same problematic patterns emerge  
24                 across serial killer investigations because the  
25                 wrong focus is taken when analyzing the problem.

1 It is unhelpful to focus on only the negative  
2 aspects of the investigation without also focusing  
3 on the positive. What went right? There are many  
4 examples of good police work in the missing women  
5 investigation, it's often ignored and pushed  
6 aside, and we can learn from that as well. There  
7 were many examples of dedicated and caring police  
8 officers who wanted nothing more than to get to  
9 the bottom of this. The success here is not as a  
10 result of any one person, it's a combination of  
11 people and activities and decisions that  
12 ultimately put Mr. Pickton in prison for the rest  
13 of his despicable life.

14 The idea of disengagement of senior  
15 management has become a common notion at the  
16 inquiry. And the fact is senior management has a  
17 name and a face, and it changes as leadership  
18 changes. And I ask you, Mr. Commissioner, to  
19 consider that in writing your report. It's  
20 undeniable I would suggest that there was a  
21 complete change in attitude and direction under  
22 Chief Blythe and his executive team including  
23 Deputy Chief Unger. Their form of leadership,  
24 Mr. Commissioner, should be looked at in the time  
25 frame in which they were there, not considering

1           this general term of senior management. You have  
2           to look at who that is. And they should be looked  
3           at as looking toward the positive aspects of what  
4           they did. Concept of team work, open lines of  
5           communication, co-operation across police  
6           organizations, building relationships with the  
7           community, interest in community and social  
8           service agencies. Look at the department's  
9           unprecedented hundred thousand dollar reward  
10          offer, Mr. Commissioner. The offer that this was  
11          commended by the *America's Most Wanted* program of  
12          ground breaking generosity, and was prompted even  
13          in the face of the department's dire financial  
14          situation. And it was based on a missing person  
15          investigation, not a serial killer investigation.

16                 And I would say, Mr. Commissioner, that one  
17          of the largest problems throughout the terms of  
18          reference was the inadequate resources given to  
19          the Vancouver Police Department. The idea that  
20          officers would be required to take the bus to an  
21          investigation as told to you by Chief Blythe when  
22          he was here is absurd, but it was occurring. And  
23          it's an obvious problem that requires attention.  
24          And there were police board witnesses, that we had  
25          former Mayor Philip Owen, Elizabeth Watson, Kinder

1 Mottus that were called, some of which could have  
2 discussed the issue of resource but offered  
3 nothing to the commission, frankly, in my  
4 respectful view, even though the resource problem  
5 was an obvious recurring theme throughout the  
6 investigation. And you have a great deal of  
7 uncontradicted evidence regarding the lack of  
8 resources.

9 When looking at recommendations this  
10 commission should, and I'm sure will take guidance  
11 from the words of Justice Archie Campbell in the  
12 Bernardo inquiry, and he says this:

13 It is easy with hindsight knowing now that  
14 Bernardo was the rapist and the killer to ask  
15 why he was not identified earlier for what he  
16 was, but the same question and the same  
17 problems have arisen in so many similar  
18 tragedies in other countries, because serial  
19 predators pose a unique challenge to all law  
20 enforcement agencies. What is needed is a  
21 system of case management for major and  
22 interjurisdictional serial predator  
23 investigations, a system that corrects the  
24 defects demonstrated by this and so many  
25 similar cases. A case management system is

1                   needed that is based on co-operation rather  
2                   than rivalry among law enforcement agencies.  
3                   A case management system is needed that  
4                   depends on specialized training, early  
5                   recognition of linked offences, co-ordination  
6                   of interdisciplinary and forensic resources  
7                   and some simple mechanisms to ensure unified  
8                   management accountability and co-ordination  
9                   when serial predators cross police borders.

10                  So I would say, Mr. Commissioner, that  
11                  consistency and sharing of methods and technology  
12                  seems to be a recurring theme throughout our  
13                  research. And this comes down to money quite  
14                  often. Public officials need to understand that  
15                  police need resources to do their work. And when  
16                  Chief Blythe and Deputy Chief Unger went to city  
17                  manager Judy Rogers and were told to find it  
18                  within their own budget, this is totally  
19                  unacceptable and an unbelievable response, I would  
20                  say. Fortunately here you had police officers  
21                  that were willing to go above and beyond. Both  
22                  Chief Blythe and Deputy Chief Unger told you that  
23                  they went out and did it anyway and suffered the  
24                  consequences later. It had to be done.

25                  And I would say, Mr. Commissioner, coming to



1 the closing here, but it's important to keep in  
2 mind the larger problems here, and it's some of  
3 the things that people have referred to, but what  
4 left these women in such a vulnerable position,  
5 drug addiction, poverty, homelessness,  
6 marginalization of aboriginal people. And the  
7 attempt to suggest the disengagement of the police  
8 and to blame the police here for racism, sexism or  
9 classism, it's an easy trap for all of us to fall  
10 into. It offers an easy way for community members  
11 to make themselves feel better and feel that  
12 they're being heard, or it makes -- gives  
13 commission or gives counsel something to say  
14 before this commission to blame someone to explain  
15 the reason why, but it misses the point completely  
16 and causes devastating effects based on false and  
17 inaccurate ideas, because the fact of the matter  
18 is, Mr. Commissioner, racism, sexism, classism,  
19 marginalization of aboriginal people, it all still  
20 happens in this country, but to point it out here  
21 as being what occurred here is dangerous. That's  
22 the very thing that keeps those notions going in  
23 our country where it's pointed out as existing  
24 where it doesn't.

25 I would say, Mr. Commissioner, that based on

1 the testimony summarized in part 3 of our written  
2 submissions from retired Chief Blythe and retired  
3 Deputy Chief Unger it's clear to me, and hopefully  
4 to you, that the accusations and blame as it  
5 focused on them was unfounded, and given their  
6 long-standing commitment and dedication to police  
7 service, community safety and regular interaction  
8 with all represented groups within the community,  
9 Chief Blythe and Deputy Chief Unger were committed  
10 to policing for a combined 65 years. They have  
11 always been committed to a review of this  
12 investigation. They encouraged members to  
13 preserve documentation to ensure a transparent  
14 process. They attended to be interviewed whenever  
15 they were asked to do so by those such as LePard  
16 and Evans. They have both been thoroughly engaged  
17 in this commission of inquiry, including the fact  
18 that they were very willing and voluntarily  
19 attended before this commission to testify under  
20 oath. I can assure you that they care very deeply  
21 about the people of this community. And,  
22 Mr. Commissioner, you know that yourself from  
23 watching and listening to their testimony. They  
24 care very deeply about the recommendations of this  
25 commission in the hope that it will improve upon

1 the safety of this community and improve upon the  
2 future of policing. Everything can always be  
3 improved upon. History tells us that.

4 In closing, Mr. Commissioner, it's a sad fact  
5 frankly, but a fact in my respectful submission,  
6 that as long as there is prey there will be  
7 predators, and the crime will always exist, and  
8 serial killers will come again, but it's an  
9 inevitable part of our social makeup, and as a  
10 society it is important for us to work together,  
11 and dividing people doesn't help us, and it won't  
12 help here. All we can do is learn from the past,  
13 ensure that the next time it does occur we provide  
14 the necessary tools to offer the police, the  
15 justice system, the community a more proactive  
16 means to create a safer society. And that's all  
17 that really matters. We're all responsible here.  
18 We all need to be responsible.

19 So I would say, Mr. Commissioner, thank you  
20 once again for the opportunity you've given me to  
21 be a part of this work, I know you have a large  
22 task at hand in writing the report, and on behalf  
23 of Mr. Greenspan and our clients, retired Chief  
24 Blythe and retired Deputy Chief Unger, and of  
25 course me, we wish you and your team all the best

1                   in the work that you have ahead.

2   THE COMMISSIONER: Thank you for appearing, and thank you for  
3                   your submissions.

4   MS. CHRISTIE: Thank you.

5   THE COMMISSIONER: Yes, Ms. Winteringham.

6   MS. WINTERINGHAM: Mr. Commissioner, Janet Winteringham for Don  
7                   Adam, and with me today is Tam Boyer.

8                   I have listened carefully to the submissions  
9                   of all of the participants over the last few days,  
10                  and in so doing I am particularly struck by the  
11                  complexity of your task. I start by saying this.  
12                  I acknowledge that there is nothing that I can say  
13                  on behalf of Inspector Adam that will ease the  
14                  immense burden of the families of the murdered  
15                  women. He testified over four days and said to  
16                  you that it was his great regret that they did not  
17                  catch Pickton sooner and he so wished that they  
18                  had. So I deliver this submission to you today in  
19                  an effort to identify for you lessons that were  
20                  learned by Project Evenhanded and identify for you  
21                  areas of policing that require this commission's  
22                  assistance. Counsel for Canada in a very careful  
23                  submission went through the details of Project  
24                  Evenhanded and I need not do that here. I am  
25                  going to focus solely on the role of Inspector

1 Adam and decisions that he made, and I will also  
2 ask you to look at where to go from here from the  
3 lessons learned, what in my respectful submission  
4 this commission can do to assist investigators who  
5 today are investigating the murders of  
6 marginalized women.

7 I'm going to touch on three areas that in my  
8 respectful submission are relevant to your  
9 assessment of Inspector Adam and the decisions  
10 that he made throughout the course of the  
11 investigation. And the first issue is this.  
12 Before November 21st, 2000 Inspector Adam knew  
13 nothing about the missing women investigation or  
14 the Coquitlam investigation. He knew nothing  
15 about either. He came in to apply fresh eyes to  
16 an investigation that was stalled. He did not  
17 have the benefit of any investigative knowledge,  
18 and there was much, much to learn. That is what  
19 he set out to do. The team started small, but  
20 before they got on the farm on February 5th, 2002  
21 that team grew to 22 investigators. And he  
22 explained to you why the small team initially was  
23 important and then why that team needed to grow.  
24 The submission made to you on Monday that Project  
25 Evenhanded spent a lot of money, had a lot of

1 meetings but did nothing is absolutely incorrect  
2 and ignores the entirety of the evidence that's  
3 before you about the steps that were taken by this  
4 particular investigative team. Inspector Adam  
5 came to this investigation as an experienced  
6 homicide investigator, but this was an  
7 investigation like no other. There was much to  
8 learn, and they injected much energy into fully  
9 understanding the scope of the assignment. And  
10 lessons, Mr. Commissioner, were learned.

11 That brings me to the second issue that I  
12 would ask you to consider when you're assessing  
13 the decisions made by Inspector Adam, and that is  
14 this. Inspector Adam was told when he took on the  
15 assignment that there had been no new missing  
16 women since January of 1999. He did not simply  
17 accept that statement as truth. He set out to  
18 determine the accuracy of the information that was  
19 given to him, and he set out in detail for you  
20 what those steps were, including the follow-up and  
21 the checks and all of the leg work that went into  
22 determining whether or not women were continuing  
23 to go missing from the Downtown Eastside. Only in  
24 hindsight do we know that the Missing Persons Unit  
25 was unable to manage the volume of work that was

1 coming into it and was unable to effectively  
2 fulfill its mandate.

3 And much has been said about hindsight, and  
4 Ms. Christie went through a careful description  
5 for you about hindsight, so I'm not going to say  
6 much except to say this. The commission must put  
7 himself in the position of the investigator and  
8 assess the relevant events as they unfolded  
9 through the eyes of the investigator with all of  
10 that imperfect information that was given to the  
11 investigator at the time. And this fact about the  
12 status of the missing women was one of those  
13 imperfect pieces of information. Inspector Adam  
14 told you in hindsight he wished he had learned  
15 this earlier. And today with all of the  
16 experience that he's gained through the Evenhanded  
17 investigation he would have learned it earlier,  
18 but that, in my respectful submission, is the  
19 benefit of hindsight.

20 So I turn to the third issue that in my  
21 submission is fundamental to your assessment of  
22 Inspector Adam. He was never directed to go after  
23 Pickton ever. And the evidence is uncontradicted  
24 on that point. He was never told that Pickton was  
25 the VPD's number one suspect. And the evidence is

1 uncontradicted on that point. All of the evidence  
2 corroborates Inspector Adam's testimony that the  
3 VPD missing women investigation was stalled and  
4 was in desperate need of fresh eyes. He testified  
5 repeatedly that he knew Pickton was a person of  
6 interest, and he agreed with Pickton's priority  
7 one designation, however, there is no evidence to  
8 support a finding of fact that Pickton was the  
9 obvious serial killer who stood alone. Only  
10 hindsight tells us that. There were a great many  
11 individuals doing horrible things to the women of  
12 the Downtown Eastside. That matters. There is  
13 immense risk in focusing solely on Pickton. There  
14 is at least one serial killer uncaught, that being  
15 the valley killer, and there is probably one  
16 serial killer actively working the Highway of  
17 Tears. We've heard from Ms. Christie in her  
18 submission about tunnel vision, so I won't say  
19 anything more about that.

20 That brings me, however, to this. There is  
21 no evidence before you that the one year it took  
22 Project Evenhanded and Inspector Adam to catch  
23 Pickton was insufficient. And that,  
24 Mr. Commissioner, is a cruel analysis. What is  
25 expected of a police officer in these



1                   circumstances in terms of timing? The only  
2                   evidence that we have before this commission about  
3                   timing is that of Gary Bass when he testified  
4                   about Ridgway, eighteen years. And Mr. Ridgway  
5                   was a person of interest and had been for many,  
6                   many years in the Green River investigation. And  
7                   his home had been searched years before he was  
8                   ever apprehended for the murders. And so it is  
9                   here that I simply ask you to remember the  
10                  uncontradicted evidence about the value of all of  
11                  the work of Inspector Adam and Evenhanded when it  
12                  came to the search of the farm, the use that was  
13                  made of the available DNA profiles of the missing  
14                  women, the interrogation of Mr. Pickton. It was  
15                  the months of work leading up to the firearms  
16                  search that enabled Evenhanded to move in on  
17                  Pickton the way that they did and to ensure his  
18                  ultimate conviction.

19                  DC Evans and DCC LePard misunderstood all  
20                  that was Project Evenhanded when they testified  
21                  that it was Constable Wells that caught Pickton.  
22                  Two pieces of identification and an inhaler were  
23                  not the basis for murder charges. What Constable  
24                  Wells did, however, was give Evenhanded its first  
25                  break. It got them on the farm. And Inspector

1 Adam testified that you cannot take breaks out of  
2 policing. The test is this. What did Evenhanded  
3 do with it? Well, they were ready. They had DNA  
4 drying cabinets, they had an anthropologist on  
5 standby, they had the briefings of the Green River  
6 and Spokane task force, they had their available  
7 DNA profiles ready to go. Evenhanded was ready,  
8 and once Pickton was arrested two weeks after they  
9 got on the farm he would never again walk the  
10 streets of the Downtown Eastside. That,  
11 Mr. Commissioner, was the test.

12 So I move to this. Moving forward Project  
13 Evenhanded has evolved over more than a decade.  
14 The task force has worked to advance the  
15 investigations of missing and murdered women  
16 across the province. It was not just about the  
17 investigation of Pickton. Many women are still  
18 missing. Dozens of other investigations within  
19 Project Evenhanded are active. Their work  
20 continues.

21 We learned this, in my respectful submission,  
22 from the staggering loss of life caused by  
23 Pickton, that investigators within Evenhanded  
24 faced obstacles in their investigation, and those  
25 obstacles slowed them down. And I'm going to just

1 touch on three, and I would ask you,  
2 Mr. Commissioner, to consider these three  
3 obstacles when you are drafting your  
4 recommendations from this commission.

5 The first relates to electronic case  
6 management, and this was something identified by  
7 Mr. Justice Archie Campbell in his report. It's  
8 still slowing investigators down today. They have  
9 not found a perfect system and they need one.

10 The second area that I would ask you to  
11 address relates to a national DNA missing persons  
12 databank. Project Evenhanded invested much time  
13 and money in trying to fix the state of the DNA  
14 databanks during the course of their  
15 investigation. They overcame this obstacle  
16 because they worked out a fix for them to be able  
17 to have the missing persons DNA databank, but that  
18 was from much, much work with the forensic lab.  
19 And so I would ask you, Mr. Commissioner, to look  
20 at this carefully when you're making your  
21 recommendations.

22 And the final recommendation that I would ask  
23 you to look at relates to the difficulties  
24 inherent in missing persons investigations. And  
25 you have heard much about that, and nothing is

1 more evident than what we saw with respect to the  
2 struggles of the Vancouver Police Department and  
3 their Missing Persons Unit and what they've had to  
4 do to try to assist the people working within that  
5 unit and make it feasible. One of the things I  
6 would ask you to look at is missing persons  
7 legislation that other provinces are now looking  
8 at. And I understand that there's been  
9 information provided to you through the study  
10 commission on that topic.

11 So I close with this. You asked Inspector  
12 Adam at the conclusion of his four days of  
13 testimony with all of these top caliber officers  
14 and Pickton identified as a person of interest why  
15 did women still die. And I answer partly your  
16 question with this. His mandate was massive, like  
17 it or not, and to fulfill it he developed an  
18 operational plan that was second to none, but it  
19 was not instant, nor could it be. Inspector Adam  
20 testified about his great regret for not catching  
21 Pickton sooner, but Project Evenhanded was  
22 committed, they were urgent and they cared.  
23 Serial killers have preyed on marginalized women  
24 for centuries. It appears that one is doing so in  
25 Northern BC today. The police need all

1           investigative advantages to catch and convict  
2           these killers as quickly as possible, and I  
3           respectfully submit that the commission has an  
4           opportunity here to make recommendations that will  
5           help the police do better in these complicated and  
6           complex cases. And I thank you, Mr. Commissioner.

7   THE COMMISSIONER: Thank you, Ms. Winteringham.

8   MR. VERTLIEB: Mr. Commissioner, we're making good progress.

9           Speakers are taking less time than allotted. We  
10          can take the morning break now and come back and  
11          finish well on schedule.

12   THE COMMISSIONER: All right. Thank you.

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

14                   **(PROCEEDINGS ADJOURNED AT 10:44 A.M.)**

15                   **(PROCEEDINGS RESUMED AT 11:04 A.M.)**

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

17   MR. VERTLIEB: Just for the convenience of counsel Mr. DelBigio  
18          who will be less than ten minutes wishes to go  
19          next, and Mr. Skwarok is comfortable with that.

20   THE COMMISSIONER: All right.

21   MR. VERTLIEB: Mr. Skwarok will follow. And I should also tell  
22          you that Mr. Nathanson who's here for Judge Romano  
23          has indicated he will not need to make any  
24          presentation to you, he's comfortable with the  
25          written argument.

1 THE COMMISSIONER: All right.

2 MR. VERTLIEB: So I just wanted to let everyone here know the  
3 schedule and how it's developing. So,  
4 Mr. DelBigio, please.

5 THE COMMISSIONER: Mr. DelBigio.

6 MR. DELBIGIO: Thank you. Mr. Commissioner, my client is  
7 retired Deputy Chief Brian McGuinness.

8 THE COMMISSIONER: Yes.

9 MR. DELBIGIO: I want to begin by saying I thank you for the  
10 opportunity to be able to make a presentation  
11 today and also for being able to participate.  
12 I've listened carefully to the submissions, and  
13 it's difficult at this stage to know how to  
14 assist. Perhaps I will assist best by being brief  
15 in what I have to say.

16 We are here in part because women were  
17 murdered, sisters and daughters and mothers were  
18 lost, and this an unacceptable, and in some ways  
19 just an unspeakable tragedy. It must never happen  
20 again. That's obvious. That is common to  
21 everybody in this room. This gives rise to anger  
22 and it has caused some to ask who's to blame. And  
23 the problem is as others have pointed out more  
24 eloquently than I'm able is there's nothing that  
25 this commission can do or will do to rid the world

1 of the likes of Mr. Pickton, and it is regrettable  
2 that the vile and the despicable will always be  
3 amongst us. They will always prey. The second  
4 problem though --

5 THE COMMISSIONER: But we can improve conditions whereby they  
6 can be apprehended so that other lives can be  
7 saved.

8 MR. DELBIGIO: And I'm going to turn to that.

9 THE COMMISSIONER: I agree that it's unrealistic to assume that  
10 by having inquiries and by making recommendations  
11 and by doing what we are doing that somehow we can  
12 rid ourselves of the evil that exists amongst us.  
13 The purpose of this inquiry is to -- at least one  
14 of the purposes is to provide advice to all of the  
15 players and all of the people involved so we can  
16 take better steps in order to apprehend those  
17 people who would cause violence particularly to  
18 defenceless and vulnerable peoples.

19 MR. DELBIGIO: I agree. Nothing that I say should be  
20 interpreted as detracting from the importance of  
21 the work of this inquiry. Nothing at all.

22 One problem though, I'll say second problem,  
23 about focusing simply upon investigations of  
24 missing persons or murdered persons is that it  
25 means that it's too late. It means that someone

1 has been lost. In some ways -- well, in every way  
2 it is intolerable, simply intolerable that there  
3 are some people who should be so vulnerable in  
4 their lives. And how is it that we tolerate that  
5 people who are drug addicted or who might suffer  
6 from mental illness or might suffer from profound  
7 social disadvantage, how is it that we tolerate  
8 that those people some of them must resort to  
9 survival sex trade? It is simply from a societal  
10 perspective unacceptable that that is so. And how  
11 is it that we have come to focus upon enforcement  
12 rather than treatment or assistance? Hopefully  
13 that will change, because what we do know is that  
14 the mere enforcement of laws is not going to offer  
15 complete protection.

16 Some are asking the commission to find facts  
17 such as who did what and when did people do  
18 certain things or who could have done more. As  
19 difficult, of course, Mr. Commissioner, you know  
20 better than me because of the years that you have  
21 spent within the profession that because of the  
22 passage of time, because of imperfect memories,  
23 perhaps even because of bias, unintentional bias  
24 on the part of people that it's difficult to do  
25 certain kinds of fact finding. Pride and



1 reputations are at stake. More importantly though  
2 focusing upon who did what many years ago is  
3 second best, and as many have said, and my client  
4 joins in the submissions, that it's imperative  
5 that this commission look forward. It's  
6 imperative that this commission focus upon systems  
7 and not individuals. And as this commission I  
8 believe has recognized through some of the  
9 comments that it's made that police forces will  
10 always be made up of individuals. There will be  
11 some who will be excellent at what they do. Some  
12 will not. There will be good days and there will  
13 be bad days. There will always be people who will  
14 take leave because of illness. There will always  
15 be people who will go on vacation. There will be  
16 disagreements between people. Some of them will  
17 be petty. Some of them will be disagreements as  
18 to how important investigations should unfold.  
19 There will probably always be resource problems.  
20 That will always be.

21 At the same time I submit that this  
22 commission can safely conclude that the people who  
23 choose to become police officers are people who  
24 are dedicated to public service. You don't choose  
25 that job, an impossibly difficult job, and indeed

1 a job which if people had watched this commission  
2 and if they were considering a career in the  
3 police force they might be discouraged. But the  
4 people who choose that job and who give their  
5 lives to that job are dedicated to the public  
6 service that they are able to offer through that  
7 job. And it's simply inconceivable to think that  
8 a police officer, any police officer, let alone a  
9 police officer who has given his or her entire  
10 life to the job, that they would be indifferent to  
11 murdered or missing people. It's hoped, one must  
12 hope that the allegations that have been made  
13 during the course of this inquiry will not  
14 discourage good people from joining the police  
15 force. And equally, and perhaps of more  
16 importance, because the public trust in policing  
17 is so important one must hope that the many  
18 allegations, and some accusations that have been  
19 made during the course of this inquiry will not  
20 cause there to be a fundamental lack of trust in  
21 policing and police services. That would be  
22 unfortunate and that would be detrimental.

23 The policing today is very different than  
24 when my client Brian McGuinness started many years  
25 ago. There are more women on the force, there are

1 more people who have university education, there  
2 are more visible minorities, there's more  
3 technology, there's a better use of technology,  
4 communications are probably better. My client has  
5 retired for about a decade, and much has changed  
6 even in that decade, but he is one of the many who  
7 dedicated his life to policing. In his job he  
8 supported those who served under him. He  
9 supported Lori Shenher. He insisted that Kim  
10 Rossmo be given support. He did his best. He  
11 struggled in a system which suffered because of  
12 lack of resources. This was a difficult  
13 investigation that you have heard about. There  
14 were multiple suspects, you have heard about that.  
15 There's no blame that can land on my client's  
16 shoulders. I agree entirely, and I urge this  
17 commission to conclude that great caution must be  
18 exercised with respect to the use of hindsight. I  
19 urge this commission not get distracted from the  
20 various occasions in which emotions have run high.  
21 This commission, the nature of the inquiry has  
22 really -- means that the emotions running high  
23 would not be unexpected, but against that it's  
24 imperative to look forward. It's imperative to  
25 use this opportunity for positive change. Thank

1                   you, those are my submissions.

2   THE COMMISSIONER: Thank you, Mr. DelBigio.

3   MR. SKWAROK: Sir, Mark Skwarok appearing for Dr. Rossmo. I  
4                   hope that the commissioner has before him a copy  
5                   of my closing submissions entitled "Amended  
6                   Closing Submissions."

7   THE COMMISSIONER: Yes.

8   MR. SKWAROK: By way of introduction, Dr. Rossmo, of course,  
9                   was one of the first persons to conclude that  
10                  there may have been a serial killer in downtown  
11                  Vancouver, and he was in fact the very first  
12                  person to commit that conclusion in writing.  
13                  Prior to that time the Vancouver Police Department  
14                  was engaged in primarily a type of investigation  
15                  locating individuals presumed to be alive. In my  
16                  respectful submission by no later than May the  
17                  25th, 1999 when Dr. Rossmo prepared his  
18                  statistical analysis the entire focus of the  
19                  Vancouver Police Department's investigation should  
20                  have changed. It should have changed from  
21                  knocking on doors and trying to find people to  
22                  looking at suspects and conducting surveillance.  
23                  This isn't to say, and I'm certainly not trying to  
24                  submit to this commission that Dr. Rossmo's case  
25                  assessment was the most important piece of

1 evidence that should have been considered in  
2 determining whether or not the focus of the  
3 investigation should have changed.

4 Various individuals, including primarily  
5 Detective Constable Shenher and also Constable  
6 Dickson and others, had done significant work  
7 which had begun to show that Mr. Pickton was a  
8 likely possible candidate for being investigated,  
9 but with the coming of Dr. Rossmo's analysis in  
10 May the 25th, that was the catalyst or should have  
11 been the catalyst for the investigation to become  
12 suspect based. Had that occurred in May of 1999  
13 it's entirely possible that Mr. Pickton would have  
14 been apprehended sooner. Perhaps not, we'll never  
15 know. But the point of this exercise is not  
16 necessarily to look back with the 20/20 vision of  
17 hindsight and see what happened. What needs to be  
18 done is look at what should have happened. Even  
19 if those efforts would not have borne fruit it's  
20 still important to know what should have happened.

21 Dr. Rossmo joined the VPD in 1980. He spent  
22 more than eight years in the Downtown Eastside  
23 where he developed an intimacy with the problems  
24 associated with the survival sex trade. He  
25 subsequently got his Ph.D. in criminology on

1 something called geographical profiling. Amongst  
2 other things geographical profiling involves an  
3 information management plan that helps focus on  
4 resource allocation. And I stress that because  
5 that was his forte, and yet he was not used or at  
6 least used minimally throughout the ensuing  
7 investigation.

8 It's of note that his job description  
9 explicitly stated that he was to prepare  
10 geographic profiles for investigation of serial  
11 violence and predatory sexual crime, and to be a  
12 resource in the investigation of predatory crimes.  
13 That was his job description. He also provided  
14 that job description to Inspector Biddlecombe, the  
15 MCS inspector, so that he was intimately aware of  
16 what Rossmo's skills were. And, indeed, Rossmo  
17 was the only person with any significant  
18 experience investigating serial killers.

19 Going to page 4 of the argument. The  
20 commission is well aware of how Dr. Rossmo became  
21 involved. He was originally approached in August  
22 of 1998 to join in the missing women working  
23 group, which he did, he produced the blueprint.  
24 At the second meeting of this group in September  
25 it was effectively disbanded at the impetus of

1 Inspector Biddlecombe never to be seen again and  
2 the strategic blueprint was held in abeyance.

3 Moving to page 5 I discuss the press release.  
4 And I won't read from it. The press release was  
5 not issued. It was aimed at telling the Downtown  
6 Eastside residents of a potential threat. It was  
7 also aimed at trying to elicit information from  
8 residents which they might have felt comfortable  
9 in providing in the event they were aware of the  
10 problem. And it's just possible, it's just  
11 possible that this release may have saved a life  
12 by having the women who were engaged in survival  
13 sex trade activities be more careful in what they  
14 were doing and who they went to. I respectfully  
15 adopt the findings of DCC LePard that the decision  
16 not to publish the release was misguided, and also  
17 of DCC Evans who said that there was a  
18 responsibility of the VPD to warn the community.

19 I go on in page 6 to talk about Dr. Rossmo's  
20 reputation in the VPD, and allude to the fact that  
21 certain individuals found that he was not someone  
22 who they had great faith in, they did not agree  
23 with his promotion from constable to detective  
24 inspector, and they had reservations if not an  
25 inability to understand the significance of

1 statistical analysis.

2 On September 22nd, 1998 Dr. Rossmo asked for  
3 certain statistical information that he needed to  
4 come up with a plan to determine whether in fact  
5 there was a serial killer on the loose. That  
6 information was not forthcoming. It wasn't until  
7 four months later in February of 1999 where  
8 Dr. Rossmo attending a community lecture by  
9 Detective Inspector Shenher learned of many of the  
10 statistics that he'd been trying to get from major  
11 crime for the previous few months. Armed with  
12 those statistics and based on further research he  
13 undertook on CPIC he came to prepare his report of  
14 May the 25th, 1999. And in my submission that was  
15 a watershed moment.

16 The report was clear on two points. First,  
17 the increase in the number of missing people from  
18 1995 to 1998, in particular sex trade workers,  
19 could only be accounted by chance to one percent.  
20 There was less than a one percent chance that the  
21 women being missing -- the women missing was the  
22 result of something other than foul play. He  
23 further determined that the most likely cause of  
24 the disappearance was that there was a single  
25 murderer. That information coupled with the fact



1           that the women were not picking up welfare  
2           cheques, amongst other things, should have been  
3           enough to have the Vancouver Police Department  
4           completely shift focus. These women, according to  
5           the evidence of Detective Constable Shenher, often  
6           engaged in tricks for under five dollars. How  
7           could it be explained that these very same women  
8           would not be picking up their welfare cheques?  
9           That should have been the point where the  
10          Vancouver Police Department's investigation  
11          shifted focus.

12                 Clearly the Vancouver Police Department was  
13          of the mind that if they were convinced that there  
14          was a serial killer at large they would have found  
15          the resources. Resources were never a problem in  
16          this case. A number of detectives, Chief Blythe  
17          and DCC McGuinness all said that the resources  
18          would have been found. The problem is that they  
19          did not accept or unwilling to accept or did not  
20          understand the statistical analysis that was  
21          prepared by Rossmo.

22                 On page 10 I avert to some of the reasons why  
23          Dr. Rossmo's thesis was not believed. And again  
24          it was, of course, the mantra that was uttered by  
25          many officers at the time no body, no crime scene,

1 no evidence. As Deputy Chief LePard eloquently  
2 stated throughout his report that approach to the  
3 analysis was completely unfounded, inaccurate and  
4 counterproductive. As he himself points it out  
5 people such as John Gacy and Jeffrey Dahmer hid  
6 victims in their homes. That's what serial  
7 killers do that are successful, they hide the  
8 bodies. The mere fact bodies weren't found  
9 doesn't mean that there was a serial killer, but  
10 on the other side of the coin it would be equally  
11 wrong to conclude that the absence of finding a  
12 body means that a murder had not occurred.

13 In the next two pages of my argument, that  
14 being 11 through 13, I quote from Deputy Chief  
15 LePard's analysis of how Rossmo could have  
16 contributed to the investigation. It's self  
17 explanatory, and I won't read it, but I do urge  
18 the commissioner to consider these passages in  
19 depth.

20 In paragraph 33 I again make the point about  
21 how in May of 1999 the nature of the investigation  
22 ought to have changed, and that the resources  
23 should have been allocated to trying to find a  
24 suspect.

25 In the summer of 1999 Detective Constable

1           Shenher met with the Spokane task force that was  
2           investigating the prostitute murders and she was  
3           told that she would need a hundred people to do a  
4           better job than what she was doing. Now, such a  
5           number may be unrealistic, but what is not  
6           unrealistic is the number of people that were  
7           devoted to the Project Evenhanded which at the end  
8           of 2001 had something like 35 people in it. And  
9           the next couple of pages I discuss what should  
10          have been done with those resources including  
11          surveillance.

12                 With respect to recommended changes, it's  
13          clear that if Dr. Rossmo had been listened to the  
14          investigation direction would have changed and  
15          it's entirely possible women would have been saved  
16          because Pickton could have been found sooner.  
17          There were personality conflicts at large, that  
18          being one of the explanations why Dr. Rossmo was  
19          not heeded. What would have been useful is if  
20          there was a required process where an individual  
21          in the police force has views on serious matters  
22          that are at odds with his superiors where they  
23          could have a round table brainstorming type of  
24          session to try and see if there could be some  
25          persuasion about the other lower ranking officer's

1 views. I appreciate the difficulties of such a  
2 thing in hierarchical organization, but I leave  
3 that type of a suggestion and how to implement it  
4 in the hands of this commission and/or efficiency  
5 expert.

6 I also submit that a new centralized missing  
7 persons identification unit should be established.  
8 This would have a -- be a group that is  
9 independent of every police force in British  
10 Columbia and have access to all the computer  
11 information, individuals would be specifically  
12 trained at identifying patterns of circumstances  
13 relating to missing persons, and such persons  
14 would have the authority to demand the information  
15 from any police agency that could help in  
16 identifying any patterns. This proposal is  
17 outlined in detail in a memo that was provided by  
18 Dr. Rossmo in the course of the study group  
19 sessions. If these recommendations are  
20 implemented perhaps they will go some way in to  
21 ensuring that we do not have another recurrence of  
22 the Pickton tragedy.

23 THE COMMISSIONER: Thank you.

24 MR. SKWAROK: Now, it's typically, sir, not my habit to express  
25 my feelings about being a counsel in this process,

1 but given the circumstances I want to echo the  
2 words of several of the lawyers here that it's  
3 been a honour to be here, and that I, as do  
4 counsel and many, many people, have the greatest  
5 confidence in your work and am confident that what  
6 you will produce will be a very useful document.

7 THE COMMISSIONER: Thank you, Mr. Skwarok. Yes, Ms. Bateman.

8 Did you file a written argument?

9 MS. BATEMAN: No, I did not.

10 THE COMMISSIONER: Oh, all right.

11 MS. BATEMAN: I am Karlene Bateman, counsel for Ms. Sandra  
12 Cameron, who was the civilian clerk in the  
13 Vancouver Police Department Missing Persons Unit  
14 between 1979 and November 2001.

15 Many allegations have been made against  
16 Ms. Cameron concerning her conduct while she was  
17 the clerk in the Missing Persons Unit, and these  
18 include allegations that she acted inappropriately  
19 in her exchanges with individuals relating to the  
20 missing women, refusing to take reports of missing  
21 women for various reasons, and as well  
22 representing herself as a police officer. Some of  
23 the allegations that we've heard are from family  
24 members, some from individuals associated with  
25 family members, and some from police officers who

1 worked with Ms. Cameron. It's crucial to note  
2 that Ms. Cameron only heard about many of these  
3 allegations and specifics during the course of  
4 this inquiry, a significant period of time after  
5 they occurred, well over ten years in many cases,  
6 and as well without any corresponding  
7 documentation.

8 During Ms. Cameron's testimony you were also  
9 provided with information about the history of the  
10 Missing Persons Unit during her tenure,  
11 specifically with respect to the number of  
12 officers who came in and out of the unit during  
13 her time and related issues in that regard,  
14 requests that were made for additional officers,  
15 as well as the evolution of Ms. Cameron's position  
16 and the changes and additions to her duties during  
17 her tenure. You also heard from Ms. Cameron about  
18 the process and procedures that she followed with  
19 respect to the taking and handling of missing  
20 persons reports.

21 With respect to the allegations as I'd  
22 previously mentioned, what's problematic with many  
23 of these allegations is that the time that has  
24 passed since these alleged incidents or initially  
25 occurred, as well as the fact that many of these

1 specific allegations were just heard by  
2 Ms. Cameron for the first time during the course  
3 of this inquiry. As you've heard as well  
4 Ms. Cameron dealt with thousands of telephone  
5 calls and missing persons reports each year, and I  
6 believe in the LePard report in 1998 there was  
7 3,199 missing persons reports filed in 1998.

8 The commission heard about two specific  
9 instances where Ms. Cameron had the ability to  
10 respond to complaints that were made. The first  
11 was at Exhibit 147NR, tab 29, and this was January  
12 22nd, 1997. This was a letter from Ms. Freda Ens  
13 of the Vancouver Police & Native Liaison Society,  
14 and this referred to some issues -- her letter  
15 referred to some issues with respect to  
16 Ms. Cameron's conduct and also enclosed a letter  
17 from Ms. Purcell, and as well referred to an  
18 exchange between -- an alleged exchange between  
19 Ms. Cameron and a grandmother of a missing person  
20 approximately a year and a half before.

21 Ms. Cameron was provided with a copy of that  
22 correspondence and was able to review the files at  
23 her -- that she had at hand as well as her notes  
24 on the files, and on February 27th, 1997 she  
25 provided a response to Sergeant Cooper and heard

1 nothing more with respect to that matter.

2 Another instance where Ms. Cameron was able  
3 to respond to complaints of some of the family  
4 members, albeit much more general complaints, was  
5 in November of 2001. And we saw a memo dated  
6 October 24th, 2001, which was at Exhibit 147NR,  
7 tab 38, and this was sent from Inspector Boyd to  
8 Sergeant Hetherington, and this was seen by  
9 Ms. Cameron for the first time during this  
10 process. From that memo it was very clear that  
11 the families at a family meeting had vented their  
12 frustrations -- and I'm quoting from the memo had  
13 vented their frustrations with the VPD and their  
14 handling of the missing women, particularly from  
15 the Downtown Eastside of Vancouver. And several  
16 concerns were raised therein. Inspector Boyd  
17 asked Sergeant Hetherington to proceed immediately  
18 with an overall review of the policies, procedures  
19 and practices to determine the validity of their  
20 complaints, and he also asked that Sergeant  
21 Hetherington interview Ms. Cameron and advise her  
22 of the comments that were made.

23 In that memo Inspector Boyd also stated that  
24 no one wished to formally complain at that time,  
25 but that the group would be canvassed for further



1           specifics regarding their comments and advised of  
2           the official complaint process. In fact, Sergeant  
3           Hetherington did not interview Ms. Cameron, he  
4           merely advised her that there were some concerns  
5           raised by the families. Ms. Cameron was not  
6           provided with any specific complaints or details  
7           or documentation, but despite this Ms. Cameron  
8           took it upon herself to write a memo which  
9           addressed some of the concerns with respect to her  
10          frustrations in the Missing Persons Unit. And  
11          perhaps this was because she was told by others  
12          that she should watch her back, because as a  
13          civilian she was the easiest person to blame.

14                 Ms. Cameron took the time and generated a  
15          memo to Sergeant Hetherington on November 27th,  
16          2001, which is tab 40 of Exhibit 147NR, and in  
17          that memo she addressed various matters including  
18          the issues of communications with families, her  
19          representing herself as a police officer, and the  
20          history of the Missing Persons Unit with respect  
21          to personnel and issues in that regard. At the  
22          time Ms. Cameron wrote this memo she had already  
23          successfully had posted into a position in the  
24          archives, and this was a position that she had  
25          sought on her own accord, and one that she held

1           until she retired in 2005. Ms. Cameron received  
2           no response to her memo, and there was no further  
3           mention or any discussions with Ms. Cameron  
4           concerning her conduct while in the Missing  
5           Persons Unit or with respect to any complaints  
6           from the families.

7           So other than these two matters, the letter  
8           from Ms. Ens and the comments and memo to Sergeant  
9           Hetherington, at no time up to her retirement in  
10          April of 2005 were any complaints, specific  
11          complaints or allegations regarding her conduct in  
12          her dealings with the families or associates of  
13          missing women brought to her attention nor any  
14          time afterward.

15          Now, we respectfully submit that it was a  
16          prerogative of families not to formally complain  
17          at that time, but submit that that's not only  
18          unfair to the families to not have their specific  
19          concerns addressed and investigated, but it was  
20          also unfair to Ms. Cameron to not be provided with  
21          documented specifics at that time or at least  
22          closer to the time that the alleged incidents  
23          occurred so that she could have the opportunity to  
24          review any files, documentation and/or tapes in  
25          order to respond at that time. As you heard in

1 her testimony the Missing Persons Unit had a  
2 telephone line that was recorded, Ms. Cameron  
3 recalls it was in 1995 or '96, and that it was  
4 there at her insistence because of concerns with  
5 respect to complaints being made, and as she  
6 stated it was there for her protection. So if  
7 this information had been brought to her attention  
8 at that time she would have been in a much better  
9 position to reply. So if there was an issue with  
10 respect to Ms. Cameron at that time it could have  
11 been investigated and dealt with by the police  
12 department at that time.

13 There are so many factors that put  
14 Ms. Cameron at a great disadvantage at this time  
15 and during this inquiry, the first being the fact  
16 that she'd heard allegations for the first time  
17 during this proceeding, the time that's passed  
18 since the alleged incidents occurred, well over  
19 ten years, the number of files and phone calls  
20 that she dealt with in her time at the Missing  
21 Persons Unit would make it difficult for her to  
22 have any specific recollection, the fact that  
23 there was no documentation accompanying the  
24 complaints or the allegations, or none was  
25 provided to Ms. Cameron, as well as the fact that

1 she didn't have the ability to review any  
2 information or documentation, being files or phone  
3 recordings or notes, that she could have while she  
4 was employed by the VPD. Ms. Cameron was denied  
5 the opportunity to respond at the actual time that  
6 these allegations occurred, and to bring them up  
7 to her at this juncture, with respect, we submit  
8 is simply unfair.

9 With respect to specific allegations heard  
10 here for the first time Ms. Cameron did state that  
11 she never -- she didn't refuse to take a missing  
12 persons report because the reportee wasn't family.  
13 This was with respect to Ms. Ens' allegations. To  
14 this end Ms. Cameron advised that there was no  
15 limit as far as she knew of who could file a  
16 missing persons report, and she referred to  
17 throughout her testimony a list of people; nurses,  
18 landlords, social workers, teachers. She never  
19 told Ms. Ens that Ms. Lidguerre would show up  
20 behind a pint of beer at the Sunrise. Ms. Cameron  
21 never threatened to call Social Services to have  
22 Ms. Holyk's baby apprehended, and she never told  
23 Ms. Purcell that she mustn't care about Tanya  
24 because she hadn't been calling regularly. With  
25 respect to Marion Bryce, Ms. Cameron stated that

1 she would never say she'll show up eventually,  
2 she's out partying and has a drug habit.

3 With respect to an allegation made by Morris  
4 Bates Ms. Cameron denies categorically that she  
5 never went to the Native Indian Liaison office and  
6 said, "Tell Morris we found one of his whores."  
7 With respect to other comments made by Mr. Bates  
8 Ms. Cameron testified that she was not "the one  
9 upstairs taking missing persons reports, she was  
10 not in charge, she did not decide whether someone  
11 would be reported missing or not, and she was not  
12 in charge of deciding who would be put on a  
13 missing persons poster."

14 Ms. Cameron further stated that she never  
15 told any of the family members that their loved  
16 ones were probably on vacation or holiday. She  
17 never said, "If they wanted to be found they would  
18 be found." She never provided lifestyle advice to  
19 families of missing women or suggested that  
20 parenting strategies had failed and would not  
21 listen to the caller. She was not discriminatory  
22 against drug users, she did not pick and chose who  
23 she dealt with based on their race, and she was  
24 not of the view that missing women had moved or  
25 were working in another city or had committed

1 suicide. And, finally, she was not of the view  
2 that the missing women of the Downtown Eastside --  
3 that missing women from the Downtown Eastside was  
4 not a big problem. You heard her say she felt  
5 that these were the people who were at high risk,  
6 and in fact Ms. Cameron was the person who pointed  
7 out the increase in the number of missing women in  
8 1998.

9 Now, Ms. Cameron was -- she did admit that  
10 not every call went well, and they were not always  
11 pleasant and polite. In this vein Mr. Greer had  
12 also commented that Ms. Cameron's supervisors had  
13 also advised him that Ms. Cameron was having  
14 trouble and people were being mean and rude to her  
15 as well. But what Ms. Cameron can say  
16 unequivocally is that she never spoke to anyone in  
17 a manner that was abusive, insensitive, racist or  
18 inappropriate, and denies making the specific  
19 comments that were alleged to have been made by  
20 her during her time in the unit.

21 Ms. Cameron also heard specific comments  
22 attributed to her by officers that she'd worked  
23 with over the years for the first time during this  
24 inquiry. And I'd like to refer -- I'll just refer  
25 back to the comments I made previously with

1 respect to her hearing these allegations for the  
2 first time years later, as well as the fact that  
3 they were not documented and that this is  
4 problematic. It appears as though many of these  
5 comments were also made in the interviews with  
6 Mr. LePard for the preparation of his report, and  
7 also included, and you heard here as well,  
8 people's subjective opinions of Ms. Cameron. The  
9 LePard report itself refers to police officers who  
10 were interviewed for the review, corroborating  
11 complaints of some of the family members and that  
12 "race and life circumstances of the victims and  
13 reportees played a role" in Ms. Cameron's conduct.  
14 In his report Mr. LePard stated that Ms. Cameron  
15 responded to the allegations and set out sections  
16 of the document he had taken in his interview with  
17 Ms. Cameron.

18 Now, you have to remember that when  
19 Ms. Cameron was interviewed she did not have any  
20 specific complaints provided to her other than the  
21 complaints from Ms. Ens and the general complaints  
22 provided by Sergeant Hetherington. The last she  
23 had heard resulted in her memo in late 2001. So  
24 we would submit that the specific incidents or  
25 comments attributed to Ms. Cameron were not put

1           for Ms. Cameron by Mr. LePard for her response,  
2           yet they could have been, especially since many of  
3           the comments were made when people were  
4           interviewed or re-interviewed after Ms. Cameron  
5           was initially or was interviewed the one time in  
6           November of 2003. I submit that it would have  
7           been proper and fair for Mr. LePard to recall  
8           Ms. Cameron to give her the opportunity to respond  
9           to what had been said after her interview at  
10          least, but he did not. Instead what was said by  
11          others was accepted by Mr. LePard and included in  
12          the report.

13                 There was also some allegations made during  
14          the inquiry by police officers, and I'll just  
15          refer to a couple because of the time.  
16          Ms. Cameron denies that Ms. Shenher came to her  
17          about comments that Ms. Shenher had heard her make  
18          that were insensitive, racist, inappropriate or  
19          abusive to people who were trying to communicate  
20          information to her. Ms. Cameron also denied that  
21          Ms. Shenher brought up issues with Ms. Cameron's  
22          telephone demeanor directly with her. And in this  
23          vein there's nothing documented, and you'd expect  
24          that any incidents should have been if they  
25          occurred as Ms. Shenher had alleged, and if they



1 had been Ms. Cameron could have responded to them.

2 Ms. Powell in her testimony referred to two  
3 instances where Ms. Shenher came to her about  
4 Ms. Cameron being rude and abrupt on the  
5 telephone, and she referred to a coaching  
6 interview with Ms. Cameron pertaining to her  
7 telephone demeanor, because Ms. Cameron may have  
8 been a little "short." Nothing was ever brought  
9 to Ms. Powell's attention about racist or  
10 inappropriate comments made by Ms. Cameron, and I  
11 would suggest that if Ms. Shenher went to  
12 Ms. Field about Ms. Cameron being rude and abrupt,  
13 she most certainly would have gone to her superior  
14 official about Ms. Cameron making insensitive,  
15 abusive or racist or inappropriate comments, or  
16 that she would go to her with any comments that  
17 she had received in that regard, but Ms. Shenher  
18 did not and I submit that this is suspect.

19 When Ms. Powell was asked whether she kept  
20 her supervisors informed about any issues  
21 concerning Ms. Cameron she answered that there was  
22 no issue that she felt needed to be brought to  
23 their attention. Ms. Field referred to a couple  
24 of matters, one where she took over, and this had  
25 nothing to do with Ms. Cameron specifically, but

1 she did refer to a matter that did concern the  
2 family of one of the missing women and stated that  
3 this was more with respect to a personality issue.  
4 And this was with respect to Ms. Sandra Gagnon,  
5 and Ms. Cameron has quite a different recollection  
6 of her relationship with Ms. Gagnon.

7 Mr. Dureau also stated he'd never had any  
8 concerns with Ms. Cameron's telephone demeanor.  
9 The fact is that Ms. Cameron was accountable to  
10 the detectives as well as up the chain of command,  
11 and you'd expect that if there were issues with  
12 her conduct or if she said something that was  
13 abusive or racist, insensitive or inappropriate in  
14 any way that it would have been brought to her  
15 attention by the detectives. Ms. Cameron states  
16 that they did not bring it to her attention.  
17 You'd also expect that the detectives would have  
18 gone to the sergeant as well to advise him of any  
19 issues, and you'd certainly expect this to be the  
20 case for the serious issues that have been  
21 alleged, and it appears from the testimony that  
22 they did not.

23 If Ms. Cameron was the problem employee that  
24 has been portrayed we submit that she would have  
25 been removed during her 22 years in the Missing

1           Persons Unit, or at the very least disciplined for  
2           actions while she was in the unit, yet she was  
3           not. And the fact that she was a member of a  
4           union would not be a barrier to discipline.

5           We heard about Ms. Cameron's performance in  
6           the VPD's own -- about Ms. Cameron's performance  
7           in the VPD's own documentation and in testimony,  
8           and I'll just give a few instances. At Exhibit  
9           147, tab 40 there's a memo from Sergeant McClellan  
10          in October of 1990 referring to Ms. Cameron as  
11          proficient and performs effectively in this  
12          position.

13          Exhibit 159NR, December 6, 1999, a draft  
14          letter from Sergeant Field to a family in response  
15          to an e-mail they had sent with respect to  
16          concerns that they had, she stated:

17                 Ms. Sandy Cameron is a civilian employee of  
18                 the VPD and has been the missing persons  
19                 clerk for approximately...

20          And that was blank, it was a draft:

21                 She's the most experienced person we have in  
22                 the squad and is considered an expert in  
23                 handling these cases. She may only be a  
24                 clerk, however, she possesses an abundance of  
25                 knowledge the more senior detectives rely

1                   upon.

2                   In another memo from Detective Steinbach to  
3 Superintendent Rollins on January 18th, 1995 at  
4 tab 15 of 148NR he states:

5                   Sandra Cameron continues to do an excellent  
6 job handling 90 percent of the reports.

7                   You also heard testimony of Mr. Biddlecombe  
8 surrounding Ms. Cameron not being made a  
9 supervisor, and the reason for this was not  
10 because of her ability or inability, but was  
11 because he was concerned if the supervisor -- the  
12 full-time supervisor was away that would pull  
13 Ms. Cameron out of the Missing Persons Unit and  
14 Mr. Biddlecombe did not want that to happen.  
15 Ms. Cameron also testified that while she was the  
16 clerk and applied for another position she was  
17 asked by Deputy Chief Battershill what would  
18 happen to the Missing Persons Unit if she left.

19                   It's interesting to note that many in the VPD  
20 took the time to comment on Ms. Cameron's  
21 knowledge and ability, and we also saw examples of  
22 cards and letters from the public at Exhibit 147,  
23 tab 9 with respect to her ability and her  
24 demeanor. I submit that the converse could also  
25 have been done with respect to any concerns and

1 issues that people had with Ms. Cameron.

2 I'll just touch very quickly on the  
3 allegations that she misrepresented herself as a  
4 police officer. Ms. Cameron addressed this  
5 allegation in her memo of November 27th, 2001 and  
6 also gave some testimony in this regard. She  
7 denied that she ever misrepresented herself as a  
8 police officer, and one of the examples is at  
9 Exhibit 148NR, tab 6. And this was a letter to a  
10 couple who had complaints about how their file was  
11 handled and this the response from Inspector  
12 Eldridge of Internal Investigations. They were  
13 apparently concerned with the treatment they  
14 received from Ms. Cameron and alleged that she had  
15 identified herself as a detective. Inspector  
16 Eldridge stated in the letter that the tapes of  
17 the telephone conversation had been reviewed,  
18 these were the tapes in the unit, and Ms. Cameron  
19 had not identified herself as a detective.  
20 Furthermore, it was stated that Ms. Cameron's  
21 demeanor was "empathetic and professional."

22 You also heard testimony from a Sergeant  
23 Dammann with the Campbell River RCMP with respect  
24 to the Frey file and saw some documentation about  
25 Ms. Cameron being referred to as a detective.

1 Ms. Cameron in the initial document to Sergeant  
2 Dammann on January 13th, 1998 signed off as Sandra  
3 Cameron, Missing Persons. She did not include a  
4 rank as a sworn member would.

5 You also saw a document that was sent to the  
6 chief constable of the VPD to the attention of  
7 Detective Lori Shenher from Inspector Stright and  
8 Corporal Miskow of the Campbell River RCMP, and  
9 this refers to Ms. Cameron as Detective Sandra  
10 Cameron. Ms. Cameron never saw this document  
11 until preparing for this matter.

12 Now, in his testimony before this -- in this  
13 inquiry Sergeant Dammann stated that Ms. Cameron  
14 "never described herself as a detective," this was  
15 an assumption on his part. And as well no one,  
16 including Ms. Shenher who received the letter from  
17 the RCMP, ever spoke with Ms. Cameron about why  
18 the Campbell River RCMP would have referred to her  
19 as a detective.

20 There was also an example of a letter sent to  
21 the VPD about Ms. Cameron and the job she had done  
22 and it referred to her as a constable, and it was  
23 signed off by Chief Constable Stewart and a  
24 notation of well done included, but no inquiries  
25 were made with Ms. Cameron as to why this person

1 referred to her as a constable.

2 Now, Ms. Cameron was aware that on occasion  
3 people assumed she was a police officer which is  
4 why she had civilian put on her business cards.  
5 The fact is that people incorrectly assumed for  
6 whatever reason that she was a police officer,  
7 because Ms. Cameron did not represent herself as  
8 an officer in her dealings with the public or  
9 other police agencies.

10 I just want to touch quickly on the issue of  
11 taking missing persons reports. And this was an  
12 issue that was brought to Mr. Biddlecombe's  
13 attention in January of 1998 with people having  
14 problems reporting, and this was a memo by  
15 Sergeant Cooper at Exhibit 148NR, tab 30,  
16 following a meeting with Mr. Bates and Ms. Ens  
17 concerning complaints people had received -- or  
18 they had received from people who had been  
19 rebuffed by staff at both the public information  
20 counter and communications when attempting to file  
21 a missing persons report. This matter did not  
22 involve Ms. Cameron, but shows that people were  
23 having issues filing missing persons reports. You  
24 also heard about instances from Ms. Cameron where  
25 she would take missing persons reports, and this

1 was prior to E-Comm being established.

2 Ms. Cameron testified that if information was  
3 received from an outlying agency that she would  
4 complete the report. She also stated that if  
5 someone was calling long distance she would take  
6 the report because she didn't want them to sit in  
7 a queue at the non-emergency number. She would  
8 also go to the public information counter if she  
9 was called, she would go downstairs to take the  
10 report.

11 You also heard about the process involved  
12 when a report was taken by her. It wasn't as  
13 simple as writing down on the VPD generated form  
14 that was presented. She would have to walk that  
15 form down to the communications centre and get an  
16 operator to assign a case number, she'd have to  
17 have information entered into the computer aided  
18 dispatch, she would have to take it to the CPIC  
19 for entry and then distribute the copies. So you  
20 also heard that if the reportee was not calling  
21 long distance or when it was necessary that a unit  
22 be dispatched Ms. Cameron would ask that they call  
23 the communications centre. Now, after E-Comm was  
24 established because of the change in location  
25 Ms. Cameron was unable to take reports because she



1           couldn't just walk them to the communications  
2           centre as she had done in the past.

3           You'd also heard some testimony about people  
4           going back and forth, and when people would call  
5           Ms. Cameron and tell her that they'd tried to file  
6           a report with the non-emergency or 9-1-1 but were  
7           denied, Ms. Cameron testified that she would ask  
8           them or tell them that they would have to call  
9           back to that number and tell them to say that they  
10          spoken with her and that they were to take the  
11          report. This was inconvenient and frustrating,  
12          but it was necessary in order to have the report  
13          filed. And we see an example of this at Exhibit  
14          147NR where there was a reference to Ms. Cameron  
15          advising that they call. Ms. Cameron testified  
16          that it got to a point where she sent an  
17          interoffice memo to the communications centre  
18          requesting that when someone calls to report a  
19          person is missing to just take the report.

20          With respect to bouncing back and forth on  
21          occasion, Ms. Cameron testified, and I'll quote:

22                 Sometimes when they would get to my office to  
23                 my telephone lines they were highly, highly  
24                 agitated. There was a lot of yelling and  
25                 cursing and swearing, and belief that I think

1           it was starting to form that the VPD was not  
2           interested in working or taking on these  
3           files, and so that's why I really wanted to  
4           stress for them to go back to the  
5           communications centre and file it, because  
6           they have the forms, they have the case  
7           numbers, they have the computers to access  
8           everything in the computer and everything.

9           And the fact of the matter is that because of  
10          the process and what was involved Ms. Cameron  
11          could not have possibly taken every report from  
12          every person who called her. That would have been  
13          over 3,000 in 1998. She would never refuse to  
14          take a report. She would take a report or she  
15          would explain the process. She also didn't deny  
16          instances where people called her very frustrated  
17          because they couldn't have their report taken, and  
18          unfortunately there was a procedure that needed to  
19          be followed. We would also submit that having a  
20          family member or friend go missing and having to  
21          report them as missing to the police would be a  
22          very emotional time and that people would be  
23          understandably stressed and sensitive.  
24          Furthermore, attempting to gather information and  
25          updates could very well have been frustrating.

1 And Ms. Cameron refers this in the report she  
2 wrote to Sergeant Hetherington at paragraphs 3 and  
3 4 when she states that:

4 Many of these family members were and still  
5 are highly emotional and critical of how the  
6 police department has handled the  
7 investigation into the disappearance of their  
8 family members and friends.

9 I am the one constant here in Missing Persons  
10 that these family members have been able to  
11 talk to. On many occasions I would have to  
12 tell them that the investigator they were  
13 looking for had been transferred, was off on  
14 sick leave or no longer here. This only  
15 increased their anxiety. This was not  
16 something they wanted to hear. After they  
17 expressed their frustrations etc. with our  
18 handling of the case, in many instances it  
19 became almost impossible to deal with them  
20 effectively again. As you may be aware, my  
21 telephone calls are taped and have been used  
22 by Internal in the past.

23 Ms. Cameron also said in her testimony:

24 That not all the calls that came to missing  
25 persons were pleasant. People were in highly

1                   agitated states. People are, you know,  
2                   they're upset. They want answers, they want  
3                   it solved, they want action.

4                   And there's actually an example of this in one of  
5                   the cards and letters at Exhibit 148NR at tab 9,  
6                   page 27, and this was a letter to Ms. Cameron from  
7                   a person she was dealing with in having his son  
8                   return to him from Quebec, and he said:

9                   I'm very sorry for the way I spoke and  
10                  treated you, when my situation was happening  
11                  at that time. I feel that you were very  
12                  instrumental in working things out... Please  
13                  accept my apology and my deepest thanks at  
14                  this time. Your understanding and compassion  
15                  hasn't gone without notice.

16                  There was also a notation on there from Ms. Powell  
17                  saying:

18                  Sandy, Thanks for the extra effort. It's  
19                  appreciated by all.

20                  With respect to contact with the families,  
21                  after Ms. Shenher came into the Missing Persons  
22                  Unit in 1998 she took over contact with the  
23                  missing women's families and Ms. Cameron may have  
24                  had contact with them after this time, but she  
25                  testified it would be hard to know without being

1           able to refer to log notes on each file. In any  
2           event, when Ms. Shenher became involved with the  
3           Missing Women Review Team in 1999 the  
4           communication Ms. Cameron had with the families  
5           lessened even more.

6           So in closing, Ms. Cameron to this inquiry to  
7           respond to allegations made about her conduct that  
8           occurred well over ten years ago, and the majority  
9           of which she'd heard for the first time during  
10          this proceeding. When Ms. Cameron was advised of  
11          these complaints or allegations in the past she  
12          was in a better position to respond at that time.  
13          So although she was able to deny many of the  
14          allegations made because she knows she just would  
15          not make those types of comments, the fact is that  
16          there's no documentation, these matters took place  
17          well over ten years ago, Ms. Cameron hasn't had  
18          the opportunity to review files, notes or any  
19          tapes as she could have if the complaints were  
20          made or put to her at the time. Ms. Cameron's  
21          been denied the opportunity to properly respond  
22          all of these years later. I would submit that it  
23          would be unfair to make a finding of misconduct  
24          with respect to Ms. Cameron. She's not denied  
25          that every phone call with every person who called

1 the unit went well, you heard that testimony, but  
2 she has denied allegations concerning her conduct  
3 during her time in the unit, and as well that she  
4 denied making comments that were inappropriate,  
5 racist, insensitive or abusive.

6 What Ms. Cameron also denies is that she  
7 acted inappropriately by refusing to take certain  
8 reports of missing women that violated any policy  
9 or for any other reasons. She held the view that  
10 the women of the Downtown Eastside were high risk.  
11 You also heard her state that she would not refuse  
12 to take a report if the reportee was not a family  
13 member. She wouldn't refuse the report if the  
14 person had no fixed address, and in fact never  
15 realized that not having a fixed address was an  
16 apparent issue until she heard this from  
17 Ms. Dicks. The fact is that Ms. Cameron advocated  
18 taking reports with no bars whatsoever. She did  
19 not treat individuals differently on any basis and  
20 did not prioritize reports on the basis of race or  
21 any other factor of the reportee or of the missing  
22 person, and she did not misrepresent herself as a  
23 police officer.

24 In the earlier days of the inquiry  
25 Ms. Cameron was referred to as a "lowly clerk,"

1 and we'd like to emphasize an important point,  
2 that it was this lowly clerk who maintained the  
3 statistics of missing persons in Vancouver and who  
4 brought the issue of the increased numbers of  
5 missing women from the Downtown Eastside to the  
6 attention of Inspector Biddlecombe in early 1998,  
7 and shortly after that Ms. Shenher came to the  
8 unit. We would like to submit that Ms. Cameron  
9 was not a barrier to the women being reported as  
10 missing, nor was she a barrier with respect to the  
11 investigation.

12 And Ms. Cameron had asked if I could just say  
13 the following on her behalf. She says:

14 I cared about every person who was reported  
15 missing to VPD over the 22 years I was with  
16 missing persons, and wanted each and every  
17 one to be found safe and well. If I said or  
18 did anything that made you, the families that  
19 I spoke to, feel as though I didn't care  
20 about your missing loved ones I deeply regret  
21 it.

22 And from myself and Ms. Cameron we appreciate  
23 the task that you have ahead of you and thank you  
24 for the time to present these submissions.

25 THE COMMISSIONER: Thank you, Ms. Bateman.

1 MR. VERTLIEB: Now, Mr. Commissioner, everyone then who has  
2 wished to make closing argument has had the  
3 opportunity, I see no one left to do that. One  
4 point on procedure. Your original directive for  
5 filing of reply was to be a week after oral  
6 argument, which would have meant that reply would  
7 be a week today. Because of the extension granted  
8 to the participants to file written argument I  
9 would suggest that that proposal be extended an  
10 extra week so that reply be filed by the 20th, so  
11 people who wish to file reply aren't doing it once  
12 now and once after any further written arguments  
13 come in.

14 THE COMMISSIONER: All right. Thank you.

15 MR. VERTLIEB: Then two other matters before we complete. One  
16 is Mr. Roberts who wishes to have a moment of your  
17 time.

18 THE COMMISSIONER: All right. Thank you. Mr. Roberts.

19 MR. ROBERTS: Thank you, sir. Mr. Commissioner, I wish to make  
20 a small presentation to end this on a collegial  
21 note with respect to counsel who has been out of  
22 town and attended this inquiry at great patience  
23 and great respect. It's Ms. Vanessa Christie and  
24 of course Mr. Greenspan attending here. I'm of  
25 the view that it's always great to have counsel



1 attend from other provinces, especially from the  
 2 great legal centre of Toronto. It encourages and  
 3 nourishes excellence at the bar. As I've said  
 4 Ms. Christie has attended here for many days, I  
 5 suspect in hotel rooms, and that's not always  
 6 easy, and she's also written the longest  
 7 submission I think here, and by the way this  
 8 collegial presentation --

9 THE COMMISSIONER: She's the only one that quotes Sir Winston  
 10 Churchill.

11 MR. ROBERTS: Yes, I noticed that. And this presentation  
 12 doesn't mean to say that some of us here, myself  
 13 included, will not want to reply to your  
 14 submission. But, anyway, Mr. Greenspan was here  
 15 in and out so quickly, Mr. Commissioner, that no  
 16 one had a chance to say goodbye to him, and so I  
 17 have a small gift that I'd like to provide to her  
 18 and Mr. Greenspan on behalf of all of us here. If  
 19 you could come up, Ms. Christie. Let me describe  
 20 what it is. It's a clever sketch by a man named  
 21 Mr. Bragg, and it shows a jury, likely an American  
 22 jury, laughing uproariously.

23 THE COMMISSIONER: I have a copy of that.

24 MR. ROBERTS: Well, in the foreground is a glum looking  
 25 counsel, and underneath it says "Objection

1           sustained." Now, as a little background all of us  
2           here will remember when Mr. Greenspan was here he  
3           had difficulty not leading Mr. Blythe when it came  
4           to a very material matter, and when objection was  
5           taken Mr. Greenspan said, "Well, all my life I've  
6           never been able to ask a non-leading question," so  
7           I think maybe that's why everybody is laughing  
8           uproariously in this picture. I've had it  
9           inscribed: To Edward L. Greenspan, QC, and  
10          Vanessa V. Christie. Thanks for joining in. From  
11          all Vancouver counsel on the Missing Women  
12          Inquiry, June 6, 2012. Thank you, Vanessa.

13       MS. CHRISTIE: Thank you very much.

14       MR. ROBERTS: Thank you, sir.

15       THE COMMISSIONER: Thank you, Mr. Roberts. Thank you,  
16                                Ms. Christie.

17       MS. CHRISTIE: Thank you.

18       MR. VERTLIEB: Thank you, Mr. Roberts. Mr. Roberts organized  
19                                that on behalf of all counsel, and we're grateful  
20                                to him for that. Finally, Rick Harry from  
21                                Squamish Nation, the hereditary head of  
22                                Xwalacktun. You know him well. You were so  
23                                grateful to him for coming to your study  
24                                commissions.

25       THE COMMISSIONER: All right.

1 MR. VERTLIEB: And as we all were. And he's kindly come at  
2 your request to --

3 THE COMMISSIONER: Do closing prayer.

4 MR. VERTLIEB: -- do the closing prayer, and he is here with us  
5 now. And if I may with your leave ask Mr. Harry  
6 to come forward.

7 THE COMMISSIONER: All right. Before he comes forward I do  
8 want to thank everyone for participating in the  
9 inquiry. We've had, according to Mr. Giles, 92  
10 days of hearings, 83 witnesses, 231 exhibits, not  
11 to mention the thousands of pages of exhibits. I  
12 want to thank all counsel particularly for the  
13 written submissions, and all the assistance that  
14 you gave me during the course of the 92 days. I  
15 know at times it was spirited, but that's to be  
16 expected in light of why we are here. We're  
17 examining a very, very serious matter, the most --  
18 the police investigation relating to the most  
19 prolific killer in Canadian history, so it's a  
20 very, very serious matter and that almost by  
21 definition involves a spirited discussion and  
22 that's to be expected. So I want to thank all  
23 lawyers for their professionalism.

24 I want to particularly thank the families who  
25 participated and who told us their stories about

1           their loss of their loved ones. I think we were  
 2           all touched by what happened and our hearts went  
 3           out to all the families who came here and told us  
 4           about the irreparable and horrific losses that  
 5           they suffered. And as well there are many other  
 6           members of the community, particularly from the  
 7           Downtown Eastside, from the aboriginal communities  
 8           who attended here and took part in the inquiry, I  
 9           want to thank all of you sincerely.

10                   And with that we'll move on to -- before we  
 11           hear from you, sir, I want to congratulate you on  
 12           the honour that you received for being appointed  
 13           as the Order of British Columbia, and it's an  
 14           honour that you no doubt deserve for your many  
 15           years of service to the community. Thank you for  
 16           all that you've done for British Columbia, and  
 17           also thank you for attending here again, and we  
 18           appreciate that. We'll now hear the closing  
 19           prayer.

20   MR. HARRY: Oseeyup, oseeyup (phonetic). I know that there's  
 21           been other people working here, spiritual leaders,  
 22           and I'm a simple human being and I'm here to  
 23           support and to share and give a small offer of a  
 24           prayer to the family of the missing women, and we  
 25           hope that something good comes out of this, and I

1 wish for all, and all for all the hard work that's  
2 been going on around here. And there's a lot of  
3 emotions were there. I felt them. I couldn't  
4 imagine having someone go missing in my family.  
5 So I would like to just share this spirit song,  
6 Commissioner, to uplift and to hopefully help you  
7 out in this closure, and I'm here just to do my  
8 best also. So my hands up for all the people who  
9 are here. I know you all care, that's why you're  
10 here. So I'll share the song, it's a prayer song,  
11 and you can pray in your own way.

12 **(CLOSING PRAYER)**

13 UNIDENTIFIED SPEAKER: Remember our sisters.

14 THE REGISTRAR: These hearings are now concluded. Thank you  
15 all.

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

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

21  
22  
23 Peri McHale

24 Official Reporter

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