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Vancouver, BC
May 14, 2012

(PROCEEDINGS RECONVENED AT 9:32 A.M.)

THE REGISTRAR: Order. This hearing is now resumed.

MR. VERTLIEB: Thank you, Mr. Commissioner. Just by way of two introductions, I'd like to introduce for the record Sarah Sharp who has been with us down the home stretch and her help has been invaluable, and also Raul Agarwal who is an articulated student and we're glad to have him join us at the start to his career and the profession.

As you know, this morning we start with the Pickton investigation panel which will be Ms. Yurkiw, who is now named Chapman, and Sergeant Pollock, Corporal Frank Henley and Inspector Earl Moulton. Perhaps the four individuals could come forward and Mr. Giles could have them sworn.

MR. WARD: Cameron Ward, counsel for the families of 25 murdered women. Last week I wrote to my friend Mr. Vertlieb and requested that rather than hear from these four witness simultaneously that they be called one after another, which is what I understand is the usual practice in the courts of this land and certainly in most tribunals as

1 well.

2 My reason for making that request is that
3 these four RCMP investigators are critical
4 players in the investigations you are tasked with
5 conducting an inquiry into and they had very
6 different roles in the investigation of Willie
7 Pickton back in 1998, '99 and following. They,
8 based on the evidence currently available, had
9 very different assignments, did very different
10 things, did things that one or the other might be
11 criticized for by other witnesses sitting with
12 them, and in my respectful submission it simply
13 makes no sense at all from the perspective of
14 trying to conduct a fact finding investigation to
15 have these four witnesses appear together all at
16 once. It, in my respectful submission, is
17 contrary to the principles of natural justice.
18 In my respectful submission it works procedural
19 unfairness, particularly on my clients' interests
20 in seeking to assist you in getting to the truth
21 of the facts we are inquiring into in this
22 proceeding and I would say, again, make the
23 request again, that they be called one after
24 another and that there be ample time for counsel
25 to cross-examine each separately so we can

1 endeavour to get to the truth by way of
2 cross-examination.

3 I want to make one final observation on the
4 problems inherent in having four witnesses appear
5 simultaneously and it's not insignificant and so
6 I bring it up again. The court reporter's job in
7 this proceeding is difficult enough without
8 having to try to take down the evidence verbatim
9 simultaneously from four people speaking into two
10 microphones. Each time a witness testifies she
11 has to identify the speaker and it is very
12 difficult. I know that.

13 I object in the strongest terms on behalf of
14 my clients to cramming these four witnesses,
15 critical investigators, who with the greatest of
16 respect should have been heard from long ago in
17 this inquiry process given the import of their
18 evidence. I object in the strongest possible
19 terms to cramming them together on a table here
20 and hearing from them simultaneously, especially
21 since counsel are now labouring under very strict
22 limits imposed by you with respect to the time we
23 are allowed to cross-examine them. I'll say it
24 again because it has to be said and I have to
25 make this objection, it works on fairness, on my

1 clients' interests in ensuring that we get to the
2 truth. Those are my submissions.

3 THE COMMISSIONER: Thank you, Mr. Ward. Yes, Mr. Gratl?

4 MR. GRATL: I echo Mr. Ward's submissions in effect and point
5 out the argument to hear some of these witnesses
6 separately is especially strong when it comes to
7 now retired Corporal Henley. We've heard some
8 prime facie evidence, what on the face of it you
9 interfered with or obstructed Project Evenhanded
10 by attending the Pickton farm to advise Mr.
11 Pickton that he's a suspect and provided the
12 names of two confidential informants. Very
13 troubling allegations. Indeed, quite contrary to
14 police practice and possibly amounting to
15 sabotage of a police investigation. It seems to
16 me that he ought to receive singular treatment
17 and not be found in amongst these other
18 witnesses.

19 THE COMMISSIONER: Thank you, Mr. Gratl.

20 MR. VERTLIEB: We're giving effect to your directive which was
21 issued some weeks ago.

22 THE COMMISSIONER: I understand it's unusual -- Mr. Hira?

23 MR. HIRA: For the record, Ravi Hira. I've heard -- well,
24 first of all, we are in an unusual situation.
25 We're in an inquiry, the rules are different in

an inquiry than they are in a courtroom. Second, there are certain limits to the resources available to this inquiry and you are trying to deal with those limits as best as you can. Third, I've heard you say a number of times about finding essential facts. We know from having heard a number of witnesses what happened on particular dates. That is patent. The issue is what is the perspective or views of these witnesses regarding what happened at particular times, why they did things in the way they did, whether they thought about other things. Given that perspective, it seems to me that you can continue with a panel as set up.

THE COMMISSIONER: Thank you. I know it's unusual to hear evidence in this fashion with more than one witness in the witness box at any one given time. However, this is not new, it's been done before, and I expect it will be done again. I should point out that one of the incentives of enacting the new *Public Inquiry Act* is to streamline the process to make it more informal the gathering of facts and gathering of evidence, and while that is difficult for all of us who have done work in a conventional way to examine witnesses one at a

1 time, in my view there's absolutely no evidence
 2 of any unfairness. Questions that will be asked
 3 of each witness will still be done in an
 4 individual way. The fact that there are three
 5 other people sitting there at the same time
 6 really constitutes no unfairness. It's not as
 7 though the presence of other witnesses on the
 8 stand at the same time will encourage a witness
 9 in assisting another witness at all. The fact is
 10 I expect the cross-examination will be as
 11 vigorous as ever. There is no reason why that
 12 cross-examination can't be as vigorous and as
 13 focused as ever, and so it's done for that
 14 reason.

15 I can tell you that the *Inquiry Act* was
 16 enacted to get away from some of the formal
 17 difficulties that we have in courtrooms. It was
 18 my legislation, I can tell you that, and the
 19 reason we enacted that is we didn't want to fall
 20 into the endless lengthy proceedings that now go
 21 on in courtrooms and many people across the
 22 country have echoed that we in the Canadian
 23 justice system need to find a way of getting
 24 things done in a more expeditious way, not at the
 25 expense of course of fair trials, and that is

1 also a concern, but in any event, the purpose of
2 this inquiry is to find out what happened, what
3 happened in the inquiry and what facts are
4 available to us at this stage to ensure that if
5 there were mistakes made during the course of the
6 Pickton inquiry that they not be repeated. So I
7 do not think that any of those objectives or
8 goals of the inquiry will be compromised by doing
9 it in this fashion. Thank you.

10 MR. VERTLIEB: Thank you, Mr. Commissioner. Mr. Giles, could
11 the witnesses be --

12 MR. WARD: I have one additional procedural issue to raise, if
13 I may, Mr. Commissioner. This morning at about
14 eight o'clock we received for the first time a
15 sheaf of handwritten notes from one of these
16 witnesses, Yurkiw, that she made back in the
17 summer of 1999 going to the Pickton
18 investigation. That's despite of course all of
19 the document requests and the application we
20 brought and the like. It is in my respectful
21 submission inexplicable and inexcusable that that
22 should happen.

23 THE COMMISSIONER: I share your concern. Mr. Vertlieb, why is
24 evidence arriving for first time to counsel --

25 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias for the

Government of Canada. I can speak to that. The sheaf of documents my learned friend refers to consists of four pages of Ms. Chapman's notes that we discovered on Friday or Saturday. They were submitted by her originally but somehow got lost in the shuffle. The contents of the notes are consistent with her 1624s. There's very little in the way of detail that's new in them. It's regrettable and you and my learned friends have our apologies for that. It was completely inadvertent and as soon as we discovered the discrepancy we took steps to amend it, so if there's anything arising out of the contents of that that my friend finds particularly surprising or prejudicial perhaps he can indicate that and I can deal with it. However, that I can inform you is the way that it worked.

THE COMMISSIONER: The fact is, counsel is entitled to a timely disclosure of documents. Here we are nearing the end of the inquiry and we're finally getting -- we're getting material that should have been produced months ago. I accept your explanation it was inadvertent but that doesn't help counsel who need documents of this sort in a timely way. It's called fairness.

1 MS. TOBIAS: I appreciate that, Mr. Commissioner, and as I
2 said, in this particular instance the contents of
3 the notes cover a period also covered by Ms.
4 Chapman's 1624s and they are largely -- not
5 absolutely completely but largely repetitive of
6 information that was available from other
7 sources.

8 THE COMMISSIONER: Thank you.

9 MR. WARD: Mr. Commissioner, I doubt very much that my friend
10 meant to mischaracterize the notes but she is
11 simply and unfortunately mistaken. She said four
12 pages which I take to be meant to be a submission
13 to minimize the significance of the non-
14 disclosure. There are in fact 12 pages, full
15 pages, of notes. I can show them to you and
16 verify that. There are 12 pages of notes. The
17 issue is not whether there were four pages or 12
18 pages undisclosed; the issue is that this has
19 been an ongoing concern of me on behalf of the
20 clients I represent since very beginning of this
21 inquiry, a concern that the Government of Canada
22 was not fully disclosing information in their
23 files. This is but the latest example of very,
24 very late disclosure. I maintain the submissions
25 I have made earlier in this proceeding and that

1 my colleague Mr. Chantler made, that this is just
2 further evidence, the tip of the iceberg in
3 effect, of Canada's non-disclosure of relevant
4 information that should have been disclosed to
5 this inquiry to enable it to conduct the task at
6 hand. The explanation you received is no
7 explanation at all. It is 1999 these documents
8 were created. Canada had counsel in 2002
9 preparing to defend itself from allegations that
10 the RCMP were negligent in their handling of the
11 file. They have had lawyers working on this
12 case, preparing for this day since 2002, ten
13 years, Mr. Commissioner, and this morning we get
14 12 pages of handwritten notes from a key witness
15 from 1999. It's absolutely unacceptable. It's
16 not like DOJ doesn't have lawyers. They've have
17 had about six or eight appear in this room in
18 this proceeding and many, many more working
19 behind the scenes. I'm making much of it because
20 much must be made of the non-disclosure. Canada
21 continues to hold documents back that would be of
22 assistance to you in the fact finding. I can
23 assure you that that is my view based on
24 everything you've said.

25 THE COMMISSIONER: I'm with you on this. Let's get going and

R. Chapman, D. Pollock, F. Henley,
E. Moulton (for the Commission)
In chief by Mr. Vertlieb

1 you let me know if there's any unfairness or
2 anything that results from this late disclosure
3 and I'll deal with it.

4 MR. VERTLIEB: May the witnesses be sworn, please.

5 **RUTH CHAPMAN: Affirmed**

6 **DARRYL POLLOCK: Affirmed**

7 **FRANK HENLEY: Affirmed**

8 **EARL MOULTON: Affirmed**

9 MR. HIRA: Mr. Commissioner, with your leave my client would
10 like to use a notepad in order to answer
11 questions, particularly lengthy questions, and I
12 wonder whether he can be entitled to do so.

13 THE COMMISSIONER: Yes. I don't think anybody has a problem
14 with that.

15 **EXAMINATION IN CHIEF MR. VERTLIEB:**

16 Q I'd like you each to give the commissioner your
17 rank during the material times of our terms of
18 reference. Our terms are January 23, '97 to
19 February 5, '02, and I realize there were
20 retirements during that timeframe. From January
21 '97 to February 2002, would each of you please,
22 starting left to right with you, Ms. Chapman,
23 tell the commissioner what you were doing in
24 terms of what your duties were.

25 MS. CHAPMAN: I was a constable with the Royal Canadian

1 Mounted Police.

2 Q From when to when?

3 MS. CHAPMAN: From 1978 when I started until I retired in
4 2001.

5 Q You were in Coquitlam during the material time?

6 MS. CHAPMAN: Yes. I was in Coquitlam from 1999 June 1st
7 until August 8th, 2001.

8 Q Mr. Pollock?

9 MR. POLLOCK: In 1977 I was a corporal with the National
10 Security Investigation Section. I was
11 transferred to the Langley Detachment briefly and
12 in October -- February '98 I was transferred and
13 promoted to Coquitlam Detachment as a sergeant
14 and I remained a sergeant at Coquitlam Detachment
15 for the remainder of this period.

16 Q You were a sergeant in Coquitlam from February
17 '98 until --

18 MR. POLLOCK: March of 2001.

19 Q And then?

20 MR. POLLOCK: Then I was a sergeant at Langley Detachment.

21 Q So you're in Coquitlam February '98 to March '01?

22 MR. POLLOCK: Correct.

23 Q Mr. Henley, you were with Unsolved Homicide?

24 MR. HENLEY: That's correct. From 1996 I was a corporal with
25 the Royal Canadian Mounted Police stationed in

1 Vancouver headquarters attached to the Unsolved
2 Homicide Unit from September 1996 until I retired
3 in October of 2002.

4 Q 2002?

5 MR. HENLEY: 2002.

6 Q During the terms of our reference, '97 until '02,
7 you were with the Unsolved Homicide Unit?

8 MR. HENLEY: That's correct.

9 Q Lastly, Mr. Moulton?

10 MR. MOULTON: I was transferred to Coquitlam Detachment as the
11 Operations officer with the rank of inspector in
12 June of 1996 and remained in that position until
13 June of 2000 at which time I was promoted to
14 chief superintendent and moved to "E" Division
15 headquarters.

16 Q So your work on Pickton would be starting then
17 obviously January '97 when our terms start and
18 you stopped June 2000?

19 MR. MOULTON: That's correct.

20 Q In the book in front of you, let's start with Ms.
21 Chapman, you took over this work on Pickton from
22 Mike Connor?

23 MS. CHAPMAN: That's correct.

24 Q Your rank was a constable as you've said. Tell
25 us about the briefing you went through with Mr.

1 Connor so he could bring you up to date.

2 MS. CHAPMAN: I'm not sure there was a formal briefing.

3 Q That's the question. How much time did Mr.

4 Connor spend with you talking to you about the

5 Pickton file and what had been done on it, where

6 it was at and where it needed to go?

7 MS. CHAPMAN: Our discussions aren't documented. I don't know

8 exactly how much time was spent on --

9 THE COMMISSIONER: You don't know how much time was spent?

10 MS. CHAPMAN: No.

11 THE COMMISSIONER: Was anything said?

12 MS. CHAPMAN: Yes. Over the course of August before he left

13 the section he would have talked to me about the

14 file at times but I didn't document our

15 conversations.

16 MR. VERTLIEB:

17 Q Did he ever sit down with you with a file and

18 take you through it?

19 MS. CHAPMAN: Not that I recall.

20 Q Did he in this meeting with you whenever that

21 took place in August '99 tell you what needed to

22 be done?

23 MS. CHAPMAN: I don't recall any specifics about that.

24 Q Did he give you any direction that needed to be

25 followed?

1 MS. CHAPMAN: I don't know that he specifically gave
2 direction. I don't recall that.

3 Q Who was your supervisor when you took over the
4 file in the summer of '99?

5 MS. CHAPMAN: I think it was Darryl Pollock.

6 Q Mr. Pollock, did you sit with Ms. Chapman and
7 talk to her about the file and instruct her on
8 what needed to be done or should be done or where
9 it should go?

10 MR. POLLOCK: Not that I recall.

11 Q Did you instruct Mr. Connor to do that?

12 MR. POLLOCK: I can't say for sure.

13 Q Mr. Moulton, you would have been Operations
14 officer at that time?

15 MR. MOULTON: That's correct.

16 Q We've heard from Mr. Hall who was your immediate
17 supervisor and the sense that came from his
18 evidence is that he relied on you to look after
19 any investigations of the sort that might involve
20 a potential murder?

21 MR. MOULTON: Yes.

22 Q Did you ever have any discussions with either Mr.
23 Pollock or Ms. Chapman about what needed to be
24 done on the transfer of the file?

25 MR. MOULTON: No.

1 Q Ms. Chapman, did you ever meet the woman we've
2 referred to as Ms. Anderson, the victim of the
3 1997 attempt murder?

4 MS. CHAPMAN: No, I've never met her.

5 Q To this day you've never met her?

6 MS. CHAPMAN: No.

7 Q One question that emerged, do you know why you
8 were assigned the file, Ms. Chapman?

9 MS. CHAPMAN: No. I can only assume it was because I was one
10 of the newer members to the section and probably
11 had less of a case load.

12 Q Had you ever investigated a serial murder case?

13 MS. CHAPMAN: No.

14 Q Had you ever investigated start to finish a
15 homicide?

16 MS. CHAPMAN: I had been involved in homicide cases before,
17 yes, but it's going so back so far in the '90s I
18 can't remember.

19 Q Have you been involved as principal investigator
20 on a homicide?

21 MS. CHAPMAN: I don't remember when I was in Burnaby.

22 Q Any reason, Mr. Pollock or Mr. Moulton, why Ms.
23 Chapman was assigned the file?

24 MR. POLLOCK: Based on the people I had at the detachment at
25 my availability, Ms. Chapman was a senior

1 investigator, had significant experience and, as
2 she said, had less of a case load than the other
3 members of the detachment -- of the unit.

4 Q Was it more case load determined?

5 MR. POLLOCK: Case load and experience.

6 Q What was the experience that made you think she
7 might be able to bring skills to the potential
8 murder investigation?

9 MR. POLLOCK: She had serious crime experience, commercial
10 crime experience and she had many years of police
11 experience.

12 Q Had you ever, Mr. Pollock, worked on a serial
13 killer case?

14 MR. POLLOCK: No, I hadn't.

15 Q What was your work before you became a sergeant
16 in Major Crime?

17 MR. POLLOCK: When I was at Coquitlam Detachment I was
18 promoted into the Traffic Unit, in charge of the
19 Traffic Unit. Prior to that I was only on the
20 Langley Street Enforcement Unit for one month and
21 I was only there for a month because I did get
22 promoted. Prior to that I was corporal on the
23 National Security Investigation Section.

24 Q That wouldn't be involved with homicide cases?

25 MR. POLLOCK: No.

1 Q So, Ms. Chapman, you became the principal

2 investigator taking over from Connor?

3 MS. CHAPMAN: Correct.

4 Q We've heard the terms "principal" or "lead

5 investigator," that would have been your role?

6 MS. CHAPMAN: Yes.

7 Q So you would have been in charge of the

8 day-to-day operations of the file?

9 MS. CHAPMAN: Yes.

10 Q Then you would go to Mr. Pollock if you had

11 questions or needed assistance?

12 MS. CHAPMAN: Yes.

13 Q You had access to Mr. Moulton similarly if you

14 needed help?

15 MS. CHAPMAN: Yes.

16 Q Did you ever review the Anderson file, the 1997

17 attempt murder case, back when you were working

18 on this case?

19 MS. CHAPMAN: Yes, I did.

20 Q But you did not meet Ms. Anderson?

21 MS. CHAPMAN: No, I could not locate her.

22 Q Did you review the Vancouver file and go through

23 what they had on Pickton as a suspect?

24 MS. CHAPMAN: No, I was never given the opportunity.

25 THE COMMISSIONER: You were never given the Vancouver file?

1 MS. CHAPMAN: No.

2 MR. VERTLIEB:

3 Q You said you were never given the opportunity?

4 MS. CHAPMAN: No.

5 Q What does that mean?

6 MS. CHAPMAN: They never provided their file for my review or
7 invited me to attend to their offices to review.

8 Q So they didn't invite you to come to their
9 office. Did you ask to go to their office and
10 look at this file?

11 MS. CHAPMAN: No, not that I recall.

12 Q Did you ever interview Mr. Hiscox?

13 MS. CHAPMAN: No.

14 Q Did you know about Mr. Hiscox when you were
15 assigned the Pickton file in '99?

16 MS. CHAPMAN: I knew of it by reading some material in the
17 file.

18 Q So you knew of it back in '99?

19 MS. CHAPMAN: I don't know if I knew it in '99 or 2000.

20 Q But back at the time of the investigation?

21 MS. CHAPMAN: I had heard the name.

22 Q Did you ever meet or speak with Mr. Hiscox?

23 MS. CHAPMAN: No.

24 Q So you just had material about his tips and his
25 calls?

1 MS. CHAPMAN: Yes.

2 Q Did you ever meet Ms. Ellingsen?

3 MS. CHAPMAN: Yes.

4 Q Mr. Pollock, did you ever know about Mr. Hiscox?

5 MR. POLLOCK: I had heard the name. I didn't know a lot about
6 him.

7 Q You heard the name as a what?

8 MR. POLLOCK: Basically involved in the file. I don't know
9 exactly what relation.

10 Q You had heard the name but you didn't know the
11 specifics of what was important about his
12 knowledge?

13 MR. POLLOCK: Correct.

14 Q You never met him?

15 MR. POLLOCK: No.

16 Q Did you ever instruct to your recollection Ms.
17 Chapman to try and meet him?

18 MR. POLLOCK: No.

19 Q Mr. Moulton, did you ever speak to Mr. Hiscox or
20 attempt to drill down what he was saying?

21 MR. MOULTON: No.

22 Q Did you know the name back in '98, '99?

23 MR. MOULTON: In both those years, yes.

24 Q You knew it as a potential informant and a man
25 that might have information?

1 MR. MOULTON: That had provided information, yes.

2 Q Did you ever instruct anybody below you to go out
3 and make attempts to find him and interview him
4 after Ms. Chapman came on the file?

5 MR. MOULTON: No.

6 Q Did you ever meet Ms. Ellingsen?

7 MR. MOULTON: No.

8 Q When you were working on the file in '98, '99,
9 Ms. Chapman and Mr. Pollock, what was it that you
10 thought you were investigating, Ms. Chapman?

11 MS. CHAPMAN: The possibility that a woman had been killed on
12 the Pickton farm.

13 Q Mr. Pollock?

14 MR. POLLOCK: That's my understanding as well.

15 Q Did you know that you were investigating a
16 possible serial killer, Ms. Chapman?

17 MS. CHAPMAN: No, not at that time.

18 Q Mr. Pollock?

19 MR. POLLOCK: No.

20 Q Mr. Moulton, you have heard their comments. Do
21 you have a different view of the nature of the
22 investigation?

23 MR. MOULTON: We were investigating the information we had
24 which was the possibility of a murder on the
25 Pickton farm.

1 Q That related to the information that came via Mr.
2 Caldwell attributed to Ms. Ellingsen?

3 MR. MOULTON: As well as Mr. Hiscox.

4 Q You as well, sir, did not realize that there was
5 a potential serial killer that was being
6 investigated as part of this Pickton
7 investigation?

8 MR. MOULTON: We understood there was the existing missing
9 persons file and the people from Vancouver were
10 involved in that file that we were dealing with.

11 Q But as I understand it, Ms. Chapman, to clarify
12 -- we may have the wrong impression -- you were
13 not of the view that you were investigating a
14 potential serial killer; is that correct?

15 MS. CHAPMAN: No, not initially.

16 Q Mr. Pollock?

17 MR. POLLOCK: That's correct.

18 Q Let's discuss the polygraph that was offered to
19 Ms. Ellingsen. All four of you are familiar with
20 that; is that correct? Everyone is nodding their
21 head, I'll take that as an affirmative.

22 Let's turn to tab 5 then. There's a date
23 August 25, 1999, 11:40, "Sergeant Pollock and
24 Constable Yurkiw attended Surrey satellite
25 office, UHU, and met with Frank Henley and

1 Detective Bruce Ballantyne. The plan was for
2 Henley to pick up Lynn at her residence and bring
3 her to the Surrey office for the purpose of
4 interviewing her. Henley attended Lynn's
5 residence and no one answered the door." So this
6 brings you into it, Mr. Henley. You worked with
7 Mr. Ballantyne?

8 MR. HENLEY: That's correct.

9 Q You were RCMP, he was VPD but you worked
10 together?

11 MR. HENLEY: That's correct.

12 Q What was your understanding, Mr. Henley, on why
13 you were getting involved?

14 MR. HENLEY: I was approached by my boss at the time, Staff
15 Sergeant Doug Henderson. I was asked to go to
16 Coquitlam. I think he had been contacted by
17 someone -- I don't know who -- they were looking
18 for assistance. I was told that there was some
19 information -- somebody had supplied information
20 that there may have been a woman killed. That
21 was sort of basically it.

22 Q Why were you asked to do it? You were with UHU
23 which was solving cold cases.

24 MR. HENLEY: I think because I had worked on Vancouver Island
25 and in Prince George on murders that involved sex

1 trade workers, I think that's probably the reason
2 why. Also, I had worked with Vancouver City
3 Police on various JFO operations so I knew a lot
4 of the Vancouver City Police members and had a
5 rapport with them.

6 Q Was UHU investigating Pickton as a suspect?

7 MR. HENLEY: No.

8 Q Do you recall talking to Mr. Hall, the officer in
9 charge of Coquitlam at the time, Ric Hall?

10 MR. HENLEY: I'm sure Ric and I had some discussion. I can't
11 tell you exactly what we discussed.

12 Q What was it you thought was the reason you
13 specifically were asked to get involved with
14 Ellingsen?

15 MR. HENLEY: I don't know. I actually don't recall
16 specifically why I was sent there, just that
17 Coquitlam needed a hand and I was sent there.

18 Q You knew her from previous dealings?

19 MR. HENLEY: Lynn Ellingsen, yes. Not really well, I hadn't
20 had personal dealings with her. When I worked at
21 the Serious Crime Unit in Surrey Lynn was
22 involved in a file there with a fellow I had
23 worked very closely with, Phil Juby. I had seen
24 her in the office, discussed her with Phil Juby
25 just during the course of our working together.

1 Q We know that same day, August 25, after 12 noon,
2 Mr. Henley, Ms. Yurkiw/Chapman and Mr. Pollock
3 along with Ballantyne, the three of you drive to
4 Ellingson's residence?

5 MR. HENLEY: That's correct. Well, it was the house she was
6 staying in at the time. She moved around quite a
7 bit.

8 Q Ultimately you ended up interviewing Ellingsen at
9 the detachment?

10 MR. HENLEY: Yes. I believe after Ruth and Ron Lepine had
11 talked to her for a while.

12 Q We've heard from Mr. Lepine and heard from others
13 about that. She didn't seem to be embracing Mr.
14 LePard's style, whatever that was, and you became
15 involved?

16 MR. HENLEY: I suppose.

17 Q You became involved because you thought you knew
18 her and you had a good rapport with her?

19 MR. HENLEY: I thought I might be able to help.

20 Q We know from tab 5 documents, August 31, that Mr.
21 Pollock and Ms. Chapman go to Surrey polygraph
22 section, met with Jim Hunter and yourself. Do
23 you remember a meeting with Mr. Hunter?

24 MR. HENLEY: I remember specifically meeting with Mr. Hunter
25 before Ruth and Darryl came to Surrey. I don't

1 remember -- I'm reading the report in front of
2 me. I don't have an actual recall of the four of
3 us sitting down together.

4 Q Mr. Pollock and Ms. Chapman, you remember going
5 with Mr. Henley and speaking to Hunter, the
6 polygrapher?

7 MS. CHAPMAN: Yes.

8 MR. POLLOCK: Yes.

9 Q He's a well-respected polygrapher, Mr. Henley?

10 MR. HENLEY: Yes.

11 Q The plan was if Ellingsen agreed to a polygraph
12 that she would be polygraphed?

13 MR. HENLEY: That's correct.

14 Q And we've heard from others -- keep in mind
15 you're near the end of the case now, you've had a
16 lot previous information -- she originally agreed
17 to have a polygraph and then on the advice of a
18 lawyer said she would not?

19 MR. HENLEY: That's what she told me.

20 Q She told you that, Mr. Henley?

21 MR. HENLEY: On the phone.

22 Q You relayed that to Ms. Chapman and Mr. Pollock?

23 MR. HENLEY: That's correct.

24 Q Did you talk to Mr. Moulton about that?

25 MR. HENLEY: I don't recall.

1 Q Mr. Moulton, did you have discussion about the
2 refusal by Ellingsen to submit to the polygraph?

3 MR. MOULTON: I had discussions around the result or non-
4 results. I don't recall precisely who that was
5 with.

6 Q Let's just discuss what the four of you as police
7 officers thought when you heard that she
8 originally agreed to polygraphy and then changed
9 her mind. Ms. Chapman, what did that signal to
10 you, if anything?

11 MS. CHAPMAN: That she had something that she didn't want to
12 disclose.

13 Q Would that be a suspicious circumstance?

14 MS. CHAPMAN: Quite possibly.

15 Q Mr. Pollock?

16 MR. POLLOCK: To me, I was used to people not wishing to talk
17 to me in whatever form after speaking to a
18 lawyer. People that would benefit talking to the
19 police as a result of talking to the lawyer,
20 people who would not benefit talking to the
21 police, and in my experience anybody who would
22 have spoken to a lawyer would have been given the
23 advice not to take the polygraph for whatever
24 reason.

25 Q Were you troubled about that?

1 MR. POLLOCK: I guess disappointed. It was an avenue we were
2 pursuing and it would have been nice to have
3 that. We were looking for a definitive answer as
4 to whether what she had said was true or not and
5 it would have been nice to have that come out in
6 a polygraph.

7 Q Mr. Henley?

8 MR. HENLEY: All of my years on Serious Crime and Homicide
9 investigation, it's not uncommon for people to
10 refuse a polygraph. In fact, it's very common.
11 As soon as they have a lawyer involved the lawyer
12 will always direct them not to take it. I was
13 disappointed that Lynn didn't take it because I
14 didn't know whether she was telling us the truth
15 or lying to us and I believe that a polygraph at
16 that time perhaps would have given us either some
17 closure or would have sent the investigation in a
18 different direction.

19 Q Did any of the three of you go to talk to Mr.
20 Moulton about any thoughts he might have as the
21 senior officer in charge of Major Crime in
22 Coquitlam? Did any of you say, "Let's go talk to
23 Mr. Moulton and see what he thinks we should do
24 or can do"?

25 MR. POLLOCK: I didn't.

1 MS. CHAPMAN: At that time I don't recall doing that.

2 MR. HENLEY: I don't recall.

3 Q Did anybody turn their mind to what the options
4 were once she denied the polygraph? Did you
5 think about maybe bringing her back in and
6 bringing in someone else for a fresh look at how
7 that had been handled, Ms. Chapman?

8 MS. CHAPMAN: I think it was always there but I'm -- I don't
9 recall documenting anything about bringing her in
10 again.

11 Q Mr. Pollock?

12 MR. POLLOCK: At that time my thoughts weren't regarding what
13 we were going to do with Ms. Ellingsen at that
14 point.

15 Q Tab 6 has a statement of Ellingsen, August 26,
16 '99, it was taken by you Ms. Chapman. That's the
17 interview with Ellingsen?

18 MS. CHAPMAN: That's correct.

19 Q There was a discussion when you met with her
20 about her getting money and you actually talked
21 to her about whether she was blackmailing
22 somebody or extorting money? Do you remember
23 talking to Ellingsen about that? Do you remember
24 that?

25 MS. CHAPMAN: Is it in the statement?

1 Q Yes.

2 MS. CHAPMAN: Then I would have talked to her about that.

3 Q You don't have an independent memory of that?

4 MS. CHAPMAN: No.

5 Q Now, she was potentially a very important witness
6 in the case; all four of you would agree with
7 that I'm sure?

8 MS. CHAPMAN: Yes.

9 MR. POLLOCK: Yes.

10 MR. HENLEY: Yes.

11 Q Mr. Moulton?

12 MR. MOULTON: Not necessarily.

13 Q Why do you say that?

14 MR. MOULTON: At that point in time I didn't know what her
15 involvement was and the chance existed that she
16 had involvement that would be more or beyond that
17 of a witness.

18 Q Yes, of course. She could be perhaps a party to
19 an offence?

20 MR. MOULTON: Exactly.

21 Q So you were alive to the fact it might be more
22 than her just being a witness?

23 MR. MOULTON: Yes.

24 Q She's potentially someone who could be very
25 important to a serious investigation like

1 homicide?

2 MR. MOULTON: Of course.

3 Q That leads me to ask you, Ms. Chapman, in terms
4 of your training, you were conducting an
5 interview. We've heard about distinguishing
6 between an interview and an interrogation. We've
7 heard evidence from other police that there's an
8 interrogator who has a higher level of experience
9 and training and skill than a police officer
10 conducting an interview. Do you know the word
11 "interrogator" as a person separate and apart
12 from a regular police officer?

13 MS. CHAPMAN: Yes.

14 Q Did you ever bring an interrogator into this
15 case?

16 MS. CHAPMAN: No.

17 Q Did you attempt to do that?

18 MS. CHAPMAN: No. The interview/interrogation team had
19 criteria as to when they would assist a
20 detachment.

21 Q And?

22 MS. CHAPMAN: At that point our investigation didn't meet
23 those criteria.

24 Q Mr. Pollock, do you remember considering whether
25 an interrogator, a specially trained police

1 interrogator, should be brought in to deal with
2 Ellingsen?

3 MR. POLLOCK: One was and that was Mr. Hunter.

4 Q The polygrapher?

5 MR. POLLOCK: Yes.

6 Q But he never had a chance to meet with her?

7 MR. POLLOCK: No.

8 Q What about an interrogator, to use name, a person
9 like Don Adam?

10 MR. POLLOCK: In my mind he was that person, he was a trained
11 interrogator. That's how a person gets to be a
12 polygraphist and this was going to be the
13 interview. I don't separate a police officer
14 from an interrogator. An interrogator is a
15 police officer who has experience and training in
16 interrogation.

17 Q Did you have experience, Mr. Pollock, in
18 interrogating a murder suspect?

19 MR. POLLOCK: No.

20 Q Ms. Chapman, did you at the time?

21 MS. CHAPMAN: No.

22 Q Let's just look at since we've mentioned Mr.
23 Hunter at tab 7. This is all around the
24 polygraphy issue. August 31, '99. So look at
25 the third paragraph: "It's my opinion that based

1 on her admissions to other people that she is a
2 suspect in the murder just as much as she could
3 be a potential witness." This of course fits
4 into your comment, Mr. Moulton. Look at the last
5 comment by Mr. Hunter, and he says: "I suggest
6 that based on the information they had she,"
7 meaning Ellingsen, "should be arrested and
8 interrogated about this story." The question for
9 you, Ms. Chapman, and of course, Mr. Pollock,
10 what did you do with that advice?

11 MS. CHAPMAN: Well, we didn't arrest or interrogate her after
12 that point. I'm not sure what the discussion was
13 around that.

14 Q Do you remember seeing this opinion from Mr.
15 Hunter at the time?

16 MS. CHAPMAN: I don't have a direct recollection of it.

17 Q Mr. Pollock?

18 MR. POLLOCK: I don't recall seeing this 1624.

19 Q Mr. Henley, can you help us?

20 MR. HENLEY: The only time I saw the 1624 is actually when I
21 had an interview with Cheryl Tobias several
22 months ago. I don't ever recall seeing this
23 before that, this particular 1624.

24 Q Mr. Moulton?

25 MR. MOULTON: I hadn't seen this 1624 until this time but if

1 the suggestion had been made to me at the time it
2 would not have been followed through on as we
3 lacked reasonable and probable grounds to do so.

4 Q So you would not have followed this approach even
5 if you had seen this report back at the time?

6 MR. MOULTON: That's correct.

7 Q Ms. Chapman, any reason you wouldn't have gone
8 and spoke to Mr. Moulton about the idea of
9 arresting her and interrogating her about the
10 story?

11 MS. CHAPMAN: Well, I hadn't seen this until Cheryl Tobias
12 provided a copy to me so I'm not -- back at that
13 time I wasn't considering arresting her.

14 Q However the communication went, you weren't
15 advised of this opinion by Mr. Hunter?

16 MS. CHAPMAN: Correct.

17 Q Mr. Pollock?

18 MR. POLLOCK: I'm not aware of this coming from Mr. Hunter
19 until recently.

20 Q So we're clear, Mr. Hunter was a senior
21 polygrapher at the time, very well respected by
22 the RCMP?

23 MR. POLLOCK: Yes, as far as a polygraphist.

24 Q Mr. Moulton?

25 MR. MOULTON: I'd agree.

1 Q There's a report in here, tab 8, September '99,
2 September 14, and it's, again, referencing
3 Ellingsen and how all of that went. The last
4 couple sentences, I'll read them out: "Her
5 refusal," meaning Ellingsen, "effectively ends
6 the Homicide Unit's involvement in this
7 investigation. In discussions with Sergeant
8 Pollock of Coquitlam GIS he advises he has made
9 an appointment to interview Pickton on the 9th of
10 September. Sergeant Pollock hopes to put the
11 whole issue to rest with this interview.
12 Homicide Unit members are not needed to assist
13 Coquitlam any further at this time." You'll see
14 that is signed by Mr. Henderson. Mr. Henley, you
15 can help us with Mr. Henderson?

16 MR. HENLEY: That's correct.

17 Q He was?

18 MR. HENLEY: He was the NCO in charge of the Unsolved Homicide
19 Unit.

20 Q So the reference here to Homicide Unit, that
21 would mean UHU?

22 MR. HENLEY: That's correct.

23 Q Mr. Pollock, what did you mean according to the
24 statement that you hoped to put the whole issue
25 to rest with the interview of Pickton scheduled

1 for September. What did you mean by that?

2 MR. POLLOCK: I don't specifically recall saying those exact
3 words but I was obviously hoping -- we were
4 unsuccessful in getting anywhere with
5 Ms. Ellingsen and I was hoping the interview with
6 Mr. Pickton would resolve the issue whether the
7 information was true or not.

8 Q To deal with the interrogator concept again, you
9 knew there was going to be an effort to interview
10 Pickton and you were going to be part of that?

11 MR. POLLOCK: Uhm, according to this it appears that I was at
12 the time, yes.

13 Q Do you recall that?

14 MR. POLLOCK: Not specifically, no. I recall making the
15 attempts to get him in.

16 Q Ms. Chapman, you were party to the same
17 discussion about interviewing Pickton in
18 September of '99?

19 MS. CHAPMAN: Yes.

20 Q Did either of you two, meaning Ms. Chapman, Mr.
21 Pollock, consider getting an interrogator in,
22 someone that had specialized homicide
23 interrogation experience?

24 MR. POLLOCK: I believe that that was considered and for
25 whatever reason it wasn't going to be an option.

1 Q Ms. Chapman?

2 MS. CHAPMAN: Yes. There was some that discussion we wanted
3 someone with more experience to conduct the
4 interview but, as I mentioned, I don't believe it
5 meant the criteria for the interview team to
6 assist us.

7 Q Mr. Moulton, do you know what the criteria would
8 be that seems to be a problem with these two
9 officers getting someone perhaps more experienced
10 to interview Pickton?

11 MR. MOULTON: I don't today. I would have at the time and
12 I've not refreshed myself on these issues.

13 Q Ms. Yurkiw, I brought tab 9 here for the
14 commissioner just to see the last statement and
15 these are your notes, tab 9.

16 MS. CHAPMAN: Yes.

17 Q It just says: "September '99, due to an
18 unrelated homicide file the interview of Pickton
19 could not be done at this time." I want the
20 commission to understand your workload because
21 we've heard about resources. The Pickton file
22 was not the only file you were working on?

23 MS. CHAPMAN: That's correct.

24 Q To give the commissioner an idea of how you were
25 handling the Pickton file in terms of where it

1 was on your list of things to do and priorities,
2 I want you to be as expansive as you can on this.
3 It's important we have a sense of how you were
4 viewing this Pickton investigation. What
5 priorities were you giving it in your mind and,
6 therefore, what percentage of your time was spent
7 on it during the months you were on the file?

8 MS. CHAPMAN: When Homicide files and other high priority
9 Major Crime files came in they were acted on on a
10 priority basis. The Pickton file was always a
11 priority but it didn't have continuing action
12 because there wasn't incoming tips to further the
13 investigation.

14 Q So you were not working on it every day?

15 MS. CHAPMAN: No.

16 Q Were you working on it every week?

17 MS. CHAPMAN: Not -- at some times, no.

18 Q Would there be times when you might not work on
19 the Pickton file for even a matter of a couple of
20 months?

21 MS. CHAPMAN: Yes.

22 Q Can you tell us the longest you went when you
23 didn't work on the Pickton file from when it
24 first became assigned to you?

25 MS. CHAPMAN: No, I can't give you an idea.

1 Q Just to take a timeframe, we know you were
2 attempting to interview him in '99 September?

3 MS. CHAPMAN: Yes.

4 Q We know you did interview him at the detachment
5 with Gina Houston in January of 2000?

6 MS. CHAPMAN: Correct.

7 Q So that's approximately four months or so. Had
8 you tried to work on the file in November,
9 December of that '99 time period?

10 MS. CHAPMAN: Yes.

11 Q But it wasn't until January that you were able to
12 actually get him to come into the office?

13 MS. CHAPMAN: Yes.

14 Q There was comment about Pickton -- this is at tab
15 9: He said that things needed to be said to
16 "clear the air". This is in your notes,
17 Ms. Yurkiw. What did you take that to mean?
18 It's in quotes, "clear the air".

19 MS. CHAPMAN: I don't know what he meant. I just put it in
20 quotes because that's what he said.

21 Q Did you ask him what he meant?

22 MS. CHAPMAN: I don't know if I did or not at the time.

23 Q You did speak to Dave Pickton during September of
24 1999?

25 MS. CHAPMAN: Yes.

1 Q This is the rainy weather comments we've heard
2 about here?

3 MS. CHAPMAN: Yes.

4 Q Just tell us about that.

5 MS. CHAPMAN: They were in the business of selling topsoil and
6 they were trying to do it before the rainy season
7 commenced and asked if we would hold off until
8 then. In looking over my notes and thinking
9 back, this was September, it was not unreasonable
10 to think the rain would come any day.

11 Q The note reflects that you over the next few
12 weeks from September 22, '99 attempted to contact
13 Pickton without success?

14 MS. CHAPMAN: Yes.

15 Q Then it appears on the 27th of September that a
16 bank robbery came in. Did that take up time of
17 yours investigating and become a priority?

18 MS. CHAPMAN: I'm not sure what bank robbery that refers to.

19 Q There was something that happened. You were
20 working on Pickton and then was there another
21 homicide that became your top priority?

22 MS. CHAPMAN: In October I believe there was an armed robbery
23 with an assault, a young offender and another
24 individual had attacked a corner store individual
25 and caused an injury. That required a lot of

1 investigation.

2 Q That became a priority over Pickton?

3 MS. CHAPMAN: Yes.

4 Q That kind of discussion as I discussed with you a
5 few moments ago happened more than once?

6 MS. CHAPMAN: It happened frequently.

7 Q Mr. Pollock, you agree with that comment that
8 there were other interruptions that would come
9 and push Pickton off the top of the pile, as it
10 were?

11 MR. POLLOCK: Continually.

12 Q Was there ever a time, Mr. Pollock, you could say
13 Pickton was the most important investigation you
14 were in charge of as sergeant?

15 MR. POLLOCK: Uhm, possibly during the summer of '99.

16 Q And then did the investigation from your
17 perspective seem to lose steam after the summer
18 of '99?

19 MR. POLLOCK: Yes.

20 Q Ms. Chapman, would you agree with that?

21 MS. CHAPMAN: Yes.

22 Q Can you both help the commission understand why
23 that happened from your perspective?

24 MR. POLLOCK: I'd like to right -- first off, I'd like to
25 clarify something. I was Ms. Chapman's

1 supervisor for a period of time in August between
2 the time that Mr. Connor left and Mr. McCartney
3 was transferred into the section. The layout of
4 the Major Crime Section was I was the sergeant
5 and there were two corporals underneath me and
6 they directly supervised the constables under
7 them. I wanted to clarify that.

8 Q That's fine. Thank you.

9 MR. POLLOCK: We were investigating information from a source
10 of unknown reliability and questionable
11 reliability that a woman had been killed on the
12 Pickton farm. We were unsuccessful in directly
13 interviewing the witness and we were attempting
14 to interview the only other person that we had
15 any information that I am aware of that had any
16 -- would have any information that could be
17 provided to us.

18 Q Who was that?

19 MR. POLLOCK: Mr. Pickton. Our other avenues of investigation
20 had fizzled out and other priorities came in.

21 Q Other non-Pickton priorities?

22 MR. POLLOCK: Yes.

23 Q Mr. Moulton, do you have the same sense as we've
24 just heard from both Ms. Chapman and Mr. Pollock
25 that the investigation tended to wane, as it

1 were?

2 MR. MOULTON: I wouldn't adopt that terminology.

3 Q What would you say, sir?

4 MR. MOULTON: The investigative avenues that were available
5 had been pursued and we were left with the sole
6 remaining option of approaching Mr. Pickton with
7 no means of compelling him to attend.

8 Q And we know that that attempt was made in
9 September but nothing occurred in that last part
10 of '99?

11 MR. MOULTON: It was my understanding there were ongoing
12 attempts to do that, yes.

13 Q So the question is -- coming to tab 14, this
14 appears to be your note, Ms. Chapman?

15 MS. CHAPMAN: Yes.

16 Q December 29, 1999?

17 MS. CHAPMAN: Yes.

18 Q And the file remains still under investigation?

19 MS. CHAPMAN: Correct.

20 Q However, due to recent shortages in staff and
21 other priority files it has not been actively
22 investigated over the past two months?

23 MS. CHAPMAN: Yes.

24 Q That is an accurate reflection?

25 MS. CHAPMAN: Yes.

1 Q What does DD extension required mean?

2 MS. CHAPMAN: Diary date.

3 Q What does that mean? That you extended it to
4 March 20, 2000?

5 MS. CHAPMAN: During that period of time it would be
6 continually under investigation and it would be
7 flagged again on March 20th to see what had
8 happened at that time. We diary dated our files
9 for certain periods of time to keep them active,
10 keep them at the forefront.

11 Q Mr. Pollock, this is a comment that you don't
12 disagree with in terms of the Pickton
13 investigation?

14 MR. POLLOCK: Sorry, which comment?

15 Q That the file was still under investigation but
16 it hadn't been actively investigated over the
17 past two months?

18 MR. POLLOCK: I can't comment on that particular comment.

19 Q Mr. Moulton, you don't disagree with this?

20 MR. MOULTON: I don't disagree, no.

21 Q The question we have for you, Ms. Chapman or Mr.
22 Pollock or Mr. Moulton, was the Vancouver Police
23 Department told about this situation as it
24 existed December 29, 1999?

25 MS. CHAPMAN: I didn't make any contact with them, no.

1 Q Mr. Pollock?

2 MR. POLLOCK: I didn't, no.

3 Q Mr. Moulton?

4 MR. MOULTON: They never asked and in my term of service I've
5 never encountered a situation where you would.

6 Q We've hear from you, Mr. Moulton, they didn't
7 ask. Did you convey this to the VPD?

8 MR. MOULTON: No, I did not.

9 Q Is there any reason that that information was not
10 passed on to the VPD?

11 MR. MOULTON: I would put it in the alternative, there would
12 be no reason to do so and there's no practice of
13 doing so.

14 Q So on the same topic, if the VPD though had asked
15 you for an update on the investigation and had
16 concluded for whatever reason that they wanted to
17 take back control of the investigation -- let's
18 discuss that for a minute. You no doubt, Mr.
19 Moulton, are alive to the comment that the VPD
20 has said here in this inquiry to the commissioner
21 that they believed Coquitlam was looking after
22 this particular investigation?

23 MR. MOULTON: There was never any doubt about that.

24 Q If the VPD though had come to you and said,
25 "Look, if you have staff shortages and other

1 priority files that you haven't actively
2 investigated in the last two months, we'd like to
3 take charge of this file again," would you have
4 objected?

5 MR. MOULTON: I'd probably have to pick myself up off the
6 floor.

7 Q Why do you say that?

8 MR. MOULTON: Because I was cognizant of the resourcing issues
9 that they were facing. There was to my knowledge
10 no further investigative means that we could
11 pursue and if they were in possession of
12 information that we can further, we would have
13 certainly done so.

14 Q So aside from the response you might have had
15 that would have you on the floor, if they had
16 asked would you have said yes, of course?

17 MR. MOULTON: Certainly. We would cooperate with them
18 entirely.

19 Q If you weren't actively -- "you" meaning
20 Coquitlam RCMP -- if you were not actively
21 investigating Pickton over the past two months
22 from December 29, '99 who was actively
23 investigating it to your knowledge? Any of the
24 four of you can answer that.

25 MR. POLLOCK: In my mind an active investigation is a play on

1 words. The file was still under investigation,
2 which means it was active. We were still
3 investigating the information that a woman had
4 been killed on the Pickton farm and that part of
5 the investigation was Coquitlam's responsibility
6 and it was an ongoing investigation. There may
7 not have been anything done in that two-month
8 period but it was still an ongoing investigation.

9 Q What about the concern about missing women from
10 the Downtown Eastside of Vancouver, did that
11 enter into your thoughts at all, Mr. Moulton and
12 Mr. Pollock or Ms. Chapman?

13 MR. MOULTON: That was Vancouver's investigation.

14 MR. POLLOCK: That was Vancouver's investigation and if they
15 had any information that would have benefited our
16 investigation we would have accepted that
17 information and used their help at any time.

18 Q Was there ever any discussion, Mr. Moulton, at
19 the time to make sure that Vancouver and you,
20 meaning Coquitlam, were on the same page about
21 who was doing what and what the investigation was
22 about? Did you ever meet with --

23 MR. MOULTON: None that I recall.

24 Q I want to move to another subject and this is the
25 issue around potential consent search of the

1 Pickton property. Ms. Chapman, when you
2 interviewed Pickton you spoke to him about
3 searching his trailer?

4 MS. CHAPMAN: Correct.

5 Q And you're alive to the issue about a consent
6 search being undertaken or not undertaken?

7 MS. CHAPMAN: Yes.

8 Q None was ever undertaken?

9 MS. CHAPMAN: Correct.

10 Q Tell the commissioner please why that didn't
11 happen when you had the discussion with Mr.
12 Pickton and he did not object to you doing that.

13 MS. CHAPMAN: I'm not exactly sure why we didn't do a consent
14 search. I believe there was discussion around
15 that and for whatever reason it was determined
16 that it was not in our best interests to do it at
17 the time. I think Mr. Pollock can add to that.

18 Q When you interviewed Pickton he said to you that
19 he wouldn't have any problem with the search of
20 his trailer; right?

21 MS. CHAPMAN: To some degree, yes.

22 Q Let me refresh your memory. You said: There's
23 rumours and allegations that have come out. What
24 would you say if we asked if we could search your
25 trailer, go through your trailer and have a look?

1 He said: Whatever. Then you said: You wouldn't
2 have any problem with that? There's nothing in
3 there that we'd find? And he said: No.

4 That appears to suggest he was he was
5 agreeing?

6 MS. CHAPMAN: It suggests but he would still have to give
7 informed consent.

8 Q We understand that and there's a form?

9 MS. CHAPMAN: Yes.

10 Q The question is exactly on that point. Did you
11 ever get the form filled out and go back to his
12 trailer and do the search?

13 MS. CHAPMAN: No, I did not.

14 Q Can you help us understand why that didn't occur?

15 MS. CHAPMAN: No, because I don't recall the discussion around
16 that as to why it wasn't done.

17 Q Mr. Pollock, Mr. Moulton, Mr. Henley, can anybody
18 help us understand why this consent search issue
19 was not followed up?

20 MR. MOULTON: Yes. The actioning of a consent search as
21 indicated requires a fully informed consent which
22 did not certainly exist as a result of the
23 statement that was taken and the analysis of the
24 entire course of everything that had gone before
25 was that there was a zero probability of

1 obtaining informed consent.

2 Q None had been actually put to him though?

3 MR. MOULTON: That's correct.

4 Q We're talking about a form, its a one-page piece
5 of paper the person signs?

6 MR. MOULTON: The form is incidental to ensuring the legal
7 requirements are met, which includes fully
8 informing the person of the possible extent of
9 the consequences of the search which would be for
10 Mr. Pickton that he would be serving a live term
11 based on his personal consent. The other issue
12 that was involved and alive was that Mr. Pickton
13 was not the sole controller of that property.

14 Q So no one went to Pickton with a form to sign?

15 MR. MOULTON: No.

16 Q Did any of the four of you discuss that and say,
17 "Let's go try at least"? Mr. Pollock, Ms.
18 Chapman?

19 MR. POLLOCK: I can't recall having that discussion.

20 MR. MOULTON: No.

21 MS. CHAPMAN: No.

22 Q Was there any harm in attempting to do that?

23 MR. MOULTON: Not that I am aware of.

24 Q In that interview Pickton told you, Ms. Yurkiw,
25 that Ellingsen was getting money from him; right?

1 MS. CHAPMAN: Yes.

2 Q You must have wondered why Pickton would be
3 paying her money; right?

4 MS. CHAPMAN: To some degree. His answer was that he gave a
5 lot of people money. He was just a generous
6 person.

7 Q Did you not wonder if there was something he was
8 paying her for so she wouldn't talk?

9 MS. CHAPMAN: Yes.

10 Q How did you resolve that in your mind? You had
11 that concern, the totally understandable concern,
12 how did you resolve in your mind not to pursue
13 that issue back again with Ellingsen?

14 MS. CHAPMAN: I don't recall.

15 Q Mr. Pollock, do you recall speaking to Ms.
16 Chapman about that?

17 MR. POLLOCK: No, I don't. I did know that Mr. Pickton was
18 pretty free with his money to a lot of people. I
19 don't specifically recall it with regard to
20 Ms. Ellingsen.

21 Q But here it's made in the context of comments
22 attributed to Ellingsen that would clearly be
23 something that a person might not want out in the
24 open; right?

25 MR. POLLOCK: I don't recall those comments in regards to

1 Ms. Ellingsen.

2 Q Mr. Moulton, can you help us identify why perhaps
3 more time wasn't spent on trying to track down
4 this issue of the money Pickton was paying
5 Ellingsen?

6 MR. MOULTON: I believe there was continuing efforts made to
7 re-interview Ms. Ellingsen.

8 Q What makes you think that, Mr. Moulton?

9 MR. MOULTON: I've seen 1624 entries to that effect.

10 Q At the very least, Ms. Chapman, you had to be
11 suspicious when you heard that Pickton was paying
12 money and you coupled that with the knowledge
13 that Ellingsen had apparently witnessed what
14 looked like a horrendous act attributable to
15 Pickton?

16 MS. CHAPMAN: I was always suspicious of Ms. Ellingsen. I
17 can't say I was overly suspicious that she was
18 getting money. She appeared to be in need of
19 money for drugs so I can't specifically say what
20 I was suspicious of.

21 Q But Pickton said that she was going to use
22 revenge, he used that word when he met with you?

23 MS. CHAPMAN: That Lynn Ellingsen was going to use revenge?

24 Q She was going to use revenge; she says she wants
25 money. Pickton told you that.

1 MS. CHAPMAN: I don't know. Revenge over what?

2 Q Look at tab 15 of the materials, page 147.

3 You're talking about Lynn Ellingsen. Page 147.

4 MS. CHAPMAN: Mine only goes up to page 121.

5 Q I'm sorry. I'll read this to you. Page 147.

6 Interview with Pickton.

7 "Now getting back to things Lynn said

8 because we haven't been privy to a lot of these

9 things we need your clarification on. She's

10 telling us, okay, that she saw you in the barn

11 with a woman hanging there and that you were

12 skinning this woman. You have described to me

13 how you process a pig, that you don't skin it."

14 Pickton: Yeah. Yurkiw: Why would she say these

15 things? Pickton: I don't know. She says that

16 -- all I know is she said something about that,

17 she says she's going to use revenge. She says

18 she wants money, because she smells money in that

19 place. You said: But how could she get revenge

20 by saying things like this? The only thing she's

21 -- Pickton: I don't know. You said: Going to

22 be party to an offence. Pickton: I don't know.

23 You said: What would be her motive in doing

24 this? Pickton: I don't know. I don't know?

25 So you've had this discussion with Pickton,

1 you know he's giving her money, he himself says
2 revenge, you know that Ellingson's statement to
3 Caldwell have come to the police. Isn't that
4 reason to want to drill down even more on why
5 he's giving her money and what does she know that
6 he would pay her perhaps to keep quiet?

7 MS. CHAPMAN: Yes, sitting here 12 years later that does make
8 sense. At the time I don't know why I didn't
9 pursue it.

10 Q Mr. Moulton or Mr. Pollock, can you help us on
11 this section of the questioning?

12 MR. MOULTON: I wasn't involved in the questioning.

13 MR. POLLOCK: Yeah.

14 Q Were you involved in knowing this?

15 MR. MOULTON: As I recall, similar information there was funds
16 flowing from Mr. Pickton to Ms. Ellingsen came up
17 previously from Mr. Caldwell and I believe as
18 well from Mr. Menard, so this would be the third
19 or fourth time that information arose.

20 Q Let's move on, please. Ms. Chapman, you asked
21 for some forensic imaging, do you remember doing
22 that, aerial photograph?

23 MR. POLLOCK: Who are you asking the question of?

24 Q Ms. Chapman. I'm sorry.

25 MS. CHAPMAN: Yes, I asked for aerial photographs.

1 Q I'm trying to find the date. The document isn't
2 dated. Do you remember doing that in the year
3 2000, was it?

4 MS. CHAPMAN: Yes, from my notes.

5 Q What were you thinking that would help you with?

6 MS. CHAPMAN: Provide us with the lay of the land as to what
7 buildings were there, just the geographic
8 location of everything and I wanted to see what
9 was dug up on the lands.

10 Q I think it was in February of 2000. When you
11 were doing that and trying to get the lay of the
12 land did it occur to you to follow up with the
13 consent search to actually get on the property
14 and have a look at the trailer instead of sending
15 a plane up?

16 MS. CHAPMAN: I don't know if those were my thoughts or not.

17 Q I wanted to ask about a letter that is on the
18 file. It relates around this timeframe. If you
19 turn please to tab 18. It's from McCartney to
20 Connor in May 2002. By this time Connor is back
21 in Coquitlam and you've left, Ms. Chapman?

22 MS. CHAPMAN: Yes.

23 Q Mr. Pollock, you were still there?

24 MR. POLLOCK: No, I was gone as well.

25 Q He talks about the timeframe -- the last

1 paragraph: "We then had a meeting in the
2 boardroom on February 14" -- and this would be
3 the year 2000, if you look at the top paragraph
4 you'll see it's February 2000. There was a
5 meeting of Filer, Davidson, Mars and Kingsbury
6 from ViCLAS. You weren't at this meeting
7 apparently, Ms. Chapman, do you know why not?

8 MS. CHAPMAN: I had retired prior to that.

9 Q In February 2000?

10 MS. CHAPMAN: Oh, February 14, no. I don't know why I wasn't
11 included.

12 Q Maybe you can help -- maybe someone can help us
13 here. "We had a meeting in the boardroom, went
14 through various scenarios and we were just
15 getting ready to put the push on the file. Of
16 course this letter is referencing Pickton. Of
17 course February 14 Richard Jung was murdered at
18 the Hi-Max and everything went in the dripper."
19 Who can help us with Richard Jung?

20 MS. CHAPMAN: We called that the karaoke murder. It was a
21 young man beaten to death by six individuals.
22 That file went from February 19 and went past my
23 retirement and we ended up convicting all six
24 individuals.

25 Q This took you away from the Pickton

1 investigation?

2 MS. CHAPMAN: Yes, it did.

3 Q That was for some months?

4 MS. CHAPMAN: Yes.

5 Q Mr. Pollock, does that accord with your recall of
6 the missing persons investigation of Pickton?

7 MR. POLLOCK: There was several files but the Richard Jung
8 file was one of them.

9 Q What else was on your plate?

10 MR. POLLOCK: Just a continual influx of files. I think we
11 had a Johal murder in the summer, plus the
12 regular files that would come in.

13 Q Mr. Moulton, anything you want to say about this
14 reference to other files that --

15 MR. MOULTON: That is consistent with that entire timeframe.
16 We were continually taking in more files than we
17 had the capacity to deal with.

18 Q The question is, did anyone tell VPD everything
19 went into the dripper as far as it related to
20 Pickton?

21 MR. MOULTON: I certainly never did.

22 Q Ms. Chapman, Mr. Pollock?

23 MS. CHAPMAN: No. I didn't have regular contact with any
24 Vancouver City Police member.

25 Q Mr. Henley, did you know this was the situation

1 as it related to Pickton in Coquitlam?

2 MR. HENLEY: No.

3 Q Of course UHU was not investigating Pickton?

4 MR. HENLEY: No.

5 Q I'm curious, Mr. Henley. You had spent time on
6 the file, taken the time to go interview
7 Ms. Ellingsen?

8 MR. HENLEY: That's correct.

9 Q You were doing that to help, this wasn't part of
10 your job requirement for UHU?

11 MR. HENLEY: I sat in a meeting at Coquitlam where there was
12 some discussion what would be the next step after
13 I believe it was Ross Caldwell was interviewed at
14 the Coquitlam Detachment and I thought that the
15 next thing that should happen is that Lynn
16 Ellingsen should be picked up because Caldwell's
17 evidence to me -- first of all, he was under the
18 influence of drugs or alcohol or both when he
19 gave his evidence. I was aware of the fact that
20 he had been an informant in the past for the RCMP
21 and was not reliable. But all of that aside, he
22 didn't see anything. He only had heard or was
23 telling us that he was told that Lynn Ellingsen
24 actually saw this woman in the barn. It just
25 made sense to me that we should find Lynn

1 Ellingsen. Because I was the only person in the
2 room that actually knew her, I offered to go and
3 pick her up and bring her in and continue from
4 there.

5 Q I'm curious about this, Mr. Henley. If someone
6 had said to you in the early -- in say February,
7 March 2000, who is investigating Pickton as a
8 suspect relating to the missing women of the
9 Downtown Eastside of Vancouver, you --

10 MR. HENLEY: Sorry, Mr. Vertlieb, I missed that.

11 Q I'm sorry. If someone said to you who is
12 investigating Pickton as it relates to the
13 missing women from the Downtown Eastside of
14 Vancouver, you clearly would have said it's not
15 UHU?

16 MR. HENLEY: That's correct.

17 Q Who would you have said was in charge of that
18 investigation then?

19 MR. HENLEY: I would have said that I don't know because I
20 really had no involvement or no knowledge of the
21 file.

22 Q Mr. Moulton, getting back to this issue about
23 advising the VPD about the state of this Pickton
24 investigation, did you think the VPD would be
25 interested to know where you were at on the

1 priority of Pickton, given the fact that they saw
2 him as an important suspect for the missing
3 women's investigations from the Downtown
4 Eastside?

5 MR. MOULTON: I think if they were interested they would have
6 asked. In my experience there is no practice
7 amongst police agencies of informing people of
8 the state of your own files.

9 Q So you would leave it to them to come to you and
10 inquire?

11 MR. MOULTON: That's correct.

12 Q I wanted to just confirm, Ms. Chapman, you'll see
13 tab 19 has this February 14, 2000 meeting that I
14 mentioned few minutes ago?

15 MS. CHAPMAN: Yes.

16 Q You weren't in attendance?

17 MS. CHAPMAN: Right.

18 Q Look at the second page though of this document,
19 number 4. I know you weren't there at the
20 meeting, and we don't know why you weren't there.
21 Mr. Pollock, you weren't there either and we
22 don't know why that is?

23 MR. POLLOCK: No idea.

24 Q It's a briefing at the Coquitlam Detachment and
25 you weren't there either, Mr. Moulton?

1 MR. MOULTON: No.

2 Q You don't know why that is?

3 MR. MOULTON: No.

4 Q Look at number 4 on the second page in terms of
5 suggestions. "4. Determine if Ellingsen is
6 still alive. Ellingsen is apparently still
7 extorting a sum of \$500 per month from Pickton as
8 payment not to go to the police about what she
9 saw in the barn." Doesn't that just jump out at
10 the four of you about the importance of
11 Ms. Ellingsen's evidence and the confirmation you
12 had, Ms. Chapman, that Pickton was giving her
13 money?

14 MS. CHAPMAN: There's nothing to indicate the truthfulness of
15 that information or where it came from.

16 Q You knew that Pickton was giving her money
17 though?

18 MS. CHAPMAN: We knew he was giving her some money but not on
19 a regular basis.

20 Q And you heard -- okay, that's fine.

21 Mr. Pollock, do you have any comment about
22 that when you read it?

23 MR. POLLOCK: It certainly does jump out at me. However, I
24 wasn't aware of the information and I was never
25 advised of it as a result of this meeting.

1 Q Mr. Moulton?

2 MR. MOULTON: I just saw the 1624 I believe when it was
3 circulated yesterday.

4 Q You weren't aware of this suggestion made back in
5 February of 2000?

6 MR. MOULTON: I knew of the exchange of money from Mr. Pickton
7 to Mr. Ellingsen and that that had arisen on a
8 number of occasions.

9 Q Let's turn to tab 20. This references a
10 discussion, Mr. Moulton, you had with Staff
11 Sergeant Zalys. This is April 18, 2000. It does
12 say that after -- that Zalys after speaking with
13 you, Mr. Moulton, still considered the Pickton
14 file a priority. However, there would be no
15 additional resources to assist and the unit would
16 have to investigate when time permitted and to
17 do, "the best we can when we can." These words,
18 "the best we can when we can" are attributed to
19 having come from you.

20 MR. MOULTON: I don't have an independent recollection of
21 having that conversation but the gist of it I
22 would adopt. Whether I said those particular
23 words, I would accept the basis of them is that
24 we had a very finite number of resources to meet
25 the demands that we had at the time and the

1 allocation of those resources was made against
2 the probability of successfully employing those
3 resources.

4 Q So in terms of the concern the commissioner has
5 expressed in systemic issues around
6 communication, I do want to ask you and not to be
7 critical of you in any way, but was this view of
8 doing "the best we can when we can" communicated
9 to the Vancouver Police Department?

10 A It wasn't in that context but they would be
11 operating with precisely the same constraints --
12 a little less of the constraints that we faced.

13 Q Now, tab 21, there's a reference from your notes,
14 Ms. Chapman, I believe, January 12, 2000.

15 MS. CHAPMAN: Yes.

16 Q That's your handwriting?

17 MS. CHAPMAN: Yes.

18 Q It references a meeting you had with Inspector
19 Moulton re Pickton?

20 MS. CHAPMAN: Yes.

21 Q And about the exculpatory statement you had
22 received?

23 MS. CHAPMAN: Yes.

24 Q So you brief Inspector Moulton and he was always
25 available to you if you needed to go to him?

1 MS. CHAPMAN: I wouldn't necessarily go to Inspector Moulton.

2 I would go to my supervisor.

3 MR. MOULTON: I may have misunderstood what you said, Mr.

4 Vertlieb. I believe you said this was in

5 relation post-statement and in fact this was a

6 week prior to the statement and this was in

7 preparation for the statement.

8 Q I'm sorry. You're right, January 19th. So you

9 had gone to Mr. Moulton before the interview with

10 Pickton?

11 MS. CHAPMAN: Yes.

12 Q Was there any discussion at that time with Mr.

13 Moulton about bringing anyone in to do the

14 interrogation? It's not in your notes.

15 MS. CHAPMAN: I don't recall specifically.

16 Q You've been criticized for having Gina Houston

17 sit in on that interview. I want to give you a

18 chance to tell the commissioner about that.

19 MS. CHAPMAN: Gina Houston came with Pickton. She basically

20 arranged the interview. Pickton refused to

21 participate in the interview without her present.

22 At that point when I realized there was no hope

23 of having her out of the room, any intent of

24 interviewing Pickton went out the window.

25 Instead of cancelling the interview I decided to

1 continue with it to see what could be gleaned, if
2 anything.

3 Q Now, following that interview and from what
4 you've told us, it wasn't your preference that
5 Ms. Houston sit in but you did the best with what
6 you could?

7 MS. CHAPMAN: Correct.

8 Q Did you consider bringing Pickton back in a
9 second time?

10 MS. CHAPMAN: I don't specifically recall.

11 Q Did you talk to Mr. Moulton or Mr. Pollock about
12 that?

13 MS. CHAPMAN: I don't recall that either.

14 Q Tab 23, there's a document that's called an
15 Indirect Personality Assessment Questionnaire, an
16 IPA.

17 MS. CHAPMAN: Yes.

18 Q Do you have any knowledge of why that was done?
19 Did you have any involvement in that?

20 MS. CHAPMAN: No. Constable Cater did that. I remember it
21 being done but I don't remember anything about
22 that. I can't comment on that.

23 Q Mr. Pollock or Mr. Moulton, do you remember that
24 being done, why it was done or what you learned
25 from it?

1 MR. MOULTON: I recall it being done and I recall having the
2 discussion around trying to explore all of the
3 most peripheral possibilities, one of which was
4 attempting to do the indirect personality
5 assessment and that had one -- that was one of
6 the factors considered in moving Mr. Cater on to
7 the Serious Crime Unit.

8 Q It appears, Ms. Chapman, that was sent to you,
9 you see the handwriting "Ruth FYI," do you see
10 that?

11 MS. CHAPMAN: Yes. I don't know when that was sent to me but
12 I see the handwriting.

13 Q There's a note November 30, 2000, tab 25. Have a
14 look at this, Ms. Chapman.

15 MS. CHAPMAN: Yes.

16 Q Is this your handwriting?

17 MS. CHAPMAN: Yes.

18 Q There's a reference to Geramy Field calling you
19 regarding Pickton?

20 MS. CHAPMAN: Yes, I see that.

21 Q You had spoken to Ms. Field numerous times during
22 your work on this file?

23 MS. CHAPMAN: No, I wouldn't say numerous times.

24 Q You'd spoken to her before?

25 MS. CHAPMAN: I believe so.

1 Q When Mr. Chernoff was here there was a reference
2 in his documents to a discussion -- I'll tell you
3 what we can do, Mr. Commissioner, we can take the
4 break and that will give Mr. Giles a chance to
5 pull that exhibit up.

6 THE COMMISSIONER: All right.

7 THE REGISTRAR: Order. This hearing will now recess for 15
8 minutes.

9 **(PROCEEDINGS ADJOURNED AT 11:00 A.M.)**

10 **(PROCEEDINGS RESUMED AT 11:20 A.M.)**

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

12 MR. VERTLIEB:

13 Q While Mr. Giles is getting Exhibit 176NR please I
14 want to just ask Ms. Chapman a question. 176NR
15 please, Mr. Giles, and it's tab 14. Ms. Chapman,
16 there's some handwritten notes. We understand
17 that's your handwriting.

18 MR. CHAPMAN: Yes.

19 Q Look at September 16, 1999. Now, we've heard
20 that there was a Vancouver homicide conference on
21 that date. Does that ring a bell with you, that
22 you were at a homicide conference and spoke with
23 Geramy Field, Mark Chernoff and Ron Lepine?

24 MR. CHAPMAN: There was a homicide course. I don't
25 specifically recall conversation with them.

1 Q Have a look at your handwriting. That is your
2 handwriting under September 16, 1999?

3 MR. CHAPMAN: Yes.

4 Q It says: "Geramy Field, Mark Chernoff, Ron
5 Lepine, VPD. Stated there was no reason why they
6 couldn't go out and interview Pickton, person of
7 interest." Do you see that?

8 MS. CHAPMAN: Yes.

9 Q So it appears you stated there's no reason they
10 couldn't go out and interview Pickton if they
11 thought he was a person of interest?

12 MR. CHAPMAN: Or else I'm writing down what they stated to me.
13 I don't know the context of that note.

14 Q It says: "Stated there's no reason why they
15 couldn't go out and interview," not you?

16 MR. CHAPMAN: Yes, why they wouldn't go out.

17 Q It sounds reading that, unless you can correct
18 this, that Field, Chernoff and Lepine had a
19 discussion with you and you said there was no
20 reason they couldn't interview Pickton?

21 MR. CHAPMAN: No, that's not how I interpret it.

22 Q Help us then. How do you interpret the
23 handwriting?

24 MR. CHAPMAN: It's quite possible that they said to me that
25 there's no reason why they couldn't go out and

1 interview Pickton as a person of interest. I
2 don't have a specific recollection of that.

3 Q I see. So either they said it to you or you said
4 it to them, but the reference was to them,
5 meaning VPD, going out and interviewing Pickton?

6 MR. CHAPMAN: Yes.

7 Q Here is the question. What did you think would
8 be the reason the VPD would want to interview
9 Pickton?

10 MS. CHAPMAN: Just as I have there, he's a person of interest
11 in their missing person investigation.

12 Q So you saw that separate and apart from the
13 homicide investigation that you were dealing with
14 concerning Ellingsen and Caldwell?

15 MR. CHAPMAN: I can't say that. I'm just saying -- putting
16 that out there that I knew they were
17 investigating missing women and that note there
18 indicates he's a person of interest but it
19 doesn't relate to missing women, so I can't
20 categorically say that's what it meant.

21 Q At tab 25 there's a note of yours and it appears
22 to be from November 30, 2000. That is your
23 handwriting?

24 MR. CHAPMAN: Yes.

25 Q You see the reference: "Field called re

1 Pickton." She called you?

2 MR. CHAPMAN: Yes.

3 Q There's a task force, Henderson, McCarl and Don
4 Adam?

5 MR. CHAPMAN: Yes.

6 Q "Will work cases like Pickton." What did you
7 think that meant was going to happen?

8 MR. CHAPMAN: I don't recall what I thought back then.

9 Q I want to turn please to tab 28, Serious Crime
10 Unit meeting in the RCMP detachment April 2001.

11 MR. CHAPMAN: Yes.

12 Q You were there, Ms. Chapman?

13 MR. CHAPMAN: Yes.

14 Q And Mike Connor was there?

15 MR. CHAPMAN: Yes.

16 Q Do you have an independent memory of this
17 meeting?

18 MS. CHAPMAN: No. Look at page 16. There's a reference to
19 Pickton and bracketed your name, April 2001. Do
20 you see that, page 16.

21 MR. CHAPMAN: Yes.

22 Q High priority?

23 MR. CHAPMAN: Yes.

24 Q At that time Pickton was a high priority, is that
25 what we learned from this?

1 MR. CHAPMAN: He was always a high priority.

2 Q So what were you doing then?

3 MS. CHAPMAN: In April of 2001, well, for part of the time I
4 was in Quebec for the Summit of the Americas and
5 I would have been working other files. I don't
6 specifically recall.

7 Q Now, I wanted to ask about Pauline Johnson,
8 you'll see her at page 7.

9 MR. CHAPMAN: Yes.

10 Q You see the bottom note: "Sergeant Mike Connor
11 believes Robert Pickton to be a possible suspect
12 in this homicide as her body was dumped near his
13 residence," et cetera?

14 MR. CHAPMAN: Yes.

15 Q Did you see any connection between that file and
16 what you were doing as referenced on page 16 in
17 terms of coordination?

18 MR. CHAPMAN: I don't recall the Pauline Johnson file.

19 Q That was given immediate priority?

20 MS. CHAPMAN: Yes.

21 Q Not by you?

22 MR. CHAPMAN: No.

23 Q Let's just move to tab 30. This is you, Mr.
24 Henley. There's a reference at page 7 that you
25 got Ellingsen to admit that she and Ross were

1 trying to blackmail Willie. Do you remember
2 that? You told this to RCMP Simmill when Mr.
3 Williams was doing review for the RCMP or a
4 report for the RCMP.

5 MR. HENLEY: I vaguely recall this interview. I don't see
6 where --

7 Q Page 7.

8 MR. HENLEY: Whereabouts on page 7?

9 Q Bottom paragraph. The short version is: "I got
10 her to admit that her and Ross were trying to
11 blackmail Willie. They wanted money out of him."
12 Do you see that?

13 MR. HENLEY: Uh-huh.

14 Q Then you say: "Unfortunately now that I'm armed
15 with hindsight she didn't tell me why they were
16 blackmailing. She made up you know another story
17 of drugs and him not paying."

18 MR. HENLEY: That's correct. I don't actually recall this but
19 obviously I said it, it's written here.

20 Q It's easy now in 2002 in September when you gave
21 this statement knowing that Pickton had by then
22 been arrested with charges of multiple murder,
23 that's what you mean by hindsight?

24 MR. HENLEY: Exactly.

25 Q The question as an experienced police officer, if

1 they knew you were blackmailing Willie, meaning
2 Pickton, and you knew all this other
3 information --

4 MR. HENLEY: What other information?

5 Q The fact you went out and interviewed her with
6 what you'd heard from Caldwell. Did it occur to
7 you then to drill down more on the blackmail
8 issue -- "then" meaning when you interviewed
9 Ellingsen?

10 MR. HENLEY: You mean now that I was armed with hindsight?

11 Q No. Back in the day when you were interviewing
12 Ellingsen and you learned, you got her to admit
13 they were blackmailing Willie. It's your own
14 word, "blackmail Willie".

15 MR. HENLEY: It is.

16 Q I just wanted to ask you if at the time you
17 wanted to drill down more to find out what that
18 would be about?

19 MR. HENLEY: No.

20 Q You mentioned at page 16 that Darryl, meaning
21 Darryl Pollock, didn't have a lot of Serious
22 Crime background, and that wasn't to be rude to
23 Mr. Pollock but you knew that people believed
24 that there was a -- there was a belief you had
25 more Serious Crime background than Mr. Pollock,

1 that was your view of the situation back at the
2 time.

3 MR. HENLEY: I had spent more time in Serious Crime than
4 Darryl, yes.

5 Q Mr. Pollock doesn't hold himself out as a serious
6 homicide investigator. Did that put more
7 pressure on you, you felt you had more experience
8 than some of the others on the case?

9 MR. HENLEY: No.

10 Q The main players in your view at the time of the
11 investigation you believe was Sergeant Connor, he
12 was in charge of the investigation?

13 MR. HENLEY: That's what I understood, yes.

14 Q You believed Inspector Moulton was sitting in on
15 it, meaning he was informed?

16 MR. HENLEY: I think what I said is -- you said I "believed".
17 I don't have any specific recollection of
18 Inspector Moulton being there or having any
19 conversation with Inspector Moulton about
20 Pickton.

21 Q Let me ask you this please. You make reference
22 in this statement when you talk about the
23 polygraph that she wouldn't take the polygraph,
24 we covered that earlier?

25 MR. HENLEY: Yes.

1 Q You said to Simmill that she had severed ties
2 with you after that and you found that very
3 strange. Do you remember saying that?

4 MR. HENLEY: Is it in here?

5 Q Yes. Page 13.

6 MR. HENLEY: Whereabouts?

7 Q 10, 12 lines. "I talked to my lawyer. My lawyer
8 said I shouldn't take the polygraph. Same old
9 story they all give you. And that was, she
10 severed ties with me after that and I found that
11 very strange and I found that very strange
12 because I'd been dealing with this woman for
13 years and for her just to cut me off like that it
14 just didn't sit well me, it just didn't -- I
15 remember going back and talking to Darryl Pollock
16 -- pardon me right here, I never did go back to
17 Coquitlam."

18 MR. HENLEY: Uh-huh.

19 Q "Talking to Darryl Pollock and saying you know
20 Darryl, I don't know, right, I don't know if she
21 saw that. She lies so much maybe she did see it,
22 maybe didn't see it. I don't have an answer for
23 you. It's going to be up to you guys now to
24 think -- to pursue it. I'll check with Doug and
25 see if we can still help or if you need us out

1 there. Darryl basically said to me that's okay,
2 Frank, you know, we'll take it from here." Does
3 that accord with your memory?

4 MR. HENLEY: It's very close because I never did know whether
5 she was lying to me or telling the truth. I
6 never did know. I didn't trust her.

7 Q Why did you find it strange that she severed ties
8 with you? What was strange to you about that?

9 MR. HENLEY: Just for that reason, that I had known her for
10 years and I actually -- well, I just thought it
11 was strange -- I think I thought it was strange
12 that she just cut me right off and wouldn't take
13 the polygraph. It took me all day to get her to
14 call me back from some unknown number. I never
15 had anything to do with her again.

16 Q Was it strange in your mind in the sense that you
17 found that suspicious?

18 MR. HENLEY: I can't answer that.

19 Q I'd like to come to this, what we've heard deemed
20 a "social visit," you had with Mr. Pickton, Mr.
21 Henley.

22 MR. HENLEY: Sorry?

23 Q March 20, 2001, 10:30 a.m., you went out to
24 Pickton's place?

25 MR. HENLEY: That's correct.

1 Q You spent about an hour there?

2 MR. HENLEY: No, I don't think it was an hour.

3 Q Page 22, you say: "I guess I probably spent an
4 hour there and he had some old trucks there."

5 Look at page 2, the middle of the page.

6 MR. HENLEY: If it's there it's there.

7 Q That's fine. I'm just asking. Page 22.

8 MR. HENLEY: I recall going there, I recall looking, walking
9 around his property and looking at some old Ford
10 vans he had there.

11 Q Here is what you said to Mr. Simmill. He was
12 RCMP, right?

13 MR. HENLEY: Yes.

14 Q "So I probably spent an hour there and he had
15 some old trucks there and we looked at his trucks
16 and it was like really very much a social visit."
17 Those were your words, sir?

18 MR. HENLEY: That's what it was.

19 Q When you had that visit you talked to Pickton
20 about Ellingsen and Caldwell?

21 MR. HENLEY: That's right.

22 Q I want to ask you about that. Did you consider
23 whether or not you were putting a potential
24 informant, namely Caldwell and perhaps even
25 Ellingsen, at risk?

1 MR. HENLEY: No.

2 Q Why not?

3 MR. HENLEY: If I thought they would have been at risk I
4 wouldn't have gone there. Before I went there I
5 spoke briefly with Staff Sergeant Henderson,
6 asked him if it would be a problem if I just
7 dropped in on Willie, was there an extensive
8 ongoing investigation, was he the primary suspect
9 in anything. He said he didn't see a problem
10 with it, I wouldn't be stepping on anybody's
11 toes. I said it would just be sort of a social
12 call. I wasn't going to go out there to
13 interrogate him or try to interview him. I just
14 wanted to meet him and see him. As an
15 investigator, even with all the experience I had,
16 I had a real problem getting my head around the
17 fact that somebody would kill a human being and
18 hang them up and skin them, or do whatever he did
19 supposedly to this girl in the barn. So I just
20 wanted to meet him. I had been reading -- in
21 fact, I read three of John Douglas's profiling
22 books, the FBI profiler, and I just wanted to go
23 out there and put that to the test and see if
24 Willie was that kind of guy -- if I could get
25 anything from him that would give me a feel for

1 what kind of a person he was.

2 Q You went on your own?

3 MR. HENLEY: Yes, I did.

4 Q I want to give you an opportunity to reply to
5 something Mr. LePard said. He said to go off
6 solely and not as part of an investigative
7 strategy -- and this was not part of an
8 investigative strategy?

9 MR. HENLEY: No.

10 Q So Mr. LePard said it seemed very unusual to me
11 to do this in such a cavalier way and not as part
12 of an investigative strategy which was being run
13 by the Coquitlam RCMP, not by the unit he was
14 part of. I want to give you an opportunity to
15 comment on whether you feel that was cavalier or
16 not.

17 MR. HENLEY: I didn't think it was cavalier.

18 Q Why not?

19 MR. HENLEY: Previous to this I had spoken to Fred Maile who
20 was a retired member and was the only member I
21 knew that had worked on the Clifford Olson file
22 and it came up in conversation with Fred on
23 another subject and I had mentioned to him that a
24 year or so before I had been in Coquitlam
25 assisting Coquitlam and they had information that

1 this woman had said she had seen this horrendous
2 thing happen in Willie's barn, and when I
3 mentioned Willie's name, Fred related the story
4 of how he as a private detective had gone and
5 gotten a blood sample off of the old Coquitlam
6 Detachment at 3000 Christmas Way for the defence
7 lawyer that was defending Willie in the 1997
8 assault charge against a girl from the Downtown
9 Eastside. As it turned out, Willie's blood was
10 on the door of the detachment because part of
11 Willie's defence, according to Fred, was that she
12 had attacked, him he had gone to the police to
13 report it but he didn't realize that the
14 Coquitlam RCMP Detachment had moved from
15 Christmas Way to its current location.

16 Q So this was on your own that you went out there?

17 MR. HENLEY: That's right.

18 MR. VERTLIEB: Mr. Commissioner, I had planned to be an hour
19 and three quarters and that's almost exactly what
20 I've been. I think counsel need to be informed
21 on the allocations you've made for
22 cross-examination.

23 THE COMMISSIONER: Doing the best I can, I've set the
24 following limits having regard to the evidence
25 that we've heard and where I think the need is

1 the greatest. Ms. Tobias has three hours, Mr.
2 Ward an hour and 30 minutes, Mr. Gratl 40
3 minutes, Ms. Narbonne 40 minutes, Mr. Dickson/Mr.
4 Hern 40 minutes and Mr. Hira one hour.

5 Ms. Tobias.

6 MS. TOBIAS: Thank you, Mr. Commissioner. For the record,
7 Cheryl Tobias appearing for the Government of
8 Canada. There are some binders of documents --
9 several copies of the binder of documents that
10 we've made available to Mr. Giles and I'd ask
11 that, Mr. Giles, if you would be so kind as to
12 give the panel maybe a couple copies if you can
13 so they can share it and a copy to Mr.
14 Commissioner.

15 MR. WARD: Before my friend continues, Cameron Ward counsel
16 for the families of 25 murdered women. Mr.
17 Commissioner, I need to state this for the record
18 and for the benefit of those members of the
19 public who don't understand how lawyers work. We
20 prepare cross-examinations long before we get
21 here and listen to the witnesses give their
22 evidence. We create a template for our questions
23 and answers and as many judges have said -- I
24 can't think of the case I'm thinking of right now
25 -- but cross-examinations don't just happen,

1 they're the result of careful advance
2 consideration. Once again, when we're told that
3 our time is limited in this fashion when the
4 witnesses finish their examinations in chief, it
5 badly adversely affects all that preparation that
6 we have done. Speaking for myself, it causes me
7 a great deal of difficulty in trying to take my
8 preparation work and then change it all at the
9 last minute before I get on my feet and I have to
10 say that on the record and make sure my objection
11 to this whole notion of time limits is very
12 clear. Thank you for that.

13 THE COMMISSIONER: Thank you. Ms. Tobias.

14 MS. TOBIAS: Thank you, Mr. Commissioner. --

15 MR. GRATL: Mr. Commissioner, Jason Gratl for the Downtown
16 Eastside interests. I'm not able in 40 minutes
17 to do justice to my mandate.

18 THE COMMISSIONER: Thank you.

19 MS. TOBIAS: I'm going to start with some more questions about
20 the background of the witnesses, Mr.
21 Commissioner. I will before I commence my
22 cross-examination and examination because it will
23 go on for a little bit, I just want to tell you
24 very briefly where I'm going with this. It's
25 important in my submission for you to understand

1 the structure within which the various members of
2 the Coquitlam team was working at the relevant
3 time and, of course, because that explains and
4 defines a lot of what they were able to do, what
5 they could do or perhaps what they should do, so
6 some of -- I'm going to structure my questioning
7 in an effort to make sure that you appreciate
8 that because it doesn't necessarily come out so
9 clearly from some of the documents and from what
10 you've heard to date.

11 Aside from that, in terms of what happened
12 at the various meetings, the context -- the
13 content of various statements and so forth that
14 were taken, I don't intend to go through that in
15 any detail whatsoever except I am going to play
16 you a very, very short excerpt from the Ellingsen
17 interview on August 26, 1999. But essentially
18 what I'm going to elicit from these witnesses is
19 their perspective on various developments in the
20 case and what they understood their available
21 options and responsibilities to be.

22 THE COMMISSIONER: All right. Thank you.

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

24 Q I'd like to start with Mr. Moulton , sir. You
25 told us that you were the Operations officer at

1 Coquitlam and you had the rank of inspector.

2 That meant that you were in charge of all the
3 plainclothes units there during your time; is
4 that correct?

5 MR. MOULTON: In an official capacity that's correct. By
6 practice I assumed responsibility for the Patrol
7 side as well.

8 Q Of course the Serious Crime Unit was one of those
9 particular plainclothes units?

10 MR. MOULTON: That's correct.

11 Q And there was a staff sergeant though in between
12 you and Sergeant Pollock; is that right?

13 MR. MOULTON: That's correct.

14 Q That was Bush Halpenny to begin with and then
15 Staff Sergeant Brad Zalys came and assumed that
16 position during the time you were there?

17 MR. MOULTON: Yes.

18 Q And then Sergeant Pollock was in charge of the
19 Serious Crimes Section as has been mentioned and
20 then he had two corporals reporting to him?

21 MR. MOULTON: Yes, that's correct?

22 Q Technically there were to be six constables as
23 well in the unit?

24 MR. MOULTON: Yes.

25 Q But because of secondments and vacant positions

1 and so forth the unit was rarely up to capacity
2 or fully staffed; is that right?

3 MR. MOULTON: That's correct. I should add that that -- the
4 scenario you described as being not fully staffed
5 in Serious Crime Unit, that was also the case in
6 every other unit within Coquitlam Detachment.

7 Q In your position you had some knowledge of the
8 position of your detachment in terms of resources
9 compared to other detachments; is that right?

10 MR. MOULTON: Absolutely, yes.

11 Q What was that position?

12 MR. MOULTON: We were the most under-resourced policing entity
13 in the Lower Mainland certainly. By way of
14 example, in the 1997/98 timeframe, Vancouver
15 Police Department had two and a half persons for
16 every person that we had.

17 Q Without going into detail as to what they were,
18 that had to do with the financing arrangements
19 with the municipalities and other aspects of the
20 contracting arrangements; is that correct?

21 MR. MOULTON: That's correct.

22 Q In your capacity as inspector did you have an
23 ongoing relationship with representatives of the
24 municipalities, District of Coquitlam and City of
25 Coquitlam?

1 MR. MOULTON: Yes, with both of them as well as Belcarra and
2 Anmore and the Kwikwetlam band.

3 Q Did you respond to views that they had about
4 priorities in policing?

5 MR. MOULTON: They made their priorities known to us and we
6 explained the disposition of our resources to
7 them. Occasionally they queried or made more
8 assertive positions known. The case that pops to
9 mind is that I think the only increase we got to
10 our establishment during the timeframe that I was
11 there was five positions that Port Coquitlam
12 wanted to allocate to a bike patrol.

13 Q Now, just changing subjects at this point, as
14 Operations officer you had -- you kept tabs on
15 what was happening in the significant
16 investigations going on in all of your
17 plainclothes units?

18 MR. MOULTON: That's correct.

19 Q Similarly, did you have some responsibility for
20 various investigative policies? Here I'm going
21 to ask you to focus specifically on the policy as
22 it pertained to the investigation of missing
23 persons.

24 MR. MOULTON: Yes. During the early term of my time in
25 Coquitlam I reviewed the -- during the course of

1 what you do, you're constantly reviewing all of
2 the various matters that are occurring within
3 your jurisdiction. A series of those matters of
4 course reflected attendance on missing persons
5 files. Part of the institutional memory or
6 knowledge at Coquitlam Detachment relates to the
7 Olson murders, and while reviewing the missing
8 persons files I had a concern that there wasn't a
9 sufficient amount of attention paid in the first
10 instance so I rewrote the missing persons policy
11 so that there had to be actual attendance where
12 the person was last seen by whom they were
13 reported and there had to be follow-up and
14 mandated that in fact the supervisor of the
15 person with the file initiated a review within a
16 particular period of time.

17 Q This may perhaps seem self-evident, but the
18 emphasis on immediate investigation is for what
19 reason, sir?

20 MR. MOULTON: To ensure that any information or evidence that
21 might be somewhat ephemeral is captured at the
22 earliest possible moment.

23 Q Mr. Pollock, I'd like to switch to you now. If
24 you look in the binder of documents that I've
25 passed up and at tab 1 there's a copy of your CV.

1 Do you see that?

2 MR. POLLOCK: Yes.

3 Q I note from your CV that you spent some time at
4 Mission?

5 MR. POLLOCK: Correct.

6 Q Did you do serious crime investigation when you
7 were at that assignment?

8 MR. POLLOCK: I was in at that time it was called GIS, General
9 Investigation Section. It's similar to Major
10 Crime or Serious Crime Section and I was in that
11 section for about a year and a half.

12 Q Were you one of the investigators in that section
13 dealing with homicides and other sorts of serious
14 crimes?

15 MR. POLLOCK: Yes.

16 Q Now, I would like to ask you some questions about
17 the role that you played as the sergeant of the
18 Serious Crime Unit. I understand that one of
19 your important duties was to assign files?

20 MR. POLLOCK: Correct.

21 Q And you've already talked about the assignment of
22 the Pickton file to Constable Yurkiw. But beyond
23 assignment of files, your role involved
24 arranging, making arrangements of a logistical
25 nature that might require certain approvals. Let

1 me give you an example. For example, lining up a
2 unit at "E" Division such as Special "O" to
3 assist.

4 MR. POLLOCK: I would be part of that, yes.

5 Q And when other units from outside the Serious
6 Crime Unit were called in to assist, then that
7 would necessitate liaison with the supervisors of
8 the relevant units; is that right?

9 MR. POLLOCK: Sometimes I would be part of that. Sometimes
10 the staff sergeant would be the senior liaison
11 with regard to that.

12 Q There might be financial commitments involved in
13 getting these units to assist, for example, I
14 understand if Special "O" was working and they
15 worked overtime that the detachment had to pay
16 the cost of that; is that correct?

17 MR. POLLOCK: That was my understanding, yes.

18 Q Who would have to approve such expenditures?

19 MR. POLLOCK: I believe it would had to have been Inspector
20 Moulton or someone about that level.

21 Q In terms of getting the assistance of these other
22 units, you would apply to them and then they
23 would decide whether they could assist given
24 their own priorities at the time; is that
25 correct?

1 MR. POLLOCK: That's correct.

2 Q In somewhat of a similar vein sometimes on this
3 file we've noticed the presence of other officers
4 from Coquitlam such as a member named Robertson.
5 She was in another plainclothes unit; is that
6 right?

7 MR. POLLOCK: Yes. She was in charge of the Drug Section and
8 maybe Property Crime or something like that. Her
9 and I both reported directly to Bush Halpenny and
10 later Brad Zalys.

11 Q If you needed assistance in doing things like
12 surveillance beyond what you had in your Serious
13 Crime Unit it would be your job to go to the
14 manager of say the Drug Section, Cathy Robertson,
15 to get assistance?

16 MR. POLLOCK: From my recollection I believe I would usually
17 talk to Brad or Bush and he would talk to the
18 other unit. If he wasn't around I would go
19 directly to her and see if it they had resources
20 available.

21 Q Otherwise in terms of the particular
22 investigation involved, I think that you had
23 mentioned previously in your evidence that when a
24 new file came in it had to be dealt with
25 immediately. I'll give you an example. If a new

1 homicide was reported it was dealt with
2 immediately by a number of members of your team?

3 MR. POLLOCK: Yes.

4 Q That would include you?

5 MR. POLLOCK: Usually. If I recall correctly, I believe that
6 we would have members that would have been on
7 call and they would have come out first.

8 Sometimes I'd be notified at the time. There was
9 other incidents where if we weren't sure exactly
10 what the status of the complaint was I may get
11 called by the watch commander to see if they
12 would allow somebody to be called in and I would
13 authorize that, but for an obviously major file I
14 would be called in as well as whoever is going to
15 be the lead on the investigation and once that
16 happens, once I arrived, then we would start
17 coordinating resources depending how big of an
18 event it was.

19 Q For a fresh report like that, you wouldn't just
20 assign one person but other people would come in
21 to assist and put down whatever they were doing
22 in order to capture the new evidence on the new
23 file?

24 MR. POLLOCK: Correct.

25 Q On the important files did you participate in

1 various meetings and strategic discussions about
2 those investigations?

3 MR. POLLOCK: In some cases, yes, and other cases not. I'm
4 sure there was lots of meetings between the
5 investigators, the lead investigator of a file
6 and maybe that person's direct supervisor or
7 sometimes one of the supervisors -- in
8 particular, Brad Zalys would come down and go
9 directly to the investigators and discuss the
10 files with them. So I wouldn't have been in
11 every meeting.

12 Q To what extent did you keep yourself aware of
13 developments on the important files by reviewing
14 the files themselves?

15 MR. POLLOCK: A lot of it was by word of mouth, talking to
16 members or their supervisors, and through diary
17 dates I would review the date that came in on the
18 diary date extension to ensure if work had to be
19 done it could be done and it was being done, and
20 I wouldn't obviously have the entire file. We
21 had several historic files that I started to read
22 the entire file and I just never had time to get
23 through the whole thing. A lot of those things I
24 never read the entire file.

25 Q The structure of the Serious Crime Unit being

1 what it was that the constables were more
2 directly supervised by the corporals?

3 MR. POLLOCK: Correct.

4 Q Mike Connor was a corporal himself?

5 MR. POLLOCK: Yes.

6 Q Ms. Yurkiw, Ms. Chapman as she now is, was a
7 constable so there was a corporal as well who was
8 responsible for her supervision?

9 MR. POLLOCK: Yes, but I believe there was a gap between the
10 time that Mike Connor left and the time that his
11 replacement, Dave McCartney, was transferred into
12 the unit. I don't know how long. Maybe a month
13 or two months or something.

14 Q The workload of the unit being what it was, I
15 gather that you did a fair amount of direct
16 investigation yourself?

17 MR. POLLOCK: That wasn't my role but based on the amount of
18 work that the members had there was just times
19 that I didn't have anybody to assign a file to
20 and I had to take it myself.

21 Q You at times also assisted members on files
22 assigned to them?

23 MR. POLLOCK: Yes.

24 Q Ms. Chapman, I'd like to turn to you now. Your
25 CV is at tab 3 of the binder of documents in

1 front of you and I can see from that that you
2 began your career with the RCMP approximately in
3 1978.

4 MR. CHAPMAN: Yes.

5 Q You transitioned to plainclothes in approximately
6 1987?

7 MR. CHAPMAN: Correct.

8 Q You were at Burnaby at the time?

9 MR. CHAPMAN: Yes, I was.

10 Q You there were involved in investigation of fraud
11 and sex offences?

12 MR. CHAPMAN: Amongst other files. It was a general
13 investigation section. You were assigned to a
14 specific unit but as required assisted on the
15 major files.

16 Q Did you develop a bit of a specialty while you
17 were there?

18 MR. CHAPMAN: Yes. I had been on courses and other procedural
19 conferences regarding the interviewing of child
20 victims of sexual assault.

21 Q Were you involved in training others in that
22 respect?

23 MR. CHAPMAN: Yes, I was. I travelled the province to present
24 techniques and methods of interviewing children
25 to both other members and social workers.

1 Q But you mentioned I believe that section did a
2 variety of serious investigations?

3 MR. CHAPMAN: Yes.

4 Q And you moved to Vancouver Commercial Crime, that
5 was at headquarters at 37th and Heather?

6 MR. CHAPMAN: Yes.

7 Q You were there for about six years, 1993 to 1999?

8 MR. CHAPMAN: Yes, I was.

9 Q And then in June of 1999 you joined the Coquitlam
10 Serious Crime Unit as you said?

11 MR. CHAPMAN: That's correct.

12 Q At the time that you joined that unit in terms of
13 the investigative skills needed, what was your --
14 what did you find in those -- did you have them
15 or were there any gaps in your skills or
16 experience?

17 MR. CHAPMAN: I had general experience in investigating
18 Serious Crime complaints. I had not had the
19 major case management course or some of the other
20 courses that would have assisted in that type of
21 investigation but I felt I had the general skills
22 to work the files.

23 Q You kept up your -- you kept taking courses when
24 and as they became available?

25 MR. CHAPMAN: That is correct.

1 Q Turning to Mr. Henley, your CV is at tab 9 -- tab
2 7 and your CV, sir, it's in reverse chronological
3 order. If I'm looking at page 2 the earliest
4 entry you have is for 1986 but that's not when
5 you joined the RCMP?

6 MR. HENLEY: No.

7 Q How long had you been a member by that time?

8 MR. HENLEY: I joined the RCMP April of 1974.

9 Q So this CV details your investigative experience
10 as it pertains to serious crime matters?

11 MR. HENLEY: That's correct.

12 Q As you've set out in that CV, sir, as of 1999 you
13 had had an extensive background in all aspects of
14 homicide investigations?

15 MR. HENLEY: That's correct.

16 Q And in various places, Coquitlam, Prince George,
17 other places?

18 MR. HENLEY: I was never actually stationed in Coquitlam but I
19 was stationed in Prince George.

20 Q I beg your pardon. Specifically in 1992 you were
21 in the Serious Crime Unit in Surrey?

22 MR. HENLEY: That's correct.

23 Q It was from there that you were appointed to the
24 unsolved homicide unit?

25 MR. HENLEY: In September of 1996.

1 Q I'd like to ask you some questions about that
2 unit, sir. When you joined the unit that was at
3 its inception?

4 MR. HENLEY: That's correct.

5 Q And another member of the unit was Bruce
6 Ballantyne from the Vancouver Police Department?

7 MR. HENLEY: Bruce wasn't there at the inception of the unit.
8 I believe he came a year or so afterward.

9 Q He was your partner for quite a length of time.

10 MR. HENLEY: Yes. Bruce and I were partners from early 1999
11 until I retired in '02.

12 Q Him coming from a different police force and so
13 forth, how did you find your approaches to your
14 investigations compared? Were they similar, were
15 they very different? Can you tell us about that?

16 MR. HENLEY: Bruce also had an extensive background in Serious
17 Crime investigation. Our approaches were very
18 similar.

19 Q That unit had I believe 16 RCMP members?

20 MR. HENLEY: That's correct.

21 Q Four Vancouver RCMP members?

22 MR. HENLEY: I think there was more than four VPD members but
23 I can't tell you right now. I thought there was
24 at one point at least half a dozen Vancouver City
25 Police members.

1 Q Sergeant Brian Honeybourn as one of the other
2 Vancouver Police Department members of the
3 Unsolved Homicide Unit?

4 MR. HENLEY: That's correct.

5 Q Did you have any supervisory responsibilities in
6 that unit?

7 MR. HENLEY: He was the sergeant. I don't recall the total
8 make-up. I believe that the org chart would show
9 Doug Henderson was in charge, he was the staff
10 sergeant, that Alex McLean and Wayne Blizzard who
11 were RCMP members were sergeants and Brian
12 Honeybourn was also a sergeant, and each of the
13 sergeants would be in charge of a team of
14 investigators made up of joint forces group of
15 Vancouver City Police and RCMP members.

16 Q As has been observed, the Unsolved Homicide Unit
17 usually worked on what is colloquially called
18 "cold files"?

19 MR. HENLEY: That's correct.

20 Q At its inception there were a number of file
21 reviews undertaken by your unit in order to
22 determine what you were going to work on first?

23 MR. HENLEY: That's right.

24 Q How did you make that decision, what was the
25 criteria?

1 MR. HENLEY: I can't recall the exact number of files that
2 were brought forward at the inception of the
3 Unsolved Unit but we did file reviews amongst the
4 teams and some of the files that were coded as an
5 unsolved homicide were in fact not, they were
6 improperly reported. Some were missing persons
7 files where the person had been found. We took
8 somewhere between 800 and 1,000 files and pared
9 those down to approximately 400 where we thought
10 we might have a chance of being successful on.

11 Q As of 1999 were you well into the process of
12 investigating the files that you had selected as
13 being ones that could be solved?

14 MR. HENLEY: Yes, we were.

15 Q You had in that unit some advantages over the
16 detachments and municipal police forces from
17 whence those files came?

18 MR. HENLEY: Yes.

19 Q What were those advantages?

20 MR. HENLEY: Probably the most distinct advantage is we took
21 one file and were allowed to work on that one
22 file only until we took it its logical conclusion
23 I can cite the example working in Surrey working
24 in Serious Crime where I was the lead
25 investigator on three files for one week. So

1 working exclusively without any outside inference
2 or being called out to doing other work in other
3 places was a huge advantageous for us.

4 Q Since a lot of these files were fairly old, did
5 new technologies, specifically DNA, offer you any
6 advantages at this stage?

7 MR. HENLEY: There was two advantages that we received working
8 in the unsolved unit. One was DNA which was
9 still very much in its infancy in the mid '90s
10 but it was there at our disposal. Also, we used
11 a lot of undercover techniques. Again, we could
12 do this because we had the budget, we had the
13 manpower and we could work on one file at a time.

14 Q When you said you used undercover techniques, did
15 that represent any change from previous
16 techniques or was it just a question of manpower?

17 MR. HENLEY: As a general rule up until the time the unsolved
18 unit was formed, most of the undercover
19 operations were targeted at drug dealers. The
20 idea of using undercover operations and their
21 techniques to investigate homicides was
22 relatively untested.

23 Q And now in terms of the position of the Unsolved
24 Homicide Unit, the unit reported to the Major
25 Crime Section in "E" Division?

1 MR. HENLEY: I believe so. I reported to a sergeant and who
2 the sergeant reported to was probably Doug and
3 then up the line. I was a corporal so I only
4 reported to one person.

5 Q And this Unsolved Homicide Unit was essentially a
6 joint forces operation between yourselves and the
7 Vancouver Police Department?

8 MR. HENLEY: That's correct.

9 Q I'd like to turn to the events of the Pickton
10 investigation, the aspects of that investigation
11 that took place in the Coquitlam Detachment.

12 As I do this, Ms. Chapman, Mr. Pollock, you
13 have notes of your involvement, the usual police
14 notes that you took contemporaneously with your
15 investigation; is that correct?

16 MS. CHAPMAN: Yes.

17 MR. POLLOCK: Yes.

18 Q Ms. Chapman, in your case as the lead
19 investigator on the file you were also
20 responsible for keeping the 1624, the
21 continuation reports; is that right?

22 MR. CHAPMAN: Yes.

23 Q They are -- you have copies of your documents
24 with you today that you are going to refer to in
25 the course of your evidence.

1 MR. CHAPMAN: I have some of those documents. I'm not sure
2 exactly what coordinates with this but I've tried
3 to bring as much as I could.

4 Q Let's take a quick look at it. Let's start with
5 you, Mr. Pollock. You have handwritten notes at
6 tabs 2A and 2B. Have a quick look. Those are
7 your notes there?

8 MR. POLLOCK: Yes, those are my notes.

9 Q And you have your own notes, the originals of
10 those documents with you?

11 MR. POLLOCK: Yes.

12 Q Ms. Chapman, your situation is a little bit more
13 complicated than that. Turn to tab -- your notes
14 are located in various tabs underneath the number
15 5, so tab 5A has a number of -- copies of a
16 number of notes that appear to have been recorded
17 on a coil-bound notebook.

18 MS. CHAPMAN: Yes.

19 Q And then at tab B there are some handwritten
20 notes beginning August 24th of 1999 and ending
21 September 10, 1999.

22 MR. CHAPMAN: Yes.

23 Q That's from your regular notebook?

24 MS. CHAPMAN: Yes.

25 Q Then at tab C the first page is the note that Mr.

1 Vertlieb took you to earlier this morning. It
2 has one date on it, 99 09 16.

3 MR. CHAPMAN: Yes. If I can interrupt you for a moment.

4 Those notes at tab B, those are the ones I
5 brought to your attention on Saturday.

6 Q Yes. If we're looking at tab C there's the first
7 page I just alluded to and behind there are a
8 series of notes in date order?

9 MR. CHAPMAN: Yes.

10 Q Now, there are blue sheets between some of the
11 portions of notes and I just want to ask you a
12 bit about your note-taking practices at the time.
13 Did you sometimes take notes or have working
14 papers in different pieces of paper beyond your
15 notebooks?

16 MS. CHAPMAN: Yes. If I was at a location or a meeting and I
17 didn't have a notebook with me I would use
18 whatever paper was available.

19 Q So now just take a quick flip through this tab,
20 you had -- what is in this tab is your various
21 handwritten notes in date order that came from
22 whether it be coil notebooks or other notebooks.
23 Does that make sense to you?

24 MR. CHAPMAN: Yes.

25 Q Flip over to D, please. You just referred that

1 you might take notes on other pieces of paper.
2 We've got in this tab a series of pages of notes
3 that have no particular date on them, but you
4 recognize these notes?

5 MR. CHAPMAN: Yes. They're written on a piece of foolscap,
6 what I would call a working note I'm scribbling,
7 look to be referring to some files. I'm not sure
8 what context they were taken in but they're just
9 kind of reminders to myself or references.

10 Q If you look at the last series of documents in
11 that tab, behind the last blue sheet, there is a
12 series of police computer printouts; do you see
13 that?

14 MR. CHAPMAN: Yes.

15 Q Most of them have some of your handwriting on
16 them as well?

17 MR. CHAPMAN: Yes.

18 Q Is this part of the working papers that you had
19 on the file?

20 MR. CHAPMAN: Yes. I would have printed off those queries and
21 then for whatever reason wrote down some
22 particulars that came to mind.

23 Q I'm going to ask you both questions about your
24 participation on this file and I'm not going to
25 take you to a specific document in your notes

1 except that there will be times, Ms. Chapman,
2 with respect to these undated working papers and
3 I'll ask you to refer to a specific document, but
4 aside from that with Mr. Commissioner's
5 permission rather than stopping the two of you
6 every time I'd ask if you use your notes to
7 assist you to testify as I proceed through my
8 examination.

9 MR. CHAPMAN: Yes.

10 Q Mr. Henley, with respect to your participation,
11 you have very little in the way of notes but you
12 and your partner sometimes kept one set of notes
13 or logs; is that right?

14 MR. HENLEY: That's correct.

15 Q With respect to the matters on this file, in most
16 cases you and Detective Ballantyne worked
17 together and he took notes which he reduced to a
18 log; is that correct?

19 MR. HENLEY: That's correct.

20 Q That is at tab 10. Similarly, I'll ask you
21 simply to refer to that as you need to to give
22 evidence. I'm sorry, tab 16, 16 is a handwritten
23 version of tab 17, the printed version. I'm
24 sorry, I gave you the wrong tab number.

25 I'm going to start in 1998 and, Mr. Pollock,

1 you testified that you didn't participate
2 directly in the investigation at the time when
3 the Hiscox information was being looked into; is
4 that right?

5 MR. POLLOCK: That's correct.

6 Q Would you look at tab 14, please. This is a
7 document pertaining to obtaining aerial
8 photography of the Pickton farm and if you look
9 at the second page of that tab you'll see there
10 was a space for your signature so this isn't
11 signed but that's the kind of thing that you
12 would have had to approve and move on; is that
13 right?

14 MR. POLLOCK: Well, that was the format for memos such as
15 this. Having said that, I can't positively say
16 that I would have seen it if I hadn't signed it.
17 If I would have seen a document like this I would
18 have signed it.

19 Q Can you turn to the next tab, tab 15. This is in
20 respect to a request to Special "O" for
21 surveillance to be conducted?

22 MR. POLLOCK: Yes.

23 Q This is the routine form that had to be submitted
24 for that kind of assistance?

25 MR. POLLOCK: Yes.

1 Q On the second page there are two signatures. Do
2 you recognize either of those signatures?

3 MR. POLLOCK: No, I don't.

4 Q Ms. Chapman, you transferred into the Serious
5 Crime Unit in June of 1999 as you said but
6 through the summer until August 20th or so you
7 had no involvement on the Pickton file
8 whatsoever?

9 MS. CHAPMAN: That's correct.

10 Q However, Mr. Pollock, you had considerable
11 involvement in the summer beginning July 29,
12 1999. As your notes indicate, there was a
13 meeting held in Coquitlam on that date?

14 MR. POLLOCK: That's correct.

15 Q Besides yourself, Mr. Moulton was at that meeting
16 and so was Mike Connor, Mr. Justason from UHU at
17 the time, Cathy Robertson from Drugs, and
18 Detectives Lepine and Chernoff from the VPD?

19 MR. POLLOCK: That's correct.

20 Q At this meeting this was the time when there was
21 follow-up from the meeting that Mike Connor had
22 had with Lepine and Chernoff with respect to
23 their interview with Ross Caldwell the previous
24 day or July 19, beg your pardon?

25 MR. POLLOCK: I have no documentation as to what exactly was

1 discussed there.

2 Q Discussed where?

3 MR. POLLOCK: At the meeting.

4 Q The July 29 meeting?

5 MR. POLLOCK: Yes.

6 Q Are you referring to your notes, sir.

7 MR. POLLOCK: Could you repeat the question?

8 Q Yes. Let's start at the beginning. July 29,

9 1999. You're at a meeting at Coquitlam with the

10 members that we just referred to?

11 MR. POLLOCK: Correct.

12 Q The point of the discussion was the statement

13 that had been given by Ross Caldwell or

14 information given by him?

15 MR. POLLOCK: My notes indicate a summary of information

16 received from the informant. I'm not sure I knew

17 the name of the informant at the time.

18 Q But it's the person later identified as Caldwell?

19 MR. POLLOCK: I believe that now, yes.

20 Q As a result of that meeting certain decisions

21 were made about investigating and that includes

22 the decision that Lepine and Chernoff were going

23 to continue to handle the informant?

24 MR. POLLOCK: Correct.

25 Q And Inspector Moulton was going to get Special

1 "O" involved and have some dealings with respect
2 to a WestCam?

3 MR. POLLOCK: I have that Inspector Moulton was going to deal
4 with the availability of WestCam, not Special
5 "O".

6 Q Mr. Moulton, do you have anything to add to that?

7 MR. MOULTON: My recollection was that I was to assist with
8 obtaining the Special "O" resources.

9 Q That was something that was particularly your
10 responsibility, to facilitate investigations?

11 MR. MOULTON: If required, yes, certainly.

12 Q I'm going to pause there for a moment because I'd
13 like to ask you, in terms of one of the things
14 that's important about this file is how resources
15 are brought to bear on an investigation and how
16 that could or should have happened. Now we're
17 talking about Special "O", we're talking about
18 resources such as aerial surveillance and so
19 forth. Can you tell us a bit about what the
20 system was for doing that and what, if any,
21 constraints you had to consider at the time?

22 MR. MOULTON: I should begin by correcting perhaps a
23 misunderstanding that may have arisen earlier in
24 Darryl's response. In fact, Special "O" comes
25 with its complete package of funding so that any

1 overtime costs that are incurred by Special "O"
2 are borne by Special "O". I can speak to this
3 issue both from my time at Coquitlam as well as
4 the position that I moved into after Coquitlam
5 was being responsible for the entire contracting
6 of policing services delivered to British
7 Columbia by the RCMP. So these are issues I'm
8 very well aware of. The rationale being that the
9 Special "O" resource, Special "I" resource, "E"
10 Division Major Crime, the unsolved resources are
11 province-wide resources and the decisions to
12 deploy that resource rests with the division.
13 The local detachments will make the request and
14 that request will be weighed against all of the
15 outstanding requests for those services. The
16 rationale behind the funding staying with Special
17 "O" is so that when any detachment ends up with a
18 particularly onerous file in terms of having lots
19 of surveillance, that that is borne on a much
20 broader base than simply by a local detachment
21 and that ensures that those resources -- the
22 deployment of those resources isn't prevented by
23 having local financial concerns.

24 Q When it came to things like aerial surveillance,
25 Special "O", Special "I", were you required to

1 provide anything by way of justification?

2 MR. MOULTON: There would ordinarily be a very short op plan
3 of some sort, providing sufficient information to
4 the person making the decision about the resource
5 deployment so that they could make a proper one
6 and prioritize their request against their
7 outstanding requests.

8 Q Were there ever any difficulties in getting the
9 assistance of these outside units?

10 MR. MOULTON: There are always difficulties getting those.
11 Not that they don't want to help but they're
12 deployed on other priorities. The prioritization
13 decisions are made combining primarily an issue
14 of effectiveness. What is the best bang that you
15 can get from those resources given the competing
16 demands and that's the same calculus, if you
17 will, that Darryl makes in apportioning files
18 amongst his own people, that I make at the
19 detachment level and is made at the division and
20 ultimately at a national level.

21 Q So it's not then just a matter of how serious an
22 offence is that is being investigated that
23 factors into the equation as to how resources are
24 deployed?

25 MR. MOULTON: That is correct, although that was certainly one

1 of the primary considerations.

2 Q There was also -- there were also steps taken to
3 involve VPD Strike Force in the surveillance.

4 Did you have anything to do with that, sir?

5 MR. MOULTON: Yes. I believe I spoke to Peter Ditchfield who
6 was then in charge of the Strike Force. As I
7 recall that time frame Special "O" resources were
8 already deployed on other matters and between
9 scrambling other resources from Coquitlam
10 Detachment in collaboration with Strike Force we
11 were able to provide surveillance I believe it
12 was over the August long weekend.

13 Q Now, at this point there was surveillance for
14 more or less a couple of weeks, quite intense
15 surveillance on this file; is that right, sir?

16 MR. MOULTON: That's my recollection, yes.

17 Q Can you put that in framework for us? How common
18 or uncommon was this kind of period of
19 surveillance and what did it represent to you in
20 terms of resources being applied to the file?
21 What I'm saying is how important the file was?

22 MR. MOULTON: To have a two-week deployment of a Special "O"
23 resource would be certainly at a detachment level
24 highly unusual. In addition to the Special "O"
25 resource, Coquitlam itself was deploying a

1 surveillance team. That team had to be drawn
2 from other resources, both in plainclothes and
3 also from patrol resources. In fact, we actually
4 pulled a member who was in records. In my four
5 years it's the only operational activity he ever
6 undertook.

7 MS. TOBIAS: Mr. Commissioner, I'm noting the time and I'm
8 going to switch a little bit from --

9 THE COMMISSIONER: Okay. We'll adjourn.

10 THE REGISTRAR: This hearing is now adjourned until 1:45.

11 (PROCEEDINGS ADJOURNED AT 12:30 P.M.)

12 (PROCEEDINGS RESUMED AT 1:45 P.M.)

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

14 MS. TOBIAS:

15 Q Mr. Commissioner, Cheryl Tobias for the
16 Government of Canada. I'd like the witnesses to
17 direct their attention please to July 31, 1999
18 and before the lunch break there was evidence
19 given about the meeting organized on July 29 with
20 respect to steps that were going to be taken
21 getting surveillance and so forth over the next
22 few days and, Mr. Moulton, I believe you
23 mentioned that was over a long weekend, to get
24 resources and surveillance teams and so forth in
25 place to investigate this information that had

1 been received.

2 So just to summarize, as of that weekend it
3 appears that there was going to be participation
4 in this investigation from several quarters, from
5 Special "O", from the Strike Force, from other
6 areas of the Coquitlam Detachment to assist in
7 the surveillance in addition to the members
8 Lepine and Chernoff, so a team had been assembled
9 from a variety of sources; is that correct?

10 MR. MOULTON: That's correct. There was one other
11 investigator, Mr. Justason, and I believe prior
12 to the break he was referred to as being a member
13 of the Unsolved and in fact he was a member of
14 Major Crime Section.

15 Q How did he come to be involved in the
16 investigation?

17 MR. MOULTON: I believe it was a result of a conversation that
18 I had with Gary Bass.

19 Q And some point right around there a member named
20 Nash was involved as well. Was that also as a
21 result of your reaching out?

22 MR. MOULTON: I believe so, but at that point as well Mr.
23 Justason went back and reported his involvement
24 in what the file entailed. Mr. Bass and I did
25 continue to telephone back and forth throughout

1 that timeframe, so it would be Mr. Nash and Mr.
2 Justason from the Major Crime Section and
3 ultimately Mr. Ballantyne and Mr. Henley from the
4 Unsolved Unit and then to match those up with
5 some other names I've encountered, the Unsolved
6 of course was with Doug Henderson as staff
7 sergeant and Don Rinn was in charge of the Major
8 Crime portion.

9 Q The Major Crime investigators had I would assume
10 considerable experience in serious crime and
11 homicide investigations?

12 MR. MOULTON: They were all very experienced and they were
13 members of the provincial or "D" Division Unit,
14 yes.

15 Q What was their role supposed to be?

16 MR. MOULTON: They functioned in support of whatever
17 detachments required their assistance to augment
18 the resources of the detachment.

19 Q I'd like to move forward now to August 3rd, and
20 -- just give me one moment. So on this date I
21 understand there was another meeting held at the
22 detachment including the various VPD officers and
23 the rest of the team and yourself as well, Mr.
24 Moulton?

25 MR. MOULTON: That's correct.

1 Q And as result of that meeting, Henderson went off
2 and assigned Henley and Ballantyne to assist?

3 MR. MOULTON: Yes.

4 Q Mr. Henley, you have answered some questions
5 about how you came to be involved in this file.
6 Your first participation, your first actual
7 meeting with the team was the next day, August
8 4th?

9 MR. HENLEY: I believe it was, yes.

10 Q And you were with Detective Ballantyne at the
11 time?

12 MR. HENLEY: That's correct.

13 Q Your -- the point of your participation was to
14 provide assistance as opposed to take over the
15 investigation I believe you said?

16 MR. HENLEY: That's correct.

17 Q So you opened -- you or Detective Ballantyne
18 opened an assistance file in the UHU Unit for
19 this particular matter?

20 MR. HENLEY: I believe it was actually Bruce that opened the
21 file.

22 Q So on August 4th, 1999 you were present for and
23 received a synopsis of the investigation and a --
24 sorry, a synopsis of the investigation from
25 Connor and a debrief from Lepine and Chernoff

1 about what they'd learned from their source?

2 MR. HENLEY: That's correct.

3 Q So the next day is the day that Caldwell is
4 brought in to be interviewed and he is -- his
5 interview is recorded and you are among the
6 members who watched that interview?

7 MR. HENLEY: That's true.

8 Q This is the interview that's been referred to
9 frequently in evidence when he was under the
10 influence of some drug or other and not able to
11 perform very well?

12 MR. HENLEY: That's correct.

13 Q Now, can you tell the commissioner what your
14 assessment of that interview was?

15 MR. HENLEY: It was very clear that Mr. Caldwell was under the
16 influence of drugs or alcohol or perhaps both.
17 Detective Lepine did his best with him to get --
18 to elicit the information from him, the story
19 that he was telling, that Lynn Ellingsen had told
20 him that she had seen a body hanging in the barn.
21 I didn't care for his demeanour because he was
22 under the influence of drugs. At the end of his
23 statement it was clear to me that we were going
24 to have to interview Lynn Ellingsen. What he was
25 telling us was of no evidentiary value without

1 some support and that support would have to come
2 from Lynn Ellingsen. Ross Caldwell had not seen
3 anything himself.

4 Q There has been a remark referred to in evidence
5 that's been attributed to you with respect to
6 this interview, that you in so many words said it
7 was "bullshit" or something like that. Do you
8 recall saying that?

9 MR. HENLEY: That probably sounds like something I would say
10 but probably in the context that his evidence was
11 no good if it was unsupported and at this time we
12 had someone who said somebody said something.
13 That was no good to us from an evidentiary
14 standpoint. It was no good to us to try to
15 further the investigation.

16 Q Evidence has been given at various times of
17 discussions or consideration having been given to
18 Caldwell's suitability as an agent or otherwise.
19 In the course of your experience to date had you
20 had experience with agents and informants?

21 MR. HENLEY: I had years of experience with agents and
22 informants, yes.

23 Q Did you have a view as to Ross Caldwell's
24 suitability as an agent?

25 MR. HENLEY: I can answer that in two ways. First of all, in

1 the condition that he showed up in, he was not
2 going to be any good to us. I didn't feel he was
3 going to help to further the investigation.
4 Secondly, I was also armed with a short
5 conversation that I had had with Corporal Nash
6 who informed me that Caldwell at one time was
7 acting as an informant for the RCMP and that the
8 RCMP were no longer dealing with him because he
9 had been termed -- it's just a term -- -- he had
10 been termed "treacherous" which means in layman's
11 terms he couldn't be trusted.

12 Q And then there was a meeting after this
13 interview?

14 MR. HENLEY: That's correct.

15 Q What was your view of the appropriate next step?

16 MR. HENLEY: My view of the appropriate next step, the
17 immediate one was try to dry Ross out, detain
18 him, sober him up, get him over whatever drug he
19 was under the influence of and perhaps let
20 somebody else try and interview him. This was
21 not agreed to by the Vancouver members and that
22 was fine. They did believe him, believed that
23 some of his information was correct. So I
24 offered that the next logical step would be to
25 pursue Lynn Ellingsen, to find her and to have

1 her interviewed and find out if in fact Ross's
2 story was true.

3 Q You've referred to a difference in the view that
4 the VPD members took compared to what your
5 assessment was. Where did the other people on
6 the team -- what was their expression, if any, of
7 their particular assessment?

8 MR. HENLEY: I don't recall any sort of individuals coming
9 forth in either way. I'm only armed now after
10 ten years what I thought of Ross and what I
11 thought of the review.

12 Q I'll just stop you at this juncture.

13 Mr. Pollock, were you apprised of these
14 developments at the time?

15 MR. POLLOCK: Not that I recall. I have no notes on that.

16 Q Mr. Moulton?

17 MR. MOULTON: Yes, I was present at the meeting of August 5th.

18 Q Did you have a view as to how the investigation
19 should proceed based on what happened?

20 MR. MOULTON: My recollection, you mentioned that the meeting
21 happened after the interview and I don't recall
22 that. In any case, the result of the meeting was
23 the creation of a de facto joint forces operation
24 with the Vancouver Police Department. They
25 allocated both Mr. Lepine and Mr. Chernoff whose

1 duties were to be the handling of the informant.
2 We committed the available NCOs, non-commissioned
3 officers, from plainclothes in Coquitlam and
4 undertook to continue to supply now that Special
5 "O" were in place and Strike Force were back in
6 Vancouver, undertook to supply the further
7 necessary span of surveillance through Coquitlam
8 resources.

9 Q Were you aware of any variance in opinion as to
10 the reliability of the information that Ross
11 Caldwell had brought forward?

12 MR. MOULTON: No. To my way of thinking, it didn't really
13 matter. We had information and we were moving
14 forward to either support it or not.

15 Q Going back to you, Mr. Henley, you said that
16 interviewing Ellingsen was the next step. Is
17 that -- was that agreed to by the other parties
18 to the investigation?

19 MR. HENLEY: At the time of that meeting I think I was the
20 only one in the room that knew who Lynn was or
21 had any sort of dealings with her, so when I made
22 that suggestion my recollection is that yes, that
23 was the next step, let's find Lynn.

24 Q Mr. Vertlieb asked you a couple questions about
25 your knowledge of Ms. Ellingsen prior to this

1 particular date. You mentioned that you had
2 discussed her with another member named Juby and
3 this was at Surrey at the detachment.

4 MR. HENLEY: That's correct.

5 Q Had you ever seen or met her yourself when you
6 were at the Surrey detachment?

7 MR. HENLEY: I had seen her at the Surrey detachment. I had
8 never dealt with her on a personal level, face to
9 face. I had seen her come in I believe because
10 she was being interviewed.

11 Q Did you have any knowledge at that time of what
12 she was like as a person or how she made her
13 living or anything?

14 MR. HENLEY: It was in discussions after that with Phil Juby
15 that I was told she had a serious substance abuse
16 problem and she was very, very difficult to deal
17 with, that she was very strong-willed, she's not
18 the type of person that you could take into an
19 interview -- whether you differentiate between an
20 interview or an interrogation -- she's not the
21 type of person to be bullied. She's very, very
22 -- I search for the word -- fiery, very difficult
23 to deal with.

24 Q And in terms of the next step I think you
25 mentioned that you offered to go and find her?

1 MR. HENLEY: That's correct.

2 Q And in Detective Ballantyne's log at tab 16, I'm
3 not going to ask you to turn it up unless you
4 have it already, but he has an entry on August
5 6th that indicates that you and he learned of a
6 meeting that she had scheduled with the Ministry
7 of Human Resources on August 10?

8 MR. HENLEY: That's right.

9 Q How is that relevant to what you were trying to
10 do?

11 MR. HENLEY: We were trying to find Lynn and she was very
12 transient, she was at that time very transient.
13 She might hook up with somebody when she was out
14 partying one night and stay at their house for a
15 day or two and then hook up with somebody else
16 and stay at their place. As far as I knew she
17 didn't have a set address that she called her
18 home. She was very mobile, very transient.

19 Q What were you going to do with this information
20 that she was going to be there on August 10th?

21 MR. HENLEY: It seems to me she didn't show up for her
22 interview with the welfare people and I received
23 another address for her that's in this log and
24 Bruce and I essentially did surveillance on it
25 until we knew she was there, we actually saw she

1 come out of the house.

2 Q I want to stop you for one moment. You're at
3 August 10th. I want to go back a day or two and
4 ask you, Mr. Pollock, on August 7 your notes
5 indicates that you received an update at home by
6 a member named Robertson. Was that to do with
7 surveillance?

8 MR. POLLOCK: I can't answer. I can't recall.

9 Q Was it on this matter?

10 MR. POLLOCK: Yes.

11 Q Then on August 9th there was another meeting at
12 Coquitlam?

13 MR. POLLOCK: That's correct.

14 Q Again, this is a meeting that the various
15 investigators from the different teams, Justason,
16 Connor, Stuart, Greig, Chernoff and Lepine plus
17 yourself, you're discussing the next steps in the
18 investigation?

19 MR. POLLOCK: Yes. That Justason and Nash were going to
20 arrange for Ellingsen to be interviewed.

21 Q Now, in your notes there's no notes of Corporal
22 Henley as he then was being present.

23 MR. POLLOCK: No.

24 Q Mr. Henley, do you recall being present at any
25 discussion on August 9?

1 MR. HENLEY: No.

2 Q You have no record of that?

3 MR. HENLEY: I think I was still looking for Lynn.

4 Q Can we move to August 10th, please. You say that
5 you don't think that she showed up for her
6 meeting with human resources so what do you do as
7 a result?

8 MR. HENLEY: I sort of beat the bushes around Surrey on the
9 strip, Dell Hotel, a few places, connected with
10 some of the girls that I knew that worked along
11 the strip, local drug users and sex trade
12 workers, and asked around and eventually between
13 that and running some -- getting Surrey
14 detachment to run some CPIC checks for us and
15 stuff, we came up with this address in Surrey
16 that somebody thought Lynn may have been staying
17 at.

18 Q Did you go there with Detective Ballantyne?

19 MR. HENLEY: Yes, I did.

20 Q Did you find her there?

21 MR. HENLEY: Yes, we did.

22 Q What happened when you found her? You had a
23 conversation with her?

24 MR. HENLEY: Yes, we did.

25 Q Do you remember the nature of the conversation

1 you had at that point?

2 MR. HENLEY: Certainly not verbatim. It was along the lines
3 of when we appeared there, she was upset, did not
4 want to come with us, did not want to talk to us.
5 I believe there was an outstanding warrant for
6 her I think for impaired driving. Essentially I
7 made a deal with her that if she came quietly
8 along we would take her to the one of the Surrey
9 sub offices and deal with the outstanding warrant
10 and have her released on a PTA so she wouldn't be
11 in custody.

12 Q A promise to appear?

13 MR. HENLEY: Yes. Her biggest fear was to be held in custody,
14 she didn't want to do that. I thought if we took
15 a nice soft approach and had that dealt with so
16 she was not going to be held in custody that we
17 would get more cooperation from her. As I say,
18 she's an exceptionally volatile individual.

19 Q Was this her reputation or how did you know this
20 at the time on August 10th?

21 MR. HENLEY: She was not happy to see us. I could see there
22 was going to be a problem. My concern was to get
23 her to Coquitlam Detachment to people who knew
24 about the file, who knew the background of the
25 file and who could interrogate her there.

1 Q You took her to the Whalley sub office as you
2 promised her you would do?

3 MR. HENLEY: That's right.

4 Q You did have an interview there with her? By
5 "you" I mean you and Detective Ballantyne
6 interviewed her with respect to this matter, the
7 Pickton matter?

8 MR. HENLEY: Yes.

9 Q I believe that DC Evans in her report indicates
10 that you did the report but was it Detective
11 Ballantyne who asked most of the questions?

12 MR. HENLEY: Yes, it was.

13 Q That interview was recorded in substance?

14 MR. HENLEY: That's correct.

15 Q And by "in substance" I mean that you had some
16 conversation with her before the tape was turned
17 on and then the interview was more or less
18 repeated?

19 MR. HENLEY: That's right.

20 Q What was her manner during this interview?

21 MR. HENLEY: She was co-operative, she didn't seem to be
22 really upset in any way. She said -- it sort of
23 speaks for itself. Bruce told her that people
24 had been saying things about her, that she had
25 witnessed this horrendous act and that we wanted

1 to know if she had in fact seen something like
2 this and her demeanour during the whole course of
3 the interview was quite calm and she denied ever
4 seeing any sort of horrific thing like that.

5 Q You've said before that your intention was to get
6 her to Coquitlam so the people who knew the file
7 could interview her in detail. So why did the
8 two of you talk to her about the allegations.

9 MR. HENLEY: I'm not sure. I think it just morphed into that
10 while we were waiting for the PTA, promise to
11 appear, to be done and for her to be processed.
12 I don't recall exactly what led us into that
13 interview.

14 Q This information is, if I can call it this,
15 startling. When you put it to her can you tell
16 us what your feeling was how she reacted to being
17 asked those questions?

18 MR. HENLEY: Just what I said. She was very calm. She didn't
19 sort of drawback and start to yell, "I never seen
20 anything like that or if I did I would tell you."
21 She was not upset, she was not carrying on and
22 being loud and obnoxious. She just denied it. I
23 think she blamed -- I think she told us something
24 in her interview about somebody wanted to get her
25 in trouble, wanted to get back at her. That's

1 why this person was spreading this rumour.

2 Q With your experience with witnesses and suspects
3 and so forth did this kind of reaction tell you
4 anything?

5 MR. HENLEY: No. It didn't convince me either way that she
6 had seen it or hadn't seen it. I wasn't able to
7 form an opinion of whether she was truthful or
8 not.

9 Q And so after that she was released on the promise
10 to appear?

11 MR. HENLEY: She was released, that's correct, and I drove her
12 home.

13 Q Did you make any arrangements to follow up with
14 her in any manner at that point?

15 MR. HENLEY: Sorry?

16 Q At that point did you make any arrangements to
17 follow up with her?

18 MR. HENLEY: Yes. When I took her to the residence, we'll
19 call it her home I guess, I explained to her I
20 wanted her to go to Coquitlam with us to speak to
21 the investigators in Coquitlam and possibly
22 somebody from Vancouver and clear up these
23 rumours. If these were rumours or someone was
24 saying this because they were trying to get her
25 into trouble, then she needed to go talk to the

1 people who knew about that, and she agreed to
2 that.

3 Q What did you feel about whether or not you'd
4 established any kind of rapport with her?

5 MR. HENLEY: I thought we had an excellent rapport. I took
6 her for coffee, we had a latte, all very
7 congenial and nice. I tried to keep it like that
8 so we had some sort of trust that she wouldn't
9 take off, she would in fact be there when I went
10 to pick her up to take her to Coquitlam.

11 Q Mr. Pollock, on August 10th as well, your notes
12 indicate that you had some interactions with
13 Special "O" about their availability; is that
14 right?

15 MR. POLLOCK: Yes.

16 Q There was some discussion about their continuing
17 availability for this file, that they were going
18 to be pulled off for a period of time, for a
19 week, and they would give you a day or two here
20 and there?

21 MR. POLLOCK: Yes.

22 Q Can you tell us about that?

23 MR. POLLOCK: Well, they had other files going on so they had
24 been pulled away from our file for a week and
25 they were going to try to give us a day shift on

1 the following Wednesday and Thursday.

2 Q Did you have any part in that decision?

3 MR. POLLOCK: No.

4 Q You also have a reference to a meeting being
5 organized for August 11 on this matter?

6 MR. POLLOCK: Yes. Apparently there was a meeting going to be
7 set up for the 11th to review the results of the
8 interview with Ellingsen. I don't recall from
9 reading my notes which interview that was.

10 Q And so you also on this matter had a conversation
11 with someone named Tony Chong. Who is Tony
12 Chong?

13 MR. POLLOCK: He worked for the City of Port Coquitlam and we
14 were going to see if they had any equipment we
15 could use to set up cameras, surveillance cameras
16 or anything like that.

17 Q Did you have any luck?

18 MR. POLLOCK: No.

19 Q Let's move to August 11. There was the meeting
20 that was referred to, that's in Coquitlam. Mr
21 Pollock, you're at the meeting?

22 MR. POLLOCK: Yes.

23 Q Mr. Henley, you were at the meeting as well?

24 MR. HENLEY: August 11th?

25 Q Yes.

1 MR. HENLEY: I don't recall. Is that the day that I took Lynn
2 Ellingsen to Coquitlam?

3 Q I think, Mr. Pollock, your notes include a note
4 that Mr. Henley was at that meeting; is that
5 right?

6 MR. POLLOCK: Yes, I outlined the members that were there.
7 Mr. Ballantyne, Mr. Henley, Mr. Chernoff, Mr.
8 Justason and Lepine from outside the detachment
9 and Connor, Clary, Lisa Stuart, Ric Hall, Brian
10 Andrews and Pridday and me from the Coquitlam
11 Detachment.

12 Q Stuart was another constable from your section?

13 MR. POLLOCK: Constable Lisa Stuart.

14 Q She wasn't normally assigned to this file but she
15 was brought in to help?

16 MR. POLLOCK: I can't say.

17 Q Who is Pridday?

18 MR. POLLOCK: I believe his first name is Greg. I think he
19 was a corporal in the Drug Section.

20 Q So you got some updates from Mr. Chernoff about
21 the meeting that they'd had with their source Mr.
22 Caldwell?

23 MR. POLLOCK: That's right.

24 Q And also according to your understanding Mr.
25 Henley also provided some update about their

1 discussion with Lynn Ellingsen?

2 MR. POLLOCK: That's right. According to my notes, Mr. Henley
3 said that she told him that she went into the
4 barn and watched him skin a pig and not a person.

5 Q And I understand from your notes as well that
6 there was also some discussion about doing an
7 undercover operation at some point. Perhaps
8 that's not in your notes, beg your pardon, but
9 there was discussion in the early meetings about
10 an undercover operation on Lynn Ellingsen?

11 MR. POLLOCK: Yes.

12 Q I'd like to ask the three of you or any of you
13 for your assessment of the possibilities, the
14 pros and cons of such a step. Could I start with
15 you, Mr. Henley?

16 MR. HENLEY: It would have been very difficult to do any sort
17 of undercover operation I believe on Lynn
18 Ellingsen considering her substance abuse,
19 considering the people that she ran with. You
20 would have to have an undercover team. You
21 couldn't send a female operator in there alone
22 because of the circle that she ran in. It would
23 have to be a man and woman. I don't have a great
24 deal of knowledge of sort of the overall
25 knowledge of the file. We would have to have had

1 done quite a bit more leg work on Lynn at that
2 time before you could write an op plan and
3 present it to the "E" Division Undercover Unit
4 and get the funding. The primary concern always
5 in an undercover operation is the safety of the
6 operator. It would have caused me some very
7 grave concern to try and do an undercover
8 operation on Lynn Ellingsen just because of the
9 people that she surrounded herself with.

10 Q Can I ask you to elaborate a bit on that. You
11 said there were some concerns for the safety of
12 the operator because of the people she ran with.
13 Can you explain what you mean by that?

14 MR. HENLEY: They were users of drugs. These people were
15 always using drugs, partying all the time, and in
16 order to ingratiate yourself into a situation
17 like that, they're not going to trust you unless
18 you're doing the same sort of things that they're
19 doing or they believe you're doing the same sort
20 of things. If they get wind of the fact at all
21 you're not going to smoke crack with them or do
22 some illegal activity and accompany and assist
23 them in doing it, you're not going to be
24 successful in infiltrating that group or
25 infiltrating that person.

1 Q How did you know it was people that she ran with,
2 can you tell us?

3 MR. HENLEY: Just sort of that small prior knowledge of her in
4 Surrey and knowing where she hung around in
5 Surrey, which hotels she frequented and where you
6 could find her most of the time.

7 Q You also referred to her substance abuse as being
8 a potential difficulty. Can you explain why you
9 say that?

10 MR. HENLEY: When someone is using drugs you don't know how
11 they're going to react. You could be sitting
12 having a nice conversation with them and who
13 knows, she might take something you said the
14 wrong way and attack the operator. They're just
15 so volatile. There's no -- there's no way to
16 control those situations.

17 Q Is that something that is dealt with in the
18 course of undercover operations --

19 MR. HENLEY: Sorry, I missed that.

20 Q Is that something one has to contend with -- you
21 said undercover operations were more frequent for
22 drug cases?

23 MR. HENLEY: Yes. It's always a concern, always a concern.

24 Q Mr. Moulton, can I ask you for your assessment on
25 that question, that is to say, the pros and cons

1 of a potential undercover operation on Lynn
2 Ellingsen?

3 MR. MOULTON: In relation to Ms. Ellingsen, the concerns, I
4 adopt most of what Frank has said. We had
5 discussions and we also had discussions in
6 respect of the possibility of an undercover
7 operation in regards to Mr. Pickton. The issue
8 remains the same. You have to have certain
9 things in place, you have to have access.
10 Ms. Ellingsen probably would have had access.
11 She had a lifestyle which indicated in social
12 situations, perhaps in a hotel, we would have had
13 access to her, or the proposition I think has
14 been made that Mr. Caldwell might have been used
15 as an agent. In my estimation that was a
16 complete non-starter, both for his history and
17 for the manner in which he turned up on August
18 5th. That isn't simply an assessment of that
19 current timeframe in making decisions going
20 forward in respect of especially agent-based but
21 any undercover operation is ultimately the person
22 that plays fundamental roles is a linchpin of any
23 subsequent legal proceeding and there was nothing
24 in the demeanour of what I understood from Mr.
25 Caldwell that would have suggested that he would

1 bear up well under those circumstances.

2 I would also adopt the analysis of Frank in
3 regards to violence, especially given our
4 knowledge of the '97 incident and the possibility
5 whether you go through Ellingsen or you go
6 straight to Pickton, understanding the tremendous
7 violence of that incident and the immediacy of
8 it, ensuring through your planning and how you
9 take an undercover operation to ensuring that
10 everybody's safety is guaranteed against the
11 situation like that is virtually impossible. I
12 should probably have prefaced my remarks by
13 saying I'm a trained undercover operator, trained
14 in 1981, and I have extensive undercover
15 experience as well as acting as monitoring
16 officer for undercover operations and operating
17 as monitoring officer for a variety of
18 agent-based operations as well.

19 The other aspect especially, again,
20 adverting to the potential for violence as well
21 as the reliability of any other persons involved
22 is a necessity that interactions and peripheral
23 communications be subject to tape recording. So
24 whether it's by a one party consent or by virtue
25 of Part VI, you have to have the surrounding

1 information, again, in support of your agent, in
2 support of your efforts to keep people safe.
3 That has to be in place, and given that we had no
4 ability to articulate reasonable, probable
5 grounds for a general search warrant, the ability
6 to get a Part VI was non-existent.

7 Q Could you also comment please on what an
8 undercover operation would have required from
9 Coquitlam in terms of resources? Before you go
10 directly to that, there is a special unit within
11 the RCMP that manages undercover operations of
12 this sort; is that right?

13 MR. MOULTON: That's correct.

14 Q The Undercover Unit. In which section of the
15 RCMP do you find that unit located from an
16 organizational point of view?

17 MR. MOULTON: At that time it was located on the federal
18 policing side. I believe under the authority of
19 the superintendent in charge of Drugs Section.

20 Q For your detachment to do an undercover operation
21 would you have to apply to that section to take
22 on this particular project?

23 MR. MOULTON: Yes. To outline the process, it would fall to
24 the lead investigator of the file to develop an
25 operational plan that provides sufficient

1 information and a -- and a plan, like how are you
2 going to do this, bearing in mind safety and
3 evidence, in a manner that will move this file
4 forward. That is then brought forward and in the
5 case of Coquitlam at that time the file would go
6 through myself as an approval, it would then be
7 forwarded to the Undercover Unit. We had in fact
8 followed that procedure in respect of at least
9 one other -- and probably other files at
10 Coquitlam.

11 The other aspect is once all of that has
12 been moved forward, then it's approved and vetted
13 by the "E" Division Undercover Unit. In the
14 process then because it would be termed a major
15 undercover operation, the actual approval to move
16 forward would actually be at the national level
17 so it would go to the headquarters in Ottawa.

18 THE COMMISSIONER: Why do I need to hear all this? So they've
19 got internal requirements for undercover
20 operations, but why is it --

21 MS. TOBIAS: There's a couple of reasons, with respect. One
22 is that -- the most important one is that there
23 has been a fair amount of evidence offered from
24 outside of the organization offering the opinion
25 that an undercover operation should or should not

1 have been done and so there's a question of the
2 assessment of it, the pros and cons and who has
3 the expertise to do that.

4 THE COMMISSIONER: One of the officers here has already
5 testified that it would be difficult to have an
6 undercover operative, so what more is there?

7 MS. TOBIAS: What more there is is that one of the things that
8 has been put before you is the question of
9 whether or not the file was given the appropriate
10 priority in terms of resources, and so what I'm
11 trying to put before you to help you understand
12 is the capacity that Coquitlam had to take these
13 various steps and what the limitations were upon
14 them at the time and so I'm not going to spend a
15 lot of time on the details of the process. I
16 think the point is that is not a decision that
17 Coquitlam was capable of making in the final
18 analysis and I wanted you to understand that.
19 What I'm going to ask them about next is resource
20 allocation which is a very important part of
21 this, how the resources for an operation like
22 this would have to be marshalled and what that
23 would actually require.

24 THE COMMISSIONER: I have your point. You spent a
25 considerable amount of time earlier on resource

1 allocation but you know what Mr. Gratl and Mr.
2 Ward are going to say, they're going to say we're
3 looking here at a serial killer and why is that
4 resource allocation, why could it not have been
5 redone in order to address this very serious
6 crime.

7 MS. TOBIAS: And that is something that you're going to be
8 asked to comment on that and in order to comment
9 on it you need to know the mechanisms at the
10 time. For example, you are going to be
11 considering recommendations and in terms of the
12 structure of the RCMP being a federal
13 institution, you're not going to delve into that
14 deeply but nonetheless I think this is helpful to
15 you to deal with.

16 THE COMMISSIONER: Mr. Hira.

17 MR. HIRA: A couple of matters. First, LePard and Evans make
18 it clear that an undercover operation should have
19 been undertaken.

20 THE COMMISSIONER: I know that.

21 MR. HIRA: Two, at the point my client was interrupted, I was
22 anticipating some evidence regarding the timing
23 of undercover operations in terms of this if this
24 thing had been put forward in August of 1999,
25 when you could reasonably anticipate an

1 undercover operation. Three, with respect to the
2 last comment by you, Mr. Commissioner, and I
3 think that's evident on the face of tabs 3 and 5
4 and of the documents produced by the commission,
5 from Coquitlam's perspective this was an
6 investigation into a possible murder, it was not
7 an investigation into the missing. So the timing
8 of the operation as to when you could expect it
9 is important. Two, in response to what Mr. Gratl
10 and Mr. Ward have to say, we have to put it in
11 the context of what Coquitlam is dealing with.

12 THE COMMISSIONER: I get that, but I'm just saying should we
13 be spending a lot of time on the RCMP
14 requirements to get an undercover operation
15 going. I have your point that it's difficult due
16 to the internal structures, but I'm going to hear
17 argument on the other side that maybe they ought
18 to streamline their operations.

19 MR. HIRA: That may well be but I would suggest that's outside
20 your purview. I think from a practical
21 perspective you ought to hear what would have
22 happened if on, let's pick a day, August 10, an
23 undercover plan had been approved in Coquitlam
24 and remarkably approved nationally, where would
25 it stand.

1 THE COMMISSIONER: All right. Thank you.

2 MS. TOBIAS:

3 Q I want to move away from the approval process for
4 a moment just to understand the resource
5 requirement of an undercover operation of this
6 sort. So the Undercover Unit would provide the
7 undercover operator and much of the cover team;
8 is that right?

9 MR. MOULTON: In the best of worlds, yes.

10 Q But you would still need substantial resources
11 from Coquitlam devoted to that operation for the
12 length of time it existed; is that right?

13 MR. MOULTON: That's correct. You need to certainly allocate
14 your lead investigator and probably one or two
15 other resources full time which would remove them
16 from your pool of resources to handle any ongoing
17 matters as well. Once the UCO is under way it's
18 going to go.

19 Q A UCO operation of this sort, can you give us a
20 general idea of a time frame? Are we talking
21 days, weeks, months?

22 MR. MOULTON: Two aspects of that. One is to get it under
23 way, given with respect, sir, that we were not
24 investigating a serial murder, we were
25 investigating the possibility of a murder having

1 been committed in Coquitlam, the priority to be
2 attached once our approvals had been put in place
3 would have resulted in that file perhaps never
4 reaching the fact of moving ahead as an
5 undercover operation. Knowing as I do the state
6 of those files from my later positions, given the
7 two aspects of it in terms of the prioritization
8 of the particular files against the assessment of
9 likelihood of success, you would have waited a
10 long time. During that timeframe we had
11 undercover operations approved and sitting in the
12 UCO shop waiting for their ability to meet the
13 need.

14 Q You have referred a number of times, sir, to the
15 fact that this investigation, the aspect of the
16 investigation that your Coquitlam Detachment was
17 conducting was the question of whether the murder
18 described in the information had taken place; you
19 were not investigating the missing women. Now,
20 you were aware that there was a connection, the
21 possibility of a connection in the sense that
22 this might not have been an isolated incident?

23 MR. MOULTON: Certainly.

24 Q That was some inference you could draw from that?

25 MR. MOULTON: Absolutely.

1 THE COMMISSIONER: Excuse me for interrupting. I know they
2 were not investigating more than one murder but
3 that brings up another issue that I have to deal
4 with and that is what kind of relationship was
5 there between the Vancouver Police and the RCMP.

6 MS. TOBIAS: I'm trying to get into that area.

7 THE COMMISSIONER: All right.

8 MS. TOBIAS: Because I'm hoping it will be helpful to you, Mr.
9 Commissioner.

10 THE COMMISSIONER: Okay.

11 MS. TOBIAS:

12 Q I'd like you to elaborate on that a bit, sir.
13 It's not that you were blind to the possible
14 connection because you knew there was a wider
15 problem than one or two women who had possibly
16 been killed?

17 MR. MOULTON: I would suggest the conduct file and the
18 resources that were applied to it speak exactly
19 to the importance that we held for it. I think
20 at some point in August of '99 we had 13 or 14
21 investigators and probably 16 other people
22 committed on surveillance. That's an enormous
23 response from our detachment.

24 Q So what is the significance from your point of
25 view into the distinction between investigating

1 the missing women as a general proposition and
2 what you were doing in Coquitlam?

3 MR. MOULTON: We had no information regarding anything other
4 than the information regarding Mr. Pickton.

5 Q To answer Mr. Commissioner's question, the
6 coordination of the probe you were conducting in
7 your detachment and the other investigation into
8 the larger file by the VPD, how do you see that
9 working together?

10 MR. MOULTON: At the time I viewed our file as an off-shoot.
11 It arose out of their investigation and because
12 it represented a possible offence in our
13 jurisdiction it became our file and we pursued
14 it.

15 Q I haven't asked Mr. Pollock, but do you have
16 anything to add to that from your recollection of
17 the discussions that were taking place at the
18 time or from your own point of view?

19 MR. POLLOCK: I think the only other thing that I would add,
20 and I'm not sure if there had been informal
21 discussions with the UCO shop or not, but it was
22 my understanding at the time that this would be a
23 very, very lengthy operation in order to be
24 successful just based on both parties, on both
25 Ms. Ellingsen and Mr. Pickton, their lifestyle,

1 they were not easy targets and it would be a very
2 extensive UCO and that there were -- the UCO shop
3 had a lot of other priority files and we were not
4 high on the list.

5 Q Ms. Chapman, I know you came into the matter
6 later but because you became the lead
7 investigator and you were familiar with Lynn
8 Ellingsen I'm going to ask you the same question
9 so I don't have to come back to it, but from your
10 point of view did you at various times during
11 your investigation cast your mind to the possible
12 value of an undercover operation on Lynn
13 Ellingsen?

14 MS. CHAPMAN: I believe it was discussed at a number of
15 meetings but it never went anywhere for the same
16 reason, the resource issue and we didn't have the
17 evidence to put forward for a plan.

18 Q Can you elaborate on what you mean by "the
19 evidence put forward for a plan"?

20 MS. CHAPMAN: The information that I was familiar with at the
21 time was unsubstantiated. We had Lynn Ellingsen
22 denying things, we had a source who had third
23 party information, so there was no direct link.
24 I can't recall specifically any other issues but
25 that seems to come to mind.

1 Q Are any of the four of you familiar with
2 undercover operations being used for the purpose
3 of confirming information -- you say that you had
4 unsubstantiated information -- but for the
5 purpose of obtaining that substantiation?

6 MR. POLLOCK: I'm not familiar with any.

7 MR. MOULTON: I'm not familiar with one.

8 Q Is there a particular reason for that or is that
9 just another practice?

10 MR. MOULTON: I would avert to my earlier comment about
11 efficacy and the allegation of a scarce resource,
12 that given the number of approved UCOs on the
13 shelf that are going to directly access their
14 suspect based on, for example, a murder that has
15 occurred and bodies that they have, the
16 likelihood of success of a second remove is very
17 limited.

18 Q I believe, Mr. Moulton, this is the first time
19 you've directly averted to the efficacy issue
20 with respect to an undercover operation in this
21 context. Could you elaborate on what you mean by
22 that please?

23 MR. MOULTON: I'm sorry, I would frame that in terms of the
24 efficacy of any allocation of any resource. It's
25 a constant, very imprecise assessment of the

1 probability of a success of any action or any
2 allocation of a resource against what it is
3 you're trying to accomplish.

4 Q Given the difficulties that you've testified
5 about with respect to an undercover operation of
6 this nature, if those difficulties had been able
7 to be overcome was there any question about the
8 efficacy of the operation beyond that?

9 MR. MOULTON: I'm trying to think -- at least in my
10 estimation, given the extent of those
11 difficulties and the number of those difficulties
12 that it simply would never have happened.

13 Q I'd like to move on now to other developments on
14 August 11 and ask, Mr. Pollock, you note on this
15 date, sir, that there was a question to Constable
16 Pridday to provide surveillance on August 12?

17 MR. POLLOCK: That's correct.

18 Q Was that a request you made?

19 MR. POLLOCK: I believe it was, yes.

20 Q And then after that it would be called off; is
21 that right?

22 MR. POLLOCK: Yes.

23 Q And why would that be, sir?

24 MR. POLLOCK: I can't answer that. I don't know.

25 Q Was that your decision?

1 MR. POLLOCK: I can't answer that.

2 Q Okay. So on the same date you accompanied
3 Corporal Connor to attempt to speak to Ron
4 Menard?

5 MR. POLLOCK: Yes.

6 Q He was another person who provided information
7 about a similar incident that Ross Caldwell had
8 talked about?

9 MR. POLLOCK: Yes, that's correct.

10 Q And you didn't find anyone home?

11 MR. POLLOCK: That's correct.

12 Q You went with Corporal Connor why?

13 MR. POLLOCK: Because he asked me to go over with him. He was
14 going to try and find this fellow and he asked if
15 I would go with him. There was no one left in
16 the unit to assist him.

17 Q Then would you move to August 12 please. You
18 went back with Corporal Connor on August 12?

19 MR. POLLOCK: No. It appears that Corporal Connor had spoken
20 with Mr. Menard and he gave an update on that
21 conversation.

22 Q I beg your pardon. I misunderstood. You noted
23 though on that date that the surveillance was
24 going to be on hold until the new information
25 surfaced?

1 MR. POLLOCK: Yes.

2 Q Why did you have to wait for new information?

3 MR. POLLOCK: Because Special "O" decided they had other
4 priorities and unless we had further information
5 for them to make this more of a priority they
6 were going on to these other projects.

7 Q Would you move to August 17th, please. Mr.
8 Pollock, you have a note that on that date you
9 talked to Doug Henderson about the file. Was
10 that conversation initiated by you or by him do
11 you know?

12 MR. POLLOCK: My notes state that he called me.

13 Q What was the nature of that conversation, sir?

14 MR. POLLOCK: He advised that he felt that we should be going
15 to Ms. Ellingsen for an interview and a polygraph
16 test and I believe that as a result of him
17 talking to Sergeant Hunter.

18 Q On the same date there was another meeting at
19 your detachment, sir?

20 MR. POLLOCK: Yes.

21 Q And aside from yourself, the other members there
22 were Robertson from Drugs?

23 MR. POLLOCK: Yes.

24 Q Corporal Connor, Bush Halpenny from your unit.

25 MR. POLLOCK: Correct.

1 Q And the other member, Nash from Major Crime?

2 MR. POLLOCK: Correct.

3 Q And then Lepine and Chernoff and Ballantyne?

4 MR. POLLOCK: Correct.

5 Q And Superintendent Hall came in some time later
6 according to your note.

7 MR. POLLOCK: Correct.

8 Q So another strategic strategy session, if you
9 will, about how the file was going to proceed
10 forward after that?

11 MR. POLLOCK: Yes. It was decided, again, that continued
12 efforts would be made to interview Menard and
13 that we would be touching base with the
14 polygraphist to do a polygraph on Ellingsen.

15 Q Did you make any contact with Jim Hunter as a
16 result of that meeting?

17 MR. POLLOCK: I didn't make contact with Jim Hunter.

18 Q Someone did?

19 MR. POLLOCK: Somebody did, yes.

20 Q Could you turn to tab 20 in the binder of
21 documents I've given you please, sir. Do you
22 have that?

23 MR. POLLOCK: Yes, I do.

24 Q Do you see this is a form dated August 17
25 regarding a polygraph statement analysis request?

1 MR. POLLOCK: Yes.

2 Q And notes that you request that we review a
3 statement from a potential witness in regards to
4 the missing prostitute?

5 MR. POLLOCK: I see.

6 Q Does that refresh your memory at all?

7 MR. POLLOCK: That's a request to review a statement, not
8 conduct a polygraph.

9 Q I see. There was a request made by you to review
10 the statement from Ellingsen -- a statement?

11 MR. POLLOCK: A statement. I don't recall which statement
12 that would have been.

13 Q So if we can move forward then to August 19,
14 1999, you do go that day with Corporal Connor to
15 interview Ron Menard?

16 MR. POLLOCK: That's correct. Again, he asked me to accompany
17 him.

18 Q As you said before, I suppose it is a reflection
19 of the shortage of members that you as the
20 sergeant were doing the duties; is that correct?

21 MR. POLLOCK: That's correct.

22 Q Your role in the statement was to take notes?

23 MR. POLLOCK: Takes notes and observe, yes.

24 Q So you have your notes of the statement and I
25 just want to ask you about two or three things

1 that came up during that statement; okay?

2 MR. POLLOCK: Okay.

3 Q The first is that there was some mention of Lynn
4 spending time in the Surrey Memorial psych ward.
5 That's a reference to Lynn Ellingsen?

6 MR. POLLOCK: That's correct.

7 Q And then there's a discussion about Menard
8 talking about her not being a particularly
9 truthful person but he thought that she was
10 telling the truth this time. I'm looking at page
11 6 of your notes, sir, about the middle of the
12 page.

13 MR. POLLOCK: Yes, I am just about there. Yes, I see that
14 statement.

15 Q So that is an accurate reflection?

16 MR. POLLOCK: That's what he said, yes.

17 Q If you look further down the page though, Menard
18 said that -- Menard apparently wasn't able to
19 remember a statement he had previously made to
20 Corporal Connor to the effect of, "I can't
21 believe how we finished her off"?

22 MR. POLLOCK: Yes. Apparently Menard told Corporal Connor
23 before that she told him, "I can't believe how we
24 finished her off." On this date when we
25 interviewed him he states he couldn't remember

1 making that statement.

2 Q If you just flip back to the previous page, I
3 forgot to ask you something about the
4 conversation you have noted on the bottom of the
5 page. This is with respect to money that Lynn
6 Ellingsen is getting from Pickton. So you have
7 recorded there being told that Pickton gets her
8 welfare cheque and pays her that money every
9 month.

10 MR. POLLOCK: According to Menard, welfare was giving Pickton
11 Lynn's welfare money so he could control what she
12 was getting and what she was doing with it. They
13 had tried to set up through her dad and it didn't
14 work.

15 Q This was a different explanation that you now got
16 as to why Pickton was giving Ellingsen money?

17 MR. POLLOCK: That's correct.

18 Q Later that day --

19 MR. POLLOCK: If I may also add, he also stated, and I had it
20 in quotation marks, the extortion was just a
21 matter of money and, you know, he would give it
22 to her so there was no extortion.

23 Q Thank you. You had a meeting after that with
24 Corporal Connor and Corporal Clary about the
25 file?

1 MR. POLLOCK: That's correct.

2 Q And you discussed the potential next steps and
3 that you were going to be making contact with
4 Henley or someone was going to be making contact
5 with Henley about a further interview with
6 Ellingsen?

7 MR. POLLOCK: That's correct.

8 Q You also noted that there was apparently some
9 contact with Corporal Hunter; is that right?

10 MR. POLLOCK: Yes. He stated, and I don't know if he stated
11 to me or one of the corporals, that prior to a
12 polygraph exam taking place she would have to be
13 interviewed.

14 Q Interviewed by the police generally or --

15 MR. POLLOCK: Yes.

16 Q Let's move to August 20 then. That is the day
17 that Mike Connor is transferred out; is that
18 right?

19 MR. POLLOCK: I don't know. I have no notes on that.

20 Q But you remember him being transferred out?

21 MR. POLLOCK: Yes.

22 Q And that you reassigned the file to Mr. Chapman
23 at approximately that time of the month?

24 MR. POLLOCK: That's correct.

25 Q You were asked by Mr. Vertlieb for the reasons

1 that you made that assignment and you explained
2 what happened. At this juncture I'm going to --
3 we're going to be reviewing some other particular
4 resource allocations in your unit and I'm going
5 to ask you to refer please to tab 27 of your
6 binder.

7 Mr. Commissioner, I'm going to be eliciting
8 evidence from this panel about this document.
9 You will see that it's entitled Coquitlam Serious
10 Crime Section File Overview. It's in the binder
11 of Canada documents that I've handed up. It
12 should be tab 27 along the same line of the notes
13 and so forth.

14 THE COMMISSIONER: I have it.

15 MS. TOBIAS:

16 Q This file overview covers the period from the
17 beginning of 1998 to the end of February 2002.
18 I'm going to go take the witnesses through it but
19 essentially I can tell you that the genesis of
20 this document would be because there simply
21 wasn't and isn't a neat kind of record that would
22 explain what the resource allocations were, what
23 people were working on at any point in time, and
24 given the importance of this question to your
25 work, a concerted effort was made by the RCMP to

1 gather together all the records that would
2 pertain to this question and to consolidate this
3 information. Mr. Moulton can confirm, but it's
4 my understanding that he was involved in putting
5 that together and that all of these witnesses
6 were asked for -- not Mr. Henley I don't think,
7 but certainly Mr. Pollock and Mr. Chapman and
8 other members were canvassed for their notes and
9 other records. So this is provided for you as a
10 convenient reference and I'm going to take the
11 witnesses through briefly how this document was
12 put together and how to read it. I'm going to be
13 coming back and forth to it at various junctures.

14 Mr. Moulton, if I can ask you a couple of
15 questions about this first. If I can ask you to
16 refer to the page 2, if you look at the first
17 paragraph under Foreword you'll see in the second
18 last sentence: "This included a review of four
19 years worth of data relating to all
20 investigational files and projects that were
21 worked on by GIS members, training, leave and
22 other duties that would account for their time."
23 This is something you were involved with?

24 MR. MOULTON: Yes.

25 Q And under the heading Methodology Phase 2, in the

1 middle of that paragraph there's a note that
2 there was a time audit of all investigational
3 files conducted. Is that your understanding of
4 what went on?

5 MR. MOULTON: That's correct.

6 Q Page 3 under the heading Data Sources, the first
7 bullet there is listed -- it doesn't include the
8 data sources but there's something referred to as
9 the mayor's report and that was something that
10 was given monthly to the mayors to describe what
11 the detachment was working on.

12 Mr. Pollock, as the sergeant, when you were
13 the sergeant you prepared monthly synopses for
14 the mayors of what was keeping your particular
15 section busy; is that right?

16 MR. POLLOCK: That's correct.

17 Q So some of these reports are yours?

18 MR. POLLOCK: Yes.

19 MR. MOULTON: Perhaps for clarity, a portion of that report
20 would be Mr. Pollock's because there's other
21 aspects.

22 MS. TOBIAS: The report to the mayor covered all the entire
23 detachment activities, not only Serious Crime.
24 Mr. Commissioner, for your information this
25 document only refers to the Serious Crime

1 matters.

2 THE COMMISSIONER: All right.

3 MS. TOBIAS:

4 Q One other thing to note is set out in the bottom
5 of page 1 of the sources for this document,
6 Sergeant Connor's timeline which is in evidence
7 and it's noted here that the additional -- there
8 were a number of additional obligations of the
9 members of the Major Crime Section as well as the
10 specific files that are recorded; is that right?

11 THE COMMISSIONER: Don't answer that question. Yes, Mr.

12 Gratl.

13 MR. GRATL: I'm objecting to this document being introduced
14 into evidence in this form. The underlying
15 source documents have not been provided to any of
16 the participants. This amounts to something like
17 an extraneous document prepared by someone within
18 the RCMP, someone who is not on the witness stand
19 here, and to my mind it's a retroactive
20 justification for failing to provide appropriate
21 resources to the Pickton investigation.
22 Something that was disclosed -- maybe my friend
23 can speak to when exactly this was disclosed to
24 the participants. It's listed as the 99th
25 tranche of RCMP disclosure. It's a highly

1 self-serving document and under the
2 circumstances --

3 THE COMMISSIONER: I know it's self-serving, they usually are.
4 People produce documents to support their
5 position. Tell me what is wrong with this
6 document.

7 MR. GRATL: It's hearsay. We don't have the author here. It
8 looks like it involves judgment and drawing of
9 inferences, and the underlying documents, the
10 source documents, that were reviewed for the
11 preparation of this report haven't been prepared.
12 It amounts to a highly biased assessment of
13 documents that have not been shared with other
14 participants.

15 THE COMMISSIONER: Bias aside, if you produce a document or
16 your friend produces a document I expect they are
17 documents in a sense that are biased because they
18 support a particular party's position but that in
19 itself is not reason to exclude it but there
20 might be other reasons -- I don't really
21 understand your objection. Maybe you can
22 simplify it for me so I can understand. What is
23 it that --

24 MR. GRATL: It's a month-by-month analysis it appears of all
25 the other things Port Coquitlam were doing that

1 were more important than the Pickton
2 investigation. That's what it looks like on the
3 face. We haven't seen any of the underlying
4 documents. It's supposed to be a comprehensive
5 report of the other things that Port Coquitlam
6 Detachment was doing aside from catching Robert
7 William Pickton during this period.

8 THE COMMISSIONER: I understand what you're saying, but the
9 fact that Port Coquitlam was doing other things,
10 I don't know if that gets us anywhere. Why can't
11 you just cross-examine on that and say, well, is
12 there anything more important than this? I just
13 don't understand how that's inadmissible per se.

14 MR. GRATL: For one thing, I don't have enough time allocated
15 to me to cross-examine on this document, that's
16 for certain, and secondly, we don't have the
17 source documents so it can't be tested, and
18 thirdly, we don't have the author to ask the
19 author about the report and the methodology that
20 went into creating the report.

21 THE COMMISSIONER: For my benefit, tell me why it's necessary
22 to examine on collateral matters. If they say
23 they were investigating other things and they
24 didn't have the time or resources to investigate
25 this murder then I would think that might go in

1 your favour but I'm not telling you how to argue
2 the case but -- I mean, I can tell you,
3 Mr. Gratl --

4 MR. GRATL: If you're disposed in that direction I'll sit
5 down.

6 THE COMMISSIONER: That's not my job to do that. All I'm
7 telling you is that these documents -- this
8 lengthy document is not necessarily tendered for
9 the truth of the contents. They're telling us
10 what else they were doing and whether or not the
11 other investigations were valid investigations,
12 I'm sure Ms. Tobias is going to deal with. Are
13 you going to answer the objection?

14 MR. GRATL: In particular, Mr. Commissioner, it would be
15 helpful to know when the document was provided to
16 all participants.

17 MS. TOBIAS: Mr. Commissioner, I'll start with the last
18 question first. I'm getting an exact date from
19 our assistant at the back here, but I believe the
20 document was disclosed to the participants in
21 approximately February of this year.

22 In terms of the source documents, I will say
23 a couple of things. First of all, as I've
24 pointed out and asked the panelists, they've been
25 asked for their notes and records and so forth

1 and so the individual members on the section,
2 granted they're not all in the stand before you,
3 were canvassed and some of the documents, as in
4 the page I just referred you to on page 3 lists
5 data sources. So it lists the sources of the
6 data. Not absolutely all sources of the data
7 were disclosed in the sense that records of other
8 -- records particular to other files were not
9 disclosed so that's true, but in my submission
10 that is not important for your purposes to help
11 you because this document is to provide context.
12 When the witnesses say, for example, when they
13 were asked by my learned friend what were you
14 working on at the time, it provides the context,
15 it provides a convenient reference for questions
16 like that to go to the particular month and you
17 can see who was assigned to what at a particular
18 time. As it happens, Ms. Dhaliwal who was in
19 charge of the assembly of much of this, is in the
20 room today so that material is before you. As I
21 said -- as I said before, part of the question
22 before you is to understand what the particular
23 structures were at a particular time to inform
24 you about how to approach your recommendations.

25 THE COMMISSIONER: I understand. Mr. Gratl, the purpose of

1 this document is to just let us know what else
2 they were doing at the time. I've simplified it.
3 We'll adjourn here.

4 THE REGISTRAR: The hearing will now recess for 10 minutes.

5 **(PROCEEDINGS ADJOURNED AT 3:00 P.M.)**

6 **(PROCEEDINGS RESUMED AT 3:17 P.M.)**

7 THE REGISTRAR: Order. This hearing is now resumed. Before
8 we start Mr. Vertlieb wished to have his book of
9 documents marked so that will be Exhibit 182NR.

10 **(EXHIBIT 182NR: Non-Redacted (Restricted)**

11 **Document Entitled: RCMP Pickton Investigation**
12 **Panel, Book of Documents (Commission)**

13 MS. TOBIAS: Mr. Commissioner, I'm going to go back for couple
14 of moments to tab 27 that we were discussing in
15 passing. To be more precise, the document was
16 disclosed on February 7th of this year and I
17 misspoke when I said at that Ms. Dhaliwal was in
18 the room, it was actually Ms. Basra who in charge
19 of the team for most of the time, not all of the
20 time but for most of the time this document was
21 being assembled.

22 THE COMMISSIONER: All right.

23 MS. TOBIAS:

24 Q I'd ask you and the panel please to turn to page
25 44 of tab 77 and you'll see, Mr. Commissioner,

1 that this is a page headed August 1999, File
2 Summary. So this is in the context, Mr. Pollock,
3 of what was going on at the time that you
4 assigned Ms. Chapman to work on this file and so
5 just in terms of how these documents -- I'll do
6 this once, Mr. Commissioner, for everyone's
7 benefit and you'll see that the first entries
8 under the heading of New Files so those were new
9 files that came into the unit during that month
10 and then additional file information, some
11 comments about it, under that ongoing
12 investigation, so the other files the members
13 were working on and who was assigned to them.
14 Incidentally, the footnotes in brackets you'll
15 see beside peoples' names, that is a reference to
16 the particular document that is the source of
17 this information which is listed at the end of
18 this recitation at tab 27. We note in terms of
19 resources away or on leave and so forth, Corporal
20 Clary and Constable Marenchuk were seconded out
21 of the unit and that secondment lasted quite a
22 period of time, Mr. Pollock?

23 MR. POLLOCK: Yes. I believe it was well over a year.

24 Q There was a note of who was on training, in
25 court, other duties and finally just a simple

1 list of the members assigned to the section
2 during that particular month so we see the
3 references to Corporal Clary and Constable
4 Marenchuk being seconded and we note there was a
5 vacant constable position at the time?

6 MR. POLLOCK: Yes.

7 Q And other constables other than Ruth Yurkiw were
8 Lisa Stuart and Lori Greig?

9 MR. POLLOCK: And Dave Strachan.

10 Q Thank you. I'd like to go back please to August
11 23rd, Mr. Pollock. Your notes indicate, I
12 believe, that you made some contact with Sergeant
13 Henderson for the interview of Ms. Ellingsen to
14 be done by Mr. Henley.

15 MR. POLLOCK: Correct.

16 Q Then August 24, there was a meeting at your
17 detachment with Chernoff and Lepine with Yurkiw
18 and also Constable Stuart; is that right?

19 MR. POLLOCK: That's correct.

20 Q Now, you indicate in your notes, sir, that there
21 was a lengthy discussion about not directing
22 Caldwell. What was the concern there please?

23 MR. POLLOCK: Well, I can't recall specifically what the
24 concern was other than in general once the
25 handler starts directing a source they actually

1 become an agent and they're no longer just a
2 source.

3 Q And then they lose their confidential status; is
4 that right?

5 MR. POLLOCK: Yes.

6 Q And you had some discussions about the Ellingsen
7 interview as well?

8 MR. POLLOCK: Actually, my notes state that we will have a
9 further discussion after the Ellingsen interview.

10 Q I see. Okay. Then arrangements go on, do they,
11 to set up that interview. On August 25th there's
12 surveillance conducted at Lynn -- the place where
13 Lynn Ellingsen was living that involved yourself,
14 Mr. Pollock and, you, Ms. Chapman, as well as
15 you, Mr. Henley, and your partner Detective
16 Ballantyne?

17 MR. HENLEY: Yes.

18 Q It appears that you're told, Mr. Henley, when you
19 attend at first there's some teenagers there and
20 they say Lynn is not there but that proves not to
21 be the case; is that right?

22 MR. HENLEY: That's correct.

23 Q You end up speaking to Ms. Ellingsen?

24 MR. HENLEY: Yes.

25 Q What is the nature of that conversation, sir?

1 MR. HENLEY: We just went through this. What are you
2 referring to please?

3 Q This is August the 25th, the day before the
4 interview actually takes place.

5 MR. MOULTON: Do you have a tab reference?

6 Q I'll suggest Detective Ballantyne's log. Mr.
7 Pollock, you have a note of August 25, do you, of
8 your attendance at Lynn Ellingson's residence?

9 MR. POLLOCK: Yes. We attended at 98A Avenue in Surrey and
10 Mr. Henley advised myself and Ms. Chapman that he
11 was told by some teenagers in the house that she
12 left about 40 minutes ago with somebody's father.

13 Q Ms. Chapman, you had some dealings on that matter
14 as well, you've had some contact with Detective
15 Lepine about being involved in the interview the
16 next day?

17 MS. CHAPMAN: I don't recall if I had dealings with him or
18 someone at the detachment did, but it was
19 arranged he would be involved.

20 Q Ms. Chapman, I would like to refer you please to
21 as you're approaching this interview, could you
22 look at tab 5D, please, the first page in that
23 tab -- not the first tab, page 9 in that tab. If
24 you look at the bottom of the page you'll see it
25 says 9 of 20.

1 MS. CHAPMAN: Yes.

2 Q And at the time of the -- this is your
3 handwriting of course?

4 MS. CHAPMAN: Yes, it is.

5 Q At the top of the page there are three dots and
6 then there's a note: "We'd like you to tell us
7 about events that occurred," et cetera, "while
8 you were living at Willie Pickton's farm."

9 MS. CHAPMAN: Yes.

10 Q Can you tell us what this note is about please?

11 MS. CHAPMAN: I'm sort of prepping myself about how I'd like
12 to start off an interview with her.

13 Q Would you flip to page 23 in that tab please.

14 MS. CHAPMAN: Yes.

15 Q Again, this page is headed Lynn?

16 MS. CHAPMAN: Yes.

17 Q It begins a narrative of how she knows Willie and
18 then there's a whole series of questions outlined
19 on that page and the next page?

20 MS. CHAPMAN: Yes.

21 Q Can you tell us what the questions are for?

22 MS. CHAPMAN: It's just prepping myself of things I'd like to
23 learn in an interview with Lynn Ellingsen.

24 Q Would this have been preparation that you
25 undertook in advance of the interview that

1 eventually took place on the 26th of August 1999?

2 MS. CHAPMAN: Yes.

3 Q And before you approached that interview you told
4 us that you had -- you were new to the file. Did
5 you take any steps to familiarize yourself with
6 the background or become acquainted with the
7 file?

8 MS. CHAPMAN: I don't recall exactly what I did but I either
9 would have had conversations with persons
10 involved the file or been given some material to
11 give myself some background.

12 Q As you approached that interview did you feel
13 yourself sufficiently up to speed to be carrying
14 on the interview and carrying on with the file?

15 MS. CHAPMAN: I don't know if I felt I was sufficiently up to
16 speed or not but I was given a task and I, to the
17 best of my ability, tried to carry it out.

18 Q Mr. Commissioner -- well, before I go into that,
19 you've talked about the questions that you put
20 together for the interview. Did you have a
21 particular strategy for the interview? What were
22 you going to try and accomplish when you
23 interviewed Lynn Ellingsen?

24 MS. CHAPMAN: I was going to try to get her to agree that she
25 had seen a body, not a pig in the barn, and to

1 confirm some other matters that had been provided
2 to the VPD and us through the third party.

3 Q Was there any particular approach that you
4 contemplated taking with her in order to get that
5 information?

6 MS. CHAPMAN: I think as usual, try and gain her trust and
7 then find out if she would divulge that
8 information.

9 Q So you were treating her as a witness as opposed
10 to a suspect?

11 MS. CHAPMAN: That's correct.

12 Q Mr. Henley, can you tell us anything about what
13 your thoughts were at the time about the way to
14 approach this interview?

15 MR. HENLEY: First of all, I thought it would be important
16 that Ruth be in the room with her, we needed a
17 female member with her and I thought that would
18 make a huge difference, make Lynn more
19 comfortable. The only advice I remember giving
20 to Ruth and Ron was to let her talk. She had a
21 penchant for talking about herself, what a
22 terrible life she had, all the bad things that
23 had happened to her, et cetera, et cetera. She
24 was just that type of a person. I knew it was
25 going to be a very difficult interview for them

1 and I expected it to be a very lengthy interview.

2 Q As the interview was set up, you were watching
3 the whole interview?

4 MR. HENLEY: That's correct.

5 Q The first people to go in at the start of the
6 interview were you, Ms. Chapman and Detective
7 Lepine; is that right?

8 MS. CHAPMAN: That's correct.

9 MS. TOBIAS: Mr. Commissioner, much turns on this interview
10 and the witnesses' assessment of what they were
11 dealing with and there are a few minutes of this
12 somewhat lengthy interview that we are going to
13 play and then I'm going to be asking the
14 witnesses for their assessment and their
15 perspective of what was happening at the time.
16 For you and the other participants if they wish
17 to, the transcript of the interview is in the
18 binder of documents that Mr. Vertlieb handed up
19 and the first excerpt that we're going to play
20 begins at page 8 of that transcript and it is tab
21 6 of Mr. Vertlieb's binder which is now Exhibit
22 182NR.

23 **(VIDEO PLAYED)**

24 Q Ms. Chapman, looking at that -- Mr. Commissioner,
25 there are a couple more I'm going to play so I

1 don't know if you want to move back and forth or
2 not.

3 At this point you're trying to be fairly
4 persuasive. Can you explain your approach at
5 this point and what your perspective is on the
6 kind of response you're getting from her.

7 MS. CHAPMAN: I thought she was being evasive. She was
8 skirting the issue. She wasn't particularly
9 answering the question.

10 Q Can we go to the next segment, please. This
11 begins on page 14 of the transcript.

12 **(VIDEO PLAYED)**

13 Q Let me start with you, Ms. Chapman. What's your
14 perspective as this is going on in the interview
15 when she's saying that she wants to leave, et
16 cetera, et cetera?

17 MS. CHAPMAN: She's getting very agitated obviously because
18 she doesn't want to provide or confirm the
19 information that we had heard through third
20 parties. I felt at that time we were getting
21 very close to getting what we needed but she got
22 her back up and I think that was her personality.
23 She was throwing up her defences and there was no
24 getting through to her.

25 Q Mr. Henley, you were outside watching and we know

1 at a later point in time you intervened in the
2 interview. Can you tell the commissioner what
3 your perspective was of the interview as it
4 developed?

5 MR. HENLEY: I thought that Ruth had done a great job from the
6 outset and she handled her very well, that she
7 had taken to heart what I said to her about let
8 her talk, let her talk about herself, let her
9 ramble and say whatever she wants to say. I
10 think it's pretty clear from the transcript what
11 a really good job she was doing. When she was
12 cornered obviously Ruth was hitting home and some
13 of the stuff Detective Lepine was saying also was
14 hitting home with her and she just picked on that
15 one little point that I think Ron said something
16 about, "We don't care about the drugs," and
17 that's all Lynn needed to react to and to get
18 difficult and to get back into her shell.

19 Q What caused you to go in and participate in the
20 interview?

21 MR. HENLEY: I can't remember exactly where I went in. I
22 think I went in because I thought perhaps if I
23 was in there she would settle down again.

24 Q We're going to play a few seconds of -- I think
25 about two minutes of that part so let's do that

1 now. I think we're having a couple of technical
2 difficulties here but we're going to start at
3 page 25 of the transcript.

4 **(VIDEO PLAYED)**

5 Q Mr. Henley, both from this particular clip and
6 for the rest of your questioning of Lynn
7 Ellingsen, you said at the end that you didn't
8 know whether to believe her or not but is there
9 anything else about the interview that you can
10 tell us about in terms of what your assessment
11 was?

12 MR. HENLEY: Well, first of all, I did not know whether to
13 believe her or not at that time. I didn't know
14 whether she was telling the truth. I felt
15 because of the involvement that I had had with
16 her already, the time that I had spent with her,
17 that I didn't think that I would be the
18 appropriate person to take it to the next level.
19 I didn't think she was going -- if there was
20 anything to confess I was not convinced she was
21 going to confess to me. I was of the opinion
22 that we should have her interviewed by someone
23 who was specially trained in that regard and that
24 would be the polygraph operator.

25 Q Ms. Chapman, what about your assessment of her

1 demeanour and the interview and the results of
2 that?

3 MS. CHAPMAN: My overall impression was she was being
4 deceptive and I agreed if we could get her to the
5 polygraph and have an experienced interviewer
6 question her and see what that provided.

7 Q To that end, you and various other members made
8 arrangements with Jim Hunter to do a polygraph
9 examination?

10 MS. CHAPMAN: That's correct.

11 Q As part of that preparation did you provide a
12 detailed summary for Jim Hunter of the
13 investigation to date? In other words, all the
14 information from Caldwell, et cetera from the
15 1624s?

16 MS. CHAPMAN: Yes, I extracted information, cut and paste of
17 information from other members' notes and put
18 them together in what I called a timeline so it
19 gave a chronological picture of what had taken
20 place up to this point.

21 Q That obviously is for him to have the material
22 that he needed to conduct the interview?

23 MS. CHAPMAN: That's correct.

24 Q Mr. Henley, you made several attempts I gather to
25 keep in touch with Lynn Ellingsen to get her to

1 this interview?

2 MR. HENLEY: That's correct.

3 Q You spoke to her on two or three occasions?

4 MR. HENLEY: Yes. Before the date of the polygraph I went --

5 I don't recall the exact date but I think it was

6 a couple of days before the polygraph and I

7 picked her up at the Surrey address and took her

8 to Starbucks, we had a coffee, just to make sure

9 she was on board, that she was confident, that

10 she was going to come and meet with the

11 polygraphist. It was very important I felt that

12 we get her there. In my estimation that was the

13 next step, to get her to the polygraph operator

14 and see what happened.

15 Q And did you go and get her on the 31st?

16 MR. HENLEY: I went to get her on the 31st and she wasn't

17 there.

18 Q You spoke to her later in the day?

19 MR. HENLEY: I spoke to her by telephone later in the day. I

20 had, again, sort of beat the bushes around the

21 strip around King George and stuff and finally

22 got a call back from her, I don't recall what

23 time, saying that she had spoken to a lawyer and

24 that the lawyer had advised her that she

25 shouldn't take the polygraph. That was pretty

1 much it. I asked her if she would just meet with
2 me again, maybe have a coffee and talk about it
3 some more, and she was adamant she was done, she
4 wasn't doing this, wasn't going to tell me where
5 she was and that was that.

6 Q It's not only that she wasn't going to do the
7 polygraph but she didn't want to have anything to
8 do with you, didn't want to talk to anymore?

9 MR. HENLEY: No, she didn't want to see me.

10 Q On the 31st of August, Mr. Pollock, you have
11 recorded a meeting that occurred later that day
12 to decide how to move forward with the
13 investigation; is that right?

14 MR. POLLOCK: No. On the 31st of August my notes are that I
15 attended Surrey satellite and then received the
16 information from Corporal Henley that she was
17 refusing to come in.

18 Q Did you have a meeting the next day for that
19 purpose?

20 MR. POLLOCK: I have no notes on that.

21 Q If you look at page 9 of your notes, your notes
22 go from 1600 to 0815 at the bottom of the page;
23 do you see that, sir?

24 MR. POLLOCK: Yes.

25 Q And to 2033 on the next page and the next is

1 September 2nd?

2 MR. POLLOCK: Yes.

3 Q So I guess it's a bit unclear but you do --

4 MR. POLLOCK: I believe it would have been September 1st but
5 there was no meeting.

6 Q But on September 1st you go with -- you and Ms.
7 Chapman go to Pickton's farm in the morning?

8 MR. POLLOCK: That's correct.

9 Q What is the purpose of that visit?

10 MR. POLLOCK: I believe at that point now that Ms. Ellingsen
11 was out of the picture we were going to try and
12 get him in to do the interview with him.

13 Q Was it your intention to do an interview at the
14 farm if you could find him?

15 MR. POLLOCK: No.

16 Q Mr. Chapman, what was your intention?

17 MS. CHAPMAN: We were in the same vehicle. We had the
18 discussion it was not our intention to interview
19 him at the farm.

20 Q What were you going to do at the farm then if you
21 found him?

22 MR. POLLOCK: Try to talk to him and see if we could get him
23 into the office.

24 Q Was that important that you get him into the
25 office for the interview?

1 MR. POLLOCK: Yes.

2 Q Why is that?

3 MR. POLLOCK: Controlled atmosphere. If he's at his place he
4 just turns around and walks out the door, or if
5 Dave comes and interrupts, there is all kinds of
6 interruptions. We understood there was other
7 people working there. We wanted it in a
8 controlled atmosphere.

9 Q You heard from him early in the day on September
10 2nd?

11 MR. POLLOCK: Yes. I had received a page from him. He said
12 he couldn't meet today, that he was working and
13 already behind. He said he would like to meet in
14 the evening at his place and he stated there's
15 more than just him involved, there's his brother
16 and a security guard. So obviously I had spoken
17 to him and we explained that we wanted to talk in
18 our office in a controlled atmosphere. We can
19 talk one at a time and if he had other people he
20 wanted to speak to us we could get together with
21 them after and speak as a group.

22 Q Ms. Chapman, on September 5th, I believe that you
23 have a note that an interview of Pickton couldn't
24 be done because of a triple homicide?

25 MS. CHAPMAN: That's correct.

1 Q Can you tell us what your commitment was on that?

2 Were you the lead investigator?

3 MS. CHAPMAN: I don't believe I was the lead investigator. I

4 was one of the investigative team. It was a

5 homicide involving a woman and her parents and

6 there had been young children in the home at the

7 time.

8 Q Was September 5th the date that the report came

9 in, the beginning of the file?

10 MS. CHAPMAN: Yes.

11 Q So that's the all-hands-on situation to deal with

12 the fresh file, was it?

13 MS. CHAPMAN: That's right.

14 Q So you were involved in that file for a period of

15 days, weeks?

16 MS. CHAPMAN: At least five days, if not more.

17 Q Mr. Pollock, you have notes on September 8th and

18 9th of various conversation and so forth you had

19 with both David and Robert Pickton with respect

20 to setting up this interview?

21 MR. POLLOCK: That's correct.

22 Q I want to go back to tab 27 for a moment. If we

23 see the entry which is on page 46 of tab 27

24 relating to September 1999. Mr Pollock, under

25 Additional File Information there's a note that

1 all eight members of GIS are working on 19 active
2 homicides. Is that a particularly unusual
3 situation?

4 MR. POLLOCK: Well, that would have been some of the more
5 fresh ones as well as the ones where members have
6 been working -- cold cases, ones members had been
7 starting to work on recently trying to catch up.

8 Q The triple homicide you referred to, Ms. Chapman,
9 that's the Kianipour homicide noted there?

10 MS. CHAPMAN: That's correct.

11 Q While we're here, you had testified about having
12 this file diarized because you were very busy in
13 October and November so October, November,
14 December, that's when we can see from these
15 documents roughly speaking what the highlights of
16 the work in that section was?

17 MS. CHAPMAN: Yes.

18 Q I want to go back to September 14th, Mr. Henley.
19 That's the date you recorded on the 1624 at tab 8
20 of the commission's binder that the UHU
21 involvement came to an end. Did you have a view
22 of what your contribution could be in the future
23 on that file?

24 MR. HENLEY: I was working on a file on my own and for most of
25 the time I was on the Unsolved Unit I wasn't even

1 in the Lower Mainland, I was elsewhere working on
2 investigations that I already had going or was
3 assisting other teams on my unit, and pretty much
4 what I have written here is correct, that I
5 checked with Coquitlam and I was told that they
6 were going to move forward with it themselves and
7 that they no longer required my services. It was
8 very straightforward.

9 Q Is there anything, Ms. Chapman or Mr. Pollock,
10 either of you would like to add to that?

11 MS. CHAPMAN: I don't think from my perspective it was
12 Coquitlam that advised the Unsolved Homicide Unit
13 we didn't need their services. I think the fact
14 that we didn't have at that point an unsolved
15 homicide because we did not have Lynn Ellingsen
16 saying there was a dead body there, therefore
17 there wasn't criteria for them to take our case.

18 Q Now, would you turn please to tab 5C, page 1 of
19 your notes. I think that Mr. Vertlieb brought
20 you to this note previously. You've got a list
21 of things on Pickton, interviews, submit requests
22 for UCO, meet with OIC, et cetera. Does this
23 represent your thinking about what to do with the
24 file next in the other matters you were working
25 on?

1 MS. CHAPMAN: Yes. It's a rough to-do list, things that
2 needed to be brought forward and discussed.

3 Q Then on September 22nd, 1999, you had again
4 contact with Robert Pickton and you end up
5 speaking with David Pickton as well?

6 MS. CHAPMAN: Yes.

7 Q That's when they wanted you to wait until it was
8 raining and you testified about that already?

9 MS. CHAPMAN: Yes.

10 Q What was your view of their -- what was your
11 impression about whether they were really trying
12 to assist you or not? In other words, you were
13 having these back and forth interactions with
14 Robert Pickton and Dave Pickton. Were you
15 expecting that they were ever actually going to
16 allow you to interview Robert Pickton.

17 MS. CHAPMAN: No. I hadn't -- I had no real anticipation that
18 they would cooperate. I think additionally when
19 I look back at these notes that they had been
20 contacted and we put them off because of other
21 priorities, so it wasn't on their priority list
22 either to cooperate with us.

23 Q Would you again in that tab 5C at page 4 of 14,
24 if you look at the page numbers on the bottom,
25 the printed page numbers; do you have that?

1 MS. CHAPMAN: Yes.

2 Q There's a note 99 10 01 Friday?

3 MS. CHAPMAN: Yes.

4 Q 1230 to 2230, "Update Pickton file"?

5 MS. CHAPMAN: Yes. That indicates the shift I was working
6 that day and that I had gone through the Pickton
7 file to basically see if there was anything
8 further. It was just a matter of seeing if
9 additional information had come in.

10 Q Do I assume correctly at that time that's what
11 you spent your shift doing that day pretty much?

12 MS. CHAPMAN: No, no. That doesn't reflect the entire day. I
13 can't tell you what I did the rest of the day.

14 Q Then on October 4th you went to the Pickton
15 property. Now, you have a record of having gone
16 to the Pickton property October 4th and then
17 again on October 15. Why did you do that?

18 MS. CHAPMAN: I did it as a matter of curiosity at one point
19 to see if I could determine if he was home. I
20 couldn't see down the driveway to his trailer.
21 It was kind of like trying to do a one-person
22 surveillance at times just to see if there was
23 activity, make observations that more dirt had
24 been moved to the front of the property. I just
25 wanted to see if there was anything coming out of

1 that driveway that I could even get plate numbers
2 off of to find out who was coming and going
3 there.

4 Q Did you during this month as well make a couple
5 of calls to Lynn Ellingsen, beginning on October
6 15th?

7 MS. CHAPMAN: Yes.

8 Q And why are you contacting Lynn Ellingsen?

9 MS. CHAPMAN: I'm still hoping to get some information from
10 her regarding the allegations that she saw a body
11 in the barn.

12 Q What was the result of your attempt to contact
13 her?

14 MS. CHAPMAN: As I write in the note, I was hung up on -- a
15 female hung up when I asked to speak to Lynn and
16 a male said she wasn't home and took a message
17 but she never returned my call.

18 Q Similarly, on October 21st you left a message and
19 didn't get any response?

20 MS. CHAPMAN: Correct.

21 Q Can I move you forward -- I want to move you
22 forward a bit. You had spoken before in your
23 evidence about the interview you did with Mr.
24 Pickton in January of 2000?

25 MS. CHAPMAN: Yes.

1 Q You had contact with Gina Houston before then; is
2 that correct, on approximately January 8th, 2000?

3 MS. CHAPMAN: That's correct.

4 Q Can you tell Mr. Commissioner how this came
5 about?

6 MS. CHAPMAN: I had learned that Gina Houston was associated
7 with Robert Pickton and I was out in the unmarked
8 police car and overheard her name and that she
9 was at the hospital as a result of a domestic
10 dispute so I decided to go by and chat her up and
11 then bring up the matter of Robert Pickton and
12 that we wanted to speak to him. She was quite
13 amenable to that and I left it to her to return
14 my call and she subsequently did.

15 Q Was that on January 11th you received that call
16 back?

17 MS. CHAPMAN: Yes.

18 Q And so -- you're still in tab 5C. Would you turn
19 please to page 11, it's marked page 11 of 20 and
20 -- sorry, I do apologize, I've misplaced my flag
21 for that particular document. Then on page 14 of
22 20, still in tab 5C, this is a note Mr. Vertlieb
23 took you to this morning. You had the meeting
24 with Mr. Moulton on January 12, 2000. It's
25 approximately in the middle of that tab.

1 MS. CHAPMAN: I'm not finding this in this book.

2 Q Let me help you. In tab 5C there's one --

3 there's the first blue page?

4 MS. CHAPMAN: Yes.

5 Q Second blue page.

6 MS. CHAPMAN: Yes.

7 Q Three more blue pages.

8 MS. CHAPMAN: Yes.

9 Q Then you'll see page 8 of 14 and flip over, 14 of

10 20.

11 MS. CHAPMAN: I still don't have it. I have 11 of 20 and

12 that's where it ends.

13 Q Go back two pages, please.

14 A I've got it.

15 Q Now, it's been noted as you've said that you

16 discussed these various tasks on the file with

17 Inspector Moulton; is that right?

18 MS. CHAPMAN: Yes.

19 Q And we know that there's the statement coming up

20 and it's to be an exculpatory statement?

21 MS. CHAPMAN: That's right.

22 Q What did that mean to you?

23 MS. CHAPMAN: Even to get him to deny what we were you

24 accusing him of.

25 Q What value would that to be your investigation?

1 Mr. Moulton, is that something you can enlighten
2 us about?

3 MR. MOULTON: In my view it would suggest that we had examined
4 the likely content of what we could expect from
5 Mr. Pickton. There was no basis to expect that
6 he would provide an inculpatory statement and we
7 ought to plan for an exculpatory statement which
8 would mean having Mr. Pickton make statements
9 surrounding the issue or pertaining to the issue
10 that we could then take active measures to
11 demonstrate were false. It was the only means we
12 could see to moving matters forward.

13 Q Thank you. Mr. Chapman, the other steps that are
14 noted here, tracking device or surveillance, that
15 was something discussed but no steps in that
16 respect were taken afterwards, were they?

17 MS. CHAPMAN: No. I think that's already been discussed at
18 length about the unavailability of our
19 surveillance unit.

20 Q There's also a note: "Profile Pickton utilizing
21 ViCLAS. Who are his associates?"

22 MS. CHAPMAN: Yes.

23 Q That was something that was started, was it?

24 MS. CHAPMAN: Yes. I think Constable Cater was working on
25 that.

1 Q Mr. Moulton, you mentioned that Constable Cater
2 was assigned to the unit because of his
3 background. What background were you referring
4 to please?

5 MR. MOULTON: John Cater has a master of arts and his thesis
6 was on serial killers.

7 Q I'd like to refer to you tab 27 again, Coquitlam
8 File Review, page 52 -- I'm sorry, page 54 deals
9 with January of 2000, and so in this month when
10 you were lining up this interview, Ms. Chapman,
11 you were working on a number of other matters,
12 were you?

13 MS. CHAPMAN: That's correct.

14 Q Were there any matters in particular that had you
15 occupied in the week intervening?

16 MS. CHAPMAN: Yes. A suspicious death came in originally as a
17 home invasion/homicide and until it was proven
18 otherwise that's how it was worked.

19 Q Under file summary there's the date of January
20 17. What is the relevance of that date?

21 MS. CHAPMAN: That would be the date the call initially came
22 in.

23 Q And so January 19th is the date of the Pickton
24 interview?

25 MS. CHAPMAN: Yes.

1 Q And you've explained what happened in that
2 interview. Now, there has been various evidence
3 given as to what may or may not have gone wrong
4 with that interview. You did not have a list of
5 questions or so forth of the kind you had for the
6 Ellingsen interview for this particular
7 interview?

8 MS. CHAPMAN: No. Part of it was I never thought they'd show
9 up for the interview and the other part was I was
10 so busy with so many files I didn't get the
11 opportunity to put my head into this.

12 Q One other matter that has been raised is whether
13 or not Pickton should have been cautioned,
14 received any warnings before the interview. Do
15 you have an explanation for that?

16 MS. CHAPMAN: He wasn't under arrest. He was being brought in
17 -- and particularly since Gina stayed in the room
18 it was an interview to try and glean some
19 interview from him. If he started or made some
20 admissions he would have immediately been stopped
21 and warned.

22 Q Did Houston's presence there have any disruptive
23 effect on any plan that you might have had?

24 MS. CHAPMAN: It was completely disruptive. She answered for
25 him and she was always providing -- going on off

1 on a tangent, so to speak.

2 Q There has also been questions asked about
3 Pickton's offer to consent to a search and I want
4 to ask you a couple questions about the
5 parameters of such steps. First of all, if a
6 search was going to be done of the premises, how
7 detailed a search would you have had to do in
8 your mind? In other words, on the one end of the
9 scale there's the walk-in, have a cursory look
10 around, and on the extreme other end of the scale
11 is a search of the kind that happened following
12 the Nathan Wells search warrant in February of
13 2002.

14 MS. CHAPMAN: In that regard I had talked to Constable Greig.
15 She had been in the trailer and she had had a
16 look around at the time when she was there on an
17 unrelated matter. I believe another member had
18 been in that trailer regarding the 1997 incident
19 and had not seen anything untoward, so if a
20 consent search had been agreed to and pursued it
21 would have had to have been in depth going
22 through everything to try and locate
23 incriminating evidence.

24 Q Mr. Moulton and Mr. Pollock, can you comment at
25 all on the conditions under which you would have

1 undertaken a search like this at that time from a
2 resource point of view, a consent search I should
3 say?

4 MR. MOULTON: The short answer is that based on what was there
5 we would not have done a consent search. The
6 basis wasn't there and I would not put at risk a
7 murder investigation based on being on a consent
8 search that would be overturned.

9 Q When you say the basis wasn't there, can you tell
10 us what you mean by that?

11 MR. MOULTON: To the extent that the position is adopted that
12 within the January 19th interview that a viable
13 consent was given, it is simply not the case.
14 There was no viable consent provided and there's
15 absolutely no possibility that a fully informed
16 Mr. Pickton as to the risks that would attend
17 when we executed such a search would he provide
18 such a consent.

19 Q Sir, were you aware of any formal RCMP policy on
20 the question of consent searches?

21 MR. MOULTON: Yes.

22 Q Specifically would you refer to tab 22, please.

23 MR. MOULTON: I have it.

24 Q That is indicating from the operational manual
25 search and seizure; is that correct?

1 MR. MOULTON: Yes.

2 Q Under Search With Consent, sir, is this a
3 document you're at all familiar with?

4 MR. MOULTON: I would have been in that timeframe, yes.

5 Q Are you able to comment under the heading Search
6 With Consent: "A search with consent may only be
7 made in special circumstances, eg. remoteness or
8 urgency precludes the obtaining of a search
9 warrant." How did that instruction apply in this
10 situation in your view?

11 MR. MOULTON: Neither the urgency or remoteness applied.

12 Q Are there any other special circumstances that
13 would justify a consent search?

14 MR. MOULTON: Not that I am aware of.

15 Q I want to go to the time following the interview.

16 THE COMMISSIONER: Your three hours are up so tell me where we
17 are.

18 MS. TOBIAS: Mr. Commissioner, I would ask for the indulgence
19 of perhaps five minutes.

20 THE COMMISSIONER: You're done in five minutes?

21 MS. TOBIAS: Yes.

22 THE COMMISSIONER: Okay.

23 Q I would refer to tab 5D, please, Ms. Chapman.
24 Again, there's several blue dividers. I'd like
25 you to go to the second section, in other words,

1 one blue divider and there's some notes of yours
2 on a continuation report form.

3 MS. CHAPMAN: Yes, I have that.

4 Q This looks like there's some notes, 1st day of
5 spring, et cetera. Can you tell us what these
6 notes represent in terms of your work?

7 MS. CHAPMAN: It's starting to provide a timeline of Robert
8 Pickton's history.

9 Q And is this information on the timeline coming
10 from the interview?

11 MS. CHAPMAN: I think it came from the interview. I can't be
12 positive.

13 Q Then there's some other detailed notes or other
14 notes about individuals including Gina Houston
15 and so forth?

16 MS. CHAPMAN: Yes.

17 Q At the end of that tab there's a series of
18 computer checks and included in that are some
19 computer checks relating to someone whose name
20 has been blocked out but referred to as STW1768
21 which is also an STW reference that was made,
22 someone that Robert Pickton referred to in the
23 interview as someone he had given rides to. Do
24 you recall that now?

25 MS. CHAPMAN: I don't have the page in front of me. I think I

1 know what you're talking about.

2 Q If you go right to the end of the tab, the series
3 of pages four or five pages from the end, the
4 group of pages there.

5 MS. CHAPMAN: Yes, STW1768.

6 Q So is this work looking up and so forth work you
7 would have done before the interview or after?

8 MS. CHAPMAN: After.

9 Q The aerial photography work that we talked about
10 earlier, that was also undertaken after the
11 interview?

12 MS. CHAPMAN: That's correct.

13 Q And February 19th of 2000, if we look at tab 27
14 again, is a date when the Jung homicide came in?

15 MS. CHAPMAN: That's correct.

16 Q Was that a large file?

17 MS. CHAPMAN: That was extremely large.

18 Q Were you involved to some degree on that file?

19 MS. CHAPMAN: Yes.

20 Q To what degree?

21 MS. CHAPMAN: I believe I was the lead investigator.

22 Q That file went on for a long time, did it?

23 MS. CHAPMAN: Yes. It was still not completed when I retired.
24 There was still people being prosecuted.

25 Q In March of 2000, Mr. Pollock, you went to a

1 workshop, a homicide workshop of some sort?

2 MR. POLLOCK: Are you referring to the major case management
3 course?

4 Q Yes?

5 MR. POLLOCK: Yes.

6 Q You did a presentation on the Pickton case?

7 MR. POLLOCK: Yes.

8 Q Were you given any advice on that matter?

9 MR. POLLOCK: No. I was hoping to get some information,
10 thoughts, advice from seasoned members and I
11 received nothing.

12 Q Mr. Moulton, I'd like to refer forward to April
13 of 2000. There were some records of discussions
14 that Brad Zaly's who at the time was the Staff
15 Sergeant had with you about resources and your
16 resource situation. I understand that during
17 this period of time the Serious Crime Unit had to
18 ask other units to undertake some of their work
19 because of their workload; is that correct?

20 MR. MOULTON: It is. During that timeframe we made a variety
21 attempts to lessen the workload, one of which was
22 to raise the limits of fraud on the financial end
23 so that we reduced those. We also took to my
24 mind the unprecedented step of removing the
25 response to sexual assaults to the Patrol people.

1 Q The last question I want to ask the panel, one of
2 the questions that has been raised or evidence
3 given by various sources is that the
4 investigation stalled when Mike Connor was
5 transferred. Do you have a perspective on that,
6 and I would like to start with you, Mr. Pollock?

7 MR. POLLOCK: I do have a perspective and I think it was just
8 coincidental. A lot of the issues we've talked
9 about, initiatives that we've talked about like
10 UCO, wiretap, and all that, if we were going to
11 pursue those we would have pursued those far
12 before that time. It happened to be that the
13 time that he got transferred was the time that
14 Ms. Ellingsen refused to cooperate any further
15 and we were still in the process of trying to
16 interview Mr. Pickton. So I think it was just
17 coincidental he left at the same time that all
18 this other stuff was occurring.

19 Q Ms. Chapman?

20 MS. CHAPMAN: I agree it was coincidental. We pursued that
21 file beyond his transfer off the section and it
22 petered out on its own, so to speak. Our avenues
23 were limited and no further information was
24 coming in to lead us forward at that time.

25 Q Mr. Moulton?

1 MR. MOULTON: I'd agree with the previous comments that the
2 investigative avenues available had been largely
3 exhausted, and the other point I would make is
4 that Mr. Connor's transfer would also involve the
5 hand-off of probably at least six other homicide
6 files in addition to a range of other very
7 serious *Criminal Code* investigations, all of
8 which had to be passed on, and the passing on of
9 a file is largely unremarkable and I would -- to
10 use an analogy perhaps for this room, the raising
11 of a lawyer to the bench, the files of that
12 lawyer are passed on and operate largely without
13 a problem and that would be the case here.

14 MS. TOBIAS: Thank you. Those are my questions.

15 THE COMMISSIONER: All right. Thank you.

16 THE REGISTRAR: Do you wish your document to be marked?

17 MS. TOBIAS: Yes. Thank you, Mr. Giles. I'd ask that the
18 binder of documents I've handed be marked as the
19 next NR exhibit.

20 THE REGISTRAR: Exhibit 183NR.

21 **(EXHIBIT 183NR: Non-Redacted (Restricted)**
22 **Document Entitled: Pickton Investigation Panel,**
23 **AGC Documents)**

24 MR. VERTLIEB: Mr. Commissioner, based on your decision on
25 timing we have a full day tomorrow but we

1 certainly can break now and start at 9:30 and if
2 we maintain the same pace we'll get through in
3 four and a half hours.

4 THE COMMISSIONER: Thank you. We'll adjourn for the day.

5 THE REGISTRAR: Order. This hearing is now adjourned for the
6 day and will resume at 9:30 tomorrow morning.

7 (PROCEEDINGS ADJOURNED AT 4:20 P.M.)

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I hereby certify the foregoing to
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EXHIBITS

NO. DESCRIPTION

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