

May 16, 2012

Vancouver, BC.

**(PROCEEDINGS RECONVENED AT 9:35 A.M.)**

THE REGISTRAR: Order. The hearing is now resumed.

MS. BROOKS: Good morning, Mr. Commissioner.

THE COMMISSIONER: Morning.

MS. BROOKS: This morning we have a panel of former board  
members.

THE COMMISSIONER: Yes.

MS. BROOKS: Mr. Philip Owen, Ms. Elizabeth Watson and Ms.  
Kinder Mottus. And counsel for Mr. Owen, Brock  
Martland, is also appearing today. Mr. Giles.

**PHILIP OWEN:** Affirmed

**KINDER MOTTUS:** Affirmed

**ELIZABETH WATSON:** Affirmed

THE REGISTRAR: Can you state your name, please?

MR. OWEN: Philip Owen.

MS. MOTTUS: Kinder Mottus.

Ms. WATSON: Elizabeth Watson.

THE REGISTRAR: Thank you. Counsel.

**EXAMINATION IN CHIEF BY MS. BROOKS:**

Q What I'm first going to do is take each of you  
very briefly through your backgrounds. And you've  
each provided us with a biography, and that's at  
Tab 43 for you, Mr. Owen, and 41 for you, Ms.

1                   Watson, and Tab 42 for you, Ms. Mottus. And I  
2                   should first say, Mr. Commissioner, do you have a  
3                   copy of the brief of documents that we prepared  
4                   for this panel before you?

5       THE COMMISSIONER: Yes.

6       MS. BROOKS:

7                   Q    So, Mr. Owen, starting with you. Do you see the  
8                   biography at Tab 43?

9       MR. OWEN: Yes, I do.

10                  Q    And it's accurate?

11       MR. OWEN: Yes.

12                  Q    Now, I know we're all very familiar with your long  
13                       history of civic politics, but I think I'll just  
14                       summarize it for us. In 1986 you became a member  
15                       of the Vancouver City Council?

16       MR. OWEN: Yes.

17                  Q    You were elected mayor of Vancouver in November of  
18                       1993 and you served as mayor until 2002?

19       MR. OWEN: That is correct.

20                  Q    And as mayor one of your legacies is that you  
21                       implemented the Four Pillar Approach, which is  
22                       well known to us all, but it's an approach to drug  
23                       addictions that incorporates prevention,  
24                       treatment, enforcement and harm reduction?

25       MR. OWEN: Yes.

1           Q   And for our purposes during our terms of  
2                   reference, which are from 1997 to 2002, you were  
3                   mayor of Vancouver, which also made you chair of  
4                   the police board?

5   MR. OWEN:   Yes.

6           Q   And over the past decade you sat on several  
7                   boards, including the Ovarian Cancer Canada,  
8                   Opportunity International, the Salvation Army and  
9                   the Vancouver International Airport?

10   MR. OWEN:   Yes.

11          Q   And another noteworthy accomplishment of yours is  
12                   that in 2008 you were awarded the Order of Canada?

13   MR. OWEN:   Yes.

14          Q   And, Ms. Watson, turning to you now and your  
15                   biography is found at Tab 41. Is that accurate?

16   MS. WATSON:  Yes.

17          Q   And I'll just quickly summarize your background.  
18                   You graduated from UBC law in 1981?

19   MS. WATSON:  Yes.

20          Q   You've also completed an executive education  
21                   program at Harvard and Ivey Business School in the  
22                   areas of governance and finance?

23   MS. WATSON:  Yes.

24          Q   You have an extensive history of advising and  
25                   consulting on corporate governance matters to

1 private and public corporate boards?

2 MS. WATSON: Yes.

3 Q You also acted from 2001 to 2005 as provincial  
4 managing director of board and resourcing and  
5 development and in that role you developed  
6 guidelines for best practices on governance and  
7 disclosure for the public sector?

8 MS. WATSON: That was 2005 I did those, yes.

9 Q You've served on a number of boards and those are  
10 outlined in your bio there?

11 MS. WATSON: Yes.

12 Q But you currently serve on the boards of St.  
13 Georges School and the Forum for Women  
14 Entrepreneurs?

15 MS. WATSON: Yes.

16 Q And in 2010 you were named one of the top 100  
17 influential women of BC and in 2007 an influential  
18 woman in business in Vancouver?

19 MS. WATSON: Yes.

20 Q And as it relates to our work, you were a member  
21 of the Vancouver Police Board from 1992 until  
22 1998?

23 MS. WATSON: Yes.

24 Q Did you have any background in policing before you  
25 joined the board?

1 MS. WATSON: The odd traffic ticket.

2 Q Ms. Mottus, turning to you, at Tab 42 this is a  
3 record of your employment history that you  
4 prepared?

5 MS. MOTTUS: Correct.

6 Q And you've worked for the BC Government and  
7 Services Employees' Union, BCGEU, since 1996 -- or  
8 '86?

9 MS. MOTTUS: 1986, yes.

10 Q And for the union you've worked in a number of  
11 different capacities, including as the staff  
12 representative for members in Gibsons, Sechelt,  
13 Riverview and a number of home support agencies?

14 MS. MOTTUS: Yes.

15 Q As staff representative you are responsible for  
16 collective bargaining, handling grievances and  
17 training the stewards?

18 MS. MOTTUS: Yes.

19 Q You also served for two years as the Workers'  
20 Compensation appeal representative and made  
21 submissions on behalf of the union's members to  
22 the appeal tribunal?

23 MS. MOTTUS: I did.

24 Q And since 2003 you've acted in an administrative  
25 representative role conducting labour law research

1 and recently providing conference support?

2 MS. MOTTUS: That's correct.

3 Q And for our purposes you were a member of the  
4 Vancouver Police Board from 1995 to June, 2000?

5 MS. MOTTUS: That's right.

6 Q And did you have any background in policing before  
7 you joined the board?

8 MS. MOTTUS: No, I didn't.

9 Q And, Ms. Watson, you had a comment?

10 MS. WATSON: I just want to tell you that I was a Crown  
11 prosecutor from 1982 to 1983.

12 MS. BROOKS: Okay. Thank you. So just by brief way of  
13 overview for my examination this morning of the  
14 panel, what I intend to do is we'll proceed in  
15 sort of two general parts. And the first part I'm  
16 going to ask some questions around the police  
17 board and how it worked, what its purpose was,  
18 what its functions were, how those functions were  
19 carried out, the role of the chair, the role of  
20 the board member, what accountabilities the board  
21 member had, to whom and how they were met, and  
22 then I'll turn to the missing women  
23 investigations. And, in particular, I'm going to  
24 focus on what the community's concerns were as  
25 they were expressed to the board and what the

1 board did about it and what the board could have  
2 done about it. And the purpose of this panel is  
3 to try to encourage dialogue. We're interested in  
4 making recommendations to improve things. And so  
5 the commission is very interested in hearing your  
6 views about how the governance aspect of this  
7 issue could be better addressed. So just I'm  
8 going to, Ms. Watson, because of your background  
9 in government matters -- governance matters,  
10 direct some of these preliminary questions to you  
11 which relate to general governance and the  
12 oversight functions of the board. So I'd like to  
13 start by having you explain for us the purpose of  
14 the police board.

15 MS. WATSON: Well, the purpose of the police board is set out  
16 in the *Police Act*, and it is responsible to  
17 establish the police department, appoint the chief  
18 constable, in consultation with the chief  
19 determine the priorities, goals and objectives of  
20 the department and to prepare and submit a budget  
21 for the following year to the city or municipality  
22 that is the funding agency. And it also makes  
23 rules respecting some standards and guidelines  
24 around the administration of the police  
25 department.

1           Q   And those are some of the specific functions that  
2               the board has. In terms of the general purpose of  
3               the board in providing civilian oversight or  
4               preventing political interference, can you speak  
5               to that issue?

6   MS. WATSON: Well, policing is a complex governance  
7               environment. It's not like a widget company where  
8               you've got a board that is in control and can, if  
9               it wants to, guide every action that happens. You  
10              know, policing in society, there's the  
11              accountability of the police department. It's not  
12              solely to the police board, I would suggest.  
13              Accountability happens through other mechanisms.  
14              In British Columbia we used to have the Police  
15              Commission and then we have the Director of Police  
16              Services that oversees the department in terms of  
17              how it performs, I would say, its police services.  
18              We have accountability through the court system in  
19              particular cases in terms of how the police act in  
20              a particular case. But the general purpose of the  
21              board, as I see it, is to provide, as it says in  
22              the act, high-level direction around goals and  
23              priorities within the policing area. So we want  
24              to have -- do we want to have police officers on  
25              every street? What should be -- what should be



1           our response time generally? So very  
2           broad-brushed processes and policies to guide the  
3           operation of the police department. But there's  
4           also -- there's actually quite -- there's an  
5           interesting excerpt from a report that was done by  
6           the Law Commission of Canada and it talks about  
7           police accountability and it brings in very  
8           clearly the concept that the police need to be  
9           able to operate in terms of their investigations  
10          without political or administrative interference,  
11          and so at a police board level while the police  
12          board sets general objectives and priorities and  
13          policies that might guide the operation or the  
14          administration of the department, it does not get  
15          involved at all and it would be wrong -- I think  
16          anyone would say it was wrong to get involved in  
17          specific investigations. So we don't tell the  
18          police, you know, how to do surveillance or if  
19          they've got enough people on the case or not. The  
20          police board members wouldn't even be qualified to  
21          do that, certainly under the custom and culture of  
22          how we appoint police board members in this  
23          jurisdiction and in most jurisdictions across the  
24          country. Is that what you're looking for?

25   MS. BROOKS: Yes. And, Ms. Mottus, do you have any comments on

1           your understanding when you joined the board of  
2           what the purpose of the board was?

3       MS. MOTTUS: Well, I think the easiest way for me to describe  
4           it is we were made up of people who lived in  
5           Vancouver, who were supposed to be putting in  
6           place policies that would reflect what we as  
7           citizens of Vancouver wanted to see our department  
8           doing. I think that's probably the easiest way to  
9           describe it, is it was the idea of policy. It was  
10          the idea of our department reflecting what we as  
11          people who lived in the city wanted to see as our  
12          priorities.

13          Q     And so in setting those policies and priorities  
14                you're reflecting the community needs and  
15                interests?

16       MS. MOTTUS: Correct. Yes.

17          Q     Mr. Owen, do you have any comment about the  
18                purpose of a police board?

19       MR. OWEN: Well, the police board basically, as you've heard,  
20                sets the policy and the day-to-day administration  
21                of their activity and deployment of the force to  
22                do police work is up to the chief and the board  
23                hires and, if they want, terminate the chief. But  
24                the administration of the activity of the board  
25                with the big budget is up to the chief and the

1           deputies.

2           Q   Ms. Watson, I'll address this next question to  
3           you. In terms of the board's multiple  
4           accountabilities -- and they're described in the  
5           handbook which was prepared in May of 1999 by the  
6           Province and that's at Tab 10 of your brief of  
7           documents, and it's at page 28 of 236. So the  
8           page numbers are in the bottom left corner. If  
9           you could just turn there so you can refer to it.  
10          You'll see that the handbook states that:

11               Police boards are accountable to the  
12               following groups: To the communities they  
13               serve, to the police department, to the  
14               Ministry of Attorney General and to other  
15               oversight and co-ordination bodies.

16          I just want to focus on two here, the community  
17          that they serve. And the handbook states this  
18          with respect to that particular accountability:

19               Board members need to establish a dialogue  
20               with their community to discuss what the  
21               policing issues are, how well the police are  
22               carrying out their duties and what changes  
23               citizens feel are needed in response to  
24               changing circumstances.

25          So how does the board establish dialogue with the

1 community as contemplated here?

2 MS. WATSON: Well, I think that, first of all, this obviously  
3 was written and administered after I left the  
4 board, but the board has sort of a community  
5 engagement strategy that probably in those days  
6 was something that was either initiated by the  
7 department or created in collaboration with the  
8 department. There were -- I recall going to some  
9 town hall meetings where you would invite people  
10 if we had been developing strategic priorities  
11 where we thought the department should focus its  
12 efforts. And that would be really in the police  
13 department as it would happen in any other  
14 organization. The people that work 24/7 are the  
15 employees, so the chief and executive and people  
16 within that department are bringing forward their  
17 recommendations as to what priorities they should  
18 be focusing on during the future, and the board  
19 would reflect on those and discuss those,  
20 ultimately approve those. During the course of  
21 the discussion and consideration, you want to take  
22 into account what you hear in the community. So  
23 there would be town hall meetings. We were  
24 encouraged to go to different events that would be  
25 held, maybe at community policing offices. I

1 don't recall this specifically, but a department  
2 could also survey citizen satisfaction and hear  
3 what's on people's minds and those kind of things.  
4 And those are the kinds of things that citizens  
5 would want to say to the police and those are the  
6 kinds of things that the police board would want  
7 to take into account as it made its deliberations  
8 around priorities.

9 Q And, practically speaking, Mr. Owen, maybe you can  
10 answer this. Does the board actively solicit  
11 input and feedback from the community to determine  
12 what its needs are or does it rely heavily on what  
13 the board tells -- or sorry -- what the department  
14 tells the board the community needs are?

15 MR. OWEN: Well, that's partly it, but the mayor has a special  
16 relationship with the chief and it depends who the  
17 chief is as to the communication. When Ray Canuel  
18 was chief, he and I had a very good, close  
19 relationship and I was all over the city, as the  
20 mayor has to be all the time, and was constantly  
21 feeding things back to him. And I, of course, was  
22 mayor. He would respond and we had a very close  
23 relationship. And that's the way it should be.  
24 There should be a back and forth, because when  
25 you're moving around the city as much as the mayor

1 does with ribbon cutting and ceremonies and  
2 banquets all over the place, you're everywhere and  
3 people tell you. If there's an education of  
4 Chinatown, you'll hear about it and I would talk  
5 to the chief about it. I was down there last  
6 week. So that's the relationship. It was a  
7 little different than with board members. The  
8 mayor worked closely with the chief.

9 Q So two things that I hear you saying, then, is,  
10 one, in your role as mayor, you're able to -- you  
11 have your finger on the pulse of the community's  
12 needs and so you can relay that to the chief and  
13 the chief can learn about community needs through  
14 that way; and, secondly, that the relationship  
15 between the chief and the mayor's chair is a  
16 pretty critical one so that you can have that free  
17 exchange of information?

18 MR. OWEN: Yes. And they'd want to know reports are coming up.  
19 How's council moving on this? Are you moving on  
20 that? Are we going to get a warm reception or are  
21 they going to be opposed to this suggestion, and  
22 so on. So you're kind of a quarterback. You're a  
23 liaison. You're right in the middle of it all.

24 Q And, Ms. Mottus, what do you recall about how the  
25 board during your tenure on it was soliciting

1           input from the community to determine what its  
2           needs were or did it solicit input or did it wait  
3           to receive that information from the community?

4    MS. MOTTUS: I think going back to one of your earlier  
5           comments, as much as we would have liked to have  
6           been, in my opinion, more proactive, I think we  
7           received more of our information through the  
8           department. We tried small steps like taking our  
9           meetings out of the Cambie Street building, going  
10          out to the community so that people could come and  
11          maybe it would be more opportunistic for people to  
12          not have to come to the police building, but to  
13          take our meetings out to the community. As Liz  
14          mentioned as well, attending events was a big part  
15          of it, meeting people at different places that we  
16          would go. Also, I think a lot of what we relied  
17          on was the department was moving towards community  
18          policing offices and setting up a whole system of  
19          accountability, staffing and how those offices  
20          would work. And we really relied on the  
21          individuals in those offices then to come back and  
22          let the board know what the issues were in each of  
23          their neighborhoods. So I think we relied heavily  
24          on that aspect of it as opposed to us being able  
25          to go out individually to the community.

1           Q    In terms of being able to assess what issues were  
2                being raised at those community meetings, did the  
3                board receive on a regular basis the reports --  
4                the monthly reports that were prepared as a result  
5                of those meetings? Was there anything formalized  
6                in place like that or was it more ad hoc?

7    MS. MOTTUS: I would say it was more ad hoc. I think at that  
8                time we were still trying to sort out what that  
9                relationship would be. I don't know if it ever  
10               got to the point of an ongoing reporting  
11               relationship or back and forth. I know the other  
12               place that we also looked to get feedback was the  
13               chief had a special diversity committee and again  
14               we looked at issues that would be raised through  
15               that group for things that were coming out of  
16               different either religious or ethnic groups that  
17               would again provide the board with some feedback  
18               or instruction about issues that were of concern  
19               to different communities.

20           Q    And on that diversity committee was that comprised  
21                of members of the community?

22    MS. MOTTUS: Correct.

23           Q    And another way, of course, that the board can  
24                receive feedback from the community is in its role  
25                as discipline authority over service and policy



1           complaints. And I'd like to just take you to one  
2           of those. If you can turn to Tab 6. And you'll  
3           see in the top right corner there's page numbers  
4           are written and if you turn to page 36 -- pardon  
5           me -- 35, you'll see that this is a letter that is  
6           signed by you, Mr. Owen, and it's written to Marie  
7           Davis, who's the president of the Ray-Cam  
8           Cooperative Centre Association. And that's a  
9           community centre in the Downtown Eastside. It's  
10          written on June -- or it's dated June 24th, 1999.  
11          And in this letter, Mr. Owen, you're responding to  
12          a concern that she's raising about the assignment  
13          of Constable Dickson to assist with the missing  
14          women case in the Downtown Eastside. And we've  
15          heard evidence at this inquiry that there was a  
16          petition when he was transferred to the Review  
17          Team and the communities were disappointed with  
18          the kind of consultation that occurred around his  
19          transfer and so this is a concern that she's  
20          raising and you're responding to. And in this  
21          letter you note at the bottom of the page in the  
22          third paragraph down that:

23                 With regards to transfers and community  
24                 consultation, you should have received a  
25                 reply to a service and policy complaint that

1                   was made.

2                   And it's -- the file number shows that it was made  
3                   in 1999. And Ray-Cam, the community centre, was  
4                   one of the complainants. I don't have a copy of  
5                   the actual complaint, but I do have a copy of the  
6                   board response to that. And if you turn to page  
7                   36.2, you'll see that this is the decision by the  
8                   board in response to that -- that complaint. And,  
9                   as I say, the complaint relates to transfers of  
10                  officers and the lack of community consultation  
11                  around that. And so can I just have -- just speak  
12                  to this point first? The policy and service  
13                  complaints are dealt with by the board; is that  
14                  correct, Mr. Owen?

15       MR. OWEN: Yes.

16                Q    And do you recall during your time on the board  
17                      handling policy and service complaints?

18       MR. OWEN: You're referring to Constable Dickson. Was that  
19                      Constable Dave Dickson?

20                Q    Yes. With respect to this particular complaint.

21       MR. OWEN: Yes. I just wanted to make sure it was. Sorry. I  
22                      missed your question. I knew him. I knew what he  
23                      did and I remember that transfer and I don't  
24                      remember the details, but I know it was a bit of  
25                      an issue.

1           Q   And just generally, though, do you have -- you  
2               dealt with these kind of complaints?

3   MR. OWEN:  Not in great detail.  It was stamp driven, stamp  
4               drafted.  There wasn't time for the mayor to have  
5               a lot of meetings and draft these kind of  
6               documents.  They would have been drafted for my  
7               review.

8           Q   And, Ms. Mottus, do you recall having any  
9               involvement in reviewing these complaints and  
10              writing reasons?

11   MS. MOTTUS:  You know, I really don't.  My memory of being  
12               involved in complaints, I think, is maybe from the  
13               other system where a complaint might be lodged  
14               against an individual officer, and we wound up  
15               being a three-person panel who would actually hear  
16               that complaint.  I really don't recall the service  
17               and policy complaints side of it.

18           Q   But you were familiar with that mechanism and that  
19               the public could make service and policy  
20               complaints and that fell within the authority of  
21               the board, were you?

22   MS. MOTTUS:  Yes.

23           Q   And, Ms. Watson, during your time there, do you  
24               recall being involved in any service and policy  
25               complaints?

1 MS. WATSON: Yes. This change, the legislation came in about  
2 six months before I left the board. I can tell  
3 you it was a source of a fair amount of  
4 uncertainty at the board level as to how these  
5 would be dealt with. Subsequently I see that  
6 there was a handbook that was created about a year  
7 later that looks like it was disseminated by the  
8 Attorney General's office. But yes. There was  
9 three categories of complaints. As those in here  
10 probably know prior to that complaints against  
11 officers' behaviour typically came to the police  
12 board. That was hived off to the complaint  
13 commissioner. And there were three types of  
14 complaints that could come forward to the  
15 department or the board.

16 Q And I just think it's important to get clarity  
17 around this. So if you turn to -- if you turn  
18 to -- I'm going to come back to this, so you can  
19 maybe keep your finger there, but under the  
20 handbook -- and I can read it out, but if you'd  
21 like to follow along, it's at Tab 10 and it's page  
22 44 of 236. And it sets out what the service or  
23 policy complaint is and it states this:

24 Service or policy complaints may be made  
25 against a police department and involve an

1                   allegation that one or more of the following  
2                   are inappropriate or inadequate regarding the  
3                   conduct of a municipal police department.

4                   And I'll just list some of them:

5                   Policies, procedures, training programs and  
6                   resources, resource allocation and any other  
7                   internal operational or procedural matter.

8                   In the case of a service or policy complaint,  
9                   the chair of the board is the discipline  
10                  authority directly involved in handling the  
11                  complaint.

12                  And it says more information is at Appendix F.

13                  And what I'd like to highlight here is the process  
14                  that's involved once a complaint is received or  
15                  the options that are available to the board in  
16                  handling the complaint, and it states this:

17                  Service or policy complaints are the  
18                  responsibility of each police board. The  
19                  board may request that the chief constable  
20                  investigate and report to the board, initiate  
21                  a study, initiate an investigation or dismiss  
22                  the complaint with reasons.

23                  And so I just highlight this to show that the  
24                  board has a number of different options that are  
25                  available to it when it receives a complaint that

1 relates to any of the matters that -- that I  
2 stated and other matters as well; is that correct?

3 MS. WATSON: As set out in the act.

4 Q And if we go back, then, to the complaint that was  
5 with respect to transfers and lack of community  
6 consultation, we see the response of the board  
7 there. And in the response the -- and this is at  
8 page 36.3 of Tab 6. There's a description of how  
9 policies of the department are determined and it  
10 lays out a useful summary of the process that's  
11 followed and it states this:

12 Members consult with their neighbourhood  
13 Community Policing Advisory Committee and  
14 their neighbourhood police officer. Together  
15 they identify what are the policing needs of  
16 the neighbourhood and establish priorities  
17 through consensus. They develop, implement  
18 and evaluate strategies to address the crime  
19 and order problems that they as a  
20 neighbourhood consider a priority. The  
21 Senior Management Team's role in this process  
22 is to ensure neighbourhood strategies are not  
23 inconsistent with the legal obligations of  
24 the department or with corporate policy and  
25 direction.

1 But I also note at the bottom of the page it  
2 states this about when there's a conflict there,  
3 and it's the last sentence:

4 Where there are conflicts between safety  
5 priorities and department priorities, they  
6 are resolved on the side of public and  
7 officer safety.

8 So what is -- so this lays out the process, then,  
9 for establishing priorities and policies and it  
10 states clearly that if there's a conflict with  
11 department priorities that it's to be resolved on  
12 the side of safety. And were you familiar with  
13 this process in terms of how priorities and  
14 policies are established, Ms. Watson?

15 MS. WATSON: Well, I'm familiar with the process to establish  
16 priorities for policing in the broad community  
17 because that was our relationship. I don't  
18 believe that the police board got involved or had  
19 a great deal to do with the processes or policies  
20 that guided these kinds of decision making within  
21 the department. I'm not saying that we shouldn't  
22 have, but I'm saying it wasn't.

23 Q And this lays out the general process for  
24 determining police policies and priorities and it  
25 contemplates department consensus building with

1                   the community. Mr. Owen, what's the role of the  
2                   board in this process?

3       MR. OWEN: Well, the board would -- I agree with Miss Watson  
4                   that the board was not actively in this area and  
5                   it would be time-consuming and be down to  
6                   micromanaging and if there was something  
7                   significant or get reported to the board, we had  
8                   public meetings. We had in camera meetings.  
9                   There was opportunities for police officers to  
10                  inform us of things. And if it was not leading to  
11                  something satisfactory, we would have been  
12                  informed about that.

13                Q    Informed by who? The department?

14       MR. OWEN: By the executive, by the department, yes. Probably  
15                   the chief and/or one of the deputies.

16                Q    Or also I assume that the community could be  
17                   raising their concerns too as well?

18       MR. OWEN: Yes. The community always has access. They always  
19                   have access to the mayor and if they call you, you  
20                   respond.

21                Q    And also to the board?

22       MR. OWEN: Yes. To the board, very much.

23                Q    And this is important because in our case we've  
24                   heard throughout this inquiry that there was a  
25                   disconnect at times between the community's



1 concerns and how they were being addressed by the  
2 department, and so what I'd like to understand or  
3 we'd like to understand is what role the board has  
4 in resolving those disputes and conflicts. And  
5 what I'd like to do is take you to the next page  
6 because it does set out a process if the board has  
7 concerns about these matters not being reconciled.  
8 So if you go to the second paragraph.

9 MR. OWEN: Page 36.4?

10 Q Yes. It states this:

11 The chief constable is accountable to the  
12 board for the efficient and effective  
13 operation of the department and the board  
14 works with the chief constable and Senior  
15 Management Team to ensure that community  
16 safety is not unduly impacted by a department  
17 decision. Provisions exist within the *Police*  
18 *Act* should the board determine duties are not  
19 being properly fulfilled.

20 And then it states this about what the board can  
21 do:

22 When the board identifies issues of concern  
23 about public safety, the process usually is  
24 for the board to request the department for a  
25 detailed analysis of the situation, any

1 alternatives available, including expected  
2 outcomes, costs, relevant consultation and  
3 recommendations. The board may also request  
4 to hear from impacted individuals or groups.  
5 An important aspect of the board's  
6 responsibility is to maintain its policy and  
7 governance role and not to interfere with  
8 operations.

9 So what's being contemplated here then, as I read  
10 it, is the board, if it's concerned about -- about  
11 public safety issues not -- being impacted by  
12 department decision can effectively request an  
13 audit in some senses. Is that what you  
14 understand, Ms. Mottus?

15 MS. MOTTUS: I think that would be a good way to describe it  
16 is, again, because of the roles that we have and  
17 the amount of time that we're on the board, we  
18 would be looking to the department to review the  
19 situation that we had concern with and come back  
20 with exactly what's stated in the paragraph here.

21 Q Mr. Owen, do you have any comments about this?

22 MR. OWEN: No. I think the last few words, "not to interfere  
23 with operations", is -- it was left quite a bit up  
24 to the department. We were not active in this, a  
25 lot of this.

1           Q   In operational matters. But certainly this  
2                process contemplates that if the board is  
3                concerned about public safety being impaired by a  
4                department decision, it has remedies. It can  
5                require that the board account for that?

6   MR. OWEN: Yes.

7           Q   And do a detailed analysis of the situation and  
8                the alternatives available, including expected  
9                outcomes, costs, relevant consultation and  
10              recommendations?

11   MR. OWEN: Yes.

12          Q   And it can also hear from impacted individuals or  
13                groups if it had a real concern about this?

14   MR. OWEN: Yes.

15          Q   Ms. Watson, do you have -- you were leaning  
16                forward. Do you have some comments to make?

17   MS. WATSON: No. I was just going to say that the -- you know,  
18                the -- the role of the board would be to say --  
19                you know, on the previous page they set out this  
20                is how we approach changes in community policing  
21                offices. This is the general process we use.  
22                These are the considerations that we bring into  
23                play. So we're a group of citizens. We say does  
24                that seem reasonable? Yes. The decisions that  
25                are made under that, the judgment that is used

1           about whether it's officer A or officer B, that's  
2           not us. So I don't think this board -- I'm  
3           actually not sure I would agree with the word  
4           audit because audit has a very technical, highly  
5           investigative connotation to it and there was  
6           absolutely no way that the police board was doing  
7           any audits of the police processes or functions.  
8           That just simply was not our role.

9           Q     Certainly, though, the process does contemplate  
10           that there is mechanisms in place should the board  
11           be concerned about a department decision impacting  
12           public safety?

13       MS. MOTTUS: Yes. Just to add to that, I think that's an  
14           important distinction to make, is if the board is  
15           not satisfied with the broader brush stroke that  
16           we've asked to -- like, the community policing  
17           advisory offices were a big thing at the time we  
18           were really trying to implement and get on the  
19           ground, these relationships that we thought would  
20           be a good building block that's right in the  
21           community. The community now is having a voice.  
22           They're dealing directly with the officers and  
23           what a great mechanism now for us to have input  
24           and priorities set right on the ground. If at the  
25           end of the day we heard that they're not working

1 well or something's amiss, I just want it clear  
2 that the board wouldn't have the expertise,  
3 technology, ability, efficiency, anything to look  
4 at it themselves. We would have to go back to the  
5 people who are involved to say, "Okay. You need  
6 to look at this. You need to give us the audit or  
7 the reasons why it's not working the way it is."  
8 We just didn't have that ability.

9 Q I understand that distinction that you're drawing.  
10 And the service and policy complaint process does  
11 contemplate that if you receive a complaint of  
12 that nature that you can initiate a study,  
13 initiate an investigation; that there isn't an  
14 expectation that the board have the expertise to  
15 be able to judge that situation on their own.  
16 That's what I hear you saying?

17 MS. MOTTUS: Right. And more often than not you're going back  
18 to the department to say investigate this, report  
19 back and let us know your findings.

20 Q And what I'd like to do now is turn to some of the  
21 letters that the board received during our terms  
22 of reference where the community expresses very  
23 serious concerns about what's happening with the  
24 missing women and the investigation. So if you  
25 turn to Tab 6. And what I propose to do -- I want

1 to move through this fairly quickly -- I'm just  
2 going to highlight certain passages of these  
3 letters. I'm going to read them out and then I  
4 want to ask you some questions about it. So you  
5 can follow along or sit back and listen, but it's  
6 at Tab 6. The first letter is dated March 26th,  
7 1999. It's to you, Mr. Owen, as Mayor, City of  
8 Vancouver. It's by -- it's written by Sandra  
9 Gagnon. She says this:

10 My name is Sandra Gagnon. You have never met  
11 me, however, I am compelled to write you  
12 regarding the disappearance of women from the  
13 Downtown Eastside of Vancouver. My sister,  
14 Janet Gail Henry, is one of the many women  
15 who are missing June 26th, 1997. I have  
16 never heard from her since June 25th, 1997,  
17 this even though she regularly contacted me  
18 sometimes four or five times daily.

19 She goes on to say:

20 Mr. Mayor, I believe Janet hasn't just moved  
21 away or overdosed.

22 And then at the bottom she states:

23 I implore you, Mr. Mayor, to act to find our  
24 loved ones. I encourage you to call for the  
25 creation of a task force on prostitution and

1                   to lobby higher levels of government, posting  
2                   100,000 something reward leading to  
3                   information on the arrests of individuals  
4                   responsible for whoever is committing these  
5                   crimes.

6                   The next page is a letter from Maggie de Vries.  
7                   It's dated March 30th, 1999. She writes to you,  
8                   Mayor Owen, in your role as chair of the police  
9                   board and she describes her sister Sarah de  
10                  Vries's disappearance. She talks about how she  
11                  saw you speaking on a community television show  
12                  about prostitution in Vancouver. She talks about  
13                  you talking about the garage robberies and the  
14                  impact that that might have on the families. She  
15                  states that while those families are traumatized,  
16                  so are they. She states that -- she says this on  
17                  the second page:

18                 We need to know what happened, to find her  
19                 body, so we can grieve properly, lay her to  
20                 rest. She was addicted to heroin, her  
21                 sister, and cocaine and she worked the  
22                 streets to support her habit. But she was my  
23                 baby sister. I loved her very much. I  
24                 visited her regularly and she kept in touch  
25                 with me.

1 She states this:

2 I'm calling for the police to go after new  
3 information aggressively by:  
4 Publicly acknowledging the possibility that  
5 the disappearances may be related and may  
6 involve abduction and murder, offering a  
7 reward, setting up a task force, offering  
8 police protection to anyone who may be afraid  
9 to come forward.

10 On the next page -- and she is writing to the  
11 Attorney General and she's copied this letter in  
12 her letter to you, and she talks in this letter  
13 about how she's been speaking with the families  
14 and she hears over and over the same story. This  
15 is at the bottom of the page. She states:

16 In almost every case the women kept in  
17 regular contact with someone and that contact  
18 ceased at exactly the same time that bank  
19 accounts were left untouched. Welfare  
20 cheques were no longer picked up, possessions  
21 were left behind. And abruptly the women  
22 were no longer seen in their neighbourhood.  
23 These disappearances cannot be completely  
24 unconnected nor can the women have been  
25 merely relocating.



1 And she goes on. She's writing the MLAs. I'm at  
2 page 9 now, which is the top right corner. This  
3 is a letter from Wayne Leng. He's writing to you,  
4 Mr. Owen, and he's requesting a task force be set  
5 up to deal with the missing women and  
6 a hundred-thousand-dollar reward. There's a  
7 letter that he writes you and he states this on  
8 page 11 at the top:

9 The fact that 20 women are still missing, 10  
10 from 1998 alone, indicates that most, if not  
11 all, have met with the same fate.  
12 He talks about Sandra Gagnon and then he states  
13 this:

14 Vancouver Police Chief Bruce Chambers has  
15 been quoted as saying that there is nothing  
16 that indicates that a serial killer is  
17 involved. The fact that these women were  
18 drug addicted, involved in the sex trade and  
19 disappeared in the Downtown Eastside and no  
20 bodies found are common links. Detectives  
21 Lori Shenher and Al Howlett have, I believe,  
22 come to the point of needing more to work  
23 with. Information is needed and I believe  
24 that that will now only happen if a reward  
25 comparable to the other rewards being posted

1                   and a task force to handle any information is  
2                   forthcoming.

3                   Then it goes on and he has included some of  
4                   Sarah's poetry. At the top of page 17 Kathryn  
5                   O'Neil writes you, Mayor Owen, April 8th, 1999.  
6                   She's also a friend of Sarah de Vries. She  
7                   states:

8                   The family is convinced that she is dead, a  
9                   victim of foul play.

10                  She also asks for a public acknowledgement that  
11                  the disappearance may be related, the reward, the  
12                  task force. There's media articles, page 20.  
13                  "Relatives Bemoan the Lack of Progress". This is  
14                  in the *Globe & Mail* dated April 5th, 1999. This  
15                  articles states that the families believe a serial  
16                  killer is stalking Vancouver's Skid Row. They're  
17                  frustrated about the lack of progress in the  
18                  investigation. Maggie de Vries is quoted as  
19                  saying:

20                  "If 20 UBC students went missing over the  
21                  same period of time, there would be mayhem.  
22                  There would be searches, media interest and  
23                  rewards."

24                  She was particularly angered when Vancouver  
25                  Mayor Owen recently offered a \$100,000 reward

1 to help solve the recent spat of garage  
2 break-ins. Ms. De Vries said she is  
3 frustrated by police reluctance to say  
4 definitively that a crime has taken place.  
5 She thinks a reward would help.

6 Going forward, there's letters from Jenny Kwan  
7 saying she wants to add her voice to the growing  
8 number of people who feel a status quo approach to  
9 these cases is unacceptable. There's more  
10 letters. And this tab -- I think we're getting  
11 the picture -- is replete with different concerns  
12 being raised by the community. And I should say  
13 as well that these concerns continue into 2000.  
14 In fact, at Tab 24 there is a document here that  
15 was submitted by the Coalition Against Police  
16 Harassment and Brutality asking for the board's  
17 response to a number of issues it raises. One of  
18 those issues is that the department prioritize  
19 crimes against people over crimes against  
20 property. And this is at page 38 of 263 in that  
21 tab and it states --

22 MR. OWEN: Tab?

23 Q Sorry. Tab 24, page 38. I didn't realize anyone  
24 was trying to keep up. Sorry.

25 MR. OWEN: You've got me on Tab 6. I've been trying to flip

1           through Tab 6. You gave us those numbers. Now  
2           you swept to another tab?

3           Q    Yes. I'm now reading from Tab 24, but I'm going  
4           to just read a short statement and then come back.

5   MR. OWEN:   Tab 24.

6           Q    And I'm at page 38 of 263 at that tab. And I note  
7           that the Collision Against Police Harassment and  
8           Brutality has asked for a board response to a  
9           number of issues and one of them is that the  
10          department prioritize crime against people and, in  
11          particular, provide a status of the investigation  
12          into missing women. And so I go through these  
13          just to show the level of concerns that were being  
14          raised and put forward before the board. And if I  
15          could just summarize them, the concerns relate to  
16          four issues as I see it: That the women have been  
17          met with foul play and a serial killer and that  
18          the -- there's concerns that the department  
19          believe that the women would be found alive and  
20          that their disappearances were not suspicious.  
21          There's concerns about the inaction of the  
22          investigation and there's concerns that the  
23          investigation wasn't being taken as seriously as  
24          it were if the women were not from the Downtown  
25          Eastside. There's a concern about unequal

1 treatment. So we know that the board approved the  
2 reward in April. What else did the board do to  
3 address these concerns? Mr. Owen?

4 MR. OWEN: Well, there was a tremendous amount of -- it was a  
5 horrible, horrible situation. It was a troubling  
6 event. It had national implications. You  
7 referred to a *Globe & Mail* letter and City Council  
8 was concerned. We were getting all this  
9 information and trying to put together between  
10 City Hall and the police department a plan of  
11 action to do something about it. But I want to  
12 just for a minute deviate off to the garage issue.  
13 This was mainly in the Oakridge area where there  
14 was garage invasions and home invasions and it was  
15 directly a city event and we know what happened  
16 and it was just Vancouver. And City Council moved  
17 very quickly on that. When it came to the missing  
18 women issue, it bothered us a lot and there was a  
19 lot of angst about it and a lot of emotional  
20 tension going on, but it moved, as you can see  
21 from these dates, into early April. And when this  
22 came up to have this \$100,000 reward, when I first  
23 heard about it in early April of '99, I was  
24 concerned about Vancouver being on the hook. And  
25 I had no authority in the police board to go and

1 say I'll commit Vancouver to \$100,000. We knew it  
2 was Port Coquitlam RCMP were involved and we knew  
3 that it was a broader, more difficult issue, and I  
4 felt that we should have some support from other  
5 levels of government, particularly the RCMP and  
6 the provincial government, and that's what  
7 happened in the end. It didn't cost us \$100,000.  
8 We spent 30 and Victoria came in with the \$70,000.  
9 That was all done within a two or three week  
10 period. I mean you can only move so fast. When  
11 you're talking about April 4th and 5th and April  
12 26th and 27th, that's all in the same month and  
13 the same year. And there was a lot of angst about  
14 it. It was very, very serious. It was horrible.  
15 And there's people in this room today I know that  
16 were informing me and I was communicating with  
17 them, and I was down in the area a lot. And I  
18 think perhaps if we could do it again, yes, we'd  
19 have done it differently, but it was -- the  
20 magnitude was so horrible and it was so scary that  
21 it threw everybody off and we had to get our act  
22 together. We had the police executive. We had  
23 the police board. We had the City Council. We  
24 had the city staff and we had social planners and  
25 people down there on the street, lots of people

1           telling us lots of different things. And I think  
2           we moved very quickly on it, but --

3           Q   And, Mr. Owen, I have to ask you this because  
4           people will want to know your response to this.  
5           You're quoted around this time -- and I know that  
6           you refreshed your memory by reading the media  
7           articles that were written saying that there is no  
8           evidence that a serial killer is at work and  
9           you're saying you don't think it's appropriate for  
10          a big reward for a location service. And you  
11          say -- in response to the relatives' claims that  
12          the women had close ties with their family and  
13          wouldn't just vanish, you say this:

14                That's what they say. There's been  
15                prostitutes moving around and it never came  
16                up before. I didn't get a letter or phone  
17                call from anybody before this. And some of  
18                these girls have been missing for a year.

19                All of a sudden it becomes a major event.  
20          And I'm reading from a newspaper -- a media  
21          article at Tab 38. For the record, I'll just say  
22          that. And -- but I know that you've refreshed  
23          yourself with those comments. Did you make those  
24          comments?

25          MR. OWEN: I was -- I'm portrayed in a lot of those articles as

1 someone who didn't care and there's a lot of  
2 people that have got a different opinion, because  
3 I did care and I did care a lot. But the police  
4 department had a view of it and I was chair of the  
5 police board, working closely with the chief. I  
6 was getting a different response by City Hall and  
7 an entirely different response from the community,  
8 some of the people who are in the room today. And  
9 I was listening to them and I was torn and I had  
10 to move very quickly, and I think we did. But  
11 there was varying opinions on this national  
12 disaster, this horrible, horrible situation, which  
13 I had a lot of sympathy for and I worked hard to  
14 move around all elements to try and find out  
15 what's really going on and who's on first, who's  
16 on second and what can and can't we do. I had to  
17 get permission from the City management and City  
18 Council. So I couldn't snap my fingers and make  
19 quick decisions. I had a process to go through.  
20 It would normally take quite a while and it took  
21 two or three weeks, which was fairly quick.

22 Q And, Ms. Mottus, we know that the board approved  
23 the reward despite the recommendation against that  
24 by the department. What do you recall about the  
25 reward meeting and what were you told by any



1 member of the department about how they understood  
2 this case?

3 MS. MOTTUS: One of the things I remember about the actual  
4 meeting where we announced that we would be going  
5 forward with the reward, I think, like Philip's  
6 saying, is we were hearing more from the  
7 department and the department's view was there  
8 were no bodies. There were -- there was no  
9 starting point for them to -- to begin. And I  
10 remember comments to that effect from one of the  
11 deputy chiefs who was sitting beside me before we  
12 were entering into this press conference just  
13 saying that there's no -- there are no bodies.  
14 There's no place for us to start. And I remember  
15 being baffled by the comment because, again, it's  
16 -- you're hearing a lot of different things, but  
17 your trust has to be in the people that are the  
18 experts in the field, and that was what we were  
19 hearing from the department.

20 Q And who were you hearing that from specifically?

21 MS. MOTTUS: That comment was from Deputy Chief Brian  
22 McGuinness.

23 Q And ultimately you voted in favour of the award.  
24 It was unanimous?

25 MS. MOTTUS: Yes.

1           Q    So here's what the question is though: We  
2                reviewed some of the mechanisms that are in place  
3                for the board in terms of initiating a study or an  
4                investigation if there's a public -- if there's a  
5                service and policy complaint filed. So one  
6                question is these letters that you're receiving --  
7                and, by the way, is the board -- I know they're  
8                addressed to you, Mayor Owen, but does the board  
9                get copies of all these letters of complaint or  
10              concern? Ms. Mottus, do you remember receiving  
11              these letters?

12       MR. OWEN: I'm not sure.

13       MS. MOTTUS: I don't remember seeing --

14       MR. OWEN: I'm not so sure that they were.

15       MS. MOTTUS: -- so many letters like this, no.

16              Q    Ms. Watson, you weren't on the board at this time?

17       MS. WATSON: No.

18              Q    And how -- what's the process then? When letters  
19                    come in from the community, does the board not --  
20                    all the board members don't receive them; is that  
21                    what you're saying?

22       MR. OWEN: I would believe that to be true.

23              Q    And Ms. Watson?

24       MS. WATSON: I would say during the time I was there we did not  
25                    receive letters that were directed to the City in

1 relation to policing issues.

2 THE COMMISSIONER: So where did they go? Does anybody know  
3 where the letters went? If they're sent to the  
4 City, why would you, the police board, not receive  
5 letters? I mean they're obviously directed at the  
6 police board.

7 MS. WATSON: If they were sent to the police department, the  
8 police board -- when I first joined in 1992, there  
9 was actually no support for the police board of a  
10 separate nature. The support was provided by the  
11 chief constable's secretary, and this was a very,  
12 very small part of her job, which might be put  
13 together an agenda and some materials, but there  
14 was not a flow of information. The police board  
15 really had no resources at its hand. So sometime  
16 after I was there, we did hire somebody and that  
17 person worked on a part-time basis, and we kind of  
18 over time increased the amount of time that she  
19 spent working with the police board. So if  
20 letters were sent to the -- letters could be sent  
21 to the police board at the department address, but  
22 if they went to the City, I'm not sure that there  
23 was any mechanism to transfer them down to the  
24 police board or to circulate them to police board  
25 members.

1           Q   And we see, though, that these letters were sent,  
2                    many of them, to the mayor in his capacity as  
3                    chair of the police board. And, Ms. Mottus, is  
4                    this the first time that you've seen -- maybe you  
5                    reviewed them in preparation for the inquiry, but  
6                    do you recall receiving or seeing any letters like  
7                    this during your tenure on the board?

8   MS. MOTTUS: Not to the extent of -- I'm flipping through these  
9                    and no, not -- not the letters that are here, not  
10                   to this extent.

11           Q   And, Mr. Owen, you -- the letters were addressed  
12                   to you, so you plainly received them; is that  
13                   right?

14   MR. OWEN: I would receive most of them. All letters that came  
15                   into the mayor's office were all replied to,  
16                   replied to directly by secretaries who were  
17                   working for me or myself personally or would come  
18                   from one of the departments or it would have been  
19                   sent to the police department for a response, and  
20                   so on. So it wouldn't necessarily all have passed  
21                   my desk for me to reply to all the letters.

22           Q   And this seems to be quite a significant  
23                   impairment to the board being able to properly  
24                   assess what the community's concerns are if things  
25                   like these letters aren't even making their way

1                   into the hands of the individual board members.

2                   Would you agree with that, Ms. Mottus?

3   MS. MOTTUS:   Yes, I would.

4   MR. OWEN:    I would too.

5   MS. MOTTUS:   You know, part of -- I think one of the issues for  
6                   us as a board for trying to be effective was just  
7                   the way that we were set up.  I'm glad to see that  
8                   in 1999 a handbook comes out, but as a member who  
9                   was appointed in 1995, it's a bit by Braille.  
10                  You're trying to figure out what your role is, how  
11                  you can effectively achieve the purposes that you  
12                  think you're there for, and a lot of it we had to  
13                  rely on our staff person.  Our staff person put  
14                  packages together for us and before we even got to  
15                  be effective as a board to say this is what we  
16                  would like to do, I think a lot of our information  
17                  was just coming from agendas that were put  
18                  together by the chief's office.  So a number of  
19                  the things that we wanted to review, I think at  
20                  the outset we weren't an effective board.  We  
21                  weren't able to look at the broader things that we  
22                  should be looking at.  We wound up receiving a lot  
23                  of information that by the time I left, and we did  
24                  have a more effective way of reviewing things,  
25                  wound up being in the For Your Information

1 section. We have bundles and bundles of  
2 information that while it was, I guess, good to  
3 know, it didn't involve a decision from us. It  
4 didn't require any action. And that's really what  
5 we wanted to be able to spend our limited amount  
6 of time on each month.

7 Q In terms of things, though, that the board could  
8 have done -- and I appreciate that you might not  
9 have had the benefit of at least community input  
10 in this way, but certainly these community  
11 concerns were also being expressed through various  
12 media outlets. Was there any discussion -- and I  
13 think I know your answer to this, but whether the  
14 board would seek a detailed analysis from the  
15 department like the one contemplated in the  
16 procedure that we just reviewed, asking the  
17 department to tell them what's going on, suggest  
18 alternatives, expected outcomes, costs, relevant  
19 consultation, make recommendations in a really  
20 rigorous way? Is that something that either the  
21 board discussed or, looking back now, do you think  
22 that the board should have been doing? Mr. Owen?

23 MR. OWEN: Well, the chiefs operated in different ways. There  
24 was quite a difference between Chief Ray Canuel  
25 and Chief Bruce Chambers. Constable Chambers kept

1 things very close to his chest and there wasn't a  
2 good communication and so he was the chief for  
3 only two years. And we've had to make some  
4 changes. So a lot depends on the chiefs. Some  
5 are very up and open and want to work with you and  
6 others kind of close things down and say this is  
7 policing. It's none of your business and you're  
8 going to set policy at the board, but we're doing  
9 all the administrative things and we're not going  
10 to pass correspondence through the police board.

11 Q And that was your experience of Chief Chambers,  
12 was it?

13 MR. OWEN: Yes.

14 Q And, Ms. Mottus, looking back now, do you think  
15 that that would have been an appropriate role for  
16 the board to play in reconciling the community  
17 concerns and the department representations about  
18 what was happening in this investigation and with  
19 the missing women?

20 MS. MOTTUS: Well, I'm looking at the report that we got from  
21 Sergeant Field on this one and I don't know if  
22 that was at the board's request or the department  
23 proactively provided that to us.

24 Q And that's at Tab 7, the April 22nd, 1999 report?

25 MS. MOTTUS: Right. Because that would have been at the same

1 meeting prior to us making the announcement, and  
2 it talks about what the department is planning,  
3 what they are doing. And, again, like I say, I  
4 don't know if this is something that we requested  
5 or they gave this to us in preparation of the fact  
6 that this was on the agenda for that month.

7 Q Certainly, though, there would be an outstanding  
8 issue for the board even if you had some comfort  
9 in what was being provided to you by the  
10 department, that the community's confidence in  
11 policing in its neighbourhood was impacted. And  
12 did you -- is there any role for the board in  
13 requesting that the department take steps to try  
14 to restore that by having town hall meetings with  
15 the community, by engaging the community more, by  
16 telling the community -- by asking the community  
17 where their views are coming from and where the  
18 department's views are coming from? Is there a  
19 role for the board in that, Ms. Watson?

20 MS. WATSON: I think there could be a role for the board in  
21 that. I think that the way this board operated  
22 was similar to what we saw with lots of boards  
23 operating 14, 13, 12 years ago, whenever that was,  
24 which was that boards were not as engaged, were  
25 not as encouraged to be engaged and not expected



1 to be engaged. They were expected to rely on the  
2 people they hired. They were expected to set  
3 broad-brush objectives and they were expected to  
4 basically trust and rely on the people you  
5 fired -- you hired until you lost trust to the  
6 extent that you thought you should fire them.  
7 Today the culture is different. The expectations  
8 are different. I would expect the practices are  
9 different not just in this police board, but in  
10 every board. You will get corporate boards, not  
11 for profit boards, everywhere. There's been a  
12 metamorphosis in the approach to government --  
13 governance and the involvement of boards in the  
14 activities of what's going on in organizations.  
15 At the time even --

16 THE COMMISSIONER: You were at the behest of the police chiefs?

17 MS. WATSON: You were.

18 THE COMMISSIONER: I know a little bit about your governance.

19 MS. WATSON: You are subject to the information that is  
20 provided to you.

21 THE COMMISSIONER: They fed you what they wanted to feed you.

22 MS. WATSON: You may have -- you could have information coming  
23 from the community theoretically. You then have  
24 your police chiefs, some deputies, maybe an  
25 inspector telling you this is what we're doing.

1 This is what we are doing. It's good policing, a  
2 good approach, et cetera, et cetera. And as a  
3 member of the community there are things that you  
4 feel that you can have an equal footing on in  
5 terms of arguing and deciding and there are things  
6 that you have to rely on your experts that you  
7 hire to do that. So I think any board anywhere is  
8 in that situation. And the culture here -- I mean  
9 the culture in a police board is, you know, you  
10 have trained officers that are experts. They're  
11 trained. They're told how to do these things.  
12 You have citizens who are getting a sense. So  
13 there's certain things that citizens feel they can  
14 weigh in on with an equal footing to police  
15 officers, but if it comes to professional policing  
16 decisions, clearly you have to rely on the  
17 experts.

18 Q And just my last question, then, for each of you  
19 is going forward this commission needs to make  
20 recommendations. What needs to change from a  
21 governance perspective or how can the board be  
22 better engaged in these issues? And, Ms. Watson,  
23 I'll start with you.

24 MS. WATSON: What kind of issues are you talking about? It's a  
25 pretty broad question.

1           Q   Well, you understand what the issues here were.  
2               The community were raising all these concerns.  
3               The department had a particular view about the way  
4               the investigation was running. There was a  
5               disconnect there. What role is there for the  
6               boards going forward in helping bridge that?

7   MS. WATSON: At the end of the day the board would have to make  
8               the same kind of judgment call as to whether it  
9               relies on its people. You do have a sense. You  
10              are there to use your common sense. So you have  
11              the common sense of seven people sitting around  
12              the table who are citizens of the community.  
13              Sometimes things feel right; sometimes they don't.  
14              So if you had a situation where you felt that the  
15              reaction and the response of the staff, the police  
16              were inappropriate, didn't sound right, you would  
17              pursue that further. If you're told -- I wasn't  
18              there at the time, but there's quite a significant  
19              memo about what they're doing and why they think  
20              what they're doing and they've had correspondence  
21              of -- it looks like with the FBI and they've had  
22              people here and there and the other. They're  
23              giving you -- painting quite a picture of the  
24              efforts that are being made and they're talking  
25              about how they do not value people less, et

1           cetera, et cetera. So obviously they are putting  
2           the case forward, agreed, and if you were sitting  
3           at the board at the time, you'd have to make that  
4           judgment call. It would be no different today. I  
5           think today boards perhaps are a little bit bolder  
6           than they were 12 or 14 years ago in every  
7           setting. So governance has changed in practice  
8           between 12 years ago and today in every sector in  
9           every country. So today you may expect a board to  
10          ask more questions, to probe further, to be more  
11          confident in themselves about their judgments of  
12          people, but at the end of the day you have to rely  
13          on your people. If you don't trust them, then you  
14          better fire them.

15          Q    Mr. Owen, I know you've given some thought to some  
16                recommendations for the commissioner. Can you  
17                share with us what your view is on going forward?

18   MR. OWEN: Well, I was going to go back for a minute, but I'll  
19                go forward with my view as you're instructing me.  
20                I have some difficulty with the mayor of the city  
21                being chair of the police board.

22          Q    Why?

23   MR. OWEN: Because there's a conflict there. You're torn  
24                between two sides. You're wearing your City hat  
25                at the police board and you're wearing your police

1 board hat at the City, and so on and there's  
2 conflicts. I think it just puts the mayor in a  
3 very awkward position.

4 THE COMMISSIONER: Well, Mr. Owen, I recommended that in 1994  
5 and the mayors all opposed me and they went to the  
6 provincial government and I was overruled on that,  
7 so why didn't you support me then? I'm just  
8 kidding.

9 MR. OWEN: I did and I do, Mr. Commissioner. But also --

10 THE COMMISSIONER: That wasn't a serious question.

11 MR. OWEN: I know that you're here and I agree with you. I  
12 have agreed with you all along on that issue. I  
13 read about that, Mr. Commissioner, how you felt a  
14 few years ago, and I instantly agreed with it  
15 because I've had this push and pull and drag. You  
16 can't win at City Council. You can't win at the  
17 board. You've got to find compromise and it takes  
18 time and so I got sort of tagged in April, '99 for  
19 not moving instantly with the reward. And the  
20 other thing is that I think there should be a very  
21 close and hard look at regional policing, Mr.  
22 Commissioner, the fact that we've got 21  
23 municipalities in this area and we have 5  
24 independent police departments. I mean West  
25 Vancouver has their own police department, Port

1           Moody, Abbotsford, Delta and Vancouver, and in  
2           Vancouver the RCMP at UBC are doing the policing  
3           work there and that's just a small little piece of  
4           land at the end of Vancouver and they've got the  
5           RCMP there. I've tried to do something about  
6           that. They have their own fire service and their  
7           own police service and during my time at least we  
8           got the fire department to take over the fire  
9           service. I think that issue should be looked at  
10          going forward.

11          Q   And, Ms. Mottus, looking back and looking forward,  
12              is there anything that the board should have done  
13              differently that we can learn from in going  
14              forward?

15          MS. MOTTUS: Well, I'm just going to add on to some of Liz's  
16              comments because I think they're very well made.  
17              To be asked 12 years later what I think I as a  
18              board member could have done differently I think  
19              is far too late. It would have been -- made a lot  
20              more sense to me that when I left in June of 2000,  
21              there should have been some sort of exit interview  
22              with me or any other board member as they left  
23              their roles to say: How could you have done this  
24              better? What would you recommend as a way of  
25              strengthening your ability to do your job, to

1           strengthen the relationships with the community,  
2           with the department and amongst the board  
3           themselves? For me now to look back at this this  
4           many years later, it's -- it's really difficult.  
5           And when you're coming on to something as large as  
6           this without anything like the guide book now that  
7           I see was developed in 1999, that's wonderful that  
8           the systems are in place now, but you do need to  
9           be able to feel that equal footing when you're  
10          walking through the door because you don't feel  
11          it. You really don't feel it. You are simply a  
12          layperson walking into a paramilitary organization  
13          who has a certain way of running and whether they  
14          want you to feel welcome or don't want you to feel  
15          welcome, there's a certain way that things are  
16          done and unless you feel that you have the ability  
17          to challenge and act on that equal footing, it's  
18          just a very difficult place to be.

19          Q   All right. Thank you. Mr. Commissioner, those  
20               are my questions. And I also note that I believe  
21               you may have some time allocations for remaining  
22               counsel.

23    THE COMMISSIONER: I think I left my list in the office. So  
24                       the following are the allocations of time for  
25                       cross-examination now: Mr. Hern and Mr. Dickson

1           40 minutes, Mr. Ward 45 minutes, Mr. Roberts 15,  
2           Mr. Gratl 30, Miss Narbonne 30, Miss Tobias 10,  
3           Mr. Skwarok 10 and Mr. Hira 10.

4   MR. ROBERTS: Mr. Commissioner, Darrell Roberts for Marion  
5           Bryce. I give up my 15 minutes. I have no  
6           questions for the panel.

7   THE COMMISSIONER: All right. Thank you, Mr. Roberts.

8   MR. GRATL: I'll take it.

9   MR. WARD: Cameron Ward, counsel for the families of 25  
10           murdered women. I'm repeating myself, but in my  
11           respectful submission it's singularly unhelpful to  
12           get time -- time limitations imposed on us after  
13           we have prepared our cross-examination and the  
14           time limits imposed are inadequate, as I've said  
15           before, and the panel system of hearing this  
16           evidence, with the greatest of respect, is wholly  
17           inappropriate for the fact finding mission this  
18           commission is conducting. I understand that Mr.  
19           Owen is represented by counsel, Mr. Martland, and  
20           he obviously, given our practice so far, would be  
21           one of the first questioners along with Mr.  
22           Dickson if he has any questions.

23   MR. MARTLAND: Mr. Commissioner, under your rules I would need  
24           to seek leave to ask questions and I'd only seek  
25           to do that if there were issues arising, and I'm



1 not seeking to do that at this juncture.

2 THE COMMISSIONER: I'm in your hands.

3 MR. MARTLAND: Thank you.

4 THE COMMISSIONER: Mr. Dickson?

5 **CROSS-EXAMINATION BY MR. DICKSON:**

6 Q Yes, Mr. Commissioner. Thank you. It's Tim  
7 Dickson for the Vancouver Police Board. Mr.  
8 Commissioner, you granted me 40 minutes. I'd  
9 like -- I'm going to try and go quickly and then  
10 try to leave some for reply if there are any  
11 issues that come up.

12 Ms. Watson, I want to turn to you first if I  
13 could. There is a -- an analogy that is commonly  
14 made between a police board and the board of a  
15 corporation, a corporate board, the suggestion  
16 being that the police board is in the same  
17 relationship to the department as a board is to  
18 the executive of a -- of a company. You advise on  
19 corporate governance, I understand, of --  
20 obviously you acted on the police board. Is  
21 that -- is that analogy an appropriate and  
22 accurate one?

23 MS. WATSON: I think not because in the police setting there  
24 are multiple governing bodies. In this case I  
25 would say that the provincial government plays a

1           role. They set standards of policing. They audit  
2           departments. They investigate complaints. The  
3           funding agency, the City or the Municipality, they  
4           play a role in the funding. My experience on the  
5           board was although there is a mechanism that the  
6           police board puts forward its funding request, so  
7           to speak, and if there was a dispute between the  
8           police board and the City, that that dispute would  
9           be resolved by the Province. In practice there is  
10          a negotiation that takes place. So there's a  
11          funding influenced by the City. There's the  
12          police board itself. And then, as I've mentioned  
13          earlier, I believe there's other accountability  
14          mechanisms that come into play over the  
15          department. So the police board plays a role, but  
16          it's not the complete role.

17          Q     And I suppose another difference is that the board  
18                 is comprised of civilians overseeing professional  
19                 police boards?

20          MS. WATSON: That has been the practice. There is no  
21                 particular restriction on it, but that has been  
22                 the practice. And there's a history there really  
23                 of citizen oversight. And because the police are  
24                 historically given so much power to investigate  
25                 and do things that other members of the population

1 cannot do, there is a sense that there should be  
2 civilian oversight in terms of the general sort of  
3 culture, demeanour and the way the department  
4 carries out its business.

5 Q And all three of you when you were on the board,  
6 to the best of your knowledge there's no one on  
7 the board with a background in policing; is that  
8 fair?

9 MS. WATSON: No.

10 MR. OWEN: That's correct.

11 Q I want to just get down a little bit more to some  
12 of the reality of how much time board members were  
13 expected to devote to their board duties. The  
14 board met once a month, I understand, in general?

15 MS. WATSON: I think that's correct.

16 Q And then there were some committees that were  
17 formed and they would meet in addition to those  
18 monthly meetings from time to time; is that right?

19 MS. MOTTUS: Yes. Correct.

20 Q And in preparation for the board and committee  
21 meetings, you were given some materials to read;  
22 is that fair?

23 MS. WATSON: Yes.

24 Q I just need one person to answer for the record.

25 THE COMMISSIONER: Maybe you should direct a question to a

1                   specific person.

2                   Q    Sure.  And, Ms. Watson, when you were on the  
3                   board, can you give us some sort of ballpark  
4                   estimate of how much time you would spend on the  
5                   board on its activities in a month, say?

6    MS. WATSON:  Well, the board meeting itself would be probably  
7                   two or three hours.  Preparation time would be  
8                   maybe half that depending on the volume of  
9                   materials.  We were also encouraged to do ride  
10                  alongs and participate in other events, so there  
11                  could have been another day doing something like  
12                  that.  So maybe if you said one and a half to two  
13                  days a month may be my estimate.  I don't know if  
14                  others would agree.

15                  Q    Ms. Mottus?

16    MS. MOTTUS:  It was a little bit different for me because I was  
17                  actually off on maternity leave during part of my  
18                  tenure.  And I remember taking my little boy along  
19                  with me and spending a lot of time down at the  
20                  department.  I tried to learn as much as I could  
21                  about each of the areas and also a lot of  
22                  involvement at the outset with the community  
23                  policing offices.  So Liz's estimate is probably  
24                  good for a regular month, but I would say I spent  
25                  maybe three times that.

1           Q    Very well.  I understand that nobody serves on the  
2                   board to get rich.  There is, I understand, a  
3                   small stipend that is offered to board members.  
4                   Can you tell us how much that is?

5   MS. MOTTUS:  I don't remember receiving any stipend.

6           Q    I see.

7   MR. OWEN:  There was no stipend up until the early nineties.

8   MS. WATSON:  I would say late nineties, Philip, probably.

9   MR. OWEN:  Late nineties?

10  MS. WATSON:  Late nineties.

11           Q    And, Ms. Watson, what did it amount to  
12                   approximately?

13  MS. WATSON:  It might have been \$200 for a meeting, so \$200 a  
14                   month.

15           Q    Very well.

16  MR. OWEN:  I never -- I was never paid anything and I wouldn't  
17                   have wanted to be paid and it was never discussed.  
18                   It was quite a different issue for me.

19           Q    Yes.

20  MS. WATSON:  I should also say I think the reason that stipend  
21                   came -- that reminded me.  We also sat at the time  
22                   on discipline hearing complaints and so a panel of  
23                   three board members would be allocated to a  
24                   hearing and that could go on for several evenings.  
25                   We would hold them at provincial court in the

1 evening.

2 Q Yes. We have heard from this panel a little bit  
3 about the lack of support, of staff support, that  
4 the board had in the early days. And I understand  
5 that at first in the -- in the mid to late  
6 nineties there was only the assistance of the  
7 chief's executive assistant, and that was on very  
8 much a part-time basis; is that right, Ms. Watson?

9 MS. WATSON: I would say that was in the early nineties. I  
10 joined in '92. I don't know when Beth Nielsen was  
11 hired, but at some point within the following two  
12 to three years probably. I think we initially got  
13 her for .4, so two days a week.

14 Q 40 percent of her time?

15 MS. WATSON: Right.

16 MR. OWEN: When I started in 1993, we were down at 312 Main,  
17 Main and Cordova Street, and it was the chief's  
18 secretary that ran and did everything and so it  
19 was --

20 Q Working off the side of her desk, as it were?

21 MR. OWEN: Absolutely. I don't know whether I should say this  
22 or not, but, Mr. Commissioner, it reminds me of  
23 when Gordon Campbell became the mayor in 1986 and  
24 he's a very hands-on person and likes to know  
25 everything and he started to do that in the police

1 department. Bill Marshall was the chief at that  
2 time and late coming on the heels of Bob Stewart.  
3 And I can remember when Gordon was on this kick to  
4 try and open this up and so on and Harry Rankin in  
5 a meeting said to Gordon, "Mr. Mayor, I've been  
6 around here a lot longer than you and what you  
7 must learn is that they're going to" -- this is  
8 now mid-eighties -- "they're going to keep you in  
9 the dark and feed you horse manure." And George  
10 Puil agreed with that and Gordon tried hard to  
11 break in and it was a frustrating time for him. I  
12 followed on that -- in that environment. It was  
13 not -- it was not open and co-operative at all.

14 Q And just -- let's just get back to the -- to the  
15 staff assistants for a moment. Beth Nielsen  
16 became the part-time executive director sometime  
17 in the nineties and that was 40 percent of her  
18 time. I -- I understand now -- I know now that  
19 there is a full-time executive director and a  
20 full-time assistant to that executive director.  
21 That would have been a huge -- a huge hump. That  
22 would have expanded your capacity on the board  
23 very substantially; is that a fair comment, Ms.  
24 Watson?

25 MS. WATSON: Absolutely.

1 Q Ms. Mottus?

2 MS. MOTTUS: Yes, it is. And just to be clear, Beth was our  
3 executive assistant. She wasn't an executive  
4 director.

5 Q Thank you.

6 MR. OWEN: I agree with that.

7 Q Now, I want to turn to this distinction between  
8 operations and governance. All of you are  
9 familiar with that concept, are you, that -- that  
10 the board is to govern, but it is not to direct  
11 the operations of the department? Ms. Watson, is  
12 that a fair statement?

13 MS. WATSON: I think so.

14 Q And you were speaking -- the panel was speaking  
15 earlier a little bit about how that's sort of  
16 enshrined a lot; that it is for the department to  
17 direct its operations. And I just want to take  
18 you quickly into the handbook which is at Tab 10  
19 of that binder and page 35 in the bottom -- I'm  
20 looking at the bottom right page numbers. It's  
21 the small -- it's written out, page 35, bottom  
22 right corner. And there it says this:

23 Day-to-day professional operational decisions  
24 are matters for the department itself. The  
25 authority of the individual constable to



1           investigate crime, to arrest suspects and lay  
2           information before the justice of the peace  
3           comes from the common law, Criminal Code and  
4           other statutory authority and must not be  
5           interfered with by any political or  
6           administrative body.

7           And, Ms. Watson, that includes the police board?

8    MS. WATSON: Yes. That's right. And, you know, the difference  
9           you were asking me for about a company or not for  
10          profit or different type of organization,  
11          typically their legislation says something like  
12          the directors are responsible to manage or  
13          supervise the management of the organization. And  
14          if you look at the language of the *Police Act*, for  
15          example, it doesn't say that and it's restricted  
16          to the categories that we talked of earlier.

17        Q    Yes. And what the board does is it sets policy,  
18           as you were discussing earlier with Ms. Brooks.  
19           If we go back a page in this handbook, I want to  
20           take you to a paragraph here that I think shows  
21           the sort of -- the level of which the board is  
22           actually meant to function. So if we look at the  
23           last full paragraph, the handbook says this:

24           The board needs to spend their limited time  
25           and energy on their most important policy

1 functions. These functions include:

2 And then there are the bullet points, and they say  
3 this:

4 Establishing the mission of the police  
5 department;

6 Outlining results, policies and values to  
7 which the board wants the department to  
8 adhere;

9 Developing the annual departmental  
10 priorities, goals and objectives in  
11 consultation with the Chief Constable;

12 Establishing board practices; and

13 Clarifying board/staff relationships.

14 And so the handbook there, as I read it, is saying  
15 those are the most important priorities and you  
16 need to really focus on those. And would you  
17 agree with that statement, Ms. Watson?

18 MS. WATSON: I think if I was sitting there today I would  
19 expand that, but at the time I think that's a fair  
20 analogy.

21 Q Ms. Mottus, would you agree?

22 MS. MOTTUS: Yes, I would.

23 Q And so on individual investigations, when it comes  
24 to an individual criminal investigation, I think  
25 if we -- from the documents Ms. Brooks has

1 assembled in this binder, it's clear that the  
2 board did receive information from time to time on  
3 individual investigations. And do you recall  
4 that, Ms. Mottus?

5 MS. MOTTUS: Every now and again, yes, we would, especially if  
6 it had to do with -- we might hear a little bit if  
7 there was a reward that we were asking to approve.

8 Q Yes. And that's because it is the board that must  
9 approve the reward because it has budget  
10 implications; is that fair?

11 MS. MOTTUS: Right. One of our main oversight functions is the  
12 budget and financial aspect.

13 Q And so if the department thinks a reward is an  
14 important investigative step, it needs to come to  
15 the board and it needs to tell you why it thinks  
16 that's important and ask you to approve the  
17 reward; is that correct?

18 MS. MOTTUS: That's right.

19 Q Now, just -- but just turning to -- back to the  
20 individual investigations and the information  
21 that's provided by the department. I think  
22 there's an important question here of what the  
23 board can do with that, with the information on a  
24 particular investigation. And it might -- and it  
25 might be this -- and I just want you to comment on

1           this -- that the board can ask the chief what are  
2           you doing about that investigation, but it can't  
3           say to the chief, you must do this on this  
4           investigation; is that -- is that fair?

5    MS. WATSON: I think it might be limited in terms of its  
6           ability to ask what are you doing on this.  
7           They're not going to tell us if they've assigned,  
8           you know -- they've got authorization for a  
9           wiretap or they've assigned someone. They're not  
10          going to tell us that. I have to say that, you  
11          know, my recollection during the period serving on  
12          the board is there was very little discussion  
13          about individual cases. If there was something  
14          that was community wide and in the newspapers, you  
15          knew they were doing something about it. They  
16          were not talking to you about the details of what  
17          they were doing about it. They would say, yes,  
18          you know, we're going to have overtime  
19          implications. If a matter came forward for a  
20          reward, the document that I've reviewed here this  
21          morning about the -- the reward in the missing  
22          women situation, I don't think I ever saw  
23          anything -- well, I wasn't there at the time, but  
24          during my tenure I don't think I ever saw anything  
25          that would have been over a page long at the very

1 highest level. It would basically be fairly rote,  
2 saying, you know, we've tried this, we've tried  
3 this, we've tried this and we think that a reward  
4 would assist us. Please, can we have a reward?  
5 And they're usually \$10,000. You know, 20,000 and  
6 \$25,000 I think would have been a large reward.  
7 So we did not get a lot of details.

8 THE COMMISSIONER: Could you not as a governing body go to the  
9 police chief and say, "We've been receiving many  
10 complaints about poor women who are missing. What  
11 are you, the police, doing about it?" You could  
12 surely say that?

13 MS. WATSON: I think you could say that.

14 THE COMMISSIONER: "And tell us what you're doing." I  
15 recognize that it's a fundamental principle --

16 MS. WATSON: At a high level I think you could do that.

17 THE COMMISSIONER: -- of policing that you cannot interfere  
18 with an investigation or cause an investigation to  
19 take place, but -- but these are community  
20 priorities. You're the voice of the public.

21 MS. WATSON: I think you can ask at a high level. If they tell  
22 you, you know, they've got 55 officers working on  
23 it full time and they've -- you know, whatever  
24 else it is they tell you at a high level. I don't  
25 think you're going a level below that.

1 THE COMMISSIONER: Okay.

2 MR. OWEN: It's very highly sanitized.

3 THE COMMISSIONER: Okay. I think we'll take the break here.

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

5 (PROCEEDINGS ADJOURNED AT 11:05 A.M.)

6 (PROCEEDINGS RESUMED AT 11:23 A.M.)

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

8 MS. BROOKS: Two quick things, Mr. Commissioner. I neglected  
9 to mark my brief of documents as an exhibit. I'd  
10 like that done, please.

11 THE COMMISSIONER: All right.

12 MS. BROOKS: And, secondly, Mr. Hira was allocated 10 minutes  
13 of time. He won't be using that time. I  
14 recommend that we give it to Mr. Ward.

15 THE COMMISSIONER: All right.

16 THE REGISTRAR: Your book of documents will be marked as  
17 Exhibit 194 NR.

18 (EXHIBIT 194 NR: Vancouver Police Board Panel  
19 Document Brief)

20 THE COMMISSIONER: Mr. Dickson.

21 MR. DICKSON:

22 Q Thank you, Mr. Commissioner. Tim Dickson again  
23 for the board. Mr. Commissioner, I'm told I have  
24 25 minutes left.

25 Panel, just before the break we were having

1           that discussion about the distinction between  
2           governance and operations and particular  
3           investigations, particular criminal  
4           investigations. And I think the discussion was  
5           that you could ask about a situation like the  
6           complaints about women going missing from the  
7           Downtown Eastside and you could receive  
8           information from the department, but the board  
9           can't direct the department to take certain steps.  
10          Ms. Watson, you're nodding your head.

11   MS. WATSON: Correct.

12   MR. DICKSON: And it can't say, for instance, you need to put  
13                more people on this investigation; is that agreed?  
14                Yes, Mayor Owen?

15   MR. OWEN: Yes. That's correct.

16           Q   And I suggest that that's the same with service  
17                and policy complaints. The board could ask the  
18                chief in response to one of those complaints to  
19                provide a report and it could ask more questions,  
20                but the board can't order the department to take a  
21                particular operational step; is that fair, Ms.  
22                Watson?

23   MS. WATSON: I think that's fair. Yes.

24           Q   What the board's ultimate power is is that it can  
25                fire the chief?

1 MS. WATSON: And the budget allocation, I think how the budget  
2 is allocated. And that's why I hesitated a little  
3 bit in the last question because I think that if  
4 an issue came up that might require the department  
5 to reallocate its priorities, I think that would  
6 be a fair discussion for the board.

7 Q Very well.

8 MR. OWEN: Mr. Dickson, it would be hiring and firing the  
9 chief, both.

10 Q Yes. Indeed. Indeed, if the board were  
11 dissatisfied with the chief's performance, it  
12 could fire that chief and hire another?

13 MR. OWEN: Yes.

14 Q And, indeed, the board did fire Chief Chambers in  
15 June of 1999?

16 MR. OWEN: Yes. That's correct.

17 Q And that was about a month or so after the board  
18 meeting at which the missing women investigation  
19 was discussed and the reward was approved? That's  
20 right?

21 MR. OWEN: Yes.

22 Q And I just want to turn to that meeting now. The  
23 reward meeting, as I'll call it, was April 28th,  
24 1999. And in advance of that meeting, the board  
25 received a memorandum from Sergeant Field



1           addressing the situation, discussing the situation  
2           and the investigation, and that's at Tab 7 of this  
3           binder. And if you just turn to that memo, it's  
4           dated April 22nd, 1999. And it's addressed to the  
5           Vancouver Police Board. And it addresses a number  
6           of topics. It's got sort of the summary in the  
7           first headings on the first page, Recommendations  
8           and the Chief's Comments and Policy and Purpose  
9           statements, and then it addresses the background  
10          of the situation starting at the bottom of the  
11          first page, and that goes over the next full page  
12          and over on to the third one. And then it gets  
13          into current investigative strategies. And it's  
14          summarizing the investigative steps that have been  
15          taken there. And then over the page it addresses  
16          the reward issue and sets out the department's  
17          position there. And, of course, the department  
18          was advising that a reward would not be helpful.  
19          And then on that same page it discusses planned  
20          strategies and it goes through a number, including  
21          targeting suspected sexual predators. And it says  
22          down at the bottom:

23               Other investigative strategies are being  
24               developed which cannot be discussed at this  
25               time.

1 And over the page there's discussion -- having  
2 discussion and there essentially it seems to be  
3 saying that the department's taking this seriously  
4 in terms about this investigation. And it goes  
5 through social implications and personnel  
6 implications, financial implications. And then  
7 there's conclusions. Ms. Watson, I think I heard  
8 you say before the break that you'd never seen a  
9 memo as detailed on an individual investigation?

10 MS. WATSON: Not to my recollection.

11 Q And, Mayor Owen, is your answer the same? Is this  
12 a particularly detailed memo on an individual  
13 investigation? Sorry. Mayor Owen?

14 MR. OWEN: Yes. I agree with Ms. Watson.

15 Q Ms. Mottus?

16 MS. MOTTUS: Yes. I would agree. We did not get this kind of  
17 detail about what was going on in other individual  
18 or any kind of task force investigations.

19 Q Ms. Brooks was asking the panel whether the board  
20 could have asked for a detailed analysis of the  
21 investigation. Certainly relative to the usual  
22 practice, the usual amount of information you  
23 received on particular investigations, this memo  
24 is something akin, I suggest, to a detailed  
25 analysis?

1 MS. MOTTUS: I would agree with that, yes.

2 Q So one of the things that the community was asking  
3 the police board for in the lead up to the April  
4 28th, 1999 meeting was, of course, a reward. And  
5 we know that the department was not in favour of  
6 the reward and that the board went against the  
7 department's recommendation and approved the  
8 reward regardless. And there's a debate there and  
9 we've heard -- I think we've heard the positions,  
10 but let me just canvass quickly. Ms. Mottus, you  
11 were in favour of the reward and you believe that  
12 to be the correct decision?

13 MS. MOTTUS: Yes, I do. I was in favour and, yes, I did  
14 support it.

15 Q And, Mayor Owen, you supported the reward  
16 ultimately at least?

17 MR. OWEN: Yes. I had to go back and get approval from the  
18 City and talk to the finance people and to council  
19 and get their support. That's why there's a gap.

20 Q Yes. Now, another thing that was being requested  
21 in some of the letters I've seen in that Tab 6 was  
22 a task force. And is that the sort of thing that  
23 a board can direct the department to set up, set  
24 up a task force on this investigation? Ms.  
25 Watson, could you give us your view on that?

1 MS. WATSON: That's a very good question. The board culture  
2 was certainly that it was not about to be setting  
3 up task forces. The powers that you've talked  
4 about the police board having were in response to  
5 a particular service or policy complaint, so I  
6 don't know if that was ever formally launched.  
7 The -- I do know when I was there that the rules  
8 and regulations about what you can do and what you  
9 can't do, very different than when we were talking  
10 about with another type of a board situation where  
11 you could decide what you're going to do and do  
12 it. For example, discipline of somebody in the  
13 department is pursuant to regulations over which  
14 the board doesn't have meaningful input, I would  
15 say, although they may approve some of those. And  
16 so on this type of thing it was certainly not a  
17 practice of the board to be investigating or  
18 creating something to investigate what the police  
19 were doing or telling them to set up a task force.

20 Q Right. Right. And by task force I mean a task  
21 force of the department investigating this  
22 situation and --

23 MS. WATSON: I think that would have been directing them how to  
24 do their job, personally.

25 Q Right. And what I suggest is that that would be

1 straying into the operations of a particular --

2 MS. WATSON: I think so.

3 Q Do you agree with that, Ms. Mottus?

4 MS. MOTTUS: Yes. I think it goes back to the idea of while we  
5 can set policy and the fuzzy part of direction, we  
6 don't go into the hows. And even if -- you know,  
7 reading back on a lot of this stuff, I see where  
8 in our minutes we were also -- one of the things  
9 the City was dealing with were the home invasions,  
10 the garage invasions. Now, again, how the  
11 department would choose to deal with that,  
12 investigate that matter, the board wouldn't be  
13 able to say how it would happen, but I think it  
14 goes back to the idea of if it's clearly something  
15 that the community is concerned about, it's been  
16 brought to our attention, then yes. I think a  
17 memo that the board's receiving like this, it  
18 tells us that the department also thinks this is a  
19 priority and here's what they're doing, but we're  
20 not going to get into the how.

21 Q Right. Now, following the April 28th, 1999  
22 meeting, you continue to receive updates, much  
23 smaller updates on the investigation. Do you have  
24 this document prepared by commission counsel  
25 entitled "Chronology - Vancouver Police Board

1 Panel"? Yes. And, Mr. Giles, perhaps you can  
2 confirm for me that it's part of that exhibit.

3 THE REGISTRAR: Do you have a tab for me?

4 MR. DICKSON: Ms. Brooks, were you going to enter it?

5 MS. BROOKS: I didn't refer to it in my examination, but if  
6 it's useful for yours, then I'm happy to have it  
7 marked as an exhibit.

8 MR. DICKSON: Certainly. Perhaps we can then, Mr. Giles, have  
9 that as the next exhibit.

10 THE REGISTRAR: Yes. That's nonredacted, then, or is it an  
11 open --

12 MR. DICKSON: No.

13 THE REGISTRAR: It's an open document? It will be Exhibit 195.

14 (EXHIBIT 195: Document entitled "Chronology -  
15 Vancouver Police Board Panel)

16 MR. DICKSON:

17 Q Just quickly looking at this chronology, I noted  
18 that on May 31st, 1999 you received the reward  
19 poster and then July 28th of that year you are  
20 advised the poster is being released. And then  
21 January 18th, 2000 you are updated by Deputy Chief  
22 McGuinness. February 14th, 2000 there's a report  
23 from Deputy Chief McGuinness on the investigation.  
24 April 10th, 2000 there's a report from Sergeant  
25 Field updating on the investigation and

1 recommending a renewal of the reward, May 18th,  
2 2000 another update on the investigation, April  
3 21st, 2001 another update on the investigation  
4 and a recommendation that the reward be renewed.  
5 And September 19th, 2001 there's an update from  
6 the chief on the investigation. Was that common  
7 that you'd be updated regularly like that, Mayor  
8 Owen, on a criminal investigation?

9 MR. OWEN: Plural, investigations.

10 Q I said singular, but --

11 MR. OWEN: Singular? It's not common, unusual.

12 Q Now, I just want to turn to one more topic. Mayor  
13 Owen, you suggested that the mayor ought not to  
14 sit as the chair of the board?

15 MR. OWEN: Yes.

16 Q And you gave your reasons. And I'll just state  
17 for the commissioner that it is the position of  
18 the board that the mayor should be the chair of  
19 the board. And obviously that's an issue on which  
20 there could be all sorts of debate and people have  
21 different opinions, but I just want to see if the  
22 panel will agree with me that there are some  
23 benefits -- even if there are some detriments,  
24 there are certainly some benefits to having the  
25 mayor sit as chair of the board. And I'll suggest

1 a few. Mayor Owen, one is that it brings some  
2 profile and some credibility, some weight to the  
3 profile -- sorry -- to the police board within the  
4 community having the mayor of the city sit as the  
5 chair. Would you agree with that?

6 MR. OWEN: Yes. But it's 80 percent a problem and 20 percent  
7 practical and works well 20 percent of the time.

8 Q Okay. Well, let me see if I can identify some  
9 more of the 20 percent. And that is the mayor  
10 will have a better understanding usually than  
11 other board members of what is feasible in terms  
12 of the City's budget. That's true, isn't it?

13 MR. OWEN: Not necessarily.

14 Q Is that right? When you were sitting as -- when  
15 you were mayor, when you were sitting on the  
16 police board, would you not have a better grasp on  
17 the size of the City's budget and how much could  
18 reasonably be allocated to policing?

19 MR. OWEN: The police budget rose much faster than the City  
20 budget, so I don't know whether that was good or  
21 bad, but it was difficult for the mayor. The  
22 mayor's there. The mayor's wanting to be  
23 recognized as the chief executive officer of the  
24 City by the police paramilitary and all that type  
25 of thing, but it worked out so that the police



1           were always complaining about not having enough  
2           money and putting all that pressure onto the --  
3           onto the chair, which was the mayor. But there  
4           was a 14-year period there when the City budget  
5           went up 81 percent and the police budget went up  
6           91 percent and so I just -- I just think it should  
7           be entirely separate. I don't think there's a  
8           great benefit and advantage to that. I think it  
9           makes it very, very awkward for the mayor. And  
10          it's pointed out in these April, '99 issues around  
11          the reward that I had to go through a lot of hoops  
12          and a lot of trouble and a lot of lobbying and a  
13          tremendous effort to work these two sides with the  
14          police board over here and I had the City  
15          administration and council over there. And I just  
16          think it's better not to have that happen. It  
17          should be arm's length distance and the decisions  
18          based upon the merit of the issue and the demands  
19          and the needs of the police and so on.

20          Q   Now, I understand it's a difficult position, but  
21               on the other hand, by virtue of your position on  
22               the police board and in City Council, you were  
23               able to make that happen pretty quickly?

24          MR. OWEN: With a lot of strain and a lot of time. I mean it  
25               was a major distraction. It consumed far more of

1 my time lobbying. It was stressful and I'm not so  
2 sure that it worked for anybody's great benefit,  
3 although the police did get some more money. But  
4 it's certainly difficult for the mayor. The  
5 mayor's got a heavy agenda and working with  
6 hundreds of things and you're going all the time.

7 Q And I'll just raise one more point on this issue  
8 and then I'm going to sit down. And that's really  
9 just a point that you raised earlier, which is you  
10 were talking to the chief regularly, I think  
11 especially Chief Canuel, and you had -- and you  
12 brought a perspective on the community's needs and  
13 priorities to the chief because -- because you  
14 were heavily involved, obviously, in City business  
15 and you were all over the city, as you mentioned,  
16 you know, at ribbon cutting events and the like.  
17 You were talking to all sorts of people all over  
18 the city and you would hear concerns raised and  
19 you would be able to bring that perspective to the  
20 board and to the department. That's fair?

21 MR. OWEN: That's correct. I still think it's an 80 percent/20  
22 percent though.

23 MR. DICKSON: Thank you, Mr. Commissioner. Those are my  
24 questions for now. I hope I still have about five  
25 minutes for reply.

1 THE COMMISSIONER: Thank you.

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

3 Q Mr. Commissioner, Cameron Ward, counsel for the  
4 families of 25 murdered women. Mayor Owen or  
5 former Mayor Owen, you were in office as mayor of  
6 the City of Vancouver from November of 1993 to  
7 November of 2002, correct?

8 MR. OWEN: Yes.

9 Q And I want to show you over in the corner of the  
10 room here -- you can see it over there. It's been  
11 sitting there almost every day that these hearings  
12 have been in session. It's Exhibit 20 in this  
13 proceeding and it depicts the faces of 61 women  
14 who went missing from the streets of downtown  
15 Vancouver at various times. You appreciate, sir,  
16 that most of the women whose photos appear on that  
17 board went missing on your watch while you were  
18 the mayor of the City of Vancouver, right?

19 MR. OWEN: Yes. Apparently.

20 Q Do you know any of their names?

21 MR. OWEN: Yes. Miss de Vries is here. I think there's three  
22 or four of them here in the room.

23 Q Who are the women?

24 MR. MARTLAND: Mr. Commissioner, I object. I don't see the  
25 utility of engaging in a memory test with the

1           former mayor with respect to these matters. I'm  
2           not sure how much this advances your mandate with  
3           respect, which is focused on the missing women's  
4           investigation and the role of the board vis-a-vis  
5           the investigations.

6   THE COMMISSIONER: I am -- I'm going to accede to the  
7                      objection. I think you can cross-examine him as  
8                      to his role and what the mayor and the police  
9                      board did without going into that.

10   THE REGISTRAR: For the record, the objection was Mr. Martland

11   MR. WARD: I'd like to respond with a submission before you  
12                      make your ruling. I asked that question expecting  
13                      that the answer would provide me a basis on which  
14                      to make a submission to you that the reason the  
15                      Vancouver Police failed to take action when these  
16                      61 women went missing is because senior officials  
17                      in both the City administration, including the  
18                      mayor and the members of the board, and the police  
19                      administration, including the then chief and his  
20                      subordinates, didn't care about them and who they  
21                      were.

22   THE COMMISSIONER: Okay. Okay. You can still ask that  
23                      question without asking him what the name of each  
24                      and every woman is.

25   MR. WARD:

1           Q   All right. Thank you. Here's the question my  
2               clients have: How was it from your perspective as  
3               mayor that so many citizens of this city vanished  
4               and the perpetrator of their murders wasn't  
5               discovered for so many years?

6   MR. OWEN: Well, first of all, it should have been discovered  
7               in 1997, '98 when there was a stabbing on the  
8               Pickton farm of one of the women, and that was  
9               a -- I can't go into all the details. I'm not  
10              familiar with them. But that was amazing that he  
11              wasn't caught by 1998, four years before he was  
12              finally caught, and that was a mess up within some  
13              system. As far as it bothered me, it bothered me  
14              a lot. There were some people, Jamie Lee Hamilton  
15              and a whole bunch of others. I spent a lot of  
16              time down there and we did the Four Pillars  
17              Approach and I talked to these people. And I had  
18              a federal minister with me when we were trying to  
19              get the funds for the injection site. And I asked  
20              this minister to come down late at night dressed  
21              in civilian clothes with me and we'll talk to  
22              these people. These are human beings. And we'll  
23              find some woman who -- young girl with missing  
24              teeth with maybe a cast in her arm and you  
25              wouldn't believe what they will tell you and break

1           into a conversation. I had a lot of compassion  
2           for it. It was a horrible issue. It was a  
3           disaster. It was badly handled. It was badly  
4           managed. It's an embarrassment right across the  
5           country and it bothered me a lot as mayor. I was  
6           deeply involved in it. I wasn't sitting at City  
7           Hall ignoring the issue in a position of denial.  
8           I was very much in a position of acceptance and I  
9           worked hard to get the knowledge of it and I had  
10          to work with the Attorney General, Ujjal Dosanjh,  
11          and Allan Rock, the Minister of Health, to get  
12          some programs going and to get InSite going and  
13          our Four Pillar Approach.

14          Q All right. Thank you. You do appreciate, given  
15          how hard you worked on the issue and your  
16          familiarity with it, that these women depicted on  
17          Exhibit 20 were taken from a very small  
18          geographical area in the city of Vancouver, just a  
19          few block radius around the intersection of  
20          Hastings and Main, right?

21          MR. OWEN: Well, I can't say right because I don't know whether  
22          that's where they all disappeared from, but a lot  
23          of them did. There's no doubt about it. I don't  
24          think all of them did.

25          Q If 10 of those, just the top row, 10 women had

1 disappeared within a few years from a similar size  
2 geographic area on the west side, Kerrisdale  
3 perhaps or Shaughnessy, you would have ensured  
4 that the police made it priority number one and  
5 gave it all the resources at their disposal to  
6 solve, right?

7 MR. OWEN: I think if even two or three were missing there  
8 would be a major problem, but I don't totally  
9 agree with where you're going with your question.

10 Q I'm not asking you to expect where I'm going. I'm  
11 just asking you a question. If two or three had  
12 vanished from --

13 MR. OWEN: Probably maybe one.

14 Q One had vanished from the west side, you would  
15 have had the police all over it, right?

16 MR. OWEN: Well, I think the police --

17 Q Or they would have done it themselves?

18 MR. OWEN: They should have -- the responsibility was with them  
19 to -- wherever it happened to have moved in on it,  
20 wherever and how many. It's a serious issue and  
21 it's a major embarrassment to the City and it's a  
22 horrible, horrible outcome.

23 Q I accept that. My clients accept that. But the  
24 reason it happened, sir, I suggest, was that the  
25 Vancouver Police Department, according to your

1 knowledge, did not make solving the disappearances  
2 a priority from 1997 until February of 2002 when  
3 Mr. Pickton was ultimately apprehended, did they?

4 MR. OWEN: I think there's some truth to that. There was an  
5 issue of denial and it's we haven't got a crime  
6 scene. We haven't got any evidence. We haven't  
7 got a body. We haven't got any witness. They  
8 were playing that game. And we were going along  
9 with it and accepting it because that's what they  
10 said. The longer I heard it, the less I believed  
11 it.

12 Q The lack of response to the disappearances of all  
13 these women was a function of geography, the part  
14 of the city they went missing from and class, the  
15 disadvantaged, vulnerable position they held in  
16 society, wasn't it, sir?

17 MR. OWEN: Well, partially. It was also because it involved  
18 the RCMP in Port Coquitlam, and that slipped  
19 through the cracks and that should have been a  
20 signal that would have put an end to this a lot  
21 sooner than it did.

22 Q I'd like to show you Exhibit 13, sir. And this,  
23 sir -- I'll read this out. It's a copy of a  
24 letter on the letterhead of the Office of the  
25 Mayor, City of Campbell River. It's dated April



1                   20th, 1999 and it's addressed to Mayor Philip  
2                   Owen, Chair of the Vancouver Police Board. You  
3                   can see at the end it's sent by and signed by  
4                   James M. Lornie, Mayor of Campbell River, to  
5                   yourself. Do you see that?

6       MR. OWEN: Yes.

7                   Q    And you would have received that in the course of  
8                   your duties?

9       MR. OWEN: You said I would or I wouldn't have?

10                  Q    You would have?

11       MR. OWEN: It came to City Hall, yes. It came to City Hall and  
12                   all letters were replied to.

13                  Q    And you said all letters were replied to?

14       MR. OWEN: Well, that was the policy. This letter may have  
15                   been sent to the police because it was involving  
16                   the 20 missing women. At that time that's what  
17                   may have happened to it. It went to the police  
18                   for a response and reply and I'm not sure what  
19                   they did. I don't think the secretary in the  
20                   mayor's office would have been able to -- I  
21                   haven't read the letter. I don't know quite what  
22                   it's saying.

23                  Q    I'm going to read it in a moment, but I have a few  
24                   preliminary questions before I read it to you.  
25                   You knew Mayor Jim Lornie from Campbell River,

1 right?

2 MR. OWEN: I didn't know him well. I met most of the mayors we  
3 had provincially, but I don't think I could  
4 identify him if I saw a picture of him.

5 Q Sure. But you would have frequent meetings  
6 annually, perhaps more regularly with the city  
7 mayors from around the province?

8 MR. OWEN: Not necessarily. We had the BC Municipalities  
9 Association and the meeting in Penticton or  
10 Victoria somewhere and three-quarters of the  
11 mayors would go, and maybe only 65 percent of  
12 them, and they would have those once a year.

13 Q I'm going to read passages from this letter and  
14 I'll stop and ask you questions about certain of  
15 them if I may. So Mayor Lornie of Campbell River  
16 writes to you, Mayor -- in your capacity as mayor  
17 and chair of the Vancouver Police Board, April  
18 20th, 1999, reference: The cases of the 20  
19 missing women. And he says this:

20 I am in receipt of a copy of a letter sent to  
21 you on March 30th, 1999 by a Miss Maggie de  
22 Vries. It was given to me by a life-long  
23 friend whose daughter is one of the 20  
24 missing women.

25 Now, the Maggie de Vries letter you've seen. It's

1                   in the documents?

2       MR. OWEN:   Yes.   I'm familiar with this family and this name.

3               Q    All right.   So he goes on to say, the mayor does:

4                   My friend, Mr. Rick Frey, who I've known for  
5                   many, many years, is extremely distraught  
6                   with this situation and asked if I could draw  
7                   up a note to you and the Attorney General.

8                   Do you see that?

9       MR. OWEN:   Yes.

10            Q    So clearly Mr. Frey, father of -- Mr. Frey, father  
11               of one of the women who has gone missing from the  
12               streets of Vancouver as of April, '99, is  
13               distraught and has prevailed upon the mayor of his  
14               community to try to get some assistance by having  
15               the mayor communicate with politicians who can do  
16               something about it, right?   That's what obviously  
17               the letter is trying to achieve?

18       MR. OWEN:   If we could have done something about it, we would  
19               have and we couldn't at this time.   This is  
20               mid-April, '99 and the reward didn't come out  
21               until the end of the month.

22            Q    Sir, that wasn't my question.   Let me repeat the  
23               question.   Obviously you can see from the letter  
24               that there's a man in Campbell River, Mr. Rick  
25               Frey, who has lost his daughter, who has gone

1 missing from the streets of Vancouver, and he's  
2 prevailing upon the mayor of his community to try  
3 to get some assistance from politicians like  
4 yourself and the Attorney General who are in a  
5 position to do something about his concern.  
6 That's the purpose of this letter, obviously,  
7 right?

8 MR. OWEN: And we were doing things about it. I don't know  
9 what the Attorney General did, but we were working  
10 very hard on this entire issue and the -- the  
11 police board and the City Council and the public  
12 like this was having different views than the  
13 police. It took the police a lot longer to warm  
14 up to this issue that they had to make some move.  
15 And this is the interim period, which was very  
16 critical, mid-April, '99. I get literally  
17 hundreds and hundreds of letters. This may have  
18 been sent off to the police board because I don't  
19 think I would recognize James Lornie if I met him.  
20 I'm not sure whether we ever did meet.

21 Q Sir, as mayor of the City of Vancouver, a  
22 professional politician, you had people around  
23 you, employed by you who had the duty of  
24 responding to correspondence like this, right?

25 MR. OWEN: Well, was there any correspondence from the police

1 department or from the City Hall? You're saying  
2 there was no response at all?

3 Q I'm asking you, sir, did you take steps to respond  
4 either to the mayor of Campbell River, who was  
5 writing on behalf of the Frey family, or to the  
6 Freys themselves?

7 MR. OWEN: I would have dealt with the letter in an appropriate  
8 way, but the mail coming into the mayor's office  
9 every day is this thick. I can't personally read  
10 it all. I get the key ones passed to me and this  
11 was most likely sent on to the police department,  
12 but I don't know for sure because I don't have  
13 that information.

14 Q Well, it's a pretty important subject-matter,  
15 isn't it?

16 MR. OWEN: Well, of course, it is. I told you earlier I was  
17 feeling it was an important issue also and I  
18 worked hard on it. It was an embarrassment to the  
19 city and to the province, to the country and it  
20 was horrible, absolutely horrible.

21 Q Well, I don't want to argue, though, with you on  
22 this issue. I'm just asking a simple question.  
23 As you sit here today, do you have any  
24 recollection of responding either to the mayor of  
25 Campbell River or to the Frey family, who had lost

1                   their daughter on the streets of downtown

2                   Vancouver?

3       MR. OWEN:   I cannot recall because I haven't got that kind of a  
4                   memory which would remind me of all the mail that  
5                   comes in every day.  They would be categorized and  
6                   so on and I do not recall.

7               Q    So this letter would have been categorized with  
8                   all of the other letters coming in from family  
9                   members and members of the public asking for  
10                  action on the cases of the disappearances of their  
11                  loved ones, right?

12       MR. MARTLAND:  Objection.  Mr. Commissioner, for the record,  
13                   Brock Martland.  That's a question that simply  
14                   called -- he says he doesn't have a recollection  
15                   of a response and I think in light of that  
16                   evidence, I don't see how he can go on to  
17                   speculate about how others may have categorized  
18                   something.

19       THE COMMISSIONER:  I think in a technical sense you are right  
20                   that he's -- he's already said he doesn't have any  
21                   recollection of it.

22       MR. WARD:

23               Q    Well, there's a sheaf of letters at Tab 6 of  
24                   Exhibit -- I'd ask commission counsel to help me  
25                   with the exhibit number because I don't have it.

1                   The binder.

2   THE REGISTRAR:   The commission's binder?   194 NR.

3   MR. WARD:

4                   Q   Thank you.  There's a bunch of similar letters,  
5                       Mayor Owen, at Exhibit 194, Tab 6.  And my friend  
6                       Ms. Brooks took you to them earlier.  I'd ask you  
7                       to turn to those again briefly.  Do you see those?

8   MR. OWEN:   Yes.

9                   Q   They run 41 pages at Tab 6.  Do you have a  
10                       recollection whether letters like this addressed  
11                       to yourself on the missing women issue were kept  
12                       in a single file?

13   MR. OWEN:   No, I do not.

14                   Q   All right.  Thank you.  I'll just leave this  
15                       question out there for those who may be able to  
16                       assist.  I haven't seen a response to the mayor's  
17                       letter to you.  If it exists, I'm sure your  
18                       counsel Mr. Dickson will be able to assist us and  
19                       assist me in locating it, and I hope to receive a  
20                       response in due course.

21   MR. DICKSON:  Mr. Commissioner, we have disclosed the documents  
22                       we have on this issue.

23   THE COMMISSIONER:  All right.

24   MR. WARD:   Well, I'll take it, then, that there was no response  
25                       unless --

1 MR. DICKSON: I don't think Mr. Ward can take that.

2 MR. WARD: Well, I will unless it's produced. I haven't seen  
3 it.

4 MR. DICKSON: Well, that just doesn't follow, Mr. Commissioner.  
5 We've produced the documents we have. I don't  
6 know whether there was a response or not and nor  
7 does Mr. Ward and the fact that there was not a  
8 response in the documents --

9 THE COMMISSIONER: All right. Let's get on with it.

10 MR. WARD:

11 Q Well, the lack of a response would show that  
12 neither you nor the board took this concern very  
13 seriously, wouldn't it?

14 MR. OWEN: That the board did, yes. Yes.

15 Q So the board responded to the mayor?

16 MR. OWEN: Took it seriously, you said. I thought I heard you  
17 said that they took it seriously. I said yes.

18 Q All right.

19 MR. OWEN: I didn't hear you properly.

20 Q All right. There is no evidence of any response  
21 from either you or the Vancouver Police Board to  
22 the mayor of Campbell River about his  
23 constituent's concern that their daughter went  
24 missing from the streets of Vancouver and nothing  
25 was being done about it?



1 MR. OWEN: There's no evidence in the documents presented to  
2 me.

3 Q Exactly. And that, I suggest, shows that the  
4 concerns expressed by the community about women  
5 going missing from the streets of the Downtown  
6 Eastside were not being taken very seriously. Do  
7 you agree?

8 MR. OWEN: I don't agree with you. I totally disagree with  
9 you.

10 Q Now, sir, while you were mayor and chair of the  
11 police board, the possibility that a serial killer  
12 or serial killers were responsible for the  
13 disappearances of all these women was discussed at  
14 the board level, wasn't it?

15 MR. OWEN: Yes.

16 Q And it was discussed at many meetings of the  
17 board?

18 MR. OWEN: Yes.

19 Q Can you tell me about those, how it was that you  
20 and the board discussed and when it was the  
21 likelihood or possibility that a serial killer was  
22 responsible for these women going missing from the  
23 streets?

24 MR. OWEN: I can't give you a date on that.

25 Q Doesn't the board keep meeting -- minutes of

1 meetings?

2 MR. OWEN: Yes. I don't have it in my head. That was 12 years  
3 ago.

4 Q So it was the case, I suggest, that the police  
5 were telling you one thing, namely we have no  
6 evidence that a serial killer or killers is  
7 responsible, but you were nonetheless discussing  
8 at the board level the possibility or likelihood  
9 that in fact a serial killer was responsible?

10 MR. OWEN: I don't think that the board was totally convinced  
11 that the police had it all figured out. They  
12 didn't think there was. We kept reading and  
13 getting letters and getting publicity in the media  
14 that there was or there could be, and I think the  
15 board was sensitive to that and was keeping that  
16 on the agenda all the time, so we discussed it.

17 Q Sir, I want to show you a document that you  
18 published last year on the issue of the missing  
19 women investigations.

20 MR. MARTLAND: Mr. Commissioner, Brock Martland, counsel for  
21 Mr. Owen. I simply alert you to the fact I don't  
22 know that Mr. Owen has had any notice or seen this  
23 before. I suppose Mr. Ward can ask that. There  
24 may nonetheless be questions, so I'm not making an  
25 objection at this point, but perhaps questions

1                   might be framed with a view to the fact this may  
2                   not be a document that Mr. Owen -- the newspaper  
3                   report that Mr. Ward has referred to --

4    THE COMMISSIONER: Well, the document is entitled "Apology from  
5                   Philip Owen to Dr. Kim Rossmo". That's in the  
6                   corner. If he hasn't seen it, he can tell us he  
7                   hasn't seen it. I assume that since this  
8                   attributes something from Mr. Owen to Rossmo that  
9                   he's seen it, but maybe he hasn't. I don't know.

10   MR. MARTLAND: Indeed, Mr. Commissioner, my concern was simply  
11                   with the newspaper report. I don't know one way  
12                   or the other whether he's seen that.

13   THE COMMISSIONER: Well, why don't we put it in front of him so  
14                   in fairness he should have it in front of him.

15   MR. MARTLAND: Thank you.

16   MR. WARD: It is. If I may ask questions without interruption.  
17                   I'm getting to it.

18   THE COMMISSIONER: Well, you know, it may be a valid objection.  
19                   I mean one person's interruption's another  
20                   person's objection. Every time someone objects to  
21                   one of your questions, you call it an  
22                   interruption. The fact is I have to deal with  
23                   them. I don't know if it's well founded or not.

24   MR. WARD:

25                   Q   And as you well know, Mr. Commissioner, the Court

1           has said many times in judgments across the land  
2           that cross-exam -- interruptions of a counsel's  
3           cross-examination are to be very sparingly made.  
4           This one, in my submission, has no merit at all  
5           and my friend shouldn't have risen, but I'd like  
6           to ask the next question.

7                     Sir, you caused on or about February 15, 2011  
8           a formal apology to be published in the *Vancouver*  
9           *Province* and other newspapers in connection with  
10          comments you had made about Dr. Kim Rossmo and the  
11          missing women investigation that resulted in the  
12          conviction of Willie Pickton for murders, right?

13   THE COMMISSIONER:   Don't answer the question.   Yes?

14   MR. MARTLAND:   Mr. Commissioner, Brock Martland.   I do object  
15                     to the line of -- I assume it's a line of  
16                     questions.   If it's that question, I may not have  
17                     further objections.   But as we head into any  
18                     discussion around indeed comments on a radio  
19                     program and a clarification that Mr. Owen made in  
20                     relation to those, it would seem to be awfully --  
21                     stand in significant remove from the issues of the  
22                     court of your mandate sir, and I'd suggest are not  
23                     relevant or useful and, indeed, take this into a  
24                     different area that is not germane to this  
25                     commission's --

1 THE COMMISSIONER: Well, with respect, actually they are  
2 because a question of whether or not there was a  
3 serial killer involved and when the police and/or  
4 the board became aware of it is something that we  
5 have been dealing with, so I assume that what's  
6 happening here is that this is merely an extension  
7 of that discussion, the conflict regarding the  
8 serial killer theory. So based on that, counsel  
9 is entitled to ask the question.

10 MR. MARTLAND: Thank you, Mr. Commissioner.

11 MR. WARD:

12 Q I'll repeat the question. Sir, you caused this  
13 formal written apology entitled "Apology from  
14 Philip Owen to Dr. Kim Rossmo" to be published in  
15 the *Vancouver Province* and other newspapers on or  
16 about February 15, 2011, right?

17 MR. OWEN: I'm uncomfortable answering this question going into  
18 this area because there was a radio broadcast, CBC  
19 Radio on August, 2010, when, Mr. Commissioner, you  
20 and I were on the Rick Cluff show and as a result  
21 a defamation threat came to me and I went to Paul  
22 Beckmann, QC at Davis & Company and he turned me  
23 over to Rhys Davies at Davis & Company, and there  
24 was an exchange and we had a settlement. I'm not  
25 prepared and I don't think it's appropriate that I

1                   get to get into all that in this case without  
2                   those two lawyers here.

3    THE COMMISSIONER: Wait a minute. No. I don't think counsel  
4                   is concerned about a lawsuit or a threatened  
5                   lawsuit or whatever it was. I think he simply  
6                   wants to examine you or ask you questions relating  
7                   to -- to the apology. I don't think that's --  
8                   that's all he's asking, so I think --

9    MR. WARD:

10                  Q    The question was only this. I'm not now asking  
11                       you anything about the reason. I'm just saying  
12                       you took steps to cause or ensure this apology to  
13                       be published last February, didn't you?

14    MR. OWEN: There was a reason for it.

15                  Q    Very good. And what you were doing was rendering  
16                       a formal public apology to Dr. Rossmo for  
17                       unfounded critical statements you had made about  
18                       him in the media, right?

19    MR. OWEN: It was accused of defamation and my lawyer said it  
20                       was a fair comment, and a fair comment is  
21                       something that the federal government apparently  
22                       had recently changed and that the -- that the best  
23                       way for this, because this individual lived in  
24                       Texas, that you should make a settlement, and I  
25                       did. And that was my counsel 's advice.

1 Q Well, here's where I'm going, sir.

2 MR. OWEN: I don't know where you're going.

3 Q I'm going to tell you so there's no mistake.

4 MR. OWEN: Please be specific.

5 Q You apologized in public in writing to Dr. Rossmo  
6 for saying critical things about him. It's right  
7 here in the document, right?

8 MR. OWEN: For saying things.

9 Q Yes.

10 MR. OWEN: They're not considered to be defamation.

11 Q Fair enough. But, sir, never since April 9th,  
12 1999 have you ever apologized to the families of  
13 the missing women, many of whom I represent, for  
14 the disparaging things you said about them in the  
15 media, have you?

16 MR. OWEN: The apology would have to come from a lot of people.

17 Q No, no. I'm talking about you, the statements you  
18 made about the families back in 1999 that were  
19 critical, unfounded, inaccurate, misleading and  
20 disparaging.

21 MR. OWEN: If that's the case, there was some of that  
22 information that came forward and I have regretted  
23 it. It was a huge mistake and I made some  
24 comments at one time which I wish I could retract  
25 and they were taken by someone who I didn't know

1                   and some I did know, and it was a -- it was a  
2                   miscalculation on my part for making those  
3                   statements, which I think you're going to present  
4                   to the court now.

5                   Q    I'm going to.

6   MR. OWEN:   That's fine.  I apologize for them.  They were  
7                   wrong.

8                   Q    Well, sir, it's a bit late.  1999 was fully 13  
9                   years ago.  You had access to reporters and the  
10                  press.  You could have written a letter to the  
11                  editor any time in the last 13 years apologizing  
12                  to my clients and the other families for the  
13                  insensitive things you said about them, but you  
14                  didn't do it, did you, sir?

15   MR. OWEN:  I was public about my feeling about it.  I spoke to  
16                  a lot of them and there was -- and the error on my  
17                  part and a lot of them know about that.  No.  I  
18                  did not take out an ad in the paper and advertise  
19                  that.

20                  Q    Or use the public relations personnel at your  
21                  disposal to ensure that an apology appeared in the  
22                  paper?

23   MR. OWEN:  I apologized to a lot of those people that I made  
24                  contact with them running into the Downtown  
25                  Eastside, talking to family members and so on.



1           Q    I don't want there to be make any mistake about  
2                    what those comments were.  It's Tab 38 of Exhibit  
3                    194.  These quotes are attributed to you back in  
4                    April of 1999, sir.  It's the article dated April  
5                    9th, 1999, page 1 of 3 by Robert Anthony Phillips.

6   MR. OWEN:  Just a minute.

7           Q    Do you have that?

8   MR. OWEN:  No.  I haven't got them in front of me.  I'm going  
9                    to Tab 38 now.

10          Q    Yes.  It's the third page in on the tab.

11   MR. OWEN:  Third page in on the tab.

12          Q    You said in connection with the reward:

13                    I don't --

14                    And this is attributed to you:

15                    I don't think it is appropriate for a big  
16                    award for a location service.

17                    You see that?  It's right next to the photograph  
18                    of Sarah de Vries.

19   MR. OWEN:  I see it.

20          Q    And then the article goes further and says:

21                    He scoffed --

22                    He, meaning you.

23                    -- scoffed at claims by relatives of the  
24                    missing women that the prostitutes had close  
25                    ties to their families and wouldn't just

1                   vanish from the streets.

2                   "That's what they say," Owen said. "There's  
3                   been prostitutes moving around ... and it  
4                   never came up before. I didn't get a letter  
5                   or a phone call from anybody before this and  
6                   some of these girls have been missing for a  
7                   year. All of a sudden ... it becomes a major  
8                   event."

9                   You said those things?

10       MR. OWEN: Mr. Ward, this was a phone interview from someone I  
11                   did not know, this person who's got their by line,  
12                   Robert Anthony Phillips. I don't think I've ever  
13                   met him. I don't know him. He may have phoned  
14                   me. He may have misquoted me. I don't know. I  
15                   have no familiarity with the  
16                   contentsshomeguestbook. This is something I know  
17                   nothing about. He's claiming he got me on the  
18                   phone. And if I said those things on the phone, I  
19                   apologize. It's a mistake. I have never talked  
20                   to him and I haven't talked to him since or -- or  
21                   know anything about this document that he's  
22                   printed it in. So I don't know how much validity  
23                   there is to it, but if he is listening or a part  
24                   of this, I again apologize. There was a mistake  
25                   if in fact I said those things.

1           Q    The point is, sir, that in the spring of 1999  
2                while there were reports in the media of up to 21  
3                women who had gone missing from the streets of  
4                downtown Vancouver, you were being dismissive of  
5                the relatives' pleas for help, weren't you?

6           A    If in fact that is true, what I did say to him on  
7                the phone, I don't know.

8           Q    All right.

9   MR. OWEN:  It didn't get reported anywhere else that I know of.

10          Q    Well, you knew then it was a big deal because  
11                Jamie Lee Hamilton -- you spoke about her -- was  
12                leading a movement to occupy your office around  
13                this time because of what you had said, right?

14   MR. OWEN:  Well, I don't know if it was because of what I'd  
15                said, but I knew Jamie Lee Hamilton and she came  
16                with 67 pairs of shoes and deposited them on the  
17                front steps of City Hall.  And those kinds of  
18                things happened quite frequently where there's  
19                protests.  We've had the Dean Wilson crowd raid  
20                City Hall and parade in and those are the people  
21                who are entitled to come to the City Hall.  It's a  
22                public building.  And I was fairly generous in  
23                allowing demonstrations and people to be heard.  
24                If they would barge in, I'd allow them to be heard  
25                for five or ten minutes in City Council chamber,

1 much to the chagrin of most of the councillors.

2 Q All right. Sir, in the interests of time I'd ask  
3 you to be shown next Exhibit 35, please. And I'm  
4 showing you, sir, one of the exhibits that has  
5 been introduced in this proceeding, which is a  
6 compilation of a series of newspaper articles in  
7 the two local dailies, the *Vancouver Sun* and the  
8 *Vancouver Province*, published between July 24,  
9 1997 and October 19th, 2000 respecting the  
10 disappearances of the women. You can see that  
11 from the index. Do you follow me?

12 MR. OWEN: I see, yes.

13 Q All right. Now, you agree, based on your own  
14 recollection of that time, that while you were  
15 mayor, the issue of many women going missing from  
16 the Downtown Eastside of Vancouver was receiving  
17 prominent media attention locally, indeed  
18 nationally and even internationally, correct?

19 MR. OWEN: That's correct.

20 Q All right. Now -- and I think you said that the  
21 issue then was creating a lot of angst in you and  
22 in your fellow members of the board, correct?

23 MR. OWEN: Yes.

24 Q Now, speaking generally, while you were mayor and  
25 chair of the police board, when there -- when

1           there were issues of Vancouver policing that were  
2           attracting national or international media  
3           attention and potentially could give the city a  
4           black eye, how would you and the chief of police,  
5           given your special relationship, deal with those  
6           types of issues?

7   MR. OWEN: Well, they had a liaison media person, Anne Drennan  
8           I think at the time who was carrying that ball,  
9           and she was out front in the media, toured all  
10          events, went to every police event, was always  
11          asked about it, and she was fairly prominent and  
12          she was representing the police department.

13         Q   Right. And she would -- part of her  
14           responsibility would be to monitor what the press  
15           was saying about any policing issue in Vancouver,  
16           bring it to the attention of the chief, and get  
17           direction on what to say to the press in response,  
18           right?

19   MR. OWEN: I don't know whether that was the case or not.

20         Q   Well, were you --

21   MR. OWEN: Whether she would seek out -- she would communicate  
22           with and seek out and get advice. She was fairly  
23           well on her own. I don't know the communication  
24           between the media expert Anne Drennan and the  
25           executive of the police department and the chief.

1 I'm not familiar about how closely they worked and  
2 how much information passed between them.

3 Q All right. Well, were you in that loop regarding  
4 issues of national, international importance  
5 involving Vancouver policing like the missing  
6 women issue?

7 MR. OWEN: Not on a direct phone-call basis, communication  
8 basis. It was moving very, very quickly and  
9 things were going fast and everybody was working  
10 on the issue. The police were doing their thing  
11 with Anne Drennan and I was doing my thing with  
12 City Hall, and it was a complex, chaotic period  
13 and it took time to sort this out.

14 Q Well, you earlier testified about the special  
15 relationship that existed between yourself as  
16 mayor and chair of the police board and the chief  
17 of the day, right?

18 MR. OWEN: I mentioned a chief of the day. I didn't say all  
19 chiefs.

20 Q Well, just on that point, during your tenure as  
21 mayor, you had Police Chief Canuel, Police Chief  
22 Chambers and Police Chief Blythe, right?

23 MR. OWEN: Correct.

24 Q And Chambers was chief up until April of '99 when  
25 this issue of the reward and the women were -- the

1                   missing women were receiving press attention,  
2                   right?

3       MR. OWEN:   He was on a three-year contract with a two-year  
4                   review and the review ended the relationship.  He  
5                   didn't complete his three years.

6               Q    How did -- from your perspective as mayor and  
7                   chair of the board, how did Chief Chambers respond  
8                   to all this press attention about the women going  
9                   missing from the streets of the city?

10      MR. OWEN:   Not very well in my estimation.

11              Q    What do you mean by that?

12      MR. OWEN:   Well, I didn't think they were taking it seriously  
13                   enough and I was taking it more and more  
14                   seriously.  You mentioned Jamie Lee Hamilton,  
15                   someone who I would communicate with and many  
16                   others, and I was getting a perspective.  I was  
17                   working in the Downtown Eastside with the Four  
18                   Pillar Approach trying to get the supervised  
19                   injection site going and the police were not  
20                   totally with me in that regard between 1997 and  
21                   1999.

22              Q    So let me see if I've got this straight and I'll  
23                   summarize what I think I heard you say.  You were  
24                   concerned about marginalized persons in the  
25                   Downtown Eastside, the drug addicted community,

1           the sex trade workers there, and you were very  
2           concerned about the disappearances of the  
3           aboriginal female sex trade workers from the  
4           streets; is that fair?

5           A    I spent a lot of time down there just walking  
6           around and talking.

7           Q    But Chief Chambers, the man who had the control of  
8           Vancouver policing, was from your perspective not  
9           interested in solving the crimes?

10       MR. OWEN: He was the chief of police and the executive of the  
11                police department had their view on this and they  
12                were very slow to come around and get on side and  
13                accept the media and accept the trend that I could  
14                see developing, and we disagreed with that.

15       Q    Couldn't you use your influence as mayor and chair  
16               of the board to get the police to take the  
17               disappearances seriously and apply more resources  
18               to the problem?

19       MR. OWEN: No. I had to come do that. I was the chair of the  
20                police board, but I had to do that also with the  
21                City Hall and City Council. I had to make sure I  
22                had support in the direction I was going on there,  
23                and that was kind of a rocky road at times also.

24       Q    Well, we've heard evidence that Doug LePard headed  
25               up a team of seasoned investigators with computers



1           and a war room and lots of resources to deal with  
2           garage robberies on the west side. You remember  
3           that, garage robberies?

4   MR. OWEN: I didn't know they had that big an operation set up  
5           but, yes, I do remember that. I was very  
6           supportive of that. There was a major problem  
7           right in the City of Vancouver and it was a  
8           Vancouver City Hall issue and we could deal with  
9           it and give easy direction because the staff and  
10          the councillors at City Hall really supported the  
11          fact that we better move quickly on this issue  
12          around Oakridge with garage and home invasions.

13         Q   Right. Well, here's the thing. It was a  
14           Vancouver City issue arising from the west side of  
15           Vancouver, the Oakridge area, but the missing  
16           women case -- and it involved property loss. The  
17           missing women case involved the possible murders  
18           of dozens of citizens of the City of Vancouver and  
19           it was a national and international media issue  
20           yet the allocation of resources was completely  
21           backwards, wasn't it?

22   MR. OWEN: No, because it involved -- it wasn't assured that it  
23           was only Vancouver. It was the RCMP Port  
24           Coquitlam that came into it very quickly and they  
25           were part of it, and the Vancouver Police

1 Department and trying to work with the RCMP in  
2 Coquitlam was just like trying to mix two wrong  
3 ingredients with each other. There was tension  
4 and there was finger pointing and they wasted a  
5 lot of time in a lot of the meetings pointing a  
6 lot of fingers and knowing that it was beyond the  
7 Downtown Eastside Vancouver. That came on pretty  
8 early.

9 Q What direction --

10 MR. OWEN: '97, '98 when they should have got Pickton.

11 Q You and I agree on that point. They, the police,  
12 should have caught Pickton in '97 or '98, right?

13 MR. OWEN: Four years before they did.

14 Q They should have?

15 MR. OWEN: Yes. They should have.

16 Q And the failure to do so is chalked up to police  
17 incompetence, isn't it?

18 MR. OWEN: Lack of police co-ordination and some incompetence  
19 and some denial and some refusal to work together  
20 and some turf building and some ego building, and  
21 so on and finger pointing and all that kind of  
22 thing that goes on. That's why we need regional  
23 policing, as I've told Mr. Commissioner earlier  
24 today.

25 Q Fair enough. Okay. Thank you. Are you finished

1                   that point?

2       MR. OWEN:   Yes.

3               Q    Okay.  What direction, instructions, suggestions,  
4                   call them what you will, did you give Police Chief  
5                   Chambers or his successor, Police Chief Blythe, to  
6                   get the problem solved, deal with the issue of all  
7                   these women being taken or disappearing from our  
8                   streets?  What things did you say to them?

9       MR. OWEN:  The police board had discussions about it and it was  
10               an issue raised there, and it was not -- they  
11               were -- I think you understand the police culture  
12               very well.  I do.  My grandfather was deputy  
13               superintendent of provincial police in British  
14               Columbia back in the 1900s, earlier 1900s, and so  
15               I'm familiar with it.  It was a lack of  
16               co-ordination and a lot of ego building and a lot  
17               of turf building and they just never got together,  
18               in my estimation, appropriately or to the level  
19               that they should have.

20              Q    Now, sir, I just --

21       THE COMMISSIONER:  I think I'm going to stop you there, Mr.  
22                   Ward.

23       MR. WARD:  Thank you.

24       THE REGISTRAR:  The hearing is now adjourned until 1:45.

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

1                   **(PROCEEDINGS RESUMED AT 1:51 P.M.)**

2       THE REGISTRAR: Order. The hearing is now resumed. You have  
3                   about 15 minutes, Mr. Ward.

4       MR. WARD: Thank you. That being the case, I've had to leave  
5                   some areas out. Mr. Commissioner, I would ask  
6                   that the newspaper article, February 15th, 2011  
7                   from *The Province* be marked as an exhibit, please.

8       THE REGISTRAR: Exhibit 196.

9                   **(EXHIBIT 196: *The Province* newspaper article**  
10                   **dated February 15, 2011)**

11       MR. WARD:

12               Q     And, Mr. Owen, just before I leave that, you  
13                   testified that you had made the statements in  
14                   question that gave rise to the apology while doing  
15                   radio interviews in August, 2010 on CBC and CKNW;  
16                   is that right?

17       MR. OWEN: That's correct.

18               Q     And you said that you did those radio interviews  
19                   with the commissioner?

20       MR. OWEN: I think it was the first week of August we were  
21                   invited by Rick Cluff to be on a morning radio  
22                   show.

23               Q     And you both took the position that it wouldn't be  
24                   necessary to have a public inquiry into the  
25                   investigations?

1 THE COMMISSIONER: Well, that's not quite accurate from my  
2 perspective.

3 MR. WARD: Well, witness, what was said by yourself about the  
4 issue of public inquiry?

5 MR. MARTLAND: Mr. Commissioner, Brock Martland, counsel for  
6 Mr. Owen. I simply question -- in some of these  
7 situations Mr. Ward has a proposition which is  
8 entirely proper to put to the witness if there's a  
9 proposition that may be useful in terms of  
10 eliciting this evidence. Going into a discussion  
11 in 2010 with media would seem on its face, at  
12 least at the level of an interview -- or a  
13 discussion on the radio, not to be closely tied to  
14 again the question of the police board's  
15 involvement with respect to these investigations  
16 in the late 1990s.

17 THE COMMISSIONER: I don't quite understand the objection.

18 MR. MARTLAND: It's an objection on the basis of the relevance  
19 of asking this witness about comments and also  
20 appreciating, frankly, Mr. Commissioner, the  
21 difficulty of yourself having been part of that  
22 whole process in attempting to elicit through the  
23 witness comments about an interview. The  
24 interview, in my respectful submission, sir, is  
25 after the fact and is not closely relevant to the

1 terms of reference. I would frame it as a soft  
2 objection in the sense that if Mr. Ward has a  
3 proposition -- if there's a proposition that  
4 follows from that --

5 THE COMMISSIONER: Okay. I think I have your point. The point  
6 here is that it doesn't really matter what he  
7 thought of the inquiry. The fact we really want  
8 to know is what his role was in the missing  
9 women's investigation. That's -- and what his  
10 role as the chair of the police board was. That's  
11 really what we're here for.

12 MR. WARD: I know what we're here for, Mr. Commissioner, but  
13 the purpose of the question -- I really don't want  
14 to debate it because, for one thing, I only have a  
15 few minutes left. I'll just use the transcript  
16 when it's appropriate to do so. The point simply  
17 was that senior members involved in the  
18 administration of the City -- the mayor was one of  
19 them. Police chiefs and their subordinates were  
20 others -- throughout the whole period of time in  
21 question and even subsequently lacked empathy for,  
22 compassion for the families and thus -- and the  
23 mind-set is one and the same in saying that  
24 there's no need for a public inquiry, but in fact  
25 that's what Mr. Owen said on that occasion. It

1           evidences that state of mind that is not easily  
2           shed by any individual.

3   THE COMMISSIONER: Well, you know -- yes, Mr. Dickson?

4   MR. DICKSON: Yes. Mr. Commissioner, I know that Mr. Ward  
5           doesn't want to debate this, but with that  
6           statement, with that extraordinarily broad  
7           statement where he seeks to suggest that the  
8           entirety of the -- of the police department and  
9           the police administrators then and now have no  
10          empathy or anything of the sort, I do object to  
11          that. And I point out specifically that the  
12          department called for this inquiry.

13   THE COMMISSIONER: I know that. And so, look, put it to  
14          them -- you've already gone over that about the  
15          lack of empathy and all that. Put it to them. I  
16          don't know if that's going to help me at the end  
17          of the day. You know --

18   MR. WARD: I'll move on.

19   THE COMMISSIONER: Yes. All right.

20   MR. WARD:

21           Q   Thank you. Ms. Mottus, you testified this morning  
22           that the board, namely the Vancouver Police Board,  
23           was, at least according to my note, a very  
24           difficult place to be. Did I get that right?

25   MS. MOTTUS: I think that's pretty accurate, yes.

1           Q   What did you mean by that? I take it you were  
2               referring to being on the board as a civilian and  
3               having to deal with some sort of oversight role  
4               with respect to the Vancouver Police was  
5               difficult?

6   MS. MOTTUS: It was difficult from the perspective of being  
7               asked to take on a role, which I was in June of  
8               1995, without the guidance -- or what came out  
9               later as the handbook that we've been given here  
10              as Tab 10. 1999 it looks like they came out --  
11              the Province came out with some rules,  
12              responsibilities, but being a board member in  
13              1995, there was no orientation. You were somewhat  
14              going by Braille trying to figure out what your --  
15              number one, what your role was and how best to go  
16              about that. And a lot of what we did and a lot of  
17              how we managed our meetings was based on what the  
18              department put to us as agenda items that the  
19              board should be considering.

20          Q   Well, let me suggest another reason why it may  
21               have been difficult to have been a civilian  
22               charged with overseeing the police in some  
23               capacity. You would agree that the police  
24               generally and the Vancouver Police specifically  
25               are very powerful in terms of their role in



1 society?

2 MS. MOTTUS: They have a place in society that I think most  
3 people think of them at a certain level, correct,  
4 holding power.

5 Q And just as a matter of common sense, in any  
6 interaction between civilians and police, the  
7 police generally have the upper hand, the higher  
8 authority. They get their way usually, right?

9 MS. MOTTUS: I don't know that they get their way usually. I  
10 would say that it's not an equal footing.

11 Q You're all familiar, I suspect, or expect with  
12 Allen Garr of the *Vancouver Courier* who comments  
13 in that newspaper about civic affairs?

14 MS. MOTTUS: Yes. I'm familiar with him.

15 Q Let me read to you one of his characterizations of  
16 the police board. And this was published in the  
17 *Courier* on February 17th, 2011 and was a piece he  
18 wrote about the apology that was just marked as  
19 Exhibit 196. He said this. And I have extra  
20 copies if you want to confirm that he said it. He  
21 said this:

22 Chairs of police boards, our front line of  
23 civilian oversight, are typically  
24 cheerleaders for the police force rather than  
25 representing the community and asking hard

1                    questions about how the cops are doing their  
2                    work.

3                    I'll ask you first, Mr. Owen. Is that  
4                    characterization a fairly accurate one?

5       MR. OWEN: I don't agree with the word cheerleaders. I think  
6                    that's not a good -- appropriate reflection.

7                Q    Would you agree that the chair, the role that you  
8                    had, plus the members of the police board insofar  
9                    as dealings with Vancouver Police were concerned  
10                   were in a fairly deferential position to the  
11                   police?

12       MR. OWEN: I don't know quite how to answer that in that things  
13                   have -- as time went on things changed. As chiefs  
14                   came on, things changed. We had two prominent  
15                   lawyers come on the board: Ken Bagshaw and Allan  
16                   Black, both QCs, and so we were -- things were  
17                   changing, so I don't want you to think that there  
18                   was that point and it's always like that, that we  
19                   were just, quote, "cheerleaders".

20                Q    All right. Sorry. You testified that you had  
21                   discussions at the board level about the  
22                   possibility that one or more serial killers were  
23                   responsible for the disappearances of all these  
24                   women, right?

25                A    Yes.

1           Q    You were unable, certainly at periods of time in  
2                   1999, to get the police department to subscribe to  
3                   that view and to attack the issue from that point  
4                   of view, correct?

5           A    Well, internally in the police department, yes.  
6                   There was not unanimity about that.

7           Q    All right.

8   MS. MOTTUS:  Mr. Ward, if I may interject.  I don't recall  
9                   discussions at the board about the serial killer  
10                  aspect when we were receiving updates from the  
11                  department on what was happening with the  
12                  investigation.  I just wanted to make note of  
13                  that.  That's not something I recall.

14          Q    So you and Mr. Owen have different -- difference  
15                  on the point?

16   MS. MOTTUS:  Differing opinions on that, yes.

17          Q    And what about you, Ms. Watson, on that point?  Do  
18                  you recall those discussions?

19   MS. WATSON:  I wasn't there in 1999.

20          Q    Thank you.  Last area in the limited time I have  
21                  is a question about a document that commission  
22                  counsel has placed before you.  It's part of  
23                  Exhibit 194 and it's at Tab 39.  And this will be  
24                  a question for any or all of you.  And it appears  
25                  to me to be a presentation delivered to the police

1 board meeting of 02.05.15, which I understand to  
2 be May 15th, 2002. The author isn't identified,  
3 so the first question I have, given this fairly  
4 lengthy presentation about the -- the Willie  
5 Pickton arrest and charges in respect of the  
6 missing women cases, can you tell me who prepared  
7 this and delivered this presentation, any of you?

8 MS. MOTTUS: I wasn't on the board in 2002. I left by June of  
9 2000.

10 Q All right.

11 MR. OWEN: I was on the board until December, 2002 and I don't  
12 recall it at all and I haven't had a chance to  
13 read it all, but I'm unable to answer your  
14 question.

15 Q And, Ms. Watson, forgive me. I don't recall  
16 your -- your tenure there. Were you there then?

17 MS. WATSON: No. I left December, '98.

18 Q All right. Let me put it in context, Mr. Owen.  
19 There was, of course, the massive search of the  
20 Pickton property. It received lots of media  
21 attention and it started February 5th, 2002. A  
22 few months later, someone along with Detective  
23 Driemel from Public Affairs and Relations within  
24 the VPD and Mr. Eli Sopow attend at the board and  
25 give this presentation, bringing the board details

1                   about the case from the author's perspective.

2                   Does that assist you in recalling that event?

3       MR. OWEN:  No.  I don't have any recollection of the event at  
4                   all.

5               Q    It would appear from this document that the  
6                   author, whoever the author was, Driemel, who we  
7                   know is a VPD officer, and Mr. Eli Sopow, who I  
8                   understand is an RCMP media person, outlined the  
9                   steps along the way in the Pickton investigation.  
10                  You can see that just by looking at the document,  
11                  right?

12       MR. OWEN:  Yes.

13              Q    The author, I suggest, got a lot of things wrong  
14                   in this document.  And just one example is over on  
15                   page 2.  The author refers to a Paul Hiscox, and  
16                   there was nobody by that name involved in the  
17                   case.  The author got the name wrong.  It's Bill  
18                   Hiscox.  But I don't want to spend time on all the  
19                   errors in this document.  I want to take you right  
20                   to the end.  And this may assist you, Mr. Owen, in  
21                   recalling who made this presentation, because at  
22                   this point it remains a mystery to me and it might  
23                   be relevant to this inquiry.

24       MR. OWEN:  Well, there's names listed here, but I can't tell  
25                   you who the author is.

1 Q At the end, the last two pages, the author of the  
2 document writes this:

3 Some of the prolific parties constantly cited  
4 in the media.

5 And then provides a list of names. Do you see  
6 that?

7 MR. OWEN: Where are you?

8 Q Second-to-last page.

9 MR. OWEN: The middle or the top or the bottom? Where is it?

10 Q The top.

11 Some of the prolific parties constantly cited  
12 in the media.

13 So I want to put this in context because  
14 presumably you as chair were at this meeting, Mr.  
15 Owen. The Pickton case is broken wide open.  
16 There's been this massage search. It's still  
17 ongoing. It's in the news and there's a  
18 three-person delegation that comes to the board  
19 and sets out for the board's information how it  
20 was that the VPD first learned about Pickton back  
21 in '97 and why presumably the VPD hadn't caught  
22 him earlier, all right? Does that assist you  
23 further in recalling who it was who came and gave  
24 this presentation?

25 MR. OWEN: You're presuming that I was there.

1 Q I am.

2 MR. OWEN: I'm not sure. I can't answer that one way or the  
3 other, whether I was at that meeting or not. I  
4 didn't attend every single meeting. I had to do a  
5 lot of other things.

6 Q Fair enough. I'll ask you one more question --  
7 one or two more questions in an attempt to refresh  
8 your recollection. The last two pages the author,  
9 the VPD author of this document, lists as these  
10 parties who are in the media: Wayne Leng, Hiscox,  
11 my client Ernie Crey, Sandra Gagnon, the Draayers,  
12 Kathleen and, finally, Dr. Kim Rossmo. Several  
13 of -- all of those except Rossmo are family or  
14 friends of the disappeared women. Do you accept  
15 that, sir?

16 A You say they are. Yes.

17 Q All right. My point is this: The author of this  
18 presentation to the police board after Pickton's  
19 farm is being searched makes the most derogatory,  
20 disparaging comments about each of these people,  
21 the family members and Rossmo. Does that assist  
22 you in recalling the presentation to the board?

23 A No, it doesn't. You say this was May the 15th,  
24 2002?

25 Q I do. Just based on the date on the front page of

1           it. It's a Vancouver Police Department document.  
2           It's been presented to us in this inquiry and it  
3           may -- I don't know. I wasn't there, but it may  
4           have been Inspector Beach or some other senior  
5           officer who gave this presentation. Do you have  
6           any recollection of these three gentlemen coming  
7           forward?

8   MR. OWEN: No, I don't. I don't recall this at all.

9           Q   Well, here's my question for you in any event:  
10          The extraordinarily caustic remarks about the  
11          families -- and I don't want to read any of them  
12          out because they're so objectionable -- is  
13          consistent with the Vancouver Police executive's  
14          expressed view about the families and their loved  
15          ones and their friends when they were going  
16          missing, isn't it?

17   MR. DICKSON: I object to that question, Mr. Commissioner. I  
18          don't know how Mayor Owen is meant to answer a  
19          question like that. He's been taken to this  
20          document. At every stage he said he doesn't  
21          recall it. He hasn't read it, I take it, from his  
22          comments so far. And then the question is so  
23          broad, inconsistent with the views of management,  
24          expressed views of management. Perhaps Mr. Ward  
25          could rephrase it to ask an actual matter of fact,



1 but right now it's a matter of opinion, the  
2 question of opinion, in a very vague way.

3 THE COMMISSIONER: I don't understand the question. Maybe you  
4 can reword it for me.

5 MR. WARD: I'll reword it. Thank you. And I'm grateful for  
6 the assistance. And I don't want to read these  
7 remarks because of their objectionable nature, but  
8 let me rephrase the question this way: The police  
9 officer who prepared the report to the police  
10 board on May 15th, 2002, while the Pickton farm  
11 search was in full swing, referred to Sarah de  
12 Vries's friend as having -- in an objectionable  
13 way referred to the informant Hiscox, who came  
14 forward in 1998, as being someone who was  
15 harassing the police, referred to Mr. Ernie Crey  
16 as being someone who really didn't care about his  
17 missing sister, referred to Sandra Gagnon, another  
18 family member, in a most objectionable way,  
19 referred to the Draayers of having some negative  
20 experience with government, and referred to  
21 Kathleen Hallmark, the mother of one of the  
22 missing women, in an objectionable way. That  
23 emerges from the documents. My question for you  
24 is this: Given that you dealt with the Police  
25 Chief Chambers, the Police Chief Blythe and some

1 of their subordinates in the upper echelon of the  
2 police department, all of this is consistent with  
3 the attitude they maintained throughout their  
4 dealings with you, correct?

5 MR. OWEN: If Pickton was found in 1999 -- this was 2002. I  
6 would have remembered -- if I was there, I would  
7 have remembered that and if I was there, I would  
8 have taken as strong offence at these comments as  
9 you have because by 2002 this kind of chatter was  
10 absolutely inappropriate.

11 Q And my question for you is simply this: You were  
12 there prior to 2002 dealing with what I'll call  
13 the old boys in the VPD and their chatter  
14 throughout that period '97 to 2002 about the  
15 families and their lost loved ones was just in the  
16 same vein, wasn't it?

17 MR. OWEN: Yes, it was. It was never done in front of me or I  
18 would have objected strongly.

19 MR. DICKSON: Well, I object to that line of questioning. We  
20 just heard Mr. Owen say it was never done in front  
21 of him.

22 MR. WARD: Well, he knows what the chatter was and he's told us  
23 about it. Thank you.

24 THE COMMISSIONER: I have your objection.

25 MR. WARD: But it's a small group, isn't it? And you well knew

1           that the old boys in the VPD between 1997 and 2002  
2           had a pretty dim view of the -- of the  
3           drug-addicted hookers, as they called them, and  
4           the family members who really, you know, didn't  
5           really care about them, didn't they?

6   MS. WATSON: Mr. Ward, you're talking about '97 when I was  
7           there?

8   MR. WARD: I'm not asking you anything, please. I'm not asking  
9           you a question. I'm asking Mr. Owen.

10   THE COMMISSIONER: Just a minute. We have a panel and --

11   MR. WARD: I don't want a panel.

12   THE COMMISSIONER: Just I don't care if you want one or not.  
13           We have one.

14   THE REGISTRAR: We're out of time.

15   MR. WARD: We're out of time. This is a cross-examination,  
16           sir, and I'm cross-examining Mr. Owen.

17   THE COMMISSIONER: I know that, but at this stage if another  
18           witness is in a position to answer the question,  
19           I'm going to let her answer it. You can ask Mr.  
20           Owen, but in fairness I'm going to let the other  
21           panel member answer in due course. Now, you can  
22           do it one of two ways. You can do it right now or  
23           after Mr. Owen has answered, then she can do it.

24   MR. WARD: I'm going to ask Mr. Owen my question if I may.  
25           This is my cross-examination.

1 THE COMMISSIONER: All right.

2 MR. WARD: Now, you knew the chatter as a result of being mayor  
3 and chair of the police board, the chatter that  
4 was going on in the old boys contingent managing  
5 the VPD, and you knew that it was consistent with  
6 this stuff I've just shown you; that they had a  
7 really dim view of the drug-addicted native  
8 hookers who had gone missing and they had a  
9 similarly disrespectful view of the family members  
10 who were trying to get the problem solved,  
11 correct?

12 MR. OWEN: There were some officers and there were some groups  
13 that felt that way, but in the higher ranks things  
14 were changing. And then Jamie Graham became chief  
15 in 2002, I believe it was. Things changed and he  
16 was very much on side with what I was doing. I  
17 was there getting InSite open and doing the Four  
18 Pillars Approach, and so on. And yes. There were  
19 officers that didn't agree with it and didn't  
20 agree with a lot of these things, but they were in  
21 the minority.

22 MR. WARD: So Jamie Graham, when he came along as chief,  
23 effected a cultural change from the old view that  
24 these were just hookers and you shouldn't really  
25 care about them to a much more sympathetic

1                   approach; is that right?

2       MR. OWEN:   That's correct.

3                   Q    Okay.  Lori Shenher put it this way -- she has a  
4                       way of words -- in Exhibit BB.  She said:

5                        There are a lot of members in the Vancouver  
6                        Police Department --

7                        She wrote this in her manuscript that she was  
8                        going to have published by McClelland & Stewart  
9                        and sold at book stores across the country.  She  
10                      said there were people in the VPD who wouldn't  
11                      have pissed on these women if they were on fire.

12       MR. DICKSON:  Mr. Commissioner, Detective Constable Shenher's  
13                      evidence, as Mr. Ward well knows, is that she was  
14                      not going to publish that book in that form.

15       MR. WARD:  All right.  In Exhibit BB, witness -- Detective  
16                      Constable Lori Shenher, the lead investigator in  
17                      the missing women's investigation, wrote back in  
18                      2003 of her experience in the investigation.  And  
19                      she said in writing at that time when expressing  
20                      her frustration with the way the VPD had handled  
21                      the case that many of her male colleagues wouldn't  
22                      have pissed on the women if they were on fire.  
23                      And that's another way of characterizing the very  
24                      disrespectful view that you observed was held by  
25                      many of the members of the Vancouver Police

1 Department, isn't it?

2 MR. OWEN: There's 1500 members and so it's --

3 THE COMMISSIONER: Don't answer the question. There's an  
4 objection here.

5 MR. DICKSON: Well, perhaps I rose too quickly, Mr.  
6 Commissioner, because Mr. Owen's statement was  
7 along the lines of my objection, which is that Mr.  
8 Ward is again asking for Mr. Owen to opine on the  
9 attitudes of 1500 members of a force. It's the  
10 broadest and vaguest question you can --

11 THE COMMISSIONER: Well, it is a general question. I don't  
12 know if it helps me, but he's already answered it  
13 and said that there were some members who were  
14 like that and he disapproved of it, so -- but  
15 there's nothing basically wrong with the question  
16 and that is that if he heard that attitude or if  
17 he was privy to it and what he thought of it,  
18 so --

19 MR. WARD:

20 Q And, sir, as mayor and chair of the police board,  
21 your contact was with the senior members of the  
22 Vancouver Police Department who were invariably  
23 older men, correct?

24 MR. OWEN: Well, as far as I'm concerned, I'm an older man in  
25 my 80th year, but they were pretty young when they

1                   retired at 60 as far as I'm concerned.

2                   Q   All right. But they were men in their fifties and  
3                   sixties in upper management?

4   MR. OWEN: Yes.

5   MR. WARD: All right. Thank you. Those are my questions given  
6                   that I'm out of time.

7   THE COMMISSIONER: All right. Ms. Watson, you wanted to say  
8                   something?

9   MS. WATSON: Well, Mr. Commissioner, I was just going to make  
10                  the point that it's a little bit unclear here if  
11                  you're talking about the police board or what Mr.  
12                  Owen knew or didn't know because of the work he  
13                  was doing around the Four Pillars, and my  
14                  recollection, for the period of time that I was  
15                  there up until the end of 1998, I don't recall  
16                  hearing that kind of language or that kind of  
17                  attitude expressed in the board presence. Knowing  
18                  the colleagues that were around the table, I think  
19                  there would have been a significant uproar and,  
20                  you know, we all had issues about how things  
21                  worked or didn't work, but I would say that  
22                  Philip, you know, he's not someone who would stand  
23                  for that kind of attitude about anyone. So at the  
24                  police board level this was not something that we  
25                  saw. I guess that's all I wanted to say, is to

1                   separate what may have happened or been heard in  
2                   those circumstances.

3   THE COMMISSIONER: All right. Thank you. Mr. Gratl.

4   **CROSS-EXAMINATION BY MR. GRATL:**

5                   Q   Thank you, Mr. Commissioner. My name is Jason  
6                   Gratl. I'm counsel for Downtown Eastside  
7                   interests and perspectives to the extent that I  
8                   hope to respresent them. I'm trying to represent  
9                   the perspectives of sex workers and drug users in  
10                  particular. Ms. Watson, when did you join the  
11                  board of the Vancouver Police Board?

12   MS. WATSON: The summer 1992.

13                  Q   And at the time you had been a corporate -- you  
14                  were a corporate lawyer; is that right?

15   MS. WATSON: No. I was a prosecutor for a year. I did some  
16                  corporate commercial work and I did a lot of  
17                  litigation. I defended some criminal cases and  
18                  did some work at youth court.

19                  Q   Okay. So you had a general practice?

20   MS. WATSON: I did.

21                  Q   It wasn't a corporate solicitor's practice?

22   MS. WATSON: No.

23                  Q   How did you become -- you're familiar with the  
24                  *Police Act* to some extent?

25   MS. WATSON: I am.



1                   Q   And you recognize that the *Police Act* contemplates  
2                   a police board for municipalities consisting ex  
3                   officio of the mayor of a council?

4   MS. WATSON:   Right.

5                   Q   One appointee of the municipal council?

6   MS. WATSON:   Right.

7                   Q   And up to five appointees of the lieutenant  
8                   governor council?

9   MS. WATSON:   Right.

10                  Q   So the majority of the members of police boards in  
11                  British Columbia are appointed by the Province?

12   MS. WATSON:   Correct.

13                  Q   And so that would be in particular the provincial  
14                  caucus?

15   MS. WATSON:   Not the caucus.  It's the cabinet.

16                  Q   Okay.  So that it's --

17   MS. WATSON:   It's actually the minister, I think.

18                  Q   Which minister would that be?

19   MS. WATSON:   I think it's probably -- what is it?  Solicitor  
20                  General?

21   THE COMMISSIONER:  Well, it would be the minister who's in  
22                  charge of policing.  It's various governments.  
23                  It's been either the Solicitor General or the  
24                  Attorney General.

25   MR. GRATL:

1           Q    Now, when you were the appointed -- I guess you  
2                were a provincial appointment, were you?

3    MS. WATSON: I was both. I was originally a City appointee and  
4                then actually my friend there -- I wasn't  
5                appointed as council. They came in with Mayor  
6                Owen. I was not reappointed and the provincial  
7                government appointed me.

8           Q    And how was the selection process done for your  
9                initial appointment?

10   MS. WATSON: I have no idea.

11          Q    Who contacted you and asked you to serve on the  
12                board?

13   MS. WATSON: Serve on the board? Probably when I -- I would  
14                have got a call from somebody at the City, I  
15                guess, when I was asked to do that by the City.  
16                When I was asked by the Province --

17          Q    Who at the City asked you to join the police  
18                board? I just want to get a sense of how this  
19                works exactly.

20   MS. WATSON: That's a good question. I think -- well, Mayor  
21                Owen would be able to tell you what the process  
22                was when he was there. My understanding is that  
23                names would go forward to council and they would  
24                decide on who they wanted to appoint to various  
25                things that they appoint to and one of which is

1 the police board.

2 Q But in terms of your appointment, you're saying  
3 you don't remember in effect; do I have that  
4 correctly?

5 MS. WATSON: I had done some work on something called The Safer  
6 City Task Force that the mayor set up, the then  
7 Mayor Gordon Campbell, and it was when a young boy  
8 was attacked in a cinema and he put together a  
9 group of people -- Nancy Morrison was the chair --  
10 to look at sort of safety issues around the city,  
11 and I was part of that. I actually took a fairly  
12 large role in leading the work of the task force  
13 and helping writing a report, so I think through  
14 that probably a recommendation from Gordon  
15 Campbell at that time for me to go on the police  
16 board. That's my guess.

17 Q Okay. You're just speculating though?

18 THE COMMISSIONER: Well, in fairness, you've asked her to  
19 speculate. She said she's not sure.

20 Q I haven't asked her to speculate.

21 THE COMMISSIONER: Well, of course, you are. Mr. Gratl, she  
22 says she doesn't really know and she's guessing  
23 and she's been guessing. She doesn't know who  
24 asked her. And then when she gives the answer,  
25 then you said, "Well, you're speculating." She

1 doesn't know for sure. I just want you to be fair  
2 to her, that's all.

3 MS. WATSON: It may have been that Gordon Campbell asked me,  
4 but the person who phoned and formally asked me, I  
5 couldn't tell you. It was probably a clerk of the  
6 City Council.

7 Q All right. And how about you, Ms. Mottus? When  
8 did you get appointed to the police board?

9 MS. MOTTUS: I was appointed in June of 1995.

10 Q Okay. And how did you get appointed?

11 MS. MOTTUS: In June of 1995 I was off on maternity leave and  
12 all I -- I recall getting a phone call from a  
13 director from the BCGEU asking me if I would be  
14 interested in putting my name forward.

15 Q Okay. And was there any discussion of your  
16 specific qualifications?

17 MS. MOTTUS: Not that I recall, no.

18 Q I read your CV. I'm sure it's not totally  
19 comprehensive, but it didn't seem to me that your  
20 CV indicated at the time of your appointment that  
21 you had any significant policing or criminal  
22 justice experience?

23 MS. MOTTUS: No. From what I recall, sir, it was more that --  
24 it was based on demographics; that I was given to  
25 understand they were looking for a woman of colour

1                   and that maybe I could represent those interests  
2                   on the board.

3                   Q    Okay. And I take it, though, that you didn't  
4                   really have any specific policing or criminal  
5                   justice related qualifications then?

6    MS. MOTTUS: I think I probably had as much as anybody else, my  
7                   colleagues on the board. Correct. I didn't have  
8                   any.

9                   Q    And, Ms. Watson, board governance. There was  
10                  quite a bit of law in respect of board governance  
11                  at the time you were initially appointed to the  
12                  Vancouver Police Board?

13    MS. WATSON: The law is the same today as it was then. The  
14                  practice is extremely different today than it was  
15                  then.

16                  Q    Okay. The law was the same in the sense, in  
17                  particular, that individuals who have specialized  
18                  experience are required -- they have a higher  
19                  obligation or a higher duty to ask hard questions  
20                  at the board level. So if you're an accountant,  
21                  you have to ask hard questions about accounting  
22                  issues and if you're a lawyer, you have to ask  
23                  hard questions about lawyer-type issues?

24    MS. WATSON: You ask within the area of your expertise,  
25                  absolutely.

1           Q    That's right.  You have a heightened duty within  
2                the area of your expertise?

3    MS. WATSON:  You put your expertise to work, obviously.  
4                Everybody does.

5           Q    I'm talking about the legal obligations.  You're  
6                an expert on board governance, right, so that's  
7                why I'm asking you.

8    MS. WATSON:  You're held to a higher duty based on the level of  
9                your expertise.  Within the level of your  
10               expertise you're held to the standard of  
11               reasonable expectations.  I'm sure that makes  
12               sense.

13          Q    So if an entire board is composed of individuals  
14                who don't have an expertise in the area that  
15                they're governing, everybody's held to the same,  
16                relatively speaking, lower standard?

17    MS. WATSON:  They are reliant on the information that's  
18                provided to them.

19          Q    That's a legal matter.  As a practical reality, if  
20                the people who are exercising the powers of the  
21                board don't have any actual empirical  
22                understanding of the issues they're asked to  
23                govern, it's really hard for them to second-guess  
24                any decisions made by the people they're asked to  
25                govern?

1 MS. WATSON: Decisions regarding -- if you're asking  
2 particularly around we think we're doing a  
3 thorough job on an investigation, it would be very  
4 hard for people around the police board to  
5 challenge that.

6 Q Sure.

7 MS. WATSON: Is that what you're asking?

8 Q In part. I'm asking about the operational side,  
9 but also the policy side. So that it would be  
10 even hard for a board that doesn't have  
11 specialized understanding of the topic they're  
12 asked to govern to second-guess policy decisions  
13 of the entity that they're governing?

14 MS. WATSON: Yes. So when the police want to change from a  
15 nine millimetre to a six millimetre -- and I don't  
16 know that I have those millimetres correct --  
17 that's a challenging issue for the board to  
18 counter, but the board doesn't sit there like  
19 lumps. The board also reads and is provided with  
20 some information regarding the kinds of practices.  
21 So, for example, when they decide that they're  
22 going to -- they need to change the colour of the  
23 cars to white because it's a safety issue, there  
24 is information that is provided to support that.  
25 You hope to have enough information that you feel

1 comfortable with that, but you're not about to get  
2 in a complete argument with the police around the  
3 volumes of reports that they have and their  
4 recommendations that they require this for safety  
5 purpose. It's very hard to have that kind of  
6 conversation. On the other hand, an example of  
7 where we took them to task on a matter of policy  
8 was one that I was actually very involved with,  
9 was where we had all been, as we do, go to the  
10 recruiting classes that are being sworn in and we  
11 said to the police at one of our -- the next  
12 meeting why was it that all of the recruits  
13 appeared to be young white men, many of them  
14 having fathers in the police department. That  
15 doesn't seem right. It's not reflective of our  
16 community. We don't think that's the right  
17 standard. What's the approach to diversity?  
18 What's your policy? What's your process --

19 Q When did that happen?

20 MS. WATSON: Were you there already, Kinder? Were you there,  
21 Philip?

22 MR. OWEN: Yes.

23 MS. WATSON: So you started when? '93?

24 MR. OWEN: Late nineties.

25 MS. WATSON: '95?



1 MR. OWEN: Late nineties.

2 MS. WATSON: '95, '96, '97. I don't know. Somewhere in there.

3 It would be in the minutes somewhere. And that  
4 was actually quite a tough issue to push forward,  
5 to be honest.

6 Q Was there any policy that arose out of those  
7 conversations?

8 MS. WATSON: Yes. There was a complete change in practice.

9 Q Was there a policy, a written policy change?

10 MS. WATSON: I don't know the answer to that. I'd have to  
11 look. I do not know the answer to that.

12 Q Okay. And how about you, Ms. Mottus? Do you  
13 remember if there was a written policy change in  
14 answer to this problem that only white males  
15 who -- or predominantly white males who were sons  
16 of current police officers were being recruited?  
17 Was there a written policy change in response to  
18 that problem?

19 MS. MOTTUS: The short answer is no. I can't remember if there  
20 was a written policy change or a policy put in  
21 place, but, as Ms. Watson has mentioned, the  
22 practice definitely changed and there was a  
23 difference even in staffing in the recruiting  
24 area. It might have been the time as well that  
25 the chief's Diversity Advisory Committee was

1 brought on to again talk about how to make inroads  
2 into different communities so that our officers  
3 did reflect our diverse ethnic and religious  
4 communities.

5 Q All right. And I take it, Mr. Owen, you can't  
6 remember either?

7 MR. OWEN: Well, it would be in the minutes. I don't recall  
8 the actual policy change, but it was in the  
9 minutes and it was carried out in practice, so it  
10 has to be documented in the system, but perhaps  
11 not in a bound manual.

12 Q Okay. And you don't remember exactly when this  
13 happened, but you say there was a change in  
14 practice? You're nodding, Ms. Watson.

15 MS. WATSON: I'm nodding.

16 Q All right. And I take it you noted the change in  
17 practice with a set of annual reports about  
18 diversity and composition of the Vancouver Police  
19 Department and its members?

20 MS. WATSON: We saw all the names. We saw all the recruit  
21 classes coming in, so yes. We had that  
22 information.

23 Q Okay. The statistics would have borne things out;  
24 is that right?

25 MS. WATSON: I expect so.

1           Q   Well, I'm just suggesting to you that when it  
2               comes to aboriginal members of the Vancouver  
3               Police Department, there weren't any statistics  
4               kept back at that time?

5   MS. WATSON: You could be right.

6           Q   Okay. And that none of the policies changed when  
7               it came to aboriginal members of the Vancouver  
8               Police Department, did it?

9   MS. WATSON: I don't know.

10          Q   All right. So you don't recall -- you recall a  
11               discussion based on gender only?

12   MS. WATSON: No. The board at that time, like I expect every  
13               other board, did not have the culture of having a  
14               set of broad administrative policies that it felt  
15               like it owned, reviewed, updated, changed. That  
16               wasn't the way it operated. I expect it's much  
17               different today. As I've said before, it was  
18               probably not dissimilar to the way that other  
19               boards in other settings also did not have that  
20               kind of rigor.

21          Q   All right. I take it, though, that it was a  
22               statutory requirement at the time that the police  
23               board was in part responsible for policy  
24               formation, correct?

25   MS. WATSON: On certain policies, I believe you're correct.

1 Q And I take it that --

2 MS. WATSON: A lot of administrative policies is what I recall.

3 Q Sure. And what you're saying is that the board at  
4 that time didn't quite fulfil its statutory  
5 mandate?

6 MS. WATSON: I wouldn't say that. You'd have to show me that  
7 statutory mandate. The administrative policies  
8 that are required I believe were set out in a  
9 regulation. I couldn't tell you the details about  
10 that. This was more of a broad -- a broad policy  
11 of how the department should approach a certain  
12 aspect of its operations in the administrative  
13 sense. We did not have broad debates around this  
14 kind of policy. Whether we should have or not,  
15 another question. We didn't. But on this  
16 particular issue, we did feel that was an area  
17 that we had a sense around the room that the  
18 department should be more reflective of the  
19 community. We also had issues then with a lot of  
20 Asian gangs and other communities. We didn't have  
21 very many officers who could participate in those  
22 kinds of investigations in different ways. So  
23 there was a number of different reasons for it.

24 Q All right. The *Police Act* doesn't set out  
25 statutory requirements for qualification to serve

1 as a board member for the Vancouver Police Board;  
2 is that correct?

3 MS. WATSON: Are you asking me to confirm what's in the act?

4 Q Yes. To your knowledge there's no -- there are no  
5 specific qualifications --

6 MS. WATSON: Yes. Just the act. No. There's nothing in  
7 there.

8 Q There's no residence requirement. There's no  
9 requirement that a person live in the municipality  
10 that they're governing?

11 MS. WATSON: Not as far as I'm aware.

12 Q And there's no -- obviously these positions aren't  
13 elected in any way, so there's no accountability  
14 to the citizenry --

15 MS. WATSON: The accountability is through the politicians that  
16 appoint the board, right?

17 Q Okay. So that's it. The minister appointing the  
18 board is the person accountable, but that doesn't  
19 occur at a local level, correct? The  
20 accountability occurs at a level different than  
21 governance?

22 MS. WATSON: I'm not quite sure what you're getting at.

23 Q Okay. Well, what I'm saying is that a municipal  
24 police board -- the appointment to a municipal  
25 police board isn't done at a local level. One of

1                   the manifestations of that is no election within  
2                   the municipality for many of these positions?

3       MS. WATSON: I actually think the practice within the province  
4                   in later years, because I actually oversaw that  
5                   process in the early 2000s, was for the Director  
6                   of Policing to liaise with the council.

7               Q    That's Kevin Begg, correct?

8       MS. WATSON: It was.

9               Q    And which council was it? That would be the City  
10                   Council?

11       MS. WATSON: A council of the municipality or city.

12              Q    Okay. So it was Kevin Begg had a massive  
13                   influence on who was appointed; is that right?

14       MS. WATSON: I think that's correct.

15              Q    He's Director of Police Services for the Province  
16                   of British Columbia?

17       MS. WATSON: He was.

18              Q    And the Assistant Deputy Minister; is that  
19                   correct?

20       MS. WATSON: I don't know his title.

21              Q    Solicitor General ADM. Okay. Now, you're not  
22                   aware of any formal requirements for membership  
23                   outside of the -- outside of the act, are you?

24       MS. WATSON: No. I think, you know, the Province had a  
25                   practice around people without certain kinds of

1 conflicts and things like that, but no statutory  
2 requirements outside of the act that I'm aware of.

3 Q All right. So if the minister wanted to appoint a  
4 passive board, it could appoint people who didn't  
5 have very much policing experience; is that  
6 correct?

7 MS. WATSON: I don't -- I wouldn't equate people without  
8 policing experience as being passive.

9 Q All right. I thought we had testimony earlier  
10 from you about the difficulties associated with  
11 second-guessing police practices --

12 MS. WATSON: You're suggesting we were passive? Is that what  
13 you're suggesting? Because I don't agree with  
14 that.

15 Q No. Can you just wait for the question and then  
16 answer the question that I ask, not what you think  
17 I'm asking? Ms. Watson, you agreed earlier that  
18 people without policing or criminal justice  
19 experience have a harder time second-guessing the  
20 entities that they're supposed to be governing,  
21 correct?

22 MS. WATSON: I'm saying they act on information that's provided  
23 to them. They apply their knowledge and  
24 background to the information that's provided.  
25 You're familiar with the business judgment rule.

1           It's the same kind of thing that we have in a  
2           board setting. You apply your judgment to the  
3           information. You apply your judgment to whether  
4           you think you have the right information. And  
5           then once you think you have the right  
6           information, you apply your judgment to say what  
7           is the best decision I can make based on the  
8           information that I have. And your requirement is  
9           to analyse that, come up with your best decision.

10          Q    Sure. And the less experience that you have, the  
11               less knowledge you have about the subject you have  
12               to govern, the more difficult it is for you to  
13               second-guess the people you're governing?

14    MS. WATSON: Depending on the issues. I mean we had people on  
15               there -- Arlene Gladstone was head of North Shore  
16               Family Services. She dealt with a lot of people  
17               that others didn't. We had an academic on our  
18               board. We had -- we had people who worked in the  
19               Downtown Eastside. So I'm not quite sure. If  
20               you're talking about the ability to challenge the  
21               police around some of the policing issues, I would  
22               agree with you. If you're talking about broad  
23               community issues, then I would have to push back  
24               on that.

25          Q    Now, at the time that you were on the board, Ms.



1           Watson, there was nobody who was experienced in  
2           Downtown Eastside politics, the lives of survival  
3           sex workers or people who were addicted to cocaine  
4           and heroin, was there?

5       MS. WATSON: I don't know that I could speak for the other  
6           members exactly. I don't know the degree we  
7           had -- we had people -- I'd have to look at and  
8           recall their background. We had -- also Jim was  
9           a -- he was the head of the Community Legal  
10          Assistance, so I think he had actually quite a lot  
11          of insight. Kinder herself had quite a bit of  
12          insight. And we would have some insight through  
13          the -- through the mayor and the mayor's position  
14          just in terms of the information, as Mr. Ward  
15          brought out earlier. But we certainly didn't have  
16          a board that was, you know, filled with people who  
17          maybe all worked in the Downtown Eastside. I  
18          agree with that.

19       Q   All right. Mr. Owen, we've already been taken to  
20           your comments on April the 6th, that newspaper  
21           article where you made the comment that you have  
22           already apologized for. I'm not going to ask you  
23           to apologize for that again. It's April 6th,  
24           1999. The board doesn't vote on the issue of the  
25           reward until after that, April 22nd -- or sorry.

1 I think it's April 26th.

2 MR. OWEN: 1999.

3 Q 1999, right?

4 MR. OWEN: Yes.

5 Q You get a memo from the author of which is  
6 Sergeant Field. Do you remember that? It's dated  
7 April 22nd.

8 MR. OWEN: Of '99?

9 Q Of 1999.

10 MR. OWEN: Sergeant Field. I don't recall a letter at that  
11 time. I may have seen it.

12 Q Well, the reason I bring it up is because the  
13 April 6th newspaper article, you seem to suggest  
14 that there's no evidence of a serial killer.

15 MR. OWEN: The one we talked about this morning?

16 Q Pardon me? Yes. That's exactly right. April  
17 6th, 1999, correct?

18 MR. OWEN: Well, somebody I don't know has written that and I  
19 said before I've given an explanation about my  
20 thoughts on those comments.

21 Q Sure. I'm not asking you to apologize. I'm just  
22 trying to track down your source of information  
23 for those comments. Obviously you weren't making  
24 it up. You wouldn't just make it up. You must  
25 have received information from some source or

1 another?

2 MR. DICKSON: Mr. Commissioner, I think what Mr. Owen was just  
3 referencing, as his earlier testimony, that he's  
4 not certain he made those comments. That's what I  
5 understood.

6 THE COMMISSIONER: Maybe I'd ask him whether or not he made  
7 them and then go on from there.

8 MR. GRATL:

9 Q All right. You're saying -- I mean this turned  
10 into a big deal, right? You were quoted in a  
11 media article saying, "We're not running a  
12 location service," and, boy, that news travelled  
13 fast, didn't it?

14 MR. OWEN: No, it didn't.

15 Q You were criticized for that in opinion pieces and  
16 it made the radio and people talked about it.  
17 You -- ultimately you changed your mind. You  
18 listened to people?

19 MR. OWEN: Yes.

20 Q And you changed your mind. You listened to the  
21 families. You heard what they said and you  
22 changed your mind about this location service  
23 business; isn't that right?

24 MR. OWEN: Yes. That's correct.

25 Q And what I'm suggesting is during all that period

1           when you were hearing criticisms of what you had  
2           been quoted as saying, you didn't say I didn't say  
3           that. You didn't say I was misquoted. There  
4           aren't any newspaper articles -- there are no  
5           opinion pieces, no letters to the editor from you  
6           saying I didn't say that, I was misquoted, are  
7           there?

8   MR. OWEN: I don't know what is reported in that paper or where  
9           it's reported. You're saying a lot of newspaper  
10          columns. I don't recall it being widely presented  
11          in the media.

12         Q   You knew it had been published, though, because it  
13           was --

14   MR. OWEN: In that one letter, yes.

15         Q   Yes. And -- but you didn't write --

16   MR. OWEN: You said it was widely distributed in other public  
17          print media. I don't believe that. I don't think  
18          that's true.

19         Q   Sure. Before today you never denied having said  
20           that. This is a novelty, isn't it?

21   MR. OWEN: What is the circulation of that paper that you're  
22          referring to that's taking up so much time today?  
23          Is it widely circulated? I've never heard of it  
24          before or since.

25         Q   I'm just trying to get at where you got this

1 information. You're reported as saying there's no  
2 evidence that a serial killer is at work. Owen  
3 told APBnews.com in a telephone interview.

4 MR. OWEN: Well, that's what the police department was saying.  
5 That's what the board was hearing. That's the  
6 kind of information that was coming out of the  
7 police department.

8 Q And what I'm asking you is where did you hear that  
9 because you hadn't had the board meeting yet?

10 MR. OWEN: I don't know where I heard it. I don't even know  
11 whether I said it that way. I've described that  
12 to you before. It came up in that one paper. I  
13 didn't know the person who phoned me. It was a  
14 telephone interview. I didn't know them. I've  
15 never heard of them. I've never met them. I  
16 haven't heard about them since. But if it was in  
17 fact true and I did ever say such a thing, I  
18 regret it and I apologize. It became a major  
19 disaster, this whole issue about these missing  
20 women.

21 Q Fair enough. I think that's an apt  
22 characterization. Constable Drennan is cited in  
23 the same article as saying exactly the same thing.  
24 There's no evidence that the women were killed and  
25 no suspects.

1 MR. OWEN: We had investigative detectives in the department,  
2 police department, that were saying that.

3 Q And I take it you were told by those detectives  
4 that there was no evidence. That was the --

5 MR. OWEN: It came out many times in discussion -- with private  
6 discussions I'd had with the chief. It came up at  
7 the board level, I'm sure. I mean I heard it  
8 many, many times. I'd be out travelling with  
9 people. I'd be with the Odd Squad crowd, Al  
10 Arsenault and Toby Hinton, and so on, and, you  
11 know, they were expressing these kind of views.  
12 They're constables.

13 Q So you're saying you were kept in the dark about  
14 the Hiscox tip, for example?

15 MR. OWEN: Yes.

16 Q You never heard about that?

17 MR. OWEN: Well, I don't know when I heard about it. I  
18 certainly know about it now. I heard about it at  
19 one time or another.

20 Q You would never have said that comment that was  
21 attributed to you in April of 1999 if you'd known  
22 about the Hiscox tip and this business about the  
23 farm?

24 MR. OWEN: No. Probably not.

25 Q In fact, if you had known about that tip, you

1           would have ensured that sufficient resources were  
2           devoted for a full on serial killer investigation,  
3           correct?

4       MR. OWEN: I'm not sure whether I'm being accurately quoted in  
5           the article, to be honest with you, but I'm  
6           accepting it as being factual.

7           Q   All right. The core of my question there is if  
8           you had known about a tip that somebody was in  
9           Port Coquitlam killing sex workers, you would have  
10          ensured that appropriate resources were devoted to  
11          investigating that issue fully, correct?

12       MR. OWEN: There were tips going on about everything. There  
13          was more tips flying around than you can possibly  
14          imagine from '97 and when they should have caught  
15          Pickton in '98, and so on. And there was rumours  
16          and rumblings and people were saying it's here,  
17          it's there. All sorts of people had ideas. We  
18          had people I talked to in the Downtown Eastside.  
19          People who were drug addicts had their thoughts on  
20          the issue, and it was varied.

21          Q   Sure. Did you know that there was one constable,  
22          Detective Constable Shenher, working on the issue  
23          from that whole period from the midsummer of 1998  
24          up until April of 1999?

25       MR. OWEN: I know about Detective Shenher. I know about her,

1 but I didn't spend any time with her. I'm not  
2 even sure when she came before the board many  
3 times. Do you recall her at the board? I don't  
4 recall her being at the board.

5 MS. MOTTUS: For what it's worth, again, I don't know what  
6 discussions the board heard about a serial killer,  
7 that theory either being talked down or the board  
8 being told, no, it's not there. I -- I don't  
9 recall those discussions happening in front of the  
10 board.

11 Q Okay. Do you remember -- Ms. Mottus, do you  
12 remember the -- receiving the April 22nd -- now,  
13 that's at Tab 7 of Exhibit 194.

14 MS. MOTTUS: I mean I'm looking at this. I'm sure it would  
15 have been part of the package. Do I remember it  
16 at the time? No. I don't even remember reading  
17 this now that it brings up anything again to me  
18 that says, oh, yeah. I recall getting this  
19 information. I'm sorry. I just don't have a  
20 recollection of it.

21 Q You don't remember reading this document?

22 MS. MOTTUS: No.

23 Q All right. And, Ms. Watson, you were off the  
24 scene there, so I appreciate that. And, Mr. --  
25 Mr. Owen, do you remember reading this memo?



1 MR. OWEN: No.

2 Q So you don't remember relying on the memo?

3 MR. OWEN: I don't recall the memo. I may have seen it, but I  
4 don't recall it.

5 Q Okay. There was a presentation at the Vancouver  
6 Police Board, do you recall, dealing with a reward  
7 and dealing with a task force?

8 MR. OWEN: I attended probably 90 percent of those awards. I  
9 may have been off in Victoria or Ottawa or  
10 somewhere doing other work.

11 Q There was a big moment of decision for the  
12 Vancouver Police Board. On the table were two  
13 possibilities. One was a hundred-thousand-dollar  
14 reward like the garage robbery award. Two was a  
15 task force like the Home Invasion Task Force. And  
16 the families and community advocates like Wayne  
17 Leng and Jamie Lee Hamilton, they were saying we  
18 want both of those. Do you recall that?

19 A No, I don't. But I'm sure they would want that.  
20 We weren't far enough along on the missing women  
21 issue.

22 Q Do you recall that the reward was -- the Vancouver  
23 Police Board voted to put the reward in place,  
24 correct? Do you remember that?

25 MR. OWEN: In Oakridge the home invasion -- the garage invasion

1 issue was all the Vancouver issue and it was all  
2 done inside Vancouver City Hall very quickly and  
3 council immediately bought the whole package and  
4 we moved very fast with it there, but we had to  
5 touch base with other people in the police  
6 department, and there was resistance in the police  
7 department, as has been well established today in  
8 this hearing.

9 Q All right, Mr. Owen. Do you remember my question  
10 was that I wanted to know whether you remembered  
11 that the Vancouver Police Board voted in late  
12 April, 1999 to put a reward in place?

13 MR. OWEN: I believe so. I -- I think that's right. Late  
14 April, '89 -- '99. Yes.

15 Q Okay. So that passed?

16 MR. OWEN: Yes.

17 Q But the notion of a task force doesn't seem to  
18 have been addressed?

19 MR. OWEN: No. There was resistance in the -- well, there was  
20 people working on it. There was a large number of  
21 members of the Vancouver Police Department who  
22 were working on this issue, but a task force, I  
23 don't believe, came up at that time.

24 Q Okay. There was resistance and who was resisting?

25 MR. OWEN: I don't think I can really answer that.

1 Q You don't remember?

2 MR. OWEN: I can't start categorizing it. I mean the  
3 conversation was flowing back and forth for and  
4 against and there was a lot of internal angst in  
5 the police department. A lot of people in the  
6 police department had different opinions.

7 Q All right. So you're saying that some people in  
8 the Vancouver Police Department supported a task  
9 force, but you can't remember who?

10 MR. OWEN: Yes. Some did.

11 Q But you can't remember who?

12 MR. OWEN: Well, there was deputies, deputies and the chief.

13 Q Supported a task force you're saying?

14 MR. OWEN: We had a real change when we went to Jamie Graham.

15 Q Okay. I'm just talking about April, 1999 at this  
16 point. Sorry.

17 MR. MARTLAND: I wonder if I might take my friend's attention  
18 for a moment, please.

19 THE REGISTRAR: Mr. Gratl, you've reached your time.

20 MR. GRATL: All right.

21 THE COMMISSIONER: How much longer do you want?

22 MR. GRATL: I think 10 minutes will cover off all the areas  
23 relatively thoroughly.

24 THE COMMISSIONER: Yes.

25 MR. DICKSON: Mr. Commissioner, I don't mind 10 minutes, but my

1           only concern is that we have another witness this  
2           afternoon. I do want to cross-examine that  
3           witness. Deputy Commissioner Bass has sworn an  
4           affidavit. I know there's some cross-examination.  
5           There's no time other than today that I'm aware of  
6           and I do want to question him.

7   MR. VERTLIEB: Just to follow on that, the schedule that we  
8           drew up to assist means that Mr. Bass is going to  
9           start at 3:35 and he's scheduled to go till 5:00  
10          p.m., and I think he's going to go a bit past that  
11          just based on this, so I just want you to have  
12          that information. So an extension of time just  
13          means sitting even later, and I know there was  
14          concern from the participants about sitting till  
15          6:00 last night.

16   THE COMMISSIONER: All right. I'll give you another five  
17          minutes so you can wrap it up.

18   MR. GRATL:

19           Q   Thank you, Mr. Commissioner.

20                   Miss Mottus, do you remember ever being  
21           informed during your time at the Vancouver Police  
22           Board that the Missing Women Review Team was  
23           winding up?

24   MS. MOTTUS: I can't recall that based on the time then.  
25           Looking back on documents that I've seen, some of

1           the documents here, I think I might have left the  
2           board by that time.

3           Q   All right. And do you remember being told that  
4           the disappearances are still ongoing up until the  
5           time you left the board?

6   MS. MOTTUS: I think that it would be accurate that it was an  
7           ongoing issue, that it was something that -- when  
8           I look now at this document, which is quite  
9           surprising for what we at the board would normally  
10          get for any particular investigation, I think it  
11          goes back to some of our earlier comments about  
12          having to rely on the information we were being  
13          given: That the issue's being prioritized, it's  
14          being taken care of. Leave it with us. We know  
15          what we're doing. I think that would also be the  
16          same when I look through the rest of the documents  
17          for the updates that were given. There weren't,  
18          in my recollection, any discussions about  
19          specifics, what's happening. They were just  
20          general, quick updates.

21          Q   All right. How about you, Mr. Owen? Do you  
22          remember being told that the Missing Women Review  
23          Team was winding down?

24   MR. OWEN: No.

25          Q   Nobody ever said, "Well, our two key detectives,

1           Lepine and Chernoff, they're off the team now.  
2           They're doing other things and they haven't been  
3           replaced and these other two guys, Fell and  
4           Wolthers, they're off the team. They're not being  
5           replaced and" --

6           A   What date are you referring to? When do you think  
7           that took place?

8           Q   Well, it was about November of 1999 that Chernoff  
9           and Lepine left and it was early May of 2000 that  
10          Fell and Wolthers were off and none of those four  
11          were replaced. Were you ever told that they were  
12          effectively down to Lori Shenher again?

13       MR. OWEN: No. I don't recall that at all.

14          Q   Okay. Because what it seems like is there's a  
15          flurry of activity starting the summer of 1999. A  
16          number of people seem to be appointed with great  
17          fanfare to this review team, but it dwindles down  
18          within a period of six to eight months to almost  
19          nobody again, but there's no equivalent fanfare.  
20          There's no notification of the police board that  
21          everything has just sort of disappeared. Did you  
22          have a sense that this -- I mean you remember the  
23          publicity about America's Most Wanted and the  
24          poster was released and there was a press  
25          conference. You were in attendance and so was the

1 Attorney General. And a lot of hay was made out  
2 of that, that resources were being devoted. Do  
3 you remember being told all of those things about  
4 which a big fanfare was being made, were being  
5 whittled away, subject to attrition and not  
6 replaced?

7 MR. OWEN: I think Bruce Chambers was the chief at that time;  
8 is that correct? That's probably -- probably  
9 true, but I don't recall it.

10 Q So you don't recall about this dwindling of  
11 resources?

12 MR. OWEN: No.

13 Q Okay. So as far as you --

14 MR. OWEN: We were going through a change. We were going  
15 through a change then in changing chiefs.

16 Q Sure. Chambers --

17 MR. OWEN: That's a big disruption, so a lot of things are  
18 going on. It's a difficult time.

19 Q That change happened in about April, May, June of  
20 1999, right?

21 MR. OWEN: Yes.

22 Q Okay. But it was at or around that time that  
23 there was this big fanfare about all the  
24 resources, but those resources, I'm saying,  
25 dwindled until the point when in late May of 2000

1                   you're only back down to Lori Shenher again. Did  
2                   you know that?

3       MR. OWEN: That's possible. I don't know for sure. That's  
4                   possible. The end -- it was the end of Bruce  
5                   Chambers' turn, end of his second year.

6               Q    Well, I'm just asking whether you knew --

7       MR. OWEN: No. It wasn't a conscious plan of the board or  
8                   something that said we are doing this and do you  
9                   approve and so on as chair of the board. I never  
10                  recall and I'm sure that never took place.

11               Q    And then one last question, Mr. Owen. When it  
12                   came to devotion of resources -- and I'm thinking  
13                   here in particular of the multi-million dollar  
14                   extraordinary policing program, the Provincial  
15                   Prostitution Unit.

16       MR. OWEN: I can't hear you. You said Provincial Prostitution?

17               Q    Provincial Prostitution Unit and other programs  
18                   like that, the Home Invasion Task Force. When it  
19                   came to the devotion of sort of task force like  
20                   units that fell outside the usual operational and  
21                   management structures of Vancouver Police  
22                   Department, the police board was always -- always  
23                   had a say in it; isn't that right?

24       MR. OWEN: That would be the traditional way of doing things,  
25                   but we probably didn't at this -- on this instance



1                   you're talking about because I don't recall it at  
2                   all.

3                   Q    About the Downtown Eastside Extraordinary Policing  
4                   Program?

5   MR. OWEN:   The winding down you were referring to.

6                   Q    Okay. Well, I'm on a new topic now. I'm on about  
7                   policies and priorities. That things like the  
8                   Home Invasion Task Force, which required many tens  
9                   of officers, things like the Downtown  
10                  Extraordinary Policing Program, which required the  
11                  devotion of 40 full-time officers over a period of  
12                  three years, the police board will always get  
13                  involved in those types of programs because they  
14                  represented decisions about policing priorities  
15                  within the city of Vancouver; isn't that true?

16   MR. OWEN:   Likely, yes, we would be informed about those  
17                  things.

18                  Q    And the creation of a Serial Killer Task Force  
19                  would have represented the same type of decision  
20                  about priorities; isn't that true?

21   MR. OWEN:   I would think so, yes.

22   MR. GRATL:   All right. Thank you. Those are my questions.

23   THE COMMISSIONER: All right. Thank you, Mr. Gratl. Okay. So  
24                  we'll take the break and Ms. Narbonne is next.

25   MS. NARBONNE: Yes, Mr. Commissioner. Miss Hunt will be asking

1                   the majority of the questions for us. I don't  
2                   think we'll need our full 40 minutes.

3   THE COMMISSIONER: All right.

4   MS. BROOKS: 30.

5   MS. NARBONNE: 30.

6   MR. DICKSON: Mr. Commissioner, I may have two minutes.

7   THE COMMISSIONER: All right.

8   MR. MAKOSZ: Just to complete the record, Mr. Commissioner, I  
9                   anticipate being less than five minutes.

10   THE COMMISSIONER: All right.

11   THE REGISTRAR: The hearing will now recess for 10 minutes.

12                   **(PROCEEDINGS ADJOURNED AT 3:01 P.M.)**

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

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

15   THE COMMISSIONER: Yes.

16   **CROSS-EXAMINATION BY MS. HUNT:**

17           Q   Thank you, Mr. Commissioner. I'm Elizabeth Hunt  
18                   and I am co-counsel with Suzette Narbonne over  
19                   here and we represent the aboriginal interests  
20                   before this inquiry. I just wanted to give you a  
21                   footnote before I got started to let you know that  
22                   we're here to try to find out what you know about  
23                   aboriginal interests. And that's where the  
24                   majority of my questions are going to be geared  
25                   towards and then I'm going to turn it over for

1           some more questions of my co-counsel. So I  
2           thought I would start with some general questions  
3           that I would ask any of you to answer if you know  
4           the answers, and it's to get a feel from you of  
5           what you know about British Columbia, upon which  
6           this beautiful country is founded upon, and  
7           aboriginal territories. Do you know the names of  
8           any of the First Nation territories within British  
9           Columbia? Do you know a handful of the names that  
10          you could tell us about?

11       MS. MOTTUS: I would hazard a guess with some of them. We have  
12          the Haida Gwaii, Salish. I can't, unfortunately,  
13          pronounce some of the names. Being part of the  
14          labour movement, one of the things that we do at  
15          all of our events or anything that the union is  
16          involved in is always invite an elder to open any  
17          of our occasions, so that we thank the ground. We  
18          thank the nation who is allowing us to partake on  
19          their land. So I have a bit of familiarity with  
20          it.

21       Q       Maybe if I could ask Mr. Registrar to put up  
22          Exhibit 122, please. Mr. Owen, if I could direct  
23          this question to you. Are you familiar with this  
24          map showing the First Nation territories of the  
25          province of British Columbia?

1 MR. OWEN: I don't know -- identify that map at first view, no,  
2 I don't. I know what it's about.

3 Q Thank you. Do you know -- maybe I could direct  
4 this to Miss Watson. Do you know about the  
5 Douglas Treaties and the Coast Salish area?

6 MS. WATSON: No. I don't know the details of that.

7 Q So you don't know that there's 12 Douglas Treaties  
8 on the island of Vancouver as well as the south  
9 coast?

10 MS. WATSON: No.

11 Q Do either of the other two of you know anything  
12 about the Douglas Treaties in British Columbia?

13 MR. OWEN: Douglas Treaties. No, I don't.

14 MS. MOTTUS: No, I don't.

15 Q I'm just going to give you the short answer  
16 because I think you're not going to know, but you  
17 might know. Do you know that there's eight  
18 number -- very comprehensive number of treaties  
19 across Canada?

20 MS. WATSON: Yes.

21 Q You do know those? Mr. Owen, do you know of  
22 those?

23 MR. OWEN: Yes. I've heard of them. There's 1.3 million  
24 people involved.

25 Q That I didn't know. Thank you. And do you know

1                   that in northern British Columbia there is  
2                   adhesion bands that are part of Treaty 8?

3       MR. OWEN:   Yes.  I assume so.  My father was born in Atlin, BC  
4                   in 1904.  Our family's from there, the north area,  
5                   Atlin.

6               Q    Okay.  Thank you.  So getting to the more specific  
7                   questions about the city of Vancouver, do you  
8                   know, Mr. Owen, the First Nation that makes up the  
9                   whole territory of all of the bands in this area?

10      MR. OWEN:  The name of that organization?

11              Q    The name of the nation.

12      MR. OWEN:  The name of -- well, there's several in Vancouver.  
13                   I'm sorry.  I didn't know there's one nation.  
14                   There's several claims in the city of Vancouver  
15                   from several bands.

16              Q    Correct.  The bands.  Those are bands under the  
17                   *Indian Act*, the federal legislation?

18      MR. OWEN:  Yes.

19              Q    Correct.  But do you know the name of the nation,  
20                   prior to contact the thousands of First Nations  
21                   that had their governance, their land structure,  
22                   their inhabitants for time immemorial?  Do you  
23                   know the name of that nation?

24              A    No, I don't.

25              Q    Okay.  That's the Coast Salish Nation.

1 MR. OWEN: Coast Salish, is it? Okay.

2 Q Yes. And I could point to it. You can look at  
3 the city of Vancouver and you can see it on the  
4 map there that that's the Coast Salish Nation.  
5 And because of colonization it gets broken down  
6 into bands. And, actually, this would be a good  
7 time, Mr. Registrar, if you wouldn't mind putting  
8 up the second exhibit that we have put forward,  
9 and that would be Exhibit 120. It's probably not  
10 that helpful because it's so small, but all three  
11 of you can see it. Is that a map that any of you  
12 have ever seen before?

13 MS. WATSON: Probably not with that kind of detail.

14 Q Mr. Owen?

15 MR. OWEN: No. It looks like the Queen Charlottes, which is  
16 Haida Gwaii now.

17 Q So what you're seeing there is -- the name of the  
18 map is all of the Indian bands under the *Indian*  
19 *Act* in British Columbia. So all of those red dots  
20 that are on that map represent a First Nation  
21 community. And it's not a map that you've seen or  
22 had part of your board meetings or outside of your  
23 board meetings knowing what bands are in British  
24 Columbia? Either one -- any of you can answer  
25 this.

1 MS. WATSON: I had done some work with some different Indian  
2 bands, but not around Vancouver issues.

3 Q Okay. That's fair enough.

4 MS. WATSON: So general knowledge. I also understood that  
5 there were a lot of First Nations residents, for  
6 example, in the Downtown Eastside that belong to  
7 bands that were from outside of the Lower  
8 Mainland, outside of the city, and that was a  
9 challenge because they didn't have the support of  
10 their families and nations around them, just  
11 mostly through outside volunteer work that I did,  
12 either sort of Salvation Army or other sort of  
13 youth-related things.

14 Q Okay. Thank you. So dealing with the City of  
15 Vancouver and the board, are you able to tell me  
16 the specific First Nation bands that are within  
17 the area here that you've dealt with?

18 MR. OWEN: Well, I've dealt with the Musqueam quite a bit.

19 Q Did you deal with the Tsleil-Watuth First Nation?

20 MR. OWEN: No. With -- I can't think of the name, the lady  
21 that was the chief.

22 MS. WATSON: Wendy Grant?

23 MR. OWEN: Wendy Grant, yes.

24 Q From Musqueam, yes. And then --

25 MR. OWEN: From Musqueam.

1           Q   And then did you ever deal with the Burrard Indian  
2                   Band?

3   MR. OWEN:   Yes.

4           Q   And the Tsleil-Watuth Band?

5   MR. OWEN:   Burrard because of the property underneath the south  
6                   end of the Burrard Bridge. That was the reason  
7                   with the Burrard band.

8           Q   And you never dealt with them on issues of land  
9                   and jurisdiction with the other bands? Did you  
10                  deal with any of the bands on land and  
11                  jurisdictional issues as it relates --

12   MR. OWEN:   I haven't.

13          Q   If I could ask, Mr. Registrar, would you mind  
14                  putting up the last map? And I'd ask that we mark  
15                  it as an exhibit. This is a map of the First  
16                  Nations in the province of British Columbia that  
17                  are presently in treaty negotiations. They're  
18                  negotiating their aboriginal title under the  
19                  constitution, dealing with the land and resources  
20                  that are available to this province and the rest  
21                  of the -- this province and including the marine  
22                  resources and whatnot that are still outstanding.  
23                  And I'm just wanting to know if any of you know  
24                  anything about the treaty negotiations as it  
25                  relates to the City of Vancouver and the board



1 work you were doing.

2 MS. WATSON: I'd say I know about treaty negotiations  
3 generally, but not specifically with respect to  
4 the City of Vancouver. If it's claims around City  
5 of Vancouver, I would not have details around  
6 that. I mean I'm aware of Tsawwassen, Gitksan,  
7 and the treaty process.

8 Q So an issue that you don't talk about at the board  
9 as it relates to policing and jurisdictions as it  
10 relates to treaty settlement areas?

11 MR. DICKSON: Mr. Commissioner, just -- I do know that the BC  
12 treaty process came into being in the early 2000s  
13 and, in fairness, if the board members are being  
14 questioned on whether the BC treaty process was  
15 being discussed at the board, I think that should  
16 be put to them.

17 THE COMMISSIONER: I think that's a valid concern.

18 MS. HUNT:

19 Q Thank you. Did you discuss at the board any of  
20 these issues related to the treaty process?

21 MS. WATSON: Not when I was there. I don't recall. I was  
22 there until the end of -- I don't know if you were  
23 here earlier. I was only on the board until the  
24 end of '98.

25 MS. MOTTUS: And for the five-year period that I was there from

1                   June of '95 to June of 2000, we didn't discuss it  
2                   or I don't recall it.

3                   Q     Sorry. Mr. Owen?

4     MR. OWEN:    I agree. My answer is no, did not.

5                   Q     So it would be fair to say that in all of the work  
6                   that you have been carrying out doing on the  
7                   board, aboriginal -- aboriginal issues as it  
8                   relates to historically all the way up to the  
9                   contemporary issues have never been discussed?

10    MR. OWEN:    Well, perhaps not at the board level, but I know  
11                   Calvin Helin quite well and I've got several  
12                   copies of his book *Dancing with Dependency*. No.  
13                   Not at the board level. Not at the police board  
14                   level. I think that was your question, wasn't it?  
15                   The answer would be no.

16    MS. WATSON:  I was going to say I wouldn't say specifically  
17                   around treaty negotiation issues, but to say that  
18                   First Nations issues generally were never ever  
19                   mentioned at a police board meeting, I don't think  
20                   I would be that broad.

21                   Q     I haven't got to those questions yet.

22    MS. WATSON:  Okay.

23                   Q     I'm just talking about -- I'm just talking about  
24                   as it relates to the history and knowing the  
25                   territory you're in, the history as it relates to

1           the bands that you deal with and as it relates to  
2           land that's being claimed and understanding as a  
3           board those implications as it relates to  
4           jurisdictional issues.

5       MS. WATSON:   Probably not.

6           Q    Are the three of you familiar with First Nations  
7           Summit?

8       MS. WATSON:   Yes.   Not in detail for me.

9       MR. OWEN:   Through the media.   Only through the media when it's  
10           referred to, First Nations Summit.

11          Q    So you didn't have at the board level any dealings  
12           with Grand Chief Ed John from the Summit?

13       MR. OWEN:   No.

14          Q    And Grand Chief Ed John is the leader of the  
15           Summit with two other members that oversee all of  
16           the First Nations that are in this treaty process  
17           as well as a host of other issues, just so you  
18           know that.   And if you're not familiar with the  
19           Summit, then you're not going to know that in 1997  
20           they went on a vigorous campaign to know where 47  
21           aboriginal women had gone missing.   You didn't  
22           know anything about that then?

23       MS. WATSON:   I did not.

24          Q    And I just have a couple more questions and then  
25           I'll turn it over to Miss Narbonne.   But given the

1 fact that the aboriginal community makes up such a  
2 large population of -- could I say the clients  
3 that the police deliver services or protect the  
4 public from, but we know that First Nations -- do  
5 you know that First Nations are overrepresented in  
6 the -- in the penitentiary system?

7 MS. WATSON: Yes. I'm aware of that.

8 Q And do you know that First Nations were  
9 overrepresented in these murdered and missing  
10 women?

11 MS. WATSON: I'm aware of that now.

12 Q Were you aware of that, Mr. Owen?

13 MR. OWEN: Not really. I don't think so.

14 Q Okay.

15 MR. OWEN: It makes sense.

16 Q And I'm just wondering. We had talked about  
17 representation on the board and being a person of  
18 colour and I'm just wondering, given the nature of  
19 policing and the seriousness of the  
20 overrepresentation of aboriginal people in the  
21 system, has there been discussion about more  
22 representation on your board to more accurately  
23 reflect at that time the First Nation population  
24 upon which police were policing over?

25 MS. MOTTUS: I don't know how much influence any of us

1 individually would have had with the Province or  
2 the City to talk about a successor or appointees  
3 to the board, but I know that as the board liaison  
4 to the chief's Police Diversity Committee, that  
5 was definitely something that we looked at, we  
6 wanted to achieve, not only for that committee,  
7 but also for recruitment issues.

8 Q Thank you. And just, Ms. Watson, I know you're an  
9 expert in this area, so I'll just get your last  
10 final word in. And do you think that the  
11 recommendation we heard Mr. Owen said, separating  
12 the City from the police board, do you think  
13 representation of a more diverse community upon  
14 which police are providing services to would be  
15 helpful to your board?

16 MS. WATSON: I think it's useful for the board to have a wide  
17 representation of the community on it, yes.

18 MS. HUNT: Thank you. Those are my questions.

19 THE COMMISSIONER: All right. Thank you, Miss Hunt.

20 THE REGISTRAR: Miss Hunt, your treaty negotiations map will be  
21 marked as Exhibit Number 197.

22 MS. HUNT: Thank you.

23 **(EXHIBIT 197: Treaty negotiations map)**

24 **CROSS-EXAMINATION BY MS. NARBONNE:**

25 Q I'm Ms. Narbonne. I think it's inclusive in your

1                   answers, but I don't know if you were actually  
2                   asked. Were there ever any board members  
3                   during --

4   MR. OWEN: Put the mike down.

5   MS. NARBONNE: Oh, I'm sorry. How's that? Were there any  
6                   board members during any of your tenure who were  
7                   of First Nations descent as far as you know?

8   MR. OWEN: I don't think so.

9   MS. WATSON: Not that I know of.

10   MR. OWEN: I don't think so.

11               Q   And, Ms. Mottus, you're shaking your head?

12   MS. MOTTUS: No. Not that I'm aware of either.

13               Q   All right. Now, Ms. Mottus, you talked about your  
14                   particular interest in community policing, right?

15   MS. MOTTUS: I don't know that it was a particular interest as  
16                   much as because I was on maternity leave I wound  
17                   up being more involved.

18               Q   Okay. What did the community policing look like  
19                   in the Downtown Eastside while you were on the  
20                   board, or do you know?

21   MS. MOTTUS: Whenever I think of community policing in the  
22                   Downtown Eastside, I mean the name that comes to  
23                   me is Dave Dickson.

24               Q   Right.

25   MS. MOTTUS: That sort of to me is what community policing

1                   should be, what it was. How much more  
2                   involvement, what structure, infrastructure we had  
3                   in place, I don't know, but Dave's name is  
4                   definitely one that comes to mind.

5                   Q   And he's held up in a positive way; is that right?

6   MS. MOTTUS:   Absolutely.

7                   Q   And do you know why that is? What's useful about  
8                   what he was doing there from your perspective?

9   MS. MOTTUS:   He treated people equally. He valued every person  
10                  that he came across. He was the face of the  
11                  department that we would like to see everybody  
12                  have. He was the embodiment of what we wanted all  
13                  of our sworn and civilian staff to emulate.

14                  Q   Okay. There was an entity known as the -- and I  
15                  hope I get this right -- the Vancouver Police  
16                  Department Native Liaison Association during your  
17                  tenure; is that right?

18   MR. OWEN:    Yes.

19                  Q   Did the board have anything to do with that, any  
20                  involvement, any reports? Is that something to do  
21                  with the Vancouver Police Board?

22   MS. MOTTUS:   Could you give us sort of reference of time when  
23                  it was and --

24                  Q   No.

25   MR. OWEN:    It would have come up. I'm familiar with it being

1                   raised periodically.

2                   Q    Okay. Well, if -- for an entity like that to  
3                   exist, does the board have to have anything to do  
4                   with it or can the police department decide we're  
5                   going to have this society or this organization?  
6                   Like, what's your role as a board?

7   MR. OWEN:   Something like that as far as I'm concerned. The  
8                   police would have to come to the board and ask for  
9                   permission and explain --

10                  Q    Okay.

11   MR. OWEN:   -- what it's all about.

12   MS. MOTTUS: Well, I don't know that I agree with that. If the  
13                   department on their own feels that the best way to  
14                   meet a certain need is to create a position, an  
15                   office or some resources, they have the ability to  
16                   do that.

17                  Q    Okay. I'll ask one other thing because I know I'm  
18                   running out of time. You've talked about  
19                   allocating resources and how -- I mean you don't  
20                   get involved in policing on the board, right, but  
21                   you could get involved in allocation of resources,  
22                   which may impact on the way some policing duties  
23                   are carried out; is that fair to say? Does anyone  
24                   disagree with that?

25   MR. OWEN:   Theoretically, yes.



1           Q    Okay. At the board level was there discussion  
2                    about how resources are allocated between  
3                    protection of the public versus prosecution or did  
4                    you see those as one and the same? Anyone?

5   MR. OWEN:   I don't remember specific discussions about those  
6                    kinds of allocations.

7           Q    Okay. Ms. Watson, you look like you've got an  
8                    answer.

9   MS. WATSON: I think there was a lag between the commitment to  
10                   community policing, which is a proactive approach,  
11                   versus the traditional reactive approach. And the  
12                   community policing approach was coming in during  
13                   my tenure, but I think it's fair to say that when  
14                   budgets came forward, there was still a lot of  
15                   money in the budget recommendations that were  
16                   allocated to the reactive and the push of the  
17                   board was to reallocate those to more proactive  
18                   activities rather than the reactive, but trying to  
19                   balance off, of course, the public's demand for  
20                   police to be on the street and, you know, chasing  
21                   up after crime reports and things like that. So  
22                   it was a very challenging time to try and align a  
23                   budget with a strategy shift. So I think there  
24                   was actually a lot of tension in trying to make  
25                   that happen.

1           Q    Okay. And do you think there's value in civilian  
2               members being on a police board?

3    MS. WATSON: I think that if they are competent to do the job  
4               and they have their tools and resources, in this  
5               case the guidance to do it, I think there's value  
6               in it. I think there were times when the police  
7               were not that happy to have questions from the  
8               police board that the police board members did  
9               ask.

10          Q    But there can be value in that, right?

11   MS. WATSON: Yes. There is value in that. But there were  
12               limitations in terms of our ability to drill down  
13               or make as much of an impact as we may have wanted  
14               to because of the limitations that we've talked  
15               about earlier. One thing the Province needs to  
16               think about is the fact that you've got these  
17               different bodies that play a role in policing.  
18               And I can't say I've studied the handbook, but I  
19               don't think there's been a high-level approach to  
20               this is how you approach policing. This is what  
21               we're trying to accomplish. These are the tenets  
22               of good governance, which is clear roles and  
23               responsibilities, good information, good support,  
24               good reporting. This is what a good report looks  
25               like. There was none of that kind of support at

1 all and so you basically were plunking people in  
2 that were good people. They were smart, but they  
3 didn't have necessarily an understanding of how  
4 the system fit together, their role, and you  
5 didn't have a -- a system, you know, that -- the  
6 chair on the board, the relationship between the  
7 City and the police board made it very  
8 challenging. The police board didn't have  
9 independence and autonomy to be able to pursue the  
10 things it might have wanted to. There was a  
11 relationship with the department. There was a  
12 relationship with the City. You have a police  
13 commission over there at one point in time. How  
14 did we all fit? Everyone's telling you slightly  
15 different things.

16 Q Right.

17 A So yes. I think there's value. If it's in an  
18 overarching framework that is thought out, then I  
19 think there's value.

20 MR. OWEN: We tried to get for a while the nominating entities  
21 to ask us and for us to inform them what kind of a  
22 profile we needed, what were we looking for, and  
23 that link just never took place and it should for  
24 the future.

25 Q And, Ms. Mottus, do you agree, disagree? What's

1                   your view? I'm probably butchering your name and  
2                   I apologize.

3       MS. MOTTUS: That's okay. I agree as well that there -- there  
4                   definitely should be civilian oversight. It's  
5                   very important that an institution like our police  
6                   department reflect the values of our community and  
7                   it's best done by making gains within your  
8                   communities who -- your point is very well made --  
9                   who are overrepresented in a system like that.

10                Q    Right.

11       MS. MOTTUS: Just as important as it is for groups that are  
12                   underrepresented. I remember the day I celebrated  
13                   that they had their first Indo-Canadian female  
14                   officer. It felt like a breakthrough because look  
15                   at the populations in our city, look at our  
16                   diverse communities, and our department did not  
17                   reflect that. So absolutely your civilians need  
18                   to have the values that they can then make sure  
19                   that that organization holds true.

20                Q    Thank you.

21       THE COMMISSIONER: Thank you.

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

23                Q    Roy Makosz for the Government of Canada. Mayor  
24                   Owen, my questions will be brief and they will be  
25                   entirely directed towards you. Can you hear me?

1                   Sir, I understand you became mayor of Vancouver in  
2                   about November of 1993?

3       MR. OWEN:   That is correct.

4                   Q   And you served for a period of roughly nine years  
5                   until 2002?

6       MR. OWEN:   That's correct.

7                   Q   And that period coincides with your period on the  
8                   Vancouver Police Board, correct?

9       MR. OWEN:   Yes.

10                  Q   And as I understand the evidence from yourself and  
11                   your fellow panelists today, to be on the  
12                   Vancouver Police Board you don't have to have  
13                   expertise in the conduct of police investigations;  
14                   is that true?

15       MR. OWEN:   Extra police did you say?

16                  Q   Expertise?

17       MR. OWEN:   Expertise?   Yes.

18                  Q   In the conduct of police investigations.   You  
19                   don't need that to be on the board?

20       MR. OWEN:   That's correct.

21                  Q   And you yourself, you don't have a policing  
22                   background, correct?

23       MR. OWEN:   In my family I do.

24                  Q   Yes, but you don't have any training yourself or  
25                   expertise in the actual conduct of police

1 investigations?

2 MR. OWEN: Personally, no.

3 Q And it doesn't also -- to sit on the board it also  
4 doesn't require a background in criminal law,  
5 correct?

6 MR. OWEN: Correct.

7 Q And you don't have that background yourself  
8 either, do you?

9 MR. OWEN: No, I don't.

10 Q And even with your role on the police board  
11 throughout the terms of reference period, which is  
12 January of 1997 through to February of 2002, you  
13 didn't have full knowledge of the investigational  
14 steps that were conducted by the Vancouver Police  
15 Department during that time, did you?

16 MR. OWEN: No. Not really, but I -- that's when we started to  
17 grow apart, because I was developing in a  
18 different way than what they were going and so --

19 Q But you wouldn't be going --

20 MR. OWEN: -- there was some tension.

21 Q I'm sorry. I didn't mean to interrupt.

22 MR. OWEN: Some tension.

23 Q Some tension developed?

24 MR. OWEN: Yes.

25 Q And the point that I'm coming to is you wouldn't

1                   be apprised of every individual step in a VPD  
2                   investigation, including the missing women  
3                   investigations?

4   MR. OWEN:   Absolutely not.

5               Q   And I think you may have mentioned that this is  
6                   perhaps the reason why the board doesn't interfere  
7                   with police operations and doesn't micromanage  
8                   them, is because the board doesn't necessarily  
9                   have that expertise and doesn't necessarily have  
10                  the knowledge to interfere with that level of  
11                  decision making; is that correct?

12   MR. OWEN:   It's more time than that.  I mean the board sets the  
13                  policy and the police carry out the  
14                  administration.

15              Q   Yes.

16   MR. OWEN:   Being involved, we didn't drill down that far is  
17                  what you're referring to.

18              Q   That's what I'm getting to.  Exactly.  So you  
19                  wouldn't know exactly what was going on in the  
20                  VPD, in its missing women's investigations to that  
21                  level?

22   MR. OWEN:   Only what we were told at the board.

23              Q   Exactly.  And so I think that it would be fair to  
24                  say, then, you certainly wouldn't be aware of the  
25                  steps taken at that investigative level by the

1 RCMP in Port Coquitlam during that same terms of  
2 reference period, would you?

3 MR. OWEN: No. No knowledge at all.

4 Q And you've never reviewed the RCMP's investigative  
5 files from Port Coquitlam from that period?

6 MR. OWEN: Me being the Police Department, the Vancouver Police  
7 Department?

8 Q You yourself?

9 MR. OWEN: No. No information at all.

10 Q And you've never interviewed the members or spoken  
11 to the members who were involved in that  
12 investigation in Port Coquitlam at that time?

13 MR. OWEN: I did not.

14 Q And did you ever attend meetings between the RCMP  
15 and the Vancouver Police Department with respect  
16 to the missing women investigation or related  
17 investigations?

18 MR. OWEN: No.

19 Q And earlier, sir, you expressed the opinion  
20 that -- as I understood it, that the fact that  
21 Robert Pickton was not caught in 1997 was a mess  
22 up. Do you remember saying that?

23 MR. OWEN: Yes. I believe that he should have been in jail by  
24 1998.

25 Q And that is your opinion?



1 MR. OWEN: Yes.

2 Q And you also expressed the opinion that the  
3 investigations in Port Coquitlam slipped through  
4 the cracks and should have been solved sooner. Do  
5 you remember saying that?

6 MR. OWEN: No. I don't know about the investigations in  
7 Coquitlam. There was very bad communication  
8 between VPD and the RCMP in Port Coquitlam. They  
9 criticized each other and they didn't involve the  
10 board level at all.

11 Q And what I'm taking from this perhaps is that  
12 these views that you've expressed are based on  
13 things that you have learned since February 5th,  
14 2002; is that fair?

15 MR. OWEN: Yes.

16 Q So you're operating in hindsight in giving these  
17 positions?

18 MR. OWEN: Yes. It was certainly after the event.

19 Q All right. And just if I can summarize that. So  
20 your opinion is hindsight in the sense that it's  
21 things you've learned since that time and it's --

22 MR. OWEN: A little bit. I mean there was some indication when  
23 I left, but there was -- the communication was  
24 just very bad. It was very limited and very  
25 sporadic, so I was vaguely aware of it, but I

1           didn't get the -- you're correct in assuming the  
2           information was after the event. That's correct.

3           Q   All right. Thank you. And so just if I can  
4           summarize that, then, your -- the views that  
5           you've expressed with respect to those  
6           investigations being a mess up or slipping through  
7           the cracks, as it were, are based at least in part  
8           in hindsight?

9   MR. OWEN: Yes.

10          Q   And they are without full knowledge of what  
11          investigative steps were considered by the RCMP  
12          investigators?

13   MR. OWEN: Yes. That's correct.

14          Q   And they are without full knowledge of which  
15          investigative avenues were explored by the RCMP  
16          investigators in Port Coquitlam and which were  
17          not?

18   MR. OWEN: Yes.

19          Q   And you don't have the expertise necessary in the  
20          sense of not having expertise in police  
21          investigations, not having expertise in criminal  
22          law practice. You don't have the expertise  
23          necessary to assess the viability of any possible  
24          avenues of investigation they may have considered  
25          whether or not those were taken; is that fair?

1 MR. OWEN: Yes and no.

2 THE COMMISSIONER: Actually, he never said that. What he said  
3 earlier was that there appeared to be fighting  
4 over turf and the lack of co-operation and that  
5 may have impeded the Pickton investigation. All  
6 these other things about whether he was present at  
7 police meetings or -- he made that quite clear,  
8 that police board members don't sit in on those  
9 investigative meetings.

10 Q Certainly, Mr. Commissioner, and I think --

11 THE COMMISSIONER: They're there for governance. There's a  
12 difference.

13 MR. MAKOSZ: Yes. And I think the point that I'm trying to  
14 make essentially here is that Mayor Owen is a man  
15 of some considerable stature in this community. I  
16 don't think there's any doubt about that. And his  
17 opinions with respect to the conduct of the RCMP  
18 investigations may carry more weight than they  
19 ought to given the lack of knowledge he had about  
20 those investigations and his expertise with  
21 respect to policing and what could have been done.

22 THE COMMISSIONER: We're examining here the terms of reference  
23 and whether he has opinions about the conduct of  
24 the RCMP investigation. He never said anything  
25 about the RCMP investigation.

1 MR. MAKOSZ: With respect, sir, he did.

2 THE COMMISSIONER: What he talked about was that there appeared  
3 to be a lack of co-operation between the -- and  
4 the lack of interchange of information between the  
5 two police forces, and that's evidence that we've  
6 heard here from other witnesses. Whether we  
7 accept that as being factual is something that  
8 ultimately we'll have to decide -- or I'll have to  
9 decide, but that's all he said.

10 MR. MAKOSZ: Sir, just to clarify, I believe I did ask the  
11 witness again whether or not he had referred to  
12 the -- the fact that Robert Pickton had not been  
13 caught in 1997 as a mess up, so if the  
14 understanding is that that is not a comment on the  
15 conduct of the investigation or the suspect prior  
16 to the prosecution --

17 THE COMMISSIONER: Go ahead and ask him.

18 MR. MAKOSZ: I believe I have your point on that, Mayor Owen,  
19 if I do, that you did say that the fact that  
20 Robert Pickton was not caught in 1997 was a mess  
21 up, correct?

22 MR. OWEN: Well, it was a mess up in both police departments,  
23 but it was also a mess up from the medical point  
24 of view. As I understand it, there was a mixup in  
25 the -- in the hospital with -- wherever it was,

1           whether it was in the hospital jail or in the  
2           hospital, with some evidence that would have  
3           perhaps brought this to -- I'm led to believe in  
4           the media. I have no inside information. It's  
5           just a feeling I have, a recollection I have of  
6           watching the news and reading the newspapers.

7           Q   Thank you, sir, and that, I think, is the point  
8           that I was trying to raise, Mr. Commissioner,  
9           because Mayor Owen was in a position on the  
10          Vancouver Police Board to receive certain  
11          information and he could form an opinion based on  
12          that, so what I want to be very clear about is  
13          that the opinions that he's expressed with respect  
14          to the RCMP investigations were not based on any  
15          information he received in the course of his being  
16          on the Vancouver Police Board. They come from  
17          sources that he has learned from after the  
18          February 5th, 2002 end of the terms of reference  
19          period. And I think -- is that fair, Mayor Owen?

20       MR. OWEN: I may have picked up some of it on the police board,  
21       though, because certainly it was discussed. I  
22       can't give you the exact years and dates, but I've  
23       got a sense of -- coming to some conclusions from  
24       what I was hearing at the Vancouver Police Board  
25       at in camera meetings.

1           Q   Certainly, sir. And I think I have your evidence  
2                   with respect to what you've reviewed or who you've  
3                   spoken to, so I will leave it at that. Thank you.

4   THE COMMISSIONER: Thank you. Mr. Skwarok?

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

6           Q   Good afternoon. My name is Mark Skwarok and I'm  
7                   counsel for Dr. Kim Rossmo.

8                   Mayor Owen, I have a couple of questions that  
9                   I'd like to address to you if I may. Sir, do you  
10                  recall in 2010 making certain comments on CKNW and  
11                  CBC Radio that were critical of Kim Rossmo's role  
12                  in the missing women investigation?

13   MR. OWEN: Yes.

14           Q   Did you subsequently learn that those comments  
15                  were completely unfounded?

16   MR. OWEN: Yes.

17           Q   As a result of that, did you authorize the  
18                  publication of an apology?

19   MR. OWEN: Yes.

20           Q   And that apology is Exhibit Number 196?

21   MR. OWEN: Yes.

22           Q   And you're not recanting any statement in that  
23                  apology, are you, sir?

24   MR. OWEN: No.

25   MR. SKWAROK: Thank you. Those are my questions.

1 THE COMMISSIONER: Thank you, Mr. Skwarok. All right.

2 **CROSS-EXAMINATION BY MR. DICKSON (Cont'd):**

3 Q Yes, Mr. Commissioner. Tim Dickson for the board.  
4 I'll try to be two minutes or less.

5 Mayor Owen, I just have a few questions for  
6 you. You've raised the Four Pillars Approach a  
7 few times today?

8 MR. OWEN: Yes.

9 Q And, of course, the Four Pillars Approach was an  
10 approach to dealing with especially addiction in  
11 the Downtown Eastside; is that fair?

12 MR. OWEN: Prevention, treatment, harm reduction and  
13 enforcement.

14 Q Yes. And that was a very -- at the time that was  
15 a very controversial policy approach, wasn't it?

16 MR. OWEN: Yes.

17 Q It was very controversial throughout the city and  
18 nationally even?

19 MR. OWEN: Yes.

20 Q Even among City Council?

21 MR. OWEN: Yes.

22 Q And indeed even among your party?

23 MR. OWEN: Yes. It was very comprehensive. It was 85 pages.

24 Q Yes. And it took a long time for society -- for  
25 our society to come around to this approach; isn't

1                   that right?

2       MR. OWEN:   We went on a six-month analysis of it throughout the  
3                   city. It was passed in draft form in the fall of  
4                   '01, I think October, '01, and it was approved by  
5                   City Council unanimously in the spring of '02,  
6                   May -- April, mid-April.

7               Q    Of 2002?

8       MR. OWEN:   2002.

9               Q    And even after 2002 among many corners of the city  
10                   it remained a highly controversial policy?

11       MR. OWEN:   Controversial, but as time went on it got accepted  
12                   more and more and more. It wasn't losing ground.  
13                   It kept gaining ground across the country.

14              Q    That's right. And the department -- I think, as  
15                   you were saying today, it took some time for the  
16                   department to come around to this view. They were  
17                   slower than you to come around to this view; is  
18                   that fair?

19       MR. OWEN:   Yes. But when Jamie Graham became the chief  
20                   constable, we were on a public analysis around the  
21                   city and we had, according to Don McPherson, 65  
22                   meetings around the city, and I apparently  
23                   attended 40 of them. And wherever I went, I had  
24                   the chief with me in uniform along with a user  
25                   from the Downtown Eastside, Dean Wilson, a street



1 nurse and sometimes the coroner, which was Larry  
2 Campbell. We went around the city and worked hard  
3 to convince everybody to read it and understand  
4 it.

5 Q Yes. And you were saying that Jamie Graham  
6 effected a change in the department and a change  
7 in attitude in the department?

8 MR. OWEN: Yes.

9 Q And it's this that you were referring to, the  
10 acceptance of the Four Pillars Approach, when you  
11 made that comment; isn't that right?

12 MR. OWEN: Yes.

13 MR. DICKSON: Thank you very much. Those are my questions.

14 THE COMMISSIONER: All right. Thank you, Mr. Dickson. All  
15 right. Is there any -- no one else?

16 MS. LIVINGSTON: Ann Livingston for the Vancouver Area Network  
17 of Drug Users. I just have one question.

18 THE COMMISSIONER: Yes. Go ahead.

19 **CROSS-EXAMINATION BY MS. LIVINGSTON:**

20 Q We had Deputy Chief LePard earlier at the inquiry  
21 and he had stated that the Vancouver Police  
22 Department members did not while paid do drug  
23 education in schools when they were on duty, and I  
24 was wondering if you knew if the Vancouver Police  
25 Department members who were on the Odd Squad were

1           allowed to do presentations in schools about drugs  
2           perhaps in 1998. Do you know if that's so?

3   MR. OWEN: No. I knew that they were doing that, but there was  
4           no approval from me. I wasn't asked for approval.  
5           It was one of the things the police department did  
6           and the Odd Squad, you know, through the Blue Lens  
7           guys went out and did that.

8           Q   Okay. And then I just wanted to say it's well  
9           known that most, if not all, of the murdered and  
10          missing women were addicted to drugs and sold sex  
11          in order to get cash to buy drugs. Are you aware  
12          of that?

13   MR. OWEN: Yes.

14          Q   And that during the time you were mayor, we saw  
15          considerable harm from drugs with perhaps two to  
16          three hundred overdoses a year and a huge outbreak  
17          of hepatitis and HIV. Do you agree that that  
18          occurred?

19   MR. OWEN: No. That's because in 1995 crack cocaine showed up  
20          in Vancouver and that's what got me going. I was  
21          told two or three years earlier crack cocaine was  
22          in New York in the seventies, got into California  
23          in the eighties and it's coming up the coast and  
24          when it gets to Vancouver, it's going to be a  
25          disaster. And I was elected mayor in '83 and

1                   that's when I found out what's going on in the  
2                   real word and that's what put me into action to  
3                   deal with all the Downtown Eastside issues.

4                   Q    So I just wanted to ask if you thought that that's  
5                   a significant -- that we could prevent the death  
6                   of these kind of --

7   MR. OWEN:   That we could have prevented those?

8                   Q    Yes.   If we had proper heroin prescription  
9                   programs and more harm reduction programs and they  
10                  weren't as vulnerable?

11   MR. OWEN:   Well, I think you probably wouldn't get too much  
12                  support until it happened, so we could have gone  
13                  and done that and done it earlier, but done it  
14                  right at the beginning because we knew it was  
15                  going to show up.  And, you know, Dean Wilson kept  
16                  us fully informed and we worked hard, but it was a  
17                  real -- there was more than 300 deaths in one  
18                  year.  It dropped about 150 in a few years because  
19                  of our programs.

20   MS. LIVINGSTON:  That's all I wanted to say.  Thank you very  
21                  much.

22   THE COMMISSIONER:  All right.  Thank you.

23   MR. VERTLIEB:  So that concludes the panel.  Perhaps, Mr.  
24                  Commissioner, I just want to give you an outline.  
25                  We're obviously going to sit past the time you'd

1                   like to sit, but we have Mr. Bass here to be  
2                   cross-examined.

3   THE COMMISSIONER: Why don't we excuse the panel here first.

4   MR. VERTLIEB: What I will do, if you don't mind, is I know you  
5                   want to thank the panel and then stand down just  
6                   for a few minutes to give the reporter a break and  
7                   then get Mr. Bass in.

8   THE COMMISSIONER: Mr. Ward?

9   MR. WARD: Yes. My friend Mr. Vertlieb's co-counsel, Ms.  
10               Brooks, advised me that she had an area of  
11               re-examination for this panel, but she's no longer  
12               here. She told me what the area was and left me  
13               one copy of the document that she was going to put  
14               to the panel. I can do it if I'm given leave.

15   THE COMMISSIONER: All right.

16   **CROSS-EXAMINATION BY MR. WARD (Cont'd):**

17               Q   And this, Mr. Commissioner, is a question for Mr.  
18                   Owen following up on Tab 39 of Exhibit 194 if you  
19                   have that still, sir.

20   MR. OWEN: I assume it's this binder.

21               Q   It's a big binder. It was placed before you  
22                   earlier.

23   MR. OWEN: Yes. The one we referred to earlier.

24               Q   Yes. That's it. And just to bring that back in  
25                   mind, that was a copy of a written presentation

1           that had been made to the Vancouver Police Board  
2           on May 15th, 2002, and your evidence was that you  
3           didn't recall the presentation and weren't sure if  
4           you were at the meeting?

5   MR. OWEN:   That is correct.

6           Q   And Ms. Brooks helpfully provided me with the -- a  
7           copy of the minutes of the in camera meeting held  
8           on that date. And I just -- I only have the one  
9           copy, but we can certainly make other copies  
10          available. And I'd like to show that to you and  
11          just because it indicates you were in fact present  
12          ask you if this document provides you with any  
13          assistance in recalling the event. And my friend  
14          Mr. Martland and I have -- copies are coming.  
15          Here we go. There's another one. My friend Mr.  
16          Martland has produced a copy of the document in  
17          question. And, sir, you will see that these  
18          minutes indicate that on the front page you as  
19          chair were said to be present along with Ms.  
20          Bauman, Mr. Black, Mr. Lynn, Ms. Maxwell and Ms.  
21          Wong?

22   MR. OWEN:   Yes.

23          Q   That Chief Constable Blythe was there as well as a  
24          number of members of the Vancouver Police  
25          Department, including Inspector Beach, Detective

1 Scott Driemel and Eli Sopow from the RCMP. And  
2 there's a reference to agenda item 5.2. If you go  
3 to that one, sir, I'll just read what it says.  
4 It's on the third page under the heading "Missing  
5 Women Task Force".

6 Inspector Beach outlined the missing women  
7 case from 1997 and involvement of the VPD.  
8 Detective Driemel and Eli Sopow/RCMP  
9 Communications Strategist explained the media  
10 and communication strategy being used by the  
11 Missing Women Task Force and its rationale,  
12 and so on.

13 Then there's a -- at the end of that paragraph it  
14 says:

15 Board members commented on the helpfulness of  
16 the briefing.

17 So you would agree, I take it, that that paragraph  
18 seems to be referring to the document that is  
19 contained at Tab 39?

20 MR. OWEN: I assume so.

21 Q Having seen this copy of the minutes of that date,  
22 does that bring back any recollection of that  
23 presentation being made in your current  
24 recollection?

25 MR. OWEN: I'm just checking.

1           Q   And I know there's an awful lot blacked out of  
2               this document, which probably doesn't help you in  
3               remembering what was said.

4   MR. OWEN:  Most of the items that are in this tab are -- aren't  
5               they all blacked out also?

6           Q   Quite a bit is, yes.

7   MR. OWEN:  Quite a bit is.  Okay.

8           Q   So you don't dispute that the minutes from back  
9               then -- and I know it's 10 years ago -- suggest  
10              that you were at the meeting?

11   MR. OWEN:  I guess I was.

12   MR. WARD:  I would ask that the minutes be marked as an  
13               exhibit, Mr. Commissioner.

14   THE COMMISSIONER:  All right.

15   THE REGISTRAR:  Exhibit 198.

16                   **(EXHIBIT 198:  Vancouver Police Board Minutes of**  
17                   **In Camera Meeting Held on May 15, 2002)**

18   MR. WARD:  And that's all I have further and thank you for your  
19               attendance, panel.

20   **CROSS-EXAMINATION BY MR. DICKSON (Cont'd):**

21           Q   Mr. Commissioner, I just have a few questions  
22               arising from that exchange right there and I will  
23               be very brief.  It's Tim Dickson again for the  
24               Vancouver Police Board.

25                   Mayor Owen, looking at these minutes now, you

1                   agree, as you just said, that you were there on  
2                   May 15th, 2002?

3       MR. OWEN: I was certainly there. I assume I was there for the  
4                   whole meeting.

5                   Q    Yes. And when you were taken to Tab --

6       MR. OWEN: It went till 6:50 p.m.

7                   Q    Yes.

8       MR. OWEN: That's what reminds me. I may have not been there  
9                   for the whole meeting.

10                  Q    I see.

11       MR. OWEN: Because there's a lot of evening events and, as my  
12                   wife will say, she was upset about the fact we  
13                   went out 13 evenings in a row to all various  
14                   community groups. And when I look at 6:50, I may  
15                   have had something on at 6:30 or something. I  
16                   don't know. But I guess I was there. Certainly  
17                   from the beginning it's listed as that and I  
18                   accept my name on these minutes.

19                  Q    Well, if you go to the last page of this package,  
20                        Mayor Owen, you'll see that there's a minutes of a  
21                        closed in camera meeting right at the end there?

22       MR. OWEN: I see that.

23                  Q    It started at 6:50. And it lists you as still  
24                        being present?

25       MR. OWEN: Yes.



1           Q    So you would accept, then, that you were there for  
2                   the whole meeting?

3   MR. OWEN:   It's too bad we didn't have this earlier though.

4           Q    I agree.

5   MR. OWEN:   At this time of day when you're in your 80th year  
6                   you get a little foggy after a while.

7           Q    I understand, Mayor Owen.  Now, if we look at Tab  
8                   39 in the binder again.  This is that document you  
9                   were taken to earlier by Mr. Ward.  And it has  
10                  remarks about various people who -- that were  
11                  critical of them.  You recall that?

12   MR. OWEN:   Sorry.  Various remarks that I was critical of?

13          Q    No.  No.  In the document it contains in the last  
14                  two pages remarks about people that are critical  
15                  in nature?

16   MR. OWEN:   Oh, yes.  I see that.  Yes.

17          Q    You recall that?

18   MR. OWEN:   Yes.

19          Q    And when you were taken to this document, you said  
20                  you did not recall it whatsoever?

21   MR. OWEN:   Yes.

22          Q    And you still don't?

23   MR. OWEN:   Are they in the minutes?

24          Q    No, they're not.

25   MR. OWEN:   No, I don't.

1 Q Yes. And so you were at that meeting?

2 MR. OWEN: This would have registered with me because of my  
3 major emotional concern about this whole issue.

4 Q And that's what I wish to ask you. Your  
5 understanding is if you had seen this document  
6 with remarks of that kind, that would have  
7 registered with you? You would remember that?

8 A Yes. I'm positive it would.

9 Q And, indeed, if we look at the minutes, third page  
10 of the minutes, 5.2 it says -- it says this:

11 Board members commented on the helpfulness of  
12 the briefing.

13 MR. OWEN: What page?

14 Q Third page.

15 MR. OWEN: 5.2.

16 Q It says -- right at the end of that Missing Women  
17 Task Force paragraph it says:

18 Board members commented on the helpfulness of  
19 the briefing.

20 MR. OWEN: Yes.

21 Q You wouldn't have commented on the helpfulness of  
22 that briefing, would you? That's not a helpful  
23 briefing. You wouldn't have made that comment,  
24 would you?

25 MR. OWEN: I don't think it's my comment.

1           Q    You would have taken exception to it, to that  
2                briefing, wouldn't you?

3   MR. OWEN:   I may not have at the time. I could have been a  
4                little bit upset about it, but not done anything  
5                about it. I'm not sure what my reaction was. I  
6                don't remember.

7   MR. DICKSON: Those are my questions, Mr. Commissioner.

8   THE COMMISSIONER: All right. Thank you. I want to thank each  
9                of you for coming here and giving evidence. I  
10               know it's been a lot of years since all of this  
11               happened, but your -- your attendance here is  
12               particularly helpful to us. And I know you were  
13               all appointed volunteers to the police board and  
14               so -- but, anyway, in any event, I just need to  
15               tell you that -- that your attendance here is very  
16               much appreciated and I want to thank each and  
17               every one of you for coming here. It's an  
18               important inquiry and so it's important that we  
19               hear from you from the governance perspective of  
20               the Vancouver Police at that particular time when  
21               these events took place. Thank you.

22   MR. OWEN:   Thank you.

23   THE COMMISSIONER: All right.

24   MR. VERTLIEB: Well, I think maybe we should take a quick break  
25                and sort out some timing issues.

1 THE COMMISSIONER: Okay.

2 THE REGISTRAR: The hearing will now recess for five minutes.

3 (PROCEEDINGS ADJOURNED AT 4:10 P.M.)

4 (PROCEEDINGS RESUMED AT 4:20 P.M.)

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

6 MR. VERTLIEB: Mr. Commissioner, you have to tell the  
7 participants your view of the time estimates.  
8 This is simply a cross-examination on an  
9 affidavit --

10 THE COMMISSIONER: All right.

11 MR. VERTLIEB: -- by the witness.

12 THE COMMISSIONER: Thank you.

13 MR. VERTLIEB: We'd all appreciate that. Thank you.

14 THE COMMISSIONER: You want me to give the time allocations?  
15 Okay. Mr. Ward 20 minutes, Mr. Gratl 10 minutes,  
16 Ms. Narbonne 10 minutes, Mr. Hern 30 minutes, Ms.  
17 Tobias 5 minutes.

18 MR. VERTLIEB: The affidavit has been given to Mr. Giles. If,  
19 Mr. Giles, you'd be good enough to give a copy to  
20 the commissioner and we'll have the witness sworn  
21 and then it can be marked, please.

22 GARY BASS: Affirmed

23 THE REGISTRAR: Would you state your name, please?

24 THE WITNESS: Gary Bass.

25 THE REGISTRAR: Thank you. You may be seated. Counsel.

1 MR. VERTLIEB: Thank you. The affidavit of the witness is  
2 presented and the commission counsel have no  
3 questions. The affidavit speaks for itself. The  
4 time estimate then go to the others who wish to  
5 cross-examine, please. I should advise, of  
6 course, under our rules if a witness has counsel,  
7 the witness is entitled to have counsel to deal  
8 with it. Mr. Peck is counsel for Mr. Bass on this  
9 matter and he's here with us.

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

11 MR. WARD: Mr. Commissioner, I'm obliged again to state my  
12 client's position on the record. We object to the  
13 tendering of this important witness's evidence in  
14 affidavit form. We further object to the limit of  
15 20 minutes for cross-examination on that  
16 affidavit. This witness, as you know, had a very  
17 senior position in one of the two police forces  
18 that were charged with the investigations that you  
19 are tasked with inquiry into and I can't possibly  
20 do justice to my client's interests in 20 minutes.  
21 I will again cram a previously prepared  
22 cross-examination into the time you've allocated  
23 to me by jettisoning areas I was going to question  
24 him about. But in my respectful submission the  
25 limit and the receipt of this evidence by

1 affidavit form contravenes the rules of natural  
2 justice and abrogates the principles of procedural  
3 fairness and it works to the prejudice of my  
4 clients, who are trying to assist you in getting  
5 to the truth of these matters.

6 THE COMMISSIONER: Thank you.

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

8 Q Sir, could you turn, please, to Exhibit H to your  
9 affidavit, which I understand to be some of your  
10 handwritten notes made in July of 1999?

11 A H?

12 Q It's Exhibit H. These pages are not numbered.  
13 And they may be tabbed in your version. I don't  
14 know. But it's Exhibit H, H as in Harold.

15 A Yes. I have it.

16 Q And can you confirm that this is an excerpt from  
17 your handwritten notes made on July 30th of 1999?

18 A It is.

19 Q And you've written in fairly clear penmanship that  
20 you discussed coverage with Earl Moulton. "He is  
21 starting a meeting with Special "O" and will get  
22 back to me." And then there's some further  
23 references down there about Moulton and Special  
24 "O". And then at 12:30: "I called Biddlecombe  
25 and he will have Strike Force do evening coverage

1           until Tuesday." All of this, I take it, is in  
2           connection with the Coquitlam's RCMP's -- RCMP  
3           detachment's efforts to investigate and conduct  
4           surveillance on Robert William Pickton as a  
5           suspect in one or more murders?

6           A    It is.

7           Q    Yesterday Mr. Moulton -- and you know Earl  
8           Moulton, correct?

9           A    I do.

10          Q    Mr. Moulton testified that around this time frame,  
11          perhaps early August of 1999, he contacted you and  
12          he also contacted Peter Ditchfield seeking  
13          assistance for the Coquitlam RCMP investigation of  
14          Pickton as a possible perpetrator of some murders.  
15          Do you know Peter Ditchfield?

16          A    Yes, I do.

17          Q    And who was he in late July, early August, 1999?  
18          Which position did he hold?

19          A    I believe he was still at the Strike Force.  
20          That's right around the time that the Organized  
21          Crime Agency started up. So he was somewhere  
22          between the VPD Strike Force and OCA BC.

23          Q    And he also testified, Moulton did, yesterday that  
24          by August the 5th, 1999 the Coquitlam Detachment  
25          had 13 members working on the investigation of

1 Robert William Pickton as the suspect in this  
2 case. Was that something you were aware of then?

3 A I didn't know the numbers, no.

4 Q But did you as a result of speaking with Moulton  
5 know that he and his colleagues at the Coquitlam  
6 RCMP were pretty focused on Robert William Pickton  
7 as a likely perpetrator of one or more murders of  
8 Vancouver's missing women?

9 A My understanding right at this time on the 30th of  
10 July, '99 was they were trying to confirm or  
11 otherwise information that they had from what I  
12 understood to be a source on a homicide that  
13 happened on the Pickton property. Certainly after  
14 this there would have been consideration as to  
15 whether or not Pickton was involved in other  
16 cases.

17 Q You've obviously taken some time to prepare your  
18 affidavit and revisit the factual context of this  
19 matter. What was your understanding of the state  
20 of the Pickton investigation in late July, early  
21 August, 1999 based on your conversations with  
22 Moulton or others?

23 A I think that it was probably August 3rd before I  
24 ever heard the name Pickton. This would have  
25 been, as far as I recall, the first time I had



1           heard about Pickton. The only reason I -- I think  
2           that now is because I noted his name in my notes  
3           on the 3rd. I'm not even sure that when Moulton  
4           called me on the 30th that we talked about, you  
5           know, who the individual was.

6           Q   Okay. And I was actually going to ask you that  
7           because if you turn three more pages in your  
8           handwritten notes past the page that has the  
9           number 000004 in the upper right, there's another  
10          page. And in my copy I couldn't make out the  
11          date, but -- and there is no number in the upper  
12          right-hand corner like the others, but is that the  
13          entry you've just referred to?

14          A   It is.

15          Q   So that -- the date of that entry is August 3rd,  
16          1999, correct?

17          A   Correct.

18          Q   And you've noted there that you were briefed by  
19          Henderson and Justason on the Pickton case  
20          Coquitlam.

21                    Considerable work to be done there to confirm  
22                    story. Moulton has requested assistance.

23                    Henderson and Rinn will provide assistance.

24          A   Correct.

25          Q   And who are those individuals, Henderson, Justason

1 and Rinn?

2 A Henderson was the staff sergeant in charge of the  
3 Unsolved Homicide Unit within the Major Crime  
4 Section. Rinn was the staff sergeant in charge of  
5 the Serious Crime Unit within the Major Crime  
6 Section. Justason worked for Rinn. I think  
7 that's all the names.

8 Q Do you recall his rank, Justason's rank?

9 A I think he was a corporal at that time.

10 Q So some fairly senior members of the RCMP were  
11 becoming involved in assisting Inspector  
12 Moulton -- in assisting Inspector Moulton of  
13 Coquitlam with his work focused on Pickton as a  
14 suspect?

15 A Correct.

16 Q Now, coming back to Peter Ditchfield. Did you  
17 have any discussions with him about mobilizing  
18 parts of his resources?

19 A I don't think so. Not that I recall.

20 Q You know, sir, that by this time Ditchfield had  
21 overseen a massive operation targeting members of  
22 the Hells Angels Motorcycle Club and their  
23 associates in the Lower Mainland, an operation  
24 called Project Nova, that ultimately resulted in  
25 the convictions following a lengthy trial of men

1           named Lising and Pires?

2           A    I am aware of that Project Nova.

3           Q    And you know from your work, senior ranks of the  
4                RCMP, that that operation involved extensive  
5                surveillance, many, many wiretaps and the use of  
6                an agent who infiltrated the organization of the  
7                Hells Angels Motorcycle Club?

8           A    That's my understanding, yes.

9           Q    And you know that that operation generated  
10               hundreds of hours of captured wiretap evidence,  
11               surveillance information as well as the evidence  
12               provided by the agent, one Malsberry with respect  
13               to his dealings with the Hells Angels members and  
14               associates?

15          A    I don't think I'd be able to comment on the amount  
16               of wiretap and surveillance, but I suspect there  
17               was significant amounts.

18          Q    And it's been reported that that operation, which  
19               cost a substantial amount of money, I think just  
20               under a million dollars, revealed to the RCMP a  
21               great deal of information concerning the Hells  
22               Angels networks, its structure within British  
23               Columbia and its operations there, fair?

24          A    I'm not aware of that. I know that Andy Richards,  
25               who worked on the files as the primary

1 investigator, was an expert on motorcycle gangs at  
2 that time, but, you know, I don't know what  
3 information from that file made its way to the  
4 RCMP.

5 Q You do know, I suggest, that the investigation  
6 targeted and uncovered a great deal of information  
7 about the East End Chapter of the Hells Angels  
8 Motorcycle Club?

9 A I understand that's where Lising and Pires were  
10 from, yes.

11 Q All right. Yesterday Inspector Moulton  
12 confirmed -- and there are documents in evidence  
13 to this effect -- that 47 East End boys, which he  
14 confirmed were members of the East End Chapter --  
15 or members of the Hells Angels, were at Piggy's  
16 Palace late on the day of December 31st, 1998 for  
17 a New Years Eve party there. And the documents  
18 show -- and I can take you to them, but in the  
19 interest of time I'm not inclined to -- that Dave  
20 Pickton told the RCMP members in attendance who  
21 were trying to shut down that party he was going  
22 to move all those East End boys to their other  
23 property, presumably 953 Dominion Avenue around  
24 the corner. Now, you know that 953 Dominion  
25 Avenue was a place where Dave Pickton and his

1 brother Willie resided and where the remains or  
2 the DNA of 32 missing women were found after  
3 February 5, 2002, right?

4 A Yes.

5 Q You would expect, given your understanding of the  
6 RCMP's operations and OCA BC's operations, that  
7 there would be records in the possession of  
8 Ditchfield and his team with respect to the  
9 surveillance done over a period of years, the  
10 wiretaps obtained over a period of years, and the  
11 information obtained by the agent with respect to  
12 the activities of the East End boys, right?

13 A Yes. I would -- for sure. There's several  
14 agencies in the Lower Mainland that should have  
15 information about Hells Angels activities. OCA  
16 was one, the Strike Force, I guess probably a  
17 Criminal Intelligence Branch within the VPD, the  
18 Criminal Intelligence Section within the RCMP,  
19 probably the RCMP Drug Section. And at that time  
20 there were chapter co-ordinators, that's Hells  
21 Angels chapter co-ordinators, in many detachments.  
22 So there's a number of areas where there might be  
23 information.

24 Q Okay. And I just wanted to confirm something that  
25 appears in your resume on this point. Attached to

1           your affidavit -- I believe it's Exhibit A --  
2           you'll find your resume. And if you go to the  
3           fifth page in, there's a statement I wish to  
4           highlight. It's the second paragraph. And it  
5           says this. I'll just read it:

6                     As a result of these roles and experience --  
7           And they're set out in the preceding pages.

8                     -- I have been qualified as an expert witness  
9                     at the Provincial and Supreme Court levels in  
10                    several provinces in relation to drug  
11                    trafficking, organized crime and outlaw  
12                    motorcycle gangs.

13          You see that?

14          A    Correct.

15          Q    And that's accurate?

16          A    It is.

17          Q    Now, you know that when Robert Willie Pickton was  
18                charged with attempted murder and other offences  
19                as a result of a March -- March, 1997 attack on a  
20                sex trade worker at his and his brother's  
21                residence in Port Coquitlam, the investigative  
22                file revealed that Dave Pickton, the brother, was  
23                known to be associated to the Hells Angels  
24                Motorcycle Club?

25          A    I've heard that since. I don't think I even knew

1           about the '97 file until after Pickton was  
2           arrested, but I have heard this information about  
3           some relationship with the Hells Angels, yes.

4           Q   There's evidence, as I say, that the Hells Angels  
5                would attend in numbers, gatherings at a property  
6                owned by the Pickton brothers called Piggy's  
7                Palace on Burns Road in Port Coquitlam. You're  
8                aware of that today?

9           A   I can't say I'm aware of it. I've heard it since  
10               this inquiry's been going on, but I'm not aware of  
11               of it.

12          Q   Now, Ditchfield conducted Project Nova from '95  
13                through to '97, around then?

14          A   Sounds right.

15          Q   All right. Lising and Pires were charged in '98.  
16                Given your status as an expert in relation to drug  
17                trafficking, organized crime and outlaw motorcycle  
18                gangs and your knowledge of the RCMP structure,  
19                would you agree that there ought to be records  
20                revealing the nature and extent of the connections  
21                between members of the Hells Angels Motorcycle  
22                Club, their other known associates and David  
23                Pickton if in fact there was extensive  
24                surveillance, wiretapping and agent information  
25                generated?

1           A    I think probably. I think that the nature of the  
2                relationship within the Hells Angels organization  
3                is you have friends, you have hang arounds,  
4                prospects and then full patch members. So  
5                generally the police want to know who those people  
6                are, so there would be periodically lots of  
7                surveillance on these groups. You know, if  
8                Pickton was associating with them, that would  
9                probably come up somewhere.

10          Q    Right. And given that there was in Project Nova,  
11                Ditchfield's operation, an agent who's now in  
12                witness protection -- his name is reported in the  
13                case reports right up to the Supreme Court of  
14                Canada, a man named Malsberry -- there could well  
15                be -- well be information about the links and  
16                contacts between members and Dave Pickton and  
17                Piggy's Palace?

18          A    It's possible. The Project Nova, as I understand  
19                it, was primarily focused on the East End Chapter,  
20                which is in Vancouver. It's -- for some reason  
21                it's the Vancouver Chapter in Coquitlam, but they  
22                are very closely associated. One of the things, I  
23                guess, that just popped into my mind is one of the  
24                things I've seen many times over the years the  
25                Hells Angels involved in is pig roasts. They --



1 right across the country they -- it's kind of an  
2 event that they do several times, often many times  
3 throughout a year, so whether or not Pickton had  
4 any relationship that way, I don't know.

5 Q Well, I don't have time to take you to the  
6 evidence, but there is in evidence a large file  
7 now that shows that the Picktons were in fact  
8 holding pig roasts and hosting gatherings of  
9 motorcyclists at Piggy's Palace and that Earl  
10 Moulton and his colleagues were trying to shut  
11 those activities down for a two-year period, '96  
12 to '98.

13 A I hadn't heard that before, but I mean as I just  
14 said, I know it's an activity they're engaged in.

15 Q And given your expertise in and understanding of  
16 the monitoring of the activities of the Hells  
17 Angels within the province, you would expect that  
18 if large numbers of Hells Angels members, hangers  
19 on, associates from the East End Chapter, the  
20 Burnaby Chapter, the Vancouver Chapter in  
21 Coquitlam and the Haney Chapter were attending  
22 these pig roasts at Piggy's Palace, the RCMP would  
23 know all about it?

24 A Yes. I think that's true. Any time there's kind  
25 of a major event, whatever you term as major, but

1 a large group of Hells Angels, there's usually  
2 quite a lot of coverage.

3 Q And we're privy to information here, particularly  
4 from statements made by a woman named Bev  
5 Hyacinthe who worked in the Coquitlam RCMP, that  
6 Piggy's Palace was a notorious gathering place for  
7 motorcycle gang members, rough-looking people, sex  
8 trade workers, drug dealers. That being the case,  
9 you would expect, given the way the law  
10 enforcement in this province monitored motorcycle  
11 gang activities, there would be records relating  
12 to such gatherings?

13 A Yes. Those records would more likely be in one of  
14 the investigative support units than the  
15 detachment.

16 Q And can you give me the names of those  
17 investigative support units where one would look  
18 for records of Hells Angels' involvement in  
19 Pickton brother activities at Piggy's Palace?  
20 What would be the top --

21 A The Criminal Intelligence Section of the RCMP  
22 would be one of the main ones at that time.  
23 That's changed now.

24 Q What's it called now?

25 A Well, it's the -- as I understand it now, the --

1           the work involving outlaw motorcycle gangs has  
2           gone to the Co-Ordinated Law -- or the CFSEU,  
3           Combined Forces Special Enforcement Unit.

4           Q   And OCA BC would be another?

5           A   OCA at that time, yes, were.

6           Q   And the VPD Strike Force or is that --

7           A   Well, they had -- possibly, but the VPD had  
8           another section, an intelligence section that  
9           people like Larry Butler and others worked there.  
10          I don't know the exact name of it, but I know that  
11          the Vancouver RCMP Drug Section would have been  
12          involved in investigations.

13          Q   And you -- did you know Larry Butler before he  
14          passed away?

15          A   I met him, I think, once or twice.

16          Q   Did you happen to know he was a childhood friend  
17          of the Picktons?

18          A   I think I did know that and I think that was -- he  
19          came to see me shortly before he retired. I can't  
20          recall what it was about. It might even have been  
21          after he retired. And yes. I think he did  
22          mention that.

23          Q   Did he say anything else about Pickton? When was  
24          that? Sorry. That's two questions.

25          A   Well, it was before I was commanding officer, so

1                   it was sometime between 2000 and 2007. Any more  
2                   than that it was, as I say, a kind of a social  
3                   visit, actually.

4   MR. WARD: All right. Now, sir --

5   THE REGISTRAR: You just met your time.

6   MR. WARD: Mr. Commissioner, I have another important subject.

7                   I can be brief with it. I'll leave this subject  
8                   entirely. I haven't begun to scratch the surface,  
9                   but I -- if I can have liberty, I'd like to deal  
10                  with the second area.

11   THE COMMISSIONER: All right.

12   MR. WARD:

13                 Q   Thank you. Sir -- and I'll try to be as brief as  
14                   I can. After Robert William Pickton's final  
15                   appeal was dismissed by the Supreme Court of  
16                   Canada but before this public inquiry was  
17                   announced, you and Deputy Chief Doug LePard of the  
18                   VPD participated in discussions in August, 2010  
19                   that were focused on finding a common ground and  
20                   creating, as the two of you put it, a dignified  
21                   win/win scenario respecting the public disclosure  
22                   of the facts surrounding missing women  
23                   investigations, right?

24                 A   Mostly. I think that the words that you've just  
25                   used about the approach used, I think, were Deputy

1           LePard's words.

2           Q   Deputy LePard put to you that the VPD and the RCMP  
3                should concentrate on finding some common ground  
4                and creating a dignified win/win scenario?

5           A   Yes. What this related to -- this requires  
6                explanation because this related to the -- it was  
7                either just before or just after the LePard report  
8                was leaked to the media in August, and I have to  
9                go back to explain the background on this. In  
10              2002 when we had Superintendent Williams do his  
11              review, I wanted to do a joint review at that time  
12              with the VPD and I had advice from the Department  
13              of Justice that that wouldn't be the best way to  
14              proceed and that we shouldn't share reports. And  
15              the VPD, as I understand it, had the same advice.  
16              I -- I actually -- I considered the advice and I  
17              thought that it would be better to share the  
18              reports and hopefully do the investigation  
19              together. I had several meetings back at that  
20              time in 2002 with VPD management on the issue and  
21              they decided to follow the advice of their  
22              counsel, so as a result, we didn't see anything  
23              from Deputy Chief LePard's report until about a  
24              week before the report was leaked, so -- and the  
25              report was provided to us and we were asked to

1 provide comment on it. And I think that's the  
2 time when I got a one or two page -- not a memo,  
3 just kind of points from Deputy Chief LePard on  
4 reasons -- it sounds like what you're reading  
5 from. And so at that time it just wasn't  
6 possible. We had a window there of five or six  
7 days or a week before the report was leaked and we  
8 weren't able to get into the report and provide  
9 a -- to say we agreed with it or not. We just  
10 didn't have the time.

11 Q So if I can just follow up on that for just a  
12 moment. Back in 2002 after the massive search of  
13 the Pickton property, you had discussions with VPD  
14 management that centred on your view that there  
15 would have to be at some point a public accounting  
16 for the way the investigation had unfolded; is  
17 that a fair way to put it?

18 A No. I think it was prompted by the service of  
19 notice of the civil actions.

20 Q All right. In any event, you and LePard met face  
21 to face on about August 24th and he was then in  
22 possession of some notes which described the need  
23 to eliminate or substantiate Pickton's involvement  
24 at an early stage in the investigation, right?

25 A I don't -- I'm not understanding what that refers

1 to.

2 Q Well, didn't he fax you some notes the next day,  
3 August 25th?

4 A Yes. But I think it was what we just referred to,  
5 the reasons for making a joint public statement  
6 about his report.

7 Q All right. Do you still have that document?

8 A I have no idea. I have no idea. I doubt it.

9 Q Would it be fair to describe your and LePard's  
10 discussions in August of 20 -- of 2010 as being  
11 formulate -- it being undertaken to formulate a  
12 joint plan to explain how the investigation failed  
13 to capture Pickton?

14 A That wasn't my impression. It could very well  
15 have been Deputy Chief LePard's. The big issue I  
16 had, we were being presented for the first time  
17 with a view that the Coquitlam investigation had  
18 failed. This was the first time we had the  
19 Williams report, which we'd had for eight years.  
20 And I had always operated under the assumption  
21 that the Williams report was accurate. I gave  
22 that report to the VPD in 2002 and I didn't get  
23 any feedback on it. So when I received the VPD  
24 report in August of 2010, it was a complete  
25 surprise. So it wasn't possible in the time frame

1           that was being suggested for me to more or less  
2           say, okay. I agree. Coquitlam -- Coquitlam  
3           Detachment did something wrong. So -- and then a  
4           few days later the report was leaked and it, I  
5           guess, became moot to some extent.

6           Q   And didn't you in this time frame, late August of  
7                2010, tell LePard that the RCMP's position or view  
8                was going to be that Pickton was a good suspect,  
9                but he was one of many and --

10          A   Yes. I think that's fair.

11          Q   All right. But certainly from your perspective  
12               and your dealings with Moulton back in 1999, I  
13               suggest you came away with the understanding that  
14               as far as Coquitlam RCMP was concerned, Pickton  
15               was their only target?

16          A   For that case of the person hanging in the barn.  
17               What happened, you know, in the weeks following  
18               that surveillance in August, I know I'm aware  
19               that -- that Henderson called Connor back a few  
20               weeks later. I'm just trying to explain, you  
21               know, what I was thinking at the time in terms of  
22               Pickton as a suspect. And I can tell you that --  
23               that Connor phoned -- or Henderson phoned Connor  
24               and asked him, "You know, what do you think?"  
25               This was some weeks after the -- you know, the



1 drive to try to see what the sources were saying  
2 and -- and my understanding is that Connor said at  
3 that time, "I don't know. He still looks good,  
4 but I don't know." I had a meeting on the 27th of  
5 October, the following month, with Sergeant Field,  
6 Detective Shenher, Detectives Wolthers and Fell  
7 and others, people from -- other people from the  
8 RCMP, about the missing women investigation and  
9 Pickton wasn't mentioned. There were two other  
10 people mentioned as prime suspects. I don't know  
11 if I can say their names, but it wasn't Pickton.  
12 And I have to tell you that when that meeting  
13 ended, rightly or wrongly, I had the view that  
14 these were the main suspects for the missing  
15 women. So, you know, no one was telling me during  
16 that period of time that, you know, Pickton's the  
17 guy, not from the RCMP or not from the VPD, either  
18 one.

19 Q Just coming back to -- and I forget your testimony  
20 on this and it's my fault, but the '97 attempt  
21 murder of a Downtown Eastside sex trade worker,  
22 when did you get the knowledge of that?

23 A I don't think it was after -- till after Pickton  
24 was arrested.

25 Q That fact would be significant, I suggest, because

1           you would know as an experienced law enforcement  
2           officer that sex trade workers from the streets  
3           near the intersection of Main and Hastings and  
4           downtown Vancouver don't travel long distances in  
5           their trade, do they?

6           A    I don't think so, no.

7           Q    And you also would know, as a motorcycle gang  
8           expert, that they operate -- they, the sex trade  
9           workers, operate in a milieu of drug dealing and  
10          Hells Angels motorcycle club activity in the  
11          Downtown Eastside?

12          A    I know from a project we did a couple years later  
13          on the Hells Angels centred in the Downtown  
14          Eastside that there was certainly a lot of  
15          association between Hells Angels members,  
16          associates and I don't know that I'd be able to  
17          say that it would have been the same -- fit the  
18          same victimology as the women who Pickton killed,  
19          so I'm not sure about that, but it may well be,  
20          so --

21   MR. WARD:   I would have quite a deal more, but I've been told a  
22                  couple of times my time is up, so, Mr.  
23                  Commissioner --

24   THE COMMISSIONER:  We're not going to finish him today, Mr.  
25                  Vertlieb?

1 MR. VERTLIEB: Your schedule would have allowed that, but  
2 sometimes schedules just --

3 THE COMMISSIONER: Well --

4 MR. VERTLIEB: -- don't govern.

5 MR. WARD: And, Mr. Commissioner, while we're pausing for a  
6 moment, I earlier made an unsuccessful application  
7 for the records of OCA BC and in light of the  
8 testimony given today, I would like to reinstate  
9 that application or make it again. It is my  
10 submission that there is ample evidence before you  
11 that leads to the inescapable conclusion that the  
12 RCMP must have records relating to the  
13 interactions between the Hells Angels Motorcycle  
14 Club members and associates, David Pickton, his  
15 brother, at Piggy's Palace in their files from the  
16 period prior to and including the period that  
17 Willie Pickton attempted to murder Anderson and  
18 subsequently. Those records ought to be revealed,  
19 in my respectful submission, because of  
20 surveillance and wiretapping and agent information  
21 was being generated about these pig roasts and  
22 other activities at Piggy's Palace. It's highly  
23 relevant to the state of knowledge the RCMP had at  
24 the material times about the subject-matter of  
25 this inquiry, and so I'll make the application in

1 writing again if I need to, but I want to put that  
2 on the record now.

3 MR. VERTLIEB: Just on that last comment, of course, there's a  
4 procedure that --

5 THE COMMISSIONER: Sorry?

6 MR. VERTLIEB: Just on that last comment, there is a procedure  
7 that everyone knows about in your rules for  
8 applying for any issues and Mr. Ward is, of  
9 course, free to make any application in accordance  
10 with the rules that he sees fit. Just as far as  
11 the scheduling, there are other important  
12 examiners, I know, based on the issues that the  
13 Vancouver Police have some serious concerns about  
14 some issues.

15 THE COMMISSIONER: I know that. That's why --

16 MR. VERTLIEB: So here's the situation. We have Mr. Peck here  
17 and we have others, but ultimately you have to  
18 decide. It's not going to end in the next 15, 20  
19 minutes. And I know yesterday was a very long day  
20 and I know you're very concerned about the  
21 reporters and everyone here. I did ask Mr. Peck  
22 if there was an opportunity for his client to come  
23 back next week and I believe that would be a  
24 possibility. It's not desirable. Everyone was  
25 informed today that we need to come back on

1 Thursday to deal with the evidence of  
2 cross-examination of Mr. McKnight. So as much as  
3 you wanted the lawyers to have an opportunity to  
4 prepare written argument on that week off, that,  
5 unfortunately, can't happen. So if you wish, Mr.  
6 Commissioner, we could stand down very briefly and  
7 I could canvass with Mr. Peck and his client  
8 availability for next week.

9 THE COMMISSIONER: We might have to come back on Tuesday or  
10 Wednesday.

11 MR. VERTLIEB: Well, Tuesday won't work for a number of  
12 reasons, but Wednesday is -- but I just don't want  
13 to be ad-libbing here, as it were. I think Mr.  
14 Peck did speak with his client about Wednesday or  
15 perhaps even Thursday. Mr. McKnight shouldn't be  
16 all day. It's not new evidence. It's dealing  
17 with some details around Evenhanded that might be  
18 of assistance to you in your information  
19 gathering. But I don't want to embarrass Mr.  
20 Peck, but if there's an opportunity for his client  
21 to come back Wednesday or Thursday next week --

22 THE COMMISSIONER: Are you able to -- do you want me to stand  
23 down while you confer? Mr. Peck?

24 MR. PECK: I think Mr. Bass would be available either of those  
25 days.

1 THE COMMISSIONER: Okay.

2 MR. PECK: I would like some sense of the time that he would be  
3 required to be here. But Wednesday or Thursday of  
4 next week, Mr. Commissioner, I think we can do it.

5 MR. VERTLIEB: So perhaps, then, rather than decide right at  
6 this moment, we can adjourn and your -- we as your  
7 counsel will work out the details. It will either  
8 be Wednesday or Thursday of next week depending on  
9 the time estimates. We'd like to refine those and  
10 make sure the important issues are canvassed.

11 THE COMMISSIONER: Okay. We'll do that.

12 MR. VERTLIEB: So then tomorrow if we start, if I may -- thank  
13 you Mr. Peck. If we may then tomorrow -- this is  
14 an exception today and everyone understands, Mr.  
15 Commissioner, you're making an exception.  
16 Tomorrow we start at 9:30. We have a  
17 cross-examination of an affidavit from Mr.  
18 Owenberg and then tomorrow at eleven for an hour  
19 and a half we plan to have two community  
20 witnesses. That would be Miss Fournier and Jane  
21 Smith, who's been referred to. And then in the  
22 afternoon tomorrow you have Mr. Dosanjh and Miss  
23 Maloney scheduled for the afternoon. You have a  
24 full day Friday with evidence dealing with the  
25 VPD's desire to deal with their response to

1           comments made by Miss Dix under oath. So you have  
2           a very full tomorrow and a very full Friday. But  
3           I will work out with Miss Brooks the timing for  
4           next week.

5   THE COMMISSIONER: All right. Thank you.

6   THE REGISTRAR: Mr. Vertlieb, your affidavit, do you wish to  
7           have that marked?

8   MR. VERTLIEB: Yes, please, Mr. Giles. Thank you.

9   THE REGISTRAR: That will be Exhibit 198 NR -- I'm sorry -- 199  
10           NR.

11                   **(EXHIBIT 199 NR: Affidavit of Gary Bass)**

12  
13   MR. PECK: Mr. Commissioner, before you leave, I'd like  
14           permission to go to speak to Mr. Bass about these  
15           timing issues even though he is under  
16           cross-examination.

17   THE COMMISSIONER: I understand that.

18   MR. PECK: Thank you.

19   THE REGISTRAR: This aspect of the hearing is now adjourned  
20           sine die. The hearings will resume tomorrow  
21           morning at 9:30.

22  
23                   **(PROCEEDINGS ADJOURNED AT 5:03 P.M.)**

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